

1356

Intro. Res. No. -2010  
Introduced by the Presiding Officer Lindsay

Laid on Table 3/23/10

**RESOLUTION NO. -2010, APPROVING PAYMENT TO  
GENERAL CODE PUBLISHERS FOR ADMINISTRATIVE CODE  
PAGES**

**WHEREAS**, General Code Publishers Corp. has provided Supplement No. 86 to update the Suffolk County Administrative Code totaling \$1519.70; and

**WHEREAS**, Resolution No. 461-1986 established a schedule of fees for entities and/or individuals requesting such Administrative Code and pages from the County Legislature and Resolution No. 189-1991 amended said fee schedule; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the payment of \$1519.70 for the provisions of such pages is hereby approved.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

1358

Intro. Res. No. -2010  
Introduced by Legislator Browning

Laid on Table 3/23/10

**RESOLUTION NO. – 2010, AMENDING RESOLUTION NO. 618-2007, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM (FORGE RIVER WATERSHED PROPERTY) TOWN OF BROOKHAVEN**

**WHEREAS**, Resolution No. 618-2007 authorized the planning steps for acquisition of multiple parcels of land within the Forge River Watershed, Town of Brookhaven; and

**WHEREAS**, this resolution, when adopted, did not include twelve parcels identified as part of the approved subdivision that was proposed for acquisition for open space preservation; and

**WHEREAS**, the Town of Brookhaven is to be a 50/50 partner in the acquisition of these properties; and

**WHEREAS**, it is desired that the twelve parcels be added to this resolution; now, therefore, be it

**RESOLVED**, that the Clerk of the Legislature shall make the following changes, that Exhibit B in Resolution No. 618-2007 is hereby amended by the addition of the following twelve (12) parcels:

**ADD:**

| <u>Tax Map #</u>              | <u>Owner</u>                             | <u>Acreage</u> |
|-------------------------------|------------------------------------------|----------------|
| <u>0200 74900 0600 012001</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.36</u>    |
| <u>0200 74900 0600 012002</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.18</u>    |
| <u>0200 74900 0600 017001</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.36</u>    |
| <u>0200 74900 0600 017002</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.37</u>    |
| <u>0200 74900 0600 019001</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.27</u>    |
| <u>0200 74900 0600 027001</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.18</u>    |
| <u>0200 74900 0600 027002</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.36</u>    |
| <br>                          |                                          |                |
| <u>0200 75000 0100 001001</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.41</u>    |
| <u>0200 75000 0100 001002</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.05</u>    |
| <br>                          |                                          |                |
| <u>0200 78600 0300 010000</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.14</u>    |
| <u>0200 78600 0300 012001</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.45</u>    |
| <u>0200 78600 0300 012002</u> | <u>Beechwood Moriches Building Corp.</u> | <u>0.41</u>    |

**CORRECT:**

Total Acreage= [69.23] 72.77

;and, be it further

**2<sup>nd</sup> 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 Sections 617.5(c) (20) (21) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6NYCRR) AND WITHIN THE MEANING OF Section 8-

0109(2)of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as 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 on non-applicability or non-significance in accordance with this resolution.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underline denotes addition of new language

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

1359

Intro. Res. No. - 2010  
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 3/23/10

**RESOLUTION NO. 2010, AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH CR 31, OLD RIVERHEAD ROAD AND CR 104, QUOGUE-RIVERHEAD ROAD, INTERSECTION IMPROVEMENTS (CP 5572)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with CR 31, Old Riverhead Road and CR 104, Quogue-Riverhead Road, Intersection Improvements; and

**WHEREAS**, sufficient funds are not included in the 2010 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 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 \$1,600,000 in Suffolk County Serial Bonds; now, therefore, be it

**1<sup>st</sup> RESOLVED**, Resolution No. 591-2001 approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty nine (59) 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

**3<sup>rd</sup> RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete CR 31, Old Riverhead Road and CR 104, Quogue-Riverhead Road, Intersection Improvements, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

**4<sup>th</sup> RESOLVED**, that the 2010 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5539  
Project Title: CR 7, Wicks Road Corridor Study and Improvements

|                 | Total<br>Est'd<br>Cost | Current 2010<br>Capital<br>Budget &<br>Program | Revised 2010<br>Capital<br>Budget &<br>Program |
|-----------------|------------------------|------------------------------------------------|------------------------------------------------|
| 3. Construction | \$4,700,000            | \$5,300,000                                    | \$4,700,000                                    |
| TOTAL           | \$7,732,000            | \$5,300,000                                    | \$4,700,000                                    |

Project No.: 5572  
Project Title: CR 31, Old Riverhead Road and CR 104, Quogue-Riverhead Road, Intersection Improvements

|                 | Total<br>Est'd<br>Cost | Current 2010<br>Capital<br>Budget &<br>Program | Revised 2010<br>Capital<br>Budget &<br>Program |
|-----------------|------------------------|------------------------------------------------|------------------------------------------------|
| 3. Construction | \$1,600,000            | \$1,000,000                                    | \$1,600,000                                    |
| TOTAL           | \$1,600,000            | \$1,000,000                                    | \$1,600,000                                    |

and be it further

**5<sup>th</sup> RESOLVED**, that the proceeds of \$1,600,000 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-5572.310<br>(Fund 001 Debt Service) | 50          | CR 31, Old Riverhead Road and CR 104, Quogue-Riverhead Road, Intersection Improvements | \$1,600,000   |

Date:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

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

**GENERAL FUND**

|       | 2011<br>PROPERTY TAX LEVY | 2011<br>COST TO AVG TAXPAYER | 2011 AV TAX<br>RATE PER \$100 | 2011 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$140,738</b>          | <b>\$0.25</b>                |                               | \$0.000                         |

**POLICE DISTRICT AND DISTRICT COURT**

|       | 2011<br>PROPERTY TAX LEVY | 2011<br>COST TO AVG TAXPAYER | 2011 AV TAX<br>RATE PER \$100 | 2011 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

**COMBINED**

|       | 2011<br>PROPERTY TAX LEVY | 2011<br>COST TO AVG TAXPAYER | 2011 AV TAX<br>RATE PER \$100 | 2011 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$140,738</b>          | <b>\$0.25</b>                |                               | \$0.000                         |

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2009.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**Suffolk County**  
 General Obligation Serial Bonds  
 Level Debt

Term of Bonds: 15  
 Amount to Bond: \$1,600,000

| Date      | Coupon | Principal      | Interest     | Total Debt Service | Fiscal Debt Service |
|-----------|--------|----------------|--------------|--------------------|---------------------|
| 5/1/2010  |        |                |              |                    |                     |
| 11/1/2010 |        |                |              |                    |                     |
| 5/1/2011  | 2.500% | \$81,804.23    | \$58,933.33  | \$140,737.56       | \$140,737.56        |
|           |        |                | \$27,960.11  | \$27,960.11        |                     |
| 5/1/2011  | 3.500% | \$84,817.35    | \$27,960.11  | \$112,777.46       | \$140,737.56        |
|           |        |                | \$26,398.05  | \$26,398.05        |                     |
| 5/1/2012  | 3.500% | \$87,941.46    | \$26,398.05  | \$114,339.51       | \$140,737.56        |
|           |        |                | \$24,778.46  | \$24,778.46        |                     |
| 5/1/2013  | 3.500% | \$91,180.64    | \$24,778.46  | \$115,959.10       | \$140,737.56        |
|           |        |                | \$23,099.22  | \$23,099.22        |                     |
| 5/1/2014  | 3.500% | \$94,539.12    | \$23,099.22  | \$117,638.34       | \$140,737.56        |
|           |        |                | \$21,358.13  | \$21,358.13        |                     |
| 5/1/2015  | 3.500% | \$98,021.31    | \$21,358.13  | \$119,379.44       | \$140,737.56        |
|           |        |                | \$19,552.90  | \$19,552.90        |                     |
| 4/30/2016 | 3.500% | \$101,631.77   | \$19,552.90  | \$121,184.67       | \$140,737.56        |
|           |        |                | \$17,681.18  | \$17,681.18        |                     |
| 5/1/2017  | 3.500% | \$105,375.20   | \$17,681.18  | \$123,056.38       | \$140,737.56        |
|           |        |                | \$15,740.52  | \$15,740.52        |                     |
| 5/1/2018  | 3.500% | \$109,256.52   | \$15,740.52  | \$124,997.04       | \$140,737.56        |
|           |        |                | \$13,728.38  | \$13,728.38        |                     |
| 5/1/2019  | 3.500% | \$113,280.80   | \$13,728.38  | \$127,009.18       | \$140,737.56        |
|           |        |                | \$11,642.13  | \$11,642.13        |                     |
| 4/30/2020 | 3.750% | \$117,453.31   | \$11,642.13  | \$129,095.44       | \$140,737.56        |
|           |        |                | \$9,479.03   | \$9,479.03         |                     |
| 5/1/2021  | 4.000% | \$121,779.51   | \$9,479.03   | \$131,258.54       | \$140,737.56        |
|           |        |                | \$7,236.25   | \$7,236.25         |                     |
| 5/1/2022  | 4.500% | \$126,265.06   | \$7,236.25   | \$133,501.31       | \$140,737.56        |
|           |        |                | \$4,910.87   | \$4,910.87         |                     |
| 5/1/2023  | 4.500% | \$130,915.82   | \$4,910.87   | \$135,826.69       | \$140,737.56        |
|           |        |                | \$2,499.84   | \$2,499.84         |                     |
| 4/30/2024 | 4.500% | \$135,737.89   | \$2,499.84   | \$138,237.72       | \$140,737.56        |
|           |        |                |              |                    |                     |
|           |        | \$1,600,000.00 | \$511,063.46 | \$2,111,063.46     | \$2,111,063.46      |

# 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:** Ken Crannell, Deputy County Executive  
*Thomas LaGuardia*  
**FROM:** Thomas LaGuardia, P.E., Chief Deputy Commissioner  
**DATE:** February 23, 2010  
**RE:** **AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH CR 31, OLD RIVERHEAD ROAD AND CR 104, QUOGUE-RIVERHEAD ROAD, INTERSECTION IMPROVEMENTS (CP 5572)**

Attached are a draft resolution and duplicate copy to appropriate the sum of \$1,600,000 for construction in connection with the above referenced project.

There are insufficient funds included in the 2010 Capital Budget and Program for this project and, as such, an offset must be provided. We are utilizing \$600,000 from CP 5539 for an offset towards this project. This project has been rescheduled for 2011 due to the need for additional funding exceeding the original estimates and because of workload involved with ARRA stimulus projects.

This Project was initiated under CP 3301 - Safety Improvements at Various Intersections. The Study recommended a major intersection improvement at this location, which requires a construction phase and a separate Capital Project.

This capital project involves safety improvements to the intersection of CR 31, Old Riverhead Road & CR 104, Riverhead-Quogue Road, Town of Southampton through the reconfiguration of the existing intersection into a modern roundabout. Project improvements would improve safety and traffic flow at a congested intersection.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CR 31 Intersection Improvements.doc".

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1360

Intro. Res. No. 2010  
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 3/23/10

**RESOLUTION NO. -2010, AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS FOR THE YAPHANK COUNTY CENTER WASTEWATER TREATMENT PLANT (CP 8158)**

**WHEREAS**, the Yaphank County Center Wastewater Treatment Plant requires treatment process improvements; and

**WHEREAS**, sufficient funds are not included in the 2010 Capital Budget and Program for improving the Yaphank County Center Wastewater Treatment Plant pursuant to Suffolk County Charter Section C-4-13, an offsetting authorization must be provided from another capital project; and

**WHEREAS**, the Administrative Head of County Sewer Districts has requested that construction funds be appropriated to cover costs associated with the improvement 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 2010 Capital Budget, as the basis for funding Capital Projects such as this project; and

**WHEREAS**, pursuant to State Environmental Quality Review Act, Environmental Conservation Article 8 (hereinafter "SEQRA") Resolution 515-2007 determined the project to improve the Yaphank County Center Wastewater Treatment Plant constitutes a Type II action pursuant to provisions of NYCRR Part 617.5 (c); and

**WHEREAS**, the County Legislature by resolution of even date herewith has authorized the issuance of \$2,500,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty six (66), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 461-2006; and be it further

**2<sup>nd</sup> 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

**3<sup>rd</sup> RESOLVED**, that the 2010 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8158

Project Title: Improvements to Yaphank County Center Wastewater Treatment Plant

|                 | <u>TOTAL<br/>EST'D<br/>COST</u> | <u>CURRENT 2010<br/>CAPITAL<br/>BUDGET &amp;<br/>PROGRAM</u> | <u>REVISED<br/>2010CAPITAL<br/>BUDGET &amp;<br/>PROGRAM</u> |
|-----------------|---------------------------------|--------------------------------------------------------------|-------------------------------------------------------------|
| 3. Construction | \$ <u>3,000,000</u>             | - 0 -                                                        | \$ <u>2,500,000</u> B                                       |
| <b>TOTAL</b>    | \$3,160,000                     | - 0 -                                                        | \$2,500,000                                                 |

Program No.: 5539

Project Title: CR 7, Wicks Road Corridor Study and Improvements

|                                   | <u>TOTAL<br/>EST'D<br/>COST</u> | <u>CURRENT 2010<br/>CAPITAL<br/>BUDGET &amp;<br/>PROGRAM</u> | <u>REVISED<br/>2010CAPITAL<br/>BUDGET&amp;<br/>PROGRAM</u> |
|-----------------------------------|---------------------------------|--------------------------------------------------------------|------------------------------------------------------------|
| 3. Construction                   | <u>\$4,000,000</u>              | <u>\$5,300,000 B</u>                                         | <u>\$2,800,000 B</u>                                       |
| <b>TOTAL</b><br>and be it further | \$5,832,000                     | \$5,300,000                                                  | \$2,800,000                                                |

**4<sup>th</sup> RESOLVED**, that the proceeds of \$2,500,000 in Suffolk County Serial Bonds be and hereby appropriated as follows:

| <u>PROJECT NO.</u>                          | <u>PROJECT TITLE</u>                                                                  | <u>AMOUNT</u> |
|---------------------------------------------|---------------------------------------------------------------------------------------|---------------|
| 525-CAP-8158.312<br>(Fund 001 Debt Service) | Improvements to the Yaphank County Center<br>Wastewater Treatment Plant, Construction | \$2,500,000   |

and be it further

**5<sup>th</sup> RESOLVED**, that the Administrative Head of Sewer Districts be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the construction phase of the improvements to the Yaphank County Center Wastewater Treatment Plant.

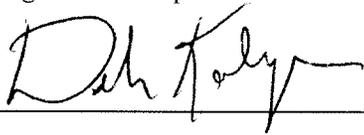
DATED:

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                                                                                                                                                                       |                                                                                      |                  |
| <b>RESOLUTION NO.                      - 2010, AMENDING THE 2010<br/>CAPITAL BUDGET AND PROGRAM AND APPROPRIATING<br/>FUNDS FOR THE YAPHANK COUNTY CENTER<br/>WASTEWATER TREATMENT PLANT (CP 8158)</b> |                                                                                      |                  |
| 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         |
| Debra Kolyer<br>Principal Financial Analyst                                                                                                                                                            |  | March 11, 2010   |

SCIN FORM 175b (10/95)

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

**GENERAL FUND**

|       | 2011<br>PROPERTY TAX LEVY | 2011<br>COST TO AVG TAXPAYER | 2011 AV TAX<br>RATE PER \$100 | 2011 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$182,735</b>          | <b>\$0.33</b>                |                               | \$0.001                         |

**POLICE DISTRICT AND DISTRICT COURT**

|       | 2011<br>PROPERTY TAX LEVY | 2011<br>COST TO AVG TAXPAYER | 2011 AV TAX<br>RATE PER \$100 | 2011 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

**COMBINED**

|       | 2011<br>PROPERTY TAX LEVY | 2011<br>COST TO AVG TAXPAYER | 2011 AV TAX<br>RATE PER \$100 | 2011 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$182,735</b>          | <b>\$0.33</b>                |                               | \$0.001                         |

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2009.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**Suffolk County**  
 General Obligation Serial Bonds  
 Level Debt

Term of Bonds: 20  
 Amount to Bond: \$2,500,000

| Date      | Coupon | Principal      | Interest       | Total Debt Service | Fiscal Debt Service |
|-----------|--------|----------------|----------------|--------------------|---------------------|
| 5/1/2010  |        |                |                |                    |                     |
| 11/1/2010 |        |                |                |                    |                     |
| 5/1/2011  | 2.500% | \$84,609.77    | \$98,125.00    | \$182,734.77       | \$182,734.77        |
|           |        |                | \$47,402.03    | \$47,402.03        |                     |
| 5/1/2011  | 3.500% | \$87,930.71    | \$47,402.03    | \$135,332.74       | \$182,734.77        |
|           |        |                | \$45,676.39    | \$45,676.39        |                     |
| 5/1/2012  | 3.500% | \$91,381.99    | \$45,676.39    | \$137,058.38       | \$182,734.77        |
|           |        |                | \$43,883.02    | \$43,883.02        |                     |
| 5/1/2013  | 3.500% | \$94,968.73    | \$43,883.02    | \$138,851.75       | \$182,734.77        |
|           |        |                | \$42,019.26    | \$42,019.26        |                     |
| 5/1/2014  | 3.500% | \$98,696.25    | \$42,019.26    | \$140,715.51       | \$182,734.77        |
|           |        |                | \$40,082.35    | \$40,082.35        |                     |
| 5/1/2015  | 3.500% | \$102,570.08   | \$40,082.35    | \$142,652.43       | \$182,734.77        |
|           |        |                | \$38,069.41    | \$38,069.41        |                     |
| 4/30/2016 | 3.500% | \$106,595.96   | \$38,069.41    | \$144,665.37       | \$182,734.77        |
|           |        |                | \$35,977.46    | \$35,977.46        |                     |
| 5/1/2017  | 3.500% | \$110,779.85   | \$35,977.46    | \$146,757.31       | \$182,734.77        |
|           |        |                | \$33,803.41    | \$33,803.41        |                     |
| 5/1/2018  | 3.500% | \$115,127.96   | \$33,803.41    | \$148,931.37       | \$182,734.77        |
|           |        |                | \$31,544.02    | \$31,544.02        |                     |
| 5/1/2019  | 3.500% | \$119,646.73   | \$31,544.02    | \$151,190.75       | \$182,734.77        |
|           |        |                | \$29,195.95    | \$29,195.95        |                     |
| 4/30/2020 | 3.750% | \$124,342.87   | \$29,195.95    | \$153,538.82       | \$182,734.77        |
|           |        |                | \$26,755.73    | \$26,755.73        |                     |
| 5/1/2021  | 4.000% | \$129,223.32   | \$26,755.73    | \$155,979.05       | \$182,734.77        |
|           |        |                | \$24,219.72    | \$24,219.72        |                     |
| 5/1/2022  | 4.500% | \$134,295.34   | \$24,219.72    | \$158,515.06       | \$182,734.77        |
|           |        |                | \$21,584.17    | \$21,584.17        |                     |
| 5/1/2023  | 4.500% | \$139,566.43   | \$21,584.17    | \$161,150.60       | \$182,734.77        |
|           |        |                | \$18,845.18    | \$18,845.18        |                     |
| 4/30/2024 | 4.500% | \$145,044.41   | \$18,845.18    | \$163,889.59       | \$182,734.77        |
|           |        |                | \$15,998.68    | \$15,998.68        |                     |
| 5/1/2025  | 4.500% | \$150,737.41   | \$15,998.68    | \$166,736.09       | \$182,734.77        |
|           |        |                | \$13,040.46    | \$13,040.46        |                     |
| 5/1/2026  | 4.500% | \$156,653.85   | \$13,040.46    | \$169,694.31       | \$182,734.77        |
|           |        |                | \$9,966.13     | \$9,966.13         |                     |
| 5/1/2027  | 4.750% | \$162,802.51   | \$9,966.13     | \$172,768.64       | \$182,734.77        |
|           |        |                | \$6,771.13     | \$6,771.13         |                     |
| 4/30/2028 | 4.750% | \$169,192.51   | \$6,771.13     | \$175,963.64       | \$182,734.77        |
|           |        |                | \$3,450.73     | \$3,450.73         |                     |
| 5/1/2029  | 4.750% | \$175,833.32   | \$3,450.73     | \$179,284.05       | \$182,734.77        |
|           |        |                |                |                    |                     |
|           |        | \$2,500,000.00 | \$1,154,695.49 | \$3,654,695.49     | \$3,654,695.49      |

COUNTY OF SUFFOLK



FEB 25 2010

STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

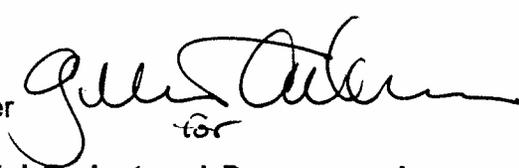
THOMAS LAGUARDIA, P.E.  
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.  
COMMISSIONER

LOUIS CALDERONE  
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ed Dumas, Chief Deputy County Executive

FROM: Tom LaGuardia, P.E., Chief Deputy Commissioner   
for

SUBJECT: **A Draft Resolution Amending the 2010 Capital Budget and Program and Appropriating Funds for Improvements to the Yaphank County Center Wastewater Treatment Plant (CP 8158)**

DATE: February 22, 2010

Attached is a resolution with appropriate forms and backup for improvements to the Yaphank County Center Wastewater Treatment Plant filed as Reso Improvements to Yaphank County Center Wastewater Treatment Plant CP 8158 2-22-10 and Backup filed as Improvements to Yaphank County Center Wastewater Treatment Plant CP 8158 2-22-10. Improvements are needed to the nitrogen removal process to comply with NYSDEC permit and inspection requirements. Sufficient funds are not identified in the Adopted 2010 Capital Budget and Program and, therefore, an offset is needed. The CP 8158 project requires \$2,500,000. The offsetting capital project is CP 5539, CR 7, Wicks Road Corridor Study and Improvements. We would request that this resolution be laid on the table at your convenience.

TL:BW:ni  
Attachment

cc: Gil Anderson, P.E., Commissioner  
✓Brendan Chamberlain, County Executive Assistant  
Lynne Bizzarro, Esq., County Attorney  
Laura Conway, CPA, Chief Accountant  
Carmine Chiusano, Assistant Budget Director  
Ben Wright, P.E., Chief Engineer, Sanitation  
CE Reso Review

tl-bw2-22-10 Backup Improvements to Yaphank County Center CP 8158 memo to EDumas

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1361

Intro. Res. No. - 2010

Laid on Table 3/23/10

Introduced by Presiding Officer on request of the County Executive

**RESOLUTION NO.            AUTHORIZING 2010 FUNDING FOR THE SUFFOLK  
COUNTY CULTURAL ARTS COMMUNITY RE-GRANT PROGRAM**

**WHEREAS**, the adopted 2010 Operating Budget provides \$109,857 from Fund 001-6410-4770 for the funding of cultural programs; and

**WHEREAS**, the Citizen's Advisory Board for the Arts has met and unanimously recommended that the Cultural Arts Community Re-grant Program, established in 2008, be continued and administered by the Suffolk County Alliance of Arts Councils, comprised of the East End Arts Council, Greater Port Jefferson-Northern Brookhaven Arts Council, Huntington Arts Council, Islip Arts Council and Smithtown Township Arts Council, each to receive an apportionment as indicated below and sub-contracted to agencies indicated in Exhibit "A"; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Legislature hereby approves the allocation of funding in the amount of \$109,857 for the following contract agencies, such funding to be paid at the commencement of the pertinent contract:

|          |                                                         |
|----------|---------------------------------------------------------|
| \$24,156 | East End Arts Council                                   |
| \$20,772 | Greater Port Jefferson-Northern Brookhaven Arts Council |
| \$19,201 | Huntington Arts Council                                 |
| \$24,572 | Islip Arts Council                                      |
| \$21,156 | Smithtown Township Arts Council                         |

and be it further

**2<sup>nd</sup> RESOLVED**, that the County Executive is hereby authorized to enter into agreements with the aforementioned contract agencies; and be it further

**3<sup>rd</sup> 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

| Community Regrant Grantees                                                    | East End Arts Council | Greater Port Jefferson Arts Council | Huntington Arts Council | Slip Arts Council | Shelton Township Arts Council | Totals  |
|-------------------------------------------------------------------------------|-----------------------|-------------------------------------|-------------------------|-------------------|-------------------------------|---------|
| Airmid Theatre Co.                                                            |                       |                                     |                         |                   | \$3,700                       | \$3,700 |
| Atlantic Wind Symphony, Inc.                                                  |                       |                                     |                         | \$3,500           |                               | \$3,500 |
| Babylon Chorale, Inc.                                                         |                       | \$1,500                             |                         |                   |                               | \$1,500 |
| Bridgethampton Chamber Music Assoc. Inc.                                      |                       |                                     |                         | \$3,500           |                               | \$3,500 |
| Canta Libre, Inc.                                                             |                       | \$2,000                             |                         |                   |                               | \$2,000 |
| Childrens Museum of the East End                                              |                       |                                     | \$2,000                 |                   |                               | \$2,000 |
| Circle of Dance Repertory Co., Inc.                                           |                       |                                     |                         |                   | \$1,500                       | \$1,500 |
| Custer Institute Inc.<br>DBA Custer Observatory                               | \$1,500               |                                     |                         |                   |                               | \$1,500 |
| East End Seaport Museum                                                       | \$2,200               |                                     |                         |                   |                               | \$2,200 |
| Fire Island Golden Wagon Film Festival                                        |                       |                                     |                         | \$2,000           |                               | \$2,000 |
| Friends of the Bayshore Brightwaters Library                                  |                       |                                     |                         | \$3,500           |                               | \$3,500 |
| Friends of the Cultural Center Inc. DBA Southampton Cultural Center           | \$2,500               |                                     |                         |                   |                               | \$2,500 |
| Hampton Shakespeare Festival                                                  |                       | \$3,700                             |                         |                   |                               | \$3,700 |
| Herstory                                                                      |                       | \$4,000                             |                         |                   |                               | \$4,000 |
| Huntington Choral Society, Inc.                                               |                       |                                     | \$2,000                 |                   |                               | \$2,000 |
| Island SeniorCitizens Orchestra, Inc.<br>dba Island Senior Symphony Orchestra |                       |                                     |                         |                   | \$1,000                       | \$1,000 |
| Long Island Baroque Ensemble                                                  |                       |                                     |                         |                   | \$3,000                       | \$3,000 |
| Long Island Composers Alliance, Inc.                                          |                       |                                     |                         |                   | \$2,000                       | \$2,000 |
| Long Island Film/TV Foundation                                                |                       |                                     | \$1,000                 |                   |                               | \$1,000 |
| Long Island Opera Co. Inc.                                                    |                       | \$1,000                             |                         |                   |                               | \$1,000 |
| Long Island String Quartet                                                    |                       |                                     | \$1,000                 |                   |                               | \$1,000 |
| Music Festival of the Hamptons                                                |                       |                                     |                         | \$3,000           |                               | \$3,000 |
| North Shore Chamber Choir                                                     |                       | \$1,000                             |                         |                   |                               | \$1,000 |

| Community Grant Grantees                                                         | East End Arts Council | Greater Port Jefferson Arts Council | Huntington Arts Council | Isip Arts Council | Shutdown Township Arts Council | Totals    |
|----------------------------------------------------------------------------------|-----------------------|-------------------------------------|-------------------------|-------------------|--------------------------------|-----------|
| Northeast Stage                                                                  | \$1,500               |                                     |                         |                   |                                | \$1,500   |
| Northport Arts Coalition                                                         |                       |                                     | \$1,600                 |                   |                                | \$1,600   |
| Northport Community Band                                                         |                       |                                     | \$1,000                 |                   |                                | \$1,000   |
| Northport Historical Society                                                     |                       |                                     | \$1,645                 |                   |                                | \$1,645   |
| Patchogue Arts Council                                                           |                       |                                     |                         | \$3,000           |                                | \$3,000   |
| Peconic Landing Foundation, Inc.                                                 |                       |                                     |                         | \$1,000           |                                | \$1,000   |
| Railroad Museum of Long Island                                                   | \$2,500               |                                     |                         |                   |                                | \$2,500   |
| Research Found. Of State University of NY at Stony Brook DBA Southampton Writers |                       |                                     | \$2,500                 |                   |                                | \$2,500   |
| Research Foundation of State University of New York, Stony Brook University Art  |                       | \$1,500                             |                         |                   |                                | \$1,500   |
| Ridotto Arts Organization, Inc.                                                  |                       |                                     | \$3,000                 |                   |                                | \$3,000   |
| Sag Harbor Whaling Museum                                                        | \$2,000               |                                     |                         |                   |                                | \$2,000   |
| Senior POPS Orchestra of Long Island                                             |                       |                                     |                         |                   | \$1,000                        | \$1,000   |
| Shinnecock Nation Cultural Center and Museum                                     | \$2,000               |                                     |                         |                   |                                | \$2,000   |
| Society for the preservations of LI Antiquities                                  |                       |                                     |                         |                   | \$3,000                        | \$3,000   |
| Sol Y Sombra Spanish Dance Co., Inc.                                             | \$4,500               |                                     |                         |                   |                                | \$4,500   |
| Sound Symphony, Inc.                                                             |                       |                                     |                         |                   | \$1,500                        | \$1,500   |
| South Shore Restoration Group, Inc. DBA Second Avenue Firehouse                  |                       |                                     |                         | \$2,000           |                                | \$2,000   |
| Southold Historical Society                                                      | \$2,000               |                                     |                         |                   |                                | \$2,000   |
| Suffolk County Senior Citizens' Chorus, Inc./Silver Chords                       |                       |                                     |                         |                   | \$1,000                        | \$1,000   |
| Ward Melville Heritage Organization, Ltd.                                        |                       | \$3,000                             |                         |                   |                                | \$3,000   |
| Total regrants                                                                   | \$20,700              | \$17,700                            | \$15,745                | \$21,500          | \$17,700                       | \$93,345  |
| Administrative @ \$384 per subcontract                                           | \$3,456               | \$3,072                             | \$3,456                 | \$3,072           | \$3,456                        | \$16,512  |
| Total to Arts Council                                                            | \$24,156              | \$20,772                            | \$19,201                | \$24,572          | \$21,156                       | \$109,857 |

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.     -2010, AUTHORIZING 2010 FUNDING FOR THE SUFFOLK COUNTY CULTURAL ARTS COMMUNITY RE-GRANT PROGRAM                                                        |                                                                                     |                  |
| 3. Purpose of Proposed Legislation                                                                                                                                        |                                                                                     |                  |
| SEE NO. 2 ABOVE.                                                                                                                                                          |                                                                                     |                  |
| 4. Will the Proposed Legislation Have a Fiscal Impact?            Yes <u>      </u> 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 5 is "yes", Provide Detailed Explanation of Impact                                                                                               |                                                                                     |                  |
| THIS RESOLUTION AUTHORIZES AND ALLOCATES 2010 FUNDING, WHICH WAS INCLUDED IN THE 2010 ADOPTED OPERATING, FOR THE SUFFOLK COUNTY CULTURAL ARTS COMMUNITY RE-GRANT PROGRAM. |                                                                                     |                  |
| 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                                                                                                                                                       |                                                                                     |                  |
| 2010                                                                                                                                                                      |                                                                                     |                  |
| 10. Typed Name & Title of Preparer                                                                                                                                        | 11. Signature of Preparer                                                           | 12. Date         |
| STEVEN FORST<br>SENIOR ACCOUNTANT                                                                                                                                         |  | MARCH 12, 2010   |

SCIN FORM 175b (10/95)

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

**GENERAL FUND**

|       | 2010<br>PROPERTY TAX LEVY | 2010<br>COST TO AVG TAXPAYER | 2010 AV TAX<br>RATE PER \$100 | 2010 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

**POLICE DISTRICT AND DISTRICT COURT**

|       | 2010<br>PROPERTY TAX LEVY | 2010<br>COST TO AVG TAXPAYER | 2010 AV TAX<br>RATE PER \$100 | 2010 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

**COMBINED**

|       | 2010<br>PROPERTY TAX LEVY | 2010<br>COST TO AVG TAXPAYER | 2010 AV TAX<br>RATE PER \$100 | 2010 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2009.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

MAR 03 2010

**MEMORANDUM**

**TO:** Ken Crannell, Deputy County Executive  
Office of the County Executive

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

**DATE:** March 3, 2010

**SUBJECT:** **RESOLUTION AUTHORIZING 2010 FUNDING FOR THE  
SUFFOLK COUNTY CULTURAL ARTS COMMUNITY  
RE-GRANT PROGRAM**



\*\*\*\*\*

The Department of Economic Development and Workforce Housing requests the submission of the attached resolution which continues the Cultural Arts Community Re-Grant Program established in 2008. These funds are distributed among various arts councils, which will then subcontract with community arts organizations in their respective service areas for the purpose of cultural programming. Community arts re-grants are not to exceed \$5,000 for any individual subcontractor participating in this program.

Attached please find the draft resolution and required SCIN's 175a and 175b. Electronic copies have been submitted as required.

CEF/kmb

cc: Chris Kent, Chief Deputy County Executive  
Yves R. Michel, Commissioner  
Carolyn E. Fahey, Intergovernmental Relations Coordinator  
✓ Brendan Chamberlain, County Executive Assistant  
Michelle Stark, Program Coordinator (Cultural Affairs)

**SUFFOLK COUNTY**

DEPARTMENT OF ECONOMIC DEVELOPMENT AND WORKFORCE HOUSING



Steve Lee  
Suffolk County Executive

Yves R. Michel  
Commissioner

1362

Intro Res. No. -2010

Laid on Table 3/23/10

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO - 2010, REQUESTING  
LEGISLATIVE APPROVAL OF A CONTRACT AWARD  
FOR TRANSIT BUS IN-PLANT PRODUCTION LINE  
INSPECTION**

**WHEREAS**, Resolution Nos. 480-2007, 957-2008 and 769-2009 authorized the purchase of up to eighty-five (85) transit buses for Suffolk County Transit with said purchase being supported by several Federal and State grants including Federal Stimulus funds; and

**WHEREAS**, it is a requirement of the Federal Transit Administration (FTA) that pre and post delivery Buy America audits and in-plant production line inspection during manufacture of the transit buses be performed; and

**WHEREAS**, the Transportation Division of the Department of Public Works utilizes the services of a contractor for in-plant production line inspection during manufacture; and

**WHEREAS**, the Transportation Division of the Department of Public Works requested a Request for Proposal (RFP) for the services of a contractor to provide in-plant production line inspection during manufacture; and

**WHEREAS**, the Purchasing Division of the Department of Public Works advertised for these services and provided the RFP to eleven (11) potential contractors and received only one response from a contractor, Transit Resource Center (TRC); and

**WHEREAS**, an independent evaluation committee reviewed the proposal from TRC and found its quality of work and experience satisfactory, and its cost proposal submission within the industry standards, and has recommended that the Transportation Division of the Department of Public Works enter into a contractual agreement with TRC; and

**WHEREAS**, Local Law No. 3-1996 requires the County Legislature to approve any contract in excess of \$20,000 awarded pursuant to an RFP process in which only one party responds to the County's solicitation of proposals; and

**WHEREAS**, there are sufficient funds in Suffolk County Capital Project Nos. 5657 and 5658 "Purchase of Public Transit Vehicles" to cover the cost of the contract; now, therefore be it

**1<sup>st</sup> RESOLVED**, that upon receiving a two-thirds vote of the County Legislature as required by Local Law No. 3-1996 that the Transportation Division of the Department of Public Works enter into a contractual agreement with Transit Resource Center (TRC) for the provision of in-plant production line inspection during manufacture for the period beginning April 1, 2010 and until the acceptance of all vehicles by the Transportation Division; and be it further

**2<sup>nd</sup> RESOLVED**, that the County Executive be and hereby is authorized to execute a contract with Transit Resource Center (TRC).

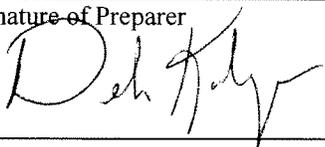
DATED:

APPROVED BY:

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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                      -                      2010,                      REQUESTING<br>LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR<br>TRANSIT BUS IN-PLANT PRODUCTION LINE INSPECTION                                                                                                                                                                                                                                          |                                                                                      |                  |
| 3. Purpose of Proposed Legislation                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                      |                  |
| TO AUTHORIZE THE TRANSPORTATION DIVISION OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A CONTRACTUAL AGREEMENT WITH TRANSIT RESOURCE CENTER (TRC) FOR TRANSIT BUS IN-PLANT PRODUCTION LINE INSPECTION DURING MANUFACTURE. THIS ACTION IS A FEDERAL REQUIREMENT. THERE ARE FEDERAL AND STATE FUNDS FOR THIS PROJECT. FUNDING FOR THIS AGREEMENT IS INCLUDED IN CAPITAL PROJECT 5657 AND 5658 "PURCHASE OF PUBLIC TRANSPORTATION VEHICLES." |                                                                                      |                  |
| 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                                                                                                                                                                                                                                                                                                                                                                 |                                                                                      |                  |
| 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                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                      |                  |
| Included in Capital Projects 5657 and 5658.                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                      |                  |
| 9. Timing of Impact                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                      |                  |
| 2010                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                      |                  |
| 10. Typed Name & Title of Preparer                                                                                                                                                                                                                                                                                                                                                                                                          | 11. Signature of Preparer                                                            | 12. Date         |
| Debra Kolyer<br>Principal Financial Analyst                                                                                                                                                                                                                                                                                                                                                                                                 |  | March 11, 2010   |

SCIN FORM 175b (10/95)

REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION  
OFFICE OF THE COUNTY EXECUTIVE  
County of Suffolk

- (1) Please limit this suggestion form to ONE proposal.
- (2) Describe in detail.
- (3) Attach all pertinent backup material.

---

Submitting Department  
(Dept. Name & Location):

Department Contact Person  
(Name & Phone No.):

Public Works/Transportation Division  
Yaphank

Robert W. Shinnick  
852-4880

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Suggestion Involves:

Technical Amendment

New Program

Grant Award

Contract (New Rev. )

---

Summary of Problem: (Explanation of why this legislation is needed.)

Resolution Nos. 480-2007, 957-2008 and 769-2009 authorized the purchase of up to eighty-five (85) transit buses for Suffolk County Transit with said purchase being supported by several Federal and State grants including Federal Stimulus funds. It is a requirement of the Federal Transit Administration (FTA) that pre and post delivery Buy America audits and in-plant production line inspection during manufacture of the transit buses be performed.

The Purchasing Division of the Department of Public Works advertised for these services and provided the RFP to eleven (11) potential contractors and received only one response from a contractor, Transit Resource Center (TRC). An independent evaluation committee reviewed the proposal from TRC and found its quality of work and experience satisfactory, and its cost proposal submission within the industry standards, and has recommended that the Transportation Division of the Department of Public Works enter into a contractual agreement with TRC. This proposed legislation will authorize the Transportation Division of the Department of Public Works to enter into a contractual agreement with Transit Resource Center (TRC) for transit bus in-plant production line inspection during manufacture. There are federal and state funds for this project. Funding for this agreement is included in Suffolk County Capital Project Nos. 5657 and 5658 "Purchase of Public Transit Vehicles."

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Proposed Changes in Present Statute: (Please specify section when possible.)

N/A

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PLEASE FILL IN REVERSE SIDE OF FORM

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SCIN Form 175a (10/95) Prior editions of this form are obsolete.

COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

MAR 02 2010

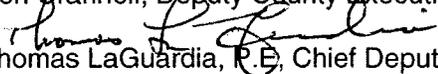
DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.  
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.  
COMMISSIONER

LOUIS CALDERONE  
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Grannell, Deputy County Executive  
FROM:  Thomas LaGuardia, P.E., Chief Deputy Commissioner  
Department of Public Works  
DATE: February 24, 2010  
RE: C.P. 5657 and 5658 – Purchase of Public Transit Vehicles  
REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD  
FOR TRANSIT BUS IN-PLANT PRODUCTION LINE INSPECTION

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Attached, please find a draft resolution which will authorize the Transportation Division of the Department of Public Works to enter into a contractual agreement with Transit Resource Center (TRC) for transit bus in-plant production line inspection during manufacture. This action is a federal requirement. There are federal and state funds for this project. Funding for this agreement is included in Suffolk County Capital Project Nos. 5657 and 5658 "Purchase of Public Transit Vehicles."

The SCIN Forms 175a and Statement of Financial Impact Form are attached.

This proposed resolution, with backup, will be forwarded electronically titled: "Reso-DRW-Award-Transit Bus In-Plant Production Line Inspection"

Please initiate the process to have this resolution introduced at the meeting of the Suffolk County Legislature on March 23, 2010. If you have any questions, please do not hesitate to contact Robert W. Shinnick, Director of Transportation Operations, at 24880.

TL:RWS:cfm  
Enclosures

cc: Ed Dumas, Chief Deputy County Executive, w/enc.  
Brendan Chamberlain, Director of Intergovernmental Relations, w/enc. (2)  
Kathy LaGuardia, DPW Finance, w/enc.  
Linda Brandolf, DPW Capital Accounting, w/enc.  
Carmine Chiusano, Budget Office, Budget Office, w/enc.  
Don Fahey, Federal & State Aid Office, w/enc  
CE Reso Review List, e-mail

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1363

Intro Reso No. \_\_\_\_\_ - 2010

Laid on the Table

3/23/10

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

**RESOLUTION NO. \_\_\_\_\_ -2010, AUTHORIZING FUNDING, ACQUISITION, CONVEYANCE, DEVELOPMENT AND OVERSIGHT OF REAL PROPERTY UNDER SUFFOLK COUNTY AFFORDABLE HOUSING OPPORTUNITIES PROGRAM (NEW VILLAGE – PATCHOGUE VILLAGE)**

**WHEREAS**, Local Law 13-2000 as amended in its entirety by Local Law 17-2004, known as Suffolk County Administrative Code (“SCAC”) Article XXXVI, as amended, found and determined that there was a need for the County to aid municipalities in providing affordable housing and established the Suffolk County Affordable Housing Opportunities Program; and

**WHEREAS**, SCAC § A36-2(C) provides a statutory framework for land to be acquired and infrastructure improvements to be made for Suffolk County’s Workforce Housing Program through the use of capital bond proceeds; and

**WHEREAS**, the County Department of Economic Development and Workforce Housing and the Village of Patchogue have identified certain sites in the County of Suffolk, to be known as “New Village,” which would be appropriate for development as workforce housing and which are identified by the Suffolk County Tax Map Numbers as follows: 0204-009.000-05.00-014.000, 0204-009.000-05.00-015.000, 0204-009.000-05.00-016.000, 0204-009.000-05.00-017.000, 0204-009.000-05.00-024.000, 0204-009.000-05.00-025.002 0204-009.000-05.00-025.003, and 0204-009.000-05.00-026.000 (the “Subject Premises”); and

**WHEREAS**, the Village of Patchogue will convey to this workforce housing development, for parking purposes, the three parcels identified by Suffolk County Tax Map Numbers 0204-009.000-05.00-018.000; 0204-009.00-05.00-020.000, and 204-009.00-05.00-025.001, in exchange for properties owned by Downtown Patchogue Redevelopers, LLC (the “Developer”) which are substantially equal in area; and

**WHEREAS**, pursuant to Section 36-2 C of Article XXXVI of the Suffolk County Administrative Code, it is proposed that the County acquire the Subject Premises at a purchase price of Three Million Seven Hundred Fifty Thousand (\$3,750,000) Dollars; and transfer such parcels to the Developer; and

**WHEREAS**, the Environmental Trust Review Board reviewed the appraisals, reviewed the report of the Internal Appraisal Review Board, approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition on October 16, 2009; and

**WHEREAS**, the Village of Patchogue has expressed an interest in partnering with the County of Suffolk to provide workforce housing at this location; and

**WHEREAS**, Resolution No. 559-2009 authorized planning steps for acquisition of the Subject Premises for the New Village affordable housing development; and

**WHEREAS**, the Village, by its Resolution No. 40-2010, dated March 11, 2010, has approved a development agreement to be executed by the Village and the County (the “Development Agreement”), which incorporates a development plan (the “Development Plan”), each of which is in substantially final form, as attached hereto, detailing the proposed purchase by the County of the Subject Premises and the subsequent development of 67 affordable rental units; and

**WHEREAS**, pursuant to Resolution No. 40a-2010 dated March 11, 2010, the Village Board, as lead agency, issued a negative SEQRA declaration which completed the environmental review; and further the negative declaration issued by the Village Board is binding on the County, as an involved agency, pursuant to Title 6 of the New York Codes, Rules and Regulations (NYCRR) § 617.6 (b) (3) (ii) and, therefore, SEQRA is complete; and

**WHEREAS**, Resolutions No. 689-2006 and 277-2007 appropriated the proceeds of \$5,050,000.00 and \$1,500,000, respectively, in Suffolk County Serial Bonds for Workforce Housing acquisitions under the Suffolk County Workforce Housing Program subject to further Legislative approval of a resolution authorizing the planning, funding and/or acquisition of specific projects; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Legislature, on behalf of the County, hereby finds and determines that New Village meets the requirements of the Suffolk County Affordable Housing Opportunities Program for its Workforce Housing Program, and the need to fill the critical shortage of affordable housing in the County and, accordingly, authorizes the development of New Village; and be it further

**2<sup>nd</sup> RESOLVED**, that the Development Agreement and the Development Plan are hereby approved in substantially the same form as attached hereto; and be it further

**3<sup>rd</sup> RESOLVED**, that the Subject Premises are hereby authorized to be acquired, conveyed, developed, supervised and managed subject to the Development Agreement and Development Plan, subject to a final survey, for a total purchase price of Three Million Seven Hundred and Fifty Thousand (\$3,750,000) Dollars; and be it further

**4<sup>th</sup> RESOLVED**, that pursuant to Suffolk County Charter §§ C35-2(V) and (Y), and SCAC § A36-2(C), the Department of Economic Development and Workforce Housing and its Commissioner, and the Division of Affordable Housing and its Director of Affordable Housing are hereby authorized, to acquire and convey the Subject Premises, as necessary, and the same are hereby further authorized, empowered and directed to take such other actions, enter into such other agreements, and execute such other documents as are required to effectuate this overall affordable housing project and transaction, and to pay such additional expenses which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance as may be necessary and appropriate to accomplish the aforesaid authorizations and duties; and be it further

**5<sup>th</sup> RESOLVED**, that, subject to the terms of the Development Agreement, the County Comptroller and County Treasurer are hereby authorized to reserve and pay Three Million Seven Hundred and Fifty Thousand (\$3,750,000) Dollars for the purchase price of the Subject Premises from previously appropriated funds in Capital Project No. 525-CAP-8704.211; and be it further

**6<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management or her designee, pursuant to Suffolk County Charter § C42-2C(3)(d), is hereby authorized and empowered, and her actions are hereby ratified and adopted, to negotiate the purchase price for the initial acquisition of the Subject Premises from the Village of Patchogue to the County, in accordance with the terms of the Development Agreement, and further to provide whatever additional support is requested by the Department of Economic Development and Workforce Housing and its Division of Affordable Housing, and by the County Attorney pursuant to Suffolk County Charter §C16-2 and the Department of Public Works pursuant to Suffolk County Charter §C8-2(W) ; and be it further

**7<sup>th</sup> RESOLVED**, that the County Executive, the County Attorney, the Commissioner of the Department of Economic Development and Workforce Housing and the Director of Affordable Housing are hereby authorized, respectively, to take such further actions as may be necessary or desirable to effectuate the purposes and intent of the foregoing resolutions and to execute any and all documents necessary and/or desirable to effectuate the purpose and intent of the workforce housing development referred to in this Resolution; and be it further

**9<sup>th</sup> RESOLVED**, pursuant to Resolution No. 40a-2010 dated March 11, 2010, the Village Board, as lead agency, issued a negative SEQRA declaration which completed the environmental review; and further the negative declaration issued by the Village Board is binding on the County, as an involved agency, pursuant to Title 6 of New York Codes, Rules and Regulations (NYCRR) § 617.6 (b)(3)(ii) and, therefore, SEQRA is complete.

Dated: \_\_\_\_\_, 2010

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval: \_\_\_\_\_, 2010

## DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") made the \_\_\_\_\_ day of \_\_\_\_\_, 2010 between THE COUNTY OF SUFFOLK (the "County"), a municipal corporation of the State of New York, having its principal office at County Center, Riverhead, New York 11901 acting by and through its DEPARTMENT OF ECONOMIC DEVELOPMENT and WORKFORCE HOUSING (the "Department"), having its offices at 100 Veterans Memorial Highway, Hauppauge, New York 11788, the VILLAGE OF PATCHOGUE (the "Municipality"), a municipal corporation of the State of New York having its offices at 14 Baker Street, Patchogue, New York 11772 and DOWNTOWN PATCHOGUE REDEVELOPERS, LLC (the "Developer"), a New York limited liability company having its offices at 45 Research Way, Suite 100, East Setauket, New York 11733.

WHEREAS, in furtherance of the objectives of Article XXXVI of the Suffolk County Administrative Code, as amended (the "Program"), the County has undertaken a program for the acquisition, construction, reconstruction and rehabilitation of properties for affordable housing purposes; and

WHEREAS, there exists a need in Suffolk County to provide affordable housing thereby promoting the County's economic growth and prosperity; and

WHEREAS, the County has authorized the acquisition of certain real property within the County of Suffolk known as "New Village" identified as Suffolk County Tax Map Numbers Suffolk County Tax Map Numbers 0204-009.000-05.00-014.000, 0204-009.000-05.00-015.000, 0204-009.000-05.00-016.000, 0204-009.000-05.00-017.000, 0204-009.000-05.00-024.000, 0204-009.000-05.00-025.002, 0204-009.000-05.00-025.003, and 0204-009.000-05.00-026.000, all as more particularly described in Schedule A, annexed hereto and made a part hereof (the "Development Area"), which Development Area is to be conveyed from the County to the Municipality pursuant to the terms of this Agreement; and

WHEREAS, it is proposed that the Village of Patchogue will convey to the Developer of this workforce housing development, in exchange for properties owned by the Developer which are substantially equal in area, three parcels identified by the Suffolk County Tax Map Numbers 0204-009.000-05.00-018.000; 0204-009.00-05.00-020.000; and 0204-009.00-05.00-025.001 (n/k/a 0204-009.000-05.00-025.004) for parking purposes (the "Additional Development Area"); and

WHEREAS, there has been formulated and presented to the Suffolk County Legislature for consideration and approval an Affordable Housing Development Plan known as the Development Plan for New Village (the "Development Plan"), annexed hereto and made a part hereof as Schedule B, which Development Plan was approved by the Suffolk County Legislature pursuant to Resolution No. \_\_\_\_\_ 2010, which provides for

the construction, reconstruction and/or rehabilitation of said Development Area and, *inter alia*, the construction of ancillary facilities at the Development Area (the "Project"); and

WHEREAS, Resolution No. 2010 authorizes the County to enter into this Agreement, acquire the Development Area and subsequently convey the Development Area to Municipality for affordable housing purposes in accordance with the Program; and

WHEREAS, Resolution No. 40- 2010 authorizes the Municipality to enter into this Agreement, acquire the Development Area from the County and subsequently convey the Development Area to Developer for, among other uses as set forth in the Development Plan, affordable/workforce housing purposes, consisting of sixty-seven (67) units, with amenities, in accordance with the Program, which sixty-seven units are hereinafter referred as the "Project"; and

WHEREAS, the County has acquired or will acquire all real property not owned by it in the said Development Area and intends to sell and convey the Development Area upon such terms and provisions as shall ensure the construction, reconstruction and/or rehabilitation of the Development Area by Municipality, all as provided herein; and

NOW, THEREFORE, each of the parties hereto, for and in consideration of the promises and agreements of the other party hereto, does covenant and agree as follows:

## ARTICLE 1

### CONVEYANCE

101. Land Development Subsidy (LDS). The County agrees to accept the conveyance of the Development Area from Developer and to convey the Development Area to Municipality. Municipality agrees to accept the conveyance of the Development Area from the County in consideration of the Development Plan and LDS of Three Million Seven Hundred and Fifty Thousand (\$3,750,000) Dollars, to be paid to the Developer subject to the terms and conditions of this Agreement, the Development Plan, and the Note to be held by the County (the "Note") and the Program. Such conveyance is expressly conditioned and subject to the acquisition of all real property within the Development Area by County. In the event County is unable to acquire such real property with reasonable diligence, neither party shall have any further obligations under this Agreement. The LDS shall be retained in escrow by Certilman Balin, attorneys for Developer until the closing of the construction loan financing, subject to the right of Developer to release funds for such hard and soft costs, including but not limited to architectural and engineering expenses. The County and the Village will be notified when any funds are released, but their consent will not be required, provided that the

Developer executes a mortgage in favor of the County, subordinate to all then existing mortgages, in the principal sum of the amounts released from said escrow account. Such mortgage will be released by the County, but the obligation pursuant to the Note shall remain, upon the earlier/later of the Developer's closing with the Suffolk County Industrial Agency, as herein provided or the Developer's closing of its construction financing.

102. Closing.

- A. County shall give Municipality and Developer at least ten (10) business days prior notice of the date, time and place for the closing (the "Closing") which shall be deemed to be and include the simultaneous closing of all three contracts as referred to in paragraph 102 (D) below. The Closing shall be during normal business hours.
- B. The deed for the Development Area (the "Deed") to be delivered by the County to Municipality hereunder shall be a quitclaim deed. To the extent that the terms, conditions, provisions, covenants and/or agreements contained in this Agreement conflict or are inconsistent with the terms, conditions, provisions, covenants, agreements and/or restrictions of said Deed, the Deed shall govern.
- C. The Note and escrow agreement referenced in paragraph 101 above shall be delivered by Municipality and Developer to the County in accordance with the terms and conditions as set forth herein and in the Development Plan.
- D. The Closing for the conveyance of the Development Area from Developer to County shall occur simultaneously with the closing for the conveyance of the Development Area from the County to Municipality and the Closing for the conveyance of the Development Area from the Municipality to the Developer.

103. Certain Conditions of Conveyance.

- A. General Conditions. The Development Area shall be conveyed subject to all of the following conditions:
  - 1. Any state of facts an accurate survey may show provided the same does not render the title unmarketable, except as disclosed in the title policies of Developer, copies of which have been delivered to the County.
  - 2. All the terms covenants and conditions of this Agreement.

3. The provisions of Article XXXVI of the Suffolk County Administrative Code as amended.
  4. Covenants, easements and restrictions, encroachments, utility easements and rights of way of record. The County and the Municipality agree to all future agreements, easements (utility or otherwise) and restrictions that Developer deems necessary or desirable in the connection with the development of the Development Area not inconsistent with the Development Plan and this Agreement.
  5. Any and all municipal liens or encumbrances of record existing on the date of Closing or thereafter listed or recorded resulting from an inspection made of the Development Area prior to the date of conveyance to Municipality.
  6. The provisions of all laws, codes, statutes, ordinances, acts, rules and regulations of local, state or federal government, and any agency or subdivision thereof.
  7. The Development Plan and any building restrictions and zoning regulations in effect at the time of Closing and any facts disclosed in the Suffolk County tax maps.
  8. Simultaneous Closing of all three contracts of conveyance for the Development Area. In the event that one party is unable to close on the agreed upon closing date, the closing may be adjourned for up to five (5) business days upon consent of the other parties, providing that the party requesting the adjournment agrees to pay any costs associated with the adjournment.
- B. Additional Conditions. The Development Area shall also be conveyed to the Municipality and Developer in accordance with the following:
1. No Obligation. Except as specifically set forth herein, County shall have no obligation to bring any action or to incur any expense to make the title to the Development Area comply with the provisions of this Agreement.
  2. Recording. Municipality shall cause this Agreement, the Deed, and the Development Plan to be recorded immediately following the Closing and shall pay all required recording fees and taxes, if any. In the event that the Developer executes a mortgage to the County pursuant to paragraph 101 of this Agreement the Developer shall pay all required recording fees and taxes, if any.

3. Condition of Development Area. Municipality shall accept the Development Area in "as is" condition. County does not warrant or represent the suitability of the Development Area for the Project and has made no other representations regarding the condition of the Development Area. Municipality represents that it has inspected the Development Area and is fully familiar with its condition.
  4. No Prior Defaults. Failure by the Municipality to pay municipal taxes and other charges under any debt, lease, contract or obligation to the County, or any of the County's agencies or departments, may disqualify the Municipality from obtaining title to the Development Area.
  5. Clean Up Costs. Any charges, costs, assessments or levies imposed by Municipality or any other governmental entity against County for any cost incurred or projected to be incurred for the cleaning up of any debris on the Development Area shall be paid by Municipality immediately upon receipt by Municipality, from County or otherwise, of any bill, assessment or levy therefor. County shall have neither responsibility nor any obligation for the payment or reimbursement of any such charges, costs, assessments or levies.
- C. Financing. As a condition precedent to the release of the mortgage set forth in Section 101 above, Municipality and Developer shall have delivered to the Department, documents satisfactory to the Department indicating that there are sufficient public and/or private funds committed to complete the Project. In the event federal or state grant funds are obtained to finance the Project, the federal and state requirements shall be met. Notwithstanding the foregoing, if the County's requirements are more stringent, the County's requirements shall prevail.

## ARTICLE 2

### MUNICIPALITY'S AND DEVELOPER'S RESPONSIBILITIES

201. Covenants. Municipality and Developer hereby covenant and agree for themselves and every successor in interest to the Development Area or any part thereof, as follows:

- A. Construction of the Project. Construction of the Project shall commence no later than twelve (12) months from the date of the Closing and shall proceed diligently to completion within thirty-six (36) months from the date of the Closing unless the Director of Affordable Housing has granted an extension in writing, for good cause shown. Said extension shall be no longer than two (2) two (2) year extensions unless approved by a duly enacted resolution of the Suffolk County Legislature. For purposes of this Agreement, the commencement of demolition of existing structures within the Development Area will constitute "commencement of construction". Additionally, prior to the commencement of construction, payment and performance bonds shall be provided to the County by the Municipality and the Developer as set forth in section 208 of this agreement. The Municipality and the Developer agree to ensure the construction of the Project within the New Village Development Area in accordance with this Agreement, the Development Plan and all other documents executed and/or delivered in connection therewith.
- B. Plans and Specifications. Municipality and Developer agree to undertake and carry out the construction of the Affordable\Workforce Units (the Project) in accordance with the Development Plan and the applicable building and fire codes and zoning restrictions which are in effect. Municipality and Developer may make amendments, modifications or corrections to the Development Plan, provided that the same comply with the requirements of the applicable building codes and zoning restrictions which are in effect, and provided, further that any modifications, amendments or corrections to the Development Plan which affect the total number and distribution as to type of dwelling units shall require the prior written approval of the Department. In addition to the foregoing, any material changes to the Development Plan shall also require prior written approval of the Suffolk County Legislature. "Material Change" shall be as determined by the Director of Affordable Housing of the Department of Economic Development and Workforce Housing (the "Director"). Any requests to modify the total number and distribution as to type of dwelling units shall be made in accordance with the notice requirements of Section 515 of the Development Agreement. Anything to the contrary herein notwithstanding, such consent shall only be required for changes directly impacting the 67 Workforce\Affordable Units.

As of the date hereof, the applicable zoning regulations are consistent with the land use and development contemplated in the Development Plan. If the Development Plan is modified or amended, all changes which impact the Workforce\Affordable Units must be approved by the Department. The Department shall make reasonable efforts to assist Municipality and/or Developer in any proceeding, other than judicial proceedings initiated by

Municipality and/or Developer to obtain other necessary County approvals.

- C. Impairment of County Lien; Repayment of Land Development Subsidy. Municipality and Developer covenant and agree and will require any successors, assigns and transferees to covenant and agree, that it shall not undertake any action or activity which shall impair or have the effect of impairing the interest and rights of the County in the amount of the acquisition costs of the real property comprising the Development Area to be acquired by the County as required by the Program for the term of this Agreement, except as authorized under this Agreement.

The Land Development Subsidy ("LDS") for the 67 Workforce\Affordable units, imposed upon the Project in accordance with the Program shall be repaid when occupancy requirements are not met, subject to reasonable notice and grace periods to be contained in the other documents to be executed at closing, unless otherwise specified in the Development Plan and in accordance with the Program.

- D. Program requirements for the Municipality.
1. Municipality shall offer incentives, such as density bonuses, fast-track approvals, fee waivers, and/or financial assistance, such as community development block grant funds, industrial development bonds and/or tax credits, to the proposed affordable housing development prior to the acquisition of the Development Area.
  2. The Developer is a for-profit development entity. Any amount of profit realized by the Developer from the rental of the Workforce\Affordable units must conform to New York State Affordable Housing Corporation (or its successors') guidelines, provided that the income eligibility limitations set forth in the Development Plan, annexed hereto, shall control.
  3. Prior to acquisition of the Development Area by the County, Municipality shall, by resolution or other legislative act, approve the Development Agreement. The numbers of units of affordable housing, the targeted occupants, the method of selecting the occupants and the rents to be paid by the occupants are set forth in the Development Plan.

E. County Approval of Municipality's Agreements.

1. Municipality shall submit to the County for written approval, all final documents and/or agreements necessary to effectuate the conveyance of the Development Area from Municipality to the Developer at least twenty (20) business days prior to closing.
2. All agreements between Developer and Municipality shall incorporate by reference the Development Agreement herein, and include a provision that Developer, in addition to Municipality, expressly assumes all obligations, terms and conditions set forth in this Agreement and the Development Plan.

F. Environmental Compliance.

The Developer agrees to demolish and remove, at its sole cost and expense, any and all buildings, structures, cesspools, septic tanks and fuel tanks located on the Development Area. In the event that any remediation work to the Development Area is necessary, Developer shall complete same at its sole cost and expense.

The demolition and removal of any and all buildings, structures, cesspools, septic tanks and fuel tanks at the Development Area and remediation work, if any, including, but not limited to, the proper disposal of any debris, solid wastes, pollutants, hazardous materials and/or soil will be performed by the Developer in accordance with all applicable Federal, State and County laws. The Developer covenants and agrees that it will defend, indemnify, and hold harmless the County and Municipality, and any of their respective officers, agents, employees, and their successors and assigns, against any and all damages, claims, losses, liabilities and expenses, including, without limitation, responsibility for legal, consulting, engineering and other costs and expenses which may arise out of any action, suit, claim, or proceeding seeking money damages, injunctive relief, remedial action, or other remedy by reason of (1) a violation or non-compliance with any environmental law; or (2) the disposal, discharge or release of solid wastes, pollutants, hazardous materials and/or soil; or (3) its acts or omissions or negligence in the performance of the aforementioned demolition, removal and remediation work, if any. The provisions of this paragraph shall survive the delivery of any instrument of conveyance pursuant to this agreement.

202. Project Signs. Municipality or Developer shall, at its own cost and expense, promptly erect and maintain a Project sign identifying the interest of the parties in lettering of such size and form as shall be approved by the Department. The provisions of this Paragraph 202 shall survive the Closing until Completion of Construction as described immediately below in Paragraph 203.

203. Completion of Construction. Construction of the Project shall be deemed complete when (i) a temporary or permanent Certificate of Occupancy has been issued by the Municipality for all of the Workforce\Affordable residential units constructed on the Development Area, and (ii) the Municipality certifies in writing to the Department that the Project meets all applicable building and fire codes and zoning restrictions and that all the Project construction obligations of Municipality have been met ("Completion of Construction"). Municipality may certify as to completion of portions of the Project so long as (i) and (ii) above have been met for such portion.
204. Drawings. Upon completion of the Project, Municipality and/or Developer shall submit to the Department three (3) sets of "as built" surveys of the Project showing all the construction certified as complete by Municipality. The "as built" surveys shall indicate, on its face, the locations of all buildings, rights-of-way, utility and other easements and work as actually built and installed. Such locations shall be shown by offset distances from permanent surface improvements such as buildings, retaining walls or curbs and such sizes shall be shown by dimensions in feet and inches.
205. Reports. Municipality shall submit a narrative report in writing to the Director within six (6) months after the Closing, and every three (3) months thereafter, up to the time of Completion of Construction pursuant to Paragraph 203 above, as to the progress of the construction on the Project on the Development Area. Each report shall also include, but not be limited to, (i) a progress report from the supervising architect or engineer; (ii) the dates of completion and occupancy of any housing unit; (iii) the name of the tenants; (iv) the total household income, from all sources, of the tenant(s), and his/her/their family; and (v) the total rent of the housing unit. In addition, Municipality shall provide a report to the Director no later than December 31<sup>st</sup> of each year of this Agreement outlining the exact and precise use to which any such parcels have been put and the net proceeds generated by the initial rentals of such affordable housing units. Said year-end report shall also state whether or not the parcels have been utilized for affordable housing purposes and whether or not the restrictive covenants contained in any deeds of conveyance ensuring such utilization have been adhered to. Such reports shall be limited to the units set aside for Workforce\Affordable purposes.
206. Limitation on Use of Development Area. Municipality and Developer, prior to Completion of Construction of the Project, shall not rent, license or permit temporary use of the Project for purposes unrelated to the construction of the Project; provided, however, that Municipality and Developer may enter into leases as the case may be, for the units in the Project, as set forth in the Development Plan, prior to completion of the Project. The Project may contain a rental office, residential amenity areas and an appropriate number of model units as may be applicable.

207. Access. Prior to the Closing, the Department shall permit representatives, employees and agents of Municipality to have access pursuant to a license agreement between the Department, Municipality and Developer in form, scope and substance satisfactory to the Department, at all reasonable times to any part of the Development Area for the purpose of obtaining data and making various tests concerning the Development Area necessary to carry out the provisions of this Agreement. After Closing, Municipality and Developer shall permit the representatives of the County access to the Development Area upon prior reasonable notice and at all reasonable times, for the purposes of this Agreement, including, but not limited to, inspection of all work being performed in connection with the construction of the Project. It is agreed by the parties hereto that "reasonable time" shall be normal working hours for construction trades in Suffolk County. No compensation or other charge or sum shall be payable or made by any party for access provided for in this Paragraph 207.
208. Bonds. Municipality and Developer shall provide or require any successors, assigns, transferees or contractors to provide payment and performance bonds or such other security as is acceptable to County in such amounts as will ensure the completion of the Project. It is further agreed that the aforementioned bonds, or other security, shall be in a form and an amount which is acceptable to County and shall be issued by a company licensed to do business in the State of New York. Bonds posted by credit-worthy subcontractors shall be an acceptable alternative, provided that the County is named as a co-obligee under said bonds.
209. Compliance With Laws. Municipality and Developer, and any successors, assigns, transferees, contractors and subcontractors shall comply with all applicable Federal, State, and local laws, rules, regulations, ordinances and codes including, but not limited to, zoning, building and fire codes.
210. Living Wage Law. This Agreement is subject to the Living Wage Law of the County of Suffolk (Suffolk County Local Law Chapter 347) The law requires that, unless specific exemptions apply, all employers (as defined therein) under service contracts and recipients of County financial assistance, (as defined therein) provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this law.

### ARTICLE III

#### PROHIBITION AGAINST ASSIGNMENT AND TRANSFER

301. Prohibition Against Transfer of Property and Assignment of Agreement. Municipality represents and agrees for itself and its successors and assigns that, except for the Permitted Sales and Permitted Encumbrances, both as described in the Development Plan, and sale to Developer for the purpose of performing its obligations with respect to the construction, ownership, management, marketing and operation of the Project pursuant to this Agreement, the Municipality and Developer have not made or created, and will not prior to the Completion of Construction, make or create, or suffer to be made or created, any total or partial sale, assignment, conveyance, or lease, except the leasing of individual units in the normal course of business, or any trust or power, or transfer in any other mode or form of, or with respect to this Agreement or the Development Area or any part thereof or any interest in the real property therein, or any contract or agreement to do any of the same. Nothing contained herein shall prohibit or impair the ability of the Developer to transfer the hotel site which is part of the Development. Nothing contained herein will be deemed to prevent the Developer's right to add or remove members to Developer, or partner with other individuals or entities or remove such partner(s). Furthermore, it is the understanding of the parties hereto that Developer has an application or applications pending with the Suffolk County Industrial Development Agency which, once approved, will necessitate the conveyance and lease-back of the entire Development Area to such Agency. The PILOT payments to become due said Agency will take precedence over, and be superior to, any monies that may become due the County pursuant to this Agreement. Any and all mortgages affecting and covering the Development Area or portions thereof, in whole or in part, except as specifically provided in Section 101 hereof, shall be superior to this Agreement and any monies due hereunder, other than payments due under the PILOT payments that may hereafter become due to the Suffolk County Industrial Development Agency.
302. Representation as to the Development. That other than obligations set forth in paragraph 101 herein, and except for the other uses set forth in the annexed Development Plan, the Municipality and Developer represent and agree that that their respective acquisition's of the Development Area, and their other undertakings pursuant to this Agreement, are and will be used for the sole purpose of constructing, reconstructing or rehabilitating Workforce/Affordable Housing on the Development Area and for no other purpose inconsistent therewith. The Municipality and Developer recognize, in view of (1) the importance of the development of the Development Area to the general welfare of the community; and (2) the substantial financing and other public aids that have been made available by law and by governmental entities for the purpose of making such development possible, that the County is relying on Municipality and Developer for the faithful performance of all undertakings and covenants hereby to be performed by Municipality and Developer. Nothing contained herein shall be deemed to prohibit the transfer of properties between the Developer and the Municipality for the realignment of public and private parking facilities or the transfer of the retail\hotel site to a third party.

## ARTICLE IV

### REACQUISITION AND REIMBURSEMENT

401. A. In the event that subsequent to conveyance of the Development Area, or any part thereof to Municipality and Developer, and prior to Completion of Construction in accordance with Paragraph 203 hereof, Municipality or Developer, or any successor in interest, as the case may be, shall fail to effect the Completion of Construction within the time specified in Paragraph 201(A), unless the Director has granted an extension in writing for good cause shown, said extensions to be no longer than two (2) two (2) year periods unless approved by a duly enacted resolution of the Suffolk County Legislature, and in accordance with the Development Plan, and if such failure is not remedied within sixty (60) days after the Director has provided written notice of such failure, then the County shall have the right, subject to the laws of the State of New York, to demand and enforce payment of the Note, and upon failure of the Developer to satisfy said note in full, to re-enter and take possession of the Development Area and to terminate and re-vest in the County the estate conveyed to Municipality, subject to the Permitted Encumbrances as described in the Development Plan. Notwithstanding anything to the contrary herein, if the condition giving rise to the County's right to demand reimbursement or re-enter is such that correction or cure is impossible or impracticable to complete within the period specified above, then Municipality and Developer shall be obligated to commence to cure or correct the condition within such period and thereafter diligently to prosecute the cure or correction of such condition to completion. It is the intent of this Agreement that the conveyance of the Development Area to Municipality shall be made upon the condition that, if any default, failure, violation, or other action or inaction by Municipality or Developer specified in the above subdivisions of this Paragraph 401(A) is not remedied, ended or abrogated within the period, if provided, in the manner stated in such subdivisions, the Department, at its option may declare said Note due and payable and upon non-payment after notice as set forth above, declare a termination of the title in favor of the County, and, upon the exercise of such reverter, all the rights and interest of Municipality, and any assigns or successors in interest to and in the Development Area, shall revert to the County.
- B. Notwithstanding the foregoing the remedies of the County shall always be subject to and limited by, and shall not defeat, render invalid, or limit in any way the Permitted Encumbrances as described in the Development Plan or the lien of any mortgage to which the County has subordinated its interest as listed in the Development Plan. Further, upon request by Municipality or any successor and assign, the County will deliver to Municipality and the holder of a mortgage providing construction or

permanent financing, whether or not set forth in the Development Plan, an instrument in recordable form whereby the County's priority of rights and interests of the County or running in favor of the County on the Development Area, or any part thereof, are subordinated to the lien of such mortgage(s) on the Development Area. Such subordination shall be upon such terms and conditions as are acceptable to the County and mortgagees.

- C. After any breach or default referred to in Paragraph 401(A) above, beyond the applicable grace period, any holder of a mortgage shall, insofar as the rights of the County are concerned, have the right, at its option within an additional sixty (60) days after the time period above provided to cure or remedy such breach or default, or such breach or default to the extent that it relates to the part of the Development Area covered by its mortgage, and/or to undertake or continue the completion of the Project in the manner provided by this Agreement and to add the cost thereof to the mortgage debt and the lien of its mortgage, provided, that if the breach or default is such that correction or cure is impossible or impracticable for said holder to complete within sixty (60) days in addition to the time to cure granted to Municipality and Developer, then said holder shall promptly commence to cure or correct the breach or default within such sixty (60) day period, or to commence foreclosure or other appropriate proceedings to acquire possession of the Development Area if possession is necessary to cure the breach or default, and diligently prosecute to completion such action as may be necessary to cure such default, subject however to the Permitted Encumbrances as described in the Development Plan. Any such holder who shall properly complete the Project on the Development Area or applicable part thereof shall be entitled, upon written request made to Municipality, to a certification or certifications by Municipality to such effect in the manner provided in this Agreement, and any such certification shall, if so requested by such holder, mean and provide that any remedies or rights with respect to recapture of or reversion or revesting of title to the Development Area that the County shall have or be entitled to because of failure of Municipality or any successor in interest to the Development Area, or because of any other default in or breach of the Agreement by the Municipality or such successor, shall not apply to the part or parcels of the Development Area to which such certification relates.
- D. A copy of any notice to Municipality or Developer by the County pursuant to Paragraph 401(A) shall be simultaneously sent to the holders of mortgages that have been designated as having the right to receive such notice and the right to cure defaults under the Deed or this Agreement, at the address of such holders as shall have been furnished to the County, and no such notice to the Municipality shall be effective as against such holder

unless such notice is also given to the designated holders as provided herein.

- E. If title to the Development Area is re-vested in the County and the Department determines to re-sell its interest in the Development Area, the proceeds from the sale of such interest, if any, shall be retained by County to the extent of the balance of its lien as determined by the terms and conditions of the Note. After all other liens, if any, are paid in full the surplus balance shall be paid to the Developer. Municipality and Developer hereby agrees that any surplus money paid into a court as the result of any foreclosure of any lien on any portion of the Development Area prior to Completion of Construction for that portion are hereby assigned to County. Municipality further agrees to execute any instrument needed for recording to effectuate such assignment.

## ARTICLE V

### GENERAL PROVISIONS

501. Non-Discrimination. Municipality and Developer covenant and agree, for and on behalf of itself, its successors and assigns, and every successor in interest to the Development Area, or any part thereof, including Developer, to be bound by the following covenants, which shall be binding for the benefit of the County and enforceable by the County against Municipality, its successors and assigns and/or Developer to the fullest extent permitted by law and equity:
- A. Non-Discrimination in Employment and Affirmative Action. Municipality agrees in connection with the performance of this Agreement that Municipality its successors and assigns, including Developer and any lessees of the Development Area shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex age, disability, sexual orientation, military status or marital status, and will undertake or continue existing programs of affirmative action to ensure that women and minority group members are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
- B. Non-Discrimination in Services. Municipality, its successors and assigns including Developer, and any lessees of the Development Area or any improvements erected, or to be erected thereon, or any part thereof, shall

not effect or execute any agreement, lease, conveyance, or other instrument whereby the sale, lease, or occupancy of the Development Area or any improvements erected or to be erected thereon, or any part thereof, nor utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, creed, national origin, sex, age, disability, sexual orientation, alienage, citizenship or marital status or have the effect of defeating or substantially impairing accomplishment of the objectives of the program in respect to individuals of a particular race, creed, national origin, sex, age, disability, sexual orientation, alienage, citizenship or marital status. Further, during the performance of this Agreement:

1. Municipality and Developer shall not, on the grounds of race, creed, color, national origin, sex, age disability, sexual orientation, military status or marital status:
  - a. Deny any individual any services or other benefits provided pursuant to this Agreement; or
  - b. provide any services or other benefits to an individual that are different, or are provided in a different manner, from those provided to others pursuant to this Agreement; or
  - c. subject an individual to segregation or separate treatment in any matter related to the individual's receipt of any service(s) or other benefits provided pursuant to this Agreement; or
  - d. restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any services or other benefits provided pursuant to this Agreement; or
  - e. treat an individual differently from others in determining whether or not the individual satisfies any eligibility or other requirements or condition which individuals must meet in order to receive any aid, care, service(s) or other benefits provided pursuant to this Agreement.
2. Municipality and Developer shall not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status, or have the effect of defeating or substantially impairing accomplishment of the objectives of this Agreement in respect to individuals of a particular race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status in determining:
  - a. the types of service(s) or other benefits to be provided; or

- b. the class of individuals to whom, or the situations in which, such service(s) or other benefits will be provided; or
  - c. the class of individuals to be afforded an opportunity to receive service(s).
- C. Municipality, its successors and assigns, including the Developer, and any lessees of the Development Area or any improvements erected or to be erected thereon, or any part thereof, shall include the covenants of Paragraphs 501(A) and (B) in any agreement, lease, conveyance, or other instrument with respect to the sale, lease, or occupancy of the Development Area or any improvements erected or to be erected thereon, or any part thereof.
- D. Municipality and Developer agree that compliance with this Paragraph 501 constitutes a material term of this Agreement, and that it is binding upon the Municipality, its successors, transferees, and assignees including Developer, for the period of this Agreement. The Municipality and Developer also understands that the County may, at its discretion, seek a court order requiring compliance with the terms of this Paragraph 501 or seek other appropriate judicial relief.
- E. Deleted

502. Gratuities and Disclosure Statement.

- A. Gratuities. Municipality represents and warrants, and shall require its successors and assigns including Developer to represent and warrant, that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).
- B. Disclosure Statement. Municipality represents and warrants, and shall require its successors and assigns including Developer, to represent and warrant, that, unless exempt, they have filed with the Comptroller of Suffolk County the verified public disclosure statement required by Suffolk County Administrative Code A5-7 and shall file an update of such statement with the said Comptroller on or before the 31st day of January in each year of this Agreement's duration. Municipality acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of this Agreement, for which the County shall be entitled, upon a determination that such

breach has occurred, to damages, in addition to other legal remedies, of fifteen percent (15%) of the amount of the Agreement

503. Conflicts of Interest.
- A. Municipality agrees that it will not, during the term of this Agreement engage in any activity that is contrary to and/or in conflict with the goals and purposes of the County.
  - B. Municipality may not simultaneously represent other clients in matters or proceedings adverse to the County or its agencies without the prior written approval of the County. The representation of any individual in a dispute concerning the legal relationship between the individual and the County or its agencies would also create a conflict that will require disqualification.
  - C. Municipality is charged with the duty to disclose to the County the existence of any such adverse interests, whether existing or potential. This duty shall continue so long as the term of this Agreement. The determination as to whether or when a conflict exists or may potentially exist shall ultimately be made by the County Attorney after full disclosure is obtained.
504. Confidentiality. Any records, reports or other documents of the County or any of its agencies used by Municipality and/or Developer pursuant to this Agreement or any documents created as a part of this Agreement shall remain the property of the County and shall be kept confidential in accordance with applicable laws, rules and regulations.
505. Prohibition Against Contracting with Corporations that Reincorporate Overseas. Municipality and Developer each represent that they are in compliance with Suffolk County Administrative Code §§ A4-13 and A4-14, found in Suffolk County Local Law No. 20-2004, entitled “A Local Law to Amend Local Law No. 5-1993, To Prohibit The County of Suffolk From Contracting With Corporations That Reincorporate Overseas.” Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.
506. Use of County Resources to Interfere with Collective Bargaining Activities Local Law No. 26-2003. Municipality and Developer represent and warrant that they have read and are familiar with the requirements of Chapter 466, Article 1 of the Suffolk County Laws, “Use of County Resources to Interfere with Collective Bargaining Activities.” Municipality and Developer shall comply with the requirements of Local Law No. 26-2003
507. Certification as to Relationships. Pursuant to Suffolk County Code Chapter 143, Article II and Suffolk County Code § 143-6(B) specifically, the parties to this Agreement hereby certify that, other than the funds provided in this

Agreement and other valid Agreements with the County, there is no known relationship within the third degree of consanguinity, life partner, or business, commercial economic or financial relationship between the parties, the signatories to this Agreement, and any partners, members, directors, or shareholders of five (5%) percent or more of any party to this Agreement.

508. Use of Funds in Prosecution of Civil Actions Prohibited. Pursuant to the Suffolk County Code § 590-3, Municipality represents that they shall not use any of the moneys received under this Agreement, either directly or indirectly, in connection with the prosecution of any civil action against the County of Suffolk or any of its programs funded by the County, in part or in whole, in any jurisdiction or any judicial or administrative forum.
509. Suffolk County Local Laws. Suffolk County Local Laws, Rules and Regulations can be found on the Suffolk County website at [www.co.suffolk](http://www.co.suffolk.ny.us)<<http://www.co.suffolk.ny.us>>. Click on “Laws of Suffolk County” under “Suffolk County Links”.
510. Survival. None of the provisions of this Agreement are intended to or shall be merged by reason of any deed transferring title to the Development Area from the County to Municipality or any successor in interest including Developer, and any such deed shall not be deemed to affect or impair the provisions and covenants of this Agreement, all of which shall survive the delivery of the deed.
511. Binding Effect. This Agreement shall inure to the benefit of and be binding upon any successor or assign of any party hereto, but this provision shall not operate to permit any assignment or other voluntary transfer of any rights created hereunder except in such manner as may be expressly permitted by this Agreement.
512. Execution of Documents.
- A. This Agreement may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original; and all such counterparts shall together constitute but one and the same Agreement.
  - B.
    1. Subsequent to the full execution of this Agreement, the Commissioner of Department or the Director of Affordable Housing may execute on behalf of County such agreements, documents or instruments as are necessary or desirable to accomplish the purposes of the Project.
    2. Subsequent to the full execution of this Agreement, the Chief Executive Officer may execute on behalf of Municipality such agreements, documents or instruments as are necessary or desirable to accomplish the purposes of the Project.

513. County Employees. No official or employee of the County shall have any personal interest, direct or indirect, in this Agreement nor shall any such member, official or employee participate in any decision relating to this Agreement or any agreement arising out of or through this Agreement which affects his or her personal interest or the interest of any corporation, partnership or association in which he or she is directly or indirectly interested. No person hired by Municipality shall be considered employees of the County for any purpose whatsoever.
514. Headings. Any headings or titles of the several parts, Articles, Paragraphs, Subparagraphs and Sections of this Agreement are for convenience only and shall be disregarded in construing or interpreting any of its provisions.
515. Notices. Any communication, notice, claim for payment, report or other submission, including but not limited to, submissions regarding insurance, indemnification and/or termination, necessary or required to be made by the parties regarding this Agreement shall be in writing and shall be given to the County and Municipality or their designated representative at the following addresses or at such other address that may be specified in writing by the parties and must be delivered as follows:

A. Notices Relating to Payments, Reports, or Other Submissions:

For the COUNTY and the DEPARTMENT:  
By Registered or Certified Mail in Postpaid Envelope or by Nationally  
Recognized Courier Service, return receipt requested

Suffolk County Department of Economic Development  
and Workforce Housing  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
P.O. Box 6100  
Hauppauge, New York 11788  
Attention: Jill Rosen-Nikoloff, Director of Affordable Housing

and

Suffolk County Department of Law  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
P.O. Box 6100  
Hauppauge, New York 11788  
Attention: Christine Malafi, County Attorney

FOR MUNICIPALITY:  
By Registered or Certified Mail in Postpaid Envelope or by  
Nationally Recognized Courier Service

Village of Patchogue  
14 Baker Street  
Patchogue, New York 11772  
Attn: The Honorable Paul Pontieri, Jr., Mayor

and

Egan & Golden, LLP  
96 S. Ocean Avenue  
Patchogue, New York 11772  
Attn: Brian T. Egan, Esq.

FOR DEVELOPER:  
By Registered or Certified Mail in Postpaid Envelope or by  
Nationally Recognized Courier Service

Downtown Patchogue Redevelopers, LLC  
45 Research Way, Suite 100  
East Setauket, New York 11733

and

Certilman, Adler, Balin & Hyman, LLP  
**1393 Veterans Highway**  
Hauppauge, New York 11788  
Attn: David A. Sloane, Esq.

FOR CONSTRUCTION MORTGAGE HOLDERS:  
By Registered or Certified Mail in Postpaid Envelope by  
Nationally Recognized Courier Service

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B. Notices Relating to Litigation.

1. Any notice by any party to another with respect to the commencement of any lawsuit or legal proceeding against the other, shall be effected pursuant to and governed by the New York State Civil Practice Law and Rules or the Federal Rules of Civil Procedure, as applicable.
2. In the event Municipality or Developer receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant) to a lawsuit or any legal proceeding related to this Agreement, the Municipality and/or Developer shall immediately forward to the County Attorney, at the addresses set forth in sub-paragraph A above, copies of all papers filed by or against the Municipality and/or Developer. Notices shall be as provided in paragraph C above.

The notice shall also be in accordance with Section 401 above.

Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or in the event of a change of address or contact, which such address or contact shall thereafter be the address or contact to which notices are sent.

516. No Implied Waiver. No waiver shall be inferred from any failure or forbearance of the County to enforce any provision of this Agreement in any particular instance or instances, but the same shall otherwise remain in full force and effect notwithstanding any such failure or forbearance.
517. Entire Agreement. This Agreement contains the entire understanding between the parties and may not be amended or modified except by an instrument in writing duly executed by all of the parties hereto.
518. Severability. It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall be held

invalid or unenforceable to any extent, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

519. Provisions Required by Law Deemed Inserted. Each and every provision of law and governmental regulation required by law to be inserted in this Agreement shall be deemed to be inserted herein and this Agreement shall read and shall be enforced as though so included herein. If through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party, this Agreement shall be deemed to be amended to make such insertion or correction so as to comply strictly with the law and without prejudice to the rights of either party hereunder.
520. Unlawful Provisions Deemed Stricken. If this Agreement contains any unlawful provision not an essential part of this Agreement and which shall not appear to have been a controlling or material inducement to the making thereof, the same shall be deemed of no effect and shall, upon notice by either party, be deemed stricken from this Agreement without affecting the binding force of the remainder.
521. Claims and Actions.
- A. No Claims and Action Officers, Agents or Employees. No claim whatsoever shall be made by Municipality, its successors or assigns, or by Developer against any officer, agent or employee of the County for, or on account of, anything done or omitted to be done in connection with this Agreement.
  - B. Cooperation. If any action is brought against the County, and the action relates in any way to this Agreement or the Development Area and the County and the Municipality are not adverse parties in that action, then the Municipality shall diligently render to the County without additional compensation, any and all assistance which the County may require.
  - C. Reports of Actions. Municipality and Developer shall report to the County in writing within ten (10) days of the initiation by or against it of any legal action or proceeding in connection with or relating to this Agreement or the Development Area.
  - D. All Rights Reserved. Each and every defense, right and remedy that the County has under this Agreement is not exclusive and is in addition to and concurrent with all other defenses, rights and remedies which the County has under this Agreement and which the County otherwise has, will have, or may have under law, equity or otherwise.

E. Insurance and Indemnification.

1. Prior to commencement of any work hereunder, Municipality and/or Developer agree to procure, pay the entire premium for, and maintain throughout the term of this Agreement, insurance in amounts and types specified by the County and as may be mandated and increased from time to time. Municipality and Developer agree to require that all of their subcontractors, in connection with work performed for the Municipality and/or Developer related to this Agreement, procure, pay the entire premium for and maintain throughout the term of this Agreement, insurance in amounts and types equal to that specified by the County for the Municipality and Developer. Unless otherwise specified by the County and agreed to by Municipality and Developer in writing, such insurance shall be as follows:
  - a. Commercial General Liability Insurance, including contractual liability coverage, in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage.
  - b. Automobile Liability Insurance (if any vehicles are used in the performance of this Agreement) in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per person, per accident, for bodily injury and not less than One Hundred Thousand Dollars (\$100,000.00) for property damage per occurrence.
  - c. Workers' Compensation And Employer's Liability Insurance in compliance with all applicable New York State laws and regulations and Disability Benefits Insurance if required by law. Developer shall furnish to the County, prior to its execution of this Agreement the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§ 57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law § 108, this Agreement shall be void and of no effect unless Developer and Municipality, their successors, assigns, contractors or subcontractors, shall provide and maintain coverage during the term

of this Agreement for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

2. All policies shall be issued by insurance companies with an A.M. Best rating of A- or better which are licensed to do business in the State of New York. Municipality and Developer shall furnish to County, Declaration Pages for each such policy of insurance, and upon request, a true and certified original copy of each such policy, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, the County of Suffolk shall be named as an additional insured and Municipality and Developer shall furnish a Declaration Page and endorsement page evidencing the County's status as an additional insured on said policy. All such Declaration Pages, certificates or other evidence of insurance shall provide for the County of Suffolk to be notified in writing thirty (30) days prior to any cancellation, nonrenewal or material change in said policies. Such Declaration Pages, certificates, policies and/or other evidence of insurance and notices shall be mailed to the Department at its address as set forth in this Agreement in the paragraph entitled "Notices" at paragraph 508, or at such other address of which the County shall have given the Municipality and Developer notice in writing. If Municipality or Developer has a self-insurance program under which it acts as a self-insurer for any of such required coverage, it may provide self-funded coverage and certificates or other evidence of such self-insurance in lieu of insurance issued by insurance companies. Municipality and Developer shall also require their successors, assigns, contractors and subcontractors to provide insurance coverages in like amounts and quality and naming the County of Suffolk as an additional insured.
3. In the event Municipality and/or Developer, their successors, assigns, contractors, subcontractors, shall fail to provide the Declaration Pages or certificates of insurance or to maintain any insurance required by this Agreement, the County may, but shall not be required to, obtain such policies and deduct the cost thereof from payments due under this Agreement or any other agreement between the County and the Municipality and/or Developer.
4. Furthermore, Municipality and/or Developer agree that each shall protect, indemnify and hold harmless the County, its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising out of the acts or omissions or the negligence of the Municipality or Developer in connection with the services

described or referred to in this Agreement. Municipality and Developer shall defend the County and its officers, officials, employees, contractors agents and other persons in any suit, including appeals, or at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of Municipality, the Developer or their officers, officials, employees, subcontractors or agents, if any, in connection with the services described or referred to in this Agreement. Municipality and Developer shall also require its successors, assigns and transferees, to defend, indemnify and hold harmless County from same.

F. Choice of Law and Consent to Jurisdiction and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard to conflict of law provisions. Venue shall be designated as Suffolk County, New York or the United States District Court for the Eastern District of New York.

G. Cooperation on Claims. Each of the parties hereto agrees to render diligently to the other party, without additional compensation, any and all cooperation, that may be required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives in connection with this Agreement.

522. Merger. It is expressly agreed that this Agreement represents the entire agreement of the parties, that all previous understandings are merged in this Agreement. No modification of this Agreement shall be valid unless written in the form of an Amendment and executed by both parties. Any and all prior writings, or agreements including, without limitation, oral communications, discussions, negotiations, commitments and understandings relating thereto, are hereby merged herein and superseded hereby.

523. No Commission. No brokerage or any other fee or compensation shall be due or payable by the County for this transaction.

524. Arrears. Municipality warrants that it is not in arrears to County upon debt or contract and are not in default as surety, contractor or otherwise on any obligation to or contract with the County.

525. Withholding of Funds and Set-Off Rights. The County shall have all of its common law, equitable, and statutory rights of set-off. These rights shall include, but not be limited to, the County's option to withhold, for the purposes of set-off, any moneys due to Municipality and/or Developer under this Agreement up to any amounts due and owing to the County with regard to this Agreement and/or any other contract with any County department or agency, including any contract

for a term commencing prior to the term of this Agreement, plus any amounts due and owing to the County for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The County shall exercise its set-off rights in accordance with normal County practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the County agency, its representatives, or the County Comptroller, and only after legal consultation with the County Attorney.

526. Termination of Repayment Obligation and Affordability Requirements. The affordability requirements imposed herein or within any related documents, including the Development Plan and covenant to be hereafter executed, as well as the obligation to repay the LDS payment, shall terminate on the 31<sup>st</sup> anniversary of the title closing as contemplated herein, unless sooner terminated per consent and agreement of both the County and Municipality.
527. County Consent: Wherever in this Agreement, the consent of the County is required, whether by the Suffolk County Legislature, the Department, or any agent, official or employee thereof, such consent will not be unreasonably withheld.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**COUNTY OF SUFFOLK**

**OF ECONOMIC**

By: \_\_\_\_\_

**DEVELOPMENT AND**

**HOUSING**

Name: \_\_\_\_\_

Title: Deputy County Executive  
Nikoloff

Affordable

**APPROVED:**

**DEPARTMENT**

**WORKFORCE**

By:

Name: Jill Rosen-

Title: Director of  
Housing

**VILLAGE OF PATCHOGUE**

By: \_\_\_\_\_

Name: Paul Pontieri, Jr.

Title: Mayor

**DOWNTOWN PATCHOGUE REDEVELOPERS, LLC  
TO LEGALITY:**

**APPROVED AS**

**CHRISTINE**

**SUFFOLK**

**MALAFI,**

By: \_\_\_\_\_

**COUNTY ATTORNEY**

Name: \_\_\_\_\_

Title: \_\_\_\_\_  
Amoroso

Estate/Condemnation

By:

Name: Michael A.

Title: Bureau Chief  
Real



EXHIBIT B  
to the  
DEVELOPMENT AGREEMENT

SUFFOLK COUNTY  
NEW VILLAGE  
DEVELOPMENT PLAN

## NEW VILLAGE DEVELOPMENT PLAN

| ITEM                               | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | EXHIBIT |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| MUNICIPALITY:                      | Village of Patchogue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |
| PROJECT ADDRESS:                   | Redevelopment of the old "Swezey's" site (Four Corners) in the Village of Patchogue (See attached SCTM)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | A       |
| SITE DESCRIPTION:                  | <p>New Village will be a new 240 unit mixed-use, 4.87 acre (3.192 acres is owned by Downtown Patchogue Redevelopers, LLC and 1.68 acres is owned by the Village) development, in the Village of Patchogue bound by Main Street to the South, N. Ocean Avenue to the east, Lake Street to the north and Havens Avenue to the west (Old Swezey's site). Of the 240 units, 173 will be market rate units and 67 will be affordable/workforce housing targeted to households earning under 85 of the HUD area median income, as specifically limited below. The development also proposes a 100 + room hotel and 37, 550 sq. ft. of restaurant/retail space and 433 parking spaces screened from the street. There will be 5 new residential buildings, each 4 stories over a parking base except where there's retail, then the residential will be 3 stories above the retail. 4 existing village landmarks will remain: Patchogue Bank, Brickhouse Brewery, Carnegie Library and the 31 West Main Building (Wedgwood).</p> <p>The Village of Patchogue will donate the following 3 parcels to the development for parking:<br/>                     SCTM# 0204-009.00-05.00-018.000-)<br/>                               0204-009.00-05.00-020.000)<br/>                               0204-009.00-05.00-025.001)<br/>                     Now tax lot 25.4</p> |         |
| OWNER/<br>DEVELOPER:               | Downtown Patchogue Redevelopers, LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |
| SUFFOLK COUNTY<br>TAX MAP NUMBERS: | <ol style="list-style-type: none"> <li>1. District 0204, Section 009, Block 5, Lot 25.2<br/>17 West Main Street, Patchogue Village</li> <li>2. District 0204, Section 009, Block 5, Lot 25.3<br/>17 West Main Street, Patchogue Village</li> <li>3. District 0204, Section 009, Block 5, Lot 26<br/>1-15 West Main Street, Patchogue Village</li> <li>4. District 0204, Section 009, Block 5, Lot 24<br/>10 Lake Street, Patchogue Village</li> <li>5. District 0204, Section 009, Block 5, Lot 17<br/>23 Havens Avenue, Patchogue Village</li> <li>6. District 0204, Section 009, Block 5, Lot 16<br/>10 Havens Avenue, Patchogue Village</li> <li>7. District 0204, Section 009, Block 5, Lot 15<br/>38 Lake street, Patchogue Village</li> <li>8. District 0204, Section 009, Block 5, Lot 14<br/>93 West Main Street, Patchogue Village</li> </ol> <p>*10 District 0204, Section 009, Block 5, Lot 25.4<br/>*Village properties</p>                                                                                                                                                                                                                                                                                                                                                                                                                        |         |

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>COUNTY GRANT OF FUNDS:</p>                         | <p>The County will grant a Land Development Subsidy (LDS) for the development of the 67 affordable/ workforce units within the Development Area. The Development Area will then be transferred to the Village of Patchogue which will then transfer the parcels to the Developer. The properties will be combined for the development of a total of 240 housing units. Suffolk County Land Acquisition contribution: \$3,750,000. The County is taking title to the balance of the Development Area, as a convenience only, since the 67 affordable/workforce units can't be individually described for conveyance purposes. Nothing contained herein will be deemed to give the County any interest in the balance of the Development Area or Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| <p>INFRASTRUCTURE FUNDS:</p>                          | <p>N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| <p>PROJECT DESCRIPTION:</p>                           | <p>New Village will be a new 240 unit mixed-use, 4.87 acre (3.192 acres is owned by Downtown Patchogue Redevelopers, LLC and 1.68 acres is owned by the Village) development, in the Village of Patchogue bound by Main Street to the South, N. Ocean Avenue to the east, Lake Street to the north and Havens Avenue to the west (Old Swezey's site). Of the 240 units, 173 will be market rate housing and 67 will be affordable\workforce to households earning under 85% of the HUD area median income, as specifically limited and set forth below (Income Eligibility). The development also proposes a 100 + room hotel and 37, 550 sq. ft. of restaurant/retail space and 433 parking spaces screened from the street. There will be 5 new residential buildings, each 4 stories over a parking base except where there's retail, then the residential will be 3 stories above the retail. 4 existing village landmarks will remain: Patchogue Bank, Brickhouse Brewery, and the 31 West Main Building (Wedgwood). The Carnegie Library will be donated to the Village and relocated to a location within the Village.<br/>The Village of Patchogue will donate the following parcel to the development:<br/>SCTM# 0204-009.00-05.00-025.004 (were lots 18, 20 and 25.001)</p> |  |
| <p>SUFFOLK COUNTY LAND DEVELOPMENT SUBSIDY (LDS):</p> | <p>\$3,750,000 (÷67= \$55,970 @ under 85% AMI)<br/><br/>The LDS shall be evidenced by an interest bearing deferred note and covenants and restrictions which may be subordinated to bank financing or other funding sources as reasonably acceptable to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|                                      | <p>the County. The LDS shall be retained in escrow by Certilman Balin, attorneys for Developer until the closing of the construction loan financing, subject to the right of Developer to release funds for such hard and soft costs, including but not limited to architectural and engineering expenses. The County and the Village will be notified when any funds are released, but their consent will not be required, provided that the Developer executes a mortgage in favor of the County, subordinate to all then existing mortgages, in the principal sum of the amounts released from said escrow account. Such mortgage will be released by the County, but the obligation pursuant to the Note shall remain, upon the earlier/later of the Developer's closing with the Suffolk County Industrial Agency, as herein provided or the Developer's closing of its construction financing.</p>                                              |  |
| LDS & IDS REPAYMENT:                 | Forgiven after 31 years, otherwise repayable upon covenant violation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| HOMEOWNER UNIT PURCHASE PRICES:      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| HOMEOWNERSHIP OCCUPANCY REQUIREMENT: | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| INCOME ELIGIBILITY:                  | <p>Renters of the units must not exceed the following income limits, based upon family size, at the time of initial occupancy:</p> <ul style="list-style-type: none"> <li>10 studios @ \$1,050 (based on 2008 rents) escalated at 3.5% per year for each year for the next 5 years, thereafter, @ &lt;=80% of AMI</li> <li>10 one bedroom @ \$1,150 (based on 2008 rents) escalated at 3.5% per year for each year for the next 5 years, thereafter, @ &lt;=80% of AMI</li> <li>25 studios @ &lt;=80% AMI</li> <li>3 one bedroom @ &lt;=80% AMI</li> <li>19 one bedroom @ &lt;=85% AMI</li> <li>53 one bedroom @ MARKET RATE</li> <li>115 two bedroom @ MARKET RATE</li> <li>5 three bedroom @ MARKET RATE</li> </ul> <p>Total: 240<br/>See Operating Budget to be determined prior to closing</p> <p>Affordability requirements to remain in effect for 31 years from the date of the issuance of the certificate of occupancy for the 67 units.</p> |  |
| RENTER SELECTION PROCESS:            | A lottery will be conducted pursuant to a Marketing Plan to be developed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>FUNDING SOURCES:</p>          | <p>Commercial Lending Institutions<br/>Private Equity</p>                                                                                                                                                                                                                                                                                                                                                                                            |  |
| <p>PERMITTED ENCUMBRANCES:</p>   | <p>Promissory note as set forth in the Development Agreement</p>                                                                                                                                                                                                                                                                                                                                                                                     |  |
| <p>DEVELOPMENT TEAM MEMBERS:</p> | <p>Property Manager: TRITEC ASSET MANAGEMENT, INC<br/>         Builder: TRITEC BUILDING COMPANY, INC.<br/>         Attorney: DAVID SLOANE , CERTILMAN, BALIN<br/>         Engineer: BARRETT BONACCI VAN WHEELE<br/>         Architect: NILES BOLTON Associates<br/>         NFP Sponsor: Long Island Housing Partnership</p>                                                                                                                         |  |
| <p>CONDITIONS OF CLOSING:</p>    | <p>1. Satisfactory evidence of financing sources;<br/>         2. Upon completion of construction, certificate of occupancy;</p>                                                                                                                                                                                                                                                                                                                     |  |
|                                  | <p>3. Suffolk County Department and municipal approvals, as applicable;<br/>         4. Execution of a Development Agreement and such other documents in connection therewith as the County may reasonably require;<br/>         5. The Developer shall have executed and delivered a Technical Assistance Agreement with a third party to administer the marketing, income eligibility, occupant selection and lottery process for New Village.</p> |  |

1/16" = 1' (Scale)

LIGHT PARK ADJUDICANCE WATER REFUSE DISREGATED

REPRODUCTION OF ANY PORTION OF THE SUFFOLK COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE REAL PROPERTY TAX SERVICE AGENCY.



County Center Riverhead, N.Y. 11901 SCALE IN FEET

MAP 007 008 009 VILLAGE OF PATRICKSBURG



UNLESS DRAWN OTHERWISE, ALL PROPERTIES ARE WITHIN THE FOLLOWING DISTRICTS: SCHOOL, SEWER, HYDRANT

NOTICE MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE

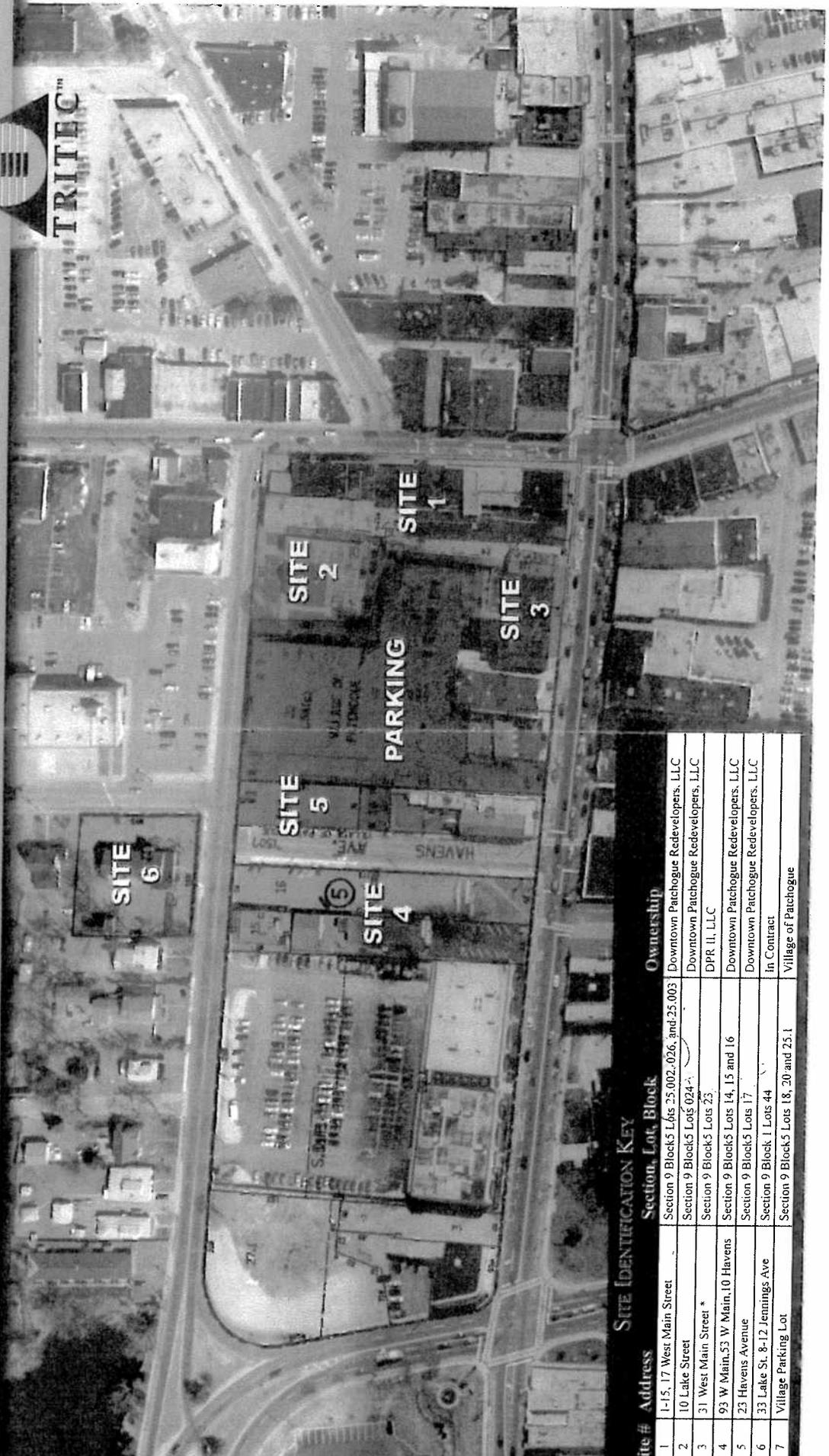


COUNTY OF SUFFOLK Real Property Tax Service Agency

KEY 004 005 006 007 008 009 010 TOWN OF VILLAGE OF

# DOWNTOWN PATCHOGUE REDEVELOPERS, LLC.

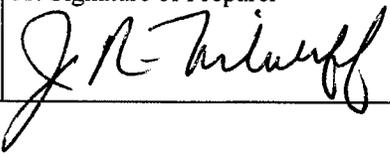
LOCATION OF PROJECT - AERIAL



## SITE IDENTIFICATION KEY

| Site # | Address                         | Section, Lot, Block                              | Ownership                            |
|--------|---------------------------------|--------------------------------------------------|--------------------------------------|
| 1      | 1-15, 17 West Main Street       | Section 9 Block 5 Lots 25, 002, 026, and 25, 003 | Downtown Patchogue Redevelopers, LLC |
| 2      | 10 Lake Street                  | Section 9 Block 5 Lot 024                        | Downtown Patchogue Redevelopers, LLC |
| 3      | 31 West Main Street *           | Section 9 Block 5 Lot 23                         | DPR II, LLC                          |
| 4      | 93 W Main, 53 W Main, 10 Havens | Section 9 Block 5 Lots 14, 15 and 16             | Downtown Patchogue Redevelopers, LLC |
| 5      | 23 Havens Avenue                | Section 9 Block 5 Lot 17                         | Downtown Patchogue Redevelopers, LLC |
| 6      | 33 Lake St. 8-12 Jennings Ave   | Section 9 Block 1 Lots 44                        | In Contract                          |
| 7      | Village Parking Lot             | Section 9 Block 5 Lots 18, 20 and 25.1           | Village of Patchogue                 |

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<br><b>Authorizing funding, acquisition, conveyance, development and oversight of real property under the Suffolk County Affordable Housing Opportunities Program (New Village – Patchogue Village)</b> |                                                                                      |                  |
| 3. Purpose of Proposed Legislation<br>See No. 2 above                                                                                                                                                                                   |                                                                                      |                  |
| 4. Will the Proposed Legislation Have a Fiscal Impact? <b>Yes</b> <u>  X  </u> <b>No</b> _____                                                                                                                                          |                                                                                      |                  |
| 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 <input type="checkbox"/>                                               |                  |
| 6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact<br>Resolution authorizes \$3,750,000 in land acquisition costs in connection with New Village Affordable Housing Development.                               |                                                                                      |                  |
| 7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.                                                                                                                                        |                                                                                      |                  |
| 8. Proposed Source of Funding<br>Suffolk County Affordable Housing Opportunities Program – CP 525-CAP-8704.211 (acquisition)                                                                                                            |                                                                                      |                  |
| 9. Timing of Impact                                                                                                                                                                                                                     |                                                                                      |                  |
| 10. Typed Name & Title of Preparer                                                                                                                                                                                                      | 11. Signature of Preparer                                                            | 12. Date         |
| Jill Rosen-Nikoloff                                                                                                                                                                                                                     |  | March 10, 2010   |

SCIN FORM 175b (10/95)

LS5

COUNTY OF SUFFOLK

MAR 17 2010



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

YVES R. MICHEL, COMMISSIONER  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
WORKFORCE  
HOUSING

JILL ROSEN-NIKOLOFF  
DIRECTOR OF AFFORDABLE  
HOUSING

March 15, 2010

Ken Crannell, Deputy County Executive  
Office of the County Executive  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, NY 11788

Re: Reso-Eco. Dev.- New Village Workforce Housing  
Back-up-Eco. Dev.-New Village Workforce Housing-Dev. Agmt., SCINS 157 a & b

Dear Mr. Crannell:

The Department of Economic Development and Workforce Housing requests the submittal of the attached resolution authorizing funding, acquisition, conveyance, development and oversight of the New Village Workforce Housing Development in Patchogue Village. The resolution is being submitted as a "late start" and it is requested that it be submitted for inclusion on the agenda for the April 27, 2010 meeting of the full Legislature.

Also attached is the required back-up documentation: (i) Development Agreement with Development Plan, (ii) SCIN Form 175a, and (iii) SCIN Form 175b.

Electronic copies are being transmitted concurrently herewith.

Thank you.

Sincerely,

Jill Rosen-Nikoloff  
Director of Affordable Housing

Enc.

Cc: Christopher Kent, Chief Deputy County Executive  
Yves R. Michel, Commissioner, Dept. of Economic Development & Workforce Housing  
Pam Greene, Director of Division of Real Property and Management  
Brendan Chamberlain, County Executive Assistant  
Mike Amoroso, Bureau Chief, Real Estate Condemnation  
CE RESO REVIEW, via email

JRN/mkc

1364

Intro. Reso. No -2010

Laid on the Table

3/23/10

Introduced by the Presiding Officer on behalf of the County Executive

**RESOLUTION NO. -2010, AUTHORIZING THE COUNTY EXECUTIVE TO APPLY FOR FEDERALLY QUALIFIED HEALTH CENTER STATUS AS A PUBLIC ENTITY WITH LOOK-A-LIKE STATUS**

**WHEREAS**, Resolution No. 1260-2009, *Creating a Suffolk County Health Center Financial Review Committee* (the Committee), was approved by the County Executive on December 23, 2009 for the purpose of reviewing the current operations of the County health center network to determine if Federally Qualified Health Center (FQHC) status would be beneficial to the County; and

**WHEREAS**, the Committee held meetings on January 19, 2010, January 26, 2010, and February 4, 2010; and

**WHEREAS**, the Committee issued a report dated February, 2010 of findings and recommendations relating to FQHC status after holding the aforesaid meetings and having been presented with information and recommendations from John Snow Inc. (JSI) on FQHC and how it would affect the health centers; and

**WHEREAS**, JSI, is currently under retainer by the County to both review health center efficiencies and to develop an implementation plan for FQHC for the Suffolk County Department of Health Services' Health Centers; and

**WHEREAS**, the Committee's report recommended that the County apply for FQHC Look-A-Like funding as a public entity (or Section 330 FQHC status if available); now, therefore be it

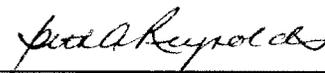
**1<sup>st</sup> RESOLVED**, that the County Executive is hereby authorized, empowered, and directed to begin the process of seeking FQHC status as a public entity with Look-A-Like status or Section 330 FQHC status, if it is available, for the operation and management of one or more of the County's nine (9) Health Centers; and be it further

**2<sup>nd</sup> RESOLVED**, that the Officers of the County are hereby empowered, authorized and directed to take all actions as may be required to form a co-applicant board and prepare an application for submission to Health Resources and Services Administration (HRSA) for FQHC status as a public entity with Look-A-Like status (or Section 330 FQHC status, if it is available); and be it further

**3<sup>rd</sup> RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action pursuant to Title 6 NYCRR Section 617.5(c) (20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, the Legislature has no further responsibilities under SEQRA.



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                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                     |                 |
| <b>RESOLUTION NO.                      - 2010 AUTHORIZING THE<br/>COUNTY EXECUTIVE TO APPLY FOR FEDERALLY<br/>QUALIFIED HEALTH CENTER STATUS AS A PUBLIC<br/>ENTITY WITH LOOK-A-LIKE STATUS</b>                                                                                                                                                                                                                                                                              |                                                                                     |                 |
| 3. Purpose of Proposed Legislation                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                     |                 |
| To take all actions necessary to complete and file an application to become a Federally Qualified Health Center as a public entity with Look-A-Like status                                                                                                                                                                                                                                                                                                                   |                                                                                     |                 |
| 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | X                                                                                   | Town            |
| Village                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                     | School District |
| Library District                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                     | Fire District   |
| Economic Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                     |                 |
| Other (Specify):                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                     |                 |
| 6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                     |                 |
| Approval of FQHC status provides for increased revenue funding. FQHC facilities are entitled to enhanced Medicaid and Medicare Rates as well as a Medicaid Managed Care Wrap Around Rate that provides funding for visits that were previously capped at monthly all-inclusive rates. An estimated cost of \$50K was budgeted for in the 2010 operating budget to cover the cost of the consultant employed to provide their expertise services and process the application. |                                                                                     |                 |
| 7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.                                                                                                                                                                                                                                                                                                                                                                             |                                                                                     |                 |
| N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                     |                 |
| 8. Proposed Source of Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                     |                 |
| Current 2010 operating budget provides for the \$50,000 estimated cost.                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                     |                 |
| 9. Timing of Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                     |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                     |                 |
| 10. Typed Name & Title of Preparer                                                                                                                                                                                                                                                                                                                                                                                                                                           | 11. Signature of Preparer                                                           | 12. Date        |
| Beth A Reynolds<br>Principal Executive Analyst                                                                                                                                                                                                                                                                                                                                                                                                                               |  | 03/22/10        |

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

**GENERAL FUND**

|       | 2009<br>PROPERTY TAX LEVY | 2009<br>COST TO AVG TAXPAYER | 2009 AV TAX<br>RATE PER \$100 | 2009 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

**POLICE DISTRICT AND DISTRICT COURT**

|       | 2009<br>PROPERTY TAX LEVY | 2009<br>COST TO AVG TAXPAYER | 2009 AV TAX<br>RATE PER \$100 | 2009 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

**COMBINED**

|       | 2009<br>PROPERTY TAX LEVY | 2009<br>COST TO AVG TAXPAYER | 2009 AV TAX<br>RATE PER \$100 | 2009 FEV TAX<br>RATE PER \$1000 |
|-------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| TOTAL | <b>\$0</b>                | <b>0.00</b>                  |                               | \$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.

1365

Intro. Res. No. -2010  
Introduced by Legislator Vilorio-Fisher

Laid on Table 3/23/10

**RESOLUTION NO. -2010, AMENDING RESOLUTION NO.  
965-2009, ESTABLISHING A LOCAL HOME ENERGY  
EFFICIENCY TASK FORCE**

**WHEREAS**, Resolution 965-2009 established a Local Home Energy Efficiency Task Force; and

**WHEREAS**, the Task Force's purpose is to facilitate the creation of programs that will help homeowners improve their home's energy efficiency and reduce energy costs; and

**WHEREAS**, it is necessary to add two (2) members to the Home Energy Efficiency Task Force; now, therefore be it

**1st RESOLVED**, that the 2nd RESOLVED CLAUSE of Resolution 965-2009 is hereby amended as follows:

**2nd RESOLVED**, that this Task Force shall consist of the following [seventeen (17)] nineteen (19) members:

- 1.) a representative from each of the ten towns in Suffolk County, to be selected by the Town Supervisor of each respective town;
- 2.) a representative from the County Executive's office, to be selected by the County Executive;
- 3.) a representative from the County Legislature, to be selected by the Presiding Officer;
- 4.) an energy expert, to be selected by the Suffolk County Legislature;
- 5.) the Commissioner of the Department of Public Works, or his or her designee;
- 6.) two representatives of the labor industry, to be selected by the Suffolk County Legislature; [and]
- 7.) the Commissioner of the Department of Environment and Energy, or his or her designee;
- 8.) the Commissioner of the Department of Consumer Affairs, or his or her designee; and
- 9.) a representative of a public utility to be selected by the Presiding Officer of the Suffolk County Legislature.

and be it further

**2nd RESOLVED**, that the 7th RESOLVED CLAUSE of Resolution 965-2009 shall be amended as follows:

**7th RESOLVED**, that [nine (9)] ten (10) members of the Task Force shall constitute a quorum to transact the business of the Task Force at both regular and special meetings; and be it further

and be it further

**3rd RESOLVED**, that all other terms and provisions of Resolution 965-2009 shall remain in full force and effect; and be it further

**4th 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-amend 965-09 - Home Energy Task Force

Intro. Res. No. <sup>1366</sup>-2010  
Introduced by Legislator Schneiderman

Laid on Table 3/23/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO.  
-2010, A LOCAL LAW TO MAXIMIZE PROMOTION OF  
TOURISM IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2010, a proposed local law entitled, " **A LOCAL LAW TO MAXIMIZE PROMOTION OF TOURISM IN SUFFOLK COUNTY**" now, therefore, be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO MAXIMIZE PROMOTION OF TOURISM 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 the monies generated by the County's Hotel and Motel Tax are supposed to be used to enhance the County's important tourism industry.

This Legislature also finds that up to \$2 million of the revenue generated from the hotel and motel tax goes to a tourism promotion agency.

This Legislature also determines that the County of Suffolk, through the enactment of Local Law 13-2007, limited the administrative expenses of many County contract agencies to 20% of their total program expenditures.

This Legislature finds that placing a limit on the administrative expenses of contract agencies helps ensure that public dollars provide maximum benefits to Suffolk County taxpayers.

This Legislature also finds and determines that the administrative expenses of the County's tourism promotion agency should be similarly limited in order to maximize the local tourism promotion program.

Therefore, the purpose of this law is to cap the administrative expenses of the County's tourism promotion agency.

**Section 2. Amendments.**

Section 327-13 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**§ 327-13. Tourism promotion agency.**

A. The County of Suffolk shall enter into a contract, as mandated by Tax Law § 1202-o(5), with a tourism promotion agency to administer programs designed to develop, encourage, solicit and promote convention business and tourism within the County of Suffolk. The promotion of convention business and tourism shall include any service, function or activity, whether or not performed, sponsored or advertised by the tourism promotion agency with the intent to attract transient guests to the County. The County Executive, or his designated representative, is hereby authorized to negotiate and enter into such a contract. No such contract shall be executed without the prior approval of the Legislature.

\* \* \* \*

6. Such contract shall provide that no more than 20% of the monies provided to the tourism promotion agency be used for administrative expenses. Administrative expenses shall include, but not be limited to, employee salaries and general office/overhead expenses.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to all contracts entered into by the County of Suffolk with a tourism promotion agency on or after the effective date of this law.

**Section 4. 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 5. 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 6. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

\_\_\_ Underlining denotes addition of new language

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

s:\laws\l-maximize-tourism

# 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:** March 23, 2010

**TO:** CLERK OF THE COUNTY LEGISLATURE

**RE:** MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

---

PROPOSED LOCAL LAW YEAR 2010

**TITLE:** I.R. NO. -2010; A LOCAL LAW TO MAXIMIZE PROMOTION OF TOURISM IN SUFFOLK COUNTY

**SPONSOR:** LEGISLATOR SCHNEIDERMAN

**DATE OF RECEIPT BY COUNSEL:** 3/23/10 **PUBLIC HEARING:** 4/27/10

**DATE ADOPTED/NOT ADOPTED:** \_\_\_\_\_ **CERTIFIED COPY RECEIVED:** \_\_\_\_\_

Suffolk County contracts with a tourism promotion agency, which receives revenues from the County's Hotel and Motel Tax to promote tourism in Suffolk County. This proposed local law would amend Chapter 327 of the SUFFOLK COUNTY CODE to include in future contracts the requirement that the tourism promotion agency use no more than twenty percent (20%) of the contracted amount for administrative expenses. Administrative expenses include, but are not limited to, employee salaries and overhead expenses.

This law will take effect immediately upon its filing in the Office of the Secretary of State

**GEORGE NOLAN**  
Counsel to the Legislature

**GN:**

s:\rule28\28-maximize tourism promotion

Intro. Res. No. <sup>1367</sup>-2010  
Introduced by Presiding Officer Lindsay

Laid on Table 3/23/10

**RESOLUTION NO. -2010, APPROVING THE  
APPOINTMENT OF A RELATIVE OF A COUNTY  
LEGISLATOR IN THE SUFFOLK COUNTY BOARD OF  
ELECTIONS**

**WHEREAS**, §A6-3(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE requires Legislative approval for the hiring or promotion of any relative of another County official as defined herein, or who is a relative of a County police official holding the rank of Captain or above, for a position not being filled pursuant to New York Civil Service Law competitive examinations or for promotional or supervisory positions in the Suffolk County Police Department, then such hiring or promoting shall not be effective unless or until it is approved by a resolution of the Suffolk County Legislature; and

**WHEREAS**, Jacqueline Sterling Horsley, daughter of County Legislator Wayne Horsley, has been offered employment in the Suffolk County Board of Elections as an Assistant Election Clerk now, therefore be it

**1st RESOLVED**, that the appointment of Jacqueline Sterling Horsley as an Assistant Election Clerk for the Suffolk County Board of Elections is hereby approved pursuant to §A6-3(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE; 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:

**RESOLUTION NO. –2010, ADOPTING A SMART  
GOVERNMENT PLAN TO ADDRESS BUDGET  
SHORTFALLS TO PREVENT PROPERTY TAX  
INCREASES**

**WHEREAS**, the local economy has not recovered from the effects of the recession, as demonstrated by the unemployment rate in Suffolk County which has increased from 7.1% in January, 2009 to 8.2% in January, 2010, an increase of over fifteen (15%) percent, which has contributed to a significant reduction in the county's largest revenue sources to levels below that of prior years; and

**WHEREAS**, Suffolk County's economy traditionally lags six to nine months behind that of the national economy and to date the national economy has not yet fully recovered from the depths of the "great recession"; and

**WHEREAS**, updated estimates of the county's sales tax and real estate related revenues, including the continued projected reductions in the receipt of property taxes, will create a revenue shortfall in 2010; and

**WHEREAS**, the Suffolk County Executive's Budget Office and the Legislature's Office of Budget Review jointly addressed the Legislature on March 16, 2010 and agreed on the magnitude of the revenue shortfalls; and

**WHEREAS**, the shortage in revenue will create a strain on the ability to fully fund public safety programs and mandated social service programs without transfers from discretionary programs throughout the county; and

**WHEREAS**, state mandated pension costs are estimated to increase by \$48 million in 2011; and

**WHEREAS**, in both 2008 and 2009, the County Executive and the Legislature worked together to develop and implement a plan which resulted in closing potential budget shortfalls and balancing the budgets without any increase in General Fund property tax; and

**WHEREAS**, this plan which was codified by Resolution 283-2008; and Resolution 327-2009, showed that by working together and addressing projected fiscal and budgetary problems early in the year, Suffolk County taxpayers would be protected against draconian service cuts; and

**WHEREAS**, it is in the best interest of the residents of Suffolk County that both the County Executive and County Legislature work together to adopt a unified, coordinated, comprehensive; and appropriate financial plan to mitigate the projected 2010 budgetary shortfall and looming deficit in 2011; and

**WHEREAS**, the County Executive, as chief budget officer for the County of Suffolk has already instituted the first steps of a savings plan by reducing net appropriations throughout the County; and

**WHEREAS**, continued civilianization within the Suffolk County Police Department will allow the County to reduce costs while providing additional officers on the street for direct policing; and

**WHEREAS**, the purchase of 5000 Corporate Court, in Holtsville, will provide the County with savings from lease avoidance while generating revenue for the County; and

**WHEREAS**, the sale of surplus property in Yaphank for economic development purposes can produce much needed revenue for the County; and

**WHEREAS**, the County has determined that due to business impediments unique to municipalities (e.g., rising municipal labor and employee benefit costs and unreliability of continued federal aid (intergovernmental transfer (IGT) payments)), the annual operating deficit to support health care services provided at the John J. Foley Skilled Nursing Facility (hereinafter "Foley") will soon range between \$7 to \$10 million annually; and

**WHEREAS**, to protect the health and welfare of these patients, in addition to protecting County taxpayers, the County has explored different options; and

**WHEREAS**, the Department of Health Services will shortly be presenting to the County Executive a proposal for the sale of Foley; alleviating a taxpayer subsidy, while assuring that all patients of the nursing facility are properly cared for; and

**WHEREAS**, pursuant to Resolution 1260-2009, the Suffolk County Health Center Financial Review Committee was established to assess the current operations of the Suffolk health center network and to determine potential benefits of FQHC status designation for Suffolk County; and

**WHEREAS**, as a result of the committee's review, the County shall pursue application as an FQHC under the Public Entity model; and

**WHEREAS**, the County's consultants have estimated that if the application is approved, the County will receive an additional \$7.5 million dollars in federal/state funding annually into the Suffolk health center network and be eligible for 340B drug pricing (extremely low cost pharmaceuticals); and

**WHEREAS**, taking the difficult, but decisive steps contained in this resolution, establishes a realistic fiscal plan to overcome the "unanticipated revenue loss" and to take actions that will assist in balancing the budget for 2011; now therefore be it

**1<sup>st</sup> RESOLVED**, the County Executive is hereby authorized, empowered, and directed to continue with a plan to transfer ownership and/or operation and management of Foley to an entity other than Suffolk County as set forth in Resolution 881-2008; and be it further

**2<sup>nd</sup> RESOLVED**, the County Executive is hereby authorized, empowered, and directed to continue to proceed with the necessary evaluations for the sale of surplus land in Yaphank as set forth in Resolution 45-2010; and be it further

**3<sup>rd</sup> RESOLVED**, the County Executive is hereby authorized, empowered, and directed to develop a plan to enter into an agreement for the purchase 5000 Corporate Court, in Holtsville; and be it further

**4<sup>th</sup> RESOLVED**, the County Executive is hereby authorized, empowered, and directed to begin the process of seeking FQHC status as a public entity with Look-A-Like status or Section 330 FQHC status, if it is available, as set forth in the *Recommendations of the Suffolk County Health Center Financial Review Committee* report dated February, 2010; and be it further

**5<sup>th</sup> RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action pursuant to Title 6 NYCRR Section 617.5(c) (20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

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

**GENERAL FUND**

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

**POLICE DISTRICT AND DISTRICT COURT**

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

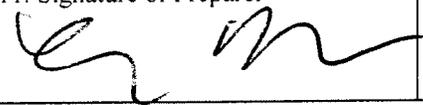
**COMBINED**

|       | 2010<br>PROPERTY TAX LEVY | 2010<br>COST TO AVG TAXPAYER | 2010 AV TAX<br>RATE PER \$100 | 2010 FEV TAX<br>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 2009.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                      |                  |
| <p><b>RESOLUTION NO.            - 2010 ADOPTING A SMART<br/>GOVERNMENT PLAN TO ADDRESS BUDGET<br/>SHORTFALLS TO PREVENT PROPERTY TAX<br/>INCREASES</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                      |                  |
| 3. Purpose of Proposed Legislation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |                  |
| To authorize the County Executive to take actions necessary to generate revenue and reduce expenses to ensure the financial stability of the County.                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                      |                  |
| 4. Will the Proposed Legislation Have a Fiscal Impact?      Yes <input checked="" type="checkbox"/> No _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                      |                  |
| 5. If the answer to item 4 is "yes", on what will it impact?    (circle appropriate category)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                      |                  |
| County                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | X                                                                                    | Town             |
| Village                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                      | School District  |
| Library District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                      | Fire District    |
| Economic Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                      | Other (Specify): |
| 6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                      |                  |
| The sale of surplus land in Yaphank and the sale the John J. Foley Skilled Nursing Facility will provide much needed revenue to the County. If the application for FQHC status is approved the County can expect to receive enhanced Medicaid and Medicare reimbursements of approximately \$7.5 million annually. In addition, the purchase of property at 5000 Corporate Court will yield revenue from the leases and in the near future, the County by moving some County operations into the building, savings will be achieved from eliminating some of the County's leased space. |                                                                                      |                  |
| 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 Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                      |                  |
| 10. Typed Name & Title of Preparer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11. Signature of Preparer                                                            | 12. Date         |
| Eric C. Naughton<br>Budget Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | 03/22/10         |

1369

Intro. Res. No. 2010

Laid on Table

3/23/10

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

**RESOLUTION NO. , 2010 AMENDING RESOLUTION NO. 1246-2009, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 7 – MEDFORD (CP 8129)**

**WHEREAS**, a map and plan together with an estimate of cost has been prepared and filed with this Suffolk County Legislature (“**Legislature**”) resulting in a public hearing on October 13, 2009 in relation to the increase and improvement of facilities at Suffolk County Sewer District No. 7 – Medford, including construction of the wastewater treatment sludge process thereat; and

**WHEREAS**, pursuant to Resolution No. 825-2009, the Clerk of this Legislature did duly cause a Notice of Public Hearing to be published at least once in each of the official newspapers of the County, all in the manner and within the time provided by law and proof thereof has been presented to this Legislature; and

**WHEREAS**, said public hearing was held in Hauppauge, New York in this County on October 13, 2009 at 2:30 p.m., Prevailing Time; and

**WHEREAS**, on December 1, 2009 this legislature passed Resolution No. 1246-2009, making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 7 - Medford (Sludge) and said Resolution contained erroneous and incomplete information including erroneous cost per typical property information.

**WHEREAS**, this Legislature desires to correct the record and has duly considered the map and plan and correct estimate of cost for the increase

**WHEREAS**, this Legislature has duly considered the map and plan and correct estimate of cost for the proposed increase and improvement of Suffolk County Sewer District No. 7 – Medford that were submitted to it along with evidence presented at the aforesaid public hearing; now therefore be it **that Resolution No. 1246-2009 is amended as follows:**

**The First Resolved Clause of Resolution No. 1246-2009 is hereby deleted in its entirety and replaced by the following:**

**1<sup>st</sup> RESOLVED**, by this Legislature, as follows:

**Section 1.** Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with this Legislature, this Legislature hereby finds and determines that 1) it is in the public interest to perform the proposed increase and improvement, including the construction of a sludge thickening/dewatering system along with auxiliary equipment; 2) the proposed work is adequate and appropriate, 3) the cost of such increase and improvement shall be set at a maximum of approximately \$1,000,000; and 4) the increase and improvement will not constitute an undue burden on the property which will bear the cost thereof

**Section 2.** Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with this Legislature, this Legislature further finds and determines that the cost of the project will equate to \$14.00 per year per typical property. However, this Legislature further finds and determines that there will be no fiscal impact to the benefited properties, since pursuant to the Suffolk County Sewer Assessment Stabilization Fund created by Suffolk County Law (Suffolk County Charter Section 2-12(d)), all residents of sewer districts in Suffolk County experience only a 3% annual increase regardless of any improvements performed in such district;

**Section 3.** Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with this Legislature, this Legislature further finds and determines that all property and property owners within the existing Suffolk County Sewer District No. 7 – Medford, will be benefited by such increase and improvement of facilities and that no benefited property has been excluded therefrom;

**2<sup>nd</sup> RESOLVED**, 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 Volume 6 of New York State Code of Rules and Regulations (“NYCRR”), the Legislature has no further responsibilities under SEQRA, and be it further

**3<sup>rd</sup> RESOLVED**, that this resolution shall take effect immediately.

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<br>PROPERTY TAX LEVY | 2010<br>COST TO AVG TAXPAYER | 2010 AV TAX<br>RATE PER \$100 | 2010 FEV TAX<br>RATE PER \$1000 |
|--------------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| <b>TOTAL</b> | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

**POLICE DISTRICT AND DISTRICT COURT**

|              | 2010<br>PROPERTY TAX LEVY | 2010<br>COST TO AVG TAXPAYER | 2010 AV TAX<br>RATE PER \$100 | 2010 FEV TAX<br>RATE PER \$1000 |
|--------------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| <b>TOTAL</b> | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

**COMBINED**

|              | 2010<br>PROPERTY TAX LEVY | 2010<br>COST TO AVG TAXPAYER | 2010 AV TAX<br>RATE PER \$100 | 2010 FEV TAX<br>RATE PER \$1000 |
|--------------|---------------------------|------------------------------|-------------------------------|---------------------------------|
| <b>TOTAL</b> | <b>\$0</b>                | <b>\$0.00</b>                |                               | \$0.000                         |

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2009.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1246 -2009, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 7 – MEDFORD (CP 8129)**

**WHEREAS**, a map and plan together with an estimate of cost has been prepared and filed with the County Legislature resulting in a public hearing on October 13, 2009 in relation to the increase and improvement of facilities for said district which includes the construction of the wastewater treatment sludge process at Suffolk County Sewer District No. 7 – Medford, in relation to; and

**WHEREAS**, pursuant to Resolution No. 825-2009, the Clerk of the Legislature did duly cause a Notice of Public Hearing to be published at least once in each of the official newspapers of the County, all in the manner and within the time provided by law and proof thereof has been presented to the County Legislature; and

**WHEREAS**, said public hearing was held in Riverhead, New York in said County on October 13, 2009 at 2:30 p.m., Prevailing Time; and

**WHEREAS**, said County Legislature has duly considered the map and plan and estimate of cost for the increase and improvement of Suffolk County Sewer District No. 7 – Medford which includes construction of the wastewater treatment sludge process and submitted and evidence given at the public hearing held on October 13, 2009; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with the County Legislature, it is hereby found and determined that it is in the public interest to perform the increase and improve the wastewater treatment system at Suffolk County Sewer District No. 7 – Medford, which includes improvements by constructing sludge thickening/dewatering system with auxiliary equipment and systems, that the proposed work is adequate and appropriate, and will not constitute an undue burden on the property which will bear the cost thereof;

Section 2. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with the County Legislature, the Legislature further finds and determines that it is in the public interest to expend \$1,000,000 on the increase and improvement of the wastewater treatment system which includes improvements by constructing sludge thickening/dewatering system with auxiliary equipment and systems at Suffolk County Sewer District No. 7 – Medford;

Section 3. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, and recommendations, and data filed with the County Legislature, it further finds and determines that it is in the public interest to provide for the increase and improve the wastewater treatment system at Suffolk County Sewer District No. 7 – Medford at a maximum cost of \$1,000,000 which represents the aforementioned project which will be attributable to the increase and improvement of the wastewater treatment system

which includes construction of sludge thickening/dewatering system with auxiliary equipment and systems of said sewer district, substantially in accordance with the map and plan;

Section 4. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with the County Legislature, it further finds that the project will result in a financial impact of less than \$14.00 per year per typical property;

Section 5. Upon evidence given at the aforesaid public hearing and after due consideration of the maps, plans, reports, recommendations, and data filed with the County Legislature, it is found and determined that all property and property owners within the existing Suffolk County Sewer District No. 7 – Medford, will be benefited by such increase and improvement of facilities and that no benefited property has been excluded;

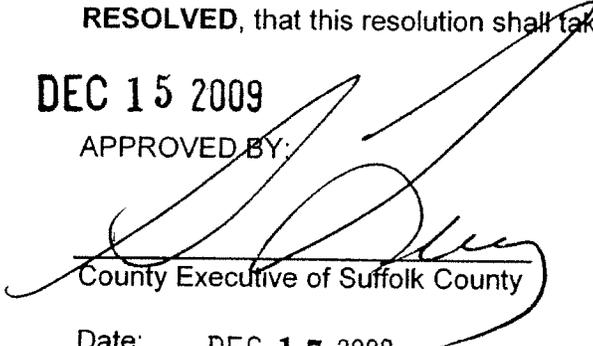
and be it further

**2<sup>nd</sup>** **RESOLVED**, 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 Volume 6 of New York State Code of Rules and Regulations ("NYCRR"), the Legislature has no further responsibilities under SEQRA, and be it further

**3<sup>rd</sup>** **RESOLVED**, that this resolution shall take effect immediately.

DATED: **DEC 15 2009**

APPROVED BY:

  
County Executive of Suffolk County

Date: **DEC 17 2009**

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I,* TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 15, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof, I* have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

---

Clerk of the Legislature

1370

3/23/10

Intro. Res. No. -2010 Laid on Table  
Introduced by Legislators Cilmi, Losquadro, Muratore, Romaine, Nowick and Kennedy

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW  
NO. -2010, A CHARTER LAW TO INCREASE THE  
ACCOUNTABILITY OF DEPARTMENT HEADS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2010 a proposed local law entitled, "**A CHARTER LAW TO INCREASE ACCOUNTABILITY OF DEPARTMENT HEADS**"; now, therefore, be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO INCREASE ACCOUNTABILITY OF  
DEPARTMENT HEADS**

**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 No. 43-2008 was enacted to prevent a department head or commissioner appointed for a fixed term of office from serving indefinitely in a hold-over capacity without a legislative resolution authorizing reappointment.

This Legislature also finds that Local Law No. 43-2008 increased accountability in Suffolk County government by ensuring that the performance of termed appointees is subject to legislative scrutiny on a regular basis.

This Legislature determines that subjecting all appointed department heads to periodic legislative review and approval will promote accountability and greater communication in county government.

This Legislature finds and determines that the County's highest appointed officials should have the support and confidence of both branches of county government.

This Legislature also determines that requiring the reconfirmation of department heads every four years -- to generally coincide with the beginning of a new term for a County Executive -- will enhance accountability of appointees to the policy making branch of county government and place no undue burden on the management prerogatives of the executive branch.

Therefore, the purpose of this charter law is to require that commissioners and department heads who serve without a fixed term be reconfirmed in their office by the County Legislature every four years.

## **Section 2. Amendment.**

Article 23 of the SUFFOLK COUNTY CHARTER is hereby amended by the addition of a new section C23-18 to read as follows:

### **C23-18. Reconfirmation of certain department heads.**

- A. All commissioners and department heads appointed by the County Executive subject to legislative approval, who serve at the pleasure of the County Executive, must be reconfirmed to serve in their office by the County Legislature after each four year period of consecutive service in that office.
- B. A commissioner or department head may continue to serve and discharge the duties of his or her office after the four year period described in subsection (A) has elapsed. However, if the commissioner or department head is not reconfirmed to serve in his or her office within 90 days after the four year period has elapsed, the office shall be deemed vacant and the County Executive shall immediately nominate and appoint a successor and seek to introduce a resolution to approve said appointment in accordance with the provisions of C2-11 of the SUFFOLK COUNTY CHARTER.

### **Section 3. Applicability.**

- A. This law shall apply to commissioners and department heads appointed after the effective date of this law.
- B. This law shall apply to commissioners and department heads appointed prior to the effective date of this law. These commissioners and department heads may continue to serve in their office without a reconfirmation resolution until January 1, 2012, at which time the 90 day period for reconfirmation set forth in this law shall begin to run.
- C. This law shall not be construed to provide a fixed term of office to any commissioner or department head nor to impair or impede the County Executive's authority to remove a department head or commissioner who presently serves at his or her pleasure.

### **Section 4 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 5. 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 6. Effective Date.**

This law shall not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon 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:

s:\laws\cl-department heads accountability

# 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: MARCH 23, 2010

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

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## PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. -2010; A CHARTER LAW TO INCREASE THE ACCOUNTABILITY OF DEPARTMENT HEADS

SPONSOR: LEGISLATORS CILMI, LOSQUADRO, MURATORE, ROMAINE, NOWICK AND KENNEDY

DATE OF RECEIPT BY COUNSEL: 3/23/10 PUBLIC HEARING: 4/27/10

DATE ADOPTED/NOT ADOPTED: \_\_\_\_\_ CERTIFIED COPY RECEIVED: \_\_\_\_\_

This proposed charter law would amend Article 23 of the SUFFOLK COUNTY CHARTER to require that untermmed commissioners and department heads appointed by the County Executive, subject to legislative approval, be reconfirmed to serve in their office by the Legislature after each four year period of consecutive service in that office. A commissioner or department head may continue to serve in their office after the four year period has elapsed, but must be reconfirmed within 90 days of the period lapsing. If the commissioner or department head is not confirmed within 90 days, the office shall be deemed vacant and the County Executive must nominate and appoint a successor and introduce a resolution to the Legislature to approve such an appointment.

This law will not create a fixed term of office for any commissioner or department head, nor will it curtail the County Executive's authority to remove a department head or commissioner that serves at his pleasure.

This law will apply to all commissioners and department heads appointed after the effective date of this law. This law shall also apply to current commissioners and department heads, who may continue to serve in their office until January 1, 2012, at which time the 90 day period for reconfirmation will begin to run.

This law is made subject to a permissive referendum.

A handwritten signature in black ink, appearing to read "George Nolan", is written over the printed name and title.

GEORGE NOLAN  
Counsel to the Legislature

GN:

1371

Intro. Res. No. -2010  
Introduced by Legislator Cooper

Laid on Table 3/23/10

**RESOLUTION NO. -2010, REMOVING RICHARD DORMER  
AS COMMISSIONER OF THE SUFFOLK COUNTY POLICE  
DEPARTMENT**

**WHEREAS**, Richard Dormer was appointed as Commissioner of Police in January 2004; and

**WHEREAS**, Commissioner Dormer has lost the confidence of this Legislature;  
and

**WHEREAS**, Section C23-9 of the SUFFOLK COUNTY CHARTER authorizes the Legislature to remove appointed officials; now, therefore be it

**1st RESOLVED**, that pursuant to Section C23-9(A) of the SUFFOLK COUNTY CHARTER Richard Dormer is hereby removed from his appointed position as the Commissioner of Police, effective immediately upon the approval of this resolution; and be it further

**2nd RESOLVED**, this resolution is effective immediately, pursuant to Section C23-9(A) of the SUFFOLK COUNTY CHARTER.

DATED:

s:\res\r-remove dormer