

1172

Intro. Res. No. -2012  
Introduced by Legislator Anker

Laid on Table 2/7/11

**RESOLUTION NO. -2012, ESTABLISHING A HEALTH PERMIT PROCESS REVIEW COMMITTEE TO STREAMLINE THE APPLICATION PROCESS FOR SEWER EXPANSIONS AND INSTALLATIONS**

**WHEREAS**, Suffolk County strongly encourages the growth and expansion of local businesses, which drive Long Island's economy; and

**WHEREAS**, as businesses grow, they often need to apply for wastewater permits to accommodate increased demand on existing systems; and

**WHEREAS**, the Department of Health Services' Division of Environmental Quality administers the County's wastewater permitting process, which protects the County's groundwater; and

**WHEREAS**, many businesses have found that the County's health permit application and issuance process takes an exceedingly long time, which hampers their ability to expand, grow and contribute to the local economy; and

**WHEREAS**, the Department of Health Services ("the Department") may be experiencing delays in processing due to inefficiencies in the permitting process or difficulty in ensuring that sufficient staff is available to administer the program; and

**WHEREAS**, a committee should be established to review the Department's wastewater permitting process and provide recommendations on ways to streamline the process to improve efficiency while continuing to protect the County's groundwater; now, therefore be it

**1st RESOLVED**, that a special Health Permit Process Review Committee is hereby created to examine the Department of Health Services' wastewater permitting process and provide recommendations to improve the efficiency of the process while safeguarding water quality; and be it further

**2nd RESOLVED**, that the Committee shall have the following seven (7) members:

- 1) The chairperson of the County Legislature's Health committee, or his or her designee;
- 2) The chairperson of the County Legislature's Environment, Planning and Agriculture committee, or his or her designee;
- 3) The Chairperson of the County's Economic Development and Energy committee, or his or her designee;
- 4) The County Executive, or his or her designee;
- 5) The Presiding Officer of the Legislature, or his or her designee;
- 6) A member of the business community in Suffolk County, to be appointed by the County Legislature; and
- 7) A member of the environmental protection community in Suffolk County, to be appointed by the County Legislature.

; and be it further

**3rd** **RESOLVED**, that the chairperson of the Committee shall be selected by a majority of the membership of said Committee; and be it further

**4th** **RESOLVED**, that the Committee 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 for the purpose of organization and the appointment of a chairperson, vice chairperson and a secretary; and be it further

**5th** **RESOLVED**, that the members of the Committee shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

**6th** **RESOLVED**, that the Committee shall hold regular meetings, keep a record of all its proceedings and determine the rules of its own proceedings with special meetings to be called by the chairperson upon his or her own initiative or upon receipt of a written request therefor signed by at least three (3) members of the Committee. Written notice of the time and place of such special meetings shall be given by the secretary to each member at least four (4) days before the date fixed by the notice for such special meeting; and be it further

**7th** **RESOLVED**, that four (4) members of the Committee shall constitute a quorum to transact the business of the Committee at both regular and special meetings; and be it further

**8th** **RESOLVED**, that clerical services involving the month-to-month operation of the Committee, as well as supplies and postage as necessary, will be provided by the Department of Health Services; and be it further

**9th** **RESOLVED**, that the Committee may conduct such informal hearings and meetings at any place or places within the County of Suffolk for the purpose of obtaining necessary information or other data to assist it in the proper performance of its duties and functions as it deems necessary; and be it further

**10th** **RESOLVED**, that the Committee may delegate to any member of the Committee the power and authority to conduct such hearings and meetings; and be it further

**11th** **RESOLVED**, that the Committee is hereby authorized, empowered and directed to hold at least four (4) public hearings throughout the County of Suffolk to assemble the data and information necessary to complete the valuation, study and report required with all reasonable efforts to be made to ascertain the views, wishes and opinions of the residents of Suffolk County; and be it further

**12th** **RESOLVED**, that said Committee shall issue a written report after a comprehensive study of the Department of Health Services wastewater permitting procedure to determine the efficiency of the process and provide recommendations on improvements that will increase the process' efficiency while continuing to safeguard the County's groundwater and water quality; and be it further

**13th** **RESOLVED**, that the Committee shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature, the County Executive and the Commissioner of the Department of Health

Services no later than one hundred eighty (180) days subsequent to the effective date of this Resolution for consideration, review and appropriate action; and be it further

**14th**           **RESOLVED**, that the Committee shall expire, and the terms of office of its members terminate, as of December 31<sup>st</sup>, 2012, at which time the Committee shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

**15th**           **RESOLVED**, that this review shall not be performed by an outside consultant or consulting firm unless explicit approval and authorization for such consultant or consulting firm is granted pursuant to a duly authorized resolution of the County Legislature; and be it further

**16th**           **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-health permit review committee

1175

Intro. Res. No. -2012  
Introduced by Presiding Officer Lindsay

Laid on Table 2/7/12

**RESOLUTION NO. -2012, APPOINTING KEVIN M. HARVEY AS A MEMBER OF THE SUFFOLK COUNTY INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

**WHEREAS**, Resolution Nos. 1142-1975 and 1245-1975 implemented the creation of the Suffolk County Industrial Development Agency ("IDA") pursuant to Section 991-a of the NEW YORK GENERAL MUNICIPAL LAW and made the initial appointments to that Agency; and

**WHEREAS**, Section 856 (2) of the NEW YORK GENERAL MUNICIPAL LAW permits the appointment of seven (7) members to said IDA; and

**WHEREAS**, all such members of the IDA serve at the pleasure of the Suffolk County Legislature; now, therefore be it

**RESOLVED**, that Kevin M. Harvey residing at Smithtown, New York, 11787 be and hereby is appointed as a member of the Suffolk County Industrial Development Agency (IDA) to replace present member Alan J. Ehl; and be it further

**RESOLVED**, that such member so appointed shall serve at the pleasure of the Suffolk County Legislature; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

DATED:

EFFECTIVE PURSUANT TO SECTION 2-15 (A) OF THE SUFFOLK COUNTY CHARTER AND SECTION 856 (2) OF THE NEW YORK GENERAL MUNICIPAL LAW

S:\res\lr-appt-IDA-harvey

Smithtown, New York 11787

# Kevin M. Harvey

**MEMBER OF  
LOCAL 25 I.B.E.W.  
FOR 39 YEARS**

<b>Experience</b>	2011-Present	Local 25 I.B.E.W.	Hauppauge, NY
	<b>Business Manager</b>		
	2004-2010	Local 25 I.B.E.W.	Hauppauge, NY
	<b>Business Representative/Suffolk County</b>		
	2002-2004	Electrical Industry Board	Hauppauge, NY
	<b>Trustee-Health and Benefits Fund, Vacation and Holiday Trust Fund</b>		
	2002-2004	Local 25 I.B.E.W.	Hauppauge, NY
	<b>Recording Secretary</b>		
	2002-2004	Local 25 I.B.E.W.	Hauppauge, NY
	<b>Trustee</b>		
	<ul style="list-style-type: none"><li>• Bewco and 370 Corp.</li></ul>		
	2001-2004	Local 25 I.B.E.W.	Hauppauge, NY
	<b>Chairman</b>		
	<ul style="list-style-type: none"><li>• Shop Stewards Committee</li></ul>		
	1999-2004	Joint Apprenticeship Training	Hauppauge, NY
	<b>JATC Instructor</b>		
	<ul style="list-style-type: none"><li>• 3<sup>rd</sup> Year Electronics</li></ul>		

**Activities**

- 1972-1975            Local 25 I.B.E.W.  
                         Christmas Party Committee
- 1972-1976            Local 25 I.B.E.W.  
                         Softball Team
- 1972-1979            Local 25 I.B.E.W.  
                         Entertainment Committee
- 1995 – Present        Local 25 I.B.E.W.  
                         Member of Shop Stewards Committee

**Education**

- 1969-1972            Iona College
- 3 Years Undergraduate Studies
- 1972-1976    Graduate Local 25 JATC Program
- 1996-1998    Cornell University of Industrial Labor Relations
- Completion of Years (24 Credits) Shop Stewards Program
- 1999-2005    NTI/University of Tennessee
- NJATC “Train the Trainer” Program
- National Electrical Testing Associates (NETA) Level III Technician
- Instrument Society of America (ISA) Level II I/C Test Technician

1176

Intro. Res. No. -2012  
Introduced by Legislator Spencer

Laid on Table 2/7/12

**RESOLUTION NO. -2012, APPOINTING MICHAEL MULE  
AS A MEMBER OF THE SUFFOLK COUNTY VANDERBILT  
MUSEUM COMMISSION (TRUSTEE NO. 7)**

**WHEREAS**, Resolution No. 1218-2010 appointed Tanya McKay of Manorville as Trustee No. 7, to the Vanderbilt Museum Commission; and

**WHEREAS**, Tanya McKay has resigned from the Vanderbilt Museum Commission; now, therefore be it

**1st RESOLVED**, that Michael Mule of Centerport, New York, is hereby appointed as a member of the Suffolk County Vanderbilt Museum Commission, as Trustee No. 7, for a term of office to expire May 13, 2014, said appointment having been made pursuant to the provisions of Section 250-6 of the SUFFOLK COUNTY CODE.

DATED:

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND SECTION 250-6 OF THE SUFFOLK COUNTY CODE

S:\res\lr-appt-vanderbilt-mule

1177

Intro. Res. No. -2012  
Introduced by Legislator Gregory

Laid on Table 2/7/12

**RESOLUTION NO. -2012, APPOINT MEMBER TO THE  
SUFFOLK COUNTY BOARD OF ETHICS (HEATHER M.  
PALMORE, ESQ.)**

**WHEREAS**, Local Law 56-2011 established a five member Board of Ethics; and

**WHEREAS**, all appointments to the Board of Ethics are subject to legislative approval; now, therefore be it

**1st RESOLVED**, that Heather M. Palmore, Esq. of Wyandanch, NY, is hereby appointed to the Suffolk County Board of Ethics as the appointment of the Majority Leader, for a term of office to expire three years from the effective date of this resolution; and

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

DATED:

EFFECTIVE PURSUANT SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND LOCAL LAW 56-2011

s:\res\r-appt-ethics-palmore

## HEATHER M. PALMORE, ESQ.

### ADDRESS

Home: , Wyandanch, New York 11701  
Phone: Email:

Office: New York, New York 10005  
Phone:

### PROFILE

- Licensed attorney in New York State and U.S. District Court, Eastern and Southern Districts in New York since 1995
- *Partner/Shareholder*-Conway, Farrell, Curtin & Kelly, P.C., Wall Street, New York
- Trial Attorney in Litigation Department of Conway, Farrell, Curtin & Kelly, P.C. with extensive litigation/trial experience in all Courts
- Partner in charge of Labor Law, Employment, Commercial Litigation, Insurance Law, Municipal Law, Education Law Division at Conway, Farrell, Curtin & Kelly, P.C., representing municipalities, corporations, insurance companies in the Tri-State area as General and Labor Counsel; trial attorney- tried over 100+ trials to verdict
- Recognized litigation specialist in contract, insurance defense, complex litigation, labor, employment and construction law, premises liability, commercial litigation, employment contracts, labor negotiations, education law and all aspects of trial litigation
- Work closely with Human Resources/Personnel Departments for corporations and municipalities regarding hiring practices, compliance, employment contracts
- Supervise work of 30+ attorneys in all aspects of litigation, including, but not limited to risk assessment, discovery, negotiations and trial preparation
- Defend corporations, insurance companies, municipalities in mediations and arbitrations in the Tri-State area, including, but not limited to Travelers, Verizon, AIG, Diocese of Brooklyn, General Star, QBE, Nationwide, Port Authority, Zurich North America, Lehr Construction, Ian Schragger Company, City of New York and numerous other public, private and not-for-profit entities
- Taught Oral Communication, Trial Practice, Public Speaking at both Cornell University and Syracuse University College of Law
- Extensive experience in the preparation and trial of all aspects of insurance claims, labor negotiations, employment contracts
- Former Assistant to the District Attorney of Queens County in the Felony Trial, Family Court, Domestic Violence, Narcotics and Appeals Bureau- tried over 50 cases to verdict.

## KEY ACCOMPLISHMENTS

- Elected Partner at the Wall Street law firm of Conway, Farrell, Curtin & Kelly, P.C.
- Successfully defended over 150 civil and criminal trials in Supreme Court with 95% to verdict, all resulting in favorable verdicts
- Trustee at Molloy College, Rockville Centre, Long Island, New York
- Appointed unanimously by the New York State Board of Regents to the Roosevelt Board of Education, the only State run school in New York
- Energeia Partnership at Molloy College-leadership academy for regional stewardship
- 2011 *Long Island Business News* Top 50 Most Influential Women in Business
- 2008 *The Network Journal Magazine*-Top 40 Under 40 Achievement Award
- 2008 Citizen of the Year for the North Atlantic Region of Alpha Kappa Alpha Sorority, Incorporated
- 2007 recipient of the Dr. Martin Luther King Drum Major Award for Long Island
- 2007 recipient of the National Panhellenic Counsel Award for Soror of the Year
- Inducted into the Malverne Hall of Fame for Athletic Excellence-2007
- Member of the Cornell Women's Basketball Team
- Syracuse University Moot Court Executive Director
- Syracuse University-National Trial Team-Regional and National Award Recipient
- Inductee into the National Order of Barristers
- Yale University Graduate School Ford-Mellon Scholar
- Featured on *Dateline NBC* regarding studies at Yale University pertaining to Subliminal Preferences and Implicit Association
- Recipient of the Elsie Van Buren Award for Oral Communication at Cornell University, the University's highest honor for oral advocacy for two consecutive years
- Member: New York State Bar Association, Brooklyn Bar Association, Amistad Bar Association, Theta Iota Omega Chapter of Alpha Kappa Alpha Sorority, Inc., Executive Board; The Long Island Chapter of The Links Incorporated, Suffolk County Chapter of Jack and Jill of America, Executive Board; Long Island Chapter of 100 Black Women; New York State School Boards Association; Stroke of Hope Foundation, Executive Board; Molloy College Trustee

## EDUCATION

- JURIS DOCTOR** **1995**  
Syracuse University College of Law, Syracuse, New York  
*with distinction*
- BACHELOR OF SCIENCE** **1992**  
Cornell University, Ithaca, New York  
*with honors*
- FORD MELLON SCHOLAR** **1992**  
Yale University, New Haven, Connecticut

1178

Intro. Res. No. -2012  
Introduced by Legislator Schneiderman

Laid on Table 2/7/12

**RESOLUTION NO. -2012, MAINTAINING RAILROAD AVENUE'S ACCESS TO COUNTY ROAD 80 (MONTAUK HIGHWAY), EAST MORICHES**

**WHEREAS**, County Road 80 (Montauk Highway) intersects with Railroad Avenue in East Moriches; and

**WHEREAS**, the Brookhaven Planning Board has approved plans for DNF Reality, Inc. to build a retail and office center at the intersection of Montauk Highway and Railroad Avenue; and

**WHEREAS**, the Suffolk County Department of Public Works has taken the position that the new building's access onto Montauk Highway will be at the southern end of the property and that Railroad Avenue should no longer access Montauk Highway; and

**WHEREAS**, closing the east end of Railroad Avenue will deny many local residents and businesses direct access to Montauk Highway, causing great inconvenience; and

**WHEREAS**, local civic organizations are opposed to any plan that will close Railroad Avenue and deny residents and businesses direct access to Montauk Highway; now, therefore be it

**1st RESOLVED**, the Department of Public Works is hereby directed to maintain Railroad Avenue's access to Montauk Highway and to terminate all actions and plans that would result in the closure of Railroad Avenue at its east end; and be it further

**2nd RESOLVED**, the Department of Public Works shall not close Railroad Avenue's access to Montauk Highway until such closure is approved by a duly enacted resolution by the County of Suffolk; and be it further

**3rd RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

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

Date:

1185

Intro. Res. No. -2012  
Introduced by Legislator Schneiderman

Laid on Table 2/7/12

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW  
NO. -2012, A CHARTER LAW TO AMEND  
RESOLUTION NO. 812-2011, 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 , 2012 a proposed local law entitled, "**A CHARTER LAW TO AMEND RESOLUTION NO. 812-2011, 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. -2012, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO AMEND RESOLUTION NO. 812-2011, 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 of Suffolk has a program where developers can acquire development rights credits from the County for the purposes of building affordable housing.

This Legislature also finds and determines that Resolution No. 812-2011, a Charter law, broadens this program to allow municipal fire, ambulance and police districts to obtain free development rights credits in connection with growth of their organizations, as they provide vital services to their communities.

This Legislature further finds and determines that libraries also provide vital services to their communities and are funded through taxpayer dollars.

This Legislature finds that libraries provide the public with access to employment resources and educational materials free of charge, a critical function that is in high demand as the County and nation continue to experience fiscal difficulties.

This Legislature determines that Resolution No. 812-2011 is subject to a referendum, which will be voted upon by the electorate this November.

This Legislature also finds that Resolution No. 812-2011 should be amended to include library districts as organizations authorized to obtain development credits from the County for

the purposes of expanding their facilities and services to the public and modify the referendum question to reflect same.

Therefore, the purpose of this law is to amend Resolution No. 812-2011 to allow library districts to obtain development rights credits from the County without charge.

**Section 2. Amendment.**

- I. The title of Resolution No. 812-2011 is hereby amended to read as follows:

**RESOLUTION NO. 812-2011, ADOPTING LOCAL LAW NO. 51-2011, A CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT RIGHTS FOR MUNICIPAL FIRE, AMBULANCE AND POLICE DISTRICTS AND LIBRARY DISTRICTS IN SUFFOLK COUNTY**

- II. Section 2 of Resolution No. 812-2011 is hereby amended to read as follows:

**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 library districts and 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 library districts or 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.

- III. Section 6 of Resolution No. 812-2011 is hereby amended to read as follows:

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. 812-2011, Adopting A Charter Law to Authorize the Use of Development Rights for Municipal Emergency, Fire and Public Safety Corporations and Library Districts, Be Approved?**

**Section 3. Applicability.**

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

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

This law shall take effect immediately upon 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-libraries development credits

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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

**DATE:** February 7, 2012

**TO:** CLERK OF THE COUNTY LEGISLATURE

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

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PROPOSED LOCAL LAW YEAR 2012

**TITLE:** I.R. NO. -2012; A CHARTER LAW TO AMEND RESOLUTION NO. 812-2011, A CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT RIGHTS FOR MUNICIPAL FIRE, AMBULANCE AND POLICE DISTRICTS IN SUFFOLK COUNTY

**SPONSOR:** LEGISLATOR SCHNEIDERMAN

**DATE OF RECEIPT BY COUNSEL:** 2/7/12 **PUBLIC HEARING:** 3/13/12

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

Resolution No. 812-2011 expanded the County's development rights program to include the creation or expansion of municipal fire, ambulance or police districts and is subject to a mandatory referendum. This Charter law would amend Resolution No. 812-2011 to also include the creation or expansion of library districts in the County's development rights program.

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

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

**GEORGE NOLAN**  
Counsel to the Legislature

**GN:**

s:\rule28\28-development credits libraries

1186

Intro. Res. No. -2012  
Introduced by Legislator Montano

Laid on Table 2/7/12

**RESOLUTION NO. -2012, AUTHORIZING THE ISSUANCE OF  
A CERTIFICATE OF ABANDONMENT OF THE INTEREST OF  
THE COUNTY OF SUFFOLK IN PROPERTY DESIGNATED AS  
TOWN OF ISLIP, SUFFOLK COUNTY TAX MAP NO. 0500-  
120.00-04.00-024.000, PURSUANT TO THE SUFFOLK COUNTY  
TAX ACT**

**WHEREAS**, the County of Suffolk acquired property in the Town of Islip, designated as Suffolk County Tax Map No. 0500-120.00-04.00-024.000, by tax deed dated November 23, 2011 for unpaid taxes for the years of 2008/2009; and

**WHEREAS**, it has been determined that the prior owner of the subject property did not receive proper notification before the County of Suffolk took the tax deed; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that pursuant to Section 40-C of the Suffolk County Tax Act, after the Director of Real Property Acquisition and Management receives payment in full of all monies due to the County of Suffolk, including but not limited to, accrued taxes, penalties and interest as calculated by the Treasurer of the County of Suffolk, the County's tax deed to the subject property will be canceled pursuant to section 40-D of the Suffolk County Tax Act. The Director of the Division of Real Property Acquisition and Management and/or his designee is authorized to file a certificate of abandonment of Claim of Title, which Suffolk County holds pursuant to said tax deed.

DATED:

APPROVED BY:

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

Date:

1187

Intro. Res. No. -2012  
Introduced by Legislator Anker

Laid on Table 2/7/12

**RESOLUTION NO. -2012, DIRECTING THE SUFFOLK  
COUNTY POLICE DEPARTMENT TO ESTABLISH A "SCAM  
ALERT" ON THE DEPARTMENTAL WEBSITE**

**WHEREAS**, the County of Suffolk is charged with protecting the health, safety and welfare of County residents; and

**WHEREAS**, scams are being perpetrated by criminals in Suffolk County which use false pretenses to prey on unsuspecting victims to steal money or other valuables; and

**WHEREAS**, many criminals that perpetrate scams use similar stories repeatedly, creating a noticeable pattern based on the accounts provided by victims to law enforcement; and

**WHEREAS**, law enforcement officials should proactively notify the public when scam patterns are detected and verified as a means to reduce the public's vulnerability to such schemes; and

**WHEREAS**, informing the public of ongoing scams via the internet is an effective way to broadly disseminate critical information to the public to increase awareness of these crimes; now, therefore be it

**1st RESOLVED**, that the Suffolk County Police Department ("SCPD") is hereby authorized, empowered and directed to create a "Scam Alert" on the SCPD website to publicize scams that are being perpetrated by criminals and investigated in the County of Suffolk; and be it further

**2nd RESOLVED**, that the SCPD is further directed to update the "Scam Alert" section of the SCPD website at least once per month; and be it further

**3rd RESOLVED**, that the "Scam Alert" section of the SCPD website shall be established within sixty (60) days of the effective date of this resolution; and be it further

**4th RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date:

s:\res\r-online pd scam alert

1194

Intro. Res. No. -2012

Laid on Table 2/7/2012

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2012, CONFIRMING THE  
APPOINTMENT OF THE COMMISSIONER OF THE  
DEPARTMENT OF PARKS, RECREATION AND  
CONSERVATION (GREGORY S. DAWSON)**

**WHEREAS**, Gregory S. Dawson is well qualified to perform the duties and responsibilities of the position of Commissioner the Suffolk County Department of Parks Recreation and Conservation.

**WHEREAS**, the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is appointed by the County Executive subject to approval by the Suffolk County Legislature, to serve at the pleasure of the County Executive; now, therefore be it

**1<sup>st</sup> RESOLVED**, that Gregory S. Dawson, currently residing in the Town of Islip, County of Suffolk, is hereby approved, as Commissioner of the Suffolk County Department of Parks, Recreation and Conservation, to serve at the pleasure of the County Executive, pursuant to §28-1(B) of the SUFFOLK COUNTY CHARTER.

**2<sup>nd</sup> RESOLVED**, that this Legislature, being the State Environment 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) and 27 of the NEW YORK CODE OF RULES AND REGULATIONS (NYCRR) as it constitutes routine or continuing agency administration and promulgation of regulations, rule, policies, procedures, and legislative decisions in connection with such action.

DATED:

APPROVED BY:

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

Date:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>  X  </u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO.    -2012, CONFIRMING THE APPOINTMENT OF THE COMMISSIONER OF THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION (GREGORY S. DAWSON)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE.		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes _____                      No <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact?    (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
.N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
UPON ADOPTION		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Debra Kolyer Principal Financial Analyst		February 6, 2012

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.

1195

Intro. Res. No. -2012  
Introduced by Presiding Officer Lindsay

Laid on Table 2/7/12

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW  
NO. -2012, A CHARTER LAW TO PREVENT A  
COURT IMPOSED REDISTRICTING PLAN**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2012 a proposed local law entitled, "**A CHARTER LAW TO PREVENT A COURT IMPOSED REDISTRICTING PLAN**"; now, therefore, be it

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

**LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO PREVENT A COURT IMPOSED  
REDISTRICTING PLAN**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Local Law No. 14-2007 established a new process for the reapportionment of legislative districts following a federal census. Most significantly, Local Law No. 14-2007 called for the creation of a non-partisan Reapportionment Commission to recommend new legislative boundaries to reflect population changes within the County of Suffolk.

This Legislature further finds that Local Law No. 14-2007 required the majority and minority leaders of the County Legislature to appoint an eight (8) member Commission, consisting of four retired judges, two representatives recommended by organizations committed to the principles of voters' rights and/or public policy and two representatives of minority organizations.

This Legislature finds that while Local Law No. 14-2007 was enacted with the best of intentions, the process it established for redrawing legislative boundaries was seriously flawed.

This Legislature finds and determines that the County of Suffolk passed two laws in 2011 to correct deficiencies contained in Local Law 14-2007 in an attempt to salvage the Reapportionment Commission. Despite these efforts, the reapportionment process established by Local Law No. 14-2007 has proven to be unworkable.

This Legislature finds that the Reapportionment Commission not only missed its revised February 1, 2012 deadline to propose a reapportionment plan to the County Legislature, the Commission has barely begun the task of redrawing legislative boundaries.

This Legislature determines that the Commission is still not fully constituted and that several Commission appointees do not meet the qualifications for appointment set forth in Local Law No. 14-2007.

This Legislature further finds that Local Law No. 14-2007 provides that the County Attorney must seek a Special Master to devise a redistricting plan in the event the Reapportionment Commission fails to complete its task in a timely manner.

This Legislature finds that it is simply unacceptable and undemocratic to have a court impose new legislative district boundaries while the Suffolk County Legislature - the people's elected representatives - has no opportunity to participate in this fundamental governmental function.

This Legislature recognizes that action must be taken to prevent an unelected federal judge from redrawing legislative district boundaries.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER to ensure that the County Legislature plays a role in reapportioning legislative districts in Suffolk County.

**Section 2. Amendments.**

I. Subsection (D) of Section C2-3 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**§ C2-3. Legislative districts.**

\* \* \* \*

- D. 1) The Legislature shall vote to approve or disapprove the proposal of the Commission within 90 days after a local law containing the Commission's proposal is filed with the Clerk of the County Legislature. In the event that the County Legislature fails to take any action on the proposal of the Commission, then the proposal shall be deemed to have been disapproved.
- 2) In the event the County Legislature fails to approve the proposal, the Commission shall file with the Clerk of the County Legislature, within 45 days thereafter, a revised proposal. The revised proposal shall be voted upon within 90 days after a local law containing the Commission's revised proposal is filed with the Clerk of the County Legislature. In the event the Legislature fails to take any action on the revised proposal of the Commission, then the proposal shall be deemed to have been disapproved.
- 3) If appropriate revisions of legislative boundaries are not proposed by the Commission by the first day of February in the calendar year following the publication of the results of a decennial census as required by subsection (C) of this section, then the County Legislature shall adopt a redistricting plan that revises the boundaries of legislative districts so that they contain substantially equal citizen population. The Legislature shall adopt such a plan by June 1<sup>st</sup> in the year following the publication of the results of a decennial census or within 120 days after the State of New York adopts a plan to reapportion state senate and state assembly districts following a decennial census, whichever date is later.

4) In the event the County Legislature fails to adopt a plan to revise legislative boundaries in accordance with paragraphs (1), (2) or (3) of this subsection, then the County Attorney shall apply to a court of appropriate jurisdiction for the appointment of a Special Master to prepare a redistricting plan for revisions to the boundaries of the legislative districts in Suffolk County so that they shall contain substantially equal citizen population.

II. Paragraph 11 of Subsection (E) of Section C2-3 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

\* \* \* \*

11) The Reapportionment Commission shall expire, and the terms of its members terminate, 30 days after a permanent plan is adopted by the County Legislature, except that the Commission shall expire immediately upon its failure to propose a plan to the Legislature as required by subsection C of this section. The Commission shall deposit all the records of their proceedings with the Clerk of the Legislature.

\* \* \* \*

III. Subsection (F) of Section C2-3 of the SUFFOLK COUNTY CHARTER is hereby repealed and subsection (G) shall be relettered as (F).

**Section 4 Applicability.**

This law shall apply to the reapportionment process undertaken in connection with the 2010 federal census and all reapportionment processes occurring thereafter.

**Section 5. Severability.**

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

**Section 6. SEQRA Determination.**

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

**Section 7. Effective Date.**

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

DATED:

APPROVED BY:

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

Date:

s:\laws\cl-reapportionment changes 2012

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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

DATE: FEBRUARY 7, 2012

TO: CLERK OF THE COUNTY LEGISLATURE

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

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PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. -2012; A CHARTER LAW TO PREVENT A COURT IMPOSED REDISTRICTING PLAN

SPONSOR: PRESIDING OFFICER LINDSAY

DATE OF RECEIPT BY COUNSEL: 2/7/2012 PUBLIC HEARING: 3/13/2012

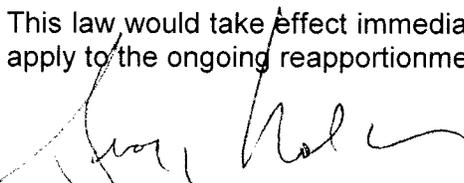
DATE ADOPTED/NOT ADOPTED: \_\_\_\_\_ CERTIFIED COPY RECEIVED: \_\_\_\_\_

This proposed law would alter the County's process for adopting a reapportionment plan for legislative districts following a federal census.

Under existing law, the County's eight (8) member Reapportionment Commission is required to submit a proposed redistricting plan to the County Legislature by February 1, 2012. In the event the Commission does not submit a plan by the February 1, 2012 deadline, the County Attorney is directed to seek the appointment of a Special Master to prepare a redistricting proposal.

Under this proposed law, the power to propose a redistricting plan would shift to the County Legislature in the event the Commission failed to submit a plan by the February 1<sup>st</sup> deadline. The County Legislature would be required to adopt a redistricting plan by June 1, 2012 or within one hundred twenty days (120) after the State of New York adopts a plan to reapportion State Senate and Assembly districts, whichever date is later. Only in the event that the Legislature fails to timely adopt a redistricting plan would the County Attorney be authorized to seek the appointment of a Special Master.

This law would take effect immediately upon its filing in the Office of the Secretary of State and apply to the ongoing reapportionment process.

  
**GEORGE NOLAN**  
Counsel to the Legislature

GN:js

1196  
Intro. Res. No. -2012  
Introduced by Legislator Kennedy

Laid on Table

2/7/12

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW  
NO. -2012, A CHARTER LAW TO EXTEND THE DEADLINE  
FOR REAPPORTIONMENT COMMISSION TO PROPOSE NEW  
LEGISLATIVE BOUNDARIES**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , a proposed local law entitled, "**A CHARTER LAW TO EXTEND THE DEADLINE FOR REAPPORTIONMENT COMMISSION TO PROPOSE NEW LEGISLATIVE BOUNDARIES;**" now, therefore be it

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

**LOCAL LAW NO. 2012, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO EXTEND THE DEADLINE FOR  
REAPPORTIONMENT COMMISSION TO PROPOSE NEW  
LEGISLATIVE BOUNDARIES**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Local Law No. 14-2007 established a non-partisan Reapportionment Commission ("Commission") to recommend new legislative district boundaries to reflect population changes within the County as documented by a federal census.

This Legislature further finds that Local Law 38-2011 established a new timeline for the proposal and adoption of a legislative reapportionment plan. Pursuant to Local Law 38-2011, the Commission was required to submit a proposed reapportionment plan to this Legislature by February 1, 2012.

This Legislature determines that the Commission has missed the February 1, 2012 deadline and needs more time to devise an acceptable plan.

This Legislature further finds that new legislative boundaries should not be drawn by a federal judge before this Legislature has had an opportunity to adopt a plan.

Therefore, the purpose of this law is to extend to June 1, 2012 the deadline for the Commission to recommend a reapportionment plan to this Legislature.

**Section 2. Amendment.**

Section C2-3 of the SUFFOLK COUNTY CHARTER is hereby amended to as follows:

**§ C2-3. Legislative districts.**

\* \* \* \*

- C. (1) No later than the first day of [February] June in the calendar year following the publication of the results of the decennial federal census, the Reapportionment Commission, as established hereunder at Subsection E of this section, shall propose to the Suffolk County Legislature, by filing with the Clerk of the Legislature, appropriate revisions to the boundaries of the legislative districts so that they contain substantially equal citizen population. Such proposal shall be recommended by at least six affirmative votes of the entire membership of the Commission.

\* \* \* \*

- D. (1) If appropriate revisions of the boundaries of legislative districts required by Subsection C of this section are not proposed by the first day of [February] June in the calendar year following the publication of the results of the decennial federal census, then the County Attorney is hereby directed to make application to a court of appropriate jurisdiction for the appointment of a Special Master to prepare a redistricting proposal for revisions to the boundaries of the legislative districts in Suffolk County so that they shall contain substantially equal citizen population.

\* \* \* \*

**Section 3. Applicability.**

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

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

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

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

DATED:

APPROVED BY:

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

Date:

s:\laws\cl-extend deadline reapportionment

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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

DATE: FEBRUARY 7, 2012

TO: CLERK OF THE COUNTY LEGISLATURE

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

-----  
PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. -2012; A CHARTER LAW TO EXTEND THE DEADLINE FOR REAPPORTIONMENT  
COMMISSION TO PROPOSE NEW LEGISLATIVE BOUNDARIES

SPONSOR: LEGISLATOR KENNEDY

DATE OF RECEIPT BY COUNSEL: 1/20/12 PUBLIC HEARING: 3/13/12

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

This proposed law would extend the deadline for the County's Reapportionment Commission to submit a redistricting plan to the County Legislature from February 1, 2012 to June 1, 2012.

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

A handwritten signature in black ink, appearing to read "George Nolan", written over a large, faint watermark of the same signature.

GEORGE NOLAN  
Counsel to the Legislature

GN:tm

s:\rule28\28-extend deadline reapportionment - kennedy

1197

Intro. Res. No. -2012  
Introduced by Legislator Hahn

Laid on Table 2/7/12

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, A LOCAL LAW TO STRENGTHEN THE LAND PRESERVATION PROGRAM AND MAXIMIZE ENVIRONMENTAL PROTECTION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2012, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN THE LAND PRESERVATION PROGRAM AND MAXIMIZE ENVIRONMENTAL PROTECTION**" now, therefore, be it

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

**LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO STRENGTHEN THE LAND PRESERVATION PROGRAM AND MAXIMIZE ENVIRONMENTAL PROTECTION**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk has preserved thousands of acres of land for open space, agricultural use, and drinking water protection purposes under multiple programs in the past forty years.

This Legislature also finds and determines that for several years, the County accelerated its land preservation efforts under the ¼% Drinking Water Protection program, borrowing against future program revenues to preserve parcels under threat of immediate development.

This Legislature further finds and determines that acquisitions made during this period were typically evaluated and acquired on a "first-in, first-out" basis.

This Legislature determines that the County will now resume purchasing land on a "pay-go" basis, which may significantly reduce the number of parcels that can be purchased in the next few years.

This Legislature also finds that this is the right time for the County to re-evaluate its land preservation program and develop a more comprehensive approach to guide the evaluation and acquisition of land and farmland development rights.

This Legislature further finds that the County must review properties already approved for planning steps, as well as parcels included on the County's "Master List", and establish a priority ranking system to help guide future land acquisition decisions.

Therefore, the purpose of this law is to allow, authorize and direct the Planning Department and the Division of Real Property Acquisition and Management to undertake a

rigorous and comprehensive review of all parcels presently targeted for acquisition by the County and to establish a priority ranking system to guide the County's land preservation decisions, thereby maximizing limited public resources and strengthening environmental protection.

### **Section 2. Ninety Day Planning Steps Deferment.**

- A. The Planning Department and the Division of Real Property Acquisition and Management shall take no action to advance planning steps (i.e. preparing rating sheets, conducting surveys or appraisals, making offers to purchase) on any parcel for ninety (90) days following the effective date of this law, notwithstanding a parcel's inclusion on the County's Master List or any prior legislative resolution authorizing planning steps. This provision shall not apply to any parcel whose owner(s) has executed a contract of sale with the County of Suffolk prior to the effective date of this law.
- B. No resolution approving planning steps for the acquisition of land or development rights shall be discharged from the legislative committee to which it has been assigned, or be approved by the full Legislature for a period of ninety (90) days following the effective date of this law.

### **Section 3. Updating of the County's Master List for Preservation.**

The Planning Department and the Division of Real Property Acquisition and Management are hereby directed to review the County's Master List and make recommendations to the County Executive and the County Legislature as to which parcels should be removed from the list. The review and update of the Master List shall be completed within ninety (90) days of the effective date of this law.

### **Section 4. Priority Ranking of All Parcels Proposed for Acquisition.**

The Department of Planning and the Division of Real Property Acquisition and Management are hereby directed to establish an advisory priority ranking system for proposed acquisitions based on objective criteria including, but not limited to a parcel's environmental significance and the ability to leverage other public or private funding for an acquisition. All parcels on the updated Master List and all parcels for which planning steps have been approved shall be evaluated and ranked under these criteria to determine the order in which parcels should be preserved and a priority list shall be established within ninety (90) days of the effective date of this law.

### **Section 5. Applicability.**

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

### **Section 6. 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 7. 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 8. Effective Date.**

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

DATED:

APPROVED BY:

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

Date:

s:\laws\l-evaluate land preservation program

# OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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

DATE: February 7, 2012

TO: CLERK OF THE COUNTY LEGISLATURE

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

---

## PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. -2012; A LOCAL LAW TO STRENGTHEN THE LAND PRESERVATION PROGRAM AND MAXIMIZE ENVIRONMENTAL PROTECTION

SPONSOR: LEGISLATOR HAHN

DATE OF RECEIPT BY COUNSEL: 2/7/12 PUBLIC HEARING: 3/13/12

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

This proposed local law would direct the Planning Department ("Department") and the Division of Real Property Acquisition and Management ("Division") to suspend all action on parcels which have been approved by the Legislature for planning steps or parcels on the County's Master List for a period of ninety days. This law will also hold the discharge of planning steps from the legislative committee to which it has been assigned or approval by the full Legislature for a period of ninety days. These restrictions shall not apply to any parcel whose owner has executed a contract of sale with the County prior to the effective date of this resolution.

This law also directs the Department and the Division to review the County's Master List and make recommendations to the County Executive and the County Legislature as to which parcels should be removed. This review and updating of the Master List shall be completed within ninety days.

Additionally, this law directs the Department and the Division to establish an advisory priority ranking for proposed acquisitions based on objective criteria. Each parcel on the updated Master List and all parcels for which planning steps have been approved shall be evaluated and ranked based on these criteria to determine the order in which parcels are recommended to be preserved. The priority list shall be completed within ninety day.

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

A handwritten signature in black ink, appearing to read "George Nolan", written over a white background.

**GEORGE NOLAN**  
Counsel to the Legislature

1198

Intro. Res. No. -2012  
Introduced by Legislator Spencer

Laid on Table 2/7/12

**RESOLUTION NO. -2012, APPOINTING ANTHONY  
GUARNISCHELLI AS A MEMBER OF THE SUFFOLK COUNTY  
VANDERBILT MUSEUM COMMISSION (TRUSTEE NO. 10)**

**WHEREAS**, Noel J. Gish resigned as a member of the Suffolk County Vanderbilt Museum Commission on January 18, 2012, thereby creating a vacancy; now, therefore be it

**1st RESOLVED**, that **Anthony Guarnischelli**, residing inHuntington, NY, is hereby appointed as a member of the Suffolk County Vanderbilt Museum Commission, as Trustee No. 10, for a term of office to expire December 28, 2014, pursuant to the provisions of §250-6 of the SUFFOLK COUNTY CODE; and be it further

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

DATED:

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND SECTION 250-6 OF THE SUFFOLK COUNTY CODE

1199

Intro. Res. No. -2012  
Introduced by Legislator Spencer

Laid on Table 2/7/12

**RESOLUTION NO. -2012, APPOINT MICHELLE GEGWICH  
AS A MEMBER OF THE SUFFOLK COUNTY VANDERBILT  
MUSEUM COMMISSION (TRUSTEE NO. 8)**

**WHEREAS**, the term of office of Michael B. DeLuise as a member of the Suffolk County Vanderbilt Museum Commission expired on December 28, 2011; now, therefore be it

**1st RESOLVED**, that **Michelle Gegwich** residing in Centerport, NY, be and hereby is appointed to the Suffolk County Vanderbilt Museum Commission, as Trustee No. 8, for a term of office to expire December 28, 2015, said appointment having been made pursuant to the provisions of Section 250-6 of the SUFFOLK COUNTY CODE; and be it further

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

DATED:

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND  
SECTION 250-6 OF THE SUFFOLK COUNTY CODE