

1376
Intro. Res. No. -2015
Introduced by Legislator Hahn

Laid on Table 4/28/14

**RESOLUTION NO. -2015, TO APPOINT MEMBER TO THE
FOOD POLICY COUNCIL OF SUFFOLK COUNTY (MONIQUE
GABLENZ)**

WHEREAS, Resolution No. 210-2013 appointed **Robert A. Schaefer** as a member of the Food Policy Council to represent food processors; and

WHEREAS, **Robert A. Schaefer** has tendered his resignation from the Food Policy Council; now, therefore be it

1st RESOLVED, that **Monique Gablenz**, Director of Calverton Business Incubator at Stony Brook University, is hereby appointed to the Food Policy Council of Suffolk County to represent food processors, for a term of office to expire March 21, 2016, pursuant to Chapter 101 of the Suffolk County Code; and be it further

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

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO LOCAL LAW NO. 11-2011

s:\reslr-appt-food-poicy-gablenz

1376

MONIQUE J. GABLENZ

Baiting Hollow, NY 11933

(631) - Home

(631) - Business

(516) - Mobile

EXPERIENCE

Stony Brook University

5/2005 to Present

***Director, Calverton Business Incubator**

Responsible for the administration of Stony Brook University's Calverton Business Incubator. Duties include procurement of incubator tenant population, support of incubator tenant growth strategies, administration of university policy, development of university policy to support incubation program, act as liaison between incubator companies and university resources, funding sources, and governmental agencies, development of programs and funding sources to support growth of incubator facility, manage building operations and maintenance.

Riverhead Industrial Development Agency

12/98 to 5/2005

***Executive Director**

Responsible for the administration of the Industrial Development Agency. Duties include development of economic development programs and policies to encourage growth of the commercial tax base of the Town of Riverhead; assisting existing businesses to expand and encouraging new businesses to locate in the Town of Riverhead which includes development of policy and programs for offering to potential applicants; assisting applicants and coordinating bond transactions as private placements or public offerings; acting as liaison between applicant and various government agencies to obtain necessary permits and approvals for operation; identifying all funding sources to aid applicant in meeting the financial requirements of proposed project. Special projects included making application for and managing grant funding from New York State on behalf of agricultural company to upgrade sewage treatment system and making application for and managing grant funding from New York State for construction of Calverton Incubator.

Office of the Suffolk County Executive

9/98 to 12/98

***Assistant to Deputy County Executive**

Acted as liaison to Deputy County Executive in his oversight of the Suffolk County Planning Commission, Office of Economic Development, and Office of Community Development. Duties included attending meetings on behalf of Deputy County Executive, preparing memorandum, correspondence, and program initiatives, completing analysis of cost and function of programs and departments, and coordinating special events.

Riverhead Industrial Development Agency

2/97 to 9/98

***Executive Director**

Responsible for the administration of the Industrial Development Agency. Duties include development of economic development programs and policies to encourage growth of the commercial tax base of the Town of Riverhead; assisting existing businesses to expand and encouraging new businesses to locate in the Town of Riverhead which includes development of policy and programs for offering to potential applicants; assisting applicants and coordinating bond transactions as private placements or public offerings; acting as liaison between applicant and various government agencies to obtain necessary permits and approvals for operation; identifying all funding sources to aid applicant in meeting the financial requirements of proposed project.

New York State Senate

4/96 to 2/97

***Administrative Assistant to Senator Kenneth P. LaValle**

Assisted Senator with constituent service and intergovernmental relations; concentrating on issues of economic development, planning, grant administration and budgeting.

New York State Small Business Development Center

3/94 to 4/96

***Business Advisor**

Provide direct one-to-one management and technical assistance in the areas of business plan development, small business start-ups, organizational structures, financial planning, export assistance, cost analysis, loan information assistance, and financing strategies. Duties require knowledge of all available financing programs and certification programs. Advisors are also required to make presentations during workshops and seminars.

Peconic River Cruisers, Inc.

6/93 to 11/93

***General Manager**

Responsibilities included scheduling, supervision and assignment of job responsibilities of all staff; maintenance of all accounting records and the conducting of bank transactions. Responsibilities also included the development of cruise schedules and special events and the advertising, marketing and promotion of all events; and interaction with the public and intergovernmental relations.

Town of Riverhead

1/80 - 6/93

***Deputy Town Supervisor**

1987 to 6/93

***Executive Asst. to Town Supervisor**

1985-1987

***Administrative Asst. to Town Supervisor**

1983-1984

***Executive Secretary to Town Supervisor**

1980-1982

In my service with the Town Government of the Town of Riverhead, I was involved in every aspect of the administration and management of all departments and programs. Responsibilities included administration of town departments such as the water district, sewer district, scavenger waste district, sanitation department, police department, justice court system, planning department, accounting department, tax departments, engineering department, buildings and grounds department, and community development agency. Duties and responsibilities also included labor relations, public relations and establishment of relationship with County, State and Federal government representatives to foster the interests and needs of the residents of the Town of Riverhead. I was responsible for the administration of the Riverhead Industrial Development Agency and the Riverhead Job Development Corporation, as well as being an incorporating member of the Riverhead Business Improvement District.

EDUCATION

A.A.S. Business Administration
Suffolk County Community College - June 1984

AWARDS

2008 Riverhead Chamber of Commerce
Director of The Year

1996 Woman of The Year
East End Women's Network

1990 Government Person of The Year
The News Review Newspaper

1980 Republican Woman of The Year
Riverhead Town Republican Committee

AFFILIATIONS

Committeeman, Dist. 2, Riverhead Town Republican Committee
Board of Directors, Riverhead Chamber of Commerce
Member, East End Women's Network
Past Member, Board of Directors, Central Suffolk Hospital
Past President, Riverhead Free Library Board of Directors
Former Chairman, Riverhead Town Republican Committee
Former Vice Chairman, Suffolk County Republican Committee

1377

Intro. Res. No. -2015
Introduced by Legislator Browning

Laid on Table 4/28/15

**RESOLUTION NO. -2015, TO ENSURE ADEQUATE FIRE
AND RESCUE RESPONSE SERVICES FOR SUFFOLK
COUNTY RESIDENTS**

WHEREAS, ensuring public safety is a critical function of Suffolk County government; and

WHEREAS, fire dispatchers are trained professionals who are essential to providing an appropriate response to fires and other emergencies; and

WHEREAS, certain budgeted positions within County government become vacant and can remain unfilled, while others are so sensitive and important to protecting the public that they must be filled immediately; and

WHEREAS, the County must have an adequate number of fire dispatch employees to receive distress calls and dispatch fire, rescue and emergency responders to assist County residents; and

WHEREAS, despite the vital role fire dispatchers play in ensuring the public's safety during emergencies, 6 of the 50 budgeted positions are vacant in the Department of Fire, Rescue and Emergency Services; and

WHEREAS, historically, the fire dispatch budget incurs increased overtime and other staffing issues arise when two (2) vacancies of the 50 budgeted positions exist; and

WHEREAS, action must be taken to ensure that current and future vacancies in these positions are filled immediately; now, therefore be it

1st RESOLVED, that the Commissioner of the Department of Fire, Rescue and Emergency Services ("FRES") shall notify the Presiding Officer of the County Legislature and the Chairperson of the Public Safety Committee, in writing within thirty (30) days, when 10% or more of the budgeted Fire Dispatcher positions in the Department are vacant, and explain why the positions are being held open; and be it further

2nd RESOLVED, that at the time the Commissioner provides this notification, he or she shall also provide an action plan that details how the Department plans to operate until such time as the vacancies are filled; 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:

s:\res\r-adequate-fire-rescue-response-services

1378

Intro. Res. No. -2015
Introduced by Legislator Spencer

Laid on Table 4/28/15

**RESOLUTION NO. -2015, AUTHORIZING AMENDMENTS
TO AFFORDABLE HOUSING DEVELOPMENT AGREEMENTS
FOR MILLENNIUM HILLS TO EXTEND THE AFFORDABILITY
PERIOD AND TO AMEND THE REPAYMENT OBLIGATIONS**

WHEREAS, pursuant to Resolution 337-2002, the County of Suffolk and the Town of Huntington executed a Development Agreement and Plan, dated July 15th, 2002, pursuant to which real property in the Town of Huntington was acquired for the development of 84 affordable housing units, 44 of which were designated as home ownership and 40 of which were designated as rental units owned by the Millennium Hills Housing Development Fund Corporation ("MHHDFC"), a non-profit housing entity, in the development known as "Millennium Hills"; and

WHEREAS, the County subsidized the acquisition of the Subject Premises in the amount of One Million Five Hundred Thousand (\$1,500,000.00) Dollars, and, in connection therewith, is the holder of a certain Note, dated July 16, 2002, in the principal amount of \$1,500,000.00, issued by MHHDFC in favor of the County; and

WHEREAS, in accordance with the terms of the Note, the outstanding principal amount has been reduced to \$714,285.84; and

WHEREAS, in consideration of the County granting the land development subsidy, the 40 rental units were required to remain affordable for 15 years (until July 1st, 2017), at which time, the Note would become due and payable in full; and

WHEREAS, MHHDFC is a not-for profit entity with limited financial resources and has communicated to the County that it is unable to repay the Note and, in addition, they believed the Note would be forgiven following the expiration of the affordability period; and

WHEREAS, Article 36-2 (E) (2) of the Suffolk County Code provides that a land development subsidy may be forgiven under certain circumstances, and, in fact, such subsidies are usually forgiven by the County at the end of a required period of affordability, which is typically 30 years in duration; and

WHEREAS, MHHDFC has agreed to extend the affordability period of the 40 affordable rental units for an additional 15 year period in consideration of the County's promise to forgive the obligation to repay the Note following the expiration of the extended affordability period, provided MHHDFC is not in breach of the affordability restrictions as outlined in the Development Agreement and Plan and Note; and

WHEREAS, it is necessary to obtain the approval of the Legislature in order to amend the Development Agreement and Plan and the Note to reflect the understandings set forth in this Resolution; now, therefore be it

1st RESOLVED, that the period of affordability with respect to the affordable rental units at Millennium Hills will be extended for an additional 15 year period and, accordingly, shall expire on July 1, 2032; and be it further

2nd **RESOLVED**, that the land development subsidy shall be forgiven following the expiration of the extended affordability period, provided that MHHDFC is not in default of the affordability restrictions, and a new promissory note reflecting the new terms and conditions shall be executed and delivered by MHHDFC evidencing same ; and be it further

3rd **RESOLVED**, that the Development Agreement and Plan, and the documents executed and delivered in connection therewith, may be amended to reflect the foregoing, and the County Executive, the Department of Economic Development and Planning, its Commissioner, its Director of Real Estate and the County Attorney are each hereby authorized, empowered and directed to negotiate, execute and deliver such agreements as may be necessary or desirable, consistent herewith, in order to amend the Development Agreement and Plan and the Note and to effectuate the purposes and intent of the resolutions set forth herein; 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-millennium hills

1379
Intro. Res. No. --2015
Introduced by Legislator Browning

Laid on Table 4/28/15

RESOLUTION NO. -2015, AUTHORIZING THE RECONVEYANCE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 215, NEW YORK STATE COUNTY LAW TO ANN CAROL BENDER (SCTM NO. 0200-909.00-01.00-038.000)

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 the Town of Brookhaven, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Service Agency as District 0200 Section 909.00 Block 01.00, Lot 038.000, and acquired by tax deed on August 5, 2013, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 7, 2013, in Liber 12739, at Page 495, and otherwise known and designated by the Town of Brookhaven, as Lot No. 1578, on a certain map entitled "Mastic Acres Unit Three", filed in the Office of the Clerk of Suffolk County on August 22, 1945 as Map No. 1443; and

and

WHEREAS, Ann Carol Bender was the former owner 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 Browning has determined that said non-payment of taxes on the part of Ann Carol Bender was not an intentional act but was due to hardship circumstances beyond her control, more fully described in the documents attached hereto; and

WHEREAS, it would be in the best interests of the County of Suffolk to return said parcel to the tax rolls; 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 \$60,619.04 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

1st 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 Ann Carol Bender, Executor of the Estate of Fred Wysocki, 18 Robinwood Street, Mastic, New York 11950, upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate; and be it further

2nd **RESOLVED**, in the event Ann Carol Bender fails to pay all amounts due and owing the County within 60 days of the effective date of this resolution, the Division of Real Property Acquisition and Management shall not convey the subject property to Ann Carol Bender.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:/215 redemptions/2015/Bender Parcel 2

Revised as of April 27, 2015

Intro Res. No. 1381-15

Laid on Table 4/28/2015

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2015, APPROVING DETERMINATION AND FINDINGS MADE PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW AND DIRECTING THE COMMISSIONER OF SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS TO PREPARE AND FILE WITH THE CLERK OF THE SUFFOLK COUNTY LEGISLATURE ACQUISITION MAPS IN ACCORDANCE WITH THE ACQUISITION OF LANDS IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK, FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY, NEW YORK (CP 5382)

WHEREAS, the Department of Public Works of the County of Suffolk has prepared maps entitled "ABSTRACT REQUEST MAP SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK, FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY, NEW YORK (CP 5382);" and

WHEREAS, Resolution Number 586-2014, authorized the County Executive to enter into a Local Project Partnership Agreement with the State of New York for the purpose of participating in the Fire Island Inlet to Moriches Inlet Hurricane Storm Damage Reduction Project (FIMI Project) and authorized, empowered and directed the Departments of Public Works and Law and the Division of Real Property Management and Acquisition to, among other things, acquire real estate interests necessary to implement the FIMI Project; and

WHEREAS, as set forth in Resolution Number 586-2014, the County of Suffolk, is bound by the SEQRA review conducted by the New York State Department of Environmental Conservation, which, as Lead Agency, issued a SEQRA Negative Declaration for the FIMI Project; and

WHEREAS, pursuant to Resolutions Numbers 1062-2014 and 127-2006, the Department of Public Works was directed and authorized to hold public hearings in connection with the FIMI Project; and

WHEREAS, a public hearing was duly held on February 17, 2015 for the following purposes:

- A. To inform the public
- B. To review the public use to be served by the above-entitled project.
- C. To determine the impact upon the environment and upon residents of the locality of the project.
- D. To review possible alternative locations.
- E. To authorize the acquisition of said properties for the public purpose as set forth in the title herein; and

WHEREAS, all persons in attendance desiring to be heard on the project were given an opportunity to be heard and to present written statements; and

WHEREAS, notice of said hearing was duly published in Newsday, a daily newspaper of general circulation in the locality under consideration; and in the Smithtown News and the Smithtown Messenger, said newspapers being the current official County newspapers of the County of Suffolk at the time of publication; and the Islip Bulletin and the Long Island Advance, said newspaper being the official town newspapers situated in the locality where the public project is located at the time of publication; and

WHEREAS, Determination and Findings pursuant to Section 204 of the New York State Eminent Domain Procedure Law were duly made on April 21, 2015 and a copy thereof was subsequently filed in the Office of the Clerk of the Suffolk County Legislature and Office of the Suffolk County Clerk; and

WHEREAS, a brief synopsis thereof was duly published in two successive issues in the Smithtown News and the Smithtown Messenger, said newspapers at the time of publication being the current official County newspapers of the County of Suffolk; and the Islip Bulletin and the Long Island Advance, which, at the time of publication were the current official town newspapers situated in the locality where the public project is located, together with the publication thereof in two successive issues of Newsday, a daily newspaper of general circulation; and

WHEREAS, although survey maps have been filed with the with the Clerk of the Suffolk County Legislature with the Determination and Findings depicting the property interests to be acquired in connection with the FIMI Project, final acquisition maps are not yet finalized and will be subsequently filed; now therefore, be it

1st RESOLVED that the Determination and Findings heretofore filed with the Clerk of the Suffolk County Legislature on April 24, 2015, and the recommendations contained therein be and the same are hereby adopted and approved; and be it further

2nd RESOLVED, that the Commissioner of the Suffolk County Department of Public Works is hereby directed to prepare and file with the Clerk of the Suffolk County Legislature, acquisition maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK, FROM THE FIRE ISLAND INLET TO MORICHES INLET, TOWNS OF BROOKHAVEN AND ISLIP, SUFFOLK COUNTY, NEW YORK (CP 5382);" and be it further

3rd RESOLVED, that the Suffolk County Departments of Public Works and Law and/or the Division of Real Property Acquisition and Management be and hereby are authorized to proceed pursuant in accordance with the New York State Eminent Domain Procedure Law to obtain appraisals of the real estate interests to be acquired and to make offers to the Condemnees; and be it further

4th RESOLVED, that the Suffolk County Departments of Public Works and Law and/or the Division of Real Property Acquisition and Management be and hereby are authorized to acquire the property interests set forth in the aforesaid survey maps herein, or as may otherwise be deemed necessary by New York State in order to implement the FIMI Project; said acquisition to be in the name of the County of Suffolk; and be it further

5th **RESOLVED**, that said acquisitions be in fee simple absolute or such lesser estate such as perpetual easements, as so indicated on the final acquisition maps; and be it further

6th **RESOLVED**, that the Suffolk County Departments of Public Works and Law and/or the Division of Real Property Acquisition and Management be and hereby are authorized and permitted to make the aforesaid acquisition of said property interests from the Condemnees by negotiation, purchase, and conveyance; and in the event that the aforesaid Departments or Division are unable to acquire property interests necessary for the FIMI Project by negotiation, purchase and conveyance, they are hereby authorized, permitted, and directed to acquire said property interests pursuant to the Eminent Domain Procedure Law; and be it further

7th **RESOLVED**, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys and outside counsel retained by the County Attorney, be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

8th **RESOLVED**, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1381

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
 Resolution X Local Law Charter Law

2. Title of Proposed Legislation
 RESOLUTION NO. -2015, APPROVING DETERMINATION AND FINDINGS MADE PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW AND DIRECTING THE COMMISSIONER OF SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS TO PREPARE AND FILE WITH THE CLERK OF THE SUFFOLK COUNTY LEGISLATURE ACQUISITION MAPS IN ACCORDANCE WITH THE ACQUISITION OF LANDS IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH

3. Purpose of Proposed Legislation
 SEE NO. 2 ABOVE

4. Will the Proposed Legislation Have a Fiscal Impact? Yes X No

5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)
 County Town Economic Impact
 Village School District Other (Specify):
 Library District Fire District

6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact
 SERIAL BONDS WILL BE ISSUED TO FINANCE THE PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.

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

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
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REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION
OFFICE OF THE COUNTY EXECUTIVE
County of Suffolk

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

Submitting Department
(Dept. Name & Location)

Public Works
335 Yaphank Avenue
Yaphank, NY 11980

Department Contact Person
(Name & Phone No.):

William Hillman, P.E.
Chief Engineer
852-4002

Suggestion Involves:

Amendment

Authorizing Condemnation
Public Hearing

New Program

Approving Condemnation
Findings and Directing
Filing of Maps

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

This resolution is necessary to comply with Suffolk County law as relates to the acquisition of properties pursuant to the NY Eminent Domain Procedure Law that authorizes the County to acquire essential Non-County-owned real property interests under this capital program.

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

Not Applicable

PLEASE FILL IN REVERSE SIDE OF FORM

SCIN FORM 175a (10/95) Prior editions of this form are obsolete.

1382

Intro. Res. No. -2015
Introduced by Legislator Hahn

Laid on Table 4/28/15

RESOLUTION NO. - 2015, ADOPTING LOCAL LAW NO. -2015, A LOCAL LAW PROTECTING CHILDREN FROM EXPOSURE TO TOXIC CHEMICALS ("THE TOXIC FREE TOYS ACT")

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2015, a proposed local law entitled, "A LOCAL LAW PROTECTING CHILDREN FROM EXPOSURE TO TOXIC CHEMICALS ("THE TOXIC FREE TOYS ACT")" now, therefore, be it

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

LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW PROTECTING CHILDREN FROM EXPOSURE TO TOXIC CHEMICALS ("THE TOXIC FREE TOYS ACT")

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk is a leader in protecting the health and safety of its residents, particularly children, who are the most vulnerable in our communities.

This Legislature also finds and determines that there are chemicals of high concern for the environment and human health that can be found in every day products, as has been determined by many authoritative government bodies, including the state of Maine, Article 38 MRSA Chapter 16-D, *Toxic Chemicals in Children's Products*.

This Legislature further finds and determines that several of the chemicals of high concern listed in Maine's law are known to be toxic and carcinogenic, including lead, mercury, antimony, arsenic, cadmium, and cobalt.

This Legislature finds that many common children's products contain these toxic and carcinogenic chemicals.

This Legislature also finds that lead can contaminate drinking water supplies and may cause conditions such as brain damage, hyperactivity, anemia, liver and kidney damage, developmental delays, lowered IQ, poor impulse control, and, in some cases, even death.

This Legislature further finds that mercury can contaminate fish and other wildlife and can cause damage to brain development, impairments in cognitive thinking, a decrease in fine motor and visual special skills, and muscle weakness.

This Legislature also determines that antimony can cause respiratory and cardiovascular damage, skin disorders, and gastrointestinal disorders.

This Legislature further determines that arsenic is known to cause skin lesions, developmental delays, neurotoxicity, diabetes, and cardiovascular disease, as well as lung and other cancers.

This Legislature finds and determines that cobalt, while an essential element as a constituent of vitamin B12, can cause cardiomyopathy and gastrointestinal effects from chronic exposure.

This Legislature also finds and determines that cadmium exposure can result in kidney disease, bronchiolitis, emphysema, and damage to the liver, lungs, bone, immune system, blood, and nervous system.

This Legislature further finds and determines that several states, localities and the federal government are considering a ban on these six chemicals in children's products.

This Legislature finds that Suffolk County is committed to protecting the environment and the public health and welfare of our County's infants and children whose growing bodies are vulnerable to the health hazards caused by these seven chemicals, particularly given the absence of State or federal regulation on this subject.

Therefore, the purpose of this law is to ban the sale of children's products which contain lead, mercury, antimony, arsenic, cadmium, or cobalt in the County of Suffolk.

Section 2. Definitions.

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

CHILDREN - any person or persons aged twelve and under.

CHILDREN'S PRODUCT - any product primarily intended for, made for, or marketed for use by children. Children's product does not mean batteries, consumer electronics or electronic components, paper products, or a drug, biologic, medical device, food, or food additive regulated by the US Food and Drug Administration.

PPM – Parts per million total content.

RETAILER – Any public establishment in the County of Suffolk that sells children's products.

Section 3. Toxic Content Restrictions.

Effective July 1, 2016, no retailer shall:

- A. Knowingly distribute, sell or offer for sale in the County of Suffolk a children's product containing mercury, antimony, arsenic or cobalt above 40 PPM of total content per chemical.
- B. Knowingly distribute, sell or offer for sale in the County of Suffolk a children's product containing lead above 100 PPM of total lead content in accessible parts or above 90 PPM in paint or any similar surface coating.

- C. Knowingly distribute, sell or offer for sale in the County of Suffolk a children's product containing cadmium above 75 PPM of total cadmium content.

Section 4. Exemption.

- A. This law shall not apply to used children's products or apparel that are sold or distributed for free at secondhand stores, yard sales, or donated to charities, nor shall it apply to children's products or apparel sold exclusively on the internet.
- B. This law shall not apply to protective sporting equipment designed to prevent injury, including, but not limited to, helmets, athletic supporters, knee pads or elbow pads.
- C. The restrictions in this law shall not apply to a children's product solely based on its containing an enclosed battery or enclosed electronic components.

Section 5. Enforcement.

- A. This law shall be enforced by the Department of Health Services.
- B. Beginning on January 1, 2016, the Department of Health Services will inform retailers selling children's products of the requirements of this law.
- C. Enforcement of the law through the random inspection of at least 10 retailers per quarter shall commence on December 1, 2016.
 - 1. At each retailer inspected, the Department will select no more than 10 children's products for on-site toxic content screening using an x-ray fluorescence analyzer.
 - 2. The Department shall inform the retailer of products screened that exceed the toxic content levels in this law. A retailer that continues to offer for sale a children's product found by the Department to violate this law shall be issued a notice of violation.

Section 6. Rules and Regulations.

- A. The Commissioner of the Department of Health Services is hereby authorized, empowered and directed to promulgate such rules and regulations as he or she deems necessary to implement this law.
- B. The Commissioner of the Department of Health Services may, in his or her discretion, exempt a children's product from this law if, in the Commissioner's judgment, the lack of availability of such product could pose an unreasonable risk to public health, safety or welfare.

Section 7. Penalties.

- A. Any retailer who knowingly violates the provisions of this law shall be subject to an initial civil penalty of five hundred dollars (\$500.00) per violation, with all subsequent violations subject to a civil penalty of one thousand dollars (\$1,000.00) per violation. Each violation shall constitute a separate and distinct offense.

- B. No penalties shall be imposed by the Department of Health Services until a hearing is held by the Commissioner or his or her designee and the alleged violator is given an opportunity to be heard.
- C. In the event the Department of Health Services determines that an illegal children's product is being sold by a retailer, the Commissioner is authorized and empowered to order the removal of all stock of such product from being offered for sale by the retailer, in addition to any civil penalties that may be assessed.

Section 8. Applicability.

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

Section 9. Severability.

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

Section 10. Reverse Preemption.

This article shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 11. 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 12. Effective Date.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1382

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: April 27, 2015
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2015

TITLE: I.R. NO. -2015; A LOCAL LAW PROTECTING CHILDREN FROM EXPOSURE TO TOXIC CHEMICALS ("THE TOXIC FREE TOYS ACT")

SPONSOR: LEGISLATOR HAHN

DATE OF RECEIPT BY COUNSEL: 4/27/2015 **PUBLIC HEARING:** 5/12/2015
DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

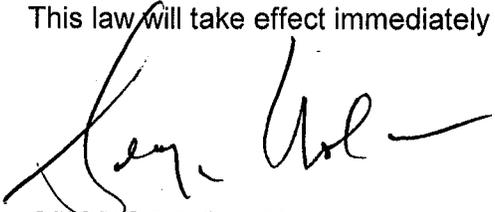
This proposed local law would prohibit retailers from selling, offering for sale, or giving away any products made for children aged 12 or younger, which contain: more than 40 PPM¹ of mercury, antimony, arsenic or cobalt; more than 100 PPM of lead in accessible toy parts or more than 90 PPM in paint or surface coatings; or more than 75 PPM of cadmium.

This law will not apply to used children's products, products obtained over the internet, products that would violate this law solely due to an enclosed battery or electronic components, or protective sporting equipment. Further, the Commissioner of the Department of Health Services will have the authority to exempt a children's product from this law's provisions if, in the Commissioner's judgment, making the product unavailable for sale could pose an unreasonable risk to public health, safety or welfare.

This law will be enforced by the Department of Health Services. This law's prohibitions will take effect on July 1, 2016, following an educational campaign beginning January 1, 2016. Enforcement will commence on December 1, 2016 through random testing at a minimum of 10 stores per quarter. A knowing violation of this law shall be subject to an initial civil penalty of five hundred dollars (\$500.00), with subsequent violations subject to a civil penalty of one thousand dollars (\$1,000.00) per violation. No penalties shall be established until an alleged violator is given the opportunity to be heard. If a children's product sold by a retailer is found to violate this law, the Commissioner of the Department of Health Services is authorized to order the removal of all stock of such product, in addition to any civil fines assessed.

¹ PPM – parts per million of total content

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", with a long horizontal flourish extending to the right.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-toxic toys

1383
Intro. Res. No. -2015
Introduced by Legislator Martinez

Laid on Table 4/28/15

**RESOLUTION NO. -2015, WAIVING SPECIAL EVENT FEE
FOR CENTRAL ISLIP HIGH SCHOOL GRADUATION**

WHEREAS, due to ongoing construction at their high school facility, the Central Islip Union Free School District is holding its high school graduation ceremony at the Bethpage Ballpark in Central Islip on June 26, 2015; and

WHEREAS, in order to use the Bethpage Ballpark, the Central Islip Union Free School District is scheduled to pay a special event fee to the Long Island Ducks Professional Baseball Team organization in the amount of \$8,120; pursuant to the terms of the operating agreement between the Ducks and the County of Suffolk, 25% of the event fee is to be paid to the County; and

WHEREAS, the Central Islip School District has requested that the County waive its share of the event fee to reduce their costs; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby waives its share of the event fee for the Central Islip High School graduation ceremony at the Bethpage Ballpark scheduled to take place on June 26, 2015; and be it further

2nd RESOLVED, that upon enactment of this resolution, the County Attorney shall notify the Ducks' organization that they should reduce the Central Islip Union Free School District's fee for the use the Bethpage Ballpark by the amount waived by the County herein; 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:

1384

Intro. Res. No. -2015
Introduced by Legislator McCaffrey

Laid on Table

4/28/15

**RESOLUTION NO. - 2015, ADOPTING LOCAL LAW
NO. -2015, A CHARTER LAW AMENDING AND
CLARIFYING THE PROCEDURE OF FILLING COUNTY
TREASURER VACANCIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2015 a proposed local law entitled, "**A CHARTER LAW AMENDING AND CLARIFYING THE PROCEDURE OF FILLING COUNTY TREASURER VACANCIES**"; now, therefore, be it

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

LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW AMENDING AND CLARIFYING THE
PROCEDURE OF FILLING COUNTY TREASURER VACANCIES**

**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 this coming November, the voters of Suffolk County will be asked to elect a new County Treasurer at the same time they will be considering a referendum to abolish the office of Treasurer effective January 1, 2016.

This Legislature also finds that the provisions of the Suffolk County Charter governing vacancies in the office of Treasurer should be amended and clarified to ensure a smooth transition in the event the offices of Treasurer and Comptroller are merged at the end of 2015.

Therefore, the purpose of this law is to amend the charter provisions governing the filling of vacancies in the office of County Treasurer.

Section 2. Amendment.

Article 15 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE VX
Department of Finance and Taxation**

* * * *

§ C15-3. Filling vacancies in the office of County Treasurer.

A. If the office of the County Treasurer becomes vacant other than by expiration of term, the vacancy shall be filled for the unexpired term at the first general election at which the

vacancy may be filled. The person so elected shall take office on the first day of January next succeeding the date of the general election.

- B. Until the vacancy is filled by election as hereinabove provided, the vacancy shall be filled by appointment of a qualified person by the County Executive with the approval of the County Legislature, said appointment to continue until and including the last day of December next after the general election at which the vacancy is filled.

Section 3. Applicability.

- A. This law shall apply to actions occurring on or after the effective date of this law and shall also apply retroactively to the vacancy in the office of County Treasurer that was created by the resignation of Angie Carpenter on February 27, 2015. Accordingly, the appointment of Barry Paul as Treasurer by Resolution No 178-2015 shall be effective through December 31, 2015 and the winner of the election for Treasurer conducted on November 3, 2015 shall take office on January 1, 2016, unless the office is abolished pursuant to the terms of Resolution No. ___ 2015 and the voter referendum conducted on November 3, 2015.
- B. This law shall in no way effect, impair or negate the provisions of Local Law No. 32-2014 or any other duly adopted law of the County of Suffolk that provides for the abolition of the Department of Finance and Taxation and the office of County Treasurer and the consolidations of Treasurer's functions in the Department of Audit and Control and office of County Comptroller.

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.

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



1384 WILLIAM H. ROGERS BUILDING
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: APRIL 27, 2015

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2015

TITLE: I.R. NO. -2015; A CHARTER LAW AMENDING AND CLARIFYING THE PROCEDURE OF FILLING COUNTY TREASURER VACANCIES

SPONSOR: LEGISLATOR McCAFFREY

DATE OF RECEIPT BY COUNSEL: 4/27/15 PUBLIC HEARING: 6/2/15

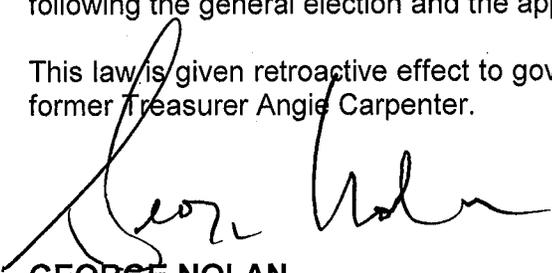
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed law would amend Article 15 of the SUFFOLK COUNTY CHARTER to clarify the process for filling a vacancy in the office of County Treasurer.

The County Charter provides that a vacancy in the office of County Treasurer will be filled for the unexpired term at the first general election after the vacancy occurs and that until the vacancy is filled by election, the vacancy will be filled by County Executive appointment subject to legislative approval. However, the law is silent as to when the newly elected Treasurer takes office and when the appointee's term ends.

This law clarifies that the person elected Treasurer will take office on the first day of January following the general election and the appointed Treasurer will serve until December 31st.

This law is given retroactive effect to govern the vacancy that was created by the resignation of former Treasurer Angie Carpenter.


GEORGE NOLAN
Counsel to the Legislature

GN:tm

s:\rule28\28-Clarify Treasurer

1385

Intro. Res. No. -2015
Introduced by Legislator Hahn

Laid on Table

4/28/15

**RESOLUTION NO. -2015, TO APPOINT MEMBER TO THE
FOOD POLICY COUNCIL OF SUFFOLK COUNTY (NIKKI M.
KATEMAN)**

WHEREAS, Resolution No. 347-2013 appointed **John T. Woods** as a member of the Food Policy Council to represent local food workers; and

WHEREAS, **John T. Woods** has tendered his resignation from the Food Policy Council; now, therefore be it

1st RESOLVED, that **Nikki M. Kateman**, Deputy Director of Politics, Communication and Special Projects for Local 338 RWDSU/UFCW, is hereby appointed to the Food Policy Council of Suffolk County to represent local food workers, for a term of office to expire May 15, 2016, pursuant to Chapter 101 of the Suffolk County Code; and be it further

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

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO LOCAL LAW NO. 11-2011

s:\res\r-appt-food-poicy-kateman

1385

NIKKI M. KATEMAN

1112 LORIMER STREET, APT. 2, BROOKLYN, NEW YORK 11222
347-668-2860 NMKATEMAN@GMAIL.COM

EDUCATION

THE NEW YORK STATE AFL-CIO/CORNELL UNIVERSITY UNION LEADERSHIP INSTITUTE
BASED IN ITHACA AND MANHATTAN, NEW YORK
Certificate, Advanced Labor Union Leadership 2012-2013

ADELPHI UNIVERSITY GARDEN CITY, NEW YORK
Bachelor of Science (Political Science) May 2010
• *Graduated Summa Cum Laude*

PROFESSIONAL EXPERIENCE

LOCAL 338 RWDSU/UFCW MINEOLA, NEW YORK
Deputy Director of Politics, Communications, & Special Projects January 2015 - Present
Political Affairs Representative May 2010 - January 2015

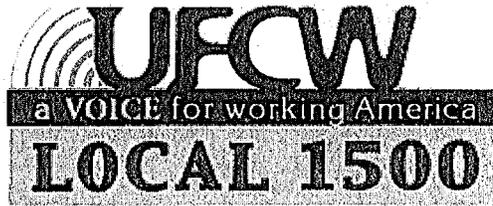
- Conduct and participate in respective political meetings
- Liaison with local community groups, organizations, and fellow labor unions
- Develop, organize, and manage GOTV operations during election periods
- Represent Local 338 at union, political and community events
- Collaborate with elected officials to achieve Union's political and legislative agenda
- Coordinate media outreach
- Control content on website and social media
- Manage Local 338's member database and contribute to the database's redevelopment
- Assist/coordinate with all major projects, core programs & events
- Supervise a staff of two responsible for Local 338's graphics and publication material, including flyers, posters, and the Local 338 Newspaper

Special Projects Intern September 2007 - May 2010

- Assisted in organizing the various special events hosted by the union
- Represented Local 338 at political functions, community events and labor rallies
- Managed the Local 338 member database and maintain the official website
- Handled the union's voter registration and political action drives
- Contributed to and aided in the editing of the Local 338 newspaper

REFERENCES

- Available Upon Request



1385

BRUCE W. BOTH, *President* * ANTHONY G. SPEELMAN, *Secretary / Treasurer* * RHONDA NELSON, *Recorder*

04-23-2015

Mr. Tim Laube, Clerk
Suffolk County Legislature
W.H. Rogers Legislature Building
25 Veterans Memorial Hwy.
Smithtown, NY 11787

August Ruckdeschel, Chair
Food Policy Council of Suffolk County
Suffolk County Department of Economic Development & Planning
H. Lee Dennison Bldg - 4th Floor
100 Veterans Memorial Hwy
Hauppauge, NY 11788-0099

Dear Mr. Laube and Mr. Ruckdeschel,

This letter serves to inform you that as of 04-23-2015 I am will be resigning from the Suffolk County Food Policy.

It has been my pleasure to serve alongside all the other members of the Food Policy Council. Together we have been able to draw attention to important issues and take steps to improve and strengthen the regional food system.

Thank you for the opportunity to serve Suffolk County in this capacity. If I can be of any help during this transition, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Woods', with a horizontal line extending to the right.

John Woods
UFCW Local 1500
Vice-President