

1688

Intro Res. No 2012 Laid on Table  
Introduced by the Presiding Officer on request of the County Executive

6/19/12

**RESOLUTION NO. -2012, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS**

**WHEREAS**, the Suffolk County Department of Economic Development and Planning has been awarded an Emergency Solutions Grant for Federal Fiscal Year 2012 (FY 2012) under The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009; and

**WHEREAS**, the County has been awarded an Emergency Solutions Grant in the amount of \$288,839; and

**WHEREAS**, \$21,662.92 of said funds are to be used for operational costs; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Legislature hereby authorizes the County Executive or his designee to accept the Emergency Solutions Grant and to execute and deliver contracts with cooperating non-profit organizations for the expenditure of these funds; and, be it further

**2<sup>nd</sup> RESOLVED**, that \$21,662.92 of these funds be used to reimburse budgeted County expenses and that the County Comptroller and County Treasurer be, and they hereby are, authorized to accept and appropriate the following funds.

REVENUES:

AMOUNT

354-4910 Federal Aid: Community Development

\$288,839

ORGANIZATIONS:

ECONOMIC DEVELOPMENT  
EMERGENCY SHELTER GRANTS PROGRAM  
354-CDV-8784

Contracted Services

\$267,176.08

354-4980 Contracted Agencies

\$267,176.08

INTERFUND TRANSFER  
TRANSFER TO FUND 351  
IFT-9600

354-IFT-E351                      Transfer to Fund 351 Comm Dev Admin      \$21,662.92

and be it further

**3<sup>rd</sup> RESOLVED**, that the reporting category for the County Integrated Financial Management System (IFMS) is CD10.

DATED

APPROVED BY:

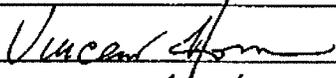
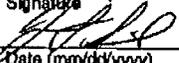
\_\_\_\_\_  
County Executive of Suffolk County  
DATED:

# Grant Agreement

Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act, 42 USC 11371 et seq.

U.S. Department of Housing and Urban Development  
Office of Community Planning and Development  
Emergency Solutions Grants Program

Grant Number: E-12-UC-36-0109

1. Name of Grantee (as shown in item 5 of Standard Form 424) County of Suffolk		2. Grantee's 9-digit Tax ID Number 11-6000464	
3. Grantee's DUNS Number: 142753479			
4. Grantee's Complete Address (as shown in item 5 of Standard Form 424) H. Lee Dennison Building, 11 <sup>th</sup> Floor 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-0099			
Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.). The Grantee's submissions under 24 CFR Part 91 that pertain to this Grant, the HUD regulations at 24 CFR Part 576 (as now in effect and as may be amended from time to time), and any special conditions attached to this Grant Agreement constitute part of this Grant Agreement. The Grantee shall also comply with the Office of Management and Budget requirements for Universal Identifier and Central Contractor Registration at 2 CFR Part 25, Appendix A to Part 25—Award Term. Subject to the provisions of this Grant Agreement, HUD will make the Grant available to the Grantee upon execution of the Grant Agreement by the Grantee and HUD. The Grant may be used to pay costs incurred after the date specified in item 8 below, provided the activities to which the costs are related are carried out in compliance with all applicable requirements.			
5. Special Conditions (check one): <input checked="" type="checkbox"/> None <input type="checkbox"/> Attached			
6a. Date HUD Received Grantee's Annual Submission under 24 CFR Part 91 (mm/dd/yyyy) 02/10/2012		6b. Date Grantee Notified: (mm/dd/yyyy) 04/19/2012	
7. Date of Start of Grantee's Program Year (mm/dd/yyyy) 04/01/2012		8. Date Use of Funds May Begin (the later of the date in 6a and the date in 7) (mm/dd/yyyy) 04/01/2012	
9. Funding Approval (check one): <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment			
10. Amount of Emergency Solutions Grant:		\$ 288,839	
10a. Funds Reserved for this Grantee		\$ 288,839	
10b. Funds Now Being Approved		\$ 288,839	
10c. Reservation to be Cancelled (10a minus 10b)		\$	
11. Name and Complete Address of Department Designated to Administer the Grant			
11a. Name of Authorized Official			
11b. Title			
11c. Phone Number		11d. Fax Number	11e. E-mail Address
12. U.S. Department of Housing and Urban Development		13. Grantee Name COUNTY OF SUFFOLK	
12a. Name of Authorized Official Vincent Horn		13a. Name of Authorized Official JON SCHEIDER	
12b. Title Director, Office of Community Planning & Development		13b. Title DEPUTY COUNTY EXECUTIVE	
12c. Signature 		13c. Signature 	
12d. Date (mm/dd/yyyy) 4/30/2012		13d. Date (mm/dd/yyyy) 5/18/12	

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation <b>RESOLUTION NO. _____ -2012, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS</b>		
3. Purpose of Proposed Legislation  SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes__ No <input checked="" type="checkbox"/>		
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): DAV
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact No Fiscal Impact, 100% Grant Funding		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Total Grant Award is \$288,839.00		
8. Proposed Source of Funding US Department of Housing and Urban Development Emergency Shelter Grant (Federal Funds)		
9. Timing of Impact  Upon Adoption of Resolution and signing of Grant Agreements		
10. Typed Name & Title of Preparer Neil Toomb Intergovernmental Relations Coordinator	11. Signature of Preparer 	12. Date June 14, 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.

1688

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

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

Submitting Department (Dept. Name & Location):  Department of Economic Development and Planning H. Lee Dennison Bldg. – 4th Floor Hauppauge	Department Contact Person (Name & Phone No.):  Jill Rosen-Nikoloff, Director of Affordable Housing & Community Development 853-6240
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Suggestion Involves:

Technical Amendment \_\_\_\_\_  
 Grant Award            X \_\_\_\_\_  
 \_\_\_\_\_  
 New Program \_\_\_\_\_  
 Contract: New \_\_\_\_\_ Rev. \_\_\_\_\_

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

Resolution to enable the County to provide Federal Emergency Solutions Grant (ESG) Funds to non-profit agencies for purposes of homeless prevention and to administer the ESG funds.

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

1689

6/19/12

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

**RESOLUTION NO. - 2012 ACCEPTING AND  
APPROPRIATING A 100% REIMBURSED GRANT FROM THE  
U.S. DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT FOR THE COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM AND AUTHORIZING THE COUNTY  
EXECUTIVE TO EXECUTE AGREEMENTS**

**WHEREAS**, the County Legislature by Resolution No. 598-1999 authorized the County Executive to enter into cooperation agreements with towns and villages to apply for Federal Aid for Community Development; and

**WHEREAS**, the Suffolk County Department of Economic Development and Planning has submitted an application for a Community Development Entitlement Block Grant for Federal Fiscal Year 2012 (FY 2012) under the Housing and Community Development Acts of 1974 (P.L. 93-383) as amended; and

**WHEREAS**, the Suffolk County Consortium has been awarded a FY 2012 entitlement Community Development Block Grant in the amount of \$2,862,167; and

**WHEREAS**, \$276,216.00 of said funds are to be used for operational costs; and

**WHEREAS**, the programs developed under the grant have been approved by the Consortium municipalities and coordination of these programs is essential to the success and continuation of the program; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Legislature hereby authorizes the County Executive, or his designee, to accept the Community Development Block Grant and to contract with HUD and the cooperating municipalities for the expenditure of these funds; and be it further

**2<sup>nd</sup> RESOLVED**, that \$276,216.00 of these funds be used to reimburse budgeted county expenses and that the County Comptroller and the County Treasurer be, and they hereby are, authorized to accept and appropriate the following funds:

REVENUES:

352-4920 Federal Aid:	Community Development	\$2,862,167
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ORGANIZATIONS:

ECONOMIC DEVELOPMENT  
GRANTS TO COOPERATING MUNICIPALITIES  
352-CDV-8035

<u>352-CDV-9283-4980-Contracted Services</u>	\$2,585,951.00
4980-TOWN OF BROOKHAVEN JON1	\$1,598,774.67
4980-TOWN OF EAST HAMPTON J001	102,147.09
4980-TOWN OF RIVERHEAD JOP1	106,880.14
4980-TOWN OF SHELTER ISLAND JOQ1	9,984.14
4980-TOWN OF SMITHTOWN JOR1	326,254.83
4980 TOWN OF SOUTHAMPTON JOS1	112,745.77
4980-TOWN OF SOUTHOLD JOT1	86,039.35
4980-VILLAGE OF BELLPORT JOU1	19,716.66
4980-VILLAGE OF LAKE GROVE JOV1	48,052.12
4980-VILLAGE OF PATCHOGUE JOW1	71,235.68
4980-VILLAGE OF PORT JEFFERSON JOX1	14,362.96
4980-VILLAGE OF SAG HARBOR JOY1	24,868.56
4980-VILLAGE OF SOUTHAMPTON JOZ1	32,596.42
4980-VILLAGE OF WESTHAMPTON BEACH JPA1	22,292.61
4980-8795 LONG ISLAND HOUSING SERVICES	10,000.00

INTERFUND TRANSFER  
TRANSFER TO FUND 351  
IFT-9600

352-IFT-E351Transfer to Fund 351 Community Development Administration	\$276,216.00
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and be it further

**3<sup>rd</sup> RESOLVED**, that the reporting category for the County Integrated Financial Management System (IFMS) is CD11; and be it further

**4<sup>th</sup> RESOLVED**, that this Legislature being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes Type II action, pursuant to 6 NYCRR.

DATED:

APPROVED BY:

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

DATED:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation <b>RESOLUTION NO. - 2012 ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS</b>		
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)		
<b>County</b>	<b>Town</b>	<b>Economic Impact</b>
<b>Village</b>	<b>School District</b>	<b>Other (Specify): DAV</b>
<b>Library District</b>	<b>Fire District</b>	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact No Fiscal Impact, 100% Grant Funding		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Total Grant Award is \$2,862,167.00		
8. Proposed Source of Funding US Department of Housing and Urban Development Block Grant Program (Federal Funds)		
9. Timing of Impact  Upon Adoption of Resolution and signing of Grant Agreements		
10. Typed Name & Title of Preparer Neil Toomb Intergovernmental Relations Coordinator	11. Signature of Preparer 	12. Date June 14, 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.

# Funding Approval/Agreement

Title I of the Housing and Community Development Act (Public Law 930383)  
 HI-00515R of 20515R

U.S. Department of Housing and Urban Development  
 Office of Community Planning and Development  
 Community Development Block Grant Program

1. Name of Grantee (as shown in item 5 of Standard Form 424) County of Suffolk		3a. Grantee's 9-digit Tax ID Number: 116000464	3b. Grantee's DUNS Number: 1427553479	4. Date use of funds may begin (mm/dd/yyyy): 04/01/2012
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) H. Lee Dennison Building, 11 <sup>th</sup> Floor 100 Veterans Memorial Highway P.O. Box 6100 Hauppauge, New York 11788-0099		5a. Project/Grant No. 1 B-12-UC-36-0102		6a. Amount Approved \$2,862,167
		5b. Project/Grant No. 2		6b. Amount Approved
		5c. Project/Grant No. 3		6c. Amount Approved

**Grant Agreement:** This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions/addendums, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Vincent Hom	Grantee Name COUNTY OF SUFFOLK
Title Director, Office of Community Planning and Development	Title DEPUTY COUNTY EXECUTIVE
Signature <i>Vincent Hom</i>	Signature <i>[Signature]</i>
Date (mm/dd/yyyy) 4/30/2012	Date (mm/dd/yyyy) 5/18/12

7. Category of Title I Assistance for this Funding Action (check only one) <input checked="" type="checkbox"/> a. Entitlement, Sec 106(b) <input type="checkbox"/> b. State-Administered, Sec 108(d)(1) <input type="checkbox"/> c. HUD-Administered Small Cities, Sec 108(d)(2)(B) <input type="checkbox"/> d. Indian CDBG Programs, Sec 106(a)(1) <input type="checkbox"/> e. Surplus Urban Renewal Funds, Sec 112(b) <input type="checkbox"/> f. Special Purpose Grants, Sec 107 <input type="checkbox"/> g. Loan Guarantee, Sec 108	8. Special Conditions (check one) <input type="checkbox"/> None <input checked="" type="checkbox"/> Attached	9a. Date HUD Received Submission (mm/dd/yyyy) 02/10/2012	10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number
		9b. Date Grantee Notified (mm/dd/yyyy) 04/19/2012	
		9c. Date of Start of Program Year (mm/dd/yyyy) 04/01/2012	

11. Amount of Community Development Block Grant			
	FY (2012)	FY ( )	FY ( )
a. Funds Reserved for this Grantee	\$2,862,167		
b. Funds now being Approved	\$2,862,167		
c. Reservation to be Cancelled (11a minus 11b)			

12a. Amount of Loan Guarantee Commitment now being Approved	12b. Name and complete Address of Public Agency
<b>Loan Guarantee Acceptance Provisions for Designated Agencies:</b> The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency
	Title
	Signature

### HUD Accounting use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
	176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION  
OFFICE OF THE COUNTY EXECUTIVE  
County of Suffolk

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

<p>Submitting Department (Dept. Name &amp; Location):</p> <p>Department of Economic Development and Planning H. Lee Dennison Bldg. – 4th Floor Hauppauge</p>	<p>Department Contact Person (Name &amp; Phone No.):</p> <p>Jill Rosen-Nikoloff, Director of Affordable Housing &amp; Community Development 853-6240</p>
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Suggestion Involves:

Technical Amendment \_\_\_\_\_                      New Program \_\_\_\_\_  
 Grant Award                      X \_\_\_\_\_                      Contract: New \_\_\_\_\_ Rev. \_\_\_\_\_

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

Resolution to enable the County to provide Federal Community Development Block Grant (CDBG) Funds to consortium members and to administer the CDBG funds.

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

1690

Intro. Res. No. \_\_\_\_\_-2012

Laid on Table 6/19/12

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. \_\_\_\_\_ - 2012, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE HOME INVESTMENT PARTNERSHIPS PROGRAM AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS**

**WHEREAS**, the Suffolk County Department of Economic Development and Planning has submitted an application for a HOME Investment Partnership Program Grant for Federal Fiscal Year 2012 (FY 2012) under Title II of the National Affordable Housing Act of 1990 (P.L. 101-625); and

**WHEREAS**, the County has been awarded a HOME Investment Partnership Program FY 2012 grant in the amount of \$1,125,954; and

**WHEREAS**, \$112,595.40 of said funds are to be used for operational costs; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Legislature hereby authorizes the County Executive, or his designee, to accept the HOME Investment Partnerships grant and to execute and deliver contracts with HUD, cooperating municipalities, non-profit and for-profit organizations for the expenditure of these funds; and be it further

**2<sup>nd</sup> RESOLVED**, that \$112,595.40 of these funds be used to reimburse budgeted County expenses and that the County Comptroller and County Treasurer be, and they hereby are, authorized to accept and appropriate the following funds:

REVENUES:

AMOUNT

353-4911 Federal Aid: Community Development

\$1,125,954

ORGANIZATIONS:

ECONOMIC DEVELOPMENT  
HOME INVESTMENT PARTNERSHIPS  
353-CDV-8778

353-4980-Contracted Agencies

\$1,013,358.60

INTERFUND TRANSFER  
TRANSFER TO FUND 351  
IFT-9600

353-IFT-E351            Transfer to Fund 351 Comm Dev Admin            \$112,595.40

and be it further

**3<sup>RD</sup> RESOLVED**, that the reporting category for the County Integrated Financial Management System (IFMS) is CD12; and be it further

**4<sup>th</sup> RESOLVED**, that this Legislature being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes Type II action, pursuant to 6 NYCRR.

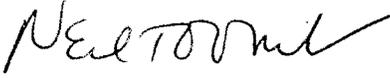
DATED:

APPROVED BY:

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

DATED: \_\_\_\_\_

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
<b>RESOLUTION NO. - 2012, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE HOME INVESTMENT PARTNERSHIPS PROGRAM AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS</b>		
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)		
<b>County</b>	<b>Town</b>	<b>Economic Impact</b>
<b>Village</b>	<b>School District</b>	<b>Other (Specify): DAV</b>
<b>Library District</b>	<b>Fire District</b>	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
No Fiscal Impact, 100% Grant Funding		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
Total Grant Award is \$1,125,984.		
8. Proposed Source of Funding		
HOME Investment Partnership Program Grant (Federal Funds)		
9. Timing of Impact		
Upon Adoption of Resolution and signing of Grant Agreements		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Neil Toomb Intergovernmental relations Coordinator		June 14, 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.

**Pending Approval and HOME Investment Partnerships Agreement**  
**Title II of the National Affordable Housing Act**

U.S. Department of Housing and Urban Development  
 Office of Community Planning and Development

OMB Approval No. 2508-0171  
 (Exp. 12/31/2012)

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

The HOME statute imposes a significant number of data collection and reporting requirements. This includes information on assisted properties, on the owners or tenants of the properties, and on other programmatic areas. The information will be used: 1) to assist HOME participants in managing their programs; 2) to track performance of participants in meeting fund commitment and expenditure deadlines; 3) to permit HUD to determine whether each participant meets the HOME statutory income targeting and affordability requirements; and 4) to permit HUD to determine compliance with other statutory and regulatory program requirements. This data collection is authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act or related authorities. Access to Federal grant funds is contingent on the reporting of certain project-specific data elements. Records of information collected will be maintained by the recipients of the assistance. Information on activities and expenditures of grant funds is public information and is generally available for disclosure. Recipients are responsible for ensuring confidentiality when public disclosure is not required.

1. Participant Name and Address County of Suffolk  100 Veterans Memorial Highway  Hauppauge, New York 11788-0099		2. Participant Number M-12-DC-36-0210	
		3. Tax Identification Number 116000464	4. DUNS Number 142753479
		4. Appropriation Number 862/40205	5. FY (yyyy) 2012
6. Previous Obligation (Enter "0" for Initial FY allocation)			\$0.00
a. Formula Funds		\$	
b. Community Housing Development Org. (CHDO) Competitive		\$	
7. Current Transaction (+ or -)			\$1,125,954
a. Formula Funds		\$1,125,954	
1. CHDO (For deobligations only)		\$	
2. Non- CHDO (For deobligations only)		\$	
b. CHDO Competitive Reallocation or Deobligation (see #18 below)		\$	
8. Revised Obligation			\$1,125,954
a. Formula Funds		\$1,125,954	
b. CHDO Competitive Reallocation		\$	
9. Special Conditions (check applicable box) <input type="checkbox"/> Not applicable <input checked="" type="checkbox"/> Attached		10. Date of Obligation (Congressional Release Date) 04/19/2012	

This Agreement between the Department of Housing and Urban Development (HUD) and the Participating Jurisdiction/Entity is made pursuant to the authority of the HOME Investment Partnerships Act (42 U.S.C. 12701 et seq.). The Participating Jurisdiction's /Entity's approved Consolidated Plan submission/Application and the HUD regulations at 24 CFR Part 92 (as is now in effect and as may be amended from time to time) and this HOME Investment Partnership Agreement, form HUD-40093, including any special conditions, constitute part of this Agreement. Subject to the provisions of this Agreement, HUD will make the funds for the Fiscal Year specified, available to the Participating Jurisdiction/Entity upon execution of this Agreement by the parties. All funds for the specified Fiscal Year provided by HUD by formula reallocation are covered by this Agreement upon execution of an amendment by HUD, without the Participating Jurisdiction's execution of the amendment or other consent. HUD's payment of funds under this Agreement is subject to the Participating Jurisdiction's/Entity's compliance with HUD's electronic funds transfer and information reporting procedures issued pursuant to 24 CFR 92.602. To the extent authorized by HUD regulations at 24 CFR Part 92, HUD may, by its execution of an amendment, deobligate funds previously awarded to the Participating Jurisdiction/Entity without the Participating Jurisdiction's/Entity's execution of the amendment or other consent. The Participating Jurisdiction/Entity agrees that funds invested in affordable housing under 24 CFR Part 92 are repayable when the housing no longer qualifies as affordable housing. Repayment shall be made as specified in 24 CFR Part 92. The Participating Jurisdiction agrees to assume all of the responsibility for environmental review, decision making, and actions, as specified and required in regulation at 24 CFR 92.352 and 24 CFR Part 58.

The Grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the Financial Assistance Use of Universal Identifier and Central Contractor Registration, 75 Fed. Reg. 55671 (Sept. 14, 2010) (to be codified at 2 CFR part 25) and Appendix A to Part 170 of the Requirements for Federal Funding Accountability and Transparency Act Implementation, 75 Fed. Reg. 55663 (Sept. 14, 2010) (to be codified at 2 CFR part 170).

11. For the U.S. Department of HUD (Name and Title of Authorized Official) Vincent Hom, Director, Office of Community Planning and Development		12. Signature <i>Vincent Hom</i>	13. Date 4/30/2012
14. For the Participating Jurisdiction/Entity (Name and Title of Authorized Official) <i>JON SCHNEIDER, Deputy County Executive</i>		15. Signature <i>J.S.</i>	16. Date 5/18/12

17. Check one:

Initial Agreement       Amendment #

18. Funding Information: HOME \$  
 Source of Funds    Appropriation Code    PAS Code    Amount  
 HOME                862/40205                HMC                \$1,125,954

\$



1691

Intro. Res. No. \_\_\_\_-2012

Laid on Table 6/19/2012

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2012  
ACCEPTING AND APPROPRIATING 100% FEDERAL  
FUNDS AWARDED BY THE U.S. MARSHALS SERVICE TO  
THE SUFFOLK COUNTY DEPARTMENT OF PROBATION  
AND AUTHORIZING THE COUNTY EXECUTIVE TO  
EXECUTE RELATED AGREEMENTS.**

**WHEREAS**, the U. S. Marshals Service will provide funding to the Suffolk County Probation Department for the Department's participation in the NY/NJ Regional Fugitive Task Force operations; and

**WHEREAS**, a total of \$16,000.00 has been awarded by the U.S. Marshals Service for overtime expenses for services rendered by the Department of Probation for the period of October 4, 2011 through September 30, 2012; and

**WHEREAS**, said funds have not been included in the 2012 Suffolk County Operating Budget; and; now, therefore, be it

**1st RESOLVED**, that the County Executive is authorized to execute any Agreement with the U.S. Marshals Service, as necessary, to secure said funds; and further

**2nd RESOLVED**, that the non-reimbursable fringe benefits associated with the overtime salaries for this grant are included in the 2012 Suffolk County Operating Budget; and further

**3rd RESOLVED**, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate said unbudgeted funds in the amount of \$16,000.00 as follows:

<u>REVENUES</u>	<u>AMOUNT</u>
001- 4320 -Federal Aid: Crime Control	\$16,000.00

<u>APPROPRIATIONS</u>	<u>AMOUNT</u>
Suffolk County Probation Department U.S. Marshals Fugitive Task Force 001-PRO-3153	
<u>1000 Personal Service</u>	<u>\$16,000.00</u>
1120-Overtime	\$16,000.00

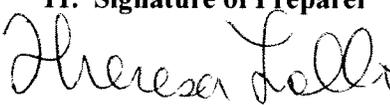
DATED:

APPROVED BY:

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

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

<b>1. Type of Legislation</b> Resolution <u>  X  </u> Local Law <u>      </u> Charter Law <u>      </u>		
<b>2. Title of Proposed Legislation</b> Accepting and Appropriating 100% Federal Funds Awarded by the U.S. Marshals Service to the Department of Probation and authorizing the County Executive to execute related Agreements.		
<b>3. Purpose of Legislation</b> To accept and appropriate \$16,000 of federal funds awarded to the Department of Probation for its participation in the U.S. Marshals Service Regional Fugitive Task Force Operations for the period October 4, 2011 through September 30, 2012. These funds have not been included in the 2011 or 2012 Suffolk County Operating Budget.		
<b>4. Will the Proposed Legislation Have a Fiscal Impact?</b> Yes <u>  </u> No <u>  X  </u>		
<b>5. If the answer to item 4 is "yes", on what will it impact?</b> (Circle appropriate category)		
County	Town	Economic Impact
Village	School District Other (Specify):	
Library District	Fire District	
<b>6. If the answer to item 5 is "yes", provide Detailed Explanation of Impact</b>		
<b>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision</b> None to the County.		
<b>8. Proposed Source of Funding</b> Federal Aid Revenue (001-4320) Crime Control		
<b>9. Timing of Impact</b> Immediate		
<b>10. Typed Name &amp; Title of Preparer</b> <del>Anne Aron</del> Therese Lollo Principal Accountant Financial Analyst	<b>11. Signature of Preparer</b> 	<b>12. Date</b> <del>December 5, 2011</del> June 14, 2012

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.

<b>COORDINATION OF GRANT APPLICATION OR CONTRACT</b> <b>County of Suffolk</b>		<b>DATE 12/5/11</b>
Submitting Department/Agency Suffolk County Probation Department	Location 100 East Avenue, Yaphank	
Contact Person In Department/Agency Anne Abel Principal Accountant	Telephone Number 852-5032	Grant Application Due Date N/A

**Instructions:** Applicant will complete all items on this form. If an item is not applicable, enter "NA". If additional space is needed, insert an asterisk (\*) in the item box and attach additional information on an 8 1/2" X 11" sheet cross referenced to the item.

**I. BACKGROUND INFORMATION**

1. Grant Title **U.S. Marshals Regional Fugitive Task Force Program**

2. Statutory Legislation (Public Law No. & Title & Department Administering Grant Program) **The Presidential Threat Protection Act of 2000 (Public L. 106-544, Section 6, December 19, 2000, 114 Stat. 2718, 28 U.S.C. 566 note).**

3. Grant/Contract Status (Check One Box)  
 A.  New Program Application  
 B.  Renewal Application  
 C.  Supplemental (Specify) \_\_\_\_\_  
 D.  Extension of Funding Period  
 E.  Contract

4. General Purpose of Grant/Contract (Describe briefly. If it is a refunding, please attach a recent progress report, including summary of goal attainment.)  
  
 The U.S. Marshals Service has allocated \$16,000 to reimburse overtime expenses associated with the Department's services in the Regional Fugitive Task Force Operations during the period 10/4/2011-9/30/2012.

5. County Departments/Agencies Affected (Include any with similar operational programs, regardless of their eligibility for this program.) **Probation**

**II. BUDGET INFORMATION**

1. Term of Contract From 10/4/2011 To: 09/30/2012

2. Financial Assistance Requested

SOURCE	FIRST FUNDING CYCLE SC Probation funds		SECOND FUNDING CYCLE SC Probation funds		THIRD FUNDING CYCLE SC Probation funds	
	Amount	Percent	Amount	Percent	Amount	Percent
<b>Federal</b>	\$16,000	100%	\$	%	\$	%
<b>State</b>	\$	%	\$	%	\$	%
<b>Private</b>	\$	%	\$	%	\$	%
<b>County</b>	\$	%	\$	%	\$	%
<b>Total</b>	\$16,000	100%	\$	%	\$0	0%

3. Explanation of Requested County Financial Assistance			
<i>Category</i>	<i>Total Requested</i>	<i>Personnel Costs Requested</i>	<i>Non-Personnel Costs Requested</i>
TOTAL COUNTY SHARE:	\$0	\$	\$0
A. Cash Contribution	\$0	\$	\$0
B. In-Kind Contribution	\$	\$	\$
4. Total Number of New Positions Requested     0		5. Can This Program Be Refunded by the Proposed Non-County Sources?	
		X	YES
			NO
6. Estimated Expected Additional Indirect Costs (Costs to County not delineated in Budget Request, for example, added overhead, capital expenditures required as a result of project activity, associated administrative costs, etc.)			
Some additional indirect costs resulting from administrative oversight may be incurred.			
7. What Do You Anticipate Happening When the Federal, State and/or Private Financial Assistance is Discontinue (That is, program termination, reduced services, financial implications, layoffs, etc.)?			
In the event that funding is eliminated, the Senior Probation Officer will be reassigned to another probation caseload.			
8. Attach a List of Potential Subcontractors, If any, outlining the purpose of each subcontract (That is, 456 and 490 account items; use an additional 8 ½" X 11" sheet). None.			
<b>III. COUNTY EXECUTIVE'S OFFICE REVIEW</b>			
1. Intergovernmental Relations Division Review:	Approved	2. Signature of Coordinator	3. Date
	Disapproved		
4. Comments			
5. Budget Office Review:	Approved	6. Signature of Budget Director	7. Date
	Disapproved		
8. Comments			



**JOINT LAW ENFORCEMENT OPERATIONS TASK FORCE OBLIGATION DOCUMENT**

**Section 1: Obligation Number**

JLEO-12-0028

**Section 2: Participating Agencies**

Notification to state and local agencies of funding provided in support of Joint Law Enforcement Operations, pursuant to the Memorandum of Understanding (MOU) between:  
**Suffolk County Probation Office**

And

**The United States Marshals Service (USMS)  
NYNJRFTF**

**Section 3: Period of Performance**

October 4, 2011 through September 30, 2012

**Section 4: Vehicle Information**

Vehicle Quantity	Fuel/Maintenance and Retrofitting
Quantity of vehicles:  Total vehicle purchase: <u>\$0.00</u>	Quantity of vehicles:  Total vehicle fuel/maintenance and retrofit:  

**Section 5: Appropriation Data**

Fiscal Year	Organization	Fund	Project	SOC	Purpose	Dollar Amount
FY: 2012		5042X	[Select]	2570	Vehicle	<u>\$0.00</u>
FY: 2012	A3403	5042X	JLEOTFS5	2607	Fuel/Maintenance	<u>\$0.00</u>
FY: 2012		5042X	[Select]	2544	Retrofit	<u>\$0.00</u>
FY: 2012		5042X	[Select]	2650	Radios	<u>\$0.00</u>
FY: 2012		5042X	[Select]	2100	Travel	<u>\$0.00</u>
FY: 2012		5042X	[Select]	2523	Training	<u>\$0.00</u>
FY: 2012		5042X	[Select]	2614	Equipment	<u>\$0.00</u>
FY: 2012	A3403	5042X	JLEOTFS5	2599	Overtime	<u>\$16,000.00</u>
<b>Total Obligation Amount:</b>						<b><u>\$16,000.00</u></b>

**Section 6: Contact Information**

District/RFTF POC:	State/Local POC:
Name: <u>Brenda Catalano</u>	Name: _____
Phone: <u>631-715-6227</u>	Phone: _____
Email: <u>Brenda.Catalano@usdoj.gov</u>	Email: _____

**Section 7: Authorization**

This obligation document serves as notification of funding provided to support state and local agencies participating in Joint Law Enforcement Operations subject to the availability of funds. The United States Marshals Service reserves the right to remove unused residual funds upon completion of payments under this obligation.

Certification of Funds:

*Kimberly Grunell*  
Kimberly Grunell  
USMS Representative

10/04/2011  
Date

Obligation Approval:

*Jose L. Chavarria*  
Jose Chavarria, Chief, DIB  
Chief Deputy or RFTF Coordinator

10/04/2011  
Date

Acknowledgment:

*Gerard J. Cook*  
GERARD J. COOK, PROBATION  
Department Representative  
DIRECTOR

10/31/11  
Date

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

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

---

**Submitting Department:  
(Dept. Name & Location):**

Suffolk County Probation Department  
P.O. Box 188, Yaphank Avenue  
Yaphank, New York 11980

**Department Contact Person  
(Name & Phone No.):**

Gerard J. Cook, Director 852-5100  
OR  
Anne Abel 852-5032  
Principal Accountant

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**Suggestion Involves:**

Technical Amendment

New Program

Grant Award

Contract (New  Rev. )

---

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

To accept and appropriate 100% Federal funds from the U.S. Marshals Service for the Department of Probation's overtime expenses, totaling \$16,000.00, for the period October 4, 2011 through September 30, 2012 for the Department's continuing participation in the Regional Fugitive Task Force operations. These funds are not included in the 2011 or 2012 Suffolk County Operating Budget.

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

N/A

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PLEASE FILL IN REVERSE SIDE OF FORM

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Prior editions of this form are obsolete.

1692

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

Laid on Table 6/19/12

**RESOLUTION NO. - 2012, AUTHORIZING THE SALE OF  
ADVERTISING ON THE COUNTY WEBSITE**

**WHEREAS**, Suffolk County is facing a three year \$530 million budget shortfall;  
and

**WHEREAS**, the County needs to include both cost reductions and revenue generation in any plan to close a budget shortfall of this magnitude; and

**WHEREAS**, County residents and businesses use the County government website regularly to access information, apply for permits and obtain services; and

**WHEREAS**, the County should establish a program to sell advertising space on the County website as a recurring revenue stream; now, therefore be it

**1st RESOLVED**, that the Department of Information Technology is hereby authorized, empowered and directed to develop a program for paid advertising space on the County's website; and be it further

**2nd RESOLVED**, that the Department of Information Technology is further directed to develop all rules and regulations for this program to govern the process for purchasing advertising space, the type of advertisements which will be accepted and who may advertise on the County website; and be it further

**3rd RESOLVED**, any advertisement placed on the County website pursuant to this program must be accompanied by an express statement that the advertisement does not constitute an express or implied endorsement of the advertising entity by the County; 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:

1694  
Intro. Res. No. -2012

Laid on Table 6/19/12

Introduced by the Presiding Officer at the Request of the County Executive

**RESOLUTION NO. -2012, ENLARGING THE  
AREA OF LAND PREVIOUSLY DECLARED  
SURPLUS PURSUANT TO RESOLUTION NO. 298-  
2011**

**WHEREAS**, in Resolution No. 298-2011, (IR 2236-2010) this Legislature declared certain property owned by the County located at the Yaphank County Center, to be surplus to the needs of the County and authorized the Director of the Division of Real Property Acquisition and Management (the "Director") to determine the manner in which to maximize the monetary return to County of the sale or lease of such property, and

**WHEREAS**, the Director has determined that in order to most expeditiously sell or lease some of such property, the lot lines of part of the property to be sold or leased should correspond to the underlying existing tax map lines rather than just to the areas designated as Area B, Area C, and Area D on the proposed map of Legacy Village, and

**WHEREAS**, the property descriptions of the property heretofore declared surplus corresponded to said Area B, Area C and Area D, and did not correspond to the tax map lines, and

**WHEREAS**, the County now desires to declare as surplus all of the acreage that comprises the entirety of the parcel bearing tax map number 0200, 815.00, 01.00, 006.002 as well as the portion of the right of way shown on the underlying existing tax map known as Old Town Road on such map which lies next to the aforesaid lot, and next to lot 0200, 815.00, 01.00, 006.003 and not merely a portion of such lot 0200, 815.00, 01.00, 006.002 and a smaller portion of such right-of-way as had been included in Areas B, C and D previously declared surplus; and

**WHEREAS**, this Legislature as lead agency has previously made a SEQRA determination, under Resolution No. 298-2011 (IR 2236-2010), that this is a Type I action pursuant to the provisions of Title 6 NYCRR, Part 617.4(b)(4) and Chapter 279 of the Suffolk County Code (now renumbered Chapter 450) which actions will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action, as demonstrated in the Environmental Assessment Form, will not exceed any of the criteria in Title 6 NYCRR, Part 617.7 setting forth thresholds for determining significant effect on the environment;
2. The proposed action involves the surplus and sale and/or lease of the property with no specific proposed development associated with it;
3. Any further development of the subject property will be subject to further SEQRA review;

now therefore be it

**1<sup>st</sup> RESOLVED**, that the third Resolved clause of Resolution 298-2011 is amended to add the remainder of the acreage that comprises the entirety of the parcel bearing tax map number 0200, 815.00, 01.00, 006.002 as well as the portion of the right of way shown on the underlying existing tax map known as Old Town Road on such map which lies next to the aforesaid lot, and next to lot 0200, 815.00, 01.00, 006.003 and not merely a portion of such lot 0200, 815.00, 01.00, 006.002 and a smaller portion of such right-of-way as had been included in Areas B, C and D previously declared surplus;

**2<sup>nd</sup> RESOLVED** that approximately 38.9 acres of County owned real property in Yaphank, more fully described in the attached Exhibit "A," and shown on the aerial map attached as Exhibit "B" are hereby added to the property heretofore declared surplus to the County's needs; and be it further

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

DATE:

APPROVED BY:

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

Date of Approval:

**Attachments:**

Exhibit A - Description of the additional property declared to be surplus

Exhibit B – Aerial Map showing property added to land previously declared surplus

Intro. Res. No. 1695-12

Laid on Table 6/19/12

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF VACANT LAND AT YAPHANK COUNTY CENTER**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on , a proposed local law entitled, "A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF VACANT LAND AT YAPHANK COUNTY CENTER"; 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 final form as follows:

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

**A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF VACANT LAND AT YAPHANK COUNTY CENTER**

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

**Section 1. Legislative Intent.**

Recognizing the fiscal pressures faced by the County of Suffolk (the "County") in the current circumstances, this Legislature found and determined that certain land owned by the County is surplus to the needs of the County and by Resolution Number 298-2011 authorized the Director of Real Estate to determine the best manner to sell or lease such surplus land so as to maximize the return to be received by the County from such land.

This Legislature further found that additional land should be added to the land declared surplus by Resolution Number 298-2011.

This Legislature further finds and determines that, through a contractual arrangement with Newmark Knight Frank, real estate brokers, over one hundred potential buyers were contacted, and an on-line process for the solicitation of offers to purchase all or some of such surplus land was established, but that no adequate offers to purchase any of such surplus land were received.

This Legislature also finds that subsequent thereto, an offer was received from Oakland Transportation, LLC (the "Buyer") to purchase a portion of the surplus property, comprised of three tax lots and a portion of a road shown on the underlying map, for the sum of Twenty Million One (\$20,000,001.00) Dollars, less real estate commissions and certain expenses, resulting in net revenue to the County of approximately Nineteen Million Two Hundred Fifty Thousand (\$19,250,000.00) Dollars. A Letter of Intent dated March 29, 2012 ("LOI") to such effect was presented to the County by the Buyer, and signed on behalf of the County by the Director on April 9, 2012. The LOI is attached as Exhibit "1".

This Legislature also finds that the sale of such surplus land to the Buyer will return such surplus land to the tax rolls, providing revenue to the County, the Town of Brookhaven, and the local school district.

Therefore, the purpose of this law is to approve the agreement for the sale and purchase of such portion of the surplus land to the Buyer.

**Section 2. Approval of LOI.**

The County hereby approves the LOI between the County and the Buyer, executed by the Buyer on March 29, 2012 and by the Director on April 9, 2012.

**Section 3. Declaration of Surplus Land.**

The land to be sold to the Buyer was declared surplus to the needs of the County.

**Section 4. Sale of Surplus Land.**

The sale by the County to the Buyer of the County's right, title and interest in and to the land, subject to final survey, without recourse, is hereby authorized in exchange for the delivery, to or upon the order of the County, of (i) the payment of the purchase price as set forth in the proposed Agreement of Sale (the "Contract"), and (ii) upon such other terms and conditions as are set forth in the Contract between the Buyer, and the County.

**Section 5. Approval the Contract.**

The form and substance of the Contract, presented to the members of the Legislature at this meeting as Exhibit "2", is hereby approved.

**Section 6. Execution and Delivery of the Contract.**

The execution and delivery on behalf of and in the name of the County by the County Executive and/or his designee(s) of the Contract presented to the members of the Legislature at this meeting, is hereby authorized and directed, with such ministerial and non-substantive changes therein as the County Executive and/or his designee(s) may approve, and the execution and delivery of such Contract shall be conclusive evidence of his approval of any such changes and of the authorization and direction thereof by this Legislature.

**Section 7. Further Actions.**

The County Executive and/or his designee(s) are further authorized to execute and deliver, on behalf of the County, such agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to the Contract and this local law, and which are deemed necessary or desirable to effectuate the transactions contemplated by the Contract and this local law, and to perform all acts and do all things required or contemplated to be performed or done by the Contract or by this local law or by any agreement, instrument or authorization approved, contemplated, necessary or authorized hereby.

**Section 8. Applicability.**

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

**Section 9. 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 10. SEQRA Determination.**

This Legislature has independently considered the Environmental Assessment Form (“EAF”), the Council on Environmental Quality (“CEQ”) recommendation, and any relevant testimony concerning the same; and

This Legislature, being the lead agency under State Environmental Quality Review Act (“SEQRA”) and Chapter 279 of the Suffolk County Code, hereby determines that this local law constitutes an unlisted action, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (SEQRA) of the Environmental Conservation Law; and

This Legislature hereby determines that implementation of this action will not have a significant adverse impact on the environment for the following reasons, as demonstrated in the EAF:

1. The action involves the simple transfer of the ownership of an existing operating facility and associated property with no change to the environment or facility operations;
2. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth threshold for determining significant impact on the environment;
3. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;
4. The parcel does not appear to suffer from any severe environmental development constraints (no poor soil properties, no high groundwater and no unmanageable slopes); and

This Legislature hereby directs, in accordance with Section 279.5(c) (4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

**Section 11. Effective Date.**

This Local Law shall not take effect until at least forty-five (45) 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 forty-five (45) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against such Local Law in conformity with the provisions of §24 of the MUNICIPAL HOME RULE LAW, and upon filing in the Office of the Secretary of State.

DATED:           , 2012

APPROVED BY:

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

Date:

1696

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

Laid on Table 6/19/12

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW  
NO. -2012, A CHARTER LAW TO ESTABLISH AN  
INDEPENDENT OFFICE OF THE MEDICAL EXAMINER**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2012 a proposed local law entitled, "**A CHARTER LAW TO ESTABLISH AN INDEPENDENT OFFICE OF THE MEDICAL EXAMINER**"; 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 ESTABLISH AN INDEPENDENT OFFICE OF  
THE MEDICAL EXAMINER**

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

**Section 1. Legislative Intent.**

This Legislature finds that the County currently has a Division of Medical-Legal Investigations and Forensic Sciences within the Department of Health Services, which is headed by the Chief Medical Examiner.

This Legislature determines that the Division of Medical-Legal Investigations and Forensic Sciences coordinates with several law enforcement agencies, including the Suffolk County Police Department, the Sheriff's Office and the District Attorney, to provide essential information associated with ongoing investigations.

This Legislature also finds that currently, the Division of Medical-Legal Investigations and Forensic Sciences reports to the Department of Health Services.

This Legislature further finds and determines that, to ensure a competent, professional examination of forensic scientific evidence and deceased individuals, the County needs a department which specializes in forensic sciences.

This Legislature further finds that, due to the sensitive nature of its work and its importance to the County, the Division of Medical-Legal Investigations and Forensic Sciences should be established as an independent office.

Therefore, the purpose of this law is to establish an independent Office of the Medical Examiner in the SUFFOLK COUNTY CHARTER.

**Section 2. Repeal.**

Section A9-2(D) of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby repealed in its entirety and all subsequent paragraphs are relettered accordingly.

**Section 3. Amendment.**

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

**ARTICLE XXXII. Office of the Medical Examiner**

**§ C32-1. Office of the Medical Examiner established.**

- A. There shall be an Office of the Medical Examiner which shall be responsible for the investigations of deaths as prescribed herein and for furnishing forensic medical, scientific, laboratory and other technical services to the departments, offices and agencies of the County.
- B. The head of the Office of the Medical Examiner shall be the Chief Medical Examiner, who shall be appointed by the County Executive for a six-year term, subject to the confirmation of the County Legislature. The Chief Medical Examiner shall be a physician licensed to practice medicine in the State of New York and shall be a qualified pathologist and possess an adequate knowledge of forensic medicine.
- C. The Chief Medical Examiner, within the appropriations made therefor, shall appoint a Chief Deputy Medical Examiner, who shall also be a physician licensed to practice medicine in the State of New York. In addition to such other duties as may be assigned by the Chief Medical Examiner, the Chief Deputy Medical Examiner shall possess the powers and perform the duties of the Medical Examiner during his absence or inability to act.
- D. The Chief Medical Examiner, within the appropriations made therefor, may, in conformity with the rules and regulations applicable to the civil service, appoint such forensic investigators and deputy medical examiners as may be authorized by the County Legislature. Forensic investigators and deputy medical examiners shall assist the Chief Medical Examiner in the conduct of investigations and the discharge of his other duties and responsibilities; shall conduct tests and examinations and furnish forensic, medical, investigative and technical services; and shall possess such qualifications and perform such other duties as may be determined by the Chief Medical Examiner.

- II. A new Article XXXII of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby enacted to read as follows:

**ARTICLE XXXII. Office of the Medical Examiner.**

**§ A32-1. Definitions.**

In this article, the following terms shall have the meaning indicated.

**CAUSE OF DEATH** - The medical state or condition which, directly or indirectly, results in a death.

**MANNER OF DEATH** - The circumstances causing or producing a death. "Manner of death" shall be classified into one or more of the following categories:

- (a) Natural.
- (b) Accident.
- (d) Homicide.
- (e) Suicide.
- (f) Undetermined.

**§ A32-2. Jurisdiction of the Chief Medical Examiner; Additional Powers and Duties.**

- A. The Chief Medical Examiner shall have jurisdiction to investigate and to execute any certification, reports or other documents when a preliminary inquiry conducted pursuant to this Article indicates that a death may have occurred under one or more of the following circumstances:
- 1. Deaths which occur from criminal violence.
  - 2. Deaths which occur from an unlawful act or criminal neglect.
  - 3. Deaths which occur through casualty.
  - 4. Suicide.
  - 5. Deaths which occur suddenly when in apparent good health.
  - 6. Deaths which occur unattended by a physician and where no physician can be found to certify the cause or manner of death. In this context, "unattended by a physician" shall mean not visited or treated by a physician within the 10 days immediately preceding death. If, during the course of an investigation of a death in this category, the Chief Medical Examiner or his representative determines that the deceased was attended by a physician or identified a physician who is otherwise responsible for certifying the cause or manner of death, the Chief Medical Examiner or his representative may terminate the investigation and allow the attending physician or other physician to certify the cause or manner of death and execute any necessary certificates.
  - 7. Deaths which occur in public institutions and hospitals, including but not limited to the Suffolk County Correctional Facility or in police custody.
  - 8. Deaths which occur during a diagnostic or therapeutic procedure or which occur as a result of a diagnostic or therapeutic misadventure.
  - 9. Where an application is made pursuant to law for a permit to cremate a body or to dispose of a dead body otherwise than by interment in a cemetery.
  - 10. Upon the discovery of anatomical material suspected of being or determined to be a part of a human body.
  - 11. When a fetus is born dead in the absence of a physician or midwife.
  - 12. Deaths which may constitute a threat to public health.

13. Deaths by disease, injury or toxic agent resulting from employment.
  14. When a dead body is brought into the County without proper medical certification.
  15. Deaths which occur in any suspicious or unusual manner.
- B. In connection with a death or other matter within his jurisdiction or the jurisdiction of the Office of the Medical Examiner, the Chief Medical Examiner and the Deputy Chief Medical Examiner, if specifically so authorized in writing by the Chief Medical Examiner, shall have the power to hold hearings, subpoena witnesses, administer oaths and affirmations, take testimony of any person under oath and compel the production of books, records and other evidence.
- C. The Chief Medical Examiner may employ a qualified physician or other experts to make postmortem examinations and to testify thereon at a compensation to be fixed by the County Legislature or, if none is fixed, commensurate with the compensation which would be likely to be received for such service in the County.

#### **§ A32-3. Investigations.**

- A. When notified of a death which may be within his jurisdiction, the Chief Medical Examiner, a Deputy Medical Examiner or a forensic investigator shall conduct a preliminary inquiry to determine if, in fact, the death falls within the Chief Medical Examiner's jurisdiction, as set forth in Section C32-3.
- B. If it appears from the preliminary inquiry that the death is within the Chief Medical Examiner's jurisdiction and that the intervention of his office is necessary or advisable, the Chief Medical Examiner, a deputy medical examiner or a forensic investigator shall initiate an investigation and take charge of the dead body if necessary. Such investigation is subject to coordination by the case primary detective who, pursuant to Police Department rules and procedures, retains control of the crime scene at all times and who shall inquire into the cause and manner of death, prepare a report of the investigation and file the same in the Office of the Medical Examiner.

#### **§ A32-4. Autopsies.**

- A. In the course of the investigation, the Chief Medical Examiner, a deputy medical examiner or a qualified pathologist shall make or cause to be made such examinations, including an autopsy, which may be necessary to establish the cause of death, to determine the manner of death, to establish any other fact which may be relevant to the circumstances of or the investigation of the death or which may be otherwise necessary in the public interest.
- B. The report of any autopsy shall state the facts and circumstances tending to show the cause and manner of death. The person performing the autopsy shall include in the report a diagnosis of the cause of death and shall classify the manner of death into one or more of the categories set forth in the definition of "manner of death" in Section C32-2. The report of the autopsy shall be filed in the Office of the Medical Examiner.

**§ A32-5. Forensic sciences.**

- A. In addition to the jurisdiction of the Chief Medical Examiner over certain deaths and his duties and responsibilities in connection therewith, the Office of the Medical Examiner shall be responsible for furnishing forensic medical, technical and scientific investigative services to the Suffolk County Police Department, the Suffolk County District Attorney's office, the Suffolk County Department of Health Services and other authorized departments and agencies. These services shall include but shall not be limited to chemical, toxicological and other laboratory tests, ballistics examinations, and such other scientific and technical tests, examinations or experiments as the Chief Medical Examiner, within the appropriations made therefor by the County Legislature, shall deem necessary or advisable to provide.
  
- B. In connection with the performance of forensic medical, technical and scientific investigative services, employees of the Office of the Medical Examiner shall, when actually engaged in the performance of such services for such Office, have the authority and the duty to receive, retain, transport and possess controlled substances, firearms and other dangerous weapons, fireworks, pornography equipment, gambling devices, gambling records and other contraband as defined by the New York State Penal Law, the New York Public Health Law or other provisions of law.

**§ A32-6. Records and reports.**

- A. The Office of the Medical Examiner shall keep full and complete records, including records of the name, if known, of every person whose death is investigated, the place where the body was found and the date of death, as near as can be ascertained, to which there shall be attached the original report of the Chief Medical Examiner and the detailed findings of the autopsy, if any, with respect to such person.
  
- B. The Chief Medical Examiner or his representatives shall promptly deliver to the District Attorney copies of all records and reports concerning any death where, in their judgment, there is an indication of criminal misconduct.
  
- C. All other records of the Office of the Medical Examiner shall be subject to public inspection in the manner and to the extent set forth in the Charter and other applicable law.
  
- D. Each request for cremation approval from the Office of the Medical Examiner for which an application for a permit to cremate a body has been filed must be accompanied by a cremation approval fee in the amount of \$60, which fee may be waived by the Chief Medical Examiner where the relatives or other persons requesting the cremation approval are acting for a deceased recipient of public assistance or care, as defined in New York Social Services Law § 141, and are unable to pay said amount.
  
- E. Each request for an autopsy report from the Office of the Medical Examiner, other than a request from the deceased's next of kin or as otherwise provided by law, must be accompanied by an autopsy report fee in the amount of \$30, which fee may be waived by the Chief Medical Examiner where the relatives or other persons requesting the report are acting for a deceased recipient of public assistance or care, as defined in New York Social Services Law § 141, and are unable to pay said amount.

**Section 4. Applicability.**

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

**Section 5. Severability.**

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

**Section 6. SEQRA Determination.**

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

**Section 7. Effective Date.**

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

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

DATED:

APPROVED BY:

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

Date:

s:\laws\cl-medical examiner

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK

1696

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: June 18, 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 ESTABLISH AN INDEPENDENT OFFICE OF THE  
MEDICAL EXAMINER

SPONSOR: LEGISLATOR ROMAINE

DATE OF RECEIPT BY COUNSEL: 6/18/12 PUBLIC HEARING: 8/7/12

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

This proposed charter law will amend the SUFFOLK COUNTY CHARTER to establish an independent Office of the Medical Examiner separate and apart from the Department of Health Services.

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

GEORGE NOLAN  
Counsel to the Legislature

GN:

s:\rule28\28-independent medical examiner

1697

Intro. Res. No. - 2012

Laid on Table

6/19/12

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

**RESOLUTION NO. - 2012 AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE HERITAGE SQUARE BUILDERS AT EAST MORICHES, LLC PROPERTY - (TOWN OF BROOKHAVEN - SCTM#0200-684.00-03.00-009.001 & 0200-684.00-04.00-003.001)**

**WHEREAS**, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

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

**WHEREAS**, Resolution No. 82-2011, authorized planning steps for the acquisition of said property; and

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

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Ten Million Two Hundred Thousand Dollars (\$10,200,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 684.00 Block 03.00 Lot 009.001	51.56±	Heritage Square Builders at East Moriches, LLC 475 Route 25A Rocky Point, NY 11778
No. 2	District 0200 Section 684.00 Block 04.00 Lot 003.001		

; and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Ten Million Two Hundred Thousand Dollars (\$10,200,000.00), subject to a final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$10,200,000.00, subject to a final survey, from previously appropriated funds in capital project 525-CAP-8714.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

**4<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

**5<sup>th</sup> RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Thirty Three (33) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

**6<sup>th</sup> RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

g.) Open Space; and, be it further

7<sup>th</sup> **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

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

9<sup>th</sup> **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) is passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

10<sup>th</sup> **RESOLVED**, that in accordance with Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED:

APPROVED BY:

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

Date of Approval:

# COUNTY OF SUFFOLK



**Steven Bellone**  
SUFFOLK COUNTY EXECUTIVE

**Department of**  
**Economic Development and Planning**

**Joanne Minieri**  
**Deputy County Executive and Commissioner**

**Division of Real Property**  
**Acquisition and Management**

June 18, 2012

Mr. Jon Schneider, Deputy County Executive  
for Intergovernmental Relations  
H. Lee Dennison Building -12<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Schneider:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Heritage Square Builders at East Moriches, LLC property, in the Town of Brookhaven, under the New Suffolk County ¼% Drinking Water Protection Program-Open Space-PayGo. The purchase price is \$10,200,000.00 for 51.56± acres.

Please contact me if you require any additional information.

Sincerely,

Sarah Lansdale  
Director

SL:pd

Att.

cc: Regina M. Calcaterra, Chief Deputy County Executive  
Joanne Minieri, Commissioner, Department of Economic Development & Planning  
Eric Kopp, Legislative Liaison  
Ben Zwirn, Director, Intergovernmental Relations  
Pamela Greene, Director, Division of Real Property Acquisition & Management  
Robert Braun, Deputy Bureau Chief, Law Dept., Real Estate-Condensation  
Janet M. Longo, Acquisition Supervisor, Division of Real Property Acquisition & Mgmt.  
Lauretta Fischer, Principal Environmental Analyst, Division of Planning & Energy  
Tom Vaughn, County Executive Assistant  
Phyllis J. Benincasa, Acquisition Agent  
CE Reso Review (e-mail copy only)

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

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/>		
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County ¼% Drinking Water Protection Program-Open Space-PayGo, of the Heritage Square Builders at East Moriches, LLC property, SCTM#0200-684.00-03.00-009.001 & 0200-684.00-04.00-003.001, (Town of Brookhaven).		
3. Purpose of Proposed Legislation  See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact?    YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:  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  New Suffolk County ¼% Drinking Water Protection Program-Open Space-PayGo		
9. Timing of Impact  N/A		
10. Typed Name & Title of Preparer Sarah Lansdale, Director Division of Planning & Energy	11. Signature of Preparer	12. Date June 18, 2012

1698

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

Laid on Table 6/19/12

**RESOLUTION NO. - 2012, ADOPTING LOCAL LAW NO. -2012, A LOCAL LAW TO AMEND POST-EMPLOYMENT RESTRICTIONS**

**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 AMEND POST-EMPLOYMENT RESTRICTIONS**" 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 AMEND POST-EMPLOYMENT RESTRICTIONS**

**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 Suffolk County Code of Ethics contains a number of "post-employment restrictions" which affect persons who have separated from County service.

This Legislature further finds that one such restriction bars former employees from appearing before the County agency they served for a two (2) year period after leaving the County.

This Legislature also finds that this particular provision may adversely impact employees who are laid off by the County.

This Legislature further finds that the County of Suffolk should not unreasonably limit the employment opportunities of persons who serve the County honorably and are involuntarily separated from County service.

Therefore, the purpose of this law is exempt laid-off County employees from the post-employment restriction that bars former employees from appearing before their former agency for a two (2) year period.

**Section 2-. Amendments.**

Section 77-6 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**§ 77-6. Post-employment Restrictions.**

\* \* \* \*

- B. No former public servant shall appear, within a two-year period after his or her separation from County service, before the County agency served by such public servant. This prohibition shall not apply to a former public servant who appears before a County agency on behalf of another government entity as an elected representative or employee, or to any public servant who is terminated from County employment without cause.

**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.

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

DATED:

APPROVED BY:

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

Date:

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

DATE: June 19, 2012

TO: CLERK OF THE COUNTY LEGISLATURE

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

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PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. -2012; A LOCAL LAW TO AMEND POST-EMPLOYMENT RESTRICTIONS

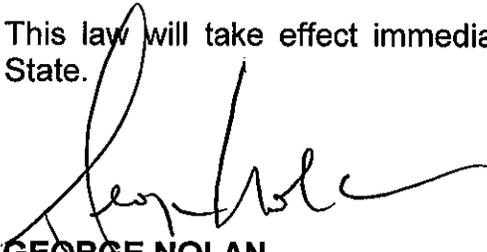
SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 6/18/12 PUBLIC HEARING: 8/7/12

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

Presently, former County employees may not appear before the agency they served for a two year period after their separation from County employment. This proposed law would exempt from this provision any employee who is terminated from County employment without cause.

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

  
GEORGE NOLAN  
Counsel to the Legislature

GN:mjk

s:\rule28\28-post-employment

**HOME RULE MESSAGE REQUESTING NEW YORK LEGISLATURE TO AMEND THE GENERAL MUNICIPAL LAW, THE VEHICLE AND TRAFFIC LAW AND THE CRIMINAL PROCEDURE LAW TO CREATE A TRAFFIC AND PARKING VIOLATIONS AGENCY IN SUFFOLK COUNTY (ASSEMBLY BILL A.9539-D AND SENATE BILL S.5634-F)**

**WHEREAS**, in the area of the County served by the District Court, the New York State Department of Motor Vehicles currently adjudicates non-criminal traffic infractions under the authority of section 225-a of the Vehicle and Traffic Law; and

**WHEREAS**, villages, cities and towns throughout the State are authorized to establish an independent traffic violations bureau to assist local courts in the disposition of infractions related to traffic and parking violations;

**WHEREAS**, a traffic violations agency has been established in Nassau County; and

**WHEREAS**, establishing a traffic violations agency in Suffolk County will assist the district court and speed the disposition of traffic and parking violations; and

**WHEREAS**, there is legislation pending in the New York State Legislature with an effective date of April 1, 2013 that would authorize 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;

**WHEREAS**, the Suffolk Agency must also be operational no later than the effective date of the authorizing State legislation due to the expiration of the Department's authority to continue to adjudicate traffic infractions as of April 1, 2013; now, therefore be it

**1st RESOLVED**, that this Legislature hereby requests the State of New York to enact Assembly Bill No. A.9539-D and Senate Bill No. S.5634-F 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: June 19, 2012

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

9539--D

R. R. 353

## 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, LUPARDO, MAISEL, ESPINAL, ROBERTS, BRONSON, CUSICK, TITONE, BRAUNSTEIN -- Multi-Sponsored by -- M. of A. FITZPATRICK, GRAF, LOSQUADRO, McDONOUGH, MURRAY, RAIJA, TOBACCO -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reference changed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- again amended on special order of third reading, ordered reprinted, retaining its place on the special order of third reading

AN ACT to amend the general municipal law, the vehicle and traffic law, the criminal procedure law and the state finance 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

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

LBD11932-15-2

A. 9539--D

2

- 1 SUCH SECTION to administer and dispose of traffic and parking infrac-  
 2 tions.  
 3 2. "Traffic prosecutor" shall mean an attorney duly admitted to prac-  
 4 tice law in the state of New York who, having been appointed and either  
 5 hired or retained pursuant to section three hundred seventy-four of this  
 6 article, has the responsibility of prosecuting any traffic and parking

7 infractions returnable before the Nassau county district court OR THE  
8 SUFFOLK COUNTY DISTRICT COURT pursuant to the jurisdictional limitations  
9 of section three hundred seventy-one of this article.

10 S 3. Subdivisions 2, 3 and 4 of section 371 of the general municipal  
11 law, subdivision 2 as amended by section 21 of part G of chapter 58 of  
12 the laws of 2012, subdivision 3 as amended by chapter 496 of the laws of  
13 1990 and subdivision 4 as amended by chapter 465 of the laws of 1998,  
14 are amended to read as follows:

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

47 3. A person charged with an infraction which shall be disposed of by  
48 either a traffic violations bureau [or], the Nassau county traffic and  
49 parking violations agency, OR THE SUFFOLK COUNTY TRAFFIC AND PARKING  
50 VIOLATIONS AGENCY may be permitted to answer, within a specified time,  
51 at the traffic violations bureau, [and] in Nassau county at the traffic  
52 and parking violations agency AND IN SUFFOLK COUNTY AT THE TRAFFIC AND  
53 PARKING VIOLATIONS AGENCY, either in person or by written power of  
54 attorney in such form as may be prescribed in the ordinance or local law  
55 creating the bureau or agency, by paying a prescribed fine and, in writ-  
56 ing, waiving a hearing in court, pleading guilty to the charge or admit-  
A. 9539--D 3

1 ting liability as an owner for the violation of subdivision (d) of  
2 section eleven hundred eleven of the vehicle and traffic law, as the  
3 case may be, and authorizing the person in charge of the bureau or agen-  
4 cy to enter such a plea or admission and accept payment of said fine.  
5 Acceptance of the prescribed fine and power of attorney by the bureau or  
6 agency shall be deemed complete satisfaction for the violation or of the  
7 liability, and the violator or owner liable for a violation of subdivi-  
8 sion (d) of section eleven hundred eleven of the vehicle and traffic law

9 shall be given a receipt which so states. If a person charged with a  
 10 traffic violation does not answer as hereinbefore prescribed, within a  
 11 designated time, the bureau or agency may cause a complaint to be  
 12 entered against him forthwith and a warrant to be issued for his arrest  
 13 and appearance before the court, such summons to be predicated upon the  
 14 personal service of said summons upon the person charged with the  
 15 infraction. Any person who shall have been, within the preceding twelve  
 16 months, guilty of a number of parking violations in excess of such maxi-  
 17 mum number as may be designated by the court, or of three or more  
 18 violations other than parking violations, shall not be permitted to  
 19 appear and answer to a subsequent violation at the traffic violations  
 20 bureau or agency, but must appear in court at a time specified by the  
 21 bureau or agency. Such bureau or agency shall not be authorized to  
 22 deprive a person of his right to counsel or to prevent him from exercis-  
 23 ing his right to appear in court to answer to, explain, or defend any  
 24 charge of a violation of any traffic law, ordinance, rule or regulation.

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

38 S 4. Section 374 of the general municipal law, as amended by chapter  
 39 527 of the laws of 2002, is amended to read as follows:

40 S 374. Traffic prosecutor selection and oversight. (a) The executive  
 41 director of the Nassau county traffic and parking violations agency, AND  
 42 THE EXECUTIVE DIRECTOR OF THE SUFFOLK COUNTY TRAFFIC AND PARKING  
 43 VIOLATIONS AGENCY, appointed pursuant to subdivision (b) of this  
 44 section, shall select and may contract with or hire one or more persons  
 45 who are attorneys, duly admitted to the practice of law in New York  
 46 state for the prosecution of any traffic and parking infraction, except  
 47 those described in paragraphs (a), (b), (c), (d), (e) and (f) of subdi-  
 48 vision two of section three hundred seventy-one of this article, to be  
 49 heard, tried or otherwise disposed of by the district court of Nassau  
 50 county IN THE CASE OF AN ATTORNEY SELECTED BY THE NASSAU COUNTY EXECU-  
 51 TIVE DIRECTOR, OR BY THE DISTRICT COURT OF SUFFOLK COUNTY, IN THE CASE  
 52 OF AN ATTORNEY SELECTED BY THE SUFFOLK COUNTY EXECUTIVE DIRECTOR. Such  
 53 persons shall be known as "traffic prosecutors", as that term is defined  
 54 in section three hundred seventy-a of this article. Traffic prosecutors  
 55 shall have the same power as a district attorney would otherwise have in  
 56 the prosecution of any traffic or parking infraction which may, pursuant  
 A. 9539--D 4

1 to the jurisdictional provisions of section three hundred seventy-one of  
 2 this article, be prosecuted before the district court of Nassau county  
 3 OR THE DISTRICT COURT OF SUFFOLK COUNTY, IF THE TRAFFIC VIOLATION  
 4 OCCURRED IN SUFFOLK COUNTY. The executive director shall give active  
 5 consideration to requiring that such traffic prosecutors serve on a  
 6 full-time basis. Traffic prosecutors are prohibited from appearing in  
 7 any capacity other than as a traffic prosecutor in any part of the  
 8 Nassau county district court OR THE SUFFOLK COUNTY DISTRICT COURT, IF  
 9 THE TRAFFIC VIOLATION OCCURRED IN SUFFOLK COUNTY on any matter relating  
 10 to traffic or parking violations and are further prohibited from appear-

11 ing in any capacity other than as a traffic prosecutor in any other  
 12 court or administrative tribunal on any matter relating to traffic or  
 13 parking violations.

14 (b) The county executive of the county of Nassau shall appoint a  
 15 person to serve as the executive director of the Nassau county traffic  
 16 and parking violations agency subject to the confirmation of the county  
 17 legislature of the county of Nassau. THE COUNTY EXECUTIVE OF THE COUNTY  
 18 OF SUFFOLK SHALL APPOINT A PERSON TO SERVE AS THE EXECUTIVE DIRECTOR OF  
 19 THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY SUBJECT TO THE  
 20 CONFIRMATION OF THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK. The  
 21 executive director shall be responsible for the oversight and adminis-  
 22 tration of the agency. The executive director OF NASSAU COUNTY is  
 23 prohibited from appearing in any capacity in any part of the Nassau  
 24 county district court AND THE EXECUTIVE DIRECTOR OF SUFFOLK COUNTY IS  
 25 PROHIBITED FROM APPEARING IN ANY CAPACITY IN ANY PART OF THE SUFFOLK  
 26 COUNTY DISTRICT COURT on any matter relating to traffic or parking  
 27 violations and is further prohibited from appearing in any capacity in  
 28 any other court or administrative tribunal on any matter relating to  
 29 traffic or parking violations.

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

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

49 (E) THE LEGISLATURE OF THE COUNTY OF SUFFOLK MAY APPROPRIATE THOSE  
 50 MONIES WHICH, IN THE LEGISLATURE'S SOLE DISCRETION, ARE NECESSARY FOR  
 51 THE COMPENSATION OF THOSE PERSONS SELECTED TO SERVE AS EXECUTIVE DIREC-  
 52 TOR AND TRAFFIC PROSECUTORS AND TO COVER ALL OTHER EXPENSES ASSOCIATED  
 53 WITH THE ADMINISTRATION OF THE SUFFOLK COUNTY TRAFFIC AND PARKING  
 54 VIOLATIONS AGENCY.

A. 9539--D

5

1 S 5. The article heading of article 44-A of the vehicle and traffic  
 2 law, as added by chapter 496 of the laws of 1990, is amended to read as  
 3 follows:

4                   AUTHORITY OF THE NASSAU AND SUFFOLK  
 5                   COUNTY DISTRICT COURT  
 6                   JUDICIAL HEARING [OFFICER] OFFICERS

7 S 6. The section heading, subdivision 1 and subdivision 4 of section  
 8 1690 of the vehicle and traffic law, the section heading and subdivision  
 9 4 as added by chapter 496 of the laws of 1990, subdivision 1 as amended  
 10 by chapter 420 of the laws of 2001, and the opening paragraph of subdi-  
 11 vision 1 as amended by section 20 of part G of chapter 58 of the laws of  
 12 2012, are amended to read as follows:

13 Authority of the Nassau county AND SUFFOLK COUNTY district court judi-

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

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

46 4. Judicial hearing officers are prohibited from appearing in any  
 47 capacity other than as a judicial hearing officer in any part of the  
 48 Nassau county OR SUFFOLK COUNTY district court on any matter relating to  
 49 traffic or parking violations and are further prohibited from appearing  
 50 in any capacity other than as a judicial hearing officer in any other  
 51 court or administrative tribunal on any matter relating to traffic or  
 52 parking violations.

53 S 7. Subdivision 5 of section 350.20 of the criminal procedure law, as  
 54 added by chapter 496 of the laws of 1990, is amended to read as follows:  
 A. 9539--D 6

1 5. Notwithstanding the provisions of subdivision one of this section,  
 2 FOR ALL PROCEEDINGS BEFORE THE DISTRICT COURT OF NASSAU COUNTY the  
 3 administrative judge of Nassau county may, AND FOR ALL PROCEEDINGS  
 4 BEFORE THE DISTRICT COURT OF SUFFOLK COUNTY, THE ADMINISTRATIVE JUDGE OF  
 5 SUFFOLK COUNTY MAY, without the consent of the parties, assign matters  
 6 involving traffic and parking infractions except those described in  
 7 paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section  
 8 three hundred seventy-one of the general municipal law to a judicial  
 9 hearing officer [for all proceedings before the district court of Nassau  
 10 county] in accordance with the provisions of section sixteen hundred  
 11 ninety of the vehicle and traffic law.

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

15 1. Notwithstanding any inconsistent provision of law, all violations  
 16 of this chapter or of a law, ordinance, order, rule or regulation relat-  
 17 ing to traffic, except parking, standing, stopping or pedestrian

18 offenses, which occur within a city having a population of two hundred  
 19 thousand or more in which administrative tribunals have heretofore been  
 20 established, [or within that portion of Suffolk county for which a  
 21 district court has been established,] and which are classified as traf-  
 22 fic infractions, may be heard and determined pursuant to the regulations  
 23 of the commissioner as provided in this article. Whenever a crime and a  
 24 traffic infraction arise out of the same transaction or occurrence, a  
 25 charge alleging both offenses may be made returnable before the court,  
 26 having jurisdiction over the crime. Nothing herein provided shall be  
 27 construed to prevent a court, having jurisdiction over a criminal charge  
 28 relating to traffic or a traffic infraction, from lawfully entering a  
 29 judgment of conviction, whether or not based on a plea of guilty, for  
 30 any offense classified as a traffic infraction.

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

34 3. The comptroller is hereby authorized to implement alternative  
 35 procedures, including guidelines in conjunction therewith, relating to  
 36 the remittance of fines, penalties, forfeitures and other moneys by town  
 37 and village justice courts, and by the Nassau [county] AND SUFFOLK COUN-  
 38 TIES traffic and parking violations [agency] AGENCIES, to the justice  
 39 court fund and for the distribution of such moneys by the justice court  
 40 fund. Notwithstanding any law to the contrary, the alternative proce-  
 41 dures utilized may include:

42 a. electronic funds transfer;

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

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

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

A. 9539--D

7

1 S 10. Subdivision 2 of section 99-1 of the general municipal law, as  
 2 added by chapter 261 of the laws of 1993, is amended to read as follows:

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

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

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

21 district court and the Suffolk county district attorney.

22 S 13. This act shall take effect April 1, 2013; provided, however, the  
23 amendments to section 370-a, subdivisions 2, 3 and 4 of section 371 and  
24 section 374 of the general municipal law, the article heading of article  
25 44-A and the section heading and subdivisions 1 and 4 of section 1690 of  
26 the vehicle and traffic law and subdivision 5 of section 350.20 of the  
27 criminal procedure law, as made by sections two, three, four, five, six  
28 and seven of this act, respectively, shall take effect only in the event  
29 that the county of Suffolk shall have by local law established a traffic  
30 and parking violations agency; provided that the legislature of the  
31 county of Suffolk shall notify the legislative bill drafting commission  
32 upon the occurrence of the enactment of the legislation provided for in  
33 sections two, three, four, five, six and seven of this act in order that  
34 the commission may maintain an accurate and timely effective data base  
35 of the official text of the laws of the state of New York in furtherance  
36 of effectuating the provisions of section 44 of the legislative law and  
37 section 70-b of the public officers law; provided, however, that the  
38 amendments to section 371 of the general municipal law made by section  
39 three of this act shall not affect the expiration of such section and  
40 shall be deemed to expire therewith; and provided that the amendments to  
41 subdivision 2 of section 99-1 of the general municipal law made by  
42 section ten of this act shall take effect on the same date as the rever-  
43 sion of subdivision 2 of section 99-1 of the general municipal law as  
44 provided in section 6 of chapter 179 of the laws of 2000, as amended.

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## S5634F-2011: Provides for the establishment of a traffic and parking violations agency in the county of Suffolk and appointment of traffic prosecutors

Same as: / Versions: [S5634-2011](#) [S5634A-2011](#) [S5634B-2011](#) [S5634C-2011](#) [S5634D-2011](#) [S5634E-2011](#) [S5634F-2011](#)

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Provides for the establishment of a traffic and parking violations agency in the county of Suffolk and appointment of traffic prosecutors.

**Sponsor:** [ZELDIN](#)

**Law Section:** [General Municipal Law](#) / **Law:** [Amd SS370, 370-a, 371, 374 & 99-I, Gen Muni L; amd Art 44-A Art Head, SS1690 & 225, V & T L; amd S350.20, CP L; amd S99-a, St Fin L](#)

### S5634F-2011 Actions

- Jun 19, 2012: AMENDED ON THIRD READING [5634F](#)
- Jun 19, 2012: VOTE RECONSIDERED - RESTORED TO THIRD READING
- Jun 18, 2012: returned to senate
- Jun 18, 2012: RECALLED FROM ASSEMBLY
- May 21, 2012: referred to transportation
- May 21, 2012: DELIVERED TO ASSEMBLY
- May 21, 2012: PASSED SENATE
- May 21, 2012: HOME RULE REQUEST
- May 7, 2012: AMENDED ON THIRD READING [5634E](#)
- Apr 18, 2012: AMENDED ON THIRD READING (T) [5634D](#)
- Mar 26, 2012: AMENDED ON THIRD READING [5634C](#)
- Mar 19, 2012: ADVANCED TO THIRD READING
- Mar 15, 2012: 2ND REPORT CAL.
- Mar 14, 2012: 1ST REPORT CAL.358
- Feb 23, 2012: PRINT NUMBER [5634B](#)
- Feb 23, 2012: AMEND AND RECOMMIT TO LOCAL GOVERNMENT
- Feb 15, 2012: PRINT NUMBER [5634A](#)
- Feb 15, 2012: AMEND AND RECOMMIT TO LOCAL GOVERNMENT
- Jan 4, 2012: REFERRED TO LOCAL GOVERNMENT
- Jun 8, 2011: REFERRED TO LOCAL GOVERNMENT

### S5634F-2011 Votes

**VOTE: COMMITTEE VOTE: - Local Government - Mar 14, 2012**

**Ayes (6):** [Martins](#), [Little](#), [McDonald](#), [Ritchie](#), [Stewart-Cousins](#), [Klein](#)

**Ayes W/R (1):** [Ball](#)

**Excused (1):** [Oppenheimer](#)

**VOTE: FLOOR VOTE: - May 21, 2012**

**Ayes (58):** Adams, Addabbo, Alesi, Avella, Bonacic, Breslin, Carlucci, DeFrancisco, Diaz, Dilan, Duane, Espaillet, Farley, Flanagan, Fuschillo, Gallivan, Gianaris, Golden, Griffo, Grisanti, Hannon, Hassell-Thomps, Johnson, Kennedy, Klein, Krueger, Lanza, Larkin, LaValle, Libous, Little, Marcellino, Martins, Maziarz, McDonald, Montgomery, Nozzolio, O'Mara, Oppenheimer, Parker, Peralta, Perkins, Ranzenhofer, Ritchie, Robach, Saland, Sampson, Savino, Serrano, Seward, Skelos, Smith, Squadron, Stavisky, Stewart-Cousin, Valesky, Young, Zeldin

**Nays (1):** Ball

**Excused (2):** Huntley, Rivera

**S5634F-2011 Memo**

BILL NUMBER: S5634E

**TITLE OF BILL:**

An act

to amend the general municipal law, the vehicle and traffic law, the criminal procedure law and the state finance 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.

## S5634F-2011 Text

S T A T E   O F   N E W   Y O R K

5634--E  
Cal. No. 358  
2011-2012 Regular Sessions  
I N   S E N A T E  
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 -- again amended and ordered reprinted, retaining its place in the order of third reading -- again 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 criminal procedure law and the state finance 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:

### Section 1.

Section 370 of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. THERE SHALL BE A DEPARTMENT OF THE SUFFOLK COUNTY GOVERNMENT KNOWN AS THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY, WHICH SHALL OPERATE UNDER THE DIRECTION AND CONTROL OF THE COUNTY EXECUTIVE.

### S 2.

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, is amended to read as follows:

S 370-a. Definitions. For the purpose of this article:

1. "Traffic and parking violations agency" shall mean a department of the Nassau county government established pursuant to subdivision two of section three hundred seventy of this article OR A DEPARTMENT IN THE SUFFOLK COUNTY GOVERNMENT ESTABLISHED PURSUANT TO SUBDIVISION THREE OF EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S. 5634--E

2

SUCH SECTION to administer and dispose of traffic and parking infractions.

2. "Traffic prosecutor" shall mean an attorney duly admitted to practice law in the state of New York who, having been appointed and either hired or retained pursuant to section three hundred seventy-four of this article, has the responsibility of prosecuting any traffic and parking infractions returnable before the Nassau county district court OR THE SUFFOLK COUNTY DISTRICT COURT pursuant to the jurisdictional limitations of section three hundred seventy-one of this article.

S 3. Subdivisions 2, 3 and 4 of section 371 of the general municipal law, subdivision 2 as amended by section 21 of part G of chapter 58 of the laws of 2012, subdivision 3 as amended by chapter 496 of the laws of 1990 and subdivision 4 as amended by chapter 465 of the laws of 1998, are amended to read as follows:

2. The Nassau county traffic and parking violations agency, as established, may be authorized to assist the Nassau county district court, AND THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY, AS ESTABLISHED, MAY BE AUTHORIZED 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 violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with section eleven hundred eleven-b of such law, except that such [~~agency~~] AGENCIES shall not have jurisdiction over (a) the traffic infraction defined under subdivision one of section eleven hundred ninety-two of the vehicle and traffic law; (b) the traffic infraction defined under subdivision five of section eleven hundred ninety-two of the vehicle and traffic law; (c) the violation defined under paragraph (b) of subdivision four of section fourteen-f of the transportation law and the violation defined under clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law; (d) the traffic infraction defined under section three hundred ninety-seven-a of the vehicle and traffic law and the traffic infraction defined under subdivision (g) of section eleven hundred eighty of the vehicle and traffic law; (e) any misdemeanor or felony; or (f) any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as a violation of subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, a violation of subdivision five of section eleven hundred ninety-two of the vehicle and traffic law, a violation of paragraph (b) of subdivision four of section fourteen-f of the transportation law, a violation of clause (b) of subparagraph (iii) of paragraph [~~c~~] C of subdivision two of section one hundred forty of the transportation law, a violation of section three hundred ninety-seven-a of the vehicle and traffic law, a violation of subdivision (g) of section eleven hundred eighty of the vehicle and traffic law or any misdemeanor or felony.

3. A person charged with an infraction which shall be disposed of by either a traffic violations bureau [~~or~~], the Nassau county traffic and parking violations agency, OR THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY may be permitted to answer, within a specified time, at the traffic violations bureau, [~~and~~] in Nassau county at the traffic and parking violations agency AND IN SUFFOLK COUNTY AT THE TRAFFIC AND PARKING VIOLATIONS AGENCY, either in person or by written power of attorney in such form as may be prescribed in the ordinance or local law creating the bureau or agency, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or admit

S. 5634--E

3

ting liability as an owner for the violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law, as the case may be, and authorizing the person in charge of the bureau or agency to enter such a plea or admission and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the bureau or agency shall be deemed complete satisfaction for the violation or of the liability, and the violator or owner liable for a violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the bureau or agency may cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the court, such summons to be predicated upon the personal service of said summons upon the person charged with the infraction. Any person who shall have been, within the preceding twelve months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the traffic violations bureau or agency, but must appear in court at a time specified by the bureau or agency. Such bureau or agency shall not be authorized to deprive a person of his right to counsel or to prevent him from exercising his right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

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

S 4.

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

S 374. Traffic prosecutor selection and oversight. (a) The executive director of the Nassau county traffic and parking violations agency, AND THE EXECUTIVE DIRECTOR OF THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY, appointed pursuant to subdivision (b) of this section, shall select and may contract with or hire one or more persons who are attorneys, duly admitted to the practice of law in New York state for the prosecution of any traffic and parking infraction, except those described in paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section three hundred seventy-one of this article, to be heard, tried or otherwise disposed of by the district court of Nassau county IN THE CASE OF AN ATTORNEY SELECTED BY THE NASSAU COUNTY EXECUTIVE DIRECTOR, OR BY THE DISTRICT COURT OF SUFFOLK COUNTY, IN THE CASE OF AN ATTORNEY SELECTED BY THE SUFFOLK COUNTY EXECUTIVE DIRECTOR. Such persons shall be known as "traffic prosecutors", as that term is defined in section three hundred seventy-a of this article. Traffic prosecutors shall have the same power as a district attorney would otherwise have in the prosecution of any traffic or parking infraction which may, pursuant

S. 5634--E

4

to the jurisdictional provisions of section three hundred seventy-one of this article, be prosecuted before the district court of Nassau county OR THE DISTRICT COURT OF SUFFOLK COUNTY, IF THE TRAFFIC VIOLATION OCCURRED IN SUFFOLK COUNTY. The executive director shall give active consideration to requiring that such traffic prosecutors serve on a full-time basis. Traffic prosecutors are prohibited from appearing in any capacity other than as a traffic prosecutor in any part of the Nassau county district court OR THE SUFFOLK COUNTY DISTRICT COURT, IF THE TRAFFIC VIOLATION OCCURRED IN SUFFOLK COUNTY on any matter relating to traffic or parking violations and are further prohibited from appearing in any capacity other than as a traffic prosecutor in any other court or administrative tribunal on any matter relating to traffic or parking violations.

(b) The county executive of the county of Nassau shall appoint a person to serve as the executive director of the Nassau county traffic and parking violations agency subject to the confirmation of the county legislature of the county of Nassau. THE COUNTY EXECUTIVE OF THE COUNTY OF SUFFOLK SHALL APPOINT A PERSON TO SERVE AS THE EXECUTIVE DIRECTOR OF THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY SUBJECT TO THE CONFIRMATION OF THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK. The executive director shall be responsible for the oversight and administration of the agency. The executive director OF NASSAU COUNTY is prohibited from appearing in any capacity in any part of the Nassau county district court AND THE EXECUTIVE DIRECTOR OF SUFFOLK COUNTY IS PROHIBITED FROM APPEARING IN ANY CAPACITY IN ANY PART OF THE SUFFOLK COUNTY DISTRICT COURT on any matter relating to traffic or parking violations and is further prohibited from appearing in any capacity in any other court or administrative tribunal on any matter relating to traffic or parking violations.

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

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

(E) THE LEGISLATURE OF THE COUNTY OF SUFFOLK MAY APPROPRIATE THOSE MONIES WHICH, IN THE LEGISLATURE'S SOLE DISCRETION, ARE NECESSARY FOR THE COMPENSATION OF THOSE PERSONS SELECTED TO SERVE AS EXECUTIVE DIRECTOR AND TRAFFIC PROSECUTORS AND TO COVER ALL OTHER EXPENSES ASSOCIATED WITH THE ADMINISTRATION OF THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY.

S. 5634--E

5

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

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

S 6. The section heading, subdivision 1 and subdivision 4 of section 1690 of the vehicle and traffic law, the section heading and subdivision 4 as added by chapter 496 of the laws of 1990, subdivision 1 as amended by chapter 420 of the laws of 2001, and the opening paragraph of subdivision 1 as amended by section 20 of part G of chapter 58 of the laws of 2012, are amended to read as follows:

Authority of the Nassau county AND SUFFOLK COUNTY district court judicial hearing [~~officer~~] OFFICERS. 1. Notwithstanding any other provision of law, where the trial of a traffic or parking infraction is authorized or required to be tried before the Nassau county district court OR SUFFOLK COUNTY DISTRICT COURT, and such traffic and parking infraction does not constitute a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision five of section eleven hundred ninety-two, section three hundred ninety-seven-a, or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, or any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as such a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision two of section eleven hundred ninety-two, section three hundred ninety-seven-a or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph d of subdivision two of section one hundred forty of the transportation law, the administrative judge of the county in which the trial court is located, may assign judicial hearing officers to conduct such a trial. Such judicial hearing officers shall be village court justices or retired judges either of which shall have at least two years of experience conducting trials of traffic and parking violations cases and shall be admitted to practice law in this state. Where such assignment is made, the judicial hearing officer shall entertain the case in the same manner as a court and shall:

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

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

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

S. 5634--E

6

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

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

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

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

3. The comptroller is hereby authorized to implement alternative procedures, including guidelines in conjunction therewith, relating to the remittance of fines, penalties, forfeitures and other moneys by town and village justice courts, and by the Nassau [~~county~~] AND SUFFOLK COUNTIES traffic and parking violations [~~agency~~] AGENCIES, to the justice court fund and for the distribution of such moneys by the justice court fund. Notwithstanding any law to the contrary, the alternative procedures utilized may include:

- a. electronic funds transfer;
  - b. remittance of funds by the justice court to the chief fiscal office of the town or village, or, in the case of the Nassau [~~county~~] AND SUFFOLK COUNTIES traffic and parking violations [~~agency~~] AGENCIES, to the county treasurer, for distribution in accordance with instructions by the comptroller; and/or
  - c. monthly, rather than quarterly, distribution of funds.
- The comptroller may require such reporting and record keeping as he or she deems necessary to ensure the proper distribution of moneys in accordance with applicable laws. A justice court or the Nassau [~~county~~] AND SUFFOLK COUNTIES traffic and parking violations [~~bureau~~] AGENCIES may utilize these procedures only when permitted by the comptroller, and such permission, once given, may subsequently be withdrawn by the comptroller on due notice.

S. 5634--E

7

S 10. Subdivision 2 of section 99-1 of the general municipal law, as added by chapter 261 of the laws of 1993, is amended to read as follows:

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

S 11. Notwithstanding any provision of law to the contrary 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 nothing herein shall limit the legal authority of the chief administrator of the courts to supervise the administration and operation of the unified court system.

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

S 13. This act shall take effect immediately; provided, however, the amendments to section 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 not affect the expiration of such section and 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 take effect on the same date as the revision of subdivision 2 of section 99-1 of the general municipal law as provided in section 6 of chapter 382 of the laws of 2011, as amended.

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