

1378

Intro. Res. No. - 2009

Laid on Table

4/28/09

Introduced by the Presiding Officer, on request of the County Executive

RESOLUTION NO. -2009 AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE DAVIES PROPERTY - WADING RIVER WETLANDS (TOWN OF RIVERHEAD - SCTM#0600-024.00-01.00-010.000)

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 621-2004, authorized planning steps for the acquisition of said property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; and

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and Resolutions Nos. 621-2004 and/or 877-2005 - Master Lists I and II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and/or Resolutions Nos. 621-2004 and/or 877-2005 - Master Lists I and/or II Reports, respectively; now, therefore, be it;

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Fifteen Thousand Dollars (\$15,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0600	1.7±	Andrew Davies
	Section 024.00		18521 Oakmont Drive
	Block 01.00		Noblesville, IN 46062
	Lot 010.000		

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Fifteen Thousand Dollars (\$15,000.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$15,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

5th RESOLVED, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

6th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

a.) freshwater/tidal wetlands and buffer lands for same;
and, be it further

7th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

8th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

LS1

COUNTY OF SUFFOLK

MAR 26 2009



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

March 20, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Davies property (Wading River Wetlands), in the Town of Riverhead, under the New Suffolk County ¼% Drinking Water Protection Program. The purchase price is \$15,000.00 for 1.7± acres,

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd
Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department

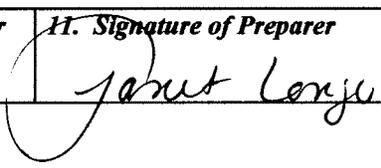
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Lori Sklar, Acquisition Agent
- CE Reso Review (e-mail copy only)

LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		<input type="checkbox"/> Charter Law
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County ¼% Drinking Water Protection Program, of the Davies property (Wading River Wetlands), SCTM#0600-024.00-01.00-010.000, (Town of Riverhead).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding New Suffolk County ¼% Drinking Water Protection Program		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Janet M. Longo Acquisition Supervisor	11. Signature of Preparer 	12. Date March 20, 2009

1379

4/28/09

Intro. Res. No. - 2009 Laid on Table
Introduced by the Presiding Officer, on request of the County Executive

RESOLUTION NO. -2009 AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE WIDENOR PROPERTY - SEATUCK COVE (TOWN OF BROOKHAVEN - SCTM#0200-834.00-04.00-002.007)

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 69-2008, authorized planning steps for the acquisition of said property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore, be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Four Hundred Thirty Thousand Dollars (\$430,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	SUFFOLK COUNTY		REPUTED OWNER
No. 1	<u>TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>AND ADDRESS:</u>
	District 0200	2.5±	Marcia Widenor
	Section 834.00		111 Downing Avenue
	Block 04.00		Sea Cliff, NY 11579
	Lot 002.007		

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Four Hundred Thirty Thousand Dollars (\$430,000.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$430,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

5th RESOLVED, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and One (1) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

6th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

a.) freshwater/tidal wetlands and buffer lands for same; and, be it further

7th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

8th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

9th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) is passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

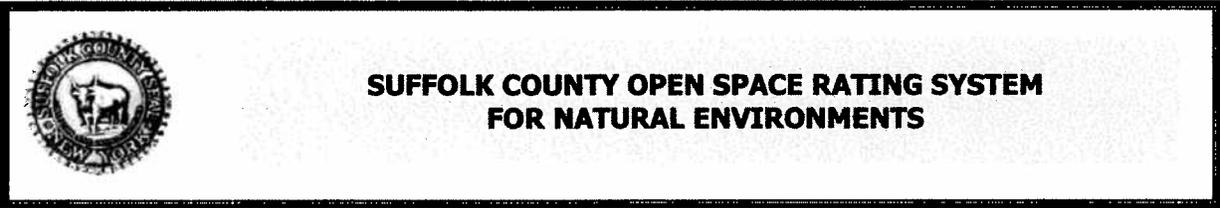
10th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:



This rating system for natural environments is designed to clarify the recommendation and acquisition process for parcels of land that might be acquired with funds from the New Drinking Water Protection Program, the Multifaceted Land Preservation Program, the SOS Program, the Environmental Legacy Fund, or any of the other County open space programs that are designed for the protection of natural environments.

NEW DRINKING WATER PROTECTION PROGRAM

If the property is being recommended for acquisition under the **New Drinking Water Protection Program (1999)**, then it must meet at least one of the following criteria:

- 1. Freshwater/tidal wetlands and buffer lands for same
- 2. Lands within the watershed of a coastal stream as determined by a reasonable planning or hydrological study
- 3. Any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area
- 4. Lands determined by the County Department of Planning to be necessary for maintaining the quality of surface or groundwater in Suffolk County
- 5. Lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or the Long Island Sound Comprehensive Conservation *and* Management Plan (LICMP) as needed to protect coastal water resources

If YES, then go to the next page.

MULTIFACETED LAND PRESERVATION PROGRAM

Property is being recommended for acquisition under the following component of the **Multifaceted Land Preservation Program:**

- under the Land Preservation Partnership Program (passive recreational use)
- under the traditional (1986) Open Space Preservation Plan
- for environmentally sensitive land acquisition
- for watershed/estuary protection
- for drinking water protection purposes

If YES, then go to the next page.

OTHER OPEN SPACE PROGRAMS:

1986 Open Space Preservation, 1987 Drinking Water Protection, South Setauket Woods Conservation Area, Land Preservation Partnership (passive recreation), the Community Greenways Fund (Open Space component), SOS (Save Open Space) Program (Open Space component), Environmental Legacy Fund (Open Space category), etc.

If YES, then go to the next page.



SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR NATURAL ENVIRONMENTS

Score Subtotal

NATURAL RESOURCE CHARACTERISTICS

A. WETLANDS AND BUFFER AREAS

1. Site contains tidal or freshwater wetlands as identified by New York State Department of Environmental Conservation or local town/village approved maps. (> 50%=10pts.; between 50% and 25%=8pts.; less than 25%=5pts.)	10	
2. Site contains the buffer area of a tidal wetland (approx. 300 ft.) or freshwater wetland. (approx. 100 ft.) (5pts.)	5	
3. Site contains both tidal and freshwater wetlands as identified by New York State Department of Environmental Conservation or local town/village approved maps. (2pts.)	2	
4. Site is located within a drainageway with at least one of the following soil types: At, Bd, Ca, De, Mu, ScB, SdA, SdB, Su, Tm, Wa, Wd, We, Wh. (2pts.)	2	19

B. GROUNDWATER RESOURCES

1. Site is located within the Pine Barrens Core Area. (10pts.)		
2. Site is located within a Special Groundwater Protection Area (SGPA), but not within the Pine Barrens Core Area. (8pts.)		
3. Site is located within Hydrogeologic Zone I or Zone III (deep aquifer recharge area), but not within the Pine Barrens Core Area or a SGPA. (3pts.)		0

C. NATURAL HABITAT

1. Site contains endangered (10 pts.), threatened (10 pts.) and/or special concern (7 pts.) species pursuant to Federal/New York State listings as identified under ECL Section 11-0535; regulation 6NYCRR Part 182.5. (10pts.)		
2. Site contains a New York State Natural Heritage Program Element(s) with a Global rank of G1, G2 or G3 and/or a State rank of S1, S2 or S3. (5pts.)		
3. Site contains an endangered, threatened, exploitably vulnerable or rare New York State Protected Native Plant species as identified under ECL Section 9-1503; regulation 6 NYCRR Part 193.3. (4pts.)		
4. Habitat diversity – Site contains three or more habitat cover types (ie. pine barrens, mature oak forest, wetland, maritime shrubland, etc. (2pts.)		0

PHYSICAL CHARACTERISTICS

A. GEOLOGICAL LANDFORMS AND BOUNDARIES

1. Site includes or is adjacent (approx. 300 ft.) to a waterbody such as an ocean/ bay/ sound/ pond/ lake/ river/ stream/ creek. (5pts.)	5	
2. Site contains a unique geological landform (ie. kettlehole, dune, bluff, escarpment, other) or is located within a major swale area that contributes direct runoff to surface waters. (3pts.)		
3. Site contains more than one waterbody, geologic landform as identified in No. 1 and 2 above. (2pts.)		
4. Site is located within the FIRMs 100-year floodplain (V Zone). (2pts.)	2	
5. Site is located within the FIRMs 100-year floodplain (A Zone). (1pt.)	1	8

B. SIZE

1. Over 50 acres. (10 pts.)		
2. Between 10 and 50 acres. (8 pts.)		
3. Between 5 and 10 acres. (5 pts.)		0

C. LOCATION

1. Site is adjacent or near (approx 300 ft.) to other County Parkland. (5 pts)		
2. Strategic parcel associated with an area earmarked by the Suffolk County Planning Department for future park acquisition or where significant County park/open space interests already exist. (4pts.)		
3. Site has been identified for environmental protection by an estuary program plan: Long Island Sound Study CCMP, Peconic Estuary Plan CCMP or the South Shore Estuary Reserve Plan CMP. (3pts.)		
4. Site is adjacent or near (approx. 300 ft.) to other protected parklands (ie. Federal, state, town, village or is located within a New York State designated Wild, Scenic and Recreational Rivers corridor). (2pts.)	2	
5. Site will provide public access to the shoreline (ie. ocean, bay, etc.). (2pts.)	2	
6. Site is located within or adjacent to a designated greenbelt or historic trail. (2pts)		
7. Site will provide special view from a high elevation, scenic roadway, major road corridor, waterfront, etc. (2pts.)	2	
8. Site is adjacent or near (approx. 300 ft.) to private open space. (1pt.)		6

STEWARDSHIP MANAGEMENT AGREEMENT

1. Inter-municipal management agreement with Federal, state, town and/or village. (5 pts.)		
2. Management agreement with non-profit environmental organization. (1 pt.)		0

TOTAL SCORE (maximum = 100 points) 33

COUNTY OF SUFFOLK

LS 2

MAR 26 2009



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

March 20, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Widenor property (Seatuck Cove), in the Town of Brookhaven, under the New Suffolk County ¼% Drinking Water Protection Program. The purchase price is \$430,000.00 for 2.5± acres,

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd

Att.

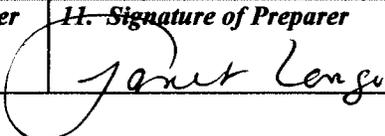
cc: Jim Morgo, Chief Deputy County Executive
Jeff Szabo, Deputy County Executive
Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
Thomas A. Isles, Director, Planning Department
~~Janet M. Longo, Acquisition Supervisor~~
Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condensation
Loretta Fischer, Principal Environmental Analyst, Planning Dept.
Tom Vaughn, County Executive Assistant
Brendan Chamberlain, County Executive Assistant
Bob Zaher, Acquisition Agent
CE Reso Review (e-mail copy only)

LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/>
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County ¼% Drinking Water Protection Program, of the Widenor property (Seatuck Cove), SCTM#0200-834.00-04.00-002.007, (Town of Brookhaven).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding New Suffolk County ¼% Drinking Water Protection Program		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Janet M. Longo Acquisition Supervisor	11. Signature of Preparer 	12. Date March 20, 2009

Intro. Res. No. 1380-09
Introduced by the Presiding Officer, on request of the County Executive

Laid on the Table 4/28/09

RESOLUTION NO. -2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH EXPANSION OF THE SHERIFF'S ENFORCEMENT DIVISION AT THE CRIMINAL COURT BUILDING (CP 3013)

WHEREAS, the Sheriff's Office has requested additional funds for the expansion of the Sheriff's Enforcement Division at the Criminal Court Building; and

WHEREAS, Resolution No. 390-2007 appropriated \$1,750,000 for the expansion of the Sheriff's Enforcement Division at the Criminal Court Building, and the projected cost of said expansion is approximately \$2,250,000; and

WHEREAS, sufficient funds are not included in the 2009 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C-4-13, an offsetting authorization must be provided from another capital project; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2009 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act have been performed; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$500,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 1167 of 1995 classified the action contemplated by this as a Type II action; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-eight (58) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

4th RESOLVED, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 3020
Project Title: Expansion of Video Conferencing at Various Locations

<u>Total Estimated Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
-------------------------------------	--	--

<u>Cost Elements</u>			
Planning	\$50,000	\$50,000	\$0
Equipment	<u>\$450,000</u>	<u>\$450,000</u>	<u>\$0</u>
TOTAL	\$500,000	\$500,000	\$0

Project No.: 3013

Project Title: Expansion of the Sheriff's Enforcement Division at the Criminal Courts Building

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
3. Construction	<u>\$2,250,000</u>	<u>\$0</u>	<u>\$500,000 B</u>
TOTAL	\$2,625,000	\$0	\$500,000

and be it further

5th RESOLVED, that the proceeds of \$500,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project Number</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3013.310 Fund 001 Debt Service	25	Expansion of the Sheriff's Enforcement Division at the Criminal Courts Building	\$500,000

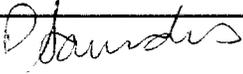
DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>XX</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH EXPANSION OF THE SHERIFF'S ENFORCEMENT DIVISION AT THE CRIMINAL COURT BUILDING (CP 3013)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>XX</u> No		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
\$500,000 will be transferred from CP 3020 to CP 3013. Serial bonds in the amount of \$500,000 will be issued to finance this project. Principal and interest payments will be made over the life of the bond.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
See attached debt service schedule		
8. Proposed Source of Funding		
Serial Bonds		
9. Timing of Impact		
2010		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Iricia Saunders, Assistant Executive Analyst		4/20/09

**FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$39,528	\$0.07		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$39,528	\$0.07		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
Project Name
 General Obligation Serial Bonds
 Level Debt

Term of Bonds: 20
 Amount to Bond: \$500,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$15,403.12	\$24,125.00	\$39,528.12	\$39,528.12
			\$11,690.90	\$11,690.90	
5/1/2011	4.500%	\$16,146.32	\$11,690.90	\$27,837.22	\$39,528.12
			\$11,301.37	\$11,301.37	
5/1/2012	4.500%	\$16,925.38	\$11,301.37	\$28,226.75	\$39,528.12
			\$10,893.04	\$10,893.04	
5/1/2013	4.500%	\$17,742.03	\$10,893.04	\$28,635.08	\$39,528.12
			\$10,465.02	\$10,465.02	
5/1/2014	4.500%	\$18,598.09	\$10,465.02	\$29,063.10	\$39,528.12
			\$10,016.34	\$10,016.34	
5/1/2015	4.500%	\$19,495.44	\$10,016.34	\$29,511.78	\$39,528.12
			\$9,546.01	\$9,546.01	
4/30/2016	4.500%	\$20,436.10	\$9,546.01	\$29,982.11	\$39,528.12
			\$9,052.99	\$9,052.99	
5/1/2017	5.000%	\$21,422.14	\$9,052.99	\$30,475.13	\$39,528.12
			\$8,536.18	\$8,536.18	
5/1/2018	5.000%	\$22,455.76	\$8,536.18	\$30,991.94	\$39,528.12
			\$7,994.44	\$7,994.44	
5/1/2019	5.000%	\$23,539.25	\$7,994.44	\$31,533.69	\$39,528.12
			\$7,426.55	\$7,426.55	
4/30/2020	5.000%	\$24,675.02	\$7,426.55	\$32,101.57	\$39,528.12
			\$6,831.27	\$6,831.27	
5/1/2021	5.000%	\$25,865.59	\$6,831.27	\$32,696.85	\$39,528.12
			\$6,207.26	\$6,207.26	
5/1/2022	5.000%	\$27,113.60	\$6,207.26	\$33,320.86	\$39,528.12
			\$5,553.14	\$5,553.14	
5/1/2023	5.000%	\$28,421.83	\$5,553.14	\$33,974.98	\$39,528.12
			\$4,867.47	\$4,867.47	
4/30/2024	5.000%	\$29,793.19	\$4,867.47	\$34,660.65	\$39,528.12
			\$4,148.71	\$4,148.71	
5/1/2025	5.000%	\$31,230.71	\$4,148.71	\$35,379.42	\$39,528.12
			\$3,395.27	\$3,395.27	
5/1/2026	5.000%	\$32,737.59	\$3,395.27	\$36,132.86	\$39,528.12
			\$2,605.47	\$2,605.47	
5/1/2027	5.000%	\$34,317.18	\$2,605.47	\$36,922.65	\$39,528.12
			\$1,777.57	\$1,777.57	
4/30/2028	5.000%	\$35,972.98	\$1,777.57	\$37,750.55	\$39,528.12
			\$909.72	\$909.72	
5/1/2029	5.000%	\$37,708.68	\$909.72	\$38,618.40	\$39,528.12
		\$500,000.00	\$290,562.45	\$790,562.45	\$790,562.45

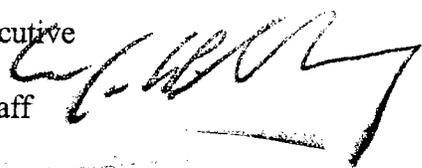
COUNTY OF SUFFOLK



OFFICE OF THE SHERIFF

VINCENT F. DEMARCO
SHERIFF

TO: Ben Zwirn, Deputy County Executive

FROM: Michael P. Sharkey, Chief of Staff 

SUBJECT: Additional funds required for Capital Project 3013 – Expansion of the Sheriff's Enforcement Division at the Criminal Court Building (CP3013).

DATE: March 19, 2009

Attached is a draft resolution, SCIN Form 175a and 175b for the referenced capital project filed as "Reso-Sheriff-2009 Additional funds for CP 3013 – Expansion of the Sheriff's Enforcement Division at the Criminal Court Building". This resolution seeks to use CP 3020 – Expansion of Video Conferencing at Various Locations, as an offset for the \$500,000 in additional funds required.

We request that this resolution be laid on the table at your earliest convenience.

MPS/dlh

Att.

cc: Jim Morgo, Chief Deputy County Executive

1381

Intro. Res. No. - 2009

Laid on Table 4/28/09

Introduced by the Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2009 AUTHORIZING
THE ACQUISITION OF LAND UNDER THE NEW
SUFFOLK COUNTY DRINKING WATER
PROTECTION PROGRAM (EFFECTIVE
DECEMBER 1, 2007) - OPEN SPACE
COMPONENT - FOR THE BELL MIER, INC.
PROPERTY - TUTHILL CREEK/PINE LAKE
(TOWN OF BROOKHAVEN - SCTM#0204-012.00-
06.00-029.001)**

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of said property; and

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and Resolutions Nos. 621-2004 and/or 877-2005 - Master Lists I and II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and/or Resolutions Nos. 621-2004 and/or 877-2005 - Master Lists I and/or II Reports, respectively; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore, be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of One Hundred Seventy Three Thousand Six Hundred Ninety Five Dollars (\$173,695.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0204	1.1±	Bell Mier, Inc.
	Section 012.00		11 Shipman Lane
	Block 06.00		Stonybrook, NY 11790
	Lot 029.001		

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of One Hundred Seventy Three Thousand Six Hundred Ninety Five Dollars (\$173,695.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$173,695.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

5th RESOLVED, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

6th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

a.) freshwater/tidal wetlands and buffer lands for same;
and, be it further

7th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

8th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

LS4

COUNTY OF SUFFOLK



MAR 09 2009

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

March 6, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Bell Mier, Inc. property (Tuthill Creek/Pine Lake), in the Town of Brookhaven, under the New Suffolk County Water Protection Program. The purchase price is \$173,695.00± for 1.1± acres,

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd

Att.

cc: Jim Morgo, Chief Deputy County Executive
Jeff Szabo, Deputy County Executive
Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
Thomas A. Isles, Director, Planning Department
~~Janet M. Longo, Acquisition Supervisor~~
Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation
Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
Tom Vaughn, County Executive Assistant
Brendan Chamberlain, County Executive Assistant
Mike Brown, Acquisition Agent
CE Reso Review (e-mail copy only)

LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation		
Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Bell Mier, Inc. property (Tuthill Creek/Pine Lake), SCTM#0204-012.00-06.00-029.001, (Town of Brookhaven).		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
New Suffolk County Drinking Water Protection Program		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Janet M. Longo Acquisition Supervisor		March 6, 2009

1382

Intro. Res. No. - 2009

Laid on Table

4/28/09

Introduced by the Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2009 AUTHORIZING
THE ACQUISITION OF LAND UNDER THE NEW
SUFFOLK COUNTY DRINKING WATER
PROTECTION PROGRAM (EFFECTIVE
DECEMBER 1, 2007) - OPEN SPACE
COMPONENT - FOR THE ESTATE OF JOHN
SULLIVAN PROPERTY - MILLER
PLACE/YAPHANK ROAD NP ADDITION (TOWN
OF BROOKHAVEN - SCTM#0200-189.00-04.00-
016.000)**

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of said property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; and

~~**WHEREAS**, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and Resolutions Nos. 621-2004 and/or 877-2005 - Master Lists I and II Reports, respectively; and~~

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and/or Resolutions Nos. 621-2004 and/or 877-2005 – Master Lists I and/or II Reports, respectively; now, therefore, be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Seventy Five Thousand Dollars (\$75,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 189.00 Block 04.00 Lot 016.000	.358±acres	Estate of John Sullivan 204-17 12 th Avenue Breezy Point, NY

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Seventy Five Thousand Dollars (\$75,000.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$75,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

5th RESOLVED, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the

Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

6th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

c.) any tract of land located fully or partially within the statutorily designated Special Groundwater Protection Area; and, be it further

7th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

8th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

255

COUNTY OF SUFFOLK



APR 15 2009

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

April 14, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Sullivan Estate property (Miller Place/Yaphank Road NP Addition), in the Town of Brookhaven, under the New Drinking Water Protection Program. The purchase price is \$75,000.00 for .358± acres,

Please contact me if you require any additional information.

Sincerely,

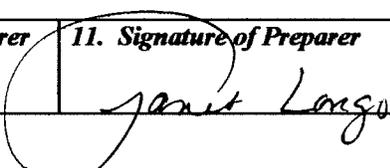

Pamela J. Greene
Assistant Director

PJG:pd
Att.

- cc: Christopher E. Kent, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor

- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernnation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Phyllis Benincasa, Acquisition Agent
- CE Reso Review (e-mail copy only)

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/>	Local Law <input type="checkbox"/>	Charter Law <input type="checkbox"/>
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Sullivan Estate property (Miller Place/Yaphank Road NP Addition), SCTM#0200-189.00-04.00-016.000, (Town of Brookhaven).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding Suffolk County		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Janet M. Longo Acquisition Supervisor	11. Signature of Preparer 	12. Date April 14, 2009

1383

Intro. Res. No. - 2009

Laid on the Table 4/28/09

Introduced by the Presiding Officer, on request of the County Executive

RESOLUTION NO. - 2009, AMENDING THE TEMPORARY CLASSIFICATION AND SALARY PLAN FOR NURSES AIDES

WHEREAS, the Joint Management, Legislative, Union and Health Department Committee overseeing the professional manager of the John J. Foley, Skilled Nursing Facility has recommended that the temporary salary for the Nurses Aides be amended; and

WHEREAS, this amendment would amend the Temporary Classification and Salary Plan for the title Nurses Aides to provide a specific salary range to allow for levels of experience and shift differentials; and

WHEREAS, these positions are hourly positions and do not receive benefits or accruals; and

WHEREAS, without this change from a fixed salary to a salary range, it will be difficult for recruitment and retention of much needed positions in this title; and

WHEREAS, there are sufficient funds within the 2009 Adopted Operating Budget, Fund 632 (the John J. Foley, Skilled Nursing Facility), to cover this request; now, therefore be it

1st RESOLVED, effective upon adoption of this Resolution, the Temporary Classification and Salary plan is amended and the hourly rates for the temporary position of Nurses Aides in the Temporary Classification and Salary Plan be amended as follows:

<u>Spec No.</u>	<u>JC</u>	<u>Title</u>	<u>Current Day Rate</u>	<u>Current Night Rate</u>
2003	P (L) PT	Nurses Aide	\$11.96 /hr	\$12.88 /hr

Amended as follows:

<u>Spec No.</u>	<u>JC</u>	<u>Title</u>
2003	P (L) PT	Nurses Aide

	<u>Years of Experience</u>	<u>Day Rate (D)</u>	<u>Night Rate (N)</u>
Step 1	0 – up to 3	\$13.00/hr (D)	\$14.00/hr (N)
Step 2	3 – up to 6	\$14.00/hr (D)	\$15.00/hr (N)
Step 3	6 and greater	\$15.00/hr (D)	\$16.00/hr (N)

~~**2nd Resolved**, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County code, hereby determines that this resolution constitutes a Type II action pursuant to 6NYCRR.~~

DATED:

APPROVED BY:

County Executive of Suffolk County
Date of Approval:

HSV #10-2009

Comparison of JJFSNF Staff Overtime vs. Per Diem Pool	
2008 Paid Overtime for Nurses' Aides at JJFSNF:	\$ 964,040.36
*Average Hourly Salary for a JJFSNF Nurses' Aide:	\$ 22.75
Average Hourly Overtime Rate for a JJFSNF Nurses' Aide:	\$ 34.13
Average Number of Overtime Hours worked in 2008:	28,250
The proposed Introductory Resolution seeks to amend the Temporary Classification and Salary Plan such that per diem Nurses' Aides will be paid between \$13 and \$16 per hour (depending upon experience and shift).	
Under the proposed Nurses' Aide per diem pool plan, using the same number of "overtime" hours, at pay rate of \$16 / hour, the cost to JJFSNF would be:	
	\$ 452,004.27
Potential Annual Savings @ JJFSNF by implementing a Nurses' Aide per diem pool (assumes \$0.00 JJF staff Nurses Aide overtime):	\$ 512,036.09
Projected Annual Savings (assumes per diem pool nurses' aides will cover 80% of the facility's staffing needs that had been previously handled by overtime):	
80% of the 2008 Overtime =	\$ 771,232.29
80% of the 2008 Overtime Hours =	22,600
Per diem Pool Cost for these hours (@ \$16/hr) =	\$ 361,603.42
Projected Annual Savings =	\$ 409,628.87

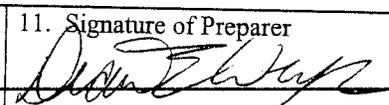
Nurses' Aide Rates:

JJF SNF OT = \$34.13 / hour

Per Diem Pool = \$13 to \$16 / hour

* Based on 9/21/08 payroll; includes differential pay

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/>	Local Law	Charter Law
2. Title of Proposed Legislation Amending the Temporary Classification and Salary Plan for Nurses Aides.		
3. Purpose of Proposed Legislation This legislation will provide a salary range for per diem Nurses Aide positions to allow for levels of experience and shift differentials. This salary range is necessary for recruitment and retention of much needed Nurses Aides.		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding 2009 Adopted Operating Budget (632-4530-1130)		
9. Timing of Impact Immediate upon adoption of Resolution		
10. Typed Name & Title of Preparer <i>Diane E. Weyer</i> Principal Financial Analyst	11. Signature of Preparer 	12. Date 4/6/09
BETH A. REYNOLDS PRINCIPAL EXECUTIVE ANALYST		4/21/09

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

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COUNTY OF SUFFOLK



APR 15 2009

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

April 7, 2009

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution titled "Amending the Temporary Classification and Salary Plan for Nurses Aides". This amendment is an initiative of the Joint Management, Legislative, Union and Health Department Committee overseeing the professional manager of the John J. Foley, Skilled Nursing Facility. It will create a salary range for Nurses Aides so they can be compensated based on levels of experience and shift differentials.

I enclose the financial impact statement and other materials for this Resolution. If you have any questions on the enclosed, please call Leonard J. Marchese at 3-8083. Also, an e-mail version of this resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-CNA Salary Plan REV.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/dew

C: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Margaret B. Bermel, M.B.A., Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Leonard J. Marchese, CPA, Director of Management and Research
Frances Brechter, Health Services Employee Relations Director
Diane E. Weyer, Principal Financial Analyst



1384

Intro. Res. No. - 2009

Laid on Table

4/28/09

Introduced by Presiding Officer on request of the County Executive

**RESOLUTION NO. APPROVING
FEE SCHEDULE FOR SUFFOLK COUNTY FILM PERMITS AND RULES AND
REGULATIONS FOR NOTIFICATION AND REVIEW OF SUFFOLK COUNTY FILM
PERMITS**

WHEREAS, Local Law No. 46-2008, "A LOCAL LAW TO ESTABLISH UNIFORM PROCEDURES FOR ISSUANCE OF FILM PERMITS" was adopted by this County Legislature November 18, 2008, approved by the County Executive on December 15, 2008, and filed with the Office of Secretary of State on December 30, 2008, and will take effect April 30, 2009 ; and

WHEREAS, Section 6 of Local Law No. 46-2008 requires that the Commissioner of Economic Development and Workforce Housing submit for Legislative approval the Rules and Procedures and the Fees to be charged for Suffolk County Film Permits; and

WHEREAS, that as directed by Local Law No. 46-2008 the Departments of Public Works, Police, Parks, Health, Sheriff and Law have been consulted and agree with the Rules and Procedures and the Fee Schedules as attached; and

WHEREAS, the attached Schedule of Fees for Filming, Videotaping and Still Photography Activities are a new classification of fees for the Department of Parks and Recreation and, therefore, replace the fees set forth in IR 33-2009 for the subject activities; now, therefore, be it

1st RESOLVED, that this Legislature approves the Rules and Procedures as detailed in Exhibit A and the Fee Schedule as proposed in Exhibit B; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY: .

County Executive of Suffolk County
Date of Approval



**THE COUNTY OF SUFFOLK, NEW YORK
DEPARTMENT OF ECONOMIC DEVELOPMENT AND
WORKFORCE HOUSING
OFFICE OF FILM AND CULTURAL AFFAIRS**

H. Lee Dennison Building, 2nd FL,
100 Veterans Highway, Hauppauge, NY 11788
Phone: (631) 853-4800 Fax: (631) 853-4888

**INSTRUCTIONS AND REGULATIONS FOR CONDUCTING FILMING, VIDEOTAPING AND
STILL PHOTOGRAPHY ACTIVITIES IN THE COUNTY OF SUFFOLK, NEW YORK**

FILM PERMIT

An approved Suffolk County Uniform Film Permit Application, in such paper or electronic form as the Department of Economic Development and Workforce Housing/Office of Film and Cultural Affairs shall determine, is required to engage in motion picture, television and still photography on any County property or facility, and to access any County services.

Permits shall not be required for News Media or filming and videotaping of motion pictures and photography for private use.

FILM PERMIT REQUIREMENTS

Advance Notice

An applicant is required to submit a completed film permit application:

1. At least ten (10) business days prior to the date on which the production company or applicant desires to conduct an activity in buildings, for which a permit is required; and
2. At least five (5) business days prior to the date on which the production company or applicant desires to conduct an activity in County parks, for which a permit is required

Additional notice is strongly recommended and may be required for larger productions or productions that involve set construction or special effects or traffic controls, including road closures.

Information Required

- The address and name of the facility where the activity is to be conducted;
 - The specific location of the facility;
 - The inclusive hours and dates such activity will occur, including necessary prep and wrap times;
 - A general statement of the character or nature of the proposed filming activity;
 - The name, address, and telephone number of production company or person conducting the activity,
-
- The exact number of cast and crew involved;
 - Use of any animals, children, or pyrotechnics;
 - The exact amount/type of vehicles/equipment to be involved;
 - If a student film, a letter from the school verifying that it is being done pursuant to the curriculum of an educational institution chartered by the State of New York.
 - If a charitable film, proof of the organization's 501(c)3 status.

Liability Provisions

General liability insurance shall be required as a condition of Suffolk County Film Permits, in an amount to be determined by the Department of Risk Management. An Insurance Certificate documenting coverage & Declaration Page must be provided with permit application. All certificates must have Suffolk County as the Certificate Holder and listed as "additionally insured" with 30 days written notice of cancellation.

Production companies shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance for all persons operating under a permit.

Production companies shall be required to execute a hold harmless agreement in connection with the permit. This agreement is to be provided with the permit application.

When deemed necessary, production companies may be required to submit a refundable security deposit to assure cleanup of the location site.

Prohibitions

No person shall violate federal, state, or local law or health, building, and fire codes while engaging in motion picture, television, and still photography on any County property or facility. Any waiver of local law or regulations must be specifically provided for in the Suffolk County Film Permit.

Violation

Violation of the terms of the permit, or any rules or regulations promulgated pursuant to Chapter of the Suffolk County Code shall result in the permit being cancelled. Any such violation shall also be cause for denial of future permits.

Approval Process

Production Company will have a preliminary interview with the Permit Administrator¹ to determine whether the production will be classified as having minimal, moderate, or major impact. This classification will be determined by number of personnel involved, number of vehicles involved, duration of production, and/or Production Media Value finding of insurance company, and will determine fees to be incurred for the production activity. No fees will be incurred for charitable or student films with appropriate documentation.

1. Production Company will complete Uniform Film Permit Application and Hold Harmless Agreement.
2. Permit Administrator will review and forward the Film Permit Application to Department of Public Works and Department Head of agency occupying or controlling the property for their review and approval.
3. If the Film Permit Application is approved by Department of Public Works and Department Head, an Insurance Certificate documenting coverage & Declaration Page will be requested by Permit Administrator and forwarded to Risk Management for approval.
4. The Film Permit Application and related construction plans, special effects, location agreements, and other special requirements will be submitted to the County Attorney, Suffolk County Police Department or Suffolk County Sheriff, and Suffolk County Department of Public Works in conjunction with the Suffolk County Fire Marshal for final approval.
5. A fee for the production activity will be assessed by the Permit Administrator.

¹ Permit Administrator is Program Coordinator, Cultural Affairs in the Department of Economic Development and Workforce Housing.

EXHIBIT B

SCHEDULE OF FEES FOR FILMING, VIDEOTAPING AND STILL PHOTOGRAPHY ACTIVITIES

Suffolk County Department Fees ¹						
Department	FEES					
	Major Impact		Moderate Impact		Minimal Impact	
	DAY	HALF DAY	DAY	HALF DAY	DAY	HALF DAY
Suffolk County Department of Parks and Recreation	\$1,500	\$750	\$750	\$375	\$250	\$125
Suffolk County Department of Health	\$1,500	\$750	\$750	\$375	\$250	\$125
Suffolk County Department of Public Works	\$1,500	\$750	\$750	\$375	\$250	\$125
Suffolk County Police Museum	\$1,500	\$750	\$750	\$375	\$250	\$125
Suffolk County Corrections Facilities	\$1,500	\$750	\$750	\$375	\$250	\$125

¹All fees include nominal personnel required for supervision of production activity. Charges for extraordinary personnel or building requests will be calculated on a case by case basis by the appropriate Commissioner. Overtime charges will be assessed at time and a half of normal hourly rate for personnel from all departments, if required.

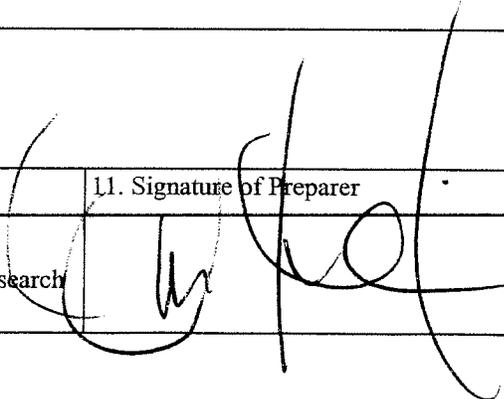
Suffolk County Police Department, Fire Academy, and Department of Fire, Rescue and Emergency Services (FRES) - Special Services					
SUFFOLK COUNTY POLICE DEPARTMENT		SUFFOLK COUNTY FIRE ACADEMY			
LOCATIONS	Fee per Day ²	LOCATIONS	Fees per 3 hours		
Headquarters	\$1,500	Car Fires	\$250	Fuel Surcharge (LPG)	\$250
Precincts	\$1,500	Class A	\$750	Fuel Surcharge Add	\$375
Range	\$1,000	LPG Fires	\$750	Fuel Surcharge (LPG) Add	\$850
EVOG Area	\$1,000	Maze	\$300		
Aviation Area	\$1,500	Smokehouse	\$750	Fuel Surcharge Add	\$250
Canine Training Area	\$750	Tank Car	\$750	Fuel Surcharge (LPG)	\$2,000
Academy	\$1,500	Taxpayer	\$750	Fuel Surcharge (Gas & Smoke) Add	\$350
Marine Bureau	\$1,500	Tower	\$750	Fuel Surcharge (Gas & Smoke) Add	\$350
Computer Room	\$1,500	Use of Pumper	\$250		
Communications	\$1,500	Pump Test Facilities	\$300		
		Flashover Simulator	\$250	Fuel Surcharge	\$250
		FRES			
		LOCATIONS	Fee per Day²		
		Communications	\$1,500		
		Emergency Operations Center	\$1,500		
		Communications Towers	\$1,500		
		VEHICLE PROPS	Fee per Day²		
		Mobile Command Unit 1	\$600		
		Mobile Command Unit 2	\$600		
		Decontamination Tractor Trailer	\$600		
		Transportable Radio Platform Trailer	\$600		
		Suit Rescue/State Level A Trailer	\$600		

² Suffolk County Police Department can pro-rate daily fee to hourly rate, based on a 12 hour day, at discretion of Police Commissioner

³Suffolk County Department of Fire, Rescue and Emergency Services (FRES) can pro-rate daily fee to hourly rate, based on a 12 hour day, at discretion of FRES Commissioner. Reimbursement is required for Fire Academy and FRES personnel to be determined by FRES Commissioner.

Suffolk County Police Department and Suffolk County Sheriff will perform police related duties only i.e., traffic control, pedestrian and crowd control. Officers assigned to production details have two basic objectives; one is to maintain a police presence and protect the County's interest; the other is to assist the Production Company as much as possible in completing their filming. The Production Company will be responsible for any overtime charges and/or extraordinary material expenses incurred for police related duties.

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2009, APPROVING FEE SCHEDULE FOR SUFFOLK COUNTY FEE PERMITS AND RULES AND REGULATIONS FOR NOTIFICATION AND REVIEW OF SUFFOLK COUNTY FILM PERMITS		
3. Purpose of Proposed Legislation		
TO ESTABLISH FEES FOR USE OF COUNTY FACILITIES, PROPERTIES, AND SERVICES BY FILM PRODUCTON COMPANIES AND TO DEFINE RULES AND REGULATIONS ASSOCIATED WITH THE ISSUANCE OF SUFFOLK COUNTY FILM PERMITS		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact:		
ADDITIONAL REVENUE TO THE COUNTY – AMOUNT UNKNOWN		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SAME AS ABOVE		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
Upon approval		
10. Typed Name & Title of Preparer	11. Signature of Preparer	
Allen M. Kovesdy Director of Management and Research		April 22, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1385
Intro. Res. No. - 2009

Laid on Table

4/28/09

Introduced by the Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2009 AUTHORIZING
THE ACQUISITION OF LAND UNDER THE NEW
SUFFOLK COUNTY DRINKING WATER
PROTECTION PROGRAM (EFFECTIVE
DECEMBER 1, 2007) - OPEN SPACE
COMPONENT - FOR THE KATALA-GRUBER &
KATALA PROPERTY - MASTIC/SHIRLEY
CONSERVATION AREA II (TOWN OF
BROOKHAVEN - SCTM#0200-983.50-02.00-
050.000 & 0200-983.50-02.00-069.000)**

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of said property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and Resolutions Nos. 621-2004 and/or 877-2005 - Master Lists I and II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and/or Resolutions Nos. 621-2004 and/or 877-2005 - Master Lists I and/or II Reports, respectively; and

WHEREAS, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property

Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore, be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Seventeen Thousand Dollars (\$17,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 983.50 Block 02.00 Lot 050.000	.216±	Gail M. Katala-Gruber 139 St. Charles Street Holbrook, NY 11741 and
No. 2	District 0200 Section 983.50 02.00 069.000		William A. Katala 4 Weldon Lane Farmingville, NY 11738

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Seventeen Thousand Dollars (\$17,000.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$17,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

5th RESOLVED, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed

in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

6th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

a.) freshwater/tidal wetlands and buffer lands for same; and, be it further

7th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

8th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

COUNTY OF SUFFOLK

LS8

FEB 25 2009



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND
ENERGY
DIVISION OF REAL PROPERTY ACQUISITION
AND MANAGEMENT

February 25, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Katala-Gruber and Katala property (Mastic/Shirley Conservation Area II), in the Town of Brookhaven, under the New Suffolk County Drinking Water Protection Program. The purchase price is \$17,000.00 for .216± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd

Att.

cc: Jim Morgo, Chief Deputy County Executive
Jeff Szabo, Deputy County Executive
Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
Thomas A. Isles, Director, Planning Department
Janet M. Longo, Acquisition Supervisor

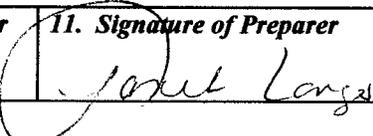
Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernnation
Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
Tom Vaughn, County Executive Assistant
Brendan Chamberlain, County Executive Assistant
Mike Brown, Acquisition Agent
CE Reso Review (e-mail copy only)

LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Katala-Gruber and Katala property (Mastic/Shirley Conservation Area II, SCTM#0200-983.50-02.00-050.000 & 0200-983.50-02.00-069.000, (Town of Brookhaven).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding New Suffolk County Drinking Water Protection Program		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Janet M. Longo Acquisition Supervisor	11. Signature of Preparer 	12. Date February 25, 2009

1386

Intro. Res. No. - 2009

Laid on Table

4/28/09

Introduced by the Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2009 AUTHORIZING
THE ACQUISITION OF LAND UNDER THE NEW
SUFFOLK COUNTY DRINKING WATER
PROTECTION PROGRAM (EFFECTIVE
DECEMBER 1, 2007) - OPEN SPACE
COMPONENT - FOR THE BROOKSIDE PARK
ASSOCIATES, INC. PROPERTY - TUTHILL
CREEK/PINE LAKE (TOWN OF BROOKHAVEN -
SCTM#0204-003.00-03.00-013.000 AND 0204-
003.00-03.00-022.000)**

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of said property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; and

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and Resolutions Nos. 621-2004 and/or 877-2005 - Master Lists I and II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and/or Resolutions Nos. 621-2004 and/or 877-2005 – Master Lists I and/or II Reports, respectively; now, therefore, be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Two Hundred Twenty Five Thousand Dollars (\$225,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

PARCEL:	SUFFOLK COUNTY		ACRES:	REPUTED OWNER AND ADDRESS:
	TAX MAP NUMBER:			
No. 1	District	0204	1.40±	Brookside Park Associates, Inc. 73 North Ocean Avenue-Suite 2 Patchogue, NY 11772
	Section	003.00		
	Block	03.00		
	Lot	013.000		
No. 2	District	0204	7.40±	
	Section	003.00		
	Block	03.00		
	Lot	022.000		

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Two Hundred Twenty Five Thousand Dollars (\$225,000.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$225,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such ~~actions and to pay such additional expenses as may be necessary and appropriate to~~ consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

5th **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

a.) freshwater/tidal wetlands and buffer lands for same; and, be it further

7th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

8th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

LS 9

COUNTY OF SUFFOLK

FEB 25 2009



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

February 25, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Brookside Park Associates, Inc. property (Tuthill Creek/Pine Lake), in the Town of Brookhaven, under the New Suffolk County Drinking Water Protection Program. The purchase price is \$225,000.00 for 8.8± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd

Att.

cc: Jim Morgo, Chief Deputy County Executive
Jeff Szabo, Deputy County Executive
Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
Thomas A. Isles, Director, Planning Department

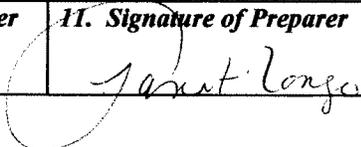
Janet M. Longo, Acquisition Supervisor
Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condensation
Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
Tom Vaughn, County Executive Assistant
Brendan Chamberlain, County Executive Assistant
Mike Brown, Acquisition Agent
CE Reso Review (e-mail copy only)

LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation		
Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Brookside Park Associates, Inc. property (Tuthill Creek/Pine Lake), SCTM#0204-003.00-03.00-013.000 & 0204-003.00-03.00-022.000, (Town of Brookhaven).		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
New Suffolk County Drinking Water Protection Program		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Janet M. Longo Acquisition Supervisor		February 25, 2009

1387

Intro. Res. No. - 2009

Laid on Table

4/28/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, MAKING CERTAIN
SEQRA DETERMINATIONS AND AUTHORIZING
COMPLETION OF INFRASTRUCTURE
IMPROVEMENTS IN THE VICINITY OF THE
HOMELAND SECURITY TECHNOLOGY PARK
(HAMPTON BUSINESS AND TECHNOLOGY
PARK) AT GABRESKI AIRPORT (CP-5735)**

WHEREAS, Resolution No. 1458-2006 appropriated \$3,000,000 for infrastructure improvements in the vicinity of the Homeland Security Technology Park, now known as the Hampton Business and Technology Park, at Gabreski Airport (CP-5735); and

WHEREAS, bonding for this project was deferred until the County solicited development bids for the property and determined how to proceed with the leasing of the industrial park and until an environmental review was completed in accordance with the State Environmental Quality Review Act ("SEQRA") by the Town of Southampton; and

WHEREAS, the County solicited development bids and has chosen Rechler@Gabreski LLC to develop the approximately 55 acres and is now ready to proceed with certain utility and road infrastructure improvements on the main access road to the airport; and

WHEREAS, the 2nd Resolved clause of Resolution No. 1458-2006 states that prior to the adoption of a bond authorization by this Legislature and any expenditure or commitment of said funds for this project, an environmental review shall be completed in accordance with SEQRA by the Town of Southampton, and that the Airport Planned Development District ("APDD") Master Plan and the associated Final Generic Environmental Impact Statement ("Final GEIS") shall be adopted by the Town; and

WHEREAS, the County only needs to authorize bonds for \$2,250,000 of the \$3,000,000 appropriated under Resolution No. 1458-2006; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$2,250,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that the Town of Southampton has completed its environmental review in accordance with SEQRA and has adopted the APDD Master Plan and the Final GEIS (Exhibit A); and be it further

2nd RESOLVED, that the County, through Resolution No. 151-2008, as an involved agency complied with the completion of SEQRA when it adopted the SEQRA Findings and Statement, annexed as Exhibit B, based upon the Town of Southampton's

adopted APDD Master Plan and Final GEIS, and therefore SEQRA is complete and no further review is required; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such actions as may be necessary pursuant to Section C8-2(X) of the Suffolk County Charter to complete this project.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

EXHIBIT A



Southampton Town Board
116 Hampton Road
Southampton, NY 11968

ADOPTED

RESOLUTION 2007-913

Meeting: 06/26/07 06:00 PM
Department: Planning
Category: SEQRA
Prepared By: Janice D'Angelo
Initiator: Jefferson Murphree
Sponsors: Supervisor Patrick Heaney
DOC ID: 6130

Acceptance of Findings Statement for the Gabreski Airport Planned Development District (APDD) Master Plan and Local Law

WHEREAS, the Town Board of the Town of Southampton established the Gabreski Airport Planned Development District (APDD) under Chapter 330-248 in order to support implementation of Suffolk County's Airport development program, the Town's Comprehensive Plan and the Central Pine Barrens Comprehensive Land Use Plan and to accomplish the findings, purpose, and long-term goals established by the Town Board as part of Article XXVI Planned Development District, of the Town Code; and

WHEREAS, the Gabreski APDD is located on 58 acres at the Suffolk County Francis S. Gabreski Airport in Westhampton Beach, Long Island, New York, and has been designated to establish future development suitable for the site; and

WHEREAS, by Resolution No. 1418 dated October 22, 2002 the Town of Southampton hired Nelson, Pope & Voorhis, LLC, to prepare a Site Development Master Plan and assist the Department of Land Management with the establishment of comprehensive standards and guidelines for the development of the Gabreski APDD; and

WHEREAS, in connection with the preparation of the Master Plan, by Resolution No. 2005-640 dated May 10, 2005, the Town of Southampton hired Nelson, Pope & Voorhis, LLC, to prepare a Draft Generic Environmental Impact Statement (DGEIS); and

WHEREAS, by Resolution No. 2006-962 dated July 11, 2006, the Town Board of the Town of Southampton deemed the scope and content of the Draft Generic Environmental Impact Statement (DGEIS) for the APDD adequate for public review and held combined public hearings on the DGEIS and Draft Local Law revising Chapter 330-248A entitled, "Airport Commercial/Industrial Planned Development District"; and

WHEREAS, Nelson, Pope & Voorhis, LLC, subsequently prepared a Final Generic Environmental Impact Statement (FGEIS) in accordance with § 617.10 of 6 NYCRR (SEQR) with responses to comments made at the public hearing and during the written comment period; and

WHEREAS, by Resolution No. 2007-806 dated May 22, 2007, the Town Board adopted a Notice of Completion for the FGEIS; and

WHEREAS, after the requisite public consideration period, the Town Board has caused a Findings Statement to be prepared by Nelson, Pope & Voorhis, LLC, which summarizes the facts and conclusions of the Draft and Final Generic EIS's, weighs and balances the relevant environmental impacts with social, economic and other considerations, and provides a rationale for the Town Board's decision; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Southampton hereby Accepts and Adopts the Findings Statement, pursuant to the State Environmental Quality Review Act and Chapter 157 of the Town Code; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to distribute and file copies of the Findings statement to all interested and involved agencies as required by SEQRA and its implementing regulations.

Financial Impact

RESULT:	ADOPTED [4 TO 1]
MOVER:	Patrick Heaney, Supervisor
SECONDER:	Steven Kenny, Councilman
AYES:	Nancy Graboski, Linda Kabot, Steven Kenny, Chris Nuzzi
NAYS:	Patrick Heaney



State Environmental Quality Review Act Findings Statement

GABRESKI AIRPORT PLANNED DEVELOPMENT DISTRICT MASTER PLAN & ITS IMPLEMENTING REGULATIONS

Town Board
Town of Southampton

Pursuant to Article 8 of the New York Environmental Conservation Law and Title 6, New York Codes, Rules and Regulations Part 617, the Town Board of the Town of Southampton, as Lead Agency, hereby makes the following findings.

Name of Action: Gabreski Airport
Planned Development District (APDD)
Master Plan

Lead Agency: Town Board of the Town of Southampton
116 Hampton Road
Southampton, NY 11968

Contact Person: Jefferson V. Murphree, AICP
Town Planning and Development Administrator
Town Department of Land Management
(631) 287-5707, ext. 179

Date Findings Filed: June 26, 2007

INTRODUCTION

This Findings Statement has been prepared pursuant to the requirements of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Part 617.11, which requires that no Involved Agency shall make a decision on an action that has been the subject of a Final Environmental Impact Statement (Final EIS) until such time as the agency has made a written Findings Statement concerning the facts and conclusions of the Draft and Final Generic EIS (GEIS) relied upon to support its decision, weighed and balanced relevant environmental impacts with social, economic and other considerations, and provided a rationale for the agency's decision. In order to meet this State Environmental Quality Review Act (SEQRA) provision, the Southampton

Town Board has prepared these Findings related to the significant issues identified in the Draft and Final GEIS prepared for the proposed action.

LOCATION

The subject property is approximately 58.6 acres in size and occupies the west-central portion of the overall 1,486±-acre Gabreski Airport property; the subject site is located on the eastern side of CR 31, on the north and south sides of Walden Avenue, on the west side of Sheldon Way and north of Cook Street. The tax lot designation of the airport is District 0900, Section 312, Block 1, Lot 4.2. Gabreski Airport (including the Gabreski Airport APDD) is owned by Suffolk County.

The airport is bordered by the Long Island Rail Road (LIRR) to the south and CR 31 (Old Riverhead Road) along the western property boundary. The majority of land surrounding the airport to the north and east are preserved New York State (NYS), Suffolk County, and Town of Southampton lands, including the Quogue Wildlife Refuge immediately adjacent to the east.

The subject site is within or subject to restrictions of the following service and planning districts:

- Westhampton Beach Union Free School District (UFSD)
- Westhampton Beach Fire District
- Suffolk County Police Department (SCPD)
- Suffolk County Water Authority (SCWA)
- Long Island Power Authority (LIPA)/KeySpan
- Gabreski APDD
- Groundwater Management Zone III (300 gpd/acre)
- Town Central Pine Barrens Overlay District
- Town Aquifer Protection Overlay District
- Central Suffolk Special Groundwater Protection Area (SGPA)
- Central Pine Barrens Zone, Compatible Growth Area (CGA)

The project site is within the Central Pine Barrens Zone's CGA. However, in 1996 the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) determined that redevelopment of the subject site with light industrial development of the type represented by the proposed project "... is considered nondevelopment pursuant to ECL 57-0107(13)(i)". Thus, the proposed project would not be subject to further review for conformance with the Central Pine Barrens Comprehensive Land Use Plan. Nevertheless, the proposed project conforms to the standards and guidelines of the Plan, thereby minimizing the potential for adverse environmental impacts in the CGA.

BRIEF PROJECT HISTORY & OVERVIEW

The Gabreski Airport is owned and operated by Suffolk County, thereby providing a unique opportunity for the Town and County to situate quality industrial development and mixed complementary uses on a site well-suited for growth. The 58.6-acre site has been designated by the Town of Southampton as a PDD under Section 330-248 of the Town Code to establish a general vision of the type of growth that would be suitable for this site. In 2002, the Town retained Nelson, Pope & Voorhis to prepare a Master Plan to create a comprehensive vision for

development of the APDD intended to coordinate future development, foster compatible future land uses, and provide direction and guidance for the County, the Town, and prospective developers. The Master Plan reviews site resources, constraints and opportunities for the orderly growth of the site. The Master Plan would be used to focus efforts by both the Town and County to solicit and locate appropriate non-aviation based business development within the established standards and guidelines.

The Master Plan recognizes the current and potential use opportunities associated with the Airport, existing utilities, density transfer receiving site potential, and Town as well as County needs and desires toward this facility. Close coordination and establishment of common interests and common goals of the Town and County are key to this project. The completion of this Plan is expected to assist with marketing and efficiency of project review; specifically, the pre-determination of uses and general design would provide greater certainty and guidance to facilitate the identification and approval of quality tenants on the site. In addition, uses that are consistent with the Master Plan and GEIS would not be subject to further SEQRA review and would undergo a more expedited review process given their conformance with use and design guidelines under the plan. The Master Plan creates standards and guidelines for:

- Site uses;
- Dimensional & Yield regulations;
- Coordinated building development;
- Site parking, recharge and utility needs and coordinations;
- Architectural elements;
- Streetscape elements;
- Landscape elements; and
- General design guidelines.

It is recognized that use opportunities should support and inter-relate with the general PDD such that internal self-sustaining uses are provided that would not detract from or compete with local business or downtown areas.

Based on the recommendations in the Master Plan, a set of proposed amendments to the Southampton Town Zoning Code were sponsored by the Town Board of the Town of Southampton. These amendments are intended to provide land use regulations controlling development in the Gabreski Airport Planned Development District (APDD), which was established previously by the Town Board. The Draft and Final GEIS's were prepared as a result of these proposed amendments. The Draft GEIS described and discussed the proposed amendments, the anticipated environmental impacts of this proposed action, and presents the measures taken to mitigate those adverse impacts of these regulations, if any. The Final GEIS contained the transcripts of the public hearings held on the Draft GEIS and the proposed Master Plan, as well as the written comments on those two documents; the Final GEIS also contained a description and analysis of the potential impacts of revisions made to the Master Plan as a result of those public and agency comments.

DESCRIPTION OF ACTION

The 58-acre Gabreski Airport Planned Development District was originally created and adopted in the Town Zoning Code in 1998 as Section 330-248. The PDD allows numerous industrial uses specified by Standard Industrial Code (SIC), and permits development to a building coverage of 20% and three (3) stories (maximum building height of 40 feet). It is estimated that under current zoning, the full build-out of the existing APDD is 1.5± million square feet. The proposed project is intended to provide a Master Plan for more cohesive and coordinated development in terms of architecture, landscaping and site design. The Master Plan also provide for an overall design coordination of entrance and road connections. Further goals of the Master Plan are to provide a more appropriate list of allowed and special permit uses, and to establish controls on the floor area ratio (FAR) of development, which would provide a better form of control. The Master Plan also provides procedures for inter-agency coordination of leases and site plan development to facility proper development and improves communication and end product. Finally, the Master Plan and GEIS provide a means to redeem Pine Barrens Credits to preserve pine barrens and allow appropriate intensification of use at the APDD under established guidelines.

It should be remembered that the proposed action is the establishment of a Master Plan for development within the Gabreski APDD; as such, no specific development is proposed at the present time. However, in order to provide a basis for analysis and discussion of impacts associated with development resulting from this plan, the Draft GEIS assumed conforming industrial uses for the site, with the reasonable, hypothetical maximum yields. For purposes of analysis, it was anticipated that the Gabreski APDD would be developed with a total of 510,523 SF of industrial floor area, to be distributed into a number of separate buildings; one main structure would be located on each leased lot. The anticipated building area represents an FAR of 0.20 (or, 20% lot coverage, if all one-floor buildings were constructed). The majority of buildings were anticipated to be one floor in height, as this type of structure is typical for this usage. In conformance with the Town's APDD zoning district regulations, one parking space is required for each 300 SF of building area, for a total of 1,702 spaces. Assuming approximately 325 SF of paved surfaces per parking space (as 200 SF for the parking stall and 125 SF for associated aisles), a total of 553,150 SF (12.7 acres) of paved surfaces would result. The remaining 1,488,943 SF (34.2 acres) of the site would be landscaped and natural; this coverage represents 58.3% of the entire APDD (of which 2%, or 1.2 acres, may remain as natural vegetation).

Subsequent to the public hearings on the Draft GEIS, and as a result of comments from the involved agencies and the public, the Town and the County came to a consensus on a number of revisions to the Master Plan and proposed APDD zoning amendments. These revisions are intended to reduce potential impacts and/or respond to comments on the Draft GEIS and are described and discussed below.

Yield

Under the existing APDD zoning, approximately 1.5 million square feet of industrial/office uses could be achieved at the site (20% building coverage and 3 story buildings) without transferring/extinguishing Pine Barrens Credits. The need to limit the maximum future development of the APDD without additional SEQR analysis is recognized by the Town. Therefore, Town proposes to amend the APDD legislation to establish a maximum development limit of 510,500 gross SF for the overall APDD, with each lease area having a floor area ratio

(FAR) cap of 0.2. This 0.2 FAR is to be applied to each leased lot in order to determine the allowed yield as each lot is mapped.

Increases in Yield

In keeping with the policies set forth in the Central Pine Barrens Plan and the Town's Central Pine Barrens Overlay District, transfer of additional yield to individual lease lots would continue to be permitted through the transfer of Pine Barrens credits or development rights, so long as the total gross floor area of the APDD does not exceed 510,500 gross SF. The following are the mechanisms whereby this can be accomplished.

- an increased amount of building GFA can be achieved by redeeming PBCs at a rate of 1 PBC/5,000 GSF, to a maximum of 5% of each lease lot.
- the maximum allowed building height of 35 feet (and 50 feet for motion picture production uses) can be exceeded, by redeeming one (1) PBC for each additional 100,000 cubic feet (CF) of building volume, to a maximum building height of 50 feet.
- the maximum gross floor area of a building may be increased up to 25% resulting in an increase in FAR within a leased area if the entirety of such building is built and certified to a Leadership in Energy and Environmental Design (LEED) Green Building Rating System Gold Standard and the maximum total gross floor area of 510,500 SF for the overall APDD is not exceeded

Permitted & Special Exception Uses

The list of uses has been streamlined by automatically permitting categories of desired uses, prohibiting all aviation related uses, and requiring Special Exception approval for only a limited number of uses in the APDD. The amended APDD would continue to limit retail and service uses to be accessory and incidental to a primary use, to a maximum of 5% of the total gross floor area of each use (note that "retail" use does not include food service, such as a delicatessen; see below). This is done in order to ensure that the site is utilized for light industrial/business development and does not compete with the retail and service uses within surrounding hamlets and downtowns. Note that for purposes of this APDD, food service is not considered to be a retail use. Food service is specifically an allowed use in this APDD; however the amount of GFA is limited to a maximum of 5,000 SF exclusive of any restaurant associated with a hotel within the overall 58 acre APDD parcel.

Building Height

The maximum allowed as-of-right building height in the APDD has been revised to be two stories and 35 feet. However, this limit may be increased to a maximum of 50 feet by use of Pine Barrens Credits, or by construction to the LEED Gold Standard. A movie, film or other digital media studio (due to the nature of these uses) may exceed the 35-foot height requirement up to a maximum of 50 feet. In no case shall the total gross floor area of all buildings within the APDD exceed 510,500 SF or the height exceeds 2 stories.

ADMINISTRATIVE STEPS TAKEN WITH THE PROPOSED ACTION

The following steps have been taken by the Town Board, in compliance with the Environmental Conservation Law:

- In October 2002, the Town of Southampton retained Nelson, Pope & Voorhis to prepare a Master Plan for the future development of the Gabreski Airport Planned Development District.
- In May 2005, the Town Board, as Lead Agency under SEQRA, determined that the adoption of the Master Plan and resultant proposed amendments to the Town APDD Zoning Code may have a significant impact on one or more aspects of the environment, requiring the preparation of a Generic Environmental Impact Statement.
- In October 2005 and again in May 2006, the Draft GEIS was submitted to the Lead Agency for review and determination of completeness.
- On July 11, 2006, the Town Board accepted the Draft GEIS as complete and adequate for public review and issued a Notice of Completion.
- The Town Board held public hearings on the project on June 27, August 8 and September 12, 2006.
- The Lead Agency closed the public hearing on September 12, 2006 with a 30 written comment period on the Draft GEIS and Master Plan.
- On April 10, 2007, the Final GEIS was submitted to the Lead Agency for review and determination of completeness.
- The Town Board published the proposed revisions to the Town Code §330-248A (Airport Commercial/Industrial Planned Development District) for consistency with the Master Plan and held a public hearing on May 8, 2007.
- On May 22, 2007, the Town Board accepted the Final GEIS as complete and adequate for public review and issued a Notice of Completion.

The Town Board Report has determined to accept the recommended revisions in the Local Law that has been prepared to implement the proposed Gabreski Airport PDD. These revisions have been incorporated into the current version of the Local Law.

FACTS, CONCLUSIONS AND MITIGATION MEASURES CONTAINED WITHIN THE DRAFT & FINAL GEIS'S RELIED UPON TO SUPPORT THE LEAD AGENCY DECISION

The following is a synopsis of the conclusions of the Lead Agency with regard to the environmental impacts associated with the subject action. These conclusions are based upon a review of the Draft GEIS, the Final GEIS and public commentary, as well as all other relevant planning, zoning and environmental information. The Town of Southampton Planning Board shall ensure that the overall Infrastructure Plan prepared by/for Suffolk County and subsequent individual lease tenant applications conform to the requirements of the APDD, the Master Plan, and the following findings during the site plan review process.

Geological Resources

Soils

1. The two soil types identified in the Suffolk County Soil Survey, (Carver and Plymouth sand and Cut and Fill Land) pose "moderate" to "severe" limitations for development, due specifically to slopes and a sandy surface layer. However, the majority of the site (approximately 90%) is covered by "Cut and Fill Land", which is produced by disturbing the native soils during previous clearing and grading operations. This removal of the native

surface soils has resulted in the exposure of an underlying loamy sand material, which is characteristically unstable and barren.

2. The CuB soil type poses moderate and severe limitations for development, though the limiting characteristics of these soils, slopes and a sandy surface layer, can be addressed through site design such that these conditions would not be an impediment to development. Only localized slopes exist and these areas have been previously disturbed and would be properly graded in connection with new development. Foundations would extend to stable native soils and the surface layer would either be established in parking or landscaping. Parking lots would be placed on stable or compacted soils and landscaped areas would be supplemented with topsoil and proper plant installation techniques.
3. The CpA soil, which presents a severe limitation due to the sandy surface layer, would be left natural, properly regarded or supplemented for landscape purposes so that limitations would not pose a constraint on site use.
4. Installation of native or native-compatible vegetative species would provide a means of stabilizing the site's exposed soils to prevent erosion as soon as practicable following clearing and grading.
5. As part of the site plan review process for individual parcels, adherence to the erosion and stormwater control standards and guidelines of the NYSDEC would significantly reduce the potential for adverse impacts to the site's soils during and after construction. The construction operations are not anticipated to result in significant adverse impacts to soils, and soils with limitations on development would be managed such that these conditions would not have an impact on construction or long-term site occupancy.

Topography

1. As the site is already partially developed and in the past has been almost completely disturbed, minimal additional grading is anticipated, so that impacts to site topography are not expected.
2. Suffolk County shall prepare or cause to prepare an Infrastructure Plan depicting the internal site improvements proposed including roads, sidewalks, street trees, site furniture including bus shelter(s), drainage improvements, water main and underground utility (electric, telephone and cable) extensions, hydrants, street lighting, landscaping and landscaping berms, irrigation, bike lanes, signage and access improvements on or in the vicinity of CR 31. The Infrastructure Plan may be phased and shall be subject to review and approval of the Town Engineer and Planning Board. Infrastructure required to access and operate within a leased area shall be in place prior to the issuance of any Certificate of Occupancy for the leased area building.
3. Each specific use will be subject to site plan review, which will consider proper site grading through planning and engineering review.
4. Grading would be necessary to achieve suitable elevations for the proposed development. Typical site planning would result in newly created slopes of 1:3 or less, and proper soil stabilization and erosion control for each individual site. Efforts should be made to reduce the amount of cut and balance cut and fill across the site. If excess material results, it will be exported from the site using roll-off container trucks during normal daytime weekday hours over the course of several weeks, and thus represents a short-term/temporary impact that would be dispersed over daily hours and thus is not expected to be significant. As a result, grading activities are not expected to cause a significant adverse impact with respect to topography.
5. A Stormwater Pollution Prevention Plan ("SWPPP") will be prepared for the NYSDEC General Permit for Stormwater Discharges from Construction Activities (NYSDEC Permit No. GP-02-01, General Permit), and this SWPPP will include the appropriate erosion and

sedimentation controls and water quality and quantity controls to minimize the impacts to land during construction.

Groundwater Resources

The Draft GEIS contained extensive and thorough studies and analyses of the potential for impacts to water resources on and beneath the site from operation of the proposed project, as well as for impacts to resources downslope and downgradient.

Hydrogeological Conditions

1. Development of the site will result in the installation of impervious surfaces consisting of buildings and paved parking areas, which will significantly increase the volume of stormwater generated. Stormwater generated on these surfaces will be retained on-site through drainage systems designed in accordance with Town standards.
2. There is adequate depth to groundwater (a minimum of 22 feet from the site's existing low point, a recharge basin that would be filled) to allow for the proper functioning of the stormwater recharge system.
3. Based on the SONIR computer model results for the proposed project, a total of 48.64 MGY of water would be recharged on the site. This represents a 2.6% increase in recharge generated on the property, as compared with the existing recharge volume of 47.40 MGY. Of this anticipated recharge volume, stormwater would account for 99% and irrigation for 1%. Given the depth to groundwater and soil permeability of glacial till soils in the area of the site, it is not anticipated that this increase in volume would be sufficient to cause a significant rise in the water table in the area, nor in any change in the regional direction of groundwater flow.

Groundwater Quality

1. The proposed action is for an APDD in which industrial uses are specifically proposed. While the occupants are not known at this time, it is possible that toxic and/or hazardous chemicals may be stored, used or generated by these tenants. In such a case, conformance with the SCSC would be required; Article 7 prohibits and limits storage of restricted toxic and hazardous materials in deep recharge zones (which includes the subject site), and Article 12 regulates handling and storage of toxic and hazardous materials. Separately and in combination, these regulations minimize the potential for impacts to groundwater resources.
2. The Suffolk County Department of Health Services is in the process of awarding a contract for design of the remediation necessary at the APDD and will ensure that the cleanup is accomplished. According to Suffolk County, the design will be based upon the completed work plan.
3. The Gabreski APDD would utilize the existing airport STP for treatment and disposal of sanitary wastewater in order to use an existing off-site treatment facility planned and designed to include the subject site. Pursuant to correspondence from the County dated September 15, 2006; the County has set aside ±48,000 gpd of capacity for the APDD. This facility is operated by the SCDPW, and its treatment processes, effluent limitation conformance, and operational performance are also subject to review by the SCDHS, as well as permitting by the NYSDEC under the State Pollutant Discharge Elimination System (SPDES) Program. The STP exists and a SPDES permit has been issued. Suffolk County would be responsible to maintain compliance with the SPDES program through plant modification (if necessary), operation and permitting as flow from the Gabreski APDD is increased over time. This wastewater treatment scenario is the most environmentally-acceptable method of waste handling for the proposed project. As a result, it is not anticipated that any significant adverse impacts to groundwater quality are anticipated from recharge of sanitary wastewater.

4. The concentration of nitrates (as nitrogen) in site-generated recharge would be increased by the proposed action, due primarily to the presence of nitrogen in lawn fertilizers (sanitary wastewater would be treated off-site). Specifically, overall nitrogen concentration would be increased to 0.33 mg/l, from its current level of 0.02 mg/l (conservatively assuming the maximum of 15% fertilizer usage). This is less than the NYS 10 mg/l nitrogen standard for drinking water, and therefore no significant adverse impacts are expected from nitrogen in recharge. This concentration assumes the applicable SCDHS design flow standard of 0.04 gpd/SF for industrial development. Nitrogen in stormwater accounts for 6.8% of this concentration, irrigation represents 0.5% and fertilization accounts for 92.7%.

Water Resources Plans and Studies

1. *Long Island Comprehensive Waste Treatment Management Plan* - The proposed action would conform to the recommendations of the 208 Study by utilizing an existing SCDPW-operated STP to treat and recharge all sanitary wastewater generated by the project. In addition, and as recommended by the Study, the proposal would utilize an on-site drainage system designed by Suffolk County to handle stormwater from the roads system (drainage from individual lease/development parcels would be reviewed by the Town) and would minimize fertilizer use by restricting acreage of fertilizer-dependant landscaping to a maximum of 15% of the site (8.8 acres).
2. *Central Suffolk Special Groundwater Protection Area Plan* - The proposed project conforms to the applicable recommendations of the SGPA Plan, in that its primary potential impact to groundwater quality, from recharge of sanitary wastewater, would be eliminated by use of an off-site, SCDPW-operated STP. In addition, the potential for impact from lawn/landscaping fertilizers, would be minimized by limiting the use of such substances to a maximum of 15% of the property, or 8.8 acres.
3. Conformance to Article 6 of the Suffolk County Sanitary Code and adherence to the required SPDES permit provisions for an STP would mitigate potential impacts. Use of an existing STP (which was designed, built and is being operated under the review of the County), and design, review and installation of a proper drainage system would further mitigate potential impacts to groundwater quality. Limiting maintained landscaping to up to 15% of the site would reduce the potential for adverse impacts from lawn chemical usage.

Ecological Resources

The Draft GEIS contained extensive and thorough studies and analyses of the potential for impacts to ecological resources on and in the vicinity of the site. Following are discussions from that document in regard to potential impacts:

Vegetation

1. The majority of the subject site was cleared in the past for the prior use, with untended lawn becoming the dominant vegetation type, resulting in minimal habitat acreages and quality on the property.
2. The project site is within the Central Pine Barrens Zone's CGA. However, the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) determined that redevelopment of the subject site with light industrial development of the type represented by the proposed project "...is considered nondevelopment pursuant to ECL 57-0107(13)(i)". Thus, the proposed project would not be subject to further review for conformance with the Central Pine Barrens Comprehensive Land Use Plan. Nevertheless, the analysis presented in the GEIS establishes that the proposed project conforms to the standards and guidelines of the Plan, thereby minimizing the potential for adverse environmental impacts in the CGA.

3. Only a small area in the site's northwestern corner retains its original natural vegetation (approximately 3.9 acres, 6.6% of the property). Preservation of the existing vegetation in this area will be considered and implemented as practicable during the site plan review by the Town Planning Board. An 80-foot buffer will be retained along CR 31 that would include landscaping in existing open areas and retention of 1.2 acres of natural vegetation in the northwestern corner of the site.
4. The proposed project would result in coverages of 11.7 acres of buildings, 12.7 acres of pavement, 24.2 acres of unfertilized lawn/landscaping, 8.8 acres of maintained (fertilized and irrigated) landscaping and 1.2 acres of retained natural vegetation. The 34.3 acres of existing vegetation to be cleared (mainly untended lawn) would be replaced by substantial amounts of native landscaping species, of which a maximum of 15% (8.8 acres) would be fertilized. Native and native-compatible landscape species listed in the Central Pine Barrens Comprehensive Land Use Plan would be utilized in landscape plantings.

Wildlife

1. The majority of the subject site was cleared in the past for the prior use, with untended lawn becoming the dominant vegetation type, resulting in minimal habitat acreages that is not generally expected to support wildlife species. The small amount of natural vegetation is located on the site's boundary, so that its partial removal would not cause fragmentation of habitat.
2. The majority of wildlife activity would be expected to be transient individuals and species tolerant of human activity. As with any development activity, less-mobile individuals would be impacted (this may include small mammals inhabiting field areas); however, no endangered, threatened or special concern species are expected in association with the site. Common species abundant in commercial/industrial areas include primarily mobile avian species and a low wildlife population density is expected on this site. Therefore, the effects of the development on wildlife populations are not expected to be significant, as no significant level of wildlife use is expected.
3. The site does not offer wildlife corridors between adjacent woodlands, so that the proposed project would not impact wildlife movement.
4. After development occurs, the proposed project would favor those species that prefer edge and suburban habitats and particularly those that are tolerant of human activity. During construction, most species of wildlife would be expected to migrate to undisturbed areas in the vicinity, and after development landscaping and permanent site use may result in a greater wildlife population and diversity.

Transportation Resources

The Draft GEIS contained a detailed, professionally prepared traffic impact study, intended to determine whether and to what extent traffic impacts would occur due to the proposed project.

1. ~~A single site access driveway via Wallen Street, which is located on the east side of Old Riverhead Road opposite Stewart Avenue is proposed. The Infrastructure Plan prepared by Suffolk County shall include details of the proposed access improvements and be subject to review by the Town Engineer.~~
2. The expected total site generated trips that the proposed 510,523 SF industrial park will generate is 501 trips during the AM peak hour (416 entering, 85 exiting) and 518 trips during the PM peak hour (109 entering, 409 exiting).

3. The Traffic Study found that the intersection of Old Riverhead Road at Montauk Highway would not experience any change in level of service due to a proposed 510,523 SF industrial park. The Year 2010 Build Traffic Volumes indicate that the intersection would remain at the existing LOS C during both the AM and PM peak periods. The individual movements would not change between the No Build and Build Conditions during either peak hour.
4. Due to the additional volume projected from the 510,523 SF industrial park, the Year 2010 Build Traffic Volumes indicate that the intersection of Old Riverhead Road at Stewart Avenue/Wallen Street, utilized as the site access, would experience an overall reduction in LOS from 'B' in the Existing and No Build Conditions to 'D' during the AM peak hour and from 'B' to 'E' in the PM peak hour. The most significant increase in delay occurs at the southbound left-turn movement entering the site during the AM peak hour and the westbound right-turn movement exiting the site during the PM peak hour.
5. Modification of the signal at Old Riverhead Road at Stewart Avenue/Wallen Street is necessary to reduce delay to the southbound and westbound approaches. The improvements consist of adding a protected southbound left turn phase and a westbound overlapping right turn phase, as well as increase to the cycle lengths to accommodate the additional phases. These improvements would improve the intersection operations from LOS D/E to LOS B.
6. The Infrastructure Plan prepared by/on behalf of Suffolk County shall include a phasing plan that specifically identifies the phase where the required signal modifications will be completed. The Phasing Plan will be subject to review and approval of the Town Engineer and Town Planning Board.
7. Additional improvements (specifically a second left-turn lane) to the Old Riverhead Road at Stewart Avenue/Wallen Street south bound left-turn volume may be necessary if the traffic volume is greater than the estimated Year 2010 Build Traffic Volumes (358 vehicles). The Final EIS suggested a supplemental review occur at 75% of the maximum 510,500 SF build-out; however, the Board finds that incremental review milestones should be established in conjunction with the Infrastructure Plan due to the wide range of uses that could locate on the site. The Infrastructure Plan proposed by the County must include a provision for incremental traffic counts/assessments to be completed at established milestones during the leasing process to ensure the Year 2010 Build Traffic Volumes (358 vehicles) threshold is not exceeded prior to reaching the maximum 510, 500 SF buildout. The Planning Board may require individual lease tenants to prepare supplemental traffic impact assessments during the Site Plan review process if the incremental traffic counts/assessments find volumes approaching the Year 2010 Build Traffic Volume threshold.
8. To encourage the use of alternative transportation, Suffolk County should consider the installation of a bike lane along CR 31 with any future improvement plans to this roadway. Provision for a bus shelter either along CR 31 or within the APDD should also be considered during future improvement plans to CR 31 or in the County's Infrastructure Plan prepared for the APDD.

Land Use, Zoning and Plans

The Draft GEIS contained thorough discussions and analyses of the potential for impacts to the patterns of land use and zoning in the vicinity, as well as to the potential for impact on the applicable recommendations of the various land use plans and studies which apply to the APDD site.

Land Use

1. The proposed action would result in redevelopment of an existing, developed (though underused) industrial property adjoining a regional airport and across from other industrial

- properties to the west, along CR 31. In this sense, there would be no change in the type of land use of the site, though the intensity of that industrial usage would be increased by the project.
2. Future development, while an increase in intensity, would be the result of a collaborative planning effort undertaken by the Town and County specifically for this parcel. The overall proposal is designed to locate high-quality industrial/commercial uses in a campus like setting, on a well-located site served by the necessary infrastructure.
 3. The Gabreski APDD Master Plan provides guidelines and recommendations for building design and architectural appearances so that the potential for adverse visual impacts from dissimilar, unattractive building appearances would be minimized. As recommended by the Master Plan, common areas including shared park areas, fitness trails, and bike lanes should be provided throughout the APPD campus for mutual use by employees of future tenants and the community. Where practicable, such open space areas may be consolidated to provide a centralized public use area. Open space areas should be identified in the Infrastructure Plan prepared for/by Suffolk County.
 4. The uses identified as permitted by the Master Plan were selected to minimize or eliminate the potential for offensive or otherwise undesirable or inappropriate tenants to occupy the site. These provisions for compatible uses and building appearances would result in an attractive project that would contribute to the area's attractiveness, the site's economic success, and the region's vitality. The Planning Board may require supplemental environmental review for specific uses not contemplated in the generic environmental review process to ensure the compatibility of the use, as well as establish proper safeguards for such uses.
 5. The Infrastructure Plan prepared for/by the County should make provision for inclusion of several smaller lease lots to encourage use of the site by smaller local businesses.

Zoning

1. The proposed action does not include any change in the existing APDD zoning of the site; it involves the establishment of a Master Plan and refinements of the current APDD zoning which reduces the potential utilization of the site. The proposed action is based on development conforming to the proposed APDD requirements, including promotion of TDRs and PBCs to increase yield while simultaneously using development credits from elsewhere, and thereby helping to support the market in credits.
2. Following approval of the proposed action, it is expected that a number of lots would be leased to individual long-term tenants; the County would continue to own the site and no subdivision is proposed. The County would provide essential infrastructure improvements (e.g., internal roads, sanitary sewers and connections, lighting and drainage systems). When each leased lot is developed, conformance to APDD district building setbacks, parking requirements, and front, side and rear yard standards would be determined through site plan review and conformance with the bulk requirements.

Land Use Plans

1. Pursuant to the analysis presented in the GEIS, the proposed action has been specifically designed and would be required to conform to the requirements of the Town Central Pine Barrens Overlay District and the Aquifer Protection Overlay District with respect to allowed land use types yields, clearing and fertilization. An on-site drainage system would be required for the overall site per Town requirements, the amount of fertilizer dependent vegetation would be limited to 15% of the site, and erosions and sediment controls will be required during construction activity.

2. The proposed action conforms to the recommendations of the Town Comprehensive Plan Update for expanded and upgraded industrial/commercial development of the Gabreski Airport PDD, via the establishment of a comprehensive Master Plan for this district.
3. The proposed project is classified by the Central Pine Barrens Comprehensive Land Use Plan as nondevelopment pursuant to ECL 57-0107(13)(i). Nevertheless, the proposed action conforms to the applicable regulations of the Central Pine Barrens Comprehensive Land Use Plan, as codified in the Town Central Pine Barrens Overlay District and Aquifer Protection Overlay District. The Gabreski APDD is identified in the Central Pine Barrens Plan as a receiving site for transferred development rights; this implies that this site is considered acceptable and appropriate for increased development.
4. Pursuant to the evaluation provided in the GEIS, the proposed action is substantially consistent with the recommendations of the *Suffolk County Gabreski Airport Master Plan*, *Suffolk County Gabreski Airport Business Plan*, and *Suffolk County Industrial and Commercial Incentive Board (ICIB) Plan* which recommend the establishment of a high-quality industrial park at the subject site.

Public Services

The Draft GEIS contained extensive and thorough studies and analyses of the potential for impacts to the various public services on and in the vicinity of the site.

Taxes and Economic Impacts

1. The taxes which the County would collect from the site's tenants are anticipated to offset at least a portion of the increased costs of the various services discussed below. Pursuant to an analysis commissioned by the Suffolk County Department of Economic Development and Workforce Housing (prepared by Martin R. Cantor, CPA, MA) the total projected annual tax revenue would be ±\$502,034, with ±\$343,743 allocated to the school district, conservatively based on a market value of \$125.00/SF and a 90% occupancy of the APDD.
2. The proposed industrial use will provide additional benefits beyond tax revenue, specifically by providing a job base through employment (650 jobs are estimated), construction jobs, investment in materials and services, maintenance jobs, sales tax and income tax.
3. To encourage the health and growth of businesses operating in the Town of Southampton, the County Request for Proposals prepared for the APDD should include provisions that support the relocation/expansion of such businesses at the APDD.

Police Protection, Fire Protection and Emergency Services

1. The proposed project will incrementally increase the potential for need of police services to the site, due to the increased intensity of use of the site. However, the proposed action is not anticipated to significantly impact the existing level of security demand on the SCPD, as surveillance services are already being expended on-site, and these existing services can be increased in frequency and/or intensity. The individual tenants would be free to incorporate appropriate safety/security systems, alarms, private security services, etc. to supplement the SCPD efforts.

2. There would be an incremental increase in the potential for need of the fire protective services of the Westhampton Beach Fire Department, due to the increase in building area and use intensity associated with the proposed action. However, this impact would be offset in consideration of the following:
 - The Westhampton Beach Fire Department will review and provide comments on the overall Infrastructure Plan prepared for/by the County. In addition, each lease lot site

- plan shall be referred to the appropriate Fire District for review and comment during the site plan review process. .
- The buildings would conform to applicable construction and safety standards of the NYS Building Code and Fire Code, including the installation of fire suppression sprinkler systems.
 - As currently required by Town Code, each tenant will conform to requirements of Chapter 85 (Alarm Systems).
 - The County will continue to conform to its requirements regarding fire inspections of the site and individual tenants. Suffolk County will continue to be responsive to Westhampton Beach Fire Department requests for updates (whether periodic or not) regarding specific building occupants, uses and presence/handling procedures of toxic and/or hazardous materials.
 - The County and Town shall pursue reasonable provisions to reduce the number of false and/or false automatic fire alarms, suggested by the Westhampton Beach Fire Department. In the event that excessive false alarms occur at the APDD, the Town may require a monetary contribution to the Fire District to reimburse costs for a 24-hour in-house dispatcher for the fire department.
 - The County will contract SCWA to install and maintain the necessary hydrants in accordance with Town requirements and after referral to the Fire Marshall and Fire District having jurisdiction. In no case shall hydrants be placed more than 1,000 feet apart or more than 500 feet from a building improvement. All fire hydrants shall have National Threads.
3. All roadways will be designed to be the Association of State Highway and Transportation Offices requirements for turning radii and site plan review should evaluate any proposed gates or other potential obstructions for fire protection equipment.
 4. The County has indicated it will work with the Westhampton Beach Fire Department to designate a small portion of property for a substation within the overall Gabreski Airport property if such a substation is becomes necessary.
 5. To improve safety during emergency responds, the County's Infrastructure Plan will specify traffic pre-emption equipment for the signal improvements at CR31 and Wallen Street.

Water Supply

1. Based on SCDHS design criteria, the proposed project would utilize 20,421 gpd of potable water. An additional 3,600 gpd of water is anticipated for irrigation purposes, assuming 15% of the site is fertilized and irrigated. This water volume shall be served by public water and subject to the approval of the SCDHS and the SCWA.
2. SCWA has provided correspondence dated August 8, 2006, indicating that the agency is ready to provide water to facilitate the development of the Airport PDD. SCWA has indicated that if future development at the Airport PDD requires modifications to SCWA's distribution system or capital improvements to increase the amount of water available to serve the PDD or for fire flow purposes, the improvements will be made provided their cost is paid by the sponsor of the project which necessitated such improvements.
3. During site plan review, the Planning Board shall solicit comments from the Fire Marshal, Fire District and SCWA for determining the adequate water main sizing and design. The Infrastructure Plan prepared by/for Suffolk County shall include a looped water main, sized to provide water service and fire flow consistent with the proposed building density at peak level occupancy and demand. Such referrals shall also occur during site plan review for individual lease tenants. The proposed water main infrastructure improvements will require Suffolk County Department of Health Services (SCDHS) review and approval.

Wastewater Treatment

1. The Gabreski APDD will utilize the existing airport STP for treatment and disposal of sanitary wastewater in order to use an existing off-site treatment facility planned and designed to include the subject site. This facility has a design capacity of 100,000 gpd, and an average influent of 10,000 gpd, leaving 90,000 gpd of available capacity.
2. Pursuant to correspondence from the County dated September 15, 2006; the County has set aside ±48,000 gpd of capacity for the APDD. This facility is operated by the SCDPW, and its treatment processes, effluent limitation conformance, and operational performance are also subject to review by the SCDHS, as well as permitting by the NYSDEC under the State Pollutant Discharge Elimination System (SPDES) Program.
3. Suffolk County would be responsible to maintain compliance with the SPDES program through plant modification (if necessary), operation and permitting as flow from the Gabreski APDD is increased over time.

Solid Waste Handling and Disposal

1. Solid waste generated daily by the proposed action would be removed by private carters and disposed of at an approved facility, at the expense of the tenants.
2. Any hazardous or toxic wastes present would be removed by carters licensed by New York State and disposed of at facilities approved by the NYSDEC in accordance with applicable procedures and requirements.

Energy

1. Development associated with the proposed action would increase the level of electrical and natural gas consumption in the area; it is anticipated that LIPA and KeySpan Energy would be able to provide adequate energy supplies.
2. The Infrastructure Plan prepared by/for Suffolk County will evaluate the existing energy service networks in the area and identify any improvements necessary to serve the site.

Community Character

The Draft GEIS contained extensive and thorough studies and analyses of the potential for impacts to the character of the site and community.

Visual Resources

1. Under existing conditions the majority of the site is presently cleared, the buildings are visible from CR 31, and are low and widely-scattered, resulting in views into the site that are of an unattractive, barren and impacted property. The sparse fringing natural vegetation along CR 31 does not effectively screen the site's interior from outside observers.
2. Use of vegetated buffer (minimum 80' wide) and an earthen berm is planned along the length of the western property frontage with C.R. 31 to supplement the existing vegetated areas, extend the natural pine barrens character of the roadsides from the north, shield the buildings (particularly the rear facades) and parking areas from cars traveling on C.R. 31, and reduce noise generated from traffic.
3. A substantial amount of landscaping would be provided by the proposed project, both between buildings and along the entire perimeter of the developed area. The County's Infrastructure Plan will include details of proposed landscaping along CR 31 and the internal site roadways. Landscaping plans for individual tenants will also be required and subject to review by the Town Planning Board during the site plan review process.
4. The buildings are expected to average 1 story in height, and would be set well back from CR 31 amid landscaping and parking areas. The Master Plan provides recommendations with

respect to the types, colors and textures of building materials, would be appropriate to the area in terms of aesthetics such that all structures would be designed in an architectural style which would complement the "campus style" development style desire for the site. Overall, the Master Plan recommendations should be consulted during site plan preparation to ensure coordinated building placement and compatible facade treatment, coordinated, well-placed and interconnected parking areas, sidewalks, landscaping and overall improved design.

Cultural Resources

1. Review of the OPRHP records does not indicate the presence or proximity of identified or suspected cultural resources on the site or in the vicinity. As a result, no impacts to cultural resources is anticipated.

Noise

1. The 58.6-acre project site is in an area zoned for industry, and is part of a regional airport property. The subject site lies between CR 31, a county highway, and the airport and, as a result, is currently subject to high noise levels.
2. The nearest residence is approximately 3,900 feet to the west, and there are no sensitive receptors in proximity to the site. The project is not expected to generate excessive noise levels, especially in the context of its surroundings.
3. Based on the types of land uses proposed, it is anticipated that the majority of noise impacts would occur during construction of the project. The construction phase would include site clearing, grading and building activities that would result in temporarily elevated noise levels. These noise levels would vary based on the type of construction equipment being used; it should be noted that heavy equipment typically utilized during the site preparation phase results in the highest levels of noise. Equipment-related construction noise is expected to be in the range of 75 to 95 decibels, A-weighted scale (dBA). Construction activities would not occur in proximity to residential areas, as none are nearby.
4. Construction activities would occur five (5) days a week, during normal daytime hours, and for a limited period of time. Therefore, while temporary noise impacts are to be expected, no significant long-term noise impacts due to construction are expected.
5. In the long term, it is anticipated that minor levels of noise may be generated by activities associated with the industrial tenants. However, the significant distances between these sources and potential residential receptors would, in consideration of the thickness and depth of natural vegetation and presence of intervening structures (as well as noise generated by the adjacent Gabreski Airport), dissipate and/or mask any noises that may be generated on-site. In consideration of these factors, no significant long-term noise impacts are anticipated.

CERTIFICATION OF FINDINGS TO APPROVE/UNDERTAKE

Based upon the information contained in the Final EIS, as outlined in these Findings and the supporting documentation provided, the Southampton Town Board hereby finds that the proposed action minimizes potential environmental impacts and would provide the necessary balance between the protection of the environment and the need to accommodate social and economic considerations. Therefore, having considered the Draft GEIS, the Final GEIS and having further considered the foregoing written facts and conclusions relied upon to meet the requirements of 6NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6NYCRR Part 617 have been met.

2. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the proposed action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable, including the effects disclosed in the Final Environmental Impact Statement.
3. Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Final Environmental Impact Statement process would be minimized or avoided by adoption of the proposed plan and by incorporating as conditions to the decision those mitigative measures which are practicable contained herein.

The Town Board, pursuant to 6NYCRR Part 617.11 has prepared the Findings stated herein and shall cause it to be filed in accordance with 6NYCRR Part 617.12(b).

Copies of this Statement have been filed with:

NYSDEC, Office of the Commissioner, Albany
NYSDEC, Regional Office, Stony Brook
Environmental Notice Bulletin
Suffolk County Department of Economic Development and Workforce Housing
Suffolk County Department of Health Services
Suffolk County Department of Public Works
Suffolk County Water Authority
Suffolk County Planning Commission
Patrick Heaney, Supervisor, Town of Southampton
Town Board, Town of Southampton
Town Clerk, Town of Southampton
Planning Board, Town of Southampton
Jefferson Murphree, Administrator, Town Department of Land Management
Southampton Town Transportation Commission
Superintendent, Westhampton Beach UFSD
Westhampton Beach Fire District
Westhampton Beach Board of Trustees
Central Pine Barrens Joint Planning & Policy Commission
CAC West
Westhampton War Memorial Ambulance Corp
Parties of Interest

EXHIBIT B

**State Environmental Quality Review Act
Findings Statement**

**GABRESKI AIRPORT PLANNED DEVELOPMENT DISTRICT
MASTER PLAN & ITS IMPLEMENTING REGULATIONS**

Suffolk County Legislature

Name of Action: *Establishing review process and future actions by Suffolk County in conjunction with the Town of Southampton's Gabreski Airport Planned Development District (APDD) Master Plan*

Lead Agency: *Town Board of the Town of Southampton
116 Hampton Road
Southampton, NY 11968*

Involved Agency: *Suffolk County*

Contact Person: *Tom Isles, Director
Suffolk County Planning Department – 4th floor
PO Box 6100
Hauppauge, New York 11788-0099*

*Carolyn E. Fahey
Intergovernmental Relations Coordinator
Suffolk County Department of Economic Development
& Workforce Housing – 2nd floor
PO Box 6100
Hauppauge, New York 11788-0099*

***This Findings Statement has been prepared in accordance with Article 8 of the
New York Conservation Law and Chapter 279 of the Suffolk county Code***

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INTRODUCTION

Suffolk County Department of Economic Development and Workforce Housing and the Suffolk County Department of Planning have prepared these findings related to the significant issues identified in the Draft and Final Generic Environmental Impact Statement (GEIS) prepared for the proposed action by the Town of Southampton as Lead Agency.

LOCATION

The subject property is approximately 58.6 acres in size and occupies the west-central portion of the overall 1,486±-acre Gabreski Airport property; the subject site is located on the eastern side of CR 31, Old Riverhead Road, opposite Stewart Avenue, on the north and south sides of Walden Avenue, on the west side of Sheldon Way and north of Cook Street. The tax lot designation of the airport is District 0900, Section 312, Block 1, Lot 4.2. Gabreski Airport (including the Gabreski Airport APDD) is owned by Suffolk County.

The airport is bordered by the Long Island Rail Road (LIRR) to the south and CR 31 (Old Riverhead Road) along the western property boundary. The majority of land surrounding the airport to the north and east are preserved New York State (NYS), Suffolk County, and Town of Southampton lands, including the Quogue Wildlife Refuge immediately adjacent to the east.

The subject site is within or subject to restrictions of the following service and planning entities:

- Westhampton Beach Union Free School District (UFSD)
- Westhampton Beach Fire District
- Town Police Department
- Suffolk County Department of Economic Development & Workforce Housing
- Suffolk County Department of Health Services
- Suffolk County Department of Public Works
- Suffolk County Legislature
- Suffolk County Sheriff
- Suffolk County Water Authority (SCWA)
- New York State Police
- Long Island Power Authority (LIPA)
- National Grid/KeySpan
- Verizon
- Gabreski APDD
- Groundwater Management Zone III (300 gpd/acre)
- Town Central Pine Barrens Overlay District
- Town Aquifer Protection Overlay District
- ~~Central Suffolk Special Groundwater Protection Area (SGPA)~~
- Central Pine Barrens Zone, Compatible Growth Area (CGA)

The project site is within the Central Pine Barrens Zone's CGA. However, in 1996 the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) determined that redevelopment of the subject site with light industrial development of the type represented by the proposed project "...is considered nondevelopment pursuant to ECL 57-0107(13)(i)". Thus, the proposed project would not be subject to further review for conformance with the Central Pine Barrens Comprehensive Land Use Plan. Nevertheless, the proposed project conforms to the standards and guidelines of the Plan, thereby minimizing the potential for adverse environmental impacts in the CGA.

BRIEF PROJECT HISTORY & OVERVIEW

The Gabreski Airport is owned and operated by Suffolk County, thereby providing a unique opportunity for the Town and County to situate quality industrial development and mixed complementary uses on a site well-suited for growth. The 58.6-acre site has been designated by the Town of Southampton as a Planned Development District (PDD) under Section 330-248 of the Town Code to establish a general vision of the type of growth that would be suitable for this site. In 2002, the Town retained Nelson, Pope & Voorhis to prepare a Master Plan to create a comprehensive vision for development of the APDD intended to coordinate future development, foster compatible future land uses, and provide direction and guidance for the County, the Town, and prospective developers. The Master Plan reviews site resources, constraints and opportunities for the orderly growth of the site. The Master Plan would be used to focus efforts by both the Town and County to solicit and locate appropriate non-aviation based business development within the established standards and guidelines.

The Master Plan recognizes the current and potential use opportunities associated with the Airport, existing utilities, density transfer receiving site potential, and Town as well as County needs and desires toward this facility. Key to this project is the close coordination and establishment of common interests and common goals of the Town and County. The completion of this Plan is expected to assist with marketing and efficiency of project review; specifically, the pre-determination of uses and general design would provide greater certainty and guidance to facilitate the identification and approval of quality tenants on the site. In addition, uses that are consistent with the Master Plan and GEIS would not be subject to further SEQRA review and would undergo a more expedited review process given their conformance with use and design guidelines under the plan. The Master Plan creates standards and guidelines for:

- Site uses;
- Dimensional & Yield regulations;
- Coordinated building development;
- Site parking, recharge and utility needs and coordination;
- Architectural elements;
- Streetscape elements;
- Landscape elements; and
- General design guidelines.

It is recognized that use opportunities should support and inter-relate with the general PDD such that internal self-sustaining uses are provided that would not detract from or compete with local business or downtown areas.

Based on the recommendations in the Master Plan, a set of proposed amendments to the Southampton Town Zoning Code were sponsored by the Town Board of the Town of Southampton. These amendments were intended to provide land use regulations controlling development in the Gabreski Airport Planned Development District (APDD), which was established previously by the Town Board. The Draft and Final GEIS's were prepared as a result of these proposed amendments.

The Draft GEIS described and discussed the proposed amendments, the anticipated environmental impacts of this proposed action, and presents the measures taken to mitigate those adverse impacts of these regulations, if any. The Final GEIS contained the transcripts of the public hearings held on the Draft GEIS and the proposed Master Plan, as well as the written comments on those two documents; the Final GEIS also contained a description and analysis of the potential impacts of revisions made to the Master Plan as a result of those public and agency comments.

On June 26, 2007 (resolution # 2007-914) the Town of Southampton adopted the APDD Master Plan and on June 26, 2007 (resolution # 2007-913) as SEQRA Lead Agency the Town of Southampton accepted the Final GEIS and adopted the associated Findings Statement.

DESCRIPTION OF ACTION

The 58-acre Gabreski Airport Planned Development District was originally created and adopted in the Town Zoning Code in 1998 as Section 330-248. The PDD allows numerous industrial uses specified by Standard Industrial Code (SIC), and permits development to a building coverage of 20% and three (3) stories (maximum building height of 40 feet). It is estimated that under current zoning, the full build-out of the existing APDD is 1.5 million square feet. The proposed project is intended to provide a Master Plan for more cohesive and coordinated development in terms of architecture, landscaping and site design. The Master Plan also provides for an overall design coordination of entrance and road connections. Further goals of the Master Plan are to provide a more appropriate list of allowed and special permit uses, and to establish controls on the floor area ratio (FAR) of development, which would provide a better form of control. The Master Plan also provides procedures for inter-agency coordination of leases and site plan development to facilitate proper development and improved communication and end product. Finally, the Master Plan and GEIS provide a means to redeem Pine Barrens Credits to preserve Pine Barrens and allow appropriate intensification of use at the APDD under established guidelines.

The proposed action is the establishment of a review process and future actions by Suffolk County in conjunction with the Town of Southampton's Airport Planned Development District Master Plan for development within the Gabreski APDD, now known as the Hampton Business and Technology Park. However, in order to provide a basis for analysis and discussion of impacts associated with development resulting from this plan, the Draft GEIS assumed conforming industrial uses for the site, with the reasonable, hypothetical maximum yields. For purposes of analysis, it was anticipated that the Gabreski APDD would be developed with a total of 510,500 square feet (s/f) of industrial floor area, along with associated accessory parking, parking isles, access roadways and drainage to be distributed into a campus-like setting based upon the number of buildings to be built. Subsequent to the public hearings on the Draft GEIS, and as a result of comments from the involved agencies and the public, the Town and the County came to a consensus on a number of revisions to the Master Plan and proposed APDD zoning

amendments. These revisions are intended to reduce potential impacts and/or respond to comments on the Draft GEIS and are described and discussed below.

Yield

Under the existing APDD zoning, approximately 1.5 million square feet of industrial/office uses could be achieved at the site (20% building coverage and 3 story buildings) without transferring/extinguishing Pine Barrens Credits (PBC's). The need to limit the maximum future development of the APDD without additional SEQR analysis is recognized by the County. Therefore, the APDD legislation establishes a maximum development limit of 510,500 gross SF for the overall APDD, with each lease area having a floor area ratio (FAR) cap of 0.2. This 0.2 FAR is to be applied to each leased lot in order to determine the allowed yield as each lot is mapped.

Increases in Yield

In keeping with the policies set forth in the Central Pine Barrens Plan and the Town's Central Pine Barrens Overlay District, transfer of additional yield to individual lease lots would continue to be permitted through the transfer of Pine Barrens credits or development rights, so long as the total gross floor area of the APDD does not exceed 510,500 gross SF. The following are the mechanisms whereby this can be accomplished.

- an increased amount of building Gross Floor Area (GFA) can be achieved by redeeming PBCs at a rate of 1PBC/5,000 Gross Square Foot (GSF), to a maximum of 5% of each lease lot.
- the maximum allowed building height of 35 feet (and 50 feet for motion picture production uses) can be exceeded, by redeeming one (1) PBC for each additional 100,000 cubic feet (CF) of building volume, to a maximum building height of 50 feet (56 feet for motion picture production uses).
- the maximum gross floor area of a building may be increased up to 25% resulting in an increase in FAR within a leased area if the entirety of such building is built and certified to a Leadership in Energy and Environmental Design (LEED) Green Building Rating System Gold Standard and the maximum total gross floor area of 510,500 SF for the overall APDD is not exceeded.

Permitted & Special Exception Uses

The list of uses has been streamlined by automatically permitting categories of desired uses, prohibiting all aviation related uses, and requiring Special Exception approval for only a limited number of uses in the APDD. The amended APDD would continue to limit retail and service uses to be accessory and incidental to a primary use, to a maximum of 5% of the total gross floor area of each use (note that "retail" use does not include food service, such as a delicatessen; see below). This is done in order to ensure that the site is utilized for light industrial/business development and does not compete with the retail and service uses within surrounding hamlets and downtowns. Note that for purposes of this APDD, food service is not considered to be a retail use. Food service is specifically an allowed use in this APDD; however the amount of GFA is limited to a maximum of 5,000 SF exclusive of any restaurant associated with a hotel within the overall 58 acre APDD parcel.

Building Height

The maximum allowed as-of-right building height in the APDD has been revised to be two stories and 35 feet. However, this limit may be increased to a maximum of 50 feet by use of Pine Barrens Credits, or by construction to the LEED Gold Standard. A movie, film or other digital media studio (due to the nature of these uses) may exceed the 35-foot height requirement up to a maximum of 56 feet by use of Pine Barrens Credit, or

by construction to the LEED Gold Standard. In no case shall the total gross floor area of all buildings within the APDD exceed 510,500 SF or the height exceed 2 stories.

FACTS, CONCLUSIONS AND MITIGATION MEASURES CONTAINED WITHIN THE DRAFT & FINAL GEIS'S RELIED UPON TO SUPPORT SUFFOLK COUNTY'S DECISION

The following is a synopsis of the conclusions of Suffolk County with regard to the environmental impacts associated with the subject action. These conclusions are based upon a review of the Draft GEIS, the Final GEIS and public commentary, as well as all other relevant planning, zoning and environmental information.

Geological Resources

Soils

1. The two soil types identified in the Suffolk County Soil Survey, (Carver and Plymouth sand and Cut and Fill Land) pose "moderate" to "severe" limitations for development, due specifically to slopes and a sandy surface layer. However, the majority of the site (approximately 90%) is covered by "Cut and Fill Land", which is produced by disturbing the native soils during previous clearing and grading operations. This removal of the native surface soils has resulted in the exposure of an underlying loamy sand material, which is characteristically unstable and barren.
2. The CuB soil type poses moderate and severe limitations for development, though the limiting characteristics of these soils, slopes and a sandy surface layer, can be addressed through site design such that these conditions would not be an impediment to development. Only localized slopes exist and these areas have been previously disturbed and would be properly graded in connection with new development. Foundations would extend to stable native soils and the surface layer would either be established in parking or landscaping. Parking lots would be placed on stable or compacted soils and landscaped areas would be supplemented with topsoil and proper plant installation techniques.
3. The CpA soil, which presents a severe limitation due to the sandy surface layer, would be left natural, properly regraded or supplemented for landscape purposes so that limitations would not pose a constraint on site use.
4. Installation of native or native-compatible vegetative species would provide a means of stabilizing the site's exposed soils to prevent erosion as soon as practicable following clearing and grading.
5. As part of the site plan review process for individual parcels, adherence to the erosion and stormwater control standards and guidelines of the NYSDEC would ~~significantly reduce the potential for adverse impacts to the site's~~ soils during and after construction. The construction operations are not anticipated to result in significant adverse impacts to soils, and soils with limitations on development would be managed such that these conditions would not have an impact on construction or long-term site occupancy

Topography

1. As the site is already partially developed and in the past has been almost completely disturbed, minimal additional grading is anticipated, so that impacts to site topography are not expected.
2. Suffolk County shall prepare or cause to prepare an Infrastructure Plan depicting the internal site improvements proposed including roads, sidewalks, street trees, site furniture including bus shelter(s), drainage improvements, water main and underground utility (electric, telephone and cable) extensions, hydrants, street lighting, landscaping and landscaping berms, irrigation, bike lanes, signage and access improvements on or in the vicinity of CR 31. The Infrastructure Plan may be phased and shall be subject to review and approval of the Town of Southampton Engineer and Planning Board. Infrastructure required to access and operate within a leased area shall be in place prior to the issuance of any Certificate of Occupancy for the leased area building.
3. Each specific use will be subject to site plan review, which will consider proper site grading through planning and engineering review.
4. Grading may be necessary to achieve suitable elevations for the proposed development. Typical site planning would result in newly created slopes of 1:3 or less, and proper soil stabilization and erosion control for each individual site. Efforts should be made to reduce the amount of cut and balance cut and fill across the site. If excess material results, it will be exported from the site using roll-off container trucks during normal daytime weekday hours over the course of several weeks, and thus represents a short-term/temporary impact that would be dispersed over daily hours and thus is not expected to be significant. As a result, grading activities are not expected to cause a significant adverse impact with respect to topography.
5. A Stormwater Pollution Prevention Plan ("SWPPP") will be prepared for the NYSDEC General Permit for Stormwater Discharges from Construction Activities (NYSDEC Permit No. GP-02-01, General Permit), and this SWPPP will include the appropriate erosion and sedimentation controls and water quality and quantity controls to minimize the impacts to land during construction.

Groundwater Resources

The Draft GEIS contained extensive and thorough studies and analyses of the potential for impacts to water resources on and beneath the site from operation of the proposed project, as well as for impacts to resources downslope and downgradient.

Hydrogeological Conditions

1. Development of the site will result in the installation of impervious surfaces ~~consisting of buildings and paved parking areas, which will significantly~~ increase the volume of stormwater generated. Stormwater generated on these surfaces will be retained on-site through drainage systems designed in accordance with Town standards.
2. There is adequate depth to groundwater (a minimum of 22 feet from the site's existing low point, a recharge basin that would be filled) to allow for the proper functioning of the stormwater recharge system.

3. Based on the SONIR computer model results for the proposed project, a total of 48.64 MGY of water would be recharged on the site. This represents a 2.6% increase in recharge generated on the property, as compared with the existing recharge volume of 47.40 MGY. Of this anticipated recharge volume, stormwater would account for 99% and irrigation for 1%. Given the depth to groundwater and soil permeability of glacial till soils in the area of the site, it is not anticipated that this increase in volume would be sufficient to cause a significant rise in the water table in the area, nor in any change in the regional direction of groundwater flow.

Groundwater Quality

1. The proposed action is for an APDD in which industrial uses are specifically proposed. While the occupants are not known at this time, it is possible that toxic and/or hazardous chemicals may be stored, used or generated by these tenants. In such a case, conformance with the Suffolk County Sanitary Code (CSC) would be required; Article 7 prohibits and limits storage of restricted toxic and hazardous materials in deep recharge zones (which includes the subject site), and Article 12 regulates handling and storage of toxic and hazardous materials. Separately and in combination, these regulations minimize the potential for impacts to groundwater resources.
2. The Suffolk County Department of Health Services is in the process of awarding a contract for design of the remediation necessary at the APDD and will ensure that the cleanup is accomplished. According to Suffolk County, the design will be based upon the completed work plan.
3. The Gabreski APDD would utilize the existing airport Sewage Treatment Plant (STP) for treatment and disposal of sanitary wastewater in order to use an existing off-site treatment facility planned and designed to include the subject site. Pursuant to correspondence from the County dated September 15, 2006, the County has set aside 48,000± gallons per day (gpd) of capacity for the APDD. This facility is operated by the Suffolk County Department of Public Works (DPW) and its treatment processes, effluent limitation conformance, and operational performance are also subject to review by the SCDHS, as well as permitting by the NYSDEC under the State Pollutant Discharge Elimination System (SPDES) Program. A SPDES permit has been issued. Suffolk County would be responsible to maintain compliance with the SPDES program through plant modification (if necessary), operation and permitting, as flow from the Gabreski APDD is increased over time. This wastewater treatment scenario is the most environmentally- acceptable method of waste handling for the proposed project. As a result, it is not anticipated that any significant adverse impacts to groundwater quality are anticipated from recharge of sanitary wastewater.
4. The concentration of nitrates (as nitrogen) in site-generated recharge would be increased by the proposed action, due primarily to the presence of nitrogen in lawn fertilizers (sanitary wastewater would be treated off-site). Specifically, overall nitrogen concentration would be increased to 0.33 mg/l, from its current level of 0.02 mg/l (conservatively assuming the maximum of 15% fertilizer usage). This is less than the NYS 10 mg/l nitrogen standard for drinking water, and therefore no significant adverse impacts are expected from nitrogen in recharge. This concentration assumes the applicable SCDHS design flow standard for industrial development. Nitrogen in stormwater accounts for 6.8% of this concentration, irrigation represents 0.5% and fertilization accounts for 92.7%.

Water Resources Plans and Studies

1. Long Island Comprehensive Waste Treatment Management Plan - The proposed action would conform to the recommendations of the 208 Study by utilizing an existing SCDPW-operated STP to treat and recharge all sanitary wastewater generated by the project. In addition, and as recommended by the Study, the proposal would utilize an on-site drainage system designed by Suffolk County to handle stormwater from the roads system (drainage from individual lease/development parcels would be reviewed by the Town) and would minimize fertilizer use by restricting acreage of fertilizer-dependant landscaping to a maximum of 15% of the site (8.8 acres).
2. Central Suffolk Special Groundwater Protection Area (SGPA) Plan - The proposed project conforms to the applicable recommendations of the SGPA Plan, in that its primary potential impact to groundwater quality, from recharge of sanitary wastewater, would be eliminated by use of an off-site, SCDPW-operated STP. In addition, the potential for impact from lawn/landscaping fertilizers would be minimized by limiting the use of such substances to a maximum of 15% of the property, or 8.8 acres.
3. Conformance to Article 6 of the Suffolk County Sanitary Code and adherence to the required SPDES permit provisions for an STP would mitigate potential impacts. Use of an existing STP (which was designed, built and is being operated under the review of the County), and design, review and installation of a proper drainage system would further mitigate potential impacts to groundwater quality. Limiting maintained landscaping to up to 15% of the site would reduce the potential for adverse impacts from lawn chemical usage.

Ecological Resources

The Draft GEIS contained extensive and thorough studies and analyses of the potential for impacts to ecological resources on and in the vicinity of the site. Following are discussions from that document in regard to potential impacts:

Vegetation

1. The majority of the subject site was cleared in the past for the prior use, with untended lawn becoming the dominant vegetation type, resulting in minimal habitat acreages and quality on the property.
2. The project site is within the Central Pine Barrens Zone's Compatible Growth Area (CGA). However, the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) determined that redevelopment of the subject site with light industrial development of the type represented by the proposed project "...is considered nondevelopment pursuant to ECL 57-0107(13)(i)". Thus, the proposed project would not be subject to further review for conformance with the Central Pine Barrens Comprehensive Land Use Plan. Nevertheless, the analysis presented in the GEIS establishes that the proposed project conforms to the standards and guidelines of the Plan, thereby minimizing the potential for adverse environmental impacts in the CGA.
3. Only a small area in the site's northwestern corner retains its original natural vegetation (approximately 3.9 acres, 6.6% of the property). Preservation of the existing vegetation in this area will be considered and implemented as practicable during the site plan review by the Town Planning Board. An 80-foot buffer will be retained along CR 31 that would include landscaping in existing

open areas and retention of 1.2 acres of natural vegetation in the northwestern corner of the site.

4. The proposed project would result in coverage's of 11.7 acres of buildings, 12.7 acres of pavement, 24.2 acres of unfertilized lawn/landscaping, 8.8 acres of maintained (fertilized and irrigated) landscaping and 1.2 acres of retained natural vegetation. The 34.3 acres of existing vegetation to be cleared (mainly untended lawn) would be replaced by substantial amounts of native landscaping species, of which a maximum of 15% (8.8 acres) would be fertilized. Native and native-compatible landscape species listed in the Central Pine Barrens Comprehensive Land Use Plan would be utilized in landscape plantings.

Wildlife

1. The majority of the subject site was cleared in the past for the prior use, with untended lawn becoming the dominant vegetation type, resulting in minimal habitat acreages that is not generally expected to support wildlife species. The small amount of natural vegetation is located on the site's boundary, so that its partial removal would not cause fragmentation of habitat.
2. The majority of wildlife activity would be expected to be transient individuals and species tolerant of human activity. As with any development activity, less-mobile individuals would be impacted (this may include small mammals inhabiting field areas); however, no endangered, threatened or special concern species are expected in association with the site. Common species abundant in commercial/industrial areas include primarily mobile avian species and a low wildlife population density is expected on this site. Therefore, the effects of the development on wildlife populations are not expected to be significant, as no significant level of wildlife use is expected.
3. The site does not offer wildlife corridors between adjacent woodlands, so that the proposed project would not impact wildlife movement.
4. After development occurs, the proposed project would favor those species that prefer edge and suburban habitats and particularly those that are tolerant of human activity. During construction, most species of wildlife would be expected to migrate to undisturbed areas in the vicinity, and after development landscaping and permanent site use may result in a greater wildlife population and diversity.

Transportation Resources

1. The Draft GEIS contained a detailed, professionally prepared traffic impact study, intended to determine whether and to what extent traffic impacts would occur due to the proposed project.
2. A single site access driveway via Wallen Street, which is located on the east side of Old Riverhead Road opposite Stewart Avenue is proposed. The Infrastructure Plan Prepared by Suffolk County shall include details of the proposed access improvements and be subject to review by the Town Engineer and approval by Suffolk County DPW.
3. The expected maximum total site generated trips that the proposed 510,500 SF industrial park will generate is 501 trips during the AM peak hour (416 entering, 85 exiting) and 518 trips during the PM peak hour (109 entering, 409 exiting).

4. The Traffic Study found that the intersection of Old Riverhead Road at Montauk Highway would not experience any change in level of service (LOS) due to a proposed 510,500 SF industrial park. The Year 2010 Build Traffic Volumes indicate that the intersection would remain at the existing LOS C during both the AM and PM peak periods. The individual movements would not change between the No Build and Build Conditions during either peak hour.
5. Due to the additional volume projected from the 510,500 SF industrial park, the Year 2010 Build Traffic Volumes indicate that the intersection of Old Riverhead Road at Stewart Avenue/Wallen Street, utilized as the site access, would experience an overall reduction in LOS from 'B' in the Existing and No Build Conditions to 'D' during the AM peak hour and from 'B' to 'E' in the PM peak hour. The most significant increase in delay occurs at the southbound left-turn movement entering the site during the AM peak hour and the westbound right-turn movement exiting the site during the PM peak hour.
6. Modification of the signal at Old Riverhead Road at Stewart Avenue/Wallen Street is necessary to reduce delay to the southbound and westbound approaches. The improvements consist of a protected/permissive southbound left turn phase, a concurrent westbound overlapping right turn phase, and an increase to the cycle lengths to accommodate the additional phases. These improvements would improve the intersection operations from LOS D/E to LOS B.
7. The Infrastructure Plan prepared by/on behalf of Suffolk County shall include a phasing plan that specifically identifies the phase where the required signal modifications will be completed. The Phasing Plan will be subject to review and approval of Suffolk County DPW and the Town Engineer.
8. Additional improvements (specifically a second left-turn lane) to the Old Riverhead Road at Stewart Avenue/Wallen Street south bound left-turn volume may be necessary if the traffic volume is greater than the estimated Year 2010 Build Traffic Volumes (358 vehicles). The Final EIS suggested a supplemental review occur at 75% of the maximum 510,500 SF build- out. If a proposed project brings the traffic count/assessment above that noted in the FGEIS, the County will prepare or will have prepared a supplemental traffic impact assessment.
9. Provision for a bus shelter either along CR 31 or within the APDD should also be considered during future improvement plans to CR 31 or in the County's Infrastructure Plan prepared for the APDD.

Land Use, Zoning and Plans

The Draft GEIS contained thorough discussions and analyses of the potential for impacts to the patterns of land use and zoning in the vicinity, as well as to the potential for impact on the applicable recommendations of the various land use plans and studies which apply to the APDD site.

Land Use

1. The proposed action would result in redevelopment of an existing, developed (though underused) industrial property adjoining a regional airport and across from other industrial properties to the west, along CR 31. In this sense, there would be no change in the type of land use of the site, though the intensity of that industrial usage would be increased by the project.

2. Future development, while an increase in intensity, would be the result of collaborative planning effort undertaken by the Town and County specifically for this parcel. The overall proposal is designed to locate high-quality industrial/commercial uses in a campus like setting, on a well-located site served by the necessary infrastructure.
3. The Gabreski APDD Master Plan provides guidelines and recommendations for building design, access and architectural appearances so that the potential for adverse visual impacts from dissimilar, unattractive building appearances would be minimized. The RFP designed by the County will request those developers interested in installing the required infrastructure to include amenities compatible with a campus style with creative features to be utilized by the employees of the site including but not limited to trails, open space, etc.
4. The uses identified as permitted by the Master Plan were selected to minimize or eliminate the potential for offensive or otherwise undesirable or inappropriate tenants to occupy the site. These provisions for compatible uses and building appearances would result in an attractive project that would contribute to the area's attractiveness, the site's economic success, and the region's vitality.
5. The Suffolk County DPW shall be the permitting agency for any work that may be performed at the intersection of CR31 and Wallen Street, CR31/CR80 intersection and any other work that may be required along the County Road ROW of CR31. This work is not limited to traffic signal construction, highway infrastructure work and or all utility work.

Zoning

Development at the site will be in accordance with Southampton Town's ADPP zoning and it's associated Master Plan.

Land Use Plans

1. Pursuant to the analysis presented in the GEIS, the proposed action has been specifically designed to conform to the requirements of the Central Pine Barrens Comprehensive Land Use Plan as well as the Town's Central Pine Barrens Overlay District and the Aquifer Protection Overlay District with respect to allowed land use types, yields, clearing and fertilization. An on-site drainage system would be required for the overall site per Town requirements, the amount of fertilizer dependent vegetation would be limited to 15% of the site, and erosions and sediment controls will be required during construction activity.
 2. The proposed action conforms to the recommendations of the Town Comprehensive Plan Update for expanded and upgraded industrial/commercial development of the Gabreski Airport PDD, via the establishment of a comprehensive Master Plan for this district.
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3. The proposed project is classified by the Central Pine Barrens Comprehensive Land Use Plan as non-development pursuant to ECL 57-0107(13) (i). Nevertheless, the proposed action conforms to the applicable regulations of the Central Pine Barrens Comprehensive Land Use Plan, as codified in the Town Central Pine Barrens Overlay District and Aquifer Protection Overlay District. The Gabreski APDD is identified in the Central Pine Barrens Plan as a receiving site for transferred development rights; this implies that this site is considered acceptable and appropriate for increased development.

4. Pursuant to the evaluation provided in the GEIS, the proposed action is substantially consistent with the recommendations of the Suffolk County Gabreski Airport Master Plan Suffolk County Gabreski Airport Business Plan, and Suffolk County Industrial and Commercial Incentive Board (ICIB) Plan which recommend the establishment of a high- quality industrial park at the subject site.

Public Services

The Draft GEIS contained extensive and thorough studies and analyses of the potential for impacts to the various public services on and in the vicinity of the site.

Taxes and Economic Impacts

1. The taxes which the County would collect from the site's tenants are anticipated to offset at least a portion of the increased costs of the various services discussed below. Pursuant to an analysis commissioned by the Suffolk County Department of Economic Development and Workforce Housing (prepared by Martin R. Cantor, CPA, MA) the total projected annual tax revenue would be ±\$502,034, with ±\$343,743 allocated to the school district, conservatively based on a market value of \$125.00/SF and a 90% occupancy of the APDD.
2. The proposed industrial use will provide additional benefits beyond tax revenue, specifically by providing a job base through employment (650 jobs are estimated), construction jobs, investment in materials and services, maintenance jobs, sales tax and income tax.

Police Protection, Fire Protection and Emergency Services

1. The proposed project will incrementally increase the potential for need of police services to the site, due to the increased intensity of use of the site. However, the proposed action is not anticipated to significantly impact the existing level of security demand on the Southampton Police Department, as surveillance services provided by Suffolk County Sheriff are already being expended on-site, and these existing services can be increased in frequency and/or intensity. The individual tenants would be free to incorporate appropriate safety/security systems, alarms, private security services, etc. to supplement the police department's efforts.
2. There would be an incremental increase in the potential for need of the fire protective services of the Westhampton Beach Fire Department, due to the increase in building area and use intensity associated with the proposed action. However, this impact would be offset in consideration of the following:
 - The Westhampton Beach Fire Department will review and provide comments on the overall Infrastructure Plan prepared for/by the County, as submitted to Southampton Planning for compliance with all applicable State Buildings and Fire Codes. In addition, each lease lot site plan shall be referred to the appropriate Fire District for review and comment during the site plan review process.
 - The County will continue to conform to its requirements regarding fire inspections of the site and individual tenants. Suffolk County will continue to be responsive to Westhampton Beach Fire Department requests for updates (whether periodic or not) regarding specific building occupants, uses and presence/handling procedures of toxic and/or hazardous materials.
 - The County and Town shall pursue reasonable provisions to reduce the number of false and/or false automatic fire alarms, suggested by

the Westhampton Beach Fire Department. As currently required by Town Code, each tenant will conform to requirements of Chapter 85 (Alarm Systems).

- The County will contract with SCWA to install and maintain the necessary water services in conformance with County and local standards.
3. All roadways will be designed in compliance with local and county standards.
 4. The County has indicated it will consider designating a small portion of property for a fire substation within the overall Gabreski Airport property if such a substation is deemed necessary by the County.
 5. The Town of Southampton is in the process of evaluating a proposed town wide emergency vehicle preemption (EVP) system at their traffic signals. The County does not install EVP systems on a new traffic signal unless it is part of a corridor of traffic signals that the Town has already installed EVP systems. The traffic signal on CR 31, Old Riverhead Road, at Stewart Avenue/Wallen Street is an isolated intersection, nearly one and one-half mile from the signal to the south on CR 31 at CR 80, Montauk Highway. In keeping with the County's standard operating procedures with other towns and villages, the County will include the appropriate cables to facilitate the installation of an EVP system by the Town at some future date in any proposed traffic signal design. This provision will save the Town thousands of dollars in labor costs.

Water Supply

1. Based on SCDHS design criteria, the proposed project would utilize 20,421 gpd of potable water. An additional 3,600 gpd of water is anticipated for irrigation purposes, assuming 15% of the site is fertilized and irrigated. This water volume shall be served by public water and subject to the approval of the SC Department of Health Services (SCDOHS) and the SC Water Authority (SCWA). SCWA has provided correspondence dated August 8, 2006, indicating that the agency is ready to provide water to facilitate the development of the Airport PDD. SCWA has indicated that if future development at the Airport PDD requires modifications to SCWA's distribution system or capital improvements to increase the amount of water available to serve the PDD or for fire flow purposes, the improvements will be made provided their cost is paid by the sponsor of the project which necessitated such improvements.
2. Suffolk County's Infrastructure Plan will provide adequate water supply as determined by the Suffolk County Water Authority for the proposed buildout of the site.

Wastewater Treatment

1. The Gabreski APDD will utilize the existing airport STP for treatment and disposal of sanitary wastewater in order to use an existing off-site treatment facility planned and designed to include the subject site. This facility has a design capacity of 100,000 gpd, and an average influent of 10,000 gpd, leaving 90,000 gpd of available capacity.
2. Pursuant to correspondence from the County dated September 15, 2006; the County has set aside 48,000 gpd of capacity for the APDD. This facility is operated by the SCDPW, and its treatment processes, effluent limitation conformance, and operational performance are also subject to review by the SCDHS, as well as permitting by the NYSDEC under the State Pollutant Discharge Elimination System (SPDES) Program.

3. Suffolk County would be responsible to maintain compliance with the SPDES program through plant modification (if necessary), operation and permitting as flow from the Gabreski APDD is increased over time.

Solid Waste Handling and Disposal

1. Solid waste generated daily by the proposed action would be removed by private carters and disposed of at an approved facility, at the expense of the tenants.
2. Any hazardous or toxic wastes present would be removed by carters licensed by New York State and disposed of at facilities approved by the NYSDEC in accordance with applicable procedures and requirements.

Energy

1. Development associated with the proposed action would increase the level of electrical and natural gas consumption in the area; it is anticipated that LIPA and KeySpan Energy would be able to provide adequate energy supplies.
2. The Infrastructure Plan prepared by/for Suffolk County will evaluate the existing energy service networks in the area and identify any improvements necessary to serve the site.

Community Character

The Draft GEIS contained extensive and thorough studies and analyses of the potential for impacts to the character of the site and community.

Visual Resources

1. Under existing conditions the majority of the site is presently cleared, the buildings are visible from CR 31, and are low and widely-scattered, resulting in views into the site that are of an unattractive, barren and impacted property. The sparse fringing natural vegetation along CR 31 does not effectively screen the site's interior from outside observers.
 2. Use of vegetated buffer (minimum 80' wide) and an earthen berm is planned along the length of the western property frontage with C.R. 31 to supplement the existing vegetated areas, extend the natural pine barrens character of the roadsides from the north, shield the buildings (particularly the rear facades) and parking areas from cars traveling on C.R. 31, and reduce noise generated from traffic.
 3. A substantial amount of landscaping would be provided by the proposed project, both between buildings and along the entire perimeter of the developed area. The County's Infrastructure Plan will include details of proposed landscaping along CR 31 and the internal site roadways. Landscaping plans for individual tenants will also be required and subject to review by the Town Planning Board during the site plan review process.
-
4. The buildings would be set well back from CR 31 amid landscaping and parking areas. The Master Plan provides recommendations with respect to the types, colors and textures of building materials, would be appropriate to the area in terms of aesthetics such that all structures would be designed in an architectural style which would complement the "campus style" development style desire for the site. Overall, the Master Plan recommendations should be consulted during site plan preparation to ensure coordinated building placement and compatible facade treatment, coordinated,

well-placed and interconnected parking areas, sidewalks, landscaping and overall improved design.

Cultural Resources

1. Review of the OPRHP records does not indicate the presence or proximity of identified or suspected cultural resources on the site or in the vicinity. As a result, no impacts to cultural resources is anticipated.

Noise

1. The 58.6-acre project site is in an area zoned for industry, and is part of a regional airport property. The subject site lies between CR 31, a county highway, and the airport and, as a result, is currently subject to high noise levels.
2. The nearest residence is approximately 3,900 feet to the west, and there are no sensitive receptors in proximity to the site. The project is not expected to generate excessive noise levels, especially in the context of its surroundings.
3. Based on the types of land uses proposed, it is anticipated that the majority of noise impacts would occur during construction of the project. The construction phase would include site clearing, grading and building activities that would result in temporarily elevated noise levels. These noise levels would vary based on the type of construction equipment being used; it should be noted that heavy equipment typically utilized during the site preparation phase results in the highest levels of noise. Equipment-related construction noise is expected to be in the range of 75 to 95 decibels, A-weighted scale (dBA). Construction activities would not occur in proximity to residential areas, as none are nearby.
4. Construction activities would occur during normal daytime hours. Therefore, while temporary noise impacts are to be expected, no significant long-term noise impacts due o construction are expected.
5. In the long term, it is anticipated that minor levels of noise may be generated by activities associated with the industrial tenants. However, the significant distances between these sources and potential residential receptors would, in consideration of the thickness and depth of natural vegetation and presence of intervening structures (as well as noise generated by the adjacent Gabreski Airport), dissipate and/or mask any noises that may be generated on-site. In consideration of these factors, no significant long-term noise impacts are anticipated.

Copies of this Statement have been filed with:

NYSDEC, Office of the Commissioner, Albany
NYSDEC, Regional Office, Stony Brook
Environmental Notice Bulletin
Suffolk County Executive Steve Levy
Suffolk County Legislators
Clerk of the Legislature
Suffolk County Planning Department
Suffolk County Department of Economic Development and Workforce Housing
Suffolk County Department of Health Services
Suffolk County Department of Public Works
Suffolk County Water Authority
Suffolk County Planning Commission
Linda Kabot, Supervisor, Town of Southampton
Town of Southampton Planning Board
Jefferson Murphree, Administrator, Town Department of Land Management
Southampton Town Transportation Commission
Superintendent, Westhampton Beach UFSD
Westhampton Beach Fire District
Central Pine Barrens Joint Planning & Policy Commission
Westhampton War Memorial Ambulance Corp
Parties of Interest

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2008, AUTHORIZING BONDS TO FUND INFRASTRUCTURE IMPROVEMENTS FOR THE HOMELAND SECURITY TECHNOLOGY PARK (HAMPTON BUSINESS AND TECHNOLOGY PARK) AT GABRESKI AIRPORT (CP-5735)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
THIS RESOLUTION IS THE COMPANION RESOLUTION TO THE AUTHORIZING BOND RESOLUTION AND INDICATES THAT A LESSER AMOUNT OF \$2,250,000 WILL BE REQUIRED COMPARED TO THE \$3,000,000 ORIGINALLY APPROPRIATED BY RESOLUTION 1458-2006. SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS UPON ISSUANCE.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
2010		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
CARMINE A. CHIUSANO ASSISTANT BUDGET DIRECTOR	<i>Carmine A. Chiusano</i>	APRIL 21, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$213,365	\$0.40		\$0.001

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$213,365	\$0.40		\$0.001

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
Project Name
 General Obligation Serial Bonds
 Level Debt

Term of Bonds: 15
 Amount to Bond: \$2,250,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$106,114.76	\$107,250.00	\$213,364.76	\$213,364.76
			\$51,095.93	\$51,095.93	
5/1/2011	4.500%	\$111,172.90	\$51,095.93	\$162,268.83	\$213,364.76
			\$48,446.31	\$48,446.31	
5/1/2012	4.500%	\$116,472.14	\$48,446.31	\$164,918.45	\$213,364.76
			\$45,670.39	\$45,670.39	
5/1/2013	4.500%	\$122,023.98	\$45,670.39	\$167,694.37	\$213,364.76
			\$42,762.15	\$42,762.15	
5/1/2014	4.500%	\$127,840.45	\$42,762.15	\$170,602.61	\$213,364.76
			\$39,715.29	\$39,715.29	
5/1/2015	4.500%	\$133,934.18	\$39,715.29	\$173,649.47	\$213,364.76
			\$36,523.19	\$36,523.19	
4/30/2016	4.500%	\$140,318.38	\$36,523.19	\$176,841.57	\$213,364.76
			\$33,178.94	\$33,178.94	
5/1/2017	5.000%	\$147,006.89	\$33,178.94	\$180,185.82	\$213,364.76
			\$29,675.27	\$29,675.27	
5/1/2018	5.000%	\$154,014.22	\$29,675.27	\$183,689.49	\$213,364.76
			\$26,004.60	\$26,004.60	
5/1/2019	5.000%	\$161,355.56	\$26,004.60	\$187,360.16	\$213,364.76
			\$22,158.96	\$22,158.96	
4/30/2020	5.000%	\$169,046.84	\$22,158.96	\$191,205.80	\$213,364.76
			\$18,130.01	\$18,130.01	
5/1/2021	5.000%	\$177,104.74	\$18,130.01	\$195,234.75	\$213,364.76
			\$13,909.01	\$13,909.01	
5/1/2022	5.000%	\$185,546.73	\$13,909.01	\$199,455.75	\$213,364.76
			\$9,486.82	\$9,486.82	
5/1/2023	5.000%	\$194,391.13	\$9,486.82	\$203,877.94	\$213,364.76
			\$4,853.83	\$4,853.83	
4/30/2024	5.000%	\$203,657.11	\$4,853.83	\$208,510.93	\$213,364.76
		\$2,250,000.00	\$950,471.41	\$3,200,471.41	\$3,200,471.41

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Connie Corso, Budget Director

FROM: Carolyn E. Fahey, Intergovernmental Relations Coordinator
Department of Economic Development & Workforce Housing

DATE: April 17, 2009

SUBJECT: **AUTHORIZING BONDS TO FUND INFRASTRUCTURE
IMPROVEMENTS FOR THE HOMELAND SECURITY
TECHNOLOGY PARK (HAMPTON BUSINESS AND
TECHNOLOGY PARK) AT GABRESKI AIRPORT
(CP-5735)**

Through resolution 1458-2006, the County appropriated funds into CP-5735 for infrastructure improvements at the Homeland Security Technology Park at Francis S. Gabreski Airport. Bonding was deferred until we knew exactly what would be the responsibility of the County versus the chosen developer. Negotiations have concluded and the main access road into the airport will remain a County road and therefore the county will make the necessary utility and roadway improvements. Resolution 1458-2006 appropriated \$3 million. Based upon estimates from the Department of Public Works, we are asking that only \$2,250,000 be authorized.

Attached please find the draft resolution and required backup. Electronic copies have been filed as requested.

CEF/kmb

Attachments

cc: Christopher Kent, Chief Deputy County Executive
Patrick A. Heaney, Commissioner
Anthony Ceglie, Francis S. Gabreski Airport Manager
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Assistant Budget Director

1388

LOT 4/28/09

Intro Res. No. -2009

Introduced by the Presiding Officer, on request of the County Executive

RESOLUTION NO. - 2009 ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE NEW YORK STATE HOUSING FINANCE AGENCY FOR A NEIGHBORHOOD STABILIZATION GRANT AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS

WHEREAS, Suffolk County is eligible to receive funding through the New York State Neighborhood Stabilization Program; and

WHEREAS, the Department of Economic Development/Community Development Division has submitted an application to New York State under the Housing and Economic Recovery Act of 2008 (P.L. 110-289); and

WHEREAS, the County has been awarded a New York State Neighborhood Stabilization Program Grant under Title III of Division B of the Act in the amount of \$6,930,349 for the redevelopment of abandoned and foreclosed homes; and

WHEREAS, the County's New York State Neighborhood Stabilization Program will be implemented in cooperation with the Towns of Babylon, Huntington, Islip and the Suffolk County Consortium; now, therefore be it

1st RESOLVED, that the Suffolk County Legislature hereby authorizes the County Executive to accept the New York State Neighborhood Stabilization Program Grant and to contract with New York State, cooperating municipalities and non-profit agencies for the expenditure of these funds; and be it further

2nd RESOLVED, that \$100,000 of these funds be used to reimburse budgeted county expenses and that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate the following funds.

REVENUES:

359-3924 State Aid:	NYS Neighborhood Stabilization Program	<u>\$6,930,349</u>
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ORGANIZATIONS:

ECONOMIC DEVELOPMENT
GRANTS TO COOPERATING MUNICIPALITIES
359-CDV-8683

<u>4980 – Contracted Agencies</u>	<u>\$6,830,349</u>
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INTERFUND TRANSFER
TRANSFER TO FUND 351
IFT-9600

359-IFT-E351 Transfer to Fund 351 Comm Dev Admin

\$ 100,000

and be it further

3rd RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is CD11.

4th RESOLVED, that this Legislature being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes Type II action, pursuant to 6 NYCRR.

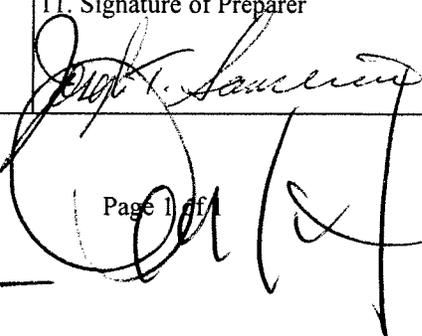
DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation Resolution Accepting and Appropriating a 100% Reimbursed Grant From the New York State Housing Finance Agency For a Neighborhood Stabilization Grant and Authorizing The County Executive to Execute Agreements.		
3. Purpose of Proposed Legislation To provide State funds for the acquisition and rehabilitation of foreclosed and abandoned residential properties.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact Resolution will provide County with \$6,930,349 in State funds to implement and administer grant.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding 100% New York State Housing Finance Agency		
9. Timing of Impact June, 2009		
10. Typed Name & Title of Preparer Joseph T. Sanseverino Community Development Director	11. Signature of Preparer 	12. Date 4/20/09

SCIN FORM 175b (10/95)

Allen M. Kowalsky
Dir. of Mgt. Research

4/24/09

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

JOSEPH T. SANSEVERINO
COMMUNITY DEVELOPMENT DIRECTOR

OFFICE OF COMMUNITY DEVELOPMENT

TO: Ben Zwiirn
Deputy County Executive

FROM: Joseph T. Sanseverino
Community Development Director 

DATE: April 20, 2009

RE: FY 2009 Community Development NSP Resolution

Attached please find a fiscal year 2009 Resolution for the New York State Neighborhood Stabilization Program grant. Please process this resolution for a vote at the May 12, 2009 Legislative Meeting. An electronic version of the Resolution and backup was sent to "CE RESO Review" under the following titles:

Reso-CD-State Neighborhood Stabilization Grant Acceptance
Backup-CD-State Neighborhood Stabilization Grant Acceptance

Should you have any questions regarding the resolutions, please do not hesitate to contact me. Thank you for your assistance.

JTS:rf
Attachment

cc: Chris E. Kent
Chief Deputy County Executive

Patrick Heaney, Commissioner
Economic Development and Workforce Housing

1389

LOT 4/28/09

Intro Res. No. -2009
Introduced by the Presiding Officer, on request of the County Executive

RESOLUTION NO. - 2009 ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE NEW YORK STATE AFFORDABLE HOUSING CORPORATION FOR AN AFFORDABLE HOME OWNERSHIP DEVELOPMENT PROGRAM GRANT AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS

WHEREAS, the County has been awarded a New York State Neighborhood Stabilization Program Grant under Title III of Division B of the Housing and Economic Recovery Act of 2008 in the amount of \$6,930,349 for the redevelopment of abandoned and foreclosed homes; and

WHEREAS; New York State Affordable Housing Corporation has awarded the County an Affordable Home Ownership Development Program Grant to be utilized with the New York State Neighborhood Stabilization Program in the amount of \$1,240,000; and

WHEREAS, the County's New York State Neighborhood Stabilization Program and Affordable Home Ownership Development Program will be implemented in cooperation with the Towns of Babylon, Huntington, Islip and the Suffolk County Consortium; now, therefore be it

1st RESOLVED, that the Suffolk County Legislature hereby authorizes the County Executive to accept the New York State Affordable Home Ownership Development Program Grant and to contract with New York State, cooperating municipalities and non-profit agencies for the expenditure of these funds; and be it further

2nd RESOLVED, that the County Comptroller and the County Treasurer be and they are hereby authorized to accept and appropriate the following funds.

REVENUES:

350-3923 State Aid: New York State Affordable Housing Corp. Grant \$1,240,000

ORGANIZATIONS:

**ECONOMIC DEVELOPMENT
GRANTS TO COOPERATING MUNICIPALITIES
350-CDV-8681**

4980 – Contracted Agencies \$1,240,000

3rd RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is CD11.

4th RESOLVED, that this Legislature being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes Type II action, pursuant to 6 NYCRR.

DATED:

APPROVED BY:

County Executive of Suffolk County
Date:

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



New York State Affordable Housing Corporation

641 Lexington Avenue, New York, NY 10022

(212) 688-4000 • Fax: (212) 872-0789

PRISCILLA ALMODOVAR
President/CEO

April 14, 2009

Mr. Steve Levy
Executive Director
Suffolk County Community Development
PO Box 6100
Hauppauge, NY 11788

Re: *AHC# NSP1005: Suffolk Neighborhood Revitalization Program*

Dear Mr. Levy:

I am pleased to inform you that, pursuant to a resolution adopted at the *March 5, 2009* meeting of the Members of the New York State Affordable Housing Corporation ("AHC" or "Corporation"), an award of grant funds was authorized and approval by the AHC Credit Committee on *April 6, 2009* under the Affordable Home Ownership Development Program ("AHODP") to *Suffolk County* which is described in the application ("Application") that has been submitted for this grant, subject to the conditions outlined below:

1. The maximum amount of the grant award for the Project is *one million, two hundred, forty thousand dollars (\$1,240,000)* ("Grant"); to develop no less than *thirty one (31)* units; in no event will the Grant exceed the lesser of: (a) sixty percent (60%) of the project cost; or (b) the following per dwelling unit limitations: (i) thirty-five thousand dollars (\$35,000), except (ii) forty thousand dollars (\$40,000) in the case of a high cost project or a project receiving a loan under the United States Department of Agriculture's Rural Development programs (the successor to the former Farmers Home Administration). The Corporation reserves the right to adjust the amount of the Grant so that it does not exceed such limitations.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

JOSEPH T. SANSEVERINO
COMMUNITY DEVELOPMENT DIRECTOR

OFFICE OF COMMUNITY DEVELOPMENT

TO: Ben Zwirn
Deputy County Executive

FROM: Joseph T. Sanseverino
Community Development Director 

DATE: April 20, 2009

RE: FY 2009 Community Development AHC Resolution

Attached please find a fiscal year 2009 Resolution for the New York State Affordable Housing Corporation grant. Please process this resolution for a vote at the May 12, 2009 Legislative Meeting. An electronic version of the Resolution and backup was sent to "CE RESO Review" under the following titles:

Reso-CD-State Affordable Housing Corporation Grant Acceptance
Backup-CD-State Affordable Housing Corporation Grant Acceptance

Should you have any questions regarding the resolutions, please do not hesitate to contact me. Thank you for your assistance.

JTS:rf
Attachment

cc: Chris E. Kent
Chief Deputy County Executive

Patrick Heaney, Commissioner
Economic Development and Workforce Housing

1390

Intro Res. No. -2009
Introduced by the Presiding Officer, on request of the County Executive

LOT 4/28/09

RESOLUTION NO. - 2009 ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A HOMELESS PREVENTION AND RAPID REHOUSING GRANT AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS

WHEREAS, the County Legislature by Resolution No. 598-1999 authorized the County Executive to enter into cooperation agreements with towns and villages to apply for Federal Aid for Community Development; and

WHEREAS, the Department of Economic Development/Community Development Division and the Department of Social Services have submitted an application under the American Recovery and Reinvestment Act of 2009 (P.L. 110-289); and

WHEREAS, the County has been allocated an FY 2009 Homeless Prevention and Rapid Rehousing Grant under Title XII of Division A of the Act in the amount of \$1,511,657 for homeless prevention services; and

WHEREAS, HUD is requiring that all grant awards be executed by September 1, 2009; now, therefore be it

1st RESOLVED, that the Suffolk County Legislature hereby authorizes the County Executive to accept the Homeless Prevention and Rapid Rehousing Grant when awarded and to contract with HUD, cooperating municipalities and non-profit agencies for the expenditure of these funds; and be it further

2nd RESOLVED, that \$75,000 of these funds be used to reimburse budgeted county expenses and that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate the following funds.

REVENUES:

358-4923 Federal Aid:	HUD Homeless Prevention	<u>\$1,511,657</u>
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ORGANIZATIONS:

ECONOMIC DEVELOPMENT
GRANTS TO COOPERATING MUNICIPALITIES
358-CDV-8682

<u>4980 – Contracted Agencies</u>	\$1,436,657
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<u>4771 – DSS Homeless Prevention Administration</u>	\$ 75,000
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3rd RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to create the following Revenue Code to accept reimbursement to Fund 001 for the DSS Homeless Prevention Administrative expense for this program.

REVENUES:

001-DSS-6008-4923 Federal Aid: HUD Homeless Prevention \$0.00

and be it further

4th RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is CD11.

5th RESOLVED, that this Legislature being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes Type II action, pursuant to 6 NYCRR.

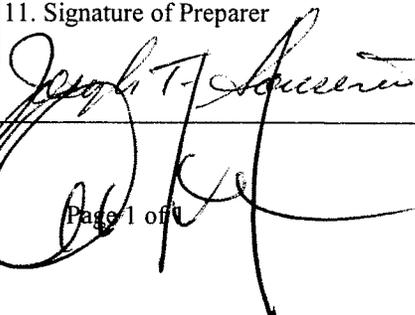
DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation Resolution Accepting and Appropriating a 100% Reimbursed Grant From the U.S. Department of Housing and Urban Development For a Homeless Prevention and Rapid Rehousing Grant and Authorizing The County Executive to Execute Agreements.		
3. Purpose of Proposed Legislation To provide federal funds for homeless prevention services.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact Resolution will provide County with \$1,511,657 in federal funds to implement and administer grant.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding 100% Federal Department of Housing and Urban Development		
9. Timing of Impact June, 2009		
10. Typed Name & Title of Preparer Joseph T. Sanseverino Community Development Director	11. Signature of Preparer 	12. Date 4/20/09

SCIN FORM 175b (10/95)

Alfred...
Dir of H&U Dev

Joseph T. Sanseverino

4/24/09

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**[Docket No. FR-5307-N-01]****Notice of Allocations, Application Procedures, and Requirements for Homelessness Prevention and Rapid Re-Housing Program Grantees under the American Recovery and Reinvestment Act of 2009****AGENCY:** Office of the Secretary, HUD.**ACTION:** Notice of funding allocations and requirements.

SUMMARY: This Notice advises the public of the allocation formula and allocation amounts, the list of grantees, and requirements for the Homelessness Prevention Fund, hereafter referred to as the "Homelessness Prevention and Rapid Re-Housing Program (HPRP)," under Title XII of the American Recovery and Reinvestment Act of 2009 ("Recovery Act"). Congress has designated \$1.5 billion for communities to provide financial assistance and services to either prevent individuals and families from becoming homeless or help those who are experiencing homelessness to be quickly re-housed and stabilized. In order to receive these funds, eligible grantees must submit a substantial amendment to the Consolidated Plan 2008 Action Plan (referred to in this Notice as the "substantial amendment").

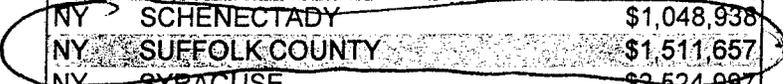
EFFECTIVE DATE: March 19, 2009**OVERVIEW INFORMATION**

A. Federal Agency Name: Department of Housing and Urban Development, Office of Community Planning and Development.

B. Funding Opportunity Title: Funding Availability for the Homelessness Prevention Fund created under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 ("Recovery Act"), referred to in this Notice as the "Homelessness Prevention and Rapid Re-Housing Program (HPRP)."

**American Recovery and Reinvestment Act of 2009:
Homelessness Prevention Fund Formula Allocations**

State	Grantee Name	Allocation Amounts
NY	NY STATE PROGRAM	\$25,527,382
NY	ALBANY	\$1,523,772
NY	BABYLON TOWN	\$526,925
NY	BINGHAMTON	\$955,655
NY	BUFFALO	\$6,594,081
NY	DUTCHESS COUNTY	\$654,862
NY	ELMIRA	\$560,951
NY	ERIE COUNTY	\$1,209,200
NY	ISLIP TOWN	\$840,437
NY	JAMESTOWN	\$573,517
NY	MONROE COUNTY	\$789,300
NY	MOUNT VERNON	\$745,701
NY	NASSAU COUNTY	\$6,458,352
NY	NEW ROCHELLE	\$686,935
NY	NEW YORK	\$73,929,729
NY	NIAGARA FALLS	\$1,037,411
NY	ONONDAGA COUNTY	\$897,454
NY	ORANGE COUNTY	\$713,117
NY	ROCHESTER	\$3,954,235
NY	ROCKLAND COUNTY	\$860,643
NY	SCHENECTADY	\$1,048,938
NY	SUFFOLK COUNTY	\$1,511,657
NY	SYRACUSE	\$2,524,997
NY	TONAWANDA TOWN	\$772,574
NY	TROY	\$845,286
NY	UNION TOWN	\$578,661
NY	UTICA	\$1,192,417
NY	WESTCHESTER COUNTY	\$2,373,791
NY	YONKERS	\$1,533,003



COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

JOSEPH T. SANSEVERINO
COMMUNITY DEVELOPMENT DIRECTOR

OFFICE OF COMMUNITY DEVELOPMENT

TO: Ben Zwirn
Deputy County Executive

FROM: Joseph T. Sanseverino
Community Development Director

DATE: April 20, 2009

RE: FY 2009 Homeless Prevention Resolution

Attached please find a fiscal year 2009 Resolutions for a Homeless Prevention Grant. Please process this Resolution for a vote at the May 12, 2009 Legislative meeting. An electronic version of the Resolution and backup was sent to "CE RESO Review" under the following titles:

Reso-CD-Homeless Prevention Grant Acceptance
Backup-CD- Homeless Prevention Grant Acceptance

Should you have any questions regarding the resolutions, please do not hesitate to contact me. Thank you for your assistance.

JTS:rf
Attachment

cc: Chris E. Kent
Chief Deputy County Executive

Patrick Heaney, Commissioner
Economic Development and Workforce Housing



PRISCILLA ALMODOVAR *President and Chief Executive Officer*

State of New York Mortgage Agency
New York State Housing Finance Agency
New York State Affordable Housing Corporation

April 14, 2009

Suffolk County Community Development
Joseph T. Sanseverino
Community Development Director
P. O. Box 6100
Hauppauge, NY 11788

Re: **Suffolk Neighborhood Revitalization Program ("Project")**
Suffolk County ("Grantee")
NSP Project ID # 1005
Total Amount of NSP Grant: \$6,930,349

Dear Mr. Sanseverino:

We are pleased to inform you that an award of federal Neighborhood Stabilization Program ("NSP") funds in the maximum amount of **\$6,930,349** ("NSP Award") has been authorized by the New York State Housing Finance Agency ("HFA" or "Agency") for the above captioned Project, pursuant to the application ("Application") you submitted to the Agency for such funding in response to the Agency's recent NSP Request for Proposals ("RFP"). In addition, and in conjunction with the NSP Award, please be informed that the New York State Affordable Housing Corporation ("AHC") has authorized an award of Affordable Home Ownership Development Program ("AHODP") funds in the maximum amount of **\$1,240,000** ("AHODP Award") for such Project. An award letter from AHC is included herewith and subject to the terms and conditions of the AHODP Award. The Agency's obligation to provide the NSP Award will be subject to the following terms and conditions, which are substantive but not inclusive of all conditions which will be incorporated in the Assistance Agreement that will be subsequently issued by the Agency:

1. Amount of Award.

The NSP Award will be used in connection with the Project, for eligible uses of NSP funds (each an "Eligible Use") as determined by the Agency pursuant to such United States Department of Housing and Urban Development ("HUD") guidance and regulations as may be issued from time to time with respect to NSP. NSP Award funds may only be used and expended for Eligible Uses pertaining to the Project as described in the Application, under the terms of the NSP contract ("Assistance Agreement") entered into by the Agency and Grantee with respect to the Project.

The NSP Award will consist of:

Agency for the purpose of authorizing the NSP Award; and (4) the Grantee is not affected by insolvency proceedings. Such warranties and representations shall survive the execution of the NSP Assistance Agreement.

- f. Receipt by HFA of evidence acceptable to the Agency that the Project will be undertaken and completed in compliance with all applicable laws and regulations, including but not limited to NSP requirements with respect to Fair Housing, Davis-Bacon, etc., as well as adherence to state and local requirements such as building codes and zoning ordinances.
- g. The Assistance Agreement will contain provisions, satisfactory to the Agency, that obligate the Grantee to comply fully and without delay with any request, from HFA or its representatives or from any duly authorized auditor, or law enforcement or public investigatory authority having jurisdiction over the Project, NSP, or the Agency, for cooperation with any audit, investigation, or inquiry regarding the Project or NSP.
- h. Please be advised that simultaneously with the execution of the Assistance Agreement with respect to the Project's NSP Award, the Agency will require that an AHC Grant Agreement be executed by the Agency and Grantee with respect to the AHODP Award for the Project.

5. Timing of and conditions for NSP Award fund disbursements:

a. **Property Acquisitions:**

(1) Timing – Disbursements to be advanced *pro-rata* with the other participating funding sources (as applicable).

(2) Conditions: A) Receipt of evidence, acceptable to HFA, of federal environmental review process completion; B) Receipt of evidence acceptable to HFA of a firm construction financing commitment for the *homeowner component* of the Project; C) For the *rental component*, receipt of documentation of a firm commitment from FHLB for \$200,000 in construction funding, and from DHCR, a firm commitment for \$500,000 in permanent funding; D) Receipt by HFA of acceptable evidence of the required discount for NSP Type B Projects; E) Compliance with NSP requirements with respect to Areas of Greatest Need; F) Receipt of evidence satisfactory to the Agency of acceptable collateral (as applicable); G) As applicable, Agency approval of any intercreditor or other multi-party agreements between Agency and other participating funders.

b. **Rehabilitation:**

(1) Timing: Construction period disbursements will be advanced monthly, *pro rata* with other funders. If homes are purchased and rehabilitated in smaller groupings, as the first group of homes is sold, repaid NSP proceeds will be available at the Agency's sole discretion for construction of the remaining homes.

(2) Conditions: A) Receipt of evidence, acceptable to HFA, identifying interest of home mortgage lenders in providing homebuyer end-loans; B) Receipt of evidence, acceptable to HFA, of a firm commitment from a permanent mortgage lender for the rental homes; C) Approval by Agency of plans, scope of work, and budgets for the Project; D) approval by HFA of contractor qualifications, bid price, and contract; E) Receipt by HFA of evidence, satisfactory to the Agency, of acceptable

collateral; F) As applicable, Agency approval of any intercreditor or other multi-party agreements between Agency and other participating funders; G) monthly title date-downs; and H) Agency approval of requisitions

c. **Permanent Financing:**

(1) Timing: The conversion of any portion of NSP construction funding to permanent must be coterminous with individual end-loan closings. Agency will give consideration to Grantee's request to reuse any repaid NSP proceeds to further the goals of the Project.

(2) Conditions: A) The amount of the NSP award remaining in the Project as permanent financing must be determined by HFA to be an appropriate level of subsidy; B) Satisfactory review by Agency of loan packages submitted by prospective homebuyers. C) Receipt of evidence, satisfactory to the Agency, of acceptable collateral; D) Grantee's proposed enforcement mechanisms for extended affordability must be acceptable to and approved by HFA

6. Reporting Requirements:

Grantee must furnish reports and documentation, in such forms as may be acceptable to HFA, such as but not limited to the following:

a. Quarterly certifications, with respect to:

1) Areas of Greatest Need; 2) affordability to NSP qualified homebuyers and tenants within the stipulated household incomes ranges; and 3) extended affordability.

b. Quarterly Activity Updates regarding matters such as:

(1) funds disbursed by Grantee; (2) properties purchased and number of units; and (3) construction activity milestones, sales and leasing activity milestones, etc.

c. All other reports required by HUD, in connection with mandatory use by Agency of HUD's Disaster Recovery Grant Reporting system. ("DRGR").

7. HFA reserves the right to reduce the amount and adjust the respective allocation among Eligible Uses of NSP Award funds, which may not exceed the Maximum Total Amount set forth above, so as to comply with applicable NSP requirements and restrictions and to ensure the efficient usage of available funds within applicable NSP deadlines. In addition, at the Agency's option, this Award Letter regarding the NSP Award with respect to the Project, may be reduced or terminated in whole or in part upon the occurrence of any of the following:

a. Upon the Grantee's failure to fulfill any of the terms of this Award Letter within the time specified and in the manner provided or if any representation or warranty made herein is or becomes untrue.

b. If any adverse change occurs at any time prior to the execution of the NSP Assistance Agreement with respect to property necessary for the Project, the Grantee or any other person or entity connected to the NSP Award which would adversely affect the Project as contemplated by the Grantee's Application.

c. If the Grantee or other person or entity connected with the Project becomes involved in any assignment for the benefit of creditors, bankruptcy, reorganization or other such insolvency proceeding.

- d. If, and to the extent that, prior to the execution of the Assistance Agreement with respect to the Project, any federal, state or local law comes into effect, or any judicial, administrative or regulatory decision is rendered, which may be reasonably interpreted as being adverse to the making of the NSP Award.
 - e. If, prior to the execution of an Assistance Agreement, NSP funds are not appropriated, re-appropriated, or made available to the Agency by HUD or otherwise in an amount sufficient, in the sole opinion of the Agency, to fund the NSP Award.
 - f. If the Grantee assigns or otherwise transfers, or attempts to assign or otherwise transfer, this NSP Award Letter without the prior written consent of the Agency.
8. Upon termination of this NSP Award Letter, the Agency will have no obligation to the Grantee, including, without limitation, any obligation to reimburse the Grantee for any expenses incurred by the Grantee or any Participating Party, or to make or fund the NSP Award.
 9. The conditions of this NSP Award Letter cannot be changed except by written agreement signed by the Agency and Grantee.

Within ninety (90) days of the date hereof, an Assistance Agreement with respect to the NSP Award for the Project must be duly executed by the Grantee and the Agency in a form acceptable to HFA, in compliance with the conditions of the RPF, this Award Letter and HUD's requirements for NSP. Within such ninety (90) day time period, a Grant Agreement with respect to the AHODP Award for the Project must also be entered into by AHC and the Grantee. The Agency reserves the right to withdraw its offer and reallocate this NSP award should Grantee fail to meet the conditions of executing an Assistance Agreement within ninety (90) days of the date hereof. In the event that the Grantee has not entered into such an Assistance Agreement with the Agency within one hundred eighty (180) days of the date hereof, this NSP award offer will expire and no longer be valid. As a prerequisite for execution of the NSP Assistance Agreement, the Grantee will furnish HFA with such exhibits and Project-related documents as the Agency may require in its sole discretion. The parties to the NSP Assistance Agreement acknowledge that no NSP Award funds will be disbursed until: (a) the NSP Assistance Agreement has been fully executed and acknowledged; and (b) any additional documentation or supporting materials required by HFA in connection with the Project pursuant to the Assistance Agreement have been submitted to and approved by HFA

If you agree to accept the NSP Award made to you under the terms and conditions set forth herein, please sign and return this letter to the New York State Housing Finance Agency, 641 Lexington Avenue, New York, New York 10022, Attention: Brian Segel, Director, Neighborhood Stabilization Program, within thirty (30) days of the date hereof. If this letter is not received by the Agency from the Grantee within such time, the Agency may use the NSP Award proceeds to fund any other NSP proposal or project, and HFA may recapture the NSP Award or any portion thereof and employ the proceeds thereof to fund other qualified NSP proposals or projects.

Sincerely,

1392

4/28/09

Intro. Res. No. -2009
Introduced by Legislator Horsley

Laid on Table

**RESOLUTION NO. -2009, DESIGNATING POET
LAUREATE FOR SUFFOLK COUNTY (TAMMY NUZZO-
MORGAN)**

WHEREAS, Resolution No. 113-2009, revised the selection process for the Suffolk County Poet Laureate to allow a panel of past and present Poet Laureates to recommend a choice to this Legislature; and

WHEREAS, this distinguished panel has recommended Tammy Nuzzo-Morgan to succeed David B. Axelrod as Suffolk County's Poet Laureate; now, therefore be it

1st RESOLVED, that Tammy Nuzzo-Morgan of Southampton is hereby designated as the Suffolk County Poet Laureate for the period of June 1, 2009 through May 31, 2011; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-poet-laureate-nuzzo-morgan

Tammy Nuzzo-Morgan

Tammynuzzomorgan@gmail.com or Thenorthseapoetryscene@hotmail.com
www.lipoetryarchivalcenter.com

Education:

Attending MFA Creative Writing Program Stony Brook-Southampton 2008
C.W. Post, M.B.A., Banking/Finance & Management 2001
Long Island University, B.S., Accounting/Business Administration 1998

Outstanding Accomplishments:

2001 Founded The North Sea Poetry Scene, Inc., 2004 Founded The North Sea Poetry Scene Press, 2005 nominee for Poet Laureate of Suffolk County, New York Nominated by: Tom Stock, Vince Clemente, Allen Planz, Gail Koop, Lynn Carol Cohen and Russ Perry, 2006 nominated for Pulitzer Prize for poetry book: *Let Me Tell You Something*, Listed in Poets & Writers.

Publications

CD: *Between Willow and Cedars* 2002
Collection of poetry from 1978 – Present

Chapbook: *Fleeting*
Haiku Collection: 2003

The Bitter, The Sweet
Selected Poems
(Street Press, 2004)

One Woman's Voice
Selected Poems
Forward by Vince Clemente
(The North Sea Poetry Scene Press, 2005)

Let Me Tell You Something
New & Selected Poems
Forward by Graham Everett
(Street Press, 2006)

For Michael
Collected Poems
Forward by Allen Planz
(The North Sea Poetry Scene Press, 2008)

Would You Hug A Porupine?
Children's Book
Illustrated by David Bunn Martine
Words by Tammy Nuzzo-Morgan
(Pending Publication)

Published In

Blue Sand Magazine, Proteus Anthology, Book of Reflections 9/11/01, Gertrude Magazine, Dream International, Writing to Heal, The Agulia Expression, The Write Way, The Rio Grande Press, Long Island Quarterly, Performing Poets Association Literary Review, Haiku One Breaths anthology, The 7th Quarry (Wales UK), Dream Long Island, Crazy Child Scribbler, primal sanities!, Freshet, many websites.

Community Service Activities

* Rescued an American woman out of Romania through poetry website 2003

<http://www.newsday.com/mynews/ny-lipoet143172818mar14.story>

* Christmas Toy Drive for Little Flower Children's Home 2003

* Organizer of fund-raise for The Tristan Fund, raised 11k 2003

<http://archive.southamptonpress.com/pressquery/031204/letters/letters>

* Food, money, clothing and toiletries for Love 'em Woman's Shelter 2004

* Created *The Michael Jason Nuzzo Scholarship Award* for local High School Students 2004, - 6/2009

* Kenya School Tuition Sponsorship Project, two children, 5th of 5 year, 2005- 09/2009

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

Ec. Dev.



GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov

WILLIAM H. ROGERS BUILDING
P.O. Box 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

MEMORANDUM

DATE: April 27, 2009
TO: Tim Laube, Clerk of the Legislature
FROM: George Nolan, Counsel to the Legislature (GN)
RE: Resolution; Designating Poet Laureate for Suffolk County
(Tammy Nuzzo-Morgan)

Please bring copies of the enclosed resolution to the Legislative meeting on Tuesday, April 28, 2009, since Legislator Horsley intends to make a motion to waive Rule 5(A) of the 2008 Rules of the County Legislature, for the purpose of laying the captioned resolution on the table at that meeting.

Thank you.

GN:js
Enclosure

cc: Hon. Wayne R. Horsley, County Legislator, 14th District

s:\net\cl-4-27-late-poet-laureate-nuzzo-morgan

HAUPPAUGE
SUFFOLK COUNTY, N.Y.
COUNTY LEGISLATURE

2009 APR 27 11:03

RECEIVED

Intro. Res. No. 1393-09
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 4/28/09

**RESOLUTION NO. -2009, ACCEPTING THE
DONATION OF ONE (1) "LAND ROVER" SPORT-
UTILITY VEHICLE FOR USE IN THE SUFFOLK COUNTY
PARKS DEPARTMENT'S PIPING PLOVER
MONITORING PROGRAM**

WHEREAS, the Suffolk County Department of Parks, Recreation and Conservation has decommissioned two (2) "Land Rover Discovery" sports utility vehicles donated by Land Rover of Glen Cove that were used since 1998; and

WHEREAS, the Department of Parks, Recreation and Conservation used the Land Rovers to meet its mandate and provide environmental protection under the United States Endangered Species Act, and, specifically, to carry out the Piping Plover Monitoring Program; and

WHEREAS, the donated vehicles enabled Parks staff to access eighteen sites that the County is mandated to monitor and protect during the piping plover nesting season, from mid-March to September; and

WHEREAS, Land Rover of Glen Cove has offered to donate another 1998 Land Rover to continue the program; and

WHEREAS, due to the specialized nature of this equipment, all non-routine maintenance of this vehicle will be performed at a local Land Rover Centre; and

WHEREAS, the continued use of such donated vehicles permits the County of Suffolk to avoid the substantial expense of purchasing new vehicles; and

WHEREAS, the Department of Parks, Recreation and Conservation requires the use of donated Land Rovers to continue monitoring and protecting the threatened piping plovers; now, therefore, be it

1st RESOLVED, that the donation of one (1) Land Rover "Discovery" sport-utility vehicle by Land Rover of Glen Cove shall be accepted by the County of Suffolk for use by the Department of Parks, Recreation; and be it further

2nd RESOLVED, that County's Public Works Department, Division of Fleet Management is hereby authorized, empowered and directed to fuel and insure this vehicle bearing VIN # SALJY1242WA758730.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

INTRODUCTORY RESOLUTION ACCEPTING THE DONATION OF ONE
(1) "LAND ROVER" SPORT-UTILITY VEHICLE FOR USE IN THE
SUFFOLK COUNTY PARKS DEPARTMENT'S PIPING PLOVER
MONITORING PROGRAM

3. Purpose of Proposed Legislation

See # 2.

4. Will the Proposed Legislation Have a Fiscal Impact? Yes ___ No X

5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)

County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	

6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

N/A

8. Proposed Source of Funding

N/A

9. Timing Impact

N/A

10. Typed Name & Title of Preparer

Tom Malanga
Parks Foundation Director
Dept. of Parks, Recreation & Conservation

11. Signature of Preparer

12. Date



Glen Cove

October 13, 2008

Suffolk County Parks
P.O. Box 144
W.Sayville, NY 11796
Attn: Mr. Nicholas Gibbons

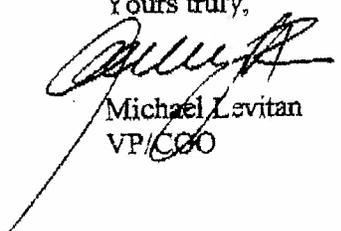
Dear Mr. Gibbons,

It was a pleasure meeting you last week and I wanted to follow-up on our discussion regarding the donation of the 1998 Land Rover Discovery LSE to the Parks Dept.

As we discussed it's our pleasure to donate this vehicle to the Parks Dept. and look forward to you have many years of use from this vehicle. We also discussed that as part of this agreement we think that it's in everyone's best interest if the vehicle is maintained at any of our 4 Land Rover Centres. (LR Glen Cove, LR Massapequa, LR Huntington & LR Southampton). I believe that we are better equipped & our knowledge of this vehicle to repair & maintain it.

If you have any additional questions please don't hesitate to contact me.

Yours truly,


Michael Levitan
VP/COO

70 Cedar Swamp Road ■ Glen Cove, New York 11542
TEL: 516-674-8500 ■ FAX: 516-674-6744

15

COUNTY OF SUFFOLK



MAR 18 2009

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOHN W. PAVACIC
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: BEN ZWIRN, Deputy County Executive

FROM: JOHN W. PAVACIC, Commissioner 

CC: JIM MORGO, Chief Deputy County Executive

DATE: March 4, 2009

RE: INTRODUCTORY RESOLUTION ACCEPTING THE DONATION
OF ONE (1) "LAND ROVER" SPORT-UTILITY VEHICLE FOR
USE IN THE SUFFOLK COUNTY PARKS DEPARTMENT'S
PIPING PLOVER MONITORING PROGRAM

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Accepting Donation of Land Rover for Piping Plover Program.doc."

The Parks Department has used two (2) donated Land Rovers for carrying out the Piping Plover Monitoring Program, however, both vehicles have been decommissioned. This resolution would accept one (1) replacement vehicle as a donation from Land Rover of Glen Cove and direct DPW's Division of Fleet Management to fuel and insure the vehicle. Maintenance of the vehicle requires specialized knowledge and equipment and will be handled by a local Land Rover Centre.

Should you require anything further, please contact my office at 4-4984.

Enclosures



Intro. Res. No. 1394-09 Laid on Table 4/28/09
Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, INCREASING THE
AMOUNT OF THE PETTY CASH FUND FOR THE
SUFFOLK COUNTY DEPARTMENT OF PARKS,
RECREATION AND CONSERVATION**

WHEREAS, the Department of Parks, Recreation and Conservation holds cash at each of the sixteen active County parks; and

WHEREAS, Resolution No. 1311-2005 created one petty cash fund assigned to the Suffolk County Department of Parks, Recreation & Conservation (Appropriation No. 001-7110) in the amount of \$7,780; and

WHEREAS, Resolution No. 1393-2007 increased the amount of the petty cash fund to \$15,000; and

WHEREAS, Resolution No. 33-2009 amended the user fee schedule for Suffolk County Parks; and

WHEREAS, the department utilizes the petty cash account to function as a change bank for cashiers at park entrances at all of the sixteen active County parks; and

WHEREAS, this cash needs to be recorded; and

WHEREAS, as a result of the new fee schedule, the amount of \$15,000 established by Resolution No. 1393-2007 is no longer sufficient to meet the needs of the sixteen parks; and

WHEREAS, Resolution No. 234 of 1973 delegated to the County Treasurer the authority to approve the creation or modification of petty cash funds for any administrative unit; now, therefore be it

1st **RESOLVED**, that the County Comptroller and the County Treasurer be and they hereby are authorized to increase the amount of the petty cash fund assigned to the Suffolk County Department of Parks, Recreation & Conservation (Appropriation No. 001-7110) from \$15,000 to the amount of \$22,500 effective immediately for all of the sixteen active County parks; and be it further

2nd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109 (2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and

information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



APR 16 2009

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

264

TO: BEN ZWIRN, Deputy County Executive

FROM: JOHN W. PAVACIC, Commissioner 

CC: CHRISTOPHER KENT, Chief Deputy County Executive

DATE: APRIL 14, 2009

**RE: REQUEST FOR CERTIFICATE OF NECESSITY / INTRODUCTORY
RESOLUTION INCREASING THE AMOUNT OF THE PETTY CASH FUND FOR
THE SUFFOLK COUNTY DEPARTMENT OF PARKS, RECREATION AND
CONSERVATION**

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Increasing Petty Cash Fund for County Parks.doc."

The petty cash fund established for Suffolk County Parks is currently set at \$15,000. As a result of the change in the user fee schedule for County Parks set forth under Reso. No. 33-2009, this amount is now insufficient. The Parks Department has determined that an increase of \$7,500 (for a total petty cash fund of \$22,500) is sufficient to ensure adequate funds for cashier transactions.

I am requesting that this resolution be introduced as a Certificate of Necessity so that this policy can be in effect in time for the opening of the Parks season.

Should you require anything further, please contact my office at 4-4995.

Enclosures



Intro. Res No. 1395-09 Laid on Table
Introduced by the County Executive at the Request of the County Clerk

4/28/09

**RESOLUTION NO. -2009, ACCEPTING AND
APPROPRIATING 100% NEW YORK STATE LOCAL
GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT
FUND GRANT FOR DISASTER RECOVERY**

WHEREAS, the State Education Department has advised the Suffolk County Clerk that a Local Government Records Management Improvement Fund grant in the amount of twenty thousand, (20,000.00) has been awarded to Suffolk County for disaster recovery purposes; and

WHEREAS, this grant will reimburse Suffolk County Clerk's Office for funds already expended for the preservation, treatment and restoration of some two hundred (200) cubic feet of records damaged by a faulty hot water circulator; and now, therefore be it

RESOLVED, that the Suffolk County Clerk hereby accepts and appropriates twenty thousand dollars (20,000.00) in the form of a Local Governments Record Management Improvement Fund Grant for the purposes of reimbursing Suffolk County for expenditures to preserve, treat, restore damaged records and that the funds be appropriated as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
001-3089 State Aid: Other	\$20,000.00

<u>APPROPRIATIONS:</u>	
County Clerk's Office	
001-CLK-1410-3500	\$20,000.00

And be it further

2nd **RESOLVED**, that the County Executive be and he hereby is authorized to execute a contract with the New York State education Department, State Archives and Records Administration and Local Government Records Bureau covering the terms and conditions of this grant; and be it

3rd **RESOLVED**, that the Suffolk County Clerk is hereby authorized, empowered, and directed to file such reports and records as may be required by pertinent officials and officers of the State of New York to fully implement this program; and be it further

4th **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward a copy of this Resolution to the New York State Archives, Grant Administration Unit, 9A81 Cultural Education Center, Albany, New York 12230

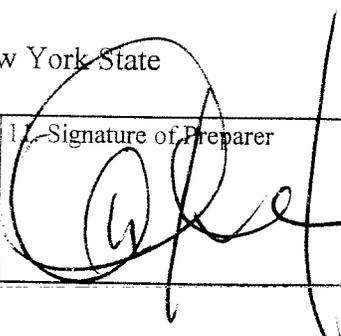
DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2009, ACCEPTING AND APPROPRIATING 100% NEW YORK STATE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND GRANT FOR DISASTER RECOVERY.		
3. Purpose of Proposed Legislation		
ACCEPTING GRANT OF \$20,000		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact:		
ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$20,000.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
NEW YORK STATE GRANT		
9. Timing of Impact		
Upon completion of contract with New York State		
10. Typed Name & Title of Preparer	11. Signature of Preparer	
Allen M. Kovesdy Director of Management and Research		April 24, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Intro. Res No. 1396

Laid on Table 4/28/09

Introduced by the County Executive at the Request of the County Clerk

RESOLUTION NO. -2009, AUTHORIZING THE COUNTY CLERK TO FILE AN APPLICATION FOR ADDITIONAL STATE MORTGAGE TAX REIMBURSEMENT

WHEREAS, Section 262 of the NEW YORK TAX LAW allows the County Clerk to receive all necessary expenses, as approved and allowed by the New York State Tax Commission, by retention from mortgage proceeds actually collected; and

WHEREAS, the Suffolk County Clerk's Office has sought and retrieved mortgage tax reimbursement in the amount of \$ 1,462,413.00 for 2008-2009; and

WHEREAS, the County Clerk's basic expenses in collecting mortgage tax has increased; and

WHEREAS, the County Clerk's Office collected \$ 124,964,229.00 in mortgage tax in 2008 compared to \$ 222,750,569.00 collected in 2007; and

WHEREAS, the Suffolk County Clerk is now entitled to retain annually from the mortgage tax collected which moneys could be utilized to offset budgetary shortfalls or tax increases in the County operating budget; and

WHEREAS, the County Clerk, has determined that her Office is eligible to retain \$ 1,675,410.00 of mortgage tax collected to offset expenses in her office, now, therefore be it

RESOLVED, that the Suffolk County Clerk is hereby authorized, empowered, and directed, pursuant to Section 18-2 of the SUFFOLK COUNTY CHARTER, to file an application with the New York State Commissioner of Taxation and Finance, for additional funding in the amount of \$ 1,675,410.00 that the County of Suffolk may be entitled to as a result of actual collection of the New York State mortgage tax proceeds by the Suffolk County Clerk's Office.

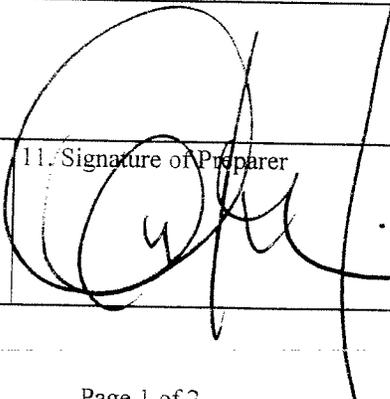
DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2009, AUTHORIZING THE COUNTY CLERK TO FILE AN APPLICATION FOR ADDITIONAL STATE MORTGAGE TAX REIMBURSEMENT.		
3. Purpose of Proposed Legislation		
SAME AS ABOVE. – AMOUNT REQUESTED IS \$1,675,410		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact:		
REVENUE IS INCLUDED WITHIN 2009 OPERATING BUDGET.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
DEPENDENT ON MORTGAGE TAX COLLECTION.		
8. Proposed Source of Funding		
MORTGAGE TAX RECEIPTS		
9. Timing of Impact		
Upon New York State Approval		
10. Typed Name & Title of Preparer	11. Signature of Preparer	
Allen M. Kovesdy Director of Management and Research		April 24, 2009

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1397

Intro. Res. No. -2009
Introduced by Presiding Officer on request of the County Executive

Laid on Table 4/28/09

**RESOLUTION NO. -2009, AMENDING RESOLUTION
NO. 33-2009, TO AMEND THE USER FEE SCHEDULE
FOR SUFFOLK COUNTY PARKS**

WHEREAS, Resolution No. 33-2009 when adopted defined weekend as Saturday, Sunday and holidays; and

WHEREAS, fees for marina use are charged on a daily basis with a check-in time of 10:00AM and a check-out time of 10:00AM the following day; and

WHEREAS, traditionally the overnight period of Friday night to Saturday morning has been more popular for marina use than the period of Sunday night to Monday morning; and

WHEREAS, charging a weekend rate for marinas for a Sunday check-in as opposed to a Friday check-in will result in a substantial loss of revenue to the County; now, therefore be it

1st RESOLVED, that the Resolution No. 33-2009 be and it hereby is corrected as follows:

2nd RESOLVED, that Section 688-3 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

**Chapter 688
PARKS AND RECREATION FEES**

* * * * *

§ 688-3. Fees.

The fee schedule shall be as follows and where indicated weekday is Monday through Friday and weekend is Saturday, Sunday and holidays, except for marina fees where weekday is Sunday through Thursday and weekend is Friday, Saturday and holidays:

and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby

directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

___ Underlining denotes additions

DATED:

:
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOHN W. PAVACIC
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: BEN ZWIRN, Deputy County Executive

FROM: JOHN W. PAVACIC, Commissioner

CC: CHRISTOPHER KENT, Chief Deputy County Executive

DATE: APRIL 23, 2009

RE: INTRODUCTORY RESOLUTION AMENDING RESOLUTION NO. 33-2009, TO AMEND THE USER FEE SCHEDULE FOR SUFFOLK COUNTY PARKS

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Amending Reso. No. 33-2009.doc."

When Reso. No. 33-2009 was adopted earlier this year, it streamlined some of the confusing language and rules in the user fee schedule for Parks. Among the changes was consolidating the definition of "weekday" and "weekend" to mean "Monday through Friday" and "Saturday, Sunday and holidays," respectively. Marina fees, however, are charged in such a manner that Friday has traditionally been considered a weekend day because the fee is good through 10:00AM on Saturday morning. Conversely, a Sunday fee is good until 10:00AM on Monday morning and many marina users do not stay over Sunday night to Monday morning.

Based on last year's marina usage, the Parks Department estimates that Reso. No. 33-2009 as currently implemented would result in a loss of revenue of approximately \$15,000.00. Therefore, this draft resolution is being submitted for consideration by the Legislature to create an exception in the definition of "weekend" that would include Friday, Saturday and holidays for the purpose of marina fees only.

Should you require anything further, please contact my office at 4-4984.

Enclosures



1397

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
RESOLUTION NO. -2009, AMENDING RESOLUTION NO. 33-2009, TO AMEND THE USER FEE SCHEDULE FOR SUFFOLK COUNTY PARKS		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify): DAV
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
Resolution No. 33-2009, amended the user fee schedule for Suffolk County Parks. This change to the user fee schedule would result in a loss of revenue of approximately \$15,000 to the County. This amending resolution would correct the marina fee schedule making Friday a weekend day and Sunday a weekday.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
Upon adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		April 27th, 2009

1397

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

RESOLUTION NO. -2009, ACCEPTING A GRANT AWARD FROM THE UNITED STATES FEDERAL AVIATION ADMINISTRATION, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE PAVEMENT MANAGEMENT REHABILITATION AT GABRESKI AIRPORT (CP 5739)

WHEREAS, the Department of Economic Development and Workforce Housing has received a \$7,042,883 grant award from the United States Federal Aviation Administration with ninety five percent Federal aide of \$6,690,739; and

WHEREAS, through the Master Grant Agreement with New York State Department of Transportation, New York State will support this project with two and one half percent of the project or, \$176,072; and

WHEREAS, the County's matching commitment is two and on half percent of the project or, \$176,072; and

WHEREAS, this funding will assist with the Rehabilitation of a portion of Runway 6-24 at Francis S. Gabreski Airport; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal and State portions; and

WHEREAS, sufficient funds are not included in the 2009 Capital Budget and Program to cover the cost of said request under Capital Project 5739 and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State aid; and

WHEREAS, Resolution No. 471-1994 as amended by Resolution No. 461-2006 established a priority ranking system as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$7,042,883 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) (1) and (2)" of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns maintenance and repair involving no substantial changes in an existing structure and replacement, rehabilitation or reconstruction of a structure or facility in kind, and the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of seventy-nine (79) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5739
 Project Title: Pavement Management Rehabilitation at Francis S. Gabreski Airport

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
1. Planning and Design	\$ 363,161	\$ 0	\$9,079B \$9,079S \$345,003 F
3. Construction	\$6,679,722	\$ 0	\$166,993 B \$166,993 S <u>\$6,345,736 F</u>
TOTAL	\$7,042,883	\$ 0	\$7,042,883

and be it further

4th RESOLVED, that the Department of Public Works pursuant to Section C35-2 (A) and C8-2 (X) of the Suffolk County Charter, are hereby authorized, empowered and directed to take such action as may be necessary to complete this project; and be it further

5th RESOLVED, that the proceeds of \$176,072 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.:</u>	<u>Project Title:</u>	<u>Amount</u>
525-CAP-5739.110 Fund 001 Debt Service	Pavement Management Rehabilitation at Francis S. Gabreski Airport - Engineering	\$ 9,079
525- CAP-5739.310 Fund 001 Debt Service	Pavement Management Rehabilitation at Francis S. Gabreski Airport- Construction	\$166,993

and be it further

6th RESOLVED, that State aid be and it hereby is appropriated as follows:

<u>Project No.:</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5739.110	Pavement Management Rehabilitation at Francis S. Gabreski Airport - Engineering	\$ 9,079
525-CAP-5739.310	Pavement Management Rehabilitation at Francis S. Gabreski Airport- Construction	\$166,993

and be it further

7th RESOLVED. That Federal aid be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5739.110	Pavement Management Rehabilitation at Francis S. Gabreski Airport – Engineering	\$ 345,003
525-CAP-5739.310	Pavement Management Rehabilitation at Francis S. Gabreski Airport- Construction	\$6,345,736

and be it further

8th **RESOLVED**, that the appropriations within this resolution shall not be expended, encumbered or authorized, and that no bond or notes shall be issued, for this project until the County is in receipt of the Federal Authorization approving funding for this project; and be it further

9th **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$176,072; and be it further

10th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal and State funding in the amount of \$6,866,811; and be it further

11th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal and State share of \$6,866,811; and be it further

12th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation

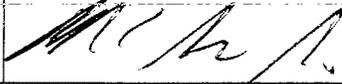
Date:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
<p>RESOLUTION NO. -2009, ACCEPTING A GRANT AWARD FROM THE UNITED STATES FEDERAL AVIATION ADMINISTRATION, AND AMENDING AND APPROPRIATING FUNDS IN 2009 CAPITAL BUDGET AND PROGRAM IN CONNECTION WITH THE PAVEMENT MANAGEMENT REHABILITATION AT GABRESKI AIRPORT (CP 5739)</p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <p>County</p> </div>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
<p>Suffolk County must "first instance" fund the entire cost of the project. The share allocation for the project is 95% Federal, 2.5% State and 2.5% County. County Comptroller is authorized to issue bond anticipation notes for the Federal and State share. If short term notes are issued, the county would incur minimal interest costs. County Comptroller is directed to limit serial bond borrowing to the County share.</p>		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
<p>Federal Aviation Administration: 95% Federal Aid (\$6,690,739) New York State Master Grant Agreement with NYS DOT: 2.5% (\$176,072) Suffolk County matching commitment: 2.5% (\$176,072)</p>		
9. Timing of Impact		
2009		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		April 27th, 2009

SCIN FORM 175b (10/95)

Suffolk County
Project Name
 General Obligation Serial Bonds
 Level Debt

Term of Bonds: 15
 Amount to Bond: \$176,072

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$8,303.93	\$8,392.77	\$16,696.69	\$16,696.69
			\$3,998.47	\$3,998.47	
5/1/2011	4.500%	\$8,699.75	\$3,998.47	\$12,698.22	\$16,696.69
			\$3,791.13	\$3,791.13	
5/1/2012	4.500%	\$9,114.44	\$3,791.13	\$12,905.57	\$16,696.69
			\$3,573.90	\$3,573.90	
5/1/2013	4.500%	\$9,548.89	\$3,573.90	\$13,122.79	\$16,696.69
			\$3,346.32	\$3,346.32	
5/1/2014	4.500%	\$10,004.06	\$3,346.32	\$13,350.37	\$16,696.69
			\$3,107.89	\$3,107.89	
5/1/2015	4.500%	\$10,480.92	\$3,107.89	\$13,588.80	\$16,696.69
			\$2,858.09	\$2,858.09	
	4.500%	\$10,980.51	\$2,858.09	\$13,838.60	\$16,696.69
			\$2,596.39	\$2,596.39	
5/1/2017	5.000%	\$11,503.91	\$2,596.39	\$14,100.30	\$16,696.69
			\$2,322.22	\$2,322.22	
5/1/2018	5.000%	\$12,052.26	\$2,322.22	\$14,374.48	\$16,696.69
			\$2,034.97	\$2,034.97	
5/1/2019	5.000%	\$12,626.75	\$2,034.97	\$14,661.72	\$16,696.69
			\$1,734.03	\$1,734.03	
	5.000%	\$13,228.63	\$1,734.03	\$14,962.66	\$16,696.69
			\$1,418.75	\$1,418.75	
5/1/2021	5.000%	\$13,859.19	\$1,418.75	\$15,277.94	\$16,696.69
			\$1,088.44	\$1,088.44	
5/1/2022	5.000%	\$14,519.82	\$1,088.44	\$15,608.25	\$16,696.69
			\$742.38	\$742.38	
5/1/2023	5.000%	\$15,211.93	\$742.38	\$15,954.31	\$16,696.69
			\$379.83	\$379.83	
	5.000%	\$15,937.03	\$379.83	\$16,316.86	\$16,696.69
		\$176,072.00	\$74,378.40	\$250,450.40	\$250,450.40

**FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$16,697	\$0.03		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$16,697	\$0.03		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive
Office of the County Executive

FROM: Carolyn E. Fahey, Intergovernmental Relations Coordinator
Department of Economic Development & Workforce Housing

DATE: April 24, 2009

SUBJECT: **CERTIFICATE OF NECESSITY REQUESTED
ACCEPTING A GRANT AWARD FROM THE
UNITED STATES FEDERAL AVIATION
ADMINISTRATION, AND AMENDING AND
APPROPRIATING FUNDS IN 2009 CAPITAL
BUDGET AND PROGRAM IN CONNECTION
WITH THE PAVEMENT MANAGEMENT
REHABILITATION AT GABRESKI AIRPORT
(CP-5739)**

The Department of Economic Development and Workforce Housing requests the submittal of a Certificate of Necessity for the attached resolution requesting the acceptance and appropriation of an FAA grant for CP-5739 - Pavement Management Rehabilitation of Runway 6-24 at Gabreski Airport. The Certificate of Necessity is requested due to the FAA awarding this funding with very tight timeframes. Planning and design needs to begin immediately so that the construction timeframe of September 15th can be met.

Attached please find the draft resolution and the required SCIN 175a and 175b. Electronic copies are being filed in accordance with ADH-03-06.

JM/kmb

cc: Christopher Kent, Chief Deputy County Executive
Patrick A. Heaney, Commissioner
Anthony Ceglio, Francis S. Gabreski Airport Manager
Brendan Chamberlain, County Executive Assistant

**APPLICATION FOR
FEDERAL ASSISTANCE**

Version 7/03

1. TYPE OF SUBMISSION: Application		2. DATE SUBMITTED 4/24/09	Applicant Identifier FOK	
<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> Pre-application	3. DATE RECEIVED BY STATE	State Application Identifier	
<input type="checkbox"/> Non-Construction	<input type="checkbox"/> Construction	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	
			3-36-0122	
5. APPLICANT INFORMATION				
Legal Name: County of Suffolk, Francis S. Gabreski Airport		Organizational Unit: Department: Economic Development and Workforce Housing		
Organizational DUNS: 143606411		Division: Aviation		
Address: Street: County Road 31		Name and telephone number of person to be contacted on matters involving this application (give area code)		
City: Westhampton Beach		Prefix: Mr.	First Name: Anthony	
County: Suffolk		Middle Name: C		
State: NY	Zip Code: 11978	Last Name: Ceglie		
Country: United States		Suffix:		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 11-6000464		Phone Number (give area code) 631-852-8095		Fax Number (give area code) 631-852-8092
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify) <input type="checkbox"/> <input type="checkbox"/>		7. TYPE OF APPLICANT: (See back of form for Application Types) B Other (specify)		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE (Name of Program): Airport Improvement Program 20-106		9. NAME OF FEDERAL AGENCY: Federal Aviation Administration		
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): West Hampton Beach, Suffolk County		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Rehabilitation of Runway 6-24 Phase II		
13. PROPOSED PROJECT Start Date: May 2009 Ending Date: December 2009		14. CONGRESSIONAL DISTRICTS OF: a. Applicant 2nd b. Project 2nd		
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?		
a. Federal	\$.00	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE:		
b. Applicant	\$.00	b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372		
c. State	\$.00	<input checked="" type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
d. Local	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?		
e. Other	\$.00	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No		
f. Program Income	\$.00			
g. TOTAL	\$.00			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.				
a. Authorized Representative				
Prefix: Mr.	First Name: Anthony		Middle Name: C	
Last Name: Ceglie			Suffix:	
b. Title: Airport Manager			c. Telephone Number (give area code): 631-852-8095	
d. Signature of Authorized Representative			e. Date Signed: 4/24/09	

PART II PROJECT APPROVAL INFORMATION SECTION A

Item 1. Does this assistance request require State, local, regional, or other priority rating?	Name of Governing Body Priority
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Item 2. Does this assistance request require State, local advisory, educational or health clearances?	Name of Agency or Board (Attach Documentation)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Item 3. Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?	(Attach Comments)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Item 4. Does this assistance request require State, local, regional, or other planning approval?	Name of Approving Agency Date / /
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Item 5. Is the proposed project covered by an approved comprehensive plan?	Check One: State <input type="checkbox"/> Local <input type="checkbox"/> Regional <input type="checkbox"/> Location of plan Airport Master Plan on file with FAA
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Item 6. Will the assistance requested serve a Federal installation?	Name of Federal Installation Federal Population benefiting from Project
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Item 7. Will the assistance requested be on Federal land or installation?	Name of Federal Installation Location of Federal Land Percent of Project
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Item 8. Will the assistance requested have an impact or effect on the environment?	See instructions for additional information to be provided.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Item 9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms?	Number of: Individuals Families Businesses Farms
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Item 10. Is there other related Federal assistance on this project previous, pending, or anticipated?	See instructions for additional information to be provided.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

PART II – SECTION C

The Sponsor hereby represents and certifies as follows:

1. **Compatible Land Use.** – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

n/a

2. **Defaults.** – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

no

3. **Possible Disabilities.** – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of Part V of this Application, either by limiting its legal or financial ability or otherwise, except as follows:

no

4. **Consistency with Local Plans.** – The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport. yes

5. **Consideration of Local Interest.** – It has given fair consideration to the interest of communities in or near where the project may be located. yes

6. **Consultation with Users.** In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed. yes

7. **Public Hearings.** – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project. n/a

8. **Air and Water Quality Standards.** – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary. n/a

PART II – SECTION C (CONTINUED)

9. Exclusive Rights. – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

none

10. Land. – (a) The sponsor holds the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

n/a

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land* on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

**State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.*

PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL

1. Federal Domestic Assistance Catalog No.
2. Functional or Other Breakout

SECTION B - CALCULATION OF FEDERAL GRANT

COST CLASSIFICATION	Use only for revisions		Total Amount Required
	Latest Approved amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$81,457.00
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			363,161.00
5. Other architectural engineering fees IFE			4,500.00
6. Project inspection fees			488,379.00
7. Land development			
8. Relocation expenses			
9. Relocation payments to individuals and businesses			
10. Demolition and removal			
11. Construction and project improvement			6,105,386.00
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			7,042,883.00
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			7,042,883.00
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			7,042,883.00
20. Federal Share requested of Line 19		.	6,690,739.00
21. Add Rehabilitation Grants Requested (100 percent)			
22. Total Federal grant requested (Lines 20 & 21)			6,690,739.00
23. Grantee share			176,072.00
24. Other shares			176,072.00
25. Total project (Lines 22, 23, & 24)	\$	\$	\$7,042,883.00

SECTION C - EXCLUSIONS

26. Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g. Totals	\$	\$

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	2.5% Sponsor	\$ 176,072.00
a. Securities		
b. Mortgages		
c. Appropriations (By Applicant)		
d. Bonds		
e. Tax Levies		
f. Non Cash		
g. Other (Explain)		
h. Total - Grantee Share		176,072.00
28. Other Shares		
a. State	2.5% NYSDOT	176,072.00
b. Other		
c. Total Other Shares		176,072.00
29. TOTAL		\$ 352,144.00

SECTION E - REMARKS

PART IV - PROGRAM NARRATIVE (ATTACH - SEE INSTRUCTIONS)

PART IV
PROGRAM NARRATIVE

(Suggested Format)

DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

OMB NO. 2120-0569

PROJECT: Rehabilitation of Runway 6-24 Phase II Engineering
AIRPORT: Francis S. Gabreski Airport
1. Objective: Phase II Design: Rehabilitation of a portion of the runway that consists of an asphalt/concrete pavement section. This area is approximately 4,420 feet of additional pavement repair with 500 feet of transitional pavement between previously designed pavement and adjoining pavements. Phase I and II Construction and Construction Engineering: Design of Phase I has been completed for the repair of approximately 1,700 feet of the runway length (between Taxiway N and B). Construction will include phase I and II.
2. Benefits Anticipated: 6,120 feet of rehabilitated runway length.
3. Approach: <i>(See approved Scope of Work in final Application)</i>
4. Geographic Location: Francis S. Gabreski Airport Westhampton Beach Suffolk County, NY
5. If Applicable, Provide Additional Information: Phase I design completed under AIP 3-36-0122-14-07
6: Sponsor's Representative: <i>(incl. address & tel. no.)</i> Mr. Anthony Ceglio, Airport Manager Francis S. Gabreski Airport Westhampton Beach, NY 11978 631-852-8095



U. S. Department
of Transportation

Federal Aviation
Administration

New York Airports District Office
600 Old Country Rd, Suite 446
Garden City, New York 11530
Telephone: 516-227-3812
Fax: 516-227-3813

April 22, 2009

Mr. Anthony Ceglie
Airport Manager
Francis Gabreski Airport
Administration Building No.1
Westhampton Beach, N.Y. 11978

Dear Mr. Ceglie:

Francis S. Gabreski Airport - Rehabilitate a Portion of Runway 6-24 (Approx. 6,120L.F. x 150L.F.) including Markings, Additional Engineering Design and Construction Supervision - Intended Federal Funding for Fiscal Year 2009.

I am writing in regard to the funding of the above reference project with Airport Improvement Program (AIP) funds in Federal Fiscal Year 2009. This is based on discussions, written material and visits to your airport.

We intend to fund this project in this fiscal year provided all the funding allocated for this project available. Your consultant's current estimate for this project is approximately \$6,330,000. However, our funding will be based on bids and approved engineering agreements.

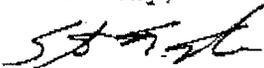
We clearly understand that your airport is jointly used by the New York Air National Guard. Their participation in funding to complete the rehabilitation of the runway in its entirety may only be possible in year 2012 subject to their mission priorities.

We have made a formal request to our Headquarter Office in Washington to assure us of the availability of the needed funds. As soon as we receive their determination we will be

advise you promptly. If their response is affirmative a project pre-application must be submitted promptly.

If you have any questions, please call me at 516-227-3803.

Sincerely,



Steven M. Urlass
Manager, NYADO

1399

Intro. Res. No. - 2009
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 4/28/09

RESOLUTION NO. - 2009, APPROPRIATING FUNDS IN CONNECTION WITH REHABILITATION OF SMITH POINT BRIDGE (CP 5838)

WHEREAS, the Commissioner of Public Works has requested funds for construction in connection with Rehabilitation of Smith Point Bridge; and

WHEREAS, there are sufficient funds within the 2009 Capital Budget and Program to cover the cost of said request; and

WHEREAS, Resolution No. 471-1994 and as amended by Resolution No. 461-2006 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$3,500,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (2) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-seven (57) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete Rehabilitation of Smith Point Bridge, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

4th RESOLVED, that the proceeds of \$3,500,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5838.313 (Fund 001 Debt Service)	50	Rehabilitation of Smith Point Bridge	\$3,500,000

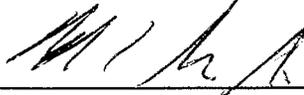
DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
RESOLUTION NO. - 2009, APPROPRIATING FUNDS IN CONNECTION WITH REHABILITATION OF SMITH POINT BRIDGE (CP 5838)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
2010		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		April 27th, 2009

SCIN FORM 175b (10/95)

Suffolk County
Project Name
 General Obligation Serial Bonds
 Level Debt

Term of Bonds: 20
 Amount to Bond: \$3,500,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$107,821.86	\$168,875.00	\$276,696.86	\$276,696.86
			\$81,836.30	\$81,836.30	
5/1/2011	4.500%	\$113,024.26	\$81,836.30	\$194,860.56	\$276,696.86
			\$79,109.59	\$79,109.59	
5/1/2012	4.500%	\$118,477.68	\$79,109.59	\$197,587.27	\$276,696.86
			\$76,251.31	\$76,251.31	
5/1/2013	4.500%	\$124,194.23	\$76,251.31	\$200,445.54	\$276,696.86
			\$73,255.13	\$73,255.13	
5/1/2014	4.500%	\$130,186.60	\$73,255.13	\$203,441.73	\$276,696.86
			\$70,114.38	\$70,114.38	
5/1/2015	4.500%	\$136,468.10	\$70,114.38	\$206,582.48	\$276,696.86
			\$66,822.08	\$66,822.08	
	4.500%	\$143,052.69	\$66,822.08	\$209,874.77	\$276,696.86
			\$63,370.94	\$63,370.94	
5/1/2017	5.000%	\$149,954.98	\$63,370.94	\$213,325.92	\$276,696.86
			\$59,753.27	\$59,753.27	
5/1/2018	5.000%	\$157,190.31	\$59,753.27	\$216,943.58	\$276,696.86
			\$55,961.06	\$55,961.06	
5/1/2019	5.000%	\$164,774.74	\$55,961.06	\$220,735.80	\$276,696.86
			\$51,985.87	\$51,985.87	
	5.000%	\$172,725.12	\$51,985.87	\$224,710.99	\$276,696.86
			\$47,818.87	\$47,818.87	
5/1/2021	5.000%	\$181,059.11	\$47,818.87	\$228,877.98	\$276,696.86
			\$43,450.82	\$43,450.82	
5/1/2022	5.000%	\$189,795.21	\$43,450.82	\$233,246.03	\$276,696.86
			\$38,872.01	\$38,872.01	
5/1/2023	5.000%	\$198,952.83	\$38,872.01	\$237,824.84	\$276,696.86
			\$34,072.27	\$34,072.27	
	5.000%	\$208,552.31	\$34,072.27	\$242,624.58	\$276,696.86
			\$29,040.95	\$29,040.95	
5/1/2025	5.000%	\$218,614.96	\$29,040.95	\$247,655.91	\$276,696.86
			\$23,766.86	\$23,766.86	
5/1/2026	5.000%	\$229,163.13	\$23,766.86	\$252,929.99	\$276,696.86
			\$18,238.30	\$18,238.30	
5/1/2027	5.000%	\$240,220.25	\$18,238.30	\$258,458.55	\$276,696.86
			\$12,442.99	\$12,442.99	
4/30/2028	5.000%	\$251,810.87	\$12,442.99	\$264,253.87	\$276,696.86
			\$6,368.05	\$6,368.05	
5/1/2029	5.000%	\$263,960.75	\$6,368.05	\$270,328.80	\$276,696.86
		\$3,500,000.00	\$2,033,937.12	\$5,533,937.12	\$5,533,937.12

**FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$276,697	\$0.52		\$0.001

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$276,697	\$0.52		\$0.001

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Thomas LaGuardia
FROM: Thomas LaGuardia, S.E., Chief Deputy Commissioner
DATE: April 24, 2009
**RE: APPROPRIATING FUNDS IN CONNECTION WITH
REHABILITATION OF SMITH POINT BRIDGE
(CAPITAL PROGRAM NUMBER 5838)**

Attached are a draft resolution and duplicate copy to appropriate the sum of \$3,500,000 for construction in connection with the above referenced project. There are sufficient funds included in the 2009 Capital Budget and Program for this project.

Smith Point Bridge is a movable bridge that was built in 1959 and is 50 years old. A study completed in late 2007 has determined that the electrical, mechanical and structural components are severely deteriorated and a full replacement of the Bridge will be necessary costing from \$ 40 million to \$ 60 million dollars. Since the design and permitting process will take 5 to 7 years and we will need to determine funding sources for the replacement project, the Department will progress an interim repair project to extend the service life of the existing Bridge another 10 years. This interim project will cost approximately \$ 3.5 million dollars.

During the design phase of the proposed rehabilitation project approved in the amount of \$3,500,000 for 2009, a serious condition was discovered. Severe corrosion of some of the main steel framing members of the bridge have forced us to Load Post the structure for a Maximum Load of Ten Tons. This rating will allow passenger cars and standard RV's but will limit heavier loads such as roll-off container trucks, equipment movers and heavy Emergency Services Equipment, including Fire Trucks to use the crossing. We are in the process of designing temporary repairs to the structure to lift the Load Posting. We cannot wait until the full rehabilitation project design, letting and contract is in place to make these repairs. At this point in the process an accurate cost estimate is not feasible without additional inspection to cover all the main steel members. This inspection is currently underway. However, we believe the repair will cost less than \$200,000.

Under SEQRA this is a Type II action in that the law authorizes replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

RESOLUTION NO. - 2009, AMENDING THE 2009 OPERATING BUDGET AND THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROVING THE PURCHASE OF APPROXIMATELY 70 HYBRID ELECTRIC VEHICLES OF VARIOUS MODELS FOR COUNTY FLEET AND ACCEPTING FEDERAL AID

WHEREAS, the Commissioner of Public Works has requested funds for the purchase of approximately 70 hybrid electric vehicles of various models for county fleet; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal portion; and

WHEREAS, there are Federal funds available from the Federal Highway Administration (FHWA) for this project, Purchase Hybrid Electric Vehicles of Various Models for County Fleet in the amount of \$2,000,000, with a share allocation of eighty (80%) percent Federal funds (\$1,600,000) and twenty (20%) percent County funds (\$400,000); and

WHEREAS, there are sufficient funds included within the 2009 Adopted Operating Budget to cover the County share for said hybrid vehicle purchase; and

WHEREAS, the Commissioner of Public Works requests that these funds be transferred and appropriated for the purchase of hybrid vehicles; and

WHEREAS. These vehicles are in accordance with Section 186-2(B)(6) of the Suffolk County Code and in accordance with the county vehicle standard; and

WHEREAS, the County has been issued PIN 075933 (OT22.70) and must first pass a resolution and have State and local agreements in place prior to final issuance of the Federal authorization; and

WHEREAS, Resolution 321-2003 requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicles, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature"; and

WHEREAS, Resolution 847-2006 establishes minimum gasoline mileage ratings for non-exempt vehicles; and

WHEREAS, as due to the limited availability of Hybrid Vehicles, Public Works plans to make the purchase over a multi year period; and

WHEREAS, the 2009 Adopted Operating Budget includes the County share of the funds sufficient to cover the purchase of Hybrid replacement vehicles; now, therefore, be it

1st RESOLVED, that no appropriations shall be expended, encumbered or authorized, until the County is in receipt of the Federal Authorization for the acquisition of these Hybrid Vehicles; and be it further

2nd RESOLVED, that the purchase of Hybrid replacement vehicles as reflected on the attached "Exhibit A" is hereby approved for 2009, pursuant to Section 186-2(B)(6) of the

SUFFOLK COUNTY CODE, and in accordance with County vehicle standard, and that the balance of the approximately 70 Hybrid Vehicles to be purchased under this grant shall be authorized by resolution in the 2010; and be it further

3rd RESOLVED, that the County Treasurer and Comptroller are hereby authorized and directed to accept Federal funding for the purchase of these Hybrid Vehicles; and be it further

4th RESOLVED, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5601
 Project Title: Purchase of Hybrid and Electric Vehicles

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
5. Equipment	\$1,600,000	\$0	\$1,600,000F
	\$ 400,000	\$0	\$400,000 T
TOTAL	\$2,000,000	\$0	\$2,000,000

and be it further

5th RESOLVED, that the 2009 operating budget is amended as follows:

<u>Fund/Agency/Unit</u>	<u>Description</u>	<u>Amount</u>
016-DPW-5130-2030	Purchase of Vehicles	-\$400,000
016-IFT-E525-9600-	Transfer to Capital Funds	+\$400,000

and be it further

6th RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept Interfund revenues and effectuate all transfers, including associated cash transfers, for the purchase of hybrid vehicles as follows:

REVENUE:

<u>Fund /Agency/Source</u>	<u>Description</u>	<u>Amount</u>
525-IFT-R016	Transfer from Fund 016-Interdepartment Operation and Service Fund	\$400,000

and be it further

7th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$1,600,000; and be it further

8th RESOLVED, that the proceeds of \$400,000 in Interfund Revenues and \$1,600,000 in Federal Aid be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5601.510	12	Purchase of Hybrid Electric Vehicles	\$2,000,000

and be it further

9th RESOLVED, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

EXHIBIT A

Department	Appropriation	Hybrid Sedan	Hybrid Escape
Board of Election	1450	1	
Social Service	6010	1	
County Executive	1230	1	
FRES	3400	1	
Law	1420	2	
Legislature	1010	1	
DA	7110	8	1
Parks	7110		4
DPW	1490		5
DPW	1493		1
DPW	1611		1
DPW	5130		2
ITS	1651		2
Sheriff	3110		6
Probation	3175		1
Totals		15	23

Estimated amount on the Toyota Prius for 15 units costing \$ 25,200 = \$ 378,000

Estimated amount on the Ford Escapes for 23 units costing \$ 27,000 = \$ 621,000

Total estimated amount for Sedans and Escapes which represents 38 units is \$ 999,000

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

DATE: February 2, 2009

RE: **APPROVING THE PURCHASE OF APPROXIMATELY
70 HYBRID ELECTRIC VEHICLES OF VARIOUS
MODELS FOR COUNTY FLEET AND ACCEPTING
FEDERAL AID**

Attached is a draft resolution and duplicate copy approving the purchase of \$2,000,000 of Hybrid Vehicles. There are sufficient funds included in the 2009 Operating Budget for this project.

Federal funds are available from the Federal Highway Administration (FHWA) for this project, Purchase Hybrid Electric Vehicles of Various Models for County Fleet in the amount of \$2,000,000, with a share allocation of eighty (80%) percent Federal funds (\$1,600,000) and twenty (20%) percent County funds (\$400,000).

As this is a Federally funded project. Mandated milestones must be met to insure the Federal funds are obtained.

Recent changes to the procedures for obtaining final Federal authorization require that the County pass a resolution and have local and State contracts in place prior to final authorization.

These vehicles are in accordance with Section 186-2(B)(6) of the Suffolk County Code and in accordance with the county vehicle standard.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-Hybrid Vehicle Purchases.doc".

TL:WH:sk
attach.

cc Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE FOR
FINANCE AND MANAGEMENT

Memorandum

TO: Ben Zwirn, Deputy County Executive

FROM: Carmine A. Chiusano, Assistant Budget Director *CAC*

DATE: April 24, 2009

RE: Proposed Late Starter Capital Budget Resolutions for the 4/28/09 Legislative Meeting

1. NO ML—Amending The 2009 Operating Budget And The 2009 Capital Budget And Program And Approving The Purchase Of Approximately 70 Hybrid Electric Vehicles Of Various Models For County Fleet And Accepting Federal Aid

CAC:lp

Attachments

cc: Christopher Kent, Chief Deputy County Executive
Fred Pollert, Deputy County Executive
Connie R. Corso, Budget Director
Lynne Bizzarro, Law Department
Geraldine Olsen, Audit & Control
Pat Grimes, Audit & Control

1408
Intro. Res. No. -2009
Introduced by Presiding Officer Lindsay

Laid on Table 4/28/09

RESOLUTION NO. -2009, TO AMEND RESOLUTION 882-2008, CREATING AN OVERSIGHT MANAGEMENT COMMITTEE FOR THE JOHN J. FOLEY SKILLED NURSING FACILITY

WHEREAS, Resolution No. 882-2008 created an Oversight Management Committee for the John J. Foley Skilled Nursing Facility; and

WHEREAS, the requirement that the Committee meet twice monthly has proven to be unnecessary; now, therefore be it

1st RESOLVED, that the 6th RESOLVED clause of Resolution No. 882-2008 is hereby amended as follows:

6th RESOLVED, that the Committee shall meet with the management consultant at least [twice] monthly to ensure that all practicable steps are being implemented to improve the Foley Facility's balance sheet; and be it further

and be it further

2nd RESOLVED, that all other terms and conditions of Resolution No. 882-2008 shall remain in full force and effect; and be it further

3rd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\l-amend-foley-oversight-committee

1409

Intro. Res. No. -2009
Introduced by Legislator Beedenbender

Laid on Table 4/28/09

RESOLUTION NO. -2009, AUTHORIZING THE GRANTING OF A PERMANENT EASEMENT TO THE SELDEN FIRE DISTRICT ACROSS COUNTY-OWNED PROPERTY (SCTM NO. 0200-538.00-05.00-001.005)

WHEREAS, the County of Suffolk owns a 61.4 acre parcel of real property, in Selden, known as Suffolk County Tax Map No. 0200-538.00-05.00-001.005; and

WHEREAS, this parcel is adjacent to property owned by the Selden Fire District ("Fire District"); and

WHEREAS, an easement across a small portion of the County-owned property adjacent to the Fire District property would provide the District with access to College Road, a major road in the area; and

WHEREAS, providing the Fire District with access to College Road would allow it to respond more quickly to emergencies while bypassing residential neighborhoods; and

WHEREAS, Suffolk County seeks to aid local fire departments in providing the best services possible to County residents; now therefore be it

1st RESOLVED, that the County of Suffolk hereby grants an exclusive and permanent easement to the Fire District, its successors and assigns, in accordance with the map attached as Exhibit "A", for the right, privilege and authority to construct, place, operate, replace, remove, repair and maintain an access road running from the Fire Department's headquarters to College Road, subject to the following:

- 1) That the Fire District holds the County of Suffolk, its officers, agents, servants and employees harmless, and shall defend, and indemnify the County of Suffolk, its officers, agents, servants, and employees, as to any and all liability whatsoever, as a result of the County of Suffolk granting this easement; and
- 2) That, in acting pursuant to the easement, the Fire District shall comply with all applicable Federal, State and local laws, rules, regulations and orders; and
- 3) That the County of Suffolk may grant other non-exclusive easements in the easement area for compatible uses, provided that such other grant does not interfere with or prohibit the full use of said easement herein granted; and be it further

2nd RESOLVED, that the Division of Real Property Acquisition and Management, is hereby authorized, empowered and directed, pursuant to Section 14-10 of the SUFFOLK COUNTY CHARTER, to execute all legal documents necessary and appropriate to effectuate the granting of such an easement on behalf of the County of Suffolk to this effect; and be it further

3rd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF

RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\l-easement selden fire dept

1410

Intro. Res. No. -2009
Introduced by Presiding Officer Lindsay

Laid on Table 4/28/09

RESOLUTION NO. -2009, ADOPTING LOCAL LAW NO. -2009, A LOCAL LAW TO AMEND THE LIVING WAGE LAW AND ESTABLISH NEW DATE FOR COST OF LIVING ADJUSTMENT

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2009, a proposed local law entitled, " **A LOCAL LAW TO AMEND THE LIVING WAGE LAW AND ESTABLISH NEW DATE FOR COST OF LIVING ADJUSTMENT** " now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK
A LOCAL LAW TO AMEND THE LIVING WAGE LAW AND
ESTABLISH NEW DATE FOR COST OF LIVING ADJUSTMENT**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law 12-2001 established a living wage policy for the County of Suffolk.

This Legislature also further finds that the Living Wage Law contains a provision that the living wage shall increase annually in proportion to any increase in the Consumer Price Index, and such living wage adjustments are required to be implemented by covered employers on July 1 each year.

This Legislature finds that numerous not-for-profit organizations have asked that the annual implementation date for living wage adjustments be moved to January 1 to coincide with the term of their County contracts as well as their normal budget calendar.

This Legislature also determines that the County of Suffolk set a policy that precluded contract agencies from including personnel pay increase in their 2009 contracts. As a consequence of this policy, the scheduled July 1, 2009 living wage adjustment is, in effect, an unfunded mandate for contract agencies.

This Legislature further finds and determines that the deep national recession has had a severe negative effect on the fiscal health of not-for-profit agencies; deferring the scheduled living wage adjustment from July 1, 2009 to January 1, 2010 will provide necessary relief to these organizations.

Therefore, the purpose of this local law is to delay the date for the scheduled living wage adjustment from July 1, 2009 to January 1, 2010 and to establish January 1 as the date for annual cost of living adjustments in all years thereafter.

Section 2. Living Wage Adjustment Deferred.

The living wage rate adjustment scheduled to be implemented on July 1, 2009 in accordance with the requirements of Section 347-3(B) of the SUFFOLK COUNTY CODE, shall be deferred until January 1, 2010. The living wage rate adjustment implemented on January 1, 2010 shall be calculated in accordance with the formula set forth in Section 347-3(B), as amended by this local law.

Section 3. Amendments.

Section 347 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 347, LIVING WAGE

* * * *

§ 347-3. Living wage and other benefits.

* * * *

B. Amount of wage. The living wage shall be calculated on an hourly basis and shall be no less than \$9 per hour worked with health benefits, as described in this chapter, or otherwise \$10.25 per hour. For the employees of child-care providers only, the living wage shall be calculated on an hourly basis and shall be no less than \$9 per hour worked, with or without health benefits, of which no less than \$7.75 shall be attributable to non-benefit employee compensation until January 1, 2005. In the event that health benefits are not provided, then such employees shall receive \$9 per hour worked. Beginning on January 1, 2005, the living wage for employees of child-care providers shall be calculated on an hourly basis and shall be no less than \$9.75 per hour worked, with or without health benefits, of which no less than \$8.50 shall be attributable to non-benefit employee compensation. In the event that the health benefits are not provided, then such employees shall receive \$9.75 per hour worked. Beginning on January 1, 2006, the living wage for all covered employees of child-care providers will increase by \$0.75 per hour worked. The living wage shall be adjusted upwardly only, if applicable, each year beginning in [2004, no later than April 1] 2010 in proportion to the increase[, if any, immediately preceding December 31 over the year-earlier level] of the area consumer price index as published by the U. S. Department of Labor[, applied to the living wage] and calculated on a period of twelve (12) months ending in September of the previous year. The covered employer shall provide written notification of the rate adjustments to each of its covered employees and to its subcontractors and/or tenants, who shall provide written notices to each of their employees, if any, and make the necessary payroll adjustments by [July] January 1, beginning in [2004] 2010.

* * * *

Section 4. Applicability.

This law shall apply to living wage rate adjustments occurring on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1410

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK



GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov

WILLIAM H. ROGERS BUILDING
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: APRIL 28, 2009
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2009

TITLE: I.R. NO. -2009; A LOCAL LAW TO AMEND THE LIVING WAGE LAW AND ESTABLISH NEW DATE FOR COST OF LIVING ADJUSTMENT

SPONSOR: PRESIDING OFFICER LINDSAY

DATE OF RECEIPT BY COUNSEL: 4/28/2009 PUBLIC HEARING: 5/12/2009

DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed local law would delay the living wage rate adjustment, presently scheduled to be implemented by the County's contract agencies on July 1, 2009, to January 1, 2010.

Additionally, this law would permanently change the annual implementation date for the living wage adjustment to January 1.¹

This law will take effect immediately upon its filing in the Office of the Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\rule28\28-amend-living-wage-law

¹ This living wage adjustment will henceforth be calculated on the increase in the Consumer Price Index during the twelve (12) month period ending in September of the previous year.

1415

Intro. Res. No. -2009
Introduced by Legislator Horsley

Laid on Table 4/28/09

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW NO.
-2009, A LOCAL LAW BANNING THE SALE OF DROP-SIDE
CRIBS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2009, a proposed local law entitled, "**A LOCAL LAW BANNING THE SALE OF DROP-SIDE CRIBS IN SUFFOLK COUNTY**" now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW BANNING THE SALE OF DROP-SIDE CRIBS IN
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that drop-side cribs are manufactured with three immovable sides and one side that is able to slide up and down to allow for easier access to infants inside the crib.

This Legislature also finds and determines that drop-side cribs have more moving parts than cribs with four fixed sides, leading to an increased risk of separation of one side of the crib from the others and higher rates of other crib malfunctions.

This Legislature further finds and determines that frequently parents are unaware that their drop-side crib has become unsafe because the crib's hardware malfunctions in a way that cannot be readily detected.

This Legislature finds that malfunctioning drop-side cribs have been the cause of at least three infant deaths and many injuries throughout the United States in the past eighteen (18) months.

This Legislature determines that the injuries and deaths resulting from the use of drop-side cribs have resulted in increased investigations and five recalls by the federal Consumer Product Safety Commission, involving more than three million cribs.

This Legislature also finds that, in response to these concerns, the crib making industry has proposed through the industry safety standards organization, ASTM International, banning the manufacture and sale of drop-side cribs.

This Legislature further finds that currently, the industry ban on the manufacture and sale of drop-side cribs is only voluntary and is not required by any laws or regulations.

This Legislature also determines that Suffolk County wants to ensure the protection of its youngest and most vulnerable residents from the dangers associated with drop-side crib malfunctions.

Therefore, the purpose of this law is to ban the sale of drop-side cribs in Suffolk County.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“DROP-SIDE CRIB” shall mean any infant crib that has three immovable sides, with a fourth side that moves up and down. This term shall not include drop-gate cribs or any other crib that has four immovable sides with a portion of one side capable of being folded down.

“PERSON” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

Section 3. Prohibitions.

No person shall sell or offer for sale drop-side cribs within the County of Suffolk.

Section 4. Enforcement.

This law shall be enforced by the Suffolk County Department of Consumer Affairs.

Section 5. Authority to Promulgate Rules and Regulations.

The Commissioner of the Suffolk County Department of Consumer Affairs is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law.

Section 6. Penalties.

Any person who knowingly violates the provisions of this law shall be subject to a civil penalty of five hundred dollars (\$500) for an initial violation of the law and a penalty of one thousand dollars (\$1,000) for each subsequent violation.

Section 7. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder

thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-ban drop side cribs

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov

WILLIAM H. ROGERS BUILDING
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: April 28, 2009

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2009

TITLE: I.R. NO. -2009; A LOCAL LAW BANNING THE SALE OF DROP-SIDE CRIBS IN SUFFOLK COUNTY

SPONSOR: LEGISLATOR HORSLEY

DATE OF RECEIPT BY COUNSEL: 4/28/09 **PUBLIC HEARING:** 5/12/09

DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

This proposed local law would ban the sale of drop-side cribs on the retail and secondary market in Suffolk County. Drop-side cribs are characterized as having three immovable sides with one side that can be moved up and down.

Initial violations of this law will be subject to a civil penalty of five hundred dollars (\$500), with subsequent violations incurring a civil penalty of one thousand dollars (\$1,000). This law will be enforced and administered by the Department of Consumer Affairs.

This law will take effect ninety (90) days after its filing with the Office of the Secretary of State.

A handwritten signature in black ink, appearing to read "George Nolan", is written over the printed name.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-ban dropside cribs

PROCEDURAL RESOLUTION NO. 9 -2009, TO SET A PUBLIC HEARING FOR THE INCLUSION OF NEW PARCELS INTO EXISTING AGRICULTURAL DISTRICTS IN THE TOWNS OF BROOKHAVEN, RIVERHEAD, SOUTHAMPTON, AND SOUTHOLD

WHEREAS, Section 25-AA of the NEW YORK AGRICULTURE AND MARKETS LAW, allows the annual inclusion of land which is predominantly viable agricultural land within certified agricultural districts; and

WHEREAS, in accordance with §25-AA of the NEW YORK AGRICULTURE AND MARKETS LAW, the County Legislature must hold a public hearing on the proposed inclusion of land into existing agricultural districts; and

WHEREAS, existing Agricultural Districts will increase by one hundred forty and six tenths (140.6) acres in the Towns of Brookhaven, Riverhead, Southampton, and Southold; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board recommends the inclusion of new parcels into existing certified Agricultural Districts in the Towns of Brookhaven, Riverhead, Southampton, and Southold; now, therefore be it

1st RESOLVED, that, pursuant to §25-AA of the NEW YORK AGRICULTURE AND MARKETS LAWS, a public hearing shall be scheduled and held by the Suffolk County Legislature on May 12, 2008 at 2:30 p.m. in the Rose Y. Caracappa Auditorium at the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, NY for the purpose of inclusion of new parcels into existing certified Agricultural Districts in the Towns of Brookhaven, Riverhead, Southampton, and Southold.

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO §A2-15(A) OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

s:\procedural resolutions\motion-ph-existing-ag-districts

**MOTION NO. 10 – 2009, PROCEDURAL RESOLUTION
AUTHORIZING FUNDING FOR COMMUNITY SUPPORT
INITIATIVES (PHASE II)**

WHEREAS, funds are included in the 2009 Operating Budget (001-LEG-1012-4981) to supplement county services via non-profit organizations; and

WHEREAS, pursuant to Resolution No. 1054-2007, this Legislature is administering these “Community Support Initiatives”; now, therefore be it

1st RESOLVED, that the Presiding Officer is hereby authorized to enter into agreements with the following contract agencies for the amounts indicated:

<u>AGENCY</u>	<u>SPONSOR</u>	<u>AMOUNT</u>
AmVets Post 18	Alden	\$2,000
Big Brothers Big Sisters of Long Island, Inc.	Viloria-Fisher	\$1,000
Children Maritime Museum of Port Jefferson	Viloria-Fisher	\$1,000
Community Family Literacy Project, Inc.	Browning	\$2,500
Comsewogue Youth Club, Inc.	Losquadro	\$1,000
Eastern Suffolk BOCES	Viloria-Fisher	\$1,000
Fischer-Hewins VFW Post #6249	Losquadro	\$2,000
Friends of Karen, Inc.	Viloria-Fisher	\$1,000
Friends of Science East, Inc.	Losquadro	\$1,000
Gallery North, Inc.	Viloria-Fisher	\$1,000
Great South Bay Power Squadron	Alden	\$1,000
Guide Dog Foundation for the Blind	Alden	\$1,000
Hands, Inc.	Beedenbender	\$2,000
Holbrook Road PTA	Beedenbender	\$1,000
Huntington Youth Bureau Development and Research	Cooper	\$5,000
Interfaith Nutrition Network (Rocky Point Invited Inn)	Losquadro	\$2,000
Interfaith Nutrition Network (Thee Island Inn)	Losquadro	\$2,000
Islip American Little League	Alden	\$2,000
Long Island Citizens for Community Values, Inc.	Gregory	\$1,000
Long Island Housing Partnership, Inc.	Viloria-Fisher	\$1,000
Long Island Museum of American Art History and Carriages	Viloria-Fisher	\$1,000
Marine Corps League of Huntington, LI	Stern	\$1,000
Middle Country Public Library	Beedenbender	\$4,500
Middle Island United Church of Christ	Losquadro	\$1,000
Music Lovers Club	Alden	\$1,000
New England Village Homeowner's Association (NEVHA)	Lindsay	\$2,000

New Lane Elementary PTA	Beedenbender	\$1,500
Our Daily Bread Soup Kitchen and Food Pantry at St. James Church	Viloria-Fisher	\$1,000
Parish Resource Center	Losquadro	\$1,500
Rusy Bohm Post #411 - American Legion, Inc.	Alden	\$1,000
Sol Y Sombra Spanish Dance Company	Viloria-Fisher	\$1,000
South Shore Restoration Group, Inc.	Alden	\$1,000
St. Anthony Padula Roman Catholic Church	Losquadro	\$2,000
St. Louis De Montfort R.C.C. Outreach	Losquadro	\$2,000
St. Margaret of Scotland Baseball-Softball	Beedenbender	\$4,500
St. Patrick Family Outreach	Alden	\$1,000
Suffolk Community College Association, Inc.	Viloria-Fisher	\$1,000
Suffolk County Coalition Against Domestic Violence	Eddington	\$1,500
Suffolk County United Veterans Halfway House Project, Inc.	Alden	\$1,000
Suffolk County United Veterans Halfway House Project, Inc.	Browning	\$1,000
Suffolk County United Veterans Halfway House Project, Inc.	Eddington	\$1,000
The Community Programs Center of Long Island	Viloria-Fisher	\$1,000
The Greater Port Jefferson Chamber of Commerce	Viloria-Fisher	\$1,000
The Ward Melville Heritage Organization, Ltd.	Viloria-Fisher	\$1,000
Training Orchestra, Inc. d/b/a Gemini Youth Orchestra	Stern	\$1,500
Youth Enrichment Services	Alden	\$7,000

and be it further

2nd RESOLVED, that funding for this purpose shall be expended from Fund 001-LEG-1012-4981.

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER

s:\procedural motion\CSI PM Phase II

**MOTION NO. 10 – 2009, PROCEDURAL RESOLUTION
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INITIATIVES (PHASE II)**

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DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER

s:\procedural motion\CSI PM Phase II

**HOME RULE MESSAGE REQUESTING THE
STATE OF NEW YORK TO AUTHORIZE THE
COUNTY OF SUFFOLK TO ESTABLISH A
WIRELESS SURCHARGE (SENATE BILL S.4026
AND ASSEMBLY BILL A.7336)**

WHEREAS, wireless communication has become commonplace in Suffolk County and throughout the State and nation; and

WHEREAS, with the increase in availability and use of wireless communication devices, there has been a corresponding increase in the number and frequency of emergency response line, or 911, calls; and

WHEREAS, the increased volume on 911 lines has increased the costs of operating an emergency response system for municipalities; and

WHEREAS, the State of New York has authorized, and numerous counties around the state have enacted, a surcharge on wireless services to offset the costs associated with providing enhanced wireless 911 service; and

WHEREAS, legislation has been introduced in the New York State Assembly and New York State Senate that would authorize Suffolk County to establish a wireless surcharge, not to exceed thirty cents (\$0.30) per month; and

WHEREAS, the revenues generated by such a surcharge would be used to pay the actual costs related to the design, installation or maintenance of a system to provide enhanced wireless 911 services; now therefore be it

1st RESOLVED, that this Legislature hereby requests the State of New York to enact Senate Bill S.4026 and Assembly Bill A.7336 to authorize the County of Suffolk to establish a wireless surcharge; and be it further

2nd RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor David A. Paterson; to the Majority Leader of the New York State Senate Malcolm Smith; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED:

s:\memres\hr-wireless surcharge

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DATED:

s:\memres\hr-wireless surcharge



Thursday, April 16, 2009

Summary - S04026

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[See Text](#)

S04026 Summary:

BILL NO S04026
SAME AS Same as A 7336
SPONSOR FOLEY

COSPNSR

MLTSPNSR

Add S308-x, County L

Authorizes the local county legislative body of the county of Suffolk to establish a wireless surcharge not to exceed thirty cents per month on wireless communications service in the county of Suffolk; provides such surcharge moneys may be used for the payment of eligible wireless service costs as defined in the county law.

S04026 Actions:

BILL NO S04026

04/07/2009 REFERRED TO LOCAL GOVERNMENT

S04026 Votes:

S04026 Memo:

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Thursday, April 16, 2009

Text - S04026

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[See Summary](#)

S T A T E O F N E W Y O R K

4026

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law, in relation to authorizing the county of Suffolk to establish a wireless surcharge

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The county law is amended by adding a new section 308-x to
 2 read as follows:
 3 S 308-X. ESTABLISHMENT OF COUNTY OF SUFFOLK WIRELESS SURCHARGE. 1.
 4 NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE COUNTY OF
 5 SUFFOLK, ACTING THROUGH ITS LOCAL COUNTY LEGISLATIVE BODY, IS HEREBY
 6 AUTHORIZED AND EMPOWERED TO ADOPT, AMEND OR REPEAL LOCAL LAWS TO IMPOSE
 7 A SURCHARGE IN AN AMOUNT NOT TO EXCEED THIRTY CENTS PER MONTH ON WIRE-
 8 LESS COMMUNICATIONS SERVICE IN THE COUNTY OF SUFFOLK. THE SURCHARGE
 9 SHALL BE IMPOSED ON EACH WIRELESS COMMUNICATIONS DEVICE AND SHALL BE
 10 REFLECTED AND MADE PAYABLE ON BILLS RENDERED FOR WIRELESS COMMUNICATIONS
 11 SERVICE THAT IS PROVIDED TO A CUSTOMER WHOSE PLACE OF PRIMARY USE IS
 12 WITHIN THE COUNTY. FOR PURPOSES OF THIS SECTION, THE TERM "PLACE OF
 13 PRIMARY USE" SHALL MEAN THE STREET ADDRESS THAT IS REPRESENTATIVE OF
 14 WHERE THE CUSTOMER'S USE OF THE WIRELESS COMMUNICATIONS SERVICE PRIMARI-
 15 LY OCCURS, WHICH ADDRESS MUST BE: (A) RESIDENTIAL STREET ADDRESS OR THE
 16 PRIMARY BUSINESS STREET ADDRESS OF THE CUSTOMER; AND (B) WITHIN THE
 17 LICENSED SERVICE AREA OF THE WIRELESS COMMUNICATIONS SERVICE SUPPLIER.
 18 2. ANY LOCAL LAW ADOPTED PURSUANT TO THIS SECTION SHALL STATE THE
 19 AMOUNT OF THE SURCHARGE AND THE DATE ON WHICH THE WIRELESS COMMUNI-
 20 CATIONS SERVICE SUPPLIER SHALL BEGIN TO ADD SUCH SURCHARGE TO THE BILL-
 21 INGS OF ITS CUSTOMERS. ANY WIRELESS COMMUNICATIONS SERVICE SUPPLIER
 22 WITHIN THE COUNTY OF SUFFOLK WHICH HAS IMPOSED A SURCHARGE PURSUANT TO
 23 THE PROVISIONS OF THIS SECTION SHALL BE GIVEN A MINIMUM OF FORTY-FIVE
 24 DAYS WRITTEN NOTICE PRIOR TO THE DATE IT SHALL BEGIN TO ADD SUCH

HR 7

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD10414-02-9

S. 4026

2

1 SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS OR PRIOR TO ANY MODIFICATION
2 TO OR CHANGE IN THE SURCHARGE AMOUNT.

3 3. (A) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SERVING THE COUN-
4 TY OF SUFFOLK SHALL ACT AS COLLECTION AGENT FOR THE COUNTY AND SHALL
5 REMIT THE FUNDS COLLECTED PURSUANT TO A SURCHARGE IMPOSED UNDER THE
6 PROVISIONS OF THIS SECTION TO THE CHIEF FISCAL OFFICER OF THE COUNTY OF
7 SUFFOLK EVERY MONTH. SUCH FUNDS SHALL BE REMITTED NO LATER THAN THIRTY
8 DAYS AFTER THE LAST BUSINESS DAY OF THE MONTH.

9 (B) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL BE ENTITLED TO
10 RETAIN, AS AN ADMINISTRATIVE FEE, AN AMOUNT EQUAL TO TWO PERCENT OF ITS
11 COLLECTIONS OF A SURCHARGE IMPOSED UNDER THE PROVISIONS OF THIS SECTION.

12 (C) ANY SURCHARGE REQUIRED TO BE COLLECTED BY A WIRELESS COMMUNI-
13 CATIONS SERVICE SUPPLIER SHALL BE ADDED TO AND STATED SEPARATELY IN ITS
14 BILLINGS TO CUSTOMERS.

15 (D) EACH WIRELESS COMMUNICATIONS SERVICE CUSTOMER WHO IS SUBJECT TO
16 THE PROVISIONS OF THIS SECTION SHALL BE LIABLE TO THE COUNTY OF SUFFOLK
17 FOR THE SURCHARGE UNTIL IT HAS BEEN PAID TO THE COUNTY OF SUFFOLK EXCEPT
18 THAT PAYMENT TO A WIRELESS COMMUNICATIONS SERVICE SUPPLIER IS SUFFICIENT
19 TO RELIEVE THE CUSTOMER FROM FURTHER LIABILITY FOR SUCH SURCHARGE.

20 (E) NO WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL HAVE A LEGAL
21 OBLIGATION TO ENFORCE THE COLLECTION OF ANY SURCHARGE IMPOSED UNDER THE
22 PROVISIONS OF THIS SECTION, PROVIDED, HOWEVER, THAT WHENEVER THE WIRE-
23 LESS COMMUNICATIONS SERVICE SUPPLIER REMITS THE FUNDS COLLECTED TO THE
24 COUNTY OF SUFFOLK, IT SHALL ALSO PROVIDE THE COUNTY OF SUFFOLK WITH THE
25 NAME AND ADDRESS OF ANY CUSTOMER REFUSING OR FAILING TO PAY A SURCHARGE
26 IMPOSED UNDER THE PROVISIONS OF THIS SECTION AND SHALL STATE THE AMOUNT
27 OF SUCH SURCHARGE REMAINING UNPAID.

28 (F) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL ANNUALLY
29 PROVIDE TO THE COUNTY OF SUFFOLK AN ACCOUNTING OF THE SURCHARGE AMOUNTS
30 BILLED AND COLLECTED.

31 4. ALL SURCHARGE MONIES REMITTED TO THE COUNTY OF SUFFOLK BY A WIRE-
32 LESS COMMUNICATIONS SERVICE SUPPLIER SHALL BE EXPENDED ONLY UPON AUTHOR-
33 IZATION OF THE LOCAL COUNTY LEGISLATIVE BODY AND ONLY FOR PAYMENT OF
34 ELIGIBLE WIRELESS 911 SERVICE COSTS AS DEFINED IN SUBDIVISION SIXTEEN OF
35 SECTION THREE HUNDRED TWENTY-FIVE OF THIS CHAPTER. THE COUNTY OF SUFFOLK
36 SHALL SEPARATELY ACCOUNT FOR AND KEEP ADEQUATE BOOKS AND RECORDS OF THE
37 AMOUNT AND SOURCE OF ALL SUCH MONIES AND OF THE AMOUNT AND OBJECT OR
38 PURPOSE OF ALL EXPENDITURES THEREOF. IF, AT THE END OF ANY FISCAL YEAR,
39 THE TOTAL AMOUNT OF ALL SUCH MONIES EXCEEDS THE AMOUNT NECESSARY FOR
40 PAYMENT OF THE ABOVE MENTIONED COSTS IN SUCH FISCAL YEAR, SUCH EXCESS
41 SHALL BE RESERVED AND CARRIED OVER FOR THE PAYMENT OF THOSE COSTS IN THE
42 FOLLOWING FISCAL YEAR.

43 S 2. This act shall take effect immediately; provided, however, that
44 the provisions of subdivision 1 of section 308-x of the county law, as
45 added by section one of this act shall apply to bills rendered to wire-
46 less communications service customers by a wireless communications
47 service supplier on and after the expiration of the notice period
48 required pursuant to the provisions of subdivision 2 of such section
49 308-x; provided further, that a wireless service supplier may treat the
50 address used by such supplier for any wireless communications customer
51 under a service contact or agreement in effect on the effective date of
52 the local law imposing such surcharge, as that wireless communications
53 customer's place of primary use for the remaining term of such service
54 contract or agreement, excluding any extension or renewal of such

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Page 3 of 3

55 service contract or agreement, for purposes of determining the taxing
56 jurisdiction with respect to taxes on wireless communications service.

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Thursday, April 16, 2009

Summary - A07336

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[See Text](#)

A07336 Summary:

BILL NO A07336
SAME AS Same as S 4026
SPONSOR Sweeney
COSPNSR
MLTSPNSR
Add S308-x, County L

Authorizes the local county legislative body of the county of Suffolk to establish a wireless surcharge not to exceed thirty cents per month on wireless communications service in the county of Suffolk; provides such surcharge moneys may be used for the payment of eligible wireless service costs as defined in the county law.

A07336 Actions:

BILL NO A07336
03/31/2009 referred to ways and means

A07336 Votes:

A07336 Memo:

BILL NUMBER:A7336

TITLE OF BILL: An act to amend the county law, in relation to authorizing the county of Suffolk to establish a wireless surcharge

PURPOSE OF THE BILL: Authorizes the county of Suffolk to establish a

HR 7

surcharge on wireless communication service.

SUMMARY OF PROVISIONS: Section 1 of the bill amends the county law by adding a new section 308-x as it relates to the establishment of wireless surcharges for the county of Suffolk.

Paragraph 2 relates to providing written notice forty five days prior to the imposition of the surcharge.

Paragraph 3 relates to the wireless communication service supplier obligations.

Paragraph 4 of the bill is amended as it relates surcharge monies shall only be expendable for costs associated with public safety communication networks in Suffolk County.

JUSTIFICATION: This legislation will assist Suffolk County in paying for costs associated with establishing and maintaining an enhanced emergency telephone service system.

PRIOR LEGISLATIVE HISTORY: New Bill.

FISCAL IMPLICATIONS FOR STATE: None.

EFFECTIVE DATE: This act shall take effect immediately.

Contact Webmaster
Page display time = 0.0239 sec

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Thursday, April 16, 2009

Text - A07336

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[See Summary](#)

S T A T E O F N E W Y O R K

7336

2009-2010 Regular Sessions

I N A S S E M B L Y

March 31, 2009

Introduced by M. of A. SWEENEY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the county law, in relation to authorizing the county of Suffolk to establish a wireless surcharge

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 7 A SURCHARGE IN AN AMOUNT NOT TO EXCEED THIRTY CENTS PER MONTH ON WIRE-
 8 LESS COMMUNICATIONS SERVICE IN THE COUNTY OF SUFFOLK. THE SURCHARGE
 9 SHALL BE IMPOSED ON EACH WIRELESS COMMUNICATIONS DEVICE AND SHALL BE
 10 REFLECTED AND MADE PAYABLE ON BILLS RENDERED FOR WIRELESS COMMUNICATIONS
 11 SERVICE THAT IS PROVIDED TO A CUSTOMER WHOSE PLACE OF PRIMARY USE IS
 12 WITHIN THE COUNTY. FOR PURPOSES OF THIS SECTION, THE TERM "PLACE OF
 13 PRIMARY USE" SHALL MEAN THE STREET ADDRESS THAT IS REPRESENTATIVE OF
 14 WHERE THE CUSTOMER'S USE OF THE WIRELESS COMMUNICATIONS SERVICE PRIMARI-
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 16 PRIMARY BUSINESS STREET ADDRESS OF THE CUSTOMER; AND (B) WITHIN THE
 17 LICENSED SERVICE AREA OF THE WIRELESS COMMUNICATIONS SERVICE SUPPLIER.
 18 2. ANY LOCAL LAW ADOPTED PURSUANT TO THIS SECTION SHALL STATE THE
 19 AMOUNT OF THE SURCHARGE AND THE DATE ON WHICH THE WIRELESS COMMUNI-
 20 CATIONS SERVICE SUPPLIER SHALL BEGIN TO ADD SUCH SURCHARGE TO THE BILL-
 21 INGS OF ITS CUSTOMERS. ANY WIRELESS COMMUNICATIONS SERVICE SUPPLIER
 22 WITHIN THE COUNTY OF SUFFOLK WHICH HAS IMPOSED A SURCHARGE PURSUANT TO
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD10414-02-9

A. 7336

2

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6 PROVISIONS OF THIS SECTION TO THE CHIEF FISCAL OFFICER OF THE COUNTY OF
7 SUFFOLK EVERY MONTH. SUCH FUNDS SHALL BE REMITTED NO LATER THAN THIRTY
8 DAYS AFTER THE LAST BUSINESS DAY OF THE MONTH.

9 (B) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL BE ENTITLED TO
10 RETAIN, AS AN ADMINISTRATIVE FEE, AN AMOUNT EQUAL TO TWO PERCENT OF ITS
11 COLLECTIONS OF A SURCHARGE IMPOSED UNDER THE PROVISIONS OF THIS SECTION.

12 (C) ANY SURCHARGE REQUIRED TO BE COLLECTED BY A WIRELESS COMMUNI-
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26 IMPOSED UNDER THE PROVISIONS OF THIS SECTION AND SHALL STATE THE AMOUNT
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28 (F) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL ANNUALLY
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35 SECTION THREE HUNDRED TWENTY-FIVE OF THIS CHAPTER. THE COUNTY OF SUFFOLK
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38 PURPOSE OF ALL EXPENDITURES THEREOF. IF, AT THE END OF ANY FISCAL YEAR,
39 THE TOTAL AMOUNT OF ALL SUCH MONIES EXCEEDS THE AMOUNT NECESSARY FOR
40 PAYMENT OF THE ABOVE MENTIONED COSTS IN SUCH FISCAL YEAR, SUCH EXCESS
41 SHALL BE RESERVED AND CARRIED OVER FOR THE PAYMENT OF THOSE COSTS IN THE
42 FOLLOWING FISCAL YEAR.

43 S 2. This act shall take effect immediately; provided, however, that
44 the provisions of subdivision 1 of section 308-x of the county law, as
45 added by section one of this act shall apply to bills rendered to wire-
46 less communications service customers by a wireless communications
47 service supplier on and after the expiration of the notice period
48 required pursuant to the provisions of subdivision 2 of such section
49 308-x; provided further, that a wireless service supplier may treat the
50 address used by such supplier for any wireless communications customer
51 under a service contact or agreement in effect on the effective date of
52 the local law imposing such surcharge, as that wireless communications
53 customer's place of primary use for the remaining term of such service
54 contract or agreement, excluding any extension or renewal of such

HR7

55 service contract or agreement, for purposes of determining the taxing
56 jurisdiction with respect to taxes on wireless communications service.

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**HOME RULE MESSAGE REQUESTING THE
STATE OF NEW YORK TO AUTHORIZE
SUFFOLK COUNTY TO EXTEND A
TEMPORARY ONE-PERCENT SALES AND
COMPENSATING USE TAX RATE (SENATE
BILL S.4024 AND ASSEMBLY BILL A.7335)**

WHEREAS, Section 1210 of the New York Tax Law allows Counties to adopt and amend local laws or resolutions imposing a sales and compensating use tax at the rate of up to three percent (3%); and

WHEREAS, Section 1210 of the New York Tax Law was amended in 1991, 1992, 1993, 1995, 1997, 1999, 2001, 2003, 2005, and 2007 to provide special authorization for Suffolk County to increase its sales and compensating use tax rate above the three percent (3%) level; and

WHEREAS, Suffolk County's sales tax remains a critical source of revenue to fund important county programs and services and to balance the County's budget; and

WHEREAS, in 2007, Suffolk County received State authorization to increase its sales tax rate by one percent (1%) through November 30, 2009, to meet rising costs and balance the County's budget

WHEREAS, pursuant to existing State law, Suffolk County must dedicate no less than one-eighth and no more than three-eighths of the revenues generated by this additional sales and compensating use tax for public safety purposes; and

WHEREAS, the lingering effects of a slowdown in the housing market and the loss of associated revenues, the economic recession, increases in pension and health insurance contributions and increasing costs to provide health and human services programs to the people of Suffolk County continue to stress the County's budget, necessitating the extension of the special authorization to increase the sales tax rate by one percent (1%) as part of a comprehensive plan to balance the County's budget and maintain a sound fiscal standing; now, therefore, be it

1st RESOLVED, that this Legislature, in accordance with the provisions of Section 40 of the NEW YORK MUNICIPAL HOME RULE LAW, and joining with the County Executive, hereby finds and declares that the facts recited in the above WHEREAS clauses establish the necessity for the enactment of Senate Bill S.4024 and Assembly Bill A.7335 which authorizes Suffolk County to

extend a temporary sales and compensating use tax at a rate of one percent (1%) from December 1, 2009 to November 30, 2011; and be it further

2nd **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor David A. Paterson; to the Majority Leader of the New York State Senate Malcolm Smith; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED:

s:\memres\hr-one percent tax extension



Thursday, April 16, 2009

Summary - S04024

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S04024 Summary:

BILL NO S04024

SAME AS Same as A 7335

SPONSOR FOLEY

COSPNSR

MLTSPNSR

Amd SS1210 & 1262-j, Tax L

Authorizes the county of Suffolk to impose an additional one percent of sales and compensating use taxes.

S04024 Actions:

BILL NO S04024

04/07/2009 REFERRED TO INVESTIGATIONS AND GOVERNMENT OPERATIONS

S04024 Votes:

S04024 Memo:

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Thursday, April 16, 2009

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S T A T E O F N E W Y O R K

4024

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to extending the authority of the county of Suffolk to impose an additional one percent of sales and compensating use tax

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Clause 14 of subparagraph (i) of the opening paragraph of
 2 section 1210 of the tax law, as amended by chapter 684 of the laws of
 3 2007, is amended to read as follows:
 4 (14) the county of Suffolk is hereby further authorized and empowered
 5 to adopt and amend local laws, ordinances or resolutions imposing such
 6 taxes at a rate which is one percent additional to the three percent
 7 rate authorized above in this paragraph for such county for the period
 8 beginning June first, two thousand one and ending November thirtieth,
 9 two thousand [nine] ELEVEN;
 10 S 2. Subdivision (c) of section 1262-j of the tax law, as amended by
 11 chapter 684 of the laws of 2007, is amended to read as follows:
 12 (c) Notwithstanding any provision of law to the contrary, of the net
 13 collections received by the county of Suffolk as a result of the
 14 increase of one percent to the tax authorized by section twelve hundred
 15 ten of this article for the period beginning June first, two thousand
 16 one and ending November thirtieth, two thousand [nine] ELEVEN, imposed
 17 by local laws or resolutions (by simple majority) by the county legisla-
 18 ture, and signed by the county executive, the county of Suffolk shall
 19 allocate such net collections as follows: no less than one-eighth and no
 20 more than three-eighths of such net collections received shall be dedi-
 21 cated for public safety purposes and the balance shall be deposited in
 22 the general fund of the county of Suffolk.
 23 S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD10843-01-9

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Thursday, April 16, 2009

Summary - A07335

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A07335 Summary:

BILL NO A07335

SAME AS Same as S 4024

SPONSOR Sweeney

COSPNSR

MLTSPNSR

Amd SS1210 & 1262-j, Tax L

Authorizes the county of Suffolk to impose an additional one percent of sales and compensating use taxes.

A07335 Actions:

BILL NO A07335

03/31/2009 referred to ways and means

A07335 Votes:

A07335 Memo:

BILL NUMBER:A7335

TITLE OF BILL: An act to amend the tax law, in relation to extending the authority of the county of Suffolk to impose an additional one percent of sales and compensating use tax

PURPOSE OF THE BILL: Authorizes the county of Suffolk to continue to impose an additional one percent of sales and compensating use tax.

SUMMARY OF PROVISIONS: Section one of this bill amends clause 14 of subparagraph(i) of the opening paragraph of section 1210 of the tax law to further authorize the county of Suffolk to impose an additional one percent sales and compensating use tax until November 30, 2011.

Section two requires that between 1/8 and 3/8 of the collections received shall be dedicated for public safety purposes.

Section three establishes that this act shall tack effect immediately.

JUSTIFICATION: The county's additional 1% sales tax remains a critical component of Suffolk County's daily operations. In 2008, the county's sales tax represented 55% of the general fund revenues.

Suffolk County provides health and human service programs as mandated by New York State. The dramatic growth of these programs over the past several years has placed an extraordinary strain on the county's budget. Without this reauthorization, Suffolk County would be forced to cut \$282 million from the discretionary side of the budget, or raise property taxes. Property taxes would have to increase from \$51 million to \$333 million, an increase of more than 600% to compensate.

Without a 600% increase in property taxes, and if the one percent sales and compensating use tax were not reauthorized, Suffolk County would be forced to cut 4,900 jobs.

PRIOR LEGISLATIVE HISTORY: New Bill.

FISCAL IMPLICATIONS FOR STATE: None.

EFFECTIVE DATE: This act shall take effect immediately.

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Thursday, April 16, 2009

Text - A07335

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S T A T E O F N E W Y O R K

7335

2009-2010 Regular Sessions

I N A S S E M B L Y

March 31, 2009

Introduced by M. of A. SWEENEY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to extending the authority of the county of Suffolk to impose an additional one percent of sales and compensating use tax

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Clause 14 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by chapter 684 of the laws of
3 2007, is amended to read as follows:

4 (14) the county of Suffolk is hereby further authorized and empowered
5 to adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate which is one percent additional to the three percent
7 rate authorized above in this paragraph for such county for the period
8 beginning June first, two thousand one and ending November thirtieth,
9 two thousand [nine] ELEVEN;

10 S 2. Subdivision (c) of section 1262-j of the tax law, as amended by
11 chapter 684 of the laws of 2007, is amended to read as follows:

12 (c) Notwithstanding any provision of law to the contrary, of the net
13 collections received by the county of Suffolk as a result of the
14 increase of one percent to the tax authorized by section twelve hundred
15 ten of this article for the period beginning June first, two thousand
16 one and ending November thirtieth, two thousand [nine] ELEVEN, imposed
17 by local laws or resolutions (by simple majority) by the county legisla-
18 ture, and signed by the county executive, the county of Suffolk shall
19 allocate such net collections as follows: no less than one-eighth and no
20 more than three-eighths of such net collections received shall be dedi-
21 cated for public safety purposes and the balance shall be deposited in
22 the general fund of the county of Suffolk.

23 S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD10843-01-9

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**HOME RULE MESSAGE No. _____ REQUESTING
THE STATE OF NEW YORK TO AMEND CHAPTER
311 OF THE LAWS OF 1920, CONSTITUTING THE
SUFFOLK COUNTY TAX ACT, IN RELATION TO
REDEMPTION OF CERTAIN PROPERTY OWNED BY
PERSONS DEPLOYED BY THE UNITED STATES
MILITARY (SENATE BILL S.4025/ ASSEMBLY BILL
A.7227)**

WHEREAS, a number of citizens of Suffolk have experienced financial hardship due to being ordered to active military duty other than training, in the United States Armed Forces; and

WHEREAS, as the loss of income due to being ordered to active military duty has resulted in a number of properties being lost for the nonpayment of real property taxes; and

WHEREAS, legislation has been introduced in the New York State Senate and New York State Assembly to amend the Suffolk County Tax Act to authorize a waiver of interest, penalties and fees for redemption of properties owned by persons deployed by the military and lost to foreclosure for certain persons deployed by the military; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the New York State Legislature to enact Senate Bill S.4025 and Assembly Bill A.7227 for the purpose of: amending the Suffolk County Tax Act to authorize a waiver of interest, penalties and fees in connection with the redemption of property by certain persons deployed by the military; and be it further

2nd RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Hon. David A. Paterson; Governor, to the Hon. Malcolm Smith, Majority Leader of the New York State Senate; to the Hon. Sheldon Silver, Speaker of the New York State Assembly; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: _____, 2009



Tuesday, April 28, 2009

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A07227 Summary:

BILL NO A07227

SAME AS Same as S 4025

SPONSOR Sweeney (MS)

COSPNSR Fields, Alessi, Englebright, Ramos, Eddington

MLTSPNSR

Amd S49, Chap 311 of 1920

Permits Suffolk county to allow the redemption of tax foreclosed real property by certain military members where such owner was deployed overseas and such foreclosure was the result of financial hardship due to such deployment.

A07227 Actions:

BILL NO A07227

03/26/2009 referred to ways and means

A07227 Votes:

A07227 Memo:

BILL NUMBER:A7227

TITLE OF BILL: An act to amend chapter 311 of the laws of 1920, constituting the Suffolk county tax act, in relation to redemption of certain property owned by persons deployed by the United States military

PURPOSE: The purpose of this bill is to allow Suffolk County to waive fees, interest and penalties for the redemption of foreclosed residen-

tial real estate caused by financial hardship as a result of military activation.

SUMMARY OF PROVISIONS: Section 1: Amends Section 49 of Chapter 311 of the laws of 1920, the Suffolk County Tax Act, by adding a new subdivision c, allowing the Suffolk County Legislature to permit an owner of foreclosed residential real estate to redeem such real estate without interest, penalties and fees providing the foreclosure was a result of financial hardship cause by military activation overseas and other conditions.

Section 2: Effective date.

JUSTIFICATION: This bill recognizes that many service members experience serious hardship as a result of activation to duty and service to the country.

Often, this hardship results in the foreclosure of the service member's home. They can already redeem this property, but this bill is needed to allow penalties, interests and fees to be waived.

LEGISLATIVE HISTORY: This is a new bill.

FISCAL IMPLICATIONS: None to the State.

EFFECTIVE DATE: Immediately.

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Tuesday, April 28, 2009

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S T A T E O F N E W Y O R K

7227

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. SWEENEY, FIELDS, ALESSI, ENGLEBRIGHT, RAMOS, EDDINGTON -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 311 of the laws of 1920, constituting the Suffolk county tax act, in relation to redemption of certain property owned by persons deployed by the United States military

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 49 of chapter 311 of the laws of 1920, constituting
 2 the Suffolk county tax act, is amended by adding a new subdivision c to
 3 read as follows:
 4 C. WAIVER OF INTEREST, PENALTIES AND FEES FOR REDEMPTION FOR CERTAIN
 5 PERSONS DEPLOYED BY THE MILITARY. THE APPLICABLE GOVERNING BODY OR
 6 DEPARTMENT, UPON APPROVAL BY THE SUFFOLK COUNTY LEGISLATURE, IN ITS SOLE
 7 DISCRETION, MAY PERMIT AN OWNER OR THE OWNER'S SURVIVING UNREMARIED
 8 SPOUSE OF FORECLOSED RESIDENTIAL REAL ESTATE TO REDEEM SUCH REAL ESTATE
 9 WITHOUT INTEREST, PENALTIES AND FEES PROVIDED THAT:
 10 (1) THE PROPERTY IS THE OWNER'S PRIMARY PLACE OF RESIDENCE; AND
 11 (2) THE OWNER DEMONSTRATES THAT FORECLOSURE OCCURRED AFTER OCTOBER 7,
 12 2001; AND
 13 (3) THE FORECLOSURE WAS A RESULT OF FINANCIAL HARDSHIP CONSTITUTING A
 14 SUBSTANTIAL LOSS OF INCOME BY THE OWNER DUE TO BEING ORDERED TO ACTIVE
 15 MILITARY DUTY, OTHER THAN TRAINING, IN THE UNITED STATES ARMED FORCES
 16 INCLUDING THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED
 17 STATES; AND
 18 (4) THE ACTIVATION LASTED FOR AT LEAST SIX CONTIGUOUS MONTHS; AND
 19 (5) THE OWNER PROVIDES ACCEPTABLE WRITTEN EVIDENCE OF THE REQUIREMENTS
 20 SET FORTH IN THIS SUBDIVISION TO THE COMMISSIONER OF THE DEPARTMENT OF
 21 ENVIRONMENT AND ENERGY.
 22 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets

[] is old law to be omitted.

LBD10415-03-9

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