

1621  
Intro. Res. No. -2014  
Introduced by Legislator Hahn

Laid on Table 6/17/14

**RESOLUTION NO. -2014, REAPPOINTING MEMBER TO THE  
COUNCIL ON ENVIRONMENTAL QUALITY (JAMES F. BAGG,  
JR.)**

**WHEREAS**, appointments to the Council on Environmental Quality (CEQ) are now within the exclusive purview of the County Legislature under Section C1-3 of the SUFFOLK COUNTY CHARTER; and

**WHEREAS**, the term of office of James F. Bagg, Jr., expired on March 23, 2014; now, therefore be it

**1st RESOLVED**, that James F. Bagg, Jr., who currently resides in Yaphank, NY, is hereby reappointed as a member of the Suffolk County Council on Environmental Quality, pursuant to Section 1-3(A) of the SUFFOLK COUNTY CHARTER, with a term of office to expire on March 23, 2019.

DATED:

EFFECTIVE PURSUANT TO SECTIONS 2-15(A) AND 1-3(A) OF THE SUFFOLK COUNTY CHARTER

S:\res\r-reappt-ceq-bagg

# RESUME

**JAMES F. BAGG, JR.**

Yaphank, New York 11980  
(631)  
Email:

January 2012

**EDUCATION:** 1990- **M.B.A.** New York Institute of Technology at Central Islip, N.Y.  
Major: General Business Administration with distinction  
1975- **M.S.** State University of New York at Stony Brook  
Major: Marine Environmental Studies  
1970- University of Miami, Coral Gables, Florida  
Extra Credits: Biology, Chemistry and Physics  
1969- **B.A.** Wesleyan University, Middletown, Connecticut  
Double Independent Majors: Economics and Psychology

**ORGANIZATIONS:** 2011- Member of the Suffolk County Council on Environmental Quality  
1997 - Member of the State Pine Barrens Protective Lands Council  
1990 - Member of the Long Island Pine Barrens Maritime Reserve Council  
1989 - Member of the National Honor Society in Business Administration  
1988 - Member of the Association of Environmental Professionals  
1988 - Member of the American Planning Association  
1987 - Member of the Suffolk County Recycling Commission  
1971- Certified (NASDS #362) Instructor in the National Association of Skin Diving Schools  
1969- Certified (NAUI #1367) Member of the National Association of Underwater Instructors

## **EMPLOYMENT RECORD:**

8/2010 – Present Retired

1/94-8/2010 Chief Environmental Analyst, Suffolk County Planning Department, Hauppauge, New York. Performed all duties as described in the Principal Planner and Senior Environmental Planner positions as well as administered the County's environmental review process involving NEPA and SEQRA for the Suffolk Legislature, Executive, and all other departments.

9/76-12/04 Adjunct Full Professor, Southampton College of Long Island University, Natural Science Division, Southampton, New York. Taught the following courses: The Natural Resource Inventory Process, Regional Planning and Environmental Protection through Land Use Management and Regulation, and Environmental Impact Assessment, all of which were required for the Environmental Science BS Degree.

- 1/80-12/93 Principal Planner, Suffolk County Planning Department, Hauppauge, New York. Principal environmental staff person to the Suffolk County Council on Environmental Quality (CEQ), Pine Barrens Review Commission (PBRC) and Industrial Development Agency (IDA). In charge of review and/or preparation of environmental assessments and impact statements under NEPA & SEQRA at the county and local levels of government. Prepared studies and reports for comprehensive land use planning, coastal zone management, open space acquisition, groundwater protection, zoning review, Community Development Act proposals, 208 Wastewater Management Planning, 201 Wastewater Facilities grants, Industrial Development Agency application review, and preparation of grant proposals for federal and state aid.
- 12/71-12/79 Senior Environmental Planner, Suffolk County Council on Environmental Quality, Hauppauge, New York. In charge of developing environmental impact statement procedures for the council, and responsible for recommending, preparing, and writing reports and studies on environmental matters as they relate to the county.
- 1/71 - 8/76 Scuba Instructor and Underwater Photography Teacher, North Shore Outdoor Recreation Center, East Northport, New York.
- 1/71-10/71 Research Associate, Marine Sciences Research Center, State University of New York, Stony Brook, New York. Prepared study assessing the probable short-term and long-term environmental effects of a bridge across Long Island Sound (8 different sites were evaluated). Also conducted current and water quality studies in western Long Island Sound in conjunction with a proposed Consolidated Edison nuclear power plant on Davis Island.

1622

Intro. Res. No. \_\_\_\_-2014

Laid on Table

6/17/14

Introduced by the Presiding Officer, on request of the County Executive and Legislator Anker

**RESOLUTION NO. -2014, TO APPOINT MEMBER OF SUFFOLK COUNTY YOUTH BOARD COORDINATING COUNCIL REPRESENTING LEGISLATIVE DISTRICT #6 (JANENE GENTILE)**

**WHEREAS**, Section A3-5(E)(1) of the SUFFOLK COUNTY ADMINISTRATIVE CODE provides for the appointment of members of the Suffolk County Youth Board Coordinating Council, including eighteen members representing each of the County's Legislative Districts; and

**WHEREAS**, Legislator Anker has recommended that Janene Gentile, currently residing in Miller Place, NY to be appointed to represent the 6th Legislative District on the Suffolk County Youth Board Coordinating Council; now, therefore be it

**1<sup>st</sup> RESOLVED**, that, Janene Gentile currently residing in Miller Place, NY is hereby appointed as a member of the Suffolk County Youth Board Coordinating Council to represent the 6th Legislative District on the Suffolk County Youth Board Coordinating Council for a term of three years commencing on the effective date of this resolution in accordance with Section A3-5(E)(3); and be it further

**2<sup>nd</sup> 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/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

\_\_\_\_\_  
Steven Bellone  
County Executive of Suffolk County

Date:



OFFICE OF THE SUFFOLK COUNTY LEGISLATURE

**Sarah S. Anker**

Suffolk County Legislator, 6<sup>th</sup> District

Committees:

Chairwoman of Education & Information Technology • Vice Chairwoman of Budget and Finance  
Veterans & Seniors • Environment, Planning and Agriculture

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March 7, 2014

Roderick A. Pearson  
Executive Director  
Office of Minority Affairs  
H. Lee Dennison Building  
Third Floor,  
Hauppauge, NY 11788

Dear Mr. Pearson,

It is my honor and privilege to appoint Miller Place resident Janene Gentile to the Suffolk County Youth Board Coordinating Council.

Ms. Gentile has been the Executive Director of the North Shore Youth Council since 1993, where she has implemented innovative youth, family and community social program materials to support anti-violence, drug and alcohol-free initiatives. For more than 20 years, Janene has been a moving force in the community, working to ensure that the safety and wellness of the children in the Rocky Point, Miller Place, Mount Sinai, and Shoreham-Wading River School Districts.

Janene strives to create a community that our youth can be proud of. Some of Janene's many youth initiatives include a movement for artistic murals throughout the north shore in an effort to prevent graffiti and to encourage the artistic talents of local students, "Big Buddy-Little Buddy" mentorship programs, and assisting military veterans with finding education and employment opportunities.

Janene Gentile is truly an asset to our community and I am proud to appoint her to the Suffolk County Youth Board Coordinating Council. I have attached Ms. Gentile's resume and contact information to this letter. Please don't hesitate to contact my office at 631-854-1600 if you have any questions.

Sincerely,

Sarah S. Anker  
Suffolk County Legislator  
Sixth District

SA/kt

CC:

Presiding Officer Gregory, Suffolk County Legislature  
Tim Laube, Clerk of the Legislature

# Janene Gentile

Executive Director  
North Shore Youth Council

(631)

## Education

New York University, Herbert Lehman College - Bronx, NY  
Post-Graduate Studies - Master of Arts, 1984

Fordham University - New York, NY  
Bachelor of Arts, 1981

Harvard Kennedy School - Nonprofit Financial Stewardship  
Certificate 2009

## Employment

Executive Director  
North Shore Youth Council, Inc.  
Rocky Point, NY  
March 1993 - present

- Supervise 135 staff and all programs relating to youth development.
- Supervise Summer Recreation Programs for youth in grades K through 7
- Oversee School Aged Child Care Programs for 3 school districts for youth in grades K through 5
- Collaborate with schools, religious institutions, government agencies, law enforcement staff, fraternal organizations; civic organizations and business groups.
- Direct all financial, budgeting, operating, compliance, purchasing, marketing, human resource, public relations and administrative functions.
- Monitor, control and approve expenditures.
- Plan and develop innovative youth, family and community social program materials in support of anti-violence, drug and alcohol-free initiatives.
- Oversee financial reporting, forecasting, cash flow planning, new project assessment, banking, taxation, legal/regulatory, contributions, non-fee services, equipment maintenance and other activities.

**Community Resource Coordinator**  
Town of Brookhaven Youth Bureau  
April 1987 - January 1993

**Community Outreach Advocate**  
New York City Board of Education  
December 1973 - December 1987

## Credentials

- Credentialed Alcohol And Substance Abuse Counselor
- Credentialed Prevention Professional

## Memberships

Ladies Auxiliary V.F.W. Post 6249  
Miller Place Civic Association  
Rocky Point Chamber of Commerce  
Child Welfare League of America

Marine Momma Key Volunteer  
Anti-Bias Task Force of Suffolk County  
National/New York State Mentor

Intro Res. No. 1623-14

Laid on Table 6/17/14

Introduced by Presiding Officer on request of the County Executive

**RESOLUTION NO. 2014, ACCEPTING AND APPROPRIATING GRANT FUNDS RECEIVED FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO THE SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE, UNDER THE CRIMES AGAINST REVENUE PROGRAM**

**WHEREAS**, New York State Division of Criminal Justice has awarded grant funds to the Suffolk County District Attorney's Office for the Crimes Against Revenue Program in the amount of \$1,686,000 for the period 01/01/14 through 12/31/14; and

**WHEREAS**, this grant provides funding for personnel, equipment, and undercover expenses to address investigation and prosecution of individuals who violate the law by refusing to pay tax and other revenue related obligations associated with legal and illegal activities. The goal of the program is to reclaim lost revenue and increase voluntary compliance with applicable laws; and

**WHEREAS**, this program is a continuation and expansion of the 2013 program and the 2014 Adopted Operating Budget includes \$1,195,669 in permanent salary expense under appropriation 1185, \$340,694 in fringe benefit expense and \$1,526,129 in revenue. Therefore, for the purposes of this resolution, it is requested that additional grant revenue in the amount of \$159,871 be accepted and the additional \$149,637 in expenses be appropriated in the 2014 Operating Budget, and

<sup>1st</sup> **RESOLVED**, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds as follows;

<u>REVENUES:</u>	<u>AMOUNT</u>
001-1185- 3355: Crimes Against Revenue Grant	\$ 159,871

ORGANIZATIONS:

District Attorney (DIS)  
Crimes Against Revenue Grant  
001-DIS-1185

<u>4000 SPECIAL SERVICES</u>	<u>\$ 149,637</u>
4770-Special Services	\$ 149,637

**2<sup>nd</sup>**           **RESOLVED**, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue employment of the individuals filling the position created by the Resolution at the conclusion of the grant funding provided for such position created by said grant; and be it further

**3<sup>rd</sup>**           **RESOLVED**, that the Reporting Category in the County Integrated Financial Management System is DA19; 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 a Type II action; and be it further

**5<sup>TH</sup>**           **RESOLVED**, that the County Executive be authorized to execute the grant related agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED:

APPROVED BY:

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County Executive of Suffolk County  
Date of Approval

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>XX</u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation		
<b>ACCEPTING AND APPROPRIATING GRANT FUNDS RECEIVED FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO THE SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE, UNDER THE CRIMES AGAINST REVENUE GRANT</b>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes <u>XX</u> No		
5. If the answer to item 4 is "yes", on what will it impact?                      (circle appropriate category)		
<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District	<input type="radio"/> Other (Specify):
<input type="radio"/> Library District	<input type="radio"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
This resolution provides \$1,686,000, \$1,536,363 is included in the 2014 operating budget.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
This grant must be expended between January 1, 2014 and December 31, 2015.		
8. Proposed Source of Funding		
New York State Division of Criminal Justice		
9. Timing of Impact		
Effective upon adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Tricia Saunders, Principle Research Analyst		6-12-2014

**FINANCIAL IMPACT  
2014 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 AV TAX RATE PER \$100	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2013 AV TAX RATE PER \$100	2014 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

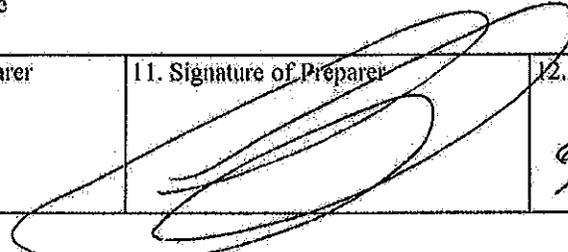
**COMBINED**

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 AV TAX RATE PER \$100	2014 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, 2013.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2013-2014.
- 3) SOURCE FOR EQUALIZATION RATES: 2013 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**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 Accepting and Appropriating a grant in the amount of \$1,686,000 from the New York State Division of Criminal Justice Services for the Crimes Against Revenue Program (CARP).		
3. Purpose of Proposed Legislation To accept \$1,686,000 from the New York State Division of Criminal Justice Services to continue efforts to reduce tax crimes and reclaim lost revenue.		
4. Will the Proposed Legislation Have a Fiscal Impact? <span style="float: right;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></span>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
This program will provide revenue in the amount of \$1,686,000 and reimburse for expenses related to the grant program.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
The program funding period is January 1, 2014 through December 31, 2014.		
8. Proposed Source of Funding		
New York State Division of Criminal Justice Services		
9. Timing of Impact		
Immediate		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Craig D. Pavlik Deputy Bureau Chief SCDA Administration		6/11/14

SCIN FORM 175b (10/95)



STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
Alfred E. Smith Office Building  
80 South Swan Street  
Albany, New York 12210  
<http://criminaljustice.ny.gov>

ANDREW M. CUOMO  
GOVERNOR

MICHAEL C. GREEN  
EXECUTIVE DEPUTY COMMISSIONER

February 7, 2014

The Honorable Thomas J. Spota  
Suffolk County District Attorney  
Building 77, North County Complex  
Veterans Memorial Highway  
Hauppauge, NY 11787

Dear District Attorney Spota:

I am pleased to notify you that the Suffolk County District Attorney's Office is being offered a grant award for \$1,686,000 under the 2013-14 Crimes Against Revenue Program (CARP) administered jointly by the NYS Division of Criminal Justice Services (DCJS) and the Department of Taxation and Finance (DTF). This award is supported with Special Revenue Other funding which was appropriated in the 2013-2014 State Budget.

The new 2013-14 award continues at the same level as in the previous year for the grant period of January 1, 2014 to December 31, 2014. The purpose of the CARP program is to facilitate the investigation and prosecution of those who commit crimes against State revenues, such as criminal failure to pay tax obligations associated with legal and illegal activities. The goals of the program include the specific and general deterrence of such crimes and the payment of restitution to the State of New York.

Please be aware during this contract period beginning January 1, 2014, we will as part of the general evaluation process for current year compliance and future funding evaluate:

- (a) each county's case dispositions;
- (b) progress in generating revenue based on the returns reported since the county was first awarded CARP funds and the revenue generated as a result of the CARP contract activities; and
- (c) the county's compliance with workplan goals, performance measures, and the Memorandum of Understanding (MOU) with DTF.

Accordingly DCJS and DTF will be closely monitoring the performance under the grant, including revenue reported to the NYS Department of Taxation and Finance and each county's rate of return, throughout this contract period. Awards for the 2014-15 contract period (starting January 1, 2015) will reflect a grantee's successful outcomes based on work plan goals and performance measures, compliance with the MOU, and the revenues generated by each county.

Steve Roth, DCJS Criminal Justice Program Representative 2, will assist your office in the development of the grant contract. The CARP application is available through the DCJS GMS internet-based automated system. All the following should be completed and submitted in GMS by March 7,

2014. You must also complete, sign and attach to the Grants Management System (GMS) the following with your completed contract:

- the attached Certification of Attestation that the staff working on this initiative will be dedicated to the CARP program. It is important to note that all staff paid by these CARP grant funds **MUST** complete time record certifications indicating the number of hours said employee worked on the program supported by the grant. Without this time record attestation the county will be subject to audit and potentially disallowed the salary associated with any employee that does not have this documentation;
- the signed Memorandum of Understanding with the Department of Taxation and Finance; and
- answer only Question 7 in the question tabs of GMS and describe your agency's 2014 project strategy to investigate and prosecute revenue-related cases and increase the generation of State revenue.

Please note the following new requirements are part of the final contract conditions:

- **Reports and Vouchers:** Grantees are required to submit quarterly progress reports and vouchers within 30 days of completion of each quarter.
- **M/WBE:** Effective April 1, 2013, all NYS grant recipients must demonstrate good faith efforts to promote opportunities for minority- and women-owned businesses and the employment of minority group members and women in the performance of DCJS contracts. Grantees receiving in excess of \$25,000 must submit an M/WBE Equal Employment Opportunity Staffing Plan (DCJS-3300), a Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301) and a Local Assistance M/WBE NPS Discretionary Budget Determination Worksheet (DCJS-3309). Your program representative will advise you if the forms submitted during the application process are acceptable, or will assist you if revisions are needed. M/WBE forms 3300, 3301 and 3309 may be found on the DCJS public website at <http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>.

DCJS is looking forward to working with you on this initiative during the coming year. Should you have any questions, please have a member of your staff contact Steve Roth at (518) 485-2979 or at [steve.roth@dcjs.ny.gov](mailto:steve.roth@dcjs.ny.gov). Congratulations and thank you for your continued efforts to accomplish the State's goals with this important initiative!

Very truly yours,



Michael C. Green  
Executive Deputy Commissioner

MCG:sr:kmc  
Enclosure

Project #: CR14-1018-D00 Crimes Against Revenue Project Status: Pending Contract Information

Participant: Suffolk County

Home	General	Participants	Budget	Work Plan	Questions	Conditions	Acceptance	Contract Checklist
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Please enter budget information. If you are requesting an advance, please enter the amount requested and the justification, then save the screen before proceeding. You may edit the Advance if necessary at a later time. Enter budget information by participant. If you will only be operating with one budget, please enter the budget for the Grantee agency. For consortia, you may enter budgets by individual implementing agency. When you have completed your budget, please go on to the Workplan tab.

Go to Budget Summary

Participant	Grant Funds	Matching Funds	Total
Suffolk County	\$0.00	\$0.00	\$0.00
Suffolk County District Attorney	\$1,686,000.00	\$0.00	\$1,686,000.00
Total	100.00%	0.00%	\$1,686,000.00

Reports Advance Request Amount (If not requesting an advance, please skip) \$:0.00

Application Advance Request Justification (200 character limit)

Deficiency Draft Contract

Help Logout

Login ID: Suffolk County  
sufcoda

Version 2.5.14 Suffolk County District Attorney  
Version 1 - Edit (Click here to add more lines to budget categories)

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Deficient
1	Clerk Typist (Approximately 100% FTE)	1	\$37,114.00	\$37,114.00	\$37,114.00	\$0.00	no
2	Principal Assistant District Attorney (Approximate...	1	\$110,273.00	\$110,273.00	\$110,273.00	\$0.00	no
3	Assistant District Attorney (Approximately 75% FTE...	1	\$64,849.00	\$64,849.00	\$64,849.00	\$0.00	no
4	Assistant District Attorney (Approximately 50% FTE...	1	\$40,885.00	\$40,885.00	\$40,885.00	\$0.00	no
5	Investigative Auditor (Approximately 100% FTE)	1	\$81,859.00	\$81,859.00	\$81,859.00	\$0.00	no
6	Detective Investigator (Approximately 100% FTE)	1	\$134,206.00	\$134,206.00	\$134,206.00	\$0.00	no
7	Detective Investigator (Approximately 100% FTE)	1	\$107,819.00	\$107,819.00	\$107,819.00	\$0.00	no
8	Detective Investigator (Approximately 100% FTE)	1	\$134,206.00	\$134,206.00	\$134,206.00	\$0.00	no
9	Assistant Detective Investigators (Approximately 1...	3	\$90,959.00	\$272,877.00	\$272,877.00	\$0.00	no
10	Account Clerk (Approximately 100% FTE)	1	\$37,741.00	\$37,741.00	\$37,741.00	\$0.00	no
11	Clerk Typist (Approximately 100% FTE)	1	\$34,870.00	\$34,870.00	\$34,870.00	\$0.00	no
12	Paralegal Assistant (Approximately 100% FTE)	1	\$42,413.00	\$42,413.00	\$42,413.00	\$0.00	no
13	Paralegal Assistant (Approximately 50% FTE)	1	\$21,206.00	\$21,206.00	\$21,206.00	\$0.00	no
14	Deputy Bureau Chief (Approximately 50% FTE)	1	\$68,825.00	\$68,825.00	\$68,825.00	\$0.00	no
Total				\$1,189,143.00	\$1,189,143.00	\$0.00	

				Grant	Matching	
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#	Fringe Benefits	Number	Unit Cost	Total Cost	Funds	Funds	Deficient
1	Retirement, FICA, health insurance, ect	1	\$340,694.00	\$340,694.00	\$340,694.00	\$0.00	no
Total				\$340,694.00	\$340,694.00	\$0.00	

#	Rental of Facilities	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Deficient
1	Confidential Office Space Lease (CARP Personnel On...	1	\$85,963.00	\$85,963.00	\$85,963.00	\$0.00	no
Total				\$85,963.00	\$85,963.00	\$0.00	

#	All Other Expenses	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Deficient
1	Cablevision/Internet	1	\$980.00	\$980.00	\$980.00	\$0.00	no
2	Leased/Rental Vehicles (6)	1	\$60,240.00	\$60,240.00	\$60,240.00	\$0.00	no
3	Cell Phone Usage (Assigned to CARP Personnel - 10 ...	1	\$9,000.00	\$9,000.00	\$9,000.00	\$0.00	no
Total				\$70,200.00	\$70,200.00	\$0.00	

Version 1 Total	Total Cost	Grant Funds	Matching Funds
	\$1,686,000.00	\$1,686,000.00	\$0.00

**2014 INTERGOVERNMENTAL RELATIONS  
MEMORANDUM OF SUPPORT**

**TITLE OF BILL:** A resolution accepting & appropriating grant funds received from the New York State Division of Criminal Justice Services to the Suffolk County District Attorney's Office, under the Crimes Against Revenue Program (CARP).

**PURPOSE OR GENERAL IDEA OF BILL:** To accept a grant award of \$1,686,000 for continuation of the District Attorney's Crimes Against Revenue Program (CARP).

**SUMMARY OF SPECIFIC PROVISIONS:** This legislation will allow the County to accept funding from the New York State Division of Criminal Justice Services for personnel, equipment, and undercover expenses which will be used to support investigations and prosecutions of individuals who violate the tax laws by refusing to pay tax and other revenue related obligations associated with legal and illegal activities and to reclaim lost revenue and increase voluntary compliance with applicable laws.

**JUSTIFICATION:** These funds will facilitate the District Attorney's Office ability to continue focusing personnel in the investigation and prosecution of those who commit crimes against State revenues, such as criminal failure to pay tax obligations associated with legal and illegal activities. The program works toward deterrence of these crimes and requiring payment of restitution to the State of New York from those who are found guilty of committing these crimes.

**COUNTY OF SUFFOLK  
OFFICE OF DISTRICT ATTORNEY**



**THOMAS J. SPOTA**  
DISTRICT ATTORNEY

June 11, 2014

Jon Schneider, Deputy County Executive  
Office of the Suffolk County Executive  
H. Lee Dennison Building  
100 Veterans Highway  
Hauppauge, New York 11788-0099

**Re: Resolution with request for Certificate of Necessity**

Dear Mr. Schneider:

At the direction of the District Attorney and in accordance with the County Executive All Department Heads Memorandum 03-12, I have attached a request for a Suffolk County Resolution.

The purpose of the resolution will be to accept grant funding from the New York State Division of Criminal Justice Services, Office of Program Development and Funding.

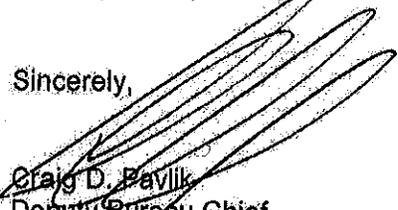
An e-mail version of this resolution has been sent to CE RESO REVIEW and saved under the file name "Reso-DIS-Crimes Against Revenue Program".

**Please submit this resolution to the Suffolk County Legislature with a Certificate of Necessity which is being requested due to the limited time to expend the grant funds.**

If you have any questions or need additional information concerning this matter, please contact me at your earliest opportunity.

Thank you for your attention to this matter.

Sincerely,

  
Craig D. Pavlik  
Deputy Bureau Chief

cc: Dennis M. Cohen, Chief Deputy County Executive  
Lisa Santeramo, Assistant Deputy County Executive  
Tom Vaughn, Director of Intragovernmental Relations

**ADMINISTRATION & FINANCE OFFICE**  
CRIMINAL COURTS BUILDING • 200 CENTER DRIVE • RIVERHEAD, N.Y. 11901-3388 • TELEPHONE (631) 852-2500  
FAX TRANSMITTAL (631) 852-1769

**COUNTY OF SUFFOLK  
OFFICE OF DISTRICT ATTORNEY**



**THOMAS J. SPOTA  
DISTRICT ATTORNEY**

Address Reply To:  
Asset Forfeiture Unit

**MEMORANDUM**

**TO:** Jon Schneider, Deputy County Executive  
Suffolk County Executive's Office

**FROM:** Craig Pavlik, Deputy Bureau Chief  
Suffolk County District Attorney's Office

**DATE:** June 11, 2014

**SUBJECT:** Resolution Packet & SCIN Forms - Crimes Against Revenue Program (CARP)  
Project Number : CR14-1018-D00

**Certificate of Necessity Requested**

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Attached please find the following for the New York State Division of Criminal Justice Services Crimes Against Revenue grant program:

1. Draft Resolution
2. **Certificate of Necessity request**
3. Request for Introduction of Legislation
4. Financial Impact Statement
5. Award letter
6. Memorandum of Support
7. Grant SCIN forms

Copies of this packet are also being forwarded to the Federal and State Aid Claims Unit for review. Electronic copies of the resolution and SCIN forms will be transmitted to CE RESO REVIEW. A **Certificate of Necessity is being requested for this resolution as this is a one year grant award, which began January 1, 2014 and any unexpended funds will be lost at the end of the grant year, December 31, 2014; Certificate of Necessity request attached.**

If you have any questions concerning this resolution package, please contact Craig Pavlik, Deputy Bureau Chief at 853-4153 or Katey Moran, Grants Analyst, at 853-3879.

Thank you for your assistance with this project.

cc: Dennis M. Cohen, Chief Deputy County Executive  
CE RESO REVIEW

1624  
Intro. Res. No. -2014  
Introduced by Legislator Hahn

Laid on Table

6/17/14

**RESOLUTION NO. -2014, REAPPOINTING MEMBER OF THE  
COUNCIL ON ENVIRONMENTAL QUALITY (MICHAEL  
KAUFMAN)**

**WHEREAS**, appointments to the Council on Environmental Quality (CEQ) are now within the exclusive purview of the County Legislature under Section C1-3 of the SUFFOLK COUNTY CHARTER; and

**WHEREAS**, the term of office of **Michael Kaufman** expired on March 31, 2014; now, therefore be it

**1st RESOLVED**, that **Michael Kaufman**, currently residing in Nissequogue, New York 11780, is hereby reappointed as a member of the Suffolk County Council on Environmental Quality, pursuant to Section 1-3(A) of the SUFFOLK COUNTY CHARTER, for a term of office to expire on March 31, 2019.

DATED:

EFFECTIVE PURSUANT TO SECTION 2-15(A) of the SUFFOLK COUNTY CHARTER

## MICHAEL KAUFMAN

Nissequogue, New York 11780  
631-

### Legal Experience:

- 2002-Present      Of Counsel, Andree & Kaufman, Huntington, New York  
Appellate Briefs for State Farm
- 2003-2010      Primary outside Counsel for American Credit Card Processing,  
Huntington, New York  
National company processing credit card transactions.
- 1990-Present      Private Practice; Commercial Business Law, Land Use Law;  
General Civil Practice; Counsel for small Businesses.
- 1997-1998      Revisor Village of Head-of- the Harbor Legal Code.  
Revised and updated entire Village legal code, including all  
zoning, subdivision and environmental laws.
- 1990-1992      Revisor of Village of Nissequogue Legal Code.  
Revised and updated entire Village legal code, including all  
zoning, subdivision and environmental laws.
- 1991-1992      Implemented New York State Coastal Management Plan (CMP)  
for Villages of Nissoquogue and Head-of-the Harbor and helped  
establish a Joint Village/State/Federal Local Waterfront  
Revitalization Plan (LWRP).
- 1987-1990      Berman & Freedman, Garden City, New York: Municipal Land  
Use Law, Commercial Real Estate Development and Leasing;  
Commercial Business law; General Civil Practice.
- 1986-1987      Sprague, Dwyer, Aspland & Tobin, Garden City, New York: Head  
of Mortgage Closing Department for Citibank, Real Estate Law;  
General Civil Practice
- 1983-1984      Legal Intern, James Gowan, J.S.C., Suffolk County, New York

### Governmental Experience:

- 1993-Present      Member, Suffolk County Planning Department Council on  
Environmental Quality: Appointed by County Legislature, CEQ  
performs SEQRA (environmental) review of all laws of Suffolk

County, and all planning and construction activity of County;  
CEQ also oversees all County environmental impact statements.  
Vice Chairman (2006-2010):

Following environmental impact statement overseen as member of  
CEQ EIS team:

Vector Control and Wetlands Management EIS 2002-7  
Yaphank/Legacy Village EIS 2009  
Suffolk County Jail, Yaphank 2004  
Suffolk County Golf Course Master Plan and EIS 1996  
Suffolk County Peconic Bay Aquaculture Lease Program 2007  
Montauk County Park Grassland Restoration EIS

- 1993-Present Member, Suffolk Historic Trust: appointed by County Legislature;  
Historic Trust oversees management of County historic mansions,  
parks, and Historic Trust properties. Vice Chairman (2006-2010)
- 1998-2003 Member, New York State Department of Transportation/  
Metropolitan Transportation Authority Long Island Transportation  
Plan 2000 (LITP) Technical Advisory Committee (TAC): The  
TAC reviewed and guided development of Long Island  
Transportation Plan 2000 for DOT, MTA and Federal government  
for future transportation needs of Long Island.
- 1998-2003 Land Use Committee of NYS DOT/MTA LITP 2000  
Chairman. Developed land use component of LITP 2000
- 2008-Present Vice Chairman, Suffolk County Vector Control & Pesticide  
Management Committee: County Executive committee created to  
review and update pesticide control of West Nile Virus.
- 2008-Present Suffolk County Wetlands Stewardship Committee: Suffolk County  
multi-agency board charged with assessing all projects in County  
wetlands.
- 2000-2005 Suffolk County Member, North Shore Heritage Area Commission:  
A New York State Heritage Commission established to prepare  
plans to preserve and promote the Historic North Shore of Long  
Island. Appointed by Suffolk County Legislature.
- 1992 and 1998 Revisor- Villages of Nissequogue and Head-of-the-Harbor  
planning and zoning codes (see above)
- 1993-1995 Member, Local Government Advisory Committee of the Governor  
of New York's Coastal Erosion Task Force: New York State Task  
Force was organized to analyze coastal problems and guide future  
management of coast.

- 1994-2000      Member, New York State Department of State ONCA Planning Group: A NYS regional coastal planning group for Long Island Sound.
- 1991-Present      Chairman (1992-1994), Vice Chairman (1991), Member (Present) Nissequogue/Head-of-the Harbor/New York State Local Waterfront Revitalization Program (LWRP): A joint master plan with New York State designed to protect the coastal and environmental resources of the two villages and guide land use development.
- 1992-Present      Member, Intergovernmental Planning Group/(State, Town & Village) for Dredging in Nissequogue River and Stony Brook Harbor: A primary planner, designer and reviewer of 8 major multi-million dollar navigation channel dredgings and beach replenishments.

**Other Experience:**

- 2006      Long Island Sound Study/Regional Planning Association-Nissequogue River Planning Study: Chair of Land Use Planning Committee. A lead study of coastal embayments on Long Island Sound, funded by NY State and Connecticut, in cooperation with RPA.
- 1997      Lecturer and Member of Organizing Committee, 1997 NYS Conference on the Environment; Meeting of statewide, county, town and village governmental environmental officials.
- 1996-Present      Member, Stony Brook Harbor Task Force-Joint Village, Town, Local, County and State task force to guide management of Harbor.
- 1997      Three Village Hamlet Study of Town of Brookhaven. Planning and Land use study for update of Brookhaven Master Plan.

**Education:**

- 1985      J.D., University of Miami School of Law, Coral Gables, FL
- 1980      B. A., Cornell University, Ithaca, NY. Winner of National Science Foundation research scholarship.

**RESOLUTION NO. -2014, APPROPRIATING FUNDS  
IN CONNECTION WITH THE PURCHASE OF REPLACEMENT  
PUBLIC SAFETY VEHICLES (CP 3512)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the purchase of replacement vehicles for public safety; and

**WHEREAS**, this request is for approximately 156 replacement vehicles; and

**WHEREAS**, there are sufficient funds within the 2014 Capital Budget and Program to cover the cost of said request; and

**WHEREAS**, Resolution No. 471-1994 as revised by Resolution No. 461-2006 has established a priority ranking system as the basis for funding capital projects such as this project; and

**WHEREAS**, amortizing the bonds over the period of probable usefulness ("PPU") of the public safety vehicles may be fiscally beneficial as compared to including the items in the weighted average maturity ("WAM") determined for a typical bond issue; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$5,000,000 in Suffolk County Serial Bonds; now, therefore be it

**1st 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; as a Type II action, the legislature has no further responsibilities under SEQRA; and be it further

**2nd RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-two (62) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3rd RESOLVED**, that if it is determined to be fiscally beneficial, the public safety vehicles will be financed utilizing the PPU of the vehicles; and be it further

**4th RESOLVED**, that the proceeds of \$5,000,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3512.516 (Fund 115-Debt Service)	50	Public Safety Vehicles	\$4,029,000
525-CAP-3512.517 (Fund 001-Debt Service)	50	Public Safety Vehicles	\$971,000



STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>  X  </u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation		
<b>RESOLUTION NO.            - 2014, APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF REPLACEMENT PUBLIC SAFETY VEHICLES (CP 3512)</b>		
3. Purpose of Proposed Legislation		
See above.		
4. Will the Proposed Legislation Have a Fiscal Impact?            Yes <u>  X  </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact?    (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS. AMORTIZING THE BONDS OVER THE PERIOD OF PROBABLE USEFULNESS ("PPU") OF THE PUBLIC SAFETY VEHICLES MAY BE FISCALLY BENEFICIAL AS COMPARED TO INCLUDING THE ITEMS IN THE WEIGHTED AVERAGE MATURITY ("WAM") DETERMINED FOR A TYPICAL BOND ISSUE. IF IT IS DETERMINED TO BE FISCALLY BENEFICIAL, THE PUBLIC SAFETY VEHICLES WILL BE FINANCED UTILIZING THE PPU OF THE VEHICLES.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
IT IS ANTICIPATED THAT BONDS WILL BE ISSUED FALL OF 2014 AND DEBT SERVICE WILL COMMENCE FALL 2015. THERE IS NO FISCAL IMPACT IN 2014.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Asst Executive Analyst		June 13, 2014

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2015 PROPERTY TAX LEVY\*  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2014 PROPERTY TAX LEVY	2015* COST TO AVG TAXPAYER	2014 AV TAX RATE PER \$100	2014 FEV TAX RATE PER \$1000
TOTAL	\$214,450	\$0.41		\$0.001

**POLICE DISTRICT AND DISTRICT COURT**

	2014 PROPERTY TAX LEVY	2015* COST TO AVG TAXPAYER	2014 AV TAX RATE PER \$100	2014 FEV TAX RATE PER \$1000
TOTAL	\$889,823	\$1.91		\$0.006

**COMBINED**

	2014 PROPERTY TAX LEVY	2015* COST TO AVG TAXPAYER	2014 AV TAX RATE PER \$100	2014 FEV TAX RATE PER \$1000
TOTAL	\$1,104,273	\$2.32		\$0.004

*\* The Estimated 2015 Cost to Average Taxpayer is based upon the 2014 property tax levy and is provided for informational purposes only.*

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2013.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2013-2014.
- 3) SOURCE FOR EQUALIZATION RATES: 2013 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County

General Obligation Serial Bonds  
Level Debt

Term of Bonds: 5  
Amount to Bond: \$5,000,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2015					
11/1/2016	3.000%	\$934,272.46	\$170,000.00	\$1,104,272.46	\$1,104,272.46
			\$69,117.37	\$69,117.37	
11/1/2017	3.000%	\$966,037.73	\$69,117.37	\$1,035,155.10	\$1,104,272.46
			\$52,694.73	\$52,694.73	
11/1/2018	3.000%	\$998,883.01	\$52,694.73	\$1,051,577.74	\$1,104,272.46
			\$35,713.72	\$35,713.72	
11/1/2019	4.000%	\$1,032,845.03	\$35,713.72	\$1,068,558.75	\$1,104,272.46
			\$18,155.35	\$18,155.35	
11/1/2020	4.000%	\$1,067,961.76	\$18,155.35	\$1,086,117.11	\$1,104,272.46
11/1/2021		\$5,000,000.00	\$521,362.32	\$5,521,362.32	\$5,521,362.32
11/1/2022					
11/1/2023					
11/1/2024					
11/1/2025					
11/1/2026					
11/1/2027					
11/1/2028					
11/1/2029					
11/1/2030					
11/1/2031					
11/1/2032					
11/1/2033					

**COUNTY OF SUFFOLK**



**STEVEN BELLONE**  
SUFFOLK COUNTY EXECUTIVE

**DEPARTMENT OF PUBLIC WORKS**

**PHILIP A. BERDOLT**  
DEPUTY COMMISSIONER

**GILBERT ANDERSON, P.E.**  
COMMISSIONER

**DARNELL TYSON, P.E.**  
DEPUTY COMMISSIONER

**MEMORANDUM OF SUPPORT**

**TITLE OF BILL:** A resolution to appropriate funds to purchase vehicles related to public safety (capital program number 3512)

**PURPOSE OR GENERAL IDEA OF BILL:** Request authorization to use funds in capital program 3512 to purchase replacement vehicles.

**SUMMARY OF SPECIFIC PROVISIONS:** To purchase replacement vehicles for Public Safety.

**JUSTIFICATION:** By years end approximately 156 Public Safety vehicles will have to be replaced.

**FISCAL IMPLICATIONS:** Savings will be reflected in repair costs by replacing high mileage vehicle, with new vehicles covered under the manufacturer's warranty.

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

COUNTY OF SUFFOLK



STEVEN BELLONE  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

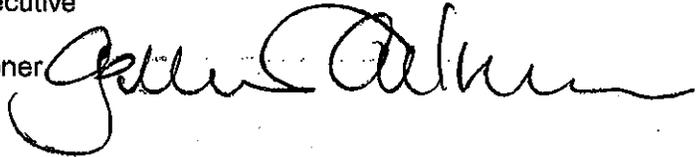
PHILIP A. BERDOLT  
DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.  
COMMISSIONER

DARNELL TYSON, P.E.  
DEPUTY COMMISSIONER

MEMORANDUM

TO: Jon Schneider, Deputy County Executive

FROM: Gilbert Anderson, P.E., Commissioner 

DATE: June 12, 2014

RE: **Draft Resolution – Purchase of Replacement Public Safety Vehicles (CP 3512)**

Attached is a draft resolution, to request and appropriate funds in the amount of \$5,000,000 for the purchases in connection with the above referenced project. The resolution authorizes the issuance of \$5,000,000 in Suffolk County Serial Bonds for Project No: 3512 and authorizes the purchase of approximately 156 replacement vehicles for Public Safety.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title Res-DPW – Purchase of Replacement Public Safety Vehicles-CP3512.

GA:PMJ:bt  
Attach.

cc: Dennis M. Cohen, Chief Deputy County Executive  
Lisa Santeramo, Assistant Deputy County Executive  
Tom Vaughn, Director of Intragovernmental Relations  
Charles Jaquin, General Services Manager  
CE RESO Review (e-mail)

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**RESOLUTION SUBMITTAL SHEET**

Capital Project	<u>3512</u>	Legislative Districts
Operating Fund		Federal Aid %
Other		State Aid %

**Give a complete description of why we are asking for reso; if aided, state status of aid**

Request authorization to use funds in CP3512 to purchase replacement vehicles

**Previous resolution (list previous reso for the same work)**

<b><u>Resolution Number</u></b>	<b><u>Purpose</u></b>	<b><u>Amount</u></b>
<u>420-2012</u>	<u>Appropriating funds in connection with the purchase of replacement public safety vehicles (CP3512)</u>	<u>3,700,000</u>
<u>413-2013</u>	<u>Appropriating funds in connection with the purchase of replacement public safety vehicles (CP3512)</u>	<u>3,750,000</u>
<u>1010-2013</u>	<u>Amending the 2013 Capital Budget and Program and appropriating funds in connection with the purchase of Replacement Public Safety vehicles (CP 3512)</u>	<u>1,000,000</u>

**Amounts being requested**

**Current Funding**

Planning		Planning	
Site	<u>0</u>	Site	<u>0</u>
Construction	<u>0</u>	Construction	
Land	<u>0</u>	Land	<u>0</u>
F&E	<u>0</u>	F&E	<u>0</u>

**Project Status**

Est. planning completion	Design consultant
Est. construction start	Contractor
Est. construction completion	

**State required offsets, their Legislative Districts, and a detailed explanation of why we do not need the funds; state if we believe the legislator from the offset district will have a major issue)**

<b><u>Offset</u></b>	<b><u>Leg. District</u></b>	<b><u>Comments</u></b>
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**RESOLUTION NO. -2014, ADOPTING 2014-2015  
OPERATING BUDGET TOTAL AND COUNTY CONTRIBUTION  
FOR SUFFOLK COUNTY COMMUNITY COLLEGE**

**WHEREAS**, the Board of Trustees of Suffolk County Community College submitted their 2014-2015 Operating Budget request to the County Executive and the County Legislature on April 19, 2014; and

**WHEREAS**, the budget request submitted by the Community College's Board of Trustees proposed no increase in the County contribution and a total budget of \$208,376,695; and

**WHEREAS**, the Suffolk County Executive submitted to this Legislature a Recommended 2014-2015 Suffolk County Community College Operating Budget, which included a two percent increase in the County contribution; and

**WHEREAS**, the Budget Review Office issued a Review of the Recommended 2014-2015 Suffolk Community College Operating Budget on June 9, 2014; and

**WHEREAS**, the Suffolk County Legislature held public hearings on the Community College's Recommended Budget on June 3, 2014 and June 17, 2014; and

**WHEREAS**, Section A4-3(F)(4) of the SUFFOLK COUNTY ADMINISTRATIVE CODE authorizes the County Legislature to approve an operating budget total and County contribution for the Community College no later than August 15 each year; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that all Whereas clauses and all Resolved clauses contained in the Suffolk County Community College Recommended Budget 2014-2015 on page 5, are hereby stricken and not approved, and shall not appear in the printed 2014-2015 Suffolk County Community College Adopted Operating Budget; and be it further

**2<sup>nd</sup>** **RESOLVED**, that this Legislature hereby approves an Operating Budget Total of \$208,376,695 for the Suffolk County Community College during fiscal year September 1, 2014 to August 31, 2015; and be it further

**3<sup>rd</sup>** **RESOLVED**, that this Legislature approves a total contribution by the County of Suffolk ("local sponsor share") in the amount of \$39,768,766, which is comprised of \$35,363,551 County contribution and a Discretionary Tax Levy in the amount of \$4,405,215 as recommended by the County Executive.

DATED:

APPROVED BY:

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

Date:

**Statement of Financial Impact on Proposed Suffolk County Legislation**

**IR Number:** 1626

**IR Year:** 2014

**Introduced By:** Sarah Anker, Tom Cilmi, Lou D'Amaro, DuWayne Gregory, Monica Martinez, Robert Trotta

**Title of Proposed Resolution:**

**Adopting 2014-2015 Operating Budget total and County contribution for Suffolk County Community College.**

**Purpose and Intent of Proposed Legislation:**

This resolution approves the 2014-2015 Operating Budget for Suffolk County Community College.

**Detailed Explanation of Fiscal Impact:**

Pursuant to Section A4-3(F)(4) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, the Legislature has the authority to amend the College's budget total and the County Contribution. This resolution approves both as requested by the College and recommended by the County Executive with a budget total of \$208,376,695 and a County Contribution of \$39,768,766, which is comprised of \$35,363,551 County contribution and a Discretionary Tax Levy in the amount of \$4,405,215.

The 2015 fiscal impact to the County is \$779,779 as a result of increasing the County contribution by two percent compared to 2013-2014. Due to a Maintenance of Effort (MOE) agreement with New York State, the local sponsor contribution may not decrease from the previous year or State aid may be forfeited. Consequently, we assume that future budgets will at least continue the 2014-2015 level of County funding going forward. The increase is shown entirely in the County Contribution, the Discretionary Tax Levy remains at \$4,405,215.

**If applicable, what is the comparison cost if this is undertaken in-house, compared to an outside contractor or vendor?**

Not applicable.

**Total Financial Cost and timing over five years on each affected political or other subdivision:**

The fiscal impact to the County's General Fund is \$779,779 in 2015 and \$3,898,895 over five years assuming no future increase in County Contribution.

**Proposed Source of Funding:**

General Fund.

**Total Estimated Financial Impact on all Funds, tax rates, and property tax:**

The fiscal impact to the County's General Fund is \$779,779 in 2015 and \$3,898,895 over five years assuming no future increase in County Contribution.

**Total Estimated Financial Impact on Suffolk County's economy including the impact on goods or services, economic development, small business**

**activity, employment opportunities and overall business activity:**

The increase in the County Contribution is a positive fiscal impact to Suffolk County Community College, which mitigates the rise in tuition costs to students making higher education more attainable for Suffolk County residents. A more educated workforce is good for the local economy because college graduates typically earn higher wages.

**Authorized Signature**



**Robert Lipp, Director  
Budget Review Office**

**Date Completed**

06/16/2014

**Analyst Code**

BP

1627

6/17/14

Intro. Res. No. -2014  
Introduced by the Presiding Officer

Laid on Table

**RESOLUTION NO. -2014, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED SAFETY AND CAPACITY IMPROVEMENTS TO COUNTY ROAD 13, CROOKED HILL ROAD, TOWNS OF ISLIP AND SMITHTOWN**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Safety and Capacity Improvements to County Road 13, Crooked Hill Road, Towns of Islip and Smithtown", pursuant to Section 6 of Local Law No. 22-1985 which project will provide highway, drainage, traffic signalization and safety improvements to CR 13, Crooked Hill Road; and

**WHEREAS**, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and subsequently sent out to all concerned parties; and

**WHEREAS**, the presentation by the Suffolk County Department of Public Works included information contained in an Expanded Part 3 Section of the EAF which the CEQ had requested at its April 16, 2014 meeting; and

**WHEREAS**, at its May 21, 2014 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

**WHEREAS**, the CEQ recommended that the above activity be considered an Unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated June 10, 2014 of said recommendations; and

**WHEREAS**, Section 450-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

**WHEREAS**, the Suffolk County Legislature has reviewed the EAF and the CEQ recommendations; now, therefore, be it

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Safety and Capacity Improvements to County Road 13, Crooked Hill Road, Towns of Islip and Smithtown constitutes an Unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code, that the proposed project will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;

2. 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 the Suffolk County Code;
3. The project area does not appear to suffer from any severe environmental development constraints (limiting soil properties; a high groundwater table and/or unmanageable slopes); and
4. The proposed action will improve pedestrian safety, stormwater drainage and traffic congestion;

and be it further

**2nd RESOLVED**, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with the CEQ; and be it further

**3rd RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED:

APPROVED BY:

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

Date:

s:\res\s-crooked-hill-road

1628

Intro. Res. No. -2014

Laid on Table 6/17/2014

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2014, AUTHORIZING EXECUTION OF A PROJECT PARTNERSHIP AGREEMENT WITH THE STATE OF NEW YORK IN CONNECTION WITH THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET (FIMI)**

**WHEREAS**, the Fire Island Inlet to Montauk Point, New York, Combined Beach Erosion Control and Hurricane Protection Project ("FIMP") was first authorized by the River and Harbor Act of 1960, Public Law 86-645; and

**WHEREAS**, under the Construction heading, Chapter 4, Title X, Division A of the Disaster Relief Appropriations Act of 2013, Public Law 113-2 (127 Stat. 24 – 25) enacted January 29, 2013 (hereinafter "DRAA 13"), the Secretary of the Army is authorized, at full Federal expense using funds provided from DRAA 13, to complete construction of certain ongoing construction projects, which includes construction of the subject proposed project in the FIMI area at an estimated total cost of \$207,100,000; and

**WHEREAS**, as a consequence of the severe coastal erosion during Superstorm Sandy and in recognition of the urgency to repair and implement immediate stabilization measures particularly between the Fire Island Inlet and Moriches Inlet, the United States Army Corp of Engineers ("USACE"), consistent with DRAA 13, developed the Fire Island to Moriches Inlet, Fire Island Stabilization Project Hurricane Sandy Limited Reevaluation Report dated June 2014 ("FIMI Report"), annexed as Exhibit "A" which provides for the reconstruction of the beach and dune along eighty five thousand one hundred (85,100) feet of shoreline within the 30 miles of shoreline from Fire Island Inlet to Moriches Inlet ("Project"); and

**WHEREAS**, as a consequence of the severe coastal erosion, the barrier beach is vulnerable to overwash and breaching during future storm events which may increase the potential for devastating storm damage to shore and back bay communities along the Great South Bay and Moriches Bay; and

**WHEREAS**, in order for the Project to proceed, it is necessary for both the State and the County to agree to be local sponsors of the Project and for the State to enter into a Project Partnership Agreement with the Federal Government and a separate Project Partnership Agreement with the County ("Agreement"); and

**WHEREAS**, as a local sponsor, the County will be responsible for acquiring the real estate interests necessary for implementation of the Project as determined by the USACE, including acquisition of approximately forty-one (41) properties, six (6) real estate relocations, and obtaining over six hundred (600) easements, including Perpetual Beach Storm Reduction Easements, Temporary Construction Easements, and Rights-of-Entries (See Exhibit A - FIMI Report , Appendix G); and

**WHEREAS**, the Project has undergone an environmental assessment by the Federal Government in accordance with the requirements of the National Environmental

Protection Act of 1969 (NEPA) wherein it was found that there was no significant adverse impact; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act, N.Y. Env. Conserv. Law Art, 8 ("SEQRA") and Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617, the New York State Department of Environmental Conservation, acting as lead agency, classified the Project as a Type I action under 6 NYCRR §617.4, determined that implementation of the Project as proposed will not result in any significant adverse environmental impacts and issued a negative declaration ("Negative Declaration") regarding the Project; and

**WHEREAS**, a coordinated SEQRA review was performed; and

**WHEREAS**, the County of Suffolk, as an involved agency, following coordinated review, is bound by the Negative Declaration (see 6 NYCRR Section 617.6(b)(3)(iii)); and

**WHEREAS**, pursuant to the proposed Agreement, the State will advance and/or reimburse to the County funds to cover the cost of acquiring and/or obtaining the real estate interests necessary for the Project to proceed and will thereafter seek reimbursement from the Federal Government; and

**WHEREAS**, in the event there are expenditures made by the County in connection with acquisition of real estate interests that are not subject to reimbursement by the Federal Government, the proposed Agreement provides that the State will reimburse the County for seventy percent (70%) of such non-reimbursable costs; and

**WHEREAS**, it is in the best interests of the County and its residents that the Project proceed in order to implement immediate stabilization measures to restore the beaches and dune network thereby protecting the barrier islands and the mainland from the Fire Island Inlet to the Moriches Inlet; now, therefore, be it

**1<sup>st</sup>** **RESOLVED**, this Legislature, pursuant to SEQRA and Chapter 450 of the Suffolk County Code, hereby finds and determines that the County is bound by the Negative Declaration issued by NYSDEC on \_\_\_\_\_date, and that, the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Suffolk County Executive or his designee, is hereby authorized, empowered and directed to execute the Agreement with the State substantially in the form submitted herewith as Exhibit "B", and to take all actions necessary to implement the Agreement; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the Suffolk County Executive and/or his designee(s) are further authorized to take such actions and execute and deliver, on behalf of the County, such documents including easements, rights of access and other agreements, instruments or authorizations, as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to, the Project and the Agreement and this resolution, and which are deemed necessary or desirable to effectuate the Project and to perform all acts and do all things required or contemplated to be performed or done by the Agreement or by this resolution or by any agreement, instrument or authorization approved, contemplated or authorized hereby; and be it further

**4<sup>th</sup>**            **RESOLVED**, that the Departments of Public Works, Real Property Management and Acquisition and Law are authorized to perform acts necessary to comply with the provisions of the Agreement including but not limited to actions necessary to obtain surveys, appraisals, environmental assessments and title reports and to acquire or obtain all rights of ways, easements and title to real estate properties in accordance with the FIMI Report and this Agreement.

DATED:

APPROVED BY:

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

Date:

1629

Intro. Res. No. -2014  
Introduced by Presiding Officer on Request of the County Executive

Laid on Table 6/17/14

**RESOLUTION NO. -2014, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO MODIFYING THE PLAN OF SERVICE FOR SUFFOLK COUNTY SEWER DISTRICT NO.4- SMITHTOWN GALLERIA**

**WHEREAS**, in 2005, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York, established a County sewer district designated and known as Suffolk County Sewer District No. 4 – Smithton Galleria; and

**WHEREAS**, pursuant to Article 5-A of the New York County Law, Suffolk County subsequently notified the New York State Comptroller's Office of the establishment of Suffolk County Sewer District No. 4 - Smithtown Galleria; and

**WHEREAS**, while said District was established in 2005, due to costs not accounted for in the original plan for the District, the rate charges to the residents of Suffolk County Sewer District No. 4 – Smithtown Galleria would have been prohibitive; and

**WHEREAS**, as a result, the County did not take-over the operation and maintenance of the wastewater treatment plant that served said District and the residents were never charged for District services; and

**WHEREAS**, after extensive review of the cost of operation and maintenance, the Suffolk County Sewer Agency has approved a modified plan, July 2013 Report, Map, Plan of Service and Recommendations for the Formation of Suffolk County Sewer District No. 4 – Smithtown Galleria and submitted this modified plan to the Legislature for review and approval; and

**WHEREAS**, consistent with the provisions of New York County Law Section 253-b, the Suffolk County Legislature, duly adopted Resolution No. 251-2014, calling a public hearing held at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 29<sup>th</sup> day of April 2014, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing regarding the modification of the plan of service for Suffolk County Sewer District No.4-Smithtown Galleria; and

**WHEREAS**, notice of said public hearing was duly published in the manner and within the time provided by Article 5-A of the New York County Law, said public hearing was duly held at the time and place aforesaid, at which all persons desiring to be heard were duly heard.

**NOW, THEREFORE**, be it and it hereby is

**1<sup>st</sup> RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

**Section 1.** Upon the evidence presented at the aforesaid public hearing, and after due consideration of the amended maps and plans, report, recommendations and other data filed with it, Suffolk County Legislature, hereby finds and determines as follows:

a. The modified plan for said Suffolk County Sewer District No. 4 – Smithtown Galleria as set forth in the Suffolk County Sewer Agency's July 2013 Report, Map, Plan of Service and Recommendations for the Formation of Suffolk County Sewer District No. 4 - Smithtown Galleria is satisfactory, sufficient, adequate and appropriate;

b. That all the property and property owners within the proposed district are benefited by the modified plan;

c. That all the property and property owners benefited continue to be included within the limits of Suffolk County Sewer District No. 4 - Smithtown Galleria; and

d. That the modification of the original plan is in the public interest.

**Section 2.** Said Suffolk County Sewer District No. 4 – Smithtown Galleria continues, as originally established to comprise all that certain plot, piece or parcel of land, with improvements erected thereon situate, lying and being in the Hamlet of Smithtown, Town of Smithtown, County of Suffolk, State of New York as shown on a Map prepared for Suffolk County and on file in the Office of the Commissioner and described as follows:

All that certain plot, piece or parcel of land, situate, lying and being at Smithtown, in the Town of Smithtown, County of Suffolk, and being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Terry Road, said point being 444.89 feet northerly of the intersection of the easterly side of Terry Road with the northerly side of Nesconset-Port Jefferson Highway (NYS Route 347);

THENCE along a curve on the easterly side of Terry Road bearing to the right having a radius of 1885.11 feet a distance of 28.61 feet;

THENCE North 32°12'10" West 228.37 feet;

THENCE North 61°01'53" East 356.33 feet;

THENCE North 28°07'03" West 119.41 feet;

THENCE South 61°52'57" West 355.77 feet to the easterly side of Terry Road;

THENCE along a curve on the easterly side of Terry Road bearing to the right having a radius of 1885.11 feet a distance of 233.75 feet;

THENCE along the easterly side of Terry Road North 18°12'00" West 67.99 feet;

THENCE along a curve on the easterly side of Terry Road bearing to the left having a radius of 1661.77 feet a distance of 199.40 feet;

THENCE North 65°36'33" East 350.41 feet;

THENCE North 27°17'12" West 121.74 feet;

THENCE South 66°36'42" West 350.76 feet to the easterly side of Terry Road;

THENCE along a curve on the easterly side of Terry Road bearing to the left having a radius of 1661.77 feet a distance of 86.22 feet;

THENCE along the easterly side of Terry Road the following three (3) courses:

(1) North 28°02'13" West 42.27 feet;

(2) North 37°07'18" West 618.20 feet;

(3) North 36°57'45" West 26.27 feet to land now or formerly of John Worrell;

THENCE along said land the following three (3) courses:

(1) North 35°24'16" East 284.64 feet;

(2) North 32°35'20" West 146.31 feet

(3) South 60°52'30" West 299.04 feet to a point;

THENCE North 12°07'20" West 151.99 feet;

THENCE North 19°07'30" East 229.63 feet;

THENCE North 86°00'20" East 4.12 feet;  
 THENCE North 20°11'10" East 150.17 feet to land now or formerly of Frank H. Rowan;  
 THENCE along said land the following two (2) courses:  
 (1) South 82°38'20" East 38.40 feet;  
 (2) South 85°35'50" East 156.20 feet to land now or formerly of Howard Silverman;  
 THENCE along said land the following three (3) courses:  
 (1) North 67°41'00" East 91.37 feet;  
 (2) North 65°36'20" East 115.59 feet;  
 (3) North 50°25'30" East 85.43 feet;  
 THENCE South 61°16'40" East 150.00 feet;  
 THENCE South 64°35'20" West 11.31 feet;  
 THENCE South 61°16'40" East 83.17 feet;  
 THENCE South 60°48'30" East 208.66 feet to the westerly side of Fairview Street West;  
 THENCE along the westerly side of Fairview Street West South 07°35'50" East 15.63 feet;  
 THENCE South 78°36'10" West 136.30 feet;  
 THENCE South 17°23'50" East 186.21 feet;  
 THENCE North 71°56'10" East 17.70 feet;  
 THENCE South 18°03'50" East 135.00 feet to the northerly side of Fairview Street West;  
 THENCE along the northerly side of Fairview Street West South 71°56'10" 225.00 feet;  
 THENCE South 18°03'50" East 50.00 feet;  
 THENCE along the southerly side of Fairview Street West North 71°56'10" East 25.00 feet;  
 THENCE along the Map of Town Heights the following four (4) courses:  
 (1) South 18°03'50" East 135.00 feet;  
 (2) North 71°56'10" East 75.00 feet;  
 (3) South 18°03'50" East 65.00 feet;  
 (4) North 71°56'10" East 387.12 feet;  
 THENCE North 72°00'08" East 233.28 feet;  
 THENCE North 71°56'02" East 87.61 feet;  
 THENCE North 74°40'23" East 156.29 feet;  
 THENCE North 71°33'46" East 416.43 feet;  
 THENCE North 71°36'12" East 147.04 feet;  
 THENCE North 71°33'50" East 105.91 feet to Land of the Town of Smithtown;  
 THENCE along said land the following two (2) courses:  
 (1) North 71°48'12" East 356.02 feet;  
 (2) South 23°12'06" East 1222.24 feet;  
 THENCE South 54°21'30" West 281.59;  
 THENCE North 29°20'25" West 240.95 feet;  
 THENCE South 58°09'10" West 1478.97 feet;  
 THENCE North 43°43'20" West 70.02 feet;  
 THENCE South 53°37'30" West 508.83 feet to the point, or place of BEGINNING.

**Section 3.** Pursuant to New York County Law Section 253-b, the Clerk of the Legislature shall cause the amended plan for Suffolk County Sewer District No. 4 – Smithtown Galleria to be filed for preservation in the Office of the Suffolk County Clerk, to be open to inspection by all persons interested.

**2<sup>nd</sup> 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 Title 6 NYCRR Part 617.5(c) (20) and (27) as the proposal involves the adoption of regulations, policies, procedures and local legislative decisions in connection with routine or continuing agency administration and management.

DATED:

APPROVED BY:

---

County Executive of Suffolk County

COUNTY OF SUFFOLK



STEVEN BELLONE  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

PHILIP A BERDOLT  
DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.  
COMMISSIONER

DARNELL TYSON, P.E.  
DEPUTY COMMISSIONER

MEMORANDUM

To: Jon Schneider, Deputy County Executive  
From: Gilbert Anderson, P.E., Commissioner, SCDPW  
Date: June 11, 2014  
Subject: RESOLUTION NO. -2014, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO MODIFYING THE PLAN OF SERVICE FOR SUFFOLK COUNTY SEWER DISTRICT NO.4- SMITHTOWN GALLERIA

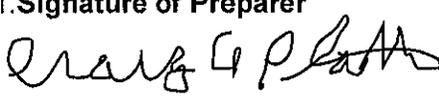
Attached is a draft resolution filed as Reso DPW SA Findings Smithtown Galleria - SCSD #4 2014 and appropriate forms with the backup filed as Backup-Reso DPW SA Findings Smithtown Galleria - SCSD #4 2014 SCIN 176A. This is a resolution Making certain Findings and determinations in relation to the modifying the plan of service for Suffolk County Sewer District No.4- Smithtown Galleria, which will be the Finalization of Departmental takeover of Sewer District operation & maintenance.

GA:JD:cap

cc: Dennis M. Cohen, Chief Deputy County Executive  
Lisa Santeramo, Assistant Deputy County Executive  
Tom Vaughn, Director of Intergovernmental Relations  
John Donovan, P.E., SCDPW  
Janice McGovern, P.E., SCDPW  
Chuck Jaquin, SCDPW  
Robert A. Braun, Esq., SCDOL  
Debra Kolyer, CE Office  
Nick Paglia, Assistant Executive Analyst  
Elizabeth Duffy, SCDPW  
CE Reso Review  
Craig A. Platt, Secretary, SCSA

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**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> RESOLUTION NO. -2014, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO MODIFYING THE PLAN OF SERVICE FOR SUFFOLK COUNTY SEWER DISTRICT NO.4- SMITHTOWN GALLERIA											
<b>3. Purpose of Proposed Legislation</b> Finalization of Departmental takeover of Sewer District operation & maintenance.											
<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? (Circle appropriate category)</b> <table style="width:100%; border:none;"> <tr> <td style="width:33%;">County</td> <td style="width:33%;">Town</td> <td style="width:33%;">Economic Impact</td> </tr> <tr> <td>Village</td> <td>School District</td> <td>Other (Specify):</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td style="text-align:center;">•</td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	•
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District	•									
<b>6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact</b> <div style="font-size: 2em; margin-top: 10px;">N/A</div>											
<b>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</b> NA											
<b>8. Proposed Source of Funding</b> NA											
<b>9. Timing of Impact</b> NA											
<b>10. Typed Name &amp; Title of Preparer</b> Craig A Platt, Assistant Director of Sewer District Activation	<b>11. Signature of Preparer</b> 	<b>12. Date</b> June 10, 2014									
SCIN FORM 175b (10/95)											

Budget Office      *[Signature]*      6/16/14

**FINANCIAL IMPACT  
2014 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

**GENERAL FUND**

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$0.000</b>

**POLICE DISTRICT AND DISTRICT COURT**

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$0.000</b>

**COMBINED**

	2014 PROPERTY TAX LEVY	2014 COST TO AVG TAXPAYER	2014 FEV TAX RATE PER \$1000
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$0.000</b>

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, SEPTEMBER 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

# COUNTY OF SUFFOLK



**STEVEN BELLONE**  
SUFFOLK COUNTY EXECUTIVE

## DEPARTMENT OF PUBLIC WORKS

**VINCENT FALKOWSKI, P.E.**  
CHIEF DEPUTY COMMISSIONER

**GILBERT ANDERSON, P.E.**  
COMMISSIONER

**PHILIP A BERDOLT**  
DEPUTY COMMISSIONER

## 2014 Intergovernmental Relations Memorandum of Support

### **Title of Bill:**

RESOLUTION NO. -2014, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO MODIFYING THE PLAN OF SERVICE FOR SUFFOLK COUNTY SEWER DISTRICT NO.4- SMITHTOWN GALLERIA

### **Purpose or General Idea of Bill:**

Making certain Findings and determinations in relation to modifying the plan of service for Suffolk County Sewer District No.4- Smithtown Galleria. Enable Department to operate & maintain sewer district.

### **Summary of Specific Provisions:**

### **Justification:**

Finalization of Departmental takeover of Sewer District operation & maintenance.

### **Fiscal Implications:**

None

**SCDPW Project:** SCSD #4

**SCDPW Project No.:** Sewer District

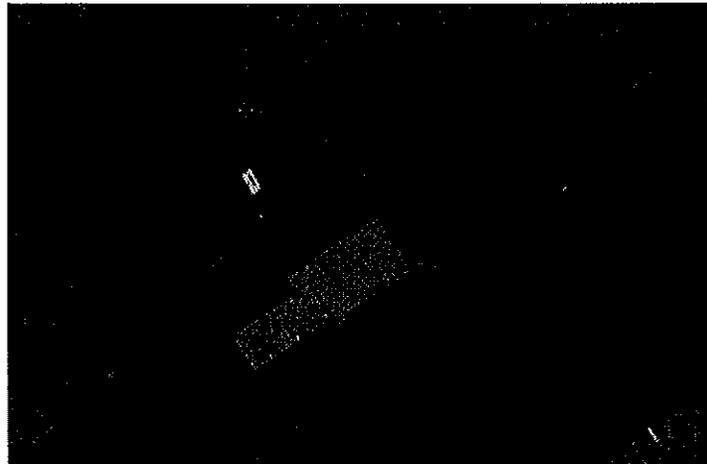
SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1629

**COUNTY OF SUFFOLK  
DEPARTMENT OF PUBLIC WORKS**

**SUFFOLK COUNTY SEWER AGENCY  
Report Recommending  
Amendment or Modification to the June 2002  
Report, Map, Plan of Service and  
Recommendations for the Formation of**

**SUFFOLK COUNTY  
SEWER DISTRICT  
NO. 4 – SMITHTOWN GALLERIA**



**GILBERT ANDERSON, P.E.  
COMMISSIONER**

**July 2013**

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## INDEX OF EXHIBITS

- A. Contract between DiCanio Residential Communities, Inc., Smithtown Galleria Corp., Galleria Environmental Corp., the Suffolk County Department of Public Works, Suffolk County Sewer Agency and the County of Suffolk dated November 26, 1990.
- B. 2002 Report for the Formation of SC Sewer District No 4 – Smithtown Galleria
- C. Suffolk County Legislative Resolution 1403-2004, A Resolution Making Certain Findings and Determinations Upon a Proposal to Form Suffolk County Sewer District No. 4 – Smithtown Galleria in the Town of Smithtown
- D. Notification to the Office of the NYS Comptroller regarding the District Creation of Suffolk County Sewer District #4, Smithtown Galleria
- E. Current Legal Description of District - (Original Sewer District #4 – Galleria, Metes & Bounds, as described in June 2002 report and established by Suffolk County Legislative Resolution - 1403-2004)
- F. Map of District (Original Sewer District #4 – Galleria, as contained in June 2002 report and- established by Suffolk County Legislative Resolution 1403-2004)
- G. Estimated Operation and Maintenance Budget - (as included in June 2002 report and considered in public hearing leading to Suffolk County Legislative Resolution - 1403-2004)
- H. Estimated Amended Operation and Maintenance Budget (Revised June 2013 to include previously omitted spread costs and cost increases since 2002)
- I. Wastewater Treatment Plant Inspection Memo (2013)
- J. Assessment Stabilization Reserve Fund (ASRF)
- K. Methodology for Calculation of Sewer District Usage Charges

## INTRODUCTION

In accordance with Article 5-A of New York State County Law and by Resolutions No. 494-1965 and No. 518-1965, the Suffolk County Board of Supervisors formed the Suffolk County Sewer Agency in September 1965. The County Legislature, as the successors to the Board of Supervisors, by Resolution No. 407-1970, authorized the Chairman of the Agency to execute agreements with sub-dividers and developers. Thereafter, by Resolution No. 212-1973, the County Legislature again directed the Agency, with the assistance of the Department of Environmental Control acting as its staff, to prepare the necessary maps, plans, specifications and other relevant material for the formation, extension or improvement of County sewer districts.

The Suffolk County Department of Public Works, Suffolk County Sewer Agency and the County of Suffolk entered into a contract with DiCanio Residential Communities, Inc., Smithtown Galleria Corp. and Galleria Environmental Corp. on November 26, 1990 (Exhibit A). This contract contains, among other things, the commitment by the developer to construct wastewater collection, treatment and disposal facilities for a development known as Smithtown Galleria and offer these facilities at no cost to the County, or its nominee. This agreement is recorded against the property and is binding upon all subsequent owners. In the agreement is a provision, which consents to the formation of a County sewer district encompassing the property covered by the agreement.

In accordance with those resolutions and pursuant to Article 5A of the County Law, the Agency caused the Department of Public Works, as the successors to the Department of Environmental Control, to prepare and submit the necessary information and data relating to the formation of Suffolk County Sewer District No 4 – Smithtown Galleria. The report, dated July 2002 (Exhibit B), was submitted to the Legislature, which held a public hearing on the district formation on November 19, 2002. The District was formed in accordance with Resolution No. 1403-2004 (Exhibit C); and the Notification for District Creation (Exhibit D), was submitted to the Office of the NYS Comptroller.<sup>1</sup>

---

<sup>1</sup> The Legislature first adopted findings with regard to the District on March 11, 2003, by Resolution No. 179-2003, which was amended on May 11, 2004, by Resolution 520-2004.<sup>1</sup> Resolution No. 1403-2004 rescinded Resolution No. 179-2003.

Subsequent to the formation of the district, it was determined that the budget, and fees to be paid under the new district's proposed plan of service as contained in the original 2002 Sewer Agency report, were flawed. Portions of the operational costs, namely the spread costs, had been omitted from the budget. As will be stated below, it is necessary to amend and modify the map and plan of service to amend the projected cost to district members.

The Smithtown Galleria project consists of 187 townhouse units (Windcrest at the Galleria), 42 single family homes (Galleria Heights and Coventry Village at the Galleria), 312 apartment units, a pharmacy (9 Single Family Equivalents (SFE)), a clubhouse (1 SFE) and a day care center (11 SFE), a total of 562 SFE. Additionally, once the District is formed, the two adjacent restaurants, Famous Dave's and Carrabba's (also known as Jado's 2 Restaurants) which will result in an additional 52 SFE, bringing the total SFE to 614. Jado's 2 Restaurants will be connected as out of district connectees, and will increase the flow to the plant by 13,590 gallons per day. A requirement of the approval for connection with the owner of the restaurants is that the District be formed prior to said connection of the restaurants to the STP.

### **DISTRICT POPULATION**

Using 3.5 persons per townhouse unit, single family home and apartment unit larger than 1200 SF and 2.5 persons for each apartment unit less than 1200 SF, it is estimated that the total population of the district is 1917 persons, or 614 single family equivalents (SFE).

### **GENERAL BOUNDARY DESCRIPTION**

The proposed district is situated in the central portion of the Town of Smithtown in the hamlet of Smithtown. Including the sewage treatment plant site, the proposed district will consist of 82.6± acres.

The proposed district, is bounded on the south by Port Jefferson – Nesconset Highway (NYS Route 347), on the east and the north by single family homes, and on the west by Terry Road.

A metes and bounds description that was included in the original public hearing report of 2002 as established by Resolution 1403-2004, is appended hereto as Exhibit E.

## **WASTEWATER TREATMENT FACILITIES**

The wastewater treatment plant was designed and constructed to accommodate 178,000 gallons per day (GPD). Of this capacity, 8,900 GPD is associated with filter backwashing and reduces the usable connected capacity to 169,100 GPD.

The collection system within the district boundary and within public roads will be accepted for dedication. Where necessary, and as provided for by the existing Agency agreement, easements will be granted for any portion of the collection system not within public roads, as determined by the Department. It is not the policy of the Department to assume responsibility of the house connection laterals or collection system on private property.

## **AMENDMENT AND MODIFICATION OF PLAN**

The original plan prepared, based on the 2002 budget, and subject of a public hearing and notice to the State Comptroller resulted in the district being legally formed in 2005. Ownership, however, of the pertinent facilities was never transferred to the County. The original estimated cost per typical property in the original 2002, map and plan did not factor in all spread costs. Inclusion of spread costs increases the annual cost per typical property from \$470 (2002 map and plan) to \$685 (2013 budget). Since the original map and plan was based on costs for 2002 the map and plan must be amended to include an inflation factor. There will also be a financial contribution from Jado's 2 Restaurants. Exhibits G and H include the budgets for 2002 and in accordance with the above, a budget for 2013 that includes the spread costs, the inflation factor, and the Jado's 2 Restaurants.

## **CAPITAL COSTS**

No capital costs will be incurred in connection with the formation of this proposed sewer district; and, therefore, there will be no bond issue. The financial contributions associated with the connection of the Jado's 2 Restaurants will be for the purpose of securing future capital improvements. It is estimated that the improvements that are listed in an inspection report, attached as Exhibit I will be upgraded/modified/repared by Smithtown Galleria Associates Limited Partnership, the owner of the STP prior to the

take-over. In addition, it is possible that after the operation and maintenance responsibilities have been transferred to the County, other items will be identified as needing repair/replacement. The \$203,850 in connection fees from the Jado's 2 Restaurants should be applied to these costs. In accordance with established requirements (for a private STP) of the Suffolk County Department of Health Services, funds must be in place to replace the single largest piece of equipment of the plant. The cost of this replacement is estimated to be \$70,000. The basis for the availability of these funds is for capital improvements.

## **PROPOSED FINANCIAL PLAN AND COSTS TO HOMEOWNERS**

### **A. Federal and State Aid**

There is no expectation of receipt of Federal or State funds for the formation of this district.

### **B. Preliminary User Charges**

1. Present Charges: Presently, and until the dedication of the proposed district facilities is completed, the allocated operation and maintenance costs will continue to be paid privately to the developer by the present users under the terms of the existing private agreement.
2. District Charges: The Environmental Protection Agency regulations require that any sewer district formed in Suffolk County after December 27, 1977 must charge the users based upon actual use, and not ad valorem. Therefore, the district will be established pursuant to Section 266 of the County Law of the State of New York, and thus require a flat annual sewage charge be paid by all users for the calendar year 2013, or fraction thereof:

### **C. Annual Operation and Maintenance Costs and Charges**

The operation and maintenance budget for 2013, which includes Jado's 2 Restaurants, is \$420,590. The proposed district will consist of condominiums, single family homes, residential apartments, retail, and office buildings, which will all share equally on a per unit of flow basis in the annual costs of operation and maintenance. Each residential unit will be billed every three months which, together with the per unit basis, is consistent policy with every other non-ad valorem County sewer district. Commercial units are billed annually. It is estimated that each residential

user will pay \$685 per year, while industrial/commercial users will pay a per gallon charge plus any applicable industrial waste fee (See Exhibit K). As per established Departmental policy, out of district connectees will be charged an additional 5% administrative charge on their sewer use bills.

**TAXABLE AND NON-TAXABLE REAL PROPERTY IN THE DISTRICT**

There are no state lands or non-taxable properties in the district as amended with the exception of the improvements on the sewage treatment plant site, once dedicated to the district.

The district, is within the unincorporated area of the Town of Smithtown and is within School District No. 1. The average assessments in the proposed district, as well as the latest available schedule of taxes levied against properties within the proposed district, are set forth in the following table:

**Tax Rate per \$1000 AV for 2012-2013**

Description	A/V	Extended Taxes	Rate
Smithtown School District	5700	\$8,166.89	1432.787
District Court	5700	\$17.94	3.148
Suffolk County Police	5700	\$1,328.80	233.122
Suffolk County General	5700	\$88.51	15.528
Highway I (excluding Villages)	5700	\$521.43	91.478
Town (excluding Villages)	5700	\$96.06	16.853
Highway II III IV	5700	\$130.03	22.812
Town Wide	5700	\$486.85	85.412
Out of County Tuition Tax	5700	\$12.56	2.204
New York MTA Tax PD	5700	\$2.77	0.485
New York MTA Tax	5700	\$3.01	0.528
NYS Real Prop Tax PD	5700	\$30.03	5.269
NYS Real Property Tax	5700	\$131.20	23.017
Nesconset Fire District	5700	\$378.81	66.458
Smithtown Library	5700	\$285.78	50.137
Street Lighting District	5700	\$17.96	3.151
Arterial Highway Lights	5700	\$22.13	3.883
Waste Management 1 Fam.	305	\$305.00	305
Smithtown Fire District			64.313
Total			2425.585

**AVERAGE ASSESSED HOME TAX 2012-2013**

Coventry Village at the Galleria	\$6,195 AV	\$13,030 Tax
Galleria Heights	\$7,825 AV	\$16,379 Tax
Windcrest at the Galleria	\$5,700 AV	\$12,026 Tax

## RECOMMENDATIONS, COMMENTS AND FINDINGS

- A. The dedication of the facilities in the proposed district will result in fulfilling the intent of the contracts between the developer, the Suffolk County Sewer Agency, et al.
- B. The District responsibilities will include the wastewater treatment facility and site and sewers in the public roadway, and established easements, but as previously stated, not the house connection laterals or collection system on private property.
- C. It is recommended that financial contributions of Jado's 2 Restaurants as contract connectees be provided to secure capital improvement.
- D. Smithtown Galleria Associates Limited Partnership, the owner of the sewage treatment plant, will transfer the funds in the reserve equipment account, currently in excess of \$70,000, to the County at the time the County assumes ownership, as well as any funds in the 2013 capital account that have not been expended.
- E. Finally, it is recommended that this report be made the subject of a public hearing to determine whether it is in the public interest to amend the map's district boundary and plan of service, as proposed, including the increase in projected fees, and if such is not in such public interest, to rescind Legislative Resolution 1403-2004, which formed the District.

Respectfully submitted,



Gilbert Anderson, PE.

Commissioner of the Suffolk County Department of  
Public Works, Chairman of the Suffolk County Sewer  
Agency and Administrative Head of All Suffolk County  
Sewer Districts

# **Exhibit**

## **A**

**Contract between DiCanio Residential Communities, Inc., Smithtown Galleria Corp., Galleria Environmental Corp., the Suffolk County Department of Public Works, Suffolk County Sewer Agency and the County of Suffolk dated November 26, 1990.**

DEC 7 1990  
Cmm

This AGREEMENT is made this 20 day of NOVEMBER, 1990  
by, between and among:

DICANIO RESIDENTIAL COMMUNITIES, INC., a corporation duly organized under, and existing by virtue of, the laws of the State of New York, with its principal place of business at 712 Smithtown Bypass, Smithtown, New York 11787, and SMITHTOWN GALLERIA CORP., a corporation duly organized under, and existing by virtue of, the laws of the State of New York, with its principal place of business at 712 Smithtown Bypass, Smithtown, New York 11787, GALLERIA ENVIRONMENTAL CORP., a corporation duly organized under, and existing by virtue of, the laws of the State of New York, with its principal place of business at 712 Smithtown Bypass, Smithtown, New York 11787 (Note: DICANIO RESIDENTIAL COMMUNITIES, INC., SMITHTOWN GALLERIA CORP. and GALLERIA ENVIRONMENTAL CORP. are hereinafter collectively referred to in the singular as "OWNER", and shall be jointly and severally liable for each and every obligation of OWNER herein); and

SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS, a Department of the County Government of Suffolk County, New York, having offices at the Yaphank County Center, on Yaphank Avenue, in Yaphank, New York 11980, hereinafter referred to as "DPW", and

SUFFOLK COUNTY SEWER AGENCY, a unit of the County Government of Suffolk County, New York, having offices at the Yaphank County Center, on Yaphank Avenue, in Yaphank, New York 11980, hereinafter referred to as the "AGENCY", and

COUNTY OF SUFFOLK, through the Chairman of the Suffolk County Sewer Agency, acting on behalf of the County, having offices at the Suffolk County Center, Riverhead, New York 11901, hereinafter referred to as the "COUNTY".

W I T N E S S E T H :

WHEREAS, DICANIO RESIDENTIAL COMMUNITIES, INC. and SMITHTOWN GALLERIA CORP. are the owners of the property located at the northeast corner of Terry Road and Nesconset Highway, in the Town of Smithtown, County of Suffolk and State of New York, more particularly bounded and described as set

see attached  
800  
REG.  
19th House + Home  
lots 16 + 17

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DISTRICT	SECTION	BLOCK	LOT
0800	108 00	0100	020.000 021.100 022.100
0800	106 00	0400	050 000
		0400	P.O.060 000 080 000 090 000 010 000 011 000 022 000 023 000 031.000 040.000
	106.00	0500	P.O.003.000 009.000 P.O.011.000 011.002 P.O.013.000 014.000 015.001 016.000 017.000  001.000 003.001 004.000 005.000 006.000 007.000  P.O.008.000 011.000 013.00 014.000 015.002 017.001 017.002

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forth in "Schedule A" annexed hereto, which property is hereinafter referred to as the "PREMISES", and

WHEREAS, GALLERIA ENVIRONMENTAL CORP. is the owner of the site upon which the sewage treatment plant referred to herein shall be constructed, and

WHEREAS, the PREMISES is not located within the boundary of any Suffolk County sewer district, and

WHEREAS, OWNER has caused to be filed with the AGENCY, the COUNTY, the Suffolk County Department of Health Services and the Township of Smithtown, a certain map entitled "The Galleira", which map is dated February, 1988, was prepared by Nelson and Pope, and shows the location of a planned community consisting of apartments, single-family residence dwellings and commercial establishments, upon eighty-one (81) acres of land located at Smithtown, County of Suffolk and State of New York (the PREMISES), and

WHEREAS, the aforesaid planned community is expected to generate approximately ONE HUNDRED SEVENTY-FIVE THOUSAND GALLONS PER DAY (175,000 GPD) of sewage, and

WHEREAS, OWNER is desirous of constructing a sewage treatment plant upon the PREMISES, together with all equipment, appurtenances and/or facilities used in connection therewith, to serve the sewage collection, treatment and disposal needs of the aforesaid planned community,

NOW THEREFORE, in consideration of the individual and mutual covenants, promises and representations herein contained, the parties hereto do hereby agree as follows:

1. DICANIO RESIDENTIAL COMMUNITIES, INC. and SMITHTOWN GALLERIA CORP. warrant and represent that they own the PREMISES herein described, and that they shall, at their sole cost, expense and effort, provide a legible photocopy of the recorded deed(s) of ownership to the PREMISES, including the Suffolk County Tax Map Number of same, which shall be annexed hereto and marked "Schedule A",

2. OWNER shall comply with all of the provisions of Suffolk County Local Law Number 24-1986 and any amendment thereof and/or successor law thereto. A copy of said local law is annexed hereto and marked "Schedule B".

3. OWNER shall comply with all of the provisions of the Suffolk County Sanitary Code.

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4. OWNER shall, at OWNER's sole cost, expense and effort, design and construct, and maintain on a continuous basis, a sewage treatment plant, together with any and all sewer lines, manholes, pretreatment systems, lateral sewers, pump stations and/or force mains, as well as any and all equipment, appurtenances and/or facilities used in connection therewith, necessary, in the sole discretion of the AGENCY and/or DPW, to serve the sewage collection, treatment and disposal needs of the aforesaid planned community.

5. If, in the sole discretion of DPW and/or the Suffolk County Department of Health Services, pretreatment facilities are required, OWNER shall, at OWNER's sole cost, expense and effort, design and construct such pretreatment facilities. Such pretreatment facilities shall be operated and maintained by, at the option of DPW, either (a) DPW, or (b) personnel provided by OWNER, at OWNER's sole cost, expense and effort, which personnel shall be acceptable to DPW. Should DPW so request, OWNER shall provide, at any time or times during the term of this Agreement or during the term of any renewal or extension hereof, at OWNER's sole cost, expense and effort, a sampling station and equipment to measure the volume and strength of sewage flow from the PREMISES. Such sampling station and equipment shall be subject to approval by DPW as a condition of OWNER's continued use of the PREMISES. DPW reserves the right to inspect the PREMISES in connection with such approval if, in its sole discretion, it deems same to be necessary. Testing of samples shall be performed in accordance with the procedure set forth in Standard Methods for the Examination of Water and Waste Water, published by the American Public Health Association, Inc., current edition. OWNER's design and construction of any pretreatment facilities shall be done in a good workmanlike manner and to the satisfaction and specifications of DPW.

6. OWNER warrants and represents that all sewer lines, manholes, lateral sewers, pump stations and/or force mains, as well as any and all equipment, appurtenances and/or facilities used in connection therewith, located in, under or upon the PREMISES, shall be constructed, and shall be maintained, in accordance with the rules and regulations of DPW. Except as may be otherwise provided in paragraph (5) above, any such maintenance required shall be the responsibility of OWNER, and shall be performed at OWNER's sole cost, expense and effort.

7. Prior to the commencement of construction of any sewer lines, manholes, pretreatment systems, lateral sewers, pump stations and/or force mains, or of any and all

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equipment, appurtenances and/or facilities used in connection therewith, all hereinafter referred to as "sewerage facilities", OWNER shall, at OWNER's sole cost, expense and effort, (i) obtain from the AGENCY a Special Permit as provided for in Local Law No. 24-1986 [a copy of which is annexed to this Agreement and marked "Schedule B"] and/or in any amendment thereof and/or successor law thereto, (ii) obtain a construction permit from the Suffolk County Department of Health Services, and (iii) secure any and all other permits which may be lawfully required by, and abide by the rules and regulations of, each and every municipality and/or department and/or agency having jurisdiction in or over the matter.

8. At least fourteen (14) days prior to the commencement of construction of any sewerage facilities, OWNER shall notify DPW, the AGENCY and the COUNTY, in writing, of the proposed date or dates on which construction is scheduled to commence, and shall include with said notice a tentative schedule setting forth all work proposed to be done during the thirty (30) days following the commencement of construction and the exact location thereof. OWNER shall not commence construction of any sewerage facilities until (i) the location and order of progression of the proposed work as set forth in the aforesaid schedule has been approved by DPW, and (ii) arrangements have been made with DPW for inspection by DPW of the said work. OWNER shall notify DPW, in writing and within twenty-four (24) hours, of any addition(s), deletion(s), change(s) or other modification(s) to, from or in the said schedule. The said schedule shall be updated as necessary by OWNER to set forth all work proposed to be done after the thirty (30) days following the commencement of construction. Such updating shall be done with sufficient frequency so that DPW, the AGENCY and the COUNTY shall have a minimum of thirty (30) days advance notice, via the aforesaid schedule, of all work proposed to be done. All such updates of the said schedule shall be subject to the same terms and conditions as the originally-submitted schedule, as set forth above.

9. OWNER shall, at all times, comply with any and all orders, directives and requests of DPW and of each and every municipality, department and/or agency having jurisdiction in or over the work to be performed by OWNER hereunder.

10. (A) OWNER's construction of all sewerage facilities shall be in accordance with the rules and regulations of DPW and shall be subject to the approval of DPW.

(B) OWNER warrants and represents that all sewer lines, manholes, lateral sewers, pump stations and/or

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force mains, as well as any and all equipment, appurtenances and/or facilities used in connection therewith, located in, under or upon the PREMISES, shall be constructed and shall be maintained in accordance with the rules and regulations of DPW. Any such maintenance required shall be the responsibility of OWNER and shall be performed at OWNER's sole cost, expense and effort.

11. Prior to the commencement of construction of any sewerage facilities, OWNER shall, at OWNER's sole cost, expense and effort, submit to DPW an engineering report, plans and specifications of all proposed work, prepared by a professional engineer duly licensed by the State of New York, showing all sewer lines, manholes, pretreatment systems, lateral sewers, pump stations and/or force mains, as well as any and all equipment, appurtenances and/or facilities used in connection therewith, on the PREMISES. Said report, plans and specifications shall include the location of all sewer easements and sites, and shall be subject to review by, and the approval of, DPW prior to the commencement of construction of any sewerage facilities, and no such construction shall commence until the said report, plans and specifications shall have been approved, in writing, by DPW. DPW shall, within a reasonable time, examine the said report, plans and specifications submitted by OWNER, and shall make such inspections and reports as DPW, in its sole discretion, may require. The engineers and inspectors of DPW, as well as all of DPW's staff, shall not replace, nor act as or on behalf of, the engineers, inspectors or staff of OWNER, and nothing contained herein or elsewhere in this Agreement shall be construed to the contrary. At the conclusion of the work hereunder, OWNER shall, at OWNER's sole cost, expense and effort, submit to DPW, in accordance with DPW's specifications, two (2) reproducible transparencies, Mylar or equal, and one (1) microfilm, of "as-built" drawings, prepared by a land surveyor duly licensed by the State of New York, showing the exact location and depth of all sanitary sewerage facilities.

12. Prior to covering, burying or otherwise concealing or obscuring any sewerage facilities, OWNER shall request an inspection by DPW of the construction of same. OWNER shall await such inspection, and shall not cover, bury or otherwise conceal or obscure any sewerage facilities until the same have been both inspected and approved by DPW. In the event that OWNER fails to request an inspection as set forth herein, and/or fails to await such inspection, and causes or permits, whether intentionally or otherwise, any sewerage facilities to be covered, buried or otherwise concealed or obscured before the same have been both inspected and approved by DPW, then OWNER shall, at OWNER's sole cost, expense and effort, excavate, uncover and/or otherwise remove

the same from concealment or obscurity, in order that the same may be inspected, and approved or disapproved, by DEW.

13. Deleted.

14. Prior to the commencement of construction of any sewerage facilities, OWNER shall, at OWNER's sole cost, expense and effort, furnish an irrevocable letter of credit issued by a New York bank, for the repair, restoration and/or maintenance of any facilities (sewerage or otherwise) owned by any political subdivision having jurisdiction over the public land or lands in, through, over, under or upon which OWNER will construct any of the sewerage facilities provided for herein. Said letter of credit shall be in form and wording satisfactory to, and in an amount or amounts requested by, any such political subdivision.

15. (A) (i) Prior to the commencement of construction of Stage 1 of the PLANT, OWNER shall, at OWNER's sole cost, expense and effort, furnish an irrevocable letter of credit issued by a New York bank, in an amount equal to one hundred twenty (120%) percent of the estimated cost of construction of Stage 1, to ensure that, in the event OWNER fails to undertake and/or complete the construction of Stage 1, sufficient financial resources are available to construct, or complete the construction of, Stage 1.

(ii) After the completion of Stage 1 and, at the option of OWNER, the total release of the letter of credit posted therefor, and prior to the commencement of construction of Stage 2 of the PLANT, OWNER shall, at OWNER's sole cost, expense and effort, furnish an second irrevocable letter of credit issued by a New York bank, in an amount equal to one hundred twenty (120%) percent of the estimated cost of construction of Stage 2, to ensure that, in the event OWNER fails to undertake and/or complete the construction of Stage 2, sufficient financial resources are available to construct, or complete the construction of, Stage 2.

(iii) After the completion of Stage 2 and, at the option of OWNER, the total release of the letter of credit posted therefor, and prior to the commencement of construction of Stage 3 of the PLANT, OWNER shall, at OWNER's sole cost, expense and effort, furnish a third irrevocable letter of credit issued by a New York bank, in an amount equal to one hundred twenty (120%) percent of the estimated cost of construction of Stage 3, to ensure that, in the event OWNER fails to undertake and/or complete the construction of Stage 3, sufficient financial resources are available to construct, or complete the construction of, Stage 3.

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(iv) Each letter of credit posted hereunder shall be irrevocable, shall be in form and wording satisfactory to DPW, and shall be self-reducing, i.e., as the work progresses on the particular Stage of the construction of the PLANT for which each letter of credit has been posted, the amount of the letter of credit shall be automatically reduced for each dollar advanced by OWNER for the expansion and improvement of the PLANT.

(B) Every letter of credit referred to in paragraph (A) above shall be periodically renewed by OWNER, at OWNER's sole cost, expense and effort, until such time as OWNER has completed the construction of all facilities for which such Letter of Credit has been posted. Said renewal(s) shall be made not less than two (2) months prior to the expiration of the said letter of credit or the expiration of any renewal thereof. OWNER shall provide proof of said renewal or renewals to the AGENCY within fourteen (14) days of each renewal. The failure of OWNER to so renew the said letter of credit, or to so provide proof of same, shall constitute a default under the letter of credit and under this Agreement.

(C) No letter of credit referred to in subparagraph (A) above shall be finally released until 1- all work on the stage of the PLANT for which such letter of credit was posted has been completed to the satisfaction of DPW, 2- such stage is operating to the satisfaction of DPW, and 3- such stage achieves such effluent standards for such period of time as may be required by the NYSDEC.

(D) Prior to the release of the final letter of credit, OWNER shall deliver to DPW the maintenance bond hereinafter referred to in paragraph twenty-four (24) for the due, proper and efficient maintenance and operation of the sewerage facilities provided for herein.

(E) In the event that OWNER constructs the plant in more or less than three (3) stages, the provisions of this paragraph (15) shall be amended to reflect the actual number of stages.

16. During the course of construction of the sewerage facilities provided for herein, the engineers, inspectors and staff of DPW, and the Highway Department of the Town and/or Village in which the PREMISES are situate, shall have the right, at any time, to make inspections of the work.

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17. During the course of construction of the sewerage facilities provided for herein, OWNER shall, at OWNER's sole cost, expense and effort, make any tests of the sewerage facilities as may from time to time be requested by DPW. In the event that DPW issues a stop-work order, OWNER shall immediately cease all work on the item, or items, set forth in the said order and shall not resume such work until the order shall have been vacated, in writing, by DPW.

18. (A) All costs incurred by DPW during the course of construction of the sewerage facilities provided for herein, including, but not limited to, engineering costs, for any examination, inspection, audit, test, report and/or service either called for herein or, in the sole discretion of DPW, required, shall be borne by OWNER. Prior to the commencement of construction of any sewerage facilities, OWNER shall post the sum of FIFTEEN THOUSAND AND NO/100THS (\$15,000.00) DOLLARS, or a sum equal to five (5%) percent of OWNER's total costs for the construction of the sewerage facilities provided for herein, whichever is greater, in cash, or by certified check, bank check or teller's check drawn to the order of "Suffolk County Treasurer", which sum shall be applied toward the aforesaid costs of DPW. Thereafter, OWNER shall from time to time post such further and additional sums as shall be requested by DPW, which shall also be applied toward the said costs of DPW. Subject to paragraphs (19) and (20) below, the total amount of all sums so posted by OWNER shall not exceed five (5%) percent of OWNER's total costs for the construction of the sewerage facilities provided for herein. OWNER shall submit proof, satisfactory to DPW, of its said total construction costs.

(B) In addition to the costs set forth in paragraph (18)(A) above, OWNER shall pay for a two-week inspection, by a representative of DPW, of the facilities to be constructed by OWNER pursuant to the terms hereof. OWNER's offer of dedication of said facilities, as set forth herein, shall not be accepted unless and until such two-week inspection has been performed and said inspection indicates to DPW that the facilities are in good working order.

19. For the sums posted by OWNER pursuant to paragraph (18) above, OWNER shall be entitled to have DPW review no more than two (2) submissions of plans and specifications for approval. In the event that additional submissions are made showing any addition(s), deletion(s), change(s) or other modification(s), whether or not requested or required by DPW, OWNER shall pay, upon demand, in the same manner as set forth in paragraph (18) above, an additional sum in the amount of one-half of one (0.5%) percent of OWNER's total costs for the

construction of the sewerage facilities provided for herein for each such additional submission.

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20. The percentage limitations set forth in paragraphs (18) and (19) above on the sums to be paid by OWNER do not include any allowance for any expenses incurred by DPW as a result of OWNER's scheduling work to be performed on over-time, weekends or holidays, or other than during the normal working hours of DPW's staff. No such work shall be scheduled by OWNER without DPW's consent. In the event that any such work is scheduled, OWNER shall pay, upon demand, in the same manner as set forth in paragraph (18) above, an additional sum in an amount estimated by DPW, in DPW's sole discretion, to cover DPW's anticipated additional costs as a result thereof. Should DPW's estimate prove to be insufficient to cover its actual additional costs, OWNER shall, upon demand, pay to DPW, in the same manner as set forth in paragraph (18) above, the difference between the estimated and the actual additional costs.

21. Any unused portion of the sum or sums posted by OWNER pursuant to paragraphs (18), (19) and (20) above shall be returned to OWNER.

22. The sum or sums posted by OWNER pursuant to paragraphs (18), (19) and (20) above shall not exceed reasonable levels for the particular activity(ies) described. DPW shall exercise reasonable controls over its costs in this regard. Upon request by OWNER, DPW shall provide OWNER with evidence to account for its said costs.

23. OWNER shall provide, at OWNER's sole cost, expense and effort, an insurance policy or policies in accordance with the requirements set forth in "Schedule C" annexed to this Agreement. At DPW's request, OWNER shall submit said policy or policies, or due evidence thereof, in the form of certificates or binders, to DPW. The failure of OWNER to furnish and maintain insurance, certificates or binders as required herein may be deemed by DPW to be a default hereunder and DPW, in addition to other remedies to which it may be entitled in such cases, may, but shall not be obligated to, purchase such equivalent insurance at the cost and expense of OWNER.

24. Prior to the commencement of operation of any facilities provided for herein, OWNER shall furnish, at OWNER's sole cost, expense and effort, a maintenance bond, to ensure that, in the event OWNER fails to properly maintain any of the facilities provided for herein, sufficient financial resources are available for same. Said maintenance bond

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shall be in form and wording satisfactory to, and in an amount determined by, DPW and/or the AGENCY and/or the COUNTY. Said maintenance bond shall be effective for a period of five (5) years, and shall be renewed by OWNER, at OWNER's sole cost, expense and effort, for successive periods of five (5) years, until such time, if ever, as the AGENCY shall have accepted dedication of the facilities provided for herein. OWNER shall, at OWNER's sole cost, expense and effort, provide for covenants, which shall be recorded in the Office of the Clerk of the County of Suffolk and which shall run with each portion of the PREMISES sold or transferred by OWNER, which shall provide that each and every subsequent owner of any portion of the PREMISES sold or transferred by OWNER shall be lawfully obligated to contribute towards the cost of (i) maintaining the facilities provided for herein and (ii) the maintenance bond, and any renewals thereof, provided for herein, in sufficient amounts so that the sums collected at any time from all owners of the PREMISES shall be sufficient to pay the cost of the maintenance and the maintenance bond provided for herein. No S-9 form or other approval shall be issued by the AGENCY in connection with the PREMISES unless and until the AGENCY approves the form and substance of said covenants and OWNER furnishes proof to the AGENCY that same have been recorded in the Office of the Suffolk County Clerk.

25. OWNER shall save, indemnify and hold harmless DPW, the AGENCY and the COUNTY, and any and all of their departments, agencies, bureaus, employees, personnel, agents and representatives, from and against any and all loss or expense, including attorneys fees, by reason of any liability imposed by law upon any of them, except in cases of their negligence, for any damages or claim for damages arising out of, or in consequence of or in connection with, this Agreement, including, but not limited to, bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or on account of damage to property, whether such injury to persons or damage to property is due or claimed to be due to any passive negligence, or any act or omission, intentional or otherwise, of DPW, the AGENCY or the COUNTY, or any combination of them, and/or any of their departments, agencies, bureaus, employees, personnel, agents or representatives. It is further understood and agreed that OWNER shall, at the option of DPW and/or the AGENCY and/or the COUNTY, defend any of the entities indemnified hereunder with appropriate counsel and, further, shall bear all costs and expenses, including the expense of counsel, in the defense of any action or proceeding arising hereunder.

26. OWNER shall, at OWNER's sole cost, expense and effort, repair, replace and/or restore any and all sewer

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lines, manholes, lateral sewers, pump stations and/or force mains, as well as any and all equipment, appurtenances and/or facilities used in connection therewith, and also any DPW facilities, in the event that either or both are damaged or disturbed as the result of any act or omission, intentional or otherwise, by OWNER and/or by OWNER's guests, invitees, etc., and/or by anyone acting for or on behalf of OWNER or at or under OWNER's direction or control.

27. The sewage treatment plant provided for herein, together with any and all sewer lines, manholes, pretreatment systems, lateral sewers, pump stations and/or force mains, as well as any and all equipment, appurtenances and/or facilities used in connection therewith, and the site upon which same are situate, including the collection system for same, are hereby irrevocably offered for dedication to the AGENCY by OWNER, free of charge and without expectation of any reimbursement or compensation. Upon approval of the construction thereof, the AGENCY may, at any time, accept title to same.

28. (A) DPW may, subject to paragraph (28)(B) below, provide routine and/or minor maintenance, and/or major repairs, and/or any other service, to the sewerage facilities provided for herein, and/or to the sewer lines, manholes, pretreatment systems, lateral sewers, pump stations and/or force mains, as well as to any and all equipment, appurtenances and/or facilities used in connection therewith, necessary, in the sole discretion of DPW, for the upkeep of same. OWNER shall pay for any such work done by DPW.

(B) Except in cases of emergency, DPW shall not undertake any of the work set forth in paragraph (28)(A) above unless OWNER fails to perform same after reasonable notice has been given by DPW. DPW shall have sole discretion in deciding what constitutes an "emergency" as that term is used in this paragraph.

29. No properties, parties, persons, corporations or other entities shall be permitted to connect to any sewerage facilities of OWNER, whether or not situate in, under or upon the PREMISES, nor to any sewerage facilities in, under or upon the PREMISES, whether or not owned by OWNER, without the written consent of the AGENCY. The provisions of this paragraph (29) do not pertain to the individual units which comprise the PREMISES herein.

30. (A) Subject to the execution of an agreement with OWNER acceptable to the AGENCY, which shall provide for

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payment of consideration to OWNER for purchase and reservation of capacity in OWNER's sewage treatment plant in an amount acceptable to the AGENCY, and pending the formation of a County sewer district, the AGENCY shall be entitled to arrange for any one or more properties, parties, persons, corporations or other entities to connect to any sewerage facilities of OWNER, whether or not situated in, under or upon the PREMISES, or to any sewerage facilities in, under or upon the PREMISES, whether or not owned by OWNER. The cost of any such connection(s) shall be borne by the property, party, person, corporation or entity connecting. No portion of said cost shall be borne by OWNER. Nothing herein contained shall be construed as a grant of an easement or right of way on, over, under or through any portion of the PREMISES.

(B) OWNER shall be entitled to receive from any connecting entity a fair and reasonable charge for said entity's proportionate share of the operation and maintenance costs of the sewage treatment plant. Said charge shall be subject to the approval of the AGENCY.

31. Deleted.

32. This Agreement shall be recorded in the Office of the Clerk of the County of Suffolk and shall be binding upon the heirs, executors, administrators, successors and/or assigns of the parties hereto, including, but not limited to, subsequent owners of the PREMISES.

33. The parties hereto have duly executed this Agreement in counterparts, any one of which may be considered an original.

34. OWNER hereby irrevocably consents to the formation or extension of any County or Town sewer district to serve the sanitary sewage disposal needs of the PREMISES.

35. This Agreement may not be modified or repealed without the prior written consent of the AGENCY.

36. Reasonable written notice of any default by OWNER hereunder shall be given to OWNER. The failure of OWNER to cure any default hereunder within ten (10) days after notice thereof (or, where such default is not curable within ten (10) days, to commence the cure within ten (10) days and to complete the cure within a reasonable period of time), shall (a) constitute an automatic default under any bond(s) or letter(s) of credit posted hereunder by OWNER, and (b) entitle DPW and/or the AGENCY and/or the COUNTY to pursue all available remedies, hereunder or elsewhere, against OWNER

and OWNER's surety or sureties, unless it is determined, in the sole discretion of DPW, that OWNER has made a bona fide attempt to cure said default.

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37. OWNER warrants and represents that neither OWNER nor any official, officer, employee, etc., of OWNER has offered or given any gratuity to any official, employee or agent of Suffolk County, New York State or any political party with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement, or the making of any determinations with respect to the performance of an agreement, and that OWNER has read and is familiar with the provisions of Suffolk County Local Law Number 32-1980, a copy of which is annexed hereto and marked "Schedule D".

38. If any section, subsection, paragraph, clause, phrase or provision of this Agreement shall, by a court of competent jurisdiction, be adjudged or determined to be illegal, unlawful, invalid or unconstitutional, the same shall not affect the validity of this Agreement as a whole, or any part or provision hereof, other than the part so adjudged or determined to be illegal, unlawful, invalid or unconstitutional.

39. OWNER warrants and represents that no Certificate of Occupancy shall be sought for the PREMISES, or for any portion thereof, until such time as the sewage treatment plant is completed and is operating to the satisfaction of DPW.

40. The following schedules annexed hereto are incorporated into and made a part of this Agreement, and their provisions, conditions and requirements, which are to be performed and complied with by OWNER, are to be given the same force and effect as if fully set forth at length herein:

SCHEDULES ANNEXED AND PROVISIONS INCORPORATED

- Schedule A - Copy of Deed to PREMISES
- Schedule B - Local Law No. 24-1986
- Schedule C - Insurance Requirements
- Schedule D - Local Law No. 32-1980

41. OWNER warrants and represents that its execution of this Agreement has been authorized by its Board of Directors pursuant to a duly-adopted resolution.

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42. Anything hereinbefore to the contrary notwithstanding, DPW and/or the AGENCY and/or the COUNTY shall give OWNER a minimum of ten (10) days notice prior to calling any Letter of Credit, or holding in default any bond, posted hereunder.

43. (A) Deleted.

(B) Subsequent to the issuance by the AGENCY of an S-9 form in connection with the PREMISES, (i) the filing of an insolvency or bankruptcy petition by OWNER, whether voluntary or involuntary, or (ii) the making by OWNER of an assignment for the benefit of creditors, shall be deemed to be an automatic and immediate default hereunder by OWNER.

44. Deleted.

45. (A) If, within three (3) years from the date hereof, OWNER has not (a) procured, from each and every municipality, department and/or agency having jurisdiction in or over the work to be performed by OWNER hereunder, any and all required permits and/or other authorizations for same, and (b) commenced construction upon the work provided for herein, then and in that event the staff of the AGENCY shall, in its sole discretion, determine, in writing, whether to (1) continue this Agreement in full force and effect and permit OWNER to proceed hereunder, (2) cancel this Agreement, or (3) refer the matter to the AGENCY.

(B) In the event that the staff of the AGENCY determines to continue this Agreement in full force and effect and permit OWNER to proceed with construction of the work provided for herein, this Agreement shall be continued for a period of twelve (12) months. In the event that construction has not commenced, as outlined in subparagraph (A) above, within said twelve (12) months, this Agreement shall be cancelled and the provisions of subparagraphs (C)(1), (C)(2) and (C)(3) below shall control.

(C) In the event that the staff of the AGENCY determines to cancel this Agreement:

(1) this Agreement shall be cancelled and shall be null and void, and no party hereto shall have any rights against, or liabilities to, any other party as a result hereof;

(2) any bond or letter of credit furnished or posted by OWNER in connection with the work provided for herein shall be released; and

(3) any sum or sums of money posted by OWNER in connection with the work provided for herein shall be utilized to pay any and all costs or expenses incurred by DPW and/or the AGENCY and/or the COUNTY in connection with this Agreement; after the payment of any and all such costs or expenses, any remaining sum shall be returned to OWNER.

(D) In the event that the staff of the AGENCY determines to refer the matter to the AGENCY, the matter shall be placed on the agenda of the AGENCY's next meeting, at which meeting the AGENCY shall determine whether to (1) continue this Agreement in full force and effect and permit OWNER to proceed hereunder, (2) provide new and/or different terms and/or conditions for this Agreement and allow OWNER to proceed hereunder under such new and/or different terms, or (3) cancel this Agreement.

46. (A) The AGENCY or DPW shall determine, in its sole discretion, the amount and the location of acreage of the PREMISES necessary for the construction and operation, including recharge, of the sewage treatment plant to be constructed by OWNER pursuant to this agreement. OWNER shall allocate the said amount of acreage, in the said location, accordingly.

(B) The AGENCY or DPW shall determine, in its sole discretion, the amount and the location of acreage of the PREMISES necessary to allow for (i) a 100% expansion of the sewage treatment plant, and (ii) a 100% expansion of the recharge area. OWNER shall allocate the said amount of acreage, in the said location, accordingly, and shall, at OWNER's sole cost, expense and effort, irrevocably offer same for dedication to the AGENCY.

(C) OWNER shall have the right to charge all users of the sewage treatment plant for the operation and maintenance of same. Any and all such charges shall be subject to approval by the AGENCY. OWNER's right to collect such charges shall terminate at such time, if ever, as the AGENCY and/or DPW and/or the COUNTY accepts dedication of the plant.

47. This agreement is subject to the approval of each and every governmental entity having jurisdiction in or over the matter. OWNER shall, at OWNER's sole cost, expense and effort, comply with each and every requirement of any such governmental entity.

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1119219061  
THE GALLERIA

As Revised 7-10-90

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement on the date hereinabove set forth:

DICANIO RESIDENTIAL COMMUNITIES, INC.:

By:

*Vincit DeLino per 10/21/90*  
Name, Title Date

SMITHTOWN GALLERIA CORP.

By:

*Vincit DeLino per 10/21/90*  
Name, Title Date

GALLERIA ENVIRONMENTAL CORP.

By:

*Vincit DeLino per 10/21/90*  
Name, Title Date

SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS, SUFFOLK COUNTY SEWER AGENCY AND COUNTY OF SUFFOLK:

By:

*Joseph P. Hurley 11/20/90*  
Name, Title Date

JOSEPH P. HURLEY, P.E. Commissioner of the Suffolk County Department of Public Works and Chairman of the Suffolk County Sewer Agency

RECOMMENDED BY:

*Charles J. Bartna 11/20/90*  
Name, Title Date

CHARLES J. BARTNA, P.E. Chief Deputy Commissioner Department of Public Works

APPROVED BY:

~~ROBERT A. KURTIER Deputy County Executive Date~~

APPROVED AS TO FORM - NOT REVIEWED AS TO EXECUTION

FORM, CONTENT AND PREREQUISITES CHECKED:

E. THOMAS BOYLE Suffolk County Attorney By:

*Joseph J. Rizzo 8/21/90*  
Name, Title Date  
JOSEPH J. RIZZO, P.E. Secretary Suffolk County Sewer Agency

*Robert C. Bauer 8/29/90*  
Name, Title Date  
ROBERT C. BAUER, ESQ. Deputy Bureau Chief Municipal Services









11192 Pg 566

Schedule A

Copy of Deed to PREMISES

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SECTION: 166.00  
BLOCK: 01.00  
LOT: 020.000  
021.000  
022.000

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THIS SPECIAL USE, made the 21st day of July, between and  
BETWEEN HERMAN SCHECHTER, presently residing at (no number) Boney Lane,  
St. James, New York, IRVING SCHECHTER, presently residing at (no number)  
Boney Lane, St. James, New York, and PETER NOWICK, presently residing at  
(no number) Morgan Bay Road, Surry, Maine,

party of the first part, and DI CANIO RESIDENTIAL COMMUNITIES, INC., a domestic  
corporation, with offices located at 283 Commack Road, Commack, New York,

party of the second part,  
WITNESSETH, that the party of the first part, in consideration of Ten Dollars (\$10.00)

and other good and valuable consideration  
lawful money of the United States, paid  
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part, severally,  
ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate  
situate being as described in Schedule A, annexed hereto and made a part hereof.

Premises described herein are not subject to a credit line mortgage.

DRED

HERMAN SCHECHTER, IRVING SCHECHTER and PETER NOWICK

to

DI CANIO RESIDENTIAL COMMUNITIES, INC.

Schedule A

PARCEL 1

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Smithtown, in the County of Suffolk and State of New York, known and designated as Lot No. 17 on a certain map entitled, "19th Map of the Rouse & Foss Company of New York, situated on Terry Road, Town of Smithtown, Suffolk County, N.Y.", belonging to the Rouse & Foss Company, surveyed by Israel Hawkins, C.E., which map was filed December 5, 1899 and numbered 275.

Title to the above-described premises is registered pursuant to the Land Title Registration Law of the State of New York under Certificate No. 77823.

PARCEL 2

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Smithtown, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Hauppauge-Mesconnet Road (County Road 85) where same is intersected by the division line between Lots 16 and 17 on "Map No. 19, Rouse and Foss Company", filed in the Office of the Clerk of the County of Suffolk on December 5, 1899, as Map No. 375, running thence South 66 degrees 08 minutes 36 seconds West along the northerly side of Hauppauge-Mesconnet Road (County Road 85), 142 feet to the westerly line of said lot 16; thence along same, the following three courses and distances: (1) North 17 degrees 11 minutes

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22 seconds West, 425 feet; (2) North 7 degrees 43 minutes 22 seconds West, 275.69 feet; (3) North 5 degrees 03 minutes 35 seconds West, 344.27 feet; thence North 87 degrees 43 minutes 43 seconds East, 192.85 feet to the aforesaid division line between Lots 16 and 17; thence South 14 degrees 37 minutes 00 seconds East along said line, 972.85 feet to the northerly side of Hauppauge-Meconnet Road (County Road 85), the point or place of beginning.

Title to the above-described premises is registered pursuant to The Land Title Registration Law of the State of New York under Certificate No. 77924.

PARCEL 3

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Smithtown, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point in the division line between Lots 16 and 17 on "Map No. 19, Ponce and Rome Company", filed in the Office of the Clerk of the County of Suffolk on December 5, 1899, as Map No. 275, distant North 14 degrees 37 minutes 00 seconds West, a distance of 972.78 feet from a point marked by a monument on the northerly side of Hauppauge-Meconnet Road (County Road 85); running thence South 87 degrees 43 minutes 43 seconds West, a distance of 192.85 feet along lands now or formerly of Herman Schechter to a point in the westerly line of said Lot 16; thence along the said westerly line of said Lot 16, North 25 degrees 03 minutes 35 seconds West, a distance of 300.00 feet to the point marked by a monument; thence North 83 degrees 46 minutes 33 seconds East, a distance of 106.05 feet to a point; thence North 83 degrees 47 minutes 33 seconds East, a distance of 139.41 feet to a monument set in the division line between said Lots 16 and 17; running thence South 14 degrees 37 minutes 00 seconds East along said division line between Lots 16 and 17, a

distance of 300.00 feet to a monument which marks the point or place of beginning.

Title to the above-described premises is registered pursuant to The Land Title Registration Law of the State of New York under Certificate No. 77925.

11193 P 370

TOGETHER with all right, title and interest, if any, of the party of the first part to and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part to and to said premises.

TO HAVE AND TO HOLD the premises hereto granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will render the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvements and will apply the same first to the payment of the cost of the improvements before using any part of the total of the money for any other purpose.

The word "party" shall be construed as if it read "part of" wherever the word of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

*[Handwritten Signature]*  
L.S.  
Schooner  
*[Handwritten Signature]*  
L.S.  
Taver

On the 24<sup>th</sup> day of August 1927, before me personally came **IRVING SCHWICHTER**.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*Irving Schwichter*

IRVING A. SCHWICHTER  
100 West 42nd Street, New York  
City, New York  
Consent to be recorded on 8/27/27

STATE OF NEW YORK, COUNTY OF NEW YORK

On the 2<sup>nd</sup> day of July 1926, before me personally came

**PETER NOWICK.**

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*Peter Nowick*  
Witness my hand and seal  
this 24<sup>th</sup> day of August 1927

NOTED FOR RECORD  
AUGUST 24 1927

11192 Pg 572

On the 24<sup>th</sup> day of August 1927, before me personally came **IRVING SCHWICHTER**.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*Irving Schwichter*

IRVING A. SCHWICHTER  
100 West 42nd Street, New York  
City, New York  
Consent to be recorded on 8/27/27

STATE OF NEW YORK, COUNTY OF NEW YORK

On the 2<sup>nd</sup> day of July 1926, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw the said party, and that he, said witness, at the same time subscribed his name as a witness.

11192 Pg 572  
S 328618  
C 121637  
Di Canio and State Bond  
WITH COVENANTS AGAINST COVENANTS  
IN SCHWICHTER, IRVING SCHWICHTER  
AND NOWICK.  
TO  
NO RESIDENTIAL COMMUNITIES, INC.

TORRENS ONLY

Dist: 6400  
SECTION 103.00  
BLOCK 01.00  
LOT 020, 021, 021.000, & 022, 000  
COUNTY OR TOWN Suffolk

Insured in favor of  
CINCINNATI TITLE INSURANCE COMPANY

666  
Distributed by  
CINCINNATI TITLE INSURANCE COMPANY

DI CANIO RESIDENTIAL COMMUNITIES, INC.  
Attention: Anthony J. Bocca, Esq.  
103 CONNACK ROAD  
CONNACK, NEW YORK  
79 No. 11725

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FOR THE USE OF THE  
SUFFOLK COUNTY  
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1927 1928  
SOUTHERN STATE INSURANCE COMPANY  
New York City

THIS NO.  
POLICY NO.

SCHEDULE A

ALL that certain lot, piece or parcel of land, situate, lying and being at Smithtown in the Town of Smithtown, County of Suffolk and State of New York, known and designated as part of Lots 4 - 12 inclusive on a certain map entitled, "19th Map of the House & Home Co" and filed in the Office of the Clerk of the County of Suffolk on December 5, 1893 as Map No. 279, which part of Lots when taken together are bounded and described as follows:

BEGINNING at a point the following two (2) courses and distances from the intersection of the Easterly side of Terry Road and the Southerly side of Hillcrest Drive West:  
1) Southerly along the Easterly side of Hillcrest Drive West 418.26 feet;  
2) North 79 degrees 45 minutes 58 seconds East 280.78 feet to the point or place of beginning and from said point or place of beginning;

RUNNING THENCE along the division line between Lots 3 and 4 on the aforesaid map, North 79 degrees 45 minutes 58 seconds East 1743.27 feet to the land now or formerly of Herman and Irving Schechter;

RUNNING THENCE along said land the following three (3) courses and distances:  
1) South 25 degrees 03 minutes 15 seconds East 197.01 feet;  
2) South 07 degrees 41 minutes 22 seconds East 275.69 feet;  
3) South 17 degrees 11 minutes 22 seconds East 184.26 feet;

RUNNING THENCE along the division line between Lots 11 and 12 on the aforesaid map South 79 degrees 18 minutes 18 seconds West 1439.90 feet;

RUNNING THENCE North 19 degrees 41 minutes 59 seconds West 374.11 feet;

THENCE South 74 degrees 04 minutes 41 seconds West 356.72 feet;

THENCE Northerly along the arc of a curve bearing to the right having a radius of 1645.25 feet a distance of 192.77 feet;

THENCE North 06 degrees 18 minutes 36 seconds West 45.84 feet;

(cont. next)

The Commissioner hereby certifies that the above is a true and correct copy of the original as filed in the Office of the Clerk of the County of Suffolk on December 5, 1893 as Map No. 279, which part of Lots when taken together are bounded and described as follows:

A.T.I.

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(continued)

SCHEDULE A

From Sta.  
To Sta.

THENCE North 75 degrees 56 minutes 11 seconds East 746.22 feet;

THENCE North 14 degrees 03 minutes 49 seconds West 109.81 feet;

THENCE South 76 degrees 47 minutes 15 seconds West 711.73 feet;

THENCE Northerly along the arc of a curve bearing to the left having a radius of 1861.75 feet a distance of 126.64 feet;

THENCE North 77 degrees 47 minutes 37 seconds East 150.38 feet;

THENCE North 15 degrees 06 minutes 08 seconds West 121.74 feet;

THENCE South 78 degrees 47 minutes 46 seconds West 149.75 feet;

RUNNING THENCE Northerly along the arc of a curve bearing to the left having a radius of 1861.75 feet a distance of 118.03 feet to the point or place of BEGINNING.

See accompanying plans  
Tape and level of high water and location of the pipe to be set in the old trench showing the above described positions.

The plan of the sewer line shown on the drawings and in the accompanying schedule is for the purpose of showing the location of the sewer line and the location of the manholes and the location of the sewer line and the location of the manholes and the location of the sewer line and the location of the manholes.

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On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me \_\_\_\_\_ personally known \_\_\_\_\_  
to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me \_\_\_\_\_ personally known \_\_\_\_\_  
to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF SUFFOLK  
On the 8<sup>th</sup> day of Nov. 1986, before me \_\_\_\_\_ personally known \_\_\_\_\_  
to me known, who, being by me duly sworn, did depose and say that he resides at No. 55 Ross St. Suffolk  
that he is the V. President  
of BIG HILL ENTERPRISES, INC.  
the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is its corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed in furtherance thereof by his order.

STATE OF NEW YORK, COUNTY OF SUFFOLK  
On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me \_\_\_\_\_ personally known \_\_\_\_\_  
to me known, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_  
that he knows \_\_\_\_\_  
described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw executed the same; and that he, said witness, at the same time subscribed his name as witness thereof.

*Robert V. Hill*  
Notary Public  
Suffolk County  
New York  
11928516

Section 131-a  
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133-11  
134-10  
135-9  
136-8  
137-7  
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SECTION  
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Record of the Office of the County Clerk of Suffolk County, New York  
FILED IN THE OFFICE OF THE COUNTY CLERK OF SUFFOLK COUNTY  
RECORD OF SAID TO

ANTHONY S. SACCA  
75 WILSON ST.  
HUNTINGTON, N.Y.  
11743

First American Title Insurance Company  
of New York

RECORDED  
REAL ESTATE  
JAN 13 1987  
TRANSFER TAX  
SUFFOLK COUNTY



11192 19578

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THENCE South 71 degrees 56 minutes 10 seconds West, along the Northernly side of Fairview Street, 225 feet;

THENCE South 18 degrees 03 minutes 50 seconds East, along the Westernly terminus of Fairview Street, 50 feet;

THENCE North 71 degrees 56 minutes 10 seconds East, along the Southernly side of Fairview Street, 25 feet;

THENCE South 18 degrees 03 minutes 50 seconds East, 135 feet;

THENCE North 71 degrees 56 minutes 10 seconds East, 75 feet;

THENCE South 18 degrees 03 minutes 50 seconds East, 65 feet;

THENCE North 71 degrees 56 minutes 10 seconds East, 187.12 feet;

THENCE South 03 degrees 30 minutes 50 seconds East, 107.97 feet;

THENCE North 70 degrees 12 minutes 50 seconds East, 214.40 feet;

THENCE North 07 degrees 14 minutes 28 seconds West, 100.88 feet;

THENCE North 71 degrees 56 minutes 02 seconds East, 87.61 feet;

THENCE North 73 degrees 40 minutes 21 seconds East, 156.29 feet;

THENCE North 71 degrees 31 minutes 46 seconds East, 416.43 feet;

THENCE North 71 degrees 46 minutes 12 seconds East, 147.01 feet;

THENCE North 71 degrees 12 minutes 10 seconds East, 250 feet;

THENCE South 67 degrees 25 minutes 20 seconds West, along said lot A, 1944.58 feet to the Easternly side of Perry Road;

THENCE North 27 degrees 07 minutes 18 seconds West, along the Easternly side of Perry Road, 616.25 feet to the corner at the point or place of BEGINNING.

11192579

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs of

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs of

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs of

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 11 of the Lien Law, covenants that the party of the first part will increase the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if a word "parties" whenever the sense of this instrument so requires. **IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

In presence of:

ROSE CONNELL & STYLLI COFF,

*[Signature]*  
Mayor, Providence

CR 2756111

STATE OF NEW YORK, COUNTY OF SEITON  
On the 19 day of 19 before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF SEITON

On the 21st day of January 19 59, before me personally came Joseph M. ...

to me a man, who being by me duly sworn, did depose and say that he resides at No. ...  
Catskill, New York ...  
that he is the President of ...

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by the order

*[Handwritten signature]*

NOTARY PUBLIC  
STATE OF NEW YORK  
JOSEPH M. ...

**Bargain and Sale Deed**

With Covenants Against Cession's Acts

TITLE NO. 163-476

ACRE CLARENCE & SEITON ...

TO

DICONS: RESIDENTIAL ...

STATE OF NEW YORK, COUNTY OF SEITON  
On the 19 day of 19 before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF SEITON

On the 19 day of 19, before me personally came

for subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ...  
that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the time first subscribed his name as witness therein.

SECTION  
BLOCK  
LOT  
COUNTY OF SEITON

Recorded at Request of  
CHICAGO TITLE INSURANCE COMPANY

Witnes by that is

ENDORSED BY THE NEW YORK STATE DEPARTMENT OF TAXATION  
Endorsed by  
CHICAGO TITLE INSURANCE COMPANY

Chicago Residential Communities, Inc.  
281 Clatsop Road  
Catskill, New York  
By: Joseph J. Goldstein, Esq.

224



american title insurance company

northeast region

AMENDED

SCHEDULE A

Title No. 163-1896

Policy No.

11/9/89 581

ALL that certain plot, piece or parcel of land, situate lying and being in the Town of Smithtown, County of Suffolk and State of New York, known and designated as and by parts of Plots Nos. 4, 6, 8, 9, 10, 11, & 12 on a certain map entitled, "19th Map of the House and Home Company of New York, situated on Terry Road, Town of Smithtown, Suffolk County New York belonging to the House and Home Company, surveyed by Israel G. Hawkins, C.E. and Surveyor, subdivided by Robert Kutz, C.E.", and filed in the Office of the Clerk of the County of Suffolk, on December 5, 1899 as Map No. 275.

EXCEPTING THERE-FROM:

ALL that certain lot, piece or parcel of land, situate, lying, and being at Smithtown in the Town of Smithtown, County of Suffolk and State of New York, known and designated as part of Lots 4-12 inclusive on a certain map entitled, "19th Map of the House & Home Co" and filed in the Office of the Clerk of the County of Suffolk on December 5, 1899 as Map No. 275, which part of Lots when taken together are bounded and described as follows:

BEGINNING at a point the following two (2) courses and distances from the intersection of the easterly side of Terry Road and the southerly side of Hillcrest Drive West:

- 1) Southerly along the easterly side of Hillcrest Drive West 618.26 feet;
- 2) North 79 degrees 45 minutes 58 seconds East 200.76 feet to the point or place of beginning and from said point or place of beginning;

RUNNING THENCE along the division line between Lots 3 and 4 on the aforesaid map, North 79 degrees 45 minutes 58 seconds East 1743.27 feet to the land now or formerly of Herman and Irving Schechter;

RUNNING THENCE along said land the following three (3) courses and distances:

- 1) South 25 degrees 03 minutes 35 seconds East 387.01 feet;
- 2) South 07 degrees 41 minutes 22 seconds East 275.69 feet;
- 3) South 17 degrees 11 minutes 22 seconds East 184.26 feet;

*For Copying Only  
Together with all rights, title and interest of, in and to any street and roads abutting the above described premises.*

Our policies of title insurance include such buildings and improvements thereon which by law constitute real property, unless specifically excepted therein.



american title insurance company  
northeast region

AMENDED

SCHEDULE A cont'd.

RUNNING THENCE along the division line between Lots 12 and 13 on the aforesaid map South 70 degrees 18 minutes 10 seconds West 1439.90 feet;

RUNNING THENCE North 19 degrees 41 minutes 50 seconds West 374.11 feet;

THENCE South 74 degrees 04 minutes 01 seconds West 356.72 feet;

THENCE Northerly along the arc of a curve bearing to the right having a radius of 1685.25 feet a distance of 193.77 feet;

THENCE North 06 degrees 10 minutes 36 seconds West 45.84 feet;

THENCE North 75 degrees 56 minutes 11 seconds East 746.22 feet;

THENCE North 14 degrees 03 minutes 49 seconds West 109.81 feet;

THENCE South 76 degrees 47 minutes 35 seconds West 731.73 feet

THENCE Northerly along the arc of a curve bearing to the left having a radius of 1861.75 feet a distance of 126.84 feet;

THENCE North 77 degrees 47 minutes 37 seconds East 150.38 feet;

THENCE North 15 degrees 06 minutes 08 seconds West 121.74 feet

THENCE South 78 degrees 47 minutes 46 seconds West 149.75 feet;

RUNNING THENCE Northerly along the arc of a curve bearing to the left having a radius of 1861.75 a distance of 118.05 feet to the point or place of BEINNING.

"Premises conveyed in Liber 10217 cp 451"

11192 pg 582



American title insurance company

northeast region

AMENDED

Title No. 163-1896

SCHEDULE A cont'd.

11192 Pg 583

ALSO EXCEPTING THERE-FROM

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Smithtown, County of Suffolk and State of New York, known and designated as and by parts of Plots Nos. 11 & 12 on a certain map entitled, "19th Map of the House and Home Company of New York, situated on Terry Road, Town of Smithtown, Suffolk County, New York belonging to the House and Home Company, surveyed by Israel G. Hawkins, C.E., and Surveyor, subdivided by Robert Kutz, C.E.", and filed in the Office of the Clerk of the County of Suffolk on December 5, 1899, as Map No. 275 more particularly bounded and described as follows:

BEGINNING at a point on the Easterly side of Terry Road, distant 444.19 feet Northerly formed by the intersection of the Northeasterly side of Terry Road with the Northerly side of Nesconset-Port Jefferson Highway (S.R. 347) which point is also the Northerly line of a 10 foot Right of Way known as Di Nicola Lane;

RUNNING THENCE Northerly along the Easterly side of Terry Road along the arc of a curve having a radius of 1885.25 feet a distance of 28.54 feet to a point;

THENCE continuing along the Easterly side of Terry Road North 19 degrees 55 minutes 40 seconds West, 167.29 feet;

THENCE North 73 degrees 12 minutes 57 seconds East 200.31 feet;

THENCE South 19 degrees 55 minutes 40 seconds East 149.35 feet;

THENCE continuing on a Southerly side along the arc of a curve having a radius of 1685.25 feet a distance of 20.93 feet to the Northerly side of aforementioned Right of Way known as Di Nicola Lane;

THENCE South 65 degrees 54 minutes 00 seconds West along said Right of Way 200.00 feet to the Easterly side of Terry Road at the point or place of BEGINNING.

"Premises conveyed in Liber 9840 cp 384"



American title insurance company

northeast region

AMENDED

SCHEDULE A cont'd.

Title No. 163-1896

1119279 584

ALSO EXCEPTING THERE-FROM

ALL that certain plot, piece or parcel of land, situate, lying and being at Smithtown Branch, in the Town of Smithtown, County of Suffolk and State of New York, being part of Lot 10 as shown on a certain map entitled, "19th Map of the House and Home Company" as filed in the Office of the Clerk of the County of Suffolk on December 5, 1899 as Map No. 275, and being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Terry Road, which point is 1,375.48 feet South of the intersection of the easterly side of Terry Road with the southerly side of Hillcrest Drive West;

RUNNING THENCE along the division line between Lots 9 and 10 on said map North 74 degrees 04 minutes 01 second East 355.41 feet to a point;

RUNNING THENCE through Lot 10 South 15 degrees 55 minutes 59 seconds East 119.41 feet to the division line between Lots 10 and 11;

RUNNING THENCE South 73 degrees 12 minutes 57 seconds West 355.72 feet to the easterly side of Terry Road;

RUNNING THENCE along the easterly side of Terry Road North 19 degrees 55 minutes 40 seconds West 28.92 feet to a point;

RUNNING THENCE on an arc of a curve the radius of which is 1,885.25 feet a distance of 95.88 feet to the point or place of BEGINNING.

THIS INDENTURE, made the 11th day of January, nineteen hundred and Ninety  
BETWEEN VINCENT DI CANIO, residing at 11 James Neck Road, St. James,  
New York 11780.

party of the first part, and SMITHTOWN GALLERIA CORP., a domestic corporation  
having a place of business at 712 Smithtown By Pass, Smithtown,  
New York 11784

NO

CONSIDERATION

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

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Lots P/o  
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119219505

SEE "SCHEDULE A" ATTACHED

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
VINCENT DI CANIO

STATE OF NEW YORK, COUNTY OF *Suffolk*  
On the *11<sup>th</sup>* day of January 19 *90*, before me  
personally came VINCENT DI CANIO

On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me  
personally came

to me known, to be the individual described in and who  
executed the foregoing instrument, and acknowledged that

to me known to be the individual described in and who  
executed the foregoing instrument, and acknowledged that  
executed the same.

*STEVEN J. GOLDSTEIN*  
Notary Public, State of New York  
No. 4869356  
Qualified in Nassau County,  
Term Expires August 25, 19*90*

*11/19/90 by 586*

STATE OF NEW YORK, COUNTY OF \_\_\_\_\_ ss:  
On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me  
personally came

STATE OF NEW YORK, COUNTY OF \_\_\_\_\_ ss:  
On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me  
personally came

to me known, who, being by me duly sworn, did depose and  
say that he resides at No. \_\_\_\_\_

the subscribing witness to the foregoing instrument, with  
whom I am personally acquainted, who, being by me duly  
sworn, did depose and say that he resides at No. \_\_\_\_\_

that he is the  
of \_\_\_\_\_

that he knows

\_\_\_\_\_ the corporation described  
in and which executed the foregoing instrument; that he  
knows the seal of said corporation; that the seal affixed  
to said instrument is such corporate seal; that it was so  
affixed by order of the board of directors of said corpora-  
tion, and that he signed his name thereto by like order.

to be the individual  
described in and who executed the foregoing instrument;  
that he, said subscribing witness, was present and saw  
execute the same; and that he, said witness,  
at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 163-1896

VINCENT DI CANIO

TO  
SMITHTOWN GALLERIA CORP.

SECTION 106.00

BLOCK 05.00

LOT 008.000, 011.000, 013.000, 014.000  
015.002, 017.001, 017.002

COUNTY OR TOWN

Recorded at Request of  
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

STANDARD FORM OF NEW YORK BOARD OF TITLE BENEFACTORS  
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INSURANCE COMPANY**

**Steven J. Goldstein, Esq.**  
712 Smithtown By-Pass  
Smithtown, New York 11787

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

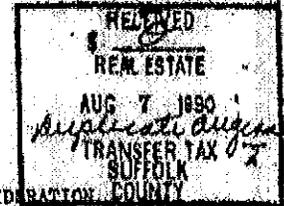
11116/0556

689

THIS INDENTURE, made the 25th day of June, nineteen hundred and ninety BETWEEN DICANIO RESIDENTIAL COMMUNITIES, INC., and SMITHTOWN GALLERIA CORP., both having an office at 712 Smithtown By-Pass, Smithtown, New York 11787

11116-19589

party of the first part, and GALLERIA ENVIRONMENTAL CORP., having an office at 712 Smithtown By-Pass, Smithtown, New York 11787



689

DISTRICT: 300

party of the second part, WITNESSETH, that the party of the first part, in consideration of NO CONSIDERATION

SECTION: 3600

WHEREBY SHE HAS FORMERLY OWNED

shall be

paid

BOOK: 300

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

- PTS: 10013.000, 014.000, 013.000, 015.004, 017.000, 017.000, 017.000

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being ~~located~~ at the southwesterly corner of the proposed sewage treatment plant site, said point of beginning further described as being the following three (3) courses from the northerly end of the line which connects the northerly side of Nesconset-Fort Jefferson Highway (N.Y.S. Route 347) with the easterly side of Terry Road (C.R. 16):

8-7-90 [Circular stamp]

1. Northerly along the westerly side of Terry Road (C.R. 16) 187.53 feet to the northerly side of Dinicola Lane (not open).

2. Along the northerly side of Dinicola Lane (not open) and the southerly side of lands now or formerly of Long Horn Trail, Inc. and Big Hill Enterprises north 53° 27' 30" east, 400.00 feet.

3. Through the land now or formerly of Big Hill Enterprises north 33° 11' 00" west, 133.79 feet to the point or place of beginning.

RUNNING THENCE through the land now or formerly of Big Hill Enterprises the following five (5) courses:

- 1. North 33° 11' 00" west, 271.14 feet;
2. North 28° 07' 03" west, 18.98 feet;
3. North 50° 09' 10" east, 317.65 feet;
4. South 31° 50' 50" east, 290.00 feet;
5. South 58° 09' 10" west, 312.55 feet to the point or place

of BEGINNING

111160557

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

1192 by 588

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Eden Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

DICANIO RESIDENTIAL COMMUNITIES, INC.

BY: [Signature]  
STEVEN J. GOLDSTEIN, SECRETARY

SMITHTOWN GALLERY CORP.

BY: [Signature]  
STEVEN J. GOLDSTEIN, SECRETARY



STATE OF NEW YORK

County of Suffolk

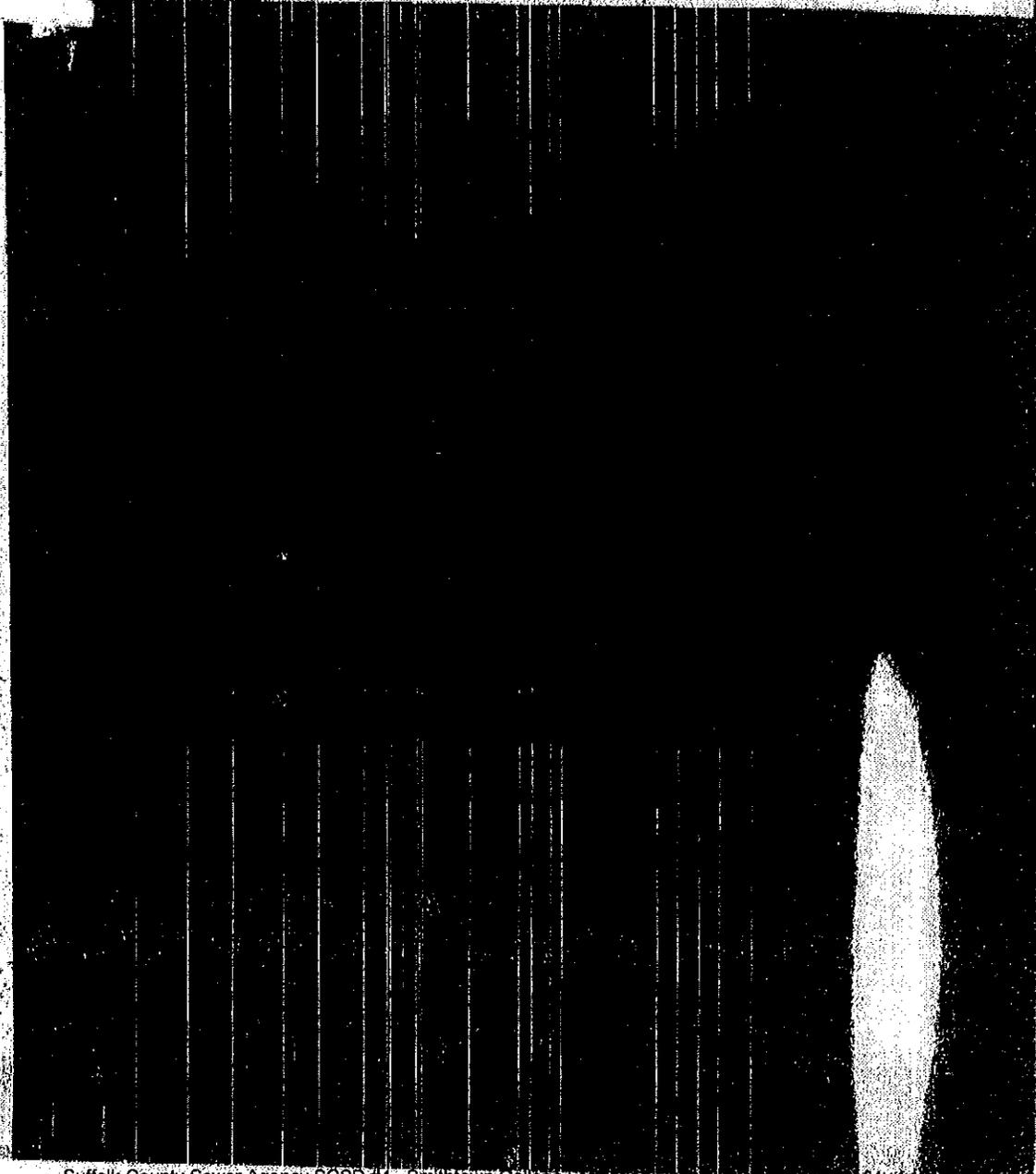
1192 pg 589

I, EDWARD P. ROMAINE, Clerk of the County of Suffolk and Clerk of the Supreme Court of the State of New York in and for said County (said Court being a Court of Record) DO HEREBY CERTIFY that I have compared the annexed copy of *a deed* and that it is a just and true copy of such original of the whole thereof. *Recorded in August 7, 1990 @ 2:18 pm in Liber 11116 p 556* and *Record*

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County and Court this *7* day of *August* 19*90*

*Edward P. Romaine*  
Clerk  
12-109-129244

Form No. 104



11116/1558

STATE OF NEW YORK, COUNTY OF SUFFOLK

On the 25th day of June 1990, personally came STEVEN J. GOLDSTEIN

STATE OF NEW YORK, COUNTY OF SUFFOLK

On the 25th day of June 1990, personally came STEVEN J. GOLDSTEIN

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

11192 Pg 590

STATE OF NEW YORK, COUNTY OF SUFFOLK

On the 25th day of June 1990, before me personally came STEVEN J. GOLDSTEIN to me known, who, being by me duly sworn, did depose and say that he resides at No. 32 Elderwood Drive E. St. James, NY 11780

that he is the Secretary of DICANIO RESIDENTIAL COMMUNITIES, INC. the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF SUFFOLK

On the 25th day of June 1990, before me personally came STEVEN J. GOLDSTEIN to me known, who, being by me duly sworn, did depose and say that he resides at No. 32 Elderwood Drive E. St. James, NY 11780

that he is the Secretary of SMITHTOWN GALLERIA CORP. the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

LINDA C. PATANELLA  
Notary Public, State of New York  
No. 2913078 - Suffolk County  
Commission Expires 11/03/2002

*Linda C. Patanello*  
NOTARY PUBLIC

*Linda C. Patanello*  
NOTARY PUBLIC

LINDA C. PATANELLA  
Notary Public, State of New York

Bargain and Sale Deed  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. \_\_\_\_\_

DICANIO RESIDENTIAL COMMUNITIES, INC.  
&  
SMITHTOWN GALLERIA CORP.  
TO  
GALLERIA ENVIRONMENTAL CORP.

District 0800  
SECTION 106  
BLOCK 5  
LOT 8 P/O 13.2, 14.2, 15.3, 15.4, 17  
COUNTY OF YORK 17.8, 17.9  
SUFFOLK

STANDARD FORM OF NEW YORK BOARD OF TITLE INSURANCE

Disseminated by



american title insurance company  
northeast region

A Member of The Continental Insurance Companies

Retained At Request of American Title Insurance Company

RETURN BY MAIL TO:

STEVEN J. GOLDSTEIN, ESQ.  
712 Smithtown By-Pass  
Smithtown, NY 11787

Exp. No.

RECORDED

NOV 7 2 1990

EDWARD J. MAINE

SUFFOLK COUNTY

2088

1192 9591

See copy of  
Suffolk County Local Law no. 24-1986  
filed in the  
Office of the Suffolk County Clerk  
on  
November 12th, 1986

Schedule B  
Suffolk County Local Law No. 24-1986

1192 pg 592

INSURANCE REQUIREMENTS

OWNER shall save, indemnify and hold harmless the DISTRICT, DPW, the AGENCY and the COUNTY, and any and all of their departments, agencies, bureaus, employees, personnel, agents and representatives, from and against any and all loss or expense, including attorneys fees, by reason of any liability imposed by law upon any of them, except in cases of their negligence, for any damages or claim for damages arising out of, or in consequence of or in connection with, this Agreement and/or OWNER's connection to, and/or use of, the sanitary sewerage facilities of the DISTRICT, including, but not limited to, bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or on account of damage to property, whether such injury to persons or damage to property is due or claimed to be due to any passive negligence, or any act or omission, intentional or otherwise, of the DISTRICT, DPW, the AGENCY or the COUNTY, or any combination of them, and/or any of their departments, agencies, bureaus, employees, personnel, agents or representatives. It is further understood and agreed that OWNER shall, at the option of the DISTRICT and/or DPW and/or the AGENCY and/or the COUNTY, defend any of the entities indemnified hereunder with appropriate counsel and shall further bear all costs and expenses, including the expense of counsel, in the defense of any action or proceeding arising hereunder.

OWNER shall procure and maintain, at OWNER's sole cost, expense and effort, and without expense to the DISTRICT, DPW, the AGENCY or the COUNTY, until final approval by the DISTRICT of the construction covered by this Agreement, insurance for liability for damages imposed by law, of the kinds and in the amounts hereinafter provided, in insurance companies authorized to do business in the State of New York, covering all operations under this Agreement whether performed by OWNER or by a contractor or subcontractor or by any other person or entity. Prior to the commencement of construction of any sewerage facilities, OWNER shall furnish to the DISTRICT a certificate or certificates of insurance, in form satisfactory to the DISTRICT, showing that OWNER has complied with the requirements set forth herein, which certificate or certificates shall provide that the policies of insurance provided for herein shall not be changed or cancelled unless and until thirty (30) days written notice has been given to the DISTRICT.

Schedule C

Page 1 of 2 Pages

OWNERS AND CONTRACTORS PROTECTIVE POLICY

OWNER shall procure and maintain, at OWNER's sole cost, expense and effort, a standard form of an Owners and Contractors Protective Policy, in the name of the County of Suffolk, with the limits of ONE MILLION AND NO/100THS (\$1,000,000.00) DOLLARS minimum per occurrence. Said policy shall include a provision specifically including coverage for explosion, collapse and underground property damage (XCU).

111 92 19 593

Schedule C

Insurance Requirements

11192 Pg 594

Schedule D

Suffolk County Local Law No. 32-1980

L#01673

Intro. Res. No. 2124-80

Introduced by the Presiding Officer, Legislators O'Neil, Petrizzo, Grant, Rosso, Halpin Devine, Blass, Foley and Prospect at request of the County Executive

11192 19 595

RESOLUTION NO. 1118- 1980, ADOPTING LOCAL LAW NO. 32 YEAR 1980, A LOCAL LAW CONCERNING THE OFFERING, GIVING OR RECEIVING OF A GRATUITY TO OR BY AN OFFICIAL OF A POLITICAL PARTY.

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on December 9, 1980, a proposed local law entitled "A LOCAL LAW CONCERNING THE OFFERING, GIVING OR RECEIVING OF A GRATUITY TO OR BY AN OFFICIAL OF A POLITICAL PARTY," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

LOCAL LAW NO. 32 YEAR 1980, SUFFOLK COUNTY, NEW YORK

LOCAL LAW CONCERNING THE OFFERING, GIVING OR RECEIVING OF A GRATUITY TO OR BY AN OFFICIAL OF A POLITICAL PARTY.

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK AS FOLLOWS:

Section 1. Definitions.

(a) As used herein, the word "agreement" means any written or oral contract, or any implied contract, including, but not limited to, a contract for the sale of goods or services, a construction contract or a lease or contract relating to real or personal property. The term "agreement" shall also include any transaction whereby a person agrees to sell goods or services or both to the County pursuant to a successful bid.

(b) As used herein, the word "gratuity" means any money, benefit, entertainment, gift, or any other consideration whatsoever.

(c) As used herein, the phrase "official of a political party" shall mean a party officer as defined by Section 1-104(5) of the Election Law.

(d) As used herein, the word "person" means any individual, partnership, firm, corporation, or other legal entity, as well as their employees, agents or representatives.

(e) As used herein, the phrase "political party" shall mean a party as defined by Section 1-104(3) of the Election Law.

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Section 2. Prohibitions.

(a) It shall be a crime for any person to offer or give any gratuity to an official of any political party, with the purpose or intent of securing or obtaining an agreement with the County of Suffolk, securing favorable treatment with respect to the awarding or amending of such agreement, or the making of any determination with respect to the performance of an agreement.

(b) It shall be a crime for an official of a political party to solicit, receive or accept a gratuity in connection with securing or obtaining an agreement with the County of Suffolk, securing favorable treatment with respect to the awarding or amending of such agreement, or the making of a determination with respect to the performance of such agreement.

Section 3. Mandatory Contract Clause. In all agreements with the County of Suffolk, made after the effective date of this Law, there shall be a written representation by the person entering the agreement with the County that he has not offered or given any gratuity to any official, employee or agent of Suffolk County, New York State, or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement, or the making of any determinations with respect to the performance of an agreement, and that such person has read and is familiar with the provisions of this Local Law.

Section 4. Penalties.

(a) Criminal. A violation of Section 2 of this Local Law shall be a Class A Misdemeanor and shall be punishable by a sentence of not more than one (1) year in prison or a fine of not more than one thousand dollars, or by both such fine and imprisonment.

(b) Civil Remedies. A violation of Section 2 or 3 of this Local Law shall, give the County the option, among other civil remedies, of either terminating the agreement or deducting the value of the gratuity from any amount due or to become due from the County thereunder.

Section 5. Exceptions. This Local Law shall not apply to contributions to political parties, committees or candidates as defined by Section 14-100 (19) of the Election Law. Such contributions shall be excluded from and shall not be in violation of this Local Law.

Section 6. Separability. If any part of this Local Law shall be declared unconstitutional by any Court, such declaration shall not affect the constitutionality of any other part.

Section 7. This Law shall take effect immediately.

DATED: December 9, 1980

APPROVED BY:

/s/ Peter F. Cahalan  
Executive of Suffolk County

# **Exhibit**

## **B**

***2002 Report for the Formation of SC Sewer District No 4 – Smithtown Galleria***

COUNTY OF SUFFOLK  
DEPARTMENT OF PUBLIC WORKS

SUFFOLK COUNTY SEWER AGENCY

Report, Map and Recommendations  
for the Proposed Formation of

SUFFOLK COUNTY  
SEWER DISTRICT NO. 4 - SMITHTOWN GALLERIA

CHARLES J. BARTHA, P.E.  
COMMISSIONER

JUNE 2002

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PROPOSED FINANCIAL PLAN & COSTS TO HOMEOWNERS.....	3
RECOMMENDATIONS.....	6

## INDEX OF EXHIBITS

- A - Contract between DiCario Residential Communities, Inc., Smithtown Galleria Corp., Galleria Environmental Corp., the Suffolk County Department of Public Works, Suffolk County Sewer Agency and the County of Suffolk dated November 26, 1990.
- B - Estimated Operation and Maintenance Budget
- C - Legal Description of Proposed District
- D - Map of Proposed District

## INTRODUCTION

In accordance with Chapter 254 of the County Law and by Resolutions No. 494-1965 and No. 518-1965, the Suffolk County Board of Supervisors formed the Suffolk County Sewer Agency in September 1965. The County Legislature, as the successors to the Board of Supervisors, by Resolution No. 407-1970, authorized the Chairman of the Agency to execute agreements with subdividers and developers. Thereafter, by Resolution No. 212-1973, the County Legislature again directed the Agency, with the assistance of the Department of Environmental Control acting as its staff, to prepare the necessary maps, plans, specifications and other relevant material for the formation, extension or improvement of County sewer districts.

Therefore, in accordance with those resolutions and pursuant to Article 5A of the County Law, the Agency has caused the Department of Public Works, as the successors to the Department of Environmental Control, to prepare and herewith respectfully submit the necessary information and data relating to the formation of Suffolk County Sewer District No 4 - Smithtown Galleria.

The Suffolk County Department of Public Works, Suffolk County Sewer Agency and the County of Suffolk entered into a contract with DiCano Residential Communities, Inc., Smithtown Galleria Corp. and Galleria Environmental Corp. on November 26, 1990 (Exhibit A). This contract contains, among other things, the commitment by the developer to

construct wastewater collection, treatment and disposal facilities for a development known as Smithtown Galleria and offer these facilities at no cost to the County, or its nominee. This agreement is recorded against the property and is binding upon all subsequent owners. In the agreement is a provision, which consents to the formation of a County sewer district encompassing the property covered by the agreement.

The Smithtown Galleria project consists of 187 townhouse units (Windcrest at the Galleria), 42 single family homes (Galleria Heights and Coventry Village at the Galleria), 312 apartment units, a CVS pharmacy and a day care center.

#### DISTRICT POPULATION

Using 3.5 persons per townhouse unit, single family home and apartment unit larger than 1200 SF and 2.5 persons for each apartment unit less than 1200 SF, it is estimated that the total population of the district is 1735 persons, or 551 single family equivalents (SFE).

#### GENERAL BOUNDARY DESCRIPTION

The proposed district is situated in the central portion of the Town of Smithtown in the hamlet of Smithtown. Including the sewage treatment plant site, the proposed district will consist of approximately 81 acres.

The proposed district is bounded on the south by Port Jefferson – Nesconset Highway (NYS Route 347), on the east and the north by single family homes, and on the west by Terry Road.

A metes and bounds description of the proposed district is included in this report as Exhibit C, and the map of the proposed district is appended hereto as Exhibit D.

#### WASTEWATER TREATMENT FACILITIES

The wastewater treatment plant was designed and constructed to accommodate 178,000 gpd.

The collection system within the district boundary and within public roads will be accepted for dedication. Where necessary, and as provided for by the existing Agency agreement, easements will be granted for any portion of the collection system not within public roads.

#### CAPITAL COSTS

No capital costs will be incurred in connection with the formation of this proposed sewer district; and, therefore, there will be no bond issue.

#### PROPOSED FINANCIAL PLAN AND COSTS TO HOMEOWNERS

##### A. Federal and State Aid

There is no expectation of receipt of Federal or State funds for the formation of this district.

##### B. Preliminary User Charges

1. Present Charges: Presently, and until the formation of the district is accomplished, the allocated operation and maintenance costs will continue to be paid to the developer by the present users under the terms of the existing agreement.

2. **District Charges:** The Environmental Protection Agency regulations require that any sewer district formed in Suffolk County after December 27, 1977 must charge the users based upon actual use, and not ad valorem. Therefore, the district will be formed pursuant to Section 266 of the County Law of the State of New York, and thus make a flat annual sewage charge to the users for the calendar year 2002, or fraction thereof.

C. Annual Operation and Maintenance Costs and Charges

The net operation and maintenance budget for 2002 is \$259,470. The proposed district, when fully developed, will consist of condominiums, single family homes, residential apartments, retail and office buildings, which will all share equally on a per unit of flow basis in the annual costs of operation and maintenance. Each residential unit will be billed every three months which, together with the per unit basis, is consistent policy with every other non-ad valorem County sewer district. Commercial units are billed annually. It is estimated that each residential user will pay \$470 a year, while industrial/commercial users will pay a per gallon charge plus any appropriate industrial waste fee (See Exhibit B).

TAXABLE AND NON-TAXABLE REAL PROPERTY IN THE DISTRICT

There are no state lands or non-taxable properties in the proposed district with the exception of the improvements on the sewage treatment plant site.

The proposed district is within the unincorporated area of the Town of Smithtown and is within School District No. 1. The average assessments in the proposed district, as well as the latest available schedule of taxes levied against properties within the proposed district, are set forth in the following table:

Tax Rate per \$1000 AV for 2002

County	194.172
Town	140.214
Smithtown Fire District	44.639
School District No. 1	816.081
Smithtown Public Library	26.777
Town Lighting	3.952
NYS Real Property Tax Law	<u>9.696</u>
Total	1235.531

AVERAGE ASSESSED HOME TAX 2002

Coventry Village at the Galleria	\$7265 AV	\$8976 Tax
Galleria Heights	\$9865 AV	\$12188 Tax
Winderest at the Galleria	\$7685 AV	\$9495 Tax

RECOMMENDATIONS, COMMENTS AND FINDINGS

- A. The formed district will result in fulfilling the intent of the contracts between the developer, the Suffolk County Sewer Agency, et al.
- B. It is recommended that the formation of the district be accomplished pursuant to the provisions of Article 5A of County Law and that the cost be assessed, levied and collected in accordance with the provisions of Section 266 thereof.
- C. It is recommended that the Commissioner of the Suffolk County Department of Public Works be appointed the Administrative Head of Sewer District No. 4 - Smithtown Galleria in compliance with Article VIII, Section 8001, of the Suffolk County Charter.
- D. Finally, it is recommended that this report be made the subject of a public hearing on the proposal at the earliest possible date.

Respectfully submitted,

Charles J. Bartha, PE.  
Commissioner of the Suffolk County  
Department of Public Works,  
Chairman of the Suffolk County  
Sewer Agency and Administrative  
Head of All Suffolk County Sewer  
Districts

# **Exhibit**

## **C**

***Suffolk County Legislative Resolution 1403-2004, A Resolution Making Certain Findings and Determinations Upon a Proposal to Form Suffolk County Sewer District No. 4 – Smithtown Galleria in the Town of Smithtown***

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

**RESOLUTION NO. 1403 -2004, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS UPON A PROPOSAL TO FORM SUFFOLK COUNTY SEWER DISTRICT NO. 4 - SMITHTOWN GALLERIA IN THE TOWN OF SMITHTOWN**

**WHEREAS**, Resolution No. 179-2003 was adopted on March 11, 2003 and signed by the County Executive on March 27, 2003, and amended by Resolution 520-2004 adopted on May 11, 2004 and signed by the County Executive on May 14, 2004; and

**WHEREAS**, when adopted, Resolution No. 179-2003, as amended by Resolution 520-2004, contained an error in that pursuant to section 256 of the NEW YORK COUNTY LAW, the resolution should have been made subject to a permissive referendum; and

**WHEREAS**, it is now desired to rescind Resolution 179-2003, as amended by Resolution 520-2004; and

**WHEREAS**, the County Legislature of the County of Suffolk, New York, duly adopted Resolution No. 212 of 1973, on March 27, 1973, and approved by the County Executive on March 27, 1973, pursuant to Section 253 of the NEW YORK COUNTY LAW, directing the Suffolk County Sewer Agency (the "Sewer Agency") to prepare maps and plans and a report in accordance with such section in relation to the formation of County sewer districts; and

**WHEREAS**, the Sewer Agency passed Resolution No. 27 of 2002 approving the maps and plans and report prepared by the Sewer Agency staff and authorized further necessary proceedings in connection with the formation of Suffolk County Sewer District No. 4 - Smithtown Galleria (the "District") for the developments known as Smithtown Galleria, Galleria Heights, and miscellaneous lots, located in the hamlet of Smithtown in the Town of Smithtown; and

**WHEREAS**, the Sewer Agency has duly caused such maps and plans to be prepared and has transmitted them to the County Legislature, together with a report of its proceedings and its recommendations in accordance with Section 254 of the NEW YORK COUNTY LAW; and

**WHEREAS**, the County Legislature did, pursuant to Section 254 of the NEW YORK COUNTY LAW, duly adopt Resolution No. 949-2002 Calling for a Public Hearing at the County Center in Riverhead/Hauppauge, New York, on November 19, 2002, upon a proposal to form said County sewer district, to comprise the area described and defined in said maps and plans; and

**WHEREAS**, the Clerk of the Legislature did duly cause a Notice of Public Hearing to be published at least once in each of the office newspapers of the County, all in the manner and within the time provided by law and proof thereof has been presented to the County Legislature; and

**WHEREAS**, every entity within the proposed District was notified of the Public Hearing by United States Postal Service regular mail; and

**WHEREAS**, the Public Hearing was duly held at the time and place aforesaid, at which time all parties therein were duly heard; and

**WHEREAS**, the County Legislature has duly considered the evidence given at said Public Hearing; and

**WHEREAS**, this action is related to routine administration and management in accordance with the NEW YORK CODE OF RULES AND REGULATIONS, Volume 6 Sections 617.5(c)(20) and (27), and therefore is determined to be a Type II action requiring no further action; now, therefore, be it

**RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1: Resolution No. 179-2003, as amended by Resolution 520-2004, is hereby rescinded.

Section 2: Upon evidence provided at the public hearing and after due consideration of the maps, plans, report and recommendations and data filed with it by the Sewer Agency, that it is in the public interest to form a new sewer district pursuant to Section 271 of the NEW YORK COUNTY LAW substantially in accordance with the maps, plans, report and recommendations of the Sewer Agency, that the facilities within the proposed District are adequate and appropriate, that all of the property owners in the proposed District are benefited by the formation of the proposed District, and that all of the property and property owners benefited by the formation of the proposed District are included within the limits of the proposed District.

- (a) (a) The Legislature, being the SEQRA Lead Agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Sections 617.5(c)(20) and (27) of Volume 6 of the NEW YORK CODE OF RULES AND REGULATIONS.

Section 3: The establishment of the proposed sewer district to be designated and known as: "Suffolk County Sewer District No. 4 - Smithtown Galleria", is hereby approved.

Section 4: Suffolk County Sewer District No. 4 - Smithtown Galleria will comprise an area lying within the Town of Smithtown, more particularly bounded and described as follows:

All that certain plot, piece or parcel of land, situate, lying and being at Smithtown, in the Town of Smithtown, County of Suffolk, and being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Terry Road, said point being 444.89 feet northerly of the intersection of the easterly side of Terry Road with the northerly side of Nesconset-Port Jefferson Highway (NYS Route 347);

THENCE along a curve on the easterly side of Terry Road bearing to the right having a radius of 1885.11 feet a distance of 28.61 feet;

THENCE North 32°12'10" West 228.37 feet;

THENCE North 61°01'53" East 356.33 feet;

THENCE North 28°07'03" West 119.41 feet;

THENCE South 61°52'57" West 355.77 feet to the easterly side of Terry Road;

THENCE along a curve on the easterly side of Terry Road bearing to the right having a radius of 1885.11 feet a distance of 233.75 feet;

THENCE along the easterly side of Terry Road North 18°12'00" West 67.99 feet;

THENCE along a curve on the easterly side of Terry Road bearing to the left having a radius of 1661.77 feet a distance of 199.40 feet;

THENCE North 65°36'33" East 350.41 feet;

THENCE North 27°17'12" West 121.74 feet;

THENCE South 66°36'42" West 350.76 feet to the easterly side of Terry Road;

THENCE along a curve on the easterly side of Terry Road bearing to the left having a radius of 1661.77 feet a distance of 86.22 feet;

THENCE along the easterly side of Terry Road the following three (3) courses:

(1) North 28°02'13" West 42.27 feet;

(2) North 37°07'18" West 618.20 feet;

(3) North 36°57'45" West 26.27 feet to land now or formerly of John Worrell;

THENCE along said land the following three (3) courses:

(1) North 35°24'16" East 284.64 feet;

(2) North 32°35'20" West 146.31 feet

(3) South 60°52'30" West 299.04 feet to a point;

THENCE North 12°07'20" West 151.99 feet;

THENCE North 19°07'30" East 229.63 feet;

THENCE North 86°00'20" East 4.12 feet;

THENCE North 20°11'10" East 150.17 feet to land now or formerly of Frank H. Rowan;

THENCE along said land the following two (2) courses:

- (1) South 82°38'20" East 38.40 feet;
- (2) South 85°35'50" East 156.20 feet to land now or formerly of Howard Silverman;

THENCE along said land the following three (3) courses:

- (1) North 67°41'00" East 91.37 feet;
- (2) North 65°36'20" East 115.59 feet;
- (3) North 50°25'30" East 85.43 feet;

THENCE South 61°16'40" East 150.00 feet;

THENCE South 64°35'20" West 11.31 feet;

THENCE South 61°16'40" East 83.17 feet;

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THENCE South 18°03'50" East 135.00 feet to the northerly side of Fairview Street West;

THENCE along the northerly side of Fairview Street West South 71°56'10" 225.00 feet;

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Section 5: The proposed County Sewer District shall be established and formed pursuant to the provisions of Article 5A of the NEW YORK COUNTY LAW after the effective date of this Resolution, along with the filing of a certification of these proceedings of the Legislature to the New York State Department of Audit and Control.

Section 6: In accordance with Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notice or determinations in accordance with this resolution.

Section 7: The Commissioner of the Suffolk County Department of Public Works is named the Administrative Head of Suffolk County Sewer District No. 4 – Smithtown Galleria.

Section 8: This resolution, authorizing the formation of Suffolk County Sewer District No. 4 – Smithtown Galleria, shall not take effect until at least forty-five (45) days after its adoption, nor until approved by the affirmative vote of the majority of the qualified electors who are resident within the proposed sewer district 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 the passage of this resolution in conformity with the provisions of Section 24 of the NEW YORK MUNICIPAL HOME RULE LAW and Section 257 of the NEW YORK COUNTY LAW, and upon the filing in the office of

the Secretary of State.

DATED: December 21, 2004

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: December 27, 2004

# Exhibit

## D

***Notification to the Office of the NYS Comptroller regarding the District Creation of  
Suffolk County Sewer District #4, Smithtown Galleria***

~

ALAN G. HEVESI  
COMPTROLLER



110 STATE STREET  
ALBANY, NEW YORK 12236

STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER

June 30, 2005

Henry L. Barton, Jr.  
Clerk of the Suffolk County Legislature  
County of Suffolk  
William H. Rogers Building  
725 Veterans Memorial Highway  
Smithtown, New York 11787

A handwritten signature in dark ink, appearing to be "S".

Re: County of Suffolk;  
Establishment of Suffolk  
County Sewer District No. 4

Dear Mr. Barton:

This will acknowledge receipt of the order of the county legislature of the County of Suffolk dated December 21, 2004 establishing the district referenced above. This order was filed in the Office of the State Comptroller on March 14, 2005.

In acknowledging receipt, we express no opinion as to the validity of the proceedings undertaken by the county in connection with the formation of this district.

Very truly yours,

A handwritten signature in dark ink, appearing to be "Mitchell S. Morris".

Mitchell S. Morris  
Associate Counsel

MSM:EMM:sm  
cc: Steve Fountain

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK

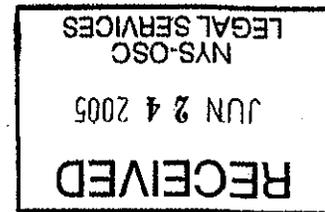


WILLIAM H. ROGERS BUILDING  
725 VETERANS MEMORIAL HIGHWAY  
SMITHTOWN, NEW YORK 11787-4311

HENRY L. BARTON, JR.  
CLERK OF THE LEGISLATURE  
(631) 853-4074

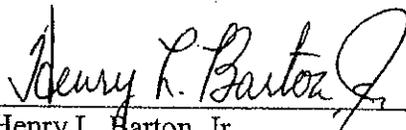
June 17, 2005

Office of the NYS Comptroller  
Attention: Mitch Morris  
110 State Street  
14<sup>th</sup> Floor  
Albany, NY 12236



Re: Suffolk County Sewer District #4, Smithtown Galleria (District Creation)

I, Henry L. Barton, Jr., Clerk of the Legislature, Suffolk County, New York, do hereby certify that no petition protesting against the passage of Resolution No. 1403-2004, in conformity with the provisions of Section 24 of the New York Municipal Home Rule Law and Section 257 of New York County Law has been requested nor filed.

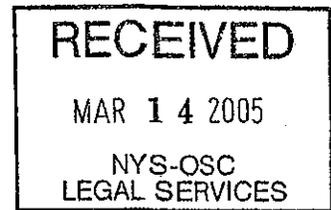
  
Henry L. Barton, Jr.  
Clerk of the Legislature  
Suffolk County, New York

HLB:db

cc: Ben Wright, Dept. of Public Works

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK

EPD



WILLIAM H. ROGERS BUILDING  
725 VETERANS MEMORIAL HIGHWAY  
SMITHTOWN, NEW YORK 11787-4311

HENRY L. BARTON, JR.  
CLERK OF THE LEGISLATURE  
(631) 853-4074

March 2, 2005

Mitchell S. Morris, Esq., Associate Counsel  
Office of the New York State Comptroller  
A.E. Smith State Office Building  
Legal Service, 6<sup>th</sup> Floor  
Albany, NY 12236

Re: "Suffolk County Sewer District No. 4 – Smithtown Galleria"  
Certification to the New York State Comptroller of the Establishment of Suffolk County Sewer  
District No. 4 – Smithtown Galleria, County of Suffolk, State of New York

Dear Mr. Morris:

Please find enclosed a certified copy of Suffolk County Resolution 1403-2004, making certain findings with respect to the establishment of "Suffolk County Sewer District No. 4 – Smithtown Galleria", duly passed in accordance with Article 5A of the New York County Law. Please be advised that the establishment of this Sewer District did not require any debt, in any form, to be incurred by the County of Suffolk.

Please do not hesitate to contact me if you require any further information.

Very truly yours,

Henry L. Barton, Jr.  
Clerk of the Suffolk County Legislature  
County of Suffolk, State of New York

HLB:db  
Enclosure

LUCIA D. BRAATEN  
NOTARY PUBLIC, State of New York  
No. 4803364  
Qualified in Suffolk County  
Commission Expires Dec. 31, 2006

Sworn to before me this 4<sup>th</sup> day of March, 2005

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. 1403 -2004, A RESOLUTION  
MAKING CERTAIN FINDINGS AND DETERMINATIONS  
UPON A PROPOSAL TO FORM SUFFOLK COUNTY  
SEWER DISTRICT NO. 4 - SMITHTOWN GALLERIA IN  
THE TOWN OF SMITHTOWN**

**WHEREAS**, Resolution No. 179-2003 was adopted on March 11, 2003 and signed by the County Executive on March 27, 2003, and amended by Resolution 520-2004 adopted on May 11, 2004 and signed by the County Executive on May 14, 2004; and

**WHEREAS**, when adopted, Resolution No. 179-2003, as amended by Resolution 520-2004, contained an error in that pursuant to section 256 of the NEW YORK COUNTY LAW, the resolution should have been made subject to a permissive referendum; and

**WHEREAS**, it is now desired to rescind Resolution 179-2003, as amended by Resolution 520-2004; and

**WHEREAS**, the County Legislature of the County of Suffolk, New York, duly adopted Resolution No. 212 of 1973, on March 27, 1973, and approved by the County Executive on March 27, 1973, pursuant to Section 253 of the NEW YORK COUNTY LAW, directing the Suffolk County Sewer Agency (the "Sewer Agency") to prepare maps and plans and a report in accordance with such section in relation to the formation of County sewer districts; and

**WHEREAS**, the Sewer Agency passed Resolution No. 27 of 2002 approving the maps and plans and report prepared by the Sewer Agency staff and authorized further necessary proceedings in connection with the formation of Suffolk County Sewer District No. 4 - Smithtown Galleria (the "District") for the developments known as Smithtown Galleria, Galleria Heights, and miscellaneous lots, located in the hamlet of Smithtown in the Town of Smithtown; and

**WHEREAS**, the Sewer Agency has duly caused such maps and plans to be prepared and has transmitted them to the County Legislature, together with a report of its proceedings and its recommendations in accordance with Section 254 of the NEW YORK COUNTY LAW; and

**WHEREAS**, the County Legislature did, pursuant to Section 254 of the NEW YORK COUNTY LAW, duly adopt Resolution No. 949-2002 Calling for a Public Hearing at the County Center in Riverhead/Hauppauge, New York, on November 19, 2002, upon a proposal to form said County sewer district, to comprise the area described and defined in said maps and plans; and

**WHEREAS**, the Clerk of the Legislature did duly cause a Notice of Public Hearing to be published at least once in each of the office newspapers of the County, all in the manner and within the time provided by law and proof thereof has been presented to the County Legislature; and

**WHEREAS**, every entity within the proposed District was notified of the Public Hearing by United States Postal Service regular mail; and

**WHEREAS**, the Public Hearing was duly held at the time and place aforesaid, at which time all parties therein were duly heard; and

**WHEREAS**, the County Legislature has duly considered the evidence given at said Public Hearing; and

**WHEREAS**, this action is related to routine administration and management in accordance with the NEW YORK CODE OF RULES AND REGULATIONS, Volume 6 Sections 617.5(c)(20) and (27), and therefore is determined to be a Type II action requiring no further action; now, therefore, be it

**RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1: Resolution No. 179-2003, as amended by Resolution 520-2004, is hereby rescinded.

Section 2: Upon evidence provided at the public hearing and after due consideration of the maps, plans, report and recommendations and data filed with it by the Sewer Agency, that it is in the public interest to form a new sewer district pursuant to Section 271 of the NEW YORK COUNTY LAW substantially in accordance with the maps, plans, report and recommendations of the Sewer Agency, that the facilities within the proposed District are adequate and appropriate, that all of the property owners in the proposed District are benefited by the formation of the proposed District, and that all of the property and property owners benefited by the formation of the proposed District are included within the limits of the proposed District.

- (a) The Legislature, being the SEQRA Lead Agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Sections 617.5(c)(20) and (27) of Volume 6 of the NEW YORK CODE OF RULES AND REGULATIONS.

Section 3: The establishment of the proposed sewer district to be designated and known as: "Suffolk County Sewer District No. 4 – Smithtown Galleria", is hereby approved.

Section 4: Suffolk County Sewer District No. 4 – Smithtown Galleria will comprise an area lying within the Town of Smithtown, more particularly bounded and described as follows:

All that certain plot, piece or parcel of land, situate, lying and being at Smithtown, in the Town of Smithtown, County of Suffolk, and being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Terry Road, said point being 444.89 feet northerly of the intersection of the easterly side of Terry Road with the northerly side of Nesconset-Port Jefferson Highway (NYS Route 347);

THENCE along a curve on the easterly side of Terry Road bearing to the right having a radius of 1885.11 feet a distance of 28.61 feet;

THENCE North 32°12'10" West 228.37 feet;

THENCE North 61°01'53" East 356.33 feet;  
 THENCE North 28°07'03" West 119.41 feet;  
 THENCE South 61°52'57" West 355.77 feet to the easterly side of Terry Road;  
 THENCE along a curve on the easterly side of Terry Road bearing to the right having a radius of 1885.11 feet a distance of 233.75 feet;  
 THENCE along the easterly side of Terry Road North 18°12'00" West 67.99 feet;  
 THENCE along a curve on the easterly side of Terry Road bearing to the left having a radius of 1661.77 feet a distance of 199.40 feet;  
 THENCE North 65°36'33" East 350.41 feet;  
 THENCE North 27°17'12" West 121.74 feet;  
 THENCE South 66°36'42" West 350.76 feet to the easterly side of Terry Road;  
 THENCE along a curve on the easterly side of Terry Road bearing to the left having a radius of 1661.77 feet a distance of 86.22 feet;  
 THENCE along the easterly side of Terry Road the following three (3) courses:  
     (1) North 28°02'13" West 42.27 feet;  
     (2) North 37°07'18" West 618.20 feet;  
     (3) North 36°57'45" West 26.27 feet to land now or formerly of John Worrell;  
 THENCE along said land the following three (3) courses:  
     (1) North 35°24'16" East 284.64 feet;  
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     (3) South 60°52'30" West 299.04 feet to a point;  
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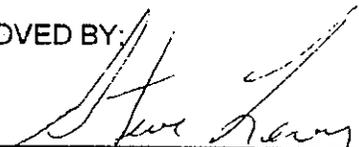
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DATED: **DEC 21 2004**

APPROVED BY:

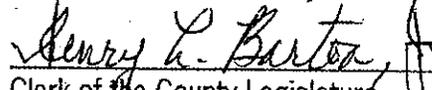
  
\_\_\_\_\_  
County Executive of Suffolk County

Date: **December 27, 2004**

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, N.Y.

**This is to Certify That I,** HENRY L. BARTON, JR., Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on **DEC 21, 2004** and that the same is a true and correct transcript of said resolution and of the whole thereof.

**In Witness Whereof,** I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

  
Clerk of the County Legislature

# Exhibit

## E

***Current Legal Description of District - (Original Sewer District #4 – Galleria, Metes & Bounds, as described in June 2002 report and established by Suffolk County Legislative Resolution - 1403-2004)***

**Original Sewer District #4- Galleria - Metes & Bounds**  
**As established by the Suffolk County Legislative Resolution 1403-2004**

Section 4: Suffolk County Sewer District No. 4 – Smithtown Galleria will comprise an area lying within the Town of Smithtown, more particularly bounded and described as follows:

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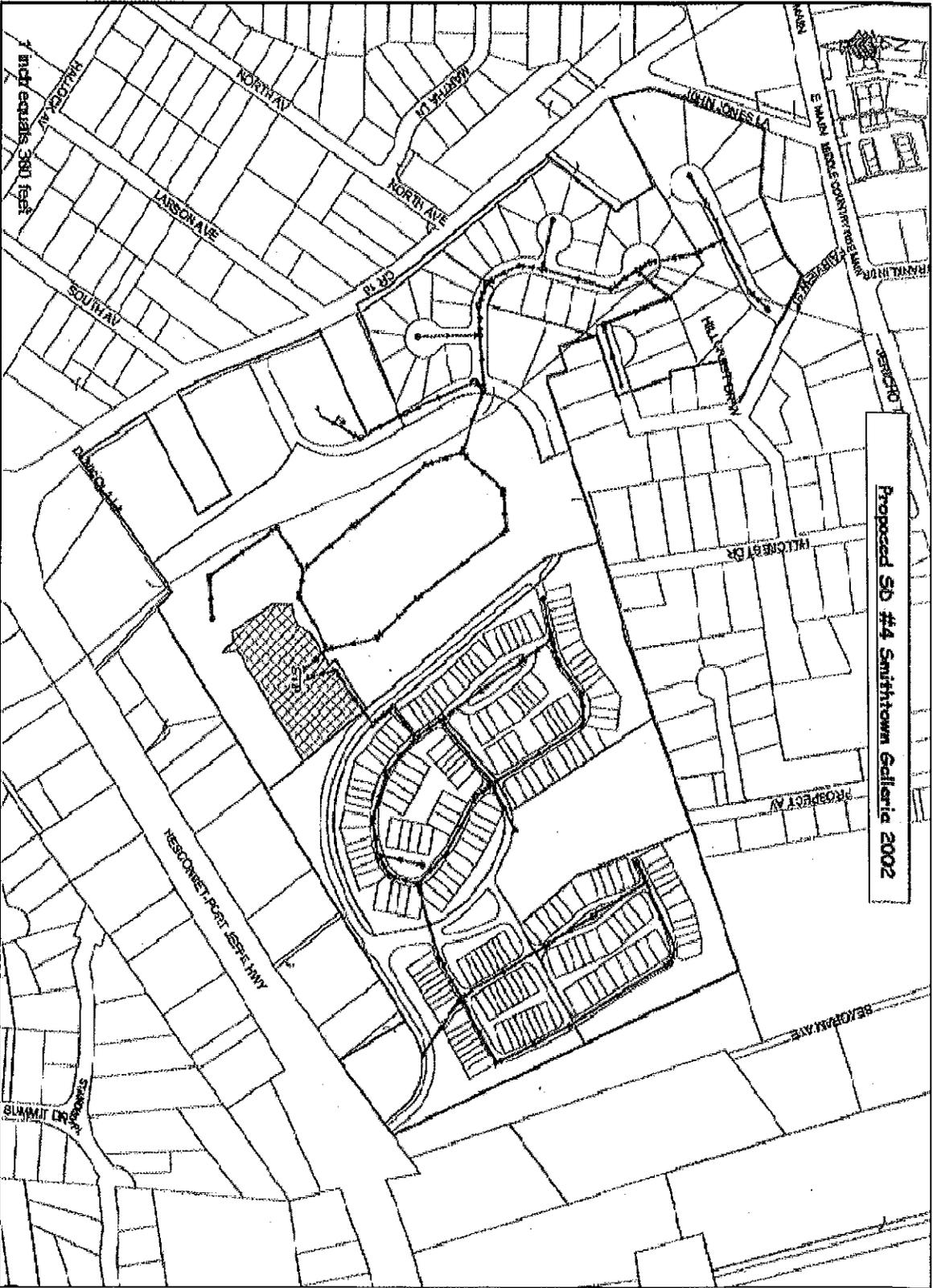
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# Exhibit

## F

*Map of District (Original Sewer District #4 – Galleria, as contained in June 2002 report and- established by Suffolk County Legislative Resolution 1403-2004)*



Proposed SD #4 Smithtown Galleria 2002

# **Exhibit**

## **G**

***Estimated Operation and Maintenance Budget –  
(as included in June 2002 report and considered in public hearing leading to  
Suffolk County Legislative Resolution - 1403-2004)***

**2002 BUDGET FOR PROPOSED SCSD NO. 4 – SMITHTOWN GALLERIA**

Total Budget for Facility:	\$259,470 (1)
Labor:	\$113,835
Equipment:	\$34,985
Supplies/Materials:	\$66,150
Utilities:	\$ 44,500

Average Daily Flow:           178,000 GPD (2)

Estimated user fees: (1)/ (2)       \$1.46 per gallon per day

Estimated residential user fee:       \$470 per year (\$259,470/552 SFE)

SD No. 4 – Smithtown Galleria 2007 costs

# Exhibit

## H

### *Estimated Amended Operation and Maintenance Budget (June 2013)*

**Exhibit H**

**2013 BUDGET FOR PROPOSED  
SCSD NO. 4 – SMITHTOWN GALLERIA**

<b>Total Budget for Facility.....</b>	<b>\$ 420,590 <sup>1</sup></b>
<b>Labor.....</b>	<b>\$ 49,280 <sup>a</sup></b>
<b>Lab &amp; Sludge.....</b>	<b>\$ 46,202 <sup>b</sup></b>
<b>O&amp;M.....</b>	<b>\$ 181,000 <sup>b</sup></b>
<b>Spread Costs.....</b>	<b>\$ 144,108 <sup>a</sup></b>
<b>Average Daily Flow.....</b>	<b>178,000 GPD <sup>2</sup></b>

**Estimated user fees: \$ 2.36 per gallon per day (1/2)**

**Estimated residential user fee: \$685 per year (\$420,590/614 SFE)**

<sup>(a)</sup> – Based on 2011 Actual Expenses from chargeback calculations.

<sup>(b)</sup> – Based on 2011 Actual Expenses for comparable sewer district; including utilities, equipment, and supplies/materials.

SCSD # 12 – Birchwood-Holbrook

# Exhibit

I

## *Wastewater Treatment Plant Inspection Memo (2013)*

# Memorandum

**To:** John Donovan  
**CC:** Ben Wright, Janice McGovern  
**From:** Ron Warren  
**Date:** 6/19/2013  
**Re:** Inspection of Galleria STP

---

On 3/12/13 we performed a walkthrough of the Galleria STP. Plant design flow 120,000 GPD running at 60,000 at this time

- 1 MPLS 2 influent pumps in operation (3rd pump sitting on top of well?)
  - A. Pumps are Peabody barns ,HP 10. Well is 36' deep 8' dim. Pumps seem to be running at a low level keeping the pumps exposed.
  - B. Influent lines - one comes in from the west the 2<sup>nd</sup> from the north
  - C. Well needs a cleaning ( personal at sight says it get cleaned 3 times a year )
- 2 Influent screens
  - A. North screen I beams need to be cleaned and coated
  - B. Safety grating around splitter box needs replacing
  - C. Both screen area north and south need to be cleaned up
- 3 SBR panel ABJ
  - A. New panel view installed
  - B. Panel need to be cleaned up full of bugs
  - C. Program back up and spare parts not on sight
- 4 SBR's
  - A. SBR#1
    - Mixer not running
    - DO probe working looks to be out of calibration
    - Decanter looks good panel shows that PM is needed
  - B. SBR#2
    - Mixer not running
    - DO probe needs calibration
    - WAS pump fell off rails
  - C. SBR#3
    - Mixer not running



- 5 Sludge holding tanks
  - A. All full
  - B. Decant pump panels need replacing
  - C. Temporary decant pumps set up with hoses all over
  
- 6 Filters need to be cleaned or replaced
  
7. Final filters
  - A. cell #3 plugged up
  - B. Compressor for filter of the two compressors only one working.
    - a. Repairs and leaks need to be fixed
    - b. 2<sup>nd</sup> compressor looks to have blow by checked and a oil leak repaired
  
- 8 BFP 1" no test paper work

# Exhibit

## J

### *Assessment Stabilization Reserve Fund (ASRF)*

## Assessment Stabilization Reserve Fund

Resolution No. 110-1998 adopted Local Law No. 35-1999, establishing a "Common Sense Tax Stabilization Plan for Sewers, Environmental Protection, and County Taxpayers." The program provides long-term sewer district tax rate stabilization for both debt service and operation and maintenance costs.

Resolution No. 650-2000 re-imposed an additional one-quarter percent sales tax for the period beginning December 1, 2000, through December 31, 2013. An extension of this program was adopted in 2007 and allocated 25% of the additional sales tax to an Assessment Stabilization Reserve Fund (ASRF) for sewers through 2030.

Two funds exist, the ASRF for the smaller districts (Fund 404) and the Southwest Sewer District (Sewer District 3) (Fund 405).

The intent of the ASRF is to stabilize sewer district tax rates beyond 2030 and to protect taxpayers in sewer districts from significant rate increases in a single budget year. Increases above 3% allow the ASRF to be utilized. **The use of the Assessment Stabilization Reserve Fund therefore, limits the impact of any capacity project to 3%.**

Newly created sewer districts must have their actual costs established over at least a three year prior to being eligible for the current 3% cap afforded through the ASRF.

# Exhibit

## K

### *Calculation of Sewer District Usage Charges*

## ***Calculation of Sewer District Usage Charges***

The methodology for the calculation of sewer usage charges has been in existence since the early 1980's. It has been consistently applied in determining the operating costs of all County sewer districts. It is based on generally accepted accounting principals and reflects an efficient and effective method for cost sharing.

There are two parts to each sewer district's budget. First, there are those operating costs incurred in the operation and maintenance of the sewer districts that are specifically identifiable as being associated with a specific sewer district. These costs appear in that district's annual operating budget and are charged directly to that district when payment is made to the vendors.

Second, there are those costs that are charged back to the sewer districts. They are the costs that are referred to as "soft costs".

All of these costs are incurred by Fund 261- Sanitation Maintenance and Operations, which is responsible for the maintenance and operation of all county sewer districts. These costs must be apportioned to those that have derived benefit from them. If these costs were not charged back to the benefited sewer districts, they would then have to be absorbed by the General Fund and passed along to all of the property tax payers of Suffolk County, including those that are not connected to a sewer district.

There are a variety of levels of costs included in the calculation of sewer usage charges. First, there are the direct costs which are easily identifiable. Labor charges for work done at the district and materials delivered and used at the district. Second, there are costs incurred by the department or services provided by departmental personnel on behalf of the individual districts that although they relate specifically to the district are more cost effectively performed or purchased for the group and then charged back. Then there are the overhead costs. These are services performed by the Department which save the Districts the most money.

Instead of each district having to purchase and maintain their own vehicles or buy or rent specialized equipment needed for maintenance or repair, we allocate a portion of the departmental costs to each district. Professional services performed by the sanitation engineering staff and the cost of payroll, purchasing and accounting services are also allocated to the districts. Although these costs relate directly to the operation and maintenance of the sewer districts, it is not cost effective for each of the districts to have to perform these services individually nor feasible for the County to account for these costs on a district by district basis. Therefore, these costs are apportioned to the districts based upon a percentage of direct labor costs.

The following is a detailed explanation of the categories of expenses included in the calculation of the charge backs costs and the rationale used in the allocation of these costs. All costs included in the calculation of sewer usage charges are directly related to the operation and maintenance of the sewer districts.

### **Personnel**

None of the sewer districts' individual budgets, except for the Southwest, contain a budget line for personnel. All personnel costs are paid out of Fund 261 and are charged back to the districts. County employees who are responsible for the daily operation and maintenance of the sewer treatment plants are not assigned to a specific sewer district. Every plant must be visited every day to perform a variety of basic maintenance work. Other employees working on larger repair and improvement projects may be required to work at a particular plant for a day or a week. In order to account for their time these employees are required to submit a detailed breakdown of the amount of time that they spend at each plant each day along with their timesheet every two weeks. This information is entered into a database and the exact labor cost (straight time and overtime) associated with the specific staff working at that plant is calculated. These labor costs are charged directly to the specific sewer districts where they worked.

At the public information meetings the homeowners were critical of the cost of labor. It was explained that OSHA and Union requirements dictate that more than one person must be present when entering and working at these plants.

To determine the labor costs that could reasonably be expected to be incurred in a newly created sewer district, we use the actual labor costs incurred in a similarly sized sewer district with a similar operating system.

### **Postage/ Billing**

This is an allocation of expenses related to the mailing of sewer bills. Paper, envelopes, supplies, equipment and maintenance agreements on the hardware and software are charged back to the sewer districts based upon the percentage of sewer bills generated and mailed to the sewer users in the district, versus total sewer usage billings.

### **Sludge Removal**

The transfer of sludge from each of the sewer districts to the Bergen Point Scavenger Waste Treatment Plant is performed by County employees. Dump tickets, generated at the plant documenting the number of gallons received from each district are forwarded to DPW-Finance. Billings for the processing of the sludge are calculated by DPW – Finance. Actual gallons processed for each sewer district are charged back at the prevailing rate per 1000 gallons.

### **Lab**

Costs associated with the operation of the Lab are initially paid out of Fund 261. These costs are charged back to the sewer districts based upon the number of tests the Lab conducts for each of the districts.

### **Objectionable Hazardous Waste**

Costs associated with the operation of the Objectionable Hazardous Waste Monitoring Program are initially paid out of Fund 261, however, they are not included in the allocation of costs through the charge back system. The costs incurred by this federally mandated program are billed to commercial properties exclusively and are based upon a billing rate which is calculated separately.

### **Administrative Overhead**

After all of the direct operating costs detailed above are deducted from the total Fund 261 expenses, the balance remaining is the total indirect expenses. They are the "soft costs".

These indirect costs are allocated to all of the sewer districts based upon the percentage of direct labor charged to the district versus total direct labor.

### **Labor – Sanitation Engineering**

All personnel costs specifically identifiable to a sewer district (based upon Personnel narrative above) are deducted from Fund 261 and charged directly to that sewer district. All personnel costs identifiable to a specific function or program that is allocable based upon a separate allocation method are deducted. The resulting difference is the total labor costs paid out of Fund 261 which is not specifically identifiable to a specific sewer district. This includes holidays, sick time, vacations and worker's compensation paid to field staff working at the sewer treatment plants, time in training and any other time not specifically identifiable to a specific sewer district, in addition to administrative salaries and office support staff.

### **Fringe Benefits**

This category includes all payments from Fund 261 for Social Security and contributions to the NYS Retirement System, Employee Medical Health Plan and Employee Benefit Fund. This is the total fringe benefit expense for both direct and indirect labor.

### **Administrative Operating Expenses**

Operating expenses incurred by Fund 261 that are not specifically identifiable to a specific sewer district, but benefit all districts, are allocated to all sewer districts. These include costs such as service charges on beepers and Nextel phones, the rental and the cleaning of uniforms, the purchase of tools and miscellaneous supplies used by employees working in the field, and Administrative Office operating costs such as photocopy rental fees, memberships, subscriptions, and research and law books.

### **Interfund Transfers**

Costs incurred by the County in the operation of Fleet Services and the Self Insurance program are apportioned to all County departments. The portion that is charged to Fund 261 is an operating expense of the Fund that is distributed to the districts.

- **Fund 16 – Fleet Services**

Costs relating to the operation and maintenance of the vehicles assigned to every County department are tracked by Fleet Services based upon Fund and fleet numbers. This includes the cost of gasoline, parts for repairs and maintenance and labor costs, calculated based upon the rate of pay earned by the mechanic working on the vehicle. The cost of operating Fund 261's fleet is charged back to the sewer districts based upon their percentage of total labor costs.

- **Fund 38 – Self Insurance**

The County is self insured. All costs incurred by Insurance and Risk Management are distributed among all County departments based upon the number of employees on staff. Self Insurance costs charged to Fund 261 are charged back to the sewer districts based upon their percentage of total labor costs.

The following are costs incurred by the Department that are apportioned as follows:

- **Fund 259 – Bldg/ San Admin**

Operating expenses of the Commissioner's Office, Personnel, Finance and DPW Purchasing are charged back to all of the Divisions of the Department. The portion of this cost that is allocated to Fund 261 is apportioned among all of the sewer districts based upon their percentage of total labor costs.

- **Fund 525 – Capital**

Capital project number 8164 was created for the purchase of heavy equipment for sanitation. Each year funds from the operating budget are transferred to this capital project, creating a reserve to be used for the purchase of heavy equipment when needed. Funding the project in this way avoids large increases in costs in years when such purchases are made and avoids incurring finance charges, thereby saving the rate payers money. This cost is apportioned among all of the sewer districts based upon their percentage of total labor costs.

1630

Intro. Res. No. -2014  
Introduced by Legislator Schneiderman

Laid on Table 6/17/14

**RESOLUTION NO. -2014, DIRECTING THE COUNTY  
ATTORNEY TO EXAMINE THE FEASIBILITY OF  
COMMENCING A LEGAL ACTION TO CORRECT  
INEQUITABLE FISHING QUOTAS**

**WHEREAS**, the Magnuson-Stevens Act ("MSA") was enacted by the United States Congress in 1976 to restrict foreign fishing vessels in the United States' offshore waters (from 3 to 200 miles off the shoreline); and

**WHEREAS**, the MSA also sought to regulate fishing in federal waters by establishing a state-by-state allocation system for commercial fisherman; and

**WHEREAS**, advocates for the New York commercial fishing industry have long argued that the state-by-state quotas created by the Mid-Atlantic Fisheries Management Commission and the Department of Commerce's National Marine Fisheries Services pursuant to the MSA, were based on a faulty data collection model which put New York at a severe disadvantage when compared to other states; and

**WHEREAS**, as a result of the faulty data collection model, New York's quota for black sea bass, bluefish, scup and summer flounder is much lower than neighboring states; for example, in recent years, New York's summer flounder quota was less than half of that allocated to Rhode Island, New Jersey, Virginia and North Carolina; and

**WHEREAS**, Suffolk County has the largest commercial fishing fleet in New York State; and

**WHEREAS**, the longstanding quota inequity described herein has hurt Suffolk County's economy and causes job losses; and

**WHEREAS**, Suffolk County should explore the feasibility of commencing legal proceedings against the federal government to correct the inequitable fishing quotas described herein; now, therefore be it

**1st RESOLVED**, that the Suffolk County Department of Law is hereby authorized, empowered and directed to study the feasibility of bringing any and all legal actions in any judicial and/or administrative forum against the National Marine Fisheries Services and/or any other federal or interstate agency necessary to correct the inequitable fishing quotas that discriminate against New York and Suffolk County commercial fisherman; 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-legal-action-fishing-quotas

A faint, circular stamp or signature mark is visible in the center-right area of the page. It appears to be a circular seal or stamp, but the details are too light to discern clearly.

1631

Intro. Res. No. -2014  
Introduced by Legislator Schneiderman

Laid on Table 6/17/14

**RESOLUTION NO. -2014, TO FURTHER EXTEND  
DEADLINE FOR TICK AND VECTOR-BORNE DISEASES TASK  
FORCE**

**WHEREAS**, Resolution No. 689-2011 established the Tick and Vector-Borne Diseases Task Force to study the spread of tick and vector-borne diseases, and to develop a comprehensive needs assessment given the County's approach to this public health and safety issue; and

**WHEREAS**, the Tick and Vector-Borne Disease Task Force expired June 1, 2014; and

**WHEREAS**, the Tick and Vector-Borne Disease Task Force needs more time to complete its work; and

**WHEREAS**, this Legislature wishes to extend the life of this important task force; now, therefore be it

**1st** **RESOLVED**, that the 12<sup>th</sup> RESOLVED clause of Resolution No. 689-2011, as amended by Resolution No. 991-2012 and Resolution No. 115-2014, is hereby amended as follows:

**12th** **RESOLVED**, that the Suffolk County Tick and Vector-Borne Diseases Task Force shall submit a written report of its findings and determinations together with its recommendations for action to each member of the County Legislature, the Commissioner of the Department of Health Services, and the County Executive no later than [June 1, 2014] December 1, 2014 for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

and be it further

**2nd** **RESOLVED**, that the 13<sup>th</sup> RESOLVED clause of Resolution 689-2011, as amended by Resolution No. 991-2012 and Resolution No. 115-2014, is hereby amended as follows:

**13th** **RESOLVED**, that the Suffolk County Tick and Vector-Borne Diseases Task Force shall expire, and the terms of office of its members shall terminate as of [June 1, 2014] December 1, 2014, at which time the Suffolk County Tick and Vector-Borne Diseases Task Force shall deposit all records of its proceedings with the Clerk of the Legislature; and be it further

and be it further

**3rd** **RESOLVED**, that all other terms and conditions of Resolution No. 689-2011 shall remain in full force and effect; and be it further

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

DATED:

APPROVED BY:

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

Date:

s:\res\r-further-extend-tick-borne-disease-task-force

1632

Intro. Res. No. -2014  
Introduced by Legislator Krupski

Laid on Table 6/17/2014

**RESOLUTION NO. -2014, AUTHORIZING  
EXECUTION OF AN ASSIGNMENT AGREEMENT  
WITH THE MTA AND THE VILLAGE OF GREENPORT  
OF LEASE AND SUBLEASE FOR THE GREENPORT  
COMMERCIAL DOCK**

**WHEREAS**, pursuant to Suffolk County Resolution Number 428-1981, the County of Suffolk, entered into an agreement (the "Lease") with the Long Island Rail Road Company/MTA for the leasing of the Greenport Commercial Dock (the "Dock"), located in the Village of Greenport, adjacent to Greenport Harbor, for a term of 50 years, for, among other things, the reconstruction of the Dock by the Department of Public Works (the "Department") and the continued use of the Dock as a fishing port, and said Lease is set to expire on June 30, 2031; and

**WHEREAS**, in addition, Suffolk County Resolution Number 428-1981 authorized, and the County entered into, a sublease agreement ("Sublease") with the Village of Greenport ("Village") and the Long Island Railroad Company/MTA for the Dock for the duration of the Lease; and

**WHEREAS**, since the execution of the Sublease and completion of the reconstruction of the Dock by the Department, the Village has actively operated and maintained the Dock and performed all the necessary duties and obligations related to the Dock, while Suffolk County has not had an active role yet has remained a responsible party under the Lease and Sublease; and

**WHEREAS**, both the Village and Suffolk County wish to transfer all responsibilities under the Lease agreement to the Village and effectively terminate the Lease as it relates to Suffolk County; and

**WHEREAS**, both the Village and Suffolk County have reached out to the Long Island Railroad Company/MTA about effectuating a termination of the Lease and Sublease, and the Long Island Railroad Company/MTA has agreed subject to the execution of an agreement between the parties; now, therefore be it

**1st RESOLVED**, that this Legislature hereby authorizes, empowers, and directs the County Executive, or his designee, to enter into such agreements necessary to wholly assign, transfer, and/or terminate the Lease with the Long Island Railroad Company/MTA and Sublease agreement with the Village, subject to the approval of the Department and the Department of Law for the purpose of transferring sole responsibility for the dock to the Village; 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 law constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 N.Y.C.R.R.) 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 nonapplicability or non-significance in accordance with this law.

DATED:

APPROVED BY:

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

Date:

r-res/MTA-Village of Greenport

1633

Intro. Res. No. -2014  
Introduced by Legislator Krupski

Laid on Table 6/17/14

**RESOLUTION NO. -2014, REPEALING RESOLUTION NO. 362-2014, AUTHORIZING AN AGREEMENT WITH LONG ISLAND ABATE FOR THE USE AND MAINTENANCE OF THE FORMER LONG ISLAND BEAGLE CLUB PROPERTY**

**WHEREAS**, Resolution No. 362-2014 authorized the Department of Parks, Recreation and Conservation to enter into an agreement with Long Island ABATE for the use and maintenance of the former Long Island Beagle Club Property; and

**WHEREAS**, Calverton area residents and civic organizations voiced their strong objection to the proposed use and maintenance agreement; and

**WHEREAS**, Long Island ABATE has advised the County that they are no longer interested in entering into the proposed agreement; and

**WHEREAS**, the County of Suffolk should seek to identify another not-for-profit organization that will improve and maintain the Beagle Club Property with the support of the Calverton community, now, therefore be it

**1st RESOLVED**, that Resolution No. 362-2014 is hereby rescinded and repealed in its entirety; and be it further

**2nd RESOLVED**, that the Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed to issue a Request for Expressions of Interest to identify a not-for-profit organization that is willing to enter into a use and maintenance agreement for the former Beagle Club Property, and thereby assist the County's efforts to open the property to the public for passive parkland purposes; and be it further

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

DATED:

APPROVED BY:

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

Date:

1634

Intro. Res. No -2014  
Introduced by Legislator Krupski

Laid on Table

6/17/14

**RESOLUTION NO. -2014, AUTHORIZING THE  
RECONVEYANCE OF COUNTY-OWNED REAL ESTATE  
PURSUANT TO SECTION 215, NEW YORK STATE COUNTY  
LAW TO MICHAEL SCHLACHTER AND JUDITH SCHLACHTER**

**WHEREAS**, the County of Suffolk is the fee owner of the following described parcel:

ALL that certain plot, piece or parcel of land with any buildings and improvements thereon erected, situate, lying and being in Jamesport, Town of Riverhead, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Service Agency as District 0600 Section 090.00 Block 02.00, Lot 031.001, and acquired by tax deed on May 15, 2013, from Angie m. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 16, 2013, in Liber 12729, at Page 862, and otherwise known as and by Town of Riverhead, as lots 6, 7, 8 and 17, Block A, on a certain map entitled "Map of Jamesport Camp Grounds", filed in the Office of the Clerk of Suffolk County on January 10, 1910 as Map No. 321.

and

**WHEREAS**, Michael Schlachter and Judith Schlachter were the former owners of said real property; and

**WHEREAS**, the time for redemption of this real property under Local Law No. 16-1976 has expired; and

**WHEREAS**, an investigation by the office of Legislator Krupski has determined that said non-payment of taxes on the part Michael and Judith Schlacter was not an intentional act but was due to circumstances beyond their control, more fully described in the documents attached hereto; and

**WHEREAS**, it would be in the best interest of the County of Suffolk to return said parcel to the tax rolls; and

**WHEREAS**, the above described parcel has been appraised by the County Department of Environment and Energy, Division of Real Property Acquisition and Management, at \$315,000.00; and

**WHEREAS**, the Director of the Division of Real Property Acquisition and Management, or his or her deputy, will receive and deposit the sum of \$56,897.37 together with any and all other charges that may be due and owing to the County of Suffolk as of the actual date of closing, as full payment of all amounts due and owing to the County of Suffolk; now, therefore, be it

**RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, or his or her deputy, is hereby authorized to execute, acknowledge, and deliver a quitclaim deed to:

Michael Schlachter and Judith Schlachter  
14 6th Street  
South Jamesport, NY 11970

upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate.

DATED:

APPROVED BY:

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

Date:

s:\word\215 redemption-Schlachter Resolution

1635

Intro. Res. No. -2014

Laid on Table 6/17/2014

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2014, AUTHORIZING  
EXECUTION OF EASEMENT AGREEMENTS WITH  
THE NYS DOT IN CONNECTION WITH ROAD  
IMPROVEMENTS ON NYS RTE. 112 AT OVERTON  
PRESERVE (SCTM#0200-524.00-01.00-047.001)**

**WHEREAS**, in 2008, the County of Suffolk acquired certain property under the Drinking Water Protection Program known as Overton County Preserve ("Overton Preserve") located in the Town of Brookhaven off of the eastern portion of New York State Route 112 between Mill Road and Granny Road and designated on the Suffolk County Tax Map as 0200-524.00-01.00-047.001, and said property has been dedicated as parkland; and

**WHEREAS**, the New York State Department of Transportation ("NYS DOT") is in the process of making road improvements to New York State Route 112, including that portion that runs adjacent to the Overton Preserve; and

**WHEREAS**, in order to complete said road improvements, the NYS DOT has requested a temporary easement from the County totaling a 0.59 acre strip and approximately 15 feet in width, for the duration of the NYSDOT project, in order to allow the natural grading of the shoulder area for the proposed road improvements; and

**WHEREAS**, in exchange for said temporary easement, the NYSDOT has agreed to install a traffic signal to facilitate access to the Overton Preserve and to construct a gravel parking area totaling 0.14 acres opposite the traffic signal location for the benefit of park users, per the request of the Department of Parks, Recreation and Conservation ("Department"); and

**WHEREAS**, in order to install the traffic signal and construct the gravel parking area, the NYS DOT requires additional easements from the County; and

**WHEREAS**, this Legislature has determined that the proposed NYSDOT project will have a de minimus impact to Overton Preserve and will benefit park users; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that this Legislature hereby authorizes, empowers, and directs the County Executive, or his designee, to enter into such easement agreements necessary to allow completion of the NYS DOT project in accordance with the plans submitted to and as approved by the Department and upon such other terms and conditions approved by the Department, and subject to the approval of the Department of Law; and be it further

**2<sup>nd</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) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 N.Y.C.R.R.) 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 nonapplicability or non-significance in accordance with this law.

DATED:

APPROVED BY:

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

Date:

1636

Intro. Res. No. -2014  
Introduced by Legislator Schneiderman

Laid on Table 6/17/14

**RESOLUTION NO. - 2014, ADOPTING LOCAL LAW NO. -2014, A LOCAL LAW TO INCREASE TRANSPARENCY AND FAIRNESS OF THE COUNTY'S PROPERTY LEASING PROCESS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2014, a proposed local law entitled, "**A LOCAL LAW TO INCREASE TRANSPARENCY AND FAIRNESS OF THE COUNTY'S PROPERTY LEASING PROCESS**" now, therefore, be it

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

**LOCAL LAW NO. -2014, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO INCREASE TRANSPARENCY AND FAIRNESS OF THE COUNTY'S PROPERTY LEASING PROCESS**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County owns significant and valuable real property assets which can be leased or licensed to private entities.

This Legislature also finds and determines that many County-owned properties are leased or licensed for long periods; the terms of leases of commercial properties are as long as 40 years.

This Legislature further finds and determines that the County's current leasing practices are not uniform and do not always achieve transparency or fairness.

This Legislature finds that the County should always publicize its intention to lease or license real property when a long-term agreement is contemplated.

This Legislature also determines an open, competitive leasing process will produce economic benefits for Suffolk County taxpayers and businesses.

This Legislature also finds that the County should never negotiate a lease or license under an exclusivity agreement and such agreement should be prohibited.

Therefore, the purpose of this law is to amend Article 34 and Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to establish an open, transparent process for leasing County property.

**Section 2. Amendments.**

- I. Article 34 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**Article XXXIV. Suffolk County Airport.**

**§ A34-1. Leasing Space at Suffolk County Airport.**

- A. The County Executive, subject [to A34-2 of this article,] the provisions of this section or any other alternative legislative directives, is authorized to formulate a leasing procedure for [buildings] real property at the Suffolk County Airport.
1. Any offer to lease space for a term of five years or longer, or to extend a lease for a period of five (5) years or longer, must be advertised on the County's website for a period of sixty (60) days and in the County's officially designated newspapers at least twice during this 60 days period.
  2. If the County receives only one (1) expression of interest to lease a property by the end of the 60 day advertising period, the County may negotiate the terms of a lease with the proposed lessee, subject to the approval of the County Legislature.
  3. If the County receives two (2) or more expressions of interest to lease a property at the close of the 60 day advertising period, the Department of Economic Development and Planning will initiate an open, competitive bidding process in which each prospective lessee will be given the opportunity to outline their proposed use of the subject property and the financial terms under which they are willing to operate. The Department will review the proposals and select the proposal that best meets the economic, environmental and community needs of the County. The Department may negotiate the terms of a lease with the prospective lessee, subject to the approval of the County Legislature.
  4. All leases at Suffolk County Airport shall be subject to the requirements set forth in § A34-2 of this article.
- B. The Federal Aviation Administration has agreed to approve the leasing of buildings at Suffolk County Airport for non-aviation purposes on a short-term lease basis with a maximum term of five years.
- C. Any and all revenue derived from the leasing of airport property shall be used solely to offset expenditures for development, operations, and maintenance at the airport.
- D. Should a surplus exist at the close of any fiscal period, such surplus shall be reapportioned for aviation purposes at the Suffolk County Airport in the next succeeding budget.

\*\*\*\*

II. Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**Article XL. County Real Property.**

\*\*\*\*

**§ A40-2. Lease of property.**

\*\*\*\*

C. No lease of County-owned real property or extension of a lease of County-owned real property may be negotiated under an exclusivity agreement between the County and a prospective lessee.

D. Procedure for leasing County real property.

1. Any offer to lease County real property for a period of five (5) years or longer, or to extend lease for a period of five (5) years or longer, must be advertised on the County's website for a period of sixty (60) days and in the County's officially designated newspapers at least twice during this 60 day period.
2. If the County receives only one (1) expression of interest to lease a property by the end of the of the 60 day advertising period, the County may negotiate the terms of the lease with the proposed lessee, subject to the approval of the County Legislature.
3. If the County receives two (2) or more expressions of interest to lease a property by the end of the 60 day advertising period, the County Executive shall direct the appropriate department to initiate an open, competitive bidding process in which each prospective lessee will be given the opportunity to outline their proposed use of the subject property and the financial terms under which they are willing to lease the property. The department may issue a Request for Proposals ("RFP") to solicit proposals. The department designated to oversee the leasing process (or, in the event a RFP is issued, the RFP committee) will select the proposal that best meets the economic, environmental and community needs of the County. The department may negotiate the terms of a lease with the selected lessee, subject to the approval of the County Legislature.
4. The procedures set forth under paragraph D of this section shall not apply to licenses of County park facilities entered into by the Department of Parks, Recreation and Conservation pursuant to Chapter 643, Article of the SUFFOLK COUNTY CODE or to any agreement entered into by the Department of Parks, Recreation and Conservation with a not-for-profit organization which allows the organization to have non-exclusive use of a property in exchange for their maintenance and improvement of a parks property.

\*\*\*\*

**Section 3. Exemption.**

This law shall not apply to any lease or lease extension that is in effect prior to the effective date of this law.

**Section 4. Applicability.**

This law shall apply to all County real property that is offered for lease or lease extension 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\l-transparency leasing county property

# 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: June 17, 2014

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 2014

TITLE: I.R. NO. -2014; A LOCAL LAW TO INCREASE TRANSPARENCY AND FAIRNESS OF THE COUNTY'S PROPERTY LEASING PROCESS

SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 6/17/14 PUBLIC HEARING: 7/29/14

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

This proposed local law would amend Articles 34 and 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to establish a new process for the leasing of County real property, including space at Suffolk County Airport. The procedure is as follows:

1. Any offer to lease County real property for a period of 5 years or longer, or to extend a lease for a period of 5 or more years, must be advertised on the County's website for a period of 60 days and must be published in the County's designated newspapers at least twice during that period.
2. If only 1 expression of interest to lease a property is received by the end of the 60 day period, the County may negotiate the terms of the lease with the proposed lessee, subject to the approval of the County Legislature.
3. If 2 or more expressions of interest to lease a property are received by the end of the 60 day period, the appropriate County department will initiate an open, competitive bidding process, where each prospective lessee will outline their proposed use of the property and the terms they are willing to lease under. A department may then issue a Request for Proposals to solicit proposals<sup>1</sup> and select the proposal that best meets the County's economic, environmental and community needs. The department may negotiate terms of a lease with the selected lessee, subject to the approval of the County Legislature.

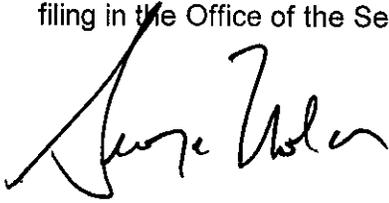
These conditions will not be applicable to licenses of County park facilities or any agreement entered into by the Department of Parks, Recreation and Conservation with a not-for-profit organization which allows the organization to have a non-exclusive use of a property in exchange for their maintenance and improvement of a park property. Property located at Suffolk County Airport will also be subject to review by the Gabreski Airport Conservation and Assessment Committee.

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<sup>1</sup> For property at Suffolk County Airport, the Department of Planning will not be required to issue a request for proposals.

This law will also prohibit the use of an exclusivity agreement between the County and a prospective lessee for the negotiation of a lease or extension of a lease.

This law will not apply to any lease or lease extension that is in effect prior to the effective date of this law. This law will apply to all County real property that is offered for lease or lease extension on or after the effective date of this law. This law will take effect immediately upon its filing in the Office of the Secretary of State.

A handwritten signature in black ink, appearing to read "George Nolan". The signature is fluid and cursive, with a large initial "G" and "N".

**GEORGE NOLAN**  
**Counsel to the Legislature**

**GN:SS**

s:\rule28\28-leasing county property

1637

Intro. Res. No. -2014  
Introduced by Legislator Schneiderman

Laid on Table 6/17/14

**RESOLUTION NO. - 2014, ADOPTING LOCAL LAW NO.  
-2014, A LOCAL LAW TO PROVIDE TRUTHFUL ADVERTISING  
AT GASOLINE STATIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2014, a proposed local law entitled, " **A LOCAL LAW TO PROVIDE TRUTHFUL ADVERTISING AT GASOLINE STATIONS** " now, therefore, be it

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

**LOCAL LAW NO. -2014, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO PROVIDE TRUTHFUL ADVERTISING AT  
GASOLINE STATIONS**

**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 New York State General Business Law § 518 prohibits retailers from imposing a surcharge on purchases made using a credit card, but does not prohibit a discounted rate for cash purchases.

This Legislature also finds and determines that discrepancies between cash and credit card transactions arise most often with purchases of gasoline. Many retailers charge credit customers slightly higher prices to reflect the costs they incur on credit transactions.

This Legislature further finds and determines that most gasoline retailers limit "cash discounts" to ten cents per gallon or less. However, there is a persistent practice among a minority of gasoline retailers to charge credit customers up to \$1 more for each gallon of gasoline purchased.

This Legislature finds that most gasoline retailers advertise their gasoline prices on road signage that is visible to the driving public.

This Legislature determines that the majority of gasoline price road advertising only displays the discounted cash price. This deceptive practice inconveniences motorists who are lured in by the discounted price for one method of payment.

This Legislature also finds that gasoline retailers who charge a higher price for credit customers should be required to display on their road signage the credit price per gallon of gasoline at least as prominently as the discounted price.

This Legislature further finds that Chapter 494 of the SUFFOLK COUNTY CODE regulates the sale of gasoline within the County and should be amended to improve the gasoline pricing information displayed on roadside advertising.

Therefore, the purpose of this law is to amend Chapter 494 of the SUFFOLK COUNTY CODE to require gasoline retailers to post accurate price information on all advertising intended to be visible from the street.

**Section 2. Amendments.**

Chapter 494 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 494. GASOLINE SALES.**

\*\*\*\*

**Article VI. Advertising and Sale of Gasoline**

\*\*\*\*

**§ 494-32. Definitions; word usage.**

A. As used in this article, the following terms shall have the meaning indicated:

[DIRECTOR] COMMISSIONER – The [Director] Commissioner of the Suffolk County [Office of Consumer Affairs] Department of Labor, Licensing and Consumer Affairs.

\*\*\*\*

PERSON – Any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

ROADSIDE SIGNAGE – Any sign or other form of advertising posted by an operator which is located within 15 feet of any road and/or has print of sufficient size to be readily legible to the driving public from a road and which states the price of gasoline per gallon.

\*\*\*\*

**§ 494-33. Prohibited acts.**

\*\*\*\*

D. An operator which charges consumers a different price for gasoline based on the consumer's payment method shall not solely advertise the cash price of gasoline on its roadside signage. Operators shall display the highest price per gallon of gasoline charged for any payment method on any roadside signage at least as prominently as any discounted price offered. These requirements shall apply to all octane ratings offered by the operator.

\*\*\*\*

**Section 3. Applicability.**

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

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

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

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

DATED:

APPROVED BY:

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

Date:

s:\laws\l-gasoline road signage

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK

GEORGE NOLAN  
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(631) 853-4415 (FAX)

DATE: June 17, 2014  
TO: CLERK OF THE COUNTY LEGISLATURE  
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2014

TITLE: I.R. NO. -2014; A LOCAL LAW TO PROVIDE TRUTHFUL ADVERTISING AT GASOLINE STATIONS

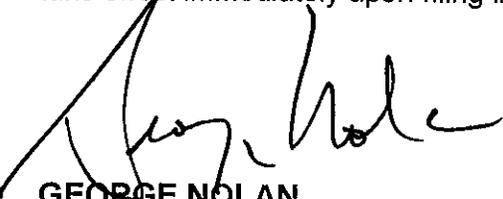
SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 6/17/14 PUBLIC HEARING: 7/29/14

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

This proposed local law would amend Chapter 494 of the SUFFOLK COUNTY CODE to prohibit gasoline retailers who charge different prices for cash and credit purchases from only posting the cash price per gallon on roadside advertising. Operators must display the highest price per gallon of gasoline charged for any payment method on roadside signage<sup>1</sup> in a manner at least as prominent as any discount price offered.

This law will apply to all actions occurring on or after the effective date of this law. This law will take effect immediately upon filing in the Office of the Secretary of State.

  
GEORGE NOLAN  
Counsel to the Legislature

GN:

s:\rule28\28-gasoline roadside signage

<sup>1</sup> Roadside signage is defined as "any sign or other form of advertising posted by an operator which is located within 15 feet of any road and/or has print of sufficient size to be readily legible to the driving public from a road and which states the price of gasoline per gallon."