

FOURTH DAY
REGULAR MEETING
February 15, 2005

Minutes of the Regular Meeting of the County Legislature of Suffolk County, New York, held in the Rose Y. Caracappa Legislative Auditorium, William H. Rogers Legislature Building, Hauppauge, New York, at 9:30 a.m., pursuant to notice duly given.

The meeting was called to order at 9:30 a. m. by Presiding Officer Joseph Caracappa. The Clerk called the roll and the following were found present: Deputy Presiding Officer Carpenter; Legislators Caracciolo, O'Leary, Losquadro, Foley, Lindsay, Montano, Alden, Kennedy, Nowick, Bishop, Mystal, and Tonna.

Legislator Schneiderman arrived at 9:39 a.m.
Legislator Cooper arrived at 9:50 a.m.
Legislator Vilorio-Fisher arrived at 9:51 a.m.
Legislator Binder arrived at 10:16 a.m.

Pledge of Allegiance.

Statements and Presentations
Public Portion

THE MEETING WAS RECESSED AT 12:10 P.M. AND RESUMED AT 12:20 P.M.

THE MEETING WAS RECESSED AT 12:40 P.M. AND RESUMED AT 2:36 P.M.

The Clerk called the roll and the following were found present: Presiding Officer Caracappa, Deputy Presiding Officer Carpenter; Legislators Caracciolo, Schneiderman, O'Leary, Vilorio-Fisher, Losquadro, Foley, Lindsay, Montano, Alden, Kennedy, Nowick, Bishop, Mystal, Binder, Tonna, and Cooper.

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No. 1042-2005

Laid on Table 1/25/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 58 -2005, ACCEPTING
AND APPROPRIATING A GRANT AWARD
FROM THE FEDERAL WORKFORCE
INVESTMENT ACT, TITLE II, FOR AN ADULT
EDUCATION AND LITERACY SERVICES**

PROGRAM AT THE PATCHOGUE ONE-STOP CENTER 100% REIMBURSED BY FEDERAL FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, the 2004-2005 College operating budget provides \$83,004, including indirect costs, from the Federal Workforce Investment Act, Title II, for an Adult Education and Literacy Services Program for the Patchogue One-Stop Center; and

WHEREAS, the actual grant award includes an additional amount of \$5,254, bringing the total amount of the grant to \$88,258, including indirect costs, for the period of July 1, 2004 through June 30, 2005; and

WHEREAS, it is necessary to amend the College budget in the amount of \$5,254, including indirect costs, to provide for the increase in the grant award; and

WHEREAS, the grant provides for Adult Basic Education programs in General Education Development (GED) and English for Speakers of Other Languages (ESOL) instruction at the Patchogue One-Stop Center; and

WHEREAS, no matching funds are required; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the amendment to the 2004-2005 College budget for the increase in the grant award on December 9, 2004 by Resolution No. 2004.93; and

WHEREAS, the College anticipates spending the increase in the grant award in the amount of \$5,254, including indirect costs, in accordance with the terms of said grant before June 30, 2005; now therefore, be it

RESOLVED, that said 2004-2005 College budget be amended to reflect the increase in the grant award from the Federal Workforce Investment Act, Title II, for an Adult Education and Literacy Services Program for the Patchogue One-Stop Center in the amount of \$5,254, including \$112 in indirect costs, and said amount be accepted and appropriated for the operation of the program as follows:

REVENUES:	AMOUNT:
Federal Aid: ABE: Patchogue One-Stop Center: 818-4231	\$ 5,254

APPROPRIATIONS:	AMOUNT:
ABE: Patchogue One-Stop Center: 818-GRT-GT41	\$ 5,142

Suffolk County Community College
ABE: Patchogue One-Stop Center
818-GRT-GT41

1000-Personal Services	\$ 3,738
1160-Part-time Instructor - Day	3,738
3000-Supplies and Materials	\$ 1,118

3100-Instructional Supplies		1,118
8000-Employee Benefits	\$	286
8330-Social Security		286

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No. 1043-2005

Laid on Table 1/25/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 59 -2005, ACCEPTING AND APPROPRIATING A GRANT AWARD FROM THE FEDERAL WORKFORCE INVESTMENT ACT, TITLE II, FOR AN ADULT EDUCATION AND LITERACY SERVICES PROGRAM AT THE HAUPPAUGE ONE-STOP CENTER 100% REIMBURSED BY FEDERAL FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, the 2004-2005 College operating budget provides \$90,583, including indirect costs, from the Federal Workforce Investment Act, Title II, for an Adult Education and Literacy Services Program for the Hauppauge One-Stop Center; and

WHEREAS, the actual grant award includes an additional amount of \$5,734, bringing the total amount of the grant to \$96,317, including indirect costs, for the period of July 1, 2004 through June 30, 2005; and

WHEREAS, it is necessary to amend the College budget in the amount of \$5,734, including indirect costs, to provide for the increase in the grant award; and

WHEREAS, the grant provides for Adult Basic Education programs in General Education Development (GED) and English for Speakers of Other Languages (ESOL) instruction at the Hauppauge One-Stop Center; and

WHEREAS, no matching funds are required; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the amendment to the 2004-2005 College budget for the increase in the grant award on December 9, 2004 by Resolution No. 2004.92; and

WHEREAS, the College anticipates spending the increase in the grant award in the amount of \$5,734, including indirect costs, in accordance with the terms of said grant before June 30, 2005; now therefore, be it

RESOLVED, that said 2004-2005 College budget be amended to reflect the increase in the grant award from the Federal Workforce Investment Act, Title II, for an Adult Education and Literacy Services Program for the Hauppauge One-Stop Center in the amount of \$5,734, including \$135 in indirect costs, and said amount be accepted and appropriated for the operation of the program as follows:

REVENUES:	AMOUNT:
Federal Aid: ABE: Hauppauge One-Stop Center: 818-4230	\$ 5,734
APPROPRIATIONS:	AMOUNT:
ABE: Hauppauge One-Stop Center: 818-GRT-GT40	\$ 5,599
Suffolk County Community College	
ABE: Hauppauge One-Stop Center	
818-GRT-GT40	
1000-Personal Services	\$ 3,738
1130-Temporary Salaries	3,738
3000-Supplies and Materials	\$ 1,575
3100-Instructional Supplies	1,575
8000-Employee Benefits	\$ 286
8330-Social Security	286

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 60 –2005, ACCEPTING AND APPROPRIATING AN AMENDMENT TO THE COLLEGE BUDGET FOR A GRANT AWARD FROM THE U. S. DEPARTMENT OF EDUCATION FOR A FEDERAL WORK-STUDY PROGRAM 100% REIMBURSED BY FEDERAL FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, the 2004-2005 College operating budget provides \$655,152 in anticipation of a Federal Work-Study Program grant; and

WHEREAS, the actual grant award from the U. S. Department of Education included an additional amount of \$15,729 bringing the total amount of the grant award to \$670,881 for the period of July 1, 2004 through June 30, 2005; and

WHEREAS, it is necessary to amend the College budget in the amount of \$15,729 to provide for the increase in the grant award; and

WHEREAS, the Federal Work-Study Program grant is allocated to Ammerman, Grant and East Campuses of Suffolk County Community College; and

WHEREAS, the amended amount of \$15,729 will be allocated to all campuses according to the Campus wage distribution percentages as follows: Ammerman (45.5%) \$7,157, Grant (39%) \$6,135, and East (15.5%) \$2,437; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the Federal Work-Study Program grant award on May 13, 2004 by Resolution No. 2004.39; and

WHEREAS, the College anticipates spending the increase in the grant award in the amount of \$15,729 in accordance with the terms of said grant before June 30, 2005; now therefore, be it

RESOLVED, that said 2004-2005 College budget be amended to reflect the increase in the amount of the grant award and \$15,729 to be appropriated for the operation of the program as follows:

REVENUES:	AMOUNT:
Federal Aid: Federal Work-Study Program: 818-4205	\$ 15,729

APPROPRIATIONS:
Suffolk County Community College
Federal Work-Study Program
818-GRT-GA01

1000-Personal Services	\$ 7,157
1130-Temporary Salaries	7,157

Suffolk County Community College
Federal Work-Study Program
818-GRT-GW01

1000-Personal Services	\$ 6,135
1130-Temporary Salaries	6,135

Suffolk County Community College
Federal Work-Study Program
818-GRT-GE01

1000-Personal Services	\$ 2,437
1130-Temporary Salaries	2,437

DATED: February 15, 2005

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No. 1045-2005 Laid on Table 1/25/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 61 -2005,
ACCEPTING AND APPROPRIATING AN
AMENDMENT TO THE COLLEGE
BUDGET FOR A GRANT AWARD FROM
THE FEDERAL WORKFORCE
INVESTMENT ACT, TITLE II FOR AN
ADULT EDUCATION AND LITERACY
SERVICES PROGRAM 100%
REIMBURSED BY FEDERAL FUNDS AT
SUFFOLK COUNTY COMMUNITY
COLLEGE**

WHEREAS, the 2004-2005 College Operating Budget provides \$215,823, including \$15,987 in indirect costs, from the Federal Workforce Investment Act, Title II, for an Adult Education and Literacy Services Program grant; and

WHEREAS, the actual grant award includes an additional amount of \$13,662, bringing the total amount of the grant to \$229,485, including indirect costs, for the period of July 1, 2004 through June 30, 2005; and

WHEREAS, it is necessary to amend the College budget in the amount of \$13,662 to provide for the increase in the grant award; and

WHEREAS, the project will provide educational opportunities for adults that address basic education needs, with opportunities to prepare for the GED, to develop family literacy, to acquire life and work-place skills, and to participate in occupational/vocational education; and

WHEREAS, no matching funds are required as the program is 100% reimbursed by Federal funds; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the amendment to the 2004-2005 College budget for the increase in the grant award on December 9, 2004 by Resolution No. 2004.90; and

WHEREAS, the College anticipates spending the increase in the grant award in the amount of \$13,662 in accordance with the terms of said grant before June 30, 2005; now therefore, be it

RESOLVED, that said 2004-2005 College budget be amended to reflect the increase in the grant award from the Federal Workforce Investment Act, Title II, for an Adult Education and Literacy Services Program grant in the amount of \$13,662, and said amount be accepted and appropriated for the operation of the program as follows:

REVENUES:	AMOUNT:
Federal Aid: 818-3209 GED: ALE	\$ 13,662

APPROPRIATIONS:	AMOUNT:
GED: ALE: 818-GRT-GC50	\$ 13,662

Suffolk County Community College
Adult Education and Literacy Services Program
818-GRT-GC50

1000-Personal Services	\$ 9,472
1160-Part-time Instructors – Day	4,172
1170-Part-time Instructors - Evening	5,300
3000-Supplies & Materials	\$ 3,180
3170-Instructional Software	3,180
8000-Employee Benefits	\$ 1,010
8160-TIAA/CREF Retirement	240
8330-Social Security	725
8350-Unemployment Insurance	45

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Reso. No. 1046-2005

Laid on Table 1/25/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 62 -2005, ACCEPTING
AND APPROPRIATING A GRANT IN THE
AMOUNT OF \$252,317 FROM THE UNITED
STATES DEPARTMENT OF JUSTICE,
OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES, TO PROVIDE
ENHANCEMENTS TO THE LONG ISLAND
SATELLITE INTELLIGENCE CENTER (LISIC)
WITH 100% SUPPORT**

WHEREAS, The United States Department of Justice, Office of Community Oriented Policing Services has awarded \$252,317 in COPS 2004 Technology Initiative Grant funds to the Suffolk County Police Department to fund enhancements to the Long Island Satellite Intelligence Center (LISIC); and

WHEREAS, said Long Island Satellite Intelligence Center (LISIC) provides Homeland Security and Criminal Intelligence information sharing for the Suffolk County Police Department and other public safety agencies in the metropolitan New York area; and

WHEREAS, the operational period of the Project will be from January 23, 2004 through January 22, 2006; and

WHEREAS, said grant funds totaling \$252,317 have not been included in the 2005 Suffolk County Operating Budget; now, therefore, be it

RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds as follows:

REVENUES:	AMOUNT
001-4352-Federal Aid: COPS 2004 Technology	\$252,317

ORGANIZATIONS:
Police Department (POL)
COPS 2004 Technology
001-POL-3223

<u>1000-Personal Services</u>	<u>\$ 20,753</u>
1120-Overtime Salaries	20,753
<u>2000-Equipment</u>	<u>\$ 71,153</u>
2020-Office Machines	46,453
2070-Cameras and Photographic	14,000
2500-Other Equip. Not Otherwise	10,700
<u>3000-Supplies Materials & Others</u>	<u>\$ 7,200</u>
3030-Photostat, Photograph, Blueprint	1,400
3160-Computer Software	5,800
<u>4000-Utilities</u>	<u>\$ 5,000</u>
4010-Telephone & Telegraph	5,000
<u>4500-Fees for Services</u>	<u>\$ 144,000</u>
4560-Fees for Services, Non-Employees	144,000
<u>8000-Employee Benefits</u>	<u>\$ 4,211</u>
8280-Retirement	3,910
8330-Social Security	301

and be it further

RESOLVED, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the United States Department of Justice, Office of Community Oriented Policing Services; and be it further

RESOLVED, that the Reporting Category for the County Integrated Financial Management System is P124.

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No. 1012-2005

Laid on Table 1/25/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 63 -2005,
AUTHORIZING THE SALE, PURSUANT TO
LOCAL LAW 16-1976, OF REAL PROPERTY
ACQUIRED UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT CARL WEBER,
JR., as Administrator of the Estate of Bettie
Jean Weber (0302-006.00-05.00-014.003)

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Sag Harbor, Town of East Hampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0302, Section 006.00, Block 05.00, Lot 014.003, and acquired by tax deed on June 1, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 3, 2004, in Liber 12323, at Page 70, and otherwise known as and by Incorporated Village of Sag Harbor, Town of East Hampton, known and designated as Lots 117-119 Incl. on a certain map entitled "Map of Subdivision AZUREST Section Two" filed in the Office of the Clerk of the County of Suffolk on December 3, 1948 as Map No. 1664; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on June 1, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 3, 2004 in Liber 12323 at Page 70.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, CARL WEBER, JR., as Administrator of the Estate of Bettie Jean Weber, has made application to the Division of Real Estate for the acquisition of said above described parcel and CARL WEBER, JR., as Administrator of the Estate of Bettie Jean Weber, has paid the application fee therefore; and

WHEREAS, the Division of Real Estate has received and deposited the sum of \$1,027.79, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2004; and

WHEREAS, the Division of Real Estate has determined that CARL

WEBER, JR., as Administrator of the Estate of Bettie Jean Weber, had an interest in the subject parcel at the time of application as specified in Section I, Local Law 16-1976 (as amended); and

WHEREAS, the Division of Real Estate, having found that all requirements of said Local Law 16-1976 have been complied with, has approved said application; and

WHEREAS, the Division of Real Estate requests authority pursuant to said Local Law 16-1976 to Quitclaim the County's interest to said CARL WEBER, JR., as Administrator of the Estate of Bettie Jean Weber, for the above stated consideration plus or minus the usual real estate closing adjustments; now, be it therefore

RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

RESOLVED, that the Director of the Division of Real Estate, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to CARL WEBER, JR., as Administrator of the Estate of Bettie Jean Weber, 6 Vanderbilt Parkway, Dix Hills, New York 11746, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No.1013-2005
1/25/2005

Laid on Table

Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 64 -2005,
AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-
1976, OF REAL PROPERTY ACQUIRED
UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT KAREN
HANNAH HARE (0400-059.00-01.00-
066.000)**

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400, Section 059.00, Block 01.00, Lot 066.000, and acquired by tax deed on April 12, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on April 14, 2004, in Liber 12313, at Page 646, and otherwise known as and by Town of Huntington, known and designated as Lots 3 & 4 in Block 17 on a certain map entitled "Map of Belle Crest" filed in the Office of the Clerk of the County of Suffolk on December 14, 1907 as Map No. 320; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on April 12, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on April 14, 2004 in Liber 12313 at Page 646.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, KAREN HANNAH HARE has made application to the Division of Real Estate for the acquisition of said above described parcel and KAREN HANNAH HARE has paid the application fee therefore; and

WHEREAS, the Division of Real Estate has received and deposited the sum of \$10,938.90, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2004; and

WHEREAS, the Division of Real Estate has terminated collection of License Agreement fees from the applicant upon receipt of the above sum; and

WHEREAS, the Division of Real Estate has determined that KAREN HANNAH HARE, had an interest in the subject parcel at the time of application as specified in Section I, Local Law 16-1976 (as amended); and

WHEREAS, the Division of Real Estate, having found that all requirements of said Local Law 16-1976 have been complied with, has approved said application; and

WHEREAS, the Division of Real Estate requests authority pursuant to said Local Law 16-1976 to Quitclaim the County's interest to said KAREN HANNAH HARE, for the above stated consideration plus or minus the usual real estate closing adjustments; now, be it therefore

RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

RESOLVED, that the Director of the Division of Real Estate, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to KAREN HANNAH HARE, 107 Terrace Drive, East Northport, New York 11731, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No. 1014-2005

Laid on Table 1/25/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 65 -2005,
AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-1976,
OF REAL PROPERTY ACQUIRED
UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT USA
NOTE and DEED HOLDING CORP.
(0500-117.00-03.00-038.000)**

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 117.00, Block 03.00, Lot 038.000, and acquired by tax deed on January 7, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on January 12, 2004, in Liber 12294, at Page 838, and otherwise known as and by Town of Islip, known and designated as northerly P/O Plot 490 & 491 on a certain map entitled "Map of Motor Parkway Acreage, located at Brentwood, Town of Islip, Suffolk County, New York" filed in the Office of the Clerk of the County of Suffolk on April 20, 1929 as Map No. 1020; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on January 7, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on January 12, 2004 in Liber 12294 at Page 838.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, USA NOTE and DEED HOLDING CORP., as Mortgagee, by James Fuller, President, has made application to the Division of Real Estate for the acquisition of said above described parcel and USA NOTE and DEED HOLDING CORP., as Mortgagee, by James Fuller, President, has paid the application fee therefore; and

WHEREAS, the Division of Real Estate has received and deposited the sum of \$45,433.56, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2004; and

WHEREAS, the Division of Real Estate has terminated collection of License Agreement fees from the applicant upon receipt of the above sum; and

WHEREAS, the Division of Real Estate has determined that USA NOTE and DEED HOLDING CORP., as Mortgagee, had an interest in the subject parcel at the time of application as specified in Section I, Local Law 16-1976 (as amended); and

WHEREAS, USA NOTE and DEED HOLDING CORP. acquired title to the property by Referee's Deed dated October 28, 2004, recorded November 29, 2004, in Liber 12357, at Page 380; and

WHEREAS, the Division of Real Estate, having found that all requirements of said Local Law 16-1976 have been complied with, has approved said application; and

WHEREAS, the Division of Real Estate requests authority pursuant to said Local Law 16-1976 to Quitclaim the County's interest to said USA NOTE and DEED HOLDING CORP., for the above stated consideration plus or minus the usual real estate closing adjustments; now, be it therefore

RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

RESOLVED, that the Director of the Division of Real Estate, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to USA NOTE and DEED HOLDING CORP., 144 Medford Avenue, Patchogue, New York 11772, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No. 1015-2005
1/25/2005

Laid on Table

Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 66 -2005,
AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-
1976, OF REAL PROPERTY ACQUIRED
UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT KEVIN L.
MAYO (0600-065.00-01.00-019.000)**

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Riverhead, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0600, Section 065.00, Block 01.00, Lot 019.000, and acquired by tax deed on April 23, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on April 26, 2004, in Liber 12315, at Page 659, and otherwise known as and by Town of Riverhead, N x Right of Way; E x now or formerly Trent Mary Ann & William E; S x Oak Drive; W x now or formerly GJMCG Inc; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on April 23, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on April 26, 2004 in Liber 12315 at Page 659.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, KEVIN L. MAYO has made application to the Division of Real Estate for the acquisition of said above described parcel and KEVIN L. MAYO has paid the application fee therefore; and

WHEREAS, the Division of Real Estate has received and deposited the sum of \$1,161.59, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2004; and

WHEREAS, the Division of Real Estate has determined that KEVIN L. MAYO, had an interest in the subject parcel at the time of application as specified in

Section I, Local Law 16-1976 (as amended); and

WHEREAS, the Division of Real Estate, having found that all requirements of said Local Law 16-1976 have been complied with, has approved said application; and

WHEREAS, the Division of Real Estate requests authority pursuant to said Local Law 16-1976 to Quitclaim the County's interest to said KEVIN L. MAYO, for the above stated consideration plus or minus the usual real estate closing adjustments; now, be it therefore

RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

RESOLVED, that the Director of the Division of Real Estate, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to KEVIN L. MAYO, 90 Willow Street, Wheatley Heights, New York 11798, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No. 1016-2005

Laid on Table 1/25/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 67 –2005, AUTHORIZING

**THE SALE, PURSUANT TO LOCAL LAW 16,
1976, OF REAL PROPERTY ACQUIRED UNDER
SECTION 46 OF THE SUFFOLK COUNTY TAX
ACT WILLIAM JENKINS (0600-124.00-04.00-
017.000)**

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Riverhead, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0600, Section 124.00, Block 04.00, Lot 017.000, and acquired by tax deed on April 23, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on April 26, 2004, in Liber 12315, at Page 659, and otherwise known as and by Town of Riverhead, N x West Main Street (S. R. 25); E x now or formerly Morales, Philip and Sarubbi, Patricia; S & W x now or formerly Jenkins, William; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on April 23, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on April 26, 2004 in Liber 12315 at Page 659.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, EMC MORTGAGE CORP., as Mortgagee, by Kevin J. Kane, Esq., Attorney, has made application to the Division of Real Estate for the acquisition of said above described parcel and EMC MORTGAGE CORP., as Mortgagee, by Kevin J. Kane, Esq., Attorney, has paid the application fee therefore; and

WHEREAS, the Division of Real Estate has received and deposited the sum of \$4,353.71, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2004; and

WHEREAS, the Division of Real Estate has determined that EMC MORTGAGE CORP., as Mortgagee, had an interest in the subject parcel at the time of application as specified in Section I, Local Law 16-1976 (as amended); and

WHEREAS, the Division of Real Estate, having found that all requirements of said Local Law 16-1976 have been complied with, has approved said application; and

WHEREAS, the Division of Real Estate requests authority pursuant to said Local Law 16-1976 to Quitclaim the County's interest to said WILLIAM JENKINS, for the above stated consideration plus or minus the usual real estate closing adjustments; now, be it therefore

RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

RESOLVED, that the Director of the Division of Real Estate, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to WILLIAM JENKINS, 731 Main Street, Riverhead, New York 11901, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No. 1017-2005 Laid on Table 1/25/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 68 -2005,
AUTHORIZING THE SALE, PURSUANT
TO LOCAL LAW 16-1976, OF REAL
PROPERTY ACQUIRED UNDER
SECTION 46 OF THE SUFFOLK COUNTY
TAX ACT WALTER R. WHITEHURST III
(0900-039.00-01.00-031.001)**

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0900, Section 039.00, Block 01.00, Lot 031.001, and acquired by tax deed on November 13, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on November 24,

2003, in Liber 12285, at Page 585, and otherwise known as and by Town of Southampton, Sch Dist 09 N-Van Nostrand E-Sag Harbor Tpke S-Leonard W-Leonard; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on November 13, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on November 24, 2003 in Liber 12285 at Page 585.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, CHRISTINE BARRETT-SMITH, as Contract Vendee, by Janine Rayano, Esq., Attorney, has made application to the Division of Real Estate for the acquisition of said above described parcel and CHRISTINE BARRETT-SMITH, as Contract Vendee, by Janine Rayano, Esq., Attorney, has paid the application fee therefore; and

WHEREAS, the Division of Real Estate has received and deposited the sum of \$8,494.53, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2004; and

WHEREAS, the Division of Real Estate has determined that CHRISTINE BARRETT-SMITH, as Contract Vendee, had an interest in the subject parcel at the time of application as specified in Section I, Local Law 16-1976 (as amended); and

WHEREAS, the Division of Real Estate, having found that all requirements of said Local Law 16-1976 have been complied with, has approved said application; and

WHEREAS, the Division of Real Estate requests authority pursuant to said Local Law 16-1976 to Quitclaim the County's interest to said WALTER R. WHITEHURST III, for the above stated consideration plus or minus the usual real estate closing adjustments; now, be it therefore

RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

RESOLVED, that the Director of the Division of Real Estate, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to WALTER R. WHITEHURST III, c/o

Rayano & Garabedian, PC, 3500 Sunrise Highway, Suite D 207-B, Great River, New York 11739, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Legislator O'Leary made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 11-4-3-0. Legislators Caracciolo, Montano, Alden, and Mystal voted no. Deputy Presiding Officer Carpenter and Legislators Kennedy and Bishop abstained.

Intro. Res. No. 1592-2004

Laid on Table 6/8/2004

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. 69 -2005,
AUTHORIZING EXECUTION OF
AGREEMENT BY THE ADMINISTRATIVE
HEAD OF SUFFOLK COUNTY SEWER
DISTRICT NO. 3 - SOUTHWEST WITH
THE OWNER OF 110 SAND COMPANY
(HEALTH AND (HU-1040)**

WHEREAS, 110 Sand Company is located outside the boundary of Suffolk County Sewer District No. 3 - Southwest; and

WHEREAS, 110 Sand Company has previously petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 3; has been approved to discharge 55,000 gallons per day; and

WHEREAS, it has been determined by the Administrative Head of the District that the District has wastewater treatment capacity in excess of its own needs; and

WHEREAS, the connection is subject to the approval of the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the proposed connection has received the approval of the Suffolk County Sewer Agency with a connection fee of \$15.00 per gallon per day of sewage capacity; with a daily flow of 15,000 gallons (if approved, total flow would be 70,000 gallons per day), for a total connection fee of \$225,000; and

WHEREAS, it will be financially beneficial to Suffolk County Sewer District No. 3 and Suffolk County, as well as in the environmental interest of all of Suffolk County, for the connection to be made; and

WHEREAS, pursuant to Section 617.9 of the SEQRA regulations, a Negative Declaration has been issued by the Lead Agency; now, therefore, be it

RESOLVED, that the Administrative Head of the District be and he hereby is authorized, directed and empowered to enter into contracts and agreements with the developer upon such terms and conditions as he may deem necessary relating to connections to the District of lands adjacent to Suffolk County Sewer District No. 3 - Southwest and that they be required to post a surety bond or bonds and deposit cash or securities with the County Treasurer in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts.

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Legislator Binder made a motion on the following resolution, seconded by Legislator Tonna. The resolution was passed 11-4-3-0. Legislators Caracciolo, Montano, Alden and Mystal voted no. Deputy Presiding Officer Carpenter and Legislators Kennedy and Bishop abstained.

Intro. Res. No. 1992-2004

Laid on Table 11/16/2004

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. 70 -2005, AUTHORIZING
EXECUTION OF AGREEMENT BY THE**

**ADMINISTRATIVE HEAD OF SUFFOLK
COUNTY**

**SEWER DISTRICT NO. 3 - SOUTHWEST WITH 270
SOUTH SERVICE ROAD (HU-1470)**

WHEREAS, 270 South Service Rd is located outside the boundary of Suffolk County Sewer District No. 3 - Southwest; and

WHEREAS, 270 South Service Rd has petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 3; and

WHEREAS, it has been determined by the Administrative Head of the District that the District has wastewater treatment capacity in excess of its own needs; and

WHEREAS, the connection is subject to the approval of the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the proposed connection has received the approval of the Suffolk County Sewer Agency with a connection fee of \$15.00 per gallon per day of sewage capacity (or the current Connection Fee rate should the Suffolk County Sewer Agency adopt a new one); with a daily flow of 6,210 gallons, for a total connection fee of \$93,150; and

WHEREAS, it will be financially beneficial to Suffolk County Sewer District No. 3 and Suffolk County, as well as in the environmental interest of all of Suffolk County, for the connection to be made; and

WHEREAS, pursuant to Section 617.9 of the SEQRA regulations, a Negative Declaration has been issued by the Lead Agency; now, therefore, be it

RESOLVED, that the Administrative Head of the District be and he hereby is authorized, directed and empowered to enter into contracts and agreements with the developer upon such terms and conditions as he may deem necessary relating to connections to the District of lands adjacent to Suffolk County Sewer District No. 3 - Southwest and that they be required to post a surety bond or bonds and deposit cash or securities with the County Treasurer in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts.

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Foley. The resolution was passed 18-0.

Intro. Res. No. 1010-2005

Laid on Table 1/25/2005

Introduced by Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 71 –2005, TO READJUST,

**COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY:
COUNTY LEGISLATURE #204**

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments and grant refunds of taxes, in the case of erroneous or improper assessments, pursuant to the provisions of the Real Property Tax Law and the Suffolk County Tax Act; and

WHEREAS, the properties represented by the item numbers or tax map numbers indicated below have been erroneously or improperly assessed as appears from the certificates of Assessors of the respective towns in which said properties are situated as described below and the procedures as provided in the Real Property Tax Law have been fully complied with; now, therefore, be it

RESOLVED, that the taxes for the properties represented by the item numbers or tax map numbers as shown for the year or years specified be readjusted or refunded in full or in part in the amount set opposite each such parcel as hereinafter indicated; and

BE IT FURTHER RESOLVED, that the amount of such adjustment or refund be charged back to the respective town as provided by law.

<u>Chargeback & Description</u> <u>Refund, if paid</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>
Islip: 0500-325.00-01.00-033.001 \$14,799.10	2004/05	\$14,799.10	\$0.00

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Foley. The resolution was passed 18-0.

Intro. Res. No. 1050-2005

Laid on Table 1/25/2005

Introduced by Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 72 -2005, TO
READJUST, COMPROMISE, AND GRANT
REFUNDS AND CHARGEBACKS ON
CORRECTION OR ERRORS/COUNTY
TREASURER BY: COUNTY
LEGISLATURE #205

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments and grant refunds of taxes, in the case of erroneous or improper assessments, pursuant to the provisions of the Real Property Tax Law and the Suffolk County Tax Act; and

WHEREAS, the properties represented by the item numbers or tax map numbers indicated below have been erroneously or improperly assessed as appears from the certificates of Assessors of the respective towns in which said properties are situated as described below and the procedures as provided in the Real Property Tax Law have been fully complied with; now, therefore, be it

RESOLVED, that the taxes for the properties represented by the item numbers or tax map numbers as shown for the year or years specified be readjusted or refunded in full or in part in the amount set opposite each such parcel as hereinafter indicated; and

BE IT FURTHER RESOLVED that the amount of such adjustment or refund be charged back to the respective town as provided by law.

<u>Description</u> <u>paid</u>	Chargeback &	<u>Year</u>	<u>Tax</u>	Original Tax	Corrected Tax	<u>Refund, if</u>
Southold:						
1000-062.00-03.00-003.008		1999/00	\$2,738.93	\$0.00		\$2,738.93

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Legislator Caracciolo made a motion on the following resolution, seconded by Legislator Lindsay. The resolution was passed 18-0.

Intro. Res. No. 1051-2005 Laid on Table 1/25/2005
Introduced by Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 73 -2005, TO
READJUST, COMPROMISE, AND GRANT
REFUNDS AND CHARGEBACKS ON
CORRECTION OR ERRORS/COUNTY
TREASURER BY: COUNTY
LEGISLATURE #206

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments and grant refunds of taxes, in the case of erroneous or improper assessments, pursuant to the provisions of the Real Property Tax Law and the Suffolk County Tax Act; and

WHEREAS, the properties represented by the item numbers or tax map numbers indicated below have been erroneously or improperly assessed as appears from the certificates of Assessors of the respective towns in which said properties are situated as described below and the procedures as provided in the Real Property Tax Law have been fully complied with; now, therefore, be it

RESOLVED, that the taxes for the properties represented by the item numbers or tax map numbers as shown for the year or years specified be readjusted or refunded in full or in part in the amount set opposite each such parcel as hereinafter indicated; and

BE IT FURTHER RESOLVED that the amount of such adjustment or refund be charged back to the respective town as provided by law.

<u>Chargeback & Description</u> <u>Refund, if paid</u>	<u>Year</u>	<u>Tax</u>	Original <u>Tax</u>	Corrected <u>Tax</u>
Babylon:				
0103-019.00-03.00-004.007 4,396.47	1996/97	\$ 4,396.47	\$0.00	\$

Brookhaven:

0200-203.00-09.00-035.000 9,900.59 (Item #05-16640)	2003/04	\$ 9,900.59	\$0.00	\$
0200-204.00-01.00-058.000 \$154,106.59 (Item #86-11224)	2003/04	\$154,106.59	\$0.00	

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
County Executive of Suffolk County

Date: February 16, 2005

Legislator Schneiderman made a motion on the following resolution, seconded by Legislator O’Leary. The resolution was passed 18-0.

Intro. Res. No. 2104-2004
Introduced by Legislator Schneiderman

Laid on Table 11/16/2004

RESOLUTION NO. 74 -2005, ADOPTING LOCAL LAW NO. 6 -2005, A LOCAL LAW TO ENSURE THAT SUFFOLK COUNTY HOTEL/MOTEL TAX FUNDS BENEFIT SUFFOLK’S TOURISM

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on December 7, 2004, a proposed local law entitled, "**A LOCAL LAW TO ENSURE THAT SUFFOLK COUNTY HOTEL/MOTEL TAX FUNDS BENEFIT SUFFOLK’S TOURISM**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

LOCAL LAW NO. 6 -2005, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ENSURE THAT SUFFOLK COUNTY HOTEL/MOTEL TAX FUNDS BENEFIT SUFFOLK’S TOURISM

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

Section 1. Legislative Intent.

This Legislature hereby finds that recent allegations regarding the expenditure of Suffolk County tax monies collected under the hotel and motel tax require that further direction be given to the designated tourism promotion agency administering these funds.

This Legislature finds that the designated tourism promotion agency has a responsibility to expend public funds in a manner beneficial to the tourism industry as a whole.

This Legislature further finds that the designation of a membership organization as the designated tourism promotion agency creates the potential that public funds may be expended in a manner that is disproportionately beneficial to the membership.

This Legislature determines that the marketing plan currently required to be submitted to the County must contain more specific detail regarding the expenditure of funds.

Therefore, the purpose of this law is to require that the designated tourism promotion agency be required to file a detailed business, marketing and/or financial plan which sets forth the requirement that tax dollars be segregated from any other revenues and that the plan also provide that tax dollars shall be spent solely to promote tourism within the targeted region.

Section 2. Amendments.

Section 327-13(A)(2) of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 327

HOTELS AND MOTELS

* * * *

Section 327-13. Tourism promotion agency.

- A. The County of Suffolk shall enter into a contract, as mandated by the Tax Law § 1202-o(5), with a tourism promotion agency to administer programs designed to develop, encourage, solicit and promote convention business and tourism within the County of Suffolk. The promotion of convention business and tourism shall include any service, function or activity, whether or not performed, sponsored or advertised by the tourism promotion agency with the intent to attract transient guests to the county. The County Executive, or his designated representative, is hereby authorized to negotiate and enter into such a contract.
- (1) Such contract shall provide that all sums paid to the tourism promotion agency shall be expended on Suffolk County tourism, and/or historic or cultural areas, programs or activities as required under Tax Law § 1202-o(5).
 - (2) Such contract shall provide that the tourism promotion agency must adhere to a business, marketing and/or financial plan which clearly delineates how the moneys received under such contract shall be utilized. The business, marketing, and/or financial plan shall require that funds received from members of the tourism promotion agency shall be segregated from Suffolk County hotel/motel tax revenues and shall not be commingled. The business, marketing and/or financial plan shall also

provide that all advertising activities or promotions paid for, in part or in whole, with Suffolk County hotel/motel tax revenues shall be used to promote tourism within the targeted region and shall not direct visitors to any particular business. Nothing contained in this subsection shall be construed to prohibit paid advertisement.

* * * *

Section 3. Applicability.

This law shall apply to contracts entered into with a tourism promotion agency subsequent to the effective date of this law.

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

after a public hearing duly held on March 3, 2005

Date: March 7, 2005

Filed with the Secretary of State on March 21, 2005

Legislator Schneiderman made a motion on the following resolution, seconded by Legislator Caracciolo. The resolution was passed 18-0.

Intro. Res. No. 1075-2005
Introduced by Legislator Schneiderman

Laid on Table 1/25/2005

**RESOLUTION NO. 75 -2005, AUTHORIZING
PLANNING STEPS FOR ACQUISITION UNDER
THE NEW SUFFOLK COUNTY DRINKING
WATER PROTECTION PROGRAM
(SOUTHAMPTON PARCELS) TOWN OF
SOUTHAMPTON**

WHEREAS, Local Law 35-1999, "A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers," authorizes the use of 13.55 percent of sales, and compensation use tax proceeds generated each year for open space acquisition, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, the County Department of Planning recommends that the County consider the acquisition of approximately ±141.19 acres of vacant, environmentally sensitive lands located in the Town of Southampton, for the purpose of protecting the aquifer protection overlay district in which they are located; and

WHEREAS, adequate funding is provided for, pursuant to Section 12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 13.55 percent of the sales and compensating tax proceeds, for the acquisition of such land; now, therefore, be it

1st RESOLVED, that the parcel(s) listed in Exhibit "A" attached hereto and made a part hereof, consisting of approximately ±141.19 acres, are hereby approved for preliminary planning steps and ultimate inclusion in the New Suffolk County Drinking Water Protection Program authorized, empowered, and directed by Section 12-3 of the SUFFOLK COUNTY CHARTER and implemented under Article XII of the SUFFOLK COUNTY CHARTER; and be it further

2nd RESOLVED, that the parcels listed in the above-referenced Exhibit meet the criteria required by the New Drinking Water Protection Program in that they are "freshwater/tidal, wetlands and buffer lands for same"; and be it further

3rd **RESOLVED**, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

4th **RESOLVED**, that the Director of the Division of Real Estate within the County Planning Department, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(B) of the SUFFOLK COUNTY CHARTER, to have the undeveloped portion of the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

5th **RESOLVED**, that the Director of the Division of Real Estate within the County Planning Department, or his deputy, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal for the purpose of commencing negotiations to acquire fee simple absolute or a lesser interest (i.e. conservation easement) of the subject parcels, the actual acquisition of which shall be the approval via duly enacted resolution of the County of Suffolk; and be it further

6th **RESOLVED**, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as direct payment from such proceeds, as the case may be; and be it further

7th **RESOLVED**, that the Director of the Division of Real Estate within the County Planning Department, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcels as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

8th **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel(s); and be it further

9th **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: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Legislator Caracciolo made a motion on the following resolution, seconded by Legislator Losquadro. The resolution was passed 18-0.

Intro. Res. No. 1079-2005
Introduced by Legislator Caracciolo

Laid on Table 1/25/2005

RESOLUTION NO. 76 -2005, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM (SPOSATO PROPERTY) TOWN OF SHELTER ISLAND

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE for farmland purposes; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, there are sufficient revenues to fund land acquisition in Capital Project No. 7177, Project Name: "Suffolk County Multifaceted Land Preservation Program"; and

WHEREAS, the Town of Shelter Island has expressed a willingness to be a 50% partner in this proposed acquisition; now, therefore, be it

1st RESOLVED, that the Director of the Division of Real Estate, or his deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Acquisition Program for acquisitions to be consummated pursuant to Resolution 751-1997;

**PARCEL: SUFFOLK COUNTY REPUTED OWNER
TAX MAP NUMBER: ACRES: AND ADDRESS:**

No. 1	District	0700	5.99	John & Sally Sposato
	Section	023.00		65 South Midway Road
	Block	01.00		Shelter Island, NY
11964	Lot	029.000		

and be it further

2nd RESOLVED, that the County Department of Planning, Division of Real Estate, the County Planning Department, the County Department of Public Works, and/or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

3rd RESOLVED, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be appropriated to future and subsequent acquisitions under the Suffolk County Multifaceted Land Preservation Program; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) 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 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: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Legislator Caracciolo made a motion on the following resolution, seconded by Legislator Losquadro. The resolution was passed 18-0.

Intro. Res. No. 1080-2005
Introduced by Legislator Caracciolo

Laid on Table 1/25/2005

**RESOLUTION NO. 77 -2005, AUTHORIZING
PLANNING STEPS FOR ACQUISITION UNDER
SUFFOLK COUNTY MULTIFACETED LAND
PRESERVATION PROGRAM (NORTH FORK
PRESERVE PROPERTY – OPEN SPACE
COMPONENT) TOWN OF RIVERHEAD**

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE for farmland purposes; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, there are sufficient revenues to fund land acquisition in Capital Project No. 7177, Project Name: "Suffolk County Multifaceted Land Preservation Program"; now, therefore, be it

1st RESOLVED, that the Director of the Division of Real Estate, or his deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Acquisition Program for acquisitions to be consummated pursuant to the traditional Suffolk County Open Space Program (in accordance with criteria attached thereto as Exhibit "A");

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>		<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District	0600	133.3	North Fork Preserve
	Section	007.00		Sound Avenue
	Block	03.00		Riverhead, NY 11901
	Lot	041.000		

and be it further

2nd RESOLVED, that the County Department of Planning, Division of Real Estate, the County Planning Department, the County Department of Public Works, and/or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

3rd **RESOLVED**, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be appropriated to future and subsequent acquisitions under the Suffolk County Multifaceted Land Preservation Program; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) 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 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: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR LAND ACQUISITION

*** PRIMARY CRITERIA**

- A. Special Features or Habitat Enhancements (30 Points)**
5–Rare or endangered species, pursuant to Federal or State lists
5–Unique land forms (e.g. Kettle Hole)
5–River, stream, water body, or flood plain
5–Marine or freshwater wetlands or Special Groundwater Protection Area (SGPA) or Critical Environmental Area (CEA)
5–Classified or unique vegetation (i.e. New York State Natural Heritage Program Elements)
5–Special view
5–Multiple in any of the above
- B. Size or Shape (30 Points)**
15 – Over 50 acres
5 – Between 20 – 50 acres
10 – Perimeter to area ratio less than one (bulky shape as opposed to strips)
- C. Proximity or Contiguity to Other Public Open Space (20 Points)**
10 – Abutting or adjacent to County land
5 – Abutting or adjacent to other protected land
5 – Strategic parcel associated with further compatible acquisition
- D. Greenbelts, Trails, and Public Access (10 Points)**
5 – Trail link or public access to shore or water body

5 – Greenbelt link or buffer

SECONDARY CRITERIA

- E. Development Pressure (15 Points)**
 - 10 – Preliminary development plans filed, and zoning in place
 - 5 – Municipal zoning action pending (rezoning)

- F. Stewardship (5 Points)**
 - 5 – Adopt a park or intermunicipal agreement

** Maximum possible score -----110 points*
Minimum score necessary for
consideration for acquisition-----25 points

EXHIBIT "A"

Legislator Caracciolo made a motion on the following resolution, seconded by Legislator Foley. The resolution was passed 18-0.

Intro. Res. No. 1082-2005
Introduced by Legislator Caracciolo

Laid on Table 1/25/2005

**RESOLUTION NO. 78 -2005, AUTHORIZING
PLANNING STEPS FOR ACQUISITION UNDER
SUFFOLK COUNTY MULTIFACETED LAND
PRESERVATION PROGRAM (THE BLUFF AT
SHOREHAM PROPERTY) TOWN OF
BROOKHAVEN**

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution 751-1997; pursuant to the traditional Suffolk County Open Space Program (in accordance with criteria attached thereto as Exhibit "A"); pursuant to Chapter 8 of the SUFFOLK COUNTY CODE for farmland purposes; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, there are sufficient revenues to fund land acquisition in Capital Project No. 7177, Project Name: "Suffolk County Multifaceted Land Preservation Program"; and

WHEREAS, the Town of Brookhaven has expressed a willingness to enter into a cost sharing agreement to provide funding for fifty (50%) percent of the cost of the acquisition; now, therefore, be it

1st RESOLVED, that the Director of the Division of Real Estate, or his deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of

the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Acquisition Program for acquisitions to be consummated pursuant to Resolution 751-1997, as open space:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200	19.73±	Zoumas Homes
	Section 037.00		263 Route 25A
	Block 04.00		Wading River, NY
11792	Lot 037.000		

and be it further

2nd RESOLVED, that the County Department of Planning, Division of Real Estate, the County Planning Department, the County Department of Public Works, and/or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

3rd RESOLVED, that the Director of the Division of Real Estate within the County Planning Department, or his or her deputy, is hereby further authorized and empowered, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

4th RESOLVED, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel(s); and be it further

5th RESOLVED, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be appropriated to future and subsequent acquisitions under the Suffolk County Multifaceted Land Preservation Program; and be it further

6th RESOLVED, that the title to these acquisitions shall be held by the County and the Town of Brookhaven as tenants-in-common, Suffolk County owning an undivided fifty (50%) percent interest, and the Town of Brookhaven owning an undivided fifty (50%) percent interest; and be it further

7th 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) 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 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: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 28, 2005

SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR LAND ACQUISITION

*** PRIMARY CRITERIA**

- G. Special Features or Habitat Enhancements (30 Points)**
5–Rare or endangered species, pursuant to Federal or State lists
5–Unique land forms (e.g. Kettle Hole)
5–River, stream, water body, or flood plain
5–Marine or freshwater wetlands or Special Groundwater Protection Area (SGPA) or Critical Environmental Area (CEA)
5–Classified or unique vegetation (i.e. New York State Natural Heritage Program Elements)
5–Special view
5–Multiple in any of the above
- H. Size or Shape (30 Points)**
15 – Over 50 acres
5 – Between 20 – 50 acres
10 – Perimeter to area ratio less than one (bulky shape as opposed to strips)
- I. Proximity or Contiguity to Other Public Open Space (20 Points)**
10 – Abutting or adjacent to County land
5 – Abutting or adjacent to other protected land
5 – Strategic parcel associated with further compatible acquisition
- J. Greenbelts, Trails, and Public Access (10 Points)**
5 – Trail link or public access to shore or water body
5 – Greenbelt link or buffer

SECONDARY CRITERIA

- K. Development Pressure (15 Points)**
10 – Preliminary development plans filed, and zoning in place

5 – Municipal zoning action pending (rezoning)

L. Stewardship (5 Points)

5 – Adopt a park or intermunicipal agreement

** Maximum possible score -----110 points
Minimum score necessary for
consideration for acquisition-----25 points*

EXHIBIT “A”

Legislator Viloría-Fisher made a motion on the following resolution, seconded by Legislator Foley. The resolution was passed 18-0.

Intro. Res. No. 1083-2005
Introduced by Legislator Viloría-Fisher

Laid on Table 1/25/2005

**RESOLUTION NO. 79 -2005, AUTHORIZING
PLANNING STEPS FOR ACQUISITION UNDER
SUFFOLK COUNTY SAVE OPEN SPACE (SOS),
FARMLAND PRESERVATION, AND HAMLET
PARKS FUND (PROPERTY OF LIN) TOWN OF
BROOKHAVEN**

WHEREAS, Resolution 840-2004 adding Article XXXVI to the SUFFOLK COUNTY CHARTER established the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund for the preservation of open space; the acquisition of lands to be used as Hamlet Greens, Hamlet Parks or Pocket Parks; and for the acquisition of farmland development rights; and

WHEREAS, there are sufficient revenues to fund land acquisition in Capital Project No. 8706.210, Project Name: Hamlet Greens, Hamlet Parks or Pocket Parks; now, therefore, be it

1st RESOLVED, that the Director of the Division of Real Estate, or his deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 3rd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 8706.210, to acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund for Hamlet Greens, Hamlet Parks, or Pocket Parks purposes;

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0200 Section 160.00	+/- .25	Mowshiah and Mowming Lin Hallock Road

Block 06.00

Port Jefferson Station, NY
11776

Lot 008.000

and be it further

2nd RESOLVED, that this proposed acquisition shall be consummated in accordance with, and subject to, the provisions of Sections 36-1(A)(2)(5)(6) of the SUFFOLK COUNTY CHARTER in connection with the Hamlet Greens, Hamlet Parks or Pocket Parks acquisitions; and be it further

3rd RESOLVED, that the County Department of Planning, Division of Real Estate, the County Planning Department, the County Department of Public Works, and/or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

4th RESOLVED, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be appropriated to future and subsequent acquisitions under the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund; and be it further

5th 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) 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 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: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Legislator Schneiderman made a motion on the following resolution, seconded by Legislator Losquadro. The resolution was passed 18-0.

Intro. Res. No. 1085-2005
Introduced by Legislators Schneiderman and Foley

Laid on Table 1/25/2005

**RESOLUTION NO. 80 -2005, AUTHORIZING
PLANNING STEPS FOR THE ACQUISITION OF
LAND UNDER THE NEW SUFFOLK COUNTY
DRINKING WATER PROTECTION PROGRAM
(WARNER LEROY PROPERTIES – TOWN OF
EAST HAMPTON)**

WHEREAS, Local Law 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers,” authorizes the use of 13.55 per cent of sales, and compensating use tax proceeds generated each year for open space acquisition, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section 12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 13.55 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, the Town of East Hampton has indicated a willingness to share in the cost of the acquisition of this property; now, therefore, be it

1st RESOLVED, that the parcel(s) listed in Exhibit "A", consisting of approximately 31.4 acres, are hereby approved for preliminary planning steps and ultimate inclusion in the New Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER; and be it further

2nd RESOLVED, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

3rd RESOLVED, that the parcels listed in Exhibit “A” meet the criteria required by the New Drinking Water Protection Program in that they are lands “located fully or partially within a statutorily designated Special Groundwater Protection Area”; and be it further

4th RESOLVED, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

5th RESOLVED, that the Director of the Division of Real Estate within the County Planning Department, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(B) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

6th RESOLVED, that the Director of the Division of Real Estate within the County Planning Department, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire fee simple absolute or a lesser interest (i.e. conservation easement) of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

7th **RESOLVED**, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

8th **RESOLVED**, that the Director of the Division of Real Estate within the County Planning Department, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcels as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

9th **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel(s); and be it further

10th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0300 Section 126.00 Block 01.00	1.9	ARG SPV Corp. 47 Milina Drive East Hampton, NY
11937	Lot 014.038		
No. 2	District 0300 Section 126.00	1.9	ARG SPV Corp. 47 Milina Drive

11937	Block	01.00		East Hampton, NY
	Lot	014.039		
No. 3	District	0300	2.0	ARG SPV Corp.
	Section	126.00		47 Milina Drive
11937	Block	01.00		East Hampton, NY
	Lot	014.041		
No. 4	District	0300	2.2	ARG SPV Corp.
	Section	126.00		47 Milina Drive
11937	Block	01.00		East Hampton, NY
	Lot	014.042		
No. 5	District	0300	2.1	ARG SPV Corp.
	Section	126.00		47 Milina Drive
11937	Block	01.00		East Hampton, NY
	Lot	014.043		
No. 6	District	0300	2.4	ARG SPV Corp.
	Section	126.00		47 Milina Drive
11937	Block	01.00		East Hampton, NY
	Lot	014.045		
No. 7	District	0300	3.6	ARG SPV Corp.
	Section	126.00		47 Milina Drive
11937	Block	01.00		East Hampton, NY
	Lot	017.001		
No. 8	District	0300	5.5	ARG SPV Corp.
	Section	126.00		47 Milina Drive
11937	Block	01.00		East Hampton, NY
	Lot	017.002		
No. 9	District	0300	4.8	ARG SPV Corp.
	Section	126.00		47 Milina Drive
11937	Block	01.00		East Hampton, NY
	Lot	017.003		
No. 10	District	0300	3.0	ARG SPV Corp.
	Section	150.00		47 Milina Drive

11937	Block	01.00		East Hampton, NY
	Lot	009.003		
No. 11	District	0300	2.0	ARG SPV Corp.
	Section	150.00		47 Milina Drive
11937	Block	01.00		East Hampton, NY
	Lot	009.004		
Total AVERAGE		±31.4		

EXHIBIT "A"

Legislator Viloría-Fisher made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 18-0.

Intro. Res. No. 1063-2005 Laid on Table 1/25/2005
 Introduced by Legislators Viloría-Fisher, Foley, Alden and Carpenter

**RESOLUTION NO. 81 –2005, DECLARING
 MAY AS "MELANOMA AWARENESS
 MONTH" IN SUFFOLK COUNTY**

WHEREAS, melanoma is the most deadly form of skin cancer accounting for 79% of all skin cancer deaths; and

WHEREAS, in 2002 the American Cancer Society estimated that there were 7,400 deaths from melanoma; and

WHEREAS, melanoma is currently the 6th most common cancer in American men and the 7th most common cancer in American women and is the leading cause of cancer deaths in women between the ages of 25 to 30; and

WHEREAS, the most recognized cause of all types of skin cancer, including melanoma is excessive exposure to ultraviolet (UV) rays; and

WHEREAS, other factors that increase the risk of skin cancer, including melanoma are age; complexion; severe sunburn before age 20, use of tanning beds; a history of non-cancerous growths on the skin; workplace exposure to certain substances; and a history of immune disorders; and

WHEREAS, the American Cancer Society estimates that about 59,580 new melanomas will be diagnosed in the United States during 2005; now, therefore be it

1st RESOLVED, that the month of May this year and every year thereafter is hereby designated as "**Melanoma Awareness Month**" within the County of Suffolk to increase awareness of this most deadly form of skin cancer; and be it further

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

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Legislator Foley made a motion on the following resolution, seconded by Legislator Lindsay. The resolution was passed 18-0.

Intro. Res. No. 1066-2005
Introduced by Legislators Foley and Tonna

Laid on Table 1/25/2005

**RESOLUTION NO. 82 -2005, ADOPTING
LOCAL LAW NO. 7 -2005, A LOCAL LAW TO
AMEND RESOLUTION NO. 11-2005**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 10, 2005, a proposed local law entitled, "**A LOCAL LAW TO AMEND RESOLUTION NO. 11-2005**"; now, therefore, be it

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

LOCAL LAW NO. 7 -2005, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND RESOLUTION NO. 11-2005

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

Section 1. Legislative Intent.

This Legislature hereby finds that a technical correction to Resolution No. 11-2005, "A Local Law Prohibiting the Sale of Tobacco Products or Herbal Cigarettes,

Rolling Papers or Pipes to Anyone Under the Age of 19", adopted January 3, 2005, is necessary to correct a technical error.

Therefore, the purpose of this law is to correct the height requirement on signs from two (2") inches to three-quarter (3/4) inch where tobacco products or herbal cigarettes are sold or offered for sale within the County of Suffolk.

Section 2. Amendments.

Section 4 of Resolution No. 11-2005 is hereby amended to read as follows:

* * * *

Section 4. Prohibitions.

Any person operating a place of business wherein tobacco products or herbal cigarettes are sold or offered for sale is prohibited from selling such products, herbal cigarettes, rolling papers or pipes to individuals under 19 years of age, and shall post in a conspicuous place, a sign upon which there shall be imprinted the following statement:

“Sale of Cigarettes, Cigars, Chewing Tobacco, Powdered Tobacco, or Other Tobacco Products, Herbal Cigarettes, Rolling Papers or Pipes, To Persons Under Nineteen (19) Years of Age Is Prohibited Under Penalty of Law.”

Such sign shall be printed on a white card in red [capital] letters at least [two] three-quarter (3/4) inch[es] in height. Sale of tobacco products or herbal cigarettes in such places, other than by a vending machine, shall be made only to an individual who demonstrates through:

* * * *

Section 3. Applicability.

This law shall apply to all sales of products prohibited on or after the effective date of this law.

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
after a public hearing duly held on March 3, 2005

Date: March 7, 2005
Filed with the Secretary of State on March 21, 2005

Legislator Losquadro made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 18-0.

Intro. Res. No. 1022-2005 Laid on Table 1/25/2005
Introduced by Legislator Losquadro

**RESOLUTION NO. 83 -2005, AMEND
RESOLUTION NO. 322-2004 TO EXTEND
DEADLINE FOR ATV TASK FORCE**

WHEREAS, Resolution No. 322-2004 established an eleven member Task Force to study the need for an ATV Park and to reduce illegal ATV use in Suffolk County; and

WHEREAS, Resolution No. 952-2004 added two (2) additional members to the Task Force; and

WHEREAS, the Task Force was scheduled to expire on October 1, 2004;
and

WHEREAS, Resolution No. 885-2004 extended the deadline to March 15,
2005, and

WHEREAS, the recent Resolution adding two (2) additional members has
caused the Task Force to delay its deliberations until it reached full strength; and

WHEREAS, the timeframe for the Task Force to complete its work,
including holding hearings, analyzing the need for an ATV Park, assessing the feasibility
of establishing a public site in Suffolk County where ATV use could occur, and making
recommendations to reduce illegal ATV use on public property in Suffolk County, cannot
be accomplished by this imposed deadline; now, therefore, be it

1st RESOLVED, that the 7th, 14th, and 15th RESOLVED clauses of Resolution
No. 322-2004 are hereby amended to read as follows:

7th RESOLVED, that [six (6)] seven (7) members of the Task
Force shall constitute a quorum to transact the business of the
Task Force at both regular and special meetings; and be it further

14th RESOLVED, that this special Task Force shall submit a
written report of its findings and determinations together with its
recommendations for action, if any, as to the need for an ATV
Park, to each member of the County Legislature and the County
Executive no later than [six (6) months subsequent to the effective
date of this Resolution] December 31, 2005 for consideration,
review, and appropriate action, if necessary, by the entire County
Legislature; and be it further

15th RESOLVED, that the Task Force shall expire, and the
terms of office of its members terminate, as of [March 15, 2005]
December 31, 2005 at which time the Task Force shall deposit all
the records of its proceedings with the Clerk of the Legislature;
and be it further

and be it further

2nd RESOLVED, that all other terms and conditions of Resolution Nos. 322-
2004 and 952-2004 shall remain in full force and effect; and be it further

3rd RESOLVED, that this Legislature, being the State Environmental Quality
Review Act (SEQRA) lead agency, hereby finds and determines that this resolution
constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of
the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the
meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION
LAW as a promulgation of regulations, rules, policies, procedures, and legislative
decisions in connection with continuing agency administration, management and
information collection, and the Suffolk County Council on Environmental Quality (CEQ) is

hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Legislator Schneiderman made a motion on the following resolution, seconded by Legislator Bishop. The resolution was passed 18-0.

Intro. Res. No. 1023-2005
Introduced by Legislator Schneiderman

Laid on Table 1/25/2005

**RESOLUTION NO. 84 -2005, REAPPOINTING
JOANNA FERRARO-LEVY AS A MEMBER OF
THE SUFFOLK COUNTY CITIZENS ADVISORY
BOARD FOR THE ARTS**

WHEREAS, the term of **Joanna Ferraro-Levy** as a member of the Suffolk County Citizens Advisory Board for the Arts has expired as of June 30, 2004, resulting in a holdover status; now, therefore, be it

1st RESOLVED, that **Joanna Ferraro-Levy**, currently residing at 58 Beach Road, Westhampton Beach, NY 11978, is hereby reappointed as a member of the Suffolk County Citizens Advisory Board for the Arts for a three (3) year term of office to expire on June 30, 2007, pursuant to Section 68-3(C)(1) of the SUFFOLK COUNTY CODE; and be it further

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

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: March 1, 2005

Legislator Mystal made a motion on the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 18-0.

Intro. Res. No. 1026-2005
Introduced by Legislator Mystal

Laid on Table 1/25/2005

**RESOLUTION NO. 85 -2005,
REAPPOINTING SUSAN LEBOW AS A
MEMBER OF THE SUFFOLK COUNTY
VANDERBILT MUSEUM COMMISSION
(TRUSTEE NO. 13)**

WHEREAS, Susan Lebow was reappointed by Res. No. 62-2001 as a member of the Suffolk County Vanderbilt Museum Commission; and

WHEREAS, the term of Susan LeBow has expired as of December 28, 2004; now, therefore, be it

1st RESOLVED, that **Susan LeBow** residing at 11 Cobblers Lane, Dix Hills, NY 11746, be and she hereby is reappointed to the Suffolk County Vanderbilt Museum Commission, as Trustee No. 13, for a term of office to expire December 28, 2008, said reappointment having been made pursuant to the provisions of Section 184-7(A) of the SUFFOLK COUNTY CODE.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND RESOLUTION NO. 226-1987 (SECTION 793-5 OF THE SUFFOLK COUNTY CODE)

Legislator Nowick made a motion on the following resolution, seconded by Legislator Kennedy. The resolution was passed 18-0.

Intro. Res. No. 1039-2005
Introduced by Legislator Nowick

Laid on Table 1/25/2005

**RESOLUTION NO. 86 -2005, APPOINTING
DAVID D'ORAZIO AS A MEMBER OF THE
SUFFOLK COUNTY VANDERBILT MUSEUM
COMMISSION (TRUSTEE NO. 3)**

WHEREAS, the term of office of Michael Broxmeyer, as a member of the Suffolk County Vanderbilt Museum Commission has expired as of December 31, 2004; now, therefore, be it

1st RESOLVED, that **David D'Orazio**, residing at 153 Cambon Avenue, St. James, New York 11780, be and he hereby is appointed to the Suffolk County Vanderbilt Museum Commission, as Trustee No. 3, for a term of office to expire December 28, 2008, said appointment having been made pursuant to the provisions of Section 184-7(A) of the SUFFOLK COUNTY CODE.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND RESOLUTION NO. 226-1987 (SECTION 793-5 OF THE SUFFOLK COUNTY CODE)

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Losquadro. The resolution was passed 18-0.

Intro. Res. No. 2322-2004
Introduced by Presiding Officer Caracappa

Laid on Table 12/21/2004

**RESOLUTION NO. 87 -2005, APPOINT
MEMBER TO SUFFOLK COUNTY CITIZENS
CORP COUNCIL (PHILIP A. FACQUET III
D.C.)**

WHEREAS, Resolution No. 1283-2004 was adopted on December 7, 2004 to create a Suffolk County Citizens Corp Council to develop and coordinate volunteer programs to assist emergency responders; now, therefore be it

1st RESOLVED, that Philip A. Facquet III, D.C., currently residing at 70 Radburn Drive, Farmingville, NY 11738, is hereby appointed to serve as a member of the Suffolk County Citizens Corp Council for a three-year term of office, effective immediately; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) 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: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND RESOLUTION NO. 1283-2004

Legislator Cooper made a motion on the following resolution, seconded by Legislator Binder. The resolution was passed 18-0.

Intro. Res. No. 2327-2004 Laid on Table 12/21/2004
Introduced by Legislators Cooper, Caracciolo, Vilorio-Fisher, Tonna, Lindsay, Alden, Binder
Carpenter and Mystal

RESOLUTION NO. 88 -2005, ADOPTING LOCAL LAW NO. 8 -2005, A LOCAL LAW TO AMEND ARTICLE II CHAPTER 270 OF THE SUFFOLK COUNTY CODE TO PROVIDE FURTHER PROTECTIONS UNDER THE "CRACK HOUSE LAW"

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on January 25, 2005, a proposed local law entitled, "**A LOCAL LAW TO AMEND ARTICLE II CHAPTER 270 OF THE SUFFOLK COUNTY CODE TO PROVIDE FURTHER PROTECTIONS UNDER THE "CRACK HOUSE LAW"**", and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

LOCAL LAW NO. 8 -2005, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND ARTICLE II CHAPTER 270 OF THE SUFFOLK COUNTY CODE TO PROVIDE FURTHER PROTECTIONS UNDER THE "CRACK HOUSE LAW"

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

Section 1. Legislative Intent.

This Legislature hereby finds that the local law adopted in 1988, commonly known as the "Crack House Law" has proved effective in safeguarding our communities by providing an additional avenue of recourse when the welfare of a community is endangered.

This Legislature further finds that a gap exists in the current law, which fails to include certain violent crimes in the prohibited conduct.

This Legislature also finds and determines violent crimes and crimes involving weapons should be included in the list of prohibited conduct that triggers sanctions under Article II Chapter 270 of the Suffolk County Code.

Therefore, the purpose of this law is to add certain crimes involving firearms and certain violent crimes to the conduct prohibited by Chapter 270.

Section 2. Amendments.

Section 270-7 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 270, DRUG PARAPHERNALIA AND PREMISES
ARTICLE II, Crack Houses

§ 270-7. Definitions.

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

* * * *

PROHIBITED CONDUCT -- The following:

A. Any conduct or occurrence that is in violation of the following articles or sections of the New York State Penal Law:

- (1) Article 220 (controlled substances).
- (2) Article 230 (prostitution).
- (3) Article 225 (gambling).
- (4) Sections 221.40, 221.45, 221.50 and 221.55 (criminal sale of marijuana in the fourth degree through first degree).
- (5) Sections 165.45, 165.50, 165.52 and 165.54 (criminal possession of stolen property in the fourth degree through first degree).
- (6) Sections 165.09 and 165.10 (auto stripping in the second and first degrees).
- (7) Section 170.65 (forgery of a vehicle identification number).
- (8) Section 110.70 (illegal possession of a vehicle identification number plate).
- (9) Section 265.08 (criminal use of a firearm in the second degree).
- (10) Section 265.09 (criminal use of a firearm in the first degree).
- (11) Section 265.11 (criminal sale of a firearm in the third degree).
- (12) Section 265.12 (criminal sale of a firearm in the second degree).
- (13) Section 265.13 (criminal sale of a firearm in the first degree).
- (14) Section 120.08 (assault on a peace officer, police officer, fireman or emergency medical services professional).
- (15) Section 120.10 (assault in the first degree).
- (16) Section 265.02 (criminal possession of a weapon in the third degree).
- (17) Section 265.03 (criminal possession of a weapon in the second degree).

(18) Section 265.04 (criminal possession of a dangerous weapon in the first degree).

* * * *

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

[] Brackets denote deletion of existing language.

___ Underlining denotes addition of new language.

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

after a public hearing duly held on March 3, 2005

Date: March 7, 2005

Filed with the Secretary of State on March 21, 2005

Legislator Foley made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 18-0.

Intro. Res. No. 1089-2005

Laid on Table 1/25/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 89 -2005, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$25,000 FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, FOR THE SUFFOLK COUNTY POLICE DEPARTMENT TO FUND A MOTORCYCLE SAFETY ENFORCEMENT PROGRAM WITH 82.13% SUPPORT

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$25,000 in Federal Highway Safety pass-through monies to fund a program allowing the Suffolk County Police Department to conduct enforcement activities to effectively reduce the number of motorcycle fatalities in Suffolk County; and

WHEREAS, the operational period of the Program will be from October 1, 2004, through September 30, 2005; and

WHEREAS, said grant funds totaling \$25,000 have not been included in the 2005 Suffolk County Operating Budget; now, therefore, be it

RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds as follows:

REVENUES:
AMOUNT

115-4356-Federal Aid: Motorcycle Safety Enforcement
\$25,000

ORGANIZATIONS:

Police Department (POL)
Motorcycle Safety Enforcement
115-POL-3230

1000-Personal Services
\$25,000

1120-Overtime Salaries
25,000

and be it further

RESOLVED, that the fringe benefits associated with the overtime salaries for this grant are included in the 2005 Suffolk County Operating Budget; and be it further

RESOLVED, that the Reporting Category for the County Integrated Financial Management System is P128.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Deputy Presiding Officer Carpenter made a motion on the following resolution, seconded by Legislator O'Leary. The resolution was passed 18-0.

Intro. Res. No. 1090-2005

Laid on Table 1/25/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 90 -2005,
ACCEPTING AND APPROPRIATING A
GRANT IN THE AMOUNT OF \$25,000
FROM THE STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY
COMMITTEE, FOR THE SUFFOLK
COUNTY POLICE DEPARTMENT TO
FUND A PEDESTRIAN SAFETY
ENFORCEMENT PROGRAM WITH
82.13% SUPPORT**

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$25,000 in Federal Highway Safety pass-through monies to fund a program allowing the Suffolk County Police Department to conduct enforcement

activities at certain identified locations with the goal of reducing crashes involving pedestrians; and

WHEREAS, locations for traffic enforcement were identified by a previous SCPD study funded by the Governor's Traffic Safety Committee; and

WHEREAS, the operational period of the Program will be from October 1, 2004, through September 30, 2005; and

WHEREAS, said grant funds totaling \$25,000 have not been included in the 2005 Suffolk County Operating Budget; now, therefore, be it

RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds as follows:

REVENUES:

AMOUNT

115-4355-Federal Aid: Pedestrian Safety Enforcement
\$25,000

ORGANIZATIONS:

Police Department (POL)
Pedestrian Safety Enforcement
115-POL-3228

1000-Personal Services

\$25,000

1120-Overtime Salaries
25,000

and be it further

RESOLVED, that the fringe benefits associated with the overtime salaries for this grant are included in the 2005 Suffolk County Operating Budget; and be it further

RESOLVED, that the Reporting Category for the County Integrated Financial Management System is P127.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Deputy Presiding Officer Carpenter made a motion on the following resolution, seconded by Legislator O’Leary. The resolution was passed 18-0.

Intro. Res. No. 1091A-2005

BOND RESOLUTION NO 91 -2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$630,000 BONDS TO FINANCE A PART OF THE COST OF THE PURCHASE AND INSTALLATION OF A MODULAR STRESSED MEMBRANE SPRUNG STRUCTURE AT THE YAPHANK CORRECTIONAL FACILITY (CP 3009)

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

Section 1. The County of Suffolk, New York (herein called the “County”), is hereby authorized to issue bonds in the principal amount of \$630,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the “Law”), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the purchase and installation of a modular stressed membrane sprung structure at the Yaphank Correctional Facility, as authorized in the 2005 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,130,000. The plan of financing includes (a) the issuance of \$1,500,000 bonds or bond anticipation notes heretofore authorized for pursuant to Bond Resolution Number 760-2004, (b) the issuance of \$630,000 bonds or bond anticipation notes authorized pursuant to this resolution, and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

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

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

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

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Deputy Presiding Officer Carpenter made a motion on the following resolution, seconded by Legislator O'Leary. The resolution was passed 18-0.

Intro. Res. No. 1091-2005 Laid on Table 1/25/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy and Legislator Carpenter

**RESOLUTION NO. 92 - 2005, AMENDING
THE 2005 CAPITAL BUDGET AND PROGRAM
IN CONNECTION WITH THE REDUCTION OF
INMATE TRANSPORTATION AND OUT-OF-
COUNTY HOUSING COSTS AT YAPHANK
CORRECTIONAL FACILITY (CP 3009)**

WHEREAS, the Correctional Facility in Yaphank is demonstrating signs of deterioration and is pushing the life expectancy of the facility; and

WHEREAS, the expansion in the number of incarcerated has placed an added burden on the Yaphank Correctional Facility which has operated beyond its capacity for over a decade, as determined by state officials granting variances to occupy the jail; and

WHEREAS, the County shall construct a New Replacement Jail/Correctional Facility at Yaphank to address these building facility issues and the expected growth in the number of inmates at the facility; and

WHEREAS, the State Commission of Correction (COC) has disallowed the continued use of two modulars at the Yaphank Facility forcing the County to transport and house inmates in out-of-County facilities at a substantial cost to Suffolk County; and

WHEREAS, Resolution 761-2004 appropriated \$1.5 million for the purchase and installation of replacement modular structure required to replace the closed modulars and house inmates during the construction of the new replacement facility at Yaphank; and

WHEREAS, the balance of monies necessary to purchase and install a replacement modular structure under the September 28, 2004 bid is \$2,130,000 requiring the appropriation of \$630,000 for the project from the Capital Project account that would otherwise have been utilized to renovate the existing Correctional Facility at

Yaphank in the absence of the COC decision to disallow the continued use of the (2) Modulares at Yaphank to continue forward; and

WHEREAS, sufficient funds are included in the 2005 Capital Budget and Program to cover the costs of said request under Capital Program 3009; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 2005 Capital Budget, as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$630,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), this action constitutes a Type II action pursuant to the provisions of Title 6 NYCRR Part 617.5 (c) (2) and Chapter 279 of the Suffolk County Code, since it involves "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes and will have no significant effect on the environment; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-six (56), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the 2005 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 3009
 Project Title: Renovation at the Yaphank Correctional Facility - Purchase and Installation of a Modular Structure at Yaphank Correctional Facility

		Total Est'd <u>Cost</u>	Current 2005 Capital Budget & <u>Program</u>	Revised 2005 Capital Budget & <u>Program</u>
3. Construction B			\$15,708,500 \$630,000 B	\$495,000
4. Site Improvements	\$165,000		\$300,000 B	\$165,000 B
TOTAL		\$17,047,350	\$795,000	\$795,000

and be it further

4th RESOLVED, that the proceeds of \$630,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3009.314	20	Purchase and Installation of a Modular Structure at Yaphank Correctional Facility	\$630,000

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Legislator O'Leary made a motion on the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 18-0.

Intro. Res. No. 1068-2005 Laid on Table 1/25/2005
Introduced by Presiding Officer pursuant to Rule 3F13 of the Suffolk County Legislature

**RESOLUTION NO. 93 -2005, AUTHORIZING
PUBLIC
HEARING FOR APPROVAL OF FERRY
LICENSE FOR FIRE ISLAND WATER TAXI, LLC**

WHEREAS, Fire Island Water Taxi LLC has applied to the Suffolk County Legislature, by a Petition dated and verified January 7, 2005, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County for the approval of a passenger and freight ferry license and franchise for service between the ferry terminals at Bay Shore, Fire Island Lighthouse, the Fire Island communities of Kismet, Fair Harbor, Dunewood, Atlantique, Robbins Rest, Seaview and Ocean Bay Park, and the Incorporated Villages of Ocean Beach and Saltaire and Point O' Woods, Sailor's Haven, Cherry Grove, Watch Hill Marina, Fire Island Pines and Davis Park, both express and local service, with intermittent stops among said communities and Villages, all of which lie within the County of Suffolk, at approved rates, to; now, therefore be it

1st RESOLVED, that Consideration of the Petition of Fire Island Water Taxi LLC for the purposes of publication of the notice required by the Suffolk County Legislature, the Public Hearing on this Petition shall be held at the Regular Meeting of the Suffolk County Legislature at 5:30 pm on the 15th day of March 2005 at Riverhead, New York; and be it further

2nd RESOLVED, that pending the consideration of this Petition and the Public Hearing, the Petition be and it hereby is referred to the Public Works and

Transportation Committee for its consideration and recommendation to the Suffolk County Legislature.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Legislator O'Leary made a motion on the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 18-0.

Intro. Res. No. 1070-2005

Laid on Table 1/25/2005

Introduced by Presiding Officer pursuant to Rule 3F13 of the Suffolk County Legislature

**RESOLUTION NO. 94 -2005,
AUTHORIZING PUBLIC HEARING FOR
APPROVAL OF RATES FOR FIRE
ISLAND WATER TAXI, LLC**

WHEREAS, Fire Island Water Taxi LLC has applied to the Suffolk County Legislature, by a Petition dated and verified January 7, 2005, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County for the approval of the alteration of its existing passenger and freight rates, which will be applicable to the Fire Island Water Taxi, LLC for service between the ferry terminals at Bay Shore, Fire Island Lighthouse, the Fire Island communities of Kismet, Fair Harbor, Dunewood, Atlantique, Robbins Rest, Seaview and Ocean Bay Park, and the Incorporated Villages of Ocean Beach and Saltaire and Point O' Woods, Sailor's Haven, Cherry Grove, Watch Hill Marina, Fire Island Pines and Davis Park, both express and local service, with intermittent stops among said communities and Villages, all of which lie within the County of Suffolk, at approved rates, to; now, therefore be it

1st RESOLVED, that Consideration of the Petition of Fire Island Water Taxi LLC for the purposes of publication of the notice required by the Suffolk County Legislature, the Public Hearing on this Petition shall be held at the Regular Meeting of the Suffolk County Legislature at 5:30 pm on the 15th day of March 2005 at Riverhead, New York; and be it further

2nd RESOLVED, that pending the consideration of this Petition and the Public Hearing, the Petition be and it hereby is referred to the Public Works and Public Transportation Committee for its consideration and recommendation to the Suffolk County Legislature.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Legislator O'Leary made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 18-0.

Intro. Res. No. 1007-2005
Laid on Table 1/25/2004
Introduced by the Presiding Officer

**RESOLUTION NO. 95 -2005,
APPROVING PAYMENT TO GENERAL
CODE PUBLISHERS FOR
ADMINISTRATIVE CODE PAGES**

WHEREAS, General Code Publishers Corp. has provided Supplement No. 67 to update the Suffolk County Administrative Code totaling \$4,304.88; and

WHEREAS, Resolution No. 461-1986 established a schedule of fees for entities and/or individuals requesting such Administrative Code and pages from the County Legislature and Resolution No. 189-1991 amended said fee schedule; now therefore, be it

RESOLVED, that the payment of \$4,304.88 for the provisions of such pages is hereby approved.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Legislator Binder made a motion on the following resolution, seconded by Legislator Cooper. The resolution was passed 18-0.

**RESOLUTION NO. 96 -2005,
AUTHORIZING TRANSFER OF TEN (10)
SURPLUS COUNTY COMPUTERS TO
SENIOR NET AT FAMILY SERVICE
LEAGUE**

WHEREAS, the Planning Department has submitted to the County Comptroller a list of surplus computers and hardware which have been taken out of service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, various not-for-profit and public service organizations in Suffolk County have requested the donation of computers from the County; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore, be it

1st **RESOLVED**, that the County Comptroller is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following not-for-profit organization, for use within its facilities for nominal consideration, which computers shall be selected from the list attached hereto as Exhibit "A":

TO:
Senior Net @ Family Service League
Systems
Don Weidman Computer Learning Center
790 Park Avenue
Huntington, NY 11743
Contact: Eric Vero
Telephone: 631-754-6472

COMPUTER:
10 Computer

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed non-profit for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative

decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY
CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

**Legislator Cooper made a motion on the following resolution, seconded by
Legislator Binder. The resolution was passed 18-0.**

Intro. Res. No. 1027-2005
Introduced by Legislator Cooper

Laid on Table 1/25/2005

**RESOLUTION NO. 97 -2005,
AUTHORIZING TRANSFER OF THREE (3)
SURPLUS COUNTY COMPUTERS TO
EARLY CHILDHOOD LEARNING
PROGRAM, THE HUNTINGTON FREEDOM
CENTER**

WHEREAS, the Planning Department has submitted to the County Comptroller a list of surplus computers and hardware which have been taken out of service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, various not-for-profit and public service organizations in Suffolk County have requested the donation of computers from the County; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore, be it

1st RESOLVED, that the County Comptroller is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following not-for-profit organization, for use within its facilities for nominal consideration, which computers shall be selected from the list attached hereto as Exhibit "A":

TO:
Early Childhood Learning Program
Systems
The Huntington Freedom Center

COMPUTER:
3 Computer

159 Railroad Street
Huntington Station, NY 11746
Contact: Laura Genovese
Telephone: (631) 271-1323

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed non-profit for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY
CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

**Legislator Cooper made a motion on the following resolution, seconded by
Legislator Binder. The resolution was passed 18-0.**

Intro. Res. No. 1028-2005
Introduced by Legislators Cooper and Binder

Laid on Table 1/25/2005

**RESOLUTION NO. 98 -2005,
AUTHORIZING TRANSFER OF THREE (3)
SURPLUS COUNTY COMPUTERS TO
FAITH MISSIONARY BAPTIST CHURCH**

WHEREAS, the Planning Department has submitted to the County Comptroller a list of surplus computers and hardware which have been taken out of service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, various not-for-profit and public service organizations in Suffolk County have requested the donation of computers from the County; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore, be it

1st **RESOLVED**, that the County Comptroller is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following not-for-profit organization, for use within its facilities for nominal consideration, which computers shall be selected from the list attached hereto as Exhibit "A":

TO:
Faith Missionary Baptist Church
Systems
Vocational Learning Center
170 First Avenue
Huntington Station, NY 11746
Contact: Reverend Lionel Smith
Telephone: (631) 375-1489

COMPUTER:
3 Computer

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed non-profit for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY
CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

**Legislator Cooper made a motion on the following resolution, seconded by
Legislator Binder. The resolution was passed 18-0.**

Intro. Res. No. 1029-2005
Introduced by Legislator Cooper

Laid on Table 1/25/2005

**RESOLUTION NO. 99 -2005,
AUTHORIZING TRANSFER OF SEVEN (7)
SURPLUS COUNTY COMPUTERS TO
FAMILY SERVICE LEAGUE OF SUFFOLK
COUNTY, INC.**

WHEREAS, the Planning Department has submitted to the County
Comptroller a list of surplus computers and hardware which have been taken out of
service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, various not-for-profit and public service organizations in
Suffolk County have requested the donation of computers from the County; and

WHEREAS, this organization is willing to assume responsibility for the
removal and transportation of this equipment; now, therefore, be it

1st RESOLVED, that the County Comptroller is hereby authorized,
empowered, and directed, to transfer the following surplus equipment to the following
not-for-profit organization, for use within its facilities for nominal consideration, which
computers shall be selected from the list attached hereto as Exhibit "A":

TO:
Family Service League of Suffolk County, Inc.
Systems
Manor Field Family Center
790 Park Avenue
Huntington, NY 11743
Contact: Peggy Boyd, Director
Telephone: 631-425-9694

COMPUTER:
7 Computer

This Program is located at:
90 East 5th Street
Huntington Station, NY 11746

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed non-profit for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

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

CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,

2005

Legislator Cooper made a motion on the following resolution, seconded by Legislator Binder. The resolution was passed 18-0.

Intro. Res. No. 1031-2005
Introduced by Legislator Cooper

Laid on Table 1/25/2005

**RESOLUTION NO. 100 -2005,
AUTHORIZING TRANSFER OF THREE (3)
SURPLUS COUNTY COMPUTERS TO
SOLID ROCK MINISTRY OF LONG ISLAND**

WHEREAS, the Planning Department has submitted to the County Comptroller a list of surplus computers and hardware which have been taken out of service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, various not-for-profit and public service organizations in Suffolk County have requested the donation of computers from the County; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore, be it

1st **RESOLVED**, that the County Comptroller is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following not-for-profit organization, for use within its facilities for nominal consideration, which computers shall be selected from the list attached hereto as Exhibit "A":

TO:
Solid Rock Ministry of Long Island
Systems
240 Main Street
Huntington, NY 11743
Contact: Reverend Brendon Wilson
Telephone: 631-427-4776

COMPUTER:
3 Computer

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed non-profit for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

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

CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,

2005

Legislator Cooper made a motion on the following resolution, seconded by Legislator Binder. The resolution was passed 18-0.

Intro. Res. No. 1032-2005
Introduced by Legislator Cooper

Laid on Table 1/25/2005

**RESOLUTION NO. 101 -2005,
AUTHORIZING TRANSFER OF TWO (2)
SURPLUS COUNTY COMPUTERS TO
DREAMCATCHERS' THEATRE, INC.**

WHEREAS, the Planning Department has submitted to the County Comptroller a list of surplus computers and hardware which have been taken out of service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, various not-for-profit and public service organizations in Suffolk County have requested the donation of computers from the County; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore, be it

1st **RESOLVED**, that the County Comptroller is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following not-for-profit organization, for use within its facilities for nominal consideration, which computers shall be selected from the list attached hereto as Exhibit "A":

TO:
Dreamcatchers' Theatre, Inc.

COMPUTER:
2 Computer

Systems

177 Main Street
Suite 206
Huntington, NY 11743
Contact: Betty G. Garrison, BFA, MA – Executive Director
Telephone: 631-549-3883

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed non-profit for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the

meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY
CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

**Legislator Cooper made a motion on the following resolution, seconded by
Legislator Binder. The resolution was passed 18-0.**

Intro. Res. No. 1034-2005
Introduced by Legislator Cooper

Laid on Table 1/25/2005

**RESOLUTION NO. 102 -2005,
AUTHORIZING TRANSFER OF ONE (1)
SURPLUS COUNTY COMPUTER TO
YOUTH DIRECTIONS AND
ALTERNATIVES**

WHEREAS, the Planning Department has submitted to the County Comptroller a list of surplus computers and hardware which have been taken out of service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, various not-for-profit and public service organizations in Suffolk County have requested the donation of computers from the County; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore, be it

1st RESOLVED, that the County Comptroller is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following not-for-profit organization, for use within its facilities for nominal consideration, which computers shall be selected from the list attached hereto as Exhibit "A":

TO:
Youth Directions and Alternatives
System

COMPUTER:
1 Computer

7 Diane Court
East Northport, NY 11731
Contact: Karen Haber, Director
Telephone: 631-261-7901

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed non-profit for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY
CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

**Legislator Cooper made a motion on the following resolution, seconded by
Legislator Binder. The resolution was passed 18-0.**

Intro. Res. No. 1035-2005
Introduced by Legislator Cooper

Laid on Table 1/25/2005

**RESOLUTION NO. 103 -2005,
AUTHORIZING TRANSFER OF THREE (3)
SURPLUS COUNTY COMPUTERS TO
HAVEN HOUSE**

WHEREAS, the Planning Department has submitted to the County Comptroller a list of surplus computers and hardware which have been taken out of service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, various not-for-profit and public service organizations in Suffolk County have requested the donation of computers from the County; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore, be it

1st **RESOLVED**, that the County Comptroller is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following not-for-profit organization, for use within its facilities for nominal consideration, which computers shall be selected from the list attached hereto as Exhibit "A":

TO:
Haven House
Systems
15 Tower Street
Huntington Station, NY 11746
Contact: Demisha Owens, House Manager
Telephone: 631-271-1500

COMPUTER:
3 Computer

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed non-profit for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY
CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

**Legislator Cooper made a motion on the following resolution, seconded by
Legislator Binder. The resolution was passed 18-0.**

Intro. Res. No. 1036-2005
Introduced by Legislator Cooper

Laid on Table 1/25/2005

**RESOLUTION NO. 104 -2005,
AUTHORIZING TRANSFER OF THREE (3)
SURPLUS COUNTY COMPUTERS TO TRI-
COMMUNITY YOUTH AGENCY**

WHEREAS, the Planning Department has submitted to the County
Comptroller a list of surplus computers and hardware which have been taken out of
service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, various not-for-profit and public service organizations in
Suffolk County have requested the donation of computers from the County; and

WHEREAS, this organization is willing to assume responsibility for the
removal and transportation of this equipment; now, therefore, be it

1st RESOLVED, that the County Comptroller is hereby authorized,
empowered, and directed, to transfer the following surplus equipment to the following
not-for-profit organization, for use within its facilities for nominal consideration, which
computers shall be selected from the list attached hereto as Exhibit "A":

TO:
Tri-Community Youth Agency
Systems
310 West Hills Road
Huntington Station, NY 11746
Contact: Debbie Rimler, Director
Telephone: 631-673-3303

COMPUTER:
3 Computer

and be it further

2nd RESOLVED, that the above described surplus County personal property is
hereby declared to be of scrap value only and is transferred to the above listed non-profit

for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1, 2005

Legislator Binder made a motion on the following resolution, seconded by Legislator O'Leary. The resolution was passed 18-0.

Intro. Res. No. 1048-2005 Laid on Table 1/25/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 105 -2005,
AUTHORIZING THE EXTENSION OF A
LEASE OF PREMISES LOCATED AT THE
KELLUM STREET SCHOOL, LINDENHURST,
NY, FOR USE BY THE DEPARTMENT OF
HEALTH SERVICES**

WHEREAS, the Department of Health Service wishes to extend the Lease Agreement dated June 1, 1999, as the same was modified by First Amendment to Lease Agreement dated November 8, 2002 (as modified, the "Lease") with the Lindenhurst School District, for space located in the Kellum Street School, which Lease expired on May 31, 2004; and

WHEREAS, the Department of Health Services continues to occupy premises consisting of approximately 4,283.60 square feet, identified as Rooms 154,

156, 161, 161A and 165, located at the Kellum Street School, 887 Kellum Street, Lindenhurst, NY, as a holdover; and

WHEREAS, the Lindenhurst Union Free School District, with an address at 350 Daniel Street, Lindenhurst, New York, has offered to extend the Lease term for a period of two years, commencing June 1, 2004 and expiring May 31, 2006, at an annual rent for each year of the term of \$71,653; and

WHEREAS, the Space Management Steering Committee voted to recommend extending the Lease on November 18, 2004; and

WHEREAS, sufficient funds have been provided in the 2004 Operating Budget for lease payments for the Department of Social Services; now, therefore, be it

RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to §§ 617.5(c)(20) and (27) of the New York Code of Rules and Regulations (NYCRR) and Section 8-109 of the New York Environmental Conservation Law. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices; and be it further

RESOLVED, that the County Executive be and hereby is authorized to execute an extension of the Lease in accordance with the terms and conditions of this resolution and in substantial conformance with the form annexed.

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Legislator Bishop made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 18-0.

Intro. Res. No. 1058-2005
1/25/2005

Laid on Table

Introduced by Legislator Bishop

**RESOLUTION NO. 106 -2005, AUTHORIZING
THE SALE OF COUNTY-OWNED REAL ESTATE
PURSUANT TO SECTION 215, NEW YORK
STATE COUNTY LAW TO PAULA EARLEY
(S.C.T.M. No. 0100-149.00-04.00-032.000)**

WHEREAS, the County of Suffolk is the fee owner of the following described parcel:

ALL that certain plot, piece or parcel of land with any buildings and improvements thereon erected, situate, lying and being in West Islip, Town of Babylon, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Service Agency as District 0100, Section 149.00, Block 04.00, Lot 032.000, and acquired by tax deed on March 24, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 25, 2003, in Liber 12242, at Page 399, and otherwise known as and by Town of Babylon, as Map 1875 Lot Pt 1; and

WHEREAS, Paula Earley was the former owner of said real property; and

WHEREAS, the time for redemption of this real property under Local Law No. 16-1976 has expired; and

WHEREAS, an investigation by the office of Legislator Bishop has determined that said non-payment of taxes on the part Paula Earley was not an intentional act but was due to circumstances beyond her control, more fully described in the documents attached hereto; and

WHEREAS, it would be in the best interest of the County of Suffolk to return said parcel to the tax rolls; and

WHEREAS, the above described parcel has been appraised by the County Department of Planning, Division of Real Estate, at Four Thousand Five Hundred Dollars and 00/100 (\$4,500.00); and

WHEREAS, the Director of the Division of Real Estate, or his or her deputy, will receive and deposit the sum of Three Thousand Seven Hundred Ninety Five Dollars and 14/100 (\$3,795.14) together with any and all other charges that may be due and owing to the County of Suffolk as of the actual date of closing, as full payment of all amounts due and owing to the County of Suffolk; now, therefore, be it

RESOLVED, that the Director of the Division of Real Estate, or his or her deputy, is hereby authorized to execute, acknowledge, and deliver a quitclaim deed to:

Paula Earley
295 Wilets Lane
W. Islip, NY 11795

upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY
CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

**Legislator Bishop made a motion on the following resolution, seconded by
Presiding Officer Caracappa. The resolution was passed 18-0.**

Intro. Res. No. 1059-2005
Introduced by Legislator Bishop

Laid on Table 1/25/2005

**RESOLUTION NO. 107 -2005,
AUTHORIZING THE SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO SECTION 215,
NEW YORK STATE COUNTY LAW TO PAULA
EARLEY (S.C.T.M. No. 0100-149.00-04.00-
033.000)**

WHEREAS, the County of Suffolk is the fee owner of the following
described parcel:

ALL that certain plot, piece or parcel of land with any buildings and
improvements thereon erected, situate, lying and being in West Islip,
Town of Babylon, County of Suffolk, State of New York, described on the
Tax Map of the Suffolk County Real Property Service Agency as District
0100, Section 149.00, Block 04.00, Lot 033.000, and acquired by tax
deed on March 24, 2003, from John C. Cochrane, the County Treasurer
of Suffolk County, New York, and recorded on March 25, 2003, in Liber
12242, at Page 399, and otherwise known as and by Town of Babylon, as
Map 1875 Lot 2; and

WHEREAS, Paula Earley was the former owner of said real property; and

WHEREAS, the time for redemption of this real property under Local Law
No. 16-1976 has expired; and

WHEREAS, an investigation by the office of Legislator Bishop has
determined that said non-payment of taxes on the part Paula Earley was not an
intentional act but was due to circumstances beyond her control, more fully described in
the documents attached hereto; and

WHEREAS, it would be in the best interest of the County of Suffolk to
return said parcel to the tax rolls; and

WHEREAS, the above described parcel has been appraised by the
County Department of Planning, Division of Real Estate, at Four Thousand Dollars and
00/100 (\$4,000.00); and

WHEREAS, the Director of the Division of Real Estate, or his or her deputy, will receive and deposit the sum of Two Thousand Nine Hundred Twenty Eight Dollars and 94/100 (\$2,928.94) together with any and all other charges that may be due and owing to the County of Suffolk as of the actual date of closing, as full payment of all amounts due and owing to the County of Suffolk; now, therefore, be it

RESOLVED, that the Director of the Division of Real Estate, or his or her deputy, is hereby authorized to execute, acknowledge, and deliver a quitclaim deed to:

Paula Earley
295 Wilets Lane
W. Islip, NY 11795

upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate.

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY
CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

**Legislator Bishop made a motion on the following resolution, seconded by
Presiding Officer Caracappa. The resolution was passed 18-0.**

Intro. Res. No. 1060-2005
Introduced by Legislator Bishop

Laid on Table 1/25/2005

**RESOLUTION NO. 108 -2005, AUTHORIZING
THE SALE OF COUNTY-OWNED REAL ESTATE
PURSUANT TO SECTION 215, NEW YORK STATE
COUNTY LAW TO PAULA EARLEY (S.C.T.M. No.
0100-149.00-04.00-034.000)**

WHEREAS, the County of Suffolk is the fee owner of the following described parcel:

ALL that certain plot, piece or parcel of land with any buildings and improvements thereon erected, situate, lying and being in West Islip, Town of Babylon, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Service Agency as District 0100, Section 149.00, Block 04.00, Lot 034.000, and acquired by tax deed on March 24, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 25, 2003, in Liber

12242, at Page 399, and otherwise known as and by Town of Babylon, as Map 1875 Lot 3 Pt; and

WHEREAS, Paula Earley was the former owner of said real property; and

WHEREAS, the time for redemption of this real property under Local Law No. 16-1976 has expired; and

WHEREAS, an investigation by the office of Legislator Bishop has determined that said non-payment of taxes on the part Paula Earley was not an intentional act but was due to circumstances beyond her control, more fully described in the documents attached hereto; and

WHEREAS, it would be in the best interest of the County of Suffolk to return said parcel to the tax rolls; and

WHEREAS, the above described parcel has been appraised by the County Department of Planning, Division of Real Estate, at Four Thousand Dollars and 00/100 (\$4,000.00); and

WHEREAS, the Director of the Division of Real Estate, or his or her deputy, will receive and deposit the sum of Two Thousand Nine Hundred Twenty Eight Dollars and 94/100 (\$2,928.94) together with any and all other charges that may be due and owing to the County of Suffolk as of the actual date of closing, as full payment of all amounts due and owing to the County of Suffolk; now, therefore, be it

RESOLVED, that the Director of the Division of Real Estate, or his or her deputy, is hereby authorized to execute, acknowledge, and deliver a quitclaim deed to:

Paula Earley
295 Wilets Lane
W. Islip, NY 11795

upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate.

DATED: February 15, 2005

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

CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

Legislator Bishop made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 18-0.

Intro. Res. No. 1061-2005

Laid on Table 1/25/2005

Introduced by Legislator Bishop

**RESOLUTION NO. 109 -2005,
AUTHORIZING THE SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO SECTION 215,
NEW YORK STATE COUNTY LAW TO PAULA
EARLEY (S.C.T.M. No. 0100-149.00-04.00-
035.000)**

WHEREAS, the County of Suffolk is the fee owner of the following described parcel:

ALL that certain plot, piece or parcel of land with any buildings and improvements thereon erected, situate, lying and being in West Islip, Town of Babylon, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Service Agency as District 0100, Section 149.00, Block 04.00, Lot 035.000, and acquired by tax deed on March 24, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 25, 2003, in Liber 12242, at Page 399, and otherwise known as and by Town of Babylon, as Map 1875 Lot 4 Pt; and

WHEREAS, Paula Earley was the former owner of said real property; and

WHEREAS, the time for redemption of this real property under Local Law No. 16-1976 has expired; and

WHEREAS, an investigation by the office of Legislator Bishop has determined that said non-payment of taxes on the part Paula Earley was not an intentional act but was due to circumstances beyond her control, more fully described in the documents attached hereto; and

WHEREAS, it would be in the best interest of the County of Suffolk to return said parcel to the tax rolls; and

WHEREAS, the above described parcel has been appraised by the County Department of Planning, Division of Real Estate, at Four Thousand Dollars and 00/100 (\$4,000.00); and

WHEREAS, the Director of the Division of Real Estate, or his or her deputy, will receive and deposit the sum of Two Thousand Four Hundred Twenty Eight Dollars and 94/100 (\$2,928.94) together with any and all other charges that may be due and owing to the County of Suffolk as of the actual date of closing, as full payment of all amounts due and owing to the County of Suffolk; now, therefore, be it

RESOLVED, that the Director of the Division of Real Estate, or his or her deputy, is hereby authorized to execute, acknowledge, and deliver a quitclaim deed to:

Paula Earley
295 Wilets Lane
W. Islip, NY 11795

upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate.

DATED: February 15, 2005

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

CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

Deputy Presiding Officer Carpenter made a motion on the following resolution, seconded by Legislator Alden. The resolution was passed 18-0.

Intro. Res. No. 1062-2005
Introduced by Legislator Carpenter

Laid on Table 1/25/2005

**RESOLUTION NO. 110 -2005,
AUTHORIZING CONVEYANCE OF
PARCEL TO THE TOWN OF ISLIP
(SECTION 72-h, GENERAL MUNICIPAL
LAW) FOR ROAD IMPROVEMENT
PURPOSES**

WHEREAS, the County of Suffolk is the owner of a parcel of vacant land;
and

WHEREAS, the County of Suffolk has declared this parcel to be surplus
County property; and

WHEREAS, the Town of Islip has requested that this property be
obtained from the County of Suffolk for the purpose of using it for road improvement; and

WHEREAS, this road improvement is being done by the Town in
connection with a larger community development effort to revitalize the area with the
cooperation of the neighboring church and using federal and local funding; now,
therefore, be it

1st RESOLVED, that the Director of the County Division of Real Estate, his
or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 16-
4(E) of the SUFFOLK COUNTY CHARTER, to execute and deliver a quitclaim deed to
the Town of Islip in consideration for the sum of Ten Dollars (\$10.00) for said property,
more particularly described and designated as Suffolk County Tax Map No. District
0500, Section 341.00, Block 02.00, Lot 095.000, pursuant to Section 72-h of the NEW
YORK GENERAL MUNICIPAL LAW, for the purpose of transferring the interest of
Suffolk County in the above described property to the Town of Islip for the purpose of
road improvement; and be it further

2nd **RESOLVED**, that said quitclaim deed issued by the Director of the County Division of Real Estate, his or her deputy, pursuant to this resolution, shall contain a reverter clause to the effect that title to the said above described parcel shall revert to the County of Suffolk in the event that the above-described property is not used for the above-described town purposes within three (3) years after delivery of the Deed of transfer to the grantee; or in the event that the Town of Islip attempts to sell, transfer, or otherwise dispose of or does, in fact, sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described town purposes subsequent to delivery of said deed to the Town of Islip; or in the event that the Town of Islip imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991 or in the event that the Town violates Resolution No. 256-1998, whichever occurs first; 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: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 22, 2005

Legislator Alden made a motion on the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 18-0.

Intro. Res. No. 1064-2005
Introduced by Legislator Alden

Laid on Table 1/25/2005

**RESOLUTION NO. 111 -2005,
AUTHORIZING TRANSFER OF TWO (2)
SURPLUS COUNTY COMPUTERS TO
TRINITY LUTHERAN PRESCHOOL IN A
COMMON SENSE MANNER**

WHEREAS, departments of the County of Suffolk have historically replaced working computers approximately every five (5) years because of obsolescent technology; and

WHEREAS, those computers are thereafter declared to be surplus, and if the County were to dispose of these computers, the county taxpayers would incur a cost of approximately \$15.00 per computer to do so; and

WHEREAS, various not-for-profit organizations in Suffolk County have requested the donation of these surplus computers from the County; and

WHEREAS, these organizations have been willing to assume responsibility for removal and transportation of these surplus computers; and

WHEREAS, resolutions authorizing the transfers of these computers have, historically, not included identification numbers; and

WHEREAS, the failure to include identification numbers is deliberate and rational because the inclusion of such numbers requires county employees to search through 88 computers in order to find the specified identification numbers when the organization picks up the computer; and

WHEREAS, this is an unnecessary waste of county employee time and therefore a waste county taxpayers dollars; and

WHEREAS, this Legislature declines the invitation to micromanage the administration of government by specifying the identification numbers of individual computers to be delivered to not-for-profit corporations and instead chooses to permit the county employee in charge of such distribution to select computers from the top of the pile and record the selected serial numbers on the required forms; now, therefore be it

1st **RESOLVED**, that the County Comptroller is hereby authorized, empowered, and directed, to transfer the following surplus equipment, to be taken from the list of surplus computers shown on the list attached hereto as Exhibit "A", to the following not-for-profit organization, for use within its facilities for nominal consideration:

TO:
Trinity Lutheran Preschool
111 Nassau Avenue
Islip, NY 11730

COMPUTER:
2 Computer Systems

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of de minimis value only and is transferred to the above listed non-profit for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of

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

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY
CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 1,
2005

**Legislator Nowick made a motion on the following resolution, seconded by
Legislator Kennedy. The resolution was passed 18-0.**

Intro. Res. No. 1073-2005
Introduced by Legislator Nowick

Laid on Table 1/25/2005

**RESOLUTION NO. 112 -2005, CALLING FOR A
PUBLIC HEARING FOR THE CONSENT TO THE
ACQUISITION OF ADDITIONAL LAND AT MT.
PLEASANT ROAD, TOWN OF SMITHTOWN,
COUNTY OF SUFFOLK, STATE OF NEW YORK,
BY THE ROMAN CATHOLIC CHURCH OF ST.
PATRICK AT SMITHTOWN FOR CEMETERY
EXPANSION PURPOSES**

WHEREAS, a petition, dated January 6, 2005, attached hereto and made a part hereof, has been filed with the Suffolk County Legislature by The Roman Catholic Church of St. Patrick at Smithtown, pursuant to 451 of the NEW YORK REAL PROPERTY LAW and Section 1506(c) of the NEW YORK NOT-FOR-PROFIT CORPORATION LAW, requesting permission of the Suffolk County Legislature to expand its existing cemetery at W/s Mt. Pleasant Road, 522' N/o NYS Rte. 347, Town of Smithtown, County of Suffolk, by the purchase of approximately .41 acres of land; and

WHEREAS, the Smithtown Town Board, on June 25, 2004, granted an approval for the use of this proposed land as a cemetery pursuant to Section 1506(b) of the NEW YORK NOT-FOR-PROFIT CORPORATION LAW; and

WHEREAS, Section 1506(c) of the NEW YORK NOT-FOR-PROFIT CORPORATION LAW requires that a public hearing be held prior to the consent to acquisition of land for cemetery purposes and that Public Notice of said hearing be published for six (6) consecutive weeks in the official County newspapers; now, therefore, be it

RESOLVED, that a public hearing with regard to said petition shall be held at the Rose Y. Caracappa Legislative Auditorium located at the William H. Rogers Legislature Building (Bldg. No. 20), 725 Veterans Memorial Highway, Hauppauge, New York, on April 5, 2005 at 2:30 p.m., and that the Clerk of the County Legislature cause to be published in six (6) successive issues of the official newspapers published in the County of Suffolk, at the petitioner's cost and expense, a notice of the time and place of said public hearing, which time shall be after the completion of said publications, and that at said public hearing the County Legislature shall afford a reasonable opportunity to all interested parties to make objections thereto, suggest changes therein, or be heard thereon.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 16, 2005

Legislator Schneiderman made a motion on the following resolution, seconded by Legislator Caracciolo. The resolution was passed 18-0.

Intro. Res. No. 1074-2005
Introduced by Legislator Schneiderman

Laid on Table 1/25/2005

**RESOLUTION NO. 113 -2005, AUTHORIZING
WAIVER OF INTEREST AND PENALTIES FOR
PROPERTY TAX FOR LESLIE E. SACKS
(SCTM NO. 0902-016.00-03.00-028.004 AND
0900-385.00-02.00-001.000)**

WHEREAS, Leslie Sacks was the owner of record of a parcel of real property located at 244 Dune Road, Southampton, New York 11968, bearing SCTM No. District 0902, Section 016.00, Block 03.00, Lot 028.004, and District 0900, Section 385.00, Block 02.00, Lot 001.000; and

WHEREAS, the Town of Southampton failed to record the new owner of the property in the office of the Southampton Town Assessor; and

WHEREAS, because of the foregoing error, acknowledged by Brenda Noa, the Southampton Town Tax Assessor, via Certificate dated August 26, 2004, the homeowner did not pay her 1997/1998 tax bill in a timely manner; and

WHEREAS, the penalty and interest charges that became due when the real property taxes were not paid in a timely manner through no fault of her own impose a financial hardship on the property owner; and

WHEREAS, Section 458-20(A) of the Suffolk County Code, in accordance with Section 30 of the Suffolk County Tax Act, permits a waiver of interest and penalties when a clerical error is acknowledged by a governmental taxing jurisdiction; and

WHEREAS, the County Department of Finance and Taxation has indicated its willingness to waive the interest and penalties for the second half of the 1997/1998 tax bill of the property owner; now, therefore, be it

1st RESOLVED, that this Legislature hereby authorizes the Suffolk County Treasurer, pursuant to Section 30 of the SUFFOLK COUNTY TAX ACT, to accept the following amounts for taxes for the following tax year, and advertising charges, if applicable, in full payment of back taxes from the property owner without payment of the interest charges and penalty charges, if any, for a parcel located at 244 Dune Road, Southampton, New York 11968, bearing SCTM No. District 0902, Section 016.00, Block 03.00, Lot 028.004 and District 0900, Section 016.00, Block 02.00 Lot 001.000:

<u>Tax Year:</u>	<u>Taxes:</u>	<u>Penalty and Interest To Be Waived:</u>
1997/1998	\$844.67	\$86.58
	<u>\$5,628.20</u>	<u>\$576.89</u>
TOTAL:	\$6,472.87	\$663.47

DATED: February 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 3, 2005

Legislator O'Leary made a motion on the following resolution, seconded by Legislator Losquadro. The resolution was passed 18-0.

Intro. Res. No. 1077-2005
Introduced by Legislator O'Leary

Laid on Table 1/25/2005

RESOLUTION NO. 114 -2005, AUTHORIZING THE SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 215, NEW YORK STATE COUNTY LAW TO ELLA LEWIS (SURVIVING SPOUSE IN A TENANCY BY THE ENTIRETY) (0200-546.00-03.00-007.003)

WHEREAS, the County of Suffolk is the fee owner of the following described parcel:

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

of Brookhaven, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Service Agency as District 0200, Section 546.00, Block 03.00, Lot 007.003, and acquired by tax deed on January 29, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on January 31, 2003, in Liber 11623, at Page 691, and otherwise known as and by Town of Brookhaven, Tilney Gardens 1555 Sec 1, B4, 1 CEN 242x226 78's Tilney Avenue;

and

WHEREAS, Ella Lewis and Russell Lewis were the former owners of said real property; and

WHEREAS, Russell Lewis has since passed away; and

WHEREAS, the time for redemption of this real property under Local Law No. 16-1976 has expired; and

WHEREAS, an investigation by the office of Legislator O'Leary has determined that said non-payment of taxes on the part of Ella Lewis was not an intentional act but was due to circumstances beyond her control, more fully described in the documents attached hereto; and

WHEREAS, it would be in the best interest of the County of Suffolk to return said parcel to the tax rolls; and

WHEREAS, the above described parcel has been appraised by the County Department of Planning, Division of Real Estate, at One Hundred Six Thousand Dollars and 00/100 (\$106,000.00); and

WHEREAS, the Director of the Division of Real Estate, or his or her deputy, will receive and deposit the sum of One Hundred Sixteen Thousand, Four Hundred Ten Dollars and 37/100 (\$116,410.37) together with any and all other charges that may be due and owing to the County of Suffolk as of the actual date of closing, as full payment of all amounts due and owing to the County of Suffolk; now, therefore, be it

RESOLVED, that the Director of the Division of Real Estate, or his or her deputy, is hereby authorized to execute, acknowledge, and deliver a quitclaim deed to:

Ella Lewis
8 Roberta Lane
Medford, NY 11727

upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabation II
Chief Deputy County Executive of Suffolk County

Date: March 1, 2005

Deputy Presiding Officer Carpenter made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 18-0.

Intro. Res. No. 1105-2005

Laid on Table 2/15/2005

Introduced by Deputy Presiding Officer Carpenter and Legislator Lindsay

**RESOLUTION NO. 115-2005, AUTHORIZING
"GO RED FOR WOMEN" CAMPAIGN SUPPORT
IN SUFFOLK COUNTY**

WHEREAS, the American Heart Association has once again launched a national campaign entitled "Go Red for Women" which seeks to help women learn about and lower their heart disease and stroke risk; and

WHEREAS, February 4, 2005 has been designated national "Wear Red for Women Day" in which all women are asked to wear red to take charge of their cardiovascular health; and

WHEREAS, the County of Suffolk has encouraged all employees to participate in this national campaign to raise awareness of the No. 1 killer of women – cardiovascular disease; and

WHEREAS, statistics show that more than 500,000 females die annually from cardiovascular diseases, including close to 5,600 Long Island women; and

WHEREAS, a woman is ten times as likely to die from heart disease as from breast cancer; and women account for more than six in every ten stroke deaths annually; and

WHEREAS, during this campaign, the Empire State Building, the Seattle Space Needle, Niagara Falls, and Graceland will be lit up to show their support of ending this dreaded disease; and

WHEREAS, to show the public's commitment and support to the "Go Red for Women" Campaign, Suffolk County wishes to show its enthusiasm and support to this cause by illuminating the H. Lee Dennison Executive Office Building every evening during the week of February 14 in red light; now, therefore be it

1st RESOLVED, that the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the Suffolk County

Charter, to illuminate the north side of the H. Lee Dennison Executive Office Building facing Veterans Memorial Highway with red light each and every evening during the week of February 14, beginning on the Sunday on or before Valentine's Day and ending on the following Saturday, commencing February 2005 and every February thereafter, in support of the American Heart Association's "Go Red for Women" Campaign; and be it further

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

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: February 15, 2005

Legislator Tonna made a motion on the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 18-0.

Intro. Res. No. 1163-2005

Laid on Table 2/15/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 116 -2005, DELEGATING
AUTHORITY TO REFUND CERTAIN ERRONEOUS TAX
PAYMENTS TO THE SUFFOLK COUNTY TREASURER**

WHEREAS, Section 556, New York **REAL PROPERTY TAX LAW** has been amended to permit the Suffolk County Legislature to delegate its authority to refund erroneous tax payments of TWO THOUSAND FIVE HUNDRED (\$2500.00) DOLLARS or less; now, therefore, be it

RESOLVED, that this Legislature hereby delegates to the Suffolk County Treasurer the authority to grant real property tax refunds of **TWO THOUSAND FIVE HUNDRED (\$2500.00) DOLLARS** or less to property owners in the County of Suffolk upon receipt of written reports of investigation and recommendation by the County Director of Real Property Tax Service Agency; and be it further

RESOLVED, that if the County Treasurer denies the refund, in whole or in part, the County Treasurer shall transmit to the Suffolk County Legislature together with copies of the application and the reasons for denial of the refund; and be it further

RESOLVED, that the County Treasurer shall submit a report of the refunds processed to the Suffolk County Legislature on or before the fifteenth (15) day of each month for the actions taken during the preceding month amount of the refund; and be it further

RESOLVED, that this resolution shall only be in effect through December 31st of 2005.

DATED: February 15, 2005

APPROVED BY:

/s/Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 19, 2005

Legislator Foley made a motion on the following resolution, seconded by Legislator Tonna. The resolution was passed 17-0-1-0. Legislator Caracciolo abstained.

Intro. Res. No. 1178-2005

Laid on Table 2/15/2005

Introduced by the Presiding Officer on request of County Executive Steve Levy and Legislators Foley and Carpenter

**RESOLUTION NO. 117 –2005, AUTHORIZING
INITIAL STEPS FOR IMPLEMENTATION OF
SUFFOLK COUNTY WORKFORCE HOUSING
PROGRAM AT PATCHOGUE VILLAGE HOMES**

WHEREAS, Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE establishes the County's Workforce Housing Program; and

WHEREAS, Section 36-2(C) of said Article authorizes land to be acquired and infrastructure improvements to be funded by the County through the use of Capital Bond proceeds (CP 8704 & 6411, respectively); and

WHEREAS, the County Department of Economic Development and Workforce Housing and the Village of Patchogue have identified a site containing parcels known as Suffolk County Tax Map Nos. 0204-13-04-008, 009, 010, 011, 012, 013, 016, 019, 020, 021, 022, 023.3, 024, 025, 026, 027, 028, 029, 030, & 031, also known as

PATCHOGUE VILLAGE HOMES, which would be appropriate for development as workforce housing; and

WHEREAS, the Suffolk County Workforce Housing Commission has indicated its unanimous support of such project; and

WHEREAS, the sponsor of such project, the Village of Patchogue, has submitted a Resolution requesting funding under the County’s Workforce Housing Program for the proposed development of approximately 80 units of workforce home-ownership housing, which meets the requirements of the County Workforce Housing Program; now therefore, be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this constitutes a Type II action pursuant to Section 617.5(c) (18), (20), (21) and (27) of the NEW YORK CODE OF RULES AND REGULATIONS (NYCRR) in that the resolution authorizes information collection and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action and because the resolution constitutes routine or continuing agency administration; since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that this Legislature hereby finds that the parcels known as PATCHOGUE VILLAGE HOMES meet the acquisition and infrastructure funding requirements of the County Workforce Housing Program and the need to fill the critical shortage of workforce housing in Suffolk County; and be it further

3rd RESOLVED, that the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing, is hereby authorized, empowered and directed, pursuant to Section 35-2 (V) of the SUFFOLK COUNTY CHARTER, to plan for the acquisition of and infrastructure improvements to the parcels listed herein below;

	SUFFOLK COUNTY TAX MAP NUMBER:	REPUTED OWNER
	District 0204	
	Section 13.00	
	Block 04.00	
	Lot 019	Eremet DeCurzio
	Lot 020	Rogello Bonilla
	Lot 021	LI Head Start Child Development Services,
Inc		
	Lot 022	Harriet H. Gordon Revocable Trust
	Lot 023.3	Harriet & Benjamin Gordon Revocable
Trust		

Lot	024	George & Claudia DeFillippo
Lot	025	Luis Torres
Lot	026	Suzanne Wuehlar/Luis Torres
Lot	027	Karen L. & James F. DeVito
Lot	028	Fran & Pasquale Federico
Lot	029	Steven Brandt-Pine Shore Builders, Inc.
Lot	030	Joseph Costa & Steven Brandt
Lot	031	George R. Lundin, Jr.
Lot	032	Patchogue Village CDA
Lot	033	Patchogue Village
Lot	034	Francesca Lettieri
Lot	035	Thomas Krohn
Lot	036	Patchogue Village CDA

and be it further

4th RESOLVED, that the County Department of Economic Development and Workforce Housing, the Division of Real Property Acquisition and Management, the County Department of Law and the County Department of Public Works are hereby authorized, empowered and directed to take such other actions as may be necessary and appropriate to accomplish such planning purposes, including, but not limited to, securing appraisals, surveys, engineering reports, environmental audits, title search and to utilize such valid appraisals for the subject parcels as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

5th RESOLVED, that the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing is hereby authorized, empowered and directed to take such other actions as may be necessary and appropriate to process such application; and be it further

6th RESOLVED, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel; and be it further

7th RESOLVED, that any unencumbered, unallocated funds available, upon the execution of a binding written Development Agreement for the PATCHOGUE VILLAGE HOMES between the County of Suffolk and the Village of Patchogue, shall be appropriated to future and subsequent Workforce Housing Program projects.

DATED: February 15, 2005

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: February 22, 2005

Legislator Caracciolo made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 16-0-0-2. Legislators Tonna and Cooper were not present.

Intro. Res. No. 1986-2004
Introduced by Legislator Caracciolo

Laid on Table 9/28/2004

**RESOLUTION NO. 118 –2005, AUTHORIZING
LEGAL ACTION AGAINST LONG ISLAND
CONVENTION AND VISITORS BUREAU, INC.,
(LICVB) SEEKING RECOVERY OF IMPROPERLY
EXPENDED TAXPAYER FUNDS**

WHEREAS, the Long Island Convention and Visitors Bureau, Inc., (LICVB) is funded in part by the County of Suffolk through a percentage of sales tax revenues collected through the hotel/motel tax; and

WHEREAS, LICVB has received in excess of \$2.5 million dollars from Suffolk County since 1992; and

WHEREAS, the Suffolk County Department of Audit and Control conducted an audit of LICVB, released July 14, 2004, wherein it has been determined that the County of Suffolk is owed approximately \$118,805.00 from LICVB due to an overpayment made to LICVB; and

WHEREAS, the audit also revealed that the President of LICVB was reimbursed a total of \$11,235.81 during 2002 and 2003 for expenses that were not adequately documented, that were deemed unreasonable, unnecessary, and/or inappropriate; and that were considered to be an abusive use of LICVB funds; and

WHEREAS, it was also uncovered in the July 14, 2004 audit that the Executive Director of LICVB conducted meetings at a "strip club"; falsified records by cutting off the top of printed receipts; incorrectly documented over \$1,600.00 of political contributions; and claimed expenses for meals with public officials which, upon investigation, never took place; and

WHEREAS, it was also disclosed in the audit that in excess of \$74,000.00, or 42%, of American Express total charges for 2002 and 2003 were deemed unreasonable, unnecessary, and/or excessive in nature; and

WHEREAS, it is in the best interests of the taxpayers and residents of Suffolk County that the County of Suffolk institute legal action as may be available to seek recovery of such sums as were illegally, improperly, and inappropriately expended taxpayer funds by LICVB; now, therefore be it

1st **RESOLVED**, that the Suffolk County Department of Law is hereby authorized, empowered, and directed, to study the feasibility of instituting legal action in any judicial and/or administrative forum to recover all payments that may have been improperly made by LICVB as detailed in this Resolution and in the July 14, 2004 audit, as may be necessary to protect Suffolk County taxpayers; and be it further

2nd **RESOLVED**, that the County Attorney is directed to report his/her findings regarding the feasibility of such legal action to this Legislature within 60 days of the effective date of this resolution; 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) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 15, 2005

APPROVED BY:

/s/ Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: February 23, 2005
