

Intro. Res. No. 1708-11

Laid on Table 8/2/11

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO.            – 2011, AUTHORIZING CERTAIN  
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.  
1024-2010**

**WHEREAS**, Resolution No. 1024-2010 authorized the acquisition of certain parcels of property under the New Suffolk County ¼% Drinking Water Protection Program for open space purposes;

**WHEREAS**, this resolution when adopted contained a technical error; and

**WHEREAS**, the County Executive desires technical correction to this resolution; now, therefore, be it

**RESOLVED**, that the Clerk of the Legislature shall make the following technical correction that the 5<sup>th</sup> RESOLVED clause in Resolution No. 1024-2010 is hereby amended to read as follows:

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

[Underline indicates addition]

DATED:

APPROVED BY:

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

Date of Approval:

# COUNTY OF SUFFOLK



**STEVE LEVY**  
SUFFOLK COUNTY EXECUTIVE

**BRIAN T. CULHANE**  
COMMISSIONER

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

**PAMELA J. GREENE**  
DIVISION DIRECTOR

June 30, 2011

Mr. Ken Crannell, Deputy County Executive  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Crannell:

Attached for your review is an Introductory Resolution for a Technical Correction for Resolution 1024-2010.

Sincerely,

Pamela J. Greene  
Director

PJG:pd

cc: Christopher E. Kent, Chief Deputy County Executive  
Ed Dumas, Chief Deputy County Executive  
Brian T. Culhane, Commissioner, Dept. of Environment & Energy  
Eric Kopp, Deputy County Executive  
Sarah Lansdale, Director, Planning Department  
Michael Amoroso, Bureau Chief, Law Department  
Lauretta Fischer, Principal Environmental Analyst, Planning Dept.  
Brendan Chamberlain, Director, Intergovernmental Relations  
Tom Vaughn, County Executive Assistant  
Peter Belyea, Acquisition Agent  
CE Review (e-mail copy only)

1709

Intro. Res. No. - 2011

Laid on the Table 8/2/11

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. - 2011, AMENDING RESOLUTION NOS. 1524-2006 AND 768-2007 IN CONNECTION WITH THE RECONSTRUCTION OF CR 80, MONTAUK HIGHWAY, TOWN OF BROOKHAVEN AND ACCEPTING STATE MARCHISELLI FUNDING (CP 5516)**

**WHEREAS**, Resolution No. 1524-2006 appropriated \$3,750,000 for real estate acquisition and apportioned the share allocation as 80% Federal funds (\$3,000,000) and 20% County funds (\$750,000); and

**WHEREAS**, Resolution No. 768-2007 appropriated \$850,000 for real estate acquisition and apportioned the share allocation as Federal funds (\$440,000) and County funds (\$410,000); and

**WHEREAS**, the total appropriation for this project is currently \$4,600,000 Federal Funds (\$3,440,000) and County funds (\$1,160,000); and

**WHEREAS**, the current State agreement reflects a total agreement amount of \$4,300,000; and

**WHEREAS**, it has been determined that the estimated cost for land acquisition is under \$4,300,000; and

**WHEREAS**, New York State has subsequently allocated \$450,000 from State Marchiselli funding to assist the County in matching its portion of the cost of this project; and

**WHEREAS**, the County is required to first instance fund the entire cost of the project and subsequently receive reimbursement for the Federal and State portions based on actual expenditures; now, therefore, be it

**1<sup>st</sup> RESOLVED**, Resolution No. 876-2004, approved by the County Legislature issued a Determination of Non-Significance for this 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 the apportionment of the cost of Capital Project 5516.211, PIN 075668 be amended to reflect the additional State Marchiselli aid dedicated in the amount of \$450,000; and be it further

**3<sup>rd</sup> RESOLVED**, that the apportionment of the cost of Capital Project 5516.211, PIN 075668 be amended to reflect a total cost of \$4,300,000 with a share allocation of 80% Federal reimbursement in the amount of \$3,440,000, State Marchiselli reimbursement in the amount of \$450,000, and a County share of \$410,000; and be it further

**4<sup>th</sup> RESOLVED**, that the County Comptroller is hereby authorized and directed to limit the serial bond borrowing for the County share to \$410,000; and be it further

**5<sup>th</sup> RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to place into a debt service reserve fund any federal or state aid

received for this project, that is required to pay down debt service borrowed in excess of the serial bond borrowing limit of \$410,000 for the County share; and be it further

**6<sup>th</sup> RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept aided State funding for up to \$450,000; and be it further

**7<sup>th</sup> RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount up to \$3,440,000; and be it further

**8<sup>th</sup> RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal and State share of \$3,890,000; and be it further

**9<sup>th</sup> RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept State and Federal aid in connection with this project; and be it further

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

DATED:

APPROVED BY:

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

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>  X  </u> Local Law <u>      </u> Charter Law <u>      </u>		
2. Title of Proposed Legislation		
<p><b>RESOLUTION NO.                      - 2011, AMENDING RESOLUTION NOS. 1524-2006 AND 768-2007 IN CONNECTION WITH THE RECONSTRUCTION OF CR 80, MONTAUK HIGHWAY, TOWN OF BROOKHAVEN AND ACCEPTING STATE MARCHISELLI FUNDING (CP 5516)</b></p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes <u>  X  </u> No <u>      </u>		
5. If the answer to item 4 is "yes", on what will it impact?                      (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <b>County</b> </div>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
This resolution accepts \$450,000 in State Marchiselli funding. The total cost of this part of the project is now \$4,300,000 from \$4,600,000. The County share of funding has been reduced from \$1,160,000 to \$410,000.		
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		
Federal \$3,440,000 (PIN 075668) State \$450,000 County \$410,000 County Comptroller is authorized to issue BANS for the Federal and State share.		
9. Timing of Impact		
Upon adoption		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		July 28th, 2011

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2012 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	<b>\$34,664</b>	<b>\$0.06</b>		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**COMBINED**

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	<b>\$34,664</b>	<b>\$0.06</b>		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 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: **\$410,000**

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/10/2011					
5/10/2012					
11/10/2012		\$21,837.50	\$12,826.73	\$34,664.22	\$34,664.22
			\$6,071.77	\$6,071.77	
11/9/2012		\$22,520.68	\$6,071.77	\$28,592.45	\$34,664.22
			\$5,719.50	\$5,719.50	
11/10/2013		\$23,225.23	\$5,719.50	\$28,944.73	\$34,664.22
			\$5,356.20	\$5,356.20	
11/10/2014		\$23,951.82	\$5,356.20	\$29,308.02	\$34,664.22
			\$4,981.54	\$4,981.54	
11/10/2015	3.000%	\$24,701.15	\$4,981.54	\$29,682.69	\$34,664.22
			\$4,595.15	\$4,595.15	
11/9/2016	3.000%	\$25,473.92	\$4,595.15	\$30,069.07	\$34,664.22
			\$4,196.68	\$4,196.68	
11/9/2017	3.000%	\$26,270.86	\$4,196.68	\$30,467.54	\$34,664.22
			\$3,785.74	\$3,785.74	
11/10/2018		\$27,092.74	\$3,785.74	\$30,878.48	\$34,664.22
			\$3,361.95	\$3,361.95	
11/10/2019		\$27,940.33	\$3,361.95	\$31,302.27	\$34,664.22
			\$2,924.90	\$2,924.90	
11/9/2020		\$28,814.43	\$2,924.90	\$31,739.33	\$34,664.22
			\$2,474.17	\$2,474.17	
11/9/2021		\$29,715.88	\$2,474.17	\$32,190.05	\$34,664.22
			\$2,009.35	\$2,009.35	
11/10/2022		\$30,645.53	\$2,009.35	\$32,654.88	\$34,664.22
			\$1,529.98	\$1,529.98	
11/10/2023	3.250%	\$31,604.27	\$1,529.98	\$33,134.25	\$34,664.22
			\$1,035.61	\$1,035.61	
11/9/2024	3.250%	\$32,593.00	\$1,035.61	\$33,628.61	\$34,664.22
			\$525.78	\$525.78	
11/9/2025		\$33,612.66	\$525.78	\$34,138.44	\$34,664.22
		\$410,000.00	\$109,963.36	\$519,963.36	\$519,963.36

COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.  
COMMISSIONER

JAMES PETERMAN, P.E.  
CHIEF DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive

FROM: James K. Peterman, P.E., Chief Deputy Commissioner 

DATE: June 13, 2011

RE: **Amending Resolution 1524-2006 and 768-2007 in Connection with the Reconstruction of CR 80, Montauk Highway, Town of Brookhaven (CP 5516.211, PIN 075668)**

Attached is a draft resolution and duplicate copy amending Resolution Nos. 1524 of 2006 and 768 of 2007 for the above referenced project. This resolution revises the apportionment of the funds for right-of-way costs for the Reconstruction of CR 80, Montauk Highway.

Resolution 1524-2006 appropriated \$3,750,000 and apportioned the share allocation as 80% Federal funds and 20% County funds. Resolution 768-2007 appropriated \$850,000 and apportioned the share allocation as 52% Federal funds and 48% County funds. The State has subsequently reapportioned the share allocation and, additionally allocated a 10.5% share from State Marchiselli funding. This resolution will revise and re-allocate (from \$4,600,000 to \$4,300,000 (as revised ROW calculations indicate)), the \$4,300,000 right-of-way cost to 80% Federal funds (\$3,440,000), 10.5% State funds (\$450,000) and 9.5% County funds (\$410,000). The County's share will now go from \$1,160,000 to \$410,000.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP5516(CR80 Realloc ROW Aid)(revised).doc".

JKP/WH/td  
attach.

cc: Chris Kent, Chief Deputy County Executive  
Brendan Chamberlain, County Executive Assistant  
Nick Paglia, Assistant Executive Analyst  
William Hillman, P.E., Chief Engineer  
Laura Conway, CPA, Chief Accountant  
Kathy LaGuardia, Capital Accounting  
Robert Murphy, Public Works Capital Project Manager  
Theresa D'Angelo, Principal Clerk

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Intro. Res. No. 2520-2006  
Introduced by Legislator Browning

Laid on Table 12/5/2006

**RESOLUTION NO. 1524 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR THE RECONSTRUCTION OF CR 80, MONTAUK HIGHWAY SHIRLEY/MASTIC, TOWN OF BROOKHAVEN (CP 5516)**

**WHEREAS**, there are sufficient funds within the 2006 Capital Budget and Program for this project; and

**WHEREAS**, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$3,750,000 in Suffolk County Serial Bonds; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

**1<sup>st</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of 69 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

**2<sup>nd</sup> RESOLVED**, that the proceeds of \$3,750,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5516.211	50	Reconstruction of CR 80, Montauk Highway Shirley/Mastic, Town of Brookhaven	\$3,750,000

and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$750,000; and be it further

**4<sup>th</sup> RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$3,000,000; and be it further

**5<sup>th</sup> RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$3,000,000; and be it further

**6<sup>th</sup> RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project; and be it further

**7<sup>th</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 Code of Rules and Regulations ("NYCRR"), the Legislature has no further responsibilities under SEQRA.

DATED: December 19, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: December 29, 2006

Intro. Res. No. 2520-2006

Laid on Table 12/5/2006

Introduced by Legislator Browning

**RESOLUTION NO. 1524 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR THE RECONSTRUCTION OF CR 80, MONTAUK HIGHWAY SHIRLEY/MASTIC, TOWN OF BROOKHAVEN (CP 5516)**

**WHEREAS**, there are sufficient funds within the 2006 Capital Budget and Program for this project; and

**WHEREAS**, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$3,750,000 in Suffolk County Serial Bonds; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

**1<sup>st</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of 69 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

**2<sup>nd</sup> RESOLVED**, that the proceeds of \$3,750,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5516.211	50	Reconstruction of CR 80, Montauk Highway Shirley/Mastic, Town of Brookhaven	\$3,750,000

and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$750,000; and be it further

**4<sup>th</sup> RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$3,000,000; and be it further

**5<sup>th</sup> RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$3,000,000; and be it further

**6<sup>th</sup> RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project; and be it further

**7<sup>th</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 Code of Rules and Regulations ("NYCRR"), the Legislature has no further responsibilities under SEQRA.

DATED: December 19, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: December 29, 2006

Intro. Res. No. 1657-2007

Laid on Table 6/26/2007

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

**RESOLUTION NO. 768 -2007, APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR PARTICIPATION IN THE RECONSTRUCTION OF CR 80, MONTAUK HIGHWAY, SHIRLEY/MASTIC, TOWN OF BROOKHAVEN (CP 5516)**

**WHEREAS**, the Commissioner of Public Works has requested funds for land acquisition in connection with the Reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven; and

**WHEREAS**, there are Federal funds available from the Federal Highway Administration for this project, identified as PIN 0756.68, with a share allocation of 52% Federal funds and 48% County funds; and

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

**WHEREAS**, there are sufficient funds within the 2007 Capital Budget and Program to cover the cost of said request under this capital project; and

**WHEREAS**, Resolution No. 471-1994 as revised by Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2007 Capital Budget, 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 \$850,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 876 of 2004 classified the action contemplated by this as a Type I Action which will not have a significant effect on the environment; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-nine (69) 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, pursuant to Section C8-2 (X) of the Suffolk County Charter to complete the reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven; and be it further

**4<sup>th</sup> RESOLVED**, that the proceeds of \$410,000 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-5516.211 (Fund 001-Debt Service)	50	Reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven	\$410,000

and be it further

**5<sup>th</sup> RESOLVED**, that Federal Aid in the amount of \$440,000 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
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525-CAP-5516.211	50	Reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven	\$440,000
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and be it further

**6<sup>th</sup> RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$410,000; and be it further

**7<sup>th</sup> RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$440,000; and be it further

**8<sup>th</sup> RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$440,000; and be it further

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

DATED: August 7, 2007

APPROVED BY: \_

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/s/ Steve Levy  
County Executive of Suffolk County

Date: August 15, 2007

Intro. Res. No.

1710-11

Laid on Table

8/2/11

Introduced by the Presiding Officer, on request of County Executive

**RESOLUTION NO. 2011, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – ACTIVE RECREATION COMPONENT FOR THE NORTH FORK PRESERVE PROPERTY, TOWN OF RIVERHEAD**

**WHEREAS**, Local Law 25-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers," authorizes the use of 31.10 per cent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

**WHEREAS**, the parcels listed in Exhibit "A" of this resolution meet the criteria for acquisition under the Drinking Water Protection Program; and

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

**WHEREAS**, the parcels listed in Exhibit "A" of this resolution meet the criteria for acquisition under the New Drinking Water Protection Program, pursuant to Article XII of the SUFFOLK COUNTY CHARTER, for use as an active recreational park; and

**WHEREAS**, the Town of Riverhead is a willing partner in this acquisition now, therefore, be it

**1<sup>st</sup>** **RESOLVED**, that the parcels listed in Exhibit "A" of this resolution consisting of 180.34± acres, , is hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection pursuant to ARTICLE XII of the SUFFOLK COUNTY CHARTER for use as an active recreational area; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the parcels listed in Exhibit "A" of this resolution meet the criteria for acquisition under the New Drinking Water Protection Program, pursuant to Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER, for use as an active recreational park; now, therefore , be it

**3<sup>rd</sup>** **RESOLVED**, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition Management, Department of Environment and Energy, and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

**4<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the Department of Environment and Energy, or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

**5<sup>th</sup>** **RESOLVED**, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

**7<sup>th</sup>** **RESOLVED**, that Director of the Division of Real Property Acquisition and Management within the Department of Environment and Energy, or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

**8<sup>th</sup>** **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel(s); and be it further

**9<sup>th</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/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, 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:

**EXHIBIT "A"**

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b>	<b><u>ACRES:</u></b>	<b><u>REPUTED OWNER AND ADDRESS:</u></b>
1	District: 0600 Section 021.00 Block 01.00 Lot 001.002	172.9	North Fork Preserve, Inc. 349 Pennys Road Riverhead, NY 11901
2	District: 0600 Section 021.00 Block 01.00 Lot 004.002	.96	Janet Krudop 349 Pennys Road Riverhead, NY 11901
3	District: 0600 Section 021.00 Block 01.00 Lot 004.003	1.01	Myron Kaplan 475 Grand Avenue Englewood, NJ 07631
4	District: 0600 Section 007.00 Block 03.00 Lot 041.000 p/o	2.6	North Fork Preserve, Inc. 349 Pennys Road Riverhead, NY 11901
5	District: 0600 Section 021.00 Block 03.00 Lot 002.000	.92	Myron Kaplan 282 Sunset Avenue Englewood, NJ 07631
6	District: 0600 Section 021.00 Block 03.00 Lot 003.000	.92	North Fork Preserve, Inc. 349 Pennys Road Riverhead, NY 11901
7	District: 0600 Section 021.00 Block 01.00 Lot 004.004	1.03	Myron Kaplan/Robert Krudop 349 Pennys Road Riverhead, NY 11901

**TOTAL ACREAGE**

**180.34±**

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

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
<input type="checkbox"/> Charter Law		
2. Title of Proposed Legislation		
AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – ACTIVE RECREATION COMPONENT FOR THE NORTH FORK PRESERVE PROPERTY, TOWN OF RIVERHEAD		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact?    YES ___    NO <u>X</u>		
5. If the answer to item 4 is “yes”, on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is “yes”, Provide Detailed Explanation of Impact:		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
8. Proposed Source of Funding		
NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007)		
9. Timing of Impact		
10. <i>Typed Name &amp; Title of Preparer</i> Lauretta R. Fischer, Chief Environmental Analyst	11. <i>Signature of Preparer</i>	12. <i>Date</i> July 29, 2011

**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.

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Submitting Department  
(Dept. Name & Location):  
Department of Planning  
H. Lee Dennison Bldg. 4<sup>th</sup> Floor  
Hauppauge, New York

Department Contact Person  
(Name & Phone No.):  
Lauretta R. Fischer, Chief Environmental  
Analyst 853-6044

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Suggestion Involves:

Technical Amendment                       New Program  
 Grant Award                                       Contract (New  Rev. )  
 Other

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

AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND  
UNDER THE NEW SUFFOLK COUNTY DRINKING WATER  
PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) –  
ACTIVE RECREATION COMPONENT FOR THE NORTH FORK  
PRESERVE PROPERTY, TOWN OF RIVERHEAD

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

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PLEASE FILL IN REVERSE SIDE OF FORM

# COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

SARAH LANSDALE, A.I.C.P.  
DIRECTOR OF PLANNING

July 29, 2010

Mr. Ken Crannell, Deputy County Executive  
H. Lee Dennison Building – 12<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788

Dear Mr. Crannell:

Attached for your review and consideration is a proposed Introductory Resolution that would authorize Planning Steps for acquisition of the North Fork Preserve Property under the New Suffolk County ¼% Drinking Water Protection Program for active recreational purposes. The parcel totals 180.34± acres within the Town of Riverhead.

Please contact me if you require any additional information.

Sincerely,

Sarah Lansdale, Director  
Department of Planning

cc Christopher E. Kent, Chief Deputy County Executive  
Ed Dumas, Chief Deputy County Executive  
Eric Kopp, Assistant Deputy County Executive  
Lauretta Fischer, Chief Environmental Analyst  
Brian Culhane, Commissioner, Dept. of Environment and Energy  
Pamela Greene, Director, Division of Real Property Acquisition and Management  
Janet Longo, Acquisition Supervisor, Division of Real Property Acquisition and Man.  
Brendan Chamberlain, Director, Intergovernmental Relations  
Steven Tricarico, County Executive Assistant  
Tom Vaughn, County Executive Assistant  
CE Reso Review (e-mail copy only)

**RESOLUTION NO. -2011, ADOPTING 2011-2012  
OPERATING BUDGET TOTAL FOR SUFFOLK COUNTY  
COMMUNITY COLLEGE**

**WHEREAS**, the Board of Trustees of Suffolk Community College submitted their 2011-2012 Operating Budget request to the County Executive and the County Legislature on April 14, 2011; and

**WHEREAS**, the budget request submitted by the Community College's Board of Trustees proposed an increase in the County Contribution of 4% and a total budget of \$195,209,482; and

**WHEREAS**, Local Law 26-2009, section A4-3 (2) authorizes the Suffolk County Executive to recommend a budget total and County contribution; and

**WHEREAS**, the Suffolk County Executive submitted to this Legislature a Recommended 2011-2012 Suffolk County Community College Operating Budget, which included a zero increase in the County Contribution; and

**WHEREAS**, the Budget Review Office issued a Review of the Recommended 2011-2012 Suffolk Community College Operating Budget on June 13, 2011; and

**WHEREAS**, the Suffolk County Legislature held public hearings on the Community College's Recommended Budget on June 7, 2011 and June 21, 2011; and

**WHEREAS**, Local Law 26-2009, section A4-3 (4) authorizes the County Legislature to approve an operating budget total and County Contribution for the Community College no later than August 15<sup>th</sup>; now, therefore be it

**1<sup>st</sup> RESOLVED**, that all Whereas clauses and all Resolved clauses denominated 1<sup>st</sup> through 4<sup>th</sup> inclusive, contained in the Suffolk Community College Recommended Budget 2011-2012 on pages 5-6, are hereby stricken and not approved, and shall not appear in the printed 2011-2012 Suffolk County Community College Adopted Operating Budget; and be it further

**2<sup>nd</sup> RESOLVED**, that this Legislature hereby approves an Operating Budget Total of \$195,209,482 for the Suffolk County Community College during fiscal year September 1, 2011 to August 31, 2012; and be it further

**3<sup>rd</sup> RESOLVED**, that this Legislature approves a total contribution by the County of Suffolk ("local sponsor share") in the amount of \$39,375,016; which is comprised of \$34,969,801 County contribution and a Discretionary Tax Levy in the amount of \$4,405,215; and be it further

**4<sup>th</sup> RESOLVED**, that it is the Legislature's desire that the increase in the County's Contribution to the College should allow the College to decrease the financial burden on its students by proportionately adjusting its tuition.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date:

T:\BRO\SCCC Increase to 2011-2012 Operating Budget. Version.docx

1712

Intro. Res. No. -2011  
Introduced by Legislator Romaine

Laid on Table

8/2/11

**RESOLUTION NO. -2011, REAPPOINTING JOSEPH  
GERGELA, III AS A MEMBER OF THE SUFFOLK COUNTY  
SOIL AND WATER CONSERVATION DISTRICT**

**WHEREAS**, the Suffolk County Board of Supervisors established a Soil and Water Conservation District by Resolution No. 245-1964; and

**WHEREAS**, the term of office of Joseph Gergela, III as a member of the Soil and Water Conservation District expired on June 30, 2011 and is in a holdover status; now, therefore be it

**1<sup>st</sup> RESOLVED**, that **Joseph Gergela, III**, residing in Center Moriches, NY, be and he hereby is re-appointed as a member of the Soil and Water Conservation District for a term to expire on June 30, 2014, said appointment having been made pursuant to the provisions of Section 6 of the NEW YORK SOIL AND WATER CONSERVATION DISTRICTS LAW.

DATED:

EFFECTIVE PURSUANT TO SECTION 2-15 OF THE SUFFOLK COUNTY CHARTER

# JOSEPH M. GERGELA III

Manorville, NY 11949

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## Professional Background

*Executive Director, Long Island Farm Bureau, Calverton, New York.....1988-  
Present*

- NYS Registered Lobbyist, representing 7,200 farmers, fishermen and agribusinesses at local, county, state and federal levels of government
- Administrator of finances
- Director of Personnel and Public Relations
- Organize and plan service program development
- Control and report company activity to Board of Directors

*County Executive Director, USDA/ASCS.....1986 –  
1988*

- Administration of government farm programs, including Production Adjustment, Price Support, Conservation, and Emergency Programs Management of budget, personnel, and office funds
- Chairman of Food and Agriculture Council (FAC), formerly L.I. Emergency Board, serving all of Long Island emergency programs

*Farm Owner/Operator/Manager, Gergela Farms, Riverhead, NY.....1975 –  
1986*

- Operated 200 acre vegetable farm
- Full knowledge of growing, harvesting, packaging, and marketing farm commodity
- Proficient in effective and safe handling, use, and application of pesticides and fertilizers

## Affiliations

- Suffolk County Executive Economic Development Advisory Committee, 2004
- Suffolk County Community College Foundation Board of Directors, 2002 to Present
- Vytra Health Care Board of Directors, 2001 to Present
- Long Island Market Authority, 2001 – Present
- Central Suffolk Hospital Board of Directors, 2001 to Present
- National Association of Conservation Districts, Board of Directors, 1999 – October 2004
- NYS Association of Soil & Water Conservation Districts, 1997; President, 1999 - Present
- NYS Leadership Institute (LEAD NY), Cornell University, 1996 – Present; Finance Chair, 1998
- Suffolk County Soil & Water Conservation District, Board of Directors, 1996 – Present
- NYS Agricultural Society, Board of Directors, 1996 – Present
- East End Economic & Environmental Institute, President and Treasurer, 1995 – Present
- Riverhead Chamber of Commerce, President, 1994; Executive Board 1995, 1996

- Business Round Table of Eastern Long Island, Vice-President, 1994; Board of Directors 1995
- Suffolk County Community College, President's Roundtable, 1994 to Present
- Riverhead Town Economic Development Task Force, 1994
- NYS Farmland Preservation Committee, 1994 to Present
- Long Island Pine Barrens Advisory Board, 1992 to Present
- Southampton Town Agricultural Advisory Board, 1991 to Present
- Riverhead Town Agricultural Advisory Board, 1998 to Present
- Long Island Regional Planning Board Advisory Committee: Calverton Redevelopment Committee, 1991; Open Space Programs, 1998
- Long Island Association Economic Development Committee, 1990 to Present
- Cornell Cooperative Extension Advisory Committee, 1986

### Accomplishments

1996 – Contributed to the drafting and passage of the Breast Cancer Pesticide Registry legislation in New York State

1992 – Developed agricultural assessment program for farm and non-farm landowners to receive reduced assessment on farmland in exchange for commitment to leave land in agriculture or open space; passed into Southampton Town Law via enabling state legislation

1992 – Participated in drafting the Farmland Agriculture Protection Act of 1992; Governor's Program Bill passed into New York State Law

1992 – Drafted bill amending New York State Building Code to classify temporary greenhouses as agricultural equipment

1993 - One of four major contributors in drafting and passing Long Island Pine Barrens Protection Act – Long Island Farm Bureau, Long Island Builders, Long Island Association, and Long Island Pine Barrens Society – in addition to Senator Kenneth LaValle and Assemblyman Thomas DiNapoli

1993 – Authored Agricultural Section of “Blueprint for Our Future – Creating Jobs, Preserving the Environment”, a report to then-Governor Mario Cuomo by the East End Economics and Environmental Task Force of Long Island, New York, published by Newmarket Press, 1993

1994 – Drafted 2 bills passed by the New York State Legislature:

- 1) Land of less than 10 acres will receive agricultural assessment
- 2) Horse boarding will qualify for reduced assessment

1996- Testified United States Senate Agriculture Committee for creation of Federal Farmland Protection Program in 1996 Farm Bill

1998 – Participation in drafting and passing of Peconic Region Community Preservation Fund legislation to provide 2% Real Estate Transfer Tax – proceeds for Farmland Preservation and important environmental lands

1999 – Participation and drafting state legislation to create the Long Island Marketing Authority

2000 – Participation and drafting state legislation to indemnify liability for Soil and Water Conservation District employees and Directors

2000 – Obtained full reimbursement of state funding for Soil and Water Conservation Districts

2001 – Traveled to the Ukraine for Citizens Network for Foreign Affairs (CNFA) to develop a strategic plan for the Ukrainian Private Farmers Association

2001 - Appointed to Central Suffolk Hospital Board of Directors

2001 - Appointed to Vytra Board of Directors

2002 - Appointed to Suffolk County Community College Board of Directors

2002 - Participated in preservation of Keyspan property in Jamesport, 225 acres State Parkland, 300 acres preserved farmland

2005 – Provided testimony to the United States House of Representatives Resources Committee on the Listing of the Eastern Oyster to the Endangered Species list and ultimately the petition for the listing was withdrawn by the petitioner.

## Awards

- Long Island Farm Bureau “Service Award”, Senator Hillary Rodham Clinton and N.Y.S. Agriculture & Markets Commissioner Nathan Rudgers in attendance, August 2005
- NY State League of Conservation Voters “Preserving Long Island” Award, October, 2004
- Environmental Coalition of the year, Keyspan property preserved in Jamesport, Times-Review Newspapers, 2002
- Long Island Wine Council – “Emiratus” Award, 2002
- “Distinguished Service Award”, NY State Association of Conservation Districts, 2000
- Public Relations Professionals of Long Island’s “Long Island Achievement Award”, 1999
- Long Island Business News “Top 100 Influentials of Long Island”, 1993 through 2000
- “Person of the Year” Award, Times-Review Newspapers, 1991
- USDA “Outstanding Service to Agriculture” Award, 1987
- Cornell Cooperative Extension of Suffolk County “Friend of Extension”, 1997
- Outstanding Alumni, Suffolk County Community College, 1995
- Outstanding Alumni, SUNY Stony Brook, 1995

\*References available upon request.

1713

Intro. Res. No. -2011  
Introduced by Legislator Romaine

Laid on Table

8/2/11

**RESOLUTION NO. -2011, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM, AS AMENDED BY LOCAL LAW 24-2007 (NORTH FORK PRESERVE PROPERTY) TOWN OF RIVERHEAD (SCTM NO. 0600-021.00-01.00-001.004)**

**WHEREAS**, the Suffolk County Drinking Water Protection Program, as amended by Local Law 24-2007, authorizes the use of 31.10% of sales and compensating use tax proceeds generated each year for specific environmental protection, including the acquisition of land for use as hamlet greens, hamlet parks, pocket parks, active parkland, active recreation, historic and/or cultural park in accordance with specific criteria set forth therein; and

**WHEREAS**, the parcel(s) listed in Exhibit "A" of this resolution meets the criteria for acquisition under the Drinking Water Protection Program; and

**WHEREAS**, adequate funding is provided for, pursuant to Section C12-2(A)(1)(I) of the SUFFOLK COUNTY CHARTER, from 31.10% of the sales and compensating use tax proceeds, for the acquisition of such lands as active recreation; now, therefore be it

**1st RESOLVED**, that the parcel(s) listed in Exhibit "A" of this resolution, consisting of approximately 50 acres, are hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER for use as active recreation; and be it further

**2nd RESOLVED**, that the parcel(s) listed in Exhibit "A" meet the criteria required by the Suffolk County Drinking Water Protection Program; and be it further

**3rd RESOLVED**, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s); and be it further

**4th RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

**5th RESOLVED**, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

**6th RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the

SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

**7th**               **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel(s); and be it further

**8th**               **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to 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:\reslr-north-fork-preserve-active-recreation-plan-steps

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0600 Section 021.00 Block 01.00 Lot 001.004	50	North Fork Preserve, Inc. 349 Pennys Road Riverhead, NY 11901

**EXHIBIT "A"**

1715

Intro. Res. No. 2011

Laid on Table

8/2/2011

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2011, CONFIRMING APPOINTMENT  
OF COUNTY DIRECTOR OF PROBATION**

**WHEREAS**, The Director of the County Department of Probation is appointed by the County Executive, subject to approval of the County Legislature, under Sections 256 (5) and 257 (6) (a) of the NEW YORK EXECUTIVE LAW; and

**WHEREAS**, Gerald J. Cook, currently residing at Huntington, New York has been serving as Acting Director of the County Department of Probation; and

**WHEREAS**, Steve Levy, the County Executive, has appointed Gerald J. Cook as Director of Probation; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the appointment of Gerald J. Cook as Director of Probation of the Suffolk County Department of Probation, is hereby approved, pursuant to Sections 256 (5) and 257 (6) (a) of the NEW YORK EXECUTIVE LAW, to serve at the pleasure of the County Executive of Suffolk County, effective immediately.

**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) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR), as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration and management, 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 law.

DATED:

APPROVED BY:

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

Date:

1716

Intro. Res. No. -2011  
Introduced by Legislators Vilorio-Fisher

Laid on Table 8/2/11

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW  
NO. -2011, A LOCAL LAW TO REDUCE THE USE OF  
DISPOSABLE BAGS BY RETAIL STORES**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on ,2011, a proposed local law entitled, "**A LOCAL LAW TO REDUCE THE USE OF DISPOSABLE BAGS BY RETAIL STORES**;" now, therefore, be it

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

**LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK  
A LOCAL LAW TO REDUCE THE USE OF DISPOSABLE  
BAGS BY RETAIL STORES**

**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 data released by the United States Environmental Protection Agency shows that between 500 billion and 1 trillion plastic bags are consumed worldwide each year.

This Legislature also finds and determines that most plastic bags do not biodegrade; over time, the bags break down into smaller, more toxic petro-polymers which eventually contaminate soils and waterways.

This Legislature further finds and determines that it is estimated that plastic bags account for over 10% of debris that washes up on the United States coastlines.

This Legislature finds that plastic bags can have a devastating effect on wildlife; birds can become entangled in the bags and different species of sea life can die from ingesting plastic bags which they mistake for food.

This Legislature determines that plastic shopping bags are made from polyethylene, a thermoplastic made from oil. Accordingly, reducing the use of plastic bags will decrease our dependence on foreign oil.

This Legislature also finds that less than 1% of plastic bags are recycled, in part, due to the fact that it costs more to recycle a bag than to produce a new one.

This Legislature further finds that it is estimated that Americans consume more than 10 billion paper bags each year. An estimated 14 million trees are cut down annually for paper bag production. The industry appropriately claims that paper bags cost more to ship, stock and store.

Therefore, the purposes of this law are to strengthen current recycling efforts and to reduce the number of disposable carry-out bags provided to customers by retailers through

the imposition of a surcharge of Five Cents (\$0.05) per bag at the point of sale, with One Cent (\$0.01) going to store owners as an incentive.

## **Section 2. Definitions.**

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

“DISPOSABLE BAG” shall mean any carry-out bag, commonly composed of plastic or kraft paper, provided at the point of sale to consumers to carry purchased goods, but excludes bags used to store produce, flowers, baked goods or meat which are provided by a retailer either (1) prior to the point of sale, or (2) at a location other than the point of sale, bags used to cover dry cleaned items, paper bags provided by a pharmacy for the storage of purchased pharmaceuticals or plastic bags used to envelop newspapers intended for delivery at a residence.

“OPERATOR” shall mean a person in control of, or having responsibility for, the daily operation of a retail store, which may include, but is not limited to, the owner of the retail store.

“RETAIL STORE” shall mean any outlet, store, shop, mercantile establishment or other place of business engaged in the retail sale of goods or merchandise directly to consumers, but does not include a restaurant.

“RESTAURANT” shall mean any business that has the sole purpose of selling meals for individual consumption.

“CUSTOMER” shall mean any individual who is an actual purchaser of goods used primarily for personal, family or household purposes.

## **Section 3. Prohibition.**

No retail store located and doing business within the County of Suffolk shall sell, give or provide carry-out bags to customers without collecting the surcharge authorized in Section 4 of this law.

## **Section 4. Surcharge Requirements.**

On or after July 1, 2012, any operator of a retail store who provides disposable bags at the point of sale to a customer shall charge such customer a surcharge of Five Cents (\$0.05) for each such bag.

## **Section 5. Surcharge Distribution.**

The \$0.05 surcharge per recyclable paper and plastic carry-out bag shall be distributed as follows:

(A) To the Retail Store:

- (1) From each \$0.05 surcharge collected, \$0.01 will remain with the store; however, a store that chooses to offer a carry-out bag credit program to its customers, as outlined in subsection (2) will retain an additional \$0.01 from each surcharge collected, for a total of \$0.02 per surcharge collected.

- (2) For an establishment to retain an additional \$0.01 from each surcharge collected, its carry-out bag credit program must:
  - (a) Credit the consumer a minimum of \$0.05 for each carry-out bag provided by the consumer for packaging their purchases, regardless of whether the bag is paper, plastic, or reusable;
  - (b) Be prominently advertised at each checkout register; and
  - (c) Reflect the total credit amount on the consumer transaction receipt.
- (3) The portion of the surcharge retained is tax exempt.
- (B) The remaining amount from each surcharge collected shall be submitted to the Office of the Suffolk County Treasurer. On or before September 30, 2012, each retailer collecting the surcharge as provided in this section shall submit a return to the Suffolk County Treasurer that is applicable to the quarter commencing July 1, 2012, on a form prescribed by the Treasurer, together with payment of the quarterly proceeds of the surcharge collected in accordance with the provisions of this section. Each retailer shall submit such return and payment to the Treasurer each calendar quarter thereafter, on or before the last day of the month immediately following the end of each such calendar quarter. The Suffolk County Treasurer shall deposit any such payment in a Designated Fund for Storm Water Remediation, as established in Section 6 of this law.

**Section 6. Designated Surcharge Account; Use of Monies.**

There is hereby established an account to be known as the Designated Fund for Storm Water Remediation which shall be a separate, non-lapsing account within the General Fund. Monies collected by the Suffolk County Treasurer pursuant to this law shall be deposited in this account and shall only be expended for water quality protection programs and land stewardship initiatives as are authorized in Section C12-2(B) of the SUFFOLK COUNTY CHARTER.

**Section 7. Enforcement.**

Whenever any retail store fails to collect and pay over the proceeds of the surcharge and/or pay any penalties or interest imposed by this law as provided herein, the Suffolk County Treasurer shall have the authority to request that the County Attorney bring an action to enforce the payment of the same on behalf of the County of Suffolk and to seek the civil penalties authorized by this law.

**Section 8. Rules and Regulations.**

The Suffolk County Treasurer is hereby authorized and empowered to promulgate rules and regulations necessary to enforce this law.

**Section 9. Penalties.**

- (A) Whenever the proceeds of such surcharge is not paid to the County when due, a penalty of ten percent (10%) of the amount due or Fifty Dollars (\$50.00), whichever is greater, shall be added to the amount due and such penalty shall immediately accrue, and thereafter such proceeds shall bear interest at the rate of one and one-half percent (1.5%) per month until the same is paid.
- (B) The Suffolk County Treasurer shall cause copies of a form prescribed for submitting returns as required under Section 5 of this Local Law to be distributed throughout the County. Failure to receive such forms shall not be construed to relieve anyone subject to the provisions of this Local Law from the obligations of submitting a return, together with payment of such proceeds within the time required.
- (C) Any violation of this law shall be punishable by a civil fine of Five Hundred Dollars (\$500.00) for each violation.

**Section 10. Reverse Preemption**

This law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar Statewide legislation has been enacted for the purposes of triggering the provisions of this section.

**Section 11. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 12. 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 13. 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 14. Effective Date.**

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

DATED:

APPROVED BY:

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

Date:

s:/laws/refile 1418-09- plastic bags

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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P.O. BOX 6100  
HAUPPAUGE, NY 11788-0099  
(631) 853-5494 (PHONE)  
(631) 853-4415 (FAX)

DATE: AUGUST 2, 2011

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 2011

TITLE: I.R. NO. -2011; A LOCAL LAW TO REDUCE THE USE OF DISPOSABLE BAGS BY RETAIL STORES

SPONSOR: LEGISLATOR VILORIA-FISHER

DATE OF RECEIPT BY COUNSEL: 8/2/11 PUBLIC HEARING: 8/16/11

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

This proposed local law would require all retail stores in Suffolk County to charge a Five Cent (\$0.05) surcharge for each disposable bag it provides to its customers. Disposable bags are defined as paper or plastic bags, used to carry purchased goods, but does not include bags utilized to store produce, flowers, baked goods, meat or dry cleaned items, paper bags used to store pharmaceuticals or newspaper delivery bags. The surcharge will be collected by the retail store from the customer. The surcharge will be distributed as follows:

- a) One Cent (\$0.01) shall remain with the retail store; retail stores offering a bag credit program to their customers shall retain an additional one cent (\$0.01). To be eligible for the additional one cent (\$0.01) incentive, the store must credit its customers a minimum of Five Cents (\$0.05) for each provided by the customer to package their purchases. Such a program must be prominently advertised and the bag credit must be reflected on the receipt.
- b) The remaining amount from each surcharge collected shall be submitted to the Office of the Suffolk County Treasurer on a quarterly basis beginning on July 1, 2012. These funds shall be deposited by the Treasurer in a designated fund which shall be expended for water quality protection programs and land stewardship initiatives.

Any retail store which does not remit surcharge proceeds to the County when due shall incur a penalty equal to ten percent (10%) of the amount due or Fifty Dollars (\$50.00), whichever is greater, in addition to the amount due. Interest on any late remittance and penalties shall accrue at the rate of one and one-half percent (1.5%) per month until it is paid. Violations of this law shall also be punishable by a civil fine of Five Hundred Dollars (\$500.00) per violation.

If a retail store fails to collect and remit the surcharge proceeds and/or pay any penalties or interest incurred to the Suffolk County Treasurer, the Treasurer shall have the authority to request that the County Attorney bring an action to enforce the payment and seek civil penalties as authorized by this law.

This law will be administered by the Office of the Suffolk County Treasurer.

A handwritten signature in black ink, appearing to read "George Nolan". The signature is fluid and cursive, with a large initial "G" and "N".

**GEORGE NOLAN**  
**Counsel to the Legislature**

s:\rule28\28-disposable bag surcharge-2011

1717

Intro. Res. No. - 2011

Laid on Table

8/2/11

Introduced by Presiding Officer on request of the County Executive

**RESOLUTION NO. -2011, AUTHORIZING THE  
LEASE OF PREMISES LOCATED AT 3500 SUNRISE  
HIGHWAY, GREAT RIVER, NY FOR USE BY THE  
DEPARTMENT OF HEALTH SERVICES**

**WHEREAS**, the County's Department of Health Services administrative and clinical services are currently operating from two facilities located at 220 and 225 Rabro Drive in Hauppauge; and

**WHEREAS**, the Department of Health Services wishes to consolidate its operations into one facility in an effort to achieve greater efficiencies and reduce redundancies; and

**WHEREAS**, the County's Department of Health Services is desirous of entering into a lease with Metropolitan Realty Associates LLC for the rental of 63,402 square feet of office and administrative space at 3500 Sunrise Highway, Great River; and

**WHEREAS**, the landlord and the County have agreed to a eleven (11) year four (4) month lease, which lease includes a 16 month period rent free, to commence on or about March 1, 2012; and

**WHEREAS**, the annual rate of escalation will be three (3) percent per annum; and

**WHEREAS**, the Space Management Steering Committee recommended the approval of the lease terms at its June 23, 2011 meeting; and

**WHEREAS**, sufficient funds are included in the 2013 Operating Budget for lease payments to be made in connection with the premises; now, therefore, be it

**1<sup>ST</sup> RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.59(c)(20) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-109 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. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this law; and be it further

**2<sup>ND</sup> RESOLVED**, that the County Executive be and hereby is authorized to execute a eleven (11) year four (4) month Lease in accordance with the terms and conditions of this resolution and in substantial conformance with the form annexed; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Executive be and hereby is authorized to execute a Tenant Agency Compliance Agreement in a form reviewed and approved by the County Attorney; and be it further

**4<sup>th</sup> RESOLVED**, annual rent for the entire Premises commencing on or about March 1, 2012 shall be \$0. Rent for the second year shall be \$1,092,536 beginning on or about July 1, 2013, but shall be pro-rated to \$728,358 due to four-month free-rent period. Annual rent escalations shall be three (3) percent per annum and based on full rent for year two of lease.

DATED:

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County Executive of Suffolk County  
Date of Approval:

1718

Intro. Res. No. -2011

Laid on Table 8/2/2011

Introduced by the Presiding Officer on Request of the County Executive

**RESOLUTION NO. -2011, EXERCISING THE  
OPTION TO RENEW COUNTY CONTRACT WITH ACS  
STATE & LOCAL SOLUTIONS, INC. FOR PROVISION OF  
RED LIGHT CAMERA SERVICES**

**WHEREAS**, the New York Vehicle and Traffic Law Section 1111-b authorizes and empowers the County of Suffolk to install and operate traffic-control signal photo violations-monitoring devices at no more than fifty intersections within and under the jurisdiction of the County; and

**WHEREAS**, Suffolk County Local Law No. 20-2009, codified in Chapter 467 of the Suffolk County Regulatory Local Laws, authorized the implementation of a Red Light Camera Program in Suffolk County pursuant to which an owner of a vehicle shall be liable for a penalty if such vehicle is used or operated with the permission of the owner, express or implied, in violation of Section 1111(d) (traffic-control signal indications) of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a traffic-control signal photo violation-monitoring system; and

**WHEREAS**, on August 13, 2009, the County issued a Request for Proposals (RFP) seeking professional services to plan, design, implement, operate, maintain, and manage a Red Light Camera Program in Suffolk County; and

**WHEREAS**, after reviewing the RFP responses, an RFP committee awarded a contract to ACS State & Local Solutions, Inc., and on March 31, 2010 the County, through its Department of Public Works (DPW), executed a two-year contract with that company for operation and management of the Suffolk County Red Light Camera Program; and

**WHEREAS**, pursuant to the terms advertised in the County's RFP, the contract with ACS State & Local Solutions, Inc. contains one option to renew for the period through March 31, 2015; and

**WHEREAS**, since the execution of the contract, the Red Light Program has been implemented at no cost to the County, while ACS State & Local Solutions, Inc. has expended a great deal of capital in furtherance of establishing the program; and

**WHEREAS**, at this time the County would like to exercise its ability to install additional cameras at the existing fifty intersections already authorized by New York Vehicle and Traffic Law Section 1111-b; and

**WHEREAS**, ACS State & Local Solutions, Inc. is willing to expend further capital in order to install these additional cameras, but, given the costs and time involved, requires that the County exercise the option to renew its contract until March 31, 2015, in order that it may be able to recoup some of its capital expenditures; and

**WHEREAS**, in order to ensure continuity of services and to begin the installation of additional cameras at the existing authorized fifty intersections, the County wishes to

exercise an option to renew the ACS State & Local Solutions, Inc. contract at this time through March 31, 2015; now therefore be it

**1st**           **RESOLVED**, that this Legislature hereby authorizes DPW to exercise the option to renew the County's contract with ACS State & Local Solutions, Inc. through March 31, 2015; and be it further

**2nd**           **RESOLVED** that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/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.

DATED:

APPROVED BY:

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

Date of Approval:

1719

Intro. Res. No. -2011  
Introduced by Legislator Romaine

Laid on Table 8/2/11

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW NO.  
-2011, A LOCAL LAW TO SAVE TAXPAYER DOLLARS ON  
COUNTY SIGNS AND PRINTED PUBLICATIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2011, a proposed local law entitled, "**A LOCAL LAW TO SAVE TAXPAYER DOLLARS ON COUNTY SIGNS AND PRINTED PUBLICATIONS**" now, therefore, be it

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

**LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO SAVE TAXPAYER DOLLARS ON COUNTY  
SIGNS AND PRINTED PUBLICATIONS**

**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 County of Suffolk produces thousands of pages of printed material each year, including brochures, forms and other necessary publications.

This Legislature also finds and determines that many of these documents contain the names of County elected and appointed officials.

This Legislature further finds and determines that each time a new elected or appointed County official enters public office, the printed materials from the previous official are discarded and documents with the name of the new official are printed.

This Legislature finds that this system of printing materials each time a new official takes office is a waste of taxpayer dollars and environmental resources.

This Legislature determines that in the interest of conserving County resources, publications, brochures and forms used in County government should not contain the name of any appointed or elected official, except for letterhead and directory listings.

This Legislature also finds that removing the names of elected and appointed officials from County publications will also prevent the use of those documents as free advertising.

This Legislature further finds that the names of elected and appointed officials are also listed on signs by the entrances to County parks and other County facilities.

This Legislature determines that the County wastes valuable taxpayer dollars on changing these signs when new officials enter office as well.

This Legislature finds that the names of elected and appointed officials on most signs in the County are unnecessary and that ending this continued practice will save precious County resources.

Therefore, the purpose of this law is to require that all signs publications, brochures and forms used in County government do not contain the names of any elected or appointed officials.

### **Section 2. Requirements.**

No sign, printed publication, brochure, or form used by the County of Suffolk shall contain the name of any elected or appointed County official.

### **Section 3. Exemptions.**

This requirement shall not apply to individual or departmental letterhead, directory listings or directory signs.

### **Section 4. Applicability.**

This law shall apply to all materials printed on or after the effective date of this law.

### **Section 5. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

### **Section 6. SEQRA Determination.**

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

### **Section 7. Effective Date.**

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

DATED:

APPROVED BY:

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

Date:

s:\laws\l-prohibit officials names publications

**OFFICE OF THE COUNTY LEGISLATURE**

COUNTY OF SUFFOLK

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



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HAUPPAUGE, NY 11788-0099  
(631) 853-5494 (PHONE)  
(631) 853-4415 (FAX)

**DATE:** August 2, 2011  
**TO:** CLERK OF THE COUNTY LEGISLATURE  
**RE:** MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

-----  
PROPOSED LOCAL LAW YEAR 2011

**TITLE:** I.R. NO. -2011; A LOCAL LAW TO SAVE TAXPAYER DOLLARS ON COUNTY SIGNS AND PRINTED PUBLICATIONS

**SPONSOR:** LEGISLATOR ROMAINE

**DATE OF RECEIPT BY COUNSEL:** 8/2/11      **PUBLIC HEARING:** 8/16/11  
**DATE ADOPTED/NOT ADOPTED:** \_\_\_\_\_      **CERTIFIED COPY RECEIVED:** \_\_\_\_\_

This proposed local law would prohibit signs, printed publications, brochures or forms used by the County of Suffolk from including the name of any elected or appointed official. This requirement shall not apply to individual or departmental letterhead, directory listings or directory signs.

This law will take effect 120 days following its filing in the Office of the Secretary of State.

A handwritten signature in black ink, appearing to read "George Nolan". The signature is fluid and cursive, written over a large, light-colored scribble or mark.

**GEORGE NOLAN**  
Counsel to the Legislature

**GN:**

s:\rule28\28-signs and printed materials

1720

Intro. Res. No. -2011  
Introduced by Legislator Browning

Laid on Table

8/2/11

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW NO. -2011, A LOCAL LAW TO INCREASE THE NUMBER OF RESIDENTS ELIGIBLE FOR FIRST TIME HOMEBUYER AUCTIONS IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2011, a proposed local law entitled, "**A LOCAL LAW TO INCREASE THE NUMBER OF RESIDENTS ELIGIBLE FOR FIRST TIME HOMEBUYER AUCTIONS IN SUFFOLK COUNTY**" now, therefore, be it

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

**LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO INCREASE THE NUMBER OF RESIDENTS ELIGIBLE FOR FIRST TIME HOMEBUYER AUCTIONS 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 Article 36 of the SUFFOLK COUNTY ADMINISTRATIVE CODE regulates the County's first-time homebuyer's auction for qualified individuals and families seeking to purchase their first home.

This Legislature also finds and determines that Article 36 currently restricts bidding at the first-time homebuyer's auction to those whose income does not exceed 80% of the HUD established median income limits for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA), adjusted by family size.

This Legislature further finds and determines that some parcels in the County's inventory have not sold after being offered at multiple auctions.

This Legislature finds that the County of Suffolk should increase the median income limit at first-time homebuyer's auctions to expand the pool of eligible bidders.

This Legislature determines that expanding the pool of bidders at the first-time homebuyer's auction will increase the number of parcels sold, removing them from the County's inventory and returning them to the tax rolls.

Therefore, the purpose of this law is to increase the maximum eligible income for the County's first-time homebuyer's auction from 80% of the HUD median income limits for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA), adjusted by family size, to 120% of same.

**Section 2. Amendments.**

Section A36-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**ARTICLE XXXVI, Affordable Housing**

\*\*\*\*

**§ A36-2. Suffolk County housing opportunities programs.**

A. First-time homebuyers' auction:

(1) Habitable improved parcels shall be offered for sale at public auction exclusively to first-time homebuyers whose income does not exceed ~~[80%]~~ 120% of the HUD established median income limits for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA) adjusted by family size.

(2) Deed restrictions.

(a) Parcels transferred pursuant to this section must be to a first-time homebuyer and shall contain deed restrictions as follows:

[1] Property must remain the principal residence of the first-time homebuyer for a period of at least five consecutive years; and

[2] Income of first-time homebuyer must not exceed ~~[80%]~~ 120% of the HUD established median income limits for the Nassau-Suffolk PMSA adjusted by family size.

[3] Failure to comply with any of the restrictions herein shall result in the property reverting to Suffolk County.

\*\*\*\*

**Section 3. Applicability.**

This law shall apply to all actions occurring 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 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\l-amend first time homebuyer auction

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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HAUPPAUGE, NY 11788-0099  
(631) 853-5494 (PHONE)  
(631) 853-4415 (FAX)

**DATE:** August 2, 2011  
**TO:** CLERK OF THE COUNTY LEGISLATURE  
**RE:** MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

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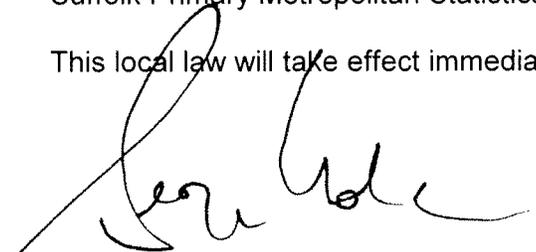
PROPOSED LOCAL LAW YEAR 2011

**TITLE:** I.R. NO. -2011; A LOCAL LAW TO INCREASE THE NUMBER OF RESIDENTS ELIGIBLE FOR FIRST TIME HOMEBUYER AUCTIONS IN SUFFOLK COUNTY  
**SPONSOR:** LEGISLATOR BROWNING

**DATE OF RECEIPT BY COUNSEL:** 8/2/11      **PUBLIC HEARING:** 8/16/11  
**DATE ADOPTED/NOT ADOPTED:** \_\_\_\_\_      **CERTIFIED COPY RECEIVED:** \_\_\_\_\_

This proposed local law would amend Section A36-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to increase the income cap on bidders at the County's first-time homebuyer's auctions from 80% of the HUD established median income limits for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA), adjusted by family size, to 120% of same.

This local 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-amend first time homebuyer auction

1721

Intro. Res. No. -2011  
Introduced by Legislator Browning

Laid on Table

**RESOLUTION NO. -2011, AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF ABANDONMENT OF THE INTEREST OF THE COUNTY OF SUFFOLK IN PROPERTY DESIGNATED AS TOWN OF BROOKHAVEN, SUFFOLK COUNTY TAX MAP NO. 0200-545.00-01.00-003.00, PURSUANT TO THE SUFFOLK COUNTY TAX ACT**

**WHEREAS**, the County of Suffolk acquired property in the Town of Brookhaven, designated as Suffolk County Tax Map No. 0200-545.00-01.00-003.00, by tax deed dated September 28, 2009 for unpaid taxes for the years of 2004/2005 and 2005/2006; and

**WHEREAS**, it has been determined that the subject property was owned by Feed My Sheep Church; was property exempt from the payment of property taxes and, therefore, the property should not have been taken; and

**WHEREAS**, New York State Senate bill S5216 and Assembly bill A7791 were enacted to apply the tax exemption to the subject parcel from the years of 2010/2011, which supplemented the church's tax exemptions in previous years; and

**WHEREAS**, Feed My Sheep Church has agreed to pay the County for back taxes owed for the years of 2004/2005 and 2005/2006, for which they have not received an exemption; now, therefore be it

**1st RESOLVED**, that pursuant to Sections 40-c and 40-d of the SUFFOLK COUNTY TAX ACT, Suffolk County's tax deed to the subject property will be cancelled and the Director of the Division of Real Property Acquisition and Management and/or his or her designee is authorized to file a Certificate of Abandonment of Claim of Title, which Suffolk County holds pursuant to said tax deed; and be it further

**2nd RESOLVED**, that the Certificate of Abandonment of Claim of Title shall only be filed upon receipt by the County Treasurer of the taxes owed by Feed my Sheep Church for the years 2004/2005 and 2005/2006; and be it further

**3rd RESOLVED**, all monies due to the County of Suffolk for accrued taxes, penalties and interest, as calculated by the Treasurer of the County of Suffolk, shall be charged against the Town of Brookhaven which shall be assessed, levied and collected and paid to the County Treasurer.

DATED:

APPROVED BY:

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

Date:

s:\res\lr-abandon interest feed my sheep church

1722

Intro. Res. No. -2011  
Introduced by Legislator Nowick

Laid on Table 8/2/11

**RESOLUTION NO. -2011, AUTHORIZING USE OF  
BLYDENBURGH COUNTY PARK BY ROTARY CLUB OF  
COMMACK – KINGS PARK, INC.**

**WHEREAS**, the Rotary Club of Commack – Kings Park has been a part of the Rotary International for over forty years; and

**WHEREAS**, the Commack – Kings Park Rotary has been involved in raising money for many local causes, including Hoyt Farm in Commack, and international projects, such as eradicating polio and supporting the Gift of Life Program, which provides medical and surgical care for children with heart disease from third world counties; and

**WHEREAS**, the Commack – Kings Park Rotary is hosting a fund raising event called “Strut Your Mutt and Tote Your Tabby”; and

**WHEREAS**, this event will be held on Sunday, September 25, 2011 at Blydenburgh County Park; and

**WHEREAS**, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by the Rotary Club of Commack – Kings Park, Inc.; and

**WHEREAS**, the County of Suffolk shall receive consideration in the total amount of One Hundred Dollars and 00/100 (\$100.00), payment of which shall be guaranteed by the Rotary Club of Commack – Kings Park, Inc.; now, therefore be it

**1st RESOLVED**, that the use of County-owned property, i.e., Blydenburgh County Park, in consideration of the payment of One Hundred Dollars and 00/100 (\$100.00), for the purpose of hosting a parade, event show and other smaller events within on Sunday, September 25, 2011, between the hours of 9:00 a.m. and 5:00 p.m., is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the County’s receipt of a Certificate of Insurance naming the County of Suffolk as an additional insured from the Rotary Club of Commack – Kings Park, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

**2nd RESOLVED**, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER and Section 378-7 of the SUFFOLK COUNTY CODE to issue a permit to the Rotary Club of Commack – Kings Park, Inc. The Department of Parks, Recreation and Conservation and the County Department of Public Works are further authorized, empowered and directed to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fund drive for the Rotary Club of Commack – Kings Park, Inc.; and be it further

**3rd RESOLVED**, that the Rotary Club of Commack – Kings Park, Inc., shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink and require these vendors to

display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

**4th**           **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

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

DATE:

s:\res\r-use-blydenburgh-park-commack-kings-park-rotary

1723

8/2/11

Intro. Res. No. -2011 Laid on Table  
Introduced by Legislators Lindsay, Kennedy, Cooper and Nowick

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW  
NO. -2011, A CHARTER LAW TO UPDATE AND  
STRENGTHEN ETHICS AND DISCLOSURE RULES**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2011 a proposed local law entitled, "**A CHARTER LAW TO UPDATE AND STRENGTHEN ETHICS AND DISCLOSURE RULES**"; now, therefore, be it

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

**LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO UPDATE AND STRENGTHEN ETHICS AND  
DISCLOSURE RULES**

**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 an effective ethics law has three essential components: a comprehensive and understandable code of ethics; common sense financial disclosure requirements; and an effective and independent board to administer the ethics and disclosure requirements.

This Legislature further finds that the County's Ethics Code has not been meaningfully updated in over 20 years. The Code of Ethics needs to be updated to provide clear and coherent guidance to county officials and employees so they can avoid conflicts of interest.

This Legislature finds that the County's financial disclosure law also needs to be updated to better elicit information which may reveal potential, significant violations of the ethics code.

This Legislature further finds that the County's ethics and financial disclosure rules should be consolidated in one section of the County Code so officials and employees can access this important information more easily.

Therefore, the purpose of this law is to promote integrity and public confidence in County government by enacting a revised code of ethics and financial disclosure law that is clear, coherent and comprehensive.

**Section 2. Amendments.**

Article XXX of the SUFFOLK COUNTY ADMINISTRATIVE CODE and Chapter 61 of the SUFFOLK COUNTY CODE are hereby repealed in their entirety. A new Chapter 61 of the SUFFOLK COUNTY CODE is hereby enacted to read as follows:

## CHAPTER 61, CODE OF ETHICS AND FINANCIAL DISCLOSURE

### Article I, Code of Ethics

#### **§ 61-1. Definitions.**

“Advisory Committee” means a committee, council, task force or similar entity constituted to provide advice or recommendations to the County and having no authority to take a final action on behalf of the County or to take any action that would have the effect of conditioning, limiting or requiring any final action by any other agency.

“Agency” means a department, division, bureau, board, commission, advisory committee, office or other agency of County government.

“Agency served by a public official” means a) in the case of a County employee, the agency employing such employee, or b) in the case of an unpaid public servant, the agency which exercises control of the unpaid public servant or the agency to whom the public servant reports.

“Appear” means to make any communication, for compensation, other than those involving ministerial matters.

A person or firm “associated” with a public servant includes a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial interest; and each firm in which the public servant has an interest.

“Board” means the Board of Ethics.

“Business dealings with the County” means any transaction with the County involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, or any license, grant or benefit, and any performance with respect to any of the foregoing, but shall not include any transaction involving a public servant’s residence or any ministerial matter.

“County” means the County of Suffolk or any agency of the County of Suffolk.

“County employee” means all elected officials and public servants who are employed by the County and compensated for their services but shall not include members of occupational licensing boards.

“Elected Official” means a person holding office as County Executive, District Attorney, Clerk, Comptroller, Treasurer, Sheriff or member of the County Legislature.

“Firm” means a sole proprietorship, joint venture, partnership, corporation or any other form of business enterprise.

“Interest” means a financial interest in a firm or a position with a firm.

“Member” means a member of the Board of Ethics.

“Ministerial matter” means an administrative act, including the issuance of a license, permit or other permission of the County, which is carried out in a prescribed manner and which does not involve substantial personal discretion.

“Ownership interest” means an interest in a firm held by a public servant, or the public servant’s spouse, domestic partner or unemancipated child, which exceeds five percent (5%) of the firm or an investment of twenty-five thousand dollars in cash or other form of commitment, whichever is less, and any lesser interest in a firm when the public servant, or the public servants’ spouse, domestic partner or unemancipated child is an officer of the firm or exercises managerial control or responsibility regarding such firm, but shall not include interests held in any pension plan, deferred compensation plan or mutual fund, the investments of which are not controlled by the public servant, the public servant’s spouse, domestic partner or unemancipated child.

“Particular matter” means any case, proceeding, application, request for a ruling or benefit, determination, contract, investigation, charge, accusation, arrest or similar action which involves a specific party or parties.

“Political Party Officer” means a chairperson of any county political party committee elected pursuant to § 2-112 of New York Election Law or the chairperson of any duly constituted town political party committee.

“Position” means a position in a firm, such as an officer, director, trustee or employee, or any management position, or as an attorney, agent, broker or consultant to the firm, which does not constitute an ownership interest in the firm.

“Public servant” means all officials, officers and employees of the County, but shall not include members of advisory committees.

“Spouse” means a husband or wife of a public servant who is not legally separated from such public servant.

“Supervisor” means any person having the authority to control or direct the work of a public servant.

“Unemancipated child” means any son, daughter, step-son or step-daughter who is under the age of eighteen (18), unmarried and living in the household of the public servant.

**§ 61-2. Prohibited interests in firms doing business with the County.**

- A. No public servant shall have an ownership interest in a firm which such public servant knows is engaged in business dealings with the department or agency served by such public servant.
- B. No County employee shall have an ownership interest in a firm which such employee knows is engaged in business dealings with the County.
- C. An individual who, prior to becoming a public servant, has an ownership interest which would be prohibited under this section; or a public servant who has an ownership interest and did not know of a business dealing which would cause the interest to be prohibited,

but has subsequently gained knowledge of such business dealing; or a public servant who holds an ownership interest which, subsequent to the public servant's acquisition of the interest, enters into a business dealing which would cause the ownership interest to be prohibited; or a public servant, who by operation of law, obtains an ownership interest which would be prohibited shall, prior to becoming a public servant or, if already a public servant, within fifteen (15) days of knowing of the business dealing, either

1. Divest of the ownership interest; or
  2. Disclose to the Board such ownership interest and comply with its order.
- D. When an individual or public servant discloses an ownership interest to the Board pursuant to subsection (C) of this section, the Board shall issue an order setting forth its determination as to whether or not such interest, if maintained, would be in conflict with the proper discharge of the public servant's official duties. In making such determination, the Board shall take into account the nature of the public servant's duties, the manner in which the interest may be affected by any action of the County, and the appearance of conflict. If the Board determines a conflict exists, the Board's order shall require divestiture or such other action as it deems appropriate which may mitigate such conflict.

**§ 61-3. Prohibited conduct.**

- A. A public servant who has an interest in a firm which is not prohibited by § 61-2, shall not take any action as a public servant particularly affecting that interest.
- B. No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.
- C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding twelve (12) months.
- D. No public servant shall disclose any confidential information concerning the property, affairs or government of the County which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public or use such information to advance any financial or private interest of the public servant or of any person associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.

- E. No public servant shall solicit or accept any gift having a value of seventy-five dollars (\$75) or more, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the County.
- F. No public servant shall, for compensation, represent private interests before any county agency or appear directly or indirectly on behalf of private interests in matters involving the County. For a public servant who is not a county employee, this prohibition shall apply only to the agency served by the public servant.
- G. No public servant shall appear as attorney or counsel against the interests of the County in any litigation in which the County is a party, or in any action or proceeding in which the County, or any public servant of the County, acting in the course of official duties, is a complainant, provided that this subsection shall not apply to an elected official representing himself or herself, or to a public servant employed by an elected official who appears as attorney or counsel for that elected official, in any litigation, action or proceeding in which the elected official has standing and authority to participate by virtue of his or her capacity as an elected official. This subsection shall not apply to an elected official who represents himself or herself in an election law matter or to a public servant who represents a defendant in a criminal proceeding. For a public servant who is not a county employee, this prohibition shall apply only to the agency served by the public servant.
- H. No public servant shall coerce or attempt to coerce, by intimidation, threats or otherwise, another public servant to engage in political activities or participate in a political campaign. Participation in a political campaign shall include managing or aiding in the management of a campaign, soliciting votes, circulating nominating petitions or canvassing voters for a particular candidate or performing similar acts which are unrelated to the public servant's duties or responsibilities.
- I. No public servant shall compel, induce or request any person to make a monetary or in-kind contribution to any candidate for elected office, committee or political party under threat of prejudice to, or promise of, advantage in rank, compensation or other job-related status.
- J. No public servant shall receive compensation for performing any official duty except from the County or accept or receive any gift or gratuity from any person or entity whose interests may be affected by the public servant's official action or whose interests have been affected by the public servant's official action.
- K. No public servant shall attempt to influence the course of any proposed legislation in the County Legislature that will affect an interest of the public servant or the interest of a person or firm associated with the public servant without publicly disclosing to the Legislature the nature and extent of the private interest.

- L. No public servant shall give or promise to give any portion of his or her compensation, or any money or valuable thing to any person in consideration of having been nominated, appointed, elected or employed as a public servant.
- M. No public servant shall make personal use of County letterhead, personnel, equipment, supplies or resources.

**§ 61-4. Prohibition on Dual Office-Holding.**

- A. No political party officer shall be eligible to serve as an elected official, department commissioner, assistant district attorney or member of any board, commission, authority, or public benefit corporation whose members are appointed by the County Executive or County Legislature.
- B. No elected official shall hold another paid position of employment with the County or a paid position of employment with any department, office, commission, board or agency of the United States of America, New York State, any town or village government, or public benefit corporation created under the provisions of New York State law. This provision shall not apply to an elected official who also hold a position as a teacher in a public school district or a professor at a public university or college.

**§ 61-5. Exemptions.**

- A. This article shall not prohibit:
  - 1. An elected official from appearing without compensation before any county agency on behalf of constituents in the performance of his or her public duties and responsibilities;
  - 2. A public servant from accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs;
  - 3. An elected official from proposing or voting on a measure that will provide a benefit to the elected official, if the benefit will be available to county residents generally or to a substantial class of residents to which the public servant belongs;
  - 4. A public servant or public servant's spouse from acting as an attorney, agent, broker, officer, director or consultant for any not-for-profit corporation or other entity which operates on a not-for-profit basis, which has business dealings with the County, provided that such public servant takes no direct or indirect part in such business dealings and that the public servant receives no salary or other compensation for such activities;
  - 5. A public servant, other than elected officials, employees of the Division of Real Property Acquisition and Management and any other public servant whose functions

and responsibilities relate to County real property matters, from bidding on and purchasing any County-owned property at public auction.

6. A contract between the County and a public servant for instructing approved Emergency Medical Services training service programs.
7. A contract between the County and a public servant for the purpose of providing a foster home for a child under the care of the Suffolk County Department of Social Services, unless the public servant's official responsibilities include approving, authorizing or auditing foster care payments.
8. An elected official from accepting an invitation to, and attending and participating in an event sponsored by a community group or organization.

**§ 61-6. Post-employment restrictions.**

- A. No public servant shall solicit, negotiate for or accept employment with any firm which is involved in business dealings with the County while such public servant is directly concerned with or personally participating in those business dealings on behalf of the County. This prohibition shall not apply to positions in the federal, state or any local government.
- B. No former public servant shall appear, within a one year period after his or her separation from County service, before the County agency served by such public servant.
- C. No person who has served as a public servant shall appear before the County, or receive compensation for any services rendered, in relation to any particular matter in which such person had participated personally and substantially as a public servant through decision, approval, recommendation, investigation or other similar activities.
- D. No elected official shall appear before any agency in the branch of county government served by such elected official with a period of one year after such official's separation from County service. For the purposes of this section, the executive branch consists of all agencies of the County, except the County Legislature. This prohibition shall not apply to a former elected official who appears before a county agency on behalf of another governmental entity as an elected representative or employee.
- E. No public servant shall, after leaving County service, disclose or use for private advantage any confidential information gained from County service which is not otherwise available to the public; however, this shall not prohibit any former public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involved waste, inefficiency, corruption, criminal conduct or conflict of interest.

- F. No elected official may resign prior to the completion of his or her term office and be employed by the County in any other position for a period of one year after his or her resignation.
- G. No elected official may resign prior to the completion of his or her term of office and be employed with a certified employee organization which engages in collective bargaining negotiations with the County, for a period of one year after his or her resignation.
- H. No elected official whose term of office has expired may accept employment with a certified employee organization which engages in collective bargaining negotiations with the County, for a period of one year after the expiration of his or her term.
- I. Nothing contained in this section shall prohibit a former public servant from being associated with or having a position in a firm which appears before a County agency or from acting in a ministerial matter regarding business dealings with the County.

**§ 61-7. Recusal and Disclosure.**

- A. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the code of ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding twelve months.
- B. Whenever a public servant is required to recuse himself or herself under the code of ethics, he or she:
  - 1. shall promptly inform his or her immediate supervisor, if any;
  - 2. shall promptly file with the Board a signed statement disclosing the nature and extent of the prohibited action; and
  - 3. shall immediately refrain from participating further in the particular matter.

**§ 61-8. Disclosure Involving County contracts.**

- A. Where a county employee has, or acquires, an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement with the County, the county employee shall disclose the nature and extent of that interest in writing to his or her immediate supervisor and to the Board as soon as he or she has knowledge of the actual or prospective interest.
- B. For the purposes of this section, "interest" means a direct or indirect pecuniary or material benefit accruing to the employee as a result of a contract with the County. A county employee shall be deemed to have an interest in the contract of:

1. his or her spouse, except as to their spouse's employment agreement with the County;
2. a firm, partnership, or association of which the county employee is a member or employee; and
3. a corporation of which the county employee is an officer, director or employee.

**§ 61-9. Penalties.**

- A. Upon a determination by the Board that a violation of § 61-2 or § 61-3 involving a contract, sale or other transaction, has occurred, the County may elect to void the contract, sale or transaction in question.
- B. Upon a determination by the Board that a violation of § 61-2, § 61-3, § 61-7 or § 61-8 of this Article has occurred, the Board shall have the authority to impose fines up to ten thousand dollars (\$10,000.00) and to recommend to the hiring authority, suspension or removal of the public servant from office or employment.
- C. Any person who knowingly violates § 61-3, 61-4, § 61-6, § 61-7 or § 61-8 of this Chapter shall be guilty of a misdemeanor and subject to a term of imprisonment not in excess of one year and/or a fine of one thousand dollars (\$1,000).

**Article II, Financial Disclosure**

**§ 61-10. Persons Required to File a Financial Disclosure Statement.**

- A. Notwithstanding any other provision of law to the contrary, the following public servants and persons shall file with the Board the approved disclosure statement by May 15<sup>th</sup> of each year, unless a different date is provided below, answering each and every question contained in the statement:
  1. Elected officials and chairpersons of county political party committees.
  2. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this Article, who has declared his or her intention to seek nomination or election and who has filed a petition for the office of County Executive, District Attorney, Comptroller, Clerk, Treasurer, Sheriff or County Legislature, shall file such statement on or before the last day for filing his or her designating petitions.
  3. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this Article, who has been designated to fill a vacancy in a designation or nomination for the office of County Executive, District Attorney, Comptroller, Clerk, Treasurer, Sheriff or County Legislature shall file such

statement within fifteen (15) days after a certificate designating such person to fill such vacancy is filed with the Board of Elections.

4. Each department head, chief deputy department head and deputy department head.
5. Each employee of the County Executive's office and the County Legislature whose responsibilities include the independent exercise of managerial or policymaking functions, as annually determined by the appointing authority, subject to review by the Board.
6. Each county employee, other than an employee of the County Executive's office and the County Legislature, who holds a policymaking position as annually determined by the head of his or her agency, subject to review by the Board.
7. Each county employee whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of leases, franchises, revocable consents, concessions, licenses, permits and contracts, including those involving the sales, rental, or lease of real property.
8. Members appointed to the Suffolk County Planning Commission, the board of the Suffolk County Off-Track Betting Corporation, the Suffolk County Industrial Development Agency, the Suffolk County Water Authority and the Suffolk County Farmland Committee.

**§ 61-11. Procedures for the Filing and Review of Financial Disclosure Statements.**

- A. Each agency head shall determine by April 1<sup>st</sup> of each year, subject to review by the Board, which persons within the agency are required to submit a financial disclosure statement pursuant to the provisions § 61-10(6) and (7), and shall inform such employees of their obligation to file the statement. All agency heads shall file with the Board, by April 15<sup>th</sup> each year, a list of persons within their agency obligated to file a financial disclosure statement.
- B. The County Executive and the Presiding Officer of the County Legislature shall determine by April 1<sup>st</sup> of each year, subject to review by the Board, which persons within their respective offices are required to submit a financial disclosure statement pursuant to the provisions of § 61-10(5). The County Executive and the Presiding Officer shall file with the Board, by April 15<sup>th</sup> each year, a list of persons within their offices obligated to file a financial disclosure statement.
- C. The Board shall promulgate rules establishing procedures whereby a person required to file an annual financial disclosure statement may request an additional period of time within which to file such report, due to justifiable cause or undue hardship. However, in no case, shall the Board's rules authorize the filing of a statement later than July 15<sup>th</sup> in any year.

- D. Any amendments and changes to a financial disclosure statement made after its filing shall be made on a separate form to be provided by the Board and attached to the statement.
- E. The Board may establish rules and procedures for the electronic filing of financial disclosure statements.

**§ 61-12. Content and Form of Statement.**

- A. The financial disclosure statement filed in any given year shall provide financial information for the preceding calendar year.
- B. The statement set forth in the Exhibit "A", attached hereto and made a part of this law, shall be the approved financial disclosure statement for the County of Suffolk. Notwithstanding any other provision of law to the contrary, each person subject to financial disclosure requirements pursuant to § 61-10, shall file this approved financial disclosure statement, except that the members of the Suffolk County Planning Commission and the Suffolk County Farmland Committee shall complete the statement set forth Exhibit "B", which is attached hereto and made a part of this law.

**§ 61-13. Review of the Statement.**

The Board or its staff will review each financial disclosure statement filed with it to determine if there has been compliance with this Article governing financial disclosure and to determine if there has been compliance with the conflict of interest rules set forth in Article I of this Chapter.

**§ 61-14. Public Inspection of Statements.**

- A. Information filed in financial disclosure statements required by this Article, shall be maintained by the Board and shall be made available for public inspection, upon written request on such form as the Board shall prescribe. The Board shall respond to requests for inspection of financial disclosure statements in the order that they are received and within the time period prescribed by New York's Freedom of Information Law.
- B. Any person required to file a statement may, at the time the statement is filed, submit a request to the Board, in such form as the Board shall require, to withhold any item disclosed therein on the ground that the inspection of such item by the public would constitute an unwarranted invasion of his or her privacy or a risk to the safety or security of any person. The Board shall evaluate such request and any such item shall be withheld from public inspection upon a finding by the Board that the inspection of such item by the public would constitute an unwarranted invasion of privacy or a risk to the safety or security of any person. The Board shall provide a written notification of the

Board's determination to the person who requested that information be withheld from public inspection in a timely manner, and shall not release the information subject to the request until at least ten days after mailing such notification.

- C. Whenever the Board produces a financial disclosure statement for public inspection, the Board shall notify the person who filed the report of the production and of the identity of the person to whom such statement was produced.
- D. Categories of value shall be confidential and this information will be redacted by the Board before a financial disclosure statement is made available for public inspection.

**§ 61-15. Retention of Records.**

Statements filed pursuant to this law shall be retained by the Board for a period of two years following the separation from employment or service by the person who filed the report. In the case of candidates for office who filed statements pursuant to this Article and who were not elected, the statements shall be retained by the Board for a period of two years following the election at which the candidates were defeated.

**§ 61-16. Penalties.**

- A. Any person required to file a statement pursuant to this Article who has not so filed at the end of one week after the required filing date shall be subject to a fine of not less than two hundred and fifty dollars (\$250) or more than one thousand dollars (\$1,000). In determining the amount of the fine, the Board shall consider factors, including but not limited to, the person's failure in prior years to file a report in a timely manner, and the length of the delay in filing. The Board may waive a fine entirely if a person establishes that the failure to file a report in a timely manner was due to illness, injury or other hardship.
- B. If any County employee subject to financial disclosure requirements fails to file a statement as required by this Article, the Board shall notify the County Comptroller of such failure. Upon such notification, the Comptroller shall withhold the paychecks of said employee.
- C. Any intentional violation of this Article, including but not limited to failure to file, failure to include assets or liabilities, and misstatement of assets or liabilities, shall constitute a misdemeanor punishable by imprisonment for not more than one year or by a fine not to exceed one thousand (\$1,000) dollars, or both, and shall constitute misconduct and be grounds for disciplinary action, including removal from employment in the manner provided by law.

**Section 3. Applicability.**

This law shall apply to actions occurring 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 ninety (90) days after its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

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

Date:

s:\laws\cl-ethic code and financial disclosure

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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(631) 853-4415 (FAX)

DATE: AUGUST 2, 2011

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 2011

TITLE: I.R. NO. -2011; A CHARTER LAW TO UPDATE AND STRENGTHEN ETHICS AND DISCLOSURE RULES

SPONSOR: LEGISLATORS LINDSAY, KENNEDY, COOPER AND NOWICK

DATE OF RECEIPT BY COUNSEL: 6/1/11 PUBLIC HEARING: 8/16/11

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

This proposed charter law would establish a new code of ethics for the County's public servants and provide a new financial disclosure statement for County employees and officials.

### I. Code of Ethics

The new code of ethics would bar employees and other County officials from:

- having an ownership interest in a firm doing business with the County.
- taking any action as a public servant that would affect their private financial interests
- disclosing confidential information or using such information to advance their private interest.
- accepting a gift having a value of \$75 or more from any person or firm that does business with the County.
- representing private interest, for compensation before any County agency.
- appearing in any litigation as an attorney against the interests of the County of Suffolk.
- coercing another County employee or official from participating in a political campaign or making a political contribution.
- receiving private compensation for performing an official act.
- making personal use of county personnel, equipment or resources.
- accepting or receiving any gift from a person or entity whose interest may be affected by the public servant's official actions.

The law sets forth procedures for public servants to disclose conflicts of interest and to recuse in matters where a conflict exists. Where a public servant is required to recuse himself or herself from acting in a matter, he or she must so advise their supervisor and the Board of Ethics and immediately refrain from participating in the matter.

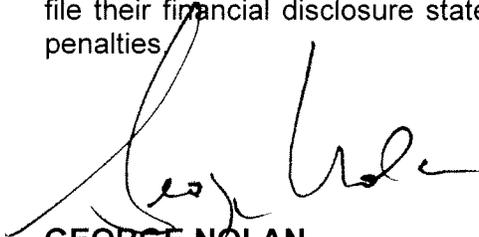
The law authorizes the Board of Ethics to impose fines upon persons who violate the code of ethics and to recommend further disciplinary action against the offender. Violations of the ethics codes are also punishable as a misdemeanor.

## **II. Financial Disclosure**

Elected officials, candidates for County office, department heads, deputy department heads, employees in policy-making positions, employees involved in the negotiation or authorization of leases, licenses, permits and contracts and members appointed to the Planning Commission, the Board of the Suffolk County Off-Track Betting Corporation, the Suffolk County Industrial Development Agency, the Suffolk County Water Authority and the Suffolk County Farmland Committee will be required to file a financial disclosure statement. All officials, with the exception of candidates for County office, will be required to file their statement by May 15th each year. The new financial disclosure statement is attached as an exhibit to the law and it is stated clearly in the law that those persons subject to financial disclosure requirements must file the County form, notwithstanding any provision of law to the contrary.

Financial disclosure statements will be maintained and reviewed by the Board of Ethics and shall be made available for public inspection. The Board is directed to respond to requests for inspection in the order that they are received and within the time frames established by New York State's Freedom of Information Law. Categories of value will continue to be redacted when the forms are released.

Persons who fail to file the disclosure statements in a timely manner will be subject to a fine of not less \$250 and not more than \$1,000; the Board may waive a fine upon a finding of hardship. Additionally, the County Comptroller is authorized to withhold paychecks from employees who do not file their financial disclosure statements and intentional violations of this law are subject to criminal penalties.



**GEORGE NOLAN**  
**Counsel to the Legislature**

**GN:tm**

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**Additional back-up material regarding IR 1723, is on file with the Legislative Clerk's Office. This back-up will also be emailed.**

1723

Exhibit "A"

**COUNTY OF SUFFOLK  
FINANCIAL DISCLOSURE STATEMENT 20\_\_**

LAST NAME	FIRST NAME	M.I.	
HOME ADDRESS (NO., STREET, APT. #)	HOME TEL. NO. (area code)	STATE	ZIP CODE
AGENCY/DEPARTMENT/OTHER		BUSINESS TEL. NO. ( )	
BUSINESS ADDRESS (NO., STREET)	COUNTY	STATE	ZIP CODE
POSITION/TITLE	MARITAL STATUS: ___ SINGLE ___ MARRIED ___ DIVORCED ___ WIDOW/WIDOWER ___ DOMESTIC PARTNER ___ LEGALLY SEPARATED		
SPOUSE OR DOMESTIC PARTNER (IF APPLICABLE)			
LAST NAME	FIRST NAME	M.I.	MAIDEN NAME (WHEN APPLICABLE)
LIST THE NAMES OF ALL UNEMANICIPATED CHILDREN			
LAST NAME	FIRST	LAST NAME	FIRST
LAST NAME	FIRST	LAST NAME	FIRST
LAST NAME	FIRST	LAST NAME	FIRST

- CHECK BOX IF YOU ARE FILING A FINANCIAL DISCLOSURE REPORT BECAUSE YOU CURRENTLY HOLD, OR ARE A CANDIDATE FOR ELECTION TO, ANY OF THE FOLLOWING OFFICES:
- CURRENTLY HOLD                       CANDIDATE FOR ELECTION OR RE-ELECTION
- CANDIDATE FILLING VACANCY                       WRITE-IN CANDIDATE

COUNTY EXECUTIVE

TREASURER

COMPTROLLER

DISTRICT ATTORNEY

CLERK

COUNTY LEGISLATOR \_\_\_ DISTRICT

LOCAL POLITICAL PARTY OFFICIAL





























































**ATTESTATION**

I hereby certify that I have read the foregoing thirty-two-page Statement and that, to the best of my knowledge and belief, it is true, correct and complete and that I have not and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

\_\_\_\_\_  
(Signature)

STATE OF NEW YORK: COUNTY OF SUFFOLK ss:

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_

\_\_\_\_\_  
Notary Public

1724

8/2/11

Intro. Res. No. -2011 Laid on Table  
Introduced by Legislators Lindsay, Kennedy, Cooper and Nowick

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW  
NO. -2011, A CHARTER LAW ESTABLISHING A NEW  
BOARD OF ETHICS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2011 a proposed local law entitled, "**A CHARTER LAW ESTABLISHING A NEW BOARD OF ETHICS**"; now, therefore, be it

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

**LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW ESTABLISHING A NEW BOARD OF ETHICS**

**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 an ethics law cannot succeed without an effective board to oversee and enforce conflicts of interest rules and financial disclosure requirements.

This Legislature also finds that in order to be effective an ethics board must at all times maintain, in perception and reality, an appearance of independence and impartiality.

This Legislature determines that in the past several years, the Suffolk County Ethics Commission has been embroiled in controversy. Initially, questions were raised in the media and elsewhere about the Commission's application of the County's financial disclosure law. Later, the Commission frustrated the Legislature's oversight function when they failed to provide records the Legislature had requested and then initiated a court proceeding to quash subpoenas issued by a special legislative oversight committee.

This Legislature further finds that legislation has been introduced in the County Legislature that would update the County's ethics and financial disclosure laws.

This Legislature also determines that it would be appropriate and prudent to constitute a new board to implement the revised conflict of interest rules and financial disclosure requirements.

This Legislature recognizes that ethics boards, in general, must necessarily conduct much of their business in a way that protects confidential information from public disclosure. Nevertheless, the new ethics board created by this law must operate in the most transparent manner possible.

Therefore, the purpose of this law is to abolish the existing Ethics Commission and to establish a new independent Board of Ethics that will be responsible for enforcing the County's revised ethics and disclosure laws.

**Section 2. Repeal.**

The Suffolk County Ethics Commission is hereby abolished and Article 30 of the SUFFOLK COUNTY CHARTER, Article 30 of the SUFFOLK COUNTY ADMINISTRATIVE CODE and Resolution 532-2009 are repealed in their entirety.

**Section 3. Amendments.**

- I. A new Article 30 of the SUFFOLK COUNTY CHARTER is hereby enacted as follows:

**ARTICLE XXX, BOARD OF ETHICS**

**Section C30-1. Board of Ethics Established.**

There is hereby established a Board of Ethics.

**Section C30-2. Membership of the Board.**

- A. The Board of Ethics shall consist of five (5) members. Two members will be appointed by the County Executive. The Presiding Officer, Majority Leader and Minority Leader of the Suffolk County Legislature will each appoint one member. The appointment of all members will be subject to approval by the County Legislature. The County Executive shall designate one of its members Chairman.
- B. No more than three (3) members of the Board shall belong to the same political party. No person while serving as a member of the Board shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, have business dealings with the County or any elected official, hold any political party office or appear as a lobbyist before the County.
- C. The two members appointed to the Board by the County Executive shall be appointed to initial terms of two years; the members appointed by the Majority Leader and the Minority Leader shall be appointed for initial terms of three years; the member appointed by the Presiding Officer shall be appointed for an initial term of four years. Thereafter, all members will be appointed for terms of four years.
- D. Any vacancy occurring on the Board other than by expiration of a term shall be filled by nomination of a successor by the appropriate appointing authority within 60 days of the creation of the vacancy. The County Legislature shall act on such nomination within 60 days of an appointment resolution being laid on the table for consideration.
- E. Three members of the Board shall constitute a quorum and the Board shall have the power to act by a majority vote of the entire membership of the Board except as otherwise provided by this law.

- F. Members shall receive compensation of two hundred dollars (\$200) for each Board meeting they attend; such compensation shall not exceed four hundred dollars (\$400) per month.
- G. Members may be removed by their appointing authority for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of the requirements of paragraph (B) of this Section, after written notice and opportunity to reply. The removal of members appointed by the Presiding Officer, Majority Leader and Minority Leader must be ratified by the adoption of a procedural motion by the County Legislature.

**Section C30-3. Power and responsibilities**

- A. The Board shall have the authority and responsibility to:
  - 1) Provide ethics training and education to Suffolk County's public servants;
  - 2) Render advisory opinions to Suffolk County's public servants on ethics and conflict of interest issues;
  - 3) Make financial disclosure statement forms available to persons required to file pursuant to Chapter 61, Article 2 of the Suffolk County Code, and review such statements; and
  - 4) Conduct investigations and hearings to determine if ethics violations have occurred and to impose penalties as authorized by local law.
- B. The Board shall promulgate rules as are necessary to implement the provisions of Chapter 61 of the Suffolk County Code and to govern its procedures. Such rules shall be made publicly available and posted on the County's website.

**Section C30-4. Staffing.**

- A. The Board, by a majority vote of the Board's entire membership, shall appoint an executive director and independent counsel and such other staff as may be necessary to exercise its powers and fulfill its obligations. The power to appoint and retain an executive director, independent counsel and other staff shall be subject only to available appropriations provided therefor in the County operating budget and the actual appointment and filling of such positions shall not be subject to approval by the County Executive or the Budget Office. The Board shall be deemed the appointing authority for all such personnel. The executive director, independent counsel and support staff shall not be part of the Suffolk County Department of Law and shall not be supervised by the Department of Law. The Board, its staff and funding shall be treated as a separate agency for purposes of presentation and adoption in the annual County operating budget.

B. The Board may delegate authority to the executive director and independent counsel and such delegation shall be defined in writing, provided that the executive director and independent counsel shall not be authorized to issue written advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violation or make final recommendations of, or impose, penalties.

II. A new Article 30 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby enacted as follows:

### **ARTICLE 30, Board of Ethics**

#### **Section A30-1. Definitions.**

“County employee” means all elected officials and public servants who are employed by the County and compensated for their services. This term shall not include members of the County’s occupational licensing boards who receive a per diem stipend for the meetings they attend.

“Elected Official” means a person holding office as County Executive, District Attorney, Clerk, Comptroller, Treasurer, Sheriff or member of the County Legislature.

“Public servant” means all officials, officers and employees of the County, but shall not include members of advisory committees.

#### **Section A30-2. Training and education.**

A. The Board of Ethics shall have the responsibility of informing public servants and assisting their understanding of the conflicts of interest requirements set forth in Chapter 61, Article I of the Suffolk County Code. In fulfilling this responsibility, the Board shall develop a booklet that summarizes conflict of interest rules and conduct at least two (2) ethics training seminars in each even numbered year and one (1) training seminar in each odd numbered year. The Board is authorized to update the ethics training program and ethics booklet as appropriate and necessary.

B. All elected officials shall receive mandatory ethics training at the first available ethics training seminar after the elected official takes office.

C. All county employees appointed by elected officials, including department heads and division heads, shall receive mandatory ethics training at the first available training seminar conducted after the effective date of their appointment.

D. All County employees hired or qualified to serve by the County of Suffolk after the effective date of this law shall receive the ethics booklet prepared by the Board at their orientation session and shall sign a statement that they have received the booklet and understand that they must abide by the conflict of interest rules contained therein during their employment with the County. Such statement shall be maintained in the employee’s personnel file.

- E. Public servants who are not county employees shall receive the ethics booklet from their appointing authority within 30 days after they are qualified to serve the County and shall sign a statement that they have received the booklet and understand that they must abide by the conflict of interest rules contained therein during the time of their service with the County. Such statement shall be maintained by the public servant's appointing or supervising authority.
- F. The failure of a public servant to receive the training, to receive the ethics booklet, or to sign the statement required by this section, shall have no effect on the duty of the public servant to comply with the requirements of Chapter 61 of the Suffolk County Code.

**Section A30-3. Advisory opinions.**

- A. The Board will render advisory opinions with respect to all matters covered by Chapter 61, Article I of the Suffolk County Code or any other applicable provision of law governing conflicts of interest, on the request of a public servant or a supervisory official of a public servant. The request shall be in such form as the Board may require and shall be signed by the person making the request. The Board may ask a person who is seeking an advisory opinion to appear before the Board to provide further information pertinent to the requested opinion. The opinion of the Board will be based on such facts as are presented in the request or subsequently submitted in a written, signed document or which are adduced when the person requesting the opinion appears before the Board.
- B. Advisory opinions shall be issued only with respect to proposed future conduct or action by a public servant. A public servant whose conduct or action is the subject of an advisory opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion. The Board may amend a previously issued advisory opinion after giving reasonable notice to the public servant that it is reconsidering its opinion.
- C. The Board will issue a requested advisory opinion within 45 days after it has completed fact finding. If the Board is unable to issue the advisory opinion within 45 days it shall so advise the person who requested the opinion before the 45 day period has expired. In no event, shall the Board issue an advisory opinion more than 90 days after it has completed its fact finding.
- D. Requests for advisory opinions shall be confidential, but the Commission shall make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any public servant or other involved party. The advisory opinions shall be indexed by subject matter and cross-indexed by County Code section and such index shall be maintained on an annual and cumulative basis.

**Section A30-4. Financial disclosure.**

The Board shall make financial disclosure statement forms available to all persons required to file pursuant to the requirements of Chapter 61, Section 2, of the Suffolk County. The Board shall review and maintain these statements and otherwise administer and enforce the financial disclosure requirements in accordance with the provisions of Chapter 61.

**Section A30-5. Complaints, Referrals.**

- A. Whenever a written complaint is received by the Board alleging a violation of Chapter 61, Article I of the Suffolk County Code by a public servant or former public servant it shall:
  - 1. Dismiss the complaint if it determines that no further action is required; or
  - 2. Make an initial determination that there is probable cause to believe that a public servant has violated a provision of Chapter 61; or
  - 3. Refer an alleged violation to the head of the agency served by the public servant, if the Board deems the violation to be minor or if related disciplinary charges are pending against the public servant.
  
- B. A public servant or supervisory official of such public servant may request the Board to review and make a determination regarding a past or ongoing action of such public servant. Such request shall be reviewed and acted upon by the Board in the same manner as a complaint received by the Board under paragraph (A) of this section.

**Section 30-6. Hearings.**

- A. If the Board makes an initial determination, based on a complaint, review of a financial disclosure statement or other information available to the Board, that there is reasonable cause to believe that a public servant or former public servant has violated a provision of Chapter 61, Article I of the Suffolk County Code, the Board shall notify the public servant of its determination in writing. The notice shall contain a statement of the facts upon which the Board relied for its determination of probable cause and a statement of the provisions of the law allegedly violated. The Board shall also inform the public servant of the Board's procedural rules. The public servant shall have a reasonable time to respond and shall have the right to be represented by counsel or any other person.
  
- B. If after receiving the public servant's response the Board determines that there is no probable cause to believe that a violation has occurred, the Board shall dismiss the matter and inform the public servant of its decision in writing. If after considering the public servant's response the Board determines there remains probable cause to believe that a violation has occurred, the Board shall direct a hearing to be held or hold a hearing on the record to determine whether a violation has occurred, or shall refer the matter to the appropriate agency if the public servant is subject to the jurisdiction of any

state law or collecting bargaining agreement which provides for the conduct of disciplinary proceedings.

- C. If the Board determines, after a hearing or the opportunity for a hearing, that a public servant has violated provisions of Chapter 61, it shall issue a decision and order setting forth its conclusions and imposing such penalties provided for in Chapter 61 as it deems appropriate and, when appropriate, may refer the matter to the District Attorney or other appropriate law enforcement agency. If the Board determines, after a hearing or the opportunity for a hearing, that a public servant has not violated provisions of Chapter 61, it shall issue a decision setting forth its conclusion.
  
- D. The Board shall issue its decisions within 45 days after the completion of a hearing. If the Board is unable to issue their decision within this 45 day period, it shall so advise the public servant prior to the expiration of the 45 day period. In no event, shall the Board issue their decision more than 90 days after the completion of a hearing.
  
- E. Hearings of the Board shall not be public unless requested by the public servant. The order and the Board's findings and conclusions shall be made public.
  
- F. Nothing contained in this section shall prohibit the appointing officer of a public servant from terminating or otherwise disciplining such public servant, where such appointing officer is authorized to do so; provided, however that such action shall not preclude the Board from exercising its powers and duties under this Article with respect to the actions of any such public servant.

**Section 30-7. Investigations.**

The Board may conduct any investigation necessary to carry out the provisions of this Article and Chapter 61 of the Suffolk County Code. Pursuant to this power, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material to the investigation. Such subpoenas may only be issued by a supermajority vote of the entire membership of the Board.

**Section 30-8. Confidentiality.**

Except as otherwise provided by this law, testimony received or any other information obtained by a member of the Board of staff of the Board in connection with the preparation of an advisory opinion or the investigation of a complaint or referral, or the conduct of a hearing related to a complaint or referral, is confidential and shall not be disclosed by any such individual to any person or entity outside the Board. However, the Board shall provide all documents requested by the Suffolk County Legislature or a duly authorized committee of the Legislature that is exercising oversight of the Board of Ethics.

**Section 3. Applicability.**

This law shall apply to actions occurring 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 ninety (90) days after its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

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

Date:

s:\laws\cl-establishing a new board of ethics

# 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: AUGUST 2, 2011

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 2011

TITLE: I.R. NO. -2011; A CHARTER LAW ESTABLISHING A NEW BOARD OF ETHICS

SPONSOR: LEGISLATORS LINDSAY, KENNEDY, COOPER AND NOWICK

DATE OF RECEIPT BY COUNSEL: 8/2/2011 PUBLIC HEARING: 8/16/2011

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

This proposed charter law would abolish the existing Ethics Commission and establish a new Suffolk County Board of Ethics.

The Board of Ethics would be composed of five members; two members would be appointed by the County Executive, and the Presiding Officer, Majority Leader and Minority Leader would each appoint one member. No more than three members of the Board may belong to the same political party and no member shall hold any public office, seek election to public office, be a public employee, hold any political party office or have business dealings with the County. The terms of the Board appointees will be staggered initially and thereafter, members shall serve terms of four years.

Under this law the Board will have the authority and responsibility to:

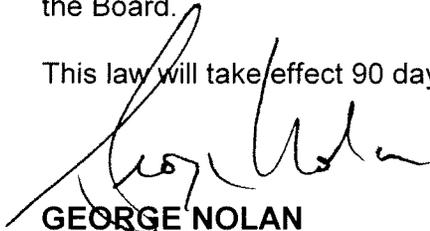
- provide ethics training to the County's public servants;
- render advisory opinions to public servants;
- review financial disclosure statements;
- conduct investigations and hearings to determine if ethics violations have occurred and impose penalties authorized by the law; and
- appoint an executive director, independent counsel and other support staff, subject to appropriations.

The law further provides that the Board's advisory opinions will be made public with such deletions as necessary to prevent disclosing the identity of the person requesting the opinion. The opinions will be indexed by subject matter and County Code section and such index shall be maintained on an annual and cumulative basis.

Like the Ethics Commission, the new Board of Ethics will have the authority to administer oaths and affirmations and to issue subpoenas. Subpoenas may only be issued by a super majority vote of the Board's membership.

This proposed law states that testimony or other information obtained by the Board in connection with the preparation of an advisory opinion or the investigation of a compliant shall be confidential; however, the Board will be required to provide documents requested by the County Legislature or any duly authorized legislative committee that is exercising oversight of the Board.

This law will take effect 90 days after its filing in the Office of the Secretary of State.

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

**GEORGE NOLAN**  
**Counsel to the Legislature**

**GN:js**

s:\rule28\28-establish-new-ethics-board

1725

Intro. Res. No. -2011  
Introduced by Presiding Officer Lindsay

Laid on Table 8/2/2011

**RESOLUTION NO. -2011, AMENDING THE 2011  
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING  
FUNDS IN CONNECTION WITH DREDGING OF COUNTY  
WATERS (CP 5200)**

**WHEREAS**, the New York State Department of Environmental Conservation (NYSDEC) has new requirements for the planning process for dredging projects; and

**WHEREAS**, sufficient funds are not included in the 2011 Capital Budget and Program to cover these additional costs and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; and

**WHEREAS**, this Legislature, by resolution of even date herewith, has authorized the issuance of \$150,000 in Suffolk County Serial Bonds; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2011 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

**1<sup>st</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-eight (38) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

**2<sup>nd</sup> RESOLVED**, that the 2011 Capital Budget and Program be and is hereby amended as follows:

Project Number: 1755  
Project Title: Infrastructure Improvements for Traffic and Public Safety and Public Health

<u>Cost Elements</u>	<u>Total Esti'd Cost</u>	<u>Current 2011 Capital Budget &amp; Program</u>	<u>Revised 2011 Capital Budget &amp; Program</u>
3. Construction	\$1,700,000B	\$1,850,000B	\$1,700,000B
<b>TOTAL</b>	<b>\$1,700,000</b>	<b>\$1,850,000</b>	<b>\$1,700,000</b>

Project Number: 5200  
Project Title: Dredging of County Waters

<u>Cost Elements</u>	<u>Total Esti'd Cost</u>	<u>Current 2011 Capital Budget &amp; Program</u>	<u>Revised 2011 Capital Budget &amp; Program</u>
1. Planning, Design, &	\$3,640,000B	\$150,000B	\$350,000B



1726

Intro. Res. No. -2011  
Introduced by Legislator Vilorio-Fisher

Laid on Table 8/2/11

**RESOLUTION NO. -2011, AUTHORIZING A LEGISLATIVE  
SOLUTION OF ARTICLE 6 DISPUTE**

**WHEREAS**, the New York State Department of Health and Budget Division have re-interpreted the Article 6 reimbursement to Suffolk County; and

**WHEREAS**, as a result of this policy change, State funding to the County will be reduced by twenty million dollars (\$20,000,000) this year; and

**WHEREAS**, the ramifications of this action have created an imminent health crisis due to the possible closure of two health centers which accommodate thirty thousand (30,000) visits per year and the reduction of services at seven (7) other Health Centers; and

**WHEREAS**, the Suffolk County Executive has represented that his office has been engaged in good faith negotiations with officials from the New York State Department of Health; and

**WHEREAS**, it has become increasingly clear that the County Executive has withheld critical information, which could have effected a compromise, from the Suffolk County Legislature; and

**WHEREAS**, there is a history of this pattern of activity on the part of the County Executive, as evidenced in the near crisis created when he pulled the Suffolk County Police Department from the Long Island Expressway and Sunrise Highway; and

**WHEREAS**, this dangerous situation was only averted by the quick response of the Suffolk County Sheriff; now, therefore be it

**1st RESOLVED**, that the Suffolk County Legislature shall create its own negotiating team to continue the Article 6 talks with the New York State Department of Health; and be it further

**2<sup>nd</sup> RESOLVED**, that the Presiding Officer of the County Legislature will select the members of the negotiating team; and be it further

**3<sup>rd</sup> RESOLVED**, that the Suffolk County Legislature directs the County Attorney and members of the County Executive's negotiating team to provide all documents and notes relating to the negotiations to the Presiding Officer; and be it further

**4<sup>th</sup> RESOLVED**, that the Suffolk County Legislature shall be empowered to propose and adopt a suitable and satisfactory solution to the impasse regarding Article 6 reimbursements, by the enactment of a subsequent resolution; 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 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\lr-article-6-reimbursements

Intro Res. No. 1727  
Introduced by Legislator Schneiderman

Laid on Table 8/2/11

**RESOLUTION NO. -2011, AUTHORIZING THE  
CONVEYANCE OF COUNTY-OWNED RIGHT OF WAY  
COMMONLY KNOWN AS C.R. 81, LONG WHARF HAVING  
SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBERS OF  
DISTRICT 0302 SECTION 001.00 BLOCK 01.00 LOT 002.000  
AND DISTRICT 0903 SECTION 002.00 BLOCK 03.00 LOT  
026.000 FOR PUBLIC HIGHWAY PURPOSES PURSUANT TO  
SECTION 115-b OF THE NEW YORK STATE HIGHWAY LAW.**

**WHEREAS**, the County of Suffolk is the fee owner of a certain right of way commonly referred to as C.R. 81, "Long Wharf", having Suffolk County Tax Map Numbers of District 0302 Section 001.00 Block 01.00 Lot 002.000 And District 0903 Section 002.00 Block 03.00 Lot 026.000 said parcel having been conveyed to the County of Suffolk from the Incorporated Village of Sag Harbor, Suffolk County, New York by deed dated 11/20/1947 and recorded in the Office of the Suffolk County Clerk on 11/24/1947 at Deed Liber 2778, Cp. 75, a copy of said deed being attached hereto as Exhibit "A"; and

**WHEREAS**, said right of way is surplus to the needs of the County of Suffolk; and

**WHEREAS**, Section 115-b of the New York State Highway Law permits the conveyance of county rights of way between a county and the towns and/or incorporated villages situated in said county; and

**WHEREAS**, the Incorporated Village of Sag Harbor, New York, has requested that the County of Suffolk convey the above-described right of way to it (see annexed Resolution hereto marked as Exhibit "B"); and

**WHEREAS** Board of Trustees of the Incorporated Village of Sag Harbor, Suffolk County, New York, is interested in acquiring said right of way to continue its present use for a consideration not to exceed Ten & 00/100 (\$10.00) Dollars plus pro-rata taxes at the time of the closing; AND

**WHEREAS**, the Suffolk County Department of Public Works has determined that it would be in the best interest in the County of Suffolk to convey said right of way to the Incorporated Village of Sag Harbor, Suffolk County, New York for the total sum of One & 00/100 (\$1.00) Dollar (to be waived) plus the pro-rata share of the current tax adjustments due at closing; and

**WHEREAS**, the Suffolk County Department of Public Works has approved the use of this parcel for the purposes stated above; and

**WHEREAS**, the Suffolk County Department of Public Works, will receive and deposit the sum of One & 00/100 (\$1.00) Dollar (to be waived), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer;

**NOW THEREFORE BE IT**

**1<sup>st</sup> RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR part 617; and be it further

**2<sup>nd</sup> RESOLVED**, that the action will not have a significant adverse impact on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria of Title 6 NYCRR Part 617.7(c) which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
2. The proposed action simply transfers ownership of land;

and be it further

**3<sup>rd</sup> RESOLVED**, said parcel is surplus to the needs of the County of Suffolk; and be it further

**4<sup>th</sup> RESOLVED**, that this purchase is authorized pursuant to Section 115-b of the New York State Highway Law permitting the conveyance of county rights of way between a county and the towns and/or incorporated villages situated in said county; and be it further

**5<sup>th</sup> RESOLVED**, the subject right of way shall be conveyed to the Incorporated Village of Sag Harbor, Suffolk County, New York subject to the following restrictive covenants that will run with the land so conveyed:

1. That the Grantee or any subsequent grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject right of way.
2. That the Grantee shall not sell, convey, transfer, or otherwise dispose of the subject right of way;

and be it further

**6<sup>th</sup> RESOLVED**, that the Suffolk County Department of Public Works is directed to convey said right of way to the Incorporated Village of Sag Harbor, Suffolk County, New York for the total sum of One & 00/100 (\$1.00) Dollar (to be waived) plus the pro-rata share of the current tax adjustments due at closing; and be it further

**7<sup>th</sup> RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of One & 00/100 (\$1.00) Dollar (to be waived), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

**8<sup>th</sup> RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said Municipality.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date of Approval:

S:\res\r-72h-sag-harbor

**SCHEDULE "A"**

All that certain lot, piece, or parcel of land, along with the buildings thereon, situate, lying and being in the Incorporated Village of Sag Harbor, Town of Southampton, Suffolk County, New York as shown on the Suffolk County Tax Map and designated as District 0903 Section 002.00 Block 0300 Lot 023.001 and more particularly described as follows:

Said parcel being bounded on the west by lands of the Incorporated Village of Sag Harbor (SCTM 0903-00200-0300-023002); on the North by Sag Harbor Bay; on the North-East by lands of the State of New York; on the East by Suffolk County Road 81, Wharf Street (SCTM 0903-00200-0300-026000); and on the South by New York State Route 114.

Introduced by \_\_\_\_\_ at the request of the \_\_\_\_\_

**RESOLUTION NO. 1 -2011, REQUESTING  
THE PURCHASE OF REAL PROPERTY  
COMMONLY REFERRED TO AS "LONG  
WHARF" AND HAVING SUFFOLK COUNTY  
TAX MAP IDENTIFICATION NUMBERS OF  
DISTRICT 0302 SECTION 001.00 BLOCK 01.00  
LOT 002.000 DISTRICT 0903 SECTION 002.00  
BLOCK 03.00 LOT 23.01 DISTRICT 0903  
SECTION 002.00 BLOCK 03.00 LOT 26.00, FOR  
MUNICIPAL PURPOSES AND REQUESTING  
APPROVAL FROM THE COUNTY OF SUFFOLK  
FOR CONVEYANCE OF SAME.**

**WHEREAS**, a certain parcel of real property commonly referred to as "Long Wharf" and presently owned by the County of Suffolk and having Suffolk County Tax Map identification Numbers of District 0302 Section 001.00 Block 01.00 Lot 002.00, District 0903 Section 002.00 Block 03.00 Lot 023.01, and District 0903 Section 002.00 Block 03.00 Lot 26.00, is situated within the geographical boundaries of the Incorporated Village of Sag Harbor, Suffolk County, New York; AND

**WHEREAS**, the parcel described immediately above and commonly referred to as "Long Wharf" was conveyed by the Incorporated Village of Sag Harbor to the County of Suffolk by deed dated 11/20/1947 and recorded in the Office of the Suffolk County Clerk on 11/24/1947 at Deed Liber 2778, Cp. 75, a copy of said deed being attached here to as Exhibit "1"; and

**WHEREAS** the Board of Trustees of the Incorporated Village of Sag Harbor, Suffolk County, New York, is interested in acquiring said parcel of real property for the municipal purpose of constructing, maintaining, and/or improving roadways and highways for a consideration not to exceed Ten & 00/100 (\$10.00) Dollars plus pro-rata taxes at the time of closing;

**NOW THEREFORE BE IT**

1. **RESOLVED** that the above-described activity is an unlisted action pursuant to the provisions of Title 6 NYCRR Part 617; and be it further
2. **RESOLVED** that the proposed action simply transfers land from one Governmental Entity to another governmental entity and no change in use is anticipated, thereby being eventual Type II action under SEQRA; and be it further
3. **RESOLVED**, that the Incorporated Village of Sag Harbor, Suffolk County, New York does hereby approve the purchase of that parcel commonly referred to as "Long Wharf" and having a Suffolk County Tax Map Identification Number of District

**EXHIBIT "A"**

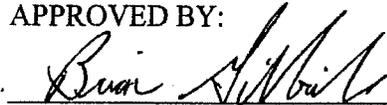
0302 Section 001.00 Block 01.00 Lot 002.00, District 0903 Section 002.00 Block 03.00 Lot 023.01 and District 0903 Section 002.00 Block 03.00 Lot 026.00 and requests that the Suffolk County Legislature approve conveyance of same pursuant to New York State Highway Law § 115-b for a consideration not to exceed Ten & 00/100 (\$10.00) Dollars plus pro-rata taxes at the time of closing.

A motion by Trustee Edward Gregory, seconded by Trustee Bruce Stafford, to move the foregoing Resolution to adoption is carried 0 absent.

Dated: February 8, 2011

Incorporated Village of Sag Harbor, Suffolk County, New York

APPROVED BY:



Official, Mayor Brian Gilbride

Incorporated Village of Sag Harbor, Suffolk County, New York

Date of Approval: February 8, 2011



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 material.

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Submitting Department  
(Dept. Name & Location)

Public Works  
335 Yaphank Avenue  
Yaphank, NY 11980

Department Contact Person  
(Name & Phone No.):

William Hillman, P.E.  
Chief Engineer  
852-4002

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Suggestion Involves:

Amendment

New Program

GML §72-h Conveyance  
To The Incorporated Village of Sag Harbor

Approving Condemnation  
Maps and Findings

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

This resolution will allow the Department of Public Works to transfer surplus property to the Incorporated Village of Sag Harbor.

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

Not Applicable

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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.

# This Indenture,

LIBER 2778 PAGE 75

Made the 20th day of November, nineteen hundred and FORTY-SEVEN

Between THE INCORPORATED VILLAGE OF SAG HARBOR, a municipal corporation of the State of New York

, part y of the first part.

and THE COUNTY OF SUFFOLK, a municipal corporation of the State of New York

, part y of the second part.

Witnesseth, that the part y of the first part, in consideration of

ONE (\$1.00) Dollars, lawful money of the United States,

and other valuable considerations

paid by the part y of the second part, does hereby grant and release unto the part y of the second part, its successors

and assigns forever.

All that certain piece or parcel of land situate in the Village of Sag Harbor, County of Suffolk and State of New York, bounded and described as follows, viz:

BEGINNING at a point where the Easterly line of Wharf Street meets the Northerly line of the former highway, according to the official Village Map, and within the lines of Bay Street;

EXTENDING from said beginning point the following fourteen courses and distances: the first two thereof being within the said lines of Present Highway (Bay Street); (1) North fifty-five degrees forty minutes forty-five seconds West, along said Northerly line of former highway, thirty-six feet and fourteen one-hundredths of a foot to a point; (2) North nineteen degrees fifty-two minutes fifteen seconds East thirty feet and seventy-three one-hundredths of a foot to a point in the Northerly line of said present highway; (3) North fifty-one degrees thirty minutes fifteen seconds West, along said northerly line of present highway, seventy feet and thirty-six one-hundredths of a foot to a point; (4) North eighteen degrees forty-six minutes fifteen seconds East, partly by Shelter Island Sound, one hundred fifty-one feet and forty-seven one-hundredths of a foot to a point; (5) South seventy-one degrees ten minutes fifteen seconds East, by said Shelter Island Sound, nine feet and forty-six one-hundredths of a foot to a point; the following six courses and distances being within the waters of said Shelter Island Sound; (6) North nineteen degrees fifty-two minutes fifteen seconds East five hundred sixty-two feet and twenty-nine one-hundredths of a foot to a point; (7) North two degrees thirty-seven minutes forty-seven seconds East two hundred fifty-seven feet and one one-hundredths of a foot to a point; (8) South eighty-seven degrees twenty-two minutes thirteen seconds East one hundred fifty-five feet and eight one-hundredths of a foot to a point; (9) South two degrees thirty-seven minutes forty-seven seconds West two hundred eighty feet and fifty-two one-hundredths of a foot to a point; (10) South nineteen degrees fifty-two minutes fifteen seconds West three hundred thirty-eight feet and fifty-five one-hundredths of a foot to a point; (11) North sixty-six degrees forty-four minutes forty-five seconds West fifty-seven feet to a point in the Easterly line of the Wharf; (12)

EXHIBIT "A"

Southwardly, along said Easterly line of Wharf, two hundred twenty-five feet, more or less, to a point; (13) North sixty-six degrees forty-four minutes forty-five seconds West three feet and one-tenth of a foot to a point in the Northerly extremity of the said Easterly line of Wharf St; and thence (14) South nineteen degrees fifty-two minutes fifteen seconds West, along said Easterly line of Wharf St, crossing said Northerly line of present highway, two hundred thirty-nine feet and sixty-two one-hundredths of a foot to the place of beginning

CONTAINING two acres and ninety-one thousand six hundred ninety-one one hundred thousandths of an acres, more or less. BEING part of the premises which became vested in the Long Island Rail Road Company, the party of the first part herein, in fee by the two following deeds: ONE THEREOF from the Fahys Watch Case Company dated November 23, 1900, and recorded in the Office of the Clerk of Suffolk County in Liber 501 of Conveyances at Page 442; AND THE OTHER THEREOF from the Montauk Steamboat Company, Limited dated May 31, 1928, and recorded as aforesaid in Liber 1353 of Conveyances at Page 265.

ALSO all the estate, right, title and interest, if any, of the party of the first part, of, in and to the land in any and all adjoining streets, avenues, roads, lanes highway s and alleys to the center line or lines thereof, but to the extent only, however, that such land immediately abuts the hereinbefore described piece or parcel of land, and

ALSO all the right, title and interest of the said party of the first part of, in and to the muds, flats and land under water of said Shelter Island Sound abutting the hereinbefore described piece or parcel of land and extending as far into said Sound as such right, title and interest extends or should extend by law or custom and all riparian rights appertaining thereto.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns, forever.

SUBJECT, nevertheless, as to so much of the hereinbefore described piece or parcel of land as is included within the lines of Wharf Street and Bay Street, to the use thereof by all parties lawfully entitled thereto.

ALSO SUBJECT, nevertheless, to such state of facts an accurate survey may disclose; and

ALSO SUBJECT to covenants and restrictions of record.

Together with the appurtenances and all the estate and rights of the part Y of the first part in and to said premises,

To have and to hold the premises herein granted unto the part Y of the second part, its successors and assigns forever.

And the said party of the first part covenants that it has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

The grantor, in compliance with Section 13 of the Lien Law, covenants that the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and that the grantor will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has caused these presents to be signed in its name, by its Mayor, and its corporate seal to be affixed by its Clerk, the day and year first above written. In presence of:

VILLAGE OF SAG HARBOR,

Attest:

Evelyn J. Beyer

Clerk of the Village of Sag Harbor, New York.

By William Trimpin Mayor L.S.

\_\_\_\_\_. L.S.  
\_\_\_\_\_. L.S.  
\_\_\_\_\_. L.S.

STATE OF NEW YORK )  
COUNTY OF SUFFOLK ) SS:

On this 20th day of November, 1947, before me personally came WILLIAM TRIMPIN, to me known, who being by me duly sworn, did depose and say that he resides in the Village of Sag Harbor, Suffolk County, New York; that he is the Mayor of the Village of Sag Harbor, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Village Board, and that he signed his name thereto by like order.

Kenneth W. Anderson  
KENNETH W. ANDERSON  
NOTARY PUBLIC IN THE STATE OF NEW YORK  
Residing in Suffolk County  
Suffolk County Clerk's No. 31  
Commission Expires March 30, 1948

RESOLUTION

WHEREAS, THE INCORPORATED VILLAGE OF SAG HARBOR on or about the 4th day of June, 1947, purchased from THE LONG ISLAND RAIL ROAD COMPANY a certain tract of land situate in the Village of Sag Harbor, Suffolk County, New York, together with dock facilities located on the premises purchased, which said premises are more fully described in deed dated June 4, 1947, recorded in the Suffolk County Clerk's Office in Liber 2741 of Deeds at Page 429 on August 19, 1947, and

WHEREAS, said dock facilities are now in need of repairs and it being not feasible for said Village of Sag Harbor to undertake making same because of the cost and expense involved; and it being the sense of said Board of Trustees that such repairs and the improvement of said dock facilities would enure particularly to the benefit of the residents of said Village of Sag Harbor; and

WHEREAS, the COUNTY OF SUFFOLK of the State of New York is willing to undertake the cost and expense involved in making such repairs and improvements in consideration of the conveyance of said premises to it,

NOW THEREFORE be it resolved that THE INCORPORATED VILLAGE OF SAG HARBOR convey to the COUNTY OF SUFFOLK the aforesaid premises and that the Mayor of said Village of Sag Harbor be authorized, and he hereby is authorized, to execute a proper deed to the COUNTY OF SUFFOLK to effectuate the purposes hereinbefore set forth, and that the Village Clerk affix the corporate seal of said Village of Sag Harbor to said deed and attest the Mayor's signature and the corporate seal.



1728

Intro. Res. No. -2011  
Introduced by Legislator Schneiderman

Laid on Table 8/2/11

**RESOLUTION NO. -2011, AUTHORIZING TRANSFER OF  
SURPLUS SNOW EQUIPMENT TO THE TOWN OF  
SOUTHAMPTON HIGHWAY DEPARTMENT**

**WHEREAS**, the Suffolk County Department of Public Works has submitted to the Purchasing Department a list of surplus snow tractors which have been declared surplus; and

**WHEREAS**, this equipment has been taken out of service because of obsolescent technology; and

**WHEREAS**, the Town of Southampton Highway Department has requested the donation of three (3) snow tractors from the County; and

**WHEREAS**, the Town of Southampton is willing to assume responsibility for the removal and transportation of this equipment; now, therefore, be it

**1st RESOLVED**, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the Town of Southampton Highway Department, for use within its facilities for nominal consideration:

Fleet #	Model year	Manufacturer ID	Model ID	VIN	
9615	1983	BOMBARDIER	SW48FA	001830833	SNOW TRACTOR
16251	1982	BOMBARDIER	SW48FA	001810769	SNOW TRACTOR
16252	1984	BOMBARDIER	SW48FA	001840917	SNOW TRACTOR

and be it further

**2nd RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed organization for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

**3rd RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; 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\surplus-snow-equipment