FIFTH DAY

REGULAR MEETING

March 15, 2005

Minutes of the Regular Meeting of the County Legislature of Suffolk County, New York, held in the Evans K. Griffing County Center, Maxine Postal Legislative Auditorium, 300 Center Drive, Riverhead, New York, at 4:00 p.m., pursuant to notice duly given.

The meeting was called to order at 4:02 p. m. by Presiding Officer Joseph Caracappa. The Clerk called the roll and the following were found present: Deputy Presiding Officer Carpenter; Legislators O'Leary, Viloria-Fisher, Lindsay, Montano, Alden, Kennedy, Nowick, Bishop, Mystal, Binder and Tonna.

Legislator Caracciolo arrived at 4:04 p.m.
Legislator Losquadro arrived at 4:08 p.m.
Legislator Schneiderman arrived at 4:10 p.m.
Legislator Foley arrived at 4:11 p.m.
Legislator Cooper arrived at 4:20 p.m.

Pledge of Allegiance.

Statements and Presentations
Public Portion

THE MEETING WAS RECESSED AT 9:00 P.M. AND RECONVENED AT 9:14 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, Viloria-Fisher, Losquadro, Foley, Lindsay, Montano, Alden, Kennedy, Nowick, Bishop, Mystal, Binder, Tonna, and Cooper.

THE MEETING WAS RECESSED AT 11:58 P.M. AND RECONVENED AT 12:02 A.M.

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

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

Sense No. 2 -2005 LOT 1/25/05
Introduced by Legislator Cooper, Lindsay, Losquadro, Bishop

MEMORIALIZING RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO ENACT LEGISLATION TO PREVENT IDENTITY THEFT

WHEREAS, identity theft is a growing problem that is of great concern to the residents of Suffolk County; and

WHEREAS, public records are often used to enable criminals to steal the identity of law abiding citizens; and

WHEREAS, the public records that pose the greatest threat to the privacy of Suffolk County residents, include documents that are recorded by financial institutions; and

WHEREAS, these documents most frequently include Social Security numbers, dates of birth, occupations, and other such personal information that enable a criminal to more readily commit identity theft; and

WHEREAS, there is currently no State legislation that would require financial institutions to exclude personal data from any document to be filed or recorded in the Office of the County Clerk; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby requests the New York State Legislature to enact laws that would require financial institutions, mortgage agencies, and any other institutions that routinely cause the recording of documents in the Office of the County Clerk to exclude personal data, such as Social Security numbers, dates of birth, occupations, and any other personal data to protect Suffolk County residents from possible identity theft and which would authorize the County Clerk to reject documents that include such information; and be it further

2nd **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor George E. Pataki; to the Majority Leader of the New York State Senate Joseph L. Bruno; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: March 15, 2005

s:\memres\mr-prevent-identity-

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

Sense No. 11-2005 LOT 2/15/2005
Introduced by Legislator Caracciolo

SENSE OF THE LEGISLATURE RESOLUTION IN OPPOSITION TO THE RE-LICENSING OF THE MILLSTONE NUCLEAR POWER PLANT

WHEREAS, the Millstone Nuclear Power Plant, located in Waterford Connecticut, has requested that the Federal Nuclear Regulatory Commission (NRC) extend their operating license for an additional twenty (20) years; and

WHEREAS, the Millstone Nuclear Power Plant includes the areas of Fisher Island and Plum Island in their evacuation plan because these areas are located within a ten (10) mile radius; and

WHEREAS, the east end of Long Island would also suffer if there was an accident or a disaster at the Millstone Nuclear Power Plant; and

WHEREAS, Suffolk County, with its 1.4 million residents, is one of the most densely populated areas of the Country and a successful evacuation of Suffolk County has been shown to be all but impossible; and

WHEREAS, the safety of well-being of residents of Suffolk County would be endangered by the re-licensing of the Millstone Nuclear Power Plant; now, therefore, be it

1st **RESOLVED**, that this Legislature requests the Nuclear Regulatory Commission to deny an operating license to the Millstone Nuclear Power Plant because it would present a danger to the residents of Suffolk County; and be it further

2nd **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to President Bush; to Senators Charles E. Schumer and Hillary Rodham Clinton; to the Majority and Minority Leaders of the United States Senate; to the Majority and Minority Leaders of the United States House of Representatives; to Congressmen Timothy Bishop, Carolyn McCarthy, Steve Israel, Gary Ackerman, and Peter King; and to U.S. Nuclear Regulatory Commission Members, Chairman Nils Diaz, Commissioner Edward McGaffigan, Jr. and Commissioner Jeffrey S. Merrifield.

DATED: March 15, 2005

s:\memres\sr-Millstone Objection

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

Sense No. 13-2005 LOT 2/15/2005
Introduced by Presiding Officer Caracappa, Lindsay, Binder

SENSE OF THE LEGISLATURE RESOLUTION REQUIRING PREVAILING WAGE ON ALL INDUSTRIAL DEVELOPMENT AGENCY PROJECTS

WHEREAS, the Suffolk County Industrial Development Agency (IDA) is a separate entity operating under the requirements of New York State Law whose members are appointed by the Suffolk County Legislature; and

WHEREAS, the IDA issues debt to finance construction projects for private businesses that qualify under State law; and

WHEREAS, the IDA does not require prevailing wage to be paid on these IDA financed construction projects; and

WHEREAS, in addition to the Suffolk County IDA, there are Industrial Development Agencies in the Towns of Babylon, Brookhaven, Islip, and Riverhead which reportedly do not require the payment of prevailing wage on Town IDA financed construction projects; and

WHEREAS, it is the policy of this Legislature to support the payment of prevailing wage on all County funded construction projects; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby requests the Suffolk County Industrial Development Agency and the Industrial Development Agencies of the Towns of Babylon, Brookhaven, Islip, and Riverhead, adopt binding policies that would require the payment of prevailing wage on all construction projects financed by IDA bonds; and be it further

2nd **RESOLVED**, that this Legislature hereby requests the State of New York adopt legislation statewide requiring all IDA's in the State of New York to require the payment of prevailing wage on IDA financed construction projects; and be it further

3rd **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor George E. Pataki; to the Majority Leader of the New York State Senate Joseph L. Bruno; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature; and be it further

4th **RESOLVED**, that a copy of this Resolution be sent to the Director and members of the Suffolk County Industrial Development Agency and to the Chairman of the IDA Boards and members in the Towns of Babylon, Brookhaven, Islip, and Riverhead.

DATED: March 15, 2005

s:\memres\sr-prev-wage-ida

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

Sense No. 14-2005 LOT 2/15/2005
Introduced by Legislator Binder

SENSE OF THE LEGISLATURE RESOLUTION URGING CANDIDATES AND OFFICIALS IN ALL TEN TOWNS TO JOIN SUFFOLK COUNTY IN FULL CAMPAIGN FINANCE DISCLOSURE

WHEREAS, this Legislature is committed to the ready availability of campaign finance information to the general public; and

WHEREAS, this Legislature in passing Resolution No. 919-2004, Adopting Local Law No. 30 -2004, Amending Local Law No. 20-2002 To Provide Accurate and Truthful Filing Responsibility for County Election Campaign Finances, adopted September 28, 2004, supported the disclosure by electronic means of all campaign information to the Suffolk County Board of Elections in a format that allows ready access by the public; and

WHEREAS, this Legislature in Sense No. 4-2005, Sense of the Legislature Resolution Requesting the New York State Legislature to Require the Computerization of New York State Campaign Finance Records, requested that true public access to campaign finance information be mandated by the State; and

WHEREAS, the County of Suffolk has been a leader in making campaign finance information available to the general public; and

WHEREAS, similar disclosure is not readily available on a Town level; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby requests that each of the 10 Towns located in the County of Suffolk enact legislation requiring that disclosure of campaign finance information by Town candidates be made to the Suffolk County Board of Elections in an electronic format that would permit disclosure to the general public by posting on the Board of Elections website; and be it further

2nd **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to the Supervisors and to each Town Board Member of each of the ten Towns in Suffolk County.

DATED: March 15, 2005

s:\memres\2005\support-campaign-finance-disclosure

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

Intro. Res. No. 1117-2005 Laid on Table 2/15/2005
Introduced by Legislator Viloria-Fisher

RESOLUTION NO. 119 -2005, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND (SMOKE RUN FARM IN STONY BROOK) 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. 8707.210, Project Name: Acquisition of Farmland Development Rights; 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. 8707.210, to acquire 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 Acquisition of Farmland Development Rights;

PARCEL:	**SUFFOLK COUNTY TAX MAP NUMBER:**		**ACRES:**	**REPUTED OWNER AND ADDRESS:**
No. **1**	District	0200	3.5	Ralph A. Johnson, Jr. and
	Section	197.00		Joan M. Johnson
	Block	06.00		PO Box 741
	Lot	025.000		Stony Brook, NY 11790
No. **2**	District	0200	2.4	Ralph A. Johnson, Jr. and
	Section	197.00		Joan M. Johnson
	Block	06.00		PO Box 741
	Lot	026.001		Stony Brook, NY 11790
No. **3**	District	0200	1,742 sq. feet	Ralph A. Johnson, Jr. and
	Section	197.00		Joan M. Johnson
	Block	06.00		PO Box 741
	Lot	021.006		Stony Brook, NY 11790
No. **4**	District	0200	5,813 sq. feet	Ralph A. Johnson, Jr. and
	Section	197.00		Joan M. Johnson
	Block	06.00		PO Box 741
	Lot	021.005		Stony Brook, NY 11790
Total Acreage		±6.1		

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)(3) and (6) of the SUFFOLK COUNTY CHARTER in connection with the Acquisition of Farmland Development Rights; 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 1122A-2005

BOND RESOLUTION NO. 120 -2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $3,100,000 BONDS TO FINANCE THE COST OF PLANNING AND DESIGN FOR AN EXPANSION OF THE FACILITIES OF SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST (CP 8183.110)

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 $3,100,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the “Law”), the Suffolk County Charter and other applicable laws, to

finance the cost of planning and design for an expansion of the facilities of Suffolk County Sewer District No. 3 - Southwest, 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 $3,100,000. The plan of financing includes the issuance of $3,100,000 bonds or bond anticipation notes authorized pursuant to this resolution and 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 11.00 a. 62 of the Law 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 1122-2005 Laid on Table 2/15/2005
Introduced by Legislators Tonna, Mystal and Binder

RESOLUTION NO. 121 -2005, AMENDING THE 2005 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH PLANNING AND DESIGN OF AN EXPANSION TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, in order to maintain environmental quality and minimize the proliferation of sewage treatment plants, regional sewage facilities are encouraged; and

WHEREAS, the regional facility located at Suffolk County Sewer District No. 3 - Southwest has had its capacity utilized and committed; and

WHEREAS, in order to serve adjacent developments in the vicinity of Sewer District 3 an expansion is necessary; and

WHEREAS, sufficient funds are not included in the 2005 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C-4-13, an offsetting authorization must be provided from another capital project; 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 $3,100,000 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"), classified the action contemplated by this as a Type II action; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-eight (78) 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 County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the 2005 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8183
Project Title: Expansion of Suffolk County Sewer District No. 3 - Southwest

	TOTAL EST'D *COST*	CURRENT 2005 CAPITAL BUDGET & PROGRAM	REVISED 2005 CAPITAL BUDGET & PROGRAM
1. Planning, Design & Supervision	$ 3,100,000	- 0 -	$ 3,100,000 B
TOTAL	$ 3,100,000	- 0 -	$ 3,100,000

Program No.: 8180
Project Name: Suffolk County Sewer District No. 3 - Southwest
Sludge Treatment & Disposal Project

	TOTAL EST'D	CURRENT 2005 CAPITAL BUDGET	REVISED 2005 CAPITAL BUDGET

	COST	& PROGRAM	& PROGRAM
3. Construction	$10,000,000	$ 10,000,000 A	$ 6,900,000 A
TOTAL	$10,000,000	$ 10,000,000	$ 6,900,000

and be it further

5th **RESOLVED,** that the proceeds of $3,100,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

PROJECT NO.	PROJECT TITLE	AMOUNT
8183.110	Expansion of Suffolk County Sewer District No. 3 - Southwest	$ 3,100,000

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

Deputy Presiding Officer Carpenter made a motion on the following resolution, seconded by Legislator Alden. The resolution was passed 17-0-1-0. Presiding Officer Caracappa abstained.

Intro. Res. No. 1069-2005 Laid on Table 1/25/2005
Introduced by Presiding Officer pursuant to Rule 3(A)-(14) of the Suffolk County Legislature

RESOLUTION NO. 122 -2005, APPROVING 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 and Local Law No. 7 of 1982 of Suffolk County for the establishment of it's ferry rates; and

WHEREAS, Consents in writing will be submitted prior to the public hearing; and

WHEREAS, Fire Island Water Taxi LLC has heretofore filed with the Clerk of the Suffolk County Legislature its undertaking with a surety all pursuant to Article 8 of the Navigation Law; now, therefore, be it

1st RESOLVED, that:

1) The undertaking heretofore, a bond filed with the Clerk of the Suffolk County Legislature in the sum of $10,000.00 is hereby approved;

2) A ferry license and franchise be and the same hereby is granted to Fire Island Water Taxi LLC of Bay Shore, New York to operate a public ferry service over and upon the waters of the Great South Bay for service as follows:

Between the ferry terminals at Bay Shore and 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 Assoc., 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. Commencing on the date of approval hereof up to and including March 15, 2010

3) This ferry license and franchise is granted subject to all existing laws, rules and regulations of all federal, state, county and municipal governments and agencies having jurisdiction thereof;

4) The rates and fares to be charged for transportation pursuant to this license and franchise shall be the rates and fares authorized for the Fire Island Water Taxi LLC by the Suffolk County Legislature pursuant to Article 8 of the Navigation Law, Section 131-g of the Highway Law and Local Law No. 7 of 1982 of Suffolk County.

5) Said rates, fares and schedules if any, shall be posted in English at each Ferry Terminal in public view pursuant to Section 113 of the Navigation Law of the State of New York and Section 72 of the Transportation Corporations Law.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 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. 1158-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 123 -2005, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS PASSED THROUGH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF HEALTH SERVICES, DIVISION OF MEDICAL, LEGAL INVESTIGATIONS AND FORENSIC SCIENCES FOR THE PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT

WHEREAS, the New York State Division of Criminal Justice Services has awarded 100% Federal grant funds to the Department of Health Services, Division of Medical, Legal Investigations and Forensic Sciences for the Paul Coverdell National Forensic Sciences Improvement Act in the amount of $20,610 for the period 10/01/04-09/30/05; and

WHEREAS, this grant funding will provide overtime for Toxicology Laboratory personnel to assist with maintaining accreditation standards; and

WHEREAS, the 100% Federal grant funds are not included in the 2005 Adopted Suffolk County Budget; now, therefore, be it

RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate $20,610 grant funds as follows:

REVENUES

001-4320 Crime Control	$ 20,610

APPROPRIATIONS

Department of Health Services (HSV)
Division of Medical, Legal Investigations and Forensic Sciences
Toxicology Lab Accreditation Program
001-HSV-4731

Personal Services	**$ 15,210**
1120 Overtime Salaries	$ 15,210
Travel	$ 5,400
4340 Travel Other Contracts	$ 5,400

and be it further

RESOLVED, that the recording category in the County Integrated Financial Management System (IFMS) is H234.

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 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. 1159-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 124 -2005, ACCEPTING AND APPROPRIATING ADDITIONAL 100% FEDERAL GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES, DIVISION OF PATIENT CARE SERVICES FOR THE COMMUNITY HEALTH WORKER PROGRAM

WHEREAS, the New York State Department of Health has awarded a one time supplement of $10,000 in additional 100% Federal grant funds to the Suffolk County Department of Health Services, Division of Patient Care Services for the Community Health Worker Program for the period 07/01/04-06/30/05; and

WHEREAS, this program through case management and education will assist pregnant women, their children, and persons at high risk for HIV infection; and

WHEREAS, these additional 100% Federal grant funds are not included in the 2005 Adopted Suffolk County Budget; now therefore, be it

RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate said grant award of $10,000 as follows:

REVENUES
001-4401 Public Health $ 10,000

APPROPRIATIONS

Department of Health Services (HSV)
Division of Patient Care Services
Community Health Worker Program
001-HSV-4112

Equipment		**$ 4,400**
2010 Furniture	$ 2,500	
2500 Other Equipment		$ 1,900

Supplies, Materials & Other	$ 5,600
3100 Instructional Supplies	$ 1,000
3500 Other Unclassified	$ 4,600

and be it further

RESOLVED, that the recording category in the County Integrated Financial Management System (IFMS) is H238.

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 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. 1160-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 125 -2005, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS PASSED THROUGH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF HEALTH SERVICES, DIVISION OF MEDICAL, LEGAL INVESTIGATIONS AND FORENSIC SCIENCES FOR THE DNA CAPACITY ENHANCEMENT PROGRAM

WHEREAS, the New York State Division of Criminal Justice Services has awarded 100% Federal grant funds to the Department of Health Services, Division of Medical, Legal Investigations and Forensic Sciences for the DNA Capacity Enhancement Program in the amount of $90,814 for the period 01/01/05-06/30/06; and

WHEREAS, this grant provides funding for the analysis of DNA from a backlog of unsolved criminal cases; and

WHEREAS, these grant funds are not included in the 2005 Adopted Suffolk County Budget; now, therefore, be it

RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate the grant award of $90,814 as follows:

REVENUES

001-4320 General Aid: Crime Control $ 90,814

APPROPRIATIONS

Department of Health Services (HSV)
Division of Medical, Legal Investigations and Forensic Sciences
DNA Capacity Enhancement Program
001-HSV-4728

Equipment	**$ 47,250**
2080 Medical, Dental & Laboratory Equipment	$ 47,250
Fees for Services	$ 43,564
4560 Fees for Services, Non-Employees	***$ 43,564***

and be it further

RESOLVED, that the recording category in the County Integrated Financial Management System (IFMS) is H237.

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 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. 1164-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 126 -2005, ACCEPTING AND APPROPRIATING ADDITIONAL 100% STATE GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, HEALTH CARE REFORM ACT (HCRA), TO THE DEPARTMENT OF HEALTH SERVICES, DIVISION OF PATIENT CARE SERVICES FOR THE

SCHOOL BASED HEALTH PROGRAM

WHEREAS, the New York State Department of Health, has awarded additional 100% State HCRA funds to the Department of Health Services, Division of Patient Care Services for the School Based Health Program for the period 07/01/04-06/30/05; and

WHEREAS, this program provides a school based comprehensive health program for children; and

WHEREAS, a portion of these grant funds are not included in the 2005 Adopted Suffolk County Budget; now therefore, be it

RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept the grant award of $38,926, and appropriate $20,000 as follows:

REVENUES

001-3401 State Aid: Public Health	$ 20,000

APPROPRIATIONS

Department of Health Services (HSV)
Division of Patient Care Services
School Based Health Program
001-HSV-4123

Equipment		$ 15,000
2010 Furniture	$ 2,000	
2020 Office Machines	$ 3,000	
2080 Medical, Dental, Lab Equipment		$ 5,000
2500 Other Equipment		$ 5,000
Supplies, Materials and Other		$ 5,000
3010 Office Supplies		$ 500
3100 Instructional Supplies		$ 500
3370 Medical, Dental & Lab Supplies		***$ 3,000***
3500 Other Unclassified		***$ 1,000***

and be it further

RESOLVED, that the recording category in the County Integrated Financial Management System (IFMS) is H235.

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 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. 1141-2005 *Laid on Table 2/15/2005*
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 127 -2005, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $14,900 FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, FOR THE SUFFOLK COUNTY POLICE DEPARTMENT TO IMPLEMENT A CHILD PASSENGER SAFETY PROGRAM WITH 100% SUPPORT

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded $14,900 in Federal Highway Safety pass-through monies to fund a Suffolk County Police Department project designed to increase the proper use and installation of child safety seats; and

WHEREAS, this project will allow the Suffolk County Police Department to open a permanent child safety seat fitting station, train Suffolk County Police Auxiliary Officers as Child Passenger Safety Technicians, hold child safety seat check events and distribute child safety seats; and

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

WHEREAS, said grant funds totaling $14,900 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
115-4350-Federal Aid: Child Passenger Safety Program	$14,900

ORGANIZATIONS:

Police Department (POL)
Child Passenger Safety Program
115-POL-3220

2000-Equipment	$13,500
2040-Trucks, Trailers & Jeeps	3,000
2500-Other Equip Not Otherwise	10,500
3000-Supplies Materials and Others	$ 1,400
3070-Memberships and Subscriptions	60
3100-Instructional Supplies	940
3300-Food	400

and be it further

RESOLVED, that the Reporting Category for the County Integrated Financial Management System is P121.

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 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. 1096-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 128 -2005, AUTHORIZING CERTAIN TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO. 1042-2004

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 1042-2004; and

WHEREAS, this resolution when adopted contained technical error; and

WHEREAS, the County Executive desires technical correction to this resolution; now, therefore, be it

RESOLVED, that the Clerk of the Legislature shall make the following technical correction:

Resolution No. 1042-2004

In the first RESOLVED paragraph please change the revenue line:

FROM:	**TO:**
001-4989-Federal Aid: Other	**001-4089-Federal Aid: Other**

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 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. 1097-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 129 -2005, AUTHORIZING CERTAIN TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO. 570-2004

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 570-2004; and

WHEREAS, this resolution when adopted contained technical error; and

WHEREAS, the Presiding Officer desires technical correction to this resolution; now, therefore, be it

RESOLVED, that the Clerk of the Legislature shall make the following technical correction:

Resolution No. 570-2004

In the Second WHEREAS paragraph change the tax deed date:

From:	**To:**
October 2, 2003	**September 30, 2003**

and the page number:

From:	**To:**
223	**226**

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 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. 1098-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 130 -2005, AUTHORIZING CERTAIN TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO. 1109-2004

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 1109-2004; and

WHEREAS, this resolution when adopted contained technical error; and

WHEREAS, the County Executive desires a technical correction to this resolution; now, therefore, be it

RESOLVED, that the Clerk of the Legislature shall make the following technical correction:

Resolution No. 1109-2004

In the sixth RESOLVED paragraph change the Project Number:

FROM:	**To:**
525-CAP-3184.410	**525-CAP-3184.412**

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 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. 1099-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 131 –2005, AUTHORIZING CERTAIN TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO. 1093-2004

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 1093-2004; and

WHEREAS, this resolution when adopted contained technical errors; and

WHEREAS, the County Executive and the Presiding Officer desires technical correction to this resolution; now, therefore, be it

RESOLVED, that the Clerk of the Legislature shall make the following technical correction:

Resolution No. 1093-2004

In the Seventh RESOLVED paragraph change the Project Number:

FROM:	**TO:**
525-CAP-5060.516	**525-CAP-5060.517**

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 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. 1100-2005 Laid on Table 2/15/2005
Introduced by Presiding Officer on request of the County Executive

RESOLUTION NO. 132 –2005, AUTHORIZING CERTAIN TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO. 1315-2004

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 1315-2004; and

WHEREAS, this resolution when adopted contained a technical error; and

WHEREAS, the County Executive and the Presiding Officer desires a technical correction to this resolution; now, therefore, be it

RESOLVED, that the Clerk of the Legislature shall make the following technical corrections:

Resolution No. 1315-2004

In the First RESOLVED paragraph change the pseudo code for Pederson Krag Supprtv Case Mgmt:

FROM:	**TO:**
ANL1	**ANL2**

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 2005

Legislator Bishop made a motion on the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 17-0-1-0. Legislator Binder abstained.

Intro. Res. No. 1981-2004 Laid on Table 9/28/2004
Introduced by Legislators Bishop, Lindsay, Viloria-Fisher and Mystal

RESOLUTION NO. 133 -2005, ADOPTING LOCAL LAW NO. 9 -2005, A LOCAL LAW TO UPDATE SUFFOLK COUNTY LIVING WAGE LAW

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on October 26, 2005, a proposed local law entitled, "**A LOCAL LAW**

TO UPDATE SUFFOLK COUNTY LIVING WAGE 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. 9 -2005, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO UPDATE SUFFOLK COUNTY LIVING WAGE LAW

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that enforcement and implementation of the Suffolk County Living Wage Law currently in effect would benefit from clarification of certain terminology in order to be more effective.

Therefore, the purpose of this law is to clarify certain terminology used in the Living Wage Law to enhance compliance.

Section 2. Amendments.

Chapter 347 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

CHAPTER 347

LIVING WAGE

*** * * ***

347-2. Definitions

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

[ASSISTANCE**]** COMPENSATION:

A. Any grant, loan, tax incentive or abatement, bond financing, subsidy or other form of **[**assistance**]** compensation of more than $50,000 which is realized by or provided to an employer of at least 10 employees by or through the authority or approval of the County of Suffolk, including, but not limited to, industrial development bonds, Community Development Block Grant (CDBG) loans and Enterprise-Zone-related incentives.

B. Any service contract or subcontract let to a contractor with 10 or more employees by the County of Suffolk for the furnishing of services to or for the County of Suffolk (except contracts where services are incidental to the delivery of products, equipment or commodities) which involves an expenditure equal to or greater than $10,000. For the purposes of this definition, the amount of expenditure for more than one contract for the same service within one calendar year shall be aggregated. A contract for the purchase or lease of goods, products, equipment,

supplies or other property is not **[**an "assistance"**]** "compensation" for the purposes of this definition.

AWARDING AGENCY -- That subordinate or component entity or person of the County that is responsible for solicitation of proposals or bids and responsible for the administration of service contracts or financial **[**assistance**]** compensation agreements.

[BENEFICIARY**]** RECIPIENT -- Any person or entity that is a recipient of **[**assistance**]** compensation, as defined in this chapter; and:

A. Any tenant or leaseholder of a **[**beneficiary**]** recipient that employs at least 10 persons and occupies property or uses equipment or property that is improved or developed as a result of **[**assistance**]** compensation; and

B. Any contractor or subcontractor of a **[**beneficiary**]** recipient that employs at least 10 persons in producing or providing goods or services to a **[**beneficiary**]** recipient that are used by that **[**beneficiary**]** recipient in the project or matter for which the **[**beneficiary**]** recipient has received **[**assistance**]** compensation.

*** * * ***

COVERED EMPLOYEE -- A person employed on either a full, part-time or temporary basis, by a covered employer, to perform work on or for the project or matter for which the **[**beneficiary**]** recipient has received **[**assistance**]** compensation; provided, however, that persons who are employed in construction work covered pursuant to federal, state or local prevailing wage laws shall be exempt from this chapter.

COVERED EMPLOYER -- A [**beneficiary**] **recipient of, or an applicant for,** [**assistance**] **compensation that has not been granted an exemption from this chapter, and who has at least one covered employee working within the County of Suffolk or the County of Nassau.**

*** * * ***

347-3. Living wage and other benefits.

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

A. Applicability. Covered employers shall pay no less than a living wage to their covered employees who actually perform work or render services on or for a project, matter, contract, or subcontract for which the **[**beneficiary**]** recipient has received **[**assistance**]** compensation, provided that in the case of employees performing nonconstruction work that is covered by state or local prevailing wage laws, covered employers shall pay the greater of a living wage or said prevailing wage for nonconstruction work.

B. Amount of wage. The living wage shall be calculated on an hourly basis and shall be no less than $9 per hour worked with health benefits, as described in this chapter, or otherwise $10.25 per hour. For the employees of child care providers only, the living wage shall be calculated on an hourly basis and shall be no less than $9.00 per hour worked, with or without health benefits, of which no less than $7.75 shall be attributable to non-benefit employee compensation until January 1, 2005. In the event that health benefits are not provided, then such employees shall receive $9.00 per hour worked. Beginning on January 1, 2005, the living wage for employees of child care providers shall be calculated on an hourly basis and shall be no less than $9.75 per hour worked, with or without health benefits, of which no less than $8.50 shall be attributable to non-benefit employee compensation. In the event that the health benefits are not provided, then such employees shall receive $9.75 per hour worked. Beginning on January 1, 2006, the living wage for all covered employees of child-care providers will increase by $.75 per hour worked. The living wage shall be adjusted upwardly only, if applicable, each year beginning in 2004, no later than April 1 in proportion to the increase, if any, immediately preceding December 31 over the year-earlier level of the area consumer price index as published by the U. S. Department of **[**Commerce, Bureau of Economic Analysis**]** Labor, applied to the living wage. The covered employer shall provide written notification of the rate adjustments to each of its covered employees and to its subcontractors and/or tenants, who shall provide written notices to each of their employees, if any, and make the necessary payroll adjustments by July 1, beginning in 2004, **[**subject to the January 1, 2005 adjustments set forth above**]**.

C. Health benefits. Health benefits required by this chapter shall consist of the payment of at least $1.25 per hour towards the provision of health-care benefits for employees and their dependents. Proof of the provision of such benefits must be submitted to the agency not later than 30 days after execution of the contract to qualify for the wage rate in § 347-3 for employees with health benefits. Any employee-elected/needed benefit (health care and non-health-care options) shall be considered as an eligible item for the purpose of calculating the $1.25 per hour benefit mandated if offered through a cafeteria-like plan, as long as the benefit is not mandated by state or federal law.

D. Certification of employers paying less than living wage barred. Prior to entering into any agreement with the County of Suffolk for any form of **[**assistance**]** compensation, a covered employer must certify for the County Department of Labor that it will pay each of its covered employees no less than the living wage. A copy of this certification must be made available to the public, upon request, by the **[**beneficiary**]** recipient and by the County Clerk.

E. No reduction in collective bargaining wage rates. Nothing in this chapter shall be construed to require or authorize any beneficiary to reduce wages established by a collective bargaining agreement or required under any prevailing wage law. Nothing in this chapter, however, shall be construed to increase or affect the wages, paid time-off entitlement, or benefits established in a collective bargaining agreement with regard to those employees of a **[**beneficiary**]** recipient or covered employer during any period of time that an employee is not actually performing applicable work as defined in § 347-3A of this chapter.

F. Cuts in nonwage benefits prohibited. No **[**beneficiary**]** recipient shall fund wage increases required by this chapter, or otherwise respond to the provisions of this chapter, by reducing the health, insurance, pension, vacation, or other nonwage benefits of any of its employees.

G. Living wage reporting. The County Department of Human Resources and Civil Service shall report to the Legislature within 60 days after enactment as to which full-time County positions pay less than the living wage standard. The County of Suffolk shall then use this information to comply with the standards of this chapter.

(1) Payroll recordkeeping and reporting. Each covered employer shall maintain payrolls for all covered employees and basic records relating thereto and shall preserve them for a period of three years. The records shall contain the number of hours worked each day, the gross wages, deduction made, actual wages paid, a record of fringe benefit payments, and any other data as may be required by the County Department of Labor from time to time, on a New York State Department of Labor Bureau of Public Works Form PW12, as modified by the County Department of Labor to conform to the requirements of this chapter. Upon request by the County Department of Labor, a covered employer shall produce, for inspection and copying, its payroll records for any or all of its covered employees for the prior three-year period. Covered employers shall maintain a listing of the name, date of hire, occupation classification, rate of pay, and benefits paid for each of its nonexempt covered employees.

(2) Notice of application for **[**assistance**]** compensation. Any and all contracts or agreements to provide **[**assistance**]** compensation shall be void, and no **[**assistance**]** compensation may be awarded, unless, at least 21 days before **[**assistance**]** compensation is awarded or an agreement to provide **[**assistance**]** compensation is signed, the applicant for **[**assistance**]** compensation files with the office of the County Clerk a publicly available application for **[**assistance**]** compensation which shall include the following:

(a) The name, address, and phone number of both the prospective **[**beneficiary**]** recipient and, if different, the specific project for which the **[**assistance**]** compensation is sought;

(b) The amount and origin of **[**assistance**]** compensation sought (e.g., state or County **[**assistance**]** compensation program or contracting department);

(c) A brief description of the project or service for which the **[**assistance**]** compensation is sought;

(d) A statement of projected employment needs, by job classification, under the prospective **[**assistance**]** compensation, including calculation of estimated net increase or decrease in jobs as a result of **[**assistance**]** compensation;

(e) A statement of the projected wage levels of all covered employees in each of the years for which **[**assistance**]** compensation is sought; and

(f) A written commitment to pay all covered employees a living wage, as defined by this chapter.

(3) County **[**assistance**]** compensation reports. Each awarding agency shall file a County **[**Assistance**]** Compensation Report with the County Department of Labor. The report shall include, for each **[**assistance**]** compensation package or contract approved, by or through the authority or administration of the County Department of Labor, during the preceding year:

(a) The name of the awarding agency, the name of the specific program under which the **[**assistance**]** compensation was awarded, and the origin of funds for **[**assistance**]** compensation;

(b) A calculation of the total cost to the County of **[**assistance**]** compensation provided to each **[**beneficiary**]** recipient, including both face-value of **[**assistance**]** compensation, as well as revenue not collected by the County as a result of the **[**assistance**]** compensation;

(c) A description of the purpose or project for which the **[**assistance**]** compensation is awarded;

(d) An accounting of the total number of jobs created per each project for which **[**assistance**]** compensation was given; and

(e) An accounting of the average wage paid on all jobs created by **[**assistance**]** compensation granted by the awarding agency during the quarter.

H. Compensated days off. Employers shall provide at least 12 days off per year for sick leave, vacation, or personal necessity at the employee's request. Employees shall accrue one compensated day off per month of full-time employment. Part-time employees who work 20 or more hours per week shall accrue compensated time off in increments proportional to

that accrued by full-time employees. The employees shall be eligible to use accrued days off after the first six months of employment or consistent with company policy, whichever is sooner. Paid holidays, consistent with established employer policy, may be counted toward provision of the required 12 compensated days off. Part-time employees earning 200% of the living wage rate may be exempted from receiving compensated time off.

* * * *

347-4. Recordkeeping.

A. The County Department of Labor shall promulgate rules and regulations necessary and appropriate for the implementation of this chapter.

B. The County Department of Labor shall submit annual reports to the County Legislature which shall include the following information at minimum:

(1) A listing and the status of all RFP's and RFQ's, service contracts and lease agreements executed and financial **[**assistance**]** compensation awarded, to which this chapter applies including the term, dollar amount, and the service performed or **[**assistance**]** compensation provided.

C. The County Department of Labor shall review the records of any covered employer at least once every three years to verify compliance with the provisions of this chapter.

* * * *

347-6. RFP, contract and financial assistance agreement language.

All RFP's, County contracts and financial **[**assistance**]** compensation agreements subject to this chapter shall contain the following two paragraphs or substantially equivalent language:

A. "This contract is subject to the living wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply, or a waiver is granted, all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees (as defined) of $9 per hour with health benefits of at least $1.25 per hour or otherwise $10.25 per hour. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County living wage Law, of the County of Suffolk." For the employees of child-care providers only, the living wage shall be no less than $9 per hour worked, with or without health benefits, of which no less than $7.75 shall be attributable to nonbenefit employee compensation until January 1, 2005. In the event that health benefits are not provided, then such employees shall receive $9 per hour worked. Beginning January 1, 2005, the living wage for employees of child care providers shall be no less than $9.75 per hour worked of which no less than $8.50 shall be attributable to

nonbenefit employee compensation. In the event that health benefits are not provided, then such employees shall receive $9.75 per hour worked. Beginning on January 1, 2006, the living wage for all covered employees of child-care providers will increase by $.75 per hour worked.

*** * * ***

347-7. Obligations of covered employers.

A. All covered employers subject to the provisions of this chapter shall submit a completed sworn (under penalty of perjury) "Certification of Compliance Subject to Audit" form, signed by an authorized representative, as part of an executed contract with the County of Suffolk. The completed certification of compliance form shall be made a part of any executed contract or project agreement and shall be made available to the public upon request.

B. Covered employers shall inform their subcontractors to comply with the provisions of this chapter for as long as the covered employer is in receipt of **[**assistance**]** compensation and shall inform tenants/leaseholders that they are required to comply with the provisions of this chapter for as long as they use and occupy a premises or lease equipment or property that is in receipt of **[**assistance**]** compensation. Language indicating the subcontractor's or tenant's/leaseholder's requirement to comply shall be included in any contract or agreement between a covered employer and its contractors, subcontractors, tenants or leaseholders. A copy of such subcontracts or other such agreements shall be submitted to the County and made available to the public upon request.

C. Covered employers shall give written notification to each current and new covered employee, at time of hire, of his or her rights to receive the benefits under the provisions of this chapter. The notification shall be posted prominently in communal areas at the work site. A copy of said notification shall be forwarded to the County and shall include the following:

(1) Minimum compensation and health benefits. The initial rates of $9 an hour with health benefits, or $10.25 without health benefits, will be adjusted each year no later than April 1 in proportion to the increase at the immediately preceding December 31 over the year-earlier level of the consumer price index, as published by the U.S. Department of **[**Commerce, Bureau of Economic Analysis**]** Labor, applied to $10.25. Proof of the provision of qualified health benefits shall be submitted to the County not later than 30 days after execution of the contract to qualify for the wage rate in § 347-3. Health benefits shall be provided to part-time covered employees as well as full-time covered employees.

(2) Notice that the covered employers are required to file a certification of compliance form as part of the contract with the County and that the County will make said certifications available

for public inspection and copying during its regular business hours.

D. **[**Covered employers**]** Any recipient shall permit access to work sites and relevant payroll records by authorized County representatives for the purpose of monitoring compliance with this chapter, investigating employee complaints of noncompliance, and evaluating the operation and effects of this chapter, including the production for inspection and copying of its payroll records for any or all of its employees for the term of the contract or for five years, whichever period of compliance is applicable.

*** * * ***

347-9. Monitoring, investigation and compliance.

A. The provisions of this chapter shall augment the County's normal and customary procedure for administering its contracts. The County shall administer the requirements of this chapter as follows:

(1) The County Department of Labor shall develop rules and regulations necessary and appropriate to review contract documents to insure that relevant language and information are included in County RFP's, agreements and other pertinent documents.

(2) The County Department of Labor shall develop rules and regulations necessary and appropriate for the monitoring of the operations of the contractors, subcontractors, and financial assistance recipients to insure compliance, including the review, investigation, and resolution of specific concerns or complaints about the employment practices of a Covered Employer relative to this chapter. In such cases, the County shall attempt to resolve the problem within 30 days.

(3) Where a violation of any provision of this chapter has been determined, the contractor shall be given a written notice by the County per the rules and regulations promulgated by the County Department of Labor. If the violation continues and/or no resolution is imminent, the County shall pursue all available legal remedies, including but not limited to any or all of the following penalties and relief:

(a) Suspension and/or termination of the contract, subcontract, or financial **[**assistance**]** compensation agreement, for cause;

(b) Payback of any or all of the contract or financial **[**assistance**]** compensation awarded by the County of Suffolk;

(c) Deem the covered employer ineligible for future County contracts and/or financial **[**assistance**]** compensation until all penalties and restitution have been paid in full;

(d) A fine payable to the County of Suffolk in the sum of $500 for each week for each covered employee found not to have been paid in accordance with this chapter;

(e) Wage restitution for each affected covered employee.

* * * *

347-11. Applicability.

A. This chapter shall apply to all actions occurring on or after July 1, 2002, and shall apply to:

(1) A contract or subcontract entered into or renewed and after the applicability date of this chapter;

(2) Financial **[**assistance**]** compensation awarded after the applicability date of this chapter;

(3) A contract amendment consummated after the applicability date of this chapter which itself meets the financial threshold requirement of this chapter; and

(4) Supplemental financial **[**assistance**]** compensation provided for after the applicability date of this chapter which itself meets the requirements of this chapter.

B. This chapter shall not apply to:

(1) Employees working in a bona fide executive, administrative or professional capacity; and

(2) Employees earning annually at least $23,660 **[**$16,650 with health benefits, or $18,962.50 if health benefits are not provided**]**; or

(3) Persons with disabilities (earning or productive capacity is impaired by age, physical deformity, mental deficiency, or injury) working in employment programs where the employer holds a current subminimum wage certificate issued by the United States Department of Labor, or where such certificate could be issued but for the fact that the employer is paying a wage higher than the minimum wage.

347-12. Duration of requirements.

A. Receipts of **[**assistance**]** compensation in an amount greater than $50,000 in any twelve-month period shall require compliance with this

chapter for the life of the project and for as long as such **[**assistance**]** compensation is being received by a **[**beneficiary**]** recipients.

B. **[**Assistance**]** Compensation in the form of a service contract or subcontract of at least $10,000, as defined in Subsection B of the definition of **[**"assistance"**]** "compensation" in § 347-2 of this chapter shall require compliance with this chapter for the term of the contract or subcontract.

347-13. Exemptions.

A. Grounds for granting exemptions.

(1) General exemption. Exemptions may be granted by the County Department of Labor where application of this chapter to a particular form of **[**assistance**]** compensation is found by the County to violate specific state or federal statutory, regulatory or constitutional provision or provisions.

(2) Youth employment exemption. An exemption to this chapter may be granted where a **[**beneficiary**]** recipient is an organization that regularly employs individuals under the age of 21 in a summer youth or school-to-work program. The exemption shall only apply to such employees.

(3) Not-for-profit and for-profit corporations. An exemption to this chapter may be granted for a maximum period of one year after the enactment of this chapter to any not-for-profit organization which is exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986 and to any for-profit corporation and which performs services for the County or its departments for the benefit of the people of Suffolk County, provided:

(a) The Chief Executive Officer of such organization or corporation provides proof to the County of Suffolk that the highest paid employee of the organization or corporation earns a salary which, when calculated on an hourly basis, is less than six times the lowest wage or salary paid by the organization or corporation; or

(b) An applicant for an exemption demonstrates that the fulfilling of the requirement of this chapter will present a hardship in that the fulfilling of the requirement of this chapter will directly increase the expected total annual budget of the applicant in an amount greater than 10% of the prior year's adopted budget.

(c) An applicant for an exemption pursuant to Subsection A(3) of this section shall submit in writing to the Suffolk County Department of Labor an application for an exemption containing the following information:

[1] The anticipated total annual budget of the applicant should the exemption be granted;

[2] The annual cost of the application of this chapter to the applicant;

[3] The percentage increase of the anticipated total annual budget of the applicant if the application for an exemption is denied; and

[4] The number of employees that would be affected by the application of this chapter to the applicant.

(d) The applicant agrees to submit all books and records to the Suffolk County Department of Labor, upon request, for examination and documentation of the basis for the request for such an exemption.

(4) **[**Not-for-profit**]** Seasonal employees. A **[**not-for-profit**]** corporation that employs seasonal employees may be granted a permanent exemption from this chapter with respect only to those seasonal employees. Proof that employees are seasonal employees as defined in this chapter, and therefore eligible for an exemption, must be provided to the County before an exemption can be granted.

(5) An applicant for exemption for contracts awarded through competitive bidding or a request for proposal process shall request such exemption by completing a Request for Exemption - Living Wage form contained in each bid or request for proposal solicitation issued by the County of Suffolk.

(a) Applicants who are requesting an exemption to this section may submit more than one proposal or bid; i.e., one based on an approved exemption and one based on a disapproved exemption.

(b) The application requesting such exemption shall contain the following information:

[1] The anticipated total annual budget of the applicant should the exemption be granted;

[2] The annual cost of the application of this chapter to the applicant;

[3] The percentage increase of the anticipated total annual budget of the applicant if the application for an exemption is denied; and

[4] The number of employees that would be affected by the application of this chapter to the applicant.

B. Contents of exemption requests. All general exemption requests shall include the following:

(1) The nature of **[**assistance**]** compensation to which this chapter applies;

(2) The specific or official name of the **[**assistance**]** compensation and **[**assistance**]** compensation program, the statutory or regulatory authority for the granting of the **[**assistance**]** compensation, and a copy of that authority;

(3) The conflicting statutory, regulatory or constitutional provision or provisions that make compliance with the chapter unlawful, and a copy of each such provision; and

(4) A factual explication and legal analysis of how compliance with this chapter would violate the cited provision or provisions, and the legal consequences that would attach if this violation were to occur.

C. [Temporary exemption. This law shall not apply to child-care agencies until October 1, 2003.] The exemptions in subsections A(3)(a) and A(3)(b) of this Section shall not apply to child-care providers.

*** * * ***

347-15. County transitional financial assistance

[Child-care providers**]** Not-for-profit corporations and all child care providers shall be eligible for upfront financial assistance from the Suffolk County Living Wage Contingency Fund, or any successor fund thereto, in order to meet increased payroll expenses upon filing a pertinent request with the Suffolk County Department of **[**Audit and Control**]** Labor in such form as shall be prescribed by said Department of **[**Audit and Control**]** Labor. The Suffolk County Department of **[**Audit and Control**]** Labor shall require periodic documentation to verify the proper use of these moneys and shall conduct an annual audit until such time as the Contingency Fund, or any successor fund thereto, has been fully exhausted and the County is no longer providing financial assistance to implement this chapter.

Section 3. Applicability.

This law shall apply to all actions occurring on or after [the effective date of this law] January 1, 2005.

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), 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. 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

after a public hearing duly held on March 29, 2005

Date: March 30, 2005

Filed with the Secretary of State on April 14, 2005

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

Intro. Res. No. 1057A-2005

BOND RESOLUTION NO. 134 -2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $250,000 BONDS TO FINANCE THE COST OF IMPROVEMENTS TO ACTIVE PARKLAND/RECREATION AREAS AT NAUTICAL PARK, VILLAGE OF AMITYVILLE (CP 7178)

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 $250,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of improvements to active parkland/recreation areas at Nautical Park, Village of Amityville, 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 $250,000. The plan of financing includes the issuance of $250,000 bonds or bond anticipation notes authorized pursuant to this resolution and 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 11.00 a. 19 (c) of the Law of the Law, is fifteen (15) 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 1057-2005 Laid on Table 1/25/2005
Introduced by Legislator Mystal

RESOLUTION NO. 135 –2005, AMENDING THE 2005 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO ACTIVE PARKLAND/RECREATION AREAS AT NAUTICAL PARK, VILLAGE OF AMITYVILLE (CP 7178)

WHEREAS, the 2005 Capital Budget and Program contains Capital Project 7178 entitled "Improvements to Active Parkland/Recreation Areas" to help fund improvements for active parkland purposes; and

WHEREAS, "Nautical Park" was acquired via Resolution No. 567-1999, under the Greenways Active Parkland Program; and

WHEREAS, the Town of Babylon in cooperation with the Village of Amityville has agreed to commit Two Hundred and Fifty Thousand Dollars ($250,000.00) to infrastructure improvements for active recreational purposes for property known as "Nautical Park" via Town Board Resolution No. 800-2004, dated November 4, 2004; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of $250,000 in Suffolk County Serial Bonds; and

WHEREAS, the project involves the 1.3 acres to be used as a community park including a senior citizen center, marine facilities, parking, walkways, gazebos, landscaping with indigenous species, and varied park equipment; and

WHEREAS, Resolution 471-1994, as revised by Resolution 571-1998 and reaffirmed by Resolution 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; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of 54 is eligible for approval in accordance with the provisions of Resolution 471-1994 as revised by Resolution 571-1998 and reaffirmed by Resolution 209-2000; and be it further

2nd RESOLVED, that the County of Suffolk hereby authorizes a matching grant of Two Hundred and Fifty Thousand Dollars ($250,000.00) pursuant to the "Improvements to Active Parkland/Recreational Areas/Greenways Fund CP 7178" for the Village of Amityville for improvements to property designated as "Nautical Park" (Suffolk County Tax Map as District 0101, Section 007.00, Block 08.00, Lots 004.000, 005.000, 006.000, 007.00 and 008.000); and be it further

3rd RESOLVED, that Two Hundred and Fifty Thousand Dollars ($250,000.00) in serial bonds is hereby appropriated from Capital Project 7178, the expenditure of which is conditioned upon receipt of a duly enacted Resolution from the Town of Babylon, Village of Amityville appropriating Two Hundred and Fifty Thousand Dollars ($250,000.00) for such improvements; and be it further

4th RESOLVED, that the County of Suffolk hereby approves the binding commitment between the Town of Babylon, Village of Amityville and County of Suffolk to effect the improvements required by the "Greenways Active Parkland Program"; and be it further

5th RESOLVED, that the 2005 Capital Budget and Program be and is hereby amended as follows:

Project Number: 1755
Project Title: Infrastructure Improvements for Traffic and Public Safety and Health

Cost Elements	Total Estimated	Current 2005	Revised 2005

	Cost	Capital Budget & Program	Capital Budget & Program
3. Construction	$3,250,000	$3,500,000	$3,250,000
TOTAL	$3,250,000	$3,500,000	$3,250,000

Project Number: 7178
Project Title: Improvements to Nautical Park, Village of Amityville

Cost Elements	Total Estimated Cost	Current 2005 Capital Budget & Program	Revised 2005 Capital Budget & Program
3. Construction	$250,000	$0	$250,000
TOTAL	$250,000	$0	$250,000

and be it further

RESOLVED, that the proceeds of $250,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project Number	Project Title	Amount
525-CAP-7178.310	Improvements to Nautical Park, Village of Amityville	$250,000

and be it further

6th RESOLVED, that the County Comptroller and the County Treasurer are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the transfer of this funding forthwith; and be it further

7th RESOLVED, that this Legislature hereby determines that the above activity constitutes an unlisted action under the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code; and be it further

8th RESOLVED, that the project will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;
2. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;
3. The parcel does not appear to suffer from any severe environmental development constraints (no poor soil properties, no high groundwater and no unmanageable slopes);
4. All Suffolk County pesticide and fertilizer requirements will be adhered to.
5. All necessary N.Y.S.D.E.C. and N.Y. Department of State permits will be obtained.

and be it further

9th RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with the CEQ; and be it further

10th RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 1094-2005 Laid on Table 2/15/2005
Introduced by Legislator Nowick

RESOLUTION NO. 136 –2005 AMENDING THE 2005 OPERATING BUDGET AND TRANSFERRING FUNDS FROM THE SMITHTOWN HEALTH CLINIC FOR THE CONTRACT AGENCY, PEDERSON-KRAG ACT TEAM TO THE WYANDANCH HEALTH CLINIC FOR THE CONTRACT AGENCY, PEDERSON-KRAG CLINIC, INC.

WHEREAS, Resolution No. 1020-2004 provided an additional $115,001 in the Department of Health Services, Division of Community Mental Hygiene for the contract agency, Pederson-Krag ACT Team, to assist families in crisis; and

WHEREAS, it is the desire of the Suffolk County Legislature to transfer the additional $115,001 from the Pederson-Krag ACT Team in the Smithtown Health Clinic to the Pederson-Krag Clinic, Inc. in the Wyandanch Health Clinic to allocate mental health funding more effectively in proportion to the demand for services at each of the two health clinics; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County operating budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the

size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

RESOLVED, that the 2005 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby authorized to reallocate the following funds and authorizations:

FROM:	**Amount**
001-4330-HSV-GPN1 Pederson-Krag ACT Team	-$115,001

TO:	**Amount**
001-4320-HSV-ANL5 Pederson-Krag Clinic, Inc (96%)	+$115,001

and be it further

RESOLVED, that the County Executive be and hereby is authorized to execute contract with Pederson-Krag Clinic, Inc. (96%).

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 1111-2005 Laid on Table 2/15/2005

Introduced by Legislators Caracappa, Carpenter, Losquadro, Viloria-Fisher, Montano and Bishop

RESOLUTION NO. 137 –2005, AMENDING THE 2005 OPERATING BUDGET AND TRANSFERRING FUNDS IN CONNECTION WITH CONTRACTED SERVICES FOR YOUTH, CHILD CARE AND THE PREVENTION OF DOMESTIC VIOLENCE AND TO PURCHASE FURNITURE IN THE POLICE DEPARTMENT

WHEREAS, Resolution No. 1020-2004 allocated funding for youth, child care providers and the prevention of domestic violence; and

WHEREAS, it is necessary to transfer a portion of this funding to differentiate between 100% state funded appropriations and locally supported contracted services; and

WHEREAS, Resolution No. 1020-2004 also allocated $35,000 for the Alliance of Domestic Violence Agencies, an informal designation rather than a specific domestic violence services contract agency; and

WHEREAS, it is the desire of the Legislature to transfer $35,000 from the Alliance of Domestic Violence Agencies to the Suffolk County Coalition Against Domestic Violence; and

WHEREAS, the central records section of the Police Department is in need of new furniture; and

WHEREAS, it is the desire of the Legislature to transfer $30,000 from the General Capital Reserve Fund to the Police Department for the purchase of this furniture; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County operating budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

RESOLVED, that the 2005 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

FROM:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
001	DSS	GNL1	6015	4980	Suffolk County Coalition Against Domestic Violence	-$15,000
001	DSS	GSF1	6035	4980	Suffolk County Coalition Against Domestic Violence	-$5,000
001	DSS	GSG1	6035	4980	Victims Information Bureau of Suffolk	-$29,205
001	DSS	GZS1	6035	4980	Alliance of Domestic Violence Agencies	-$35,000
001	DSS	GGN1	6015	4980	Child Care Council	-$5,000
001	HSV	GBQ1	4330	4980	Adelante of Suffolk County, Inc.	-$50,000
001	HSV	GXV1	4010	4980	W Babylon SD Wellness Program	-$20,000
625	ECD	GYB1	5610	4980	Marine Helicopter Squadron	-$22,000

INTERFUNDS

001	IFT	E625	E625	9600	Transfer To Gabreski Airport Fund	-$22,000
625	IFT		R001		Transfer from General Fund	-$22,000
401	IFT		R001		Transfer from the General Fund	-$30,000

001	IFT	E401	E401	9600	Transfer to General Capital Reserve Fund	-$30,000
401	IFT	E525	E525	9600	Transfer to Capital Fund	-$30,000

TO:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
001	DSS	GNK1	6017	4980	Suffolk County Coalition Against Domestic Violence	+$77,000
001	DSS	AWF1	6017	4980	Victims Information Bureau of Suffolk	+$29,205
001	DSS	ADB2	6135	4980	Child Care Council	+$5,000
001	EXE	XXXX	7320	4980	Adelante of Suffolk County	+$50,000
001	EXE	XXXX	7320	4980	W Babylon SD Wellness Program	+$20,000
001	POL	3120	3120	2010	Furniture & Furnishings	+$30,000

and be it further

RESOLVED, that the County Executive's Budget Office is authorized to assign an appropriate pseudo code for contracted youth services for Adelante of Suffolk County and the West Babylon School District Wellness Program.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 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. 1115-2005 Laid on Table 2/15/2005
Introduced by Legislator Alden

RESOLUTION NO. 138 –2005, AMENDING THE 2005 OPERATING BUDGET AND TRANSFERRING FUNDS TO ISLIP PUBLIC SCHOOL DISTRICT

WHEREAS, insufficient funding was included in the 2005 adopted operating budget to fund the prevention of substance abuse in the Islip Public School District; and

WHEREAS, the 2005 adopted budget includes $35.7 million for Social Security and a surplus of at least $5,000 exists in the General Fund Social Security appropriation; and

WHEREAS, these surplus funds will be used to offset the costs of purchasing and mailing booklets "A Parent's Guide for the Prevention of Alcohol, Tobacco, and Other Drug Use"; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County operating budget by County legislators four times during the fiscal year as long the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now therefore be it

RESOLVED, that the 2005 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

Appropriations:

FROM:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
001	EMP	9030	9030	8330	Social Security	-$5,000

TO:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
001	HSV	4310	AJN2	4980	Islip Union Free School District	$5,000

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding for Islip Public School District.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 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. 1116-2005 Laid on Table 2/15/2005
Introduced by Legislator O'Leary

RESOLUTION NO. 139 –2005, AMENDING THE 2005 OPERATING BUDGET AND TRANSFERRING FUNDS TO BRIGHTER TOMORROWS

WHEREAS, insufficient funding was included in the 2005 adopted operating budget to fund the domestic violence shelter, Brighter Tomorrows; and

WHEREAS, the 2005 adopted budget includes $35.7 million for Social Security and a surplus of at least $5,000 exists in the General Fund Social Security appropriation; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County operating budget by County legislators four times during the fiscal year as long the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now therefore be it; now, therefore be it

RESOLVED, that the 2005 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

Appropriations:

FROM:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
001	EMP	9030	9030	8330	Social Security	-$5,000

TO:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
001	DSS	6017	DDE1	4980	Brighter Tomorrows	$5,000

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding for Brighter Tomorrows.

DATED: March 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 25, 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. 1119-2005 Laid on Table 2/15/2005
Introduced by Legislators Carpenter and Bishop

RESOLUTION NO. 140 -2005, AMENDING THE 2005 OPERATING BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL CAPITAL RESERVE FUND FOR THE PURCHASE OF RADIOS FOR THE SUFFOLK COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)

WHEREAS, the Suffolk County SPCA is a non profit humane society in partnership with the community dedicated to protecting the rights, safety and well being of animals; and

WHEREAS, they have law enforcement status and are charged with upholding and enforcing Article 26 of the Agriculture Marketing Law of New York throughout Suffolk County; and

WHEREAS, the Suffolk County SPCA works in conjunction with other law enforcement agencies and with the office of the District Attorney bringing cases of abuse and neglect of animals before the courts; and

WHEREAS, the Suffolk County SPCA is in need of 10 portable radios which will assist in the coordination of joint operations with other law enforcement agencies and provide for efficient and effective communication with the Suffolk County Police Department as well as to provide for officer safety; and

***WHEREAS**, it is the desire of the Suffolk County Legislature to provide $26,400 to the Suffolk County SPCA for the specific purpose of purchasing radios; and*

WHEREAS, the 2005 Operating Budget does not provide funding for the additional expenses associated with the purchase of these radios; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County operating budget by County Legislators four times during the fiscal year as long the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now therefore be it

RESOLVED, that the Adopted 2005 Operating Budget be and hereby is amended as follows:

FROM:		***AMOUNT***
401-IFT-E525-9600	Transfer to Capital Fund	-$ 26,400
001-IFT-E401-9600	Transfer to General Capital Reserve	-$ 26,400
401-IFT-R0001	Transfer from General Fund	-$ 26,400

TO:

001-POL-3120-GSP1	Suffolk County SPCA	$ 26,400

DATED: March 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-25(D) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 31, 2005

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

Intro. Res. No. 1138-2005 Laid on Table 2/15/2005
Introduced by Presiding Officer Caracappa

RESOLUTION NO. 141 –2005, TRANSFERRING CONTINGENT FUNDING FOR VARIOUS CONTRACT AGENCIES (PHASE I)

WHEREAS, funds were included in a Legislative Contingency account in the 2005 Operating Budget (001-MSC-1994-4981) to supplement County services via non-profit agencies; and

WHEREAS, these funds are used to support not-for-profit agencies for services including, but not limited to, supplementation of county services for: breast health education and outreach, veterans programs, hospices, senior citizen and youth programs, domestic violence programs, food pantry services, other comparable health and safety programs, and for economic development and revitalization; and

WHEREAS, appropriation of funds to these not for profit agencies early in the fiscal year will enhance their ability to develop contracts with the county and will help to provide services in a timely fashion; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County operating budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now therefore be it

RESOLVED, that the Adopted 2005 County Operating Budget is hereby amended as shown in the attached Appendix "A", which is attached hereto and made a part of this resolution.

DATED: March 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 25, 2005

APPENDIX A		

FROM:	**AMOUNT**	
001-MSC-1994-4981 Contingent: Legislative Programs	**$144,000**	
TO:		
	Phase I-2005	
CONTRACT AGENCY	**Amount**	**FD-AG-ORG-OBJ**
Adelante of Suffolk County, Inc.	$5,500	001-EXE-7320-4981
American Legion Post #1146	$500	001-EXE-6510-4981
American Legion Post 269 - Patchogue	$3,000	001-EXE-6510-4981
Amityville Historical Society	$5,000	001-PKS-7510-4981
AmVets Post #48 - Donald F. Pugliese Memorial	$1,000	001-EXE-6510-4981
Art League of Long Island	$1,000	001-ECD-6410-4981
Arthur Clune Post of the American Legion	$500	001-EXE-6510-4981
Battlecats Baseball Club, Inc.	$2,000	001-EXE-7320-4981
Bethel A.M.E. Church	$1,000	001-DSS-6004-4981
Bicycle Path Pre-K/Kindergarten Center PTA	$800	001-EXE-7320-4981
Breast Cancer Help, Inc.	$500	001-HSV-4150-4981
Brentwood/Bay Shore Breast Cancer Coalition	$1,000	001-HSV-4150-4981
Brookhaven Village Association	$1,000	001-ECD-6410-4981
Brookhaven WheelchairAthletes	$400	001-EXE-8050-4981
Brookhaven WheelchairAthletes, Inc.	$500	001-EXE-8050-4981
Cayuga Elementary School PTA	$800	001-EXE-7320-4981
Centereach High School PTA	$800	001-EXE-7320-4981
Centereach Touchdown Club	$1,000	001-EXE-7320-4981
Centerfield Baseball Club	$500	001-EXE-7320-4981
Christ Episcopal Church	$500	001-ECD-6410-4981
Church of the Nazarene - Patchogue	$2,000	001-EXE-8050-4981
Community Ambulance Company	$1,500	001-FRE-3400-4981
Connetquot Youth Football Organization	$1,000	001-EXE-7320-4981
Crystal Beach Civic Association	$500	001-ECD-6410-4981
Dawnwood Middle School PTA	$800	001-EXE-7320-4981
Disabled American Veterans Post #190	$1,000	001-EXE-6510-4981
East Yaphank Civic Association	$500	001-ECD-6410-4981
Eastport South Manor Sports Association	$2,000	001-EXE-7320-4981
El Teatro Rodante Hispanico Inc	$2,000	001-EXE-7320-4981
Elwood Union Free School District PTA	$3,000	001-EXE-7320-4981
Eugene Auer PTA	$800	001-EXE-7320-4981
Faith Community Builders	$1,000	001-DSS-6008-4981
Faith Missionary Baptist Church	$1,000	001-EXE-7320-4981
Family and Children's Association	$1,000	001-HSV-4320-4981
Farmingdale University / Long Island Educational Opportunity Center	$1,000	001-LAB-6370-4981
Friends of Newfield High School Music, Inc.	$500	001-EXE-7320-4981
Friends of Selden Middle School Band	$500	001-EXE-7320-4981
Gatelot Avenue PTA	$800	001-EXE-7320-4981
Grace Lutheran Church	$500	001-EXE-7320-4981

Half Hollow Hills Central School District PTA	$3,000	001-EXE-7320-4981
Hands Across Long Island Incorporated	$1,000	001-HSV-4310-4981
Hands Across Long Island Incorporated	$1,000	001-DSS-6004-4981
Harborfields Central School District's Council of PTA's	$3,000	001-EXE-7320-4981
Hawkins Path Elementary School PTA	$800	001-EXE-7320-4981
Hiawatha Elimentary School PTA	$800	001-EXE-7320-4981
Holbrook Road PTA	$800	001-EXE-7320-4981
Holiday Beach Civic Association	$500	001-ECD-6410-4981
Hope Lutheran Church	$500	001-DSS-6004-4981
Huntington Breast Cancer Action Coalition, Inc.	$1,000	001-HSV-4150-4981
Huntington Freedom Center	$1,000	001-EXE-7320-4981
Huntington Station Enrichment Center, Inc.	$1,000	001-EXE-7320-4981
Huntington Township Chamber of Commerce	$1,000	001-ECD-6410-4981
Inter-Media Art Center, Inc	$2,000	001-ECD-6410-4981
Islip Public Schools	$4,000	001-EXE-7320-4981
Jericho Elem. PTA	$800	001-EXE-7320-4981
Kiwanis of the Mastics	$2,000	001-EXE-7320-4981
Korean War Veterans Assoc. - Central Long Island Chapter	$2,500	001-EXE-6510-4981
League of Women Voters of Huntington	$1,000	001-BOE-1450-4981
Long Island Blue Jay Jr. Drum & Bugle Corps., Inc.	$2,000	001-EXE-7320-4981
Long Island Citizens for Community Values	$1,000	001-ECD-6410-4981
Long Island Food Effort	$500	001-DSS-6004-4981
Long Island Maritime Museum	$1,500	001-PKS-7110-4981
Long Island Synchronized Swim Team	$1,000	001-EXE-7320-4981
Longwood Alliance	$2,000	001-EXE-7320-4981
Longwood Youth Sports Association	$2,000	001-EXE-7320-4981
Lynvett Football and Cheerleading Club	$2,000	001-EXE-7320-4981
Lynwood Avenue Elementary School PTA	$800	001-EXE-7320-4981
Mastic Sports Club	$2,000	001-EXE-7320-4981
Medford Taxpayers & Civic Assoc., Inc.	$1,500	001-ECD-6410-4981
Middle Country Special Education PTA	$500	001-EXE-7320-4981
Moriches Bay Civic Association	$500	001-ECD-6410-4981
National Association of Puerto Rican Hispanic Social Workers, Inc.	$1,000	001-EXE-8051-4981
Navy Seabee Veterans of America	$1,500	001-EXE-6510-4981
New Lane Memorial PTA	$800	001-EXE-7320-4981
Newfield High School PTA	$800	001-EXE-7320-4981
Newfield Wolverine Den	$1,000	001-EXE-7320-4981
North Coleman Road School PTA	$800	001-EXE-7320-4981
Oxhead Rd. Elem. School PTA	$800	001-EXE-7320-4981
Patchogue Garden Club	$1,000	001-PKS-7110-4981
Pedersen-Krag Center	$1,000	001-HSV-4330-4981
Presbyterian Church of Yaphank	$750	001-EXE-7320-4981
Pronto of Long Island, Inc.	$1,000	001-DSS-6004-4981
Rotary of the Mastics and Shirley	$750	001-EXE-8050-4981
Rotary of the Moriches	$750	001-EXE-8050-4981
S.C.C.C. Foundation, Inc. Men's Basketball Program	$1,000	818-SCC-2270-4981
Sachem High School East PTA	$800	001-EXE-7320-4981
Sachem High School North PTA	$800	001-EXE-7320-4981

Sachem Touchdown Club	$1,000	001-EXE-7320-4981
Sagamore Middle School - Media Center	$1,000	001-EXE-7320-4981
Samoset Middle School PTA	$800	001-EXE-7320-4981
Selden Middle School PTA	$800	001-EXE-7320-4981
South County Soccer	$2,000	001-EXE-7320-4981
St. John the Evangelist	$750	001-EXE-7320-4981
St. John's Church	$500	001-EXE-7320-4981
St. Jude the Evangelist	$500	001-EXE-7320-4981
Stagecoach Road Elementary School PTA	$500	001-EXE-7320-4981
Suffolk County Council, Boy Scouts of America	$1,000	001-EXE-7320-4981
Tecumseh Elementary School PTA	$800	001-EXE-7320-4981
Town of Brookhaven Brookwood Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven Centereach Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven Eastwood Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven Friar Circle Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven Lk. Ronkonkoma Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven Mark Tree Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven Medford Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven Selden Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven St. Joseph's Village Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven Terryville Senior Citizen Club	$500	001-EXE-6772-4981
Town of Brookhaven Westfield Senior Citizen Club	$500	001-EXE-6772-4981
Tri Community and Youth Agency, Inc.	$1,000	001-EXE-7320-4981
Tri Village Little League, Inc.	$500	001-EXE-7320-4981
Unity Drive School PTA	$800	001-EXE-7320-4981
Veterans and Seniors Medical Transportation Service	$1,000	001-EXE-6510-4981
Veterans Emergency Transportation	$1,000	001-EXE-6510-4981
Veterans Emergency Transportation Vet Inc	$5,000	001-EXE-6510-4981
VFW Jayne Lattin Post #2913	$3,000	001-EXE-6510-4981
VFW Post #4927	$1,000	001-EXE-6510-4981
Victory Church of God	$1,500	001-EXE-7230-4981
Waverly Avenue Elementary School PTA	$800	001-EXE-7320-4981
William Floyd Lacrosse	$2,000	001-EXE-7320-4981
Youth Directions & Alternatives C.Y.A.	$1,000	001-EXE-7320-4981
YUMA Youth Athletic Club	$2,000	001-EXE-7320-4981
	$144,000	
INTERFUNDS:		
001-E818-IFT Transfer to Fund 818 (18) SCCC 9520	+1,000	
818-2812-IFT Transfer from General Fund	+1,000	

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

Intro. Res. No. 1139-2005 Laid on Table 2/15/2005
Introduced by Legislator Kennedy

RESOLUTION NO. 142 –2005, AMENDING THE 2005 OPERATING BUDGET AND TRANSFERRING FUNDS TO VARIOUS AGENCIES

WHEREAS, insufficient funding was included in the 2005 adopted operating budget to fund certain contracted services; and

WHEREAS, the 2005 adopted budget includes $35.7 million for Social Security and a surplus of at least $113,000 exists in the General Fund Social Security appropriation; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County operating budget by County legislators four times during the fiscal year as long the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

RESOLVED, that the 2005 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

Appropriations:

FROM:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
001	EMP	9030	9030	8330	Social Security	-$113,000

TO:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
001	ECD	GXC1	6410	4980	Ronkonkoma Chamber of Commerce-Downtown Revitalization	$10,000
001	ECD	GXF1	6410	4980	Smithtown Chamber of Commerce Downtown Revitalization	$10,000
001	ECD	XXXX	6410	4980	Nesconset Chamber of Commerce	$10,000
001	DSS	AWF1	6017	4980	Victims Information Bureau	$25,000
001	EXE	GRG1	6510	4980	VET's, INC	$5,000
001	ECD	GZT1	6410	4980	Ancient Order of Hibernians	$5,000
001	FRE	XXXX	3400	4980	Central Islip/Hauppauge Ambulance	$5,000
001	FRE	HDA1	3400	4980	Commack Ambulance	$5,000
001	FRE	XXXX	3400	4980	Nesconset Fire Dept	$5,000
001	FRE	GXH1	3400	4980	Smithtown Fire Department	$5,000
001	FRE	XXXX	3400	4980	Ronkonkoma Fire Department	$5,000
001	DSS	XXXX	6004	4980	St. Patrick Parish Ministry Outreach	$2,000
001	DSS	XXXX	6004	4980	Parish of the Holy Cross	$2,000
001	DSS	XXXX	6004	4980	St. Mary's Food Pantry	$2,000
001	DSS	XXXX	6004	4980	St. Thomas Moore Catholic Church Outreach	$2,000

001	DSS	XXXX	6004	4980	St. Thomas of Canterbury	$2,000
001	DSS	XXXX	6004	4980	Smithtown Gospel Tabernacle	$2,000
001	DSS	XXXX	6004	4980	Church of the Resurrection	$2,000
001	DSS	XXXX	6004	4980	St. Joseph's Parish Outreach (Shepard's Inn)	$4,500
001	DSS	XXXX	6004	4980	United Methodist Church (Thee Gather Inn)	$4,500

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding these agencies; and be it further

RESOLVED, that the County Executive's Budget Office is authorized to assign appropriate pseudo codes as necessary.

DATED: March 15, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 25, 2005

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

Intro. Res. No. 1170-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 143 –2005, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #184

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.

Description	Year	Original Tax	Corrected Tax	Chargeback & Refund, if paid
Islip:				
0500-207.00-01.00-003.040	2003/04	$358,085.60	$0.00	$358,085.60

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 2005

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

Intro. Res. No. 1171-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 144 –2005, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #207

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.

Description	Year	Original Tax	Corrected Tax	Chargeback & Refund, if paid

Brookhaven:
(Item # 31-13835)

0200-981.20-07.00-001.009	**1999/00**	**$7531.59**	**$0.00**	**$7531.59**
0200-981.20-07.00-001.009	**2000/01**	**$7833.16**	**$0.00**	**$7833.16**
0200-981.20-07.00-001.009	**2001/02**	**$8399.20**	**$0.00**	**$8399.20**
0200-981.20-07.00-001.009	**2002/03**	**$9021.23**	**$0.00**	**$9021.23**
0200-981.20-07.00-001.009	**2003/04**	**$6449.19**	**$0.00**	**$6449.19**

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 2005

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

Intro. Res. No. 1172-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 145 –2005, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #208

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.

Original Corrected Chargeback &

Description	Year	Tax	Tax	Refund, if paid
Brookhaven:				
0200-353.00-01.00-019.000 (Item #87-32897)	2003/04	$ 3,849.62	$ 671.45	$ 3,178.17

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 2005

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

Intro. Res. No. 1176-2005 Laid on Table 2/15/2005
Introduced by Legislators Kennedy, Losquadro, Caracciolo, Carpenter, Alden, O'Leary, Lindsay

RESOLUTION NO. 146 –2005, AMENDING THE 2005 OPERATING BUDGET AND TRANSFERRING FUNDS FOR THE OBSERVANCE OF MEMORIAL DAY FOR NATIONAL CEMETERIES AND OTHER CEMETERIES IN SUFFOLK COUNTY

WHEREAS, the 2005 Operating Budget does not include sufficient funding to defray the expense of an appropriate observance of Memorial Day at Long Island Cemeteries; and

WHEREAS, it has become important to remember and recognize the sacrifice of courageous veterans each year; and

WHEREAS, it is the desire of the Suffolk County Legislature to increase the amount of the appropriation by an additional $6,500 to help defray expenses for a Memorial Day observance befitting our heroic veterans buried at the two National Cemeteries and at other cemeteries in Suffolk County; and

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County operating budget by County legislators four times during the fiscal year as long the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now therefore be it

RESOLVED, that the 2005 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

FROM:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
625	ECD	GYB1	5610	4980	Marine Helicopter Squadron	-$6,500
Interfunds						
001	IFT	E625	E625	9600	Transfer to Gabreski Airport Fund	-$6,500
625	IFT		R001		Transfer from General Fund	-$6,500

TO:

FD	AGY	X-Org	R-Org	OBJ	ORG Name	Amount
001	LEG	1025	1025	4560	Legislature: Budget Review	+$6,500

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

Legislator Schneiderman made a motion on the following resolution, seconded by Legislator Alden. The resolution was passed 11-6-1-0. Legislators Viloria-Fisher, Foley, Lindsay, Montano, Mystal and Cooper voted no. Legislator Bishop abstained.

Intro. Res. No. 1177-2005 Laid on Table 2/15/2005
Introduced by Legislators Schneiderman and Caracciolo

RESOLUTION NO. 147-2005, AMENDING THE 2005 OPERATING BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL CAPITAL RESERVE FUND TO THE SUFFOLK COUNTY DEPARTMENT OF PLANNING FOR A STUDY ON THE EFFECTS OF THE DUCK FARMING INDUSTRY ON LONG ISLAND

WHEREAS, the Suffolk County Department of Planning has requested funding for a program to study the effects of the duck farming industry on Long Island; and

WHEREAS, there are matching Federal funds available for the project; and

WHEREAS, the cost to the County for this project is $22,000; and

***WHEREAS**, it is the desire of the Suffolk County Legislature to provide $22,000 to the Suffolk County Department of Planning for the specific purpose of performing this study; and*

WHEREAS, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County operating budget by County legislators four times during the fiscal year as long the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now therefore be it

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") Section 617.5 (c) (20), (21) and (27), in that the resolution concerns the installation of fencing, and adoption of a local legislative decision in connection with the same, and the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that the Adopted 2005 Operating Budget be and hereby is amended as follows:

FROM:		***AMOUNT***
401-IFT-E525-9600	Transfer to Capital Fund	-$ 22,000
001-IFT-E401-9600	Transfer to General Capital Reserve	-$ 22,000
401-IFT-R0001	Transfer from General Fund	-$ 22,000

TO:

001-PLN-8020-4560	Fees For Services: Non-employee	$ 22,000

DATED: March 15, 2005

VETOED BY THE COUNTY EXECUTIVE ON MARCH 31, 2005
APRIL 5, 2005 NO FURTHER ACTION

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

Intro. Res. No. 1112-2005 Laid on Table 2/15/2005
Introduced by Presiding Officer Caracappa and Legislators Lindsay, Tonna, Mystal, Bishop and Binder

RESOLUTION NO. 148 –2005, ESTABLISHING POLICY FOR APPOINTMENTS TO THE BOARD OF THE SUFFOLK COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, the members of the Board of the Suffolk County Industrial Development Agency (IDA) are appointed by this Legislature; and

WHEREAS, it is currently the policy of the Suffolk County IDA to finance construction projects without the requirement that prevailing wage be paid to workers; and

WHEREAS, it has been the policy of this Legislature to support the payment of prevailing wage on all projects in this County; now, therefore be it

1st **RESOLVED**, that it shall be the policy of this Legislature to require that Board members appointed by this Legislature to the Suffolk County Industrial Development Agency agree that they will support the requirement that prevailing wage be paid on all projects financed in this County by IDA funds; 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: March 15, 2005

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

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

Intro. Res. No. 1135-2005 Laid on Table 2/15/2005
Introduced by Legislators O'Leary and Nowick

RESOLUTION NO. 149 -2005, APPROVING THE PURCHASE OF A USED SNOW BLOWER FOR THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND WORKFORCE HOUSING

WHEREAS, the Department of Economic Development and Workforce Housing wishes to purchase a used heavy duty snow blower to be used primarily on the runways, taxiways and ramps at Francis S. Gabreski Airport; and

WHEREAS, this will be an additional vehicle for the department and is not replacing any existing vehicle; and

WHEREAS, the Department of Public Works has prepared bids for the purchase of this vehicle with an estimated cost of $4,500; and

WHEREAS, the 2005 Adopted Budget includes sufficient funding to cover the purchase of this vehicle; and

WHEREAS, Resolution 321-2003 requires that no vehicle shall be purchased or leased unless explicit approval for the acquisition of such vehicles, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature; now, therefore, be it

RESOLVED, that the purchase of a heavy duty snow blower not to exceed $4,500 is hereby approved, pursuant to Section 186-2(B)(6) of the SUFFOLK COUNTY CODE, and in accordance with the County vehicle standard, for use by the Department of Economic Development and Workforce Housing.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 2226-2004 Laid on Table 12/7/2004
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 150 -2005, AMENDING THE ADOPTED 2005 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2005 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH THE AQUACULTURE LEASING PROGRAM (CP 7180)

WHEREAS, there are sufficient funds within the reserved fund balance of Fund 477 for the purpose of Water Quality Protection; and

WHEREAS, the Director of Planning has requested funds for the purpose of a shellfish cultivation leasing program; 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, there are available Fund 477 funds within the Reserved Fund Balance for Water Quality related projects to support the appropriation of this project within the 2005 Capital Budget and Program; now, therefore be it

RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-seven (47) 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

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5C (18) and (21), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that sufficient funds exist within Fund 477's Water Quality Reserve Fund Balance component to cover the cost of said transfer; and be it further

RESOLVED, that the Adopted 2005 Operating Budget be and hereby is amended and that the following appropriations be and hereby are appropriated:

FROM	**TO**	**AMOUNT**
Fund 477 Reserve Fund Balance Water Quality:	477-IFT-E525-9600 Transfer to Capital Reserve Fund	$600,000

and be it further

RESOLVED, that the Adopted 2005 Operating Budget be and hereby is amended and that the additional interfund revenues and expenditures be and hereby are accepted and appropriated as follows:

EXPENDITURES:

Agency	Fund	Organization	Object	Description	Amount
IFT	477	E525	9600	Transfer to Capital Fund	$600,000

and be it further

RESOLVED, that the interfund revenues be and hereby are transferred and accepted in the Capital Fund as follows:

REVENUES:

Agency	Fund	Rev Source	Organization	Description	Amount
IFT	525	R477	E525	Transfer from Water Quality Protection	$600,000

and be it further

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

Project No.: 7180
Project Title: Aquaculture Leasing Program

	Total Est'd Cost	Current 2005 Capital Budget & Program	Revised 2005 Capital Budget & Program
1. Planning	$600,000	$275,000G	$600,000G
TOTAL	$600,000	$275,000	$600,000

and be it further

RESOLVED, that the transfer in the amount of $600,000 be and hereby is appropriated as follows:

Project Number	***JC***	***Project Title***	***Amount***
525-CAP-7180.110	50	Aquaculture Leasing Program	$600,000

and be it further

RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers to finance this capital project.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 21, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Caracciolo. The resolution was passed 17-0-1-0. Legislator Alden abstained.

Intro. Res. No. 2314-2004 Laid on Table 12/21/2004
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 151 –2005, AMENDING THE 2005 OPERATING BUDGET TO TRANSFER FUNDS FROM THE SUFFOLK COUNTY WATER PROTECTION FUND (477) RESERVE FUND TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES DIVISION OF ENVIRONMENTAL QUALITY FOR A FEASIBILITY STUDY AND OTHER PLANNING NEEDS ASSESSMENT RELATED TO THE DREDGING OF MEETINGHOUSE CREEK

WHEREAS, Local Law No. 35 of 1999 created a "Common Sense Tax Stabilization Plan for Sewers, Environmental Protection, and County Taxpayers"; and

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program (SCWQPRP) component of Local Law No. 35 of 1999 requires that 11.25% of the total revenues generated be used to offset the County cost of environmental programs including programs to remediate nonpoint source pollution and implement best management practices; and

WHEREAS, Resolution Nos. 662 of 2000 and 659 of 2002 initiated and implemented the Suffolk County Water Quality Protection and Restoration Program funded by a portion of the revenues to be generated by the extension of the ¼% sales tax during the period from December 1, 2000 to December 31, 2013; and

WHEREAS, the Suffolk County Department of Health Services Division of Environmental Quality has requested funding for a feasibility and needs assessment related to dredging Meetinghouse Creek in accordance with the requirements of Resolution Nos. 662 of 2000 and 659 of 2002; and

WHEREAS, the total cost of this planning and assessment is $75,000 and is requested through the Suffolk County Water Quality Protection and Restoration Program; and

WHEREAS, there are sufficient funds in the reserved fund balance of Fund 477, Suffolk County Water Protection Fund; now, therefore, be it

RESOLVED, that the County of Suffolk hereby appropriates $75,000 from the Water Quality Protection and Restoration Program Environmental Programs Trust Fund in the Suffolk County Operating Budget, established under Section 12-2(A)(2) of the Suffolk County Charter, as follows:

From:	Amount
Fund 477 Water Quality	$75,000

(Reserve Fund Balance)

To:
477-HSV-4410-4560 $75,000
Suffolk County Department of Health Services
Division of Environmental Quality

and be it further

RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that passage of this resolution constitutes an unlisted action pursuant to Section 617.7(c) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and will not have a significant adverse impact on the environment within the meaning of Section 8-0109 (2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 21, 2005

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

Intro. Res. No. 1019-2005 Laid on Table 1/25/2005
Introduced by Legislator Caracciolo

RESOLUTION NO. 152 –2005, AMENDING RESOLUTION NO. 1308-2004, AUTHORIZING ACQUISITION UNDER SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM (PART OF TEDFORD PARCEL, TOWN OF SHELTER ISLAND)

WHEREAS, Resolution No. 1308-2004 authorized the acquisition of the Tedford Property under the Multifaceted Land Preservation Program as a Land Preservation Partnership Program acquisition with the County and the Town of Shelter Island each owning a 50% undivided interest; and

WHEREAS, the County of Suffolk was unable to proceed to closing on this parcel in a timely fashion and the Peconic Land Trust acquired the parcel authorized under Resolution No. 1308-2004; and

WHEREAS, the Peconic Land Trust has expressed a willingness to transfer ownership of this parcel to the County of Suffolk in accordance with the intent of Resolution No. 1308-2004; and

WHEREAS, the said property has been subsequently subdivided and acquired by the Town of Shelter Island and the Peconic Land Trust, Incorporated, with each owning 7.25 acres thereof; and

WHEREAS, it is the intent of the parties to the transaction for the County to purchase the western 7.25 acre parcel now owned by the Peconic Land Trust as the sole owner thereof; now, therefore be it

1st **RESOLVED**, that the County of Suffolk hereby approves the acquisition of said western 7.25 acres of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the Land Preservation Partnership Program (Resolution 751-1997, et seq.) for open space purposes for the purchase price of eight hundred eighty three thousand dollars ($883,000.00), and for additional expenses which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report, insurance, and tax adjustments:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER		ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District	0700	western	Peconic Land Trust, Inc.
	Section 003.00	7.25 acres	296 Hampton Road	
	Block	01.00		Southampton, NY 11968
	Lot	007.000p/o		

Located on the North side of Cobbett's Lane and the West side of Manhasset Road, contiguous to a 14-acre parcel preserved by the Town of Shelter Island via acquisition, near 250± acres of Sylvester Manor; and be it further

2nd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to allocate $883,000.00 from the Suffolk County Multifaceted Land Preservation Program which was previously appropriated in Resolution No. 1308-2004 and issued pursuant to Bond Resolution No. 1014-2003 as follows:

PROJECT NO.	PROJECT TITLE	PROJECT COST
CAP 7177	Suffolk County	$883,000.00
Reference No. 7177.215	Multifaceted Land Preservation Program	

and be it further

3rd **RESOLVED**, that the title to this western portion of this acquisition shall be held by the County and be dedicated to the County Department of Parks, Recreation and Conservation for open space purposes according to the requirements of the Suffolk County Land Preservation Partnership Program (Resolution No. 751-1997, et seq.) and meeting the criteria under the Category of Use - Chapter 661-5(C) - Open Space Preservation Program (natural resource preservation); and be it further

4th **RESOLVED**, that title to the western 7.25 acre parcel shall be held solely by the County; and be it further

5th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town of Shelter Island to effectuate the terms of this resolution; and, be it further

6th **RESOLVED**, that the Division of Real Property Acquisition and Management, is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town of Shelter Island for the management of said County acquisition consistent with the Land Preservation Partnership Program with the County Department of Parks, Recreation and Conservation hereby charged with the management and operation of said property; and, be it further

7th **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

8th **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

1) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth threshold for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;

2) the site contains environmentally sensitive lands that should be preserved as open space; and

3) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have;

and, be it further

9th **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to

prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 25, 2005

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

Intro. Res. No. 1133-2005 Laid on Table 2/15/2005
Introduced by Presiding Officer Caracappa

RESOLUTION NO. 153 -2005, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND (MIDDLE COUNTRY ROAD PROPERTY) 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, the Town of Brookhaven has proposed an active parkland acquisition for use as playground, ballfields, and/or other community recreational needs for the captioned property; 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 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;

PARCEL	SUFFOLK COUNTY TAX MAP NUMBER	ACRES	REPUTED OWNER AND ADDRESS
1	District: 0200 Section 489.00 Block 02.00 Lot 033.01	6.4	Avenview Homes, Inc. c/o Rick Triplett 9083 86th Court North Seminole, FL 33777
2	District 0200 Section 489.00 Block 02.00 Lot 034.000	6.8	Avenview Homes, Inc. c/o Rick Triplett 9083 86th Court North Seminole, FL 33777
	Total Acreage	13.2	

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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 1134-2005 Laid on Table 2/15/2005
Introduced by Legislator Nowick

RESOLUTION NO. 154 -2005, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND (BORELLA PROPERTY) TOWN OF SMITHTOWN

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. 8707.210, Project Name: Acquisition of Farmland Development Rights; 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. 8707.210, to acquire 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 Acquisition of Farmland Development Rights;

PARCEL	SUFFOLK COUNTY TAX MAP NUMBER		ACRES	REPUTED OWNER AND ADDRESS
1	District:	0800	35.4	Joseph and Theresa Borella
	Section:	080.00		383 Edgewood Avenue
	Block:	03.00		St. James, NY 11780
	Lot:	001.001		

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)(3) and (6) of the SUFFOLK COUNTY CHARTER in connection with the Acquisition of Farmland Development Rights; 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

Legislator Caracciolo made a motion on the following resolution, seconded by Legislator Alden. The resolution was passed 12-6-0-0. Legislators Viloria-Fisher, Foley, Lindsay, Montano, Mystal and Cooper voted no.

Intro. Res. No. 1008-2005 Laid on Table 1/25/2005
Introduced by Legislator Caracciolo

RESOLUTION NO. 155–2005, RE-ESTABLISHING A LEGISLATIVE POLICY FOR THE CHARGING OF FEES FOR PRIVATE WELL WATER TESTING BY THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES

WHEREAS, the Suffolk County Department of Health issued a report in June, 1999 entitled “Water Quality Monitoring Program to Detect Pesticide Contamination in Groundwaters of Nassau and Suffolk Counties, NY” which provided a comprehensive examination of the impact of pesticides on Long Island groundwaters; and

WHEREAS, the main objective of this study was to identify pesticides and metabolites that leach into groundwater and to help define where these pesticide impacts have occurred; and

WHEREAS, 50% of all samples collected in the survey were from Suffolk's five eastern towns since that region contains the bulk of Long Island's agricultural acreage which is at the highest risk of pesticide contamination with Health Department estimates based on the above report indicating that 6,000 to 7,000 well may be at risk of pesticide contamination in agricultural and other high pesticide use areas; and

WHEREAS, since Suffolk County began charging for private well water tests in 1989, the number of tests requested has decreased and that the testing of private wells by Suffolk County residents in areas subject to pesticide contamination is not a luxury and should be done to preserve the health and well-being of these residents; and

WHEREAS, this Legislature instituted a policy in 2000 which expired in 2003 that permitted the waiver of fees for the testing of private domestic wells in areas identified by the County Department of Health Services to be areas of high risk of pesticide contamination; and

WHEREAS, it is in the best interests of the residents of areas served by private wells that are also in areas identified by the County Department of Health Services to be areas of high risk of pesticide contamination to be permitted to have their wells tested without paying a fee; now, therefore be it

1st **RESOLVED**, that the Suffolk County Department of Health Services is hereby authorized and directed to immediately waive fees for the testing of private domestic wells in areas identified by the County Department of Health Services under the auspices of the New York State Department of Environmental Conservation Pesticide Monitoring Program to be areas of high risk of pesticide contamination in Suffolk County for a period of three years from the effective date of this Resolution for homeowners who request a private residential well test in such areas; 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: March 15, 2005

VETOED BY THE COUNTY EXECUTIVE ON MARCH 25, 2005
VETO OVERRIDE NOT ADOPTED ON APRIL 5, 2005

Legislator Caracciolo made a motion on the following resolution, seconded by Legislator Alden. The resolution was passed 10-3-5-0. Legislators Viloria-Fisher,

Lindsay, and Tonna voted no. Legislators Foley, Montano, Bishop, Mystal and Cooper abstained.

Intro. Res. No. 1009-2005 Laid on Table 1/25/2005
Introduced by Legislator Caracciolo

RESOLUTION NO. 156 –2005, ADOPTING LOCAL LAW NO. -2005, A LOCAL LAW TO CREATE A DIVISION OF CANCER AWARENESS WITHIN THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2005 a proposed local law entitled, "**A LOCAL LAW TO CREATE A DIVISION OF CANCER AWARENESS WITHIN THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES**,"; now, therefore, be it

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

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

A LOCAL LAW TO CREATE A DIVISION OF CANCER AWARENESS WITHIN THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES

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

Section 1. Legislative Intent.

This Legislature hereby determines that a need exists within the County of Suffolk to create a governmental unit charged with coordinating efforts to find the causes and promote prevention of various forms of cancer within the County of Suffolk.

This Legislature also finds and determines that there is evidence that a link exists between the environment and incidents of cancer in the County of Suffolk.

This Legislature further finds that it is unquestionable that there are many other causes for this insidious disease, including but not limited to, life style and genetics.

This Legislature also finds that an effective effort to raise cancer awareness must be conducted under the auspices of the Commissioner of the Suffolk County Department of Health Services where the medical expertise resides to evaluate the data surrounding the causes and prevention of cancer.

Therefore, the purpose of this law is to create a Division of Cancer Awareness within the Suffolk County Department of Health Services to coordinate efforts to ascertain the causes of cancer in the County of Suffolk and to promote prevention methods.

Section 2. Amendment.

Article 9 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to add the following:

ARTICLE IX
Department of Health Services

* * * *

Section A9-2(G). Division of Cancer Awareness.

A.) There shall be a Division of Cancer Awareness, the head of which division shall be the Director of the Division of Cancer Awareness. The Division shall be responsible for:

1.) coordination of studies and programs designed to uncover the cause of breast cancer and other cancers in Suffolk County;

2.) coordination of studies and programs designed to uncover links between the environment and incidents of breast cancer and other cancers in Suffolk County;

3.) coordination of studies and programs designed to uncover links between obesity, tobacco use, and other life style components and incidents of breast cancer and other cancers in Suffolk County;

4.) coordination of studies and programs designed to uncover genetic links or other place of origin links and incidents of breast cancer and other cancers in Suffolk County;

5.) work with private groups, research facilities, hospitals, and other government entities to secure Federal and State funding for studies of the causes of breast cancer and other cancers in Suffolk County and a determination of any links between environment, lifestyle, genetics, or other links as determined by the Division, and incidents of breast cancer and other cancers in Suffolk County; and

6.) review, analyze, explain, and summarize for the benefit of public information and education purposes any breast cancer incident maps prepared for Suffolk County.

* * * *

Section 3. 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 4. 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 5. 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: March 15, 2005

VETOED BY THE COUNTY EXECUTIVE ON APRIL 6, 2005

**VETO OVERRIDE NOT ADOPTED ON APRIL 21, 2005 **

Legislator Losquadro made a motion on the following resolution, seconded by Legislator Schneiderman. The resolution was passed 16-0-2-0. Legislators Lindsay and Montano abstained.

Intro. Res. No. 1021-2005 Laid on Table 1/25/2005
Introduced by Legislator Losquadro

RESOLUTION NO. 157 -2005, ADOPTING LOCAL LAW NO. 12 -2005, A LOCAL LAW TO PROHIBIT THE SALE AND PURCHASE OF MARIJUANA FLAVORED CANDY IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 15, 2005, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE SALE AND PURCHASE OF MARIJUANA FLAVORED CANDY IN SUFFOLK COUNTY,**" now, therefore, be it

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

LOCAL LAW NO. 12 -2005, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROHIBIT THE SALE AND PURCHASE OF MARIJUANA FLAVORED CANDY IN SUFFOLK COUNTY

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that marijuana is the nation's most commonly used illicit drug and more than 83,000,000 Americans (37%) aged 12 and older have tried marijuana at least once, according to the 2001 National Household Survey on Drug Abuse.

This Legislature also finds and determines that the use of marijuana has been shown to lower test scores among high school students and that workers who smoke marijuana are more likely to have problems on their jobs.

This Legislature further finds and determines that marijuana compromises the ability to learn and remember information and the more a person uses marijuana, the more he or she is likely to fall behind in accumulating intellectual, job, or social skills.

This Legislature further finds and determines that federal, state, and local governments spend millions of dollars annually on programs educating children about the hazards of drugs, and that the marketing of these products would have an adverse impact upon these programs and those we seek to inform through them.

This Legislature finds that the sale of marijuana flavored lollipops and gum drops which claim "every lick is like taking a hit" is a shameless marketing ploy that perpetuates an unhealthy culture and should not be permitted in the County of Suffolk.

This Legislature determines that popular personalities such as Snoop Dogg and Paris Hilton are endorsing this pot flavored candy, thereby encouraging the use of such candy by young children, and thereby making the use of this candy attractive to young children.

Therefore, the purpose of this law is to prohibit the purchase and sale of marijuana flavored candy in the County of Suffolk.

Section 2. Definitions.

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

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

"Marijuana Flavored Candy" shall mean a lollipop, gumdrop, or other candy which is flavored to taste like marijuana including, but not limited to, "Chronic Candy®."

Section 3. Prohibitions.

Pursuant to Article 9, Section 2(C) 10 of the NEW YORK STATE CONSTITUTION, governing protection, health, safety, and well-being of persons, no person shall purchase or offer for sale marijuana flavored candy within the County of Suffolk.

Section 4. Penalties.

Any person who knowingly and willfully violates Section 3 of this law shall be guilty of an unclassified misdemeanor punishable by a fine of up to $1,000 and/or up to one year's imprisonment.

Section 5. Applicability.

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

Section 6. Reverse Preemption.

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

Section 7. Severability.

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

Section 8. SEQRA Determination.

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

Section 9. Effective Date.

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

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
after a public hearing duly held on March 29, 2005

Date: April 4, 2005

Filed with the Secretary of State on April 18, 2005

Legislator Alden made a motion on the following resolution, seconded by Legislator Caracciolo. The resolution was passed 12-1-5-0. Legislator Viloria-Fisher voted no. Legislators Foley, Montano, Bishop, Mystal and Cooper abstained.

Intro. Res. No. 1095-2005 Laid on Table 2/15/2005
Introduced by Legislator Alden and Foley

RESOLUTION NO. 158 –2005, TO INSTITUTE A PILOT PROGRAM TO PROVIDE STATE-OF-THE-ART BREAST CANCER DETECTION FOR SUFFOLK RESIDENTS

WHEREAS, technology exists known as BreastScan IR, that allows the early detection of breast cancer using a state-of-the-art infrared and computer technology; and

WHEREAS, this technology is a non-invasive procedure without any painful compression or touching of any kind; and

WHEREAS, the developer of this technology, Infrared Sciences Corp. (ISC) has recently received FDA clearance; and

WHEREAS, ISC is a Long Island based company which developed this technology in Suffolk County; and

WHEREAS, ISC has offered to provide a state-of-the-art BreastScan IR System to the County of Suffolk at no cost for a period of one year; and

WHEREAS, this Pilot Program would allow Suffolk residents access to the most up to date state-of-the-art technology for breast cancer screening; and

WHEREAS, this system could be located in a Health Center with sufficient available space; and

WHEREAS, it is in the best interests of the residents of Suffolk County for the Suffolk County Health Department to institute a Pilot Program using the BreastScan IR System to provide breast cancer detection; now, therefore be it

1st **RESOLVED**, that the Commissioner of the Suffolk County Department of Health Services is hereby authorized, empowered, and directed pursuant to Section 9-3 of the Suffolk County Charter to institute a pilot program to provide breast cancer detection services using a BreastScan IR System to be provided to the County at no cost; and be it further

2nd **RESOLVED**, that this System shall be available only to Suffolk residents who request the use of BreastScan IR and consent to allow data to be collected and delivered to ISC; and be it further

3rd **RESOLVED**, that the Commissioner of the Suffolk County Department of Health Services is further authorized, empowered, and directed to issue a report to the County Executive and the Presiding Officer of the Suffolk County Legislature evaluating the effectiveness and the value of this Pilot Program no later than one year from the effective date of this Resolution; 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)(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: March 15, 2005

VETOED BY THE COUNTY EXECUTIVE ON MARCH 31, 2005
**APRIL 5, 2005 NO FURTHER ACTION*

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

Intro. Res. No. 1130-2005 Laid on Table 2/15/2005
Introduced by Legislator Alden

RESOLUTION NO. 159 -2005, AUTHORIZING ESTEE LAUDER BREAST CANCER AWARENESS PROGRAM AT H. LEE DENNISON EXECUTIVE OFFICE BUILDING AND COHALAN COURT COMPLEX

WHEREAS, the Estee Lauder Companies Breast Cancer Awareness Program and The Breast Cancer Research Foundation (Foundation) were established in 1993 to help find a cure for this dreadful disease; and

WHEREAS, its campaign has made the "pink ribbon" a universal symbol of the fight to eradicate breast cancer and a potent reminder to all women of the importance of early detection in saving lives; and

WHEREAS, this campaign has:

- reached 300,000 people through media coverage;
- raised $20,000,000 in the USA to benefit the Research Foundation
- helped Research Foundation grantees make exciting breakthroughs into new therapies and genetic links in finding a cure for breast cancer;

and

WHEREAS, to renew the public's commitment and support to its 2005 Breast Cancer Awareness Program, the Foundation wishes to initiate a "Victory Landmark Illumination Project" for breast cancer awareness on the night of Friday, September 30, 2005 at 7:00 p.m. by illuminating landmark buildings in as many major cities as possible throughout the USA and all around the world to create a visible hazy pink glow that will galvanize the national commitment to end this dreaded disease; and

WHEREAS, Suffolk County wishes to show its enthusiasm and pledge its allegiance to this cause by participating in the illumination project, just as it did on October 2, 2000, pursuant to Resolution No. 659-2000, on October 1, 2001, pursuant to Resolution No. 641-2001, on October 1, 2002, pursuant to Resolution No. 885-2002, on October 1, 2003, pursuant to Resolution No. 574-2003 and on October 1, 2004 pursuant to Resolution No. 493-2004; 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 and the Cohalan Court Complex at the south east corner of Carleton Avenue, Central Islip at 7:00 p.m., with a pink glow, on the night of Friday, September 30, 2005 in support of The Breast Cancer Research Foundation's illumination project; and be it further

2nd **RESOLVED**, that the presence of employees or representatives of the Estee Lauder Companies Breast Cancer Awareness Program and the Breast Cancer Research Foundation and representatives of breast cancer advocacy groups or organizations, in connection with such celebration, shall be permitted at the two (2) sites.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1131-2005 Laid on Table 2/15/2005
Introduced by Presiding Officer Caracappa

RESOLUTION NO. 160 -2005, EXTENDING DEADLINE FOR EXPIRATION OF THE DOMESTIC VIOLENCE PREVENTION COMMISSION

WHEREAS, Resolution No. 1302-2004 created a special Suffolk County Domestic Violence Prevention Commission to (1) study and analyze methods to improve coordination among police, the District Attorney, the courts, and advocates; (2) strengthen offender accountability so that the most dangerous perpetrators are incarcerated; and (3) make recommendations as to State legislation that would strengthen sentencing laws and clarify sentencing categories as they apply in domestic violence cases; and

WHEREAS, the 14th RESOLVED clause of Resolution No. 1302-2004 provides that the Commission shall expire, and the terms of office of its members terminate, as of June 30, 2005, at which time the Commission shall deposit all the records of its proceedings with the Clerk of the Legislature; and

WHEREAS, the Commission cannot complete its work within the imposed deadline and the date of its expiration should be extended to December 31, 2005; now, therefore, be it

1st **RESOLVED**, that the 14th RESOLVED clause of Resolution No. 1302-2004 is hereby amended to read as follows:

> **14th** **RESOLVED,** that the Domestic Violence Prevention Commission shall expire, and the terms of office of its members terminate, as of **[**June 30**]** <u>December 31</u>, 2005 at which time the Domestic Violence Prevention Commission 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 the other terms and conditions of Resolution No. 1302-2004, 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 1156-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 161-2005, TRANSFERRING 89% FEDERAL PASS-THRU GRANT FUNDS FROM THE DEPARTMENT OF PROBATION TO THE DEPARTMENT OF HEALTH SERVICES, DIVISION OF COMMUNITY MENTAL HYGIENE SERVICES, TO CONTINUE THE FUNCTIONAL FAMILY THERAPY TREATMENT MODEL FOR PINS YOUTH AND THEIR FAMILIES AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE GRANT RELATED AGREEMENTS

WHEREAS, the New York State Division of Criminal Justice Services has awarded Suffolk County Probation Department federal funds under the Juvenile Justice and Delinquency Prevention Formula Grant for the third and final year of funding for the "ENHANCED SERVICES TO PINS" program; and

WHEREAS, the "ENHANCED SERVICES TO PINS" program utilizes a three-tiered approach to avoid costly out-of-home placement involving 1.) schools as a platform for intervention and development of community support, mobilization and education towards improving the justice system process, 2.) juvenile delinquency prevention through positive youth development and the involvement of the family in comprehensive efforts to reduce PINS behavior and 3.) implementing "best practices" treatment, known as Functional Family Therapy, for PINS youth under probation supervision; and

WHEREAS, it is more efficient and effective to transfer grant funds to the Department of Health Services, Division of Community Mental Hygiene Services to enhance their existing FFT program for the Probation PINS population rather than establish a separate contract for these services;

WHEREAS, the Department of Health Services, Division of Community Mental Hygiene Services, will continue to contract with the Family Service League of Suffolk County, Inc. to provide Functional Family Therapy (FFT) for the Probation cases as initiated under Resolutions No. 801-2003 and No. 449-2004; and

WHEREAS, the Department of Probation will receive 50% federal pass thru funds totaling $83,746 in this third and final year of grant funding and the County is required to provide 50% match to operate the ENHANCED SERVICES TO PINS program in its entirety; and

WHEREAS, $44,000 of the $83,746 have been earmarked in the State grant contract for the FFT component; and

WHEREAS, the Department of Probation will transfer funds in the amount of $49,200.00 to the Department of Health Services, Division of Community Mental Hygiene Services, to continue their contract with the Family Service League of Suffolk County, Inc. to provide FFT treatment therapy for PINS youth under probation supervision for the period 1/1/05-12/31/05; now, therefore, be it

RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to transfer the following funds:

<u>From:</u>
Probation: Enhanced Services to PINS Program
001-3183-4980 -$49,200

<u>To:</u>
Health Services-Division of Community Mental Hygiene Services
001-4320-AHGI: Family Service League-East End Project +49,200

and be it further

RESOLVED, that the County Executive be and hereby is authorized to execute related agreements.

DATED: March 15, 2005

APPROVED BY:

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

Date: March 18, 2005

Legislator Montano made a motion on the following resolution, seconded by

Presiding Officer Caracappa. The resolution was passed 18-0.

Intro. Res. No. 1157-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy and Mystal

RESOLUTION NO. 162 –2005, AUTHORIZING THE TRANSFER OF CARDIAC MONITOR-DEFIBRILLATORS FROM THE DEPARTMENT OF HEALTH SERVICES, DIVISION OF EMERGENCY MEDICAL SERVICES, TO VOLUNTEER AMBULANCE SERVICES WITHIN SUFFOLK COUNTY

WHEREAS, the Suffolk County Legislature provided funding, per Capital Project 3205, for the purchase of one hundred forty five (145) Cardiac Monitor-Defibrillators; and

WHEREAS, the Suffolk County Department of Health Services, through its Division of Emergency Medical Services, purchased one hundred forty five (145) Cardiac Monitor-Defibrillators; and

WHEREAS, the Suffolk County Department of Health Services, Division of Emergency Medical Services distributed one hundred sixteen (116) Cardiac Monitor-Defibrillators to volunteer ambulance services listed in Appendix I for use in the Suffolk County Emergency Medical Services System; and

WHEREAS, these medical devices were issued to be used with no expectation of return to the Division of Emergency Medical Services; and

WHEREAS, the Division of Emergency Medical Services encourages ambulance services to upgrade these medical device(s) issued to them at their cost to take advantage of newer technology and provide a greater degree of patient monitoring capability; and

WHEREAS, newer Cardiac Monitor-Defibrillators are capable of performing 12-lead electrocardiography and expired end-tidal carbon dioxide capnography; now, therefore be it

RESOLVED, that upon the request of one of the volunteer ambulance companies listed in Appendix I based on a desire to upgrade the device, and as consideration for the vital services provided by the ambulance companies to County residents, the Division of Emergency Medical Services shall release and transfer to the ambulance company ownership and all responsibility for maintenance, servicing, repair and replacement parts to the medical device for continued use in the Suffolk County Emergency Medical Services System.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

APPENDIX I

Cardiac Monitors-Defibrillators

ID	Defib Ser #	Orig Location	County Tag
	LP12959693	Lindenhurst Fire Dept.	01901560
5	LP12959694	Lindenhurst Fire Dept.	01901564
7	LP12959695	Shelter Island RC Amb	01901561
4	LP12959696	West Islip Fire Dept.	01901569
8	LP12959697	West Islip Fire Dept.	01901559
2	LP12959699	Shirley Ambulance	01901565
9	LP12959700	Springs Fire Department	01901567
10	LP12959701	Montauk Fire Department	01901562
6	LP12959702	Montauk Fire Department	01901566
11	LP12959703	Shirley Ambulance	01901568
127	LP13041295	South Country Ambulance	01901715
66	LP13676504	Dix Hills Fire Department	01901985
131	LP13676505	Mastic Beach Ambulance	01901983
125	LP13676506	West Islip Fire Department	01901981
129	LP13676507	Montauk Fire Department	01901982
128	LP13676508	Dix Hills Fire Department	01901984
130	ZT00F12585	Centerport Fire Dept.	01901669
15	ZT00I15476	Yaphank Fire Department	01901674
37	ZT00I15477	St. James Fire Dept.	01901687
50	ZT00I15479	Hampton Bays Ambulance	01901683
52	ZT00I15480	Rocky Point Fire Dept.	01901671
39	ZT00I15485	East Farmingdale Fire Dept.	01901691
38	ZT00I15487	Ocean Beach Fire Dept.	01901664
43	ZT00I15488	East Farmingdale Fire Dept.	01901724
49	ZT00I15491	North Lindenhurst Fire Dept.	01901692
45	ZT00I15493	West Babylon Fire Dept.	01901694
48	ZT00I15494	Center Moriches Fire Dept.	01901682
56	ZT00I15495	Riverhead Vol. Ambulance	01901698
47	ZT00I15496	Mattituck Fire Dept.	01901686
46	ZT00I15499	Southold Fire Dept.	01901667
57	ZT00I15501	East Moriches Ambulance	01901693
27	ZT00I15502	Riverhead Vol. Ambulance	01901675
36	ZT00I15670	Cutchogue Fire Dept.	01901661
42	ZT00I15671	Southampton Village Ambulance	01901666
53	ZT00I15673	Islip Fire Dept.	01901676

40	ZT00I15674	Westhampton Ambulance	01901679
41	ZT00I15675	Smithtown Fire Dept.	01901678
55	ZT00I15679	Islip Fire Dept.	01901684
44	ZT00I15680	Cutchogue Fire Dept.	01901681
54	ZT00I15681	Flanders-Northampton Ambulance	01901662
150	ZT00J16590	East Brentwood Fire Dept.	01901680
24	ZT00J16591	North Babylon Fire Dept.	01901685
29	ZT00J16593	Rocky Point Fire Dept.	01901663

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Cardiac Monitors-Defibrillators

35	ZT00J16594	Babylon Fire Dept.	01901695
21	ZT00J16595	Hampton Bays Ambulance	01901660
19	ZT00J16596	Patchogue Ambulance Co.	01901677
34	ZT00J16597	Patchogue Ambulance Co.	01901665
31	ZT00J16598	Saltaire Fire Dept.	01901689
33	ZT00J16599	Wading River Fire Dept.	01901688
23	ZT00J16600	Southold Fire Dept.	01901659
17	ZT00J16601	Copiague Fire Dept.	01901696
28	ZT00J16602	Manorville Ambulance	01901672
26	ZT00J16603	Greenport Fire Dept.	01901658
30	ZT00J16606	Center Moriches Fire Dept.	01901673
32	ZT00J16607	East Islip Fire Dept.	01901690
18	ZT00J16608	Islip Terrace Fire Dept	01901670
63	ZT00J16869	East Quogue Fire Dept.	01901714
65	ZT00K17119	Southampton Town Amb	01901717
67	ZT00K17120	Southampton Town Amb	01901716
68	ZT00L17648	Manorville Ambulance	01901817
108	ZT00L18140	Southampton Town Ambulance	01901987
123	ZT01A19097	East Brentwood Fire Department	01901794
86	ZT01A19098	North Babylon Fire Department	01901807
98	ZT01A19099	East Quogue Fire Department	01901813
104	ZT01A19103	Stony Brook Volunteer Ambulance Corps	01901789
81	ZT01D22105	Rocky Point Fire Department	01901815
106	ZT01D22106	East Moriches Community Ambulance	01901809
100	ZT01D22107	Medford Volunteer Ambulance	01901806
97	ZT01D22108	East Farmingdale Fire Department	01901785
77	ZT01E22630	Nissequogue Fire Department	01901783
76	ZT01E22631	Selden Fire Department	01901814
105	ZT01E22632	Longwood First Responders	01901812
103	ZT01E22633	Ridge Fire Department	01901820
110	ZT01E22634	Copiague Fire Department	01901779
72	ZT01E22635	Wading River Fire	01901810

		Department	
101	ZT01E22636	Lakeland Fire Department	01901797
88	ZT01E22637	St. James Fire Department	01901819
124	ZT01E22638	Riverhead Volunteer Ambulance	01901786
78	ZT01E22639	Amagansett Fire Department	01901803
94	ZT01E22640	Westhampton Ambulance	01901811
102	ZT01E22641	North Babylon Fire Department	01901776
69	ZT01E22642	West Babylon Fire Department	01901816

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Cardiac Monitors-Defibrillators

107	ZT01E22643	North Lindenhurst Fire Department	01901792
84	ZT01E22644	Greenport Fire Department	01901800
91	ZT01E22645	Ridge Fire Department	01901781
74	ZT01E22646	Amagansett Fire Department	01901787
79	ZT01E22647	Centerport Fire Dept.	01901804
95	ZT01E22651	Yaphank Fire Department	01901777
70	ZT01E22652	Manorville Ambulance	01901778
71	ZT01E22653	Holbrook Fire Department	01901791
83	ZT01E22654	Exchange Ambulance	01901808
99	ZT01E22656	Middle Island Fire Department	01901802
93	ZT01E22657	Flanders-Northampton Ambulance	01901798
89	ZT01E22658	Middle Island Fire Department	01901818
109	ZT01E22660	East Brentwood Fire Department	01901782
75	ZT01E22661	Manorville Ambulance	01901796
115	ZT01E22662	Patchogue Ambulance Company	01901801
92	ZT01E22663	West Babylon Fire Department	01901795
87	ZT01E22664	Ocean Beach Fire Department	01901799
90	ZT01E22665	Smithtown Fire Department	01901793
85	ZT01E22667	Mattituck Fire Dept.	01901805
96	ZT01E22668	Riverhead Volunteer Ambulance	01901780
73	ZT01E22669	Westhampton Ambulance	01901790
132	ZT02I37644	Middle Island Fire Dept	01902059
135	ZT02I37649	Community Ambulance	01902064
140	ZT02I37650	Community Ambulance	01902063
139	ZT02I37651	Eaton's Neck Fire Dept.	01902060
136	ZT02I37652	Community Ambulance	01902062
138	ZT02J38899bi	Central Islip VAC	01902067
143	ZT02J38901bi	Central Islip VAC	01902070
146	ZT02J38908bi	Central Islip VAC	01902068
144	ZT02J38911bi	Central Islip VAC	01902069

145	ZT02L41286	Wyandanch Ambulance	01902091
151	ZT02L41287	Community Ambulance	01902061
137	ZT02L41288bi	Central Islip VAC	01902066
118	ZT99L07098	Selden Fire Department	01901788
80			

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. 2323-2004 Laid on Table 12/21/2004
Introduced by Deputy Presiding Officer Carpenter

RESOLUTION NO. 163 –2005, APPOINTING MARIA FIGALORA AS A MEMBER OF THE SUFFOLK COUNTY VANDERBILT MUSEUM COMMISSION (TRUSTEE NO. 15)

WHEREAS, the term of office of Gary Fischoff as a member of the Suffolk County Vanderbilt Museum Commission has expired as of December 28, 2002; now, therefore, be it

1st **RESOLVED**, that **Maria Figalora** residing at 40 Shoal Drive, West Islip, NY, 11795, be and she hereby is appointed to the Suffolk County Vanderbilt Museum Commission, as Trustee No. 15, for a term of office to expire December 28, 2006, said appointment having been made pursuant to the provisions of Section 184-7(A) of the SUFFOLK COUNTY CODE.

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

Intro. Res. No. 1107-2005 **Laid on Table 2/15/2005**
Introduced by Legislator Caracciolo

RESOLUTION NO. 164 -2005, AUTHORIZING USE OF INDIAN ISLAND COUNTY PARK BY GIFT OF LIFE, INC., FOR A FUNDRAISING WALKATHON

WHEREAS, the Gift of Life, Inc., is an organization whose goal is to provide life-saving surgery to 30,000 children within the next decade; and

WHEREAS, the Gift of Life, Inc., would like to use the Indian Island County Park for the purpose of hosting a walkathon fundraising event; and

WHEREAS, the walkathon would be held on Sunday, May 1, 2005 from 11:00

a.m. to 2:00 p.m.; and

WHEREAS, the County of Suffolk shall receive consideration in the total amount of One Hundred Twenty-five and 00/100 Dollars ($125.00) payment of which shall be guaranteed by Gift of Life, Inc.; and

WHEREAS, a Certificate of Insurance and the accompanying declaration page naming Suffolk County as an additional insured has been provided by Gift of Life, Inc.; now, therefore, be it

1st **RESOLVED**, that the use of County-owned property, i.e. the Indian Island County Park in Riverhead, in consideration of the payment of One Hundred Twenty-Five and 00/100 Dollars ($125.00), for the purpose of conducting a fundraising walkathon on Sunday, May 1, 2005, between the hours of 11:00 a.m. and 2:00 p.m. is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance and accompanying declaration page naming the County of Suffolk as an additional insured by the County of Suffolk from Gift of Life, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

2nd **RESOLVED**, that before this event shall be permitted to occur, the Gift of Life, Inc., must apply for and obtain a permit from the Commissioner of the Department of Parks, Recreation, and Conservation as required by Section 378-7(B) of the Suffolk County Code; and be it further

3rd **RESOLVED**, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fundraising walkathon for support of the services provided by the Gift of Life, Inc., at Indian Island County Park in Riverhead; and be it further

4th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 1132-2005 Laid on Table 2/15/2005
Introduced by Legislator O'Leary

RESOLUTION NO. 165 -2005, AUTHORIZING USE OF SMITH POINT COUNTY PARK PROPERTY IN 2005 BY WILLIAM FLOYD COMMUNITY SUMMIT FOR A 5 K RACE

WHEREAS, the William Floyd Community Summit is a not-for-profit organization; and

WHEREAS, the William Floyd Community Summit would like to use the Smith Point County Park in Shirley for the purpose of hosting a fund drive, the proceeds of which would go to the Mastic, Moriches, and Shirley Community Library's Family Literacy Foundation and William Floyd Community Historical Committee Scholarship; and

WHEREAS, the William Floyd Community Summit is planning to hold a 5 Kilometer race which would begin in the park and proceed up the William Floyd Parkway to Parkview Drive with a return to the park; and

WHEREAS, the parking lot will be used as a staging point and also for parking for participants; and

WHEREAS, a 5 Kilometer race will be held in the park itself; and

WHEREAS, the 5 Kilometer race would be held on Saturday, September 10, 2005, from 9:00 a.m. to sunset; and

WHEREAS, the County of Suffolk shall receive consideration in the total amount of One Hundred Twenty-five and 00/100 Dollars ($125.00), per diem, payment of which shall be guaranteed by the William Floyd Community Summit; and

WHEREAS, a Certificate of Insurance and the accompanying declaration page naming Suffolk County as an additional insured has been provided by the William Floyd Community Summit; and

WHEREAS, the use of County property for such a fund drive for support of Mastic, Moriches, and Shirley Community Library's Family Literacy Foundation and William Floyd Community Historical Committee Scholarship would promote and protect the public health, safety, and general welfare of the residents of Suffolk County; now, therefore, be it

1st **RESOLVED**, that the use of County-owned property, i.e. the Smith Point County Park in Shirley, by the William Floyd Community Summit, in consideration of the payment of One Hundred Twenty Five and 00/100 Dollars ($125.00) per diem, for the purpose of holding a

5 Kilometer race on September 10, 2005, between the hours of 9:00 a.m. and sunset, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance and the accompanying declaration page naming Suffolk County as an additional insured by the County of Suffolk from the Department, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

2nd **RESOLVED**, that before this event shall be permitted to occur, the William Floyd Community Summit must apply for and obtain a permit from the Commissioner of the Department of Parks, Recreation, and Conservation as required by Section 378-7(B) of the Suffolk County Code; and be it further

3rd **RESOLVED**, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fund drive for the Mastic, Moriches, and Shirley Community Library's Family Literacy Foundation and the William Floyd Community Historical Committee Scholarship by the William Floyd Community Summit at Smith Point County Park in Shirley; and be it further

4th **RESOLVED**, that the William Floyd Community Summit shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink and require these vendors to display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

5th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No. 1025-2005 Laid on Table 1/25/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy and Legislators Carpenter, O'Leary, Caracciolo, Bishop, Lindsay, Losquadro, Nowick, Mystal, Binder and Mystal

RESOLUTION NO. 166 –2005, ADOPTING LOCAL LAW NO. 10–2005, A LOCAL LAW EXTENDING PROPERTY TAX EXEMPTION TO VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS WHO RESIDE IN COOPERATIVE APARTMENTS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on February 15, 2005, a proposed local law entitled, **"A LOCAL LAW EXTENDING PROPERTY TAX EXEMPTION TO FIREFIGHTERS AND AMBULANCE WORKERS WHO RESIDE IN COOPERATIVE APARTMENTS,"** 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. 10 –2005, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW EXTENDING PROPERTY TAX EXEMPTION TO FIREFIGHTERS AND AMBULANCE WORKERS WHO RESIDE IN COOPERATIVE APARTMENTS

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that it has been Suffolk County's longstanding policy to offer to its volunteer firefighters and ambulance workers the broadest property tax exemption permitted by State law.

This Legislature also finds that New York State concluded that there was some question as to whether the current property tax exemption for volunteer firefighters and ambulance workers applied to cooperative apartments. Therefore, New York State recently enacted legislation which clarifies that the real property tax exemption for volunteer firefighters and ambulance workers does, in fact, apply to cooperative apartments.

Therefore, the purpose of this law is to conform the county's property tax exemption statute with the recently enacted State legislation and thereby provide the maximum benefit permissible to Suffolk County's volunteer firefighters and ambulance workers.

Section 2. Amendments.

Article XIV of Chapter 458 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

§ 458-41. Criteria for exemption.

* * * * * * * *

F.) For the purposes of this article:

1.) Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

2.) That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the building thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this article and any exemption so granted shall be credited by the appropriate tax authority against the assessed valuation of such real property. Upon the completion of the final assessment roll, or as soon thereafter as is practicable, the assessor of the town in which the subject property is located shall forward to the cooperative apartment corporation a statement setting forth the exemption attributable to each eligible tenant-stockholder. The reduction in real property taxes realized shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

3.) Every cooperative apartment corporation, upon receiving an exemption pursuant to this section, shall provide to each eligible tenant-stockholder a written statement detailing how the exemption is being credited to such eligible tenant-stockholder no later than sixty days after such cooperative apartment corporation receives such exemption.

Section 3. Applicability.

This law shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2005.

Section 4. Severability.

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

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decision 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

after a public hearing duly held on March 29, 2005

Date: March 31, 2005

Filed with the Secretary of State on April 14, 2005

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

Intro. Res. No. 1149A-2005

BOND RESOLUTION NO. 167 -2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $700,000 BONDS TO FINANCE A PART OF THE COST OF THE ACQUISITION OF INTEGRATED FINANCIAL MANAGEMENT SYSTEM (IFMS) RELEASE 3.0 (CP 1782)

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 $700,000 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 acquisition of Integrated Financial Management System (IFMS) release 3.0, 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 $2,135,000. The plan of financing includes (a) the issuance of $1,435,000 bonds or bond anticipation notes heretofore authorized for pursuant to Bond Resolution Number 427-04, (b) the issuance of $700,000 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. 81 (b) 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2005

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

Intro. Res. No 1149-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 168 –2005, AMENDING THE 2005 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF IFMS RELEASE 3.0 (CP 1782)

WHEREAS, the Director of Information Services has requested the appropriation of additional funds in connection with the acquisition of IFMS Release 3.0; and

WHEREAS, this project has been approved for appropriation by the Information Services Steering Committee; and

WHEREAS, there are sufficient funds within the 2005 Capital Budget and Program to cover the cost of said request; 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 within, has authorized the issuance of $700,000 in Suffolk County Serial Bonds; now, therefore, be it

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) (25) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same, and the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-seven (57) 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

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

Project No.: 1782
Project Title: Acquisition of IFMS Release 3.0

	Total	Current 2005 Capital	Revised 2005 Capital

	Est'd Cost	Budget & Program	Budget & Program
1. Planning, Design & Supervision	$ 0	$ 700,000 B	$ 0 B
5. Furniture and Equipment	$ 2,135,000	$ 0 B	$ 700,000 B
TOTAL	$ 2,135,000	$ 700,000	$ 700,000

and be it further

RESOLVED, that the proceeds of $700,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1782.510	32	IFMS Release 3.0	$700,000

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 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. 1150A-2005

BOND RESOLUTION NO. 169 - 2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $300,000 BONDS TO FINANCE THE COST OF THE ACQUISITION OF AN UNINTERRUPTIBLE POWER SUPPLY REPLACEMENT SYSTEM (CP 1775)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of $300,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the acquisition of an uninterruptible power supply replacement system ($25,000 for planning and $275,000 for acquisition of an uninterruptible power supply

replacement system), 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 $300,000. The plan of financing includes the issuance of $300,000 bonds or bond anticipation notes authorized pursuant to this resolution and 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 11.00 a. 32 of the Law 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

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 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. 1150-2005 Laid on Table 2/15/2005

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

RESOLUTION NO. 170 –2005, APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF AN UNINTERRUPTABLE POWER SUPPLY REPLACEMENT (CP 1775)

WHEREAS, the Director of Information Services has requested the appropriation of funds in connection with the acquisition of a UPS Replacement; and

WHEREAS, there are sufficient funds within the 2005 Capital Budget and Program to cover the cost of said request; and

WHEREAS, this project has been approved for appropriation by the Information Services Steering Committee; 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 within, has authorized the issuance of $300,000 in Suffolk County Serial Bonds; now, therefore, be it

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) (25) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same, and the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-three (53) 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

RESOLVED, that the proceeds of $300,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1775.110	32	Planning for The Acquisition Of An Uninterruptable Power Supply Replacement	$25,000

Project No.	J.C.	Project Title	Amount
525-CAP-1775.510	32	Acquisition Of An Uninterruptable Power Supply Replacement	$275,000

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1151A-2005

BOND RESOLUTION NO. 171 -2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $400,000 BONDS TO FINANCE A PART OF THE COST OF THE ACQUISITION OF DISASTER RECOVERY COMPUTER EQUIPMENT (CP 1729)

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 $400,000 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 acquisition of disaster recovery computer equipment, 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 $600,000. The plan of financing includes (a) the expenditure of $200,000 General Operating funds heretofore authorized pursuant to Resolution No. 885-2003, (b) the issuance of $400,000 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 11.00 a. 32 of the Law 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1151-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 172 –2005, APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF A DISASTER RECOVERY (CP 1729)

WHEREAS, the Director of Information Services has requested the appropriation of funds in connection with the acquisition of Disaster Recovery; and

WHEREAS, there are sufficient funds within the 2005 Capital Budget and Program to cover the cost of said request; and

WHEREAS, this project has been approved for appropriation by the Information Services Steering Committee; 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 $400,000 in Suffolk County Serial Bonds; now, therefore, be it

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) (25) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same, and the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-three (43) 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

RESOLVED, that the proceeds of $400,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1729.510	32	Implementation of Disaster Recovery	$400,000

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1152A-2005

BOND RESOLUTION NO. 173 - 2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $50,000 BONDS TO FINANCE THE COST OF THE ACQUISITION OF A VIRTUAL PRIVATE NETWORK SERVER (CP 1788)

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 $50,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the acquisition of a virtual private network server, 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 $50,000. The plan of financing includes the issuance of $50,000 bonds or bond anticipation notes authorized pursuant to this resolution and 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 11.00 a. 32 of the Law 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1152-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 174 –2005, APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF A VIRTUAL PRIVATE NETWORK SERVER (CP 1788)

WHEREAS, the Director of Information Services has requested the appropriation of funds in connection with the acquisition of a Virtual Private Network Server; and

WHEREAS, there are sufficient funds within the 2005 Capital Budget and Program to cover the cost of said request; and

WHEREAS, this project has been approved for appropriation by the Information Services Steering Committee; 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 within, has authorized the issuance of $50,000 in Suffolk County Serial Bonds; now, therefore, be it

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) (25) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same, and the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-eight (58) 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

RESOLVED, that the proceeds of $50,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1788.510	32	Implementation of a Virtual Private Network Server	$50,000

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1153A-2005

BOND RESOLUTION NO. 175 - 2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $66,000 BONDS TO FINANCE THE COST OF THE ACQUISITION OF AN HCLUSTER REPLACEMENT (CP 1789)

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 $66,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the County's share of the acquisition of an HCluster Replacement (computer equipment), 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 $66,000. The plan of financing includes the issuance of $66,000 bonds or bond anticipation notes authorized pursuant to this resolution and 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 11.00 a. 32 of the Law 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1153-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 176 –2005, APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF A HCLUSTER REPLACEMENT (CP 1789)

WHEREAS, the Director of Information Services has requested the appropriation of funds in connection with the acquisition of a HCluster Replacement; and

WHEREAS, there are sufficient funds within the 2005 Capital Budget and Program to cover the cost of said request; and

WHEREAS, this project has been approved for appropriation by the Information Services Steering Committee; 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 $66,000 in Suffolk County Serial Bonds; now, therefore, be it

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) (25) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same, and the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-one (61) 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

RESOLVED, that the proceeds of $66,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1789.510	32	HCluster Replacement	$66,000

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1179A-2005

BOND RESOLUTION NO. 177 -2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $300,000 BONDS TO FINANCE THE COST OF THE COUNTY'S SHARE OF EMERGENCY EROSION CONTROL, DUNE RESTORATION AND SAND REPLENISHMENT ALONG DUNE ROAD IN THE VICINITY OF TIANA BEACH, TOWN OF SOUTHAMPTON (CP 5324)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of $300,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the County's share of emergency erosion control, dune restoration and sand replenishment along Dune Road in the vicinity of Tiana Beach, Town of Southampton, 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 $300,000. The plan of financing includes the issuance of $300,000 bonds or bond anticipation notes authorized pursuant to this resolution and 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 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1179-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy and Legislator Schneiderman

RESOLUTION NO. 178 -2005, AMENDING THE 2005 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR EMERGENCY EROSION CONTROL, DUNE RESTORATION AND SAND REPLENISHMENT ALONG DUNE ROAD IN THE VICINITY OF TIANA BEACH, TOWN OF SOUTHAMPTON (CAPITAL PROGRAM NUMBER 5324)

WHEREAS, the ocean beach along Dune Road in the vicinity of Tiana Beach in the Town of Southampton has suffered severe coastal erosion as a result of recent weather events, which resulted in the loss of upwards of 100 feet of beach area; and

WHEREAS, this erosion poses a threat to property and to the health, safety and welfare of citizens within these areas of the Town of Southampton; and

WHEREAS, the Town of Southampton has issued a Local Emergency Order Declaring a state of Limited Coastal emergency due to erosion that is threatening an approximated two miles of ocean beaches including a Town owned beach, public infrastructure, and other public and private infrastructures; and

WHEREAS, Suffolk County Executive has issued an Local Emergency Executive Order No. 2-2005, declaring a state of limited coastal emergency in that portion of Suffolk County located on Dune Road between Mermaid Lane and Ponquogue Bridge, Town of Southampton; and

WHEREAS, this Local Emergency Executive Order No. 2-2005, directs the Department of Fire, Rescue and Emergency Services, Department of Public Works, and Department of Parks, Recreation and Conservation to coordinate efforts with the Federal, State and Town governments to protect life and property, public infrastructure, and provide other such emergency assistance as deemed necessary; and

WHEREAS, emergency erosion control, dune restoration and sand replenishment along Dune Road in the vicinity of Tiana Beach, Town of Southampton, is necessary to prevent over wash and breaching of Tiana Barrier Island and mainland flooding; and

WHEREAS, Suffolk County has scheduled an emergency meeting with the U.S. Army Corps of Engineers and Federal, State, Village and Southampton Town officials to secure additional funding for this project; and

WHEREAS, this appropriation represents Suffolk County's commitment in assisting the Town of Southampton and its participation with New York State and/or the U.S. Army Corps of Engineers in addressing the coastal erosion which has taken place along the referenced section of Dune Road; and

WHEREAS, the 2005 Capital Program and Budget does not include funding for this project and pursuant to Suffolk County Charter, Section C 4-13, an offsetting authorization must be provided from another capital project; 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 $300,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (2), (11), (20), (21), (27) and (33) since it constitutes a local legislative decision in connection with an action of an emergency nature immediately necessary on a limited and temporary basis for the protection or preservation of property under Title 6 of New York Code of Rules and Regulations ("NYCRR"), and the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-seven (47) 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 County Department of Public Works is hereby authorized, empowered and directed to take such actions as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter for Emergency Erosion Control, Dune Restoration and Sand Replenishment along Dune Road between Mermaid Lane and Ponquogue Bridge, Town of Southampton, as determined by the Commissioner of the Department of Public Works acting in consultation with the U.S. Army Corps of Engineers, and other Federal, State and Local governmental entities; and be it further

4th RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such actions as may be necessary, including, but not limited to, the transport and placement of sand and materials from existing stockpiles, the contracting with a third party vendor for the transport and placement of sand and materials, the diversion of sand and dredging materials from a current U.S. Army Corps of Engineer's dredging project, and/or contracting with the U.S. Army Corps of Engineers for the diversion of sand and dredging materials from a federal dredging project; and be it further

5th RESOLVED, that the 2005 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 1755
Project Title: Infrastructure Improvements For Traffic & Public Safety & Public Health

	Total Est'd Cost	Current 2005 Capital Budget & Program	Revised 2005 Capital Budget & Program
3. Construction		$2,950,000 $2,950,000B	$3,250,000B
TOTAL	$2,950,000	$3,250,000	$2,950,000

Project No.: 5324
Project Title: County Share For Emergency Erosion Control, Dune Restoration and Sand Replenishment along Dune Road between Mermaid Lane and Ponquogue Bridge, Town of Southampton

	Total Est'd Cost	Current 2005 Capital Budget & Program	Revised 2005 Capital Budget & Program
3. Construction		$300,000 $300,000B	$ 0B
TOTAL	$300,000	$ 0	$300,000

and be it further

6th RESOLVED, that the proceeds of $300,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-5324.310	50	County Share For Emergency Erosion Control, Dune Restoration and Sand Replenishment along Dune Road between	$300,000

Mermaid Lane and Ponquogue Bridge,
Town of Southampton

and be it further

7th RESOLVED, that the proceeds may be expended up to the full amount immediately if a determination is made by the County Department of Public Works, in consultation with New York State & the U.S. Army Corps of Engineers, to go forward with one of the above described options in the 4th Resolved Clause of this Resolution, which appropriation shall take into account with prior cost share formulas between the Federal, State and Local governments for such projects; and be it further

8th RESOLVED, the County of Suffolk shall not be obligated to expend said funds in the absence of participation by the Town, State, and or Federal levels of government in financing this joint venture; and

9th RESOLVED, that the County Treasurer and the County Comptroller are authorized to accept State and/or Federal aid in connection with this project consistent with prior State and/or Federal participation programs; and be it further

10th RESOLVED, that any State and/or Federal aid reimbursed up to 100% of the County share participation be placed into the Reserve for Bonded Debt (8840) account for the purpose of paying down the debt service costs on this project; and be it further

11th RESOLVED, that the County Executive or his designee is authorized to execute all necessary agreements, contracts and/or documents as may be necessary for initiating the expenditure of this appropriation and the receipt of Federal and/or State aid for the above reference project.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1175-2005 Laid on Table 2/15/2005
Introduced by Legislators Kennedy, Losquadro, Carpenter, Mystal and Cooper

RESOLUTION NO. 179 -2005, ADOPTING LOCAL LAW NO. 11-2005, A LOCAL LAW TO AMEND SECTION 2-15 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO AUTHORIZE AN INCREASE IN FUNDING FOR MEMORIAL DAY OBSERVANCE

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 10, 2005, a proposed local law entitled, **"A LOCAL LAW TO AMEND SECTION 2-15 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO AUTHORIZE AN INCREASE IN FUNDING FOR MEMORIAL DAY OBSERVANCE"**; now, therefore, be it

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

LOCAL LAW NO. 11-2005, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND SECTION 2-15 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO AUTHORIZE AN INCREASE IN FUNDING FOR MEMORIAL DAY OBSERVANCE

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

Section 1. Legislative Intent.

This Legislature hereby finds that Section 2-15 of the SUFFOLK COUNTY ADMINISTRATIVE CODE authorizes appropriations for Memorial Day Observances, which Section was enacted by Local Law No. 3-1965.

This Legislature further finds that this Section has been amended incorrectly by Resolution in 2002 and 2004.

This Legislature also finds that in order to properly increase the annual amount expended for the purpose of defraying the expenses of the proper observance of Memorial Day it is necessary to amend Section 2-15 by local law.

Therefore, the purpose of this law is to amend Section 2-15 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to provide for increased funding to defray the expenses of the proper observance of Memorial Day and extend the places at which the observance can be conducted.

Section 2. Amendments.

Section A2-15 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

ARTICLE II
The County Legislature

§ A2-15. Appropriations for Memorial Day.

A. The Legislature of the County of Suffolk may appropriate annually an amount not to exceed **[**$1,000**]** $7,500 for the purpose of defraying the expenses of the proper observance of Memorial or Decoration Day at the Long Island National Cemetery, Pinelawn, New York, and at Calverton National Cemetery in Calverton, New York, and at grave sites of veterans buried in other cemeteries within the County of Suffolk and such observance is hereby declared a County purpose. The Legislature may raise money therefor by tax in the same manner as other County charges are levied and collected. The Legislature may appropriate such moneys to a committee of several veterans (or other patriotic) organizations which shall be known as the "Long Island National Cemetery Memorial Committee", as may be determined by the Veterans and Seniors Committee of the Suffolk County Legislature, or any successor Committee thereto**[**Legislature**]**, **[**which shall be known as the "Long Island National Cemetery Memorial Committee,"**]** and such moneys shall be used and expended by **[**such**]**the "Long Island National Cemetery Memorial Committee" for the proper observance of such day. In such event, the head of **[**such Committee**]** the "Long Island National Cemetery Memorial Committee" and the disbursing officer thereof shall file a report thereof with the Legislature not later than 30 days after the observance of Memorial or Decoration Day, showing the money received from the County pursuant to the provision of law and the vouchers for the disbursement thereof;

B. This section shall supersede the County Law of 1909, Chapter 16, § 12, Subdivision 49-d, as added by the Laws of 1945, Chapter 117, as revised by Chapter 691 of the Laws of 1950, in its application to Suffolk County.

Section 3. Applicability.

This law shall apply to appropriations for Memorial Day Observances beginning in 2005 and continuing thereafter.

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) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration,

management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

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

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

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

after a public hearing duly held on March 29, 2005

Date: March 31, 2005

Filed with the Secretary of State on April 14, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator O'Leary. The resolution was passed 16-1-1-0. Legislator Foley voted no. Legislator Caracciolo abstained.

Intro. Reso. No. 2296-2004 Laid on Table 12/21/2004
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 180 –2005, AUTHORIZING THE

SALES OF SURPLUS PROPERTY SOLD AT THE NOVEMBER 30TH AND DECEMBER 1ST, 2004 AUCTION PURSUANT TO LOCAL LAW 13-1976 AS PER EXHIBIT "A" (OMNIBUS RESOLUTION)

WHEREAS, in accordance with Suffolk County Local Law 13-1976, provision is made for disposition by Auction of certain County owned tax acquired real property which is surplus to the needs of said County; and

WHEREAS, pursuant to Section 9 of said Local Law the Division of Real Estate, Department of Planning, on November 30th and December 1st 2004, offered at auction certain parcels at the minimum upset price set opposite their tax map designation and accepted the

highest bid for such parcel set next to said respective upset prices as shown on listing annexed hereto and made a part hereof as Exhibit "A".

WHEREAS, pursuant to Section 11 of said Local Law 13-1976, the Division of Real Estate, Department of Planning is authorized to deliver, by a Bargain and Sale Deed, without covenants or such deed as further restricted by the parcel listings in the auction booklet, any deeds which are the subject matter of said Local Law, subject to Legislative approval; and

WHEREAS, section A14-30[K] of the Suffolk County Administrative Code provides that the County Director of Planning shall deliver to the County Legislature, in resolution for approval, a list of properties proposed to be sold, together with the bid price; and

WHEREAS, the Division of Real Estate, Department of Planning, requests authority to execute a Bargain and Sale Deed, without Covenants, or such deed as further restricted by the parcel listing in the auction booklet, on the said designated parcels to the successful bidder thereon; now, therefore, be it

RESOLVED, that the said described parcels are surplus to the needs of Suffolk County; and be it further

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 the 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, Department of Planning, be and she hereby is authorized to execute and deliver a Bargain and Sale Deed, without Covenants, or such deed as further restricted by the parcel listing in the auction booklet, to each of the listed successful bidders for the tax map parcel, for the bid price set opposite their names, plus or minus usual closing adjustments.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 21, 2005

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

Intro. Res. No. 1005-2005 Laid on Table 1/25/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 181 -2005, REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR UNEMPLOYMENT INSURANCE ADMINISTRATIVE SERVICES FOR THE DEPARTMENT OF CIVIL SERVICE/HUMAN RESOURCES.

WHEREAS, Local Law 3 – 1996 requires the County Legislature to approve any contract in excess of $20,000 awarded pursuant to an RFP process in which only one party responds to the County's solicitation of proposals; and

WHEREAS, the Department of Civil Service/Human Resources requested an RFP for Unemployment Insurance Administrative Services for the County-wide Unemployment Insurance Program; and

WHEREAS, the Purchasing Division of the Department of Public Works advertised for these services and mailed RFPs to two (2) potential vendors and received only one response from Industrial U.I. Services (IUI); and

WHEREAS, the cost of the 2005 proposal submitted by Industrial U.I. Services is the same as the 2004 contract; and

WHEREAS, an independent evaluation committee reviewed the proposal from Industrial U.I. Services (IUI) and found its quality of work and experience excellent, and its cost proposal submission within the industry standards, and have recommended that the Department of Civil Service/Human Resources enter into a contractual agreement with the provider; and

WHEREAS, there are sufficient funds in the 2005 Suffolk County Adopted Budget to cover the cost of this contract; now therefore be it

RESOLVED, that upon receiving a two-thirds vote of the County Legislature as required by Local Law 3 – 1996 that the Department of Civil Service/Human Resources enter into a contractual agreement with Industrial U.I. Services (IUI) for the provision of Unemployment Insurance Administrative Services for the Department of Civil Service/Human Resources.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1102-2005 Laid on Table 2/15/2005
Introduced by Legislator Cooper

RESOLUTION NO. 182 –2005, AMENDING RESOLUTION NO. 1004-2004, TO EXTEND THE DEADLINE FOR THE DELINQUENT PROPERTIES TAX TASK FORCE

WHEREAS, Resolution No. 1004-2004 established a nine member Task Force to study the issues connected with the foreclosure, redemption and auction of tax delinquent properties in Suffolk County; and

WHEREAS, Resolution No. 1004-2004 has the Task Force scheduled to expire on February 1, 2005; and

WHEREAS, the Task Force held its first meeting on January 20, 2005, and is proceeding within the 60-day period established in Resolution No. 1004-2004; now, therefore be it

1st **RESOLVED**, that the 11th Resolved Clause of Resolution No. 1004-2004 is hereby amended to read as follows:

> 11th RESOLVED, that the Task Force shall expire, and the terms of its members terminate, as of [February 1, 2005] May 1, 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 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 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. 1121-2005 **Laid on Table 2/15/2005**
Introduced by Deputy Presiding Officer Carpenter

RESOLUTION NO. 183 -2005, AUTHORIZING USE OF H. LEE DENNISON EXECUTIVE OFFICE BUILDING PROPERTY BY SUFFOLK COUNTY POLICE ATHLETIC LEAGUE TWIRLERS FOR MEMORIAL DAY CELEBRATION

WHEREAS, the Suffolk County Police Athletic League (PAL) Twirlers are currently the best in the country winning 15 of 18 National titles in Team and Corps, as well as many individual champions; and

WHEREAS, the Suffolk County PAL Twirlers wish to use the north and south parking areas of the H. Lee Dennison Executive Office Building for the purpose of hosting a Memorial Day Celebration to honor the heroes including the military, police, fire, ambulance, and all emergency responders who make our country and our county a safer place to be; and

WHEREAS, the Celebration would be held on Saturday, May 28, 2005 and Sunday, May 29, 2005 from 6:00 p.m. to 10:00 p.m. each evening; and

WHEREAS, the County of Suffolk shall receive consideration in the total amount of Five Hundred and 00/100 Dollars ($500.00), per diem, payment of which shall be guaranteed by the Suffolk County PAL Twirlers; and

WHEREAS, a Certificate of Insurance and the accompanying declaration page naming Suffolk County as an additional insured has been provided by the Suffolk County PAL Twirlers; and

WHEREAS, the use of County property for a Memorial Day Celebration to honor the many segments of our society who protect the public health, safety, and general welfare of the residents of Suffolk County would be a great tribute to all those who unselfishly risk their lives for Suffolk County residents; now, therefore, be it

1st **RESOLVED**, that the use of County-owned property, i.e. the south parking area of the H. Lee Dennison Executive Office Building to be used for parking, and the north parking area of the H. Lee Dennison Executive Office Building, to be used for the Celebration, including areas to set up booths for displays, etc., in consideration of the payment of Five Hundred and 00/100 Dollars ($500.00), per diem, for the purpose of hosting a Memorial Day Celebration on Saturday, May 28, 2005 and Sunday, May 29, 2005 between the hours of 6:00 p.m. and 10:00 p.m. each day, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance and the accompanying declaration page naming Suffolk County as an additional insured by the County of Suffolk from the Suffolk County PAL Twirlers, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

2nd **RESOLVED**, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the Memorial Day Celebration by the Suffolk County PAL Twirlers at the H. Lee Dennison Executive Office Building; and be it further

3rd **RESOLVED**, that the Suffolk County PAL Twirlers shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink and require these vendors to display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

4th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1143-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 184 –2005, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0400 SECTION 208.00 BLOCK 02.00 LOT 025.000 FOR PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW.

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

"All that piece or parcel of land situate in the Town of Huntington, County of Suffolk, State of New York more particularly described as follows:

Commencing at a point on the westerly boundary of the existing County Road 35, Park Ave., at the intersection of the said boundary with the division line between the lands of Fearn Realty Limited Partnership, reputed owner on the west and the lands of MaryAnn Chernovsky reputed owner on the east, thence; along said division line S35º-52'-10"W, 110.00 feet to the **POINT OF BEGINNING**: Thence; continuing on the last mentioned division line S35º-52'-10"W, 177.95 feet to a point on the northerly boundary of Elk Street, thence; westerly along said boundary the following two (2) courses and distances:

1. on a curve to the left having a radius of 50.00 feet, an arc distance of 102.65 feet; and

2. on a curve to the right having a radius of 20 feet, an arc distance of 16.84 feet to a point on the division line between the lands of County of Suffolk reputed owner on the east and the lands of Anthony Lefko, reputed owner on the west, thence; along said division line N35º-36'-40"E, 185.37 feet to a point on the division line between the lands County of Suffolk, reputed owner on the south and the lands of Fearn Realty Limited Partnership, reputed owner on the north, thence; along said division line S54º-07'-50"E, 100.00 feet to the point of the beginning; being 16,466±SF or 0.378 acres more or less, and being a part of a subdivision as shown on a map entitled Union Court and filed in the office of the Clerk of Suffolk County on March 26, 1945 as map No. 1427

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities."

and

WHEREAS, said parcel is surplus to the needs of the County of Suffolk; and

WHEREAS, Section 72-H of the General Municipal Law permits the sale of real property between Municipal Corporations, or between a Municipal Corporation and the State of New York or the United States of America; and

WHEREAS, the Town of Huntington, Suffolk County, New York, has requested that the County of Suffolk convey the above-described parcel to it (see annexed Resolution hereto marked as Exhibit "A"); and

WHEREAS the Town Board of the Township of Huntington, Suffolk County, New York, is interested in acquiring said parcel of real property for the Municipal Purpose of Constructing and/or improving drainage basins for a consideration not to exceed Ten & 00/100 ($10.00) Dollars plus pro-rata taxes at the time of the closing; and

WHEREAS, the Town Board of the Township of Huntington, Suffolk County, New York, are aware that the subject premises shall be conveyed subject to the following restrictive covenants that will run with the land so conveyed:

1. That the Grantee or any subsequent grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises.

2. That the Grantee shall not sell, convey, transfer, or otherwise dispose of the subject premises; and

WHEREAS, the Town Board of the Township of Huntington, Suffolk County, is aware that the restrictive covenants described above will run with the land and shall bind the heirs, successors, and assigns of the Town of Huntington, and in the event of any violation of the restrictive covenants stated above, the Deed conveying said parcel shall be void ab initio and title to the realty shall revert to the County of Suffolk; and

WHEREAS, the Suffolk County Department of Public Works has determined that it would be in the best interest in the County of Suffolk to convey said parcel(s) to the Town of Huntington for the total sum of One & 00/100 ($1.00) Dollar (to be waived) plus the pro-rata share of the current tax adjustments due at closing; and

WHEREAS, the Suffolk County Department of Public Works has approved the use of this parcel for the purposes stated above; and

WHEREAS, the Suffolk County Department of Public Works, will receive and deposit the sum of One & 00/100 ($1.00) Dollar (to be waived), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer;

NOW THEREFORE BE IT RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto (NYCRR Section 617.2(b)(2)). The Legislature finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the 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 a major re-ordering of priorities (NYCRR Section 617.13(d)(15),(21)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)(1)); and be it further

RESOLVED, said parcel is surplus to the needs of the County of Suffolk; and be it further

RESOLVED, that this purchase is authorized pursuant to Section 72-H of the General Municipal Law permitting a sale of real property between Municipal Corporations, or between a Municipal Corporation and the State of New York or the United States of America; and be it further

RESOLVED, the subject premises shall be conveyed to the Town of Huntington, Suffolk County, New York subject to the following restrictive covenants that will run with the land so conveyed:

1. That the Grantee or any subsequent grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises.

2. That the Grantee shall not sell, convey, transfer, or otherwise dispose of the subject premises;

and be it further

RESOLVED, that the restrictive covenants described immediately above will run with the land and shall bind the heirs, successors, and assigns of the Town of Huntington, and in the event of any violation of the restrictive covenants stated above, the Deed conveying said parcel shall be void ab initio and title to the realty shall revert to the County of Suffolk; and be it further

RESOLVED, that the Suffolk County Department of Public Works has determined that it would be in the best interest in the County of Suffolk to convey said parcel(s) to the Town of Huntington for the total sum of One & 00/100 ($1.00) Dollar (to be waived) plus the pro-rata share of the current tax adjustments due at closing; and be it further

RESOLVED, that the Suffolk County Department of Public Works has approved the use of this parcel for the purposes stated above; and be it further

RESOLVED, that the Suffolk County Department of Public Works, will receive and deposit the sum of One & 00/100 ($1.00) Dollar (to be waived), plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

RESOLVED, that the Commissioner of the Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said Municipality.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1148-2005 Laid on Table 2/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy and Legislator Lindsay

RESOLUTION NO. 185 -2005, AUTHORIZING THE TRANSFER OF FIFTEEN (15) ITEMS OF TRAFFIC SIGNAL CONTROL HARDWARE TO LOCAL UNION NO. 25 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (I.B.E.W.)

WHEREAS, the Commissioner of the Suffolk County Department of Public Works identified a list of surplus traffic signal hardware which have been taken out of service because of obsolescent technology; and

WHEREAS, this equipment has been declared surplus property; and

WHEREAS, the Joint Apprenticeship and Training Committee for Local Union No. 25, I.B.E.W., is starting a program to provide upgrade training for their field personnel; and

WHEREAS, this organization has requested the donation of obsolete equipment; and

WHEREAS, this organization is willing to accept both working and non-working equipment; 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 Suffolk County Department of Public Works, Division of Purchasing is hereby authorized, empowered, and directed, to transfer the following surplus equipment shown on the list attached hereto as Exhibit "A", to the following organization, for use in its training program for nominal consideration:

TO:

Local Union No. 25, I.B.E.W
Joint Apprenticeship and Training Committee
Electrical Industry of Nassau & Suffolk Counties
370 Motor Parkway
Hauppauge, New York 11788
Contact: Christopher E. Kelly
(631)434-3991

and be it further

2nd **RESOLVED**, that the attached surplus County property is hereby declared to be obsolete and is transferred to the above listed organization 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: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

EXHIBIT "A"

Traffic Signal Controllers

Manufacturer	Model #	Serial #	Condition	Comments
2M	800-8	0916880570	Not Repairable	8Ø
2M	800-8	1017880630	Bad Keypad	8Ø
2M	800-8	0603870691	Not Working	8Ø
2M	800-4	0818871050	Not Working	4Ø
Gammatronics	8000	7836	Obsolete	4Ø
Gammatronics	180	7121	Obsolete	3Ø Thumbwheel
Gammatronics	8000	5478	Obsolete	2Ø
Gammatronics	180	4541	Obsolete	2Ø
Gammatronics	180	7543	Obsolete	2Ø
LFE	103/112	0279-2668	Not Repairable	3Ø Thumbwheel
LFE	312	0383-0615	Not Working	4Ø
LFE	102	0481-0609	Not Working	2Ø Thumbwheel
LFE	102	0277-2186	Obsolete	2Ø Thumbwheel
Multisonics	820	None	Damaged	8Ø
Singer	2200	161874	Not working	2Ø

Two Phase Cabinets (5) that are obsolete – No serial numbers.

EXHIBIT "A"

Traffic Signal Controllers

Manufacturer	Model #	Serial #	Condition	Comments
2M	800-8	0916880570	Not Repairable	8Ø
2M	800-8	1017880630	Bad Keypad	8Ø
2M	800-8	0603870691	Not Working	8Ø
2M	800-4	0818871050	Not Working	4Ø
Gammatronics	8000	7836	Obsolete	4Ø
Gammatronics	180	7121	Obsolete	3Ø Thumbwheel
Gammatronics	8000	5478	Obsolete	2Ø
Gammatronics	180	4541	Obsolete	2Ø
Gammatronics	180	7543	Obsolete	2Ø
LFE	103/112	0279-2668	Not Repairable	3Ø Thumbwheel
LFE	312	0383-0615	Not Working	4Ø
LFE	102	0481-0609	Not Working	2Ø Thumbwheel
LFE	102	0277-2186	Obsolete	2Ø Thumbwheel
Multisonics	820	None	Damaged	8Ø
Singer	2200	161874	Not working	2Ø

Two Phase Cabinets (5) that are obsolete – No serial numbers.

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

Intro. Res. No. 1166-2005 **Laid on Table 2/15/2005**
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 186 –2005, AMENDING THE CLASSIFICATION AND SALARY PLAN AND AUTHORIZING A FEE SCHEDULE FOR THE SUFFOLK COUNTY BOARD OF ELECTIONS ELECTION INSPECTORS AND POLLING PLACES

WHEREAS, the New York State Election Law requires that there be at least four inspectors in each election district; and

WHEREAS, there are presently 1,047 Election Districts throughout Suffolk County as a result of the Federal Census completed in 2000; and

WHEREAS, Board certified election inspectors are required to work a sixteen (16) hour day for all Primary, Special and General Elections; and

WHEREAS, effective 2001 such inspectors have been paid $152.00 per day or $9.50 per hour; and

WHEREAS, the Board of Elections has experienced difficulty in recruiting new inspectors due mainly to the low compensation for the services they are expected to provide; and

WHEREAS, a .50 per hour wage increase for inspectors was approved in the 2005 Adopted Operating Budget within the Board of Elections appropriations; and

WHEREAS, the Board is required to lease polling places throughout Suffolk County to house the 1,047 election districts; and

WHEREAS, the Board has also experienced difficulty in retaining our current polling places due to rising utility costs, and there is sufficient funding included in the 2005 Operating Budget; and

WHEREAS, a $5.00 per election district rent increase was approved in the 2005 Adopted Operating Budget within the Board of Elections appropriations; now therefore be it

RESOLVED, that the Classification and Salary Plan be and hereby is amended to provide an hourly wage of $ 10.00 ($160.00 per diem), as follows:

SPEC. NO.	POSITION	GRADE	RATE OF PAY
9255	INSPECTORS	TEMPORARY	$160.00
9204	POLL CLERKS	TEMPORARY	$160.00
9215	INTERPRETER	TEMPORARY	$160.00
9217	CHAIRPERSON	TEMPORARY	$160.00

and be it further

RESOLVED, that the Board will pay each election district in Suffolk County a rental fee of $75.00, and be it further

RESOLVED, that these increases will take effect immediately upon the adoption of this resolution.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Kennedy. The resolution was passed 16-1-1-0. Legislator Caracciolo voted no. Legislator Alden abstained.

Intro. Res. No. 1182A-2005

BOND RESOLUTION NO. 187 -2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $232,466 BONDS TO FINANCE THE COST OF THE PURCHASE AND REPLACEMENT OF NUTRITION VEHICLES FOR THE OFFICE FOR THE AGING (CP 1749)

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 $232,466 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the purchase and replacement of nutrition vehicles for the Office for the Aging, 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 $232,466. The plan of financing includes the issuance of $232,466 bonds or bond anticipation notes authorized pursuant to this resolution and 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 11.00 a. 29 of the Law 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: March 15, 2005

APPROVED BY:

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

Date: March 18, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Kennedy. The resolution was passed 16-1-1-0. Legislator Caracciolo voted no. Legislator Alden abstained.

Intro. Res. No. 1182-2005 Laid on Table 3/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy and Legislator Mystal

RESOLUTION NO. 188 -2005,
APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE AND REPLACEMENT OF NUTRITION VEHICLES FOR THE OFFICE FOR THE AGING (CP 1749)

WHEREAS, the Director for the Office for the Aging has requested funds for the purchase and replacement of Nutrition Vehicles; and

WHEREAS, there are sufficient funds within the 2005 Capital Budget and Program to cover the cost of said request; 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 $232,466 in Suffolk County Serial Bonds; now, therefore, be it

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") Section 617.5 (c) (25) and (27), in that the resolution concerns purchase of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that it is hereby determined that this project, with a priority ranking of forty six (46) 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

RESOLVED, that these vehicles will be replacement vehicles and that the county fleet will not be increased; and be it further

RESOLVED, that the proceeds of $232,466 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	JC	Project Title	Amount
525-CAP-1749.517	03	Purchase and Replacement of Nutrition Vehicles for the Office For the Aging	$232,466

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 18, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-1-0. Legislator Alden abstained.

Intro. Res. No. 1183A-2005

BOND RESOLUTION NO. 189-2005

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $260,000 BONDS TO FINANCE THE COST OF INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM AT SUFFOLK COUNTY POLICE HEADQUARTERS IN YAPHANK (CP 1664)

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 $260,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of

New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of installation of a solar photovoltaic system at Suffolk County Police Headquarters in Yaphank, 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 $520,000. The plan of financing includes (a) the expenditure of $260,000 grant funds expected to be received from New York State Energy Research and Development Authority, (b) the issuance of $260,000 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. 13 of the Law, is ten (10) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, 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: March 15, 2005

APPROVED:

Paul Sabatino II

Chief Deputy County Executive of Suffolk County

Date: March 18, 2005

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Lindsay. The resolution was passed. Legislator Alden abstained.

Intro. Res. No. 1183-2005 Laid on Table 3/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 190 -2005, AMENDING THE 2005 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING 50% GRANT FUNDS IN THE AMOUNT OF $260,000 FROM THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY IN CONNECTION WITH THE INSTALLATION OF A SOLAR PHOTOVOLTAIR SYSTEMS AT SUFFOLK COUNTY POLICE HEADQUARTERS AND APPROPRIATING THE AUTHORIZED 2005 CAPITAL BUDGET FUNDS IN CONNECTION WITH ENERGY

CONSERVATION AT VARIOUS COUNTY BUILDINGS (CP 1664)

WHEREAS, the Commissioner of Public Works has requested the acceptance and appropriation of grant funds and the appropriation of the 2005 scheduled capital funds for Energy Conservation at Various County Buildings; and

WHEREAS, New York State Energy Research and Development Authority (NYSERDA), a State Authority, has awarded the County a 50% grant for the installation of a solar photovoltaic systems at the Suffolk County Police Headquarters in Yaphank; and

WHEREAS, the total cost of the installation of a solar photovoltaic systems is $520,000 with NYSERDA making available to the County $260,000, or 50%, in grant funds for this project; and

WHEREAS, these grant funds do not currently exist in the 2005 Adopted Capital Budget and Program to cover the cost of said project, and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State aid; and

WHEREAS, the Department of Public Works has requested the appropriation of the $260,000 included in the Adopted 2005 Capital Budget as scheduled for Energy Conservation at Various County Buildings; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established 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 $260,000 in Suffolk County Serial Bonds; now, therefore, be it

RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), CEQ Resolution No. 12-04 classified the action contemplated by this as an type II action; and be it further

RESOLVED, that it is determined that this program with a priority ranking of sixty-seven (67) 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

RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

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

Project No.: 1664
Project Title: **ENERGY CONSERVATION AT VARIOUS COUNTY BUILDINGS**

	Total Est'd Cost	Current 2005 Capital Budget & Program	Revised 2005 Capital Budget & Program
1. Planning	$ 170,000 50,000B	$ 50,000B	$
3. Construction	***$2,900,000*** ***$700,000B*** ***$ 260,000*** ***$260,000S***	***$700,000B*** ***$0***	
TOTAL	$3,330,000 $1,010,000	$750,000	

and be it further

RESOLVED, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept said grant funds; and be it further

RESOLVED, that $260,000 in State aid is hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1664. 312	20	**Energy Conservation at Various County Buildings-Solar Photovoltaic System**	$ 260,000

and be it further

RESOLVED, that the proceeds of $260,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1664.313	20	**Energy Conservation At Various County Buildings**	$ 260,000

and be it further

RESOLVED, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the NYSERDA.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 18, 2005

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

Intro. Res. No. 1335-2005 Laid on Table 3/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 191 –2005,
APPROVING THE APPOINTMENT
OF DONAL J. HUGHES TO
DETECTIVE IN THE SUFFOLK
COUNTY POLICE DEPARTMENT

WHEREAS, on August 25, 1999, Section 6-3(A) and (B) of the **SUFFOLK COUNTY ADMINISTRATIVE CODE** was amended by Local Law No. 26-1999, extending anti-nepotism provisions to cover relatives of Police Department officials when the position is not being filled pursuant to a Civil Service Law competitive examination; and

WHEREAS, the Suffolk County Police Commissioner intends to appoint **DONAL J. HUGHES**, brother-in-law of Suffolk County Police Lieutenant James Gruenfelder, to a position of Detective in the Suffolk County Police Department; and

WHEREAS, the position to be filled is authorized in the Police Department's 2005 Operating Budget; and

WHEREAS, the individual noted is well qualified to fill this position; now, therefore, be it

RESOLVED, that the appointment indicated above is hereby approved and shall be effective upon appointment by the Police Commissioner after approval of this Resolution.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

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

Intro. Res. No. 1336-2005 Laid on Table 3/15/2005
Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 192 -2005, APPROVING THE APPOINTMENT OF CHRISTOPHER M. MC DONALD TO DETECTIVE IN THE SUFFOLK COUNTY POLICE DEPARTMENT

WHEREAS, on August 25, 1999, Section 6-3(A) and (B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE was amended by Local Law No. 26-1999, extending anti-nepotism provisions to cover relatives of Police Department officials when the position is not being filled pursuant to a Civil Service Law competitive examination; and

WHEREAS, the Suffolk County Police Commissioner intends to appoint **CHRISTOPHER M. MC DONALD** and, brother of Suffolk County Police Detective Edward J. McDonald, to a position of Detective in the Suffolk County Police Department; and

WHEREAS, the position to be filled is authorized in the Police Department's 2005 Operating Budget; and

WHEREAS, the individual noted is well qualified to fill this position; now, therefore, be it

RESOLVED, that the appointment indicated above is hereby approved and shall be effective upon appointment by the Police Commissioner after approval of this Resolution.

DATED: March 15, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2005

MEETING ADJOURNED 12:03AM
HENRY BARTON, CLERK OF THE LEGISLATURE