1763

Intro. Res. No. -2011 Laid on Table 8/16/2011

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2011, AUTHORIZING NEGOTIATIONS TO EXERCISE 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; now, therefore be it

1st **RESOLVED**, that this Legislature hereby authorizes, empowers and directs DPW, acting through its Commissioner, to commence negotiations with ACS to exercise the

option to renew the County's contract with ACS State & Local Solutions, Inc. (ACS) through March 31, 2015; and be it further

2nd **RESOLVED,** that no later than 180 days after the effective date of this Resolution, the renewed contract shall be presented to the legislature for approval; and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this 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:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution _X____ Local Law __ ____ Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

To authorize the County Executive to exercise the option to renew the County's contract with ACS State & Local Solutions, Inc. through March 31, 2015.

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes_X_ No __**

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

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

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

Adoption of this resolution will have a positive fiscal impact on the General Fund. The extension of the existing contract with ACS State & Local Solutions, Inc. through 2015 for the Suffolk County Red Light Safety Program will enable the County to continue operating the 100 existing cameras with no interruption of service, will enhance County revenues by installing additional cameras at existing intersections and will allow moving cameras to new intersections within the parameters of LL 20-2009, which will enhance both safety and County revenues. The amount of additional revenue that will be generated is indeterminate, and will be impacted by installation timelines, weather limitations and seasonal variations. Should program operations be interrupted however, significant General Fund revenues could be lost.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.
None. ACS's contract is a "no cost County contract" in which the vendor pays for the installation and maintenance of the cameras and provides significant program support to the operation of the program. There is no risk to Suffolk County from extending the contract and installing additional cameras, the vendor bears all capital and operating costs associated with the installation of additional cameras and relocation of cameras to new intersections.

8. Proposed Source of Funding
Not applicable.

9. Timing of Impact
Immediate after contract extension completed.

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Kim G. Brandeau Chief Budget Examiner		August 12, 2011

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2011 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER $100	2011 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER $100	2011 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER $100	2011 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 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.

To be completed by the Executive Budget Office

1767

Intro. Res. No. – 2011 Laid on Table 8/16/11

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

RESOLUTION NO. -2011 AUTHORIZING EXECUTION OF AN ENVIRONMENTAL EASEMENT AND OTHER DOCUMENTS WITH RESPECT TO THE STATE ASSISTANCE CONTRACTS FOR THE FORMER BELLPORT GAS STATION – SCTM# 0200-975.80-04.00-020.000 p/o

WHEREAS, the County of Suffolk is the owner of certain property located at 1401 Montauk Highway, East Patchogue, NY, also known as the Former Bellport Gas Station (also designated as Suffolk County Tax Map Number 0200-975.80-04.00-020.000 ; and

WHEREAS, the County of Suffolk has entered into two (2) State Assistance Contracts with the New York State Department of Environmental Conservation (NYSDEC), captioned as, "New York State Department of Environmental Conservation, 1996 Clean Water/Clean Air Bond Act, Environmental Restoration Program, State Assistance Contract, In re: Municipality Name: Suffolk County, Site Name: Former Bellport Gas Station, Site Address: 1401 Montauk Highway, Site Number E152194," State Contract No. T303811 and No. C304320, attached hereto as Exhibits A and B, respectively, and made a part hereof; and

WHEREAS, both State Assistance Contracts require the County of Suffolk to enter into an Environmental Easement covering a portion of the property to run with the land in favor of New York State, which Environmental Easement shall comply with the requirements of New York Environmental Conservation Law (ECL) Article 71, Title 36; and

WHEREAS, the Environmental Easement shall include the following types of restrictions and requirements:

- The property shall be used only for Restricted Residential, Commercial or Industrial Uses, as described in 6 NYCRR Part 375-1.8(g)(2); and
- Restrict use of groundwater; and
- Prohibit vegetable gardens on the site, though community vegetable gardens may be considered with approval by the New York State Department of Environmental Conservation; and
- Continued monitoring of groundwater; and
- Restrict disturbance of soils deeper than 15' below grade without notification of the NYSDEC; and
- Excavation of soil must be done in accordance with the Excavation Plan contained in the Soil Management Plan; and

- Monitoring and Inspection; and

- Periodic reporting to the New York State Department of Environmental Conservation; and

- Annual Certification; and

- Any restrictions established by the Site Management Plan, as approved by the New York State Department of Environmental Conservation; and

- Any other restrictions or requirements by the New York State Department of Environmental Conservation; and

WHEREAS, a Draft Environmental Easement is attached hereto as Exhibit C; and

WHEREAS, after compliance with and completion of the requirements of the State Assistance Contract, the County of Suffolk shall be entitled to partial reimbursement of its eligible expenses in connection with the subject property and liability protection under New York Environmental Conservation Law § 56-0509; now, therefore, be it

1st RESOLVED, that the Suffolk County Legislature hereby authorizes, directs and empowers the Suffolk County Executive or his designee to act as the representative on behalf of the County of Suffolk in all matters related to, required by or necessary to fulfill the State Assistance Contracts with the New York State Department of Environmental Conservation (NYSDEC) (attached hereto as Exhibits "A" and "B" and made a part hereof); and be it further

2nd RESOLVED, that the Suffolk County Executive or his designee is hereby authorized, empowered and directed to execute all documents and take all actions necessary to comply with the State Assistance Contracts (Exhibits A and B), including, but not limited to, execution and recording of an Environmental Easement covering a portion of the Former Bellport Gas Station Site in favor of NYSDEC (Draft Environmental Easement attached hereto as Exhibit C and incorporated by reference) and execution of such other documents as are necessary to convey the Environmental Easement to NYSDEC, and to otherwise act for the County of Suffolk in all matters related to the State Assistance Contracts and the Environmental Easement; and, be it further

3rd RESOLVED, that the Environmental Easement shall include the following types of restrictions and requirements:

- The property shall be used only for Restricted Residential, Commercial or Industrial Uses, as described in 6 NYCRR Part 375-1.8(g)(2); and

- Restrict use of groundwater; and

- Prohibit vegetable gardens on the site, though community vegetable gardens may be considered with approval by the New York State Department of Environmental Conservation; and

- Continued monitoring of groundwater; and

- Restrict disturbance of soils deeper than 15' below grade without notification of the New York State Department of Environmental Conservation; and

- Excavation of soil must be done in accordance with the Excavation Plan contained in the Soil Management Plan; and

- Monitoring and Inspection; and

- Periodic reporting to the New York State Department of Environmental Conservation; and

- Annual Certification; and

- Any restrictions established by the Site Management Plan, as approved by the New York State Department of Environmental Conservation; and

- Any other restrictions or requirements by the New York State Department of Environmental Conservation;

and be it further

4th RESOLVED, that the execution and delivery on behalf of and in the name of the County by the Suffolk County Executive or his designee of the State Assistance Contracts and the Environmental Easement presented to the members of the Legislature at this meeting in this Resolution is hereby authorized and directed, with such changes therein as the NYSDEC may require, the Suffolk County Executive or his designee may accept, and the County Attorney may approve; and be it further

5th RESOLVED, that the execution and delivery of such State Assistance Contracts and Environmental Easement shall be conclusive evidence of approval of any such changes and of the authorization and direction thereof by this Legislature; and, be it further

6th RESOLVED, that one (1) certified copy of this resolution shall be prepared and sent to the NYSDEC; and, be it further

7th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action pursuant to Title 6 NYCRR Section 617.5(c)(20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

Intro. Res. No. 1768 -2011 Laid on Table 8/16/11
Introduced by Legislator Schneiderman

RESOLUTION NO. –2011, AUTHORIZING RENEWAL OF THE LEASE OF PREMISES LOCATED AT 316 ACCABONAC ROAD, EAST HAMPTON, NY FOR THE DEPARTMENT OF HEALTH SERVICES

WHEREAS, the Suffolk County Department of Health Services currently occupies 3,307 square feet of space owned by the East Hampton Housing Authority, located at 316 Accabonac Road, East Hampton, NY pursuant to a lease that expired on June 30, 2011; and

WHEREAS, the County Department of Health Services uses this facility as a health clinic to serve the Town of East Hampton and its constituents; and

WHEREAS, a significant investment made in the renovation of the facility over the term of the previous lease justified the nominal rate rent the County was charged throughout the term of the expired lease; and

WHEREAS, the capital investment in the facility has been completed and should no longer be considered in setting the rent; and

WHEREAS, the East Hampton Housing Authority has expressed its willingness to renew the lease at 316 Accabonac Road for five (5) years, through June 31st, 2016, for $32,500 for the year 2011, with annual rent escalations of five hundred dollars ($500.00) from the previous year's rate; and

WHEREAS, the Space Management Steering Committee recommended the approval of the terms for this lease at its April 21, 2011 meeting; and

WHEREAS, sufficient funds are included in the 2011 Operating Budget for lease payments to be made in connection with the premises; now, therefore be it

1st **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

2nd **RESOLVED**, that the County Executive is hereby authorized to execute a lease for a term of five (5) years in accordance with the terms and conditions of this resolution and in substantial conformance with the expired lease annexed hereto; and be it further

3rd **RESOLVED**, annual rent for the Premises shall be $32,500 through the period commencing July 1, 2011 through June 31, 2012. Commencing on July 1, 2012 and on each July 1st thereafter, annual rent shall increase by $500 over the annual rent of the preceding year.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-lease east hamptons health center

LEASE

This **LEASE**, made this 15 day of June, 2000, by and between the **EAST HAMPTON HOUSING AUTHORITY**, a municipal corporation, with its office at Town Hall, 159 Pantigo Road, East Hampton, New York 11937, ("LESSOR") and **THE TOWN OF EAST HAMPTON**, a municipal corporation, with its office at Town Hall, 159 Pantigo Road, East Hampton, New York 11937, ("LESSEE").

RECITALS

WHEREAS, the East Hampton Housing Authority and the Town of East Hampton desire to work cooperatively to provide residents of the Town of East Hampton with an affordable health clinic to serve this expanding community need; and

WHEREAS, the East Hampton Housing Authority and the Town of East Hampton have further agreed to cooperate with the Suffolk County Department of Health, which has agreed to operate and supervise the activities of a health clinic located in a portion of the Community Building (the "Community Building") located at the Accabonac Affordable Apartments complex, 316 Accabonac Road, East Hampton, New York SCTM# 300-149-02-56.3 (the "Property"), as further defined below; and

WHEREAS, the LESSEE will improve and renovate the entire interior of the Community Building including the premises leased hereunder as well as the LESSOR's portion of the Community Building; and

WHEREAS, the LESSOR will reimburse the LESSEE for the improvements made to that portion of the Community Building not leased hereunder; and

WHEREAS, the LESSEE wishes to reserve the right to sublet that portion of the Community Building leased hereunder for a purpose which promotes the general welfare of residents of the Town of East Hampton, such as a public health clinic or other human services related discipline.

WHEREAS, the Parties desire to execute this Lease for nominal consideration to account for the contributions that the LESSEE will make in renovation and construction of facilities within the leased premises suitable for the operation of the aforementioned clinic in the Premises; and

WITNESSETH

1. A. **Premises:**

The LESSOR hereby leases to LESSEE: Three thousand three hundred and seven (3307) square feet of the Community Building located at the Accabonac Affordable Apartments, 316 Accabonac Road, in the Town of East Hampton, Suffolk County, New York as shown on the Architectural Plans, a portion of which is attached hereto as Exhibit A (the "Premises"). All references to Architectural Plans herein shall refer to the Town of East Hampton Accabonac Health Clinic Plans dated December, 1999 prepared by L. K. McLean Associates. LESSOR acknowledges receipt of a full and complete copy of these plans (the "Architectural Plans"), which are hereby incorporated by reference for the purpose of demonstrating the full and complete construction plans.

B. **Associated Parking Areas**

The LESSEE shall have the right to use the Parking Areas associated with the Premises for any purpose reasonably related to the LESSEE's use of the Premises except that LESSOR shall retain the exclusive right to those parking spaces number 1-6 on Exhibit B.

2. **Term:**

The term of this lease is as follow:

A. Initial Term

The initial term of this lease shall commence at the date of execution of this agreement and shall extend for a period of ten (10) years after a Certificate of Occupancy is issued for the Property.

B. Renewal Term.

LESSEE has the option to extend this Lease for an additional five (5) years after the expiration of the Initial Term. LESSEE may exercise this option by providing LESSOR with written notice of the exercise of this option at least 30 days prior to the expiration of the Initial Term.

3. **Rent:**

LESSEE shall pay rent as follows:

A. **Initial term:**

One dollar ($1.00) per year, payable in arrears at the end of each year for the Initial Term. This nominal annual rent reflects the investment of the LESSEE's funds in the renovation and interior construction of the facility.

B. **Renewal Term:**

Thirty Two Thousand Five Hundred Dollars ($32,500) per year, payable either annually, in advance within 30 days of the beginning of each year of the Renewal Term, or, at LESSEE's option, in quarterly installments in advance.

4. **Property Taxes:**

The LESSOR shall be responsible for continued payment of applicable taxes or payment in lieu of taxes. This lease agreement shall not affect LESSOR's obligation to pay taxes or its exemption therefrom.

5. **Authorization:**

This Lease is entered into and executed by the LESSOR under authority of a resolution of the East Hampton Housing Authority adopted on June 13, 2000, annexed hereto as Exhibit C and made a part hereof.

This Lease is entered into and executed by the LESSEE under the authority of a resolution of the East Hampton Town Board adopted on June 3, 2000, annexed hereto as Exhibit D.

6. **Interior Construction:**

A. Construction. LESSEE shall complete the interior construction of the Community Building in conformance with the Architectural Plans.

B. Costs of construction.

1) Competitive Bids. LESSEE shall solicit competitive bids and award a contract for the interior construction costs in accordance with LESSEE's established procedures.

2) Allocation of Costs.

a) PREMISES. LESSEE shall pay for any and all costs associated with the interior construction and improvement of the PREMISES leased hereunder.

b) COMMUNITY BUILDING. LESSOR shall pay for any and all costs associated with the interior construction and improvements to the remainder of the COMMUNITY BUILDING.

3) Apportionment. The costs for interior construction shall be apportioned between the LESSEE and LESSOR as follows:

a) The competitive bids solicited under this paragraph shall allocate the costs of interior construction among the parties based on square footage, the number of required improvements, and other criteria

relevant to this allocation; or

b) In the event that the bids solicited are unable to provide a sufficient basis to allocate the costs of construction, the entire costs of interior construction shall be allocated on a square footage basis, where the LESSEE shall be responsible for 68% of the construction cost and the LESSOR shall be responsible for 32% of construction cost.

7. **Additions/Alterations:**

From time to time during the term of this Lease, LESSEE shall have the right to make such additions, alterations and improvements at the Premises as it may desire upon compliance with the following:

a) **LESSOR approval required.** No addition, alteration or improvement to the Premises not shown on the Architectural Plans shall be undertaken by the LESSEE without the written approval of the LESSOR, which approval shall not be unreasonably withheld.

8. **Construction:**

a) **Code Compliance.** All construction undertaken by LESSEE shall meet applicable Building, Fire, Plumbing and Electrical Code requirements and shall comply with all Federal, State and Local land use restrictions and requirements.

b) **Certificate of occupancy.** The LESSOR shall obtain a Certificate of Occupancy pursuant to site plan approval for the Property in accordance with all applicable Federal, State and local codes, rules and regulations within sixty (60) days after the completion of the interior renovation and construction work.

9. **Utilities:**

1) Apportionment. The subject Premises are not presently serviced with electric, water, heat and telephone service. When possible, such needed services shall be segregated between the LESSOR and LESSEE's use of the Community Building and paid accordingly. When segregation is not possible, such as in the case of heating oil or other service, common charges will be apportioned on a pro rata basis based on the LESSEE's use of 68% and the LESSOR's use of 32% of the Community Building. The Parties may agree in writing to an adjustment of the allocation for service or common charges.

2) Repairs. The Lessee shall be responsible for the ordinary maintenance of all air conditioning, heating and ventilating equipment. Repairs in excess of $250.00 shall be apportioned among the LESSEE and LESSOR pursuant to the percentages set forth in subparagraph 1) above.

10. **Right to Assign or Sublet:**

1) LESSEE may sub-let the entire Premises, or any portion thereof, to the Suffolk County Department of Health for the purposes of operating a public health clinic without any further approval or consent of the LESSOR.

2) LESSEE may also sublet the Premises, or any portion thereof, to any entity for any purpose which promotes the general welfare of the residents of the Town of East Hampton, upon the prior written consent of the LESSOR, which may not be unreasonably withheld.

11. **Maintenance of Buildings and Grounds:**

1) **BY LESSOR.** During and throughout the term of this Lease, LESSOR shall, at its own expense and at no cost or expense whatever to the LESSEE, do all of the following:

A. **Codes, rules, nuisance.** Promptly comply with all statutes, ordinances, rules, orders, regulations and requirements of the Federal, State and Local Governments and of any and all their Departments and Bureaus applicable to the Property for the correction, prevention, and abatement of nuisances or other grievances, in, upon, or connected within the Property during said term; and shall promptly comply with all rules, orders and regulations of the New York Board of Fire Underwriters, and/or any other similar body;

B. **Buildings.** Maintain the exterior of the Community Building, in a satisfactory condition and state of repair.

C. **Grounds.** Keep the grounds, including paved areas, and the exterior of all buildings and improvements neat, orderly, and well maintained. LESSEE shall be responsible for keeping the parking area free of litter and in good order.

2) **BY LESSEE.** During and throughout the term of this Lease, LESSEE shall contract for the proper disposal of all wastes generated within the Premises at its own expense and at no cost or expense whatsoever to the LESSOR.

12. **Restrictions on Use and Activities:**

During and throughout the term of this Lease, the use, occupancy and activity of LESSEE, all persons holding by or through LESSEE and all persons who shall come upon the Premises with the consent or at the sufferance of LESSEE shall be restricted as follows:

A. **Permitted use.** No part of the Premises shall be used for any purpose other than as a public health clinic or any purpose which promotes the general welfare of the Town of East Hampton.

B. **Hazardous use.** No part of the Premises shall be used or occupied for any purpose that is extra-hazardous on account of fire, explosion, or toxic or radioactive emission or contamination.

C. **Environmental protection.**

i. The LESSEE shall at all times during the term of this lease and any renewal thereof, promptly comply with all statutes, ordinances, rules, orders,

regulations or requirements of the Federal, State, County and Local governments and any and all of their departments, agencies or bureaus having jurisdiction over the subject Premises, whether the same are in effect at the time this lease agreement is executed, or shall thereafter be enacted, for the correction, prevention, and abatement of pollution at the subject Premises, including, without limitation: Article Twelve (12) of the Suffolk County Sanitary Code (Handling and Storage of Hazardous and Toxic Materials) and Chapter 104 of the East Hampton Town Code (Natural Resources Law).

ii. No hazardous or toxic materials shall be permitted to drain into any plumbing leading to the existing septic system, or any other area of the Premises, except that LESSEE shall be permitted to utilize hazardous and/or toxic materials with approved equipment or dispose of the same in a holding or containment facility designed for such purposes and properly licensed and/or approved by all agencies having jurisdiction. All such materials shall be removed only by approved transporter(s) to a facility properly licensed to accept the same.

iii. The LESSOR may inspect the Premises upon reasonable notice for purposes of assessing the site for compliance with all applicable environmental regulations and for potential contamination.

iv. LESSEE shall return the Premises to the LESSOR free of any environmental hazards or contamination.

v. In the event the Premises are found to be in violation of any environmental regulation, or in the event any contamination is found within the Premises, LESSEE shall, at its own costs and expense, take any and all remedial action necessary to restore the Premises to an environmentally safe condition. LESSEE shall obtain from the Suffolk County Health Department, Department of Environmental Conservation, or other agency having jurisdiction, a certification that the remedial action taken by LESSEE has been successful, and that the environmental hazard or contamination has been eliminated, or brought within levels deemed safe and acceptable by said agency.

13. **Inspection:**

The LESSOR and its duly authorized representatives may enter into and upon said Premises, or any part thereof, at a reasonable hour and upon reasonable notice, for the purpose of inspecting same for compliance with any and all provisions of this lease. LESSOR shall retain a master key to the Premises and may enter the Premises without prior consent or notice to:

a) de-activate any emergency systems or alarms; OR

b) gain access to the Premises to prevent or otherwise respond to an emergency situation that threatens the health, welfare or safety of the residents of the Town of East Hampton..

14. **Surrender.**

At the expiration of the term of this Lease or upon the sooner termination thereof, LESSEE shall surrender the Premises to the LESSOR as improved pursuant to Paragraph 6, reasonable wear and tear excepted; and all building improvements thereon, including without limitation any alterations, additions, or improvements, which shall remain for the benefit of the LESSOR.

A. **Removal.** No improvements shall be removed from the Premises or voluntarily destroyed or damaged during the term of this Lease.

B. **Movable structures.** Machines, trade fixtures and similar installations which are installed within the Premises shall not be deemed to be part of the realty even though such installations are attached to the floors, walls, or roof of any building or structure or to outside pavements, so long as such installation can be removed without structural damage to any building, structure, or other improvement on the Premises; provided, however, that if the removal of any such installation damages any part of the Premises, LESSEE shall repair such damage and restore the Premises to the same condition as originally existed upon the completion of construction, ordinary and usual wear and tear excepted.

C. **Personal Property.** Any and all personal property of every kind and nature whatsoever, which LESSEE places in, upon, or about the Premises during the term hereof may be removed therefrom prior the expiration of the term of this Lease and shall, as between the LESSOR and LESSEE, be and remain the personal property of LESSEE.

D. **Major Systems, etc.** Notwithstanding anything to the contrary contained in subparagraphs A and B of this paragraph, any and all lighting, plumbing, air cooling, air conditioning, heating and ventilating equipment servicing the Community Building shall be deemed to be a part of the realty, and regardless of whether or not any such item of equipment can be removed without structural damage to the Community Building, it shall not be removed from the Community Building except for repairs, alterations, and replacement with newer equipment, without the consent of the LESSOR, not to be unreasonably withheld, and all such equipment shall remain as a part of the realty at the expiration of the term of this Lease, in its "as is" condition.

15. **Insurance:**

A. Improvements. LESSEE or its sublessee shall during the Initial term of this Lease and the Renewal term, at its own cost and expense, provide general liability coverage for all activities to be conducted on the Premises. Lessee shall also insure the Premises for its full replacement value against fire, with extended coverage. Such policies shall name the LESSOR as a co-insured.

B. Policies. All insurance required by this agreement shall be maintained with insurance underwriters authorized to do business in the State of New York. LESSEE

shall furnish the LESSOR with Certificates of Insurance evidencing that such insurance coverage is in effect. Said certificates shall provide that the LESSOR shall be given not less than THIRTY (30) days notice, in writing, prior to the modification or termination of any insurance coverage.

16. **Indemnification:**

The LESSEE shall assume all risks incident to, or in conjunction with, the use of the Premises, and shall be solely responsible for all accidents or injuries of whatever nature or kind to persons or property caused by its operations and shall indemnify, defend, and save harmless the LESSOR, its authorized agents and representatives, from any penalties for violation of any law, ordinance or regulation affecting its operation, and from any and all claims, suits, losses, damages, or injuries to persons or property of whatsoever kind or nature arising or resulting from the carelessness, negligence or improper conduct or the LESSEE or any of its employees or assignees.

17. **Termination:**

The LESSOR may terminate this Lease in its entirety with six (6) months written notice upon the happening of any of the following events:

A. The failure by LESSEE to perform, keep and observe any of the terms, covenants and conditions herein contained on the part of LESSEE to be performed, kept or observed, after the expiration of thirty (30) days from the date written notice has been given to LESSEE by the LESSOR to correct such default or breach, unless such default cannot reasonably be cured within such 30-day period, provided that LESSEE commences within such period and proceeds expeditiously to cure such default.

B. The failure of LESSEE to pay the whole or any part of the rent agreed upon hereunder for a period of thirty (30) days after the LESSOR has given written notice to LESSEE that such payments are in default.

18. **No estoppels:**

Failure of the LESSOR to declare this Lease terminated upon the default of LESSEE for any of the reasons set out shall not operate to bar or destroy the right of the LESSOR to cancel this Lease by reason of any subsequent violation of the terms hereof.

19. **Captions:**

The captions to the paragraphs herein are for convenience only and are not to be deemed inclusive; the Lease must be interpreted based upon its entire context.

20. **Successors Bound:**

It is mutually understood and agreed that the covenants and agreements contained in the within Lease shall be binding upon the parties hereto and upon their respective successors, sub-LESSEE's, heirs, executors and administrators.

21. **Notice:**

Whenever notice is required to be given under the terms of this Lease, such notice shall be in writing and either hand delivered or mailed by certified mail, return receipt requested:

If the LESSOR, to:
ATTN: Executive Director
East Hampton Town Housing Authority
159 Pantigo Road
East Hampton, NY 11937

If to the LESSEE, to:
Attention: Town Clerk
Town of East Hampton
159 Pantigo Road
East Hampton, New York 11937

or to such other addresses as LESSEE or the LESSOR shall designate for itself in the same manner.

22. **Modification of terms:**

This Lease may not be altered or modified except by a subsequent writing signed by both parties.

23. **Entire Agreement.** The Parties understand that this agreement represents the entire Agreement of the Parties hereto, all previous understandings are merged herein, and no modification shall be valid unless duly authorized by the respective representatives of the Parties hereto.

IN WITNESS WHEREOF, the parties have set their hands and seals or caused this agreement to be signed by their properly authorized corporate officers and caused their corporate seals to be hereunto affixed this day of

Attest:

East Hampton Housing Authority, LESSOR

Lisa Grenci

by: Lisa Grenci
Chair

The Town of East Hampton
LESSEE

by: Jay Schneiderman, Supervisor

P:\GROUPS\TWNLAW\ANDY\TBPROJ\ACCLEAS.DOC

ACKNOWLEDGMENT

State of New York, County of Suffolk ss.:

On the 15th day of June in the year 2000 before me, the undersigned, personally appeared Jay Schneiderman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Florence K. Wershberg
Notary Public

FLORENCE K. G. WERSHBERG
NOTARY PUBLIC, State of New York
No. 01 [illegible]
Qualified in Suffolk County
Commission Expires July 18, 2000

State of New York, County of }ss.:

On the day of in the year before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

ACKNOWLEDGMENT

State of New York, County of)ss.:

On the day of in the year before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

State of New York, County of Suffolk)ss.:

On the 14th day of June in the year 2000 before me, the undersigned, personally appeared

Lisa Orenci personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

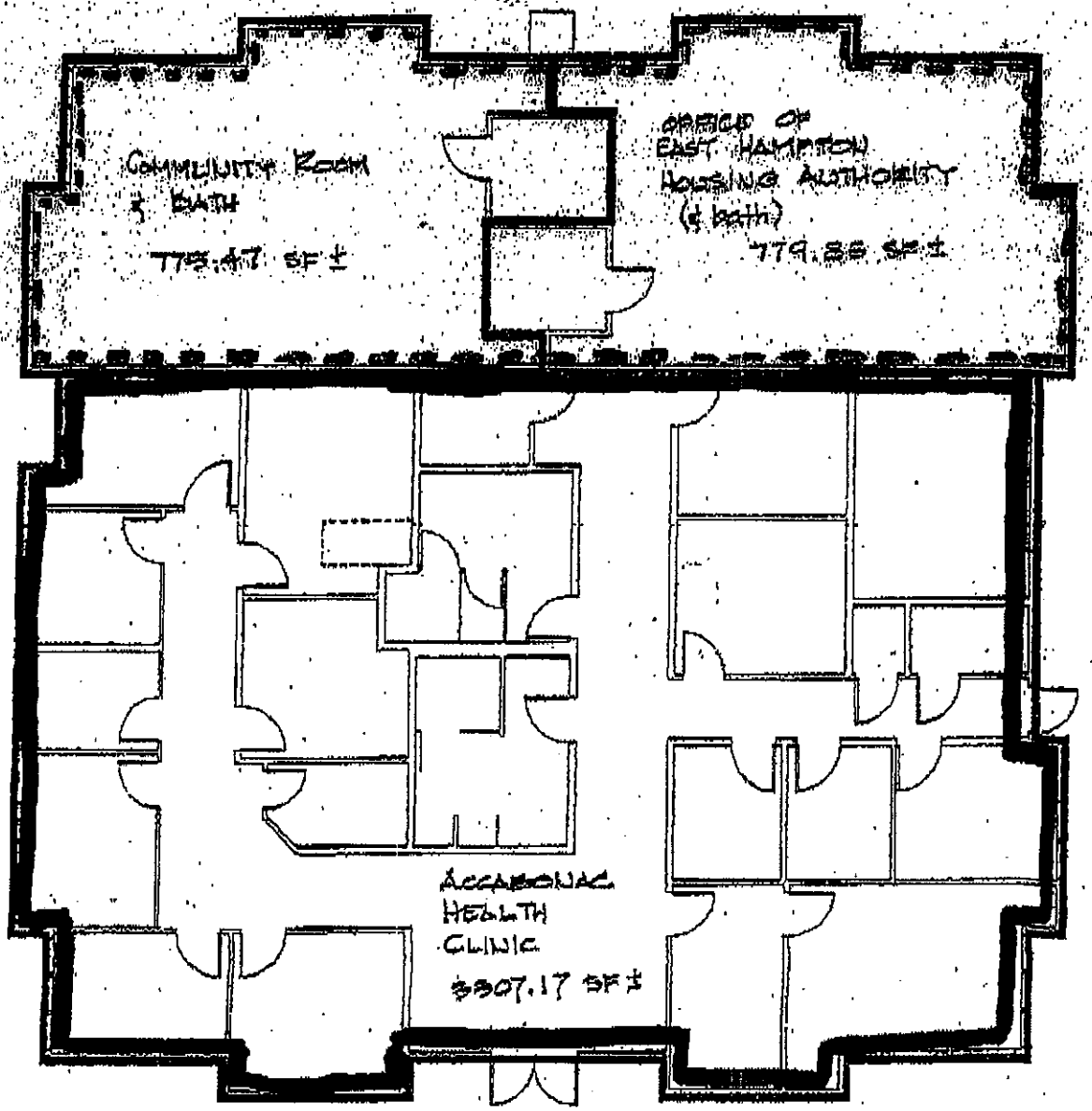
Carole A. Brennan
Notary Public

CAROLE A. BRENNAN
Notary Public, State of New York
No. 5006251
Qualified in Suffolk County
Commission Expires Dec. 28, ~~199~~ 2000

Exhibit A

[redacted] "Premises"

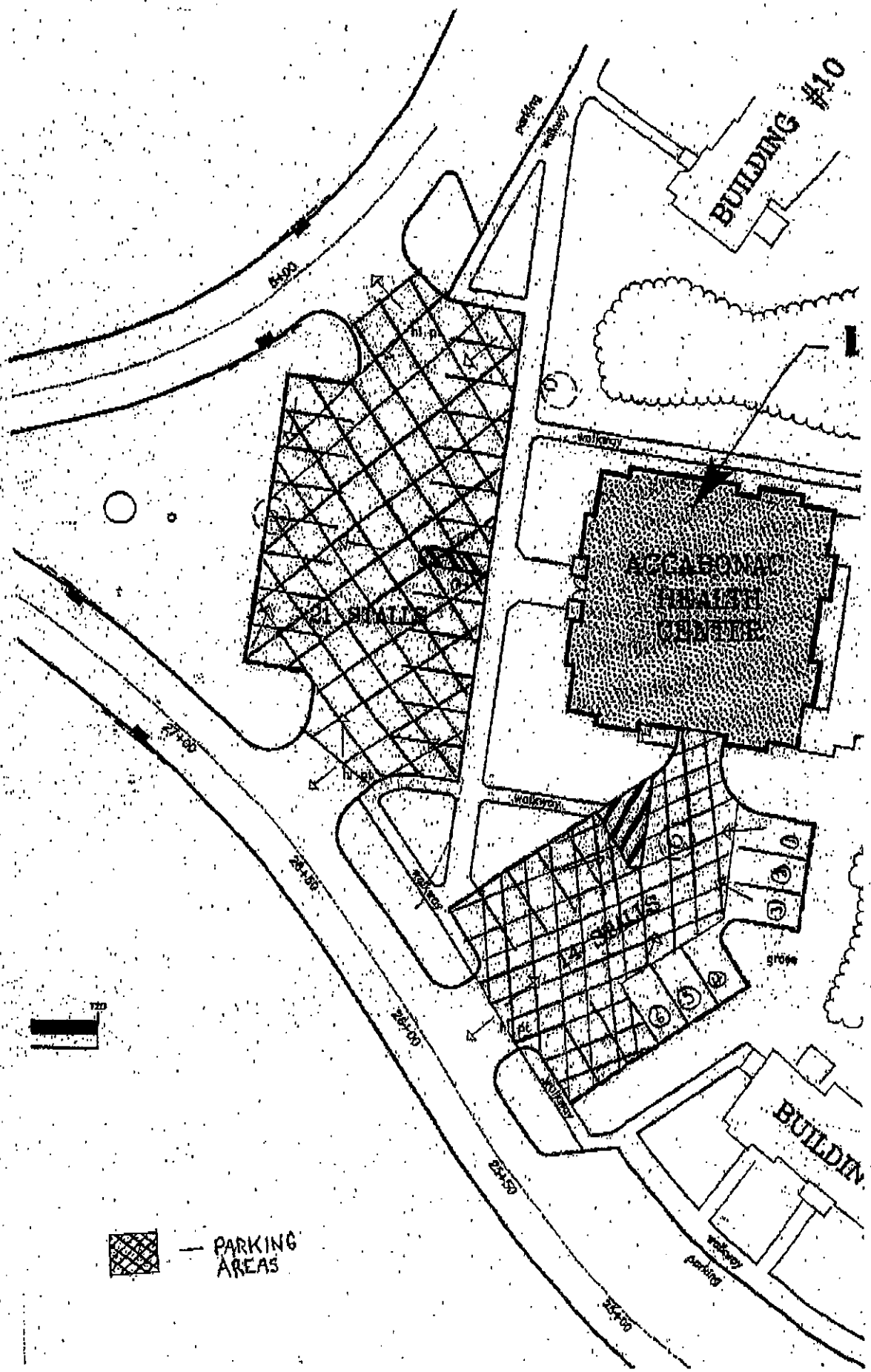
[redacted] LESSOR's Portion of Community BUILDING



FLOOR PLAN

OVERALL AREA: 4862.49 SF ±

Exhibit B


BUILDING #10
parking
walkway
21 STALLS
ACCABONAC
HEALTH
CENTER
walkway
grass
BUILDIN
walkway
parking
PARKING
AREAS

1769

Intro. Res. No. -2011

Introduced by Legislator Cooper

Laid on Table 8/16/11

RESOLUTION NO. –2011, ESTABLISHING A VOLUNTARY "PUPPY AND DOG PROTECTION RATING PROGRAM" FOR PET STORES IN SUFFOLK COUNTY

WHEREAS, Suffolk County is a leader in promoting the humane treatment of animals; and

WHEREAS, puppies and dogs are a part of many families throughout Suffolk County; and

WHEREAS, while some families adopt pets through animal shelters, many choose to purchase their new family member through a pet store; and

WHEREAS, pet stores vary greatly in the care and treatment of the animals they sell, with some treating companion animals like extended family and others barely meeting State regulations; and

WHEREAS, breeders who sell puppies and dogs to pet stores also vary greatly in their care and treatment of animals and breeding practices; and

WHEREAS, many breeders are substandard commercial facilities ("puppy mills") that provide minimal care to the puppies and dogs they breed and frequently leave animals in inhumane and unsafe living conditions to increase profit margins; and

WHEREAS, Suffolk County encourages pet stores and consumers to learn about the conditions in which puppies and dogs they purchase were bred and housed and to avoid breeders engaging in behaviors that endanger their animals; and

WHEREAS, it can be difficult for a consumer to judge how a pet store cares for the puppies it sells or how dogs were treated at their breeder's facility; and

WHEREAS, Suffolk County should establish a voluntary rating program for pet stores to obtain information on their practices and distill that information into an easy to understand rating for consumers; and

WHEREAS, a rating system will allow pet stores that adhere to a high quality of care and source puppies from responsible breeders to showcase their responsible practices and receive a higher rating than stores that provide lower-quality care and/or source from substandard breeders; and

WHEREAS, a rating program will also provide consumers with important information allowing them to decide what type of pet store they would like to patronize; now, therefore be it

1st **RESOLVED**, that the Puppy and Dog Protection Rating Program is hereby established under which any pet store located in Suffolk County that sells puppies can voluntarily provide information about its business and practices, with supporting documentation, to the Suffolk County Pet Store Rating Board; and

2nd **RESOLVED**, that this program will rate stores on a five "paw" scale which reflects the quality of care provided to puppies and dogs by the pet store as well as sourcing breeders; and be it further

3rd **RESOLVED**, that a Suffolk County Pet Store Rating Criteria Committee ("Criteria Committee") is hereby established to set the criteria to be used in rating participating pet stores in the Puppy and Dog Protection Rating Program and develop the pet store application form and the rating form to be used by the Pet Store Rating Board established herein; and be it further

4th **RESOLVED**, that the Criteria Committee consist of the following five (5) members:

1) the Commissioner of the Department of Consumer Affairs, or his or her designee, who shall serve as Chair of the Committee;

2) a representative from the American Society for the Prevention of Cruelty to Animals;

3) a representative from a Long Island-based animal welfare organization, to be selected by the County Legislature;

4) a representative from the American Kennel Club; and

5) a representative from the Pet Industry Joint Advisory Council;

and be it further

5th **RESOLVED**, that the Committee shall hold its first meeting no later than thirty days after the oaths of office of all members have been filed, which meeting shall be convened for the purpose of organization and the appointment of a vice-chairperson and a secretary; and be it further

6th **RESOLVED**, that the members of said Committee shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

7th **RESOLVED**, that three (3) members of the Committee shall constitute a quorum for the purpose of transacting the business of the Committee; and be it further

8th **RESOLVED**, that the Committee shall consider the factors set forth in Exhibit "A" of this resolution, as well as the following, when establishing the criteria for the Pet Store Rating Program: the living conditions of puppies and dogs at the store and at the sourcing breeder; the veterinary care provided at the store and at the sourcing breeder; the nature and type of kennels and cages and any materials provided therein at the store and at the sourcing breeder; the animals' access to food and water at the store and at the sourcing breeder; the socialization and exercise of puppies and dogs at the store and at the sourcing breeder; the location of puppies and dogs in the store; the availability of educational information on companion animals, including breed specific information, for consumers; the inspection policy of sourcing breeders

used by a store; and the breeder's license status with the USDA, including any violations upon inspection; and be it further

9th **RESOLVED**, that the Committee shall submit a written report of its proposed criteria to each member of the County Legislature and the County Executive no later than ninety (90) days subsequent to the effective date of this Resolution for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

10th **RESOLVED**, that the Committee shall expire, and the terms of office of its members terminate, as of January 31, 2012 at which time the Committee shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

11th **RESOLVED**, that a Suffolk County Pet Store Rating Board is hereby established to analyze and verify information provided by participating pet stores and to rate each pet store based on their adherence to local, state and federal laws, regulations and humane standards on the care and treatment of puppies and dogs in their store and at the breeders they purchase puppies and dogs from, as set forth in the criteria established by the Criteria Committee; and be it further

12th **RESOLVED**, that the Suffolk County Pet Store Rating Board shall consist of the following four (4) members:

1) the Commissioner of the Department of Consumer Affairs, or his or her designee;

2) a representative from the Suffolk County Society for the Prevention of Cruelty to Animals;

3) a representative of a Long Island-based animal welfare organization, to be selected by the County Legislature; and

4) a retired veterinarian selected by the Long Island Veterinary Medical Association.

and be it further

13th **RESOLVED**, that the chairperson of the Board shall be selected by a majority of the membership of said Board; and be it further

14th **RESOLVED**, that the Board shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened for the purpose of organization and the appointment of a chairperson, vice chairperson and a secretary; and be it further

15th **RESOLVED**, that the members of said Board shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

16th **RESOLVED**, that three (3) members of the Board shall constitute a quorum for the purpose of transacting the business of the Board; and be it further

17th **RESOLVED**, that the Board shall review rating applications, perform site visits of pet stores and establish ratings for individual pet stores based upon the criteria set by the Criteria Committee, which encompasses local, state and federal regulations and humane standards on the breeding, transportation and sale of puppies and dogs, as well as their care and treatment from birth through sale, for the purpose of evaluating pet stores that seek a rating; and be it further

18th **RESOLVED**, that pet stores operating in Suffolk County shall be eligible to voluntarily submit information regarding their businesses and business practices on an annual basis to the Board and receive a rating on a five "paw" scale which compares said practices with local, state and federal regulations, humane standards, and considerations established herein; and be it further

19th **RESOLVED**, that the Board shall provide a brief explanation of the reason a pet store has received the rating selected; and be it further

20th **RESOLVED**, that the Suffolk County Department of Consumer Affairs shall post a list of all pet stores in Suffolk County that sell puppies and shall include the ratings for each participating pet store or a statement that a non-participating pet store has chosen not to undergo review under the Rating Program; and be it further

21st **RESOLVED**, that any pet store owner or operator dissatisfied with the rating assessed by the Board shall have the right to update the information provided to the Board and seek a review of their rating within thirty (30) days of receiving their original rating assessment. No rating shall be published on the Department of Consumer Affairs website until after the rating has been finalized by the Board; and be it further

22nd **RESOLVED**, that all pet stores who choose to participate in this program shall post the rating received from the Board in a prominent location within the store, as well as on a window in close proximity to the store's main entrance; and be it further

23rd **RESOLVED**, that the Board shall investigate any allegations of fraudulent submission of information by a pet store and may revoke a store's rating for a period of one year if the Board determines that the pet store made material misrepresentations in seeking same; and

24th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-pet store grading system

Suggestions for Criteria for "Puppy and Dog Protection Rating Program" for Pet Stores

Possible PET STORE CONDITIONS AND OPERATIONS

Appearance and Atmosphere of Pet Store
Criteria could address whether the store is clean, appealing and welcoming or dirty and smelly. Also, does the store have a fire suppression system with an alarm and climate controls.

Condition of Puppies in Pet Store
Criteria could address the physical conditions of the puppies and their housing. Some issues to address could be: are they clean, healthy and happy; are they housed in proper, clean, well-kept cages or kennels with solid flooring; do they have access to clean water and food; are their dishes clean and accessible; do they have appropriate and adequate bedding; do they get regular socialization and exercise; were the parent dogs screened for hereditary diseases and does the store provide copies of screening certificates to the consumer.

Overall Business Operation
Criteria could address how the business is run and if the pet store owner adheres to current local, state and federal laws. Some issues to address could include: has the store changed its name in the past twelve months; does the store use misleading advertising (i.e.: falsely claiming they are a breeder over the phone or in newspaper ads); has the store received poor inspections from governing agencies; does the store provide appropriate sourcing documentation indicating where each individual puppy was obtained; does the store provide health certificates, including vaccination records, for every puppy they sell; does the store continually purchase puppies from the same breeders and are those breeders highly rated; are salespeople knowledgeable when questioned about breed traits and hereditary issues for the puppies they are selling; does the store ask for and review proper customer identification; does the store check the Suffolk County Animal Abuser Registry before selling a puppy to a customer; does the store maintain appropriate records regarding sale of puppy to customer; does the store provide a health guarantee for all the puppies they sell; does the store provide some socialization and exercise for puppies; does the store encourage and provide information regarding micro-chipping; do salespeople attempt to educate the consumer of breed-specific needs before selling them a puppy and attempt to educate the consumer about the breed's specific health issues (if any) and what to watch out for; does the store either house or showcase homeless puppies in need of adoption through a partnering animal shelter or rescue organization; does the store check the customers' references before a sale; does the store provide veterinary care; does the store have employees or owners currently charged with animal cruelty or abuse.

Miscellaneous Issues:
Miscellaneous issues to address could include: What does the pet store do with puppies and dogs that do not sell? How many sick puppies and dogs have been returned to the store in the past twelve months? How many dead puppies have been returned or reported to the store in the past twelve months? How many consumer complaints have been filed regarding the store in the past twelve months?

Possible BREEDER CONDITIONS AND OPERATIONS

Appearance and Atmosphere of Breeding Facility or Facilities from Which Pet Store Obtain Puppies
Criteria could address whether the breeding facilities are clean, appealing and welcoming or dirty and smelly. Also, do they have a fire suppression system with an alarm and climate controls.

Condition of Dogs and Puppies at Breeding Facility or Facilities

Criteria could address the physical conditions of the dogs and puppies and their housing at the breeding facility. Some issues to address could be: are they clean, healthy and happy; are they housed in proper, clean, well-kept cages or kennels with solid flooring; do they have access to clean water and food; are their dishes clean and accessible; do they have appropriate and adequate bedding; do they get regular socialization and exercise; were the parent dogs screened for hereditary diseases; does the breeder provide copies of screening certificates to the pet store or consumer.

Overall Business Operation

Criteria could address how the breeding business is run and if the breeder adheres to current local, State and Federal laws. Some issues to address could include: has the breeder changed its name more than once in the past 5 years; does the breeder sells puppies over the Internet; does the breeder have multiple websites; does the breeder continue to breed puppies with food or environmental allergies, mange, or other obvious genetic defects; does the breeder participate in puppy auctions; does the breeder deliver puppies by airplane or other climate-controlled vehicle; does the breeder allow open inspections by not only government inspectors but also potential buyers; does the breeder provide health certificates, including vaccination records, for all puppies they sell; does the breeder allow customers to purchase puppies and dogs on premises at their facility; what is the ratio of handlers to the total number of dogs and puppies at the breeding facility; does the breeder screen puppies and dogs for hereditary diseases and provide copies of the screening certificates to the pet store or customer; does the breeder participate in dog sports, shows or other outside activities with their adult dogs; does the breeder DNA test their puppies and dogs to prove parentage and provide results upon request; does the breeder have employees or owners currently charged with animal abuse or cruelty.

Miscellaneous Issues:

Miscellaneous issues to address could include: What does the breeder do with dogs that can no longer be used for breeding? What does the breeder do with puppies that are suffering from incurable diseases? How many sick puppies and dogs were returned to the breeder in the past twelve months? How many dead puppies and dogs were returned to the breeder in the past twelve months? How many consumer complaints were filed against the breeder and affiliates in the past twelve months?

Conditions for an automatic failure rating could include:

If the pet store:

- has an employee or owner who has been convicted of animal abuse or cruelty.
- does not comply with local, state and/or federal laws.
- has received USDA violations or has had their licenses revoked in the past two years.
- has received poor or failing inspection reports from governing agencies.
- fails to accurately disclose the name of the pedigree organization that registers their puppies.
- purchases puppies from a broker rather than directly from a breeder.

Or if the breeding facility from whom they purchase their puppies:

- has an employee or owner who has been convicted of animal abuse or cruelty.
- does not comply with local, state and/or federal laws.
- has received USDA violations or has had their licenses revoked in the past two years.
- has received poor or failing inspection reports from governing agencies.
- does not allow open inspections of their facility by potential buyers.
- euthanizes dogs that are past their useful breeding life rather than putting them up for adoption.

1769

Intro. Res. No. -2011 Laid on Table 8/16/11

Introduced by Legislator Cooper

RESOLUTION NO. –2011, ESTABLISHING A VOLUNTARY "PUPPY AND DOG PROTECTION RATING PROGRAM" FOR PET STORES IN SUFFOLK COUNTY

WHEREAS, Suffolk County is a leader in promoting the humane treatment of animals; and

WHEREAS, puppies and dogs are a part of many families throughout Suffolk County; and

WHEREAS, while some families adopt pets through animal shelters, many choose to purchase their new family member through a pet store; and

WHEREAS, pet stores vary greatly in the care and treatment of the animals they sell, with some treating companion animals like extended family and others barely meeting State regulations; and

WHEREAS, breeders who sell puppies and dogs to pet stores also vary greatly in their care and treatment of animals and breeding practices; and

WHEREAS, many breeders are substandard commercial facilities ("puppy mills") that provide minimal care to the puppies and dogs they breed and frequently leave animals in inhumane and unsafe living conditions to increase profit margins; and

WHEREAS, Suffolk County encourages pet stores and consumers to learn about the conditions in which puppies and dogs they purchase were bred and housed and to avoid breeders engaging in behaviors that endanger their animals; and

WHEREAS, it can be difficult for a consumer to judge how a pet store cares for the puppies it sells or how dogs were treated at their breeder's facility; and

WHEREAS, Suffolk County should establish a voluntary rating program for pet stores to obtain information on their practices and distill that information into an easy to understand rating for consumers; and

WHEREAS, a rating system will allow pet stores that adhere to a high quality of care and source puppies from responsible breeders to showcase their responsible practices and receive a higher rating than stores that provide lower-quality care and/or source from substandard breeders; and

WHEREAS, a rating program will also provide consumers with important information allowing them to decide what type of pet store they would like to patronize; now, therefore be it

1st **RESOLVED**, that the Puppy and Dog Protection Rating Program is hereby established under which any pet store located in Suffolk County that sells puppies can voluntarily provide information about its business and practices, with supporting documentation, to the Suffolk County Pet Store Rating Board; and

2nd **RESOLVED**, that this program will rate stores on a five "paw" scale which reflects the quality of care provided to puppies and dogs by the pet store as well as sourcing breeders; and be it further

3rd **RESOLVED**, that a Suffolk County Pet Store Rating Criteria Committee ("Criteria Committee") is hereby established to set the criteria to be used in rating participating pet stores in the Puppy and Dog Protection Rating Program and develop the pet store application form and the rating form to be used by the Pet Store Rating Board established herein; and be it further

4th **RESOLVED**, that the Criteria Committee consist of the following five (5) members:

1) the Commissioner of the Department of Consumer Affairs, or his or her designee, who shall serve as Chair of the Committee;

2) a representative from the American Society for the Prevention of Cruelty to Animals;

3) a representative from a Long Island-based animal welfare organization, to be selected by the County Legislature;

4) a representative from the American Kennel Club; and

5) a representative from the Pet Industry Joint Advisory Council;

and be it further

5th **RESOLVED**, that the Committee shall hold its first meeting no later than thirty days after the oaths of office of all members have been filed, which meeting shall be convened for the purpose of organization and the appointment of a vice-chairperson and a secretary; and be it further

6th **RESOLVED**, that the members of said Committee shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

7th **RESOLVED**, that three (3) members of the Committee shall constitute a quorum for the purpose of transacting the business of the Committee; and be it further

8th **RESOLVED**, that the Committee shall consider the factors set forth in Exhibit "A" of this resolution, as well as the following, when establishing the criteria for the Pet Store Rating Program: the living conditions of puppies and dogs at the store and at the sourcing breeder; the veterinary care provided at the store and at the sourcing breeder; the nature and type of kennels and cages and any materials provided therein at the store and at the sourcing breeder; the animals' access to food and water at the store and at the sourcing breeder; the socialization and exercise of puppies and dogs at the store and at the sourcing breeder; the location of puppies and dogs in the store; the availability of educational information on companion animals, including breed specific information, for consumers; the inspection policy of sourcing breeders

used by a store; and the breeder's license status with the USDA, including any violations upon inspection; and be it further

9th **RESOLVED**, that the Committee shall submit a written report of its proposed criteria to each member of the County Legislature and the County Executive no later than ninety (90) days subsequent to the effective date of this Resolution for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

10th **RESOLVED**, that the Committee shall expire, and the terms of office of its members terminate, as of January 31, 2012 at which time the Committee shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

11th **RESOLVED**, that a Suffolk County Pet Store Rating Board is hereby established to analyze and verify information provided by participating pet stores and to rate each pet store based on their adherence to local, state and federal laws, regulations and humane standards on the care and treatment of puppies and dogs in their store and at the breeders they purchase puppies and dogs from, as set forth in the criteria established by the Criteria Committee; and be it further

12th **RESOLVED**, that the Suffolk County Pet Store Rating Board shall consist of the following four (4) members:

1) the Commissioner of the Department of Consumer Affairs, or his or her designee;

2) a representative from the Suffolk County Society for the Prevention of Cruelty to Animals;

3) a representative of a Long Island-based animal welfare organization, to be selected by the County Legislature; and

4) a retired veterinarian selected by the Long Island Veterinary Medical Association.

and be it further

13th **RESOLVED**, that the chairperson of the Board shall be selected by a majority of the membership of said Board; and be it further

14th **RESOLVED**, that the Board shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened for the purpose of organization and the appointment of a chairperson, vice chairperson and a secretary; and be it further

15th **RESOLVED**, that the members of said Board shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

16th **RESOLVED**, that three (3) members of the Board shall constitute a quorum for the purpose of transacting the business of the Board; and be it further

17th **RESOLVED**, that the Board shall review rating applications, perform site visits of pet stores and establish ratings for individual pet stores based upon the criteria set by the Criteria Committee, which encompasses local, state and federal regulations and humane standards on the breeding, transportation and sale of puppies and dogs, as well as their care and treatment from birth through sale, for the purpose of evaluating pet stores that seek a rating; and be it further

18th **RESOLVED**, that pet stores operating in Suffolk County shall be eligible to voluntarily submit information regarding their businesses and business practices on an annual basis to the Board and receive a rating on a five "paw" scale which compares said practices with local, state and federal regulations, humane standards, and considerations established herein; and be it further

19th **RESOLVED**, that the Board shall provide a brief explanation of the reason a pet store has received the rating selected; and be it further

20th **RESOLVED**, that the Suffolk County Department of Consumer Affairs shall post a list of all pet stores in Suffolk County that sell puppies and shall include the ratings for each participating pet store or a statement that a non-participating pet store has chosen not to undergo review under the Rating Program; and be it further

21st **RESOLVED**, that any pet store owner or operator dissatisfied with the rating assessed by the Board shall have the right to update the information provided to the Board and seek a review of their rating within thirty (30) days of receiving their original rating assessment. No rating shall be published on the Department of Consumer Affairs website until after the rating has been finalized by the Board; and be it further

22nd **RESOLVED**, that all pet stores who choose to participate in this program shall post the rating received from the Board in a prominent location within the store, as well as on a window in close proximity to the store's main entrance; and be it further

23rd **RESOLVED**, that the Board shall investigate any allegations of fraudulent submission of information by a pet store and may revoke a store's rating for a period of one year if the Board determines that the pet store made material misrepresentations in seeking same; and

24th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-pet store grading system

Suggestions for Criteria for "Puppy and Dog Protection Rating Program" for Pet Stores

Possible PET STORE CONDITIONS AND OPERATIONS

Appearance and Atmosphere of Pet Store
Criteria could address whether the store is clean, appealing and welcoming or dirty and smelly. Also, does the store have a fire suppression system with an alarm and climate controls.

Condition of Puppies in Pet Store
Criteria could address the physical conditions of the puppies and their housing. Some issues to address could be: are they clean, healthy and happy; are they housed in proper, clean, well-kept cages or kennels with solid flooring; do they have access to clean water and food; are their dishes clean and accessible; do they have appropriate and adequate bedding; do they get regular socialization and exercise; were the parent dogs screened for hereditary diseases and does the store provide copies of screening certificates to the consumer.

Overall Business Operation
Criteria could address how the business is run and if the pet store owner adheres to current local, state and federal laws. Some issues to address could include: has the store changed its name in the past twelve months; does the store use misleading advertising (i.e.: falsely claiming they are a breeder over the phone or in newspaper ads); has the store received poor inspections from governing agencies; does the store provide appropriate sourcing documentation indicating where each individual puppy was obtained; does the store provide health certificates, including vaccination records, for every puppy they sell; does the store continually purchase puppies from the same breeders and are those breeders highly rated; are salespeople knowledgeable when questioned about breed traits and hereditary issues for the puppies they are selling; does the store ask for and review proper customer identification; does the store check the Suffolk County Animal Abuser Registry before selling a puppy to a customer; does the store maintain appropriate records regarding sale of puppy to customer; does the store provide a health guarantee for all the puppies they sell; does the store provide some socialization and exercise for puppies; does the store encourage and provide information regarding micro-chipping; do salespeople attempt to educate the consumer of breed-specific needs before selling them a puppy and attempt to educate the consumer about the breed's specific health issues (if any) and what to watch out for; does the store either house or showcase homeless puppies in need of adoption through a partnering animal shelter or rescue organization; does the store check the customers' references before a sale; does the store provide veterinary care; does the store have employees or owners currently charged with animal cruelty or abuse.

Miscellaneous Issues:
Miscellaneous issues to address could include: What does the pet store do with puppies and dogs that do not sell? How many sick puppies and dogs have been returned to the store in the past twelve months? How many dead puppies have been returned or reported to the store in the past twelve months? How many consumer complaints have been filed regarding the store in the past twelve months?

Possible BREEDER CONDITIONS AND OPERATIONS

Appearance and Atmosphere of Breeding Facility or Facilities from Which Pet Store Obtain Puppies
Criteria could address whether the breeding facilities are clean, appealing and welcoming or dirty and smelly. Also, do they have a fire suppression system with an alarm and climate controls.

Condition of Dogs and Puppies at Breeding Facility or Facilities

Criteria could address the physical conditions of the dogs and puppies and their housing at the breeding facility. Some issues to address could be: are they clean, healthy and happy; are they housed in proper, clean, well-kept cages or kennels with solid flooring; do they have access to clean water and food; are their dishes clean and accessible; do they have appropriate and adequate bedding; do they get regular socialization and exercise; were the parent dogs screened for hereditary diseases; does the breeder provide copies of screening certificates to the pet store or consumer.

Overall Business Operation

Criteria could address how the breeding business is run and if the breeder adheres to current local, State and Federal laws. Some issues to address could include: has the breeder changed its name more than once in the past 5 years; does the breeder sells puppies over the Internet; does the breeder have multiple websites; does the breeder continue to breed puppies with food or environmental allergies, mange, or other obvious genetic defects; does the breeder participate in puppy auctions; does the breeder deliver puppies by airplane or other climate-controlled vehicle; does the breeder allow open inspections by not only government inspectors but also potential buyers; does the breeder provide health certificates, including vaccination records, for all puppies they sell; does the breeder allow customers to purchase puppies and dogs on premises at their facility; what is the ratio of handlers to the total number of dogs and puppies at the breeding facility; does the breeder screen puppies and dogs for hereditary diseases and provide copies of the screening certificates to the pet store or customer; does the breeder participate in dog sports, shows or other outside activities with their adult dogs; does the breeder DNA test their puppies and dogs to prove parentage and provide results upon request; does the breeder have employees or owners currently charged with animal abuse or cruelty.

Miscellaneous Issues:

Miscellaneous issues to address could include: What does the breeder do with dogs that can no longer be used for breeding? What does the breeder do with puppies that are suffering from incurable diseases? How many sick puppies and dogs were returned to the breeder in the past twelve months? How many dead puppies and dogs were returned to the breeder in the past twelve months? How many consumer complaints were filed against the breeder and affiliates in the past twelve months?

Conditions for an automatic failure rating could include:

If the pet store:

- has an employee or owner who has been convicted of animal abuse or cruelty.
- does not comply with local, state and/or federal laws.
- has received USDA violations or has had their licenses revoked in the past two years.
- has received poor or failing inspection reports from governing agencies.
- fails to accurately disclose the name of the pedigree organization that registers their puppies.
- purchases puppies from a broker rather than directly from a breeder.

Or if the breeding facility from whom they purchase their puppies:

- has an employee or owner who has been convicted of animal abuse or cruelty.
- does not comply with local, state and/or federal laws.
- has received USDA violations or has had their licenses revoked in the past two years.
- has received poor or failing inspection reports from governing agencies.
- does not allow open inspections of their facility by potential buyers.
- euthanizes dogs that are past their useful breeding life rather than putting them up for adoption.

1770

Intro. Res. No. -2011 Laid on Table 8/16/11
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 2011, AUTHORIZING EXECUTION OF AN ORDER ON CONSENT CONCERNING THE SUFFOLK COUNTY SEWER DISTRICT NO. 3, SOUTHWEST, BERGEN POINT WASTE WATER TREATMENT PLANT

WHEREAS, it is alleged by the New York State Department of Environmental Conservation (NYSDEC), that violations of the Environmental Conservation Law and associated regulations concerning sanitary sewage overflows (SSOs) and discharge of settleable solids have occurred at the Bergen Point Waste Water Treatment Plant and in the Bergen Point Sewer District's Collection System; and

WHEREAS, NYSDEC and Suffolk County have negotiated a proposed Order on Consent (Matter of Alleged Violations of Article 17 of the Environmental Conservation Law ("ECL") of the State of New York and Part 750 of Title 6 of the Official Compilation of Codes, Rules and Regulations ("6 NYCRR") of the State of New York by Suffolk County Department of Public Works for its facility at Suffolk County Sewer District No. 3, Southwest, Bergen Point (Index No. R-1-20110315-31) ("Consent Order"); and

WHEREAS, the violations are based upon reports submitted in compliance with Suffolk County's State Pollutant Discharge Elimination System (SPEDES) Permit # NY 0104809; and

WHEREAS, upon Suffolk County's compliance with the Consent Order, NYSDEC shall issue a letter indicating that the alleged violations have been resolved and that NYSDEC will take no further action based upon the alleged violations; and

WHEREAS, the Compliance Schedule for the Consent Order requires the Suffolk County Department of Public Works to undertake the Southwest Sewer District No. 3 Collection System Treatment Process Improvement Project, which has already received legislative approval; and

WHEREAS, the Compliance Schedule for the Consent Order also requires the Suffolk County Department of Public Works to undertake an Infiltration/Inflow Reduction Project, the initial steps of which have already been approved and which may require legislative approval of future steps; and

WHEREAS, it is anticipated that such projects will minimize further occurrences of SSO's; and

WHEREAS, under the Consent Order, Twenty-Thousand ($20,000.00) Dollars of the proposed penalties shall be suspended based upon the County's adherence to the terms and conditions of the Consent Order and the Compliance Schedule, and the

penalty payable would be reduced to Forty-Seven Thousand ($47,000.00) Dollars to be paid out of the Operating Budget (203-8113-4575); and

WHEREAS, the alleged violations, if proven, could have resulted in substantially higher penalties, notwithstanding the fact that the SC Department of Public Works responded immediately to such problems and that the alleged violations did not create any safety threat; and

WHEREAS, entry into the Consent Order would be in the best interest of the County of Suffolk; now, therefore, be it

1st RESOLVED that the Administrative Head of Suffolk County Sewer District No. 3, Southwest, is hereby authorized empowered and directed to execute the Consent Order, substantially in the form submitted herewith as Exhibit A, and to take all actions necessary to implement the Consent Order, subject to any necessary approvals by the County Legislature, and, be it further

2nd RESOLVED, that the execution and delivery on behalf of and in the name of the County by the Administrative Head of Suffolk County Sewer District No. 3, Southwest, of the Consent Order presented to the members of the Legislature at this meeting in this Resolution is hereby authorized and directed, with such changes therein as the NYSDEC may require, the Administrative Head of Suffolk County Sewer District No. 3, Southwest, may accept, and the County Attorney may approve; and, be it further

3rd RESOLVED, that the execution and delivery of such Consent Order shall be conclusive evidence of approval of any such changes and of the authorization and direction thereof by this Legislature; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action pursuant to Title 6 NYCRR Section 617.5(c) (20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County
Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

RESOLUTION NO. 2011, AUTHORIZING EXECUTION OF AN ORDER ON CONSENT CONCERNING THE SUFFOLK COUNTY SEWER DISTRICT NO. 3, SOUTHWEST, BERGEN POINT WASTE WATER TREATMENT PLANT

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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

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

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

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

The $47,000 in fines will be paid out an existing line in the Operating Budget (203-8113-4575)

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

The impact will be to the 2011 Operating Budget.

8. Proposed Source of Funding

2011 Operating budget.

9. Timing of Impact

2011

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Amy C Engel, Senior Management Analyst	Amy C Engel	August 16, 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	$0	$0.00		$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	$0	$0.00		$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	$0	$0.00		$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.

To be completed by the Executive Budget Office

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violations of Article 17 of the Environmental Conservation Law ("ECL") of the State of New York and Part 750 of Title 6 of the Official Compilation of Codes, Rules and Regulations ("6 NYCRR") of the State of New York by	Order on Consent Index No. **R1-20110315-31**

SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS
for its facility at SUFFOLK COUNTY SEWER DISTRICT NO. 3, SOUTHWEST, BERGEN POINT

Respondent

1. The New York State Department of Environmental Conservation ("DEC" or the "Department") is responsible for the administration and enforcement of laws and regulations pertaining to the regulation of water pollution control in the State of New York, including Article 17 of Environmental Conservation Law of the State of New York ("ECL") and Part 750 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR"); and

2. Respondent, SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS, has offices at 335 Yaphank Avenue, Yaphank, NY 11980 and is a county agency. Suffolk County Sewer District No. 3-Southwest is an administrative unit of the County of Suffolk and owns and operates BERGEN POINT, which is located at 600 Bergen Avenue, West Babylon, County of Suffolk, New York (hereinafter referred to as "the Facility"); and

3. ECL § 17-0105 (1) states that "'person' or 'persons' means any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever;"and

4. Respondent SUFFOLK COUNTY SEWER DISTRICT NO. 3, SOUTHWEST, BERGEN POINT is a "person" as defined in ECL §17-0105 (1); and

5. Respondent has at all times pertinent to the alleged violations cited herein, owned and controlled the Facility; and

6. Respondent was issued State Pollutant Discharge Elimination System Permit # NY 0104809 (hereinafter "SPDES Permit 0104809") for the discharge of pollutants from the Facility. This SPDES Permit was renewed by the Department effective January 1, 2010 to December 31, 2015; and

7. Pursuant to ECL §17-0511 and 6 NYCRR Part 750, the use of existing or new outlets or point sources, which discharge sewage, industrial waste or other wastes into water of this state is prohibited unless such use is in compliance with all standards, criteria, limitations, rules and regulations promulgated or applied by the Department; and

8. Department Staff has documented that on eight occurrences on March 30, 2010 and March 31, 2010, Respondent has violated the above statute and regulation in that Respondent caused and or permitted to be caused sanitary sewage overflows in Bergen Point Sewer District's Collection System; and

9. Pursuant to ECL §17-0803 and 6 NYCRR Part 750, it is unlawful to discharge pollutants into the waters of the state from any outlet or point source without a SPDES permit issued pursuant hereto or in a manner other than as allowed under such a permit; and

10. Department Staff has documented that on three occurrences Respondent has violated the above statue and regulation in that Respondent allowed the discharge of settleable solids in violation of their allowable limit authorized by their Permit. The date of the aforementioned Permit violations are October 31, 2007, September 30, 2009 and October 31, 2010; and

11. ECL Section 71-1929 provides that any person who violates any provision of titles 1 though 11 of ECL Article 17 or any rule, regulation or order issued thereunder, shall be liable for a penalty not to exceed thirty-seven thousand, five hundred ($37,500) dollars per day for each violation.

12. Respondent affirmatively waives its right to a hearing on this matter as provided by law and consents to the issuing and entering of this Order and agrees to be bound by the provisions, terms and conditions contained herein.

NOW, having considered this matter and being duly advised, **IT IS ORDERED THAT:**

I. Compliance. Respondent shall immediately comply with the terms and conditions of the Compliance Schedule attached hereto.

II. Civil Penalty. That with respect to the aforementioned violations, there is hereby imposed upon the Respondent, a penalty in the sum of SIXTY SEVEN THOUSAND ($67,000) DOLLARS of which sum FORTY SEVEN THOUSAND ($47,000) DOLLARS shall be payable within sixty (60) days of the effective date of this Order.[1] The penalty shall be made payable to "N.Y. S. Department of Environmental Conservation." The remaining sum of TWENTY THOUSAND ($20,000) DOLLARS shall be suspended provided that Respondent adhere to the terms and conditions of this Order and the attached Compliance Schedule.

III. Stipulated Penalties. The following stipulated penalties shall apply:

[1] The Department acknowledges that Suffolk County Comptroller requires a fully executed Order for the issuance of the payable penalty.

a. If the Respondent fails to meet any of the three submission requirements as detailed in the Schedule of Compliance attached to this Order, a stipulated penalty in the amount of $10,000 per violation, per day, shall apply.

b. Any penalty owed by the Respondent pursuant to subparagraph (a) above shall be due and payable within 120 days of Respondent's receipt of a notice of noncompliance which shall be issued by DEC in writing and which shall specify the amount of the penalty then due. Interest shall accrue on any penalty not paid when due, at a judgment rate not to exceed 9% per annum, non-compound, or such other judgment interest rate as General Municipal Finance Law § 3-a or any successor law shall establish.

c. In the event that Respondent fails to pay any penalty due pursuant to this Paragraph IV by the due date, this Order together with the notice of noncompliance specifying the amount due may be filed and enforced by the DEC as a civil judgment for the total penalty amount set forth in the notice of noncompliance without the need for further proceedings.

IV. No Further Action Upon Respondent's compliance with the terms and conditions of this Order, including the attached Compliance Schedule, the Department shall issue a letter indicating that the violations set forth herein have been resolved and subject to the limitation set forth in the paragraph on *Reservation of Rights*, the Department will take no further action against the Respondent for the violations resolved by this Order on Consent.

V. Reservation of Rights. Subject to the foregoing, the Department reserves its rights to exercise authorities under law, including the summary abatement power of the Commissioner. The Department reserves its rights to protect human health and the environment, to require that the Respondent undertake any additional measures required to protect human health or the environment, and to otherwise require compliance with the law.

VI. Modification. In those instances in which Respondent desires that any of the provisions, terms or conditions of this Order be changed, it shall make written application, setting forth the grounds for the relief sought, to the Commissioner, c/o Regional Attorney, 50 Circle Drive, Stony Brook, NY 11790. No change or modification to this Order shall become effective except as specifically set forth in writing and approved by the Commissioner or a duly authorized representative.

VII. Indemnification. Respondent shall indemnify and hold the Department, the State of New York, their representatives, employees and agents, harmless for all claims, actions, damages and costs resulting from the intentional or negligent acts or omissions, or other acts or omissions, as permissible under the Public Officers Law of Respondent, its officers, employees, servants, agents, successors or assigns, in the fulfillment or attempted fulfillment of the provisions of this Order.

VIII. Future Compliance. For the purpose of insuring compliance with this Order, duly authorized representatives of this Department shall be permitted access to Respondent's facilities

during reasonable hours; in order to inspect and/or require such tests as may be deemed necessary to determine the status of Respondent's compliance herewith.

IX. Binding Effect. The provisions, terms, and conditions of this Order, including Appendix A, shall be deemed to bind Respondent and Respondent's officers, directors, agents, employees, successors and assigns and all persons, firms and corporations acting under or for them, including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent, whether at the present location or at any other in this State.

X. Collection Costs / Fees. Respondent's failure to pay any penalty amounts due under the terms of this Order may result in a 22% surcharge in recovery costs and a potential tax refund offset by the Department of Taxation and Finance.

XI. Effective Date. The effective date of this Order shall be the date upon which it is signed by the Commissioner or the Commissioner's Designee on behalf of the Department.

XII. Unforeseen Events. Respondent shall not suffer any penalty under any of the provisions, terms and conditions hereof, or be subject to any proceedings or actions for any remedy or relief, if Respondent cannot comply with any requirements of the provisions hereof because of an Act of God, war, riot, or other catastrophe as to which negligence or willful misconduct on the part of Respondent was not foreseen or a proximate cause, provided, however, that the Respondent shall immediately notify the Department in writing, when it obtains knowledge of any such condition and shall request an appropriate extension or modification of the provisions hereof; Respondent will adopt all reasonable measures to prevent or minimize any delay.

XIII. Entire Agreement. This Order constitutes the entire agreement of the parties, and no provision of the agreement shall be deemed waived or otherwise modified without the written consent of the parties hereto or their lawfully designated successors.

Stony Brook, New York

Dated:_____

JOSEPH J. MARTENS
Commissioner of Environmental Conservation

By: _____
PETER A. SCULLY
Regional Director

CONSENT BY COUNTY AGENCY

Respondent, **SUFFOLK COUNTY DEPT. OF PUBLIC WORKS** acknowledges the authority and jurisdiction of the Commissioner of the Department of Environmental Conservation of the State of New York to issue the foregoing Order, waives public hearing or other proceedings in the matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof and agrees to be bound by the provisions, terms and conditions contained therein.

SUFFOLK COUNTY DEPT. OF PUBLIC WORKS
Respondent

By: _____

Name: _____

Title: _____,

an individual duly authorized by the respondent agency to sign on behalf of the agency and whom may bind respondent agency to the terms and conditions contained herein.

Date: _____

COUNTY AGENCY ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

On the _____ day of _____ in the year 2011, before me personally came _____, to me known, who, being duly sworn did depose and say that they resides at _____, that they are the_____ of **SUFFOLK COUNTY DEPT. OF PUBLIC WORKS** the agency described herein and which executed the above instrument; and that he or she signed his or her name thereto with full authority so to do.

Sworn to before me this

_____ day of _____, 2011

Notary Public

COMPLIANCE SCHEDULE
FOR
SUFFOLK COUNTY DEPT. OF PUBLIC WORKS
for its facility at
SUFFOLK COUNTY SEWER DISTRICT NO. 3
located at
BERGAN POINT, SOUTHWEST
SPDES #NY0104809

SUBMISSION REQUIREMENTS:

On or before 8/31/2011: Respondent shall develop and submit an SSO Abatement and Elimination Plan.

On or before 9/30/2011: Respondent shall develop and submit an approvable Asset Management Plan for the collection system infrastructure including All the pumping stations. The Asset Management Plan shall include, at a minimum, the following items:

a) An inventory of assets, including both equipment and personnel;
b) An assessment of criticality and conditions; and useful life span;
c) Ranking and Prioritizing of equipment;
d) Assets value, replacement costs, replacement schedule;
e) Minimum life cycle cost and long term funding plan

On 15th day of July and January after issuance of Consent Order: Respondent shall submit semi-annual progress reports, i.e. January and July of each year beginning in 2012 through January 2015, detailing work for reducing Infiltration/Inflow, as proposed by the Respondent to the Department, in Respondent's letter dated August 30, 2010, submitted in response to the Notice of Violation, dated July26, 2010.

All submittals to the Department required under this Order shall be made by Respondent as follows:

1) One copy to: Regional Attorney
Legal Affairs, Region One
New York State Department of Environmental Conservation,
50 Circle Road, SUNY at Stony Brook
Stony Brook, New York 11790-3409; and

2) One copy to: Regional Water Manager

Division of Water, Region One
NYS Department of Environmental Conservation
50 Circle Road, SUNY at Stony Brook
Stony Brook, New York 11790-3409; and

3) One copy to: Chief of Bureau of Compliance
Division of Water
NYS Department of Environmental Conservation
625 Broadway, Albany, New York 12233-3502

Introductory Resolution No. 1771-11 Laid on Table 8/16/11

Introduced by Presiding Officer Lindsay on request of the County Executive

RESOLUTION NO. --2011, AUTHORIZING THE COUNTY COMPTROLLER AND THE COUNTY TREASURER TO TRANSFER FUNDS TO COVER THE SHORTFALL IN SAFETY NET APPROPRIATIONS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Commissioner of Social Services anticipates an estimated $8.7 Million shortfall in the Department's Safety Net appropriation; and

WHEREAS, Suffolk County Department of Social Services continues to experience significant increases in caseloads for Temporary Assistance, especially in the Safety Net Program of 54%, or 1,837 cases over the last 24 months; and

WHEREAS, projections for the Department of Social Services Safety Net caseload in 2011 occurred in mid - 2010 as part of the 2011 budget process, that anticipated the leveling off of the extent of public assistance that would be associated with at least the early stages of a nationwide economic recovery; and

WHEREAS, the anticipated economic recovery did not materialize to an extent where the projected caseload reductions occurred, and in fact resulted in increased caseloads requiring additional funding for the New York State mandated Safety Net program; and

WHEREAS, projected revenues for this State Mandated program changed when New York State's 2011-2012 budget was adopted in the second quarter of Suffolk County's 2011 budget; and

WHEREAS, the reimbursement rate from New York State to the local counties for the Safety Net program was reduced from 50% to 29% upon adoption of the current State Budget, shifting significantly more of the financial burden to Suffolk County and creating a deficit in the Safety Net revenue budget; and

WHEREAS, the Department of Social Services does not have sufficient surplus appropriations to cover the entire estimated shortfall from within the Department; and

WHEREAS, surplus appropriations have been identified in the Departments of Public Works and Health Services, along with those in the Department of Social Services to cover the $8.7 Million shortfall in Safety Net appropriations; now, therefore be it

1st **RESOLVED,** that the County Comptroller and the County Treasurer be and they are hereby authorized to transfer the following funds within the 2011 Operating Budget.

FUND	DEPT	UNIT	UNIT NAME	BUD TYPE	OBJ	AMOUNT
TRANSFER OUT:						**$ 8,700,000**
001	DPW	1164	DPW COURTS	ME	4560	$ 500,000
001	DPW	1496	RED LIGHT CAMERAS	DE	4560	$ 1,150,000
001	DSS	6010	FAM,CHILD,ADULT SVCS	DE	1100	$ 400,000
001	DSS	6010	FAM,CHILD,ADULT SVCS	DE	3010	$ 50,000
001	DSS	6073	CHILD SUPPORT SVCS	DE	1100	$ 400,000

001	DSS	6103	MA CAP PAYMENT	ME	4690	$ 3,000,000
001	HSV	2960	EDUCATION HANDICAP CHILD	ME	4170	$ 1,500,000
001	HSV	4101	PATIENT CARE	DE	3160	$ 1,200,000
001	HSV	4101	PATIENT CARE	DE	3370	$ 250,000
001	HSV	4101	PATIENT CARE	DE	4560	$ 250,000
TRANS IN:						**$ 8,700,000**
001	DSS	6140	SAFETY NET	ME	4690	$ 8,700,000

; and be it further

2nd **RESOLVED,** that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II Action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c)(20) and (27)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a).

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 X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

RESOLUTION NO. -2011, AUTHORIZING THE COUNTY COMPTROLLER AND THE COUNTY TREASURER TO TRANSFER FUNDS TO COVER THE SHORTFALL IN SAFETY NET APPROPRIATIONS IN THE DEPARTMENT OF SOCIAL SERVICES

3. Purpose of Proposed Legislation

See item 2 above

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

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

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

6. If the answer to item 5 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

Transfer of funds within the General Fund; both Mandated Budget to Mandated Budget and Discretionary Budget to Mandated Budget

9. Timing of Impact

Upon Adoption of Legislation

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
James P. Burt Assistant Budget Director	James P Burt	August 16, 2011

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2011 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER $100	2011 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER $100	2011 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER $100	2011 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 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.

To be completed by the Executive Budget Office

1772

Intro. Res. No. -2011 Laid on Table 8/16/11
Introduced by Legislator Kennedy

RESOLUTION NO. –2011, ADOPTING LOCAL LAW NO. -2011, A CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT RIGHTS FOR MUNICIPAL FIRE, AMBULANCE AND POLICE DISTRICTS 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 CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT RIGHTS FOR MUNICIPAL FIRE, AMBULANCE AND POLICE DISTRICTS 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 CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT RIGHTS FOR MUNICIPAL FIRE, AMBULANCE AND POLICE DISTRICTS IN SUFFOLK COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County's Save Open Space (SOS) and New Drinking Water Protection Program authorized the transfer of development rights from lands acquired under these programs for the purpose of providing workforce housing.

This Legislature also finds and determines that few of the development rights that have been banked under these programs have been utilized to create housing.

This Legislature further finds and determines that in addition to workforce housing, these development rights could be used to further other policy goals, including the creation and expansion of the facilities of municipal fire, ambulance and police districts.

This Legislature finds that municipal fire, ambulance and police districts need to expand periodically to meet the demand for increased services in growing districts, including the need to store new or additional equipment and personnel.

This Legislature determines that transferring development rights for municipal fire, ambulance and police districts would allow for the growth of these organizations, which provide vital services protecting the health and safety of the residents of Suffolk County.

Therefore, the purpose of this law is to amend Article XII of the SUFFOLK COUNTY CHARTER to authorize the transfer of development rights to promote the growth of municipal fire, ambulance and police districts.

Section 2. Amendment.

Section 12-2(A)(2)(c) of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

(c) The County of Suffolk hereby reserves the right to dedicate and transfer development rights from land acquired under this law (exclusive of transactions involving farmland development rights, active parkland, hamlet parks, and historic parks), and hold for use for the [sole] purposes of providing workforce housing, as defined in Article XXXVI of the Suffolk County Administrative Code, or the creation and expansion of the facilities of municipal fire, ambulance or police districts. [pursuant to a program established by the Suffolk County Department of Planning and via subsequent duly enacted resolution of the County of Suffolk.] In each individual use or sale of such development rights for the purpose of providing workforce housing, such use or sale shall be subject to approval by duly enacted resolution of the County of Suffolk and shall be consistent with Resolution No. 412-2005, as amended. A program to govern the transfer of development rights for the creation or expansion of municipal fire, ambulance or police districts shall be established by the Department of Planning via subsequent duly enacted resolution of the County of Suffolk and each individual use or sale of development rights for these purposes shall be subject to approval by duly enacted resolution of the County of Suffolk.

Section 3. Applicability.

This law shall apply to development rights that are derived from land acquisitions 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. Form of Proposition.

The question to be submitted to the electorate pursuant to Section 7 of this law shall read as follows:

> **Shall Resolution No. -2011, Adopting A Charter Law to Authorize the Use of Development Rights for Municipal Emergency, Fire and Public Safety Corporations, Be Approved?**

Section 7. Effective Date.

This law shall not take effect until the first day of the first calendar year after its approval by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section 34 of the NEW YORK MUNICIPAL HOME RULE LAW.

[ ] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

s:\laws\cl-transfer development rights emergency fire public safety

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
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DATE: **August 16, 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 CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT RIGHTS FOR MUNICIPAL FIRE, AMBULANCE AND POLICE DISTRICTS**

SPONSOR: **LEGISLATOR KENNEDY**

DATE OF RECEIPT BY COUNSEL: 8/16/11 **PUBLIC HEARING:** 9/15/11

DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

Article XII of the SUFFOLK COUNTY CHARTER authorizes the County to transfer development rights from land acquired under the Suffolk County Drinking Water Protection Program for the purpose of providing workforce housing. This charter law would amend Article XII of the SUFFOLK COUNTY CHARTER to allow the transfer of development rights to aid the construction or expansion of municipal fire, ambulance or police districts.

This law directs the Department of Planning to establish a program to govern the transfer of development rights for municipal fire, ambulance or police districts, subject to legislative approval.

This law will apply to development rights derived from land acquisitions occurring on or after the effective date of this law.

This law is made subject to a mandatory referendum.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-TRD municipal fire ambulance police districts

1773

Intro. Res. No. -2011 Laid on Table 8/16/11
Introduced by Legislator Kennedy

RESOLUTION NO. –2011, ADOPTING LOCAL LAW NO. -2011, A CHARTER LAW TO ENSURE AN EFFECTIVE, NON-PARTISAN REAPPORTIONMENT PROCESS

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 ENSURE AN EFFECTIVE, NON-PARTISAN REAPPORTIONMENT PROCESS**"; 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 ENSURE AN EFFECTIVE, NON-PARTISAN REAPPORTIONMENT PROCESS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law 14-2007 established a non-partisan Reapportionment Commission to recommend new legislative boundaries to reflect population changes within the County.

This Legislature also finds and determines that Local Law 14-2007 provides that there shall be one chairperson of the Reapportionment Commission.

This Legislature further finds and determines that the Commission should have two Chairpersons, one appointed from among the members selected by the Majority Leader of the Legislature and one from the among members selected by the Minority Leader, to ensure the efficient, non-partisan functioning of the Commission.

This Legislature finds that Local Law 14-2007 prohibits the appointment of any individual who has held partisan elective office in the previous ten years. This provision has proven to be unduly burdensome and restrictive, particularly in regards to finding qualified judges to serve on this Commission.

This Legislature finds that former judges should only have to be five years removed from their tenure in office to be eligible for appointment to the Reapportionment Commission.

Therefore, the purpose of this law is to amend Section C2-3 of the SUFFOLK COUNTY CHARTER to require that there be two Chairpersons of the Reapportionment Commission and to allow former judges to be eligible for appointment to the Commission five years after leaving elected office.

Section 2. Amendment.

Section 2-3(E) of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C2-3. Legislative districts.

****

E. (1) ****

(3) The following classes of individuals shall not be eligible to serve as members of the Reapportionment Commission:

(a) Individuals who currently serve or have served in the immediately preceding 10 years in any elected federal, state or local partisan office, <u>except that former judges shall be eligible to serve five years after leaving the bench</u>; or

****

(4) The Reapportionment Commission shall hold its first meeting no later than 30 days after the oaths of office of all members have been filed, at which meeting **[a]** <u>two</u> Chairpersons shall be selected **[**by a majority of the Reapportionment Commission**]**. <u>The members selected by the Majority Leader will designate one chairperson and the members selected by the Minority Leader will designate one chairperson.</u>

****

<u>Section 3. Applicability.</u>

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

<u>Section 4. Severability.</u>

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.

<u>Section 5. SEQRA Determination.</u>

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

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

Section 6. Effective Date.

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

[ ] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

s:\laws\cl-Kennedy reapportionment

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1773

GEORGE NOLAN
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DATE: **August 16, 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 CHARTER LAW TO ENSURE AN EFFECTIVE, NON-PARTISAN REAPPORTIONMENT PROCESS**

SPONSOR: **LEGISLATOR KENNEDY**

DATE OF RECEIPT BY COUNSEL: 8/16/11 **PUBLIC HEARING:** 9/15/11

DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

Section C2-3 of the SUFFOLK COUNTY CHARTER codifies the reapportionment process for legislative districts, including the membership requirements for the Reapportionment Commission ("the Commission"). This proposed Charter law would amend Section C2-3 of the SUFFOLK COUNTY CHARTER to require the Commission to have two chairpersons instead of one. The Commission members appointed by the Majority Leader of the Legislature will designate one chairperson and the Commission members appointed by the Minority Leader will designate the other.

This law will also allow former judges to be appointed to the Commission five years after leaving the bench. Presently, former judges may be appointed no less than ten years after leaving the bench.

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

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-kennedy reapportionment