Intro. Res. No. 1599 -2009 Laid on Table 6/23/09
Introduced by Legislators Cooper and Barraga

RESOLUTION NO. - 2009, REAPPOINTING ANTHONY J. PECORALE AS A MEMBER OF THE SUFFOLK COUNTY VANDERBILT MUSEUM COMMISSION (TRUSTEE NO. 12)

WHEREAS, the term of office of **Dr. Anthony J. Pecorale**, as a member of the Suffolk County Vanderbilt Museum Commission expired on December 28, 2008; now, therefore, be it

1st **RESOLVED**, that **Dr. Anthony J. Pecorale**, residing at West Islip, New York, 11795, be and he hereby is reappointed to the Suffolk County Vanderbilt Museum Commission, as Trustee No. 12, for a term of office to expire December 28, 2012, said reappointment having been made pursuant to the provisions of Section 184-7(A) of the SUFFOLK COUNTY CODE.

DATED:

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND RESOLUTION NO. 226-1987 (SECTION 793-5 OF THE SUFFOLK COUNTY CODE).

S:\res\r-reappt-pecorale-vanderbilt

Intro. Res. No. 1600 - 2009 Laid on Table 6/23/2009
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2009 AUTHORIZING USE OF PROPERTY AT FRANCIS S. GABRESKI AIRPORT BY THE KIWANIS CLUB OF GREATER WESTHAMPTON

WHEREAS, the Kiwanis Club of Greater Westhampton is a not for profit organization; and

WHEREAS, the Kiwanis Club of Greater Westhampton will host its annual fundraising carnival August 13, 2009 through August 16, 2009; and

WHEREAS, the Kiwanis Club of Greater Westhampton has submitted to Gabreski Airport a request to utilize property for the purposes of this event; and

WHEREAS, the Department of Economic Development and Workforce Housing and the Airport Conservation and Assessment Panel (ACAP) have reviewed this application and recommend the Legislature approve this request with a fee of $400 per day, now, therefore be it

1st **RESOLVED**, that the County Executive or his designee, be and hereby is authorized to execute a license agreement for the use of the above described property between the Kiwanis Club of Greater Westhampton and the County of Suffolk, in substantial accordance with the agreement annexed; and be it further

2nd **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA") New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") S617.5 (c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment.

APPROVED BY:

_____
Steve Levy
County Executive of Suffolk County

Date of Approval:_____

LS 1

JUN 1 0 2009

MEMORANDUM

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

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

DATE: June 10, 2009

SUBJECT: **Resolution Authorizing Use of Property at Francis S. Gabreski Airport by the Kiwanis Club of Greater Westhampton**

****

The Department of Economic Development and Workforce Housing requests the submittal of the attached resolution, authorizing the use of property at Francis S. Gabreski Airport by the Kiwanis Club of Greater Westhampton. The Airport Conservation and Assessment Panel have reviewed and recommend approval of this License Agreement.

The use is for four (4) days commencing August 13, 2009 and ending on August 16, 2009. A fee of $400 per day will be charged and is consistent with fees paid for use of airport property.

Attached please find the draft resolution, the License Agreement, and the required SCIN 175a and 175b. Electronic copies have been filed.

Thank you.

CEF/kmb
Attachments

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

Steve Levy
Suffolk County Executive

Patrick Heaney
Commissioner

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

AUTHORIZING USE OF PROPERTY AT FRANCIS S. GABRESKI AIRPORT BY THE KIWANIS CLUB OF GREATER WESTHAMPTON

3. Purpose of Proposed Legislation

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes** ___X___ **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 of $1,600.

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

8. Proposed Source of Funding

9. Timing of Impact

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date

SCIN FORM 175b (10/95)

1601

Intro. Res. No. – 2009 Laid on Table 6/23/09

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 STANTON AVENUE LLC PROPERTY – OVERTON PRESERVE (TOWN OF BROOKHAVEN - SCTM#'s

0200-477.00-02.00-014.001,
0200-477.00-02.00-015.000 thru 023.000,
0200-477.00-02.00-024.001,
0200-477.00-02.00-030.000 thru 037.000,
0200-477.00-02.00-044.000 thru 047.000,
0200-494.00-03.00-014.000 thru 026.000,
0200-495.00-01.00-001.000 thru 024.000,
0200-495.00-01.00-026.000 thru 027.000,
0200-495.00-01.00-029.000 thru 037.000,
0200-495.00-02.00-001.000 thru 026.000,
0200-495.00-03.00-001.000 thru 028.000,
0200-495.00-04.00-001.000 thru 038.000,
0200-495.00-05.00-003.000
0200-524.00-01.00-001.000 thru 046.000,
0200-524.00-01.00-051.000 and 052.000)

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. 203-2004, 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; 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 Fourteen Million Five Hundred Eighty Seven Thousand Five Hundred Forty Two Dollars ($14,587,542.00±), at Ninety Thousand Dollars ($90,000.00) per acre for 162.0838± acres, 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 TAX MAP NUMBER:		ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District	0200	162.0838±	Stanton Avenue LLC
	Section	477.00		c/o Spiegel Associates
	Block	02.00		375 North Broadway
	Lot	014.001		Jericho, NY 11753
		and lots:		
		0200-477.00-02.00-015.000 thru 023.000,		
		0200-477.00-02.00-024.001,		
		0200-477.00-02.00-030.000 thru 037.000,		
		0200-477.00-02.00-044.000 thru 047.000,		
		0200-494.00-03.00-014.000 thru 026.000,		
		0200-495.00-01.00-001.000 thru 024.000,		
		0200-495.00-01.00-026.000 thru 027.000,		
		0200-495.00-01.00-029.000 thru 037.000,		
		0200-495.00-02.00-001.000 thru 026.000,		
		0200-495.00-03.00-001.000 thru 028.000,		
		0200-495.00-04.00-001.000 thru 038.000,		
		0200-495.00-05.00-003.000,		
		0200-524.00-01.00-001.000 thru 046.000,		
		0200-524.00-01.00-051.000 and 052.000		

; and, be it further

2nd **RESOLVED,** that the Director of the Division of Real Property Acquisition and Management and/or her 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 Fourteen Million Five Hundred Eighty Seven Thousand Five Hundred Forty Two Dollars ($14,587,542.00±), 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 $14,587,542.00±, 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 her 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 Ninety Four (94) 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 the above activity is a Type II 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:

LS2

COUNTY OF SUFFOLK

JUN 17 2009

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
PAMELA J. GREENE
DIVISION DIRECTOR

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

June 17, 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 Stanton Avenue LLC (Overton Preserve) property, in the Town of Brookhaven, under the New Suffolk County Drinking Water Protection Program. The purchase price is $14,587,542.00± for 162.0838± acres, at $90,000.00 per acre.

Please contact me if you require any additional information.

Sincerely,

Pamela J. Greene
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-Condemnation
Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
Tom Vaughn, County Executive Assistant
Brendan Chamberlain, County Executive Assistant
Peter Belyea, 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 __X__ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Stanton Avenue LLC property (Overton Preserve), SCTM#0200-477.00-02.00-014.001, 0200-477.00-02.00-015.000 thru 023.000, 0200-477.00-02.00-024.001, 0200-477.00-02.00-030.000 thru 037.000, 0200-477.00-02.00-044.000 thru 047.000, 0200-494.00-03.00-014.000 thru 026.000, 0200-495.00-01.00-001.000 thru 024.000, 0200-495.00-01.00-026.000 thru 027.000, 0200-495.00-01.00-029.000 thru 037.000, 0200-495.00-02.00-001.000 thru 026.000, 0200-495.00-03.00-001.000 thru 028.000, 0200-495.00-04.00-001.000 thru 038.000, 0200-495.00-05.00-003.000, 0200-524.00-01.00-001.000 thru 046.000, 0200-524.00-01.00-051.000 and 052.000, (Town of Brookhaven).

3. Purpose of Proposed Legislation

See No. 2 above

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 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	Janet Longo	June 17, 2009

SCIN FORM 175b (10/95)

1602

Intro. Res. No. – 2009 Laid on Table 6/23/09

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 BELONZI PROPERTY – OVERTON PRESERVE (TOWN OF BROOKHAVEN - SCTM#0200-524.00-01.00-047.002)

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. 203-2004, 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; 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 Two Thousand Four Hundred Dollars ($432,400.00), 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:

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:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:		ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District	0200	3.76±	Estate of Ralph Belonzi
	Section	524.00		36 Cranberry Circle
	Block	01.00		Medford, NY 11753
	Lot	047.002		

; and, be it further

2nd **RESOLVED,** that the Director of the Division of Real Property Acquisition and Management and/or her 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 Two Thousand Four Hundred Dollars ($432,400.00), 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 $432,400.00, 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 her 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 Three (3) 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: as needed to protect coastal water resources; 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

LS3

COUNTY OF SUFFOLK

JUN 17 2009

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
PAMELA J. GREENE
DIVISION DIRECTOR

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

June 17, 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 Belonzi property (Overton Preserve), in the Town of Brookhaven, under the New Suffolk County Drinking Water Protection Program. The purchase price is $432,400.00 for 3.76± acres.

Please contact me if you require any additional information.

Sincerely,

Pamela J. Greene
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-Condemnation
Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
Tom Vaughn, County Executive Assistant
Brendan Chamberlain, County Executive Assistant
Peter Belyea, 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 __X__ Local Law _____ Charter Law ____

2. Title of Proposed Legislation

Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Belonzi property (Overton Preserve), SCTM#0200-524.00-01.00-047.002, (Town of Brookhaven).

3. Purpose of Proposed Legislation

See No. 2 above

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 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	Janet Longo	June 17, 2009

SCIN FORM 175b (10/95)

1603

Intro. Res. No. - 2009 Laid on Table 6/23/09

Introduced by Legislator Kennedy

RESOLUTION NO. - 2009, AUTHORIZING THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS FOR THE BAVARIAN INN PROPERTY, TOWN OF SMITHTOWN (S.C.T.M. # 0800-171.00-05.00-015.000)

WHEREAS, the Bavarian Inn Property (S.C.T.M. # 0800-171.00-05.00-015.000) is located in Lake Ronkonkoma, Town of Smithtown; and

WHEREAS, the old building located on the property has been closed for many years, is in a dilapidated condition and represents a dangerous nuisance to the residents in the surrounding communities; and

WHEREAS, the subject property has significant environmental value and is surrounded on three sides by publicly owned property, including Lake Ronkonkoma County Park; and

WHEREAS, Resolution No. 1367-2007 authorized planning steps for the acquisition of the subject parcel; and

WHEREAS, the County's effort to negotiate an acquisition with the property's owner has been completely unsuccessful; and

WHEREAS, Suffolk County has traditionally used its condemnation process sparingly for the acquisition of open space, but an eminent domain proceeding is necessary in this instance to protect the environment and public safety; now, therefore be it

1st **RESOLVED**, that the Department of Environment and Energy and the Director of the Division of Real Property Acquisition and Management are hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(4) of the SUFFOLK COUNTY CHARTER, to begin proceedings under the NEW YORK EMINENT DOMAIN PROCEDURE LAW to acquire the following parcel:

PARCEL	SUFFOLK COUNTY TAX MAP NUMBER		ACRES	REPUTED OWNER AND ADDRESS
1	District:	0800	2.5	Smithtown Boulevard Realty
	Section	171.00		422 Smithtown Blvd.
	Block	05.00		Lake Ronkonkoma, NY 11779
	Lot	015.000		

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-eminent domain Bavarian Inn

1604

Intro. Res. No. -2009 Laid on Table 6/23/09

Introduced by Legislator Romaine

RESOLUTION NO. -2009, ADOPTING LOCAL LAW NO. -2009, A LOCAL LAW REQUIRING RETAILERS OF SWIMMING POOLS TO POST SIGNS REGARDING STATE POOL ALARM REQUIREMENTS

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 REQUIRING RETAILERS OF SWIMMING POOLS TO POST SIGNS REGARDING STATE POOL ALARM REQUIREMENTS** " 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 REQUIRING RETAILERS OF SWIMMING POOLS TO POST SIGNS REGARDING STATE POOL ALARM REQUIREMENTS

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 during the summer months, many Suffolk County families open up pools to enjoy during the warm weather.

This Legislature also finds and determines that pools may be a danger for children, who may accidently fall into the water and be seriously injured or killed without the knowledge of parents or other caretakers.

This Legislature further finds and determines that the New York State Executive Law §387(14) and the New York Code, Rules and Regulations (19 NYCRR §1228.2) require that all swimming pools constructed or substantially modified after December 14, 2006 and which have a capacity to be filled to at least twenty four (24) inches in depth must have a pool alarm.

This Legislature finds that a pool alarm is a device that is capable of detecting a child entering the water and gives an audible alarm both poolside and at a nearby location on the property on which the pool is located when it detects such activity.

This Legislature determines that in recent years, large inflatable pools have become popular during the summer months in Suffolk County.

This Legislature also finds that many of these pools reach depths of forty two (42) inches or more, which subjects them to the State laws and regulations requiring pool alarms.

This Legislature further finds that many Suffolk County residents purchase inflatable pools without the knowledge that they must install these alarms.

This Legislature also determines that Suffolk County wants to ensure that its residents are aware of pool safety laws so that our County can have a safe, enjoyable summer season this year and in years to come.

Therefore, the purpose of this law is to require swimming pool retailers to post signs stating that pool alarms are required for all pools over twenty four (24) inches in depth.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

"COMMISSIONER" shall mean the Commissioner of the Suffolk County Department of Consumer Affairs.

"RETAIL STORE" shall mean any outlet, store, shop, mercantile establishment or other place of business engaged in the retail sale of goods or merchandise directly to consumers.

"SWIMMING POOL" shall mean any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than twenty four (24) inches deep at any point. This includes in-ground pools, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed in place wading pools.

Section 3. Requirements.

All retail stores in the County of Suffolk that sell or offer for sale swimming pools shall post a sign in the manner and form prescribed by the Commissioner notifying customers that all swimming pools must have pool alarms pursuant to NEW YORK STATE EXECUTIVE LAW §378(14) and the NEW YORK CODES, RULES AND REGULATIONS (19 NYCRR §1228.2).

Section 4. Enforcement.

This law shall be enforced by the Suffolk County Department of Consumer Affairs.

Section 5. Rules and Regulations.

A) The Commissioner is hereby authorized and empowered to promulgate rules and regulations necessary to enforce this law.

B) The Department of Consumer Affairs is hereby authorized and empowered to establish the dimensions, lettering and wording of the signs required under Section 3 of this law.

Section 6. Penalties.

Any violation of this law shall be punishable by a civil fine of five hundred dollars ($500.00) for the first violation, with subsequent violations punishable by a civil fine of one thousand dollars ($1,000.00).

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 one hundred twenty (120) days immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\laws\l-retailer pool alarm sign

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1604

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: June 22, 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 REQUIRING RETAILERS OF SWIMMING POOLS TO POST SIGNS REGARDING STATE POOL ALARM REQUIREMENTS

SPONSOR: LEGISLATOR ROMAINE

DATE OF RECEIPT BY COUNSEL:	6/19/09	PUBLIC HEARING:	8/4/09
DATE ADOPTED/NOT ADOPTED:		CERTIFIED COPY RECEIVED:	

This proposed local law would require retailers of swimming pools to post a sign notifying customers that New York State law requires that all swimming pools constructed or substantially modified after December 14, 2006 must have pool alarms. This law will be administered and enforced by the Suffolk County Department of Consumer Affairs.

Violations of this law shall be punishable by a civil fine of five hundred dollars ($500.00) for the first violation, with subsequent violations punishable by a civil fine of one thousand dollars ($1,000.00).

This law will take effect one hundred twenty (120) days immediately subsequent to its filing in the Office of the Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-pool retailers signs on alarms

Intro. Res. No. 1605 -2009 Laid on Table 6 / 23/2009
Introduced by the Presiding Officer, on request of the County Executive

RESOLUTION NO. -2009, OPTING INTO NEW YORK STATES LONG-TERM CARE INSURANCE PLAN

WHEREAS, active and retired Suffolk County employees and their dependents desire the ability to purchase quality, affordable long term care insurance; and

WHEREAS, New York State has a quality, affordable long-term care insurance program that Suffolk County may allow its' active and retired County employees and their dependents whom are eligible under the New York State Civil Service Law and the rules and regulations promulgated thereto to participate in by resolution of this Legislature; and

WHEREAS, it is the desire of Suffolk County to allow its' active and retired employees and their dependents whom are eligible under the New York State Civil Service Law and the rules and regulations promulgated thereto to have the ability to participate, in the New York State long-term care insurance program; now, therefore be it

1st **RESOLVED**, that the County of Suffolk elects to participate as a participating employer in the New York State Public Employee and Retiree Long-Term Care Insurance Plan for the benefit of its eligible active and retired employees subject to and in accordance with the provisions of Article XI-A of the New York Civil Service Law and the rules and regulations promulgated thereto, as presently existing or hereafter amended, together with such provisions of the insurance contract as may be approved by the President of the Civil Service Commission and any administrative rule or directive governing the plan, 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 law 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. 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.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date: