

SUFFOLK COUNTY LEGISLATURE



Marked
Agenda

WILLIAM J. LINDSAY, PRESIDING OFFICER

NOTICE OF SPECIAL MEETING

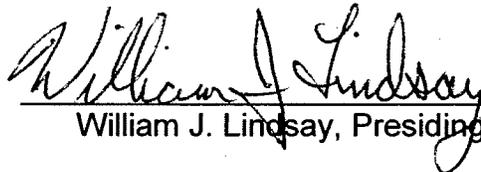
DATE: December 28, 2010
TO: All County Legislators
FROM: William J. Lindsay, Presiding Officer
RE: Special Meeting of the County Legislature

Please be advised that a special meeting of the Suffolk County Legislature will be held on **Monday, January 3, 2011 at 1:00 p.m.** in the Rose Y. Caracappa Legislative Auditorium located at the William H. Rogers Legislature Building (Bldg. No. 20), 725 Veterans Memorial Highway, Hauppauge, New York, pursuant to Section 2-6(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, for the following purpose:

- ✓ 1.) Election of the Presiding Officer; **Bill Lindsay**
- ✓ 2.) Administration of the Oath of Office to the Presiding Officer;
- | 3.) Election of the Deputy Presiding Officer; **Vivian Vilorio-Fisher**
- ✓ 4.) Administration of the Oath of Office to the Deputy Presiding Officer;
- 2 5.) Adopting the Rules of the County Legislature;
- 3 6.) Appointing the Clerk of the County Legislature;
- 4 7.) Appointing the Chief Deputy Clerk of the County Legislature;
- 5 8.) Appointing the Deputy Clerk of the County Legislature;

- 6 9.) Appointing a Counsel to the Legislature;
- 7 10.) Adopting a schedule for regular meetings of the County Legislature;
- 8 11.) Designating depositories pursuant to Section 212 of the NEW YORK COUNTY LAW;
- 9 12.) Designating an official County newspaper;
- 10 13.) Designating an official County newspaper;
- T 2/1 14.) Designating official local newspapers;
- 15.) To lay bills on the table; and
- 16.) To set public hearings, if necessary.

please
see attached


William J. Lindsay, Presiding Officer

Cc: Tim Laube, Clerk of the Legislature
George Nolan, Counsel to the Legislature
Gail Vizzini, Director of Budget Review
Hon. Steve Levy, County Executive
Christine Malafi, Suffolk County Attorney

L A I D O N T H E T A B L E J A N U A R Y 3 , 2 0 1 1

LADS REPORT PREPARED BY:

Michele Gerardi
(Revised 1/3/2010)

1000. Authorizing the County Executive to enter into an agreement with Heritage-Riverhead Retail Developers, LLC and accepting a payment of money in lieu of performance of certain mitigation measures, constructed under Capital Project 5529, Old Country Road, Riverhead, and amending the 2011 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 58, Old Country Road, Riverhead (CP 5529). (Romaine) PUBLIC WORKS & TRANSPORTATION
1001. Setting date for Special Election to fill vacancy in the 6th Legislative District. (Lindsay) WAYS & MEANS
1002. Adopting Local Law No. -2011, A Local Law to protect the public from injury caused by accumulated snow or ice on moving motor vehicles. (Cooper) PUBLIC SAFETY Set PH 2/1 2:30 Hauppauge

DATE: January 3, 2011

TIME: 1:04pm

ROLL CALL

LD	Legislator	Present	Absent	Time
1	Edward P. ROMAINE	/		
2	Jay H. SCHNEIDERMAN	/		
3	Kate M. BROWNING	/		
4	Thomas MURATORE	/		
5	Vivian VILORIA-FISHER	/		
6				
7	Jack EDDINGTON	/		
8	William J. LINDSAY	/		
9	Ricardo MONTANO	/		
10	Thomas CILMI	/		
11	Thomas F. BARRAGA	/		
12	John M. KENNEDY, JR.	/		
13	Lynne C. NOWICK	/		
14	Wayne R. HORSLEY	/		
15	DuWayne GREGORY	/		
16	Steven H. STERN	/		
17	Lou D'AMARO	/		
18	Jon COOPER	/		
	Totals	17	-	-

Tim Laube

Tim Laube, Clerk of the Legislature

Election of the

Intro. Res. P. Officer Res. No. _____

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE			/		
5	Vivian VILORIA-FISHER	/				
6						
7	Jack EDDINGTON	/				
8	William J. LINDSAY	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI			/		
11	Thomas F. BARRAGA			/		
12	John M. KENNEDY, JR.			/		
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO			/		
18	Jon COOPER	/				
	Totals	12	1	4	-	-

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

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

Tim Laube
Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____

Intro. Res. 1 Res. No. 1

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE			/		
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE			/		
5	Vivian VILORIA-FISHER	/				
6						
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI			/		
11	Thomas F. BARRAGA	/	/			
12	John M. KENNEDY, JR.			/		
13	Lynne C. NOWICK			/		
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO			/		
18	Jon COOPER	/				
8	William J. LINDSAY, P.O.	/				
	Totals	10	1	6	—	

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____

Intro. Res.

2 Amendment #1

Res. No.

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6						
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI	/				
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO		/			
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	15	2			

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____

Intro. Res. 2 AMENDMENT # 2

Res. No.

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		17				

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

RESOLUTION DECLARED
___ ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote ___

Intro. Res. 2 Amendment #3

Res. No. _____

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R	
1	Edward P. ROMAINE						
2	Jay H. SCHNEIDERMAN						
3	Kate M. BROWNING						
4	Thomas MURATORE						
6							
7	Jack EDDINGTON						
9	Ricardo MONTANO						
10	Thomas CILMI						
11	Thomas F. BARRAGA						
12	John M. KENNEDY, JR.						
13	Lynne C. NOWICK						
14	Wayne R. HORSLEY						
15	DuWayne GREGORY						
16	Steven H. STERN						
17	Lou D'AMARO						
18	Jon COOPER						
5	Vivian VILORIA-FISHER, D.P.O.						
8	William J. LINDSAY, P.O.						
	Totals		17				

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____

Intro. Res. 2 Amendment # 4

Res. No.

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6						
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI		/			
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.		/			
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO		/			
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	13	4			

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____

Intro. Res. 2 Amendment #5

Res. No.

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____

Intro. Res. 2 Amendment #6 Res. No. _____

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6						
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO		/			
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	16	1			

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote

Intro. Res. 2 Amendment #7

Res. No.

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6						
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO		/			
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	16	1			

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

RESOLUTION DECLARED
ADOPTED _____
NOT ADOPTED _____

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____

Intro. Res. 2Res. No. 2

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6						
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO		/			
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	16	1			

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

RESOLUTION DECLARED ADOPTED NOT ADOPTED


Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

Intro. Res.

3

Res. No.

3

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	1				
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

Intro. Res.

4

Res. No.

4

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

Intro. Res. 5

Res. No. 5

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

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

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

Tim Laube

Roll Call _____ Voice Vote

Intro. Res. 6

Res. No. 6

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote

Intro. Res. **7**

Res. No. **7**

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

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

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

Tim Laube

Roll Call _____ Voice Vote

Intro. Res. 8

Res. No. 8

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6						
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI	/				
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO	/				
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	16	1			

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

Intro. Res.

9

Res. No.

9

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

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

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

Tim Laube

Roll Call ___ Voice Vote

Intro. Res.

10

Res. No.

10

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY			/		
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.			/		
8	William J. LINDSAY, P.O.	↓				
	Totals	15	-	2		

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

Intro. Res.

Res. No.

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Sch...an, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6						
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO	/				
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	10	7			

MOTION

Approve

Table: 2-1-11

Send To Committee

Table Subject To Call

Lay On The Table

Discharge

Take Out of Order

Reconsider

Waive Rule

Override Veto

Close

Recess

APPROVED FAILED

No Motion No Second

RESOLUTION DECLARED

ADOPTED

NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote

Intro. Res. Lay on the Table

Res. No. _____

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17	—	—	—	—

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

RESOLUTION DECLARED
ADOPTED _____
NOT ADOPTED _____

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

Intro. Res. *Adjaran*

Res. No.

January 3, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R	
1	Edward P. ROMAINE						
2	Jay H. SCHNEIDERMAN						
3	Kate M. BROWNING						
4	Thomas MURATORE						
6							
7	Jack EDDINGTON						
9	Ricardo MONTANO						
10	Thomas CILMI						
11	Thomas F. BARRAGA						
12	John M. KENNEDY, JR.						
13	Lynne C. NOWICK						
14	Wayne R. HORSLEY						
15	DuWayne GREGORY						
16	Steven H. STERN						
17	Lou D'AMARO						
18	Jon COOPER						
5	Vivian VILORIA-FISHER, D.P.O.						
8	William J. LINDSAY, P.O.						
Totals			17				

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

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

Intro. Res. No. 1-2011
Introduced by the Presiding Officer

Laid on Table 1/3/2011

**RESOLUTION NO. 1 -2011, APPOINTING THE DEPUTY
PRESIDING OFFICER OF THE COUNTY LEGISLATURE**

RESOLVED, that Vivian Viloría-Fisher of the 5th Legislative District, be and hereby is appointed Deputy Presiding Officer of the County Legislature to serve at the pleasure of the County Legislature until a successor is appointed.

DATED: January 3, 2010

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER

**RESOLUTION NO. 2 -2011, ADOPTING RULES OF THE
LEGISLATURE OF THE COUNTY OF SUFFOLK**

BE IT RESOLVED, that the attached shall constitute the Rules of the Legislature of the County of Suffolk:

RULES OF THE SUFFOLK COUNTY LEGISLATURE

1. Organization
2. Order of Business
3. Powers & Duties of the Presiding Officer
4. Rights & Duties of Members
5. Introducing Legislation
6. Discharge of Legislation
7. Action on Legislation
8. Public Participation
9. Public Hearings
10. Quorum
11. Rules of Order
12. Decorum
13. Standards of Official Conduct
14. Committees
15. Meetings of the Legislature
16. Officers & Employees
17. Papers
18. Minutes & Proceedings of the Legislature
19. Placement on the Agenda
20. Legal Memoranda
21. Robert's Rules of Order
22. Amendments

DATED: January 3, 2011

Effective pursuant to Section 2-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE and Sections 2-15(A) and 2-7 of the SUFFOLK COUNTY CHARTER.

2011 RULES OF THE LEGISLATURE

RULE 1. ORGANIZATION

- A.) The members of the Suffolk County Legislature shall meet to organize on the first business day in January in each calendar year, unless the first business day in January falls on a Friday, in which case the County Legislature shall hold its organizational meeting on the following Monday.
- B.) At such organizational meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as Presiding Officer by an affirmative vote of at least a majority of the entire membership of the Legislature. The term of office of the Presiding Officer shall expire at the end of the calendar year in which he or she is selected.
- C.) Upon his or her election, the Presiding Officer shall immediately assume all the duties and responsibilities of the office and shall continue to act in such capacity until the termination of his or her term of office as such.
- D.) The County Legislature may act upon the following additional Resolutions at or after the organizational meeting:
 - 1.) Appointment of Deputy Presiding Officer;
 - 2.) Appointment of Clerk of the Legislature;
 - 3.) Appointment of Chief Deputy Clerk;
 - 4.) Appointment of Deputy Clerk; and
 - 5.) Appointment of Counsel to the Legislature.
 - 6.) Fixing the time of regular meetings of the County Legislature; such regular meetings may only be changed by the adoption of a separate Resolution directed solely and explicitly to that purpose in conformity with the procedure set forth in Rules 5 and 6 of these Rules;
 - 7.) Designating depositories pursuant to Section 212 of the COUNTY LAW;
 - 8.) Designation of official newspapers pursuant to Section 214 of the NEW YORK COUNTY LAW;
 - 9.) Designation of local newspapers in each town for publication of County notices; and
 - 10.) Action on any other Resolution which would otherwise qualify or be eligible to be voted upon.

RULE 2. ORDER OF BUSINESS

A.) At all regularly scheduled Legislative meetings the following business shall be conducted, unless otherwise changed by the Presiding Officer or by an affirmative vote of at least a majority of the entire membership of the Legislature, in the following order:

- 1.) Roll call at 9:30 A.M. for day time Legislative meetings or 4:00 p.m. for night-time Legislative meetings;
- 2.) Salute to the Flag;
- 3.) Invocation;
- 4.) Presentation of petitions and communications, if any, except for at special meetings;
- 5.) Statements and presentations by Legislators. Legislators shall notify the Presiding Officer, no later than 12:00 noon of the day immediately preceding any Legislative meeting, of any such presentations to be made;
- 6.) Statements and presentations by members of the public until 11:00 a.m. for day-time Legislative meetings and 6:30 p.m. for night-time Legislative meetings (“public portion”) and again either immediately before or immediately after the public hearing portion, if necessary. In the event that consideration of a proposed Resolution, Charter Law, or Local Law (hereinafter referred to as “legislation”) has not occurred prior to 6:00 p.m. on the day of a full daytime Legislative meeting, or 10:00 p.m. on the day of a full night-time Legislative meeting, then the public portion shall be deemed suspended so as to allow for a vote on all legislation. The public portion shall be suspended every time there is less than a majority of the members of the County Legislature present until such time as a quorum has been reconstituted. Elected or appointed County officials, department heads, and their representatives shall not be permitted to address the Legislature on official business under the public portion.
- 7.) Reports and Statements from the County Executive, and/or Commissioners, Directors, Deputy Commissioners, Division or Department Heads of any County Office, Agency, or Department; and any statements by any Village, Town, County, State, or federal elected official and interviews of any nominees to any County Boards, Commissions, Departments, Agencies, and Offices at which time they may be questioned by County Legislators;
- 8.) Consideration of the consent calendar;
- 9.) Consideration of motions, Resolutions, and notices together with committee reports;
- 10.) Public hearings, except at special meetings, shall be held at 2:30 p.m.

on the day of a full daytime Legislative meeting, or 6:30 p.m. of the day of a full night-time Legislative meeting;

- 11.) Schedule Public Hearing for Local Laws, if any;
- 12.) Consideration of unfinished business generally;
- 13.) Consideration of new business;
- 14.) Reports from committees, if any; and
- 15.) Adjournment.

- B.) If a meeting of the County Legislature is not completed by twelve midnight (12:00 a.m.) on a meeting day, such meeting shall be recessed to another day and hour to be specified by the Presiding Officer unless there is a motion to extend the meeting beyond the hour of 12 midnight. In the event that a motion is made to extend the meeting beyond the hour of twelve midnight (12:00 a.m.), such procedural motion shall require an affirmative vote of at least two-thirds (2/3) of the entire membership of the County Legislature.

RULE 3. POWERS AND DUTIES OF THE PRESIDING OFFICER.

- A.) The Presiding Officer shall possess the following powers and perform the following duties:
- 1.) To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
 - 2.) To preserve order and decorum;
 - 3.) To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
 - 4.) To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
 - 5.) To substitute any Member to perform the duties of the chair in the absence of the Deputy Presiding Officer;
 - 6.) To recess meetings;

- 7.) If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
 - 8.) To declare a recess for lunch for a period of time determined by him or her;
 - 9.) To be a voting member ex-officio of all Legislative committees and to receive notice of all meetings thereof;
 - 10.) To appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by these Rules, except as provided for in Rule 4 (E) for Legislative Aides and Legislative Secretaries assigned to a Legislative District Office;
 - 11.) To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of an election in which such member is a candidate, whether such election is a special, primary, or runoff election. Nothing contained in this Rule shall apply to any mailing which is:
 - a.) A direct response to inquiries or request from persons to whom the matter is mailed;
 - b.) Addressed to colleagues in the Legislature or to government officials (whether Federal, State, or Local); or
 - c.) Consisting entirely of news releases to the communications media;
 - 12.) To establish independent committees, boards, and commissions to report to the Presiding Officer and/or Legislature, and appoint or remove the members thereof;
 - 13.) To cancel public hearings for which the underlying Local Law or Charter Law has been withdrawn;
 - 14.) To automatically sponsor all legislation requesting licenses, franchises, or fare increases for ferry operators; and
 - 15.) Such other powers as may be set forth in more detail in these Rules or in state, federal, or local laws.
- B.) In the event of an absence from a full Legislative meeting of the Presiding Officer,

the Deputy Presiding Officer shall preside. The Deputy Presiding Officer shall, in such event, exercise all the powers, duties and functions of the Presiding Officer at the meeting over which he or she is called to preside.

- C.) In the event of the absence from a full Legislative meeting of both the Presiding Officer and the Deputy Presiding Officer, the Presiding Officer shall designate in writing another member of the Legislature to preside, or in the event the Presiding Officer is unable to make such designation in writing then the Majority Conference Leader shall preside, or in the event that such person is absent, then the Minority Conference Leader shall preside. Such person shall, in such event, exercise all the powers, duties and functions of the Presiding Officer at the meeting over which he or she is called to preside.
- D.) In the event of a vacancy in the office of Presiding Officer, Deputy Presiding Officer, Clerk of the Legislature, Chief Deputy Clerk, Deputy Clerk, or Counsel; the submission of a written resignation by one of the persons holding such office regardless of its effective date; or a physical or mental disability which impairs such person from performing his or her duties of holding such office, such vacancy shall be filled at a regular meeting of the County Legislature within sixty (60) days after such vacancy or resignation shall occur. The person so elected shall serve in that capacity for the unexpired term of his or her predecessor.

RULE 4. RIGHTS AND DUTIES OF MEMBERS

- A.) Petitions and any other papers addressed to this Legislature for informational purposes only may be presented by the Presiding Officer, Clerk, or by any member.
- B.) A member of the Legislature may introduce a Home Rule Message pursuant to, and in compliance with, Section 40 of the NEW YORK MUNICIPAL HOME RULE LAW. A Home Rule Message may be given immediate consideration in accordance with §C2-12 of the SUFFOLK COUNTY CHARTER.
- C.) The Legislative committee created within the County Legislature for the purpose of maintaining general supervision of and liaison with the Legislative Office of Budget Review (BRO) shall meet monthly, maintain minutes, and disperse those minutes to all Legislators. The membership of the Legislative Budget Review Committee (Screening Committee) shall be as follows:
 - 1.) The Presiding Officer of the Suffolk County Legislature:
 - 2.) The Chairman of the Budget and Finance Committee or its successor Committee; and
 - 3.) One (1) Legislator at Large, to be chosen by the Presiding Officer.

Any Legislator may request a report from the Legislative Office of Budget Review. The request will be acted upon by the BRO in accordance with the directives, rules, and priorities established by the Screening Committee.

- D.) All members of the Legislature shall be entitled to postage that is reasonably necessary to discharge their day-to-day office responsibilities.
- E.) All members of the County Legislature shall be entitled to the equivalent of three(3) full-time positions in their Legislative District Offices to consist of either Legislative Aides or Legislative Secretaries for the District Office, as determined by the Legislator for that District Office, each such person filling such position to be physically assigned to the district office. The appointment, designation, or termination of such individual shall be the sole and exclusive responsibility of the Legislator in whose district office the aide and/or secretary works, including simultaneous notification to the Payroll Clerk of the County Legislature. Nothing contained herein shall be construed as prohibiting the Presiding Officer from having additional staff assigned to the office of the Presiding Officer or from assigning additional staff beyond the above described minimum to other members of the County Legislature. The political party with the largest number of elected members of the County Legislature shall choose a majority conference leader and the political party with the second largest number of elected members of the County Legislature shall choose a minority conference leader, and each conference leader shall be entitled to one additional Legislative Aide position to be appointed by that conference leader. All assignments of personnel hereunder shall be subject to available appropriations. Any permanent part-time budgeted exempt employee authorized by this paragraph shall be entitled to health insurance benefits as long as he or she works at least fifty-one percent (51%) of the established work week, anything in any other agreement or resolution to the contrary notwithstanding.
- F.) A member of the Legislature may not serve as a voting member on the Board of Directors of a voluntary non-profit corporation or association that is receiving County funding pursuant to a contract with the County of Suffolk.

RULE 5. INTRODUCING LEGISLATION

- A.) All legislation to be submitted to the Legislature shall be in strict compliance with Section C2-11 of the Suffolk County Charter and shall be filed with the Clerk of the Legislature no later than 1:00 p.m. at least four (4) business days immediately prior to the Legislative meeting at which such legislation is to be laid on the table.
- B.) Immediately upon assignment of an introductory number to legislation, the Clerk shall make available to the Presiding Officer a copy of such legislation. The Clerk shall deliver copies of such legislation, including backup material, to all Legislators at the commencement of the meeting at which said legislation is to be laid on the table. The Clerk shall also electronically deliver copies of legislation to be laid on the table, with backup material, to each Legislator's electronic mailbox and to the County Attorney, the County Executive, and Legislative Counsel. Any Legislator may waive his or her right to receive hard copies of legislation for the purposes of complying with the seven (7) day rule, where applicable, as set forth in Section C2-12(A) of the SUFFOLK COUNTY CHARTER, by issuing such a waiver in writing to the Clerk of the County Legislature.

RULE 6. DISCHARGE OF LEGISLATION.

- A.) The Presiding Officer shall assign legislation laid on the table to a committee of the Legislature for its review and report.
- B.) Legislation laid on the table shall be placed on the agenda for consideration by the full Legislature at its next regularly scheduled meeting and shall be eligible for a vote by the full Legislature only if it been discharged, with or without recommendation, by a majority of the members present and voting and the number of those present and voting to discharge equals in number at least a majority of the entire membership of the Legislative committee to which it has been assigned. For the purposes of this rule, the term “entire membership of the Legislative committee” shall mean the members appointed to the committee by the Presiding Officer and shall not include the Presiding Officer acting in his or her ex-officio capacity. The “entire membership of the Legislative committee” shall not increase when the Presiding Officer votes at a committee meeting in his or her ex-officio capacity. For the purposes of this rule, the term “members present and voting” shall include members casting an abstention.
- C.) Legislation may be discharged from an assigned committee by a written petition to discharge being presented to the Clerk of the Legislature, signed by at least ten (10) members of the Legislature. A petition to discharge shall be delivered to the Clerk of the Legislature no later than 12:00 noon on the day immediately preceding a regular meeting. The Clerk shall notify all Legislators electronically that said legislation will be eligible for consideration at the next regular meeting.
- 1.) In the case of legislation that is the subject of a public hearing, such petition may only be submitted if the public hearing on said legislation has been closed. This subparagraph may not be waived at any meeting of the County Legislature by any vote.
 - 2.) Legislation which has been defeated or tabled subject to call in its assigned committee, is eligible to be discharged from the committee by a petition to discharge.
- D.) If proposed legislation is not discharged, with or without recommendation, by an assigned committee of the Legislature, or by a written petition to discharge, within a period of six (6) months from the date it has been laid on the table of the Legislature, then such legislation shall be deemed withdrawn as of the expiration of the six- (6)-month period.
- E.) Each committee shall report the outcome of its vote on legislation to the Clerk of the Legislature, in writing, on forms prescribed by the Clerk of the Legislature at the conclusion of the committee meeting, but no later than twenty-four (24) hours from the conclusion of its committee meeting.
- F.) Legislation may not be considered at any Legislative meeting unless it has been previously submitted to the Clerk of the Legislature no later than 5:00 p.m. and has

been laid on the table for at least seven (7) days in its' final form, exclusive of Sunday; Home Rule Messages and Procedural Resolutions related solely to the internal function of the Legislature are not subject to this seven (7) day maturation period.

- 1.) An amended copy of proposed legislation may not deviate from the copy being amended as to subject matter, purpose, and intent.
 - 2.) On the same date that an amended version of proposed legislation is filed with the Clerk of the Suffolk County Legislature, the Clerk shall deliver a copy of such amendment to each Legislator's box in the William H. Rogers Legislature Building in Hauppauge with a copy of the cover letter which accompanies and explains the changes in the amended version, and, on the same date, shall deliver the same to each Legislator's electronic mailbox. Any Legislator may waive his or her right to receive hard copies of amended legislation for the purposes of complying with the seven (7) day rule, where applicable, as set forth in Section C2-12(A) of the SUFFOLK COUNTY CHARTER, by issuing such a waiver in writing to the Clerk of the County Legislature.
 - 3.) Any legislation, or amended copy of proposed legislation filed with the Clerk of the County Legislature including, but not limited to legislation filed by the County Executive, shall be accompanied simultaneously by an electronic mail transmission of same or such other electronic filing as may be acceptable to the Clerk in order to be eligible for consideration by the County Legislature. In the event that the electronically filed legislation is not identical to the filed paper copy, the legislation shall be deemed a nullity.
 - 4.) The Clerk of the Suffolk County Legislature shall include the phrase "amended copy as of [insert date]" on all amended copies of proposed legislation which do not contain said designation at the time of filing, prior to distribution.
- G.) Any other vote on legislation, in committee, which vote is not for the purpose of discharging the pertinent bill from the assigned committee, shall require the affirmative vote of at least a majority of the members of the committee present and voting, as long as a quorum is present at such committee meeting.
- H.) In addition, any Resolution that does not legally require a roll call vote, may be recommended to the Presiding Officer by a unanimous vote of the membership of the assigned committee present and voting for placement on a "Consent Calendar".
- 1.) If the Presiding Officer agrees to place such Resolution on the Consent Calendar, then the Clerk of the County Legislature shall provide the list of such Resolutions, so placed on said calendar to each Legislator no later than the business day immediately preceding the Legislative

meeting at which such Resolutions are eligible for consideration. If the Presiding Officer does not place a Resolution so recommended on such Consent Calendar, then such Resolution shall be acted upon in accordance with the provisions of all other Rules as a separate Resolution.

- 2.) Unless at least one (1) Legislator objects, prior to the vote of the entire County Legislature, to the placement of such Resolution on said Consent Calendar, then all such Resolutions placed on such calendar may be acted upon by the entire County Legislature in a single vote. If an objection is raised by at least one (1) Legislator to the placement of a specific Resolution on such Consent Calendar for a vote on said calendar, then each such Resolution so objected to shall be subjected to an individual separate vote by the entire County Legislature at the same Legislative meeting as if the Resolution had been discharged from the pertinent assigned committee as part of the regular agenda and in its regular order.
 - 3.) The Clerk of the Legislature shall maintain a separate agenda sheet for any Resolutions placed on said calendar entitled "Consent Calendar". Legislation on the Consent Calendar shall be considered in a single vote, subject to the objection of a Legislator to any such legislation, without intervening motion, amendment, or debate, and before other legislation is considered.
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- I.) Any legislation placed on the agenda for consideration by the full Legislature and eligible to be voted upon by the Legislature, may be returned to the Legislative committee to which it was assigned or such other committee of the Legislature by an affirmative vote of at least a majority of the entire membership of the Legislature in order to obtain additional information, or to reconsider such legislation. If such legislation is so returned to committee, then the Clerk of the Legislature shall remove it from the Legislative agenda for the next regularly scheduled meeting, subject to the provisions of this Rule. The six month time period for committee action as set forth in Rule 6(D) shall begin to run again from the date the legislation is recommitted to committee.
 - J.) If proposed legislation has remained on the table subject to call for six (6) months, it shall be deemed withdrawn as of the expiration of the six- (6)-month period.
 - K.) All legislation deemed ineligible for a vote by the full Legislature shall automatically remain on the table and be carried over to the next regularly scheduled Legislative meeting at which such legislation is eligible for a vote under the above provisions.

RULE 7. ACTION ON LEGISLATION

- A.) Each Local Law, Charter Law, or Resolution to be considered by the full Legislature shall be either:
- 1.) Approved;
 - 2.) Defeated;
 - 3.) Deemed defeated for lack of motion or second;
 - 4.) Tabled;
 - 5.) Tabled to a date certain;
 - 6.) Tabled subject to call. Legislation that is placed on the agenda for consideration by the full Legislature and which remains tabled for six (6) months shall be deemed tabled subject to call;
 - 7.) Recommitted or referred to committee; or
 - 8.) Ineligible for a vote by the full Legislature.
- B.) If legislation is defeated, it shall not be reintroduced at the meeting at which it was defeated. Such legislation may only be reintroduced at a subsequent date by filing it with the Clerk of the Legislature. Any legislation that is before the Legislature at the conclusion of a Legislative even-numbered year, shall carry over to the next year subject to the six- (6)-month limitation described above. However, at the end of the term of the Legislature, any legislation that is before the Legislature at the end of a Legislative term, shall be deemed stricken from the calendar as of midnight of the last day of the second year of such Legislative term; legislation adopted by the County Legislature prior to the end of the term which is awaiting County Executive action, or legislation which has been vetoed by the County Executive and is eligible for an override vote, shall not be stricken at the end of such Legislative term.
- C.) If the County Executive disapproves a Local Law, Charter Law, or Resolution, the County Legislature may, within thirty (30) days after said legislation and statement of reasons for non-approval are presented to it by the Clerk pursuant to Section C2-15 of the SUFFOLK COUNTY CHARTER, reconsider and re-pass (by veto override) such legislation by an affirmative vote of at least two-thirds (2/3) of the entire membership of the Legislature. It shall then be deemed adopted notwithstanding the objections of the County Executive. Only one (1) vote shall be had upon such reconsideration.
- D.) A full roll-call vote shall be taken on any question whenever requested by a member and on any Resolution which authorizes the issuance of obligations against the County of Suffolk pledging the full faith and credit thereof for the repayment of such obligations.
- E.) Such roll-call shall commence with the First (1st) Legislative District and proceed in numerical order through all the Legislative Districts in all odd-numbered months,

(i.e., January, March, etc.). During the even-numbered months, such roll-call votes shall commence with the Eighteenth (18th) Legislative District and work backward in inverse order. Notwithstanding the above, the last vote in any roll-call shall be cast by the Presiding Officer and the next to last vote shall be cast by the Deputy Presiding Officer.

- F.) If the Legislature shall be equally divided on any question, the question shall be deemed defeated.
- G.) The adoption of all legislation and all other questions shall be by a voice vote which shall be duly recorded and shall be by affirmative vote of at least a majority of the entire membership of the Legislature, except where otherwise required by law or stated in these Rules.
- H.) In cases where a motion, order, or Resolution shall be entered in the minutes, the name of the Member introducing, moving and seconding shall be entered in the minutes.
- I.) Any member of the County Legislature shall be entitled to speak on any question that is before the Legislature for five (5) minutes, except that no Legislator shall discuss, debate or explain his or her vote during the actual roll call vote. At the discretion of the Presiding Officer, a Legislator's speaking time shall be extended. A motion to table any legislation shall not automatically cut off debate on a question that is before the Legislature, and said motion to table may be debated. Said motion to table may be made and/or entertained during any roll-call vote.
- J.) The following rules shall apply to Certificates of Necessity:
 - 1.) In the event that a Certificate of Necessity is issued by the County Executive for a proposed Resolution, Charter Law, or Local Law, and such proposed Resolution, Charter Law, or Local Law receives at least twelve (12) votes of the entire membership of the County Legislature, then such Resolution, Charter Law, or Local Law shall be deemed approved.
 - 2.) In the event that a Certificate of Necessity is issued by the County Executive for a proposed Resolution, Charter Law, or Local Law, and such proposed Resolution, Charter Law, or Local Law receives at least ten (10), but less than twelve (12) votes, of the entire membership of the County Legislature, then such Resolution, Charter Law, or Local Law shall be referred to such committee or committees of the County Legislature as may be designated by the Presiding Officer of the County Legislature.
 - 3.) In the event that a Certificate of Necessity is issued by the County Executive for a proposed Resolution, Charter Law, or Local Law, and such proposed Resolution, Charter Law, or Local Law receives less than ten (10) votes of the entire membership of the County Legislature, then such Resolution, Charter Law, or Local Law shall be deemed

defeated and shall not be assigned to any committee of the County Legislature.

4.) In the event that a Certificate of Necessity is issued by the County Executive for a proposed Resolution, Charter Law, or Local Law, a motion to refer such Resolution, Charter Law, or Local Law to committee may be made. If such motion is approved by at least ten (10) votes of the entire membership of the County Legislature, then such Resolution, Charter Law, or Local Law shall be referred to such committee as may be designated by the Presiding Officer. This motion shall take priority over a motion to approve or a motion to table such Resolution, Charter Law, or Local Law for which a Certificate of Necessity has been issued, anything in Rule 11(F) to the contrary notwithstanding.

K.) Omnibus Budget Amendments. A resolution which seeks to amend the proposed operating budget in an omnibus fashion must be sponsored by at least five (5) Legislators before it may be considered by the full Legislature.

RULE 8. PUBLIC PARTICIPATION

A.) At the public portion of all regularly scheduled Legislative meetings all persons who have filled out the appropriate speaker's card shall be entitled to speak to the full Legislature for a period not to exceed three (3) minutes.

B.) At any Special Legislative meeting held pursuant to Section A2-6(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, the Presiding Officer shall schedule a public portion not to exceed one (1) hour in duration during which period of time individuals who have filled out an appropriate speaker's card shall be entitled to speak to the full Legislature for a period not to exceed three (3) minutes in the order in which the cards have been signed up to the expiration of the one (1) hour period regardless of whether or not all speakers who have signed a card are able to speak. This one (1) hour limitation for the public portion at a Special Meeting may be extended by a vote of at least three fourths (3/4) of the entire membership of the County Legislature. This one (1) hour period for the public portion at a Special Legislative Meeting may be shortened or terminated by a vote of at least three-fourths (3/4) of the entire membership of the County Legislature if no more speakers from the public are in attendance.

C.) At any meeting of the Legislature the Presiding Officer shall follow the speaker cards in numerical order regardless of the status as a regular speaker or public official. A State, federal, or local official may speak at any time, if requested by a member of the County Legislature to do so in accordance with Rule 11(C) and Rule 2 (A)(11), except during the public portion.

D.) At any meeting of the full Legislature, no Legislator shall engage in commentary, discussion, or debate with any speaker during any period of the public portion. The three (3) minutes allocated to individuals who wish to speak during the public

portion under Rule 8(A) and (B) and Section 24-11 of the SUFFOLK COUNTY CHARTER shall be devoted exclusively to commentary, testimony, or advocacy by the individual member of the public so addressing the County Legislature. This subparagraph may not be waived at any meeting of the County Legislature by any vote.

- E.) The public portion shall be suspended at any time that there is less than a majority of the members of the County Legislature present until such time as a quorum has been reconstituted.
- F.) At meetings of legislative standing committees, persons who have filled out the appropriate speaker's card are entitled to speak to the committee for three (3) minutes.

RULE 9. PUBLIC HEARINGS

- A.) Any individual, other than a member of the Legislature, who wishes to speak at a public hearing conducted before the full Legislature, for the purpose of ultimately acting upon legislation which is the subject matter of said public hearing may speak at such public hearing for a period of time not to exceed five (5) minutes in total. This five (5) minute limit shall not include time expended in answering questions posed by members of the Legislature.
- B.) Any Local Law, Charter Law, or Resolution which is the subject matter of a public hearing shall not be placed on the agenda for consideration by the full Legislature, shall not be eligible for approval by the full Legislature or by any Legislative committees, and no action shall be taken by the assigned committee pursuant to this Rule unless the underlying public hearing has first been closed.
- C.) In the case of public hearings for the purpose of taking and receiving testimony and evidence, testimony may be taken and evidence received at any such public hearing at which there are not less than two (2) members of the Legislature.
- D.) No public hearing conducted before the full Legislature for the purpose of ultimately acting upon legislation, which is the subject matter of said public hearing, shall exceed a total of three (3) hours during a Legislative meeting, unless extended by an affirmative vote of at least two-thirds (2/3) of the entire membership of the Legislature, upon a motion directed solely and explicitly to such an extension of time for said public hearing. If a public hearing has not been closed at the conclusion of the subscribed period, then the Legislature shall recess said public hearing to the next regularly scheduled Legislative meeting, or such other date as may be determined, and the subscribed period will commence anew under the same procedure. This procedure shall be repeated until the public hearing for the legislation is closed.

- E.) If legislation requiring a public hearing is withdrawn or stricken, and the legislation is reintroduced, a new public hearing shall be required.
- F.) If a motion to close a public hearing fails, the public hearing will automatically be recessed until the next regularly scheduled meeting of the Legislature.

RULE 10. QUORUM

- A.) A majority of the entire membership of the Legislature shall constitute a quorum for the purpose of conducting any business. In the event that less than a majority of the members are present during a public hearing or public portion, of a General or Special Legislature Meeting, then such public hearing or public portion shall be suspended pending reconstitution of said quorum.
- B.) In the absence of a quorum during a session of the Legislature, the members present may take such measures as they deem necessary to secure the presence of a quorum by an affirmative vote of at least a majority of those present, and may direct the Sheriff of the County to compel the attendance of any absent member and may impose such censure or pecuniary penalty, not exceeding Fifty (\$50.00) Dollars, as they deem just, on a member, who, on being called for that purpose shall render no sufficient excuse for his or her absence.

RULE 11. RULES OF ORDER

- A.) The Presiding Officer shall decide all questions of order. The Presiding Officer's determination shall be final unless an appeal is taken to the full Legislature and sustained by an affirmative vote of at least a majority of the entire membership of the Legislature. Legislators shall have the right to appeal rulings of the Chair and assign their reasons for the challenge. The Presiding Officer on every appeal shall have the right to assign his or her reason for the ruling. In the event of a tie vote, the ruling of the Chair shall be deemed sustained.
- B.) Except as otherwise provided herein, no person shall be entitled to the privileges of the floor during the session of the Legislature unless consent is given by the Presiding Officer.
- C.) Any State, Federal, or municipal officer may be heard before the Legislature on official business at the request of any member of the Legislature upon being recognized by the Presiding Officer or with majority approval of the entire membership of the Legislature, for the purposes of making a statement and answering questions.
- D.) The County Executive, the County Attorney, any elected County official or department head, or their representatives, may address the Legislature upon matters which concern their respective offices and answer questions from Legislators upon being recognized by the Presiding Officer, or upon majority approval of the entire membership of the Legislature.

- E.) If the Presiding Officer directs that a vote shall be taken by the Legislature, the Presiding Officer or the Clerk of the Legislature shall read the Introductory Resolution number and may read synopsis of the subject matter of the Resolution and may request the report of the committee and such other committees as he or she shall deem necessary; and shall call the affirmative and negative votes and abstentions.
- F.) If a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed a subsidiary motion, shall have precedence, in the order named, to wit:
- 1.) For a recess of the Legislature;
 - 2.) For an adjournment of the Legislature;
 - 3.) To cut off debate;
 - 4.) For reconsideration of the previous question;
 - 5.) To appeal a ruling of the Chair;
 - 6.) To waive a Rule of the Legislature;
 - 7.) To postpone someone else's motion;
 - 8.) To table a pending motion;
 - 9.) To amend a pending motion;
 - 10.) To amend a provision of a Budget Amendment Resolution;
 - 11.) To refer a Certificate of Necessity to Committee;
 - 12.) To table subject to call;
 - 13.) To table to a date certain;
 - 14.) To table to a later time on the same day of the meeting;
 - 15.) To commit, refer, or return to a standing committee;
 - 16.) To commit, refer, or return to a special committee;
 - 17.) To lay on the table;
 - 18.) To change committee assignment of legislation; and
 - 19.) To approve.

- G.) No legislation, other than a Budget Amendment Resolution, may be modified, changed, or amended without the consent of the primary sponsor defined for the purposes of this paragraph as the initial sponsor. Legislation may be withdrawn by a primary sponsor, and upon such action shall be deemed withdrawn irrespective of any co-sponsors.
- H.) A motion may be withdrawn by the member presenting it prior to a vote thereon. Such withdrawal shall preclude all amendments and further debate on such motion. If the Legislature shall order that the previous question and amendments are pending, the question shall first be taken on such amendments in reverse order and then upon the main question without further debate or amendment.
- I.) A motion for reconsideration shall not be in order unless made at the full meeting of the Legislative meeting (regular or special) on which the action proposed to be reconsidered took place.
 - 1.) A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered except that a member who was absent for the vote shall have a right to move for reconsideration of the same. Such a motion must be approved by an affirmative vote of at least a majority of the entire membership of the Legislature.
 - 2.) If a motion to reconsider has been defeated, it shall not be again submitted to the Legislature without the approval of at least two-thirds (2/3) of the entire membership of the County Legislature.
 - 3.) A motion for reconsideration at a committee meeting of the Legislature shall only take place at the same meeting in which the original action was taken.

RULE 12. DECORUM.

- A.) No member speaking to debate, to give a notice, to make a motion or report, or to present a petition or other paper shall proceed until he or she has addressed the Presiding Officer and has been recognized by him or her.
- B.) While a member is speaking, other members shall show courtesy and respect.

RULE 13. STANDARDS OF OFFICIAL CONDUCT.

- A.) No action shall be taken on a motion to censure, admonish, or reprimand a Legislator until and unless the Legislator who is the subject of the allegations or complaint is personally served with a written copy of the complaint or allegation. The Presiding Officer shall refer a complaint concerning the alleged behavior or actions of a Legislator to an appropriate committee of the Legislature, whereupon said committee shall issue a factual report substantiating or refuting an allegation

no later than sixty (60) days subsequent to the receipt of the complaint. It is only after such a report is filed with the Clerk of the Legislature and issued to all County Legislators that a censure, admonition, or reprimand may be considered by the full Legislature. Legislative action to censure, admonish, or reprimand a Legislator shall be limited to acts of proven misconduct such as criminal convictions, misuse of public funds, acceptance of illegal political contributions, a violation of the County Code of Ethics, filing a false County financial disclosure statement, abuse of the public trust; or acts of moral depravity.

- B.) Any motion to censure, admonish, or reprimand a Legislator shall require an affirmative vote of at least two-thirds (2/3) of the entire membership of the County Legislature. The penalty for such censure, admonition, or reprimand shall be determined by an affirmative vote of at least two-thirds (2/3) of the entire membership of the County Legislature acting upon recommendations prepared by the committee to which it was assigned.
- C.) The Presiding Officer shall rule out of order any Legislator who engages in a discourse that consists primarily and substantially of attacks on the character, personality, or integrity of another Legislator, or other Legislators.

RULE 14. COMMITTEES.

- A.) The Presiding Officer of the County Legislature shall appoint Standing committees and the chairpersons thereof and establish a schedule of committee meetings for the calendar year within twenty (20) days after his or her election at the organizational meeting of the County Legislature.
- B.) Legislation shall be assigned by the Presiding Officer to a standing or special committee, pursuant to Rule 6(A).
- C.) The chairperson of a standing committee shall have the authority, subject to the approval of the Presiding Officer, to change the date and/or time of a scheduled committee meeting or to call a special meeting of the committee. The chairperson of a committee shall provide notice of a rescheduled or special meeting, in written or electronic form, to each member of the Legislature at least two days prior to the date of the rescheduled or special committee meeting. In the case of a special meeting, the notice shall also describe the purpose of such meeting.

RULE 15. MEETINGS OF THE LEGISLATURE.

- A.) With the exception of the organizational meeting required by Section A2-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, the Suffolk County Legislature shall meet in accordance with a schedule adopted at the organizational meeting of each year and on such other days as the Legislature may adjourn to.
- B.) Regularly scheduled meetings may be canceled by an affirmative vote of a majority of the membership of the entire County Legislature. Regularly scheduled meetings

may only be changed or rescheduled by the adoption of a separate Resolution directed solely and explicitly to that purpose in conformity with the procedure set forth in Rules 5 and 6 of these Rules.

- C.) Special meetings may be called upon the direction of the Presiding Officer, County Executive, or upon a written request signed by at least a majority of the entire membership of the County Legislature pursuant to the provisions of Section 2-6 of the SUFFOLK COUNTY ADMINISTRATIVE CODE.
- D.) Each regular meeting of the County Legislature shall be called for 9:30 a.m., except that any night meeting shall be called by the Presiding Officer at 4:00 p.m. pursuant to the Resolution of the County Legislature fixing the time of regular meetings of the County Legislature.

RULE 16. OFFICERS AND EMPLOYEES.

- A.) No individual who is not a member of the Suffolk County Legislature or an employee or member of the staff of the Suffolk County Legislature, or of an individual Legislator, shall stand in the entranceways to either the Riverhead or Hauppauge Legislative buildings immediately adjacent to and leading into the horseshoes (dais areas) or immediately behind Legislative seats at the horseshoes (dais areas) during general and committee meetings of the Suffolk County Legislature. Any discussions by individuals who are not members of the County Legislature or an employee or member of the staff of the Suffolk County Legislature, or of an individual Legislator, shall take place in conference rooms or separate offices in the Legislative buildings away from the hallways and entrances immediately leading into the Legislative horseshoes. Nothing contained herein shall preclude members of the Legislature from engaging in discussions with any other member of the Legislature or any employee or member of the staff of the Suffolk County Legislature, or of an individual Legislator, in the entranceways to either the Riverhead or Hauppauge Legislative buildings immediately adjacent to and leading into the horseshoes or immediately behind Legislative seats at the horseshoes during a legislative meeting or committee meeting, as the case may be. Any Legislator at a general meeting, or at any committee meeting, may request all media or non-legislative personnel present in the entranceways to either the Riverhead or Hauppauge Legislative buildings immediately adjacent to and leading into the horseshoes or immediately behind Legislative seats at the horseshoes to leave such area. Such requests shall be honored by the chairperson; and media or other non-legislative personnel shall be required to leave such areas.
- B.) A separate area, on the public side of the horseshoe (dais area) but within the auditorium, shall be reserved for use by the news media or news organizations. The Clerk of the Legislature shall provide a table and chairs for use by news personnel. All news media or news organization personnel shall identify themselves to the Clerk of the Legislature prior to any use of this reserved area.
- C.) All members of the Suffolk County Legislature, employees of the Suffolk County Legislature, members of the staff of the Suffolk County Legislature or of an individual Legislator, and all members of the public shall turn off the ringer to their

cell phones when entering the Riverhead or Hauppauge Legislative auditorium and shall keep such ringer turned off. At no time during any General Meeting, Special Meeting, or Committee meeting shall the use of a cell phone in the Riverhead or Hauppauge auditorium be permitted.

RULE 17. PAPERS.

The Legislature shall determine what communications, petitions, Resolutions, or other matters shall go into the official proceedings of record.

RULE 18. MINUTES AND PROCEEDINGS OF THE LEGISLATURE.

- A.) A stenographic record shall be made at all regular and special meetings of the County Legislature which record shall be transcribed as the Presiding Officer may direct.
- B.) The stenographic record shall be filed in the Office of the Clerk of the County Legislature and shall be available for transcription or reproduction.
- C.) In addition, a voice recording of each session shall be made and maintained by the Office of the Clerk of the County Legislature in accordance with State law as adopted by the County Legislature.

RULE 19. PLACEMENT ON THE AGENDA.

The Clerk of the Legislature shall list Resolutions, Local Laws, and Charter Laws, in the sequential order in which they are reported out of the assigned committee or as otherwise directed by the Presiding Officer. Home Rule Messages shall be listed in numerical order.

RULE 20. LEGAL MEMORANDA.

Before any Local Law or Charter Law may be introduced by any member, it shall be presented to the Counsel to the County Legislature who shall deliver to the Clerk of the Legislature within sixty (60) days thereafter, a memorandum as to form and legal significance of the proposed Local Law or Charter Law. This memorandum shall be deemed a Rule 28 Memorandum of Law for the purposes of this Resolution.

RULE 21. ROBERT'S RULES OF ORDER.

Except as otherwise provided herein, the proceedings of the Legislature shall be governed by Robert's Rules of Order.

RULE 22. AMENDMENTS.

These Rules, other than Rule 1, Rule 6(C)(1), Rule 8(D) and this Rule, may be waived at any meeting of the County Legislature by an affirmative vote of at least a majority of the entire

membership of the County Legislature. These Rules may be amended through Resolution in accordance with and pursuant to the provisions of Rules 5 and 6.

DATED: January 3, 2011

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

Intro. Res. No. 3-2011
Introduced by the Presiding Officer

Laid on Table 1/3/2011

**RESOLUTION NO. 3 -2011, APPOINTING THE CLERK OF THE
COUNTY LEGISLATURE**

RESOLVED, pursuant to the provisions of Section 2-10 of the Suffolk County Charter, that Timothy Laube of Hampton Bays, New York, be and hereby is appointed Clerk of the County Legislature to serve at the pleasure of the County Legislature and until a successor is appointed and qualified.

DATED: January 3, 2011

Effective pursuant to Sections 2-15(A) and 2-10 of the SUFFOLK COUNTY CHARTER

Intro. Res. No. 4-2011
Introduced by the Presiding Officer

Laid on Table 1/3/2011

**RESOLUTION NO. 4 -2011, APPOINTING CHIEF DEPUTY
CLERK OF THE COUNTY LEGISLATURE**

RESOLVED, that Renee L. Ortiz of Central Islip, New York, be and hereby is appointed Chief Deputy Clerk of the County Legislature to serve at the pleasure of the County Legislature and until a successor is appointed.

DATED: January 3, 2011

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER

Intro. Res. No. 5-2011
Introduced by the Presiding Officer

Laid on Table 1/3/2011

**RESOLUTION NO. 5 –2011, APPOINTING DEPUTY CLERK OF
THE COUNTY LEGISLATURE**

RESOLVED, that Barbara LoMoriello of Huntington, New York, be and hereby is appointed Deputy Clerk of the County Legislature to serve at the pleasure of the County Legislature and until a successor is appointed.

DATED: January 3, 2011

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER

Intro. Res. No. 6-2011
Introduced by the Presiding Officer

Laid on Table 1/3/2011

**RESOLUTION NO. 6 -2011, APPOINTING A COUNSEL TO
THE LEGISLATURE**

RESOLVED, that George M. Nolan of Bayport, New York, be and hereby is appointed to serve at the pleasure of the County Legislature as Counsel to the County Legislature, effective immediately.

DATED: January 3, 2011

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER

**RESOLUTION NO. 7 -2011, FIXING TIME OF MEETINGS OF
THE COUNTY LEGISLATURE**

RESOLVED, that, during the year 2011, meetings of the County Legislature shall be held on the following dates:

February 1, 2011	9:30 A.M.	Hauppauge
March 8, 2011	9:30 A.M.	Riverhead
March 22, 2011	4:00 P.M.	Hauppauge
April 26, 2011	9:30 A.M.	Riverhead
May 10, 2011	9:30 A.M.	Hauppauge
June 7, 2011	9:30 A.M.	Hauppauge (Incl. Cap. Budget)
June 21, 2011	9:30 A.M.	Riverhead
August 2, 2011	4:00 P.M.	Hauppauge (Incl. SCCC Budget)
August 16, 2011	9:30 A.M.	Riverhead
September 15, 2011 (Thurs.)	9:30 A.M.	Hauppauge
October 11, 2011	9:30 A.M.	Riverhead
*November 9, 2011 (Wed.)	10:00 A.M.	Hauppauge (Operating Budget Only)
November 22, 2011	9:30 A.M.	Hauppauge (Including Overrides, if necessary/Set Levy if possible)
December 6, 2011	9:30 A.M.	Riverhead (Including Warrants)
December 20, 2011	9:30 A.M.	Hauppauge

All meetings to be held on Tuesday, unless otherwise indicated.

***Special Meetings**, including date and time, to be determined by the Presiding Officer.

DATED:

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER, Section 2-3 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, and Rule 1(D)(6) of the RULES OF THE SUFFOLK COUNTY LEGISLATURE

**RESOLUTION NO. 8 -2011, DESIGNATING DEPOSITORIES
PURSUANT TO SECTION 212 OF THE COUNTY LAW**

1st **RESOLVED**, that each of the following banks having and maintaining a principal or branch office or offices in the County of Suffolk, namely, JP Morgan Chase Bank, 395 North Service Road, Melville, New York; Citibank, 730 Veterans Memorial Highway, Hauppauge, New York; TD Bank, 45 Melville Park Road, Melville, New York; Bank of America, 300 Broad Hollow Road, Melville, New York; Capital One Bank, 275 Broad Hollow Road, Melville, New York; State Bank of Long Island, 740 Veterans Memorial Highway, Hauppauge, New York; Suffolk County National Bank, 6 West Second Street, Riverhead, New York; New York Commercial Bank, 1601 Veterans Memorial Highway, Suite 120, Islandia, New York; HSBC Bank, 534 Broad Hollow Road, Melville, New York, Hamptons State Bank, North Sea Road and Windmill Lane, Box 5037, Southampton, New York, Wells Fargo Bank, 58 South Service Road, Melville, New York, Bridgehampton National Bank, 2200 Montauk Highway, Bridgehampton, New York, Madison National Bank, 888 Veterans Memorial Highway, Suite 400, Hauppauge, NY, 11787, Empire National Bank, 1707 Veterans Memorial Highway, Islandia, NY 11749, Gold Coast Bank, 2929 Expressway Drive North, Suite 101, Islandia, NY 11749, Signature Bank, 58 South Service Road, Melville, NY 11747, and Herald National Bank, 58 South Service Road, Suite 110, Melville, NY 11747, and M&T Bank, 120 Broad Hollow Road, East Farmingdale, NY 11735, or any successor entity thereto, be and the same are hereby designated and appointed a depository for the deposit of moneys received or under the control of the County Treasurer, pursuant to Section 212 of the NEW YORK COUNTY LAW, provided, however, that the maximum amount to be kept on deposit in any such bank or branches shall not exceed \$750,000,000.00 including interest bearing deposits in any one of said bank or branches, except that such limitation shall not apply to those depositories in which regular county working accounts (checking accounts) are maintained in whatever amounts are required for the regular and necessary conduct of the County's business; and be it further

2nd **RESOLVED**, that notwithstanding the foregoing, the amount of the deposit in any such banks shall not exceed the amount specified in its undertaking filed with the County, nor the amount of its collateral deposited in connection with its own undertaking, as the case may be; and be it further

3rd **RESOLVED**, that notwithstanding the foregoing, the County Treasurer may temporarily deposit in such designated and approved depository any amount of the County funds received from a single transaction, provided the other provisions hereof are complied with by such depository.

DATED: January 3, 2011

Effective pursuant to Section 212 of the NEW YORK COUNTY LAW.

Intro. Res. No. 9-2011
Introduced by the Presiding Officer

Laid on Table 1/3/2011

**RESOLUTION NO. 9 -2011, DESIGNATING TWO (2)
ALTERNATING NEWSPAPERS AS OFFICIAL NEWSPAPERS
OF THE COUNTY OF SUFFOLK**

1st **RESOLVED**, that, pursuant to Section 214, Subsection 2 of the County Law of the State of New York, the SUFFOLK COUNTY NEWS, of 23 Candee Avenue, Sayville, New York, 11782,, a messenger paper fairly representing the principles of the Democratic Party and having a regular and general circulation in the County of Suffolk, be and hereby is designated as one of the official newspapers for the publication of all laws, notices, and other matters required by law to be published for the County of Suffolk from the effective date of this resolution through June 30, 2011, the eligibility for which shall be determined by the date that the request for the legal notice is formally and actually forwarded to the newspaper; and be it further

2nd **RESOLVED**, that, pursuant to Section 214, Subsection 2 of the County Law of the State of New York, the SMITHTOWN NEWS, of 1 Brooksite Drive, Smithtown, New York, 11787 a messenger paper fairly representing the principles of the Democratic Party and having a regular and general circulation in the County of Suffolk, be and hereby is designated as one of the official newspapers for the publication of all laws, notices, and other matters required by law to be published for the County of Suffolk for the period of July 1, 2011 through December 31, 2011, the eligibility for which shall be determined by the date that the request for the legal notice is formally and actually forwarded to the newspaper.

DATED: January 3, 2011

EFFECTIVE PURSUANT TO SECTION 214 OF THE NEW YORK COUNTY LAW

Intro. Res. No. 10-2011
Introduced by the Presiding Officer

Laid on Table 1/3/2011

**RESOLUTION NO. 10 -2011, DESIGNATING TWO (2)
ALTERNATING NEWSPAPERS AS OFFICIAL NEWSPAPERS
OF THE COUNTY OF SUFFOLK**

1st **RESOLVED**, that, pursuant to Section 214, Subsection 2 of the County Law of the State of New York, the SMITHTOWN MESSENGER, of 27 West Main Street, Smithtown, New York, 11787, a messenger paper fairly representing the principles of the Republican Party and having a regular and general circulation in the County of Suffolk, be and hereby is designated as one of the official newspapers for the publication of all laws, notices, and other matters required by law to be published for the County of Suffolk from the effective date of this resolution through October 15, 2011, the eligibility for which shall be determined by the date that the request for the legal notice is formally and actually forwarded to the newspaper; and be it further

2nd **RESOLVED**, that, pursuant to Section 214, Subsection 2 of the County Law of the State of New York, the SOUTH SHORE PRESS, of 158 Montauk Highway, Moriches, New York, 11955, a messenger paper fairly representing the principles of the Republican Party and having a regular and general circulation in the County of Suffolk, be and hereby is designated as one of the official newspapers for the publication of all laws, notices, and other matters required by law to be published for the County of Suffolk for the period of October 16, 2011 through December 31, 2011, the eligibility for which shall be determined by the date that the request for the legal notice is formally and actually forwarded to the newspaper.

DATED: January 3, 2011

EFFECTIVE PURSUANT TO SECTION 214 OF THE NEW YORK COUNTY LAW

**RESOLUTION NO. 11 -2011, TO DESIGNATE LOCAL
NEWSPAPERS IN WHICH COUNTY NOTICES MAY BE
PUBLISHED**

WHEREAS, various statutes, laws and rules require Suffolk County or its departments or agents to publish certain notices in town newspapers other than the newspapers designated for the publication of resolutions and local laws; and

WHEREAS, the County Legislature deems it desirable and efficient to promulgate one resolution which designates all the official town newspapers the County, its departments or agents may use to publish notices required by law; now, therefore, be it

RESOLVED, (1) This resolution shall apply in every instance in which some statute, law or rule requires the County Legislature to designate an official town newspaper in which certain notices must be published, pursuant to law; and

(2) The County Legislature hereby authorizes the County of Suffolk, its departments and agents to use the following town newspapers where publication of notices are required in newspapers other than the newspapers designated for the publication of resolutions and local laws:

TOWN	NEWSPAPER
Babylon	Babylon Beacon
Brookhaven	Long Island Advance
East Hampton	East Hampton Star
Huntington	The Long Islander
Islip	Islip Bulletin
Riverhead	News Review
Shelter Island	Shelter Island Reporter
Smithtown	Smithtown News
Southampton	Southampton Press
Southold	Suffolk Times

DATED: January 3, 2011

Effective pursuant to Section 214 of the NEW YORK COUNTY LAW.

Intro. Res. No. 1000 -2011
Introduced by Legislator Romaine

Laid on Table 1/3/2011

RESOLUTION NO. -2011, AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH HERITAGE-RIVERHEAD RETAIL DEVELOPERS, LLC AND ACCEPTING A PAYMENT OF MONEY IN LIEU OF PERFORMANCE OF CERTAIN MITIGATION MEASURES, CONSTRUCTED UNDER CAPITAL PROJECT 5529, OLD COUNTRY ROAD, RIVERHEAD, AND AMENDING THE 2011 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF CR 58, OLD COUNTRY ROAD, RIVERHEAD (CP 5529)

WHEREAS, the Heritage-Riverhead Retail Developer, LLC (Owner) of premises constituting approximately 42.05 acres in the Town of Riverhead, County of Suffolk, desires to construct a retail shopping center at the site; and

WHEREAS, the County and the Owner have identified mitigation measures to be performed by the Owner; and

WHEREAS, the mitigation measures that Owner would have performed have been made by the County under Capital Project No. 5529, CR 58, Old Country Road, Riverhead; and

WHEREAS, these measures were performed by the County in order to expedite the necessary work along CR 58, Old Country Road, Riverhead; and

WHEREAS, the County and the owner have agreed to a payment of cash in lieu of the performance of certain mitigation measures; and

WHEREAS, Resolution No. 1421-2007 appropriated \$4,500,000 (\$500,000 for engineering and design and \$4,000,000 for construction) under Capital Project No. 5529 for the "Reconstruction of CR 58 Old Country Road from Ostrander Avenue to a point approximately 700 feet west of the existing Traffic Circle," Riverhead, (Phase I); and

WHEREAS, Resolution No. 1072-2008 appropriated \$8,150,000 (\$150,000 for engineering and design and \$8,000,000 for construction) under Capital Project No. 5529 for the "Reconstruction of CR 58, Old Country Road, Town of Riverhead, Phase II"; and

WHEREAS, the combined amount of \$12,650,000 appropriated for Capital Project No. 5529 is one hundred percent (100%) funded with County General Obligation Serial Bonds; and

WHEREAS, the Owner has agreed to make a payment of cash in lieu of performance of certain mitigation measures in the amount of \$1,955,720 to the County for work that has already been done under Capital Project No. 5529, Old Country Road, Riverhead; and

WHEREAS, this amount of \$1,955,720 can be accepted and used for construction for Capital Project No. 5529, Reconstruction of CR 58 Old Country Road, Riverhead; and

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

1st **RESOLVED**, that Suffolk County accepts the amount of \$1,955,720 from the Owner in lieu of any obligation of the Owner to perform any improvements relating to CR 58, Old Country Road, Riverhead, necessitated as a result of the construction and operation of the facility as per the agreement/memorandum of understanding, attached hereto and hereby made a part of this resolution as Exhibit "A"; and be it further

2nd **RESOLVED**, that the County Treasurer and the County Comptroller are hereby authorized to accept payment in the amount of \$1,955,720 in connection with the Capital Project No. 5529 and in accordance with Exhibit "A"; and be it further

3rd **RESOLVED**, that the payment made to the County in the amount of \$1,955,720 be accepted and used for construction for Capital Project No. 5529, Reconstruction of CR 58, Old Country Road, Riverhead; and be it further

4th **RESOLVED**, that the County Executive or designee is hereby authorized and directed to execute an agreement/memorandum of understanding, in substantial conformance with the form attached as Exhibit "A", on behalf of the County of Suffolk; and be it further

5th **RESOLVED**, that it is hereby determined that this project, with a priority ranking of 51 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

6th **RESOLVED**, that the 2011 Capital Budget and Program be and is hereby amended as follows:

Project Number: 5529
Project Title:

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2011 Capital Budget & Program</u>	<u>Revised 2011 Capital Budget & Program</u>
3. Construction	\$11,057,720	\$0	\$1,955,720(O)
TOTAL	\$24,732,720	\$0	\$1,955,720

7th **RESOLVED**, that the proceeds of \$1,955,720 in impact fees be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5529.312	50	Reconstruction of CR 58, Old Country Road, Town of Riverhead	\$1,955,720

and be it further

8th **RESOLVED**, that the County Comptroller and the County Treasurer are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the transfer of this funding forthwith; and be it further

9th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution implements a program for which SEQRA review was previously completed and, therefore, the resolution constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; since this resolution is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:



**AGREEMENT
FOR THE PAYMENT OF MONEY
IN LIEU OF PERFORMANCE OF
MITIGATION MEASURES**

-- between --

HERITAGE-RIVERHEAD RETAIL DEVELOPERS, LLC (as OWNER)

-- and --

COUNTY OF SUFFOLK

Dated: December 14, 2009

318

0000

This Agreement for the Payment of Money in Lieu of Performance of Mitigation Measures (this "Agreement") is made as of this 14 day of December, 2009, by, between and among HERITAGE-RIVERHEAD RETAIL DEVELOPERS, LLC, a limited liability company duly organized under, and existing by virtue of, the laws of the State of Delaware, with an address at c/o Developers Realty Corporation, Corporate Center West, 433 South Main Street, Suite 310, West Hartford, Connecticut 06110, hereinafter referred to as the "OWNER," and

COUNTY OF SUFFOLK ("COUNTY"), a municipal corporation of the State of New York, having its principal office at the County Center Riverhead, New York 11901, acting through its duly constituted Department of Public Works, ("DPW"), located at 335 Yaphank Avenue, Yaphank, New York 11980-9744.

W I T N E S S E T H :

WHEREAS, OWNER is the owner of approximately 42.05 acres of property with access to County Road 58, hereinafter referred to as CR 58, in the Town of Riverhead, County of Suffolk, and further identified as SCTM# 0600-10100-0100-003000 and #0600-11900-0000-00600, attached hereto and made a part hereof; and

WHEREAS, OWNER desires to construct building space and related facilities, improvements, and permanent installations for a retail shopping center at the property (such property, building space and related facilities, improvements and permanent installations hereinafter referred to as the "Premises"); and

WHEREAS, if the Premises is constructed, pursuant to applicable law, the OWNER is required to either (i) make improvements to certain of the county roads of the County of Suffolk (the "County Roads"), in order to mitigate the impacts that the construction and operation of the Premises will have on the County Roads (all required improvements of any kind to the County Roads, the widening, reconfiguring, or improving of any County Road, the installing and modifying of traffic signals, lights, signs or road striping or markings relating to any County Road, and intersection improvements relating to any County Road, being herein collectively referred to as the "Improvements"), or (ii) in lieu of performing the Improvements, pay to the COUNTY a sum of money sufficient to reimburse the COUNTY for the cost of the COUNTY's performance of the Improvements, which sum the COUNTY and the OWNER have agreed is in the amount of Two Million One Hundred Thousand (\$2,100,000.00) Dollars; and

WHEREAS, the COUNTY and the OWNER desire that the OWNER remit to the COUNTY the Payment instead of the OWNER performing the Improvements;

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

1. Whereas Clauses

The "Whereas" clauses are an integral part of this Agreement and shall have meaning and effect as though they were set forth at length in numbered paragraphs herein.

2. Obligation of OWNER

OWNER agrees to prepare and complete the design and construction documents ("Design") for the Improvements described in Schedule A, attached hereto and made a part hereof. In furtherance of such preparation, the Owner and its contractor(s) shall coordinate the Design with DPW and their consultant bi-weekly or as otherwise required by DPW until the completed Design is approved by DPW.

3. In Lieu Payment

The OWNER and the COUNTY hereby agree that the cost of designing and performing any and all Improvements to be performed by the OWNER with respect to any County Roads, as may be required by any applicable law, rule, or regulation; is in the amount of Two Million One Hundred Thousand (\$2,100,000.00) Dollars (the "Mitigation Amount"). The OWNER and the COUNTY hereby agree that the OWNER shall pay the Mitigation Amount to the COUNTY as provided for herein, in lieu of any obligation of the OWNER to perform any Improvements, as described in Schedule A, relating to any County Road necessitated as a result of the construction or operation of the Premises. The OWNER shall pay directly to the COUNTY an amount (the "Direct Payment Amount") equal to Two Million One Hundred Thousand (\$2,100,000.00) Dollars less (\$144,280.00) design cost incurred by OWNER to third parties for the Design and Construction Documents (the "Design Costs"). Provided that the OWNER remits the Direct Payment Amount to the COUNTY as provided for herein, the OWNER shall have no obligation to perform any Improvements necessitated by the construction or operation of the Premises. The Direct Payment Amount less (\$144,280.00) design cost, shall be paid in full by the OWNER to the Suffolk County Department of Public Works, at such place designated by the County

by the County within [REDACTED] days after (i) receipt of the requisite building permits to commence construction of the Premises ("Permits") and (ii) all requisite and applicable appeal periods having expired with no appeals having been taken by any third party. For purposes of this Agreement, the definition of permits shall include any and all Federal, State, County and local permits and approvals necessary for OWNER to begin construction of the Project.

4. **Failure to Obtain Permits**

Upon COUNTY's receipt of the approved Design, the COUNTY will commence planning for the construction of the Improvements, as detailed in the Design, the attachments, and the exhibits to this Agreement for incorporation in Capital Project 5529 (the "Project"). In the event that the Permits to build the Premises are not obtained within a reasonable time and, in the sole reasonable opinion of the COUNTY, Owner is not diligently pursuing the issuance of the requisite Permits, then the COUNTY shall have the right to terminate this Agreement. In the event that the Permits to build the Premises are obtained and Payment received by the COUNTY, once the COUNTY has let the Project, and provided the Improvements are part of the Project that is let, no refund of the Payment will be made to the OWNER from the COUNTY, regardless of whether construction of the Premises is delayed and/or cancelled.

5. **Completion of Mitigation Measures**

The COUNTY anticipates commencement of the Project in the fall of 2009 with all of the Improvements completed on or about June 2010. Upon the completion of the Improvements, this Agreement shall be deemed satisfied.

6. **Modification**

This Agreement may not be modified or repealed without the prior written consent of both the OWNER and the COUNTY.

7. **OWNER's Representation**

OWNER covenants, warrants and represents that OWNER's entry into, and execution of this Agreement was duly considered and authorized by its organizational body/bodies and pursuant to its/their by-laws and/or internal procedures to sign this Agreement. OWNER further covenants, warrants and represents that this Agreement is signed with the corporate name, followed by the signature and title of an officer or other authorized person signing this Agreement on behalf of the

OWNER. A copy of the OWNER's resolutions authorizing the OWNER to enter into this Agreement are attached hereto as Exhibit "B".

8. **COUNTY's Representation**

The parties acknowledge that COUNTY is a municipal corporation and is entering into and executing this Agreement by virtue of the authority of Suffolk County Resolution No. ____ -2009, dated the ____ day of _____, 2009 (the "Resolution"), for the purpose and intent expressed in the Resolution, that the Resolution is incorporated herein by reference, and further a copy of such Resolution is annexed hereto and marked "Exhibit C". This Agreement has been authorized by all requisite actions of the COUNTY and constitutes a legally binding agreement of the COUNTY enforceable in accordance with its terms.

9. **Bankruptcy, Insolvency, Etc.**

The filing of an insolvency or bankruptcy petition by the OWNER, whether voluntary or involuntary, or the making by the OWNER of an assignment for the benefit of creditors, except in connection with any financing of the Premises, shall be deemed to be an automatic and immediate default hereunder by the OWNER.

10. **Merger; No Oral Changes**

This Agreement supersedes any contract(s), agreement(s), or understanding(s), written or oral, heretofore made by, between or among any one or more of the parties hereto, and/or any one or more of their predecessors in interest, title or otherwise, concerning the subject matter hereof, and any such contract, agreement or understanding is hereby deemed to be null and void and of no further force or effect, and no party to any such contract, agreement or understanding shall have any rights against, or liabilities to, any other such party as a result thereof.

11. **Severability**

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

12. **Notice**

- A. **Operational Notices** - Any communication, notice, claim for payment, reports, insurance, or other submission necessary or required to be made by the parties regarding this Agreement shall be in writing and shall be given to the COUNTY or the OWNER or their designated representative at the following addresses or at such other address that may be specified in writing by the parties and must be delivered as follows:

For the COUNTY:

By Certified Mail, Return Receipt Requested in Prepaid Envelope or by Nationally Recognized Courier Service:

Suffolk County Department of Public Works
335 Yaphank Avenue
Yaphank, New York 11980
Attention: Justin Hipperling Suffolk County Highway Planning and Permits

For the OWNER

By Certified Mail, Return Receipt Requested in Prepaid Envelope or by Courier Service or by Fax or by E-Mail:

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

- B. **Notices Relating to Termination and/or Litigation** In the event the OWNER receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant) to a lawsuit or any legal proceeding related to this Agreement, the OWNER shall immediately deliver to the COUNTY Attorney, at the address set forth below, copies of all papers filed by or against the OWNER. Any communication or notice regarding termination shall be in writing and shall be given to the COUNTY or the OWNER or their designated representative at the following addresses or at such other addresses that may be specified in writing by the parties and must be delivered as follows:

For the COUNTY:

By Certified Mail, Return Receipt Requested in Postpaid Envelope or by Nationally Recognized Courier Service:

Suffolk County Department of Public Works, Attn. Commissioner
335 Yaphank Avenue
Yaphank, New York 11980

and

Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York 11788

For the OWNER

By Certified Mail, Return Receipt Requested in Postpaid Envelope or
by Nationally Recognized Courier Service:

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

- C. **Delivery** - Notices shall be deemed to have been duly delivered (i) if mailed by certified mail, upon the third business day after the mailing thereof; or (ii) if by nationally recognized overnight courier service, upon the first business day subsequent to the transmittal thereof. "Business Day" shall mean any day except a Saturday, a Sunday, or any day in which commercial banks are required or authorized to close in Suffolk County, New York.
- D. **Notice of Successors** - Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

13. **Rights Cumulative**

Each right and remedy of the COUNTY or the OWNER under this Agreement shall be in addition to every other right and remedy of the COUNTY or the OWNER and such rights and remedies may be enforced separately or in any combination.

14. **Applicable Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to conflict of laws. Venues shall be designated in Suffolk County, New York or the United States District Court for the Eastern District of New York.

15. **No Implied Waiver**

No waiver shall be inferred from any failure or forbearance of the COUNTY to enforce any provision of this Agreement in any particular instance or instances, but the same shall otherwise remain in full force

force and effect notwithstanding any such failure or forbearance.

16. **Counterparts**

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

17. **Assignment**

This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

18. **Gratuities**

OWNER represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

19. **Contractor's/Vendor's Public Disclosure Statement**

OWNER represents and warrants that it has filed with the Comptroller of Suffolk County the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the said Comptroller on or before the 31st day of January in each year of this Agreement's duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of this Agreement, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Agreement.

Required Form: Suffolk County Form SCEX 22; entitled "Contractor's/Vendor's Public Disclosure Statement"

20. **Suffolk County Local Laws**

518

Schedule A

Party obligations under this document:

The owner through its consultants agrees to provide the following:

1. Existing conditions survey of CR 58 right-of-way from approximately Kroemer Avenue to Mill Road hereinafter known as "Kroemer-Mill"
2. Approved construction documents, coordinated with the County and their consultant(s), for the construction of the Kroemer-Mill 5 lane highway section. These documents shall include the following:
 - a. Drainage and grading plans.
 - b. Utility relocation plans.
 - c. Roadway construction plans.
 - d. Pavement marking plans.
 - e. Traffic signal improvements plans for the intersections of CR 58/Kroemer Avenue and CR 58/Mill Road
3. Coordination with Suffolk County and their consultant(s) with C.P. 5529 the Project including design support during the construction process of Kroemer-Mill.

The County agrees to provide the following:

1. Construction of Kroemer-Mill in conjunction with the construction of C.P. 5529, the Project per the provided and County approved Kroemer-Mill construction documents including, but not limited to, all required improvements of any kind to the County Roads, the widening, reconfiguring, or improving of any County Roads, the installing and modifying of traffic signals (not inclusive of site access signal), lights, signs or road striping or markings relating to any County Road, and intersection improvements relating to any County Roads.
2. Issuance of all necessary County permits for the construction of the premises consisting of access driveway and access traffic signal permits.
3. Coordination with OWNER providing reasonable accommodation for future access driveway for the premises.
4. Coordination with Owner to permit Owner, at Owner's option, to install a sewer lateral under CR 58 during the construction of the Kroemer-Mill 5 lane highway section. Nothing herein is intended to require the County to delay or accelerate such construction in order to accommodate the Owner with respect to installation of the contemplated sewer lateral.

Exhibit A

Attachments:

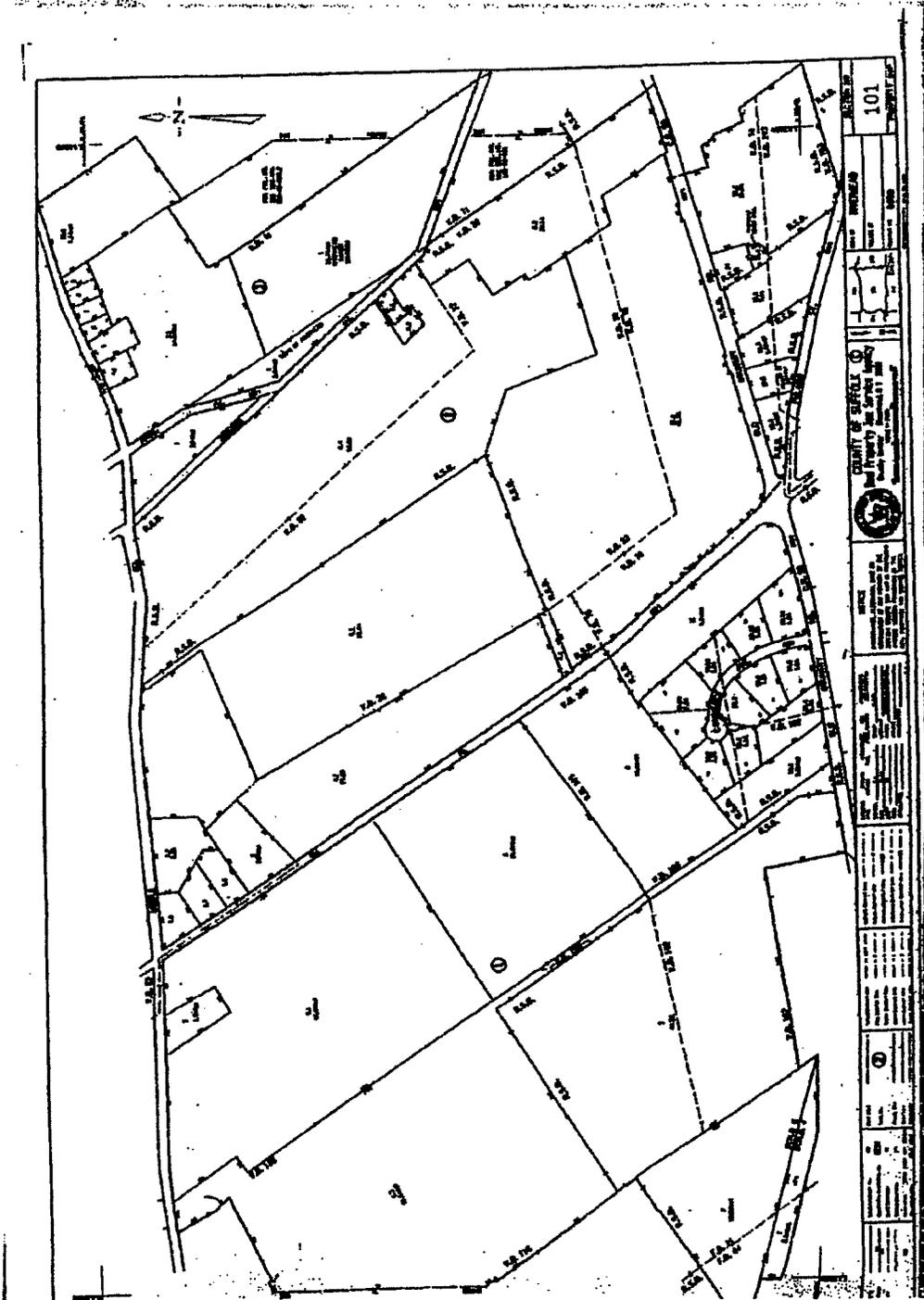


Exhibit B

HERITAGE-RIVERHEAD RETAIL DEVELOPERS, LLC

RESOLUTIONS

The undersigned, Joseph R. Baranowski, as Member of Riverhead Retail Developers, LLC, as Manager of Heritage-Riverhead Retail Developers, LLC (the "Company"), does hereby certify that the following are true and correct Resolutions duly adopted by all of the Members of the Company by written consent in lieu of meeting in writing on the 17th day of February, 2009.

RESOLVED, that Riverhead Retail Developers, LLC and Bradley Operating Limited Partnership, the sole members of the Company, hereby authorized Riverhead Retail Developers, LLC to enter into, on behalf of and in the name of the Company, into a certain agreement between the Company and the County of Suffolk, New York entitled Agreement For The Payment Of Money In Lieu Of Performance Of Mitigation Measures, in a form dated as of February 17, 2009, and as may be further revised and amended.

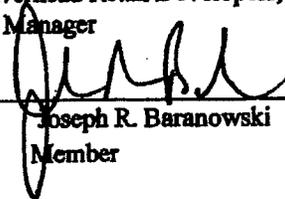
RESOLVED, THAT THE Company has authorized Riverhead Retail Developers, LLC as its Manager acting through Joseph R. Baranowski as its member, to execute the subject agreement with Suffolk County.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 17th day of February, 2009 pursuant to the authority granted by the two Managers and the Company.

Dated: February 17, 2009

Heritage-Riverhead Retail Developers, LLC

By: Riverhead Retail Developers, LLC
Its Manager

By: 
Joseph R. Baranowski
Member

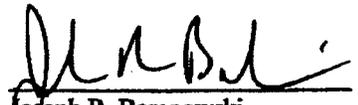
2005

STATE OF CONNECTICUT)
) ss.: West Hartford
COUNTY OF HARTFORD)

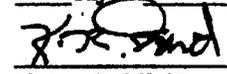
I, Joseph R. Baranowski, being duly sworn say:

I am a Member of Riverhead Retail Developers, LLC, the Manager of Heritage-Riverhead Retail Developers, LLC.

The attached Resolutions are in full force and effect.


Joseph R. Baranowski

Sworn to before me this
17th day of February, 2000


Notary Public/Commissioner of the Superior Court for the State of Connecticut
Kerin M. Dowd, Esq.

Suffolk County Form 22
Contractor's/Vendor's Public Disclosure Statement



Pursuant to Section A5-7 of the Suffolk County Administrative Code, this Public Disclosure Statement must be completed by all contractors/vendors that have a contract with Suffolk County, with the exception of hospitals; educational or governmental entities; not-for-profit corporations; and contracts providing foster care, family day care providers, or child protective consulting services, who do not have to fill out this form at all.

1. Contractor's/Vendor's Name Heritage-Riverhead Retail Developers, LLC c/o Developers Realty Corp.
Address 433 South Main Street, Suite 310
City and State West Hartford, CT Zip Code 06110
2. Contracting Department's Name Suffolk County Dept. of Public Works
Address 335 Yaphank Avenue, Yaphank, NY 11980
3. Payee Identification or Social Security No. 51-0574365
4. Type of Business Corporation Partnership Sole Proprietorship Other (limited Liability)
- 5.a Is contractor/vendor entering into or has contractor/vendor entered into a contract with Suffolk County in excess of \$1,000? Yes No.
- 5.b Has contractor/vendor entered into three or more contracts, including the one for which you are now completing this form, with Suffolk County, any three of which, when combined, exceed \$1,000? Yes No.
6. Table of Organization. List names and addresses of all principals; that is, all individuals serving on the Board of Directors or comparable body, names and addresses of all partners, and names and addresses of all corporate officers. Conspicuously identify any person in this table of organization who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary.)
See attached schedule
No one is an officer or employee of Suffolk County
7. List all names and addresses of those individual shareholders holding more than five percent (5%) interest in the contractor/vendor. Conspicuously identify any shareholder who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary).
See attached schedule
No one is an officer or employee of Suffolk County
8. Does contractor/vendor derive 50% or more of its total revenues from its contractual or vendor relationship with Suffolk County? Yes No.
9. If you answered yes to 8 above, you must submit with this disclosure statement, a complete financial statement listing all assets and liabilities as well as a profit and loss statement. These statements must be certified by a Certified Public Accountant. (Strike this out if not applicable.) N/A

10. The undersigned shall include this Contractor's/Vendor's Public Disclosure Statement with the contract. (Describe general nature of the contract.) See Memorandum of Understanding
11. Remedies. The failure to file a verified public disclosure statement as required under local law shall constitute a material breach of contract. Suffolk County may resort, use or employ any remedies contained in Article II of the Uniform Commercial Code of the State of New York. In addition to all legal remedies, Suffolk County shall be entitled, upon a determination that a breach has occurred, to damages equal to fifteen percent (15%) of the amount of the contract.
12. Verification. This section must be signed by an officer or principal of the contractor/vendor authorized to sign for the company for the purpose of executing contracts. The undersigned being sworn, affirms under the penalties of perjury, that he/she has read and understood the foregoing statements and that they are, to his/her own knowledge, true.

Heritage - Riverhead Retail Developers, LLC
 By: Riverhead Retail Developers, LLC

Dated: 2/17/10
 Printed Name of Signer:
 Title of Signer:
 Name of Contractor/Vendor:

Signed: [Signature]
Joseph Karanowski,
Member
Heritage - Riverhead Retail Developers, LLC

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT
 (Within New York State)

STATE OF NEW YORK
 COUNTY OF _____) ss.:

On the ____ day of _____ in the year ____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

 (Signature and office of individual taking acknowledgement)



Heritage-Riverhead Retail Developers, LLC
(a Delaware Limited Liability Company)

50%

50%

<p>D/B/A Centro Properties Group 131 Dartmouth Street 6th Floor Boston, MA 02116</p> <p>Barry Rodenstein Senior Vice President, Northern Region Centro Properties Group 131 Dartmouth Street, 6th Floor Boston, MA 02116</p> <p>Haig Buchakjian, P.E. Director of Construction, Northeast Region Centro Properties Group 420 Lexington Avenue New York, NY 10170</p>	<p>Riverhead Retail Developers, LLC D/B/A Developers Realty, Inc. Corporate Center West 433 South Main Street Suite 310 West Hartford, CT 06110</p> <p>Joseph R. Baranowski President and COO Corporate Center West 433 South Main Street Suite 310 West Hartford, CT 06110</p> <p>Kevin M. Dowd General Counsel and Senior Vice President Corporate Center West 433 South Main Street Suite 310 West Hartford, CT 06110</p>
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SUFFOLK COUNTY LEGISLATURE



Gail Vizzini
Director

BUDGET REVIEW OFFICE

December 22, 2010

To: Tim Laube, Clerk
Suffolk County Legislature

From: Gail Vizzini, Director
Budget Review Office

Gail Vizzini
12/22/10

2010 DEC 22 A 10:30

Subject: *Introductory Resolution:* AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH HERITAGE-RIVERHEAD RETAIL DEVELOPERS, LLC AND ACCEPTING A PAYMENT OF MONEY IN LIEU OF PERFORMANCE OF CERTAIN MITIGATION MEASURES, CONSTRUCTED UNDER CAPITAL PROJECT 5529, OLD COUNTRY ROAD, RIVERHEAD, AND AMENDING THE 2011 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF CR 58, OLD COUNTRY ROAD, RIVERHEAD (CP 5529)

Pursuant to the request of Legislator Romaine, please file the attached resolution to be laid on the table on January 3, 2011.

If you have any questions concerning this introductory resolution, feel free to contact me at 3-4100.

* * *

GV:slw

Attachment

cc: Legislator Romaine

1001

Intro. Res. No. - 2011
Introduced by the Legislator Lindsay

Laid on Table 1/3/10

**RESOLUTION NO. -2011, SETTING DATE FOR SPECIAL
ELECTION TO FILL VACANCY IN THE 6th LEGISLATIVE
DISTRICT**

WHEREAS, Legislator Losquadro has tendered his resignation from the Suffolk County Legislature effective January 1, 2011; and

WHEREAS, as a result of said resignation, a vacancy has occurred in the Office of County Legislator for the 6th Legislative District of the Suffolk County Legislature; now, therefore be it

1st **RESOLVED**, that, pursuant to Section 2-6 of the SUFFOLK COUNTY CHARTER, the Suffolk County Legislature hereby declares that a Special Election shall be held on the 29th day of March 2011, in accordance with all pertinent NEW YORK ELECTION LAW requirements, for the purpose of filling the vacancy in the 6th Legislative District, as currently constituted under Section 2-3 of the SUFFOLK COUNTY CHARTER, for the balance of the unexpired term; and be it further

2nd **RESOLVED**, that the Special Election shall be held for the 6th Legislative District as described and defined for the term currently to be filled, as currently constituted under Section 2-3 of the SUFFOLK COUNTY CHARTER; 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/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

r-filling vacancy 6th district

1002

Intro. Res. No. -2011
Introduced by Legislator Cooper

Laid on Table 1/3/11

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW NO.
-2011, A LOCAL LAW TO PROTECT THE PUBLIC FROM
INJURY CAUSED BY ACCUMULATED SNOW OR ICE ON
MOVING MOTOR VEHICLES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2011, a proposed local law entitled, "**A LOCAL LAW TO PROTECT THE PUBLIC FROM INJURY CAUSED BY ACCUMULATED SNOW OR ICE ON MOVING MOTOR VEHICLES**" now, therefore, be it

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

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROTECT THE PUBLIC FROM INJURY
CAUSED BY ACCUMULATED SNOW OR ICE ON MOVING MOTOR
VEHICLES**

**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 winter weather often creates dangerous driving conditions on local roads and highways.

This Legislature also finds and determines that these conditions are exacerbated when motorists fail to remove snow and ice which has accumulated on their vehicle.

This Legislature further finds and determines that large pieces of snow or ice dislodged from moving vehicles creates a serious public safety hazard for nearby pedestrians and vehicles.

This Legislature finds that, in the interest of maintaining public safety, drivers should remove accumulated snow and ice from their vehicles prior to their operation on roadways.

Therefore, the purpose of this law is to require motor vehicle operators in Suffolk County to remove snow and ice accumulation from their motor vehicles prior to driving.

Section 2. Requirements.

Any driver of a motor vehicle operated on a street or highway in Suffolk County shall have an affirmative duty to make all reasonable efforts to remove as much snow and ice accumulation as possible from their vehicle prior to operation. This shall include removal of accumulation from the hood, windows, roof and trunk of the vehicle.

Section 3. Exemptions.

These requirements shall not apply to any driver of a motor vehicle that is operated during a snow or ice storm which began and continued for the duration of the motor vehicle's operation or to the operator of any motor vehicle while it is parked.

Section 4. Penalties.

- A. Failure to remove snow or ice accumulation from a motor vehicle prior to operation shall constitute a violation subject to a fine not to exceed seventy five dollars (\$75.00).
- B. When a driver is in violation of this law and snow or ice is dislodged from their moving vehicle and results in personal injury or property damage to another, the driver shall be guilty of a violation and subject to the following fines:
 - 1. The operator of a non-commercial motor vehicle shall be subject to a fine no less than two hundred dollars (\$200.00) or greater than one thousand dollars (\$1,000.00) per offense.
 - 2. The operator, owner, lessee, bailee or any one of the aforementioned of a commercial vehicle shall be subject to a fine no less than five hundred dollars (\$500.00) or greater than one thousand five hundred dollars (\$1,500.00) per offense.

Section 5. Applicability.

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

Section 6. Reverse Preemption.

This law shall be null and void on the day that Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation, or pertinent preempting State or federal regulations have been enacted for the purpose of triggering the provisions 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 on the sixtieth (60th) day immediately following its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-snow ice on moving cars

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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

DATE: December 30, 2010

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2011

TITLE: I.R. NO. -2011; A LOCAL LAW TO PROTECT THE PUBLIC FROM INJURY CAUSED BY ACCUMULATED SNOW OR ICE ON MOVING MOTOR VEHICLES

SPONSOR: LEGISLATOR COOPER

DATE OF RECEIPT BY COUNSEL: 12/30/10 PUBLIC HEARING: _____

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

This proposed local law would require motor vehicle operators to make all reasonable efforts to remove snow and ice accumulation from their vehicle prior to the vehicle's operation. This requirement shall not apply to persons operating a vehicle during a snow or ice storm.

Failure to remove snow or ice accumulation from a motor vehicle prior to operation shall constitute a violation subject to a fine not to exceed seventy five dollars (\$75.00). If a driver is found to be in violation of this law and snow or ice is dislodged from their moving vehicle causing personal injury or property damage to another, the fines shall be increased as follows:

- 1) The driver of a non-commercial motor vehicle shall be subject to a fine of no less than two hundred dollars (\$200.00) or greater than one thousand dollars (\$1,000.00) per offense.
- 2) The operator, owner, lessee, bailee or any of the aforementioned of a commercial vehicle shall be subject to a fine of no less than five hundred dollars (\$500.00) or greater than one thousand five hundred dollars (\$1,500.00) per offense.

This law shall take effect on the sixtieth (60th) day immediately following its filing in the Office of the Secretary of State.

A handwritten signature in black ink, appearing to read "George Nolan", written over a white background.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-snow and ice removal vehicles.