

Introduced by Presiding Officer Lindsay

Laid on Table 11/7/2012

**MOTION NO. 16-2012, PROCEDURAL RESOLUTION
APPORTIONING MORTGAGE TAX BY: COUNTY TREASURER**

1st **RESOLVED**, that the joint reports of the Recording Officer and the County Treasurer as filed with this Legislature on October 26, 2012 relative to the distribution of mortgage taxes for the three month period ending September 30, 2012, be accepted and that the amounts specified therein as Exhibit "A" be fixed and determined as the amounts due the Towns and Villages respectively; and be it further

2nd **RESOLVED**, that the Presiding Officer and Clerk of this Legislature be authorized to execute and deliver to the County Treasurer a warrant of this Legislature directing her to make the payments therein specified in the report in accordance with the provisions of Section 261 of the Tax Law.

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO §C2-15(A) OF THE SUFFOLK COUNTY
CHARTER AND CHAPTER 86 OF THE SUFFOLK COUNTY CODE

EXHIBIT A

OFFICE OF THE COUNTY LEGISLATURE
Riverhead, New York

TO THE TREASURER OF SUFFOLK COUNTY:

Pursuant to the authority conferred by Section 261 of the New York State Tax Law and a resolution adopted this day relative to the distribution of the mortgage taxes to the several tax districts of this County of the three month period ending September 30, 2012, the County Legislature of this County this day assembled hereby directs you to pay the Supervisors of the several Towns and to the Treasurers of the several villages, as herein after specified, such sums as are listed in the schedule following:

To the Supervisors of the Towns of:

Babylon	\$885,596.92
Brookhaven	2,557,328.80
East Hampton	760,977.74
Huntington	1,871,804.66
Islip	1,838,257.11
Riverhead	212,545.23
Shelter Island	44,563.98
Smithtown	1,125,303.52
Southampton	1,293,538.43
Southold	286,942.53
TOTAL TOWNS	<hr/> \$10,876,858.92

To the Treasurers of the Village of:

Amityville	\$29,054.30
Babylon	36,467.24
Lindenhurst	58,131.81
Belle Terre	7,115.89
Bellport	12,179.75
Lake Grove	39,813.12
Mastic Beach	27,145.18
Old Field	10,690.38
Patchogue	28,259.45
Poquott	5,256.93
Port Jefferson	67,460.27
Shoreham	2,846.36
East Hampton	94,025.78
Sag Harbor	9,951.31
Asharoken	8,144.38
Huntington Bay	12,703.58
Lloyd Harbor	42,510.56
Northport	32,553.91
Brightwaters	13,106.53
Islandia	27,684.52
Ocean Beach	9,326.27
Saltaire	10,296.49
Dering Harbor	918.1
Head of the Harbor	13,983.02
Nissequogue	18,138.40
Village of the Branch	12,115.27
North Haven	21,965.84
Quogue	47,760.34
Sagaponack	62,183.24
Sag Harbor	18,017.86
Southampton	163,632.53
Westhampton Beach	42,363.76
Westhampton Dunes	7,962.27
Greenport	6,732.20
TOTAL VILLAGES	\$1,000,496.84

GRAND TOTAL **\$11,877,355.76**

Presiding Officer, County Legislature

Clerk, County Legislature

DATED:

2062

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

Laid on Table 11/7/12

RESOLUTION NO. - 2012, ADOPTING LOCAL LAW NO. -2012, A LOCAL LAW TO REDUCE EXPOSURE TO BISPENOL A IN SUFFOLK COUNTY ("THE SAFER SALES SLIP ACT")

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 REDUCE EXPOSURE TO BISPENOL A IN SUFFOLK COUNTY ("THE SAFER SALES SLIP ACT")**" 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 REDUCE EXPOSURE TO BISPENOL A IN SUFFOLK COUNTY ("THE SAFER SALES SLIP ACT")

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 Bisphenol A ("BPA") is a chemical commonly contained in polycarbonate plastics, thermal paper, epoxies, food packaging and other plastic-based materials.

This Legislature also finds and determines that BPA is a synthetic estrogen which disrupts healthy development and can lead to an altered immune system, hyperactivity, learning disabilities, reproductive health problems, increased risk of breast and prostate cancer, obesity and diabetes.

This Legislature further finds and determines that the County of Suffolk led the nation in regulating BPA when it enacted Local Law No. 6-2009, which banned the use of BPA in beverage containers intended for use by children under the age of three. This groundbreaking ban has since been adopted by the European Union and finally, this summer, was enacted nationally by the Food and Drug Administration (FDA).

This Legislature finds that thermal paper is used extensively throughout the United States in receipts documenting purchases.

This Legislature determines that many thermal papers contain high concentrations of BPA.

This Legislature also finds that the BPA coating on thermal paper can transfer onto anything it contacts, including skin. Scientific studies have shown that BPA can be absorbed directly through the skin into the body, and is commonly transferred from hand to mouth by those handling these receipts.

This Legislature further finds that dermal exposure to BPA poses a risk to public health and particularly to those whose employment requires distributions of such receipts.

This Legislature further determines that thermal paper containing BPA is also utilized in bank receipts and at Automated Teller Machines (ATMs) and gas pump receipts, creating multiple and ubiquitous points of exposure in daily life, making it difficult to avoid exposure.

This Legislature also determines that workers employed at retail and food service industries, where BPA-containing thermal paper is most commonly used, have an average of 30% more BPA in their bodies than adults employed in other professions.

This Legislature finds that there are several manufacturers that produce thermal paper that does not contain BPA.

This Legislature further determines that the County of Suffolk should protect consumers and retail workers from the dangerous effects of BPA by prohibiting the use of thermal paper containing BPA.

Therefore, the purpose of this law is to prohibit the use of thermal paper containing BPA for any sales receipt printed in the County of Suffolk.

Section 2. Definitions.

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

“BPA” shall mean Bisphenol A.

“PERSON” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

Section 3. Prohibitions.

No person shall use thermal paper containing BPA as a receipt of purchase for any sale made in the County of Suffolk.

Section 4. Enforcement.

This law shall be enforced by the Suffolk County Department of Health Services, in accordance with the provisions of Article II, §§ 760-202 through 760-220, of the Suffolk County Sanitary Code.

Section 5. Authority to Promulgate Rules and Regulations.

The Commissioner of the Department of Health Services is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law.

Section 6. Penalties.

Any person who knowingly violates the provisions of this law shall be subject to a civil penalty of five hundred dollars (\$500) for an initial violation of the law and a penalty of one thousand dollars (\$1,000) for each subsequent violation.

Section 7. Applicability.

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

Section 8. 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 9. 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 10. Effective Date.

This law shall take effect one year immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-ban BPA thermal paper

2062

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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

DATE: November 2, 2012
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. -2012; A LOCAL LAW TO REDUCE EXPOSURE TO BISPHENOL A IN SUFFOLK COUNTY ("THE SAFER SALES SLIP ACT")

SPONSOR: LEGISLATOR STERN

DATE OF RECEIPT BY COUNSEL: 11/2/12 **PUBLIC HEARING:** 11/20/12
DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

This proposed local law would prohibit the use of thermal paper containing Bisphenol A as a receipt of purchase for any sale made in the County of Suffolk.

Knowing violation of this law shall be subject to a civil penalty of \$500 for an initial violation, with a fine of \$1,000 for each subsequent violation. This law will be enforced by the Department of Health Services.

This law will take effect one year after its filing in the Office of the Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-bpa sales slips

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO.
-2012, A LOCAL LAW TO REQUIRE GASOLINE STATIONS TO
BE PREPARED TO RUN EMERGENCY GENERATORS FOR
FUEL PUMPS**

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 REQUIRE GASOLINE STATIONS TO BE PREPARED TO RUN EMERGENCY GENERATORS FOR FUEL PUMPS**" 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 REQUIRE GASOLINE STATIONS TO BE
PREPARED TO RUN EMERGENCY GENERATORS FOR FUEL
PUMPS**

**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 motor fuel is one commodity indispensable for effective disaster response and recovery.

This Legislature further determines that evacuations from areas impacted by natural and man-made disasters necessarily require fuel. Further, recovery efforts are dependent on a reliable supply of fuel.

This Legislature finds that, in the wake of Hurricane Sandy, emergency response efforts have been hindered because residents and emergency responders were unable to obtain fuel after gas station pumps were rendered useless by electrical power outages.

This Legislature further finds that Hurricane Sandy has proven that the County of Suffolk is vulnerable to extended power outages and the devastating results thereof.

This Legislature also finds and determines that it is necessary for the safety, health and well-being of Suffolk County residents to require gasoline stations to maintain equipment that will allow them to provide essential services during periods of long-term power outages.

Therefore, the purpose of this law is to amend Chapter 316 of the SUFFOLK COUNTY CODE to require that gasoline stations maintain an alternate generated power source on premises that will allow them to operate in the wake of natural and man-made disasters.

Section 2. Amendments.

I. Section 497-1 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 497, GASOLINE STATIONS

**ARTICLE I,
Hours of Operation**

§ 497-1. Definitions.

As used in this [Article] Chapter, the following terms shall have the meanings indicated:

* * * *

STATION – any establishment engaged in the retail sale of fuel which has four (4) or more fueling stations, inclusive of diesel.

* * * *

II. Chapter 497 of the SUFFOLK COUNTY CODE is hereby amended by the addition of a new Article 2, to read as follows:

**ARTICLE II,
Alternate Power Source Requirements**

§ 497-5. Requirements.

- A) All operators shall equip their station with the capability to operate alternate generated power source capable of operating all fuel pumps, dispensing equipment, safety systems and payment acceptance equipment for a minimum period of five (5) days. This equipment must include all appropriate wiring, a transfer switch, provide power for operating all fuel pumps, life safety systems, and payment acceptance equipment.
- B) All operators shall have an alternate generated power source for their station available for operation within 36 hours of losing pumping capabilities.
- C) Operators will maintain at the station premises a copy of the documentation of the installation of the equipment capable of operating an alternate generated power source to power their station and keep a written statement attesting to the periodic testing of and ensured operational capacity of the equipment.

§ 497-6. Exemptions.

The provisions of this law shall not apply to an automobile dealer or any person or entity that operates a fleet of motor vehicles or who sells motor fuel exclusively to a fleet of motor vehicles.

§ 497-7. Penalties for offenses.

Any operator violating the provisions of this law shall be guilty of a violation, punishable by a civil fine of five hundred (\$500.00) dollars for the first offense, with a civil fine of one thousand dollars (\$1,000.00) for each subsequent offense.

§ 497-8. Enforcement; rules and regulations.

- A) This law shall be enforced by the Department of Consumer Affairs.
- B) The Commissioner of the Department of Consumer Affairs is hereby authorized to issue and promulgate such rules and regulations as he may deem necessary in order to carry out the provisions of this law.

Section 3. Applicability.

The provisions of this law shall apply immediately to gasoline stations for which a certificate of occupancy is issued on or after the effective date of this law. Existing stations for newly constructed or renovated stations for which a certificate of occupancy is issued prior to the effective date of this law shall comply with the provisions of this law within one hundred eighty days (180) of the law's effective date.

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 on the one hundred eightieth (180th) day immediately subsequent to filing in the Office of the Secretary of State.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-gas-stations-emergency-generators

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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

DATE: November 5, 2012
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. -2012; A LOCAL LAW TO REQUIRE GASOLINE STATIONS TO INSTALL EMERGENCY GENERATORS FOR FUEL PUMPS

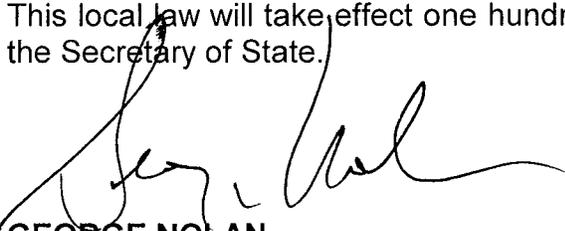
SPONSOR: LEGISLATOR STERN

DATE OF RECEIPT BY COUNSEL: 11/5/12 **PUBLIC HEARING:** 11/20/12
DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

This proposed local law would amend Chapter 497 of the SUFFOLK COUNTY CODE to require retail gas stations with four or more fueling stations to be capable of operating its fuel pumps, dispensing equipment, safety systems and payment equipment using an alternate generated power source capable for a minimum of 72 hours. The operator must also have an alternate generated power source available. This provision would not apply to automobile dealers, any person or entity operating a fleet of vehicles or who sell motor fuel solely to a fleet of vehicles.

Any operator violating this law will be guilty of a violation, with an initial fine of \$500.00 and subsequent fines of \$1,000.00. This law will be enforced by the Department of Consumer Affairs.

This local law will take effect one hundred eighty days following its filing in the Office of the Secretary of State.


GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-gas station generators

2065

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

Laid on Table

11/7/12

**RESOLUTION NO. -2012, DIRECTING THE COUNTY TO
APPEAL THE SUPREME COURT DECISION IN SPOTA V.
COUNTY OF SUFFOLK**

WHEREAS, in 1993, the County Legislature imposed term limits for the offices of the District Attorney, County Clerk, Sheriff, Comptroller, Treasurer, County Executive, and each member of the County Legislature; and

WHEREAS, the electorate approved these term limits via referendum in 1993;
and

WHEREAS, the District Attorney, the County Clerk and the Sheriff brought an action to strike down that portion of the County's term limit law as applied to their offices; and

WHEREAS, a Supreme Court justice has entered an order in favor of the District Attorney, Clerk and Sheriff; and

WHEREAS, this is an issue of constitutional magnitude and should be heard by the higher courts in New York; now, therefore be it

1st RESOLVED, that the Suffolk County Attorney is hereby authorized, empowered and directed, through outside counsel, to perfect the County's appeal in the matter of Spota v. County of Suffolk; and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\l-appeal spota v county

206b

Intro. Res. No. -2012
Introduced by Legislators Romaine and Schneiderman

Laid on Table 11/7/2012

RESOLUTION NO. -2012, AMENDING THE 2012 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF EQUIPMENT FOR GROUNDWATER MONITORING AND WELL DRILLING (CP 8226)

WHEREAS, the Office of Water Resources in the Department of Health Services' Division of Environmental Quality utilizes Capital Project 8226, Purchase of Equipment for Groundwater Monitoring and Well Drilling, to purchase equipment and supplies; and

WHEREAS, Resolution No. 459-2012 authorized the drilling of wells on Suffolk County Parkland for firefighting purposes; and

WHEREAS, additional expendable equipment and supplies will be required to drill the authorized wells; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$25,000 in Suffolk County Serial Bonds; and

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

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty (60) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

2nd RESOLVED, that the 2011 Capital Budget and Program be and is hereby amended as follows:

Project Number: 1755

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

	Total Estimated <u>Cost</u>	Current 2012 Capital Budget & <u>Program</u>	Revised 2012 Capital Budget & <u>Program</u>
<u>Cost Elements</u>			
3. Construction	\$449,000	\$474,000B	\$449,000B
TOTAL	\$449,000	\$474,000	\$449,000

Project Number: 8226

Project Title: Purchase of Equipment for Groundwater Monitoring and Well Drilling

	Total Estimated <u>Cost</u>	Current 2012 Capital Budget & <u>Program</u>	Revised 2012 Capital Budget & <u>Program</u>
<u>Cost Elements</u>			
5. Equipment	\$1,310,000	\$80,000B	\$105,000B
TOTAL	\$1,310,000	\$80,000	\$105,000

and be it further

3rd RESOLVED, that the proceeds of \$25,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8226.526	40	Purchase of Equipment for Groundwater Monitoring and Well Drilling	\$25,000

and be it further

4th RESOLVED, that the County Comptroller and the County Treasurer are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the transfer of this funding forthwith; and be it further

5th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: