

REVISED 3/27/12

Introduced by Presiding Officer Lindsay

Laid on Table 3/27/12

PROCEDURAL RESOLUTION NO. 7-2012, TO SET A PUBLIC HEARING REGARDING THE AUTHORIZATION OF A FERRY LICENSE AND THE SETTING OF RATES FOR HAMPTON JITNEY, INC., D/B/A "PECONIC BAY WATER JITNEY"

WHEREAS, HAMPTON JITNEY, INC.,, d/b/a Peconic Bay Water Jitney, has applied to the Suffolk County Legislature, by a Petition dated and verified March 21, 2012, pursuant to Article 8 of New York Navigation Law, Section 71 of New York Transportation Corporations Law, Section 131-g of New York Highway Law and Chapter 455 of the Suffolk County Code, to obtain a license to operate a ferry service between Greenport, New York and Sag Harbor, New York and to establish rates and a schedule for such service, now, therefore be it

1st RESOLVED, that a public hearing on the Petition of Hampton Jitney, Inc., d/b/a Peconic Bay Water Jitney, shall be held by the Suffolk County Legislature at the regular meeting of the Legislature on April 24, 2012, at 2:30 p.m. at the Maxine S. Postal Auditorium at the Riverhead County Center, New York; and be it further

2nd RESOLVED, that pending the public hearing and report of the Legislative Budget Review Office this Petition is hereby referred to the Public Works and Transportation Committee for its consideration and recommendation to the Suffolk County Legislature.

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO §2-15(A) OF THE SUFFOLK COUNTY CHARTER

s:\procedural resolutions\motion-ph-hampton-jutney-license-rates

HOME RULE MESSAGE REQUESTING NEW YORK LEGISLATURE TO AMEND THE GENERAL MUNICIPAL LAW, THE VEHICLE AND TRAFFIC LAW AND THE CRIMINAL PROCEDURE LAW, IN RELATION TO ESTABLISHING A TRAFFIC AND PARKING VIOLATIONS AGENCY IN THE COUNTY OF SUFFOLK (ASSEMBLY BILL A.09539 AND SENATE BILL S.5634-B)

WHEREAS, the growing number of traffic and parking infractions in Suffolk County has led to a backlog of such cases in the County's district courts; and

WHEREAS, the strain and backlog on the district courts means that many of these traffic and parking summonses go unanswered and unpaid; and

WHEREAS, villages, cities and towns throughout the State are authorized to establish a separate traffic violations bureau to assist in the disposition of infractions related to traffic and parking violations, and such a traffic violations agency has been established in Nassau County; and

WHEREAS, establishing a traffic violations agency in Suffolk County will ease the burden on the district courts and speed the disposition of traffic and parking violations; and

WHEREAS, there is legislation pending in the New York State Legislature that would permit the County of Suffolk to establish, by local law, a Traffic and Parking Violations Agency to assist the district court in the disposition of traffic and parking infractions; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the State of New York to enact Assembly Bill No. A.09539 and Senate Bill No. S.5634-B for the purpose of establishing a Traffic and Parking Violations Agency in Suffolk County; and be it further

2nd RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor Andrew M. Cuomo; to the Majority Leader of the New York State Senate Dean Skelos; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED:

S T A T E O F N E W Y O R K

9539--A

I N A S S E M B L Y

March 12, 2012

Introduced by M. of A. RAMOS, SWEENEY, ENGLEBRIGHT, THIELE, WEISENBERG, RUSSELL, MAGEE, MILLMAN, PERRY, CRESPO, SCHIMEL -- Multi-Sponsored by -- M. of A. FITZPATRICK, GRAF, RAIA, TOBACCO -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, the vehicle and traffic law, the state finance law and the criminal procedure law, in relation to establishing a traffic and parking violations agency in the county of Suffolk

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 370 of the general municipal law is amended by
2 adding a new subdivision 3 to read as follows:
- 3 3. THERE SHALL BE A DEPARTMENT OF THE SUFFOLK COUNTY GOVERNMENT KNOWN
4 AS THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY, WHICH SHALL
5 OPERATE UNDER THE DIRECTION AND CONTROL OF THE COUNTY EXECUTIVE.
- 6 S 2. Section 370-a of the general municipal law, as added by chapter
7 496 of the laws of 1990, subdivision 1 as amended by chapter 527 of the
8 laws of 2002, is amended to read as follows:
- 9 S 370-a. Definitions. For the purpose of this article:
- 10 1. "Traffic and parking violations agency" shall mean a department of
11 the Nassau county government established pursuant to subdivision two of
12 section three hundred seventy of this article OR A DEPARTMENT IN THE
13 SUFFOLK COUNTY GOVERNMENT ESTABLISHED PURSUANT TO SUBDIVISION THREE OF
14 SUCH SECTION to administer and dispose of traffic and parking infrac-
15 tions.
- 16 2. "Traffic prosecutor" shall mean an attorney duly admitted to prac-
17 tice law in the state of New York who, having been appointed and either
18 hired or retained pursuant to section three hundred seventy-four of this
19 article, has the responsibility of prosecuting any traffic and parking
20 infractions returnable before the Nassau county district court OR THE
21 SUFFOLK COUNTY DISTRICT COURT pursuant to the jurisdictional limitations
22 of section three hundred seventy-one of this article.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD11932-06-2

A. 9539--A

2

- 1 S 3. Subdivisions 2, 3 and 4 of section 371 of the general municipal
2 law, subdivision 2 as amended by chapter 19 of the laws of 2009, subdivi-
3 sion 3 as amended by chapter 496 of the laws of 1990 and subdivision 4
4 as amended by chapter 465 of the laws of 1998, are amended to read as
5 follows:
- 6 2. The Nassau county traffic and parking violations agency, as estab-
7 lished, may be authorized to assist the Nassau county district court,

8 AND THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY, AS ESTAB-
 9 LISHED, MAY BE AUTHORIZED TO ASSIST THE SUFFOLK COUNTY DISTRICT COURT,
 10 in the disposition and administration of infractions of traffic and
 11 parking laws, ordinances, rules and regulations and the liability of
 12 owners for violations of subdivision (d) of section eleven hundred elev-
 13 en of the vehicle and traffic law in accordance with section eleven
 14 hundred eleven-b of such law, except that such [agency] AGENCIES shall
 15 not have jurisdiction over (a) the traffic infraction defined under
 16 subdivision one of section eleven hundred ninety-two of the vehicle and
 17 traffic law; (b) the traffic infraction defined under subdivision five
 18 of section eleven hundred ninety-two of the vehicle and traffic law; (c)
 19 the violation defined under paragraph (b) of subdivision four of section
 20 fourteen-f of the transportation law and the violation defined under
 21 clause (b) of subparagraph (iii) of paragraph d of subdivision two of
 22 section one hundred forty of the transportation law; (d) the traffic
 23 infraction defined under section three hundred ninety-seven-a of the
 24 vehicle and traffic law and the traffic infraction defined under subdi-
 25 vision (g) of section eleven hundred eighty of the vehicle and traffic
 26 law; (e) any misdemeanor or felony; or (f) any offense that is part of
 27 the same criminal transaction, as that term is defined in subdivision
 28 two of section 40.10 of the criminal procedure law, as a violation of
 29 subdivision one of section eleven hundred ninety-two of the vehicle and
 30 traffic law, a violation of subdivision five of section eleven hundred
 31 ninety-two of the vehicle and traffic law, a violation of paragraph (b)
 32 of subdivision four of section fourteen-f of the transportation law, a
 33 violation of clause (b) of subparagraph (iii) of paragraph d of subdivi-
 34 sion two of section one hundred forty of the transportation law, a
 35 violation of section three hundred ninety-seven-a of the vehicle and
 36 traffic law, a violation of subdivision (g) of section eleven hundred
 37 eighty of the vehicle and traffic law or any misdemeanor or felony.

38 3. A person charged with an infraction which shall be disposed of by
 39 either a traffic violations bureau [or], the Nassau county traffic and
 40 parking violations agency, OR THE SUFFOLK COUNTY TRAFFIC AND PARKING
 41 VIOLATIONS AGENCY may be permitted to answer, within a specified time,
 42 at the traffic violations bureau, [and] in Nassau county at the traffic
 43 and parking violations agency AND IN SUFFOLK COUNTY AT THE TRAFFIC AND
 44 PARKING VIOLATIONS AGENCY, either in person or by written power of
 45 attorney in such form as may be prescribed in the ordinance or local law
 46 creating the bureau or agency, by paying a prescribed fine and, in writ-
 47 ing, waiving a hearing in court, pleading guilty to the charge or admit-
 48 ting liability as an owner for the violation of subdivision (d) of
 49 section eleven hundred eleven of the vehicle and traffic law, as the
 50 case may be, and authorizing the person in charge of the bureau or agen-
 51 cy to enter such a plea or admission and accept payment of said fine.
 52 Acceptance of the prescribed fine and power of attorney by the bureau or
 53 agency shall be deemed complete satisfaction for the violation or of the
 54 liability, and the violator or owner liable for a violation of subdivi-
 55 sion (d) of section eleven hundred eleven of the vehicle and traffic law
 56 shall be given a receipt which so states. If a person charged with a
 A. 9539--A 3

1 traffic violation does not answer as hereinbefore prescribed, within a
 2 designated time, the bureau or agency may cause a complaint to be
 3 entered against him forthwith and a warrant to be issued for his arrest
 4 and appearance before the court, such summons to be predicated upon the
 5 personal service of said summons upon the person charged with the
 6 infraction. Any person who shall have been, within the preceding twelve
 7 months, guilty of a number of parking violations in excess of such maxi-
 8 mum number as may be designated by the court, or of three or more
 9 violations other than parking violations, shall not be permitted to

10 appear and answer to a subsequent violation at the traffic violations
 11 bureau or agency, but must appear in court at a time specified by the
 12 bureau or agency. Such bureau or agency shall not be authorized to
 13 deprive a person of his right to counsel or to prevent him from exercis-
 14 ing his right to appear in court to answer to, explain, or defend any
 15 charge of a violation of any traffic law, ordinance, rule or regulation.

16 4. Notwithstanding any inconsistent provision of law, fines, penalties
 17 and forfeitures collected by the Nassau county OR SUFFOLK COUNTY traffic
 18 and parking violations agency shall be distributed as provided in
 19 section eighteen hundred three of the vehicle and traffic law. All
 20 fines, penalties and forfeitures for violations adjudicated by the
 21 Nassau county OR SUFFOLK COUNTY traffic and parking violations agency
 22 pursuant to subdivision two of this section, with the exception of park-
 23 ing violations, and except as provided in subdivision three of section
 24 ninety-nine-a of the state finance law, shall be paid by such [agency]
 25 AGENCIES to the state comptroller within the first ten days of the month
 26 following collection. Each such payment shall be accompanied by a true
 27 and complete report in such form and detail as the comptroller shall
 28 prescribe.

29 S 4. Section 374 of the general municipal law, as amended by chapter
 30 527 of the laws of 2002, is amended to read as follows:

31 S 374. Traffic prosecutor selection and oversight. (a) The executive
 32 director of the Nassau county traffic and parking violations agency, AND
 33 THE EXECUTIVE DIRECTOR OF THE SUFFOLK COUNTY TRAFFIC AND PARKING
 34 VIOLATIONS AGENCY, appointed pursuant to subdivision (b) of this
 35 section, shall select and may contract with or hire one or more persons
 36 who are attorneys, duly admitted to the practice of law in New York
 37 state for the prosecution of any traffic and parking infraction, except
 38 those described in paragraphs (a), (b), (c), (d), (e) and (f) of subdi-
 39 vision two of section three hundred seventy-one of this article, to be
 40 heard, tried or otherwise disposed of by the district court of Nassau
 41 county IN THE CASE OF AN ATTORNEY SELECTED BY THE NASSAU COUNTY EXECU-
 42 TIVE DIRECTOR, OR BY THE DISTRICT COURT OF SUFFOLK COUNTY, IN THE CASE
 43 OF AN ATTORNEY SELECTED BY THE SUFFOLK COUNTY EXECUTIVE DIRECTOR. Such
 44 persons shall be known as "traffic prosecutors", as that term is defined
 45 in section three hundred seventy-a of this article. Traffic prosecutors
 46 shall have the same power as a district attorney would otherwise have in
 47 the prosecution of any traffic or parking infraction which may, pursuant
 48 to the jurisdictional provisions of section three hundred seventy-one of
 49 this article, be prosecuted before the district court of Nassau county
 50 OR THE DISTRICT COURT OF SUFFOLK COUNTY, IF THE TRAFFIC VIOLATION
 51 OCCURRED IN SUFFOLK COUNTY. The executive director shall give active
 52 consideration to requiring that such traffic prosecutors serve on a
 53 full-time basis. Traffic prosecutors are prohibited from appearing in
 54 any capacity other than as a traffic prosecutor in any part of the
 55 Nassau county district court OR THE SUFFOLK COUNTY DISTRICT COURT, IF
 56 THE TRAFFIC VIOLATION OCCURRED IN SUFFOLK COUNTY on any matter relating
 A. 9539--A 4

1 to traffic or parking violations and are further prohibited from appear-
 2 ing in any capacity other than as a traffic prosecutor in any other
 3 court or administrative tribunal on any matter relating to traffic or
 4 parking violations.

5 (b) The county executive of the county of Nassau shall appoint a
 6 person to serve as the executive director of the Nassau county traffic
 7 and parking violations agency subject to the confirmation of the county
 8 legislature of the county of Nassau. THE COUNTY EXECUTIVE OF THE COUNTY
 9 OF SUFFOLK SHALL APPOINT A PERSON TO SERVE AS THE EXECUTIVE DIRECTOR OF
 10 THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY SUBJECT TO THE
 11 CONFIRMATION OF THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK. The

15 the same criminal transaction, as that term is defined in subdivision
 16 two of section 40.10 of the criminal procedure law, as such a misdemea-
 17 nor, felony, violation of subdivision one of section eleven hundred
 18 ninety-two, subdivision two of section eleven hundred ninety-two,
 19 section three hundred ninety-seven-a or subdivision (g) of section elev-
 20 en hundred eighty of this chapter, or a violation of paragraph (b) of
 21 subdivision four of section fourteen-f or clause (b) of subparagraph
 22 (iii) of paragraph d of subdivision two of section one hundred forty of
 23 the transportation law, the administrative judge of the county in which
 24 the trial court is located, may assign judicial hearing officers to
 25 conduct such a trial. Such judicial hearing officers shall be village
 26 court justices or retired judges either of which shall have at least two
 27 years of experience conducting trials of traffic and parking violations
 28 cases and shall be admitted to practice law in this state. Where such
 29 assignment is made, the judicial hearing officer shall entertain the
 30 case in the same manner as a court and shall:

- 31 (a) determine all questions of law;
- 32 (b) act as the exclusive trier of all issues of fact;
- 33 (c) render a verdict;
- 34 (d) impose sentence; or
- 35 (e) dispose of the case in any manner provided by law.

36 4. Judicial hearing officers are prohibited from appearing in any
 37 capacity other than as a judicial hearing officer in any part of the
 38 Nassau county OR SUFFOLK COUNTY district court on any matter relating to
 39 traffic or parking violations and are further prohibited from appearing
 40 in any capacity other than as a judicial hearing officer in any other
 41 court or administrative tribunal on any matter relating to traffic or
 42 parking violations.

43 S 7. Subdivision 5 of section 350.20 of the criminal procedure law, as
 44 added by chapter 496 of the laws of 1990, is amended to read as follows:

45 5. Notwithstanding the provisions of subdivision one of this section,
 46 FOR ALL PROCEEDINGS BEFORE THE DISTRICT COURT OF NASSAU COUNTY the
 47 administrative judge of Nassau county may, AND FOR ALL PROCEEDINGS
 48 BEFORE THE DISTRICT COURT OF SUFFOLK COUNTY, THE ADMINISTRATIVE JUDGE OF
 49 SUFFOLK COUNTY MAY, without the consent of the parties, assign matters
 50 involving traffic and parking infractions except those described in
 51 paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section
 52 three hundred seventy-one of the general municipal law to a judicial
 53 hearing officer [for all proceedings before the district court of Nassau
 54 county] in accordance with the provisions of section sixteen hundred
 55 ninety of the vehicle and traffic law.

A. 9539--A

6

1 S 8. Subdivision 1 of section 225 of the vehicle and traffic law, as
 2 amended by chapter 173 of the laws of 1990, is amended to read as
 3 follows:

4 1. Notwithstanding any inconsistent provision of law, all violations
 5 of this chapter or of a law, ordinance, order, rule or regulation relat-
 6 ing to traffic, except parking, standing, stopping or pedestrian
 7 offenses, which occur within a city having a population of two hundred
 8 thousand or more in which administrative tribunals have heretofore been
 9 established, [or within that portion of Suffolk county for which a
 10 district court has been established,] and which are classified as traf-
 11 fic infractions, may be heard and determined pursuant to the regulations
 12 of the commissioner as provided in this article. Whenever a crime and a
 13 traffic infraction arise out of the same transaction or occurrence, a
 14 charge alleging both offenses may be made returnable before the court
 15 having jurisdiction over the crime. Nothing herein provided shall be
 16 construed to prevent a court, having jurisdiction over a criminal charge
 17 relating to traffic or a traffic infraction, from lawfully entering a

18 judgment of conviction, whether or not based on a plea of guilty, for
19 any offense classified as a traffic infraction.

20 S 9. Subdivision 3 of section 99-a of the state finance law, as
21 amended by chapter 465 of the laws of 1998, is amended to read as
22 follows:

23 3. The comptroller is hereby authorized to implement alternative
24 procedures, including guidelines in conjunction therewith, relating to
25 the remittance of fines, penalties, forfeitures and other moneys by town
26 and village justice courts, and by the Nassau [county] AND SUFFOLK COUN-
27 TIES traffic and parking violations [agency] AGENCIES, to the justice
28 court fund and for the distribution of such moneys by the justice court
29 fund. Notwithstanding any law to the contrary, the alternative proce-
30 dures utilized may include:

31 a. electronic funds transfer;

32 b. remittance of funds by the justice court to the chief fiscal office
33 of the town or village, or, in the case of the Nassau [county] AND
34 SUFFOLK COUNTIES traffic and parking violations [agency] AGENCIES, to
35 the county treasurer, for distribution in accordance with instructions
36 by the comptroller; and/or

37 c. monthly, rather than quarterly, distribution of funds.

38 The comptroller may require such reporting and record keeping as he or
39 she deems necessary to ensure the proper distribution of moneys in
40 accordance with applicable laws. A justice court or the Nassau [county]
41 AND SUFFOLK COUNTIES traffic and parking violations [bureau] AGENCIES
42 may utilize these procedures only when permitted by the comptroller, and
43 such permission, once given, may subsequently be withdrawn by the comp-
44 troller on due notice.

45 S 10. Subdivision 2 of section 99-1 of the general municipal law, as
46 amended by chapter 179 of the laws of 2000, is amended to read as
47 follows:

48 2. The [county] COUNTIES of Nassau AND SUFFOLK shall be entitled to
49 receive the amounts set forth in subdivision one of this section for the
50 services of [the Nassau] THEIR RESPECTIVE county traffic and parking
51 violations agency and for all services in each case of a parking
52 violation, instituted and triable in such agency, wherein a fine is
53 imposed, a surcharge of ten dollars.

54 S 11. Subdivision 2 of section 99-1 of the general municipal law, as
55 added by chapter 261 of the laws of 1993, is amended to read as follows:
A. 9539--A 7

1 2. The [county] COUNTIES of Nassau AND SUFFOLK shall be entitled to
2 receive the amounts set forth in subdivision one of this section for the
3 services of [the Nassau] THEIR RESPECTIVE county traffic and parking
4 violations agency.

5 S 12. Notwithstanding any provision of law to the contrary no non-ju-
6 dicial employee of the Suffolk county district court shall suffer a
7 diminution of salary, employment status or rights solely by operation of
8 this act provided that nothing herein shall limit the legal authority of
9 the chief administrator of the courts to supervise the administration
10 and operation of the unified court system.

11 S 13. The administrative judge of Suffolk county shall issue on an
12 annual basis, beginning eighteen months following the creation of the
13 Suffolk county traffic and parking violations agency pursuant to Suffolk
14 county local law, a report detailing the progress, development and oper-
15 ations of the traffic and parking violations agency. The report shall be
16 provided to the governor, the temporary president of the senate, the
17 speaker of the assembly, the Suffolk county executive, the legislature
18 of the county of Suffolk, the presiding judge of the Suffolk county
19 district court and the Suffolk county district attorney.

20 S 14. This act shall take effect immediately; provided, however, the

21 amendments to sections 370-a, subdivisions 2, 3 and 4 of section 371 and
22 section 374 of the general municipal law, the article heading of article
23 44-A and the section heading and subdivisions 1 and 4 of section 1690 of
24 the vehicle and traffic law and subdivision 5 of section 350.20 of the
25 criminal procedure law, as made by sections two, three, four, five, six
26 and seven of this act, respectively, shall take effect only in the event
27 that the county of Suffolk shall have by local law established a traffic
28 and parking violations agency; provided that the legislature of the
29 county of Suffolk shall notify the legislative bill drafting commission
30 upon the occurrence of the enactment of the legislation provided for in
31 sections two, three, four, five, six and seven of this act in order that
32 the commission may maintain an accurate and timely effective data base
33 of the official text of the laws of the state of New York in furtherance
34 of effectuating the provisions of section 44 of the legislative law and
35 section 70-b of the public officers law; provided, however, that the
36 amendments to section 371 of the general municipal law made by section
37 three of this act shall not affect the expiration of such section and
38 shall be deemed to expire therewith; and provided that the amendments to
39 subdivision 2 of section 99-1 of the general municipal law made by
40 section ten of this act shall be subject to the expiration and reversion
41 of such subdivision pursuant to section 6 of chapter 179 of the laws of
42 2000, as amended, when upon such date the provisions of section eleven
43 of this act shall take effect.

STATE OF NEW YORK

5634--C

Cal. No. 358

2011-2012 Regular Sessions

IN SENATE

June 8, 2011

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general municipal law, the vehicle and traffic law, the state finance law and the criminal procedure law, in relation to establishing a traffic and parking violations agency in the county of Suffolk

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 370 of the general municipal law is amended by
 2 adding a new subdivision 3 to read as follows:
 3 3. There shall be a department of the Suffolk county government known
 4 as the Suffolk county traffic and parking violations agency, which shall
 5 operate under the direction and control of the county executive.
 6 § 2. Section 370-a of the general municipal law, as added by chapter
 7 496 of the laws of 1990, subdivision 1 as amended by chapter 527 of the
 8 laws of 2002, is amended to read as follows:
 9 § 370-a. Definitions. For the purpose of this article:
 10 1. "Traffic and parking violations agency" shall mean a department of
 11 the Nassau county government established pursuant to subdivision two of
 12 section three hundred seventy of this article or a department in the
 13 Suffolk county government established pursuant to subdivision three of
 14 such section to administer and dispose of traffic and parking infrac-
 15 tions.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
 [-] is old law to be omitted.

LBD11932-05-2

S. 5634--C

2

1 2. "Traffic prosecutor" shall mean an attorney duly admitted to prac-
2 tice law in the state of New York who, having been appointed and either
3 hired or retained pursuant to section three hundred seventy-four of this
4 article, has the responsibility of prosecuting any traffic and parking
5 infractions returnable before the Nassau county district court or the
6 Suffolk county district court pursuant to the jurisdictional limitations
7 of section three hundred seventy-one of this article.

8 § 3. Subdivisions 2, 3 and 4 of section 371 of the general municipal
9 law, subdivision 2 as amended by chapter 19 of the laws of 2009, subdi-
10 vision 3 as amended by chapter 496 of the laws of 1990 and subdivision 4
11 as amended by chapter 465 of the laws of 1998, are amended to read as
12 follows:

13 2. The Nassau county traffic and parking violations agency, as estab-
14 lished, may be authorized to assist the Nassau county district court,
15 and the Suffolk county traffic and parking violations agency, as estab-
16 lished, may be authorized to assist the Suffolk county district court,
17 in the disposition and administration of infractions of traffic and
18 parking laws, ordinances, rules and regulations and the liability of
19 owners for violations of subdivision (d) of section eleven hundred elev-
20 en of the vehicle and traffic law in accordance with section eleven
21 hundred eleven-b of such law, except that such [~~agency~~] agencies shall
22 not have jurisdiction over (a) the traffic infraction defined under
23 subdivision one of section eleven hundred ninety-two of the vehicle and
24 traffic law; (b) the traffic infraction defined under subdivision five
25 of section eleven hundred ninety-two of the vehicle and traffic law; (c)
26 the violation defined under paragraph (b) of subdivision four of section
27 fourteen-f of the transportation law and the violation defined under
28 clause (b) of subparagraph (iii) of paragraph d of subdivision two of
29 section one hundred forty of the transportation law; (d) the traffic
30 infraction defined under section three hundred ninety-seven-a of the
31 vehicle and traffic law and the traffic infraction defined under subdi-
32 vision (g) of section eleven hundred eighty of the vehicle and traffic
33 law; (e) any misdemeanor or felony; or (f) any offense that is part of
34 the same criminal transaction, as that term is defined in subdivision
35 two of section 40.10 of the criminal procedure law, as a violation of
36 subdivision one of section eleven hundred ninety-two of the vehicle and
37 traffic law, a violation of subdivision five of section eleven hundred
38 ninety-two of the vehicle and traffic law, a violation of paragraph (b)
39 of subdivision four of section fourteen-f of the transportation law, a
40 violation of clause (b) of subparagraph (iii) of paragraph d of subdivi-
41 sion two of section one hundred forty of the transportation law, a
42 violation of section three hundred ninety-seven-a of the vehicle and
43 traffic law, a violation of subdivision (g) of section eleven hundred
44 eighty of the vehicle and traffic law or any misdemeanor or felony.

45 3. A person charged with an infraction which shall be disposed of by
46 either a traffic violations bureau [~~or~~], the Nassau county traffic and
47 parking violations agency, or the Suffolk county traffic and parking
48 violations agency may be permitted to answer, within a specified time,
49 at the traffic violations bureau, [~~and~~] in Nassau county at the traffic
50 and parking violations agency and in Suffolk county at the traffic and
51 parking violations agency, either in person or by written power of
52 attorney in such form as may be prescribed in the ordinance or local law
53 creating the bureau or agency, by paying a prescribed fine and, in writ-
54 ing, waiving a hearing in court, pleading guilty to the charge or admit-
55 ting liability as an owner for the violation of subdivision (d) of
56 section eleven hundred eleven of the vehicle and traffic law, as the

S. 5634--C

3

1 case may be, and authorizing the person in charge of the bureau or agen-
2 cy to enter such a plea or admission and accept payment of said fine.
3 Acceptance of the prescribed fine and power of attorney by the bureau or
4 agency shall be deemed complete satisfaction for the violation or of the
5 liability, and the violator or owner liable for a violation of subdivi-
6 sion (d) of section eleven hundred eleven of the vehicle and traffic law
7 shall be given a receipt which so states. If a person charged with a
8 traffic violation does not answer as hereinbefore prescribed, within a
9 designated time, the bureau or agency may cause a complaint to be
10 entered against him forthwith and a warrant to be issued for his arrest
11 and appearance before the court, such summons to be predicated upon the
12 personal service of said summons upon the person charged with the
13 infraction. Any person who shall have been, within the preceding twelve
14 months, guilty of a number of parking violations in excess of such maxi-
15 mum number as may be designated by the court, or of three or more
16 violations other than parking violations, shall not be permitted to
17 appear and answer to a subsequent violation at the traffic violations
18 bureau or agency, but must appear in court at a time specified by the
19 bureau or agency. Such bureau or agency shall not be authorized to
20 deprive a person of his right to counsel or to prevent him from exercis-
21 ing his right to appear in court to answer to, explain, or defend any
22 charge of a violation of any traffic law, ordinance, rule or regulation.

23 4. Notwithstanding any inconsistent provision of law, fines, penalties
24 and forfeitures collected by the Nassau county or Suffolk county traffic
25 and parking violations agency shall be distributed as provided in
26 section eighteen hundred three of the vehicle and traffic law. All
27 fines, penalties and forfeitures for violations adjudicated by the
28 Nassau county or Suffolk county traffic and parking violations agency
29 pursuant to subdivision two of this section, with the exception of park-
30 ing violations, and except as provided in subdivision three of section
31 ninety-nine-a of the state finance law, shall be paid by such [~~agency~~]
32 agencies to the state comptroller within the first ten days of the month
33 following collection. Each such payment shall be accompanied by a true
34 and complete report in such form and detail as the comptroller shall
35 prescribe.

36 § 4. Section 374 of the general municipal law, as amended by chapter
37 527 of the laws of 2002, is amended to read as follows:

38 § 374. Traffic prosecutor selection and oversight. (a) The executive
39 director of the Nassau county traffic and parking violations agency, and
40 the executive director of the Suffolk county traffic and parking
41 violations agency, appointed pursuant to subdivision (b) of this
42 section, shall select and may contract with or hire one or more persons
43 who are attorneys, duly admitted to the practice of law in New York
44 state for the prosecution of any traffic and parking infraction, except
45 those described in paragraphs (a), (b), (c), (d), (e) and (f) of subdivi-
46 sion two of section three hundred seventy-one of this article, to be
47 heard, tried or otherwise disposed of by the district court of Nassau
48 county in the case of an attorney selected by the Nassau county execu-
49 tive director, or by the district court of Suffolk county, in the case
50 of an attorney selected by the Suffolk county executive director. Such
51 persons shall be known as "traffic prosecutors", as that term is defined
52 in section three hundred seventy-a of this article. Traffic prosecutors
53 shall have the same power as a district attorney would otherwise have in
54 the prosecution of any traffic or parking infraction which may, pursuant
55 to the jurisdictional provisions of section three hundred seventy-one of
56 this article, be prosecuted before the district court of Nassau county

S. 5634--C

4

1 or the district court of Suffolk county, if the traffic violation
2 occurred in Suffolk county. The executive director shall give active
3 consideration to requiring that such traffic prosecutors serve on a
4 full-time basis. Traffic prosecutors are prohibited from appearing in
5 any capacity other than as a traffic prosecutor in any part of the
6 Nassau county district court or the Suffolk county district court, if
7 the traffic violation occurred in Suffolk county on any matter relating
8 to traffic or parking violations and are further prohibited from appear-
9 ing in any capacity other than as a traffic prosecutor in any other
10 court or administrative tribunal on any matter relating to traffic or
11 parking violations.

12 (b) The county executive of the county of Nassau shall appoint a
13 person to serve as the executive director of the Nassau county traffic
14 and parking violations agency subject to the confirmation of the county
15 legislature of the county of Nassau. The county executive of the county
16 of Suffolk shall appoint a person to serve as the executive director of
17 the Suffolk county traffic and parking violations agency subject to the
18 confirmation of the county legislature of the county of Suffolk. The
19 executive director shall be responsible for the oversight and adminis-
20 tration of the agency. The executive director of Nassau county is
21 prohibited from appearing in any capacity in any part of the Nassau
22 county district court and the executive director of Suffolk county is
23 prohibited from appearing in any capacity in any part of the Suffolk
24 county district court on any matter relating to traffic or parking
25 violations and is further prohibited from appearing in any capacity in
26 any other court or administrative tribunal on any matter relating to
27 traffic or parking violations.

28 (c) It shall be a misdemeanor for the executive director, any traffic
29 prosecutor or any judicial hearing officer assigned to hear traffic or
30 parking violations cases pursuant to section one thousand six hundred
31 ninety of the vehicle and traffic law to establish any quota of traffic
32 violation convictions which must be obtained by any traffic prosecutor
33 or judicial hearing officer. Nothing contained herein shall prohibit the
34 taking of any job action against a traffic prosecutor or judicial hear-
35 ing officer for failure to satisfactorily perform such prosecutor's or
36 officer's job assignment except that the employment productivity of such
37 prosecutor or officer shall not be measured by the attainment or nonat-
38 tainment of any conviction quota. For the purposes of this section a
39 conviction quota shall mean a specific number of convictions which must
40 be obtained within a specific time period.

41 (d) The legislature of the county of Nassau may appropriate those
42 monies which, in the legislature's sole discretion, are necessary for
43 the compensation of those persons selected to serve as executive direc-
44 tor and traffic prosecutors and to cover all other expenses associated
45 with the administration of the Nassau county traffic and parking
46 violations agency.

47 (e) The legislature of the county of Suffolk may appropriate those
48 monies which, in the legislature's sole discretion, are necessary for
49 the compensation of those persons selected to serve as executive direc-
50 tor and traffic prosecutors and to cover all other expenses associated
51 with the administration of the Suffolk county traffic and parking
52 violations agency.

53 § 5. The article heading of article 44-A of the vehicle and traffic
54 law, as added by chapter 496 of the laws of 1990, is amended to read as
55 follows:

S. 5634--C

5

1 AUTHORITY OF THE NASSAU AND SUFFOLK
2 COUNTY DISTRICT COURT
3 JUDICIAL HEARING [~~OFFICER~~] OFFICERS

4 § 6. The section heading, subdivision 1 and subdivision 4 of section
5 1690 of the vehicle and traffic law, the section heading and subdivision
6 4 as added by chapter 496 of the laws of 1990 and subdivision 1 as
7 amended by chapter 420 of the laws of 2001, are amended to read as
8 follows:

9 Authority of the Nassau county and Suffolk county district court judi-
10 cial hearing [~~officer~~] officers. 1. Notwithstanding any other provision
11 of law, where the trial of a traffic or parking infraction is authorized
12 or required to be tried before the Nassau county district court or
13 Suffolk county district court, and such traffic and parking infraction
14 does not constitute a misdemeanor, felony, violation of subdivision one
15 of section eleven hundred ninety-two, subdivision five of section eleven
16 hundred ninety-two, section three hundred ninety-seven-a, or subdivision
17 (g) of section eleven hundred eighty of this chapter, or a violation of
18 paragraph (b) of subdivision four of section fourteen-f or clause (b) of
19 subparagraph (iii) of paragraph d of subdivision two of section one
20 hundred forty of the transportation law, or any offense that is part of
21 the same criminal transaction, as that term is defined in subdivision
22 two of section 40.10 of the criminal procedure law, as such a misdemea-
23 nor, felony, violation of subdivision one of section eleven hundred
24 ninety-two, subdivision two of section eleven hundred ninety-two,
25 section three hundred ninety-seven-a or subdivision (g) of section elev-
26 en hundred eighty of this chapter, or a violation of paragraph (b) of
27 subdivision four of section fourteen-f or clause (b) of subparagraph
28 (iii) of paragraph d of subdivision two of section one hundred forty of
29 the transportation law, the administrative judge of the county in which
30 the trial court is located, may assign judicial hearing officers to
31 conduct such a trial. Such judicial hearing officers shall be village
32 court justices or retired judges either of which shall have at least two
33 years of experience conducting trials of traffic and parking violations
34 cases and shall be admitted to practice law in this state. Where such
35 assignment is made, the judicial hearing officer shall entertain the
36 case in the same manner as a court and shall:

- 37 (a) determine all questions of law;
38 (b) act as the exclusive trier of all issues of fact;
39 (c) render a verdict;
40 (d) impose sentence; or
41 (e) dispose of the case in any manner provided by law.

42 4. Judicial hearing officers are prohibited from appearing in any
43 capacity other than as a judicial hearing officer in any part of the
44 Nassau county or Suffolk county district court on any matter relating to
45 traffic or parking violations and are further prohibited from appearing
46 in any capacity other than as a judicial hearing officer in any other
47 court or administrative tribunal on any matter relating to traffic or
48 parking violations.

49 § 7. Subdivision 5 of section 350.20 of the criminal procedure law, as
50 added by chapter 496 of the laws of 1990, is amended to read as follows:

51 5. Notwithstanding the provisions of subdivision one of this section,
52 for all proceedings before the district court of Nassau county the
53 administrative judge of Nassau county may, and for all proceedings
54 before the district court of Suffolk county, the administrative judge of
55 Suffolk county may, without the consent of the parties, assign matters

S. 5634--C

6

1 involving traffic and parking infractions except those described in
2 paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section
3 three hundred seventy-one of the general municipal law to a judicial
4 hearing officer [~~for all proceedings before the district court of Nassau~~
5 ~~county~~] in accordance with the provisions of section sixteen hundred
6 ninety of the vehicle and traffic law.

7 § 8. Subdivision 1 of section 225 of the vehicle and traffic law, as
8 amended by chapter 173 of the laws of 1990, is amended to read as
9 follows:

10 1. Notwithstanding any inconsistent provision of law, all violations
11 of this chapter or of a law, ordinance, order, rule or regulation relat-
12 ing to traffic, except parking, standing, stopping or pedestrian
13 offenses, which occur within a city having a population of two hundred
14 thousand or more in which administrative tribunals have heretofore been
15 established, [~~or within that portion of Suffolk county for which a~~
16 ~~district court has been established,~~] and which are classified as traf-
17 fic infractions, may be heard and determined pursuant to the regulations
18 of the commissioner as provided in this article. Whenever a crime and a
19 traffic infraction arise out of the same transaction or occurrence, a
20 charge alleging both offenses may be made returnable before the court
21 having jurisdiction over the crime. Nothing herein provided shall be
22 construed to prevent a court, having jurisdiction over a criminal charge
23 relating to traffic or a traffic infraction, from lawfully entering a
24 judgment of conviction, whether or not based on a plea of guilty, for
25 any offense classified as a traffic infraction.

26 § 9. Subdivision 3 of section 99-a of the state finance law, as
27 amended by chapter 465 of the laws of 1998, is amended to read as
28 follows:

29 3. The comptroller is hereby authorized to implement alternative
30 procedures, including guidelines in conjunction therewith, relating to
31 the remittance of fines, penalties, forfeitures and other moneys by town
32 and village justice courts, and by the Nassau [~~county~~] and Suffolk coun-
33 ties traffic and parking violations [~~agency~~] agencies, to the justice
34 court fund and for the distribution of such moneys by the justice court
35 fund. Notwithstanding any law to the contrary, the alternative proce-
36 dures utilized may include:

37 a. electronic funds transfer;

38 b. remittance of funds by the justice court to the chief fiscal office
39 of the town or village, or, in the case of the Nassau [~~county~~] and
40 Suffolk counties traffic and parking violations [~~agency~~] agencies, to
41 the county treasurer, for distribution in accordance with instructions
42 by the comptroller; and/or

43 c. monthly, rather than quarterly, distribution of funds.

44 The comptroller may require such reporting and record keeping as he or
45 she deems necessary to ensure the proper distribution of moneys in
46 accordance with applicable laws. A justice court or the Nassau [~~county~~]
47 and Suffolk counties traffic and parking violations [~~bureau~~] agencies
48 may utilize these procedures only when permitted by the comptroller, and
49 such permission, once given, may subsequently be withdrawn by the comp-
50 troller on due notice.

51 § 10. Subdivision 2 of section 99-1 of the general municipal law, as
52 amended by chapter 179 of the laws of 2000, is amended to read as
53 follows:

54 2. The [~~county~~] counties of Nassau and Suffolk shall be entitled to
55 receive the amounts set forth in subdivision one of this section for the
56 services of [~~the Nassau~~] their respective county traffic and parking

S. 5634--C

7

1 violations agency and for all services in each case of a parking
2 violation, instituted and triable in such agency, wherein a fine is
3 imposed, a surcharge of ten dollars.

4 § 11. Subdivision 2 of section 99-1 of the general municipal law, as
5 added by chapter 261 of the laws of 1993, is amended to read as follows:

6 2. The [~~county~~] counties of Nassau and Suffolk shall be entitled to
7 receive the amounts set forth in subdivision one of this section for the
8 services of [~~the Nassau~~] their respective county traffic and parking
9 violations agency.

10 § 12. Notwithstanding any provision of law to the contrary no non-ju-
11 dicial employee of the Suffolk county district court shall suffer a
12 diminution of salary, employment status or rights solely by operation of
13 this act provided that nothing herein shall limit the legal authority of
14 the chief administrator of the courts to supervise the administration
15 and operation of the unified court system.

16 § 13. The administrative judge of Suffolk county shall issue on an
17 annual basis, beginning eighteen months following the creation of the
18 Suffolk county traffic and parking violations agency pursuant to Suffolk
19 county local law, a report detailing the progress, development and oper-
20 ations of the traffic and parking violations agency. The report shall be
21 provided to the governor, the temporary president of the senate, the
22 speaker of the assembly, the Suffolk county executive, the legislature
23 of the county of Suffolk, the presiding judge of the Suffolk county
24 district court and the Suffolk county district attorney.

25 § 14. This act shall take effect immediately; provided, however, the
26 amendments to sections 370-a, subdivisions 2, 3 and 4 of section 371 and
27 section 374 of the general municipal law, the article heading of article
28 44-A and the section heading and subdivisions 1 and 4 of section 1690 of
29 the vehicle and traffic law and subdivision 5 of section 350.20 of the
30 criminal procedure law, as made by sections two, three, four, five, six
31 and seven of this act, respectively, shall take effect only in the event
32 that the county of Suffolk shall have by local law established a traffic
33 and parking violations agency; provided that the legislature of the
34 county of Suffolk shall notify the legislative bill drafting commission
35 upon the occurrence of the enactment of the legislation provided for in
36 sections two, three, four, five, six and seven of this act in order that
37 the commission may maintain an accurate and timely effective data base
38 of the official text of the laws of the state of New York in furtherance
39 of effectuating the provisions of section 44 of the legislative law and
40 section 70-b of the public officers law; provided, however, that the
41 amendments to section 371 of the general municipal law made by section
42 three of this act shall not affect the expiration of such section and
43 shall be deemed to expire therewith; and provided that the amendments to
44 subdivision 2 of section 99-1 of the general municipal law made by
45 section ten of this act shall be subject to the expiration and reversion
46 of such subdivision pursuant to section 6 of chapter 179 of the laws of
47 2000, as amended, when upon such date the provisions of section eleven
48 of this act shall take effect.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5634C

SPONSOR: ZELDIN| | | | | | | | | | | | | | | | | | | | | |

TITLE OF BILL:

An act to amend the general municipal law, the vehicle and traffic law, the state finance law and the criminal procedure law, in relation to establishing a traffic and parking violations agency in the county of Suffolk

PURPOSE OR GENERAL IDEA OF BILL:

This legislation allows for the establishment of a traffic and parking violation agency in the County of Suffolk and for the appointment of traffic prosecutors.

SUMMARY OF PROVISIONS:

Section One amends section 370 of the general municipal law by adding a new subdivision which establishes a Suffolk County traffic and parking violations agency, operating under the direction and control of the county executive.

Section Two amends section 370-a of the general municipal law, as added by chapter 496 of the laws of 1990, subdivision 1 as amended by chapter 527 of the laws of 2002 to add Suffolk county into the definitions section of the section of law pertaining to traffic violations bureaus wherever Nassau County is named.

Section Three amends section 371 of the general municipal law, subdivisions 2 as amended by chapter 19 and the laws of 2009, subdivision 3 as amended by chapter 496 of the laws of 1990 and subdivision 4 as amended by chapter 456 of the laws of 1998 to authorize the traffic and parking violations agency in Suffolk county to assist the Suffolk county district court in the disposition and administration of infractions of traffic and parking laws, ordinances, rules and regulations and the liability of owners for certain violations, permits an individual charged with an infraction to answer at the Suffolk county traffic and parking violations agency established under this law.

Section Four amends section 374 of the general municipal law to provide that the traffic prosecutor for the Suffolk county traffic and parking violations agency shall be appointed by the county executive and provides for the hiring of attorneys to serve as "traffic prosecutors."

Section Five through Eleven are cross-references

Section Twelve provides that no non-judicial employee of the Suffolk County district court shall suffer a diminution of salary, employment status or rights solely by operation of this act provided that the legal authority of the chief administrator of the courts to supervise the administration and operation of the unified court system.

Section Thirteen requires the administrative judge of Suffolk County to prepare an annual report detailing the progress, development and operations of the traffic violations agency would be required under the provisions of this legislation.

Section Fourteen is the effective date.

JUSTIFICATION:

Current law allows the legislative body of a city, village or town, by local law, to authorize the court having jurisdiction of traffic cases to establish a traffic violations bureau to assist in the disposition of infractions in relation to traffic violations.

At the request of the Nassau County Legislature, such a bureau was established for the county of Nassau by an act of the legislature in 2002. Prior to the establishment of a traffic violations bureau under state law, Nassau County was permitted to establish such a bureau by local law. An agency of this type serves to assist the district court in the administration and disposition of traffic and parking infractions and helps to lessen the backlog of unanswered and unpaid traffic and parking summonses.

The needs of Suffolk County in this regard have risen to the level where the establishment of a traffic violations bureau has become necessary for this county to ease the burden on the district court in disposing of the tremendous amount of cases that traffic and parking infractions generate. Suffolk County has specifically requested legislative action in this regard. This legislation would establish for Suffolk County a traffic violations bureau. This would lead to a speedy and equitable disposition of charges and provide assurance to residents that traffic and parking laws will be enforced and that appropriate the penalties will be imposed on those persons who have been found guilty of violating them, thus helping to preserve the quality of life in Suffolk County.

LEGISLATIVE HISTORY:

2009: S.5862/A.8471 Remained in Senate Transportation Committee/
Assembly Codes Committee

2007: S.4174A/A.9593A -- Died in Senate Rules Committee/Assembly
Transportation Committee

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately; provided, however, the amendments to sections 370-a, subdivisions 2,3 and 4 of section 371 and section 374 of the general municipal law, the article heading of article 44-A and the section heading and subdivisions 1 and 4 of section 1690 of the vehicle and traffic law and subdivision 5 of section 350.20 of the criminal procedure law, as made by sections two, three, four, five six and seven of this act, respectively, shall take effect only in the event that the county of Suffolk shall have, by local law established a traffic and parking violations agency; provided that the legislature of the county of Suffolk shall notify the legislative bill drafting commission upon the occurrence of the

enactment of the legislation provided for in sections two, three, four, five, six and seven of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the State of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law; provided, however, that the amendments to section 371 of the general municipal law made by section three of this act shall be deemed to expire therewith and provided that the amendments to subdivision 2 of section 99-1 of the general municipal law made by section ten of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 6 of chapter 179 of the laws of 2000, as amended, when upon such date the provisions of section eleven of this act shall take effect.

1343

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

Laid on Table

3/27/12

**RESOLUTION NO. -2012, AUTHORIZING USE OF
INDIAN ISLAND COUNTY PARK BY BIRTHRIGHT OF
PECONIC, INC., FOR A FUNDRAISING WALKATHON**

WHEREAS, Birthright of Peconic, Inc., would like to use the Indian Island County Park for the purpose of hosting a walkathon fundraising event; and

WHEREAS, the walkathon will be held on Saturday, October 6, 2012 at Indian Island County Park from 9:00 a.m. to 1:00 p.m.; and

WHEREAS, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by Birthright of Peconic, Inc.; and

WHEREAS, the County of Suffolk shall receive consideration in the total amount of Three Hundred and 00/100 Dollars (\$300.00), which includes payment for use of the pavilion, payment of which shall be guaranteed by Birthright of Peconic, Inc.; now, therefore, be it

1st RESOLVED, that the use of County-owned property, i.e. the Indian Island County Park in Riverhead, in consideration of the payment of Three Hundred and 00/100 Dollars (\$300.00), which includes payment for use of the pavilion, for the purpose of conducting a fundraising walkathon on Saturday, October 6, 2012, between the hours of 9:00 a.m. and 1:00 p.m. is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the County's receipt of a Certificate of Insurance naming the County of Suffolk as an additional insured from Birthright of Peconic, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

2nd RESOLVED, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER and Section 643-7 of the SUFFOLK COUNTY CODE to issue a permit to Birthright of Peconic, Inc. The Department of Parks, Recreation and Conservation and the County Department of Public Works are further authorized, empowered and directed to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fundraising walkathon for Birthright of Peconic, Inc.; and be it further

3rd RESOLVED, that Birthright of Peconic, Inc. shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink and require these vendors to display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

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

local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\use-indian-island-county-park-birthright-peconic-walkathon

1344

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

Laid on Table 3/27/12

**RESOLUTION NO. -2012, TO REAPPOINT RONAN MULVEY
AS A MEMBER OF THE SUFFOLK COUNTY CITIZENS
ADVISORY BOARD FOR THE ARTS**

WHEREAS, the term of **Ronan Mulvey**, as a member of the Suffolk County Citizens Advisory Board for the Arts, expired on December 31, 2011; and

WHEREAS, **Ronan Mulvey** is a holdover member of said Board; now, therefore
be it

1st RESOLVED, that **Ronan Mulvey**, currently residing in Centereach, New York , is hereby reappointed as a member of the Suffolk County Citizens Advisory Board for the Arts for a three year term of office to expire on December 31, 2014, pursuant to Section 103-3(A) 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:

APPROVED BY:

County Executive of Suffolk County

Date:

1345

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

Laid on Table 3/27/12

**RESOLUTION NO. -2012, AUTHORIZING LICENSE AND
SETTING RATES FOR HAMPTON JITNEY, INC.**

WHEREAS, Hampton Jitney, Inc., has applied to the Suffolk County Legislature by a verified petition dated March 21, 2012, pursuant to Article 8 of New York Navigation Law, Section 71 of New York Transportation Corporations Law, Section 131-g of New York Highway Law and Chapter 455 of the Suffolk County Code, for a license to operate a ferry service between Greenport, New York and Sag Harbor, New York, and to establish rates and a schedule for such service; and

WHEREAS, the Legislative Office of Budget Review has reviewed the Petition of Hampton Jitney, Inc., and issued its recommendations to this Legislature pursuant to the requirements of Chapter 455 of the SUFFOLK COUNTY CODE; now, therefore be it

1st RESOLVED, that the verified Petition of the Hampton Jitney, Inc., and the rate schedule set forth therein, is hereby approved; and be it further

2nd RESOLVED, that the license and rates authorized by this resolution shall take effect on the effective date of this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

-----X
IN THE MATTER OF THE APPLICATION

OF
PETITION

HAMPTON JITNEY INCORPORATED
NEW

LICENSE

Pursuant to Article 8 of the Navigation Law and section 71 of the
Transportations Law of the State of New York and Local law No 7 of 1982
of Suffolk County for a license to operate a ferry service for the purpose
transporting Passengers for hire over and upon the waters of the Peconic
Bay, Suffolk County, New York

-----X

RECEIVED
SUFFOLK COUNTY, N.Y.
GOVERNMENT

2012 MAR 21 P 1:48

RECEIVED

TO THE LEGISLATURE OF THE COUNTY OF SUFFOLK

The petition of Hampton Jitney Incorporated DBA "Peconic Bay Water Jitney" respectfully shows:

1. Your petitioner is passenger Motor Coach Corporation organized under the Transportation Corporation Law of the State of New York with its principal office located at 395 County Road, 39A Southampton, New York, 11968. Petitioner, Hampton Jitney Incorporated, has contracted with Response Marine Incorporated for the purposes of said organization in having all the relative practical and technical marine transportation experience as it relates to the implementation and operational management of proposed ferry service.

2. Petitioner has been organized for the general purposes of carrying passengers, baggage and all other merchandise and transportable matter for hire between New York City and Montauk Point New York by motor coach supported by public roadways that traverse between both locations. Petition stated here is to provide new passenger ferry service for the purpose of carrying passengers, baggage and all other merchandise and transportable matter for hire over and upon the waters of the Peconic Bay, which service will connect and transport passengers between the Village owned dock of Greenport, NY and and the leased dock of the Village of Sag Harbor, NY, which said property is owned by the County of Suffolk both of which lie within the County of Suffolk.

3. Petitioner has the rights to provide such service upon a regular schedule to be shown on the ferry schedule annexed hereto as Exhibit "A".

4. The "owners of the land", as such term is used in section 110 of the Navigation Law of the State of New York, are as follows:

Landing Facility

Owner

MITCHELL PARK PIER
GREENPORT, NY

- VILLAGE OF

LONG WHARF PIER

- COUNTY OF

SUFFOLK (LEASED BY THE VILLAGE OF SAG HARBOR, NY)

5. That your Petitioner will file with the clerk of the Legislature the undertaking required of it by the Suffolk County Legislature pursuant to section 111 of the Navigation Law, which undertaking will be in full force and effect prior to the issuance of the license and franchise.

6. That your Petitioner proposes to charge passenger fares and freight tariffs allowed to the Petitioner by the Legislature from time to time, pursuant to section 131-g of the Highway Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County. Rates Petitioner requests the authorization by the Suffolk County Legislature is annexed hereto as Exhibit "B".

7. The rates for the ferry service and the schedule for both passenger and freight will be posted at each entrance to the ferry as required under section 113 of the Navigation Law.

8. The vessel intended to be used by your Petitioner in the performance of this license and franchise are set forth as Exhibit "C" annexed hereto.

WHEREFORE, your Petitioner requests that the Legislature of the County of Suffolk approve Petitioner's application, approve the undertaking as aforesaid and grant to your Petitioner a ferry license and franchise for the service requested herein in the usual form commencing on the date of approval and ending May 15, 2017.

Dated: Southampton, New York
March, 2012

Incorporated

39A

11968

Hampton Jitney

395 County Road

Southampton, NY

631.283.4600

Exhibit "A"

Daily Departure Schedule to be Posted at Each Location along with Fare
Rate Schedule For Passenger Service

Greenport, NY

Sag Harbor, NY

7:00 AM

8:00 AM

9:00 AM

10:00 AM

11:00 AM

12:00 PM

1:00 PM

2:00 PM

3:00 PM

4:00 PM

5:00 PM

6:00 PM

7:00 PM

8:00 PM

9:00 PM*

10:00 PM*

11:00 PM*

11:45 PM*

(*) Denotes Friday and Saturday Evenings Only

Exhibit "B"

**Passenger Ferry Service Between the Incorporated Villages of
Greenport, NY and Sag Harbor, NY**

One Way Fare Per Passenger: \$11.00

Round-Trip Fare Per Passenger: \$20.00

Exhibit "C"

M/V John Kieth
53 Passenger

O.N. 1143410

33 Gross Tons



HAMPTON JITNEY, INC.
395 COUNTY ROAD 39A
SUITE 6
SOUTHAMPTON, NY 11968
PHONE (631) 283-4600 (212) 362-8400
www.hamptonjitney.com

March 21, 2012

Mr. Renee Ortiz
Suffolk County Clerk
725 Veterans Memorial Highway
Smithtown, NY 11788

RECEIVED
2012 MAR 21 P 1:51
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
RIVERHEAD

Re: REQUEST REGARDING FOIL EXCEPTIONS

Dear Mr. Ortiz:

Hampton Jitney, Inc. hereby formally requests that the information described below be kept confidential and identified as not available in response to a FOIL request. The information identified below includes trade and financial secrets which are submitted to your agency by a commercial enterprise which if disclosed would cause substantial injury to the competitive position of the subject enterprise. The disclosure of this information would also impair present or imminent contract awards or otherwise impede bargaining negotiations. In addition, its release constitutes and unwarranted invasion of personal privacy, as Hampton Jitney, Inc. is a closely held corporation.

Specifically, we request that you withhold the following information which is confidential, and proprietary in nature, the release of which would substantially injure the Competitive position of Hampton Jitney, Inc.:

The Audited Financial Statements of Hampton Jitney, Inc. attached to the enclosed new ferry service petition franchise license dba Peconic Bay Water Jitney.

If you need any additional information, please do not hesitate to contact the undersigned. Thank you for your co-operation.

Very truly yours,

Geoffrey Lynch
President

Cc: Jay Schneiderman, County Legislator

- DAILY COACH SERVICE BETWEEN METRO NEW YORK AND EASTERN LONG ISLAND •
- NEW YORK-FLORIDA SERVICE FOR YOU & YOUR CAR SEPT. - JUNE •
- CHARTER COACH, LIMOUSINE AND TOUR SERVICE •

Financial Statements
HAMPTON JITNEY, INC.
AND SUBSIDIARIES

DECEMBER 31, 2010 AND 2009

Hampton Jitney, Inc. and Subsidiaries
Consolidated Financial Statements and Supplementary Information
For the years ended December 31, 2010 and 2009

Contents

	<u>Page</u>
Independent auditors' report	1
Consolidated financial statements:	
Balance sheets	2
Statements of operations	3
Statements of stockholders' equity	4
Statements of cash flows	5
Notes to financial statements	6 - 10

Konner, Harbus AND Schwartz, P.C.



CERTIFIED PUBLIC ACCOUNTANTS

Melvin Konner, CPA
Marc I. Harbus, CPA
Dina Schwartz, CPA

Independent Auditors' Report

Board of Directors
Hampton Jitney, Inc. and Subsidiaries
Southampton, New York

We have audited the accompanying consolidated balance sheets of Hampton Jitney, Inc. and Subsidiaries as of December 31, 2010 and 2009, and the related consolidated statements of operations, changes in stockholders' equity, and cash flows for the years then ended. These financial statements are the responsibility of the Corporation's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Hampton Jitney, Inc. and Subsidiaries as of December 31, 2010 and 2009 and the results of its operations and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Certified Public Accountants

Paramus, New Jersey
March 8, 2011

Hampton Jitney, Inc. and Subsidiaries

Consolidated Balance Sheets

December 31, 2010 and 2009

	ASSETS	
	<u>2010</u>	<u>2009</u>
Current assets:		
Cash	\$ 5,675,156	\$ 5,726,923
Accounts receivable, net of allowance for doubtful accounts of \$254,474 and \$122,460	714,844	289,899
Other receivables	178,099	282,483
Due from officer	77,880	107,206
Materials and supplies	349,978	417,539
Prepayments and deposits	208,766	132,389
Prepaid income taxes	163,512	-0-
Deferred income taxes	<u>68,000</u>	<u>61,000</u>
Total current assets	<u>7,436,235</u>	<u>7,017,439</u>
Property and equipment:		
Property and equipment	23,773,293	22,628,952
Less: accumulated depreciation	<u>(16,114,339)</u>	<u>(15,239,499)</u>
	<u>7,658,954</u>	<u>7,389,453</u>
Other assets:		
Due from officer	1,088,807	1,060,801
Other assets	<u>1,734,867</u>	<u>1,443,773</u>
	<u>2,823,674</u>	<u>2,504,574</u>
Total assets	<u>\$17,918,863</u>	<u>\$16,911,466</u>
	LIABILITIES AND STOCKHOLDERS' EQUITY	
Current liabilities:		
Current portion of long-term debt	\$ 1,288,464	\$ 1,344,835
Accounts payable and accrued expenses	429,709	307,716
Wages and payroll taxes payable	247,178	204,850
Income taxes payable	-	711,296
Unredeemed ticket liability/tour deposits	2,900,558	2,524,350
Insurance reserve liability	<u>190,319</u>	<u>172,409</u>
Total current liabilities	<u>5,056,228</u>	<u>5,265,456</u>
Long-term liabilities:		
Long-term debt, net of current portion	3,952,658	3,794,127
Deferred income taxes	<u>1,605,000</u>	<u>1,360,000</u>
	<u>5,557,658</u>	<u>5,154,127</u>
Total liabilities	<u>10,613,886</u>	<u>10,419,583</u>
Stockholders' equity:		
Common stock, no par value authorized - 100 shares issued and outstanding – 54.6 shares (2010) and 65 shares (2009)	8,768,525	7,071,431
Retained earnings	8,798,525	7,101,431
Less: Treasury stock at cost – 45.4 shares (2010) and 35 shares (2009)	<u>(1,493,548)</u>	<u>(609,548)</u>
Total stockholders' equity	<u>7,304,977</u>	<u>6,491,883</u>
Total liabilities and stockholders' equity	<u>\$17,918,863</u>	<u>\$16,911,466</u>

The accompanying notes are an integral part
of the financial statements.

Hampton Jitney, Inc. and Subsidiaries

Consolidated Statements of Operations

For the years ended December 31, 2010 and 2009

	<u>2010</u>	<u>2009</u>
Operating revenues:		
Passenger revenue	\$17,345,840	\$16,418,350
Charter and tour revenue	3,972,106	3,502,551
Contract revenue	1,288,415	1,012,704
Other operating revenue	<u>303,821</u>	<u>303,752</u>
Total operating revenues	<u>22,910,182</u>	<u>21,237,357</u>
Operating expenses:		
Equipment maintenance and garage expense	2,432,155	2,310,310
Transportation expense	8,942,967	7,878,776
Station expense	1,421,740	1,393,204
Traffic, solicitation and advertising expense	751,020	468,283
Insurance and safety expense	830,042	740,739
Administrative and general expense	3,664,629	3,618,807
Depreciation and amortization expense	1,651,094	1,581,223
Operating taxes and licenses	907,405	839,026
Operating rents	<u>55,705</u>	<u>56,154</u>
Total operating expenses	<u>20,656,757</u>	<u>18,886,522</u>
Operating income	<u>2,253,425</u>	<u>2,350,835</u>
Other income (deductions):		
Interest income	81,549	51,848
Gain on sale of equipment	46,689	123,261
Other non-operating income	789,883	804,411
Interest expense	<u>(313,261)</u>	<u>(304,362)</u>
	<u>604,860</u>	<u>675,158</u>
Income before provision for income taxes	2,858,285	3,025,993
Provision for income taxes	<u>1,161,191</u>	<u>1,109,578</u>
Net income	<u>\$ 1,697,094</u>	<u>\$ 1,916,415</u>

The accompanying notes are an integral part of the financial statements.

Hampton Jitney, Inc. and Subsidiaries
Consolidated Statements of Stockholders' Equity

For the years ended December 31, 2010 and 2009

	<u>Common Stock</u>	<u>Retained Earnings</u>	<u>Treasury Stock</u>	<u>Combined Equity</u>
Balance – January 1, 2009	\$ 30,000	\$5,155,016	(\$ 609,548)	\$4,575,468
Net income	<u>-0-</u>	<u>1,916,415</u>	<u>-0-</u>	<u>1,916,415</u>
Balance - December 31, 2009	30,000	7,071,431	(609,548)	6,491,883
Net income	-0-	1,697,094	-0-	1,697,094
Treasury stock, at cost; 10.4 shares	<u>-0-</u>	<u>-0-</u>	<u>(884,000)</u>	<u>(884,000)</u>
Balance – December 31, 2010	<u>\$ 30,000</u>	<u>\$8,768,525</u>	<u>(\$1,493,548)</u>	<u>\$7,304,977</u>

The accompanying notes are an integral part
of the financial statements.

Hampton Jitney, Inc. and Subsidiaries

Consolidated Statements of Cash Flows

For the years ended December 31, 2010 and 2009

	<u>2010</u>	<u>2009</u>
Cash flows from operating activities:		
Net income	\$1,697,094	\$1,916,415
Adjustments to reconcile net income to net cash provided by operating activities:		
Deferred income taxes	238,000	128,000
Depreciation	1,651,094	1,581,223
(Gain) on sale of equipment	(46,689)	(123,261)
(Increase) decrease in:		
Accounts receivable	(424,945)	91,755
Other receivables	104,384	(213,768)
Materials and supplies	67,561	(44,568)
Prepayments and deposits	(76,377)	64,377
Prepaid income taxes	(163,512)	-0-
Other assets	(291,094)	(301,463)
Increase (decrease) in:		
Accounts payable and accrued expense	121,993	(256,027)
Wages and payroll taxes payable	42,328	24,751
Income taxes payable	(711,296)	655,478
Unredeemed ticket liability/tour deposits	376,208	204,647
Insurance reserve liability	<u>17,910</u>	<u>49,236</u>
Net cash provided by operating activities	<u>2,602,659</u>	<u>3,776,795</u>
Cash flows from investing activities:		
Purchases of property and equipment	(2,008,647)	(2,156,057)
Proceeds from sale of property and equipment	<u>134,741</u>	<u>226,418</u>
Net cash used in investing activities	<u>(1,873,906)</u>	<u>(1,929,639)</u>
Cash flows from financing activities:		
Long-term borrowings	1,554,676	1,532,967
Principal payments on long-term borrowings	(1,452,516)	(1,338,019)
Due from officer – long-term	(28,006)	61,221
Due from officer – current	29,326	(68,165)
Purchase of treasury stock	<u>(884,000)</u>	<u>-0-</u>
Net cash provided by financing activities	<u>(780,520)</u>	<u>188,004</u>
Net increase (decrease) in cash	(51,767)	2,035,160
Cash - beginning	<u>5,726,923</u>	<u>3,691,763</u>
Cash - ending	<u>\$5,675,156</u>	<u>\$5,726,923</u>
Supplemental disclosure of cash flow information are as follows:		
Cash paid during the year for:		
Interest	\$ 321,418	\$ 312,034
Income taxes	1,802,170	326,000

The accompanying notes are an integral part of the financial statements.

Hampton Jitney, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

December 31, 2010 and 2009

1. Business Description:

The Corporation is a major provider of passenger transportation services primarily in New York State. The Corporation provides line run services from Manhattan to various points in Suffolk County, New York. The Corporation also provides charter and tour services throughout the northeast United States and also provides limousine rental services. In addition, the Corporation provides local transit and other contract services in Suffolk County, New York.

2. Summary of Significant Accounting Policies:

A. Principles of Consolidation

The accompanying consolidated financial statements include Hampton Jitney, Inc. and its wholly owned subsidiaries, Hampton Jitney Rent-A-Car, Inc. and Jitney Transportation Services, Inc. All significant intercompany accounts and transactions have been eliminated.

B. Revenue Recognition

Passenger ticket sales are initially recorded as a current liability. Revenue derived from the sale is recognized at the time transportation is provided.

C. Materials and Supplies

Materials and supplies are stated at the lower of cost determined by the average cost method or market.

D. Property and Equipment

Property and equipment are stated at cost. Depreciation is provided using the straight-line method over the following estimated service lives of the assets:

<u>Description</u>	<u>Estimated Life Range (Years)</u>
Revenue equipment	3 - 7
Building and improvements	5 - 25
Other property and equipment	3 - 9
Shop and garage equipment	3 - 7

Expenditures for major renewals and betterments that extend the useful lives of property and equipment are capitalized. Expenditures for maintenance and repairs are charged to expense as incurred. Fully depreciated assets are retained in the property and depreciation accounts until they are sold or otherwise disposed of, at which time the asset account and related accumulated depreciation accounts are relieved and any gain or loss is included in operations.

E. Income Taxes

The Corporation and its subsidiaries file a consolidated income tax return.

The provision for income taxes is based upon the results of operations. Deferred income taxes are provided in recognition of timing differences between financial statement and tax reporting of income and expense items. The principal sources of timing differences are the use of different depreciation methods for book and tax purposes and vacation pay accruals, which are only deductible when paid.

Hampton Jitney, Inc. and Subsidiaries
Notes to Consolidated Financial Statements
December 31, 2010 and 2009

2. Summary of Significant Accounting Policies (Cont'd):

F. Advertising Costs

Advertising costs are charged to operations when incurred.

G. Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

H. Reclassifications

Certain reclassifications have been made to the 2009 financial statements to conform with the classifications used in 2010.

3. Concentration of Credit Risk

The Corporation maintains cash balances, which from time to time exceed the federal depository insurance coverage limits.

4. Property and Equipment:

The following is a summary of property and equipment at cost, less accumulated depreciation:

	<u>2010</u>	<u>2009</u>
Land	\$ 228,662	\$ 228,662
Building and improvements	3,123,792	3,085,077
Revenue equipment	19,220,083	18,217,442
Other property and equipment	<u>1,200,756</u>	<u>1,097,771</u>
	23,773,293	22,628,952
Less: Accumulated depreciation	<u>(16,114,339)</u>	<u>(15,239,499)</u>
	<u>\$ 7,658,954</u>	<u>\$ 7,389,453</u>

5. Other Assets:

The following is a summary of other assets:

	<u>2010</u>	<u>2009</u>
Cash surrender value of officer's life insurance	\$ 1,290,264	\$ 1,165,005
Security deposits	20,525	10,625
Land deposit and related costs	<u>424,078</u>	<u>268,143</u>
	<u>\$ 1,734,867</u>	<u>\$ 1,443,773</u>

Hampton Jitney, Inc. and Subsidiaries
Notes to Consolidated Financial Statements
December 31, 2010 and 2009

6. Long-term Debt:

	<u>2010</u>	<u>2009</u>
Long-term debt consists of:		
Equipment notes payable with various terms maturing through August 2017 including interest currently ranging from 0% to 7% per annum, collateralized by revenue equipment.	\$5,241,122	\$5,138,962
Less: Current portion	(1,288,464)	(1,344,835)
Long-term portion	<u>\$3,952,658</u>	<u>\$3,794,127</u>
Principal maturities of long-term debt consists of the following:		
Year Ending <u>December 31,</u>		
2011		\$1,288,464
2012		1,200,341
2013		888,401
2014		725,271
2015		603,495
Thereafter		<u>535,150</u>
		<u>\$5,241,122</u>

Loan Provisions

The agreements include guaranties of repayment by the stockholders as well as guaranties by each of the Corporation's subsidiaries. The obligations are collateralized by the Corporation's revenue equipment.

7. 401(k) Employee Benefit Plan:

The Corporation has a 401(k) employee benefit plan that covers substantially all employees that have attained the age of twenty-one and have completed one year of service. The Corporation will match up to 33.33% of the first six percent of the employee's contribution into the plan. The total amount charged to operations for the years ended December 31, 2010 and 2009 amounted to approximately \$88,000 and \$77,000.

8. Income Taxes:

The provision for (benefit from) income taxes is comprised of:

	<u>2010</u>	<u>2009</u>
Currently payable:		
Federal income tax	\$ 659,333	\$ 763,098
State and local income taxes	<u>263,858</u>	<u>218,480</u>
	<u>923,191</u>	<u>981,578</u>
Deferred taxes due to timing differences:		
Federal income tax	196,000	212,000
State and local income taxes	<u>42,000</u>	<u>(84,000)</u>
	<u>238,000</u>	<u>128,000</u>
Total	<u>\$1,161,191</u>	<u>\$1,109,578</u>

Hampton Jitney, Inc. and Subsidiaries
Notes to Consolidated Financial Statements
December 31, 2010 and 2009

9. Related Party Transactions:

At December 31, 2010 and 2009, \$1,166,687 and \$1,168,007 was due from officers of the Corporation. For the years ended December 31, 2010 and 2009, interest income from these officers amounted to \$28,005 and \$8,224.

10. Commitment and Contingencies:

Contingencies

In the normal course of business, various contingent liabilities are outstanding, which are not reflected in the financial statements. Management does not anticipate any material adverse effect on the financial statement resulting from such contingencies.

Letter of Credit

The Corporation has been issued an irrevocable letter of credit through Bridgehampton National Bank in connection with its insurance program. The letter of credit which amounted to \$200,000 at December 31, 2010, expires on May 14, 2011, at which time management intends on renewing the facility for an additional one year period.

Minimum Future Rental Income

The Corporation leases a portion of its Southampton facility to various parties. The leases expire in various years through September 2013 (with renewal options).

Minimum future rentals to be received for each of the next 5 years and in aggregate are as follows:

Year Ending <u>December 31,</u>	
2011	\$ 210,230
2012	214,464
2013	23,013
Thereafter	<u>-0-</u>
Total minimum future rentals	<u>\$ 447,707</u>

Minimum Future Rental Expense

The Corporation leases a parking lot under an operating lease that expires September 30, 2011. In addition, the Corporation leases a second parking lot on a month-to-month basis.

The Corporation also leases a building in Greenport, New York that expires on March 31, 2011. In addition, the Corporation also leases a house for foreign exchange student employees that expires on September 14, 2011.

Future minimum rents to be paid for each of the next 5 years and in aggregate are as follows:

Year Ending <u>December 31,</u>	
2011	\$ 46,833
Thereafter	<u>-0-</u>
	<u>\$ 46,833</u>

Hampton Jitney, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

December 31, 2010 and 2009

10. Commitment and Contingencies (Cont'd):

Suffolk County, New York Local Transit Contract

The Corporation's contract to operate local transit service under the auspices of the Suffolk County Department of Transportation will expire on June 30, 2011. At that time, it is expected that the contract may either be renegotiated or the County may require a request for proposal (IRFP) in order for the Corporation to continue operating the service. The ultimate outcome of the contract renewal will not have a material impact on the Corporation's other major lines of business or operations.

11. Treasury Stock:

On April 1, 2010, the Corporation re-acquired 10.4 shares of common stock from a stockholder of the Corporation. The treasury stock transaction amounted to \$884,000. At December 31, 2010 and 2009, 45.4 shares of common stock and 35 shares of common stock are held in treasury.

12. Subsequent Events:

The Corporation has evaluated subsequent events through March 8, 2011, the date which the financial statements were available to be issued.

The corporation has contracted to purchase three Prevost buses for a total of approximately \$1,657,800. It is contemplated that the entire purchase will be funded over a 7 year term.

1346

Intro. Res. No. -2012
Introduced by Legislator D'Amaro

Laid on Table 3/27/12

**RESOLUTION NO. -2012, ESTABLISHING A POLICY TO
GOVERN THE USE OF NON-COUNTY PERSONNEL IN
RATING PROPOSED LAND ACQUISITIONS**

WHEREAS, the County of Suffolk has maintained a robust land acquisition program for nearly 40 years, acquiring thousands of acres of land for open space, farmland, and active recreation purposes; and

WHEREAS, the Suffolk County Planning Division, within the Department of Economic Development and Planning, uses a rating form to objectively measure the relative value of proposed land and development rights acquisitions; and

WHEREAS, the Planning Division sometimes relies on persons not affiliated with the County government to gather information that affects the rating of properties that are proposed for acquisition; and

WHEREAS, the Planning Division typically receives information regarding animal, plant or ecological communities observed on a parcel by persons who have some knowledge related to the natural sciences; and

WHEREAS, this Legislature should be informed when the Planning Division relies on information provided by non-County personnel to rate properties; and

WHEREAS, this Legislature should also know the identity of persons and parties that provide information, their qualifications and any potential conflicts of interest they may have; and

WHEREAS, the County's process for evaluating proposed land acquisitions must be truly independent, objective and transparent to maintain the public's support for this critically important program; now, therefore be it

1st RESOLVED, that the Planning Division, within the Department of Economic Development and Planning, is hereby authorized, empowered and directed to advise the County Legislature and the County Executive when it utilizes information provided by non-County personnel to rate properties that are proposed for acquisition by the County; and be it further

2nd RESOLVED, that the Planning Division is hereby directed to develop a form that outside persons and parties must complete when they submit information to the Division for the purpose of affecting the rating of a proposed land acquisition, said form to include at least the following information:

- 1) the name, address and contact information of the person submitting the information to the Division;
- 2) the source of the information they are submitting (i.e. first hand field observation, photographs, maps, surveys, reports);

- 3) the name of the plant, animal or ecological community observed, the date(s) of such observation and a description of the diagnostic characteristics upon which the identification was based;
- 4) the number of species observed;
- 5) the precise location at which the plant, animal or ecological community was observed and a description of how one would get to the site where the observation was made;
- 6) the qualifications of the person submitting observations or information to the Division; and
- 7) any potential conflicts of interest that may impair the independence and objectivity of the person submitting the information to the Division;

and be it further

3rd **RESOLVED**, that a person submitting the form developed by the Planning Division pursuant to this resolution shall sign the form under oath; and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\policy-rating-proposed-land-acquisitions

1347

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

Laid on Table 3/27/12

**RESOLUTION NO. -2012, AUTHORIZING THE COUNTY
CLERK TO FILE AN APPLICATION FOR ADDITIONAL STATE
MORTGAGE TAX REIMBURSEMENT**

WHEREAS, Section 262 of the NEW YORK TAX LAW allows the County Clerk to receive all necessary expenses, as approved and allowed by the New York State Tax Commission, by retention from mortgage proceeds actually collected; and

WHEREAS, the Suffolk County Clerk's Office has sought and retrieved mortgage tax reimbursement in the amount of \$ **1,790,351.00** for 2011-2012; and

WHEREAS, the County Clerk's basic expenses in collecting mortgage tax has increased; and

WHEREAS, the County Clerk's Office collected \$**89,343,907.74** in mortgage tax in **2011** compared to \$ **90,122,585.00** collected in **2010**; and

WHEREAS, the Suffolk County Clerk is now entitled to retain annually from the mortgage tax collected which moneys could be utilized to offset budgetary shortfalls or tax increases in the County operating budget; and

WHEREAS, the County Clerk, has determined that her Office is eligible to retain \$ **1,790,351.00** of mortgage tax collected to offset expenses in her office, now, therefore be it

RESOLVED, that the Suffolk County Clerk is hereby authorized, empowered, and directed, pursuant to Section 18-2 of the SUFFOLK COUNTY CHARTER, to file an application with the New York State Commissioner of Taxation and Finance, for additional funding in the amount of \$ **1,790,351.00** that the County of Suffolk may be entitled to as a result of actual collection of the New York State mortgage tax proceeds by the Suffolk County Clerk's Office, as set forth in Exhibit "A" attached hereto and made part hereof.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

EXHIBIT "A"

2012

**MORTGAGE TAX COST ANALYSIS
NON PERSONNEL COSTS**

I.	Support Costs - Data Processing Total Data Processing Costs - \$ 808,689 38% Attributable	\$ 307,302
II.	General Office Supplies Total - \$132,151 38% Attributable	\$ 50,217
III.	Postage 41,712 Mortgages at 1.51	\$ 62,985
IV.	Service and Maintenance of Equipment Total - \$ 152,213 38% Attributable	\$ 57,841
V.	Rental of Office Space 6,174 Square Feet \$20.00 per Square Foot	\$ 123,480
	NON-PERSONNEL SUB TOTAL	\$601,825

MORTGAGE TAX PERSONNEL COSTS

Total costs include 30% for Fringe Benefits
See attached personnel cost analysis

PERSONNEL SUB TOTAL \$ 1,188,526

TOTAL MORTGAGE TAX COSTS \$ 1,790,351

1348

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

Laid on Table 3/27/12

RESOLUTION NO. -2012, AMENDING THE 2012 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE OPTICAL DISK IMAGING SYSTEM (CP 1751)

WHEREAS, the Optical Disk Imaging System is the platform for the County Clerk’s Record Retrieval System which stores millions of images of vital county records including deeds, mortgages, powers of attorney, covenants and restrictions, etc.; and

WHEREAS, due to New York State mandates and legislation pushing forward related to e-recording requirements, it is critical the County Clerk’s Office has the tools necessary to effectuate such; and

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

WHEREAS, Resolution 471-1994, as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2012 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-seven (47) is eligible for approval in accordance with the provisions of Resolution 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

2nd RESOLVED, that the proceeds of \$150,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1751.510	Optical Disk Imaging System	\$150,000

and be it further

3rd RESOLVED, that the County Comptroller and the County Treasurer are hereby authorized and empowered to take all steps necessary to appropriate to effectuate the transfer of this funding forthwith; and be it further

4th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (21) and (27) of Title 6 of New York Code of Rules and Regulations (“NYCRR”), in that the law authorizes information collection, including

basic data collection and research, and preliminary planning processes necessary to formulate a proposal for action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1349

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

Laid on Table 3/27/12

RESOLUTION NO. -2012, DESIGNATING INDIVIDUAL AGENTS OF THE SUFFOLK COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AS VOLUNTEERS OF THE COUNTY OF SUFFOLK FOR THE PURPOSES OF PROVIDING REASONABLE INDEMNIFICATION

WHEREAS, the County of Suffolk may indemnify and hold harmless persons who serve the County as volunteers pursuant to Chapter 42 of the SUFFOLK COUNTY CODE; and

WHEREAS, the County of Suffolk has in past years enacted resolutions indemnifying the officers and agents of the Suffolk County Society for the Prevention of Cruelty to Animals ("SCSPCA") who enforce statutes that protect animals; and

WHEREAS, the County of Suffolk should extend indemnification protections to the SCSPCA; now, therefore be it

1st RESOLVED, that the peace officers affiliated with the SCSPCA listed in Exhibit "A", attached hereto and made a part hereof, are hereby designated as volunteers on behalf of the County of Suffolk for the purpose of affording them indemnification protections as authorized by Article IV of Chapter 42 of the SUFFOLK COUNTY CODE; and be it further

2nd RESOLVED, that the County of Suffolk's indemnification of the individuals designated as volunteers herein, shall be conditioned on the SCSPCA maintaining their own liability insurance policy with a policy limit of at least \$2 million; and be it further

3rd RESOLVED, that the County of Suffolk will indemnify the individuals designated as volunteers against any judgment or settlement that exceed the limits of the policy maintained by SCSPCA or the date of any loss; and be it further

4th RESOLVED, that the Risk Management and Benefits Division in the Department of Civil Service, Personnel and Human Resources is hereby authorized, empowered and directed to issue the appropriate Certificate of Indemnification to the SCSPCA, consistent with the terms of this resolution; and be it further

5th RESOLVED, that the SCSPCA will file an updated list of peace officers that are eligible for designation as volunteers with the Risk Management and Benefit Division by February 1, 2013; and be it further

6th RESOLVED, that this resolution shall be effective through December 31, 2013.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

Exhibit "A"

Suffolk County Society for the Prevention of Cruelty to Animals

Michael A. Allen (Detective)	Jay Johanas (Detective)	Thomas Scaccia (Detective)
Donald A. Bambrick (Sergeant)	Herbert Kellner (Lieutenant)	Joseph S. Scalise (Officer)
Regina M. Benfante (Sergeant)	Emil Kochman (Detective)	Michael Schuler (Detective)
Thomas Cappetta (Detective)	Stephen Laton (Chief of Operations)	Frank T. Shaffer (Officer)
Thomas Coan (Detective)	Gerald Lauber (Chief of Detectives)	Catherine Spampinato (Officer)
Victor D'Airo (Detective)	Thomas G. Liguori (Detective)	John Spampinato (Detective)
Shawn A. Dunn (Detective)	Paul V. Llobell (Detective)	Craig Stadelman (Sergeant)
Raymond V. Galoppi (Lieutenant)	Domenic Mozzone (Detective)	Richard Steinhauser (Sergeant)
Lois Gross (Detective)	Michael Norkenun (Sergeant)	John Thompson (Lieutenant)
Roy Gross (Chief of Department)	Alex Parathyras (Sergeant)	

1350

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

Laid on Table 3/27/12

**RESOLUTION NO. -2012, AUTHORIZING USE OF
SMITH POINT COUNTY PARK AND SMITH POINT
MARINA BY GREAT SOUTH BAY RACING, INC.**

WHEREAS, Great South Bay Racing, Inc., would like to use Smith Point County Park and Smith Point Marina in Shirley for the purpose of hosting the "Battle on the Bay" boat race; and

WHEREAS, Great South Bay Racing, Inc., has requested use of the park and the marina from Thursday, August 23, 2012 through Monday, August 27, 2012; now, therefore, be it

1st RESOLVED, that the use of County-owned property, i.e. the Smith Point County Park and Smith Point Marina in Shirley, by Great South Bay Racing, Inc., in consideration of the payment of One Hundred and 00/100 Dollars (\$100.00) per day for use of Smith Point Marina and Six Hundred and 00/100 Dollars (\$600.00) per day for the park use permit, for the purpose of hosting the "Battle on the Bay" boat race on Friday, August 24, 2012, through Sunday, August 26, 2012, with a set-up day on Thursday, August 23, 2012 and a clean-up day on Monday, August 27, 2012 is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the County's receipt of a Certificate of Insurance naming the County of Suffolk as an additional insured from OPA Racing, LLC, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

2nd RESOLVED, Great South Bay Racing, Inc., will post a security bond to cover overtime expenses; and be it further

3rd RESOLVED, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER and Section 643-7 of the SUFFOLK COUNTY CODE to issue a permit to Great South Bay Racing, Inc. The Department of Parks, Recreation and Conservation and the County Department of Public Works are further authorized, empowered and directed to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the "Battle on the Bay" boat race for Great South Bay Racing, Inc.; and be it further

4th RESOLVED, that Great South Bay Racing, Inc. shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink and require these vendors to display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

5th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and

management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-use-smith-pt-park-great-south-bay-racing

RESOLUTION NO. 2012 AUTHORIZING CULTURAL FUNDING FOR 2012

WHEREAS, the adopted 2012 Operating Budget provides \$263,660 from Fund 192-Hotel/Motel Room Tax, for support of cultural programs and activities relevant to the continuation and enhancement of the tourism industry; and

WHEREAS, the Citizens Advisory Board for the Arts met to review the competitive cultural program applications and make funding recommendations to the Suffolk County Legislature; now, therefore be it

1st RESOLVED, that the Suffolk County Legislature hereby approves the allocation of funding in the amount of \$263,660 for the organizations as set forth in Exhibit "A", attached, such funding to be paid at the commencement of the pertinent contract; and be it further

2nd RESOLVED, that the County Executive or his Deputy, as the case may be, is hereby authorized to enter into agreements with the organizations as set forth in Exhibit "A" and in the amounts set forth therein; 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:

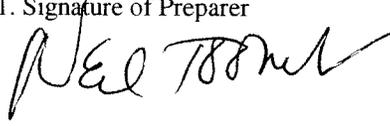
County Executive of Suffolk County

Date:

EXHIBIT A

Contract Agency	2012 Granted
Airmid Theatre Company	\$5,000
Atlantic Wind Symphony, Inc.	\$5,000
Bridgehampton Chamber Music Festival	\$5,000
Bridgehampton Historical Society	\$5,000
Brookhaven Arts & Humanities Council, Inc.	\$5,000
Byrd Hoffman Water Mill Foundation	\$5,500
Children's Museum of the East End	\$5,000
East End Arts and Humanities Council, Inc.	\$12,000
Gallery North	\$5,000
Gateway Performing Arts Center	\$5,000
Greater Port Jefferson Arts Council	\$6,500
Guild Hall of East Hampton, Inc.	\$5,000
Hallockville, Inc.	\$9,000
Hamptons Shakespeare Festival	\$6,500
Heckscher Museum	\$9,000
Herstory Writers Workshop, Inc.	\$5,000
Huntington Arts Council	\$10,500
Huntington Choral Society	\$5,000
Islip Arts Council, Inc.	\$12,500
Long Island Baroque Ensemble	\$5,000
Long Island Museum of American Art, History & Carriages	\$7,500
Long Island Philharmonic, Inc.	\$7,500
Long Island Wine Council	\$10,500
LongHouse Reserve	\$7,500
Parrish Art Museum	\$5,000
Patchogue Arts Council, Inc.	\$6,160
Patchogue Village Center for the Performing Arts	\$5,000
Ridotto Arts Organization, Inc.	\$5,000
Smithtown Township Arts Council, Inc.	\$10,000
Sol y Sombra Spanish Dance Co.	\$8,000
Southampton Colonial Society dba Southampton Historical Museum	\$5,000
Southampton Cultural Center	\$5,000
Stony Brook Foundation, Inc. (Pollock-Krasner House)	\$5,000
Teatro Experimental Yerbabruja, Inc.	\$7,500
The Babylon Chorale, Inc.	\$5,000
The Perlman Music Program	\$5,000
The Whaling Museum Society, Inc. Cold Spring Harbor	\$5,000
Theatre Three Productions, Inc.	\$10,000
Westhampton Beach Performing Arts Center, Inc.	\$12,500
TOTAL	\$263,660

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 AUTHORIZING CULTURAL FUNDING FOR 2012		
3. Purpose of Proposed Legislation: Approval of the recommended funding of the Citizens Advisory Board of the Arts utilizing \$263,660 of Fund 192 Hotel Motel distribution.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	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 \$263,660 Fund 192 Hotel Motel distribution.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding: 2012 Operating Budget / Hotel Motel Fund 192-PLN-6414		
9. Timing of Impact immediate		
10. Typed Name & Title of Preparer Neil Toomb Intergovernmental Relations Coordinator	11. Signature of Preparer 	12. Date 3/26/12

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, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



RECEIVED

FEB 22 2012

OFFICE OF THE
SUFFOLK COUNTY EXECUTIVE
HAUPPAUGE

MEMORANDUM

TO: Jon Schneider, Deputy County Executive
Office of the County Executive

FROM: Sarah Lansdale, Planning Director 
Department of Economic Development & Planning

DATE: February 17, 2012

SUBJECT: **AUTHORIZING CULTURAL FUNDING FOR 2012**

On behalf of the Suffolk County Citizens Advisory Board for the Arts, the Department of Economic Development and Planning requests the submission of the attached resolution requesting Legislature authorization for the 2012 Cultural-Tourism Funding. The attached resolution recommends awards totaling \$263,660 as appropriated through the Hotel/Motel Fund 192-PLN/ECD-6414.

Attached please find the draft resolution and the required SCIN 175a and 175b. Electronic copies are being filed as requested.

Thank you.

SL/CEF/kmb

cc: Regina Calcaterra, Chief Deputy County Executive
Ben Zwirn, Assistant Deputy County Executive
Carolyn Fahey, Intergovernmental Relations Coordinator
Michelle Isabelle-Stark, Program Coordinator (Cultural Affairs)



Intro. Res. No. 1352 -2012
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/27/12

**RESOLUTION NO. -2012, CONFIRMING
APPOINTMENT OF COUNTY COMMISSIONER OF
INFORMATION TECHNOLOGY (DONALD C. RODGERS)**

WHEREAS, the Commissioner of the County Department of Information Technology is appointed by the County Executive of Suffolk County to head the Suffolk County Department of Information Technology, subject to the approval of the County Legislature, under Section 20-2(A) of the SUFFOLK COUNTY CHARTER; and

WHEREAS, Steve Bellone, the County Executive of Suffolk County, after due consideration, has appointed Donald C. Rodgers, currently residing at Centereach, New York as Commissioner of the Suffolk County Department of Information Technology; now, therefore be it

1st **RESOLVED** that the appointment of Donald C. Rodgers, currently residing at Centereach, New York as Commissioner of the Suffolk County Department of Information Technology, is hereby approved, pursuant to Section 20-2(A) of the SUFFOLK COUNTY CHARTER, to serve at the pleasure of the County Executive of Suffolk County, effective immediately; 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) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

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 COUNTY COMMISSIONER OF INFORMATION TECHNOLOGY (DONALD C. RODGERS)		
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
Neil Toomb Intergovernmental relations Coordinator		March 26, 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.

1353

Intro. Res. No. -2012

Laid on Table 3/27/12

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

**RESOLUTION NO. -2012, CONFIRMING THE
APPOINTMENT OF THE SUFFOLK COUNTY
COMMISSIONER OF ECONOMIC DEVELOPMENT AND
PLANNING (JOANNE MINIERI)**

WHEREAS, the Commissioner of the Suffolk County Department of Economic Development and Planning is appointed by the County Executive, subject to approval by the Suffolk County Legislature, and shall serve at the pleasure of the County Executive; and

WHEREAS, Steven Bellone, the County Executive of Suffolk County has appointed Joanne Minieri, currently of East Hampton, New York, as County Commissioner of Economic Development and Planning, now, therefore be it

1st **RESOLVED**, that the appointment of Joanne Minieri, currently of East Hampton, New York, as Commissioner of the Suffolk County Department of Economic Development and Planning, is hereby approved, to serve at the pleasure of the County Executive of Suffolk County, pursuant to Section C35-1 of the SUFFOLK COUNTY CHARTER, as adopted by Local Law 56-2012, effective immediately; 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) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation RESOLUTION NO. -2012, CONFIRMING THE APPOINTMENT OF THE SUFFOLK COUNTY COMMISSIONER OF ECONOMIC DEVELOPMENT AND PLANNING (JOANNE MINIERI)		
3. Purpose of Proposed Legislation SEE NO. 2 ABOVE.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact .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 Neil Toomb Intergovernmental relations Coordinator	11. Signature of Preparer 	12. Date March 26, 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, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

JOANNE M. MINIERI President and Chief Operating Officer

Joanne Minieri, CPA, is the President and Chief Operating Officer of Forest City Ratner Companies. In this capacity, she is responsible for implementing the company's business plan, as well as overseeing all aspects of the company's day to day operations, with an emphasis on the development and management of financial strategies, programs and procedures. Joanne's areas of managerial responsibility encompass cash management, accounting and finance, financial reporting, cost control, forecasting, policy development, and strategic opportunity assessment. In addition, Ms. Minieri directs the Executive Management team which devises the company's long-term strategy and evaluates business development opportunities. Under her management, the company has diversified its portfolio with the development of ten office buildings, twenty-four retail centers, two hotels, and two residential projects. She is currently managing a development pipeline which includes three projects with over three million square feet.

Ms. Minieri was involved in the company's acquisition of the New Jersey NETS franchise. She represents ownership in overseeing the business side of the team and is responsible for managing the company's investment. She also oversees the pre-development of the Atlantic Yards project, an 8 million square-foot mixed-use development which will include a new state-of-the-art sports and entertainment venue, the Barclays Center, which is now under construction.

Ms. Minieri first joined Forest City Ratner Companies as Chief Financial Officer in 1995, she was promoted to Executive Vice President and Chief Operating Officer in 1998 and to her current position as President and Chief Operating Officer in 2007. Previously, she worked for Kenneth Leventhal & Company, where she monitored the development of a number of New York City real estate projects. Joanne's experience in the real estate and financial services sectors spans a full range of professional accounting, tax and consulting services, which she has provided for both private & public companies.

Ms. Minieri is a member of numerous professional organizations, including the American Institute of Certified Public Accountants, the New York State Society of Certified Public Accountants, the Real Estate Board of New York, Urban Land Institute, Women's Forum, Inc. and is on the Board of the Brooklyn Museum, the Brooklyn Children's Museum and NEW (Non-Traditional Employment for Women). Ms. Minieri has received several awards for her accomplishments and leadership. Most recently she was honored in 2009 as one of Crain's 50 Most Powerful Women in New York. In 2008, Ms. Minieri was the recipient of the National

Italian American Foundation's (NIAF) Special Achievement Award and was honored by the Special Olympics New York at its 9th Annual Real Estate & Construction Gala. She received an Alumni Achievement Award from Hofstra University as well as a citation from Nassau County Executive Thomas Suozzi after receiving the Women in Housing Development Award from the New York Housing Conference and National Housing Conference. Ms. Minieri has also been honored by the Nontraditional Employment for Women (NEW) organization.

A native of Brooklyn, New York, she holds a Bachelor of Business Administration degree from Hofstra University.

1355

Intro Res. No. -2012

Laid on Table 3/27/2012

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A CHARTER LAW TO IMPLEMENT ONE-YEAR
ROLLING DEBT POLICY UNDER 5-25-5 LAW TO MITIGATE
BUDGETARY SHORTFALL**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on March 27th, 2012, a proposed Charter law entitled, "**A CHARTER LAW TO IMPLEMENT ONE-YEAR ROLLING DEBT POLICY UNDER 5-25-5 LAW TO MITIGATE BUDGETARY SHORTFALL**," and said local law in final form is the same as when presented and introduced; 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 IMPLEMENT ONE-YEAR ROLLING DEBT
POLICY UNDER 5-25-5 LAW TO MITIGATE BUDGETARY SHORTFALL**

**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 23-1994, "A Charter Law to Establish 5-25-5 Debt Policy," was adopted for the purpose of making the Capital Program and Budget approval and appropriation process more meaningful and more responsive to the needs of the public and to accommodate increased future debt service payments by prohibiting the issuance of debt to pay for the following County operating expenses:

- 1.) repair and maintenance not significantly extending the useful life of an asset;
- 2.) dredging projects - \$100,000. or less;
- 3.) road and equipment repairs;
- 4.) roof replacement;
- 5.) equipment purchases that may not occur in the same location or department if:
 - a.) costs are incurred on annual basis;
 - b.) item price is \$5,000 or less;
 - c.) aggregate cost is less than \$25,000.00; and
 - d.) useful life is five (5) years or less;
- 6.) 9 mm guns; and
- 7.) soft body armor vests.

This Legislature further finds that the County of Suffolk has waived the application of the 5-25-5 during periods of significant economic downturns.

This Legislature also finds that the County of Suffolk faces severe budget difficulties in 2012 as a result of this downturn and resulting slow recovery.

Therefore, the purpose of this law is to waive the application of the 5-25-5 Law for a one-year period of time and to permit traditional normal bonding for items that would otherwise be required to be paid for under the 5-25-5 law in order to deal with the anticipated budget shortfall,

Section 2. Amendment.

§ C4-19 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§4-19. Adoption of capital program.

- A.) Not less than two weeks after the public hearing required by § C4-18 and not later than the 30th day of June, the County Legislature shall adopt the proposed capital program, with or without amendments.
- B.) If the County Legislature does not adopt a capital program on or before the 30th day of June, the proposed capital program shall be deemed adopted as submitted.
 - 1.) Commencing in fiscal year 1996, funding for recurring expenses shall be paid by a transfer from the General Fund rather than through the issuance of debt.
 - 2.) The requirement of subsection (1) of this paragraph shall not apply to recurring expenses incurred, or necessary to be paid, during fiscal years ~~[2010]~~ 2012.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law only during fiscal years 2012.

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 (27) of Title 6 of the NEW YORK CODE OF RULES AND

REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution _____ Local Law _____ Charter Law <u>X</u>		
2. Title of Proposed Legislation		
ADOPTING LOCAL LAW NO. -2012, A CHARTER LAW TO IMPLEMENT A ONE- YEAR ROLLING DEBT POLICY UNDER 5-25-5 LAW TO MITIGATE BUDGETARY SHORTFALL		
3. Purpose of Proposed Legislation		
SEE #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		
The purpose of this resolution waives the application of the 5-25-5 Law for a one-year period (2012), permitting normal bonding of projects that would otherwise be classified as "G" funded projects. This Law will avoid adding to the financial burden anticipated during the 2012 operating budget year. This local law has no immediate fiscal impact on debt service. The impact will be incurred as the projects that would be classified as "G" funded projects under the 5-25-5 Law, are now appropriated and adopted as serial bond projects.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N.A.		
8. Proposed Source of Funding		
Allow for the appropriation of projects that would be classified as "G" funded projects under the 5-25-5 Law, to be adopted as "B" funded projects, allowing Serial Bonds to be authorized for these projects.		
9. Timing of Impact		
Shall not take effect until at least sixty (60) days after its adoption and upon filing in the Office of the Secretary of State.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas E Paglia Jr. Asst Executive Analyst		March 26 th , 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.

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



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

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

DATE: MARCH 27, 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 IMPLEMENT ONE-YEAR ROLLING DEBT POLICY
UNDER 5-25-5 LAW TO MITIGATE BUDGETARY SHORTFALL

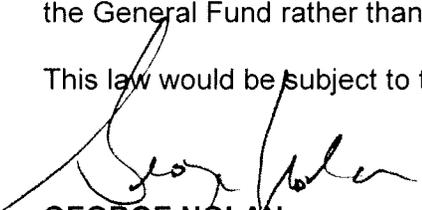
SPONSOR: PRESIDING OFFICER, ON THE REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 3/27/2012 PUBLIC HEARING: 4/24/2012

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

Enactment of this proposed charter law would suspend the application of the "5-25-5 Law" for the duration of fiscal year 2012. The 5-25-5 law, codified in Section C4-19(B)(1) of the SUFFOLK COUNTY CHARTER, requires that recurring expenses be paid by a transfer from the General Fund rather than through the issuance of debt.

This law would be subject to the 60-day permissive referendum requirement.


GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\r28\28-suspend-application-5-25-5-law

1356

Intro Res. No. -2012

Laid on Table 3/27/2012

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A CHARTER LAW TO IMPLEMENT TWO-YEAR
ROLLING DEBT POLICY UNDER 5-25-5 LAW TO MITIGATE
BUDGETARY SHORTFALL**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on March 27th, 2012, a proposed Charter law entitled, "**A CHARTER LAW TO IMPLEMENT TWO-YEAR ROLLING DEBT POLICY UNDER 5-25-5 LAW TO MITIGATE BUDGETARY SHORTFALL**," and said local law in final form is the same as when presented and introduced; 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 IMPLEMENT TWO-YEAR ROLLING DEBT
POLICY UNDER 5-25-5 LAW TO MITIGATE BUDGETARY SHORTFALL**

**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 23-1994, "A Charter Law to Establish 5-25-5 Debt Policy," was adopted for the purpose of making the Capital Program and Budget approval and appropriation process more meaningful and more responsive to the needs of the public and to accommodate increased future debt service payments by prohibiting the issuance of debt to pay for the following County operating expenses:

- 1.) repair and maintenance not significantly extending the useful life of an asset;
- 2.) dredging projects - \$100,000. or less;
- 3.) road and equipment repairs;
- 4.) roof replacement;
- 5.) equipment purchases that may not occur in the same location or department if:
 - a.) costs are incurred on annual basis;
 - b.) item price is \$5,000 or less;
 - c.) aggregate cost is less than \$25,000.00; and
 - d.) useful life is five (5) years or less;
- 6.) 9 mm guns; and
- 7.) soft body armor vests.

This Legislature further finds that the County of Suffolk has waived the application of the 5-25-5 during periods of significant economic downturns.

This Legislature also finds that the County of Suffolk faces severe budget difficulties in 2012 and 2013 as a result of this downturn and resulting slow recovery.

Therefore, the purpose of this law is to waive the application of the 5-25-5 Law for a two-year period of time and to permit traditional normal bonding for items that would otherwise be required to be paid for under the 5-25-5 law in order to deal with the anticipated budget shortfall,

Section 2. Amendment.

§ C4-19 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§4-19. Adoption of capital program.

- A.) Not less than two weeks after the public hearing required by § C4-18 and not later than the 30th day of June, the County Legislature shall adopt the proposed capital program, with or without amendments.
- B.) If the County Legislature does not adopt a capital program on or before the 30th day of June, the proposed capital program shall be deemed adopted as submitted.
 - 1.) Commencing in fiscal year 1996, funding for recurring expenses shall be paid by a transfer from the General Fund rather than through the issuance of debt.
 - 2.) The requirement of subsection (1) of this paragraph shall not apply to recurring expenses incurred, or necessary to be paid, during fiscal years ~~[2010]~~ 2012 and 2013.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law only during fiscal years 2012 and 2013.

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 (27) of Title 6 of the NEW YORK CODE OF RULES AND

REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution _____ Local Law _____ Charter Law <u>X</u>		
2. Title of Proposed Legislation		
ADOPTING LOCAL LAW NO. -2012, A CHARTER LAW TO IMPLEMENT A TWO- YEAR ROLLING DEBT POLICY UNDER 5-25-5 LAW TO MITIGATE BUDGETARY SHORTFALL		
3. Purpose of Proposed Legislation		
SEE #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		
The purpose of this resolution waives the application of the 5-25-5 Law for a two year period (2012 & 2013), permitting normal bonding of projects that would otherwise be classified as "G" funded projects. This Law will avoid adding to the financial burden anticipated during the 2012 and 2013 operating budgets. This local law has no immediate fiscal impact on debt service. The impact will be incurred as the projects that would be classified as "G" funded projects under the 5-25-5 Law, are now appropriated and adopted as serial bond projects.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N.A.		
8. Proposed Source of Funding		
Allow for the appropriation of projects that would be classified as "G" funded projects under the 5-25-5 Law, to be adopted as "B" funded projects, allowing Serial Bonds to be authorized for these projects.		
9. Timing of Impact		
Shall not take effect until at least sixty (60) days after its adoption and upon filing in the Office of the Secretary of State.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas E Paglia Jr. Asst Executive Analyst		March 26 th , 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.

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



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

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

DATE: MARCH 27, 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 IMPLEMENT TWO-YEAR ROLLING DEBT POLICY
UNDER 5-25-5 LAW TO MITIGATE BUDGETARY SHORTFALL

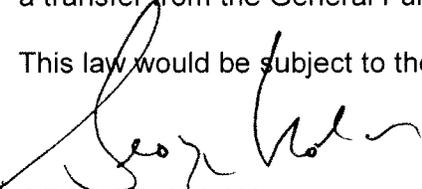
SPONSOR: PRESIDING OFFICER, ON THE REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 3/27/2012 PUBLIC HEARING: 4/24/2012

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

Enactment of this proposed charter law would suspend the application of the "5-25-5 Law" for a two (2) year period including fiscal years 2012 and 2013. The 5-25-5 law, codified in Section C4-19(B)(1) of the SUFFOLK COUNTY CHARTER, requires that recurring expenses be paid by a transfer from the General Fund rather than through the issuance of debt.

This law would be subject to the 60-day permissive referendum requirement.


GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\r28\28-5-25-5-rolling-debt-policy-2012

1357
Intro. Res. No. -2012
Introduced by Legislator Romaine

Laid on Table 3/27/12

RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, A LOCAL LAW TO STRENGTHEN THE AFFORDABLE HOUSING TRANSFER PROGRAM FOR HOMEOWNERS DISPLACED BY A NATURAL DISASTER

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 AFFORDABLE HOUSING TRANSFER PROGRAM FOR HOMEOWNERS DISPLACED BY A NATURAL DISASTER**" 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 AFFORDABLE HOUSING TRANSFER PROGRAM FOR HOMEOWNERS DISPLACED BY A NATURAL DISASTER

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 enacted Local Law No. 13-2011 to afford persons displaced from their homes by a hurricane, flood or tornado to participate in, and benefit from, the County's affordable housing program.

This Legislature also finds that certain provisions of Local Law No. 13-2011 have proven to be too restrictive and are frustrating the law's intent, to help persons who lose their homes in a natural disaster find new affordable housing.

Therefore, the purpose of this law is to amend the County's affordable housing program to enhance the County's ability to provide affordable housing to persons who have been dislocated and displaced by a natural disaster.

Section 2. Amendments.

Article 36 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**ARTICLE XXXVI
Affordable Housing**

* * * *

§ A36-2. Suffolk County housing opportunities programs.

* * * *

C. New York State General Municipal Law § 72-h transfer program for homeowners displaced by natural disaster.

* * * *

(2) For purposes of this [subsection] article[:

(a) A] a “homeowner displaced by natural disaster” means[:

[1]] A homeowner displaced by hurricane, flood or tornado whose primary residence has been rendered uninhabitable as determined by the Suffolk County Department of Health Services.]; and

[2] Who had no other source of total indemnity for the loss of the primary residence available to the homeowner from any other federal, state or County program.]

* * * *

D. Workforce housing and affordable housing programs other than the New York State General Municipal Law § 72-h transfer programs [for homeowners displaced by natural disaster].

* * * *

(3) Homeowners displaced by natural disaster.

(a) Housing subsidized pursuant to this section may be transferred to persons displaced by a natural disaster notwithstanding that they are not first-time homebuyers.

(b) Parcels transferred to persons displaced by a natural disaster shall be for owner occupied housing only and subject to covenants and restrictions requiring that eligible individuals’ incomes do not exceed 120% of the HUD established limits for the Nassau-Suffolk PMSA adjusted by family size.

* * * *

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\l-strengthen-affordable-housing-natural-disaster

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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

DATE: MARCH 27, 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 AFFORDABLE HOUSING TRANSFER PROGRAM FOR HOMEOWNERS DISPLACED BY A NATURAL DISASTER

SPONSOR: LEGISLATOR ROMAINE

DATE OF RECEIPT BY COUNSEL: 3/26/12 **PUBLIC HEARING:** 4/24/12

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

This proposed law would amend the County's affordable housing statute in order to broaden the eligibility of persons displaced by a natural disaster.

Specifically, this law would:

- 1) amend the §72-h transfer program to allow the transfer of parcels to persons displaced by a natural disaster even if they are indemnified for the loss of their original home by another federal, state or County program; and
- 2) clarify that persons displaced by a natural disaster can participate in the County's affordable housing program notwithstanding that they are not first-time homebuyers.

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 a light blue horizontal line.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-natural disaster 72-h

Intro. Res. No. 1358

Laid on Table 3/27/12

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. _____, AUTHORIZING THE
ISSUANCE OF A CERTIFICATE OF ABANDONMENT
OF THE INTEREST OF THE COUNTY OF SUFFOLK
IN PROPERTY DESIGNATED AS INCORPORATED VILLAGE OF
GREENPORT SUFFOLK COUNTY TAX MAP NO.
1001-005.00-04.00-018.000
PURSUANT TO SECTION 40-D OF THE SUFFOLK
COUNTY TAX ACT**

WHEREAS, a parcel of property lying, situate and being in the Incorporated Village of Greenport, Town of Southold, designated as Suffolk County Tax Map Number 1001-005.00-04.00-018.000 known as District 1001, Section 005.00, Block 04.00, Lot 018.000, formerly assessed to Evelyn Amer; and

WHEREAS, The Village of Greenport became owner as a matter of law via vesting order dated February 25, 2003 and entered at The Supreme Court Suffolk County on March 4, 2003; and

WHEREAS, a subsequent court order dated April 18, 2006, affirmed the vesting of title in The Village; and

WHEREAS, the assessment and land records were not updated to properly reflect that The Village was the record owner of the subject parcel; and

WHEREAS, the County of Suffolk acquired said property designated as Suffolk County Tax Map Number 1001-005.00-04.00-018.000, by tax deed dated September 19, 2011, and recorded on September 21, 2011 in the Suffolk County Clerk's Office in Liber 12671 at page 898 for unpaid 2008/2009 taxes; and

WHEREAS, it has been determined Village of Greenport, as owner, was not notified to the taking of tax deed, making issuance of a Quitclaim Deed impossible, property should not have been taken; now, therefore, be it

BE IT RESOLVED, that pursuant to Resolution No. 62-2012, that the taxes for the property represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or years specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated, and that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law, the tax deed to Suffolk County 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

March 27, 2012

Jon Schneider, Deputy County Executive
H. Lee Dennison Bldg. – 12th Floor
Hauppauge, New York 11788-0099

Re: Tax Map No. 1001-005.00-04.00-018.000
INCORPORATED VILLAGE OF GREENPORT

Dear Mr. Schneider:

Enclosed herewith for your approval is original and one (1) copy of the proposed resolution with documentation pursuant to:

Section 40-D of the Suffolk County Tax Act – Authorizing the abandonment of the interest of the County of Suffolk in the property designated.

I would appreciate your placing this on the legislative agenda as soon as possible after your examination.

Very truly yours,

Pamela J. Greene, Director
Director of Division of Real Property
Acquisition and Management

PJG:lg

Enclosures
Resolution + one copy
Closing Statement
Legislative Memorandum
Treasurer's Computation

Copy of Resolution to:

Jon Schneider, Deputy County Executive (original plus 1 hard copy)
Ben Zwirn, Intergovernmental Relations (2 hard copies)
Tom Vaughn, County Executive Assistant (1 hard copy)
CE Reso Review (electronic copy)

Copy of letter to:

Eric Kopp, Legislative Liaison
Connie Corso, Budget Director
Sarah Lansdale, Director, Planning Dept.
Alice Kubicko, Inventory

DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT
SPONSORS MEMO FOR COUNTY LEGISLATION

Resolution Title:

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee to issue a Certificate of Abandonment of the interest of the County of Suffolk pursuant to Section 40-D of the Suffolk County Tax Act
INCORPORATED VILLAGE OF GREENPORT
1001-005.00-04.00-018.000

Purpose/Justification of Request:

To cancel a Tax Deed taken in error by the Suffolk County Treasurer as per Section 40-C to abandon the County's interest in the property as per Section 40-D of the Tax Act

Specify Where Applicable:

1. Is request due to change in law? yes__ no X
 If yes, please explain:
 2. Has this resolution been submitted previously? yes__ no X
 If yes, give I.R.#, attach copy and reason for resubmittal:
 3. Is backup attached? yes X no
 4. Is this resolution subject to SEQRA review? yes__ no X
-

Fiscal Information:

Anticipated Revenue \$0

Contact Person _____ Telephone Number (631) 853-5900

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 1001-005.00-04.00-018.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee to issue a Certificate of Abandonment of the interest of the County of Suffolk Pursuant to Section 40-D of the Suffolk County Tax Act.

3. Purpose of Proposed Legislation

To cancel Tax Deeds and abandon the County's interest in properties taken by mistake or in error when determined by the Town Assessor, the Suffolk County Division of Real Property Acquisition and Management, and the County Treasurer.

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)

<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	

6. If the answer to item 4 is "yes", provide detailed explanation of Impact

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2012

10. Typed Name & Title of Preparer	Signature of Preparer	Date
_____	_____	_____

1359

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

Laid on Table 3/27/12

RESOLUTION NO. -2012, DIRECTING THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING TO STRENGTHEN THE LAND PRESERVATION PROGRAM AND MAXIMIZE ENVIRONMENTAL PROTECTION

WHEREAS, the County of Suffolk has preserved thousands of acres of land for open space, agricultural use, and drinking water protection purposes under multiple programs over the past forty years; and

WHEREAS, the County accelerated its land preservation efforts under the ¼% Drinking Water Protection program for several years, borrowing against future program revenues to preserve parcels under threat of immediate development; and

WHEREAS, acquisitions made during this period were typically evaluated and acquired on a "first-in, first-out" basis; and

WHEREAS, the County will now resume purchasing land on a "pay-go" basis, which will significantly reduce the number of parcels that can be purchased in coming years; and

WHEREAS, the County should use this transition period 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; and

WHEREAS, the Divisions of Planning and Real Property Acquisition and Management within the Department of Economic Development and Planning should conduct a review of 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; now, therefore be it

1st RESOLVED, that the Planning Division and the Division of Real Property Acquisition and Management, within the Department of Economic Development and Planning, are hereby authorized, empowered and 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 within one hundred eighty (180) days of the effective date of this Resolution; and be it further

2nd RESOLVED, that the Planning Division and the Division of Real Property Acquisition and Management are further 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 and apply such ranking system to all parcels on the updated Master List as well as all parcels for which planning steps have been approved within one hundred eighty (180) days of the effective date of this Resolution; and be it further

3rd RESOLVED, that the Planning Division and the Division of Real Property Acquisition and Management shall create a priority list based on the application of said priority

ranking system to determine the order in which ranked parcels shall be targeted for acquisition; and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-planning open space priority ranking