

**EIGHTH DAY**  
**REGULAR MEETING**

**May 17, 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 9:30 a.m., pursuant to notice duly given.

The meeting was called to order at 9:33 a. m. by Presiding Officer Joseph Caracappa. The Clerk called the roll and the following were found present: Deputy Presiding Officer Carpenter; Legislators Caracciolo, Schneiderman, O'Leary, Montano, Alden, Nowick, Mystal, and Cooper.

Pledge of Allegiance.

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Statements and Presentations  
Public Portion

***THE MEETING WAS RECESSED AT 11:05 A.M. AND RESUMED AT 11:10 A.M.***

The Clerk called the roll and the following were found present: Presiding Officer Caracappa, Deputy Presiding Officer Carpenter; Legislators Caracciolo, Vilorio-Fisher, Foley, Lindsay, Montano, Alden, Nowick, Bishop, and Mystal.

***THE MEETING WAS RECESSED AT 12:33 P.M. AND RESUMED AT 2:30 P.M.***

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1399-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 360 –2005, TO READJUST,  
COMPROMISE, AND GRANT REFUNDS AND**

**CHARGE-BACKS ON REAL PROPERTY**

**CORRECTION OF ERRORS BY: COUNTY  
LEGISLATURE (CONTROL #733-2005)**

**WHEREAS**, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which would

amend the assessment and tax rolls shall be recommended for approval (or recommended for denial) to the Suffolk County Legislature; and

**WHEREAS**, the County Legislature of the County of Suffolk may cancel assessments, grant refunds of taxes in case of correction of errors on the assessment and tax rolls, and pursuant to the provisions of the Real Property Tax Law, and

**WHEREAS**, the properties represented by the tax item number and/or Suffolk County tax map number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes, then

**BE IT RESOLVED**, that the taxes for the properties represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated, and

**BE IT FURTHER RESOLVED**, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

**RESOLUTION  
CONTROL#733-2005** **NO.**

KEY	EXPLANATION	RPTL SEC	LIMITATIONS
A	Clerical Error	556	3 years
B	Unlawful Entry	556	3 years
C	Error in Essential Fact	556a	3 years

(A/B - Chapter 634 Laws 1976) (C - Chapter 124 Laws 1975)

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BABYLON	04/05	16-1403101	100 93 1 52.1	3,872.72	1,171.76	2,700.96
A	BABYLON	04/05	29-0700000	100 214 1 125	7,922.84	4,668.22	3,254.62
A	BABYLON	04/05	01-0887008	101 5 7 12	27,225.00	22,314.05	4,910.95
A	BABYLON	04/05	04-1309002	102 21 1 35	10,689.85	4,833.52	5,856.33
A	BABYLON	04/05	06-1198005	103 10 1 64	10,812.12	0.00	10,812.12
A	BROOKHAVEN	04/05	50-35010	200 946 1 3.10	32,066.48	28,562.66	3,503.82

A	BROOKHAVEN	04/05	87-00198	200 206 5 41.1	224,523.88	103,876.66	120,647.22
B	SMITHTOWN	04/05	N/A	800 181 1 3	74,614.29	98.74	74,515.55
B	SMITHTOWN	04/05	N/A	800 181 1 4.1	3,986.65	7.53	3,979.12
B	SMITHTOWN	04/05	N/A	800 181 1 4.2	3,986.55	110.89	3,875.76

\*As Provided and Requested By Town Assessor or Receiver of Taxes

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro Res. No. 1400-2005

Laid on Table 4/5/2005

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

RESOLUTION NO. 361 –2005, TO READJUST,  
 COMPROMISE, AND GRANT REFUNDS AND  
 CHARGEBACKS ON CORRECTION OR  
 ERRORS/COUNTY TREASURER BY: COUNTY  
 LEGISLATURE #210

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback &amp; Refund, if paid</u>
<b>Brookhaven:</b>				
0200-353.00-01.00-007.001 (Item #87-32894)	2004/05	\$2,588.09	\$0.00	\$2,588.09
0200-327.00-05.00-022.000 (Item #87-32870)	2004/05	\$2,636.00	\$0.00	\$2,636.00

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1401-2005

Laid on Table 4/5/2005

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

RESOLUTION NO. 362 -2005, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #211

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback &amp; Refund, if paid</u>
<b>BROOKHAVEN:</b>				
<b>0200-461.00-03.00-040.000</b> (Item# 8509599)	2004/05	\$48,865.53	\$0.00	\$48,865.53
<b>BABYLON:</b>				
<b>0100-178.00-01.00-008.000</b>	2004/05	\$16,611.57	\$0.00	\$16,611.57

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1405-2005

Laid on Table 4/5/2005

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

RESOLUTION NO. 363 –2005, TO READJUST,  
COMPROMISE, AND GRANT REFUNDS  
AND CHARGEBACKS ON CORRECTION OR

ERRORS/COUNTY TREASURER BY: COUNTY  
LEGISLATURE #212

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback &amp; Refund, if paid</u>
Southold: 1000-121.00-05.00-004.005	2004/05	\$14,448.13	\$0.00	\$14,448.13
Brookhaven:				
0230-001.00-86.00-033.700 (Item#8633700)	2004/05	\$6019.60	\$0.00	\$6019.60
0200-401.00-02.00-007.002 (Item#8213037)	2004/05	\$4494.82	\$0.00	\$4494.82
0200-757.00-01.00-006.000 (Item#5011100)	2004/05	\$12,466.64	\$0.00	\$12,466.64
0200-101.00-01.00-001.010 (Item#1720351)	2004/05	\$76,938.90	\$0.00	\$76,938.90
0208-018.00-02.00-022.000 (Item#8019980)	2004/05	\$5244.42	\$0.00	\$5244.42
0200-055.00-03.00-074.001 (Item#1608811)	2004/05	\$6637.44	\$0.00	\$6637.44

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1406-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 364 –2005, TO READJUST,  
COMPROMISE, AND GRANT REFUNDS AND  
CHARGE-BACKS ON REAL PROPERTY  
CORRECTION OF ERRORS BY: COUNTY  
LEGISLATURE (CONTROL # 734-2005)**

**WHEREAS**, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which would amend the assessment and tax rolls shall be recommended for approval (or recommended for denial) to the Suffolk County Legislature; and

**WHEREAS**, the County Legislature of the County of Suffolk may cancel assessments, grant refunds of taxes in case of correction of errors on the assessment and tax rolls, and pursuant to the provisions of the Real Property Tax Law; and

**WHEREAS**, the properties represented by the tax item number and/or Suffolk County tax map number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes, then

**BE IT RESOLVED**, that the taxes for the properties represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated, and

**BE IT FURTHER RESOLVED**, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

RESOLUTION NO.

CONTROL# 734-2005

KEY	EXPLANATION	RPTL SEC	LIMITATIONS
A	Clerical Error	556	3 years

B	Unlawful Entry	556	3 years
C	Error in Essential Fact	556a	3 years

(A/B - Chapter 634 Laws 1976) (C - Chapter 124 Laws 1975)

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	04/05	07-13510	200-183-4-14	4,400.25	1,801.75	2,598.50
A	BROOKHAVEN	04/05	34-06520	200-958-8-34	4,258.80	1,470.27	2,788.53
A	BROOKHAVEN	04/05	39-01740	200-936-3-14	4,984.32	2,472.31	2,512.01
C	BROOKHAVEN	04/05	07-43807	200-227-2-6.7	3,551.15	572.78	2,978.37
A	BROOKHAVEN	04/05	49-20407	200-972-2-7	14,016.50	8,409.90	5,606.60
A	BROOKHAVEN	04/05	44-10580	200-983.40-5-60	4,512.73	1,724.07	2,788.66
A	BROOKHAVEN	04/05	12-10560	200-49-5-37	4,677.45	2,074.87	2,602.58
A	BROOKHAVEN	04/05	49-08114	200-755-3-6	5,954.42	3,318.61	2,635.81
A	BROOKHAVEN	04/05	67-13575	200-836-2-22	5,171.55	2,481.85	2,689.70
A	BROOKHAVEN	04/05	39-08475	200-966-4-31	6,138.83	2,485.26	3,653.57
A	BROOKHAVEN	04/05	83-01575	200-97550-7-35.2	663,472.44	538,937.16	124,535.28
A	BROOKHAVEN	04/05	82-03448	200-450-3-14	89,113.15	39,464.42	49,648.73
C	BROOKHAVEN	04/05	07-19801	200-205-6-4.7	4,879.97	1,443.38	3,436.59
A	BROOKHAVEN	04/05	80-24393	200-493-1-4.3	145,831.79	109,376.05	36,455.74

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\*As Provided and Requested By Town Assessor or Receiver of Taxes

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1407-2005 Laid on Table 4/5/2005  
 Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 365 -2005, TO READJUST,  
 COMPROMISE, AND GRANT REFUNDS AND  
 CHARGEBACKS ON CORRECTION OR  
 ERRORS/COUNTY TREASURER BY: COUNTY  
 LEGISLATURE #213

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

**WHEREAS**, the properties represented by the item numbers or tax map numbers indicated below have been erroneously or improperly assessed as appears from the certificates of Assessors of the respective towns in which said properties are situated as described below

and the procedures as provided in the Real Property Tax Law have been fully complied with, now, therefore, be it

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback &amp; Refund, if paid</u>
<b>Brookhaven:</b>				
0200-353.00-01.00-019.000 (ITEM # 87-32897)	2003/04	\$3849.62	\$671.45	\$3178.17

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1408-2005

Laid on Table 4/5/2005

Introduced by the Presiding Officer on request of County Executive Steve

**RESOLUTION NO. 366 -2005, TO READJUST,  
COMPROMISE, AND GRANT REFUNDS AND  
CHARGE-BACKS ON REAL PROPERTY  
CORRECTION OF ERRORS BY: COUNTY  
LEGISLATURE (CONTROL # 735-2005)**

**WHEREAS**, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which would amend the assessment and tax rolls shall be recommended for approval (or recommended for denial) to the Suffolk County Legislature; and

**WHEREAS**, the County Legislature of the County of Suffolk may cancel assessments, grant

refunds of taxes in case of correction of errors on the assessment and tax rolls, and pursuant to the provisions of the Real Property Tax Law; and

**WHEREAS**, the properties represented by the tax item number and/or Suffolk County tax map number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes; then

**BE IT RESOLVED**, that the taxes for the properties represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated; and

**BE IT FURTHER RESOLVED**, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

RESOLUTION NO.

CONTROL# 735-2005

KEY	EXPLANATION	RPTL SEC	LIMITATIONS
A	Clerical Error	556	3 years
B	Unlawful Entry	556	3 years
C	Error in Essential Fact	556a	3 years

(A/B - Chapter 634 Laws 1976) (C - Chapter 124 Laws 1975)

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BABYLON	04/05		0100-55-2-86	22215.28	0	22215.28
A	BABYLON	04/05		0100-86-1-224	9181.28	3637.22	5544.06
A	BABYLON	04/05		0102-18-1-56	6031.02	1413.06	4617.96
C	ISLIP	04/05		0500-103-1-26.2	9266.56	5415.35	3851.21

A	ISLIP	04/05		0500-109-4-19	4545.49	510.12	4035.37
A	SMITHTOWN	04/05		800-35-2-62	7844.14	4079.19	3764.94
A	SMITHTOWN	04/05		0800-181-2-4	688085.72	654368.66	33717.06
A	SMITHTOWN	04/05		0800-185-2-41	105562.11	33264.98	72297.13

\*As Provided and Requested By Town Assessor or Receiver of Taxes

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1409-2005 Laid on Table 4/5/2005  
 Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 367 -2005, TO READJUST,

COMPROMISE, AND GRANT REFUNDS AND  
CHARGEBACKS ON CORRECTION OR ERRORS/  
COUNTY TREASURER BY: COUNTY LEGISLATURE  
#214

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback &amp; Refund, if paid</u>
<b>East Hampton:</b>				
0300-020.00-06.00-003.002	2004/05	\$4282.30	\$0.00	\$4282.30

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005  
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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1416-2005 Laid on Table 4/5/2005  
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 368 -2005, TO  
READJUST,  
COMPROMISE, AND GRANT REFUNDS AND**

**CHARGE-BACKS ON REAL PROPERTY  
CORRECTION OF ERRORS BY: COUNTY  
LEGISLATURE CONTROL # 736-2005**

**WHEREAS**, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which would amend the assessment and tax rolls shall be recommended for approval (or recommended for denial) to the Suffolk County Legislature, and

**WHEREAS**, the County Legislature of the County of Suffolk may cancel assessments, grant refunds of taxes in case of correction of errors on the assessment and tax rolls, and pursuant to the provisions of the Real Property Tax Law, and

**WHEREAS**, the properties represented by the tax item number and/or Suffolk County tax map number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes, then

**BE IT RESOLVED**, that the taxes for the properties represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated, and

**BE IT FURTHER RESOLVED**, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

KEY	EXPLANATION	RPTL SEC	LIMITATIONS
A	Clerical Error	556	3 years
B	Unlawful Entry	556	3 years
C	Error in Essential Fact	556a	3 years

(A/B - Chapter 634 Laws 1976) (C - Chapter 124 Laws 1975)

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
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A	BROOKHAVEN	04/0 5	24- 11000	0200/579-1-25	6891.88	3041.25	3850.63
A	ISLIP	04/0 5		0500/179-2-6	27202.81	22405.45	4797.36
A	ISLIP	04/0 5		0500/200-2-10	7501.20	4480.28	3020.92
A	SOUTHAMPTO N	04/0 5		0900/250-3-4	4740.88	615.44	4125.44
A	SOUTHAMPTO N	04/0 5		0900/250-3-11	3696.80	480.82	3215.98
A	SOUTHAMPTO N	04/0 5		0900/250-3-14	4806.82	625.06	4181.76
A	SOUTHAMPTO N	04/0 5		0900/250-4-9	3503.14	456.10	3047.04
A	SOUTHAMPTO N	04/0 5		0900/288-1- 123	3448.16	447.86	3000.30
A	SOUTHAMPTO N	04/0 5		0900/288-1- 132	3088.24	401.16	2687.08
A	SOUTHAMPTO N	04/0 5		0900/288-1- 138	3758.64	487.69	3270.95
A	SOUTHAMPTO N	04/0 5		0900/288-1- 141	129220.94	16798.46	112422.48
A	SOUTHAMPTO N	04/0 5		0900/302-2-6	5586.44	726.04	4860.40
A	SOUTHAMPTO N	04/0 5		0900/332-3-26	2897.48	376.45	2521.03
A	SOUTHAMPTO N	04/0 5		0900/359-1-14	3762.12	489.81	3272.31
A	SOUTHAMPTO N	04/0 5		0900359/1/17	3762.12	489.81	3272.31
A	SOUTHAMPTO N	04/0 5		0900/359-1-18	3513.88	457.54	3056.34

\*As Provided and Requested By Town Assessor or Receiver of Taxes

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.

Intro. Res. No. 1376-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 369 –2005, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A COMMUNITY DEVELOPMENT ENTITLEMENT BLOCK GRANT AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS**

**WHEREAS**, the County Legislature by Resolution No. 598-1999 authorized the County Executive to enter into cooperation agreements with towns and villages to apply for Federal Aid for Community Development; and

**WHEREAS**, the Department of Economic Development/Community Development Division has submitted an application for a Community Development Entitlement Block Grant for Federal Fiscal Year 2005 under the Housing and Community Development Acts of 1974 (P.L. 93-383) as amended; and

**WHEREAS**, the County Consortium has been awarded a FY 2005 entitlement Community Development Block Grant in the amount of \$4,241,000; and

**WHEREAS**, \$400,000 of said funds are to be used for operational costs; and

**WHEREAS**, these funds have already been included in the 2005 Adopted Operating Budget to offset operational costs; and

**WHEREAS**, the programs developed under the grant have been approved by the Consortium municipalities and coordination of these programs is essential to the success and continuation of the program; now, therefore, be it

**RESOLVED**, that the Suffolk County Legislature hereby authorizes the County Executive to accept the Community Development Block Grant and to contract with HUD and the cooperating municipalities for the expenditure of these funds; and be it further

**RESOLVED**, that \$400,000 of these funds be used to reimburse budgeted county expenses and that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate the following funds.

<u>REVENUES:</u>	<u>AMOUNT</u>
352-4920 Federal Aid: Community Development	\$4,241,020

ORGANIZATIONS:

ECONOMIC DEVELOPMENT

GRANTS TO COOPERATING MUNICIPALITIES  
352-CDV-8035

<u>4980-Contracted Services</u>	\$3,841,020
4980-Contracted Agencies TOWN OF BROOKHAVEN 352-8032	\$2,444,000
4980-Contracted Agencies TOWN OF EAST HAMPTON 352-8031	131,000
4980-Contracted Agencies TOWN OF RIVERHEAD 352-8061	190,000
4980-Contracted Agencies TOWN OF SMITHTOWN 352-8081	233,020
4980-Contracted Agencies TOWN OF SOUTHAMPTON 352-8091	294,000
4980-Contracted Agencies TOWN OF SOUTHOLD 352-8001	158,000
4980-Contracted Agencies VILLAGE OF BELLPORT 352-8033	19,500
4980-Contracted Agencies VILLAGE OF LAKE GROVE 352-8037	63,000
4980-Contracted Agencies VILLAGE OF PATCHOGUE 352-8034	266,000
4980-Contracted Agencies VILLAGE OF SOUTHAMPTON 352-8099	28,000
4980-Contracted Agencies VILLAGE OF WESTHAMPTON BEACH 352-8096	14,500

INTERFUND TRANSFER  
TRANSFER TO FUND 351  
IFT-9600

352-IFT-E351 Transfer to Fund 351 Comm Dev Admin \$400,000

and be it further

**RESOLVED**, that the reporting category for the County Integrated Financial Management System (IFMS) is CD11.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1378-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 370 -2005, ACCEPTING AND**

**APPROPRIATING A 100% REIMBURSED GRANT  
FROM THE U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT FOR AN EMERGENCY  
SHELTER GRANTS PROGRAM AND  
AUTHORIZING THE COUNTY EXECUTIVE TO  
EXECUTE AN AGREEMENT**

**WHEREAS**, the Suffolk County Community Development Office has been awarded an Emergency Shelter Grant for fiscal year 2005 under Title IV of the Stewart B. McKinney Homeless Assistance Act, Subpart B, P.O. 100-77; and

**WHEREAS**, the County has been awarded an Emergency Shelter Grant in the amount of \$163,646.00; and

**WHEREAS**, \$8,180 of said funds are to be used for operational costs; and

**WHEREAS**, said \$7,300 has already been included in the 2005 Adopted Operating Budget; and

**WHEREAS**, \$880 has not been accepted as revenue in the 2005 Adopted Operating Budget; now, therefore, be it

**RESOLVED**, that the Suffolk County Legislature hereby authorizes the County Executive or his designee to accept the Emergency Shelter Grant and to contract with the cooperating non-profit organizations for the expenditure of these funds; and, be it further

**RESOLVED**, that \$8,180 of these funds be used to reimburse budgeted County expenses and that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate the following funds.

REVENUES:

354-4910 Federal Aid: Community Development	\$163,646
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ORGANIZATIONS:

ECONOMIC DEVELOPMENT  
EMERGENCY SHELTER GRANTS PROGRAM  
354-CDV-8679

<u>Contracted Services</u>	<u>\$155,466</u>
4980-Contracted Agencies	\$155,466

INTERFUND TRANSFER  
TRANSFER TO FUND 351  
IFT-9600

354-IFT-E351 Transfer to Fund 351 Comm Dev Admin and be it further	<u>\$ 8,180</u>
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**RESOLVED**, that the following interfund revenue for administrative costs be accepted as follows:



**WHEREAS**, this unallocated additional 100% state aid in the amount of \$166,357 is not currently included in the 2005 Adopted Suffolk County Budget; now therefore, be it

**RESOLVED**, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate this additional 100% State aid funding as follows:

**REVENUES**

001-3493 State Aid: Community Support Services \$166,357

**ORGANIZATIONS**

Department of Health Services (HSV)  
Division of Mental Hygiene Services  
Community Support Services  
001-HSV-4330

<u>XORG</u>	<u>OBJECT NAME</u>	<u>2005 Adopted</u>	<u>2005 Modified Adopted</u>	<u>Change</u>
ANL9	PEDERSON Krag COMPUL GAMBLING	\$229,442	\$341,829	+\$112,387
GST1	PEDERSON Krag SCHOOL SUPPLY PRGM	\$97,438	\$151,408	+\$53,970

and be it further

**RESOLVED**, that the County Executive be and hereby is authorized to execute a contract with Pederson-Krag Center, Inc. for these services; and be it further

**RESOLVED**, that the reporting category for the County Integrated Financial Management System (IFMS) is MH01.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not**

present.

Intro. Res. No. 1381-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 372 –2005, AMENDING THE  
2005 ADOPTED BUDGET TO ACCEPT AND  
APPROPRIATE ADDITIONAL 100% STATE AID  
FROM THE NEW YORK STATE OFFICE OF  
MENTAL HEALTH TO THE DEPARTMENT OF  
HEALTH SERVICES, DIVISION OF COMMUNITY  
MENTAL HYGIENE SERVICES**

**WHEREAS**, the New York State Office of Mental Health has awarded 100% state aid in the amount of \$20,974,380 for programs administered by the Suffolk County Division of Community Mental Hygiene Services for 2005; and

**WHEREAS**, \$23,209 of this 100% additional state aid remains unallocated; and

**WHEREAS**, the Division of Community Mental Hygiene Services wishes to allocate this additional 100% state aid to Federation of Organizations, Inc. to provide an innovative community support program, Assertive Community Treatment (ACT) Team in the Town of Bablyon; and

**WHEREAS**, the ACT Team will provide treatment and support to persons experiencing the problems associated with serious mental illness; and

**WHEREAS**, this unallocated additional 100% state aid is not currently included in the 2005 Adopted Suffolk County Budget; now therefore, be it

**RESOLVED**, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate this additional 100% state aid funding as follows:

**REVENUES**

001-3493 State Aid: Community Support Services \$23,209

**ORGANIZATIONS**

Department of Health Services (HSV)  
Division of Mental Hygiene Services  
Community Support Services  
001-HSV-4330

<u>XORG OBJECT NAME</u>	<u>2005 Adopted</u>	<u>2005 Modified Adopted</u>	<u>Change</u>
GZH1 FEDERATION OF ORGANIZATIONS ACT TEAM	\$99,000	\$122,209	+\$23,209

and be it further

**RESOLVED**, that the County Executive be and hereby is authorized to execute a contract with Federation of Organizations, Inc. for these services; and be it further

**RESOLVED**, that the reporting category for the County Integrated Financial Management System (IFMS) is HM01.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1338-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 373 -2005, AUTHORIZING  
CERTAIN TECHNICAL CORRECTION TO ADOPTED  
RESOLUTION NO. 1246-2004**

**WHEREAS**, the County Legislature has adopted and the County Executive has signed Resolution No. 1246-2004; and

**WHEREAS**, this resolution when adopted contained technical errors; and

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

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

**Resolution No. 1246-2004**

In the Resolution title change:

FROM: CP#8322 To: CP#8233

In the first WHEREAS paragraph change:

FROM: CP#8322 To: CP#8233

In the first RESOLVED paragraph change:

FROM: CP#8322 To: CP#8233

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1344-2005 Laid on Table 4/5/2005  
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 374 -2005, AUTHORIZING  
CERTAIN TECHNICAL CORRECTION TO ADOPTED  
RESOLUTION NO. 1321-2004**

**WHEREAS**, the County Legislature has adopted and the County Executive has signed Resolution No. 1321-2004; 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. 1321-2004**

In the fifth WHEREAS paragraph change the amount:

FROM:	To:
\$39,180.00	<b>\$3,180.00</b>

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1346-2005 Laid on Table 4/5/2005  
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 375 -2005, AUTHORIZING  
CERTAIN TECHNICAL CORRECTION TO ADOPTED  
RESOLUTION NO. 1156-2004**

**WHEREAS**, the County Legislature has adopted and the County Executive has signed Resolution No. 1156-2004; 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. 1156-2004**

In the third RESOLVED paragraph change the Project No. from

FROM:	TO:
<u>Project No.</u>	<u>Project No.</u>
525-3044.310	525-CAP-CAP-30030 Ref-525-3044.310

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1348-2005  
Introduced by Legislator Mystal

Laid on Table 4/5/2005

**RESOLUTION NO. 376 - 2005, AUTHORIZING  
CERTAIN TECHNICAL CORRECTIONS TO  
RESOLUTION NO. 1020-2004**

**WHEREAS**, Omnibus Budget Amending Resolution No. 1020-2004, Schedule A item D075, included \$500 for Long Island Citizens for Common Values; and

**WHEREAS**, the appropriation of the above named agency designated in this resolution is incorrect and must be changed to enable the funding allocated to be used for the intended purpose; now, therefore be it

**1<sup>st</sup> RESOLVED**, the budget code assigned to Long Island Citizens for Common Values is hereby corrected and changed from 001-ECD-6410-HAU1-4980 to **001-EXE-7320-HAU1-4980**.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

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

**RESOLUTION NO. 377            -2005,    SALE OF  
COUNTY-OWNED REAL    ESTATE PURSUANT**

**TO    SECTION    72-H    OF    THE    GENERAL  
MUNICIPAL LAW (TOWN OF BROOKHAVEN)  
(0200-981.90-02.00-039.000)**

**WHEREAS**, the COUNTY OF SUFFOLK is the fee owner of the following described parcel:

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 981.90, Block 02.00, Lot 039.000, and acquired by tax deed on February 17,1978, from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on February 17,1978, in Liber 8390, CP 186 and otherwise known as and by Town of Brookhaven, Mastic Acres, Map 1643, Unit 22, Parking Field, N x 51 to 117, E x 93 to 111, S x 22 to 86, W x A point; and

**WHEREAS**, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

**WHEREAS**, the Town of Brookhaven has requested that the County of Suffolk convey this parcel to it (see annexed resolution - Exhibit "A"); and

**WHEREAS**, the Suffolk County Department of Planning has approved the proposed transfer and use of this parcel; now, therefore be it

**RESOLVED**, that Director Patricia B. Zielenski or her Deputy, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the above described terms and conditions to said Town of Brookhaven for the sum of \$24,971 plus the pro rata share of the current tax adjustment due at closing; and be it further

**RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for the Mastic Beach Fire Departments' use in expansion of a garage; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcel for other than for the Mastic Beach Fire Departments' use in expansion of a garage or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise

dispose of said subject parcel without said parcel being used thereafter for the Mastic Beach Fire Departments' use in expansion of a garage; and be it further

**RESOLVED**, that said quitclaim deed issued by Director Patricia B. Zielenski or her Deputy pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; 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).

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1371-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 378            -2005, SALE OF  
COUNTY-OWNED REAL    ESTATE PURSUANT**

**TO SECTION 72-H OF THE GENERAL  
MUNICIPAL LAW (TOWN OF SOUTHAMPTON)  
(0900-111.00-02.00-041.003)**

**WHEREAS**, the COUNTY OF SUFFOLK is the fee owner of the following described parcel:

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0900, Section 111.00, Block 02.00, Lot 041.003, and acquired by tax deed on July 31, 2001, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 2, 2001, in Liber 12133, CP 676 and otherwise known as and by Town of Southampton, Map of Grant A Gee, Map 10020 Open Space, filed in the Office of the Clerk of Suffolk County on June 17,1997; and

**WHEREAS**, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

**WHEREAS**, the Town of Southampton has requested that the County of Suffolk convey this parcel to it (see annexed resolution - Exhibit "A"); and

**WHEREAS**, the Suffolk County Department of Planning has approved the proposed transfer and use of this parcel; now, therefore be it

**RESOLVED**, that Director Patricia B. Zielenski or her Deputy, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the above described terms and conditions to said Town of Southampton for the sum of \$1,038.85 plus the pro rata share of the current tax adjustment due at closing; and be it further

**RESOLVED**, that the Town of Southampton will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for open space preservation purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Southampton, at any time, uses or attempts to use said subject parcel for other than open space preservation purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for open space preservation purposes; and be it further

**RESOLVED**, that said quitclaim deed issued by Director Patricia B. Zielenski or her Deputy pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the

property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; 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).

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1373-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 379      -2005, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT**

**TO SECTION 72-H OF THE GENERAL**

**MUNICIPAL LAW (TOWN OF ISLIP)**

**(0500-377.00-01.00-004.000)**

**WHEREAS**, the COUNTY OF SUFFOLK is the fee owner of the following described parcel:

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 377.00, Block 01.00, Lot 004.000, and acquired by tax deed on June 4, 2001, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 7, 2001, in Liber 12122, CP 810 and otherwise known as and by Town of Islip, N x now or formerly McConnell, E x now or formerly Quinn, S x Sachem Rd., W x now or formerly Hollman; and

**WHEREAS**, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

**WHEREAS**, the Town of Islip has requested that the County of Suffolk convey this parcel to it (see annexed resolution - Exhibit "A"); and

**WHEREAS**, the Suffolk County Department of Planning has approved the proposed transfer and use of this parcel; now, therefore be it

**RESOLVED**, that Director Patricia B. Zielenski, or her Deputy, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the above described terms and conditions to said Town of Islip for the sum of \$7,700.89 plus the pro rata share of the current tax adjustment due at closing; and be it further

**RESOLVED**, that the Town of Islip will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for open space and drainage purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Islip, at any time, uses or attempts to use said subject parcel for other than open space and drainage purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for open space and drainage purposes; and be it further

**RESOLVED**, that said quitclaim deed issued by Director Patricia B. Zielenski pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; 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).

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1396-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 380      -2005, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT TO  
LOCAL LAW 13-1976 BILAL POLSON AND PATRICIA  
MOXANO-POLSON, his wife (0500-292.00-02.00-  
025.000)**

**WHEREAS**, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 292.00, Block 02.00 Lot 025.000 and acquired by Tax Deed on July 15,1998 from John C. Cochran the County Treasurer of Suffolk County, New York, and recorded on July 22,1998 in Liber 11906 at Page 324 CTF# 500621 and described as follows, Town of Islip, Oakdale Park, Map #315, Sec 5, Lot 3121; and

**WHEREAS**, in accordance with Local Law 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

**WHEREAS, Bilal Polson and Patricia Moxano-Polson, his wife,** has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$3,000. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS,** the real property above described has been appraised at \$3,000, which property is surplus to the needs of the County of Suffolk; and

**WHEREAS,** Director Patricia B. Zielenski and/or her designee, has received and deposited the sum of \$3,000, pursuant to said purchase offer; and

**WHEREAS,** the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land; now, therefore, be it

**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 deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

**RESOLVED,** that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Bilal Polson & Patricia Moxano-Polson, 73 Madison Avenue, Bay Shore, New York 11706.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1397-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 381 -2005, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT  
TO LOCAL LAW 13-1976 MICHAEL C. RIZZO  
and DINA MARIE RIZZO, his wife (0500-019.00-  
02.00-060.000)**

**WHEREAS**, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 019.00, Block 02.00 Lot 060.000 and acquired by Tax Deed on June 15,1999 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on June 23,1999 in Liber 11970 at Page 897 and described as follows, Town of Islip, N x now or formerly Philip J. & Ann T. Demasi, E x now or formerly Richard F. & Kathryn J. Schwinn & now or formerly Robert T. Imrie & Debra J. Lewis, S x now or formerly Anthony & Karen Palmisciano, W x now or formerly Michael C. & Dina Marie Rizzo; and

**WHEREAS**, in accordance with Local Law 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

**WHEREAS, Michael C. Rizzo and Dina Marie Rizzo, his wife**, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$5,000. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$2,500, which property is surplus to the needs of the County of Suffolk; and

**WHEREAS**, Director Patricia B. Zielenski and/or her designee, has received and deposited the sum of \$5,000, pursuant to said purchase offer; and

**WHEREAS**, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land; now, therefore be it

**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 deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Michael C. Rizzo and Dina Marie Rizzo, 103 San Juan Drive, Hauppauge, New York 11788.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1398-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 382 –2005, AUTHORIZING  
THE  
SALE, PURSUANT TO LOCAL LAW 16-1976, OF  
REAL**

**PROPERTY ACQUIRED UNDER SECTION 46 OF  
THE SUFFOLK COUNTY TAX ACT RUSSELL  
STEFFENS (0200-012.00-01.00-020.010)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 012.00, Block 01.00, Lot 020.010, and acquired by tax deed on September 15, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 25, 2003, in Liber 12274, at Page 112, and otherwise known as and by Town of Brookhaven, County of Suffolk, State of New York, known and designated as Lot 10 on a certain map entitled, “Subdivision Map of Daughters of Wisdom, Sound Beach, Town of Brookhaven, Suffolk County, New York” filed in the Office of the Clerk of the County of Suffolk on April 15, 1999 as Map No. 10268; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on September 15, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 25, 2003 in Liber 12274 at Page 112.

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

**WHEREAS**, FAIRBANKS CAPITAL c/o Land America, by Sarah Lujan, Tax Sale Resolutions Specialist, has made application for the acquisition of said above described parcel and FAIRBANKS CAPITAL c/o Land America, by Sarah Lujan, Tax Sale Resolutions Specialist, has paid the application fee and \$88,827.36, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2004; now, therefore be it

**RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations

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

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to RUSSELL STEFFENS, 45 Hilltop Drive, Miller Place, New York 11764, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1402-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 383 –2005, AUTHORIZING  
THE SALE, PURSUANT TO LOCAL LAW 16-  
1976, OF REAL PROPERTY ACQUIRED UNDER  
SECTION 46 OF THE SUFFOLK COUNTY TAX  
ACT INTELECOM, U.S., INC. (0200-602.00-04.00-  
011.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 602.00, Block 04.00, Lot 011.000, and acquired by tax deed on September 27, 1999, from John C. Cochrane, the County Treasurer of Suffolk

County, New York, and recorded on October 19, 1999, in Liber 11995, at Page 605, and otherwise known as and by Town of Brookhaven, Woodedge Park 2067 Sheet 7 1074 1075; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on September 27, 1999, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on October 19, 1999 in Liber 11995 at Page 605.

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

**WHEREAS**, INTELECOM, U.S., INC., by William J. Mich, Jr., President, has made application for the acquisition of said above described parcel and INTELECOM, U.S., INC., by William J. Mich, Jr., President, has paid the application fee and \$8,098.32, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2005; now, therefore be it

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

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to INTELECOM, U.S., INC., c/o Glynn and Mercep LLP, North Country Road, P.O. Box 712, Stony Brook, New York 11790-0712, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not**

present.

Intro. Res. No. 1403-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 384 -2005, AUTHORIZING  
THE SALE, PURSUANT TO LOCAL LAW 16-1976,  
OF REAL PROPERTY ACQUIRED UNDER SECTION  
46 OF THE SUFFOLK COUNTY TAX ACT DELIA LIZ  
a/k/a DELIA TAVERAS (0500-243.00-01.00-001.001)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 243.00, Block 01.00, Lot 001.001, and acquired by tax deed on July 14, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 19, 2004, in Liber 12331, at Page 567, and otherwise known as and by Town of Islip, known and designated as P/O Lot 26 on a certain map entitled "Map of Causeway Farms, Section Two" filed in the Office of the Clerk of the County of Suffolk on September 25, 1947 as Map No. 1572; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 14, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 19, 2004 in Liber 12331 at Page 567.

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

**WHEREAS**, DELIA LIZ a/k/a DELIA TAVERAS has made application for the acquisition of said above described parcel and DELIA LIZ a/k/a DELIA TAVERAS has paid the application fee and \$4,616.61, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2005; and

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

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to DELIA LIZ a/k/a DELIA TAVERAS, 1621 North Thompson Drive, Bay Shore, New York 11706, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1404-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 385 -2005, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT SANDRA LOPEZ (0504-014.00-02.00-022.001)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Islandia, Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0504, Section 014.00, Block 02.00, Lot 022.001, and acquired by tax deed on July 14, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 19, 2004, in Liber 12331, at Page 567, and otherwise known as and by Incorporated Village of Islandia, Town of Islip, known and designated as P/O Lot 78 on a certain map entitled "11<sup>th</sup> Map of Property of House and Home Company" filed in the Office of the Clerk of the County of Suffolk on February 19, 1900 as Map No. 599; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 14, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 19, 2004 in Liber 12331 at Page 567.

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

**WHEREAS**, COUNTRYWIDE HOME LOANS, INC., as Mortgagee, by Lilia Carbajal, Tax Service Technician, has made application for the acquisition of said above described parcel and COUNTRYWIDE HOME LOANS, INC., as Mortgagee, by Lilia Carbajal, Tax Service Technician, has paid the application fee and \$13,190.77, as payment of taxes,

penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2005; and

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

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to SANDRA LOPEZ, 215 Sampson Avenue, Islandia, New York 11749, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1410-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 386 -2005, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT  
TO LOCAL LAW 13-1976 FREDERICK T.  
ROMMENEY, JR. (0102-005.00-02.00-135.010)**

**WHEREAS**, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Babylon, Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the

Suffolk County Real Property Tax Service Agency as District 0102 Section 005.00, Block 02.00 Lot 135.010 and acquired by Tax Deed on April 19,1984 from Jean H. Tuthill the County Treasurer of Suffolk County, New York, and recorded on April 19,1984 in Liber 9541 at Page 502 and described as follows, Incorporated Village of Babylon, Town of Babylon, said parcel being the westerly seven feet of a certain service road adjoining the easterly boundary of Lots 703 and 704 on a certain map entitled "Map of property in the Village of Babylon", Map #641 filed in the Office of the Clerk of Suffolk County on September 4,1924; and

**WHEREAS**, in accordance with Local Law 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

**WHEREAS, Frederick T. Rommeney, Jr.**, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,000. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$1,000, which property is surplus to the needs of the County of Suffolk; and

**WHEREAS**, Director Patricia B. Zielenski and/or her designee, has received and deposited the sum of \$1,000, pursuant to said purchase offer; and

**WHEREAS**, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, be it therefore,

**RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of 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 deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to

impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Frederick T. Rommeney, Jr., 201 North Virginia Avenue, North Massapequa, New York 11758.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1411-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 387 –2005, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT  
TO LOCAL LAW 13-1976 ST. JOHN’S THE  
EVANGELIST ROMAN CATHOLIC CHURCH  
(0600-126.00-04.00-018.000)**

**WHEREAS**, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Riverhead, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0600 Section 126.00, Block 04.00 Lot 018.000 and acquired by Tax Deed on March 21, 2000 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on March 27, 2000 in Liber 12030 at Page 320 CTF# 229 and described as follows, Town of Riverhead, N x now or formerly St. John’s the Evangelist Roman Catholic

Church, E x East Ave Ext, S x now or formerly St. John's the Evangelist Roman Catholic Church, W x now or formerly St. John's the Evangelist Roman Catholic Church; and

**WHEREAS**, in accordance with Local Law 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

**WHEREAS, St. John's the Evangelist Roman Catholic Church**, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$4,500. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$4,500 which property is surplus to the needs of the County of Suffolk; and

**WHEREAS**, Director Patricia B. Zielenski and/or her designee, has received and deposited the sum of \$4,500, pursuant to said purchase offer; and

**WHEREAS**, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, be it therefore,

**RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of 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 deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer

the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said St. John's the Evangelist Roman Catholic Church, 546 St. John's Place, Riverhead, New York 11901.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1412-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 388 -2005, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT  
TO LOCAL LAW 13-1976 TARA CHAMBERS  
(0200-055.00-07.00-038.001)**

**WHEREAS**, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 055.00, Block 07.00 Lot 038.001 and acquired by Tax Deed on June 15,1995 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on May 24,1997, Doc #445926 recorded July 14,1995 in Liber 11864 at Page 147 and described as follows, Town of Brookhaven, North Shore Beach, Map No. 1015, Sec 2D, Lot 7524; and

**WHEREAS**, in accordance with Local Law 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

**WHEREAS, Tara Chambers**, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,200. At closing the purchaser will be

responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$1,200 which property is surplus to the needs of the County of Suffolk; and

**WHEREAS**, Director Patricia B. Zielenski and/or her designee, has received and deposited the sum of \$1,200, pursuant to said purchase offer; and

**WHEREAS**, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, therefore, be it

**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 deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Tara Chambers, 20 Lincoln Road, Rocky Point, New York 11778.

DATED: May 17, 2005

APPROVED BY:

/s/ Paul Sabatino II

Chief Deputy County Executive of Suffolk County

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1413-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 389 –2005, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT EDWARD M. NALEWAJK and SUZANNE NALEWAJK, his wife (0100-205.00-01.00-061.002)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 205.00, Block 01.00, Lot 061.002, and acquired by tax deed on June 12, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 16, 2003, in Liber 12256, at Page 108, and corrected by Correction Tax Deed on July 15, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 16, 2003, in Liber 12261, at Page 353, and otherwise known as and by Town of Babylon, FM 155 Sh 4 Bl 67 Lts 45, 46 & 47; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on June 12, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 16, 2003 in Liber 12256 at Page 108, and corrected by Correction Tax Deed on July 15, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 16, 2003, in Liber 12261, at Page 353.

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

**WHEREAS**, AURELIO SESTO, as Mortgagee, by William J. Shelfo, Attorney, has made application for the acquisition of said above described parcel and AURELIO SESTO, as Mortgagee, by William J. Shelfo, Attorney, has paid the application fee and \$51,706.81, as

payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2005 and \$2,590.00 as full payment, to present date, for License Agreement fees of the premises; now, therefore be it

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

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to EDWARD M. NALEWAJK and SUZANNE NALEWAJK, his wife, 450 47<sup>th</sup> Street, Lindenhurst, New York 11757, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

**Intro. Res. No. 1414-2005  
4/5/2005**

**Laid on Table**

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

**RESOLUTION NO. 390 –2005, AUTHORIZING  
THE SALE, PURSUANT TO LOCAL LAW 16-  
1976, OF REAL PROPERTY ACQUIRED UNDER  
SECTION 46 OF THE SUFFOLK COUNTY TAX  
ACT JAJA HOMES, INC. (0500-223.00-03.00-  
112.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 223.00, Block 03.00, Lot 112.000, and acquired by tax deed on July 14, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 19, 2004, in Liber 12331, at Page 567, and otherwise known as and by Town of Islip, known and designated as Unit No. 112GU on a certain map entitled "Lexington Village Condominium" and by the street number 1-15 Hemlock Drive, Hamlet of Bay Shore, Town of Islip, County of Suffolk, State of New York, filed in the Office of the Clerk of the County of Suffolk on October 9, 1987 as Condominium Map No. 772, together with a .507% interest in the common elements of the condominium; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 14, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 19, 2004 in Liber 12331 at Page 567.

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

**WHEREAS**, JAJA HOMES, INC., by Winston Anderson, President, has made application for the acquisition of said above described parcel and JAJA HOMES, INC., by Winston Anderson, President, has paid the application fee and \$6,359.46, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2004; now, therefore be it

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

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to JAJA HOMES, INC., 174 West Main Street, Bay Shore, New York 11706, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1415-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 391 –2005, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT RICHARD RODRIGUEZ, Executor of the Estate of Gloria Rodriguez, a/k/a Gloria L. Rodriguez (0500-225.00-01.00-038.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 225.00, Block 01.00, Lot 038.000, and acquired by tax deed on February 2, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on February 6, 2004, in Liber 12299, at Page 958, and otherwise known as and by Town of Islip, known and designated as Plot No. 247 on a certain map entitled “Map of North Bay Shore, Section No. 2” filed in the Office of the Clerk of the County of Suffolk on September 26, 1940 as Map No. 1320; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on February 2, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on February 6, 2004 in Liber 12299 at Page 958.

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

**WHEREAS**, RICHARD RODRIGUEZ has made application for the acquisition of said above described parcel and RICHARD RODRIGUEZ has paid the application fee and

\$70,869.99, as payment of taxes, penalties, and interest, due the County of Suffolk pursuant to said Local Law, by applicant, through November 30, 2005 and \$7,500.00 as full payment, to present date, for License Agreement fees of the premises; now, therefore be it

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

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to RICHARD RODRIGUEZ, Executor of the Estate of Gloria Rodriguez, a/k/a Gloria L. Rodriguez, 1616 East Forks Road, Bay Shore, New York 11706, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1425-2005  
Introduced by the Presiding Officer

Laid on Table 4/5/2005

**RESOLUTION NO. 392 –2005, AUTHORIZING  
CERTAIN TECHNICAL CORRECTIONS TO  
ADOPTED RESOLUTION NO. 141-2005**

**WHEREAS**, Resolution No. 141-2005 when adopted contained technical errors;  
and

**WHEREAS**, the County Legislature desires technical corrections to this resolution; now, therefore, be it

**RESOLVED**, that Appendix A of Resolution No. 141-2005 be and it hereby is corrected as follows:

**APPROPRIATIONS:**

**FROM:**

<u>FD</u>	<u>AGY</u>	<u>Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	EXE	6772	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 Lake 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

**TO:**

<u>FD</u>	<u>AGY</u>	<u>Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	EXE	6773	4981	Town of Brookhaven Brookwood Senior Citizen Club	\$500
001	EXE	6773	4981	Town of Brookhaven Centereach Senior Citizen Club	\$500
001	EXE	6773	4981	Town of Brookhaven Eastwood Senior Citizen Club	\$500
001	EXE	6773	4981	Town of Brookhaven Friar Circle Senior Citizen Club	\$500
001	EXE	6773	4981	Town of Brookhaven Lake Ronkonkoma Senior Citizen Club	\$500
001	EXE	6773	4981	Town of Brookhaven Mark Tree Senior Citizen Club	\$500
001	EXE	6773	4981	Town of Brookhaven Medford Senior Citizen Club	\$500
001	EXE	6773	4981	Town of Brookhaven Selden Senior Citizen Club	\$500
001	EXE	6773	4981	Town of Brookhaven St. Joseph's Village Senior Citizen Club	\$500
001	EXE	6773	4981	Town of Brookhaven Terryville Senior Citizen	\$500

001 EXE 6773 4981 **Club**  
**Town of Brookhaven Westfield Senior Citizen** \$500  
**Club**

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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Legislator Bishop made motion for the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 17-0-0-1. Legislator Tonna was not present.

Intro. Res. No. 2290-2004  
Introduced by Legislator's Bishop and Tonna

Laid on Table 12/21/2004

**RESOLUTION NO. 393 –2005, STREAMLINE  
EMERGENCY MEDICAL SERVICES  
COORDINATION AND IMPROVE RESPONSE  
TIME**

**WHEREAS**, the volunteer EMS agencies in Suffolk County provide vital emergency services to Suffolk County residents in dire need; and

**WHEREAS**, the growth and development of Suffolk County has raised coordination issues that must be addressed to ensure the continued safety of Suffolk residents; and

**WHEREAS**, the outcome of victims of cardiac arrest, heart attack, stroke, major trauma and many other illnesses and injuries depends on timely and appropriate intervention; and

**WHEREAS**, the best policy decisions are made when detailed factual information is available; and

**WHEREAS**, Suffolk County needs to develop a uniform comprehensive data system so that volunteer institutions and County policy makers can make informed decisions and reforms where necessary; and

**WHEREAS**, it is in the best interest of all Suffolk County residents that EMS agencies be required to report data in a uniform format so that response times can be monitored and improved to best ensure the safety of Suffolk residents; now, therefore, be it

**1st**           **RESOLVED**, that all EMS agencies shall provide to Medcom/Firecom or their Public Safety Answering Point (PSAP) the following times for their ambulance(s) and designated First Responder(s) (EMT or above):

Dispatch Time;  
First Responder En Route Time (Signal 2);  
Ambulance En Route Time (Signal 2)  
First Responder On Scene Time (Signal 21);  
Ambulance on Scene Time (Signal 21)  
Ambulance En Route to Hospital Time (Signal 18);  
Ambulance Arrival at Hospital (Signal 21 at hospital);  
Ambulance from Hospital Time (Signal 5)

and be it further

**2nd**           **RESOLVED**, that the PSAP's shall, each month, report provided data to the Department of Fire, Rescue, and Emergency Services (FRES), who will then forward such data to the Suffolk County EMS Director, and this data shall include the following response times for ambulances and designated first responders (EMT or above):

Call Received Time;  
Dispatch Time;  
Each Call for Mutual Aid Time and Agency Requested (Signal 24);  
First Responder (EMT or higher) En Route Time (Signal 2);  
Ambulance En Route Time (Signal 2);  
First Responder On Scene Time (Signal 21);  
Ambulance On Scene Time (Signal 21);  
Ambulance En Route to Hospital Time (Signal 18);  
Ambulance Arrival at Hospital (Signal 21 at hospital);  
Ambulance from Hospital Time (Signal 5)

and be it further

**3rd**           **RESOLVED**, that volunteer EMS agencies that receive emergency calls other than by 911 dispatch: i.e. through local 7 digit numbers, shall provide this data to FRES who shall provide it thereafter to the Medical Director; and be it further

**4th**           **RESOLVED**, that the effective date of this resolution shall be January 1, 2006; and be it further

**5th**           **RESOLVED**, that those EMS agencies who have complied with the reporting requirements contained in this resolution within two (2) years of the enactment of this resolution shall be entitled to liability insurance available from the County of Suffolk in the increased amount of \$2 Million, for so long as they are in compliance with such reporting requirements; and be it further

**6th**           **RESOLVED**, that when data described in the 1st and 2nd Resolved Clauses are collected by a third party, such as a PSAP, that an EMS agency's failure to authorize the release of the data from the third party to FRES shall be deemed as a failure to comply; and be it further

**7th RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Caracciolo. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1377-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 394 -2005, ACCEPTING AND**

**APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A HOME INVESTMENT PARTNERSHIPS PROGRAM AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS**

**WHEREAS**, the Suffolk County Department of Economic Development/Community Development Division has submitted an application for a HOME Investment Partnership Program Grant for Federal Fiscal Year 2005 under Title II of the National Affordable Housing Act of 1990 (P.L. 101-625); and

**WHEREAS**, the County has been awarded a HOME Investment Partnership Program FY 2005 grant in the amount of \$2,395,140; and

**WHEREAS**, the County has also been awarded a FY 2005 American Dream Downpayment Initiative grant in the amount of \$72,482 as part of the HOME Investment Partnership Program; and

**WHEREAS**, \$310,000 of said funds are to be used for operational costs; and

**WHEREAS**, these funds have been included in the 2005 Adopted Operating Budget; now, therefore, be it

**RESOLVED**, that the Suffolk County Legislature hereby authorizes the County Executive or his designee to accept the HOME Investment Partnerships grant and to contract with HUD, cooperating municipalities, non-profit and for-profit organizations for the expenditure of these funds; and be it further

**RESOLVED**, that \$310,000 of these funds be used to reimburse budgeted county expenses and that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate the following funds:

REVENUES:

AMOUNT:

353-4911 Federal Aid: Community Development

\$2,467,622

ORGANIZATIONS:

ECONOMIC DEVELOPMENT  
HOME INVESTMENT PARTNERSHIPS  
353-CDV-8775

Contracted Services

4980-Contracted Agencies

\$2,157,622

\$2,157,622

INTERFUND TRANSFER  
TRANSFER TO FUND 351  
IFT-9600

353-IFT-E351 Transfer to Fund 351 Comm Dev Admin

\$310,000

and be it further

**RESOLVED**, that the reporting category for the County Integrated Financial Management System (IFMS) is CD12.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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Legislator Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1. Legislator Tonna was not present.

Intro. Res. No. 1101-2005

Laid on Table 2/15/2005

Introduced by Legislators Viloría-Fisher and Losquadro

**RESOLUTION NO. 395 –2005, AMENDING  
THE 2005 OPERATING BUDGET AND  
TRANSFERRING FUNDS FOR THE PURCHASE  
OF AN ECHO DOPPLER MACHINE FOR JOHN  
T. MATHER MEMORIAL HOSPITAL**

**WHEREAS**, strokes may cause paralysis and death and are a major threat to public health in the United States; and

**WHEREAS**, the John T. Mather Memorial Hospital needs an Echo Doppler Machine in order to qualify as a Designated Stroke Center; and

**WHEREAS**, once the John T. Mather Memorial Hospital is a Designated Stroke Center, it can apply for additional grants available for hospitals having this standing; and

**WHEREAS**, the 2005 Operating Budget does not include funding for an Echo Doppler Machine for the John T. Mather Memorial Hospital; and

**WHEREAS**, it is the desire of the Suffolk County Legislature to provide \$15,000 to John T. Mather Memorial Hospital for the purchase of an Echo Doppler Machine; 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:**

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>Amount</u>
625	ECD	GYB1	5610	4980	Marine Helicopter Squadron	-\$15,000
001	IFT	E625	E625	9600	Transfer To Gabreski Airport Fund	-\$15,000
625	IFT		R001		Transfer from General Fund	-\$15,000

**TO:**

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>Amount</u>
001	HSV	4320	AJR1	4980	John T. Mather Memorial Hospital	+\$15,000

and be it further

**RESOLVED**, that the moneys appropriated pursuant to this resolution shall be used exclusively for the public health benefit and sole purpose of purchasing an Echo Doppler Machine for John T. Mather Memorial Hospital.

DATED: May 17, 2005

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

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**Legislator Caracciolo made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1037-2005  
Introduced by Legislator Caracciolo

Laid on Table 1/25/2005

**RESOLUTION NO. 396 -2005, ADOPTING LOCAL  
LAW NO. 15 -2005, A LOCAL LAW TO REQUIRE  
THE INSTALLATION OF CARBON MONOXIDE  
DETECTORS IN CONNECTION WITH HOME HEATING  
SYSTEM REPLACEMENTS**

**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 REQUIRE THE INSTALLATION OF CARBON MONOXIDE DETECTORS IN CONNECTION WITH HOME HEATING SYSTEM REPLACEMENTS**" now, therefore, be it

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

**LOCAL LAW NO. 15 -2005, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REQUIRE THE INSTALLATION OF CARBON  
MONOXIDE DETECTORS IN CONNECTION WITH HOME HEATING  
SYSTEM REPLACEMENTS**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds that carbon monoxide poisoning is the leading cause of accidental poisoning deaths in the United States.

This Legislature further finds that low level carbon monoxide poisoning causes symptoms similar to those of flu or cold, including shortness of breath, mild headaches, and

nausea while higher level levels of carbon monoxide poisoning can lead to dizziness, mental confusion, severe headaches, nausea, and fainting.

This Legislature also finds and determines that carbon monoxide detectors sound an alarm before the exposure to carbon monoxide presents a hazard to a healthy adult.

This Legislature determines that carbon monoxide poisoning can be caused by a variety of appliances and conditions commonly found in the home.

This Legislature also finds that New York State Law requires carbon monoxide detectors to be installed in new residential construction.

Therefore, the purpose of this law is to require any homeowner who installs a new heating system in an existing residence within the County of Suffolk to install a carbon monoxide detector.

## **Section 2. Definitions.**

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

- A.) “Carbon Monoxide Detector” shall mean a UL Listed device which will sound an alarm before dangerous levels of Carbon Monoxide (CO) accumulate.
- B.) “Home Heating System” shall mean any residential burner, forced warm air or hydronic heating unit, or any direct-fired water heating unit which uses, as its primary fuel, No. 2 fuel oil, natural gas, or liquefied petroleum gas/propane.
- C.) “Residence” shall mean any one or two family house, or dwelling accommodation located in a building owned as a condominium or cooperative in the County of Suffolk.

## **Section 3. Requirements.**

- A. Whenever a home heating system is installed in an existing residence within the County of Suffolk, the owner of such residence shall install, or caused to be installed, a carbon monoxide detector; except, however, this Section shall not apply if a working carbon monoxide detector is already installed in such premises.
- B. Prior to installation of a home heating system, the installer of such heating system shall notify the owner of the residence in writing of the requirements of this Section on a form as attached hereto as Exhibit “A” and which form may be amended as determined by the Director of the Suffolk County Office of Consumer Affairs.
- C. One copy of said form shall be given to the homeowner by the installer and one copy of said form shall be retained by the installer for a period of at least seven years from the date of signature of the homeowner.

- D. Each alarm required to be installed by this Section shall be mounted in accordance with the manufacturer's instructions, and shall be installed as required by all applicable codes and regulations, including, but not limited to, the Suffolk County Department of Health Services, Carbon Monoxide Alarm Standards.

**Section 4. Enforcement.**

The requirements in Section 3(B) and (C) of this Article shall be enforced by the Suffolk County Office of Consumer Affairs.

**Section 5. Applicability.**

This law shall apply to residential home heating system installations subsequent to the effective date of this law.

**Section 6. Severability.**

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

**Section 7. SEQRA Determination.**

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

**Section 8. Effective Date.**

This law shall take effect on the ninetieth (90<sup>th</sup>) day immediately subsequent to filing in the Office of the Secretary of State.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on May 31, 2005

Date: June 2, 2005

Filed with the Secretary of State on June 14, 2005

**NOTICE TO HOMEOWNER PURSUANT TO  
SUFFOLK COUNTY CARBON MONOXIDE DETECTOR LAW**

The Suffolk County Carbon Monoxide Detector Law requires that a homeowner who installs a new heating system must install, or cause to be installed, a carbon monoxide detector unless one has been previously installed. The law requires the installer of the new heating system to give this Notice to the homeowner. It is the homeowner's responsibility to install or have installed the carbon monoxide detector.

Installer : \_\_\_\_\_  
License No.: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_

Owner(s) : \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_

Date: \_\_\_\_\_

**I ACKNOWLEDGE THAT I HAVE READ THIS NOTICE AND RECEIVED A COPY FROM THE INSTALLER. I FURTHER ACKNOWLEDGE THAT IT IS MY RESPONSIBILITY TO COMPLY WITH ALL OF THE PROVISIONS OF THE SUFFOLK COUNTY CARBON MONOXIDE LAW THAT ARE MADE APPLICABLE TO ME AS THE HOMEOWNER.**

\_\_\_\_\_  
Homeowner's Signature

\_\_\_\_\_  
Date

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**Legislator Foley made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1030-2005 Laid on Table 1/25/2005  
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 397 –2005, APPROVING THE APPOINTMENT OF DIANA D. SCHMIDT AS A MEMBER OF THE SUFFOLK COUNTY MOTION PICTURE/ TELEVISION FILM COMMISSION**

**WHEREAS**, the Motion Picture/Television Film Commission has not met since 1998; and as per Suffolk County Charter Section 23-3, these positions are hereby considered vacant; now, therefore, be it

**RESOLVED**, that the appointment of **DIANA D. SCHMIDT**, residing at c/o Mud Pictures, Inc., 379 Ferry Road, North Haven, Southampton New York 11968, as a member of the Suffolk County Motion Picture/Television Film Commission, for a term of office to expire January 31, 2009, is hereby approved, said appointment being made by the Suffolk County Executive pursuant to the provisions of Section 58-4 of the SUFFOLK COUNTY CODE.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Deputy Presiding Officer Carpenter made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 13-3-1-1. Legislators Viloría-Fisher, Foley, and Lindsay voted no. Legislator Cooper abstained. Legislator Tonna was not present.**

Intro. Res. No. 1192-2005

Laid on Table 3/15/2005

Introduced by Deputy Presiding Officer Carpenter and Alden

**RESOLUTION NO. 398 –2005, APPOINTING CLEVELAND JOHNSON, JR. AS A MEMBER OF THE SUFFOLK COUNTY INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

**WHEREAS**, Resolution Nos. 1142-1975 and 1245-1975 implemented the creation of the Suffolk County Industrial Development Agency (IDA) pursuant to Section 911-a of the NEW YORK GENERAL MUNICIPAL LAW and made the initial appointments to that Agency; and

**WHEREAS**, Section 856(2) of the NEW YORK GENERAL MUNICIPAL LAW permits the appointment of seven (7) members to said IDA; and

**WHEREAS**, all such members of the IDA serve at the pleasure of the Suffolk County Legislature; now, therefore, be it

**1st**           **RESOLVED**, that **Cleveland Johnson, Jr.**, residing at 47 Doral Lane, Bay Shore, NY 11706, be and he hereby is appointed as a member of the Suffolk County Industrial Development Agency (IDA) to replace member George Gatta, who has resigned; and be it further

**2nd**           **RESOLVED**, that this Resolution shall take effect immediately.

DATED: May 17, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND SECTION 856(2) OF THE NEW YORK GENERAL MUNICIPAL LAW.

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**Legislator O’Leary made motion for the following resolution, seconded by Legislator Foley. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1367A-2005

**BOND RESOLUTION NO.     399   -2005**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$168,000 BONDS TO FINANCE A PART OF THE COST OF THE PREPARATION OF PLANS FOR THE HVACR TECHNOLOGY AND SERVICES BUILDING (CP 2111)**

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 \$168,000 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 preparation of plans for the HVACR Technology and Services Building, 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 \$336,000. The plan of financing includes (a) the issuance of \$168,000 bonds or bond anticipation notes authorized pursuant to this resolution, (b) the expenditure of \$168,000 State Aid expected to be received from the State of New York, 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. 62 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: May 17, 2005

APPROVED BY:

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

Date: May 20, 2005

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**Legislator O'Leary made motion for the following resolution, seconded by Legislator Foley. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1367-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 400 -2005, APPROPRIATING FUNDS IN CONNECTION WITH THE HVACR TECHNOLOGY AND SERVICES BUILDING (CP 2111)**

**WHEREAS**, the President of Suffolk County Community College and the Board of Trustees have requested funds for the implementation of the Master Plan Update – Phase I estimated at \$34,972,000; and

**WHEREAS**, the New York State Legislature and the Governor have included funding in the New York State Budget to cover the State's share estimated at \$17,486,000; and

**WHEREAS**, sufficient funds have been included in the 2005 Capital Budget and Program to cover the County's cost of the 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 \$168,000 in Suffolk County Serial Bonds; and

**WHEREAS**, the power to make such a determination has been granted under the Plan C Agreement between the College and the County; now, therefore be it

**RESOLVED**, that this Legislature, being a funding agency, hereby finds and determines in accordance with the State Environmental Quality Review Act (SEQRA) that the adoption of this law is a Type II action, pursuant to Title 6 NYCRR Part 617.5(c)(18) and (27), since it constitutes a local legislative decision in connection with information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soil studies that do not commit the agency to undertake, fund or approve any Type 1 or Unlisted action. 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 55 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 \$168,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<b>Project Title</b>	<b>JC</b>	<b>Amount</b>
525-CAP-2111.110	Planning for HVACR Technology/Services Bldg	30	\$168,000

and be it further

**RESOLVED**, that State Aid be and it hereby is appropriated as follows:

<u>Project No.</u>	<b>Project Title</b>	<b>JC</b>	<b>Amount</b>
525-CAP-2111.110	Planning for HVACR Technology/Services Bldg	30	\$168,000

DATED: May 17, 2005

APPROVED BY:

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

Date: May 20, 2005

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**Deputy Presiding Officer Carpenter made motion for the following resolution, seconded by Legislator Foley. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1368-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 401 -2005, AMENDING THE SUFFOLK COUNTY TEMPORARY CLASSIFICATION AND SALARY PLAN FOR TEMPORARY PERSONNEL AT SUFFOLK COUNTY COMMUNITY COLLEGE**

**WHEREAS**, the current wage rates for part-time Campus Security Guards employed at Suffolk County Community College are no longer competitive with the prevailing wage rates in the local community; and

**WHEREAS**, the Board of Trustees of Suffolk County Community College passed Resolution No. 2005.10 which approved the increase of wage rates for part-time Campus Security Guards as of January 20, 2005; and

**WHEREAS**, the Suffolk County Department of Civil Service concurs with this requested increase; and

**WHEREAS**, there are sufficient funds within the 2004-2005 College Operating Budget to compensate for an increase in hourly rates; now, therefore, be it

**RESOLVED**, that, effective January 20, 2005, the Temporary Classification and Salary Plan shall be amended as follows:

<u>SPEC#</u>	<u>JC</u>	<u>TITLE</u>	<u>CURRENT RATE</u>	<u>AMENDED RATE</u>
7084	P(NC/PT)	Campus Security Guard I	\$8.00/hour (day) \$8.25/hour (night)	\$10.50/hour (day) \$11.00/hour (night)

DATED: May 17, 2005

APPROVED BY:

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

Date: May 20, 2005

**Legislator Nowick made motion for the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1385-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 402 –2005, AUTHORIZING THE  
SUFFOLK COUNTY EXECUTIVE TO EXECUTE AN  
AGREEMENT TO LOCATE A MODULAR BUILDING  
ON THE WESTERN CAMPUS OF SUFFOLK**

***COMMUNITY COLLEGE FOR USE BY THE POLICE***  
**DEPARTMENT'S HIGHWAY PATROL DIVISION**

**WHEREAS**, the Suffolk County Police Department's Highway Patrol Division is scheduled to vacate its Bay Shore location in the latter part of 2005; and

**WHEREAS**, the Highway Patrol Division needs space to relocate to on a temporary basis until a permanent site is identified and readied for its use; and

**WHEREAS**, the Highway Patrol Division wishes to be located between Sunrise Highway and the Long Island Expressway to facilitate its access to the highways they patrol; and

**WHEREAS**, Suffolk Community College has offered the Police Department the use of vacant property at its Brentwood campus, which can accommodate a modular building; and

**WHEREAS**, the Police Department's Highway Patrol Division will utilize the modular building for an agreed upon term; and

**WHEREAS**, the County will transfer the modular building to the Community College so it may be used for college purposes after the Highway Patrol Division relocates to its permanent headquarters; and

**WHEREAS**, such an arrangement is mutually beneficial to the County, the Community College and the people of Suffolk County; now, therefore, be it

**RESOLVED**, that the Suffolk County Executive is hereby authorized to execute an agreement with Suffolk Community College in the same or substantially similar form as the agreement annexed hereto as Exhibit "A" with the terms and conditions to be approved as to legality by the Suffolk County Attorney, and to take any further actions necessary to carry out the intent of this resolution; and be it further

**RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and the Legislature has no further responsibilities under SEQRA.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Caracciolo. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1386-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 403 -2005, AUTHORIZING USE  
OF PROPERTY AT GABRESKI AIRPORT BY THE  
WESTHAMPTON BEACH PERFORMING ARTS  
CENTER**

**WHEREAS**, the Westhampton Beach Performing Arts Center is a not for profit organization dedicated to enhancing access to arts and culture on the East End of Suffolk County; and

**WHEREAS**, the Westhampton Beach Performing Arts Center will host its first annual fundraising concert on the Great Lawns of the Village of Westhampton Beach on August 19<sup>th</sup> – August 23<sup>rd</sup>, 2005; and

**WHEREAS**, the Westhampton Beach Performing Arts Center has submitted to the Gabreski Airport Lease Screening Committee, a request to utilize 11 acres of the airport for the purposes of public parking for the event; and

**WHEREAS**, the Airport Lease Screening Committee has reviewed and recommends the Legislature approve this request with a fee of \$1,000, now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County Executive or his designee, be and hereby is authorized to execute a license agreement for the use of the above described property between the Westhampton Beach Performing Arts Center and the County of Suffolk, in substantial accordance with the agreement annexed; and be it further

**2<sup>nd</sup>** **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") Section 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.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Caracciolo. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1387-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 404 – 2005, AUTHORIZING USE  
OF PROPERTY AT GABRESKI AIRPORT BY THE  
KIWANIS CLUB OF GREATER WESTHAMPTON**

**WHEREAS**, the Kiwanis Club of Greater Westhampton is a not for profit organization;  
and

**WHEREAS**, the Kiwanis Club of Greater Westhampton will host its annual fundraising carnival on July 6<sup>th</sup> - July 10<sup>th</sup>, 2005; and

**WHEREAS**, the Kiwanis Club of Greater Westhampton has submitted to the Gabreski Airport Lease Screening Committee, a request to utilize property for the purposes of this event; and

**WHEREAS**, the Airport Lease Screening Committee has reviewed and recommends the Legislature approve this request with a fee of \$2,000; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County Executive or his designee, be and hereby is authorized to execute a license agreement for the use of the above described property between the Kiwanis Club of Greater Westhampton and the County of Suffolk, in substantial accordance with the agreement annexed; and be it further

**2<sup>nd</sup>** **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.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 16-0-1-1. Legislator Schneiderman abstained. Legislator Tonna was not present.**

Intro. Res. No. 1316 -2005

Laid on Table 3/15/2005

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

**RESOLUTION NO. 405 –2005, AMENDING THE 2005 OPERATING BUDGET TO TRANSFER FUNDS FROM THE SUFFOLK COUNTY WATER PROTECTION FUND (477) RESERVE FUND TO THE CORNELL COOPERATIVE EXTENSION OF SUFFOLK COUNTY FOR “DEVELOPMENT OF AN INTERACTIVE EDUCATIONAL TURFGRASS INTEGRATED PEST MANAGEMENT WEBSITE”**

**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**, Resolution No. 659 of 2002 created the Suffolk County Water Quality Review Committee (SCWQRC) and designated the Commissioner of Public Works or his designee to serve as Chairperson; and

**WHEREAS**, the Cornell Cooperative Extension of Suffolk County has requested funding in the amount of \$66,125 for a program entitled “Development of an Interactive Educational Turfgrass Integrated Pest Management Website” in accordance with the requirements of Resolution Nos. 662 of 2000 and 659 of 2002; and

**WHEREAS**, while the total cost of this project is \$133,170 only \$66,585 is requested through the Suffolk County Water Quality Protection and Restoration Program; and

**WHEREAS**, the project has a one-year implementation plan, requesting \$66,585 for 2005; and

**WHEREAS**, at its December 10, 2003 meeting, the Suffolk County Water Quality Review Committee reviewed and approved application number 03-21 submitted by the Cornell Cooperative Extension of Suffolk County; and

**WHEREAS**, the Suffolk County Water Quality Review Committee, pursuant to Resolution No. 659 of 2002, has recommended that permanently funding this program is an appropriate use of Suffolk County Water Quality Protection and Restoration Program funds; and

**WHEREAS**, the funding requested will be used to administer the program, as well as equipment, supplies, education, and outreach regarding the topic; and

**WHEREAS**, the Cornell Cooperative Extension of Suffolk County will provide as a local match representing 50% of the total project cost; and

**WHEREAS**, the Cornell Cooperative Extension of Suffolk County shall enter into a contractual agreement with Suffolk County to ensure project completeness; and

**WHEREAS**, the Cornell Cooperative Extension of Suffolk County shall obtain all necessary permits and satisfy SEQRA requirements; 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 \$66,585 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:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Fund 477 Water Quality Reserve Fund Balance	477-CEX-8751-4770 Cornell Cooperative Extension	\$66,585

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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1339-2005  
Introduced by the Presiding Officer

Laid on Table 4/5/2005

**RESOLUTION NO. 406 -2005, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED PROGRAM TO ADMINISTER AND IMPLEMENT A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM IN CONJUNCTION WITH THE SAVE OPEN SPACE BOND ACT, SUFFOLK COUNTY**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Program to Administer and Implement a Transfer of Development Rights Program In Conjunction With the Save Open Space Bond Act, Suffolk County", pursuant to Section 6 of Local Law No. 22-1985 which project involves accepting and approving a report from the Suffolk County Department of Planning to Establish a Program to Administer and Implement a Transfer of Development Rights Program in conjunction with the Save Open Space (SOS) Bond Act; and

**WHEREAS**, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Executive's Office and subsequently sent out to all concerned parties; and

**WHEREAS**, at its March 16, 2005 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Executive's Office and the presentation given by Thomas Isles, Director of the Suffolk County Planning Department; and

**WHEREAS**, the CEQ recommended that the above activity be considered a Type I action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated March 17, 2005 of said recommendations; and

**WHEREAS**, Section 279-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Program to Administer and Implement a Transfer of Development Rights Program In Conjunction With the Save Open Space Bond Act, Suffolk County constitutes a Type I action pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which will not have significant adverse impacts on the environment for the following reasons:

- 1.) The Save Open Space (SOS) TDR report only provides the administrative procedures and policies for the program;
- 2.) Approval of the action is clearly no less protective of the environment since subsequent phases require SEQRA review on an individual basis;
- 3.) Prior to the future acquisition of properties under the program, SEQRA review will be conducted on each parcel and completed prior to purchase, considering the site's intended use, i.e., open space, active park, etc.;
- 4.) The calculation of Workforce Housing Development Rights (WHDRs) will be based on Suffolk County Department of Health requirements, environmental constraints and underlying Town zoning specific to each parcel purchased and the minimum number of WHDRs will be assigned depending upon which criteria is most restrictive;
- 5.) All WHDRs generated from Open Space parcels purchased through the SOS Bond Act must be approved by the Suffolk County Legislature and the County Executive;
- 6.) All developments where WHDRs are assigned will undergo separate SEQRA review and finalization prior to construction and will be in conformance with all State, County and local standards and requirements; and
- 7.) The Suffolk County Legislature and the County Executive must approve by resolution each individual use of WHDRs; and be it further

**2nd RESOLVED**, that the CEQ advises that although the implementation of a transfer of development rights program in conjunction with the Save Open Space Bond Act as a whole may have broader implications for future environmental impacts, the action to approve the program's administrative procedures and policies is permissible segmentation because it meets the following criteria:

- 1.) Information on future property acquisitions, the number of TDR's calculated and where they will be assigned is unknown at this time and too speculative to predict;
- 2.) Future phases of the plan may not occur since it depends on whether or not eligible parties want to participate; and
- 3.) Future phases are functionally independent of the current phase, since all parcels of land acquired under the SOS program must undergo separate SEQRA reviews by the Suffolk County Legislature and Executive prior to their purchases and all projects where TDR's for workforce/affordable housing are to be used, must undergo SEQRA review by the local municipalities and the County prior to construction;

and be it further

**3rd 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

**4th 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 1, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1340-2005  
Introduced by the Presiding Officer

Laid on Table 4/5/2005

**RESOLUTION NO. 407 -2005, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED IMPROVEMENTS TO THE ARMED FORCES PLAZA, CP #1756, FRONT OF H. LEE DENNISON BUILDING, HAUPPAUGE, SUFFOLK COUNTY**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Improvements to the Armed Forces Plaza, CP #1756, Front of H. Lee Dennison Building, Hauppauge, Suffolk County", pursuant to Section 6 of Local Law No. 22-1985 which project provides for the restoration of the existing monument which work involves the refurbishing existing granite panels and repaving work; and

**WHEREAS**, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and subsequently sent out to all concerned parties; and

**WHEREAS**, at its March 16, 2005 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

**WHEREAS**, the CEQ recommended that the above activity be considered a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated March 17, 2005 of said recommendations; and

**WHEREAS**, Section 279-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Improvements to the Armed Forces Plaza, CP #1756, Front of H. Lee Dennison Building, Hauppauge, Suffolk County constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5 (c), (1) as it involves maintenance or repair involving no substantial changes to an existing structure or facility; and be it further

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

**3rd RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 1, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1341-2005  
Introduced by the Presiding Officer

Laid on Table 4/5/2005

**RESOLUTION NO. 408 -2005, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED INTERSECTION IMPROVEMENTS ON CR 97, NICHOLLS ROAD AT LOWER SHEEP PASTURE ROAD, CP #5137, STONY BROOK, TOWN OF BROOKHAVEN**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Intersection Improvements on CR 97, Nicholls

Road at Lower Sheep Pasture Road, CP #5137, Stony Brook, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves realigning CR 97 Nicholls Road and Sheep Pasture Road to provide a better movement and line of sight to the traffic entering SUNY Stony Brook; and to provide for the lengthening of both the northbound and southbound left turn lanes for CR 97 Nicholls Road at the Stony Brook North entrance; and

**WHEREAS**, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and subsequently sent out to all concerned parties; and

**WHEREAS**, at its March 16, 2005 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

**WHEREAS**, the CEQ recommended that the above activity be considered an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated March 17, 2005 of said recommendations; and

**WHEREAS**, Section 279-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Intersection Improvements on CR 97, Nicholls Road at Lower Sheep Pasture Road, CP #5137, Stony Brook, Town of Brookhaven constitutes an unlisted action pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which 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 Title 6 NYCRR, Section 617.7, which sets forth a threshold for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter 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.) Areas where old pavement is removed will be planted with grass and landscaped with indigenous species; and
- 5.) Traffic safety at a high accident location will be improved and traffic congestion alleviated; and be it further

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

**3rd RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 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: May 17, 2005

APPROVED BY:

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

Date: May 20, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1342-2005  
Introduced by the Presiding Officer

Laid on Table 4/5/2005

**RESOLUTION NO. 409 -2005, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED RECONSTRUCTION OF CR 7, WICKS ROAD, FROM CR 67 MOTOR PARKWAY TO CR 13, CROOKED HILL ROAD, PHASES I & II, (CP 5040), TOWNS OF ISLIP AND SMITHTOWN**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Reconstruction of CR 7, Wicks Road, From CR 67 Motor Parkway to CR 13, Crooked Hill Road, Phases I & II, CP #5040, Towns of Islip and Smithtown", pursuant to Section 6 of Local Law No. 22-1985 which project involves – for Phase I – capacity improvements at the Wicks Road/Motor Parkway and the Wicks Road/LIE South Service Road intersections; and in Phase II – Intersection and safety improvements, as well as drainage and pavement improvements along the Wicks Road corridor from the LIE South Service Road to Third Avenue/Pine Aire Drive; and

**WHEREAS**, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and subsequently sent out to all concerned parties; and

**WHEREAS**, at its March 16, 2005 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

**WHEREAS**, the CEQ recommended that the above activity be considered an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated March 17, 2005 of said recommendations; and

**WHEREAS**, Section 279-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Reconstruction of CR 7, Wicks Road, From CR 67 Motor Parkway to CR 13, Crooked Hill Road, Phases I & II, CP #5040, Towns of Islip and Smithtown constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which 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 Title 6 NYCRR, Section 617.7, which sets forth a threshold for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter or 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.) Existing drainage problems will be alleviated;
- 5.) Traffic safety will be improved and traffic congestion mitigated;
- 6.) Pedestrian safety along the roadway will be enhanced; and
- 7.) The project includes landscaping with indigenous species; and be it further

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

**3rd RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 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: May 17, 2005

APPROVED BY:

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

Date: May 20, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1343-2005  
Introduced by the Presiding Officer

Laid on Table 4/5/2005

**RESOLUTION NO. 410 -2005, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED RECONSTRUCTION OF CR 57, BAY SHORE ROAD, FROM NYS 231 TO NYS 27, (CP #5523.110), TOWNS OF BABYLON AND ISLIP**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Reconstruction of CR 57, Bay Shore Road, from NYS 231 to NYS 27, CP #5523.110, Towns of Babylon and Islip", pursuant to Section 6 of Local Law No. 22-1985 which project involves upgrading the existing pavement, drainage system, traffic control devices, and other safety items; and

**WHEREAS**, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and subsequently sent out to all concerned parties; and

**WHEREAS**, at its March 16, 2005 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

**WHEREAS**, the CEQ recommended that the above activity be considered an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated March 17, 2005 of said recommendations; and

**WHEREAS**, Section 279-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Reconstruction of CR 57, Bay Shore Road, from NYS 231 to NYS 27, CP #5523.110, Towns of Babylon and Islip constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR,

Part 617 and Chapter 279 of the Suffolk County Code, which 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 Title 6 NYCRR, Section 617.7 which sets forth a threshold for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter or 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.) The historic integrity and visual character of Southern State Parkway will be maintained and the median at Howell's Road will be enlarged as well as grassed or landscaped in keeping with the Parkway design;
- 5.) Final designs for the median and settling basin in the vicinity of the Southern State Parkway will be submitted to the CEQ prior to finalization;
- 6.) The New York State Office of Parks, Recreation, and Historic Preservation finds that there will be no negative impacts;
- 7.) Direct discharge of road runoff to Sampawams Creek will be eliminated and all necessary NYDEC permits and approvals will be obtained;
- 8.) Existing drainage problems will be alleviated;
- 9.) Traffic safety will be improved and traffic congestion mitigated;
- 10.) Pedestrian safety along the roadway will be enhanced; and
- 11.) The project includes landscaping with indigenous species; and be it further

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

**3rd**            **RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 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: May 17, 2005

APPROVED BY:

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

Date: May 20, 2005

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Legislator Losquadro made motion for the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 17-0-0-1. Legislator Tonna was not present.

Intro. Res. No. 1355-2005  
Introduced by Legislator Losquadro

Laid on Table 4/5/2005

**RESOLUTION NO. 411 -2005, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND (CR 111 PROPERTIES, MOUNT SINAI) TOWN OF BROOKHAVEN**

**WHEREAS**, Resolution No. 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 indicated a willingness to enter into an agreement to improve the property for athletic fields; 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 Property Acquisition within the County Department of Planning, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section C14-10(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;

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: Section: Block: Lot:	SEE EXHIBIT	"A"

and be it further

**2nd RESOLVED**, that this proposed acquisition shall be consummated in accordance with, and subject to, the provisions of Sections C36-1(A)(2)(5) and (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 Property Acquisition within the County Department of Planning, 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 the County Department of Planning is further authorized, empowered, and directed to work in cooperation with the County Department of Health Services to determine the number of Workforce Housing Development Rights (WHDR) that may be transferred from this property upon acquisition, pursuant to C36-1(B) of the SUFFOLK COUNTY CHARTER; and be it further

**5th RESOLVED**, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be appropriated to future and subsequent acquisitions under the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund; and be it further

**6th 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 24, 2005

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b>	<b><u>ACRES:</u></b>	<b><u>REPUTED OWNER AND ADDRESS:</u></b>
No. 1	District 0200 Section 140.00 Block 04.00 Lot 007.000		Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 2	District 0200 Section 140.00 Block 04.00		Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517

	Lot	008.000	Old Bethpage, NY 11804
<b>No. 3</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	140.00	Lucille Juengst
	Block	04.00	PO Box 517
	Lot	009.000	Old Bethpage, NY 11804
<b>No. 4</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	140.00	Lucille Juengst
	Block	04.00	PO Box 517
	Lot	010.000	Old Bethpage, NY 11804
<b>No. 5</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	140.00	Lucille Juengst
	Block	04.00	PO Box 517
	Lot	011.000	Old Bethpage, NY 11804
<b>No. 6</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	140.00	Lucille Juengst
	Block	04.00	PO Box 517
	Lot	012.000	Old Bethpage, NY 11804
<b>No. 7</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	140.00	Lucille Juengst
	Block	04.00	PO Box 517
	Lot	013.000	Old Bethpage, NY 11804
<b>No. 8</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	140.00	Lucille Juengst
	Block	04.00	PO Box 517
	Lot	014.000	Old Bethpage, NY 11804
<b>No. 9</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	140.00	Lucille Juengst
	Block	04.00	PO Box 517
	Lot	016.000	Old Bethpage, NY 11804
<b>No. 10</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	162.00	Lucille Juengst
	Block	05.00	PO Box 517
	Lot	022.000	Old Bethpage, NY 11804

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<b>No. 11</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	162.00	Lucille Juengst
	Block	05.00	PO Box 517
	Lot	023.000	Old Bethpage, NY 11804
<b>No. 12</b>	District	0200	Angela Campo, Patrick Cicorelli &
	Section	162.00	Lucille Juengst
	Block	05.00	PO Box 517
	Lot	024.000	Old Bethpage, NY 11804

No. 13	District 0200 Section 162.00 Block 05.00 Lot 025.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 14	District 0200 Section 162.00 Block 05.00 Lot 026.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 15	District 0200 Section 162.00 Block 05.00 Lot 027.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 16	District 0200 Section 162.00 Block 05.00 Lot 028.000	Rosel Froelich 23 Duck Pond Road Westport, CT 06880
No. 17	District 0200 Section 162.00 Block 05.00 Lot 029.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 1180
No. 18	District 0200 Section 162.00 Block 05.00 Lot 030.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 19	District 0200 Section 162.00 Block 05.00 Lot 031.000	Phil Biase c/o Mrs. Nellie Biase 4 Woodmont Road Pine Brook, NJ 07058
No. 20	District 0200 Section 162.00 Block 05.00 Lot 032.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804

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No. 21	District 0200 Section 163.00 Block 01.00 Lot 001.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 22	District 0200 Section 163.00 Block 01.00 Lot 002.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 23	District 0200	Angela Campo, Patrick Cicorelli &

	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 003.000	Old Bethpage, NY 11804
<b>No. 24</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 004.000	Old Bethpage, NY 11804
<b>No. 25</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 005.000	Old Bethpage, NY 11804
<b>No. 26</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 006.000	Old Bethpage, NY 11804
<b>No. 27</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 007.000	Old Bethpage, NY 11804
<b>No. 28</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 008.000	Old Bethpage, NY 11804
<b>No. 29</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 009.000	Old Bethpage, NY 11804
<b>No. 30</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 010.000	Old Bethpage, NY 11804
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<b>No. 31</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 011.000	Old Bethpage, NY 11804
<b>No. 32</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 012.000	Old Bethpage, NY 11804

No. 33	District 0200 Section 163.00 Block 01.00 Lot 013.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 34	District 0200 Section 163.00 Block 01.00 Lot 014.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 35	District 0200 Section 163.00 Block 01.00 Lot 015.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 36	District 0200 Section 163.00 Block 01.00 Lot 016.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 37	District 0200 Section 163.00 Block 01.00 Lot 017.000	Arthur A. Arnstein Corp. 5 William St. Hauppauge, NY 11788
No. 38	District 0200 Section 163.00 Block 01.00 Lot 018.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 39	District 0200 Section 163.00 Block 01.00 Lot 019.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 40	District 0200 Section 163.00 Block 01.00 Lot 020.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804

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No. 41	District 0200 Section 163.00 Block 01.00 Lot 021.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 42	District 0200 Section 163.00 Block 01.00 Lot 022.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 43	District 0200	Angela Campo, Patrick Cicorelli &

	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 023.000	Old Bethpage, NY 11804
<b>No. 44</b>	District 0200	John Burns Greyson
	Section 163.00	4016 Locust St., NE
	Block 01.00	St. Petersburg, FL 33703
	Lot 024.000	
<b>No. 45</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 025.000	Old Bethpage, NY 11804
<b>No. 46</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 026.000	Old Bethpage, NY 11804
<b>No. 47</b>	District 0200	Marianne Trotta
	Section 163.00	206 Florence Street
	Block 01.00	Mamaroneck, NY 10543
	Lot 027.000	
<b>No. 48</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 028.000	Old Bethpage, NY 11804
<b>No. 49</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 029.000	Old Bethpage, NY 11804
<b>No. 50</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 030.000	Old Bethpage, NY 11804

Exhibit "A"  
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<b>No. 51</b>	District 0200	Victor C. Arnstein
	Section 163.00	Jayne Boulevard Properties, Inc.
	Block 01.00	902 Windsor Lake Dr.
	Lot 031.000	Fort Wayne, IN 46845
<b>No. 52</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 032.000	Old Bethpage, NY 11804
<b>No. 53</b>	District 0200	Angela Campo, Patrick Cicorelli &

	Section 163.00	Lucille Juengst
	Block 01.00	PO Box 517
	Lot 033.000	Old Bethpage, NY 11804
<b>No. 54</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 02.00	PO Box 517
	Lot 001.000	Old Bethpage, NY 11804
<b>No. 55</b>	District 0200	William Treffinger
	Section 163.00	4 Major Tallmadge Lane
	Block 02.00	Pound Ridge, NY 10576
	Lot 002.000	
<b>No. 56</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 02.00	PO Box 517
	Lot 003.000	Old Bethpage, NY 11804
<b>No. 57</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 02.00	PO Box 517
	Lot 004.000	Old Bethpage, NY 11804
<b>No. 58</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 02.00	PO Box 517
	Lot 006.000	Old Bethpage, NY 11804
<b>No. 59</b>	District 0200	Marianne Trotta
	Section 163.00	206 Florence St.
	Block 02.00	Mamaroneck, NY 10543
	Lot 007.000	
<b>No. 60</b>	District 0200	Marie L. & Winifred M. Carrig
	Section 163.00	PO Box 84
	Block 02.00	South Jamesport, NY 11970
	Lot 008.000	

Exhibit "A"  
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<b>No. 61</b>	District 0200	Angela Campo, Patrick Cicorelli &
	Section 163.00	Lucille Juengst
	Block 02.00	PO Box 517
	Lot 009.000	Old Bethpage, NY 11804
<b>No. 62</b>	District 0200	Robert Toussie
	Section 163.00	290 Exeter St.
	Block 02.00	Brooklyn, NY 11235
	Lot 010.000	
<b>No. 63</b>	District 0200	Angela Campo, Patrick Cicorelli &

	Section 163.00 Block 02.00 Lot 011.000	Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 64	District 0200 Section 163.00 Block 02.00 Lot 012.000	Leonard Winkler 576 B Nutley Dr. Monroe Township, NJ 08831
No. 65	District 0200 Section 163.00 Block 02.00 Lot 013.000	William & Roslyn Schwartz Trust 3925 S. Jones 1063 Las Vegas, NV 89103
No. 66	District 0200 Section 163.00 Block 02.00 Lot 014.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 67	District 0200 Section 163.00 Block 02.00 Lot 015.001	Jan M. & Patricia S. Blue 13448 Point Pleasant Dr. Chantilly, VA 20157
No. 68	District 0200 Section 163.00 Block 02.00 Lot 015.002	Jan M. & Patricia S. Blue 13448 Point Pleasant Dr. Chantilly, VA 20157
No. 69	District 0200 Section 163.00 Block 02.00 Lot 016.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 70	District 0200 Section 163.00 Block 02.00 Lot 017.000	Elizabeth Cromer 45-19 Arcadia La. Great Neck, NY 11020

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No. 71	District 0200 Section 163.00 Block 02.00 Lot 018.000	Angela Campo, Patrick Cicorelli & Lucille Juengst PO Box 517 Old Bethpage, NY 11804
No. 72	District 0200 Section 163.00 Block 02.00 Lot 019.000	Carol Levy 5830 Arboles St. San Diego, CA 92120
No. 73	District 0200	Angela Campo, Patrick Cicorelli &



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**Legislator Vioria-Fisher made motion for the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1359-2005  
Introduced by Legislator Vioria-Fisher

Laid on Table 4/5/2005

**RESOLUTION NO. 412 –2005, TO PROMOTE  
WORKFORCE HOUSING BY ADOPTING A  
TRANSFER OF DEVELOPMENT RIGHTS  
IMPLEMENTATION PLAN**

**WHEREAS, this Legislature adopted Resolution No. 840-2004, (Local Law No. 34-2004), A Charter Law Adding Article XXXVI to the Suffolk County Charter to Provide a Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund and Permitting the Transfer of Development Rights, which Resolution included a provision that permitted the transfer of development rights from land acquired under this Law for the sole purpose of promoting the construction of workforce housing, as defined in Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE; and**

**WHEREAS, the Suffolk County Department of Planning has presented a recommended program to implement the Suffolk County Save Open Space Bond Act (SOS Bond Act) Transfer of Development Rights Program; and**

**WHEREAS, this Legislature wishes to approve this Program; now, therefore be it**

**1st RESOLVED, that the Suffolk County Department of Planning is hereby authorized, empowered, and directed, pursuant to Section C14-8 of the SUFFOLK COUNTY CHARTER, to work in consultation with the Suffolk County Department of Health Services to determine the number of Workforce Housing Development Rights (WHDR) that may be acquired from a proposed acquisition under the SOS Bond Act; and be it further**

**2nd RESOLVED, that the use of Development Rights generated from the purchase of land under the SOS Bond Act shall result in a “no net increase” or a reduction of the overall density of housing as compared to that which would occur if the acquired protected property were to be built as of right; and be it further**

**3rd RESOLVED, that the Department of Planning working in consultation with the County Department of Health Services and other relevant County Departments shall prepare or cause to be prepared a yield sketch pursuant to local zoning to demonstrate the potential actual yield of WHDRs on a case-by-case basis in connection with each proposed acquisition, pursuant to the SOS Bond Act; and be it further**

**4th RESOLVED, that any parcel acquired, pursuant to the SOS Bond Act in accordance with this Transfer of Development Rights Program shall be permanently sterilized by a legal covenant and must remain as open space in the County inventory, and appropriate**

language shall be added to the deed indicating that the property was purchased using SOS Bond Act funds in accordance with Suffolk County Resolution No. 840-2004, and that the development rights were severed for workforce housing purposes and the number of such rights shall be stated; and be it further

**5th** **RESOLVED**, that the WHDRs shall only be used for affordable ownership or rental workforce housing as required by Resolution No. 840-2004; and be it further

**6th** **RESOLVED**, that the Department of Planning is hereby authorized, empowered, and directed, to create a Suffolk County Save Open Space Bond Act Workforce Housing Transfer of Development Rights Program Registry (WHDR Registry) for the purpose of accounting and tracking WHDRs; and be it further

**7th** **RESOLVED**, that the WHDR Registry shall include a computerized data base which will be available for viewing by the Suffolk County Executive, Suffolk County Legislature, and various other County departments and which registry shall be established to track WHDRs from creation of the credits to utilization of the credits for an affordable workforce housing project; and be it further

**8th** **RESOLVED**, that such registry shall include the following information:

**1.) For the Acquisition (Sending) Parcel**

- Name of property owner prior to County purchase;
- Parcel common name, if any;
- Suffolk County Tax Map Number;
- Town and Hamlet or Village where the parcel is located;
- Name of street, road, avenue, etc., fronting the parcel;
- School District;
- Area of the parcel in square feet or acres;
- Town zoning category for the parcel at the time of acquisition;
- Groundwater Management Zone;
- Special Ground Water Protection Area (if applicable);
- Soil type/characteristics;
- Wetlands, surface waters, or other environmental constraints on site;
- Lot yield pursuant to yield sketch;
- Number of Workforce Housing Development Rights generated by acquisition;
- Authorizing resolution number;
- Department file number;
- Conservation easement; and

**2.) For the Use (Receiving) Parcel**

- Name of property owner;
- Parcel common name or project name, if any;
- Suffolk County Tax Map Number
- Town and Hamlet or Village where the parcel is located;
- Name of street, road, avenue, etc., fronting the parcel;

- School District;
- Area of the parcel in square feet or acres;
- Town zoning category for parcel at the time of the Authorizing Legislative Resolution;
- Groundwater Management Zone;
- Special Ground Water Management Zone (if applicable);
- Soil type/characteristics;
- Wetlands, surface waters, or other environmental constraints on site;
- Lot yield pursuant to yield map;
- Project type (single family, multiple family, planned unit development, etc.);
- Number of affordable units out of the total number of units (number and percent affordable);
- Number of Workforce Housing Development Rights to be retired in project;
- Authorizing resolution number;
- Department file number;
- Deed of Transfer of Development Rights
  - Reverter clause
  - Affordable Housing use restriction;

and be it further

**9th RESOLVED**, that the Department of Planning is further authorized, empowered, and directed to produce an annual report describing the activities of the WHDRs that are banked and which report shall account for all of the development rights produced and/or utilized on both an annual and a cumulative basis and shall include all pertinent information with respect to the creation or use of the WHDRs and which report will be provided to the Suffolk County Executive and filed with the Office of the Clerk of the Legislature; and be it further

**10th RESOLVED**, that applications for the use of a WHDR shall be made to the Affordable Housing Director in the Department of Economic Development and Workforce Housing who shall, after consultation with the Department of Planning and the Department of Health Services, make an evaluation and recommendation on each such application taking into account the policies and procedures contained in this Resolution; and be it further

**11th RESOLVED**, that the Suffolk County Department of Planning shall provide to the Affordable Housing Director a WHDR Utilization Analysis Report, which shall rank applications using the principles of good planning and which report shall be considered in the analysis and recommendation required herein above and which report shall utilize a rating system in the form annexed hereto as Exhibit "A"; and be it further

**12th RESOLVED**, that the criteria to be utilized by County Departments in making evaluations and recommendations pursuant to the Workforce Housing Transfer of Development Rights Implementation Plan shall include the following:

- 1.) The use of development rights generated from this program is for the sole purpose of permitting the development of affordable rental and ownership workforce housing to individuals;

- 2.) Only the construction of homes with a maximum purchase price of \$250,000.00 and affordable rental units will be eligible for the transfer of Workforce Housing Development Rights generated from this Program;
- 3.) Where a for-profit developer is to be used, any profit realized shall be in accordance with New York State Affordable Housing Corporation guidelines;
- 4.) The workforce homes created through the use of development rights generated from this Program shall remain as workforce homes in perpetuity within the requirements of Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE;
- 5.) The development rights generated from this Program shall not be used on properties
  - contained in the Master List of Proposed County Open Space Acquisitions;
  - that have received an authorized planning steps resolution, or
  - that have been identified for acquisition, protection, or preservation on another state or local government approved and adopted plan or list; and
- 6.) The use of WHDRs will continue and/or expand groundwater preservation initiatives;

and be it further

**13th RESOLVED**, that upon approval of an authorizing resolution to use WHDRs a covenant shall be filed on the deed for the receiving parcel, which covenant shall contain a use restriction which restricts the property for use as affordable housing and which covenant shall be in the form approved by the Suffolk County Attorney; and be it further

**14th RESOLVED**, that pages 5 through 17 of Suffolk County Save Open Space Bond Act Workforce Housing Transfer of Development Right Implementation Plan, dated February 2005, which was presented to the Suffolk County Legislative Committee on Environment, Planning, & Agriculture on Monday, March 21, 2005, is hereby ratified, adopted and incorporated by reference as the policies and procedures to be utilized in the Transfer of Development Rights Program; and be it further

**15th RESOLVED**, that this Legislature hereby determines that the Proposed Program to Administer and Implement a Transfer of Development Rights Program In Conjunction With the Save Open Space Bond Act, Suffolk County constitutes a Type I action pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which will not have significant adverse impacts on the environment for the following reasons:

- 8.) The Save Open Space (SOS) TDR report only provides the administrative procedures and policies for the program;
- 9.) Approval of the action is clearly no less protective of the environment since subsequent phases require SEQRA review on an individual basis;

- 10.) Prior to the future acquisition of properties under the program, SEQRA review will be conducted on each parcel and completed prior to purchase, considering the site's intended use, i.e., open space, active park, etc.;
- 11.) The calculation of Workforce Housing Development Rights (WHDRs) will be based on Suffolk County Department of Health requirements, environmental constraints and underlying Town zoning specific to each parcel purchased and the minimum number of WHDRs will be assigned depending upon which criteria is most restrictive;
- 12.) All WHDRs generated from Open Space parcels purchased through the SOS Bond Act must be approved by the Suffolk County Legislature and the County Executive;
- 13.) All developments where WHDRs are assigned will undergo separate SEQRA review and finalization prior to construction and will be in conformance with all State, County and local standards and requirements; and
- 14.) The Suffolk County Legislature and the County Executive must approve by resolution each individual use of WHDRs.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1428-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 413 -2005, AUTHORIZING THE SUFFOLK COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT AND COVENANT NOT TO SUE WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**WHEREAS**, the Property located at 82 Milbar Boulevard, East Farmingdale, New York (SCTM No. 0100-3600-0100-007.001) (hereinafter, "Property"), is within the Circuitron Corporation Superfund Site; and

**WHEREAS**, 82 Milbar Blvd., Inc., the owner of the Property has failed to pay real property taxes since 1986, and as of January 3, 2005, was in arrears in the amount of \$554,758.27; and

**WHEREAS**, the County of Suffolk has a lien against the property for unpaid real property taxes, penalties and interest; and

**WHEREAS**, pursuant to the Suffolk County Tax Act, the County of Suffolk is authorized to take a tax deed to the Property; and

**WHEREAS**, the United States Environmental Protection Agency (hereinafter, "EPA") commenced an ongoing remediation to clean up contamination resulting from previous uses of the Property; and

**WHEREAS**, the remediation is expected to continue until approximately 2009; and

**WHEREAS**, the EPA paid a total of approximately \$14,453,978.00 in response costs, as of February 12, 2003, and anticipates that it will incur additional costs of approximately \$2,000,000.00 in order to complete implementation of response activities at the Property; and

**WHEREAS**, pursuant to 42 U.S.C. §9607(1), CERCLA §107(1), the EPA has perfected a federal lien against the property to secure costs incurred by EPA in the response actions taken to address the contamination (hereinafter, "CERCLA lien"); and

**WHEREAS**, pursuant to a State Superfund Contract, New York State has contributed \$1,001,100.34 toward the costs of the remedial action as of February 14, 2003; and

**WHEREAS**, the owner of the Property has executed a written waiver of its right to redeem, pursuant to the Suffolk County Tax Act; and

**WHEREAS**, it is in the best interest of the County of Suffolk to recoup a portion of tax arrears and have the property returned to the tax rolls through a public auction; and

**WHEREAS**, it is in the best interest of the County of Suffolk to facilitate the remediation by assisting the United States and New York State in recouping a portion of their remediation costs; and

**WHEREAS**, the release of the federal CERCLA lien and the waiver of EPA's right to perfect further liens against the Property pursuant to CERCLA §107(r), 42 U.S.C. §9607(r), will enhance the marketability of the Property; and

**WHEREAS**, the County of Suffolk, the EPA and New York State have negotiated an Agreement and Covenant Not to Sue (hereinafter, "Agreement"), subject to legislative approval; and

**WHEREAS**, under the Agreement, the County will offer the Property at public auction and, if a ready, willing and able auction purchaser is found, the County will take title to the Property and almost simultaneously convey the Property to such purchaser; and

**WHEREAS**, the agreement will also be executed by the auction purchaser; and

**WHEREAS**, the proceeds of the auction will be split proportionately between the EPA (80%), New York State (10.5%) and the County (9.5%); and

**WHEREAS**, the Agreement will adequately protect the County and the auction purchaser against Superfund liability based on their acquisition of the property; and

**WHEREAS**, subsequent transferees will also be bound by the Agreement and will receive similar protection; and

**WHEREAS**, the EPA will release the CERCLA lien when the property is transferred to the auction purchaser; and

**WHEREAS**, the Agreement will be the same or substantially similar to the Draft Agreement attached hereto as Exhibit "A"; and

**WHEREAS**, the intent of this resolution is to authorize execution of the Agreement and any other actions necessary to complete the subject transaction; now, therefore be it

**RESOLVED**, that the Suffolk County Executive, or his designee, is hereby authorized to execute an agreement with the EPA and the State of New York in the same or similar form as the Agreement annexed hereto as Exhibit "A", with the terms and conditions to be approved as to legality by the Suffolk County Attorney, and to take any further actions necessary to carry out the intent of this resolution; and, be it further

**RESOLVED**, that, this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Env. Con. Law Art. 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") Sections 617.5(2), (20) and (27), in that the law pertains to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and also pertains to

upgrading and maintaining the site to meet environmental standards; since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and, be it further

**RESOLVED**, that this resolution shall take effect immediately.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 23, 2005

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**Legislator Binder made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 10-7-0-1. Legislators Viloría-Fisher, Foley, Lindsay, Montano, Bishop, Mystal and Cooper voted no. Legislator Tonna was not present.**

Intro. Res. No. 2324-2004  
Introduced by Legislator Binder

Laid on Table 12/21/2004

**RESOLUTION NO. 414 –2005, AUTHORIZING A  
SATELLITE SOCIAL SERVICES OFFICE IN  
CONJUNCTION WITH THE POLICE SUBSTATION AT  
NEW YORK AVENUE, HUNTINGTON**

**WHEREAS**, the County of Suffolk leases office space at 1425 New York Avenue, Huntington, NY for a police substation; and

**WHEREAS**, this space is used by the police on a sporadic, as needed basis, and is often available for other County uses; and

**WHEREAS**, Huntington residents in need of assistance from the Department of Social Services must travel to Wyandanch and Hauppauge to avail themselves of the assistance of the Department; and

**WHEREAS**, the police substation at 1425 New York Avenue is located on a major commercial roadway at the intersection of another major thoroughfare; and

**WHEREAS**, this is an appropriate location for the delivery of social services, a wholly commercial area with no adjacent residences; and

**WHEREAS**, this already existing County space could be better utilized if it provided local residents with access to County Social Services on an appointment basis, as well as continuing to provide a police presence as a police substation; now therefore be it

**1st** **RESOLVED**, that pursuant to Section 10-2 of the Suffolk County Charter, the Commissioner of Social Services is hereby authorized, empowered and directed to work with the Commissioner of Police to establish a satellite office of the Department of Social Services at 1425 New York Avenue, Huntington where services will be provided on a schedule to be determined by the Commissioner and which will be available, at least, on an appointment basis, as well as continuing to provide a police presence as a police substation; and be it further

**2nd** **RESOLVED**, that the process by which such satellite office is established shall be in compliance with Suffolk County Charter and Code requirements including, but not limited to, Article XXII of the Code; and be it further

**3rd** **RESOLVED**, that signage at the location shall be provided to inform the public of the existence of the satellite office of the Department of Social Services and the hours of operation of such satellite office, as well as signage denoting a police substation; and be it further

**4th** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as 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: May 17, 2005

\*\*VETOED BY THE COUNTY EXECUTIVE ON JUNE 2, 2005\*\*  
\*\*VETO OVERRIDE NOT ADOPTED ON JUNE 7, 2005\*\*

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**Legislator Bishop made motion for the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 16-0-0-2. Legislators Foley and Tonna were not present.**

Intro. Res. No. 1290-2005

Laid on Table 3/15/2005

Introduced by Legislators Bishop and Nowick

**RESOLUTION NO. 415 –2005, ESTABLISHING AN  
EMERGENCY MEDICAL TECHNICIAN (EMT)  
CERTIFICATION REIMBURSEMENT POLICY FOR  
SUFFOLK COUNTY EMPLOYEES**

**WHEREAS**, the volunteer fire and emergency medical service (EMS) agencies in Suffolk County are in need of qualified ambulance workers to respond to rescue calls; and

**WHEREAS**, in order to obtain an EMT or higher certification in New York State (NYS) it is necessary to be certified by the NYS Department of Health; and

**WHEREAS**, the NYS Department of Health requires all EMT or higher certifications to undergo various educational and training requirements; and

**WHEREAS**, it is in the best interest of Suffolk County residents to have as many EMS volunteers available as possible to respond to emergency ambulance calls; and

**WHEREAS**, many EMS volunteers in Suffolk County are forced to take time off from their employment in order to attend classes, receive training, and take examinations for certification; now, therefore, be it

**1st RESOLVED**, that with the exception of sworn police officers, all full-time employees of Suffolk County who have been continuously employed for at least three (3) years, and are active members of a Suffolk County volunteer fire or EMS agency and also maintain an EMT or higher certification, shall be considered eligible for reimbursement of two (2) vacation or personal days per calendar year; and

**2nd RESOLVED**, that EMTs or Paramedics that are paid for their services, or fail to respond to a minimum of 50% or 200, whichever is lesser, of their department's emergency ambulance calls in one calendar year shall be deemed ineligible for the reimbursement; and

**3rd RESOLVED**, that upon completion of EMT certification, eligible employees shall submit documentation from their volunteer fire or EMS agency detailing the emergency ambulance calls for which they responded, along with any other relevant documentation required for accuracy and compliance by the Suffolk County Department of Health, Division of EMS; and

**4th RESOLVED**, that, pursuant to Section C6-2 of the Suffolk County Charter, the Personnel Officer, as Director of the Department of Human Resources, Personnel and Civil Service, is hereby authorized, empowered, and directed, to issue such regulations as he deems necessary to implement this Resolution; and

**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), (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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 2, 2005

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**Legislator Foley made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1358-2005  
4/5/2005

Laid on Table

Introduced by Legislators Tonna, Foley and Viloría-Fisher

**RESOLUTION NO. 416 –2005, TO PROMOTE  
AND PROTECT THE PUBLIC HEALTH BY  
AUTHORIZING, EMPOWERING AND  
REQUESTING THE HEALTH COMMISSIONER TO  
ENTER INTO A CONTRACT FOR A TOBACCO  
CONTROL PROGRAM EVALUATION**

**WHEREAS**, tobacco use is the single leading preventable cause of death and disability in this country; and

**WHEREAS**, tobacco use is responsible for nearly 20% of all deaths in New York State; and

**WHEREAS**, exposure to Environmental Tobacco Smoke is responsible for approximately 200 deaths in Suffolk County each year and morbidity due to heart disease, lung cancer and other respiratory diseases, increases in cases of childhood asthma and sudden infant death syndrome; and

**WHEREAS**, the Suffolk County Department of Health Services has developed and has been providing the residents of Suffolk County with a comprehensive tobacco control program since 2000; and

**WHEREAS**, this program is based on the Centers for Disease Control and Prevention's model for Best Practices in Tobacco Control; and

**WHEREAS**, the four main components of this program are a school prevention and cessation program, a countywide community smoking cessation program, a public education and information counter-marketing campaign and law enforcement; and

**WHEREAS**, the Centers for Disease Control and Prevention recommends that 10% of a program's budget be dedicated to evaluation and surveillance; and

**WHEREAS**, an RFP was developed and distributed, and an agency, particularly the Gallup Organization, was chosen to conduct an independent evaluation of all aspects of the program; and

**WHEREAS**, a contract between the Department of Health Services and the Gallup Organization has yet to be executed; and

**WHEREAS**, the Department of Health Services has not proffered any pertinent explanation as to why a contract has not been executed; and

**WHEREAS**, the execution of a contract between the Department of Health Services and the Gallup Organization will further the position of the County of Suffolk as being amongst the highest rated counties in the Nation at utilization of tobacco settlement awards; and

**WHEREAS**, sufficient funds have been included in the 2005 Operating Budget for this contract; now, therefore be it

**1st RESOLVED**, that the Commissioner of the Suffolk County Department of Health Services is hereby authorized, empowered and requested, pursuant to Section C9-3 of the SUFFOLK COUNTY CHARTER, to enter into a contract with the Gallup Organization to conduct an independent evaluation of all aspects of Suffolk County's Tobacco Control Program in order for the County of Suffolk to determine what aspects of the programs work best and what modifications can be made to improve program outcomes; and be it further

**2nd RESOLVED**, that such contract with the Gallup Organization for the rendering of professional services in connection with this Resolution shall not exceed an amount greater than One Hundred Sixty-Nine Thousand and 00/100 (\$169,000) dollars; 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: May 17, 2005

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

-----  
**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 13-2-2-1. Legislators Alden and Bishop voted no. Legislators Nowick and Binder abstained. Legislator Tonna was not present.**

Intro. Res. No. 2342-2004

Laid on Table 12/21/2004

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

**RESOLUTION NO. 417 -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**

**STORMWATER REMEDIATION IMPROVEMENTS AT  
MESCHUTT COUNTY PARK (CP 7108)**

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

**WHEREAS**, there is no positive drainage system installed in the parking area at Meschutt County Park resulting in polluted stormwater runoff entering directly onto Meschutt Beach, incurring significant scouring and into Peconic Bay without the benefit of treatment; and

**WHEREAS**, the Commissioner of Parks, Recreation and Conservation has requested funds for remediating stormwater runoff that is directly entering Peconic Bay at Meschutt Beach; 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 2004 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 fifty two (52) 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 resolution constitutes a Type II action, pursuant to Section 617.5 (c) (20), (21) and (27) of Title 6 of the NYCRR and within the meaning of Section 8-019 (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; 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:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Fund 477	477-IFT-E525-9600	\$1,020,000
Reserve Fund Balance	Transfer to Capital Reserve Fund	
Water Quality:		

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:**

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$1,020,000

and be it further

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

**REVENUES:**

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Water Quality Protection	\$1,020,000

and be it further

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

Project No.: 8240  
 Project Title: Storm Water Remediation at various County Roads

	<u>Total Est'd Cost</u>	<u>Current 2005 Capital Budget &amp; Program</u>	<u>Revised 2005 Capital Budget &amp; Program</u>
3. Construction	\$1,020,000	\$0	\$1,020,000
TOTAL	\$1,020,000	\$0	\$1,020,000

and be it further

**RESOLVED**, that the transfer in the amount of \$1,020,000 be and hereby is appropriated as follows:

***Storm Water Remediation at various County Roads***

<u><b>Project Number</b></u>	<u><b>JC</b></u>	<u><b>Project Title</b></u>	<u><b>Amount</b></u>
525-CAP-7108-310	50	Stormwater Remediation Improvements at Meschutt County Park at various County Roads	\$1,020,000

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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 19, 2005

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**Legislator O'Leary made motion for the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 12-2-3-1. Legislators Foley and Lindsay voted no. Legislators Vloria-Fisher, Montano and Cooper abstained. Legislator Tonna was not present.**

Intro. Res. No. 1422-2005  
Introduced by Legislator O'Leary

Laid on Table 4/5/2005

**RESOLUTION NO. 418 -2005, APPOINTING HOWARD B. KLEINBERG AS A MEMBER OF THE SUFFOLK COUNTY VANDERBILT MUSEUM COMMISSION (TRUSTEE NO. 9)**

**WHEREAS, Stanley M. Feldman** has resigned as a member of the Suffolk County Vanderbilt Museum Commission effective February 6, 2005; now, therefore, be it

**RESOLVED**, that **Howard B. Kleinberg**, with offices located at 425 Broad Hollow Road, Melville, New York, 11747, be and he hereby is appointed to the Suffolk County Vanderbilt Museum Commission, as Trustee No. 9, to fill the vacancy, 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: May 17, 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 Losquadro made motion for the following resolution, seconded by Legislator Caracciolo. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1429-2005

Laid on Table 4/5/2005

Introduced by Legislator Losquadro

**RESOLUTION NO. 419 –2005, APPOINTING  
MEMBER TO THE ATV PARK TASK FORCE  
(GINA ARCATE, SLOT NO. 12)**

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

**WHEREAS**, Resolution No. 952-2004 increased membership of the Task Force from eleven (11) members to thirteen (13) members; now, therefore, be it

**1st RESOLVED**, that **Gina Arcate** of 9 Canoe Place Road, Hampton Bays, New York, 11946, is hereby appointed to serve on the ATV Task Force to represent the Nassau Suffolk Horseman's Association (slot #12); 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) 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: May 17, 2005

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER, RESOLUTION NO. 322-2004 AND RESOLUTION NO. 952-2004.

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**Legislator Alden made motion for the following resolution, seconded by Legislator Caracciolo. The resolution was passed 17-0-0-1. Legislator Tonna was not**

present.

Intro. Res. No. 1432-2005

Laid on Table 4/5/2005

Introduced by Legislators Alden, Caracappa, Carpenter, O'Leary, Caracciolo, Schneiderman, Losquadro, Kennedy, Nowick, and Binder

**RESOLUTION NO. 420 –2005, AMENDING  
RESOLUTION NO. 295-2005, TO FURTHER  
IDENTITY PROTECTION OF SUFFOLK  
RESIDENTS**

**WHEREAS**, Resolution No. 295-2005, "Authorizing Use of Two Baseball Fields at Lake Ronkonkoma County Park by National Junior Baseball League" was introduced by the Presiding Officer at the request of the County Executive for the purpose of permitting the National Junior Baseball League to enter into a license agreement for the use of baseball fields at a County park; and

**WHEREAS**, this Legislature acknowledged the importance of allowing the National Junior Baseball League to secure Legislative approval for the use of these fields prior to the commencement of the Little League season; and

**WHEREAS**, in order to accommodate the commencement of the season, this Legislature enacted Resolution No. 295-2005 at a regular Legislative Meeting held on April 5, 2005; and

**WHEREAS**, Resolution No. 295-2005, contained a provision that stated in pertinent part that, in conjunction with this license agreement, the team would establish a "roster of all participants to be submitted to, and approved by, the Commissioner of the County Department of Parks, Recreation, and Conservation"; and

**WHEREAS**, this language in Resolution No. 295-2005 caused several Legislators to question the need for submission and approval of a participant roster; and

**WHEREAS**, these questions were not adequately addressed at the Parks and Cultural Affairs Committee; and

**WHEREAS**, this Legislature has historically safeguarded the identity of County residents, County employees, and particularly children in Suffolk County; and

**WHEREAS**, State law requires that documents delivered to the County be made available under the New York State Freedom of Information Law, thereby fueling concerns about identity theft and child safety; and

**WHEREAS**, to promote the protection of information concerning County residents, particularly County children, this Legislature wishes amend Resolution No. 295-2005, enacted April 5, 2005 to remove the requirement contained in the 3<sup>rd</sup> WHEREAS clause and the 1<sup>st</sup> RESOLVED clause that a roster list be available for review, approval and inspection by the Commissioner of Parks, Recreation, and Conservation; now, therefore be it

**1st RESOLVED**, that the 3<sup>rd</sup> WHEREAS clause of Resolution No. 295-2005, is hereby amended to read as follows:

\* \* \* \* \*

**WHEREAS**, National Junior Baseball League would like to enter into a license agreement for a term of five (5) years with an option to extend the term for an additional five (5) years with the County of Suffolk for the non-exclusive use of two baseball fields at Lake Ronkonkoma County Park, supported by schedules of practices and games [and a roster of all participants to be submitted to, and approved by, the Commissioner of the County Department of Parks, Recreation and Conservation]; now therefore, be it

\* \* \* \* \*

**2nd RESOLVED**, that the 1<sup>st</sup> RESOLVED clause of Resolution No. 295-2005, is hereby amended to read as follows:

\* \* \* \* \*

**1st RESOLVED, that the Suffolk County Department of Parks, Recreation, and Conservation is hereby authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to enter into an Agreement with National Junior Baseball League for use of two (2) baseball fields at Lake Ronkonkoma County Park subject to the following:**

1. All restoration and maintenance of the baseball fields performed by the National Junior Baseball League will be at its sole cost and expense and shall be subject to the review and prior written approval of the Commissioner. Proposed work projects by the National Junior Baseball League must be pre-scheduled with the Department in order to avoid any conflicts with other ongoing park activities;
2. National Junior Baseball League will be required to perform appropriate light maintenance, including litter clean-up when necessary, after scheduled events;
3. National Junior Baseball League will be required to maintain an accurate and updated roster list of all participants (ballplayers and coaches) utilizing Lake Ronkonkoma County Park baseball field facilities. [This roster list, which is to include names, addresses, and phone numbers, is subject to review and inspection by the Commissioner upon request];
4. National Junior Baseball League shall provide a Certificate of Insurance naming Suffolk County as an additional insured; and be it further

\* \* \* \* \*

and be it further

**3rd RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES

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

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

DATED: May 17, 2005

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

-----

**Legislator Alden made motion for the following resolution, seconded by Legislator Caracciolo. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1433-2005 Laid on Table 4/5/2005  
Introduced by Legislators Alden, Caracappa, Carpenter, O'Leary, Caracciolo, Schneiderman, Losquadro, Kennedy, Nowick, and Binder

**RESOLUTION NO. 421 -2005, AMENDING  
RESOLUTION NO. 296-2005, TO FURTHER  
IDENTITY PROTECTION OF SUFFOLK RESIDENTS**

**WHEREAS**, Resolution No. 296-2005, "Authorizing Use of Baseball Field at Raynor Beach County Park by St. Joseph C.Y.O." was introduced by the Presiding Officer at the request of the County Executive for the purpose of permitting the St. Joseph C.Y.O. to enter into a license agreement for the use of the baseball field at a County park; and

**WHEREAS**, this Legislature acknowledged the importance of allowing the St. Joseph C.Y.O. to secure Legislative approval for the use of this field prior to the commencement of the Little League season; and

**WHEREAS**, in order to accommodate the commencement of the season, this Legislature enacted Resolution No. 296-2005 at a regular Legislative Meeting held on April 5, 2005; and

**WHEREAS**, Resolution No. 296-2005, contained a provision that stated in pertinent part that, in conjunction with this license agreement, the team would establish a "roster of all participants to be submitted to, and approved by, the Commissioner of the County Department of Parks, Recreation, and Conservation"; and

**WHEREAS**, this language in Resolution No. 296-2005 caused several Legislators to question the need for submission and approval of a participant roster; and

**WHEREAS**, these questions were not adequately addressed at the Parks and Cultural Affairs Committee; and

**WHEREAS**, this Legislature has historically safeguarded the identity of County residents, County employees, and particularly children in Suffolk County; and

**WHEREAS**, State law requires that documents delivered to the County be made available under the New York State Freedom of Information Law, thereby fueling concerns about identity theft and child safety; and

**WHEREAS**, to promote the protection of information concerning County residents, particularly County children, this Legislature wishes to amend Resolution No. 296-2005, enacted April 5, 2005 to remove the requirement contained in the 3<sup>rd</sup> WHEREAS clause and the 1<sup>st</sup> RESOLVED clause that a roster list be available for review, approval and inspection by the Commissioner of Parks, Recreation, and Conservation; now, therefore be it

**1st RESOLVED**, that the 3<sup>rd</sup> WHEREAS clause of Resolution No. 296-2005, is hereby amended to read as follows:

\* \* \* \* \*

**WHEREAS**, St. Joseph C.Y.O. would like to enter into a license agreement for a term of five (5) years with an option to extend the term for an additional five (5) years with the County of Suffolk for the non-exclusive use of one baseball field at Raynor Beach County Park, supported by schedules of practices and games [and a roster of all participants to be submitted to, and approved by, the Commissioner of the County Department of Parks, Recreation and Conservation]; now therefore, be it

\* \* \* \* \*

**2nd RESOLVED**, that the 1<sup>st</sup> RESOLVED clause of Resolution No. 296-2005, is hereby amended to read as follows:

\* \* \* \* \*

**1st RESOLVED, that the Suffolk County Department of Parks, Recreation, and Conservation is hereby authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to enter into an Agreement with St. Joseph C.Y.O. for use of one (1) baseball field at Raynor Beach County Park subject to the following:**

5. All restoration and maintenance of the baseball field performed by St. Joseph C.Y.O. will be at its sole cost and expense and shall be subject to the review and prior written approval of the Commissioner. Proposed work projects by St. Joseph C.Y.O. must be pre-scheduled with the Department in order to avoid any conflicts with other ongoing park activities;
6. St. Joseph C.Y.O. will be required to perform appropriate light

maintenance, including litter clean-up when necessary, after scheduled events;

7. St. Joseph C.Y.O. will be required to maintain an accurate and updated roster list of all participants (ballplayers and coaches) utilizing Raynor Beach County Park baseball field facilities. [This roster list, which is to include names, addresses, and phone numbers, is subject to review and inspection by the Commissioner upon request];
8. St. Joseph C.Y.O. shall provide a Certificate of Insurance naming Suffolk County as an additional insured; and be it further

\* \* \* \* \*

and be it further

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

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

DATED: May 17, 2005

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

-----  
**Legislator Alden made motion for the following resolution, seconded by Legislator Caracciolo. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1434-2005 Laid on Table 4/5/2005  
Introduced by Legislators Alden, Caracappa, Carpenter, O'Leary, Caracciolo, Schneiderman, Losquadro, Kennedy, Nowick, and Binder

**RESOLUTION NO. 422     -2005, AMENDING  
RESOLUTION NO. 297-2005, TO FURTHER  
IDENTITY PROTECTION OF SUFFOLK  
RESIDENTS**

**WHEREAS**, Resolution No. 297-2005, "Authorizing Use of Camping Activity Fields at Cedar Point County Park by East Hampton Little League" was introduced by the

Presiding Officer at the request of the County Executive for the purpose of permitting the East Hampton Little League to enter into a license agreement for the use of camping activity fields at a County park; and

**WHEREAS**, this Legislature acknowledged the importance of allowing the East Hampton Little League to secure Legislative approval for the use of these fields prior to the commencement of the Little League season; and

**WHEREAS**, in order to accommodate the commencement of the season, this Legislature enacted Resolution No. 297-2005 at a regular Legislative Meeting held on April 5, 2005; and

**WHEREAS**, Resolution No. 297-2005, contained a provision that stated in pertinent part that, in conjunction with this license agreement, the team would establish a “roster of all participants to be submitted to, and approved by, the Commissioner of the County Department of Parks, Recreation, and Conservation”; and

**WHEREAS**, this language in Resolution No. 297-2005 caused several Legislators to question the need for submission and approval of a participant roster; and

**WHEREAS**, these questions were not adequately addressed at the Parks and Cultural Affairs Committee; and

**WHEREAS**, this Legislature has historically safeguarded the identity of County residents, County employees, and particularly children in Suffolk County; and

**WHEREAS**, State law requires that documents delivered to the County be made available under the New York State Freedom of Information Law, thereby fueling concerns about identity theft and child safety; and

**WHEREAS**, to promote the protection of information concerning County residents, particularly County children, this Legislature wishes to amend Resolution No. 297-2005, enacted April 5, 2005 to remove the requirement contained in the 3<sup>rd</sup> WHEREAS clause and the 1<sup>st</sup> RESOLVED clause that a roster list be available for review and inspection by the Commissioner of Parks, Recreation, and Conservation; now, therefore be it

**1st RESOLVED**, that the 3<sup>rd</sup> WHEREAS clause of Resolution No. 297-2005, is hereby amended to read as follows:

\* \* \* \* \*

**WHEREAS**, East Hampton Little League would like to enter into an Agreement for a term of five (5) years with an option to extend the term for an additional five (5) years with the County of Suffolk for the non-exclusive use of camping activity fields at Cedar Point County Park, supported by schedules of practices and games [and a roster of all participants to be submitted to, and approved by, the Commissioner of the County Department of Parks, Recreation and Conservation]; now therefore, be it

\* \* \* \* \*

**2nd**            **RESOLVED**, that the 1<sup>st</sup> RESOLVED clause of Resolution No. 297-2005, is hereby amended to read as follows:

\* \* \* \* \*

1<sup>st</sup>            **RESOLVED, that the Suffolk County Department of Parks, Recreation, and Conservation is hereby authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to enter into an Agreement with East Hampton Little League for use of camping activity fields at Cedar Point County Park subject to the following:**

9. All restoration and maintenance of the camping activity fields performed by East Hampton Little League will be at its sole cost and expense and shall be subject to the review and prior written approval of the Commissioner. Proposed work projects by East Hampton Little League must be pre-scheduled with the Department in order to avoid any conflicts with other ongoing park activities;
10. East Hampton Little League will be required to perform appropriate light maintenance, including litter clean-up when necessary, after scheduled events;
11. East Hampton Little League will be required to maintain an accurate and updated roster list of all participants (ballplayers and coaches) utilizing Cedar Point County Park facilities. [Such roster list, which is to include names, addresses, and phone numbers, is subject to review and inspection by the Commissioner upon request];
12. East Hampton Little League shall provide a Certificate of Insurance naming Suffolk County as an additional insured; and be it further

\* \* \* \* \*

and be it further

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

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

DATED: May 17, 2005

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

-----  
**Legislator O’Leary made motion for the following resolution, seconded by  
Legislator Foley. The resolution was passed 16-0-1-1. Deputy Presiding Officer  
Caracappa abstained. Legislator Tonna was not present.**

Intro. Res. No. 1352-2005 Laid on Table 4/5/2005  
Introduced by Legislators O’Leary, Schneiderman, Carpenter, Losquadro, Binder, Kennedy,  
Caracciolo, Mystal, Vilorio-Fisher, Foley, Lindsay, Montano, Alden, Nowick, Bishop, Cooper,  
Caracappa

**RESOLUTION NO. 423 –2005, NAMING NEW  
SIXTH PRECINCT IN SELDEN THE ROSE Y.  
CARACAPPA BUILDING**

**WHEREAS**, Rose Y. Caracappa served with memorable distinction and  
compassion which will always be associated with her fifteen (15) year tenure as a County  
Legislator from January 1, 1982 until her untimely death on May 28, 1995; and

**WHEREAS**, Rose Y. Caracappa, always a champion of the “little people” in our  
society, served for many years on the Public Safety Committee advocating for the safety and  
protection of the public through an adequately staffed and equipped Police Department; and

**WHEREAS**, naming the newly constructed Sixth Precinct in a commemorative  
fashion, will be an enduring tribute and appropriate honor of a woman who was the epitome of a  
public servant and whose efforts substantially raised the reputation of the Suffolk County Police  
Department; and

**WHEREAS**, Rose Y. Caracappa elevated the standards of professionalism,  
education, and ethical conduct by the example she set; and

**WHEREAS**, this exemplary conduct, leadership, and dedication to her profession  
had a ripple effect throughout the entire community; now, therefore be it

**RESOLVED**, that, pursuant to Section 215(1) of the NEW YORK COUNTY LAW,  
the new Police Department Sixth Precinct in Selden, is hereby named the “Rose Y. Caracappa  
Building” to honor her legacy; and be it further

**RESOLVED**, that the Suffolk County Department of Public Works is hereby  
authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY  
CHARTER, to provide and install appropriate signs and to take such other actions as shall be  
necessary to effectuate this name change; and be it further

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

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

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

-----  
**Deputy Presiding Officer Carpenter made motion for the following resolution, seconded by Legislator O'Leary. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1354-2005  
4/5/2005

Laid on Table

Introduced by Deputy Presiding Officer Carpenter

**RESOLUTION NO. 424 –2005, EXTENDING  
THE DEADLINE FOR EXPIRATION OF THE  
TASK FORCE ON PUBLIC SAFETY STAFFING  
LEVELS**

**WHEREAS**, Resolution No. 413-2004 created a Task Force on Public Safety Staffing Levels to study and analyze staffing levels of the Suffolk County Police Department; and

**WHEREAS**, Resolution No. 988-2004 extended the deadline for an additional four (4) months to April 30, 2005; and

**WHEREAS**, the Task Force requires additional time to accomplish their goals; now, therefore, be it

**1st RESOLVED**, that the 13th Resolved Clause of Resolution No. 413-2004 is hereby amended to read as follows:

13th RESOLVED, that the Task Force shall expire, and the terms of office of its members terminate, as of [April 30, 2005] June 30, 2005 at which time the Task Force shall deposit all the records and proceedings with the Clerk of the Legislature.

and be it further

**2nd RESOLVED**, that all the other terms and conditions of Resolution No. 413-2004, as amended, shall remain in full force and effect.

DATED: May 17, 2005

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

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**Legislator Viloría-Fisher made motion for the following resolution, seconded by Legislator Foley. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

*Intro. Res. No. 1369-2005*

*Laid on Table 4/5/2005*

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

**RESOLUTION NO. 425 -2005, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$73,000.00 FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, TO TARGET SPEEDING AND AGGRESSIVE DRIVING WITH 82.10% SUPPORT**

**WHEREAS**, the State of New York Governor's Traffic Safety Committee has awarded \$73,000.00 in Federal Highway Safety pass-through funds to the Suffolk County Police Department to perform targeted enforcement of speeding and aggressive driving behaviors; and

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

**WHEREAS**, said grant funds totaling \$73,000.00 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:

<u>REVENUES:</u>	<u>AMOUNT</u>
115-4398-Federal Aid: Aggressive Driving & Speed Enforcement	\$73,000

ORGANIZATIONS:

Police Department (POL)

Aggressive Driving & Speed Enforcement 05  
115-POL-3231

<u>1000-Personal Services</u>	<u>\$73,000</u>
1120-Overtime Salaries	\$73,000

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

**RESOLVED**, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the State of New York Governor's Traffic Safety Committee; and be it further

**RESOLVED**, that the Reporting Category for the County Integrated Financial Management System is PD94.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 23, 2005

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**Deputy Presiding Officer Carpenter made motion for the following resolution, seconded by Legislator O'Leary. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1383-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 426 -2005, AUTHORIZING THE  
COMMISSIONER OF FIRE, RESCUE AND EMERGENCY  
SERVICES TO ENTER INTO A REGIONAL  
EMERGENCY MEDICAL SERVICE MUTUAL AID  
AGREEMENT WITH THE CITY OF NEW YORK,  
WESTCHESTER COUNTY AND SUFFOLK COUNTY**

**WHEREAS**, the City of New York, the County of Suffolk and the County of Westchester wish to implement a mutual aid mobilization system to ensure the availability and proper coordination of mutual aid resources in the event of an emergency or disaster, catastrophic event or mass casualty incident; and

**WHEREAS**, the participation of New York State emergency medical service agencies in mutual aid agreements has been authorized by the New York State Department of Health (NYSDOH), whose regulations provide, in pertinent part, at 10 NYCRR 800.21[o] and [p], that an ambulance service may have and enforce written mutual aid policies, and may operate outside of its primary territory for up to 60 days in response to a request for mutual aid from another certified or registered ambulance service pursuant to a mutual aid plan implemented by a central dispatch agency on behalf of a certified or registered ambulance service, or on behalf of a county or city emergency management office; or by approval of NYSDOH or the appropriate regional emergency medical services council, when necessary to meet an emergency need; and

**WHEREAS**, pursuant to the Suffolk County Charter, the Department of Fire, Rescue and Emergency Services is the County agency responsible for emergency management, including the preparation of emergency disaster plans for Suffolk County and the interagency coordination of the response to such disasters and emergencies; now, therefore, be it

**RESOLVED**, that the Commissioner of Fire, Rescue and Emergency Services be and hereby is authorized to execute on behalf of the County of Suffolk the Regional Emergency Medical Service Mutual Aid Agreement with the City of New York and the County of Westchester, to establish procedures and protocols for the provision of ambulance and pre-hospital emergency mutual aid assistance; and be it further

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

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 19, 2005

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1436-2005  
Introduced by Legislators Losquadro and Caracciolo

Laid on Table 4/21/2005

**RESOLUTION NO. 427 -2005, ACCEPTING  
DONATION OF TWO (2) ALL TERRAIN  
VEHICLES (ATV'S) FROM KEYSpan ELECTRIC  
SERVICES LLC, FOR THE SUFFOLK COUNTY  
POLICE DEPARTMENT'S 7<sup>TH</sup> PRECINCT**

**WHEREAS**, KeySpan Electric Services LLC, as agent for Long Island Lighting Company d/b/a LIPA has offered to transfer as a gift two (2) All Terrain Vehicles (ATV) , related safety gear, including helmets and gloves, and one (1) trailer to the County of Suffolk; and

**WHEREAS**, these vehicles would be utilized by the COPE Unit for the 7<sup>th</sup> Precinct of the Suffolk County Police Department for additional patrol assistance; now, therefore be it

**1st RESOLVED**, that the donation of the following vehicles is hereby accepted for use by the Suffolk County Police Department COPE Unit of the 7<sup>th</sup> Precinct:

<u>Year:</u>	<u>Make/Model:</u>	<u>Vehicle Number:</u>
2005	Kawasaki 360	JKBVFHA1258545547
2005	Kawasaki 360	JKBVFHA1258542681
	Star Trailer	422FT17283P009520

DATED: May 17, 2005

APPROVED BY:

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

Date: May 31, 2005

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**Legislator O'Leary made motion for the following resolution, seconded by  
Legislator Carpenter. The resolution was passed 17-0-0-1. Legislator Tonna was  
not present.**

Intro. Res. No. 1071-2005  
Introduced by Presiding Officer pursuant to Rule 3(A)-(14) of the Suffolk County Legislature

Laid on Table 1/25/2005

**RESOLUTION NO. 428 -2005, APPROVING RATES  
ESTABLISHED 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 its ferry rates; and

**WHEREAS**, the Office of Legislative Budget Review has submitted its recommendations on said application to this Legislature; and

**WHEREAS**, the Public Works & Public Transportation Committee of this Legislature has reported its recommendations on the application to the Legislature as a whole; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Petition of Fire Island Water Taxi LLC dated and verified as of January 7, 2005 is approved; and

**2<sup>nd</sup> RESOLVED**, that Rate changes, Date changes, Time changes and Zone changes are approved as follows:

**Proposed Rates:**

**UNSCHEDULED SEASONAL CROSS BAY SERVICE - Seasonal service begins the Friday prior to Memorial Day and ends Labor Day.**

**From Bay Shore to Zones 1 - 5**

**\$125.00 for up to 6 passengers, \$15.00 for each additional passenger, PER RESERVATION, PER PARTY, PER STOP. This rate would be available from 9:00 am to 9:00 pm weather permitting. Waiting time \$25.00/ ¼hr.**

**\$150.00 for up to 6 passengers, \$15.00 for each additional passenger, PER RESERVATION, PER PARTY, PER STOP. This rate would be available from 9:01 pm to 8:59 am weather permitting. Waiting time \$25.00/ ¼hr.**

**From Bay Shore to Zones 6 - 7**

**Add \$25.00 to above rates**

**From Bay Shore to Zone 8**

**Add \$50.00 to above rates**

**UNSCHEDULED OFF SEASON CROSS BAY SERVICE - Off season service begins 12:01 am after Labor Day and continues through the Thursday prior to Memorial Day.**

**From Bay Shore to Zones 1 – 5**

**\$150.00 for up to 6 passengers, \$15.00 for each additional passenger, PER RESERVATION, PER PARTY, PER STOP. This rate would be available from 9:00 am to 9:00 pm weather permitting. Waiting time \$25.00/ ¼hr.**

**\$175.00 for up to 6 passengers, \$18.00 for each additional passenger, PER RESERVATION, PER PARTY, PER STOP. This rate would be available from 9:01 pm to 8:59 am weather permitting. Waiting time \$25.00/ ¼hr.**

**From Bay Shore to Zones 6 - 7**

**Add \$25.00 to above rates**

**From Bay Shore to Zone 8**

**Add \$50.00 to above rates**

**Special Late Night Service One Way fare from Fire Island to Bay Shore - \$25.00 per person minimum 6 people.**

LATERAL SERVICE - Various communities to be included in lateral service: (Fire Island Lighthouse) through Watch Hill - Per Person fare to be based upon travel zones established herein (see Exhibit "B").

<b>Pickup</b>	<b>Discharge</b>							
<b>Current</b>								
<b>Zones</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>	<b>Zone 6</b>	<b>Zone 7</b>	<b>Zone 8</b>
1	\$5.00	\$ 7 . 0 0	\$ 9 . 0 0	\$11.00	\$13.00	\$15.00	\$17.00	\$19.00
2	7 . 0 0	5 . 0 0	7 . 0 0	9 . 0 0	11.00	13.00	15.00	17.00
3	9 . 0 0	7 . 0 0	5 . 0 0	7 . 0 0	9 . 0 0	11.00	13.00	15.00
4	11.00	9 . 0 0	7 . 0 0	5 . 0 0	7 . 0 0	9 . 0 0	11.00	13.00
5	13.00	11 . 0 0	9 . 0 0	7 . 0 0	5 . 0 0	7 . 0 0	9 . 0 0	11.00
6	15.00	13 . 0 0	11.00	9 . 0 0	7 . 0 0	5 . 0 0	7 . 0 0	9 . 0 0
7	17.00	15 . 0 0	13.00	11.00	9 . 0 0	7 . 0 0	5 . 0 0	7 . 0 0
8	19.00	17 . 0 0	15.00	13.00	11.00	9 . 0 0	7 . 0 0	5 . 0 0
<b>Proposed</b>								
<b>Zones</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>	<b>Zone 6</b>	<b>Zone 7</b>	<b>Zone 8</b>
1	6 . 0 0	8 . 0 0	10 . 0 0	12 . 0 0	14 . 0 0	16 . 0 0	18 . 0 0	22 . 0 0
2	8 . 0 0	6 . 0 0	8 . 0 0	10 . 0 0	12 . 0 0	14 . 0 0	16 . 0 0	18 . 0 0
3	10 . 0 0	8 . 0 0	6 . 0 0	8 . 0 0	10 . 0 0	12 . 0 0	14 . 0 0	16 . 0 0
4	12 . 0 0	10 . 0 0	8 . 0 0	6 . 0 0	8 . 0 0	10 . 0 0	12 . 0 0	14 . 0 0
5	14 . 0 0	12 . 0 0	10 . 0 0	8 . 0 0	6 . 0 0	8 . 0 0	10 . 0 0	12 . 0 0
6	16 . 0 0	14 . 0 0	12 . 0 0	10 . 0 0	8 . 0 0	6 . 0 0	8 . 0 0	10 . 0 0
7	18 . 0 0	16 . 0 0	14 . 0 0	12 . 0 0	10 . 0 0	8 . 0 0	6 . 0 0	8 . 0 0
8	22 . 0 0	18 . 0 0	16 . 0 0	14 . 0 0	12 . 0 0	10 . 0 0	8 . 0 0	6 . 0 0

FREIGHT - \$2.00 minimum per item, \$8.00 per Bicycle

CHILD LATERAL ONE WAY FARE - Under 12 years of age - 50% of Adult fare

INFANTS under two years of age - No Charge

SENIOR CITIZENS FARE - with Suffolk County Sr. Citizens Card - Same as Child Fare

DOGS - Same as Child Fare

**Current Rates:**

UNSCHEDULED SEASONAL CROSS BAY SERVICE - Seasonal service begins May 15 and ends Columbus Day.

From Bay Shore:

\$100.00 for up to 6 passengers, \$13.00 for each additional passenger, PER RESERVATION, PER PARTY. This rate would be available from 7:00 am to 10:00 pm weather permitting.

\$125.00 for up to 6 passengers, \$13.00 for each additional passenger, PER RESERVATION, PER PARTY. This rate would be available from 10:01 pm to 6:59 am weather permitting.

UNSCHEDULED OFF SEASON CROSS BAY SERVICE - Off season service begins 12:01 am after Columbus Day and continues through May 14th.

\$125.00 for up to 6 passengers, \$13.00 for each additional passenger, PER RESERVATION, PER PARTY. This rate would be available from 7:00 am to 10:00 pm weather permitting.

\$150.00 for up to 6 passengers, \$15.00 for each additional passenger, PER RESERVATION, PER PARTY. This rate would be available from 10:01 pm to 6:59 am weather permitting.

LATERAL SERVICE – Various communities to be included in lateral service. Per person fare to be based upon travel zones established herein.

FREIGHT - \$2.00 minimum per item, \$8.00 per bicycle.

CHILD ONE-WAY FARE – Under 12 years of age – 75% of Adult Fare

SENIOR CITIZENS FARE – with Suffolk County Sr. Citizen's Card – 10% discount (of Adult Fare)

DOGS – Same as Child Fare.

Bold – Indicates Proposed rates.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Caracciolo. The resolution was passed 15-1-1-1. Legislator Lindsay voted no. Legislator Mystal abstained. Legislator Tonna was not present.**

Intro. Res. No. 1126-2005  
Introduced by Legislator Schneiderman

Laid on Table 2/15/2005

**RESOLUTION NO. 429 –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 STORM REMEDIATION IMPROVEMENTS WITHIN THE TOWN OF SOUTHAMPTON**

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

**WHEREAS**, the Town of Southampton has requested funds to implement the recommendations contained in the Comprehensive Management Plan of the Long Island South Shore Estuary Reserve, which recognizes the Town of Southampton as “exemplary in its efforts to protect and restore the water and living resources of this subregion, but additional work remains”; and

**WHEREAS**, this Comprehensive Management Plan goes on to state that local implementation of stormwater remediation projects is needed and specifically recommends “continued improvements to municipal stormwater drainage systems that reduce the volume and flow of stormwater runoff to the eastern bays”; and

**WHEREAS**, Resolution No. 659 of 2002 created the Suffolk County Water Quality Review Committee (SCWQRC) which Committee reviewed and approved this 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 2004 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

**1st RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty nine (59) 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

**2nd 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; and be it further

**3rd 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

**4th RESOLVED**, that the Adopted 2005 Operating Budget be and hereby is amended and that the following appropriations be and hereby are appropriated:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
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**Storm Water Remediation at various County Roads**

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8240-311	50	Storm Water Remediation at various County Roads	\$462,500

and be it further

**9th 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 1, 2005

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**Legislator Foley made motion for the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro Res. 1288-2005 Laid on Table 3/15/2005  
Introduced by Legislator Foley and Presiding Officer Caracappa

**RESOLUTION NO. 430 –2005, TO AMEND THE  
TRANSPORTATION ADVISORY BOARD**

**WHEREAS**, Resolution No. 947-2002 created a Transportation Advisory Board;  
and

**WHEREAS**, Resolution No. 947-2002 designated the Chairman as one of the two at-large members of the general public; and

**WHEREAS**, it would be in the best interests of the Advisory Board to select their Chairman from any member of the Board, and not to be specific to one category of membership; now, therefore, be it

**1st RESOLVED**, that the 2<sup>nd</sup>, 4<sup>th</sup> and 15<sup>th</sup> RESOLVED clauses of Resolution No. 947-2002 are hereby amended to read as follows:

**2nd RESOLVED**, that this Advisory Board shall consist of the following fourteen (14) members, each of whom shall be selected by the County Legislature:

\* \* \* \*

7.) two at-large members of the general public, said members to receive initial two- (2)- year appointments[, one of whom shall be designated Chairman];

\* \* \* \*

**4th RESOLVED**, that the current chairperson of the Advisory Board shall [be one of the two members from the public at large] call an organizational meeting annually to be held no later than February 15 of each year, and at such organizational meeting a Chairperson shall be elected by a majority vote of those members present;

\* \* \* \*

**15th RESOLVED**, that this special Advisory Board shall submit an initial written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive no later than one hundred eighty (180) days subsequent to the effective date of this Resolution for consideration, review, and appropriate action, if necessary, by the entire County Legislature, and then submit annual reports on December 31 of each year thereafter with the Clerk of the Suffolk County Legislature; and be it further

**2nd RESOLVED**, that all other terms and conditions of Resolution No. 947-2002 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1331A-2005

**BOND RESOLUTION NO. 431 -2005**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$10,000 BONDS TO FINANCE THE COST OF PREPARATION OF A FEASIBILITY STUDY FOR THE PROPOSED ESTABLISHMENT OF A WIND POWER TURBINE OR TURBINES AT COUNTY PROPERTY 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 \$10,000 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 preparation of a feasibility study for the proposed establishment of a wind power turbine or turbines at County property 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 \$10,000. The plan of financing includes the issuance of \$10,000 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 Section 11.00 a. 62 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1331-2005  
Introduced by Legislators Schneiderman and O'Leary

Laid on Table 3/15/2005

**RESOLUTION NO. 432 –2005, AMENDING THE  
2005 CAPITAL BUDGET AND PROGRAM AND  
APPROPRIATING FUNDS TO EVALUATE THE  
FEASIBILITY OF ESTABLISHING A WIND POWER  
TURBINE OR TURBINES AT COUNTY PROPERTY IN  
YAPHANK**

**WHEREAS**, wind power is one of the most environmentally friendly sources of energy currently available; and

**WHEREAS**, wind power has been used successfully in other parts of the country to meet, in part, the energy needs of an area; and

**WHEREAS**, the County of Suffolk has land available at the County Honor Farm located in Yaphank, which land may be suitable for a wind power turbine; and

**WHEREAS**, there are numerous companies that may be interested in the opportunity to establish a wind power turbine or turbines on County property; and

**WHEREAS**, prior to considering such project, this Legislature must evaluate the potential for a successful wind power structure; and

**WHEREAS**, there are sufficient funds in the 2005 Capital Budget and Program for this study; now, therefore be it

**1st RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the Suffolk County Charter to work in conjunction with the Legislative Office of Budget Review to study and evaluate the feasibility of establishing a wind power structure at the County Honor Farm in Yaphank; and be it further

**2nd RESOLVED**, that the study and evaluation should take into consideration the number of potential operators for a wind power turbine or turbines; any aesthetic impact that the construction of a wind turbine or turbines may have on the surrounding area; and evaluate the

cost/revenue impact of a wind power turbine to determine the feasibility of the County entering into agreements with a private operator to establish a wind power turbine or turbines at the Honor Farm located in Yaphank; and be it further

**3rd RESOLVED**, that this report and evaluation shall be completed and distributed to all members of the County Legislature within one (1) year subsequent to the effective date of this resolution; and be it further

**4th 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

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2005 Capital Budget &amp; Program</u>	<u>Revised 2005 Capital Budget &amp; Program</u>
3. Construction	\$2,940,000	\$3,500,000	\$2,940,000
TOTAL	\$2,940,000	\$3,500,000	\$2,940,000

Project Number: 1664

Project Title: Energy Conservation – Various County Facilities

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2005 Capital Budget &amp; Program</u>	<u>Revised 2005 Capital Budget &amp; Program</u>
1. Planning, Design, & Supervision	\$180,000	\$50,000B	\$60,000B
3. Construction	\$2,900,000	\$700,000B	\$700,000B
TOTAL	\$3,080,000	\$750,000	\$760,000

and be it further

**5th RESOLVED**, that the proceeds of \$10,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1664.112	Energy Conservation – Various County Buildings	\$10,000

and be it further

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

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator O'Leary made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1361A-2005

**BOND RESOLUTION NO. 433 -2005**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$200,000 BONDS TO FINANCE A PART OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO WATER SUPPLY SYSTEMS (CP 1724)**

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 \$200,000 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 construction of improvements to water supply systems, 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 \$420,000. The plan of financing includes (a) the issuance of \$220,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 534-2004 (\$20,000 for planning and \$200,000 for improvements), (b) the issuance of \$200,000 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 Sections 11.00 a. 1 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: May 17, 2005

APPROVED BY:

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

Date: May 20, 2005

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**Legislator O'Leary made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1361-2005 Laid on Table 4/5/2005  
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 434 -2005, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO WATER SUPPLY SYSTEMS (CAPITAL PROGRAM NUMBER 1724)**

**WHEREAS**, the Commissioner of Public Works has requested funds for Improvements to Water Supply Systems; and

**WHEREAS**, sufficient funds are included in 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 \$200,000 in Suffolk County Serial Bonds; now, therefore, be it

**RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8, CEQ Resolution No. 11-05 classified the action

contemplated by this as a Type II action under the provisions of Title 6 NYCRR Part 617.5 (c), (21); and be it further

**RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty nine (59) 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 to complete this project: and be it further

**RESOLVED**, that the proceeds of \$200,000.00 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1724.113	20	<b>Planning for Improvements to Water Supply Systems</b>	\$200,000

DATED: May 17, 2005

APPROVED BY:

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

Date: May 20, 2005

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Legislator Binder made motion for the following resolution, seconded by Legislator O'Leary. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.

Intro. Res. No. 1362A-2005

**BOND RESOLUTION NO. 435 -2005**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$180,000 BONDS TO FINANCE A**

**PART OF THE COST OF THE PLANNING FOR  
THE RIVERHEAD COUNTY CENTER POWER  
PLANT UPGRADE (CP 1715)**

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 \$180,000 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 planning for the Riverhead County Center power plant upgrade, 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 \$2,460,000. The plan of financing includes (a) the issuance of \$290,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 499-1999 (\$30,000 for planning and \$260,000 for construction), (b) the issuance of \$100,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 834-2001 (for planning), (c) the issuance of \$1,890,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 464-2003 (\$25,000 for planning and \$1,865,000 for construction), (d) the issuance of \$180,000 bonds or bond anticipation notes authorized pursuant to this resolution (for planning), and (e) 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 Sections 11.00 a. 62, 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 19, 2005

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**Legislator Binder made motion for the following resolution, seconded by Legislator O'Leary. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1362-2005 Laid on Table 4/5/2005  
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 436 -  
2005, APPROPRIATING FUNDS IN CONNECTION  
WITH THE RIVERHEAD COUNTY CENTER POWER  
PLANT UPGRADE (CAPITAL PROGRAM NUMBER  
1715)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the upgrade of the Riverhead County Center power plant; 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 \$180,000 in Suffolk County Serial Bonds; now, therefore, be it

**RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8, CEQ Resolution No. 08-05 classified the action contemplated by this as a Type II action under the provisions of Title 6 NYCRR Part 617.5 (c), (2), (11) and (21) as this action concerns the planning, replacement and rehabilitation of a facility involving no substantial changes to an existing structure and upgrading and repair of existing facilities as well as extension of an existing utility distribution facility; and be it further

**RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-four (64) 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 to complete this project; and be it further

**RESOLVED**, that the proceeds of \$180,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
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525-CAP-1715.114

20

Planning for Riverhead County  
Center Power Plant Upgrade

\$180,000

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by  
Legislator O'Leary. The resolution was passed 16-0-0-2. Legislators Bishop and  
Tonna were not present.**

Intro. Res. No. 1365A-2005

**BOND RESOLUTION NO. 437-2005**

**BOND RESOLUTION OF THE COUNTY OF  
SUFFOLK, NEW YORK, AUTHORIZING THE  
ISSUANCE OF \$250,000 BONDS TO FINANCE THE  
COST OF THE PLANNING FOR DREDGING OF  
COUNTY WATERS (CP 5200)**

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 the planning for dredging of County waters, 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 Section 11.00 a. 62 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator O'Leary. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1365-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 438 -2005, APPROPRIATING FUNDS IN CONNECTION WITH DREDGING OF COUNTY WATERS (CAPITAL PROGRAM NUMBER 5200)**

**WHEREAS**, the Commissioner of Public Works has requested funds for engineering in connection with Dredging of County Waters; 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 \$250,000 in Suffolk County Serial Bonds; now, therefore, be it

**RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-eight (38) 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 proceeds of \$250,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5200.112	50	Planning for Dredging of County Waters	\$250,000

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 19, 2005

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**Legislator O'Leary made motion for the following resolution, seconded by Legislator Foley. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1389-2005 Laid on Table 4/5/2005  
Introduced by the Presiding Officer on request of County Executive Steve Levy and Legislator Foley

RESOLUTION NO. 439 -2005, TRANSFERRING ESCROW ACCOUNT FUNDS TO THE CAPITAL FUND, AMENDING THE 2005 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING DESIGN AND CONSTRUCTION FUNDS FOR IMPROVEMENTS TO THE SUFFOLK COUNTY SEWER DISTRICT NO. 7 - MEDFORD (CP 8119)

**WHEREAS**, Sewer District Number 7 - Medford was created in 1977 and the sewerage facilities require improvement; and

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

**WHEREAS**, the Administrative Head of Sewer District No. 7 - Medford has requested that funds be appropriated to cover design and construction costs associated with the improvement project; and

**WHEREAS**, sufficient funds are available from connection fees in escrow accounts to cover the costs of the improvement and/or rehabilitation; 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 the proposed sewerage facility improvement and/or rehabilitation to the SD No. 7 - Medford constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (18), (20), (21), and (27) in that the project includes data collection, engineering studies and replacement/rehabilitation; 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 seventy-nine (79) 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 Treasurer and County Comptroller be and they are hereby authorized to transfer the following funds, plus accrued interest to date, from the Trust & Agency Escrow Account to the Capital Fund as a Sewer Revenue:

<u>From</u> <u>Escrow Account</u>	<u>To</u> <u>Capital Fund Sewer Revenues</u>	<u>Amount</u>	<u>Accrued</u> <u>Interest</u>
South Industrial Haven 2 BR 802	527- Sewer Service Charge	\$23,142.00	Yes
Station Rd Land Development BR 1281	527- Sewer Service Charge	\$50,250.00	Yes
South Industrial Haven 2 BR 283	527-Sewer Service Charge	\$82,200.00	Yes
South Silver Industrial Park BR880	527- Sewer Service Charge	\$34,416.00	Yes
Watral Building BR 1187	527- Sewer Service Charge	\$64,170.00	Yes
HRS Corporation BR 1288	527- Sewer Service Charge	\$7,980.00	Yes
Total SCSD #7		\$262,158.00	Yes

and be it further

**RESOLVED**, that the County Treasurer and County Comptroller be and they hereby are authorized to accept proceeds not to exceed \$262,158, plus accrued interest to date, transferred to the Capital Fund from the Trust & Agency Escrow Account; and be it further

**RESOLVED**, that the 2005 Capital Budget be and it hereby is amended as follows:

Program No. 8119  
 Project Name: Improvements to - SD 7 - Medford

	<u>Total Est'd Cost</u>	<u>Adopted 2005 Capital Budget &amp; Program</u>	<u>Revised 2005 Capital Budget &amp; Program</u>
1. Planning, Design & Supervision	\$50,000	\$ 0	\$50,000
			+ Accrued Interest
3. Construction	\$212,158	\$ 0	\$212,158
			+ Accrued Interest
TOTAL	\$262,158	\$ 0	\$ 262,158

and be it further

**RESOLVED**, that the proceeds of \$262,158 in revenues transferred to the Capital Fund, plus accrued interest to date, be and hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8119.112	Improvements to Sewer District 7 - Medford Planning, Design and Supervision	\$50,000 + Accrued Interest
527-CAP-8119.312	Improvements to SCSD No. 7 - Medford - Construction	\$212,158 + Accrued Interest

and be it further

**RESOLVED**, that the Administrative Head of Sewer Districts be and hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the design and construction of improvements at Sewer District No. 7 - Medford.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
 County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Viloría-Fisher made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1390A-2005

**BOND RESOLUTION NO. 440 -2005**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$130,000 BONDS TO FINANCE THE COST OF THE REPLACEMENT OF FOSSIL FUEL, TOXIC AND HAZARDOUS MATERIAL STORAGE TANKS (CP 1706)**

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 \$130,000 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 replacement of fossil fuel, toxic and hazardous material storage tanks, 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 \$130,000. The plan of financing includes the issuance of \$130,000 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 Section 11.00 a. 88 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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Legislator Viloría-Fisher made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.

Intro. Res. No. 1390-2005 Laid on Table 4/5/2005  
Introduced by the Presiding Officer on request of County Executive Steve Levy

**RESOLUTION NO. 441 -2005, APPROPRIATING FUNDS IN CONNECTION WITH REPLACEMENT/CLEAN UP OF FOSSIL FUEL, TOXIC AND HAZARDOUS MATERIAL STORAGE TANKS (CAPITAL PROJECT NUMBER 1706)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the Replacement/Clean Up of Fossil Fuel, Toxic and Hazardous Material Storage Tanks; 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 \$130,000 in Suffolk County Serial Bonds; now, therefore, be it

**RESOLVED**, that as the upgrading and replacement of tanks are mandated by Article 12 of the Suffolk County Sanitary Code and Title 40 of the Code of Federal Regulations, the Legislature being the lead agency under the State Environmental Quality Review Act, Environmental Conservation Law Article 8, hereby determines that this action constitutes a Type II action pursuant to Volume 6 of the New York Code of Rules and Regulations, 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 seventy-seven (77) 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 to continue the Construction for the Replacement/Clean Up of Fossil Fuel, Toxic and Hazardous Material Storage Tanks; and be it further

**RESOLVED**, that the proceeds of \$130,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
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525-CAP-1706.327

20

Replace Fossil Fuel, Toxic and  
Hazardous Material Storage Tanks

\$130,000

DATED: May 17, 2005

APPROVED BY:

/s/ Paul Sabatino II  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Cooper made motion for the following resolution, seconded by  
Legislator O'Leary. The resolution was passed 16-0-0-2. Legislators Bishop and  
Tonna were not present.**

Intro. Res. No. 1391A-2005

**BOND RESOLUTION NO. 442 -2005**

**BOND RESOLUTION OF THE COUNTY OF  
SUFFOLK, NEW YORK, AUTHORIZING THE  
ISSUANCE OF \$75,000 BONDS TO FINANCE A  
PART OF THE COST OF CONSTRUCTION OF  
MODIFICATIONS TO COUNTY FACILITIES FOR  
COMPLIANCE WITH THE AMERICANS WITH  
DISABILITIES ACT (ADA) (CP 1738)**

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 \$75,000 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 construction of modifications to County facilities for Compliance with the Americans with Disabilities Act (ADA), 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 \$275,000. The plan of financing includes (a) the issuance of \$200,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 991-2004, (b) the issuance of \$75,000 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 Sections 11.00 a. 12(a)(2) and 11.00 a. (20)(c) 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: May 17, 2005

APPROVED BY:

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

Date: May 23, 2005

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**Legislator Cooper made motion for the following resolution, seconded by Legislator O'Leary. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

**Intro. Res. No. 1391-2005**

**Laid on Table 4/5/2005**

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

**RESOLUTION NO. 443 –2005, APPROPRIATING FUNDS IN CONNECTION WITH THE MODIFICATIONS FOR COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA) (CAPITAL PROGRAM NUMBER 1738)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the Modifications for Compliance with Americans with Disabilities Act; 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 \$75,000 in Suffolk County Serial Bonds; now, therefore, be it

**RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8, Resolution No. 377-1994, which was reconfirmed by CEQ Resolution No. 09-05, classified the action contemplated by this as a Type II Action under the provisions of Title 6 NYCRR Part 617.5 (c), (21); and be it further

**RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-six (66) 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 to complete this project; and be it further

**RESOLVED**, that the proceeds of \$75,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1738.313	20	Modifications For Compliance With Americans With Disabilities Act (ADA)	\$75,000

DATED: May 17, 2005

APPROVED BY:

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

Date: May 23, 2005

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**Legislator Binder made motion for the following resolution, seconded by Legislator O'Leary. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1392A-2005

**BOND RESOLUTION NO. 444 -2005**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$150,000 BONDS TO FINANCE THE COST OF THE WEATHERPROOFING OF COUNTY BUILDINGS (CP 1762)**

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 \$150,000 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 weatherproofing of County buildings, 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 \$150,000. The plan of financing includes the issuance of \$150,000 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 Section 11.00 a. 12(a)(2) 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: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Binder made motion for the following resolution, seconded by Legislator O'Leary. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were**

not present.

Intro. Res. No. 1392-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 445 -2005, APPROPRIATING FUNDS IN CONNECTION WITH THE WEATHERPROOFING OF COUNTY BUILDINGS (CAPITAL PROGRAM NUMBER 1762)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the Weatherproofing of County Buildings; 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 \$150,000 in Suffolk County Serial Bonds; now, therefore, be it

**RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8, CEQ Resolution No. 10-05 classified the action contemplated by this as a Type II action under the provisions of Title 6 NYCRR Part 617.5 (c), (1), (2) and (21) as this action concerns the planning as well as the maintenance repair, and rehabilitation of existing facilities involving no substantial changes to structure; and be it further

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

**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 to complete this project; and be it further

**RESOLVED**, that the proceeds of \$150,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1762.311	20	Weatherproofing of County Buildings	\$150,000

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Lindsay made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1393A-2005

**BOND RESOLUTION NO. 446 -2005**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$275,000 BONDS TO FINANCE THE COST OF THE REMOVAL OF TOXIC AND HAZARDOUS BUILDING MATERIALS AND COMPONENTS AT VARIOUS COUNTY FACILITIES (CP 1732)**

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 \$275,000 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 removal of toxic and hazardous building materials and components at various County facilities (\$75,000 for planning and \$200,000 for removal), 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 \$275,000. The plan of financing includes the issuance of \$275,000 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 Section 11.00 a. 12(a)(2) 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: May 17, 2005

APPROVED BY:

/s/Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Lindsay made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1393-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 447 -2005, APPROPRIATING FUNDS IN CONNECTION WITH REMOVAL OF TOXIC AND HAZARDOUS BUILDING MATERIALS AND COMPONENTS AT VARIOUS COUNTY FACILITIES (CAPITAL PROGRAM NUMBER 1732)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the Removal of Toxic and Hazardous Building Materials and Components at Various County Facilities; 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 \$275,000 in Suffolk County Serial Bonds; now, therefore, be it

**RESOLVED**, pursuant to the State Environmental Quality Review Act, Environmental Conservation Law Article 8, CEQ Resolution No. 06-05 classified the action contemplated by this as a Type II action under the provisions of Title 6 NYCRR Part 617.5 (c), (1), (2), (18), and (21), as this action concerns the investigation and planning as well as maintenance repair, replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes; and be it further

**RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-seven (73) 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 proceeds of \$275,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1732.121	20	<b>Planning For Removal of Toxic and Hazardous Building Materials and Components at Various County Facilities</b>	\$75,000
525-CAP-1732.327	20	<b>Removal of Toxic and Hazardous Building Materials and Components at Various County Facilities</b>	\$200,000

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 25, 2005

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**Legislator Mystal made motion for the following resolution, seconded by Legislator Binder. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

**Intro. Res. No. 1395-2005**  
**4/5/2005**

**Laid on Table**

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

**RESOLUTION NO. 448 -2005, APPROVING MAPS,  
AND AUTHORIZING THE ACQUISITION OF LANDS  
PURSUANT TO SECTION 206 OF THE EMINENT  
DOMAIN PROCEDURE LAW, IN CONNECTION  
WITH THE ACQUISITION OF PROPERTIES FOR  
THE RECONSTRUCTION OF A PORTION OF C.R.  
12, OAK STREET, IN THE VILLAGE OF  
AMITYVILLE, TOWN OF BABYLON, SUFFOLK  
COUNTY, NEW YORK, (C.P. 3301)**

**WHEREAS**, Charles Bartha, Commissioner of the Department of Public Works of the County of Suffolk was directed to prepare a map showing property to be acquired by the County of Suffolk for the reconstruction of a portion of C.R. 12, Oak Street, in the Village of Amityville, Town of Babylon, Suffolk County, New York, and containing the property to be acquired, the names of the reputed owners, the boundaries and dimensions of the parcels thereof; and

**WHEREAS**, these maps were prepared on or about the 23<sup>rd</sup> day of November, 2004, and is entitled, "Maps showing property to be Acquired for the Reconstruction of a Portion of C.R. 12, Oak Street, in the Village of Amityville, Town of Babylon, Suffolk County, New York"; and

**WHEREAS**, this project has been adopted in the 2004 Capital Budget as and by Project Number 3301; and

**WHEREAS**, on April 15, 2003, the County of Suffolk as Lead Agency, issued a SEQRA determination of non-significance for the project in Resolution Number 213-2003 and SEQRA is complete; and

**WHEREAS**, the property is to be acquired for the reconstruction of a portion of C.R. 12, Oak Street, in the Village of Amityville, Town of Babylon, Suffolk County, New York; and

**WHEREAS**, this portion of C.R. 12, Oak Street, in the Village of Amityville, Town of Babylon currently has a drainage culvert that is too short in length and the permanent easements taken as a result of this project will provide for the extension and future maintenance of said culvert; and

**WHEREAS**, the property to be acquired in the instant case is approximately 0.010± acres, and therefore, satisfies the requirement for an exemption under Article 2 of the Eminent Domain Procedure Law, as set forth in Section 206(D), in that the proposed acquisition is de minimus in nature, and the public interest will not be prejudiced by the construction of the project; now therefore, be it

**RESOLVED**, that the SEQRA determination of non-significance stipulated in Resolution No. 213-2003 is hereby reaverred; and be it further

**RESOLVED** that Director Patricia B. Zielenski and/or her designee, be, and it hereby is authorized to file with the Clerk of the Legislature the map entitled, "Maps showing property to be Acquired for the Reconstruction of a Portion of C.R. 12, Oak Street, in the Village of Amityville, Town of Babylon, Suffolk County, New York;" and be it further

**RESOLVED**, that these maps are hereby approved and adopted as the acquisition maps for this project; and be it further

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee be and hereby is authorized to proceed pursuant to its Rules, Regulations, and Procedures, and Article 3 of the New York State Eminent Domain Procedure Law, to appraise the estates to be acquired and to make offers to the Condemnees by means of the "one offer" system as set forth in the Rules, Regulations, and Procedures of the Division of Real Estate of the Suffolk County Department of Planning and Article 3 of the New York State Eminent Domain Procedure Law; and be it further

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee be and hereby is authorized to acquire the properties set forth in the aforesaid maps herein as a de minimus acquisition; said acquisition to be in the name of the County of Suffolk; and be it further

**RESOLVED**, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

**RESOLVED**, that Director Patricia B. Zielenski and/or her designee be and hereby is authorized and permitted to make the aforesaid acquisition of said lands from the Proposed Condemnees by negotiation, purchase, and conveyance; and in the event that the Division of Real Estate of the Suffolk County Department of Planning is unable to acquire said property by negotiation, purchase and conveyance, it is hereby authorized, permitted, and directed to acquire said property pursuant to the Eminent Domain Procedure Law; and be it further

**RESOLVED**, that in all proceedings under the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

**RESOLVED**, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 1, 2005

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**Legislator Nowick made motion for the following resolution, seconded by Legislator Kennedy. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1423-2005  
Introduced by Legislators and Nowick and Kennedy

Laid on Table 4/5/2005

**RESOLUTION NO. 449 -2005, CONSENTING TO THE ACQUISITION OF ADDITIONAL LAND AT MT. PLEASANT ROAD, TOWN OF SMITHTOWN, COUNTY OF SUFFOLK, STATE OF NEW YORK, BY THE ROMAN CATHOLIC CHURCH OF ST. PATRICK AT SMITHTOWN FOR CEMETERY (SCTM NOS. 0800-131.00-04.00-008.001 P/O and 0800-132.00-03.00-003.002 P/O)**

**WHEREAS**, a petition, dated January 6, 2005, has been filed with the Suffolk County Legislature by the Roman Catholic Church of St. Patrick at Smithtown, pursuant to Section 1506(c) of the NEW YORK NOT-FOR-PROFIT CORPORATION LAW, requesting permission of the Suffolk County Legislature to expand its existing cemetery at Mt. Pleasant Road, Town of Smithtown, County of Suffolk, by the purchase of approximately .41 acres of land, described as follows:

All that certain plot, piece or parcel of land situate, lying and being at the Town of Smithtown, County of Suffolk and State of New York and designated as "Cemetery Dedication" on a certain map entitled "Condominium Map of Yellow Top Farms Estates Section 1" to be filed in the Suffolk County Clerk's Office more particularly bounded and described as follows: COMMENCING at a point, said point is further described as being the following two (2) courses from the intersection of the westerly side of Mt. Pleasant Road with the northerly side of Nesconset-Port Jefferson Highway (NYS Route 347);

- 1.) Northerly along the westerly side of Mt. Pleasant Road, a distance of 522.65 feet;
- 2.) S 85° 42' 30" W, 2.09 Feet to the ACTUAL POINT of BEGINNING.

RUNNING THENCE the following six (6) courses:

- 1.) S 19° 26' 02" E, 31.10 feet;
- 2.) S 85° 38' 03" W, 591.07 feet;
- 3.) N 05° 34' 32" W, 30.01 feet;
- 4.) N 85° 36' 47" E, 69.57 feet;
- 5.) N 00° 13' 13" W, 0.67 feet;

6.) N 85° 42' 30" E, 514.00 feet to the POINT or PLACE of BEGINNING;

and

**WHEREAS**, public notice of a public hearing in respect to said petition has been published for six (6) consecutive weeks in the official County newspapers pursuant to Section 1506(c) of the NEW YORK NOT-FOR-PROFIT CORPORATION LAW; and

**WHEREAS**, a public hearing was held with regard to said petition on the 5<sup>th</sup> day of April, 2005, pursuant to Section 1506(c) of the NEW YORK NOT-FOR-PROFIT CORPORATION LAW; now therefore be it

**1st RESOLVED**, that the Suffolk County Legislature hereby consents to the acquisition of additional land located at Mt. Pleasant Road, Town of Smithtown, County of Suffolk, State of New York, by the Roman Catholic Church of St. Patrick at Smithtown for cemetery expansion purposes.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 23, 2005

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**Legislator Kennedy made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1424A-2005

**BOND RESOLUTION NO. 450 -2005**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$97,500 BONDS TO FINANCE THE COST OF THE REPLACEMENT PRODUCTION SERVER FOR THE VIRTUAL COUNTY CLERK'S OFFICE (CP 1795)**

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 \$97,500 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 replacement production server for the virtual County Clerk's Office, 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 \$97,500. The plan of financing includes the issuance of \$97,500 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 Section 11.00 a. 32 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: May 17, 2005

APPROVED BY:

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

Date: May 26, 2005

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**Legislator Kennedy made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

**Intro. Res. No. 1424-2005 Laid on Table  
4/5/2005**

Introduced by Presiding Officer on the request of the County Clerk

**RESOLUTION NO. 451 -2005, AMENDING THE  
2005 CAPITAL BUDGET AND PROGRAM AND  
APPROPRIATING FUNDS FOR THE  
REPLACEMENT PRODUCTION SERVER FOR  
VIRTUAL COUNTY CLERK'S OFFICE (CP1795)**

**WHEREAS**, the County Clerk has requested appropriating funds that have been provided in the 2005 Capital Program for the replacement production server; and

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

**WHEREAS**, Capital Project 1795, Replacement Production Server for Virtual County Clerk's Office, must be amended to re-schedule \$97,500 from construction, to furniture and equipment in order to purchase the replacement server; and

**WHEREAS**, Resolution No. 471-1994 as revised by Resolution No. 459-2001 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

**WHEREAS**, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$97,500 in Suffolk County Serial Bonds; now, therefore be it

**1st RESOLVED**, that it is hereby determined that this project, with a priority ranking of 41 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

**2nd RESOLVED**, that the 2005 Capital Budget and Program be and is hereby amended as follows:

Project Number: 1795

Project Title: Replacement Production Server for Virtual County Clerk's Office

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2005 Capital Budget &amp; Program</u>	<u>Revised 2005 Capital Budget &amp; Program</u>
3. Construction	\$0	\$97,500 (B)	\$0
5. Furniture & Equipment	\$97,500 (B)	\$0	\$97,500
TOTAL	\$97,500	\$97,500	\$97,500

**3rd RESOLVED**, that the proceeds of \$97,500 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Name</u>	<u>Amount</u>
525-CAP 1795.510	Equipment for Replacement Production Server	\$97,500

and be it further

**4th 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

**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) 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: May 17, 2005

APPROVED:

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

Date: May 26, 2005

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**Legislator Alden made motion for the following resolution, seconded by Legislator Binder. The resolution was passed 16-0-0-2. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1435-2005 Laid on Table 4/5/2005  
Introduced by Legislators Alden, Caracappa, Carpenter, O'Leary, Caracciolo, Schneiderman, Losquadro, Kennedy, Nowick, Binder, Mystal, and Nowick

**RESOLUTION NO. 452 –2005, ESTABLISHING  
A COUNTY POLICY TO PROTECT THE  
IDENTITY OF CHILDREN IN SUFFOLK COUNTY**

**WHEREAS**, this Legislature is committed to the protection of the identity of Suffolk County residents and County employees; and

**WHEREAS**, this Legislature has enacted resolutions designed to protect the identity of domestic violence victims; and

**WHEREAS**, this Legislature has introduced resolutions to protect the social security numbers of County employees; and

**WHEREAS**, this Legislature has called upon the New York State Legislature to enact Statewide provisions that would institute procedures designed to protect against identity theft; and

**WHEREAS**, to further the goal of identity protection, procedures should be instituted County-wide to ensure that the names, addresses, telephone numbers, social security numbers, and any other information that could be used to steal the identity of a Suffolk County resident or to expose personal information to those who could present a potential danger should be avoided; now, therefore be it

**1st RESOLVED**, that it shall be the policy of the Suffolk County government to institute any and all procedures that would achieve the following goals:

- 1.) maintain the confidentiality of personal information, including but not limited to, names, addresses, telephone numbers, and social security numbers to the maximum extent possible under the law; and
- 2.) refrain from acquiring or maintaining lists of names, addresses, telephone numbers, and social security numbers of County residents, unless absolutely required for some legal or governmental purpose;

and be it further

**2nd RESOLVED**, that all Suffolk County Commissioners and Department Heads are hereby authorized, empowered and directed to undertake an audit of the procedures required in their Department to assure that this policy of the County of Suffolk is implemented to the fullest extent legally permissible; and be it further

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

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 2, 2005

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Caracciolo. The resolution was passed 15-1-0-2. Legislator Lindsay voted no. Legislators Bishop and Tonna were not present.**

Intro. Res. No. 1125-2005  
Introduced by Legislator Schneiderman

Laid on Table 2/15/2005

**RESOLUTION NO. 453 –2005, AMENDING THE  
2005 OPERATING BUDGET TO TRANSFER  
FUNDS FROM THE SUFFOLK COUNTY WATER  
PROTECTION FUND (477) RESERVE FUND TO  
THE TOWN OF SOUTHAMPTON FOR  
“RESTORATION OF HARD CLAM  
POPULATIONS IN QUANTUCK BAY”**

**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**, Resolution No. 659 of 2002 created the Suffolk County Water Quality Review Committee (SCWQRC) and designated the Commissioner of Public Works or his designee to serve as Chairperson; and

**WHEREAS**, the Town of Southampton has requested funding in the amount of \$42,000 for a program entitled “Restoration of Hard Clam Populations in Quantuck Bay” in accordance with the requirements of Resolution Nos. 662 of 2000 and 659 of 2002 and this request has been reviewed and approved by the Water Quality Review Committee; and

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

**1st RESOLVED**, that the County of Suffolk hereby appropriates \$42,000 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:

<u>FROM:</u>	<u>Amount</u>
Fund 477 Water Quality (Reserve Fund Balance)	\$42,000
<u>TO:</u>	
477-CEX-8751-4770 Town of Southampton	\$42,000

and be it further

**2nd RESOLVED**, that nothing contained herein shall be construed as a binding obligation on the part of Suffolk County to continue to provide funding or resources to Town of Southampton; and be it further

**3rd RESOLVED**, that the Town of Southampton shall obtain all necessary permits and satisfy SEQRA requirements; and be it further

**4th 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: May 17, 2005

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

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**Legislator Binder made motion for the following resolution, seconded by Presiding Officer Caracappa. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1388-2005

Laid on Table 4/5/2005

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

RESOLUTION NO. 454 -2005, TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND, AMENDING THE 2005 OPERATING BUDGET, AMENDING THE 2005 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS FOR THE PURCHASE OF DIVISION OF SANITATION LABORATORY EQUIPMENT (CP 8166)

**WHEREAS**, analysis for all County sewer districts are performed at the Sanitation Division Laboratory; and

**WHEREAS**, it is necessary to replace and/or update that equipment to maintain the Laboratory's mandated self-monitoring requirements and to insure compliance with applicable environmental laws; and

**WHEREAS**, the Administrative Head of the Sewer Districts has requested that funds be appropriated to costs associated with the project; and

**WHEREAS**, it is proposed that the Assessment Stabilization Reserve Fund provide \$150,000 for the purchase of laboratory equipment; and

**WHEREAS**, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of 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

**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 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, 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 fifty (50), 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 Assessment Stabilization Reserve Fund shall provide the sum of \$150,000 for the purpose of implementing the project; and be it further

**RESOLVED**, that interfund expenditures be and hereby are appropriated as follows:

**EXPENDITURES:**

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	404	E528	9600	Transfer to Capital Sewer Fund	\$150,000

and be it further

**RESOLVED**, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept Interfund revenues for the purchase of sewer facility maintenance equipment as follows:

**REVENUE:**

<u>Fund /Agency/Source</u>	<u>Description</u>	<u>Activity</u>	<b>Amount</b>
528-IFT-R404	Transfer from Assessment Stabilization Reserve Fund	D	\$150,000

and be it further

**RESOLVED**, that the 2005 Capital Budget be and it hereby is amended as follows:

Program No.: **8166**  
 Project Name: **Sanitation Division Laboratory Equipment**

	<b>TOTAL EST'D COST</b>	<b>CURRENT 2005 CAPITAL BUDGET &amp; PROGRAM</b>	<b>REVISED 2005 CAPITAL BUDGET &amp; PROGRAM</b>
5. Furniture & Equipment	\$300,000	\$150,000-x	\$150,000-A
<b>TOTAL</b>	<b>\$300,000</b>	<b>\$150,000-x</b>	<b>\$150,000-A</b>

X - Sewer District Funds  
A - Assessment Stabilization Reserve  
Fund

and be it further

**RESOLVED**, that funds in the amount of \$150,000 from the Assessment Stabilization Reserve Fund be and hereby are appropriated as follows:

<u>PROJECT NO.</u>	<u>PROJECT TITLE</u>	<u>AMOUNT</u>
528-CAP-8166.510	Division of Sanitation Laboratory Equipment	\$150,000

and be it further

**RESOLVED**, that the Administrative Head of the Sewer Districts be and hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the purchase of equipment.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 23, 2005

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**Legislator O'Leary made motion for the following resolution, seconded by Legislator Foley. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1372-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 455 -2005, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SUFFOLK AND THE BELLPORT, HAGERMAN, EAST PATCHOGUE ALLIANCE, INC. ESTABLISHING A COOPERATIVE RELATIONSHIP FOR THE BELLPORT WEED AND SEED PROGRAM AND ACCEPTING AND APPROPRIATING \$117,340 IN SUB-GRANTED FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE WITH 84.5% SUPPORT**

**WHEREAS**, the Bellport, Hagerman, East Patchogue Alliance, as the designated Weed and Seed Coordinator for the Bellport Weed and Seed Program, has been awarded \$117,340 in grant funding by the United States Department of Justice; and

**WHEREAS**, the Program is designed to coordinate delivery of criminal justice services to eliminate violent crime, drug-trafficking, and drug-related crime, and to provide a safe environment for law abiding citizens to live, work and raise a family; and

**WHEREAS**, the project requires local law enforcement commitment as a sub-grantee to expanded law enforcement activities (“weeding”) in the target area; and

**WHEREAS**, the operational period of this Program will be from October 1, 2001 to May 30, 2005; and

**WHEREAS**, the Memorandum of Understanding requires the approval of the Suffolk County Legislature; and

**WHEREAS**, the fringe benefits associated with the overtime are included in the 2005 Suffolk County Operating Budget; and

**WHEREAS**, said grant funds totaling \$117,340 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 sub-grant funds as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
115-4371 – Federal Aid: Weed and Seed	\$117,340

ORGANIZATIONS:

Police Department (POL)  
Bellport Weed and Seed  
115-POL-3232

<u>1000 – Personal Services</u>	<u>\$105,740</u>
1120 – Overtime Salaries	\$105,740

<u>4300 – Travel</u>	<u>\$ 11,600</u>
4340 – Travel: Other	\$ 11,600

and be it further

**RESOLVED**, that the Reporting Categories for the County Integrated Financial Management System are P129; and be it further

**RESOLVED**, that the Memorandum of Understanding between the County of Suffolk and the Bellport, Hagerman, East Patchogue Alliance for the Bellport Weed and Seed Site be approved.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 1, 2005

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**Legislator O'Leary made motion for the following resolution, seconded by Legislator Foley. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1372-2005

Laid on Table 4/5/2005

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

**RESOLUTION NO. 455 –2005, APPROVING A  
MEMORANDUM OF UNDERSTANDING BETWEEN THE  
COUNTY OF SUFFOLK AND THE BELLPORT,  
HAGERMAN, EAST PATCHOGUE ALLIANCE, INC.  
ESTABLISHING A COOPERATIVE RELATIONSHIP FOR  
THE BELLPORT WEED AND SEED PROGRAM AND  
ACCEPTING AND APPROPRIATING \$117,340 IN SUB-  
GRANTED FUNDS FROM THE U.S. DEPARTMENT OF  
JUSTICE WITH 84.5% SUPPORT**

**WHEREAS**, the Bellport, Hagerman, East Patchogue Alliance, as the designated Weed and Seed Coordinator for the Bellport Weed and Seed Program, has been awarded \$117,340 in grant funding by the United States Department of Justice; and

**WHEREAS**, the Program is designed to coordinate delivery of criminal justice services to eliminate violent crime, drug-trafficking, and drug-related crime, and to provide a safe environment for law abiding citizens to live, work and raise a family; and

**WHEREAS**, the project requires local law enforcement commitment as a sub-grantee to expanded law enforcement activities ("weeding") in the target area; and

**WHEREAS**, the operational period of this Program will be from October 1, 2001 to May 30, 2005; and

**WHEREAS**, the Memorandum of Understanding requires the approval of the Suffolk County Legislature; and

**WHEREAS**, the fringe benefits associated with the overtime are included in the 2005 Suffolk County Operating Budget; and

**WHEREAS**, said grant funds totaling \$117,340 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 sub-grant funds as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
115-4371 – Federal Aid: Weed and Seed	\$117,340

ORGANIZATIONS:

Police Department (POL)  
Bellport Weed and Seed  
115-POL-3232

<u>1000 – Personal Services</u>	<u>\$105,740</u>
1120 – Overtime Salaries	\$105,740

<u>4300 – Travel</u>	<u>\$ 11,600</u>
4340 – Travel: Other	\$ 11,600

and be it further

**RESOLVED**, that the Reporting Categories for the County Integrated Financial Management System are P129; and be it further

**RESOLVED**, that the Memorandum of Understanding between the County of Suffolk and the Bellport, Hagerman, East Patchogue Alliance for the Bellport Weed and Seed Site be approved.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 1, 2005

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**Deputy Presiding Officer Carpenter made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1353-2005

Laid on Table 4/5/2005

Introduced by Legislator Montano

**RESOLUTION NO. 456 -2005, IMPLEMENTING  
BROWNFIELD POLICY FOR LIBERTY PLATING  
PROPERTY IN BRENTWOOD, TOWN OF ISLIP  
(SCTM NO. 0500-136.00-03.00-009.000)**

**WHEREAS**, the Liberty Plating Property at 550 Suffolk Avenue, Brentwood, New York 11717, is an environmentally contaminated site which has presented a health and safety hazard in the past and its continued vacant condition has impeded the economic development of the surrounding community; and

**WHEREAS**, this property has been vacant for more than ten (10) years; and

**WHEREAS**, the County of Suffolk has the right to acquire title but has not done so, in part, because of liens imposed by the New York State Department of Environmental Conservation (DEC) and the Environmental Protection Agency (EPA); and

**WHEREAS**, these State and federal agencies have expended funds to remediate the site to its present condition; and

**WHEREAS**, a minimal amount of remediation and repair remains to be completed in order to return this parcel to a useful site, capable of development; and

**WHEREAS**, Resolution No. 527-1998 established a Brownfield Policy for the County of Suffolk wherein Brownfield properties with the County of Suffolk need to be analyzed with regard to environmental degradation and commercial viability; and

**WHEREAS**, Resolution No. 882-2000 implemented an RFP Committee process for analysis of Brownfield properties in Suffolk County; and

**WHEREAS**, this parcel is located on a major thoroughfare that is convenient to both bus and rail transportation; and

**WHEREAS**, the Town of Islip Community Development Agency has expressed an interest in acquiring this site for the purpose of constructing a Community Resource Center for local community residents; now, therefore be it

**1st RESOLVED**, that the Commissioner of the Department of Economic Development and Workforce Housing, is hereby authorized, empowered, and directed, pursuant to Section C35-2(A)(B) and (C) of the SUFFOLK COUNTY CHARTER in cooperation with the Commissioner of the Department of Health Services and the Director of the Division of Real Property Acquisition to take the following steps in connection with the acquisition of the property, known as 550 Suffolk Avenue, Brentwood, New York 11717, bearing Suffolk County Tax Map Number 0500-136.00-03.00-009.000:

- 1.) the County of Suffolk shall perform a preliminary site investigation which shall identify the type and extent of contamination remaining at the site and the cost of remediation sufficient to convey the parcel for use as a Community Resource Center;

2.) after an analysis of the findings made pursuant to sub paragraph 1, the County of Suffolk may exercise its normal rights in taking title to such property under the SUFFOLK COUNTY TAX ACT and Article 14 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, subject to the discontinuance of any liens or rights to the parcel held by any third parties, including the New York State Department of Environmental Conservation and the Environmental Protection Agency;

3.) the County of Suffolk shall pursue any source of funding to complete the remediation and repair necessary to return this site for use as a Community Resource Center; and

4.) in the event that the County takes title to the property, the County of Suffolk may make such property available for a Community Resource Center if the Town of Islip requests conveyance for such use pursuant to 72-h of the NEW YORK GENERAL MUNICIPAL LAW upon conclusion of the remediation of said parcel;

5.) except, however, that no such transfer of this property shall be made without a separate duly enacted Resolution of this Legislature,

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 Title 6 NYCRR Part 617(c)(21) and (27) since it constitutes a local legislative decision in connection with conducting environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal which does not commit the agency to commence, engage in or approve such action. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 1, 2005

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**Deputy Presiding Officer Carpenter made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 1503-2005

Laid on Table 5/17/2005

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

**RESOLUTION NO. 457 -2005, ACCEPTING**

**AND APPROPRIATING 75% GRANT FUNDS RECEIVED FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR GANG PROSECUTION PROGRAM**

**WHEREAS**, the New York State Division of Criminal Justice Services, awarded a grant in the amount of \$54,500 to the Suffolk County District Attorney's Office to address the prosecution of gang and narcotic related criminal activities; and

**WHEREAS**, said grant is to run for the period 6/1/04 through 5/31/05; and

**WHEREAS**, said grant requires local matching funds in the amount of \$18,167 (25%) which will be met through the use of asset forfeiture monies from the District Attorney's shared Federal Forfeiture Proceeds; and

**WHEREAS**, funding has not been included in the District Attorney's Operating Budget for this program for fiscal year 2005; now, therefore, be it

**RESOLVED**, that the County Comptroller and County Treasurer be and they hereby are authorized to appropriate the following grant funds for fiscal year 2005:

<u>REVENUES:</u>	<u>AMOUNT</u>
001-4360 Federal Aid: Prosecution of Gang Related Violent Crime	\$54,500

ORGANIZATIONS:

District Attorney (DIS)  
Gang Prosecution Program  
001-DIS-1170

EQUIPMENT

2020-OFFICE MACHINES	\$54,500
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and be it further

**RESOLVED**, that the Reporting Category for the County Integrated Financial Management System (IFMS) is DA18; and be it further

**RESOLVED**, that the County Executive be authorized to execute the grant related agreement between Suffolk County and the New York State Division of Criminal Justice Service; and be it further

**RESOLVED**, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 15-1-1-1. Legislator Caracciolo voted no. Legislator Alden abstained. Legislator Tonna was not present.**

Intro. Res. No. 1631-2005

Laid on Table 5/17/2005

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

**RESOLUTION NO. 458 -2005, SALE OF  
COUNTY-OWNED REAL ESTATE  
PURSUANT TO LOCAL LAW 13-1976  
ANNETTE S. KATZIN  
(0200-986.40-02.00-035.000)**

**WHEREAS**, the COUNTY OF SUFFOLK had acquired an interest in the following described parcel that is surplus to the needs of the County of Suffolk:

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 986.40, Block 02.00 Lot 035.000 and acquired by Tax Deed on April 21,1982 from Jean H. Tuthill the County Treasurer of Suffolk County, New York, and recorded on April 21,1982 in Liber 9171 at Page 219 and described as follows, Town of Brookhaven, P/O Lot 001 This site contains a total area of 5,034 +/- square feet, underwater land of the Great South Bay, N x Great South Bay, E x now or formerly Steiner, S x Fire Is Pine Sec 2, W x now or formerly Ettinger; and

**WHEREAS**, in accordance with Local Law 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

**WHEREAS, Annette S. Katzin,** has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$12,500. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS,** the real property above described has been appraised at \$12,500, which property is surplus to the needs of the County of Suffolk; and

**WHEREAS,** Director Patricia B. Zielenski and/or her designee, has received and deposited the sum of \$12,500, pursuant to said purchase offer; and

**WHEREAS,** the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land; now, be it therefore,

**RESOLVED,** this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of 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 deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

**RESOLVED,** that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Annette S. Katzin, 176 East 71<sup>st</sup> Street, Apt. 2F, New York, New York 10021.

DATED: May 17, 2005

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

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**Legislator Mystal made motion for the following resolution, seconded by Legislator Foley. The resolution was passed 15-1-1-1. Legislator Binder voted no. Legislator Caracciolo abstained. Legislator Tonna was not present.**

Intro. Res. No. 1632-2005

Laid on Table 5/17/2005

Introduced by the Presiding Officer at the request of the County Executive

**RESOLUTION NO. 459 -2005, AUTHORIZING THE DISBURSEMENT OF FUNDS FROM THE SUFFOLK COUNTY LIVING WAGE CONTINGENCY FUND FOR BABYLON CHILD CARE CENTER AND WYANDANCH DAY CARE CENTER, INC., DAY CARE PROVIDERS UNDER CONTRACT WITH THE DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, a new Section 347-15, County Transitional Financial Assistance was added to the Suffolk County Code wherein 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; and

**WHEREAS**, Babylon Child Care Center and Wyandanch Day Care Center, Inc., day care providers, have submitted an Application for Hardship Assistance and other prescribed forms to document the need for financial assistance; and

**WHEREAS**, the providers have grave concerns about their ability to comply with the Living Wage Law without a financial subsidy; and

**WHEREAS**, the providers offer a needed service to the community; and

**WHEREAS**, the Department of Social Services seeks to continue it's contractual relationship with the day care providers to enable families that are eligible for Social Service Programs to maintain their relationship with these resource; and

**WHEREAS**, based on a financial review, the Department of Social Services recommended and the Department of Labor has authorized Hardship Assistance in the amount up to a maximum of \$58,172 be awarded for the period January 1, 2005 to December 31, 2005; and

**WHEREAS**, it is in the best interest of the County to provide the funding to Babylon Child Care Center and Wyandanch Day Care Center, Inc. in the amount up to a maximum of \$58,172; now therefore, be it

**RESOLVED**, that the County Comptroller be and hereby is authorized, empowered and directed to disburse funds as follows:

FROM:001-MSC-1998-4770

**SUFFOLK COUNTY LIVING WAGE CONTINGENCY FUND** **\$58,172**

TO: 001-DSS-6015-4770

**CLIENT BENEFITS SPECIAL SERVICES** **\$58,172**

and be it further

**RESOLVED**, THAT THE Commissioner of Social Services is hereby authorized, empowered and directed to disburse the funds to Babylon Child Care Center and Wyandanch Day Care Center, Inc.

DATED: May 17, 2005

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 19, 2005

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**Presiding Officer Caracappa made motion for the following resolution, seconded by Legislator Lindsay. The resolution was passed 16-0-1-1. Legislator Alden abstained. Legislator Tonna was not present.**

**RESOLUTION NO. 460 -2005, REQUESTING  
LEGISLATIVE APPROVAL OF A  
CONTRACT AWARD FOR FITNESS FOR  
DUTY PSYCHOLOGICAL EVALUATIONS FOR  
THE DEPARTMENT OF HEALTH SERVICES,  
BUREAU OF EMPLOYEE HEALTH SERVICES**

**WHEREAS**, Local Law 3 – 1996 requires the County Legislature to approve any Contract in excess of \$20,000 awarded pursuant to a Request for Proposal (RFP) process in which only one party responds to the County’s solicitation of proposals; and

**WHEREAS**, the Department of Health Services requested a RFP for Fitness for Duty Psychological Evaluations for the Bureau of Employee Health Services; and

**WHEREAS**, the Purchasing Office of the Department of Public Works advertised for these Services and mailed RFP’s to ten (10) potential vendors and received only one response from Darryl B. Feldman, PhD; and

**WHEREAS**, Darryl B. Feldman, PhD has since become the principal in the recently formed Limited Liability Corporation (LLC) entitled, Forensic Psychological Services, LLC, which he formed during the course of the RFP process; and

**WHEREAS**, an independent evaluation committee reviewed the proposal from Darryl B. Feldman, PhD, and found his quality of work and experience satisfactory, and his cost proposal submission within the industry standards, and have recommended that the Department of Health Services enter into a contractual agreement with the Forensic Psychological Services, LLC; and

**WHEREAS**, there are sufficient funds in the 2005 Suffolk County Operating 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 Health Services enter into a contractual agreement with Forensic Psychological Services, LLC for the provision of Fitness for Duty Psychological Evaluations for the Department of Health Services, Bureau of Employee Health Services.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

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**Legislator Foley made motion for the following resolution, seconded by Deputy Presiding Officer Carpenter. The resolution was passed 17-0-0-1. Legislator Tonna was not present.**

Intro. Res. No. 2128-2004

Laid on Table 11/16/2004

Introduced by the Presiding Officer pursuant to Rule 3(A)(14) of the Suffolk County Legislature

***RESOLUTION NO. 461 –2005, AUTHORIZATION***

**OF ALTERATION FOR RATES FOR DAVIS PARK  
FERRY CO.**

**WHEREAS**, Davis Park Ferry Co., has applied to the Suffolk County Legislature, by a Petition dated and verified October 25, 2004, pursuant to Article 8 of the New York Navigation Law, Section 71 of the New York Transportation Corporations Law, Section 131-g of the Highway Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County for the approval of its passenger and freight rates; and

**WHEREAS**, the Office of Legislative Budget Review has submitted its recommendations on said application to this Legislature as a whole; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Petition of Davis Park Ferry, Co., dated and verified October 25, 2004 is approved as follows:

**SERVICE DESCRIPTION  
FERRY SERVICE SCHEDULE**

See attached following pages

**RATE SCHEDULES**

See attached following pages

And be it further

**2<sup>nd</sup> RESOLVED**, that the following recommendations contained on page 10 of the May 2, 2005 Budget Review Office Report shall be implemented by Davis Park Ferry Co., Inc.:

- 1.) The various agreements such as the buy out of Fred Sherman, the lease of the office and the lease of the “Marquette”, shall be formalized in writing with properly executed agreements;
- 2.) The loan from Davis Park Marine shall be formalized with an executed written agreement that details a due date and an interest rate;

- 3.) Fully executed leases with the Town of Brookhaven and the National Park Service shall be filed with the Clerk of the Legislature; and
- 4.) Cash control system that provides an auditable and verifiable trail and that will reconcile revenues, ridership, and cash.

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 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 (6NYCRR) and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, 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.

DATED: May 17, 2005

APPROVED BY:

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

Date: May 19, 2005

<i>Item</i>	<u>Passenger Rates</u>		
	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Adult – One Way	\$5.50	\$7.00	28
Senior – One Way	\$5.00	\$6.25	25
Child (Ages 2-11) – One Way	\$3.25	\$4.50	39
Dog – Round Trip Only	\$3.25	\$4.50	39
20 Trip Book of Tickets	\$96.00	\$122.00	28
40 Trip Punch Card	\$154.00	\$195.50	27
Water Taxi – 10 People or Less	\$100.00	\$130.00	30
Water Taxi – 11 People or More – P/Person	\$10.00	\$13.00	30
Water Taxi – After Scheduled Times		\$150.00	

#### **Amusements**

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Bowling Game	\$14.03	\$17.75	27
Cigarette Machine	\$8.35	\$10.50	26
Football Game	\$11.33	\$14.25	26
Juke Box	\$11.95	\$15.00	27
Pinball Machine	\$14.00	\$17.75	27
Video Game	\$11.33	\$14.25	26
Pool Table	\$17.90	\$22.75	27

#### **Appliances**

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Dishwasher	\$7.15	\$9.00	26
Dryer	\$7.15	\$9.00	26
Freezer	\$17.90	\$23.25	30
Microwave Oven	\$3.60	\$4.50	25
Range – 4 Burner Stove	\$10.95	\$13.75	26
Refrigerator	\$16.70	\$21.00	26
Soda Machine	\$20.90	\$26.50	27
Washing Machine	\$10.55	\$13.25	26

## Building Supplies

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Bricks – Price P/Brick	\$0.10	\$0.12	20
Cement – Bag 90 lbs.	\$2.85	\$3.50	23
Cement Block – 8” std. or 4” solid	\$0.40	\$0.50	26
Cement Block – 12” std.	\$0.50	\$0.60	21
Cement Covers – 5’ x 2’	\$10.30	\$13.00	26
Cement Covers – 2’ round	\$5.50	\$7.00	28
Doors:			
Combo & Exterior	\$3.50	\$4.50	29
Interior & Louvre	\$2.30	\$3.00	30
Jalousie w/glass	\$3.50	\$4.50	29
Pre Hung & Shower	\$3.50	\$4.50	29
Sliding Glass Set 6’	\$9.15	\$11.50	26
Sliding Glass Set	\$13.35	\$17.00	28
Door Frame – Set	\$7.60	\$9.50	25
Door Jambs – Set	\$0.70	\$0.85	22
Flagstone – P/Piece – Bulk	\$0.55	\$0.65	19
Felt – Roll	\$0.79	\$1.00	27
Fiberglass Panel – 2’ x 8’	\$0.60	\$0.75	26
Flue Pipe – 8” x 8” Piece	\$0.70	\$0.85	22
Flue Pipe – 12” Piece	\$1.05	\$1.25	20
Formica – 4’ x 8’	\$2.30	\$3.00	30
Glass – Minimum P/Piece	\$2.30	\$3.00	30
Gravel – Sand 50 lb. Bag	\$1.60	\$2.00	25
<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Homosote – 4’ x 8’ Sheet	\$0.70	\$0.85	22
Insulation – Bundle	\$1.40	\$1.75	25
Ladder – Step	\$1.05	\$1.25	20
Ladder – 20’ Extension	\$1.75	\$2.25	29
Ladder – 40’ Extension	\$3.50	\$4.50	29
Leader or Gutter – 10’ Piece	\$0.60	\$0.75	26
Leader or Gutter – 20’ Piece	\$0.60	\$0.75	26
Masonite – 4’ x 8’ Panel	\$0.85	\$1.10	30
Molding Bundle P/Foot	\$0.20	\$0.25	29
Nails – 50 lb. Box	\$1.05	\$1.25	20
Poles: CCA			
6” x 8’	\$2.70	\$3.25	21
6” x 20’	\$4.50	\$5.75	28
6” x 25’	\$6.00	\$7.75	29
8” x 20’	\$6.60	\$8.50	29
8” x 25’	\$8.60	\$10.75	25
10” x 20’	\$9.95	\$12.50	26
Over 20’ add p/ft	\$0.70	\$0.85	22
R.R. Ties – Creosote	\$2.70	\$3.25	21
Landscape Ties – CCA	\$1.70	\$2.00	18
Roof Deck – 2’ x 8’ Panel	\$0.70	\$0.85	22
Roofing – Shingles P/Bundle	\$2.85	\$3.50	23

Roofing – Roll or Split Sheet	\$0.85	\$1.10	30
Scaffold w/Return	\$6.85	\$8.75	28
Screens	\$0.70	\$0.85	22
Sheetrock:			
½" 4' x 8' Sheet	\$0.85	\$1.10	30
½" 4' x 10' Sheet	\$0.95	\$1.15	22
½" 4' x 12' Sheet	\$1.05	\$1.25	20
Shingles – Wood P/Bundle	\$1.15	\$1.50	30
Siding Break W/Return	\$6.60	\$8.50	29
Skylight	\$2.70	\$3.25	21
Slate – P/Piece Bulk	\$0.50	\$0.60	21
Siding – Bundle	\$1.05	\$1.25	20
Snow Fence – 50' Roll	\$2.20	\$2.75	25
Snow Fence Posts – Bundle of 10	\$1.15	\$1.50	30
Stockade Fence – 6' x 8' Section	\$2.85	\$3.50	23
Stockade Fence Post Each	\$0.50	\$0.60	21
Styrofoam – 2' x 8' Sheet	\$0.40	\$0.50	26
Tar Kettle W/Return	\$27.55	\$35.00	27
Tar	\$1.15	\$1.50	30
Tar – Roofing – 5 Gal Pail	\$0.85	\$1.10	30
Tile – Ceiling – Box	\$1.05	\$1.25	20
Tile – Floor – Box	\$1.15	\$1.50	30
Tile – Ceramic – Box	\$1.15	\$1.50	30
Wonderboard	\$2.30	\$3.00	30

**Bulk Shipments: Liquids, Gas, Etc.**

<b>Item</b>	<b>Old Rates</b>	<b>New Rates</b>	<b>% Difference</b>
Gasoline Tank – 6 Gallon	\$1.40	\$1.75	25
Gasoline – 5 Gallon Container	\$1.15	\$1.50	30
Gas Cylinder – Small (Co2 Etc.)	\$2.85	\$3.50	23
Propane Cylinder – 100 lb.	\$4.00	\$5.00	25
Propane Cylinder – 25 lb	\$1.05	\$1.25	20
Freight Boat Minimum Charge (Unscheduled)	\$194.60	\$250.00	29
Barge Minimum Charge	\$400.00	\$500.00	25

**Furniture**

<b>Item</b>	<b>Old Rates</b>	<b>New Rates</b>	<b>% Difference</b>
Beds & Bedding			
Bed End	\$1.15	\$1.50	30
Bed Frame	\$1.15	\$1.50	30
Bed – Folding	\$2.00	\$2.50	25
Mattress or Box Spring			
Single	\$2.65	\$3.25	23
Double	\$3.95	\$5.00	27
Queen	\$5.25	\$6.50	24

King	\$6.85	\$8.75	28
Chair	\$1.15	\$1.50	30
Cabinets – Kitchen P/Ft:			
Lower Units	\$2.85	\$3.50	23
Upper Units	\$2.00	\$2.50	25
Dresser	\$2.30	\$3.00	30
High-Riser	\$9.15	\$11.50	26
Hutch	\$6.85	\$8.75	28
Lamp – Floor Style	\$1.75	\$2.25	29
Lamp – Table Style	\$1.15	\$1.50	30
Love Seat	\$3.80	\$4.75	25
Play Pen	\$1.15	\$1.50	30
Recliner	\$4.00	\$5.00	25
Rocker	\$1.35	\$1.75	30
Rug or Padding – Roll	\$2.00	\$2.50	25
Sofa	\$4.00	\$5.00	25
Sofa – Convertible	\$20.55	\$26.00	27
Table – Cocktail	\$1.40	\$1.75	25
Table – Dining	\$3.40	\$4.25	25
Table – End	\$1.15	\$1.50	30
Table – Picnic	\$4.00	\$5.00	25
TV Set – Cabinet	\$4.60	\$5.75	25
TV Set – Console	\$6.85	\$8.75	28
TV Set – Portable	\$3.40	\$4.25	25
Stereo Component – P/Piece	\$1.15	\$1.50	30

### **Garden Supplies & Tools**

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Bush 25 lbs.	\$1.60	\$2.00	25
Chain Saw	\$1.15	\$1.50	30
Fertilizer:			
25 lb. Bag	\$0.95	\$1.15	22
40-50 lb. Bag	\$1.60	\$2.00	25
75-80 lb. Bag	\$2.55	\$3.25	25
100 lb. Bag	\$3.15	\$4.00	27
Flat of Plants or Flowers	\$0.70	\$0.85	22
Bale of Hay	\$1.40	\$1.75	25
Mower	\$2.60	\$3.25	25
Peat Moss – 2 C.F. Bale	\$0.85	\$1.10	30
Peat Moss – 4 C.F. Bale	\$1.15	\$1.50	30
Peat Moss – 6 C.F. Bale	\$1.40	\$1.75	25
Pine Bark (Chips) – Bag	\$1.15	\$1.50	30
Plant – Single Small Container	\$0.85	\$1.10	30
Roto-tiller	\$3.50	\$4.50	29

Sprayer	\$3.50	\$4.50	29
Table Saw	\$6.85	\$8.75	28
Tree – Add \$2.00 p/ft over 3 ft.	\$2.30	\$3.00	30

### Groceries, Food, & Restaurant Supplies

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Beer ¼ Keg W/Return	\$3.05	\$3.75	23
Beer ½ Keg W/Return	\$4.00	\$5.00	25
All Boxes (25 lbs. or Less)	\$0.85	\$1.10	30

### Hardware

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Hardware – Package or Carton	\$0.85	\$1.10	30
Paint – Case	\$1.15	\$1.50	30
Paint – Gallon Can	\$1.15	\$1.50	30
Paint – 5 Gal. Pail	\$1.15	\$1.50	30

### Windows

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Single Unit	\$2.30	\$3.00	30
Mullion	\$3.50	\$4.50	29
Triple or Picture	\$6.85	\$8.75	28
Bay or Bow	\$8.00	\$10.00	25

### Miscellaneous

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Air Conditioner	\$2.00	\$2.50	25
Battery – Standard Size	\$1.40	\$1.75	25
Bicycle	\$2.30	\$3.00	30
Boats – p/ft	\$1.40	\$1.75	25
Boat Trailer	\$10.30	\$13.00	27
Carts – Garden	\$3.15	\$4.00	27
Carts – Shopping	\$1.05	\$1.25	20
Carton – Not Exceeding 25 lbs.	\$0.50	\$0.75	50
Carton – Over 25 lbs. p/lb.	\$0.04	\$0.05	30
Surfboard	\$2.30	\$3.00	30
Tricycle – Small	\$1.15	\$1.50	30
Wagon – Empty	\$1.05	\$1.25	20
Wagon – Loaded	\$2.10	\$2.50	20
Windsurfer	\$11.41	\$14.50	27
Windsurfer W/Mast, Boom, & Sail	\$15.80	\$20.00	27

**Passenger Luggage**

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Box, Bag, or Suitcase (under 25 lbs.)	\$0.50	\$0.75	50
Box, Bag, or Suitcase (over 25 lbs.) p/lb.	\$0.04	\$0.05	30
Wagon	\$2.10	\$2.50	20
Shopping Cart	\$1.05	\$1.25	20
Garden Cart	\$3.15	\$4.00	27
Hand Truck	\$2.00	\$2.50	25

**Plumbing Supplies**

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Basin	\$1.15	\$1.50	30
Cast Iron Fittings	\$0.70	\$0.85	22
Closet Set	\$3.40	\$4.25	25

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Pipe:			
Steel 6' Length	\$1.15	\$1.50	30
Steel 8' Length	\$1.40	\$1.75	25
Steel 10' Length	\$1.75	\$2.25	29
Copper 20' Length	\$1.05	\$1.25	20
Copper 10' Length	\$0.55	\$0.75	37
PVC 10' Length	\$0.30	\$0.40	34
PVC 20' Length	\$0.65	\$0.80	24
Shower Enclosure	\$3.40	\$4.25	25
Shower Base	\$4.00	\$5.00	25
Shower – Stall – Fiberglass	\$16.00	\$20.25	27
Shower – Tub Size – Fiberglass	\$31.75	\$38.00	25
Sink	\$1.15	\$1.50	30
Toilet	\$3.40	\$4.25	25
Tub – Cast Iron	\$13.75	\$17.50	28
Tub – Fiberglass	\$5.75	\$7.25	27
Water Heater – Gas/Electric p/gal Capacity 3	\$0.14	\$0.15	10

**Vehicles**

<i>Item</i>	<i>Old Rates</i>	<i>New Rates</i>	<i>% Difference</i>
Cushman Type Scooter	\$20.00	\$25.25	26
Small Truck – Passenger	\$48.59	\$61.50	27
Truck ¾ Ton Max Capacity (Commercial)	\$54.30	\$69.00	27

Vehicles not in operating condition add 50%.

**Lumber – Price P/Linear Ft. Old Rates**

CCA

FIR

CEDAR

PINE

1 x 2	\$0.0119	\$0.0111	\$0.0067	\$0.0111
1 x 4	\$0.0238	\$0.0211	\$0.0134	\$0.0211
1 x 6	\$0.0358	\$0.0332	\$0.0200	\$0.0332
5/4 x 4	\$0.0310	\$0.0288	\$0.0174	\$0.0288
5/4 x 6	\$0.0447	\$0.0415	\$0.0251	\$0.0415
5/4 x 8	\$0.0596	\$0.0553	\$0.0334	\$0.0553
2 x 4	\$0.0477	\$0.0442	\$0.0266	\$0.0442
2 x 6	\$0.0716	\$0.0663	\$0.0400	\$0.0663
2 x 8	\$0.0953	\$0.0884	\$0.0534	\$0.0884
2 x 10	\$0.1192	\$0.1105	\$0.0666	\$0.1105
2 x 12	\$0.1430	\$0.1326	\$0.0800	\$0.1326
3 x 6	\$0.1192	\$0.1105	\$0.0666	\$0.1105
3 x 8	\$0.1430	\$0.1326	\$0.0800	\$0.1326
4 x 4	\$0.0951	\$0.0882	\$0.0532	-----
6 x 6	\$0.2146	\$0.1888	-----	-----
8 x 8	\$0.3814	\$0.3534	-----	-----

Lumber – Miscellaneous – P/Lb.

Lumber – Plywood – Price P/Sheet

1/4	\$0.40
3/8	\$0.65
1/2	\$0.85
5/8	\$1.05
3/4	\$1.30

**Lumber – Price P/Linear Ft. New Rates 27% Higher**

	CCA	FIR	CEDAR	PINE
1 x 2	\$0.0151	\$0.0140	\$0.0085	\$0.0140
1 x 4	\$0.0302	\$0.0267	\$0.0170	\$0.0267
1 x 6	\$0.0454	\$0.0421	\$0.0254	\$0.0421

5/4 x 4	\$0.0393	\$0.0365	\$0.0220	\$0.0365
5/4 x 6	\$0.0567	\$0.0527	\$0.0318	\$0.0527
5/4 x 8	\$0.0756	\$0.0702	\$0.0424	\$0.0702
2 x 4	\$0.0605	\$0.0561	\$0.0337	\$0.0561
2 x 6	\$0.0909	\$0.0842	\$0.0508	\$0.0842
2 x 8	\$0.1210	\$0.1122	\$0.0678	\$0.1122
2 x 10	\$0.1513	\$0.1403	\$0.0845	\$0.1403
2 x 12	\$0.1781	\$0.1684	\$0.1016	\$0.1684
3 x 6	\$0.1513	\$0.1403	\$0.0845	\$0.1403
3 x 8	\$0.1816	\$0.1684	\$0.1016	\$0.1684
4 x 4	\$0.1207	\$0.1120	\$0.0675	-----
6 x 6	\$0.2725	\$0.2397	-----	-----
8 x 8	\$0.4843	\$0.4488	-----	-----

Lumber – Miscellaneous – P/Lb.

Lumber – Plywood – Price P/Sheet	% Difference from old rates	
1/4	\$0.50	27%
3/8	\$0.80	24%
1/2	\$1.10	30%
5/8	\$1.25	26%
3/4	\$1.65	27%

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**Legislator Caracciolo made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 10-2-4-2. Legislators Lindsay and Montano voted no. Deputy Presiding Officer Carpenter and Legislators O’Leary, Vilorio-Fisher and Mystal abstained. Legislators Binder and Tonna were not present.**

AMENDED COPY AS OF 3/24/2005

Introduced by Legislator Caracciolo

LOT: 2/15/05

**MOTION NO. 3 –2005, PROCEDURAL RESOLUTION TO  
RETAIN COUNSEL FOR THE PURPOSE OF REPRESENTING**

**THE COUNTY OF SUFFOLK AT THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) IN OPPOSITION TO A PROPOSED LIQUID NATURAL GAS PROJECT IN THE LONG ISLAND SOUND**

**WHEREAS**, Broadwater Energy, a joint venture of Shell and Trans-Canada Corporation, has proposed to construct a Liquid Natural Gas Facility (LNG) in Long Island Sound approximately nine (9) miles from Wading River; and

**WHEREAS**, this floating facility would consist of a structure which would have a capacity of 8 billion cubic feet of natural gas, approximately 1,200 feet long and 180 feet wide which would rise between 75' and 100' above the water line and would cover an area of the sea bed of approximately 7,000 square feet; and

**WHEREAS**, this floating structure would be connected to the Iroquois gas pipeline by a newly constructed pipeline that would be approximately 25 miles long; and

**WHEREAS**, it has been reported in many news publications that this type of energy source could be a target for a terrorist attack, and threats have reportedly been received by the United States "against the American natural gas sector"; and

**WHEREAS**, recent studies indicate that LIPA's peak demand actually decreased in 2003, thereby calling into question the need for this project; and

**WHEREAS**, Broadwater Energy is presently in the pre-filing review stage of the project (Project Docket No. PF05-4) and an anticipated FERC application is to be filed in September of 2005; and

**WHEREAS**, FERC will be calling for public comment momentarily regarding this controversial proposal; and

**WHEREAS**, funds are available in the Budget Review Office 2005 Operating Budget for the hiring of consultants as authorized by this Legislature; now, therefore, be it

**1st RESOLVED**, that the Economic Development, Higher Education, and Energy Committee of the Suffolk County Legislature shall interview at least three qualified attorneys and recommend to the full Legislature the selection of an attorney or attorneys to represent the County of Suffolk at the Federal Energy Regulatory Commission and other New York State regulatory bodies, agencies or courts, if necessary, in opposition to the proposed Broadwater Energy LNG Project; and be it further

**2nd**           **RESOLVED**, that this Legislature hereby directs the Presiding Officer to execute such agreements for such professional services as may be necessary to carry out this resolution in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) unless increased by a vote of the County Legislature, said amount to be paid from the Budget Review Office Fees for Services: Non-Employees (001-LEG-1025-4560) appropriation; and be it further

**3rd**           **RESOLVED**, that the Budget Review Office shall review and process payment vouchers received from the consultant retained for the purposes specified in 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)(21) 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: Adopted 5/17/05

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

**ADJOURNED 4:50PM**  
**HENRY BARTON, CLERK OF THE LEGISLATURE**