

**PROCEDURAL RESOLUTION NO. 26 - 2015, TO RETAIN PFM ASSET MANAGEMENT LLC**

**WHEREAS**, pursuant to Section 250 of the SUFFOLK COUNTY CODE, this Legislature has full power and control of the property and funds of the Suffolk County Vanderbilt Museum, including the Maintenance Fund that supports the Museum's operations; and

**WHEREAS**, maximizing income from the Maintenance Fund is critical for the viability of the Suffolk County Vanderbilt Museum; and

**WHEREAS**, the County of Suffolk has utilized the services of investment advisors to assist in the management of the Maintenance Fund; for the last 5 years PFM Asset Management LLC has managed the investment of the Maintenance Fund; and

**WHEREAS**, the County advertised a new Request for Proposals ("RFP") on April 9, 2015, seeking proposals for investment management services of the Vanderbilt Maintenance Fund; and

**WHEREAS**, after reviewing the responses to the RFP, the RFP Committee recommended the retention of PFM Asset Management LLC to continue to manage the investment of the Maintenance Fund; now, therefore be it

**1st RESOLVED**, that PFM Asset Management LLC, One Keystone Plaza, Suite 300, Harrisburg, PA 17101, is hereby retained to serve as the investment advisor for the Suffolk County Vanderbilt Museum's Maintenance Fund; and be it further

**2nd RESOLVED**, for all services provided by PFM Asset Management LLC, the Maintenance Fund shall incur an annual fee based on net assets under the management of the Maintenance Fund determined on a monthly basis as defined in an investment advisory fee schedule as set forth below:

Investment Advisory Fee Schedule	
First \$10 million in net assets	0.45%
Next \$10 million in net assets	0.35%
Next \$30 million in net assets	0.25%
Next \$50 million in net assets	0.20%
Thereafter	0.10%

and be it further

**3rd RESOLVED**, this Legislature authorizes the Presiding Officer to execute an Agreement to retain PFM Asset Management LLC as the investment advisor for the Suffolk County Vanderbilt Museum's Maintenance Fund; and be it further

**4th RESOLVED**, that the Budget Review Office shall review invoices submitted by PFM Asset Management LLC which include statements setting forth the basis for the calculation of fees.

DATED:

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

1812

Intro. Res. No. -2015  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 10/6/15

**RESOLUTION NO. -2015, ADOPTING LOCAL LAW  
NO. -2015, A LOCAL LAW AMENDING CHAPTER  
563 OF THE SUFFOLK COUNTY CODE TO MODIFY  
THE LAWS RELATING TO SEPTIC INDUSTRY  
BUSINESS TRAINING**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on 2015, a proposed local law entitled, "**A LOCAL LAW AMENDING CHAPTER 563 OF THE SUFFOLK COUNTY CODE TO MODIFY THE LAWS RELATING TO SEPTIC INDUSTRY BUSINESS TRAINING;**" 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. -2015, SUFFOLK COUNTY,  
NEW YORK**

**A LOCAL LAW AMENDING CHAPTER 563 OF THE  
SUFFOLK COUNTY CODE TO MODIFY THE LAWS  
RELATING TO SEPTIC INDUSTRY BUSINESS  
TRAINING**

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

**Section 1. Legislative Intent.**

This Legislature finds and determines that the provisions of Article VII of Chapter 563 of the SUFFOLK COUNTY CODE were enacted to provide the County of Suffolk with the means necessary to regulate septic industry businesses and require such businesses to be licensed to protect the health, safety and general welfare of the consumers of Suffolk County.

This Legislature further finds that in 2014, it approved the use of funds from Fund 477 Water Quality Protection for the Innovative Alternative Onsite Wastewater Treatment demonstration program to test these treatment systems and to gather the data necessary for the County Department of Health Services to determine if these systems should be approved for general public use to improve water quality within our County.

This Legislature also finds that to ensure protection of the public's health and water quality, and upon the recommendation of the Department of Labor, Consumer Affairs and Licensing and the advice from the County's Septic Licensing Board established under Chapter 563, it is necessary to require continuing education under specialized license endorsements to ensure that installers and service providers of these Innovative Alternative Onsite Wastewater Treatment systems have the proper training and experience.

This Legislature further finds that there are many specialized services within the liquid waste service industry, that there is growing concern as to the effectiveness of the existing licensing structure regarding these specialized services, and that establishing a continuing education requirement for these specialized services under a process of license endorsements will provide an added measure of accountability to the public in the septic licensing process.

Therefore, the purpose of this law is to amend Article VII of Chapter 563 of the SUFFOLK COUNTY CODE to require all new septic license applicants, and all existing septic license holders prior to their next license renewal, to apply to the Department of Labor, Consumer Affairs and Licensing for endorsement for the specialized service or services they provide to the public and to comply with the continuing education requirements in order to protect the public, create contractor accountability and maintain consumer confidence in the licensing process.

**Section 2. Amendments.**

Article VII of Chapter 563 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 563**

**LICENSED OCCUPATIONS**

\*\*\*\*

**Article VII**

**Septic Industry Businesses**

\*\*\*\*

**§563-76. Definitions.**

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**COMMERCIAL, INDUSTRIAL, RESIDENTIAL SEPTIC TANK/SEWER DRAIN TREATMENT, BACTERIA ADDITIVES AND MAINTENANCE BUSINESS**

A business engaged in the installation, repair or maintenance of any septic tank/sewer system, wastewater treatment, disposal system and any graywater systems, including but not limited to the hauling of any type of liquid waste within the County of Suffolk.

**CONTRACT**

An oral or written agreement contained in one or more documents for the performance of work, which includes all labor, goods and services.

**CONVENTIONAL SEPTIC SYSTEM**

An onsite sanitary system consisting of a septic tank, a leaching structure(s), a cesspool, or interconnecting piping that does not have any active or mechanical means of treatment or any supplemental filtration components.

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**ENDORSEMENT**

A license certification issued by the Department that confirms that the applicant has obtained the required specialized training in a specific area, owns the necessary equipment as required, and authorizes such applicant to practice in that area for the duration of the license.

\*\*\*\*

**INNOVATIVE AND ALTERNATIVE TREATMENT SYSTEM**

An onsite wastewater treatment system approved or being piloted by the County that provides for enhanced treatment of wastewater for enhanced organic matter removal, pathogen reduction, and nutrient removal.

**LEACHING STRUCTURE**

Any leaching pool or drain field that meets Suffolk County Sanitary Code and/or New York State Sanitary Code Appendix 75A specifications.

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**WASTE LINE CLEANING**

A method of removing or dislodging solids, roots, or other foreign debris clogging the waste dispersal line. Methods can include, but are not limited to, aeration, jetting, or chemical treatment.

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**§563-77. License required; contracts.**

A. It is unlawful for any person, other than those exempt under the provisions of this article, to engage in any commercial, industrial or residential septic tank/sewer drain treatment, bacteria additives and maintenance business, as defined herein, in Suffolk County without obtaining a license, inclusive of the required endorsements with requisite continuing education as defined under § 563-79, therefor from the Office in accordance with and subject to the provisions of this article.

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**§563-79. Application procedure; qualifications; issuance of license; required endorsements; continuing education program for license renewal; exemptions from application fees.**

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**II. Required Endorsements.**

In order to obtain and hold a license under this article, an applicant shall have applied for and obtained the appropriate endorsement or endorsements for the particular work or services to be performed. All applications for licenses must include an application for the pertinent category or categories of endorsement(s) as set forth below at subparagraphs A. through K. to provide the particular work or service(s) under this article. Such application for endorsement shall be submitted in writing, on forms furnished by the Department and shall be accompanied by a nonrefundable endorsement application fee of \$200 from all applicants for each endorsement, other than for those applicants exempt under the provisions of this §563-79. For each endorsement other than endorsements set forth below at subparagraphs J. and K., each applicant must have at least five (5) years of verifiable and documented trade experience within the last ten (10) years in the trade for which the license is being sought. For endorsements set forth below at subparagraphs J. and K., each applicant must have at least five (5) years of verifiable and documented general industrial experience within the last ten (10) years. Verifiable and documented trade experience must include the following: a) pay stubs, W2 forms, Federal or State tax returns showing employment with a licensed contractor, or a statement from previous employer verifying term of employment; and b) trade references. Endorsements necessary to perform the particular work or services under this article are as follows:

**A. Septic Tank Pumping, Cleaning, and Maintenance Endorsement.**

Any work that requires pumping, servicing, cleaning, system rehabilitation services or minor repairs to residential, commercial, and/or industrial conventional septic systems, cesspools, and wastewater holding tanks, and/or performing assessment of the overall health of a conventional septic system and/or coordinating preventative maintenance and pumping with property owners, requires this endorsement. This endorsement requires the following: (i) proof of ownership of a dedicated pump/vacuum truck for sanitary and/or organic waste; (ii) successful completion of a pump/vacuum truck training program approved by the Department; and (iii) successful completion of a Long Island Liquid Waste Association ("LILWA") training class and passage of the LILWA certification test or successful completion of a similar training program approved by the Department.

**B. Grease Trap/Grease Interceptor Cleaning and Maintenance Endorsement.**

Any work that requires cleaning and/or maintenance of grease trap waste, which is a mixture of wastewater, food particles, and grease from sinks, dishwashers, and drains from within the kitchen of restaurants and food preparation establishments requires this endorsement. This endorsement requires the following: (i) proof of ownership of a pump/vacuum truck dedicated for pumping grease trap waste which can be a pump/vacuum truck with an additional separate compartment for yellow grease pumping only; and (ii) successful completion of a training program approved by the Department in pump/vacuum truck operation.

C. Yellow Grease/Fryer Oil Collection Endorsement.

Any work that requires collection of yellow grease, which is oils and greases collected within the kitchen and preparation areas before it has been comingled with wastewater requires this endorsement. This endorsement requires the following: (i) proof of ownership of a pump/vacuum truck dedicated for pumping yellow grease which can be a pump/vacuum truck with an additional separate compartment for trap grease pumping only; and (ii) successful completion of a training program approved by the Department in pump/vacuum truck operation.

D. Temporary Restroom Facilities Endorsement.

Any work that includes servicing of portable toilets, temporary restrooms and/or the waste generated therefrom requires this endorsement. This endorsement requires the following: (i) proof of ownership of a dedicated pump/vacuum truck for sanitary and/or organic waste; (ii) successful completion of a health and safety certification program approved by the Department; and (iii) successful completion of a training program approved by the Department in pump/vacuum truck operation.

E. Jetting (pressurized water cleaning)/Waste Line Cleaning Endorsement.

Any work that includes residential, commercial, and/or industrial septic systems waste line cleaning requires this endorsement. This endorsement requires the following: (i) successful completion of a LILWA training class and passage of the LILWA certification test or completion of a similar training program approved by the Department.

F. Bulk Liquid Waste Transportation Endorsement.

Any work, not including service to a conventional septic or innovative and alternative treatment system, that includes industrial liquid waste bulk transportation requires this endorsement. This endorsement requires the following: successful completion of a LILWA training class and passage of the LILWA certification test or successful completion of a similar training program approved by the Department.

G. Vector (pump/vacuum) Services Endorsement.

Any work that includes residential, commercial and/or industrial vector services requires this endorsement. This endorsement requires the following: successful completion of a LILWA training class and passage of the LILWA certification test or successful completion of a similar training program approved by the Department.

H. Conventional Septic System Maintenance Inspector Endorsement.

Any work that includes performing baseline first maintenance inspections (FMI) and routine maintenance inspections (RMI) of conventional septic systems requires this endorsement. This endorsement requires the following: successful completion of a septic system inspection class and passage of an examination as approved by the Department.

I. Conventional Septic System Installation Endorsement.

Any residential, commercial and/or industrial work that includes only conventional septic systems installation, replacement and/or major repair requires this endorsement. This endorsement requires the following: (i) successful completion of a LILWA training class and passage of the LILWA certification test or successful completion of a similar training program approved by the Department.

J. Innovative and Alternative Treatment System Installer Endorsement.

Any work that includes installation of innovative and alternative treatment systems requires this endorsement. This endorsement requires the following: (i) successful completion of a training program approved by the Department for innovative and alternative treatment system installation and receipt of an installation training certificate from the manufacturers of all specific technologies being installed (including drain fields); and (ii) possession of a conventional septic system installation endorsement I.

K. Innovative and Alternative Treatment System Service Provider Endorsement.

Any work that includes inspection, operation, maintenance, and/or minor repair services on innovative and alternative treatment systems requires this endorsement. This endorsement requires the following: (i) successful completion of a training program approved by the Department for advanced system operations, maintenance and repair; and (ii) certification by manufacturers of all technologies they service that are currently approved or are being demonstrated and are under review by the Suffolk County Department of Health Services.

III. Continuing Education Program for License Renewal.

A. Applicants seeking to renew a license under this article must have completed the following training contact hours ("TCH") from a training program that has been approved by the Department and appears on an approved list compiled by the Department:

i. For license endorsements A. through H. at subsection II. above, applicants must have completed a minimum of eight (8) TCHs for each two (2) year renewal license period. A maximum of four (4) TCHs obtained for safety related training may be applied toward the minimum required hours for any two (2) year renewal license period;

ii. For endorsements I. through K. at subsection II. above, applicants must have completed a minimum of twelve (12) TCHs for each two (2) year license renewal period. A maximum of six (6) TCHs obtained for safety related training may be applied toward the minimum required hours for any two (2) year renewal license period.

B. The following TCH credits shall be available to all applicants for endorsements A. through K. at subsection II. above:

i. One (1) TCH for each full year of membership in a wastewater professional association that has been approved by the Department. A maximum of four (4) TCHs for such membership may be applied toward the minimum required hours for any two (2) year renewal license period; and

- ii. One (1) TCH for each Department approved training program course instructed by an applicant. A maximum of eight (8) TCHs obtained through course instruction may be applied toward the minimum required hours for any two (2) year renewal license period.

[II]IV. Exemptions from Application Fees.

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**§563-80. Term of licenses; renewal; conditions.**

- C. Failure to make application and pay the required annual fee for a license renewal prior to the expiration date of said license shall render the license null and void on the expiration date and require the licensee to submit a new application for an original license. Compliance with the provisions of this subsection and §563-79 II. and III. shall entitle the licensee to the renewal of his license, provided that such license has not been suspended or revoked by the Director prior to the expiration date.

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**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 judgment or order shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environment 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/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 nonapplicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

This law shall take effect one year after it has been filed 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:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1812

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: OCTOBER 2, 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 AMENDING CHAPTER 563 OF THE SUFFOLK COUNTY CODE TO MODIFY THE LAWS RELATING TO SEPTIC INDUSTRY BUSINESS TRAINING

SPONSOR: PRESIDING OFFICER, ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 10/2/2015 PUBLIC HEARING: 11/17/2015

DATE ADOPTED/NOT ADOPTED: CERTIFIED COPY RECEIVED:

This proposed local law would impose new training requirements, specialized license endorsement requirements and fees on septic industry businesses licensed by the Department of Labor, Licensing and Consumer Affairs ("Department").

Under this proposed law, septic industry businesses licensed by the Department would be required to apply for and obtain endorsements for particular work or services they perform. These specialized services are septic tank pumping, cleaning and maintenance; grease trap/grease interceptor cleaning and maintenance; yellow grease/fryer oil collection; temporary restroom facilities; jetting/waste line cleaning; bulk liquid waste transportation; vector services; conventional septic system maintenance; conventional septic system installation; innovative and alternative treatment system installation; and innovative and alternative treatment system service.

Persons seeking such endorsements would be required to pay a non-refundable endorsement application fee of \$200 for each endorsement sought. This fee would be separate and additional to the existing application fee for the underlying license and the \$200 annual registration fee for septic industry businesses. Persons seeking these endorsements must have at least five (5) years of verifiable and documented trade experience "in the trade for which the license is being sought", however, those seeking the innovative and alternative treatment system installer and service provider endorsements must show five (5) years of "general industrial experience".

The proposed law imposes other requirements for these endorsements as follows:

- 1) Persons seeking a Septic Tank Pumping, Cleaning and Maintenance Endorsement must show proof of ownership of a dedicated pump/vacuum truck for sanitary and organic waste; successful completion of a pump/vacuum truck training program approved by the Department; and successful completion of a Long Island Liquid Waste Association training class and passage of the Association's certification

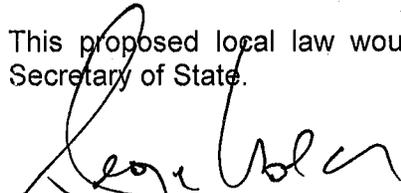
test or successful completion of a similar training program approved by the Department.

- 2) Persons seeking a Grease Trap/Grease Interceptor Cleaning and Maintenance Endorsement must present proof of ownership of a pump/vacuum truck dedicated for pumping grease trap waste and successfully complete a training program approved by the Department in the operation of a pump/vacuum truck.
- 3) Persons seeking a Yellow Grease/Fryer Oil Collection Endorsement must show proof of ownership of a pump/vacuum truck dedicated to pumping yellow grease and successfully complete a training program approved by the Department in the operation of a pump/vacuum truck.
- 4) Persons seeking a Temporary Restroom Facilities Endorsement must show proof of ownership of a dedicated pump/vacuum truck for sanitary and/or organic waste; successfully complete a health and safety certification program approved by the Department; and complete a training program approved by the Department in the operation of a pump/vacuum truck.
- 5) Persons seeking a Jetting/Waste Line Cleaning Endorsement must successfully complete a Long Island Liquid Waste Association training class and pass the Association's certification test or complete a similar training program approved by the Department.
- 6) Persons seeking a Bulk Liquid Waste Transportation Endorsement must successfully complete a Long Island Liquid Waste Association training class and pass the Association's certification test or complete a similar training program approved by the Department.
- 7) Persons seeking a Vactor Services Endorsement must successfully complete a Long Island Liquid Waste Association training class and pass the Association's certification test or complete a similar training program approved by the Department.
- 8) Persons seeking a Conventional Septic System Maintenance Inspector Endorsement must successfully complete a septic inspection class and pass an examination approved by the Department.
- 9) Persons seeking a Conventional Septic System Installation Endorsement must successfully complete a Long Island Liquid Waste Association training class and pass the Association's certification test or successfully complete a similar training program approved by the Department.
- 10) Persons seeking an Innovative and Alternative Treatment System Installer Endorsement must complete a training program approved by the Department for innovative and alternative treatment system installation and receive an installation training certificate from the manufacturers of all specific technologies being installed.

- 11) Persons seeking an Innovative and Alternative Treatment System Service Provider Endorsement must successfully complete a training program approved by the Department for advanced system operations, maintenance, and repair and obtain a certification by manufacturers of all technologies they service that are currently approved or are being demonstrated and under review by the Suffolk County Department of Health Services.

In addition to the requirements set forth above, applicants seeking to renew a septic industry business license must complete "training contact hours" from a program approved by the Department. For most endorsements a minimum of eight (8) training contact hours is required for a two (2) year renewal; for the Conventional Septic System Installation Endorsement and the Innovative and Alternative Treatment System Installer and Provider Endorsements, twelve (12) training contact hours is required. Applicants for license renewal may receive credit for a training contact hour for each year they have membership in a wastewater professional association that has been approved by the Department, up to a maximum of four (4) hours of credit. Applicants can also receive training credit hours for any Department approved training courses they instruct, up to a maximum of eight (8) hours of credit.

This proposed local law would take effect immediately upon its filing in the Office of the Secretary of State.



**GEORGE NOLAN**  
Counsel to the Legislature

**GN:js**

s:\rule28\28-amend-chapter 563-septic-industry-business-training

1812

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

1. Type of Legislation		
Resolution _____ Local Law <u>X</u> Charter Law _____		
2. Title of Proposed Legislation		
AMENDING LOCAL LAW NO. 2015, A LOCAL LAW AMENDING CHAPTER 563 OF THE SUFFOLK COUNTY CODE TO MODIFY THE LAWS RELATING TO SEPTIC INDUSTRY BUSINESS TRAINING		
3. Purpose of Proposed Legislation		
To amend Article VII of Chapter 563 of the Suffolk County Code to require all new septic license applicants, and all existing septic license holders prior to their next license renewal, to apply to the Dept. of Labor, Consumer Affairs, and Licensing for endorsement for specialized service or services they provide to the public and to comply with the continuing education requirements in order to protect the public, create contractor accountability and maintain consumer confidence in the licensing process.		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Sarah Lansdale Director of Planning		10/1/15



1812

**2015 INTERGOVERNMENTAL RELATIONS**

**MEMORANDUM OF SUPPORT**

**TITLE OF BILL:** ADOPTING LOCAL LAW NO. 2015, A LOCAL LAW AMENDING CHAPTER 563 OF THE SUFFOLK COUNTY CODE TO MODIFY THE LAWS RELATING TO SEPTIC INDUSTRY BUSINESS TRAINING

**PURPOSE OR GENERAL IDEA OF BILL:** To amend Article VII of Chapter 563 of the Suffolk County Code to require all new septic license applicants, and all existing septic license holders prior to their next license renewal, to apply to the Dept. of Labor, Consumer Affairs, and Licensing for endorsement for specialized service or services they provide to the public and to comply with the continuing education requirements in order to protect the public, create contractor accountability and maintain consumer confidence in the licensing process.

**SUMMARY OF SPECIFIC PROVISIONS:** In 2014, this Legislature approved the use of funds from Fund 477 Water Quality Protection for the Innovative Alternative Onsite Wastewater Treatment demonstration program to test these treatment systems and to gather the data necessary for the County Department of Health Services to determine if these systems should be approved for general public use to improve water quality within our County.

To ensure protection of the public's health and water quality, and upon the recommendation of the Department of Labor, Consumer Affairs and Licensing and the advice from the County's Septic Licensing Board established under Chapter 563, it is necessary to require continuing education under specialized license endorsements to ensure that installers and service providers of these Innovative Alternative Onsite Wastewater Treatment Systems have the proper training and experience.

**JUSTIFICATION:** There are many specialized services within the liquid waste service industry, and there is a growing concern as to the effectiveness of the existing licensing structure regarding these specialized services. Establishing a continuing education requirement for these specialized services under a process of license endorsements will provide an added measure of accountability to the public in the septic licensing process.

**FISCAL IMPLICATIONS:** No Fiscal Impact

COUNTY OF SUFFOLK

1812



Steven Bellone  
SUFFOLK COUNTY EXECUTIVE

Department of  
Economic Development and Planning

Joanne Minieri  
Deputy County Executive and Commissioner

Division of Planning  
and Environment

October 1, 2015

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

Re: Reso-EDP-AMENDING CHAPTER 563 of Suffolk County Code (Septic Industry  
Business Training)

Dear Mr. Schneider:

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

ADOPTING LOCAL LAW NO. 2015, A LOCAL LAW AMENDING CHAPTER 563  
OF THE SUFFOLK COUNTY CODE TO MODIFY THE LAWS RELATING TO SEPTIC  
INDUSTRY BUSINESS TRAINING.

I would appreciate your placing this on the legislative agenda at your earliest  
convenience.

Very truly yours,

Sarah Lansdale  
Director of Planning

Enclosure

cc: Joanne Minieri, Deputy County Executive and Commissioner  
Dept. of Economic Development and Planning  
CE Reso Review (via e-mail)

**BOND RESOLUTION NO.**

**-2015**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK,  
NEW YORK, AUTHORIZING THE ISSUANCE OF \$300,000  
BONDS TO FINANCE THE COST OF PARTIAL  
RECONSTRUCTION OF HISTORIC STRUCTURES AT  
COUNTY PARKS (CP 7510.342)**

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said County Legislature) AS FOLLOWS:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$300,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the partial reconstruction of historic structures within County parks, as authorized in the 2015 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000. The plan of financing includes (a) the expenditure of \$250,000 in Suffolk County bonds authorized by Resolution No. 625-2013; (b) the issuance of \$300,000 bonds or bond anticipation notes authorized pursuant to this Resolution; and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued pursuant to this resolution, within the limitations of Section 11.00 a. 12(a)(3) of the Law, is ten (10) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary or in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

DATED:

APPROVED BY :

---

County Executive of Suffolk County

Date:

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

**RESOLUTION NO. 583 -2014, APPROPRIATING FUNDS  
IN CONNECTION WITH THE HISTORIC RESTORATION AND  
PRESERVATION FUND (CP 7510)**

**WHEREAS**, the Commissioner of Parks, Recreation and Conservation has requested construction funds for the stabilization, preservation and restoration of historic structures and buildings at County Parks; and

**WHEREAS**, there are sufficient funds within the 2014 Capital Budget and Program to cover the cost of construction for said improvements under Capital Program Number 7510; and

**WHEREAS**, Resolution No. 471-1994 as revised by Resolution 461-2006, established the use of a priority ranking system implemented in the Adopted 2014 Capital Budget as the basis for funding capital projects such as this project; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$300,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> RESOLVED**, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8, Resolution Number 485-2004 determined that the Proposed Historic Restoration, Preservation and Stabilization of Historic Buildings and Structures within Suffolk County Parks constitutes a Type II action pursuant to the provisions of Title 6 NYCRR Part 617.5 (C), (1) and (2) and Chapter 279 of the Suffolk County Code, since it involves "maintenance or repair involving no substantial changes in an existing structure or facility;" and "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any thresholds in section 617.4 of this Part;" and the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty (40), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 461-2006; and be it further

**3<sup>rd</sup> RESOLVED**, that the proceeds of \$300,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7510.342 (Fund 001-Debt Service)	26	Improvements for the Stabilization, Preservation and Restoration of Historic Structures	\$300,000

DATED: JUL 29 2014

APPROVED BY:

  
County Executive of Suffolk County

Date 8/8/2014

**Motion:**

Krupski, Schneiderman, Browning, Muratore, Hahn  
Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Kennedy  
Trotta, McCaffrey, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**

Krupski, Schneiderman, Browning, Muratore, Hahn  
Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Kennedy  
Trotta, McCaffrey, Gregory, Stern, D'Amaro, Spencer

**Second:**

Krupski, Schneiderman, Browning, Muratore, Hahn  
Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Kennedy  
Trotta, McCaffrey, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Albert J. KRUPSKI	/	/			
3	Kate M. BROWNING	/	/			
4	Thomas MURATORE	/	/			
5	Kara HAHN	/	/			
6	Sarah S. ANKER	/	/			
7	Rob CALARCO	/	/			
8	William J. LINDSAY, III	/	/			
9	Monica R. MARTINEZ	/	/			
10	Thomas CILMI	/	/			
11	Thomas F. BARRAGA	/	/			
12	John M. KENNEDY, JR.	/	/			
13	Rob TROTTA	/	/			
14	Kevin J. MCCAFFREY	/	/			
16	Steven H. STERN	/	/			
17	Lou D'AMARO	/	/			
18	William SPENCER	/	/			
2	Jay SCHNEIDERMAN, D.P.O	/	/			
15	DuWayne GREGORY, P.O.	/	/			
	Totals	10	8	0	0	0

MOTION	
<input checked="" type="checkbox"/> Approve	
Table: _____	
Send To Committee _____	
Table Subject To Call _____	
Lay On The Table _____	
Discharge _____	
Take Out of Order _____	
Reconsider _____	
Waive Rule _____	
Override Veto _____	
Close _____	
Recess _____	
APPROVED <input checked="" type="checkbox"/> FAILED _____	
No Motion _____ No Second _____	

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED _____

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call  Voice Vote \_\_\_\_\_

**RESOLUTION NO. - 2015, ADOPTING LOCAL LAW NO.  
-2015, A LOCAL LAW ESTABLISHING A DOMESTIC  
VIOLENCE FATALITY ANALYSIS COMMISSION**

**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 ESTABLISHING A DOMESTIC VIOLENCE FATALITY ANALYSIS COMMISSION** " 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 ESTABLISHING A DOMESTIC VIOLENCE  
FATALITY ANALYSIS COMMISSION**

**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 domestic violence is a serious problem in homes throughout Suffolk County and the nation.

This Legislature also finds and determines that violence often escalates during the course of the relationship between the perpetrator and victim. In some cases, that violence can be fatal.

This Legislature finds that law enforcement and support services must work together to better understand the underlying causes of domestic violence crimes and the efficacy of the local support system for victims.

This Legislature also finds that states, counties and municipalities throughout the United States have established domestic violence fatality review boards to bring government agencies, non-profit organizations and domestic violence survivors together to study domestic violence fatalities and improve the support services available for victims with the goal of reducing domestic violence related homicides.

This Legislature also determines that the County of Suffolk should establish an advisory domestic violence fatality analysis commission to learn from past tragedies with the intent of preventing similar outcomes in the future.

This Legislature concludes that the establishment of a local advisory board charged with the responsibility of developing better statistical information on domestic violence and conducting in-depth reviews of domestic violence related homicides will provide important information that policymakers, law enforcement officials, social services providers, and victim advocates can use to reduce domestic violence related homicides.

Therefore, the purpose of this local law is to establish a Domestic Violence Fatalities Analysis Commission for the County of Suffolk.

**Section 2. Definitions.**

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

“Domestic Violence Fatality” shall mean the death of a family or household member, resulting from an act or acts of violence committed by another family or household member, not including acts of self-defense.

“Family or Household Member” shall mean any of the following individuals:

- a. persons related by consanguinity or affinity;
- b. persons legally married to one another;
- c. persons formerly married to one another regardless of whether they still reside in the same household;
- d. persons who have a child in common regardless of whether such persons have been married or have lived together at any time;
- e. persons not legally married, but who currently live together in a family-type relationship; and
- f. persons not legally married, but who have formerly lived together in a family-type relationship.

“Perpetrator” shall mean a family or household member who commits an act or acts of violence resulting in a domestic violence fatality.

“Victim” shall mean a family or household member whose death constitutes a domestic violence fatality.

**Section 3. Domestic Violence Fatality Analysis Commission.**

The Suffolk County Domestic Violence Fatality Analysis Commission (“The Commission”) is hereby established to annually:

- 1. examine aggregate information relating to domestic violence fatalities in the County of Suffolk,
- 2. conduct in-depth reviews of domestic violence fatalities; and
- 3. develop recommendations for the coordination and improvement of services for victims of domestic violence, as more fully set forth in this law.

**Section 4. Commission Membership, Organization.**

- A. The Commission shall be comprised of the following nine (9) members:
  - 1. The Medical Examiner, or his or her designee, who shall serve as Chairperson of the Commission;
  - 2. The Commissioner of the Suffolk County Police Department, or his or her designee;

3. The Commissioner of the Department of Health Services, or his or her designee;
  4. The Commissioner of the Department of Social Services, or his or her designee;
  5. The District Attorney, or his or her designee;
  6. The County Attorney, or his or her designee;
  7. A representative of a non-profit organization that provides social or legal services to victims of intimate partner domestic violence, to be appointed by the County Legislature;
  8. A representative of a non-profit organization that provides services to victims of non-intimate partner domestic violence, to be appointed by the County Legislature;
  9. A County Legislator, to be appointed by the Presiding Officer.
- B. Members of the Commission who are not serving in their official capacity as department heads or designees shall be appointed for a term of two (2) years. In the event a vacancy occurs prior to the expiration of a term, the unexpired term shall be filled in the same manner as it was originally filled.
- C. Members of the Commission shall serve without compensation.
- D. The members shall hold their first meeting no later than thirty (30) days after the oaths of office of all members have been filed for the purpose of organization and the election of a vice chairperson and a secretary.
- E. The positions of vice chairperson and secretary shall be elected by the majority of the Commission every two (2) years.
- F. Five members of the Commission shall constitute a quorum to transact the business of the Commission.

#### **Section 4. Data Gathering.**

- A. The Commission is charged with obtaining and reviewing data relating to domestic violence fatalities, including non-identifying information with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, as well as religion, ethnicity and employment status, if available.
- B. The Commission shall, from the information gathered, calculate statistics on domestic violence fatalities in Suffolk County, including an analysis by town and police precinct.
- C. The Commission may request and receive information from any County department as may be necessary to perform the data collection and statistical analysis required under this section.

#### **Section 5. Fatality Case Review.**

- A. The Commission shall review, on an annual basis, one to three domestic violence fatalities that occurred at least two (2) years prior to review. The Commission shall not review a domestic violence fatality that involves the death of a child for which a fatality report is

required to be issued pursuant to subdivision 5 of Section 20 of the NEW YORK SOCIAL SERVICES LAW. Cases eligible for review must have been adjudicated, received a final judgement and cannot be under investigation by law enforcement.

B. The Commission shall identify potential cases and select which deaths shall be reviewed.

C. The Commission shall work with officials and organizations within the community where the death occurred to gather information on the history of the victim and perpetrator, as well as contacts with government agencies and law enforcement. To the extent consistent with federal law, the Commission shall be provided with, upon request, client-identifiable information and records necessary for the investigation of a domestic violence fatality. Such records shall include, but not be limited to:

1. records maintained by the Department of Social Services, to the extent permitted by law;
2. law enforcement records, except where the provision of such records would interfere with an ongoing investigation, identify a confidential source, or endanger the safety or welfare of an individual;
3. court records;
4. probation and parole records;
5. records from domestic violence residential or non-residential programs;
6. records from any relevant service provider program or organization which provided services to the victim, the victim's family or the perpetrator;
7. all other relevant records in the possession of County or local officials or agencies provided, however, no official or agency shall be required to provide information or records if disclosing such records would violate an attorney-client privilege;

D. Commission members shall review each selected domestic violence fatality to determine a timeline of the events leading up to the fatality, going back as far as records will allow; the agencies and departments which had contact with the victim, the victim's family or the perpetrator prior to the fatality's occurrence; and whether services were offered at any time prior to the fatality. The Commission shall also consider whether other services could have been utilized; if there were legal, institutional (i.e. language, cultural, social) or other barriers to obtaining services for any of the parties involved; and the existence of communication barriers between agencies and departments.

#### **Section 6. Annual Report.**

A. The Commission shall annually submit to the County Executive and each member of the County Legislature a report that will include:

1. the number of domestic violence fatality cases which occurred in the County of Suffolk in the previous year;
2. non-identifying data and statistics with respect to victims and perpetrators involved in domestic violence fatalities, including, but not limited to, gender, age, race and familial or other relationship involved. Religion, ethnicity and employment status shall be included, when available;
3. any factors indicating a high risk of involvement in domestic violence fatalities;

4. the number of cases reviewed in depth; and
5. recommendations to improve the coordination and provisions of services for victims of domestic violence, as well as proposed changes and additions to policies, procedures, and practices to reduce the incidence of domestic violence fatalities.

B. The Commission shall present their annual report at a meeting of the Public Safety Committee of the County Legislature.

C. The annual report and presentation shall only include information that is non-identifying and general in nature and its recommendations, if any, shall be advisory only.

#### **Section 7. Records.**

A. All records and information obtained that are confidential in nature associated with the collection of non-identifying data pursuant to Section 4 of this law shall be retained by the Office of the Medical Examiner for a period of two (2) years and then destroyed.

B. All records and information obtained for the purposes of fatality case review pursuant to Section 5 of this law that are confidential in nature shall be destroyed immediately following the submission of the Commission's annual report.

#### **Section 8. Confidentiality.**

A. The information obtained and discussed by the Commission shall be confidential and shall not be utilized for any purpose not set forth in this law.

B. Commission members and any persons presenting information to further the work of the Commission shall execute a confidentiality agreement to protect the information gathered regarding domestic violence fatalities, the victims and their families.

C. Any information, records received, meetings conducted, or reports or records made and maintained in the review of domestic violence fatalities shall not be available for public inspection, except by court order.

D. Commission members are not liable for damages or other relief in any action brought by reason of the reasonable and good faith performance of a duty, function or activity of the Commission.

#### **Section 9. Exemption from Open Meetings.**

The Commission shall be exempt from Section 172-3 of the SUFFOLK COUNTY CODE, which subjects the County's advisory bodies to the open meetings provisions of New York State Public Officers Law.

#### **Section 10. Applicability.**

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

**Section 11. 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 12. 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 13. Effective Date.**

This law shall take effect January 1, 2016.

DATED:

APPROVED BY:

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

Date:

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK

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



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

DATE: October 5, 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 ESTABLISHING A DOMESTIC VIOLENCE FATALITY  
ANALYSIS COMMISSION

SPONSOR: LEGISLATOR HAHN

DATE OF RECEIPT BY COUNSEL: 10/6/2015 PUBLIC HEARING: 11/17/2015

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

This proposed local law would establish a Domestic Violence Fatality Analysis Commission ("the Commission"), which shall examine aggregate information relating to domestic violence fatalities<sup>1</sup> in Suffolk County, conduct in-depth reviews of a select number of cases and develop recommendations for the coordination and improvement of services for victims of domestic violence.

The Commission will be comprised of the following members or their designees:

1. The Medical Examiner, who shall serve as Chairperson
2. The Commissioner of the Suffolk County Police Department
3. The Commissioner of the Department of Health Services
4. The Commissioner of the Department of Social Services
5. The District Attorney
6. The County Attorney
7. A representative of a non-profit organization providing social or legal services victims of intimate partner domestic violence, appointed by the Legislature
8. A representative of a non-profit organization providing services to victims of non-intimate partner domestic violence, appointed by the Legislature
9. A County Legislator, appointed by the Presiding Officer.

Members of the commission who are not serving in their official capacity as department heads or designees will serve for a period of 2 years. Members will serve without compensation and elect a vice chairperson and a secretary every 2 years.

The Commission shall obtain and review non-identifying information and data on victims and perpetrators of domestic violence fatalities. The Commission will calculate statistical

<sup>1</sup> "Domestic violence fatality" is defined as "the death of a family or household member, resulting from an act or acts of violence committed by another family or household member, not including acts of self-defense."

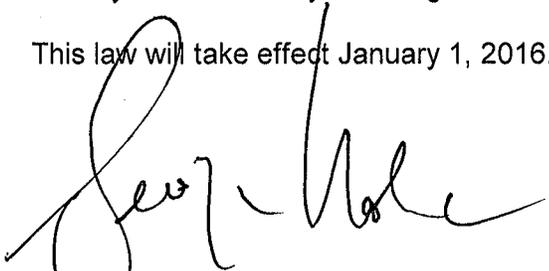
information on domestic violence fatalities in the County, with a breakdown by town and police precinct.

Each year, the Commission shall also conduct an in-depth review one to three closed domestic violence fatality cases which occurred at least 2 years prior to the review. This review will investigate the history of the victim and perpetrator, as well as their contacts with government agencies and law enforcement, and will include identifying information for the parties involved.

The Commission will draft and submit an annual report to the County Executive and each member of the Legislature. The report will include non-identifying data and statistics, the number of cases reviewed in-depth, recommendations to improve the coordination and provision of services for victims of domestic violence, and suggested changes to policies and procedures to reduce the incidence of domestic violence fatalities. The report will be presented to the Public Safety Committee.

All information obtained and discussed by the Commission is deemed to be confidential and can only be used in furtherance of this law. Commission members will execute confidentiality agreements with individuals who present information at meetings in the furtherance of the Commission's work. All records and information obtained in the course of the Commission's work that are considered confidential information associated with non-identifying data shall be retained by the Office of the Medical Examiner for a period of 2 years and then destroyed. Information and records obtained for the in depth case reviews that are confidential will be destroyed immediately following the submission of the Commission's annual report.

This law will take effect January 1, 2016.



**GEORGE NOLAN**  
Counsel to the Legislature

**GN:**

s:\rule28\28-domestic violence fatality analysis commission

1816

Intro. Res. No. -2015  
 Introduced by Presiding Officer Gregory

Laid on Table 10/6/15

**RESOLUTION NO. -2015, UPDATING STANDARD WORK DAY AND REPORTING FOR ELECTED OFFICIALS - 2015**

**WHEREAS**, the New York State Comptroller established new regulations in 2009, requiring local governments to establish a standard work day for their elected and appointed officials who are members of the New York State and Local Retirement System but not involved in the employer's time keeping system, and further requiring such officials to prepare and submit to the Clerk of the County Legislature a record of their work day activities; and

**WHEREAS**, Resolution No. 543-2011 established a standard work day for the County's elected officials and reported the number of days worked by the elected officials based on a record of activities they maintained; and

**WHEREAS**, the New York State Comptroller requires the County to periodically adopt an updated resolution to report the number of days worked by newly elected officials; now, therefore be it

**1st RESOLVED**, that the following is adopted to reiterate Suffolk County's standard work day and to report to the New York State and Local Retirement System the number of days worked by certain elected officials:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/ Month Based on Record of Activities
<b>Elected Office</b>							
County Legislator	Leslie Kennedy			6.0	04/08/15 - 12/31/15	N	42.68
Comptroller	John Kennedy			6.0	01/01/15 - 12/31/18	N	29.56
County Clerk	Judy Pascale			6.0	01/01/15 - 12/31/18 <b>NOT IN NYSLRS</b>	N	

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:\resr-updating elected officials workday - 2015

1817

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

Laid on Table

10/6/15

**RESOLUTION NO. \_\_\_\_\_ - 2015, ADOPTING LOCAL LAW NO. \_\_\_\_\_  
-2015, A LOCAL LAW TO INCREASE ACCESS TO COUNTY BEACHES**

**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 TO INCREASE ACCESS TO COUNTY BEACHES**"; 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 TO INCREASE ACCESS TO COUNTY BEACHES**

**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 Suffolk County operates an extensive park system, with a number of beachfront properties.

This Legislature finds that many County residents enjoy driving their motor vehicles onto the beach to surf cast, stargaze and enjoy the natural surroundings in the evenings.

This Legislature determines that the County currently limits beach access to persons using vehicles; a permit is required to drive onto outer beaches and there is no vehicle access for most County beaches.

This Legislature also finds that the County should allow for greater vehicle access to beaches during off-season and non-peak hours.

Therefore, the purpose of this local law is to regulate vehicle access to County-owned beaches.

**Section 2. Amendments.**

Chapter 643 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 643  
PARKS AND PARK FACILITIES**

**Article I Rules and Regulations**

\* \* \* \*

**§ 643-8. Traffic and Parking.**

- A. All persons entering or in a park shall comply with the state vehicle and traffic laws, obey all park rangers and park employees directing traffic and comply with posted signs and such supplementary directions as may be given by a park ranger or park personnel at any time.
- B. All persons entering or in a park shall drive and park any vehicle only on park roads and park areas specifically designated for use by the Park Commissioner and shall comply with posted directions and instructions of any park attendant, police officer or park ranger.
- C. The Park Commissioner shall set such speed limits as he shall determine and may, by order, prescribe the direction in which vehicles shall proceed and the places where vehicles shall stop, turn or otherwise maneuver.
- D. The Park Commissioner shall cause such appropriate signs to be erected and pavement markings to be made or other devices installed as he shall deem necessary for the enforcement of those rules or regulations or any other authorized herein.
- E. Persons operating vehicles within the park shall at all times observe and obey the directions, orders and instructions appearing upon or conveyed by signs, pavement markings or other devices relating to the parking, standing or stopping of vehicles or how vehicles shall be operated or the place or manner in which vehicles shall be stopped, turned or otherwise maneuvered.
- F. Persons who have a valid permit to operate vehicles for recreation purposes pursuant to § 948-26 of the SUFFOLK COUNTY CODE shall be allowed to drive or operate a motor vehicle on any County beach, except for the period between the Friday immediately preceding Memorial Day and the 15<sup>th</sup> day of September in each year, when they shall only be permitted to drive a motor vehicle on bathing beaches prior to 9:00 a.m. and after 6:00 p.m., subject to the park's normal operating hours.
- G. The orders of the Park Commissioner promulgated under the authority contained herein shall become effective as provided by said orders when the approved signs and markings have been erected and installed giving notice thereof.

\* \* \* \*

### **Section 3. Applicability.**

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

### **Section 4. Severability.**

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

partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(15) 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 90 days following its filing in the Office of the Secretary of State.

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

DATED:

APPROVED BY:

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

Date:

s:\laws\l-increase-access-county-beaches

# 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: October 5, 2015

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 2015

TITLE: I.R. NO. -2015; A LOCAL LAW TO INCREASE ACCESS TO COUNTY BEACHES

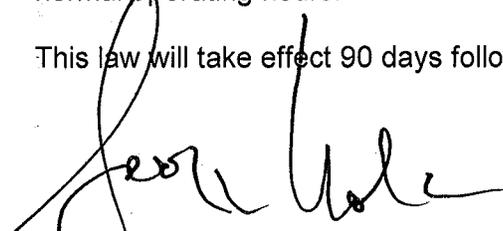
SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 10/5/2015 PUBLIC HEARING: 11/17/2015

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

The Suffolk County Department of Parks, Recreation and Conservation allows individuals to purchase a permit to drive on the outer beaches at County parks on a daily or annual basis. This proposed local law would allow persons who possess those permits to drive onto any County owned beach. However, motor vehicle access to bathing beaches would be limited during the period from the Friday immediately preceding Memorial Day to September 15<sup>th</sup> of each year, to the hours prior to 9:00 a.m. or after 6:00 p.m. All access is subject to the park's normal operating hours.

This law will take effect 90 days following its filing in the Office of the Secretary of State.

  
GEORGE NOLAN  
Counsel to the Legislature

GN:

s:\rule28\28-increase beach access

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

**RESOLUTION NO. -2015, AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH THE SUFFOLK COUNTY POLICE BENEVOLENT ASSOCIATION AMENDING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR THE PERIOD JANUARY 1, 2011 THROUGH DECEMBER 31, 2018**

**WHEREAS**, the County and the President of the Suffolk County Police Benevolent Association have reached an agreement amending the terms and conditions of employment for the period January 1, 2011 through December 31, 2018 to authorize a voluntary pay deferral program, subject to the approval, to the extent necessary, by the Suffolk County Legislature; and

**WHEREAS**, such agreement has been set down in a stipulation of agreement, a copy of which has been filed with the Clerk of the Suffolk County Legislature; now therefore be it

**1<sup>st</sup> RESOLVED**, that the County Executive be and is hereby authorized to execute an agreement with the Suffolk County Police Benevolent Association in accordance with the Stipulation of Agreement dated December October 2, 2015, a copy of which is on file with the Clerk of the Suffolk County Legislature, amending the terms and conditions of employment of the Suffolk County Police Benevolent Association for the period January 1, 2011 through December 31, 2018 to include a voluntary pay deferral program; 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) 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: , 2015

APPROVED BY:

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

Date: , 2015

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

**Steven Bellone**  
COUNTY EXECUTIVE

LABOR RELATIONS

**Jennifer K. McNamara, Esq.**  
Director

**MEMORANDUM OF AGREEMENT**

When signed below, this shall constitute an Agreement between the County of Suffolk and the Suffolk County Police Benevolent Association regarding a voluntary deferral program for Employees during the years of 2015 and 2016.

IT IS HEREBY STIPULATED AND AGREED as follows:

1. In 2015, Employees will have the option to defer either 50, 100, or 150 hours of overtime pay, holiday pay and/or night differential (choice being of the employee) to be repaid upon separation from service at the rate described in Paragraph 4, below.
2. In 2016, Employees will have the option to defer either 50, 100, or 150 hours of overtime pay, holiday pay and/or night differential (choice being of the employee) to be repaid upon separation from service at the rate described in Paragraph 4, below.
3. The parties acknowledge this Agreement is intended to address the needs of the County. However, if an employee has any tax liability with respect to the deferred money prior to separation from service the employee shall be repaid the deferred amount within one pay-period following his/her written request for payment, at the rate described in Paragraph 4, below.
4. All deferred amounts shall be repaid at the rate of salary in effect for the member at the time of repayment, which shall include, but not be limited to, any promotions, upgrades, salary increases, step increases, increments, etc., enjoyed by the member between the date of the deferral and the time of repayment of the monies.
5. The parties agree all deferrals are voluntary and no employee shall be required to make any deferral during calendar year 2015 or 2016.

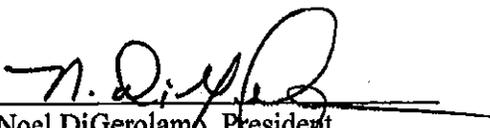
6. The parties agree should any mandatory deferral be negotiated in calendar years 2015 or 2016, individuals who made voluntary deferrals shall be credited with the amount deferred voluntarily toward any mandatory amount.
  
7. The parties acknowledge that it is their intent that this Agreement is pension neutral and nothing set forth herein by way of deferral of monies, etc., shall in any way diminish the pension benefits or the County's pension contribution.
  
8. This Agreement is conditioned upon, and subject to, ratification by the County Executive, and approval by the Legislature.
  
9. The parties acknowledge that this Agreement applies to this unique situation, is non-precedent setting and may not be used as evidence in any subsequent arbitration, PERB case or litigation, except to enforce its terms.

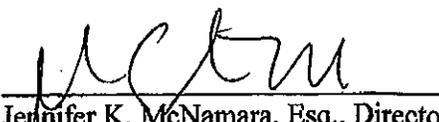
DATED: 10/2/15

DATED: 10/2/15

FOR THE ASSOCIATION:

FOR THE COUNTY:

  
Noel DiGerolamo, President  
Suffolk County Police Benevolent Assoc., Inc.

  
Jennifer K. McNamara, Esq., Director  
Suffolk County Office of Labor Relations

1822

Intro. Res. No. -2015  
Introduced by Legislators Hahn and Schneiderman

Laid on Table 10/6/15

**RESOLUTION NO. - 2015, ADOPTING LOCAL LAW NO.  
-2015, A CHARTER LAW TO INCREASE OVERSIGHT OF  
PARK VIOLATION DETERMINATIONS**

**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 TO INCREASE OVERSIGHT OF PARK VIOLATION DETERMINATIONS**"; 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 TO INCREASE OVERSIGHT OF PARK  
VIOLATION DETERMINATIONS**

**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 operates an extensive park system visited by thousands of people each year who camp, hike, fish and enjoy the beautiful natural environment of Suffolk County.

This Legislature finds that many park visitors purchase green key passes, make camping reservations and obtain permits to hunt deer and ducks, fish, ride horses and fly model aircraft.

This Legislature determines that individuals who engage in prohibited or restricted activities on park property can be fined and/or have their permits and Green Key passes suspended or revoked.

This Legislature also finds that currently, the Commissioner of the Department of Parks, Recreation and Conservation makes the final determination of penalties for violations and there is no procedure that allows for an appeal of those determinations.

This Legislature further finds that some revocations are for multiple years which can create a significant hardship for families who use parks regularly.

This Legislature also determines that a procedure should be established to allow an appeal of multi-year penalties to ensure a full and fair review of violations and the corresponding penalties.

Therefore, the purpose of this law is to provide for review of certain penalties issued by the Commissioner of the Department of Parks, Recreation and Conservation by the Park Trustees.

**Section 2. Amendments.**

I. Article XXVIII of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE XXVIII  
DEPARTMENT OF PARKS, RECREATION AND CONSERVATION**

\* \* \* \*

§ C28-3. Powers and duties of the Board of Trustees.

A. The Board shall have the following powers and duties:

\* \* \* \*

(7) To establish rules and procedures to hear appeals of Green Key and permit suspensions that exceeds one (1) year in length or involve two (2) or more consecutive suspensions or revocations of one (1) year in duration. The Board may form a 3 member subcommittee to hear such appeals. The Board shall issue a final determination following the conclusion of the appeal proceeding and may maintain or reduce the term of the suspension or revocation.

\* \* \* \*

II. Chapter 643 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 643  
PARKS AND PARK FACILITIES**

**Article I. Rules and Regulations**

\* \* \* \*

§ 643-9. Penalties for offenses.

\* \* \* \*

C. When the Commissioner suspends or revokes a person's Green Key or permit for a period longer than 1 year or which is one year in length and follows consecutively after a prior suspension or revocation of one year in duration, that person shall have the right to appeal the suspension or revocation to the Board of Trustees.

\* \* \* \*

**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.

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

DATED:

APPROVED BY:

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

Date:

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# 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: October 6, 2015

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 2015

TITLE: I.R. NO. -2015; A CHARTER LAW TO INCREASE OVERSIGHT OF PARK VIOLATION DETERMINATIONS

SPONSOR: LEGISLATOR HAHN

DATE OF RECEIPT BY COUNSEL: 10/6/2015 PUBLIC HEARING: 11/17/2015

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

This proposed charter law would amend Article XXVIII of the SUFFOLK COUNTY CHARTER and Chapter 643 of the SUFFOLK COUNTY CODE to establish a procedure that would allow individuals who have their Green Key or other permit suspended or revoked by the Commissioner of the Department of Parks, Recreation and Conservation, for a period of more than 1 year or which involve 2 or more consecutive one year suspensions to appeal the determination to the Board of Parks Trustees. The Trustees are authorized to establish a 3 member subcommittee to hear such appeals. The Board will issue a final determination following the appeal proceeding and is authorized to maintain or reduce the terms of the suspension or revocation.

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

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

**GEORGE NOLAN**  
Counsel to the Legislature

GN:

s:\rule28\28-parks appeals