

1753

Intro. Res. No. -2016
Introduced by Presiding Officer Gregory

Laid on Table

7/26/16

**RESOLUTION NO. -2016 APPOINT MEMBER TO THE
SUFFOLK COUNTY COMMUNITY COLLEGE BOARD OF
TRUSTEES (GEMMA DELEON-LOPRESTI)**

WHEREAS, Resolution No. 526-2014 reappointed Anne Shybunko-Moore to the Board of Trustees of the Suffolk County Community College for a term of office to expire on June 30, 2019; and

WHEREAS, Anne Shybunko-Moore tendered her resignation term as a member of the Suffolk County Community College Board of Trustees on June 7, 2016; now, therefore be it

1st RESOLVED, that Gemma DeLeon-Lopresti is hereby appointed as a member of the Board of Trustees of the Suffolk County Community College pursuant to Section 6306(1) of the NEW YORK EDUCATION LAW, for a term of office to expire on June 30, 2019.

DATED:

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE AND SECTION 6306(1) OF NEW YORK EDUCATION LAW

1753



Gemma de Leon is President of Local 1102 RWDSU UFCW, one of the largest private sector labor unions on Long Island. She is also Executive Vice-President of the Retail, Wholesale and Department Store Union and International Vice President of the United Food and Commercial Workers Union, AFL-CIO, which represents over 1.3 million members in the United States and Canada.

She is Chairwoman of the membership's health and welfare and pension funds. Previously, she served for two years as Secretary-Treasurer and also worked for ten years as Benefits Plan Administrator.

She serves on the Board of the Health and Welfare Council of Long Island which advocates for at-risk residents of Long Island – our youth, the sick, elderly, disabled or disadvantaged. She is a member of the Executive Committee of the Energeia Partnership at Molloy College, a regional stewardship and leadership program dedicated to exploring solutions to the complex issues affecting Long Island. She served as Trustee of the Long Island Power Authority, providing electric service to 1.3 million residents and businesses across Long Island and the Rockaways.

Gemma is a member of the Executive Committee of the Town of Oyster Bay Workforce Development Board, Board member of the National Asian Pacific American Labor Association, AFL-CIO and is Vice-President of Association of Benefit Administrators, New York; a think-tank for professionals involved in the field of health insurance, pension benefits and financial management and has written and given presentations regarding the multi-employer benefit plans.

Gemma earned her B.A. and M.B.A. from St. John's University. She resides in Melville with her husband, James Lopresti, and their two sons Mark and Matthew.

LOCAL 1102
RWDSU - UFCW

GEMMA DELEON-LOPRESTI
PRESIDENT

Main Office/Mailing Address
311 Crossways Park Drive
Woodbury, NY 11797

Manhattan Office
370 Seventh Avenue
Suite 501
New York, NY 10001

516.683.1102 Tel
gemma@local1102.org
www.local1102.org

1754

Intro. Res. No. -2016
Introduced by Presiding Officer Gregory

Laid on Table 7/26/16

**RESOLUTION NO. -2016, OPTING INTO STATE
LEGISLATION IN RELATION TO SPECIAL RETIREMENT
PLANS FOR SHERIFFS, UNDERSHERIFFS AND DEPUTY
SHERIFFS**

WHEREAS, on December 11, 2015 Governor Cuomo signed into law Chapter 542 of the 2015 LAWS OF THE STATE OF NEW YORK; AND

WHEREAS, Chapter 542 of the LAWS OF NEW YORK 2015 authorizes Suffolk County to elect to provide that creditable service on the twenty-year retirement plans for sheriffs shall also include all service performed by a deputy sheriff who is a police officer pursuant to subdivision 34 of Section 1.20 of the NEW YORK STATE CRIMINAL PROCEDURE LAW as certified by the municipal police council; now, therefore be it

1st RESOLVED, the County of Suffolk hereby elects to provide that creditable service on the twenty-year retirement plans for sheriffs shall also include all services performed by a deputy sheriff who is a police officer pursuant to subdivision 34 of Section 1.20 of the NEW YORK STATE CRIMINAL PROCEDURE LAW as certified by the municipal police council; and be it further

2nd RESOLVED, that this resolution shall take effect immediately; 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-retirement-plans-sheriffs

1755

Intro. Res. No. -2016
Introduced by Legislator Krupski

Laid on Table

7/26/16

**RESOLUTION NO. -2016, APPOINTING EDMUND
DENSIESKI AS A MEMBER OF THE SUFFOLK COUNTY
VOCATIONAL, EDUCATION, AND EXTENSION BOARD**

WHEREAS, a Suffolk County Resolution of May 24, 1943, created a Suffolk County Vocational, Education, and Extension Board for the purpose of giving instruction to the volunteer firemen of the County of Suffolk; and

WHEREAS, appointments to said Board are authorized to be made by the Suffolk County Legislature pursuant to Section 1101(2) of the NEW YORK EDUCATION LAW; and

WHEREAS, Robert J. Hartmann has submitted his resignation effective August 1, 2016; now, therefore, be it

1st RESOLVED, that Edmund Densieski, currently residing in East Quogue, New York, be and he hereby is appointed to the Suffolk County Vocational, Education, and Extension Board for a term of office to expire on July 31, 2019, said appointment having been made pursuant to the provisions of Section 1101(2) of the NEW YORK EDUCATION LAW.

DATED:

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

s:\res\r-appt-densieski-veeb



Cornell University
Cooperative Extension
of Suffolk County

1755
Strengthening Families & Communities

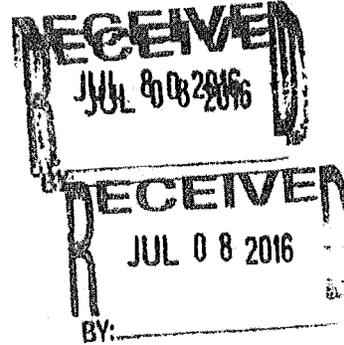
Protecting & Enhancing the Environment

Fostering Economic Development

Promoting Sustainable Agriculture

July 6, 2016

Suffolk County Legislature
Al Krupski
423 Griffing Ave/Ste 200
Riverhead, NY 11901



Dear Mr. Krupski:

It is with pleasure that we at Cornell Cooperative Extension of Suffolk County recommend Mr. Edmund Densieski, of 24 Lewis Road, East Quogue, for appointment to the Suffolk County Vocational, Educational and Extension Board. Mr. Densieski has been in agriculture his whole life and has successfully served on many boards and committees over the years with dedication and enthusiasm. He is active in the agricultural community and continues to be an excellent representative of his community.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Nora Catlin
Floriculture Specialist
Interim Agricultural Program Director

cc: Chief Robert Holly, Executive Director
Vocational Education & Extension
Board of the County of Suffolk

1756

Intro. Res. No. -2016
Introduced by Legislator Anker

Laid on Table

7/26/16

RESOLUTION NO. -2016, AUTHORIZING APPRAISAL OF LAND UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM, AS AMENDED BY LOCAL LAW NO. 24-2007, OLD KMART PROPERTY - TOWN OF BROOKHAVEN (SCTM NO. 0200-379.00-01.00-003.001p/o - NORTHERN PORTION)

WHEREAS, the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, authorizes the use of 31.10% of sales and compensating use tax proceeds generated each year for specific environmental protection, including the acquisition of open space in accordance with specific criteria set forth therein; and

WHEREAS, the parcel(s) listed in Exhibit "A" of this resolution meets the criteria for acquisition under the Drinking Water Protection Program, Section 12-2(A)(1)(h) for passive recreational use; and

WHEREAS, Resolution No. 265-2013 established a new three step land acquisition process, the first step being an appraisal of any parcel proposed for acquisition; 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, empowered, and directed, pursuant to Section A35-3(B)(1) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, to have the subject parcel(s) appraised; and be it further

2nd RESOLVED, that the cost of such appraisal shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

3rd RESOLVED, the costs associated with the preparation of a title search, survey, map or environmental assessment of the subject parcels(s), which may be authorized by a subsequent legislative resolution or procedural motion, shall be paid for from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; 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:

| <u>PARCEL</u> | <u>SUFFOLK COUNTY TAX MAP NUMBER</u> | <u>ACRES</u> | <u>REPUTED OWNER AND ADDRESS</u> |
|---------------|-------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | District 0200 Section 379.00 Block 01.00 Lot 003.001 p/o | ±28 | Wilber Breslin Newbridge Jaz, LLC 500 Old Country Road Garden City, NY 11530 Fred Colin Colin Realty Co., LLC 1520 Northern Blvd. Manhasset, NY 11030 |

TOTAL ACREAGE ±28

EXHIBIT "A"

1757

Intro. Res. No. -2016
Introduced by Legislator Anker

Laid on Table

7/26/16

RESOLUTION NO. -2016, AUTHORIZING APPRAISAL OF LAND UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM, AS AMENDED BY LOCAL LAW NO. 24-2007, OLD KMART PROPERTY - TOWN OF BROOKHAVEN (SCTM NO. 0200-379.00-01.00-003.001p/o - SOUTHERN PORTION)

WHEREAS, the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, authorizes the use of 31.10% of sales and compensating use tax proceeds generated each year for specific environmental protection, including the acquisition of open space in accordance with specific criteria set forth therein; and

WHEREAS, the parcel(s) listed in Exhibit "A" of this resolution meets the criteria for acquisition under the Drinking Water Protection Program, Section 12-2(A)(1)(i) for active recreational use; and

WHEREAS, Resolution No. 265-2013 established a new three step land acquisition process, the first step being an appraisal of any parcel proposed for acquisition; 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, empowered, and directed, pursuant to Section A35-3(B)(1) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, to have the subject parcel(s) appraised; and be it further

2nd RESOLVED, that the cost of such appraisal shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

3rd RESOLVED, the costs associated with the preparation of a title search, survey, map or environmental assessment of the subject parcels(s), which may be authorized by a subsequent legislative resolution or procedural motion, shall be paid for from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; 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:

| <u>PARCEL</u> | <u>SUFFOLK COUNTY TAX MAP NUMBER</u> | <u>ACRES</u> | <u>REPUTED OWNER AND ADDRESS</u> |
|---------------|-------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | District 0200 Section 379.00 Block 01.00 Lot 003.001 p/o | ±21 | Wilber Breslin Newbridge Jaz, LLC 500 Old Country Road Garden City, NY 11530 Fred Colin Colin Realty Co., LLC 1520 Northern Blvd. Manhasset, NY 11030 |
| TOTAL ACREAGE | | ±21 | |

EXHIBIT "A"

1758

Intro. Res. No. -2016
Introduced by Legislator Stern

Laid on Table

7/26/16

**RESOLUTION NO. - 2016, ADOPTING LOCAL LAW NO.
-2016, A LOCAL LAW TO PROHIBIT UNREGULATED
SYNTHETIC OPIOIDS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2016, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT UNREGULATED SYNTHETIC OPIOIDS IN SUFFOLK COUNTY**"; now, therefore, be it

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

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT UNREGULATED SYNTHETIC
OPIOIDS IN SUFFOLK COUNTY**

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 in the midst of an opiate addiction crisis.

This Legislature also finds and determines that U-47700 is a synthetic opiate developed by the pharmaceutical industry to treat pain. The developer abandoned U-47700 upon learning of its addictive properties and unscrupulous foreign entities are utilizing patent information to produce and distribute the chemical throughout the world.

This Legislature further finds and determines that U-47700 is almost eight times more potent than morphine and has been connected to at least 50 deaths in the United States since December 2015.

This Legislature finds that U-47700 has similar effects to strong opiate drugs like heroin and morphine.

This Legislature also finds that U-47700 comes in a variety of forms and can be injected, snorted or taken orally. It is available for purchase online and on the streets.

This Legislature determines that several states, including Georgia, Ohio, Wyoming and Kansas have banned U-47700. U-47700 has also been banned in Sweden.

This Legislature further finds that the County of Suffolk should ban the sale, distribution and possession of U-47700 to protect residents from this potent and dangerous synthetic opiate.

Therefore, the purpose of this law is to prohibit the sale, possession with the intent to sell and distribution of U-47700 and similar chemicals in the County of Suffolk.

Section 2. Definitions.

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

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

“Possess with intent to sell” shall mean possession of 10 or more individual packets of synthetic opioids or synthetic opiod analogues.

“Synthetic opiod” shall mean the synthetic chemical U-47700.

“Synthetic opiod analogue” shall mean any synthetic substance with a chemical structure similar to the chemical structure of a synthetic opiod and which has effects on the body that are similar to the effects of synthetic opiod. This term shall not include synthetic analogues which are regulated and authorized for distribution in the United States pursuant to the drug schedule approved and maintained by the FDA.

Section 3. Prohibitions.

No person shall sell, offer for sale, possess with the intent to sell or manufacture within the County of Suffolk any synthetic opiod, synthetic opiod analogue or any product containing one or more synthetic opioids or analogues.

Section 4. Penalties for offenses.

- A. Any person who knowingly violates the provisions of this law shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year imprisonment.
- B. A defendant’s disclaimer, whether included in the product packaging or made in some other format, that a substance banned under this law is not meant for human consumption shall not constitute a valid defense in any criminal proceeding commenced under this law.

Section 5. Applicability.

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

Section 6. Reverse preemption.

This law shall be null and void on the date 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 or federal legislation has been enacted for the purposes of triggering the provision of this section.

Section 7. 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 8. 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 9. Effective Date.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-ban synthetic opioids

APPROVED
SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY
RECEIVED
MAY 11 2011

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



1758

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

DATE: July 20, 2016
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2016

TITLE: I.R. NO. -2016; A LOCAL LAW TO PROHIBIT UNREGULATED SYNTHETIC OPIOIDS IN SUFFOLK COUNTY

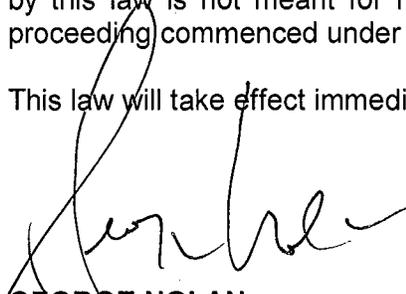
SPONSOR: LEGISLATOR STERN

DATE OF RECEIPT BY COUNSEL: 7/20/2016 PUBLIC HEARING: 9/7/2016
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed local law would prohibit the sale, possession with intent to sell or manufacture of synthetic opioids¹, synthetic opiod analogues², or any products containing one or more of those substances. Any person in possession of 10 or more packets of the prohibited substances will be presumed to have the intention to sell the substances in violation of this law.

Violation of this law shall constitute an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year imprisonment. A defendant disclaimer that a substance banned by this law is not meant for human consumption shall not constitute a valid defense in any proceeding commenced under this law.

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


GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-synthetic opiod

¹ "Synthetic opiod" is defined as "the synthetic chemical U-47700."

² "Synthetic opiod analogue" is defined as "any synthetic substance with a chemical structure similar to the chemical structure of a synthetic opiod and which has effects on the body that are similar to the effects of synthetic opioids." This definition does not include any drugs regulated and authorized for distribution pursuant to the FDA drug schedule.

1759

Intro. Res. No. -2016
Introduced by Legislator Anker

Laid on Table 7/26/16

RESOLUTION NO. -2016, AMENDING RESOLUTION NO. 119-2015, ESTABLISHING A SCHOOL TRAFFIC ZONE SAFETY COMMISSION

WHEREAS, Resolution No. 119-2015, as amended by Resolution No. 817-2015 and Resolution No. 128-2016, established a School Traffic Zone Safety Committee to study and analyze safety in school zones, identify the most dangerous school zones throughout the County and develop methods to improve safety in school zones; and

WHEREAS, this Commission needs additional time to complete its written findings and recommendations; now, therefore be it

1st RESOLVED, that the 11th RESOLVED clause of Resolution No. 119-2015 is hereby amended as follows:

11th RESOLVED, that this Commission shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive no later than [one (1) year subsequent to the administration of the oaths of office for all Commission members pursuant to this Resolution] September 30, 2016 for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

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.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\reslr-amend-reso-119-15-school-traffic-zone-safety-comm

1760
Intro. Res. No. -2016
Introduced by Legislator Martinez

Laid on Table

7/26/16

**RESOLUTION NO. - 2016, ADOPTING LOCAL LAW NO.
-2016, A LOCAL LAW TO REGULATE ANIMAL RESCUE
ORGANIZATIONS OPERATING IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2016, a proposed local law entitled, "**A LOCAL LAW TO REGULATE ANIMAL RESCUE ORGANIZATIONS OPERATING IN SUFFOLK COUNTY**"; now, therefore, be it

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

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REGULATE ANIMAL RESCUE
ORGANIZATIONS OPERATING IN SUFFOLK COUNTY**

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 consistent leader on issues of animal welfare, establishing the nation's first Animal Abuser Registry and regulating pet dealers operating in the County.

This Legislature further finds and determines that Chapter 302 of the SUFFOLK COUNTY CODE regulates animal shelters and kennels operating in Suffolk County to ensure that stray, surrendered or abandoned animals are treated humanely while they await new homes.

This Legislature finds that since the enactment of Chapter 302 in 1984, new non-profit animal rescue organizations have developed. Similar in some respects to animal shelters, these organizations house unwanted animals, but do not have similar regulations on their operation.

This Legislature determines that animal rescue organizations should be subject to the same regulations as animal shelters and kennels, given their similar mission and activities.

Therefore, the purpose of this law is to amend Chapter 302 of the SUFFOLK COUNTY CODE to include animal rescue organizations.

Section 2. Amendments.

Chapter 302 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 302. Animal Shelters and Kennels.

Article I. ANIMAL SHELTERS.

* * * *

§ 302-2. Definitions.

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

"Animal cruelty crime" - The commission of the following enumerated crimes against an animal: animal fighting, as defined in the New York State Agriculture and Markets Law (hereinafter "AML") § 351; overdriving, torturing and injuring animals; failure to provide proper sustenance, as defined in AML § 353; aggravated cruelty to animals, as defined in AML § 353-a; abandonment of animals, as defined in AML § 355; failure to provide proper food and drink to an impounded animal, as defined in AML § 356; interference with or injury to certain domestic animals, as defined in AML § 361; harming a service animal in the first degree, as defined in New York State Penal Code § 242.15.

"Animal Shelter" – A property consisting of a tract or tracts of land and all buildings or structures and installations, temporary or permanent, pertaining there to, any part or all of which is maintained for the harboring of animals which may be stray, unwanted, lost or abandoned, the owner or operator of which is a nonprofit or not-for-profit entity. For the purpose of this article, the term "animal shelter" shall not apply to a municipally owned or operated animal harboring facility; a facility commonly known as a "boarding kennel," where the ownership of the animal is not transferred; a facility commonly known as a "pet store," where animals are offered for sale as all or part of a business, an animal hospital owned, operated or supervised by a licensed veterinarian; or a facility where the owner or operator is licensed by the New York State Department of Environmental Conservation as a nuisance wildlife control agent or wildlife rehabilitator. The owner or operator of an animal shelter shall be presumed to be a nonprofit or not-for-profit entity unless documentation is presented to the satisfaction of the Suffolk County Department of Health Services or its agents which shows otherwise.

"Animal Rescue" – Any individual or non-for-profit organization which takes custody of stray, surrendered, abandoned or otherwise unwanted animals for the purpose of facilitating adoption and houses such animals at either a centralized facility or in a foster home or network of foster homes. This definition shall also include any individual or organization which adopts, gives away or barter more than twenty-four (24) animals per year.

"Breeder" – Any person who breeds nine or more cats or dogs per year.

"Broker" – Any person who imports, buys, sells or trades cats, dogs, kittens or puppies in wholesale channels. Brokers are not required to take physical possession of the animals to be deemed as such.

"Commissioner" – The Commissioner of the County Department of Health Services.

"Convicted of" - An adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere.

* * * *

"Department" – The County Department of Health Services.

"Foster Home" – A private residential dwelling at which housing and temporary care are provided for animals held by an animal shelter or animal rescue. The legal address of an animal rescue shall not be considered a foster home. An individual foster home may house no more than 23 distinct animals in a given year.

"Person" - Any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization of any kind.

* * * *

§ 302-3. [License] Permit required; dangerous dog restrictions.

- A. No person shall operate an animal shelter or animal rescue in the County of Suffolk without first obtaining a [license] permit therefor from the Department in accordance with the provisions of this article.
- B. Liability insurance. Any person who owns or possesses a dog determined to be a dangerous dog within the County of Suffolk shall obtain and maintain in full force and effect a liability insurance policy in the amount of \$100,000 for personal injury or death of any person, resulting from an attack of such dangerous dog. No required [license] permit mandated for a dog determined to be a dangerous dog shall be issued unless the owner produces proof that he or she has obtained the required liability insurance, which shall remain effective during the twelve-month period for which the [license] permit is sought and through each and every subsequent renewal period.
- C. The existing contract with the Suffolk County Society for the Prevention of Cruelty to Animals (SPCA) shall be amended to authorize the SPCA to coordinate the enforcement of court-generated dangerous dog orders or judgments issued for violations of Article 7 of the New York Agriculture and Markets Law, including the establishment of a centralized computer database identifying all such outstanding orders or judgments. The County Department of Law is hereby authorized to provide such assistance as shall be necessary and appropriate to provide such coordinated enforcement.
- D. In addition to the penalties set forth in Article 7 of the New York Agriculture and Markets Law, a court may also impose a requirement that the owner of a dangerous dog post a bond to secure performance of the court order or judgment, and/or require the owner of a dangerous dog to take education courses designed to properly train such animals due to their inherent aggressive nature.
- E. No person who has been convicted of an animal cruelty crime shall be issued a permit under this law.

§ 302-4. Fines; required hearing; applications.

- A. The Commissioner shall have the power to impose a civil fine, not to exceed \$500, upon a [licensee] permittee or to suspend or revoke a [license] permit or to deny an

application for the renewal of a **[license] permit** for any one or more of the following causes:

- (1) Fraud, deceit, misrepresentation, or bribery in securing a **[license] permit**;
- (2) The making of any false statement in an application for a **[license] permit**;
- (3) Operation of an animal shelter or animal rescue, or ownership or possession of a dog judicially determined to be a dangerous dog in violation of § 302-3B of this article, without obtaining a license therefor or, having had a valid **[license] permit** which has been suspended or revoked, continued operation of such animal shelter or animal rescue under a suspended or revoked **[license] permit**; and

* * * *

- B. No **[license] permit** shall be suspended or revoked nor a fine imposed until after a hearing has been conducted in accordance with the procedural provisions of Article 2 of the Suffolk County Sanitary Code, §§ 760-208 through 760-215.
- C. All applications shall include the residence address and telephone number of the individual who subscribes his or her name to the application.
- D. The Commissioner may require the names and residence addresses of any employees or officers of the applicant, in addition to any other information which he may deem advisable and proper.
- E. An individual applicant must be at least 18 years of age, of good character and financially responsible.
- F. The Commissioner shall investigate such applicant as to good character before he shall issue the applicant a license.
- G. Applicants shall meet the requirements prescribed by this article and any other rules or regulations promulgated hereunder by the Commissioner.
- H. The Department shall issue a **[license] permit** to each applicant who has submitted satisfactory evidence of his qualifications and who has complied with all of the requirements of this article.

§ 302-5. [License] Permit term, renewal and conditions.

- A. All **[licenses] permits** shall be for a period of one year from the date of issuance thereof and shall expire on the last day of the 12th month following such issuance.
- B. No **[license] permit** issued hereunder shall be assignable or transferable.
- C. An application for renewal of an animal shelter or animal rescue **[license] permit** shall be made on a form provided by the Department, accompanied by the required fee. Said application shall be filed with the Department not less than 30 days prior to the expiration of the existing **[license] permit**. Failure to file an application as above shall require the applicant to submit an application as if it were an original application. An application shall

be filed with the Department following revocation of a [[license] permit]. A [[license] permit] shall expire upon a change of owner or operator, on the date stipulated by the Department, upon revocation, upon death of the [[license] permit] holder, upon abandonment of the facility or property or upon surrender to the Department.

- D. Each [[licensee] permittee] shall, within 10 business days prior to a change of address or business name, notify the Department in writing of such change.
- E. No [[licensee] permittee] shall authorize or permit the use of his [[license] permit] by or on behalf of any other person.
- F. Each [[licensee] permittee] shall, within seven business days after a change of address or business name, notify the Department in writing of such change.
- G. A copy of any permit issued to an animal shelter or animal rescue shall be maintained at all locations where animals are housed, as well as at any events held by the animal shelter or animal rescue where animals are present.

§ 302-6. Fines; denial, suspension or revocation of [[licenses] permits].

- A. The Commissioner shall have the power to impose a civil fine, not to exceed \$500, upon a [[licensee] permittee] or to suspend or revoke a [[license] permit] or to deny an application for the renewal of a [[license] permit] for any one or more of the following causes:
 - (1) Fraud, deceit, misrepresentation or bribery in securing a [[license] permit].
 - (2) The making of any false statement in an application for a [[license] permit].
 - (3) Operation of an animal shelter or animal rescue without obtaining a [[license] permit] therefor or, having had a valid [[license] permit] which has been suspended or revoked, continued operation of such animal shelter or animal rescue under a suspended or revoked [[license] permit].

* * * *

- B. No [[license] permit] shall be suspended or revoked nor a fine imposed until after a hearing has been conducted in accordance with the provisions of the Suffolk County Sanitary Code, Article II, § 760-18.

§ 302-7. Requirements and restrictions.

Any person holding a [[license] permit] under this article shall comply with the following:

- A. Any animal shelter or animal rescue and any of its records required to be maintained by any municipality or by the Commissioner pursuant to any rules or regulations adopted hereunder shall be open to inspection at any time by the Commissioner or his duly authorized agents at any reasonable time, including but not limited to normal business hours. A periodic, unannounced inspection of said facilities by a professional shall be made to check on any violations of these regulations, with a written report of said inspection to be sent to the governing agency. These inspections shall not include foster

home locations used by animal shelters or animal rescues. Every animal on the animal shelter or animal rescue property shall be afforded the protection of this article, including stray or unwanted animals, animals owned by the shelter owner, operator, employees, friends, acquaintances and/or relatives and those animals which have been placed in the care of the shelter or animal rescue, regardless of intended length of stay or agreements between the animal owner and the owner or operator of the shelter or animal rescue.

- B. Any animal shelter or animal rescue that takes in animals shall permit a public viewing of all the animals in its custody during normal business hours. The requirements of this subsection shall not apply to foster home locations used by animal shelters or animal rescues or animals held in isolation due to illness.
- C. Any structure or structures of an animal shelter or animal rescue shall have sufficient heat, light, plumbing and ventilation to ensure the comfort and well-being of the animals housed therein.
- D. Any building of an animal shelter or animal rescue shall be maintained in a sufficient state of repair to properly contain and avoid injury to animals.
- E. Any primary enclosure of an animal shelter or animal rescue shall provide appropriate space sufficient for each animal to stand, stretch, turn and assume normal positions and adequate for their protection from the [weather] elements. Primary enclosures may be stacked a maximum of two enclosures high. Stacked enclosures must have a solid floor that will not permit food or debris to fall into lower cages.
- F. Any primary enclosure of an animal shelter or animal rescue shall include an area that is dry and in which an animal can keep warm and which provides adequate protection from the [sun] elements.
- G. No more than two adult dogs or six puppies shall be confined in any one primary enclosure in any animal shelter or animal rescue.
- H. An approved receptacle containing fresh litter shall be provided for cats, to contain excreta in any animal shelter or animal rescue.
- I. Any animal shelter or animal rescue shall provide isolation areas for animals with communicable diseases or suspected of having such disease.
- J. Any animal shelter or animal rescue shall contain proper areas and containers for food storage to prevent contamination from mold, insects and rodents.
- K. Any animal shall be properly fed, properly sheltered and properly watered in any animal shelter or animal rescue.
- L. Upon admission to any animal shelter or animal rescue, all dogs and cats shall be inoculated against all currently vaccinable diseases, unless proof exists that said animal or animals have been inoculated within the previous 12 months, except that dogs or cats shall not be inoculated with rabies vaccine if the animal is within the ten-day observation period required following a biting incident. Animals shall be examined by a New York State licensed veterinarian within seven days of arrival at an animal shelter or animal rescue. Animals arriving from out of state shall be placed in isolation for a period of

seven days to be observed. All animals shall be inspected for mange and other skin conditions and shall be treated for external parasites; and all animals suspected of having a contagious disease shall be placed in isolation and treated for their condition. No animal may be adopted, bartered or given away during any period that it is in isolation. Documentation of all examinations, treatments and inspections shall be made available to the Department and any individual who adopts or otherwise takes custody of an animal from an animal shelter or animal rescue.

- M. All animals in any animal shelter or animal rescue shall be examined daily by qualified personnel for signs of disease and, if suspected of having any contagious disease, shall be placed in isolation. Animals shall be tested and treated for internal parasites. All dogs over eight months of age shall be tested and treated if positive for heartworms. All cats over eight weeks of age shall be tested for FIV and FELV. A New York State licensed veterinarian shall be called immediately for diagnosis and treatment of any sick or injured animal or, if necessary, said animal shall be sent to an animal hospital for treatment. If necessary, continued adequate and sufficient treatment shall be provided to such animals by the shelter or rescue.
- N. Animal and food wastes, bedding, debris and other organic wastes in any animal shelter or animal rescue shall be disposed of in such a way as to avoid vermin infestation, odors and disease hazards.
- O. The bodies of animals that die at any animal shelter or animal rescue shall be removed immediately to a physically separate area and shall be stored and disposed of in such a way as to avoid disease hazards to other animals or to humans. An animal shelter or animal rescue must maintain records of disposition for any animal which dies in its custody or care for a minimum of three years.
- P. Buildings and grounds at any animal shelter or animal rescue shall be kept clean, in good repair and free of trash and debris.
- Q. Every animal entering any animal shelter or animal rescue shall be assigned an individual number to enable identification of that animal.
- R. Records shall be kept by the animal shelter or animal rescue, for at least a three-year period, of the source from which any animal was obtained, the medical history of the animal and the eventual disposition of the animal. All animals arriving from out of state must have a certificate of veterinary inspection from the state of origin which was completed no more than 30 days prior to the animal entering New York State. The certificate of veterinary inspection must include:
1. the date of the examination, the breed, sex, and age of the dog or cat, the state or country of origin, and the full name and complete post-office address of the consignee and the consignor,
 2. a statement that the examination revealed no clinical evidence of infectious or communicable disease, including external parasites and fungi, and that to the best of the veterinarian's knowledge, the dog or cat has not recently been exposed to such infectious or communicable disease, and

3. a statement that the dog or cat has been properly immunized against rabies by a vaccine approved by the United States Department of Agriculture, with a notation as to whether the vaccine administered protects for 12 or 36 months, within 12 months prior to the date of importation into the State of New York, unless a veterinarian certifies that the animal is less than 3 months of age or that the health of the animal would be endangered by the administration of a rabies vaccine.

Surrendered animals must have documentation of their origin, including the name, address and phone number of prior owners. A copy of any and all records shall be provided to any individual who adopts or otherwise receives an animal from an animal shelter or animal rescue.

- S. All animals shall be removed from the premises during any disinfection procedures. Such disinfection procedures shall be performed by a licensed pest-control operator.
- T. Any animal shelter or animal rescue shall exist solely for the purpose of giving shelter to stray or unwanted dogs, cats and other animals until such time as they are adopted by the public. Said animals shall not, under any circumstances, ever be sold, donated or otherwise delivered to any institution for experimental purposes.
- U. Animals at animal shelters or animal rescues shall not be sourced directly from a broker or breeder licensed by the United States Department of Agriculture.
- V. Animals at animal shelters or animal rescues must be provided with daily exercise for all dogs and cats. A designated exercise area of at least four feet by eight feet must be available at each shelter or rescue location, excepting foster home locations. Daily exercise logs must be kept and maintained.
- W. Any animal which is adopted, bartered or given away by an animal shelter or animal rescue shall be spayed or neutered prior to transfer to a new owner unless a New York State licensed veterinarian provides a written determination that performing such procedure would be unsafe.

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 one hundred eighty (180) days from 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-regulate-animal-rescue-organizations

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



1760

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

DATE: July 22, 2016

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2016

TITLE: I.R. NO. -2016; A LOCAL LAW TO REGULATE ANIMAL RESCUE ORGANIZATIONS OPERATING IN SUFFOLK COUNTY

SPONSOR: LEGISLATOR MARTINEZ

DATE OF RECEIPT BY COUNSEL: 7/21/2016 PUBLIC HEARING: 9/7/2016

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

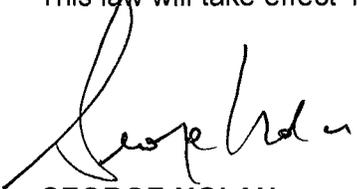
Chapter 302 of the SUFFOLK COUNTY CODE regulates animal shelters located in Suffolk County. This proposed local law would amend Chapter 302 to strengthen these regulations and apply them to animal rescue organizations. Changes to the existing regulations include:

- Requiring organizations to display their County permit at all locations where animals are housed, as well as at any events where animals are present.
- Requiring that animals arriving from out of state be examined by a New York State licensed veterinarian within seven days of their arrival at the shelter or rescue, including a corresponding isolation period for observation purposes.
- Requiring that all examination and treatment documentation for an animal be provided to the Department of Health Services, as well as any individual who adopts or takes custody of an animal.
- Broadens record requirements for animal shelters and animal rescues, including a requirement that animals arriving from out of state have certificates of veterinary inspection from the animal's state of origin conducted no more than 30 days prior to an animal entering New York State.
- Regulating primary enclosures for animals, including the stacking of cages, flooring and number of animals authorized to be held in each enclosure.
- Prohibiting the sourcing of animals from USDA licensed brokers and breeders.
- Setting spay and neuter requirements for animals adopted, bartered or given away by an animal shelter or animal rescue.

1760

These requirements will be enforced by the Department of Health Services for all animal shelters and animal rescues operating in Suffolk County. Inspection requirements shall exclude foster home locations used by animal shelters or animal rescues.

This law will take effect 180 days following its filing in the Office of the Secretary of State.



GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-animal rescue regulations

1761
Intro. Res. No. -2016
Introduced by Legislators Martinez and Hahn

Laid on Table

7/26/16

**RESOLUTION NO. - 2016, ADOPTING LOCAL LAW NO.
-2016, A LOCAL LAW TO STRENGTHEN REGULATION OF
PET DEALERS AND PET STORES IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2016, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN REGULATION OF PET DEALERS AND PET STORES IN SUFFOLK COUNTY**"; now, therefore, be it

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

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STRENGTHEN REGULATION OF PET
DEALERS AND PET STORES IN SUFFOLK COUNTY**

**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 Local Law No. 16-2014 enacted regulations on the sourcing and care of companion animals offered for sale in the County of Suffolk by pet dealers and at pet stores.

This Legislature also finds and determines that, despite the enactment of Local Law No. 16-2014, chronically sick animals sourced from disreputable animal breeders and brokers are still entering the County.

This Legislature also determines that a practice is being utilized by some pet dealers and pet stores whereby they lease or rent pets to customers. Frequently, these agreements do not fully disclose hidden fees and exorbitant interest rates. This practice is unfair to both consumers and the animals that may be "repossessed" in the event of a default.

This Legislature further finds that renting a pet is disruptive to an animal, who may be brought into a family only to be repossessed and placed with a different family in rapid succession.

This Legislature finds that the regulations enacted by Local Law No. 16-2014 should be strengthened to prevent unscrupulous breeders and brokers from supplying animals for sale in the County of Suffolk.

This Legislature also concludes that the renting and leasing of dogs and cats should be prohibited for the health and safety of animals and the families they live with.

Therefore, the purpose of this law is to amend Chapter 299 of the SUFFOLK COUNTY CODE to strengthen the regulation of pet stores and pet dealers in the County of Suffolk.

Section 2. Amendments.

Chapter 299 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 299.
ANIMALS**

* * * *

**ARTICLE VIII.
PET DEALERS AND PET STORES**

* * * *

§ 299-57. Definitions.

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

Adoption – the process of taking guardianship of and responsibility for a pet that was abandoned or released by a previous owner to a shelter or rescue organization.

Animal – a cat or a dog.

Breeder – any person who breeds nine or more cats or dogs per year.

Broker – any person who imports, buys, sells or trades cats, dogs, kittens or puppies in wholesale channels. Brokers are not required to take physical possession of the animals to be deemed as such.

* * * *

§ 299-58. General Requirements.

- A. No animal shall be offered for sale, trade or give away by a pet dealer or pet store[s] unless the animal is at least eight weeks old, is in good health and has been weaned from its mother. No pet dealer or pet store shall transfer an animal to an individual or entity as an adoption unless the animal was sourced from a municipal shelter within Suffolk County.
- B. Pet dealers shall only source from USDA licensed breeders and brokers. Animals shall not be sourced from private or exempt breeders through a USDA licensed broker. No pet dealer shall obtain animals originating from a breeder or a broker that has received:
- 1) A direct violation from the USDA within the past two (2) years;
 - 2) "No access" violations on [the two] any USDA [most recent] inspection reports [from the USDA] within the past two years;
 - 3) Three or more indirect violations, other than "no access" violations on [the most recent USDA report] any USDA inspection reports within the past two years [or];
 - 4) One or more reoccurring indirect violations on [the most recent USDA reports] any USDA inspection report within the past two years; or

5) A 2.40 violation (attending veterinarian and adequate veterinary care) on any USDA inspection report within the past two years.

* * * *

- F. Any pet dealer or pet store offering animals for sale, trade or give-away shall make sterilization services by a licensed veterinarian available to the consumer for animals sold at an age at which such procedures may be performed safely. Consumers shall be responsible for any costs associated with utilizing such services.
- G. No pet dealers or pet store shall provide animals to customers under lease or rental terms. Any agreement for short term use of an animal or an agreement involving installment payments by a customer shall be deemed an improper rental or lease of an animal.
- H. Pet dealers and pet stores shall post a sign provided by the Department of Labor, Licensing and Consumer Affairs at the entrance of their business which is fully visible from the exterior of the store, that directs consumers to a webpage maintained by the Department of Labor, Licensing and Consumer Affairs regarding pet dealers and pet stores.

§ 299-59. Primary Animal Enclosure Requirement for Pet Dealers.

* * * *

- F. Any primary animal enclosure shall have a tag in Times New Roman font in a minimum font size of 16 points with the following information about each animal which is housed therein:

* * * *

§ 299-63. Penalties for Offenses.

- A. Any pet dealer or pet store which violates any provision of this article shall be assessed a civil fine of [up to] \$500 per violation. Each individual violation of the provisions shall be considered a separate and distinct offense.

* * * *

Section 3. Webpage and Signage.

- A. The Department of Labor, Licensing and Consumer Affairs shall establish a webpage dedicated to providing information on the County's pet dealer and pet store regulations, as well as information on the County's pet store rating program. The webpage shall be operational within 60 days of the effective date of this law.
- B. The Department of Labor, Licensing and Consumer Affairs will develop and distribute signs to each pet dealer and pet store operating in the County of Suffolk directing consumers to the webpage for further information and to report complaints or violations of this law. The signs shall also provide the telephone number for the Department of

Labor, Licensing and Consumer Affairs where complaints may be reported. All signs will be distributed within sixty (60) days of the effective date of this law.

Section 4. Coordination of oversight.

The Department of Labor, Licensing and Consumer Affairs is hereby directed to communicate with the New York State Department of Agriculture and Markets to coordinate oversight efforts when feasible.

Section 5. Applicability.

This law shall apply to all actions occurring 60 days after the effective date of this law.

Section 6. 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 7. 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 8. Effective Date.

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-strengthen-regulations-pet-dealers-stores

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
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1761

DATE: July 22, 2016

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2016

TITLE: I.R. NO. -2016; A LOCAL LAW TO STRENGTHEN REGULATION OF PET DEALERS AND PET STORES IN SUFFOLK COUNTY

SPONSOR: LEGISLATOR MARTINEZ

DATE OF RECEIPT BY COUNSEL: 7/21/2016 PUBLIC HEARING: 9/7/2016

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

Chapter 299 of the SUFFOLK COUNTY CODE regulates the sourcing and care of animals¹ offered for sale by pet dealers and at pet stores in Suffolk County. This local law would amend Chapter 299 to further strengthen those regulations. The new regulations include:

- Prohibiting the adoption of animals out of pet stores unless sourced through a municipal shelter located in Suffolk County.
- Restricting the sources of animals to be sold in Suffolk County solely to USDA licensed brokers and breeders.
- Prohibiting the practice of leasing or renting animals to customers for short term use or through installment payments.

In addition, the Department of Labor, Licensing and Consumer Affairs is directed to develop a webpage within 60 days of the effective date of this law which provides information on the County's pet dealer and pet store regulations, as well as the pet store rating program. Pet dealers and pet stores will be required to post signs that publicize the County's webpage.

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", written over a large, faint circular stamp.

GEORGE NOLAN
Counsel to the Legislature

GN:

¹ "Animal" in this law refers to "a cat or a dog".

1763

Intro. Res. No. -2016
Introduced by the Presiding Officer

Laid on Table

7/26/16

RESOLUTION NO. -2016, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED IMPROVEMENTS TO CR 21, MIDDLE ISLAND – YAPHANK ROAD, FROM LONGWOOD MIDDLE SCHOOL TO NEW YORK STATE 25, CP 5138, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) reviewed a project designated as the "Proposed Improvements to CR 21, Middle Island – Yaphank Road, from Longwood Middle School to New York State 25, CP 5138, Town of Brookhaven", pursuant to Local Law No. 22-1985, which project involves improvements to County Road 21, Middle Island – Yaphank Road from Longwood Middle School to New York State 25, Middle Country Road; and

WHEREAS, these proposed improvements include providing continuous curb and sidewalks on both sides of the roadway for pedestrian safety and mobility, rehabilitating existing pavement, providing drainage improvements and providing operational improvements at the Longwood Middle School entrances; and

WHEREAS, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and a presentation was made by the Principal of Stantec Consulting Services and subsequently sent out to all concerned parties; and

WHEREAS, at its July 20, 2016 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated July 22, 2016 of said recommendations; and

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

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

1st RESOLVED, that this Legislature hereby determines that the Proposed Improvements to CR 21, Middle Island – Yaphank Road, from Longwood Middle School to New York State 25, CP 5138, Town of Brookhaven constitutes an Unlisted Action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the SUFFOLK COUNTY CODE, that the proposed project will not have significant adverse impacts on the environment for the following reasons:

- 1) the proposed action will not exceed any of the criteria set forth in Title 6 NYCRR, Part 617.7, which sets forth thresholds for determining

significant effect on the environment, as demonstrated in the Environmental Assessment Form;

- 2) the proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter or the Suffolk County Code;
- 3) the proposed construction will be of temporary duration and will be coordinated with the Longwood Middle School so that the heavy construction activities such as milling, pavement removals and paving are performed during evenings, weekends or periods when the school does not have peak activities scheduled;
- 4) the proposed improvements to the Country Road 21 and the adjacent sidewalks will improve vehicular and pedestrian safety along the road corridor;

and be it further

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\improve-cr21-middle-island



1764

Intro. Res. No. -2016
Introduced by Legislator Browning

Laid on Table 7/26/16

RESOLUTION NO. - 2016, ADOPTING LOCAL LAW NO. -2016, A LOCAL LAW ESTABLISHING A SEWER CONNECTION POLICY TO FOSTER ECONOMIC GROWTH IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2016, a proposed local law entitled, "**A LOCAL LAW ESTABLISHING A SEWER CONNECTION POLICY TO FOSTER ECONOMIC GROWTH IN SUFFOLK COUNTY**"; now, therefore, be it

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

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW ESTABLISHING A SEWER CONNECTION POLICY TO FOSTER ECONOMIC GROWTH IN SUFFOLK COUNTY

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 23 sewer districts and allows businesses and developments located outside the boundaries of these districts to apply for a connection to the sewer facilities.

This Legislature further finds that the developers of projects located outside a sewer district often seek a sewer connection because it allows them to avoid the very significant costs associated with constructing a sewage treatment plant.

This Legislature finds that several large mixed used developments, which are now in the planning stages, intend to connect to an existing County sewer district.

This Legislature determines that the capacity of the County's sewer facilities is finite so it is vital that applications for sewer connections be weighed carefully to ensure that approved projects advance the County's valid economic development goals.

This Legislature further finds that too often projects that receive government support and subsidies end up using workers from outside the New York area and/or pay workers substandard wages and benefits.

This Legislature concludes that developers seeking the significant economic benefits and cost savings associated with connecting to an existing sewer district, should comply with minimal apprenticeship, wage and local hiring requirements to ensure that the project creates good paying jobs and career opportunities for Suffolk County residents.

Therefore, the purpose of this law is to require applicants seeking a connection to a County operated sewer district for a project that will generate more than 100,000 gallons of sewage flow per day, to agree to abide by apprenticeship training and prevailing wage requirements and to hire workers who reside on Long Island.

Section 2. Amendments.

Section 740-45 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Section 740-45. Connection by premises outside district.

* * * *

D. Economic benefits.

1. No contract between the Administrator and an applicant from outside the geographical boundaries of a district may be entered into, in the case of a project or development that will generate more than 100,000 gallons of sewage flow per day, unless the applicant agrees to comply with apprenticeship training, prevailing wage and local hiring requirements as set forth herein.
2. The applicant shall agree that any contractor or subcontractor who is a party to, or working under, a construction contract related to a project or development that is the subject of a connection agreement, will comply with the apprenticeship training requirements set forth of § 869-3 of the Suffolk County Code.
3. The applicant shall agree that any contractor or subcontractor who is a party to, or working under, a construction contract related to a project or development that is the subject of a connection agreement, will comply with the prevailing wage requirements set forth in Article 8 of New York Labor Law.

[D].E Any contracts or agreements negotiated by the administrative head of any Suffolk County sewer district shall be subject to the final review, approval and ratification of the Suffolk County Legislature.

[E].E Contracts for connection of out-of-district areas meeting the definition of a municipal satellite collection system shall be in compliance with New York State Department of Conservation regulations, as amended, if applicable.

Section 3. Applicability.

This law shall apply to any connection agreement that is presented to the Suffolk County Sewer Agency and the Suffolk County Legislature for final approval on or after the effective date of this law.

Section 4. Severability.

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

section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-sewer connection policy

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CLERK

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

TR# 1764-2016

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



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

DATE: JULY 25, 2016

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2016

TITLE: I.R. NO. -2016; A LOCAL LAW ESTABLISHING A SEWER CONNECTION POLICY TO FOSTER ECONOMIC GROWTH IN SUFFOLK COUNTY

SPONSOR: LEGISLATOR BROWNING

DATE OF RECEIPT BY COUNSEL: 7/12/2016 PUBLIC HEARING: 9/7/2016

DATE ADOPTED/NOT ADOPTED: CERTIFIED COPY RECEIVED:

This proposed local law would amend the County's rules for projects, located outside the geographic boundaries of the County's sewer district, which apply to connect to a County sewer district.

If approved, the law would require applicants seeking such a sewer connection, to agree that any contractor or subcontractor working under the construction agreement related to the development, will abide by apprenticeship training and prevailing wage requirements. This provision will apply only to projects/developments that will generate more than 100,000 gallons of sewage flow per day.

This law will take effect immediately upon its filing in the Office of the Secretary of State and will apply to all connection agreements that are submitted to the Sewer Agency for final approval on or after the effective date of this law.

GEORGE NOLAN
Counsel to the Legislature

GN:tm

s:\rule28\28-sewer connections

1765
Intro. Res. No. -2016
Introduced by Legislator Cilmi

Laid on Table 7/26/16

**RESOLUTION NO. -2016 ADOPTING LOCAL LAW NO.
-2016, A CHARTER LAW TO ESTABLISH A MULTI-YEAR
FINANCIAL PLAN**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2016, a proposed local law entitled, "**A CHARTER LAW TO ESTABLISH A MULTI-YEAR FINANCIAL PLAN**"; now, therefore be it

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

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO ESTABLISH A MULTI-YEAR FINANCIAL PLAN

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's operating budget continues to be under pressure due to increased expenditures and insufficient revenue.

This Legislature determines that diminished sales and property tax revenues, rising pension and health insurance costs, shrinking federal and state aid and increasing demands for County services have combined to create a chronic, structural budget imbalance in Suffolk County.

This Legislature further determines that Suffolk County has drawn down reserves and utilized one-shot revenues to close annual operating budget shortfalls but these actions have not resolved the County's long-term structural imbalance.

This Legislature finds that strategic long-term budget planning is essential to fiscal discipline and sound decision making.

This Legislature finds and determines that multi-year budget planning can help policy-makers assess the long-term financial implications of current policies, identify structural budget deficits and develop solutions to achieve ongoing budget balance as well as restore a positive fund balance.

This Legislature also finds that many municipal finance experts, including the New York State Comptroller and the Government Financial Officers Association ("GFOA"), recommend that local governments adopt a multi-year budget plan that extends at least three years beyond the current budget period.

Therefore, the purpose of this law is to require that the County Executive submit, on an annual basis, a multi-year financial plan that approximates future expenditures, revenues, fund balances and offers budget deficit mitigation measures.

Section 2. Amendments.

Article IV of the SUFFOLK COUNTY CHARTER is hereby amended by the addition of a new Section C4-35, to read as follows:

§ C4-35. Multi-year Financial Plan.

- A. By December 31st each year, the County Executive shall submit a five (5) year financial plan which outlines revenues, expenditures and fund balance estimates for each of the major funds (General Fund and Police District Fund). This financial plan will cover the period beginning with the then current fiscal year, and continuing through the subsequent fiscal year for which an operating budget has been adopted and the following three (3) fiscal years.
- B. The financial plan submitted by the County Executive shall:
1. Provide a reasonable baseline estimate of the largest expenditures and revenues and the largest estimated changes in expenditures and revenues for each of the major funds for each year of the plan, taking into account and summarizing any mitigation measures currently underway or prescribed in developing the baseline.
 2. Identify and describe in reasonable detail all actions necessary and appropriate to ensure, with respect to each of the major funds for each fiscal year of the plan, that any projected baseline shortfall is closed and that aggregate operating expenses for such fiscal year shall not exceed funds available (revenue plus fund balance).
 3. Provide that each of the major funds of the County will be balanced in each year of the plan.
 4. Identify and describe anticipated threats or obstacles to the success of the financial plan.
 5. Identify and describe contingencies and opportunities which may be available or which may occur during the plan period to enhance the probability of the success of the financial plan.
- C. The financial plan submitted by the County Executive will provide the following information:
1. Revenue estimates shall include, but not be limited to, revenue from sales taxes, property taxes, miscellaneous revenues, anticipated federal and state aid, and anticipated asset sales. The impact of any tax increases or reductions and anticipated changes in federal or state aid based on new legislation shall be included in revenue estimates.
 2. Expenditure estimates shall include, but not be limited to, personal service appropriations, debt service appropriations, the out-year costs of labor contracts, planned reductions or increases to departmental budgets and other miscellaneous appropriations.

D. The Legislative Budget Review Office will review the multi-year financial plan and issue a report with its exceptions to the plan no later than April 30th each year. The Presiding Office of the County Legislature may extend this deadline on the request of the Legislative Budget Review Office but this extension shall not exceed thirty (30) days.

Section 3. Repeal.

I. Paragraphs (G), (H) and (I) of § C4-6 of the SUFFOLK COUNTY CHARTER are hereby repealed in their entirety.

II. Paragraphs (B), (C), (D) and (E) of § C4-5 of the SUFFOLK COUNTY CHARTER are hereby repealed in their entirety.

Section 4. Applicability.

The County Executive will be required to submit the first multi-year financial plan called for in this law by December 31, 2016 and shall continue to do so every year thereafter. The Legislative Budget Review Office will be required to review the multi-year financial plan and issue a report with its exceptions by April 30, 2017 and shall continue do so every year thereafter.

Section 5. Severability.

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

Section 6. SEQRA Determination.

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

Section 7. Effective Date.

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-multi-year-financial-plan

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
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DATE: JULY 25, 2016

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2016

TITLE: I.R. NO. -2016; A CHARTER LAW TO ESTABLISH A MULTI-YEAR FINANCIAL PLAN

SPONSOR: LEGISLATOR CILMI

DATE OF RECEIPT BY COUNSEL: 7/25/2016 PUBLIC HEARING: 9/7/2016

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

This proposed law would amend Article 4 of the SUFFOLK COUNTY CHARTER to require the County Executive to submit a five (5) year financial plan by December 31st each year beginning in 2016. The plan would encompass the then current fiscal year, and continue through the subsequent year for which an operating budget has been adopted and the following three (3) fiscal years. The plan submitted by the County Executive will:

1. Provide baseline estimates for expenditures and revenues for each major fund¹ for each year of the plan;
2. Identify and describe all actions necessary to ensure that projected deficits are closed and the aggregate operating expenses for each year do not exceed aggregate operating revenues;
3. Provide for the balancing of each major fund;
4. Identify obstacles to the success of the plan; and
5. Identify contingencies that may occur during the plan period to increase the probability of the success of the plan.

The plan will provide the following information:

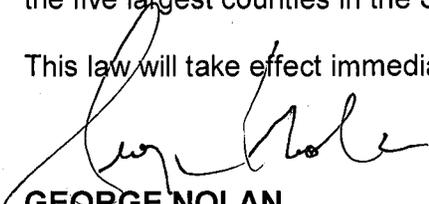
1. Revenue estimates from sales taxes, property taxes, miscellaneous revenue, anticipated federal and state aid, and anticipated asset sales;
2. Expenditure estimates for personal service appropriations, debt service appropriations, the out-year costs of labor contracts, changes to the capital program that impact debt service, and planned reductions or increases in departmental budgets.

The Legislative Budget Review Office will review the County Executive's multi-year financial plan and issue a report with its exceptions by April 30th each year.

¹ The County's General Fund and Police District Fund are in the County's "major funds".

This local law would also eliminate existing charter provisions which require the Budget Office and the Legislative Budget Review Office to formulate a budget model and the County Executive to submit a comparison of his proposed expense budget with the adopted budgets of the five largest counties in the State.

This law will 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-multi-year-financial-plan

1766

Intro. Res. No. -2016
Introduced by Legislator Krupski

Laid on Table

7/26/16

**RESOLUTION NO. -2016, REAPPOINTING MEMBER TO THE
COUNCIL ON ENVIRONMENTAL QUALITY (MICHAEL DOALL)**

WHEREAS, appointments to the Council on Environmental Quality (CEQ) are made by this County Legislature pursuant to Section 1-3 of the SUFFOLK COUNTY CHARTER; and

WHEREAS, Daniel Pichney resigned as a member of the Council on Environmental Quality effective June 15, 2016, thereby creating a vacancy; now, therefore be it

1st RESOLVED, that **Michael Doall**, who currently resides in Rocky Point, New York, is hereby appointed as a member of the Suffolk County Council on Environmental Quality, pursuant to Section 1-3(A) of the SUFFOLK COUNTY CHARTER, for a term of office to expire on March 23, 2020.

DATED:

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

s:\res\appt-doall-ceq

1767

Intro. Res. No. -2016
Introduced by Legislator Spencer

Laid on Table 7/26/16

**RESOLUTION NO. -2016, ESTABLISHING A CARRYOUT
BAG REDUCTION PUBLIC EDUCATION WORKING GROUP**

WHEREAS, the Federal Trade Commission estimates that Americans use in excess of 90 billion plastic bags, sacs and wraps each year; and

WHEREAS, the recovery and reuse rate for plastic bags is a mere 7.1%, just a small fraction of the total; and

WHEREAS, 96.6 billion bags end up in landfills or incinerators, as litter or in local waters every year; and

WHEREAS, Americans consume more than ten billion paper bags each year and fourteen million trees are cut down yearly for the manufacturing of paper; the nation's paper industry generates more than twelve million tons of solid waste every year; and

WHEREAS, legislation has been introduced in this Legislature which would require retail stores to impose a 5 cent fee on all carryout bags they provide to consumers; it is hoped that this law will substantially reduce the use of plastic and paper carryout bags; and

WHEREAS, in anticipation of the enactment of the carryout bag legislation, a Public Education Working Group should be established to initiate a public education and outreach campaign to promote awareness of the local law; now, therefore be it

1st RESOLVED, that a Public Education Working Group ("Working Group") is hereby established to conduct outreach and education efforts to promote awareness of the local law; and be it further

2nd RESOLVED, that the Working Group shall be comprised of the following members:

- 1) The Presiding Officer, or his or her designee;
- 2) The County Executive, or his or her designee;
- 3) The Chairperson of the Health Committee, or his or her designee;
- 4) The Commissioner of the Suffolk County Department of Health Services, or his or her designee;
- 5) A representative from the food industry, to be selected by the County Legislature;
- 6) A representative from a non-profit environmental advocacy organization, to be selected by the County Legislature; and
- 7) A representative from the United Food and Commercial Workers International Union;

and be it further

3rd **RESOLVED**, that the Working Group shall be charged with creating brochures and flyers for retailers to distribute to their customers, with the aim of promoting environmental stewardship by encouraging customers to bring their own bags when they shop; and be it further

4th **RESOLVED**, that the Working Group shall establish partnerships with retailers and school districts to promote the benefits of reusable bags; these partnerships may include the development of poster contests for school children and the development of staff training materials for retailers to help educate cashiers and manage the transition; and be it further

5th **RESOLVED**, that the Working Group shall work to develop content and resources for the Suffolk County website including a list of reusable plastic and recycled paper bag vendors to assist retailers with legal compliance; and be it further

6th **RESOLVED**, that the Working Group shall work to develop a Frequently Asked Questions (FAQ) sheet for both retailers and consumers to explain the purpose and goal of the local law; and be it further

7th **RESOLVED**, that the Working Group shall partner with retailers to develop a Best Management Practices (BMP) plan and create resources for retail staff to promote reusable bags and efficient bagging techniques; and be it further

8th **RESOLVED**, that the Working Group shall analyze the impact of the local law on material recycling facilities, waterways, roadside liter and reusable bag use both before and after implementation of the local law; and be it further

9th **RESOLVED**, that three (3) years following implementation of this local law, the Working Group shall analyze any unintended consequences of the local law; track compliance; analyze the impact of the local law on recycling facilities and landfills; and report annually to the Health Committee regarding the progress and impact of the local law; and be it further

10th **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-establish-carryout-bag-education-awareness-working-group

Introduced by Presiding Officer on request of the County Executive

RESOLUTION NO. -2016, AMENDING THE 2016 OPERATING BUDGET AND APPROPRIATING FUNDS IN CONNECTION WITH BONDING FOR JUDGMENTS IN A LIABILITY CASE AGAINST THE COUNTY

WHEREAS, after trial and a verdict in a lawsuit against the County, a judgment was issued for the amount of Ninety Five Thousand (\$95,000) Dollars; and

WHEREAS, in connection with the above trial a judgment for attorney's fees was issued in the amount of Three Hundred Twelve Thousand Two Hundred Ninety Nine Dollars and 13/100 (\$312,299.13); and

WHEREAS, the above judgments are mandated expenses that must be paid by the County; and

WHEREAS, sufficient funds to satisfy lawsuits, orders, judgments and settlements are not available in the 2016 Operating Budget; and

WHEREAS, the County Legislature, by Resolution of even date herewith, has authorized the issuance of Four Hundred Seven Thousand Three Hundred (\$407,300) Dollars in Suffolk County Serial Bonds to cover the cost of the above referenced judgments; now, therefore be it

1st RESOLVED, that the judgments for the total sum of Four Hundred Seven Thousand Three Hundred (\$407,300) Dollars be bonded and paid under the authority of the Office of Risk Management, County Department of Law, in conjunction with the County Department of Audit and Control and the County Executive's Budget Office; and be it further

2nd RESOLVED, that the proceeds of Four Hundred Seven Thousand Three Hundred (\$407,300) Dollars in Suffolk County Serial Bonds be and are hereby appropriated as follows:

REVENUES:

038-2780 Proceeds: Debt \$407,300

APPROPRIATIONS:

Miscellaneous
General Liability Insurance
038-MSC-1914
Mandated

8505 – Settlements \$407,300

DATED:

APPROVED BY:

County Executive of the County of Suffolk

Date of Approval: