

**FOURTH DAY**  
**REGULAR MEETING**  
**FEBRUARY 7, 2006**

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

The meeting was called to order at 9:39 a. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Legislators Schneiderman, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, Stern, and D'Amaro.

Deputy Presiding Officer Viloria-Fisher and Legislators Horsley and Cooper arrived at 9:32 a.m.  
Legislators Romaine and Browning arrived at 9:33 a.m.  
Legislator Losquadro arrived at 9:35 a.m.  
Legislator Caracappa arrived at 9:54 a.m.  
Legislator Mystal arrived at 10:00 a.m.

Pledge of Allegiance.

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Statements and Presentations  
Public Portion

**[THE MEETING WAS RECESSED AT 12:36 P.M. FOR LUNCH AND RESUMED AT 2:30 P.M.]**

**Legislator Montano made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 13-4-1-0. Legislators Romaine, Alden, Barraga, and Kennedy voted no. Legislator Nowick abstained.**

Intro. Res. No. 1053-2006  
Introduced by the Presiding Officer, on request of the County Executive

Laid on Table 1/3/2006

RESOLUTION NO. 136 -2006, ADOPTING LOCAL LAW NO. 16  
-2006, A LOCAL LAW TO FACILITATE THE RECORDING OF  
DEEDS CONVEYED FROM THE COUNTY TO REDEEMING  
APPLICANT/OWNERS

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on March 24, 2006, a proposed local law entitled "**A LOCAL LAW TO FACILITATE THE RECORDING OF DEEDS CONVEYED FROM THE COUNTY TO REDEEMING APPLICANT/OWNERS**" and said local law in final form is the same as when presented and introduced; now be it

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

**LOCAL LAW NO. 16 -2006, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO FACILITATE THE RECORDING OF DEEDS CONVEYED FROM THE COUNTY TO REDEEMING APPLICANT/OWNERS**

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

**Section 1. Legislative intent.**

This Legislature hereby finds that, pursuant to § A14-29 of THE SUFFOLK COUNTY ADMINISTRATIVE CODE and Chapter 27 of the SUFFOLK COUNTY CODE, applicants and prior owners of property taken for non-payment of taxes are permitted to redeem said property providing that they make application within certain time limits.

This Legislature hereby finds and determines that the subsequent failure by redeeming applicant/owners to record deeds conveyed by the County of Suffolk to those applicants and redeeming owners has resulted in inaccurate and unclear records held by the Real Property Tax Service Agency and the Planning Department's Division of Real Estate.

This Legislature further finds that the Real Property Tax Service Agency and the Division of Real Estate must prepare and keep records and reports regarding redeemed properties, and that failure to have the deeds recorded in connection with the redemption process causes inefficiencies in the record keeping of the Real Property Tax Service Agency and the Division of Real Estate, and uncertainty with respect to title and the payment of taxes by the applicant/owner.

This Legislature further finds and determines that it is necessary to institute a process that will ensure the recording of said deeds, provide a beneficial service to applicants and owners by resolving potential title and ownership issues and create greater efficiency in the record keeping capabilities of the Real Property Tax Service Agency and the Division of Real Estate.

Therefore the purpose of this law is to institute a process that authorizes the Division of Real Estate, as part of its closing procedures, to require execution of the appropriate documents, and payment of administrative and other fees, necessary to record the deed being conveyed to the applicant and/or owner as part of the redemption process.

## **Section 2. Amendments**

I. Section A14-29 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

§ A14-29. Procedure for redemption of property under the Suffolk County Tax Act.

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F. Consideration for release. The County's interest may be released only after payment, as to each parcel to be released, of the following sums of money:

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(6) A certified check, bank check, or money order made payable to the Suffolk County Clerk, in payment of the fees required to record the deed and file any other documents necessary to properly record the deed, together with a Notarized Affidavit signed by the redeeming applicant/owner, stating that the applicant/owner accepts the deed tendered by the County and has no objection to delivery of the deed to the Suffolk County Clerk for recording on the applicant/owner's behalf by the Division of Real Estate.

II. Section 27-3 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

**§ 27-3. Guidelines for conveyance procedure.**

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D. No resolution authorizing a conveyance shall be approved by the Legislature unless the applicant makes a payment of at least any and all tax arrears, interest, penalties, administrative fees, recording fees, and/or rent, as calculated by the Commissioner, in addition to complying with all other requirements of this chapter and § 215 of the New York County Law, nor shall such a resolution be approved unless any and all indebtedness attributable to any former owner and payable to the Suffolk County Department of Social Services is satisfied or, in the alternative, unless the Commissioner of the Department of Social Services consents, in writing, to accept from the social services recipient only a repayment agreement or new bond and mortgage on any and all such property in lieu of payment of any or all of the indebtedness.

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K. Consideration for release. The County's interest may be released only after payment, as to each parcel to be released, of the following sums of money: A certified check, bank check, or money order made payable to the Suffolk County Clerk, in payment of the fees required to record the deed and file any other documents necessary to properly record the deed, together with a Notarized Affidavit signed by the redeeming applicant/owner, stating that the applicant/owner accepts the deed tendered by the County and has no objection to delivery of the deed to the Suffolk County Clerk for recording on the applicant/owner's behalf by the Division of Real Estate.

## **Section 3. Applicability.**

This law shall apply to applications to redeem property submitted on or after the effective date of this local law.

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

**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)(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. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

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

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on February 7, 2006  
Filed with the Secretary of State on March 24, 2006

Date: February 21, 2006

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**Legislator Mystal made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-2. Legislators Alden and Nowick voted no.**

Intro. Res. No. 1063-2006 Laid on Table 1/3/2006  
Introduced by Presiding Officer, on request of the County Executive, Deputy Presiding Officer Vilorina-Fisher and Legislators Cooper, Montano, Mystal, Browning, D'Amaro, Eddington, Horsley, Stern and Romaine

**RESOLUTION NO. 137 -2006, ADOPTING LOCAL LAW NO. 17 -2006, A CHARTER LAW TO TRANSFER PRINT SHOP FROM COUNTY DEPARTMENT OF HUMAN RESOURCES, CIVIL SERVICE AND PERSONNEL TO COUNTY DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on March 24, 2006, a proposed local law entitled, "A CHARTER LAW TO TRANSFER PRINT SHOP FROM COUNTY DEPARTMENT OF HUMAN RESOURCES, CIVIL SERVICE, AND PERSONNEL TO COUNTY DEPARTMENT OF PUBLIC WORKS," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

**LOCAL LAW NO. 17 -2006, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO TRANSFER PRINT SHOP FROM COUNTY DEPARTMENT OF HUMAN RESOURCES, CIVIL SERVICE, AND PERSONNEL TO COUNTY DEPARTMENT OF PUBLIC WORKS**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the operation of the print shop by the County Department of Human Resources, Civil Service, and Personnel has been transferred to the County Department of Public Works in the Adopted 2005 County Operating Budget in order to provide for economies of scale and administrative efficiencies since the print shop is physically located in the County Department of Public Works' main office at Yaphank.

Therefore, the purpose of this law is to transfer the functions of the print shop from the County Department of Human Resources, Civil Service, and Personnel to the County Department of Public Works, to deal with the operation of the print shop and to handle all print shop issues, in conformity with the 2005 Adopted County Operating Budget.

**Section 2. Deletion.**

Section 6-2(C)(3) of the SUFFOLK COUNTY CHARTER is hereby deleted in its entirety.

**Section 3. Amendment.**

Section 8-2(Z) of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**ARTICLE VIII  
Department of Public Works**

\* \* \* \* \*

**§8-2. Powers and Duties.**

\* \* \* \* \*

Z.) Maintain a centralized print shop for the printing of county materials, notices, pamphlets, booklets, brochures, newsletters, and reports.

**Section 4. Transition Provisions.**

- A.) Any reference to the County Department of Human Resources, Civil Service, and Personnel or Director thereof in any other resolution, local law, Charter law, ordinance, rule or regulation of the County of Suffolk or in any state or federal law, rule or regulation in connection with the print shop shall be construed in the first instance as reference to the County Department of Public Works or Commissioner thereof, as the case may be, anything in any other laws or regulations to the contrary notwithstanding.
- B.) Any positions of employment within the Suffolk County Department of Human Resources, Civil Service, and Personnel relating to the print shop shall be abolished and/or transferred to the County Department of Public Works, via appropriate resolution, as of January 1, 2005. Any positions of employment within the Suffolk County Department of Human Resources, Civil Service, and Personnel relating to the print shop, transferred via prior or subsequent appropriate resolution, shall be transferred so as to retain the incumbent individual in said position of employment as the individual so employed in that position by the Department of Public Works to which such position has been transferred by resolution.
- C.) Any reference to the County Department of Human Resources, Civil Service, and Personnel in connection with the print shop, in any chapter of the Suffolk County Code, shall be construed as reference to the County Department of Public Works, and any reference in said Code to the Director of said Department in connection with the print shop shall be construed to mean the Commissioner of Public Works, as the case may be.
- D.) All County Departments, offices and agencies shall cooperate fully with the Commissioner of Public Works, or her or his designee, in all phases of implementing the provisions of this Charter law.

**Section 5. Transfer of Records, Property, and Equipment.**

All records, property, and equipment presently associated with and utilized in connection with the powers, functions, and duties to be assigned under this law shall be transferred to the pertinent department and division in a timely fashion.

**Section 6. Applicability.**

This law shall apply to all actions occurring on or after January 1, 2005.

**Section 7. Severability.**

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

**Section 8. SEORA Determination.**

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

**Section 9. Effective Date.**

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

\_\_\_ Underlining denotes addition of new language

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on February 7, 2006  
Filed with the Secretary of State on March 24, 2006

Dated: February 21, 2006

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 18-0.**

Intro. Res. No. 1064-2006 Laid on Table 1/3/2006  
Introduced by Presiding Officer, on request of the County Executive, Deputy Presiding Officer Vilorio-Fisher and Legislators Cooper, Montano, Mystal, Browning, D'Amato, Eddington, Horsley, Stern, and Romaine

**RESOLUTION NO. 138 -2006, ADOPTING LOCAL LAW NO.  
18 -2006, A CHARTER LAW CREATING A COUNTY  
DEPARTMENT OF INFORMATION TECHNOLOGY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on March 24, 2006, a proposed local law entitled, "**A CHARTER LAW CREATING A COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

**LOCAL LAW NO. 18 -2006, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW CREATING A COUNTY DEPARTMENT OF INFORMATION  
TECHNOLOGY**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that there exists a Division of Information Services within the Department of Human Resources, Personnel and Civil Service.

This Legislature finds that there exists a Geographic Information System Coordinator in the Department of Planning.

This Legislature finds that our County is in the midst of a rapidly developing and ever-changing information age and that the world wide web, voice and data convergence and other technological advances have opened up vast new possibilities for the use of information.

This Legislature also finds that the County's information and technology resources must be managed with prudence and expertise in order to ensure Information Technology disaster recovery while maintaining the health, safety, general welfare and economic well-being of Suffolk County residents and its employees.

This Legislature finds that information and technology related issues involving telecommunications, dissemination of emergency and other general information to the public, day-to-day implementation of the Geographic Information System Committee's operations and recommendations, easy access to geographic information, and easy access to information concerning the availability of County services for County residents and employees require a central focus and full attention through a consolidated Department of Information Technology.

This Legislature also finds that the creation of this new department can be accomplished by consolidating existing personnel transferred from other departments, without expanding the commitment of additional County personnel.

This Legislature determines that elected County officials have a fiduciary responsibility to ensure that taxpayer dollars are prudently and economically spent in the management and dissemination of information and that strategic and tactical solutions are in place for business continuance.

This Legislature further finds that meeting the increasing demand for readily available information and other technological services; utilizing information in the most useful and efficient manner in Suffolk County; responding to critical events and emergencies; and promoting future continued economic growth requires a transfer of responsibility for management of information services and technological services from the County's Department of Human Resources, Personnel and Civil Service and Department of Planning to a newly formed Department of Information Technology.

Therefore, the purpose of this law is to create a County Department of Information Technology so as to best manage the County's technology and information needs and provision of services.

**Section 2. Amendments.**

- I.) Sections 6-1(C) and 6-2(C) of the SUFFOLK COUNTY CHARTER are hereby repealed.
- II.) Article VI of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**§ C6-1. Department established; Personnel Officer to be Department head; Division of Human Resources, [; Division of Information Services]**

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**Section 3. Creation of Department.**

A new Article XX of the SUFFOLK COUNTY CHARTER, creating a Suffolk County Department of Information Technology, is hereby enacted to read as follows:

**ARTICLE XX  
DEPARTMENT OF Information Technology**

**Section 20-1. Definitions.**

- A.) "Commissioner" shall mean the head of the Department.
- B.) "Department" shall mean the Suffolk County Department of Information Technology.

**Section 20-2. Department Established; Commissioner; Divisions.**

- A.) The Suffolk County Department of Information Technology is hereby established, the head of which shall be the Commissioner. The Commissioner shall be appointed by the County Executive, subject to the approval of the County Legislature, to serve at the pleasure of the County Executive. The Commissioner may, within the appropriations provided, appoint a Deputy Commissioner who shall act generally for and on behalf of the Commissioner in all matters, and such other officers and employees as may be likewise provided for.
- B.) The Commissioner shall have the powers and duties set forth herein and shall be in the unclassified service of the civil service. Within the appropriations provided therefor, and when authorized and approved by the County Legislature or the County Executive, the Commissioner may employ such consultants as may be necessary. These contracts shall be subject to County Executive approval. The Commissioner shall be deemed the appointing authority for all employees within the Department.

C.) There shall be a Division of Information Technology Services. The Division shall be responsible for at least the following:

- 1.) Management information systems and services, and office systems and services.
- 2.) The maintenance of County websites for all County offices, departments, and agencies except for the County Legislature, which shall be responsible for its own Office of Public Information.
- 3.) Implement and aid the day-to-day operations and recommendations of the Geographic Information System Committee established pursuant to Executive Order No. 92-2004.

D.) There shall be a Division of Telecommunications. The Division shall be responsible for at least the following:

- 1.) The supervision, authority and control over all telecommunication services.

E.) The functions and responsibilities set forth herein shall be carried out by existing personnel as set forth in Section 20-4 of this Article.

### **Section 20-3. Powers and Duties.**

The Department shall:

- 1.) Advise and assist any department, board, division, or agency of the government of the County of Suffolk, including the County Legislature and office of the County Executive, on matters pertaining to information services and technology.
- 2.) Make recommendations to the County Legislature and County Executive as to measures that should be taken to maintain an adequate flow of information within the County.
- 3.) Perform such other duties and responsibilities as may be directed by the County Executive or the County Legislature.
- 4.) As necessary to the performance of its functions, the Department may require any office, division, department, or agency of County government to provide it with relevant data in reports concerning their operations as they involve the policies of this Article.

### **Section 20-4. Transfer of Personnel.**

Employees in the Suffolk County Department of Human Resources, Personnel and Civil Service, the Suffolk County Department of Planning, and the office of the County Executive, who are employed in positions and duties which are to be performed by the County Department of Information Technology, shall be transferred to the Department subject to the provisions of the NEW YORK CIVIL SERVICE LAW and the Rules of the County Department of Human Resources, Personnel, and Civil Service.

### **Section 20-5. Records.**

All records, property, and equipment associated with personnel transferred, shall be transferred and delivered to the Department.

## **Section 4. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5 (c) 20 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 routine or continuing agency administration and management and the promulgation of regulations, rules, policies, procedures and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 5. Severability.**

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

**Section 6. Transition and Applicability Provisions.**

- A.) Section 2 and Section 3 of this law shall apply as of January 1, 2006.
- B.) Sections 2 and 3 of this law shall apply to all actions occurring on or after January 1, 2006.
- C.) Any reference to the Division of Information Services in the County Department of Human Resources, Personnel and Civil Service or its Commissioner in any other resolution, local law, Charter law, ordinance, rule, or regulation of the County of Suffolk shall be construed in the first instance as reference to the Suffolk County Department of Information Technology, anything in any other laws or regulations to the contrary notwithstanding.
- D.) Any pertinent positions of employment within the Division of Information Services in the County Department of Human Resources, Personnel and Civil Service, the Department of Planning and the Office of the County Executive shall be abolished and/or transferred, as the case may be, via appropriate resolution, no later than January 1, 2006 to the new County Department of Information Technology. Any positions of employment transferred via prior or subsequent appropriate resolution, shall be transferred so as to retain the incumbent individual in said position of employment as the individual so employed in that position by the department or agency to which such position has been transferred by resolution.
- E.) All County departments shall cooperate fully with the Commissioner of the County Department of Information Technology, or her or his designee, in all phases of implementing the provisions of this law.

**Section 7. Effective Date.**

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

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on February 7, 2006  
Filed with the Secretary of State on March 24, 2006

Date: February 21, 2006

**Legislator Montano made motion for the following resolution, seconded by Legislator Mystal.  
The resolution was passed 18-0.**

Intro. Res. No. 1141-2006  
Introduced by Presiding Officer, request of the County Executive

Laid on Table 1/7/2006

**RESOLUTION NO. 139 -2006, AUTHORIZING THE ACCEPTANCE  
OF AN ASSIGNMENT OF LEASE OF PREMISES LOCATED AT 45  
WEST SUFFOLK AVENUE, CENTRAL ISLIP, NY FOR USE BY  
THE DEPARTMENT OF HEALTH SERVICES**

**WHEREAS**, the Department of Health Services has operated a health center at 45 West Suffolk Avenue, Central Islip pursuant to an agreement with Southside Hospital Inc.; and

**WHEREAS**, the past services agreement between the County of Suffolk and Southside Hospital Inc. provided that the Hospital lease the premises from the landlord, G.L.G. Associates, and the County reimbursed the hospital for such expense; and

**WHEREAS**, both the original services agreement between the County of Suffolk and the Hospital, and the underlying lease between the Landlord of the premises and Southside Hospital Inc. expired on December 31, 2005; and

**WHEREAS**, Southside Hospital notified the County that it was unwilling to enter into a extension with the Landlord to lease the premises for an additional year; and

**WHEREAS**, the Landlord and Southside Hospital Inc. have expressed their willingness to facilitate the uninterrupted and continued operation of the health center at this location by agreeing to extend the lease through December 31, 2006, upon the condition that the lease is assigned to the County of Suffolk, effective January 1, 2006; and

**WHEREAS**, sufficient funds are included in the 2006 Operating Budget for lease payments to be made in connection with the premises; now, therefore, be it

**1st** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.59 (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 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. 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 of determination of non-applicability or non-significance with this law; and be it further

**2nd** **RESOLVED**, that the County Executive be and hereby is authorized to execute an Assignment of Lease Agreement in accordance with the terms and conditions of this resolution and in substantial conformance with the form annexed.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 18-0.**

Intro. Res. No. 1246-2006  
Introduced by Presiding Officer Lindsay

Laid on Table 2/7/2006

**RESOLUTION NO. 140 -2006, APPROVING  
APPOINTMENT OF RELATIVE OF COUNTY  
EMPLOYEE AT SUFFOLK COUNTY  
COMMUNITY COLLEGE (CARMELO VIZZINI)**

**WHEREAS**, Section 6-3 of the SUFFOLK COUNTY ADMINISTRATIVE CODE requires Legislative approval for the hiring of any relative a County Department head or appointed County official with the power to hire, fire, promote when the position will not be filled pursuant to a Civil Service Law competitive examination; and

**WHEREAS**, Carmelo Vizzini, currently residing at 116 Grassy Pond Drive South, Smithtown, New York 11787, has been offered employment at the Suffolk County Community College for teaching and instructional purposes; and

**WHEREAS**, Carmelo Vizzini is the husband of Gail Vizzini, Suffolk County Director of Budget Review; now, therefore be it

**1st** **RESOLVED**, that the appointment of Carmelo Vizzini to an adjunct teaching position for the Suffolk County Community College is hereby approved, pursuant to Section 6-3(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, for fiscal year 2005-2006 and for all subsequent fiscal years until such time as this authorization is repealed; and

be it further

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 9, 2006

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**Legislators Schneiderman, Romaine, and Mystal co-sponsored the following resolution. The resolution passed 15-3. Legislators Caracappa, Barraga, and Kennedy voted no.**

Intro. Res. No. 1068-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer on request of County Executive, and Deputy Presiding Officer Vilorio-Fisher and Legislators Cooper, Montano, Mystal, Browning, D'Amaro, Eddington, Horsley, Stern, Schneiderman and Romaine

**RESOLUTION NO. 141 -2006, ADOPTING LOCAL LAW NO. 19 -2006, A CHARTER LAW CREATING A COUNTY DEPARTMENT OF ENVIRONMENT AND ENERGY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held March 24, 2006 a proposed local law entitled, "**A CHARTER LAW CREATING A COUNTY DEPARTMENT OF ENVIRONMENT AND ENERGY**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

**LOCAL LAW NO. 19 -2006, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW CREATING A COUNTY DEPARTMENT OF ENVIRONMENT AND ENERGY**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that environmental resources are not mere commodities to be exploited and traded. This Legislature hereby recognizes that maintaining the quality and integrity of Suffolk County's environmental resources requires an attitude of reverence towards those resources by all of the people of Suffolk County.

This Legislature further finds that natural resources must be managed with prudence in order to maintain the health and economic well-being of the people of Suffolk County.

This Legislature also finds that its environmental resources constitute an inheritance that must be passed on intact to succeeding generations.

This Legislature determines that Suffolk County's unique environmental and ecological character compels Suffolk County to pursue its own initiatives when necessary in order to protect the integrity and quality of its environmental resources which make Suffolk County attractive to those who live, work and raise a family here; to businesses that are located or relocating here; and to thousands of visitors and tourists each year, whose presence generates enormous economic benefits for the residents of this County.

This Legislature also finds and determines that energy related issues involving LIPA, Suffolk County Electrical Agency applications for low cost power at the Federal Regulatory Energy Commission (FERC), and deregulation of the utility industry all require a central focus and full attention through an Energy Department.

This Legislature hereby finds and determines that recent revelations regarding improprieties in Suffolk County land acquisition programs have caused irreparable harm to Suffolk County's nationally acclaimed land preservation programs.

This Legislature further finds and determines that elected County officials have a fiduciary responsibility to ensure that taxpayer dollars are prudently and economically spent in the acquisition or disposition of land so as to avoid favoritism, improvidence, extravagance, fraud, and corruption and to ensure that public moneys are used in the best interest of County taxpayers.

Therefore, the purpose of this law is to create an independent County Department of Environment and Energy:

- to safeguard the natural resources of Suffolk County;
- to promote the remediation and redevelopment of Brownfield sites;
- to conserve energy;
- to encourage proper solid waste management;
- to protect farmlands, parklands, open spaces, and ecological resources including, but not limited to, the critical, stressed or endangered environments, ecosystems, and species;
- to help Suffolk County achieve low cost sources of energy for its consumers and businesses;
- to establish a professional Division of Real Property Acquisition and Management within the County Department of Environment and Energy with adequate budgetary and management powers to ensure the acquisition and disposition of interests in real property by the County of Suffolk in accordance with the highest standards of conduct;
- to establish an Office of Cancer Awareness and Environmental Assessment within this Department to coordinate efforts to find the causes of cancer on Long Island and ascertain any links between the environment and incidents of cancer on Long Island;
- to coordinate the activities of the CEQ with the County Department of Environment and Energy in addition to the County Executive and the County Legislature; and
- to create an Office of Energy, Division of Water Quality/Environmental Unit, an Office of Farmland Acquisition and Management, and an Office of Recycling and Waste Management in order to focus public attention and County resources on the various environmental issues prevalent on Long Island.

### **Section 2. Repealed.**

Section 14-10 of the SUFFOLK COUNTY CHARTER and Sections 14-27 through 14-34 of the SUFFOLK COUNTY ADMINISTRATIVE CODE are hereby repealed.

### **Section 3. Creation of Department, Transfer of Functions.**

I.) A new Article XLII of the SUFFOLK COUNTY CHARTER, creating a Suffolk County Department of Environment and Energy, is hereby enacted to read as follows:

#### **ARTICLE XLII** **DEPARTMENT OF ENVIRONMENT AND ENERGY**

##### **§ C42-1. Definitions.**

- A.) "Commissioner" shall mean the head of the Department.
- B.) "Department" shall mean the Suffolk County Department of Environment and Energy.
- C.) "Director" shall mean the head of the Division of Real Property Acquisition and Management.
- D.) "Person" shall mean any natural person, individual, corporation, unincorporated association, limited liability corporation, firm, public corporation, partnership, joint venture, trust, joint stock association or other entity or business organization of any kind.

**§ C42-2. Department Established; Commissioner; Organization of Department.**

- A.) There shall be a Department of Environment and Energy, the head of which shall be the Commissioner. The Commissioner shall be appointed by the County Executive, subject to the approval of the County Legislature, to serve at the pleasure of the County Executive.
- B.) The Commissioner shall have the powers and duties set forth herein and shall be in the unclassified service of the civil service. The Commissioner shall have at least either a four-(4)-year college diploma or five (5) years of experience managing a function or area of activity that falls within the jurisdiction of this Department. Within the appropriations provided therefor, the Commissioner may appoint a Deputy Commissioner, who shall act generally for and in place of the Commissioner, and such other officers and employees as may be provided for by the County Legislature, as well as employ such special consultants as may be necessary. The contracts with special consultants shall be subject to County Executive approval. The Commissioner shall be deemed the appointing authority for all employees within the Department.
- C.) There shall be a Division of Real Property Acquisition and Management, the head of which shall be the Director. He or she shall be appointed by the Commissioner.
- 1.) No individual shall be considered for appointment as the Director of the Division of Real Property Acquisition and Management unless and until he or she has at least ten (10) years of prior experience managing the lease, acquisition, sale, and/or use of interests in real property in the private sector and/or government sector or he or she has engaged in the practice of real estate law as a specialty, for at least five (5) years.
- 2.) At least one staff member of the Division of Real Property Acquisition and Management shall be a New York State Certified General Appraiser in good standing.
- a.) No officers or employees of the Division of Real Property Acquisition and Management shall engage in any outside business activity in the field of real estate and no officers or employees of the Division of Real Property Acquisition and Management shall be a party officer. For the purposes of this section, "party officer" shall mean one who holds any party position or any party office, whether by election, appointment or otherwise, including committeeman, and "party" shall mean any political organization which at the last preceding election for governor polled at least 50,000 votes for its candidate for governor. These requirements shall apply to all management and civil service positions consistent with the NEW YORK CIVIL SERVICE LAW and any applicable rules.
- b.) The staff of the Division of Real Property Acquisition and Management is hereby prohibited from engaging in any outside business activity in the real estate field, which requirement shall apply to management exempt as well as positions secured by competitive Civil Service examination, consistent with the application of Civil Service rules.
- 3.) In addition to discharging such other functions as may be assigned, the Director of the Division of Real Property Acquisition and Management shall maintain current records of all real property in which the County has any interest and manage all such property other than that assigned to the Trustees of the College or Parks, Recreation, and Conservation; property acquired for sewers as provided in Section 272 of the NEW YORK COUNTY LAW; or property acquired for the County Department of Public Works. Real property acquired through tax sale shall be under the jurisdiction of the Director of the Division of Real Property Acquisition and Management and shall have the responsibility for the repair or demolition of unsafe structures, insuring the safety and security of the property, and determining whether there should be disposal of any property not currently used for County purposes. Where a determination to dispose of property has been made, the Director of the Division of Real Property Acquisition and Management shall forward such report to the County Executive and the County Legislature with his or her comments. The Director of the Division of Real Property Acquisition and Management shall also:
- a.) Let all contracts for outside surveys and appraisals, except for those concerned with highways, bridges, or erosion control works, and the rental, repair, demolition, or disposal of real property on behalf of the County.
- b.) Negotiate all leases, licenses, and user agreements for any interest in real property, within appropriations provided therefor at the request of the County departments, offices, boards, commissions, Legislators, and the Administrative Judge of the Supreme Court. Such leases shall be executed by the Director of

the Division of Real Property Acquisition and Management or his or her designee, on behalf of the County. No lease, license, or user agreement for any interest in real estate, other than for executive, legislative, or judicial office space, may be executed, unless such lease, license, or user agreement is authorized by the County Legislature. For the purpose of this paragraph, "executive office space" shall include only that office space which is necessary for the budgeted functions of the Office of the County Executive.

- c.) Prepare title abstracts and prepare in-house appraisals or in-house review appraisals for lands to be acquired by the County or of lands actually acquired by the County.
- d.) Perform such other duties as may be assigned by the County Executive and/or County Legislature.
- 4.) In the performance of its functions, duly designated employees of the Division shall also have the power and duty to enter upon any real property for the purpose of inspection, making surveys, examinations, investigations, preparing maps and for such other purposes as may be necessary in the performance of its duties under this Charter or the NEW YORK EMINENT DOMAIN PROCEDURE LAW.
- 5.) In the event consideration is given to an application affecting an interest in real property which the County of Suffolk has been authorized to commence a process for the acquisition thereof, which application is for a special permit, variance, municipal zoning, or subdivision plat, the contract of sale for such acquisition shall contain a provision that no such acquisition shall be consummated nor payment made for such acquisition unless the application for the special permit, variance, municipal zoning, or subdivision plat which is the subject of the application has been approved.
- 6.) There shall be within the Division of Real Property Acquisition and Management, or any successor thereto, a pool of at least thirty (30) qualified real property appraisers or appraisal firms, but not more than fifty (50), whose members shall be designated by the Director of the Division of Real Property Acquisition and Management with the approval of the County Legislature by duly enacted resolution. Such information as may reasonably be necessary to evaluate the appraisers or appraisal firms, including, but not limited to, curriculum vitae, certifications and other applicable licenses, shall be included with the resolution submitted for approval. Designation and approval of the pool of qualified appraisers or appraisal firms shall occur no less frequently than every two years. The Director of the Division of Real Property Acquisition and Management shall select from the pool as many outside appraisers as are necessary to conduct County appraisals. At a minimum, any real property appraisers or appraisal firms must be qualified as New York Certified General Appraisers and must maintain such certification in good standing for so long as they conduct County appraisals. Proof of such certification shall be submitted to the Director of the Suffolk County Division of Real Property Acquisition and Management on or before December 31 of each year. The Director of the Suffolk County Division of Real Property Acquisition and Management shall promptly forward copies of all such proof to the County Executive and the Clerk of the County Legislature. The selection of appraisers to perform services for the County in connection with the acquisition or disposition of any interest in real estate, from the legislatively approved biennial list, shall be done in a manner that includes administratively established professional criteria.
- D.) There shall be an Office of Energy, the head of which shall be the director who shall be appointed by the Commissioner. The Office of Energy shall be responsible for at least the following:

  - 1.) LIPA activities as they pertain to Suffolk County pursuant to Section 16-1(D) of the SUFFOLK COUNTY CHARTER;
  - 2.) Suffolk County Electrical Agency application for low cost power to FERC and the implementation thereof;
  - 3.) the implementation and administration of Chapter 42 of the SUFFOLK COUNTY CODE;
  - 4.) energy conservation and resource programs for County offices, buildings, and/or facilities;
  - 5.) Energy Advisory Committee and the functions described in Section 172 of the SUFFOLK COUNTY CODE; and
- E.) There shall be an Office of Cancer Awareness and Environmental Assessment, the head of which shall be the director who shall be appointed by the Commissioner. The Office of Cancer Awareness and Environmental Assessment shall be responsible for at least the following:

- 1.) coordination of all studies and programs designed to uncover the cause of breast cancer and other cancers on Long Island;
  - 2.) coordination of all studies and programs designed to uncover links between the environment and incidents of breast cancer and other cancers on Long Island;
  - 3.) work with private groups, research facilities, hospitals, and other governmental entities to secure Federal and State funding for studies of the causes of breast cancer and other cancers on Long Island and a determination of any links between environment and incidents of breast cancer and other cancers on Long Island; and
  - 4.) review, analyze, explain, and summarize for the benefit of public information and education purposes any breast cancer incident maps prepared for Long Island.
- F.) There shall be a Division of Water Quality/Environmental Unit staffed initially by at least the positions created in Resolution 221-2003. The Division of Water Quality/Environmental Unit shall be responsible for at least the following:
- 1.) supervision, administration, and implementation of the Water Quality Protection and Restoration program under Section 12-2 (B) of the SUFFOLK COUNTY CHARTER;
  - 2.) remediation and redevelopment of all Brownfield sites; and
  - 3.) coordination of activities being performed by the County Department of Public Works and the County Department of Parks, Recreation, and Conservation under Section 12-2 (B) of the SUFFOLK COUNTY CHARTER via personnel and/or consultants funded in those departments under the ¼ County Drinking Water Protection Program Fund 477.
- G.) There shall be an Office of Farmland Acquisition and Management within the Department, the head of which shall be the Farmlands Administrator, who shall be qualified by experience in farm operation and management. He or she shall be appointed by the Commissioner. The Administrator shall have the responsibility to coordinate the affairs of the farmlands acquisition program; prepare and review systems, procedures, policy and organizational structure that will be necessary to best obtain the objectives of the farmlands program; consult and work in conjunction with the Suffolk Farmlands Development Committee in selecting those farmlands that are to be acquired by the County; manage and supervise the County's interests in the farmland acquired through the program; and properly discharge such other functions and duties as may be assigned to him or her by the Commissioner.
- H.) There shall be an Office of Recycling and Waste Management, the head of which shall be the director who shall be appointed by the Commissioner. The Office of Recycling and Waste Management shall be responsible for at least the following:
- 1.) composting facilities within the County;
  - 2.) implementation of the program to source-separate all other waste generated within county office facilities that is not covered by Section 8-4(C)(7), (8), (9) and (10) of the SUFFOLK COUNTY CHARTER; and
  - 3.) County recycling programs set forth in Chapter 399 of the SUFFOLK COUNTY CODE.
- I.) The functions and responsibilities set forth herein shall be carried out by existing personnel as set forth in § C42-4 of this Article.

**§ C42-3. Powers and Duties of Department.**

- A.) The Department shall have the following powers, duties and responsibilities:
- 1.) Advise and assist any department, board, division, or agency of the government of the County of Suffolk, including the County Legislature and Office of the County Executive, on matters pertaining to the environment or energy, except those matters currently handled by the Council on Environmental Quality and the Office of Ecology of the Suffolk County Department of Health Services.
  - 2.) Make recommendations to the County Legislature and County Executive as to what county-owned properties should be dedicated to the County nature preserve, historic trust,

conservation of agricultural lands, or bird sanctuary, and what properties not owned by the County should be acquired for purposes such as dedication.

- 3.) Assist and advise the County Executive in the preparation of the Annual Report on the Environmental Quality of Suffolk County pursuant to Section 1-6 of the SUFFOLK COUNTY CHARTER.
- 4.) Report to the County Legislature and County Executive on any actions or activities likely to have an impact on the quality of the environment within the County of Suffolk.
- 5.) On request of the County Legislature or County Executive, review and evaluate any project or activity affecting the quality of the environment of Suffolk County.
- 6.) Continue to coordinate with the County Department of Economic Development and Workforce Housing in connection with transfers of any interest in real property authorized by Section 72-h of the NEW YORK GENERAL MUNICIPAL LAW.

B.) In the performance of its functions, the Department may require any office, division, department, or agency of County government to provide it with relevant data in reports concerning the agency's, department's, division's, or office's operations as they involve the policies of this Article, or performance of its functions.

C.) The Department shall have jurisdiction over:

- 1.) LIPA pursuant to Section 16-1(D) of the SUFFOLK COUNTY CHARTER;
- 2.) any Suffolk County Electrical Agency application for low cost power to FERC and the implementation thereof;
- 3.) the implementation and administration of Chapter 42 of the SUFFOLK COUNTY CODE;
- 4.) any and all energy conservation programs for County offices, buildings, and/or facilities;
- 5.) Energy Advisory Committee and the functions described in Section 172 of the SUFFOLK COUNTY CODE;
- 6.) utility easements as set forth in Chapter 180 of the SUFFOLK COUNTY CODE;
- 7.) all environmental protection laws enforced by the County of Suffolk;
- 8.) all County recycling programs set forth in Chapter 399 of the SUFFOLK COUNTY CODE;
- 9.) activities designed to encourage, enhance, promote, and/or implement the deregulation of energy sources to and within the County of Suffolk;
- 10.) the Suffolk County Brownfields Program;
- 11.) Open Space acquisitions;
- 12.) Farmland Preservation Rights;
- 13.) Conservation Easements;
- 14.) all electric and gas utility matters;
- 15.) implementation of Chapter 380 of the SUFFOLK COUNTY CODE dealing with pest control and pest management Committee rules and regulations;
- 16.) Brookhaven National Laboratories energy and environmental activities (not including economic development activities) within the County;
- 17.) composting facilities within the County;
- 18.) implementation of the program to source-separate all other waste generated within county office facilities that is not covered by Section 8-4(C)(7), (8), (9) and (10) of the SUFFOLK COUNTY CHARTER. Such program shall include marketing arrangements and appropriate procedures to ensure the recovery of waste for which the avoided costs of collection, transportation, and disposal of source-separated material are equal to or greater than the cost of collection, transportation, and sale of the recovered material less the amount received from the sale of said material. This program may be phased-in on the

basis of utilizing those office facilities most conducive to operation of a source-separation program but shall be fully implemented as of July 1, 2008.

**§ C42-4. Transfer of Personnel.**

- A.) Those employees in the Suffolk County Department of Health Services, the Office of the County Executive, and the Suffolk County Department of Planning who are employed in positions and duties which are substantially similar to those to be performed by the County Department of Environment and Energy, including those who were employed in positions and duties contemplated by Resolution No. 519-2003 as of December 31, 2005, shall be transferred to the Department subject to the provisions of the NEW YORK CIVIL SERVICE LAW and the Rules of the County Department of Human Resources, Personnel, and Civil Service.
- B.) Those employees in the Suffolk County Department of Planning, Division of Real Estate, who are currently employed in positions and duties which are substantially involved in, or related to, the acquisition of open space, Farmland Preservation rights, environmentally sensitive lands under Article XII of the SUFFOLK COUNTY CHARTER, land partnership acquisitions and/or any other lands or rights in lands related to the protection of the environment, including conservation easements under Chapter 25 of the SUFFOLK COUNTY CODE, and land exchanges under Chapter 102 of the SUFFOLK COUNTY CODE, as well as all the disposition of any Suffolk County interest in real estate, shall be transferred to the Department subject to the provisions of the NEW YORK CIVIL SERVICE LAW and the Rules of the County Department of Human Resources, Personnel, and Civil Service.
- C.) Those employees in the Suffolk County Department of Public Works, who are currently employed in positions and duties contemplated by Resolution No. 221-2003, whose duties are substantially involved in the administration of the ¼% "Pay As You Go" water quality program established under Section 12-2(B) of the SUFFOLK COUNTY CHARTER, as of December 31, 2005, shall be transferred to the Department subject to the provisions of the NEW YORK CIVIL SERVICE LAW and the Rules of the County Department of Human Resources, Personnel, and Civil Service.

**§ C42-5. Records.**

All records, property, and equipment associated with personnel transferred shall be transferred and delivered to the Department.

**§C42-6. Judicial Review.**

The validity or reasonableness of any order or regulation promulgated by the Department pursuant to this law shall be subject to judicial review as provided under Article 78 of the NEW YORK CIVIL PRACTICE LAWS AND RULES.

II.) follows: A new Article XLII of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby added to read as

**ARTICLE XLII**  
**Department of Environment and Energy**

**§ A42-1. Definitions.**

- A.) "Commissioner" shall mean the head of the Department.
- B.) "Department" shall mean the Suffolk County Department of Environment and Energy.
- C.) "Director" shall mean the head of the Division of Real Property Acquisition and Management.
- D.) "Person" shall mean any natural person, individual, corporation, unincorporated association, limited liability corporation, firm, public corporation, partnership, joint venture, trust, joint stock association or other entity or business organization of any kind.

**§ A42-2. Lease of property.**

- A.) Notwithstanding the provisions of Section 352 of the New York General Municipal Law, the County Division of Real Property Acquisition and Management may lease, subject to the provisions of Section 15-4 of the SUFFOLK COUNTY CHARTER, for a term not exceeding 40 years, real property acquired for airport purposes and not necessary for the efficient and proper operation of the airport, and for such other purposes as the Legislature may determine, provided that such other purposes do not interfere with the proper and efficient operation of the remainder of the airport.

B.) Notwithstanding the provisions of Section 215, Subdivision 4, of the New York County Law, after a determination by the Suffolk County Legislature that County-owned property is not required for public use, such property may be leased through the County Division of Real Property Acquisition and Management for a period not exceeding 25 years, upon such terms and conditions as may be prescribed by the County Legislature by resolution, in the same manner and with the same rights and privileges as if owned by an individual, to a public corporation; to a not-for-profit corporation; or to an association, corporation, or other legal entity which has been granted a charter for educational purposes from the New York State Department of Education.

**§ A42-3. Procedure for redemption of property under the Suffolk County Tax Act.**

The following Rules and Regulations for the sale of property acquired by Suffolk County pursuant to § 46 of the Suffolk County Tax Act shall apply:

A.) Application for release of property acquired pursuant to the Suffolk County Tax Act. The County's interest in property acquired pursuant to the Suffolk County Tax Act may be released, as herein provided, on the application of any party who had an interest in the property at the time of application, up to six months from the date of the recording of the County's deed, as defined in Paragraph (B) herein. A party with an interest in the property shall include every person to whom any estate or interest in the real property is conveyed in good faith for a valuable consideration, including but not limited to a contract vendee and any purchaser of real property pursuant to a judicial sale in a mortgage foreclosure action. A party with an interest in the property, as defined herein, shall be the recipient of the quitclaim deed which is executed and delivered pursuant to Paragraph (H) herein. A party in interest shall not be deemed to include the County of Suffolk.

B.) Time for making application. Any application under this section must be made within six months after the date of the recording of the County's deed.

C.) Form of application. All applications shall be made in writing to the Commissioner on a form prepared by him or her. The application shall contain the name and address of the applicant, the date on which the County's deed was recorded and the recording data, a full description of the instrument upon which the applicant's interest derives, including the date of execution, the date and place of the recording, or entry of said instrument and the parties thereto, and a statement specifying the nature of the applicant's interest in the property, and shall be verified. If the applicant's interest arises by reason of the death of a prior owner or by operation of law, the application shall also state the applicant's relationship to the decedent and shall include whatever additional information may be necessary to establish the applicant's right to make the application.

D.) Supporting documents. Each application shall be accompanied by a certificate or certified search of any lawyer's title insurance or abstract company authorized to do business under the laws of the State of New York. Such search or certification shall recite the recording data as to all instruments affecting the premises for the period of 10 years preceding the date of recording of the County's deed. If the applicant's interest derives other than from an instrument recorded in the County Clerk's office, a certified copy of the instrument from which such interest derives shall accompany the application. In a proper case, the Commissioner may require the applicant to submit an affidavit containing relevant information as to the applicant's interest in the property and the source or derivation thereof.

E.) Fee. The sum of not less than \$200 and not more than \$500, as determined by the Commissioner, as a fee to cover the County's expenses shall be paid at the time of submission of the application. Such fee shall be nonrefundable except pursuant to Paragraph (I) of this section.

F.) Consideration for release. The County's interest may be released only after payment, as to each parcel to be released, of the following sums of money:

1.) The principal amount due on all unpaid taxes, assessments, water charges, sewer rents arising from County warrants, interest, and penalties to the date of the tax sale, together with any amounts payable to the Suffolk County Department of Social Services which are attributable to any former owner. With regard to the satisfaction of the indebtedness to the Department of Social Services, the Commissioner, with the written consent of the Commissioner of the Department of Social Services, may accept from the social-services recipient only a repayment agreement or new bond and mortgage in lieu of payment of any or all of the indebtedness.

2.) Five per cent of the amount computed pursuant to the preceding Subsection (F)(1).

3.) Any deficiency which may result to the County after all payments made by it for the repair, maintenance, and operations of the property shall have been charged or debited in the appropriate accounts of the County and all rents, license fees, and other moneys collected by the County as a result of its operation of the said property shall have been credited in such accounts. Any contract for repair, maintenance, management, or operation made by

the County on which it shall be liable, although payment thereon shall not have been made, shall be deemed a charge or debit to such accounts as though payment had been made. The amounts paid and collected by the County as shown in its accounts and the necessity for making the several payments and contracts to be charged as herein provided shall be conclusive upon the applicant. Where a deficiency under this section shall be created or increased by the failure of the County to collect rents, license fees, or other moneys to which the County may have been entitled, the right to collect or bring action for the same shall be assigned and transferred to the applicant by an instrument in writing.

- 4.) Any and all costs and disbursements which shall have been awarded to the County or to which it may have become entitled by operation of law or which it may have paid or become liable for payment in connection with any litigation between it and the applicant or any person having an estate or interest in the real property to be released resulting directly or indirectly from the foreclosure by action *in rem* of the delinquent taxes affecting said property.
- 5.) The cost of giving the notices are hereinafter provided for.
- G.) Consideration of application. Subject to the provisions of Paragraph (I), the Commissioner, or his or her designee, shall promptly consider the application and make a finding and determination as to the applicant's entitlement to a deed of the County's interest in the property. In making such determination, the Commissioner, or his or her designee, shall consider all appropriate, relevant, and equitable matters. If the Commissioner, or his or her designee, ascertains that others than the applicant have an interest in the property, he or she may enlarge his or her inquiry as necessary, request further supplementary application, and, as in the case of infants or incompetents, determine that the grantee in the County's instrument of conveyance should be all those in whom title should vest and to what, if anything, such title should be subject.
- H.) Instrument of release. If the Commissioner, or his or her designee, shall find and determine that the premises should be released and conveyed to the applicant, or to the applicant and others, upon the payment of the proper consideration, he or she shall convey the County's interest by the execution and delivery of a quitclaim deed. The Commissioner's delivery of such deed shall be given only pursuant to the direction of the County Legislature evidenced by the enactment of a resolution authorizing the conveyance.
- I.) Superior governmental interest. If, before the County's instrument of release is given, it is found that the governing village, town or county within which said real property is located has a governmental need for the premises and has enacted a resolution specifically stating the nature of that governmental need, the Commissioner, or his or her designee, shall stay any further proceedings on the application other than pursuant to this section. In such a case, if the County Legislature then enacts into law a resolution determining that the property is needed for a specifically identified governmental purpose within six months after the filing of the application, the application shall be denied and the application fee returned to the applicant. If no such resolution is passed within said period, the Commissioner may reconsider the application within three months after the expiration of the above six-month period.
- J.) Notice to be given. Annually, in the official papers of the County and each of the towns therein, by a display advertisement of not less than 1/4 page, the Commissioner shall give notice of the opportunity afforded by this section to redeem property sold for taxes, in substantially the following form:

NOTICE  
OF OPPORTUNITY TO REDEEM PROPERTY  
FROM SUFFOLK COUNTY TAX SALE

A list of parcels of land acquired by Suffolk County as the result of tax sales has been completed by the Department.

The former owners thereof may apply to re-acquire the property.

The list may be seen and applications to re-acquire may be filed at the Department of Finance and Taxation, Suffolk County Center, Riverhead, New York 11901.

Applications should be made promptly.

\_\_\_\_\_  
Commissioner  
Phone:

- K.) The foregoing regulations may be amended only by local law.

**§ A42-4. Disposition of Property Acquired through the Suffolk County Tax Act.**

- A.) The Suffolk County Tax Act, the local law providing for a further redemption period, and the Suffolk County Administrative Code afford a reasonable opportunity to pay the real property taxes with interest and penalties in cases where they were not paid in the year for which they were levied. When, then, all opportunity for statutory redemption expires without action on the part of the taxpayer, and the County takes title to the property, the selling process shall commence immediately.
- B.) The Department is hereby designated as the agency to implement this section.
- C.) Effective as of April 1, 2006, the Commissioner shall be the custodian and depository of all instruments thereafter recorded in the County Clerk's office conveying any interest in real property to the County or any agency or district thereof authorized to acquire and hold such an interest in behalf of such agency or district.
- D.) Upon the County acquiring an interest in real property by tax deed, the Commissioner shall advise the County Executive; the Commissioner of Public Works; the Commissioner of Parks, Recreation, and Conservation; the Commissioner of the Department of Economic Development and Workforce Housing; and such others as by management order of the County Executive or resolution of the County Legislature shall be designated, thereof. Those so advised shall, within four weeks, report in writing to the Commissioner whether they wish consideration to be given to holding such interest for a county purpose, together with the reasons for such proposed retention.
- E.) The County Executive, the Presiding Officer of the County Legislature, and the Commissioner, or his or her designee, shall constitute an Appeals Committee to screen requests for the retention of property interests acquired by tax deed. Such Committee shall meet from time to time to consider all such requests, and its determination as to departmental requests shall be final unless overturned by a duly enacted resolution of the County Legislature.
- F.) Using such County personnel as is available from time to time, the Commissioner, or his or her designee, shall cause to be made an appraisal of each parcel of land acquired by tax deed. If necessary, the Commissioner, or his or her designee, may enter into appropriate agreements with the Director of the Real Property Tax Service Agency to assist in the preparation of such appraisals.
- G.) Public auction. All parcels approved for disposition, except those that may be sold as provided in Paragraph (H) or as provided under §A36-2(A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, shall be offered for sale to the highest bidder at public auction pursuant to regulations established for such auctions by the Commissioner. All parcels approved for disposition, which have structures affixed thereto capable of physical occupancy by individuals, shall only be offered for sale to the highest bidder at public auction who is willing to agree, in writing, to a restrictive covenant in such deed as may convey title to such individual requiring said bidder, or his or her natural children or natural parents, to occupy said premises for a period of at least five years subsequent to the taking of title pursuant to regulations established for such auction by the Commissioner. In those instances in which a former property owner has affirmatively waived, in writing, his, her or its right of redemption of property under Paragraphs (A) and (B) of this section, then the Commissioner, or his or her designee, shall take such measures as shall be necessary and appropriate to expedite the offering for sale of such parcels to the highest bidder at public auction in accordance with the provisions of this article at the earliest possible date.
- 1.) The Director of the Division of Real Property Acquisition and Management in the Department shall take such measures as shall be necessary and appropriate to ensure that the transfer of title for sale of such parcels shall take place within two years after the signing of the contract of sale for such parcels.
- 2.) If the transfer of title for sale of such parcels shall not take place within two years after the signing of the contract of sale, then the Director of the Division of Real Property Acquisition and Management in the Department shall provide a written report to the County Legislature and appear before the Ways and Means Committee and the Parks and Cultural Affairs Committee of the County Legislature, or any successor committees thereto, in order to continue the transfer process.
- 3.) The Director of the Division of Real Property Acquisition and Management in the Department shall lower the upset price for the public auction of such County-owned real estate parcels approved for such disposition as many times as shall be necessary and appropriate to effectuate the sale of such parcel at the third public auction if such parcel has been unsuccessfully listed at public auction two prior times.
- H.) The Commissioner, or his or her designee, shall, in the case of parcels which, because of size, shape, covenants, restrictions, and other factors, are appraised for less than \$20,000, to offer such

parcels to appropriate adjoining property owners at not less than the appraised value before advertising them for sale by general auction. The Commissioner, or his or her designee, may also sell any parcel at not less than the appraised value to any local government or school district requesting such parcel, subject to County Legislature approval.

- I.) The Commissioner, or his or her designee, is authorized to execute and deliver, by a bargain and sale deed without covenants, or by quitclaim deed, for the transfer of any properties which are the subject matter of this section. All deed transfers shall be subject to the express approval of the County Legislature, and all contracts negotiated by the County shall provide that the proposed conveyance is subject to legislative approval and subject to such restrictive covenants as may be provided for in Paragraph (G) of this section.
- J.) The Commissioner shall advertise in the official newspapers, and may advertise in such other media as he or she may elect, the date, time, and place of the public auction for the sale of the properties. Lists of properties to be offered for sale may be made available by mail to persons requesting such lists.
- K.) From time to time, upon the negotiation of contracts or sales at auction, the Commissioner, or his or her designee, shall deliver to the County Legislature, in resolution for approval, a list of properties proposed to be sold, together with the negotiated or bid price.
- L.) In the event that an auction parcel is improved by a owner-occupied residence which has been owner-occupied for a period of at least five years prior to the date of the recording of the County's deed, then the prior owner may make application in writing to the County Division of Real Property Acquisition and Management in the Department for a distribution from the proceeds of the auction sale. The amount that the applicant is eligible to receive is a sum equal to the remaining proceeds after deducting (1) payment for all sums set forth in § A42-4 hereinabove and (2) an amount equal to the sum of all valid liens, judgments, or encumbrances which existed on the date that the County took title to the subject parcel. For the purposes of this Paragraph, "proceeds" shall be defined as either the amount of the sale at auction or the amount of an appraisal made as of the date which the County took title, whichever amount is less.
- M.) There has been filed with the Clerk of the County Legislature rules and regulations governing the procedures and forms for the implementation of this section, and by the adoption of this section such rules and regulations are approved. The Commissioner may propose amendments to such rules by filing them with the Clerk of the County Legislature and mailing copies thereof to the County Executive and members of the Legislature. Such amendments shall become effective sixty (60) days after such filing and notification unless within such period a resolution of disapproval proposed by any Legislator is enacted into law by the County Legislature.
- N.) The Director of the Division of Real Property Acquisition and Management in the Department shall take such measures as shall be necessary and appropriate to ensure that the acquisition of all parcels or interests in real estate authorized under any County land acquisition program shall take place within two years after the effective date of the County resolution authorizing the acquisition of such parcels or any interest therein. If the transfer of title to such parcels or interests in real estate shall not take place within two years after the effective date of the County resolution authorizing such acquisition, then the Director of the Division of Real Property Acquisition and Management in the Department shall provide a written report to the County Legislature and appear before the Ways and Means Committee and the Parks and Cultural Affairs Committee of the County Legislature, or any successor committees thereto, in order to continue the acquisition process.

§ A42-5. Conduct of hearings and making of findings pursuant to New York Eminent Domain Law.

- A.) **The Legislature finds and determines it to be in the public interest that public hearings, as required by the New York State Eminent Domain Procedure Law, can best be conducted by the Department, pursuant to Article II of said law, and that the Department, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may establish and amend rules and regulations consistent with the provisions of said law, pursuant to Article VII, § 707 of said law.**
- B.) After the Legislature approves acquisition of an interest in real property for municipal purposes, the resolution of approval shall delegate unto the Commissioner, and in his or her absence the Director of the Division of Real Property Acquisition and Management in the Department, the full authority of the Legislature to conduct public hearings and make determinations and findings as to all matters set forth in Article 2 of the New York Eminent Domain Procedure Law.
- C.) Public hearings shall be conducted and the notices thereof shall be published and issued pursuant to §§ 201, 202, 203, and 204 of the New York Eminent Domain Procedure Law.

- D.) The Commissioner, or in his or her absence, the Director of the Suffolk County Division of Real Property Acquisition and Management in the Department, shall be deemed a hearing officer with the authority to make determinations and findings pursuant to § 204 of the New York Eminent Domain Procedure Law.
- E.) The written determination and findings shall be filed with the Clerk of the County Legislature within 90 days after the conclusion of the public hearing.
- F.) The Commissioner, or in his or her absence, the Director of the Suffolk County Division of Real Property Acquisition and Management in the Department, shall publish a brief synopsis of such filed determinations and findings in at least two successive issues of the official newspapers and in two successive issues of a newspaper of general circulation in such locality, and the publication shall state that copies of the determinations and findings will be forwarded, upon written request, without cost.
- G.) The hearing officer may recommend and permit further field studies subsequent to the hearing, pursuant to § 205 of the New York Eminent Domain Procedure Law. The hearing officer may authorize and permit amendments or alterations to accommodate such field conditions if deemed necessary, but the Legislature reserves unto itself the right to approve any changes in the original acquisition maps whereby additional property is required or whereby the acquisition of properties approved in the original maps are deleted.
- H.) The Commissioner, and in his or her absence, the Director of the Suffolk County Division of Real Property Acquisition and Management in the Department, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may, from time to time, make or amend rules and regulations consistent with the provisions of this section in those instances where such provisions are not expressly provided in the New York Eminent Domain Procedure Law; and such rules and regulations or amendments thereto shall be filed with the Clerk of the Legislature and shall be deemed approved by the Legislature and become effective forty-five (45) days after filing, unless overturned by a duly enacted resolution of the County of Suffolk.

**§ A42-6. Required provision in all instruments of conveyance when acquiring development rights in agricultural lands.**

Pursuant to Chapter 8 of the SUFFOLK COUNTY CODE regarding acquisition of development rights in agricultural lands, the County Executive, and the Commissioner shall make provision in all instruments of conveyance and documents in connection therewith relating to the acquisition of development rights that the owner of the remainder fee shall not, after the conveyance of the development rights in any lands to the County, subdivide the remainder fee without the consent of the County Legislature, which hereby certifies and resolves that such consent shall not be unreasonably withheld. Nothing contained herein shall be deemed to prevent the devolution of title by operation of law or by last will and testament.

**§ A42-7. Leasing of surplus County property.**

Upon the determination by the County Legislature that county-owned real property is not required for public use, such property may be leased for a term not exceeding 10 years upon such terms and conditions as may be prescribed by the County Legislature by resolution in the same manner and with the same rights and privileges as if owned by an individual, anything in § 215 of the New York County Law to the contrary notwithstanding.

**§ A42-8. Procedure for Leasing Real Property for County Use.**

- A.) Required information. The County Legislature shall not take any action on any resolution regarding the leasing of real property by the County of Suffolk, nor shall any agency contracting with the County of Suffolk under any grant undertake the leasing of real property until the County Legislature has been supplied with and shall have before it the information:
- 1.) All such information which has been provided to the Commissioner's office in relation to such a lease; and
  - 2.) A public hearing report dealing with the proposed lease.
- B.) Public hearing.
- 1.) A public hearing shall be held in the legislative district in which the property is situated by the Ways and Means Committee of the County Legislature, or any successor committee thereto, and the Legislator from the district in which the property is situated.
  - 2.) The public hearing shall be held within 20 days after the date the resolution is laid on the table.

- 3.) A written report on the proceedings of such public hearing shall be distributed to each member of the County Legislature within seven days after such hearing.
- 4.) At the next regularly scheduled meeting following the public hearing, the County Legislature shall consider and vote on the resolution proposing the lease.
- C.) Public notice. The notice shall be published one time in the official county papers and, unless one of such papers is published in the town in which the property is situated, in the official paper of such town. The notice shall be published at least seven days preceding the public hearing.
- D.) Exceptions.
  - 1.) The provisions of this section shall not apply to the leasing of office space for members of the judiciary or members of the County Legislature, nor for the County Executive; nor shall this section apply to the extension, modification, or renewal of an existing lease.
  - 2.) This section shall not apply to leases at Suffolk County Airport, Westhampton Beach, New York, or to an extension, modification, or renewal of any of said leases; and to the extent that § 352, Subdivision 5, of the New York General Municipal Law may be deemed to be inconsistent herewith or to otherwise require a hearing with respect to any such leases, such section is hereby superseded in accordance with § 22 of the New York Municipal Home Rule Law.
  - 3.) The public-hearing and public-notice provisions of this section shall not apply in the case of a public emergency declared in writing by the County Executive and arising out of unforeseen occurrences.
  - 4.) This section shall not apply to leases entered into by the County's law enforcement departments and agencies necessary for use in connection with the conduct of undercover/covert operations, nor shall such leases be subject to review by the County's Space Management Steering Committee.
    - a.) Prior to executing a lease necessary for use in connection with the conduct of undercover/covert operations, the leasing department or agency shall provide the County Attorney with a copy of said lease.
    - b.) In no event shall the term of a lease entered into pursuant to this exception exceed one year.

III. Sections 27-2 and 27-3 of the SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS are hereby amended to read as follows:

**Chapter 27  
CONVEYANCE OF REAL PROPERTY**

**§ 27-2. Definitions.**

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

- A.) "Applicant" shall mean the owner of record immediately preceding in time the tax deed held by the County of Suffolk, or an assignee, mortgagee or judgment creditor of such owner of record.
- B.) "Director" shall mean the Director of the Division of Real Property Acquisition and Management in the [Suffolk Department of Real Estate.] County Department of Environment and Energy.

\* \* \* \* \*

**§ 27-3. Guidelines for Conveyance Procedure.**

- A.) Upon receipt of an application for a conveyance, together with the requisite appraisal fee, the Commissioner shall cause to be prepared a review appraisal of such parcel. Upon completion of such an appraisal, a copy shall be forwarded to the Clerk of the Legislature for distribution to each member of the Legislature. The Commissioner shall take no action on such application unless the appraisal fee has first been paid by the applicant.
- B.) Prior to action by the Legislature to approve a conveyance, an applicant shall complete an application prescribed by the Office of Legislative Counsel of the County Legislature, including a sworn affidavit as to the explanation of the nonpayment of taxes and shall submit a title abstract covering the prior

[10] ten (10) years, together with the requisite appraisal fee established by the Commissioner pursuant to § 27-5 of this chapter. A copy of the Suffolk County Tax Map covering the parcel in question shall be filed with the application, and a form, attached hereto as Exhibit B shall be completed by the [Suffolk County Planning Department] County Department of Environment and Energy and filed with the Clerk of the County Legislature for each resolution filed to approve a conveyance.

\*\*\*\*\*

E.) No resolution authorizing a conveyance shall be approved by the Legislature unless and until a written nonbinding recommendation from the [Suffolk County Planning Department] County Department of Environment and Energy concerning said conveyance is filed with the Clerk of the County Legislature on the form attached hereto as Exhibit B.

1.) The County Departments of [Real Estate] Environment and Energy; Parks, Recreation and Conservation; Public Works; and Planning shall each review such proposed application within 30 days subsequent to the filing of such an application with the Department of [Real Estate] Environment and Energy and may issue, in writing, comments to the County Executive or the County Legislature concerning such application within said thirty-day time frame. Such comments shall be advisory in nature and nonbinding on the County Legislature.

2.) The County Department of [Real Estate] Environment and Energy shall annually submit to the County Executive and County Legislature a written list of all parcels owned by the County of Suffolk available for public auction no later than December 31 of each year, indicating the location, size and status of each such property.

IV. Section 712-22 of the SUFFOLK COUNTY RESOLUTIONS, RULES AND REGULATIONS is hereby amended to read as follows:

**Chapter 712, REAL ESTATE APPRAISAL, ACQUISITION AND DISPOSITION**

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**ARTICLE II, Land Acquisitions [for Preservation of Open Space and Farmland]**

**§ 712-22. Approval of planning steps resolutions; quarterly reports.**

- A. Planning steps resolutions for proposed land acquisitions shall be submitted to the Suffolk County Legislature for approval, either with individual parcels or with pertinent master list annexed to such planning steps resolution.
- B. The Director of the Division of Real Estate, after consultation with the Commissioner of the Suffolk County Department of Economic Development and Workforce Housing in connection with parcels to be acquired under Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE, or the Suffolk County Planning Director in connection with all other parcels to be acquired, shall begin the acquisition process on parcels for which planning steps have been approved.

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**Section 4. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes an unlisted action pursuant to Section 617.2 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 for the following reasons:

- 1.) The proposed law will not exceed any of the criteria in Section 617.11 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;
- 2.) This law basically performs the administrative function of establishing a department to consolidate certain environment and energy functions currently carried out by several county departments, offices, and agencies.
- 3.) Individual actions by the department, once established, or by personnel will be subject to separate comprehensive SEQRA review; and
- 4.) The actual creation of the department has no direct impact on anything except County policy making and the County budget.

**Section 5. Severability.**

If any clause, sentence, paragraph, section or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this law that shall be directly involved in the controversy in which such judgment shall have been rendered.

**Section 6. Transition and Applicability Provisions.**

- A.) Section 2 and Section 3 of this law shall apply as of April 1, 2006.
- B.) Any reference to the Division of Real Estate in the County Department of Planning or its Commissioner or Director in any other resolution, local law, Charter law, ordinance, rule, or regulation of the County of Suffolk or in any state or federal law, rule, or regulation, shall be construed in the first instance as reference to the County Division of Real Property Acquisition and Management in the County Department of Environment and Energy, anything in any other laws or regulations to the contrary notwithstanding.
- C.) Any pertinent positions of employment within the Division of Real Estate in the County Department of Planning, the County Department of Health Services, the Office of the County Executive, the County Department of Planning, and the County Department of Public Works Water Quality/Environmental Unit shall be abolished and/or transferred, as the case may be, via appropriate resolution, no later than March 31, 2006, to the new County Department of Environment and Energy. Any positions of employment transferred via prior or subsequent appropriate resolution, shall be transferred so as to retain the incumbent individual in said position of employment as the individual so employed in that position by the department or agency to which such position has been transferred by resolution.
- D.) Any reference to the County Division of Real Estate in the County Department of Planning, also referred to as the County Department of Planning, Division of Real Estate, in any chapter of the SUFFOLK COUNTY CODE shall be construed as reference to the County Division of Real Property Acquisition and Management in the County Department of Environment and Energy and any reference in said CODE to the Director of said Division shall be construed to mean the Director of the County Division of Real Property Management and Acquisition within the County Department of Environment and Energy, as the case may be.
- E.) All County departments shall cooperate fully with the Commissioner of the County Department of Environment and Energy, or his or her designee, in all phases of implementing the provisions of this law.
- F.) Any reference to County Division of Real Estate in the County Department of Planning, also referred to as the County Department of Planning, Division of Real Estate, in Chapter 712 of the SUFFOLK COUNTY CODE shall be construed as reference to the County Division of Real Property Acquisition and Management in the County Department of Environment and Energy and any reference in the SUFFOLK COUNTY CODE to the Director of the Division of Real Estate shall be construed to mean the Director of the Suffolk County Division of Real Property Management and Acquisition within the County Department of Environment and Energy, as the case may be. The pertinent offices and employees within the County Department of Environment and Energy shall carry out the duties, functions, and responsibilities of that law.

**Section 7. Effective Date.**

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

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on February 7, 2006  
Filed with the Secretary of State on March 24, 2006

Date: February 21, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1090-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

RESOLUTION NO. 60 -2006, TO READJUST, COMPROMISE,  
AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION  
OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE  
#229

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

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

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

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

<u>Description</u> <u>paid</u>	<u>Year</u>	<u>Original</u> <u>Tax</u>	<u>Corrected</u> <u>Tax</u>	<u>Chargeback &amp;</u> <u>Tax</u>	<u>Refund, if</u>
Huntington:					
0400-157.00-02.00-029.000	2002/03	\$5,649.47	\$2,507.44	\$3,142.03	
0400-157.00-02.00-029.000	2003/04	\$6,003.54	\$0.00	\$6,003.54	

DATED: February 7, 2006

APPROVED BY:

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

Date: February 8, 2006

**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1091-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

RESOLUTION NO. 61 -2006, TO READJUST, COMPROMISE,  
AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION  
OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE  
#230

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

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

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

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

<u>Description</u> <u>paid</u>	<u>Year</u>	<u>Original</u> <u>Tax</u>	<u>Corrected</u> <u>Chargeback &amp;</u> <u>Tax</u>	<u>Refund, if</u>
Babylon:				
0100-171.00-02.00-024.000	2003/04	\$3,383.67	\$0.00	\$3,383.67

DATED: February 7, 2006

APPROVED BY:

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

Date: February 8, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro Res. No. 1092-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 62 -2006, TO READJUST, COMPROMISE,  
AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION  
OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE  
#231

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

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

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

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

<u>Description</u> <u>paid</u>	<u>Year</u>	<u>Original</u> <u>Tax</u>	<u>Corrected</u> <u>Chargeback &amp;</u> <u>Tax</u>	<u>Refund, if</u>
Islip:				
0500-211.00-01.00-049.614	2005/06	\$9,549.03	\$0.00	\$9,549.03
0500-211.00-01.00-049.615	2005/06	\$9,973.96	\$0.00	\$9,973.96

DATED: February 7, 2006

APPROVED BY:

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

Date: February 8, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1082-2006

Laid on Table 1/17/2006

Introduced by Presiding Office, on request of the County Executive

**RESOLUTION NO. 63 -2006, ACCEPTING AND APPROPRIATING  
AN AMENDMENT TO THE COLLEGE BUDGET FOR A GRANT  
AWARD FROM THE NEW YORK STATE EDUCATION  
DEPARTMENT, DIVISION OF LIBRARY DEVELOPMENT FOR A  
COORDINATED COLLECTION LIBRARY DEVELOPMENT GRANT  
100% REIMBURSED BY STATE FUNDS AT SUFFOLK COUNTY  
COMMUNITY COLLEGE**

**WHEREAS**, the 2005-2006 College Operating Budget provides \$17,000 in anticipation of a New York State Department of Education, Division of Library Development for a Coordinated Collection Library Development grant; and

**WHEREAS**, the actual grant award includes an additional amount of \$517, bringing the total amount of the grant award to \$17,517 for the period of July 1, 2005 through June 30, 2006; and

**WHEREAS**, it is necessary to amend the College operating budget to provide for the additional \$517; and

**WHEREAS**, the program amendment will provide funds for the purchase of books to enhance the three-campus library collection; and

**WHEREAS**, matching funds for the amendment are not required; and

**WHEREAS**, the Board of Trustees of Suffolk County Community College accepted the amendment to the 2005-2006 College budget for the increase in the grant appropriation on December 8, 2005 by Resolution No. 2005.111; and

**WHEREAS**, the College anticipates spending the increase in the grant appropriation in the amount of \$517, in accordance with the terms of said grant before June 30, 2006; now therefore, be it

**RESOLVED**, that said 2005-2006 College Operating Budget be amended to reflect the increase in the grant appropriation of \$517, for a Coordinated Collection Library Development grant, and said amount be accepted and appropriated for the operation of the program as follows:

REVENUES:		AMOUNT:
State Aid: Coordinated Library Collection: 818-3204		\$ 517

APPROPRIATIONS:		AMOUNT:
Coordinated Library Collection: 818-GRT-GC11	\$ 517	

Suffolk County Community College  
Coordinated Library Collection  
818-GRT-GC11

3000-Supplies & Materials	\$ 517
3100-Instructional Supplies	517

DATED: February 7, 2006

APPROVED BY:

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

Date: February 8, 2006  
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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1083-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 64 -2006, ACCEPTING AND  
APPROPRIATING A GRANT AWARD FROM THE NEW YORK  
STATE DEPARTMENT OF EDUCATION FOR A YOUTH  
ENTREPRENEURIAL SUMMER CAMP PROGRAM 100%  
REIMBURSED BY STATE FUNDS AT SUFFOLK COUNTY  
COMMUNITY COLLEGE**

**WHEREAS**, Suffolk County Community College has received a grant award from the New York State Education Department, in the amount of \$5,000, for a Youth Entrepreneurial Summer Camp program for the period of July 1, 2004 through June 30, 2006; and

**WHEREAS**, the grant provides for supplies and materials needed for an Entrepreneurial Summer Youth Camp to be located on the Michael J. Grant Campus of Suffolk County Community College; and

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

**WHEREAS**, the Board of Trustees of Suffolk County Community College accepted the grant award on December 8, 2005 by Resolution No. 2005.117; and

**WHEREAS**, the College anticipates spending the \$5,000, in accordance with the terms of said grant award by June 30, 2006; now therefore be it

**RESOLVED**, that said grant award from the New York State Education Department, for a Youth Entrepreneurial Summer Camp program, in the amount of \$5,000, be accepted and appropriated for the operation of the program as follows:

REVENUES:

AMOUNT:  
State Aid: Youth Entrepreneurial Summer Camp: 818-3261 \$5,000

APPROPRIATIONS:

AMOUNT:  
Youth Entrepreneurial Summer Camp: 818-GRT-GT30 \$5,000  
Suffolk County Community College  
Youth Entrepreneurial Summer Camp  
818-GRT-GT30

2000-Equipment \$ 430  
2440-Instructional Equipment 430

3000-Supplies and Materials \$ 4,570  
3010-Office Supplies 300  
3100-Instructional Supplies 4,270

DATED: February 7, 2006

APPROVED BY:

/s/ Paul Sabatino II  
County Executive of Suffolk County

Date: February 8, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1111-2006  
Introduced by Presiding Officer

Laid on Table 1/17/2006

**RESOLUTION NO. 65 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED MODIFICATIONS TO THE WAREHOUSE AT BOARD OF ELECTIONS, CP #1461, YAPHANK, TOWN OF BROOKHAVEN**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Modifications to the Warehouse at Board of Elections, CP #1461, Yaphank, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project provides for the renovation of the existing warehouse space and to construct a 1,000 square foot computer room, install HVAC systems, insulate interior warehouse walls, and relocate existing fiber optic cables; and

**WHEREAS**, at its December 14, 2005 meeting, the CEQ reviewed the information submitted by the Suffolk County Department of Public Works in connection with this project; 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.(c)(1)(2) and (25) and Chapter 279 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated January 5, 2006 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 Modifications to the Warehouse at Board of Elections, Yaphank, Town of Brookhaven, constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR Part 617.5(c)(1)(2) and (25) and Chapter 279 of the Suffolk County Code, which project consists of the rehabilitation involving no substantial changes to an existing structure or in-kind reconstruction of a structure or facility and the purchase of equipment; 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: February 7, 2006

APPROVED BY:

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

Date: February 8, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1112-2006  
Introduced by Presiding Officer

Laid on Table 1/17/2006

**RESOLUTION NO. 66 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED RENOVATIONS TO THE OLD 6<sup>TH</sup> POLICE PRECINCT, CP #3188, CORAM, TOWN OF BROOKHAVEN**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Renovations to the Old 6<sup>th</sup> Police Precinct, CP #3188, Coram, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project provides for the planning and reconstruction of the renovations to the interior of this building; the project also includes, but is not limited to, the rearrangement of office space, upgrades to mechanical, electrical, and plumbing systems, new flooring and ceilings, etc.; and

**WHEREAS**, at its December 14, 2005 meeting, the CEQ reviewed the information submitted by the Suffolk County Department of Public Works in connection with this project; and

**WHEREAS**, the CEQ recommended that the above activity be considered a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(1)(2) and (25) and Chapter 279 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated January 5, 2006 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 Renovations to the Old 6<sup>th</sup> Police Precinct, CP #3188, Coram, Town of Brookhaven constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(1)(2) and (25) and Chapter 279 of the Suffolk County Code, which project involves the replacement and rehabilitation involving no substantial changes to an existing structure, or in-kind reconstruction of a structure or facility, and the purchase of equipment; 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: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1113-2006  
Introduced by Presiding Officer

Laid on Table 1/17/2006

**RESOLUTION NO. 67 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED DONATION OF PROPERTY, FILE #S05-04-0019, MILLER PLACE, TOWN OF BROOKHAVEN**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Donation of Property, File #S05-04-0019, Miller Place, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of land by Suffolk County through a donation of 0.2 acres; and

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

**WHEREAS**, at its December 14, 2005 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; 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 January 5, 2006 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 Donation of Property, File #S05-04-0019, Miller Place, 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 thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The property adds to the County park property in the area; and
- 3.) The property will be dedicated to the Suffolk County Department of Parks, Recreation and Conservation for passive recreation purposes;

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: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1094-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 68 -2006, ACCEPTING AND APPROPRIATING  
A GRANT IN THE AMOUNT OF \$13,300 FROM THE STATE OF  
NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, FOR  
THE SUFFOLK COUNTY POLICE DEPARTMENT TO CONTINUE A  
CHILD PASSENGER SAFETY PROGRAM WITH 100% SUPPORT**

**WHEREAS**, the State of New York Governor's Traffic Safety Committee has awarded \$13,300 in Federal Highway Safety pass-through monies to continue a Suffolk County Police Department project designed to increase the proper use and installation of child safety seats; and

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

**WHEREAS**, the operational period of the Program will be from October 1, 2005, through September 30, 2006; and

**WHEREAS**, said grant funds totaling \$13,300 have not been included in the 2006 Suffolk County Operating Budget; now, therefore, be it

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

**REVENUES:**

**AMOUNT:**

115-4350-Federal Aid: Child Passenger Safety Program \$13,300

**ORGANIZATIONS:**

Police Department (POL)  
Child Passenger Safety Program 2006  
115-POL-3267

**2000-Equipment**

2500-Other Equip Not Otherwise

**\$11,800**

11,800

**3000-Supplies Materials and Others**

**\$ 1,500**

3010-Office Supplies

50

3040-Outside Printing

300

3070-Memberships & Subscriptions

100

3100-Instructional Supplies

400

3260-Signs & Maps

100

3350-Safety Supplies

550

and be it further

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

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1088-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 69 -2006, AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF ABANDONMENT OF THE INTEREST OF THE COUNTY OF SUFFOLK IN PROPERTY DESIGNATED AS TOWN OF RIVERHEAD (SUFFOLK COUNTY TAX MAP NO. 0600-148.00-02.00-005.001 n/k/a 009.001) PURSUANT TO SECTION 40-D OF THE SUFFOLK COUNTY TAX ACT**

**WHEREAS**, a parcel of property lying, situate and being in the Town of Riverhead, designated as Suffolk County Tax Map Number 0600-148.00-02.00-005.001 n/k/a 009.001 known as Town of Riverhead, Sch Dist 2 N-Yale Devel Corp. E-JMJ Assoc Inc S-Suffolk Cnty W-USA M. Henry .42 A ROW; formerly assessed to Mayers Walter F. Lapin B. Hayes; and

**WHEREAS**, the County of Suffolk acquired said property designated as Suffolk County Tax Map Number 0600-148.00-02.00-005.001 n/k/a 009.001, by tax deed dated February 5, 1980, and recorded on February 5, 1980 in the Suffolk County Clerk's Office in Liber 8774 at page 394 for unpaid 1975/1976 taxes; and

**WHEREAS**, it has been determined that due to erroneous assessment by Town Assessor, property should not have been taken; now, therefore, be it

**RESOLVED**, that pursuant to Section 40-C of the Suffolk County Tax Act, after receiving payment in full of all monies due to the County of Suffolk, including but not limited to, accrued taxes, penalties and interest as calculated by the Treasurer of the County of Suffolk, payment has been made to the Division of Real Estate, the tax deed

to Suffolk County will be canceled pursuant to Section 40-D of the Suffolk County Tax Act. Patricia B. Zielenski and/or her designee is authorized to file a certificate of abandonment of Claim of Title, which Suffolk County holds pursuant to said tax deed.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1099-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 70 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REALPROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT RAYMOND RUDDEN (SCTM NO. 0500-246.00-02.00-032.000)**

**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 246.00, Block 02.00, Lot 032.000, and acquired by tax deed on June 14, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 15, 2005, in Liber 12392, at Page 604, and otherwise known as and by Town of Islip, known and designated as and by Lot #29 on a certain map entitled, "Map of Bay Shore Heights, Town of Islip, Suffolk Co., NY Revised Map of South Brentwood, filed May 25, 1872 as Map No. 259" and filed in the Suffolk County Clerk's Office on January 15, 1954 as Map No. 2160; 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 14, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 15, 2005 in Liber 12392 at Page 604.

**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**, RAYMOND RUDDEN has made application of said above described parcel and RAYMOND RUDDEN has paid the application fee and \$21,924.35, as payment of taxes, penalties, and interest due the County of Suffolk, pursuant to 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 RAYMOND RUDDEN, 30 Wildwood Road, Ronkonkoma, New York 11779, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

**Intro. Res. No. 1100-2006 Laid on Table 1/17/2006**  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 71 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REALPROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT RAYMOND J. RUDDEN (SCTM NO.0500-246.00-02.00-030.000)**

**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 246.00, Block 02.00, Lot 030.000, and acquired by tax deed on June 14, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 15, 2005, in Liber 12392, at Page 604, and otherwise known as and by Town of Islip, known and designated as and by Lot #27 on a certain map entitled, "Map of South Brentwood, filed May 25, 1872 as Map No. 259" and filed in the Suffolk County Clerk's Office on January 15, 1954 as Map No. 2160; 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 14, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 15, 2005 in Liber 12392 at Page 604.

**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**, RAYMOND J. RUDDEN has made application of said above described parcel and RAYMOND J. RUDDEN has paid the application fee and \$21,341.61, as payment of taxes, penalties, and interest due the County of Suffolk, pursuant to 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 RAYMOND J. RUDDEN, 30 Wildwood Road, Ronkonkoma, New York 11779, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1101-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 72 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REALPROPERTY ACQUIRED UNDER SECTION 46**

**OF THE SUFFOLK COUNTY TAX ACT PERWEEN SYED and NASIM A. SYED, as husband and wife (SCTM NO. 0200-153.00-06.00-019.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 153.00, Block 06.00, Lot 019.000, and acquired by tax deed on August 8, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 15, 2005, in Liber 12403, at Page 637, and otherwise known as and by Town of Brookhaven, Suffolk County and State of New York; known and designated on a certain map entitled, "Map of Stony Brook Gardens, Section One and Two, amended Map of Houghton Estates, Stony Brook, prepared by Herman F. Hawkins, Civil Engineer" and filed in the Office of the County Clerk of Suffolk County, New York, as Map Number 141, on the 11<sup>th</sup> day of September, 1926 and designated as Lot Number 66; 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 August 8, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 15, 2005 in Liber 12403 at Page 637.

**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**, PERWEEN AKHLAR SYED has made application of said above described parcel and PERWEEN AKHLAR SYED has paid the application fee and \$993.01, as payment of taxes, penalties, interest, and any other charges due the County of Suffolk, pursuant to 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 PERWEEN SYED and NASIM A. SYED, as husband and wife, 59 Brook Drive, Stony Brook, New York 11790-1503, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1102-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 73 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT EDWARD VAUGHAN, JR. (SCTM NO. 0200-206.00-03.00-006.002)**

**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 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 206.00, Block 03.00, Lot 006.002, and acquired by Tax deed on August 8, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 15, 2005, in Liber 12403, at Page 637, and otherwise known as and by Town of Brookhaven, Pt Jefferson Plaza Map 469 70 to 73 Inc; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on August 8, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 15, 2005 in Liber 12403 at Page 637.

**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**, EDWARD VAUGHAN, JR. has made application of said above described parcel and EDWARD VAUGHAN, JR. has paid the application fee and \$1,803.51, as payment of taxes, penalties, interest, and any other charges due the County of Suffolk, pursuant to 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 EDWARD VAUGHAN, JR., 199 Jayne Blvd., Port Jefferson Station, New York 11776, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1103-2006

Laid on Table 1/17/2006

Introduced by the Presiding Officer, on request of the County Executive

**RESOLUTION NO. 74 -2006, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 JOHN A. MALINOWSKI JR., AND NATIVIDAD MALINOWSKI, his wife (SCTM NO. 0900-151.00-02.00-040.000)**

**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 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 151.00, Block 02.00 Lot 040.000 and acquired by Tax Deed on October 12,1994 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on October 20,1994 in Liber 11699 at Page 117 and described as follows, Town of Southampton, School Dist. 02, N x now or formerly Weidersum, E x now or formerly Hazelton, S x now or formerly Butz & Ors., W x now or formerly Malinowski; 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, John A. Malinowski Jr. and Natividad Malinowski, his wife**, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,550. 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 \$1,550, 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 \$1,550, 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 Quitclaim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said John A. Malinowski Jr. and Natividad Malinowski, 25 Tanglewood Trail, Hampton Bays, New York 11946.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Barraga. The resolution passed 18-0.**

Intro. Res. No. 1116-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 75 -2006, SALE OF COUNTY-OWNED REAL ESTATE  
PURSUANT TO SECTION 72-h OF THE GENERAL MUNICIPAL LAW (TOWN  
OF RIVERHEAD) (SCTM NO.0600-084.00-01.00-002.068)**

**WHEREAS**, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

**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 084.00, Block 01.00, Lot 002.068 and acquired by Tax Deed on October 6, 2005 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on October 11, 2005 in Liber 12413 at Page 798 and described as follows, Town of Riverhead, parcel is P/O Two Bears Park, located between Arrowhead Avenue and Old Farm Road, East of Calico Court. This deed is given to supplement a deed issued on 3/25/05 and filed in the Suffolk County Clerk's Office in Liber 12380/884, which deed did not include the above parcel; 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 Riverhead has requested that the County of Suffolk convey these parcels 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 Patricia B. Zielenski, Director of the Division of Real Estate or her Deputy, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described properties and on the above described terms and conditions to said Town of Riverhead for the sum of \$2,988.68 plus the pro rata share of the current tax adjustment due at closing; and be it further

**RESOLVED**, that the Town of Riverhead will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Parkland in the subdivision known as Two Bears purpose; with all right title and interest reverting to the County of Suffolk in the event that the Town of Riverhead, at any time, uses or attempts to use said subject parcel for other than Parkland in the subdivision known as Two Bears purpose or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcels without said parcels being used thereafter for Parkland in the subdivision known as Two Bears purpose; and be it further

**RESOLVED**, that said quitclaim deed issued by Patricia B. Zielenski, Director of the Division of Real Estate 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: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Montano made motion for the following resolution, seconded by Legislator Horsley. The resolution passed 15-2-0-1. Legislators Caracappa and Barraga voted no. Legislator Mystal was not present.**

Intro. Res. No. 1022-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/3/2006

**RESOLUTION NO. 76 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT NY STATE REALTY ASSOCIATES INC. (SCTM NO. 0200-392.00-08.00-029.000)**

**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 392.00, Block 08.00, Lot 029.000, and acquired by tax deed on June 24, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2004, in Liber 12330, at Page 857, and otherwise known as and by Town of Brookhaven, County of Suffolk and State of New York, known and designated as Lot No. 57 on a certain map entitled, "Map of Holiday Gardens, Section No. 1", situated at Selden, Town of Brookhaven, Suffolk County, N.Y., surveyed by Teas and Steinbrenner Engineers and Surveyors, # 25 Church Street, Malverne, New York and 522 Route 11 Hauppauge, New York and filed in the Office of the Clerk of the County of Suffolk on Suffolk on October 27, 1964 as Map No. 4188; 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 24, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2004 in Liber 12330 at Page 857.

**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**, NY STATE REALTY ASSOCIATES INC, by Joseph Giampietro, President, has made application of said above described parcel and NY STATE REALTY ASSOCIATES INC, by Joseph Giampietro, President, has paid the application fee and \$52,055.50, as payment of taxes, penalties, interest, and any other charges due the County of Suffolk, pursuant to 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 NY STATE REALTY ASSOCIATES INC, c/o JOSEPH GIAMPIETRO, President, 127 W. Suffolk Avenue, Central Islip, New York 11722, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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

Intro. Res. No. 1024-2006  
Introduced by Legislators Cooper, D'Amato, Stern and Horsley

Laid on Table 1/3/2006

**RESOLUTION NO. 77 -2006, TO ESTABLISH A "SAFE COMMUNITIES INITIATIVE" TASK FORCE TO STUDY THE EXPANDED USE OF SECURITY CAMERA SYSTEMS TO DETER CRIME AND ASSIST LAW ENFORCEMENT EFFORTS IN HIGH-CRIME AREAS**

**WHEREAS**, security camera technology exists that would assist the police in protecting Suffolk County residents in high-crime areas; and

**WHEREAS**, the successful use of this technology could utilize the resources of the Police Department more efficiently thereby creating savings for Suffolk taxpayers; and

**WHEREAS**, security camera systems have been used successfully in cities and towns across the United States, including Chicago, Los Angeles, Atlanta, New York City, Baltimore, Tacoma, Jersey City, New Orleans, and Cincinnati; and

**WHEREAS**, the security camera systems that have been used successfully in other parts of the United States have employed very different technologies and have employed various protocols and guidelines to implement the programs in each of these locations; and

**WHEREAS**, a pilot program in the Town of Huntington, in which ten (10) security camera systems would be installed by the Suffolk County Police Department on public streets in high-crime areas, would be helpful in determining whether this technology can be effectively used in Suffolk County to deter crime and help apprehend criminals; and

**WHEREAS**, a Task Force is necessary to review security camera programs already in place in cities and towns across the United States in order to recommend the most appropriate technologies and protocols for use in Suffolk County; now, therefore, be it

**1st** **RESOLVED**, that a Suffolk County Safe Communities Initiative Task Force (Task Force) is hereby established to review security camera programs in order to select the most appropriate technologies and procedures for use in Suffolk County including, but not limited to, studying the use of live monitoring, access to video footage, guidelines to ensure privacy, posting of signs or absence of any notification, length of time to maintain video tapes, funding options, effectiveness as a deterrent to crime, and effectiveness in the apprehension of criminals; and be it further

**2nd** **RESOLVED**, that this Task Force shall consist of the following ten (10) members:

- 1.) Suffolk County Police Commissioner, or designee, who shall serve as Chair;
- 2.) The Suffolk County District Attorney, or designee;
- 3.) The Suffolk County Executive, or designee;
- 4.) The Presiding Officer of the Suffolk County Legislature, or designee;
- 5.) The Minority Leader of the County Legislature, or designee;
- 6.) The Chair of the Public Safety and Public Information Committee of the Suffolk County Legislature, or designee;
- 7.) A representative to be appointed by the Long Island Progressive Coalition;
- 8.) A representative to be appointed by the Suffolk County Police Benevolent Association;
- 9.) A representative to be appointed by the Long Island Association; and
- 10.) A representative to be appointed by the NAACP;

and be it further

**3rd** **RESOLVED**, that the Task Force shall hold its first meeting no later than thirty (30) days after the effective date of this Resolution, which meeting shall be convened by the Chairman of the Task Force for the purpose of organization; and be it further

**4th** **RESOLVED**, that the members of said Task Force shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

**5th** **RESOLVED**, that the Task Force shall hold regular meetings, keep a record of all its proceedings, and determine the rules of its own proceedings with special meetings to be called by the Chairperson upon his or her own initiative or upon receipt of a written request thereof signed by at least three (3) members of the Task Force. Written notice of the time and place of such special meetings shall be given by the secretary to each member at least four (4) days before the date fixed by the notice for such special meeting; and be it further

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

**7th** **RESOLVED**, that clerical services involving the month-to-month operation of this Task Force, as well as supplies and postage as necessary, will be provided by the staff of the County Police Department; and be it further

**8th** **RESOLVED**, that the Task Force shall cooperate with the Legislative Committees of the County Legislature and make available to each Committee's use, upon request, any records and other data it may accumulate or obtain; and be it further

**9th** **RESOLVED**, that this Task Force shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive no later than one 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, with a copy of said report to also be filed with the Clerk of the Suffolk County Legislature; and be it further

**10th** **RESOLVED**, that the Task Force shall expire, and the terms of office of its members terminate thirty (30) days subsequent to the submission of its written report, at which time the Task Force shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

**11th** **RESOLVED**, that this study shall not be performed by any outside consultant or consulting firm unless explicit approval and authorization for such consultant or consulting firm is granted pursuant to a duly enacted resolution of the County Legislature; and be it further

**12th** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Schneiderman. The resolution passed 18-0.**

Intro. Res. No. 1079-2006  
Introduced by Presiding Officer

Laid on Table 1/17/2006

**RESOLUTION NO. 78 -2006, AMENDING RESOLUTION NO. 1263-2005 AND RESOLUTION NO. 1264-2005 FOR THE TOWN PORTION OF THE 2005 - 2006 TAX LEVY FOR THE TOWN OF EAST HAMPTON**

**BE IT RESOLVED**, Resolution No. 1263-2005 and Resolution No. 1264-2005, are hereby amended, due to corrections submitted by the town, to increase the levy by \$71,351.27 due to Special Road Assessment charges omitted on the original levy as follows to wit:

**TOWN OF EAST HAMPTON**

School Districts	\$	71,181,397.63
Highway (Town Outside Village)		5,004,489.28
Fire Districts		3,540,978.00
Fire Protection Districts		2,091,619.00
Lighting Districts		281,790.00
Sewer Districts (Town Only)		100,968.33
Refuse and Garbage Districts		5,193,940.87
Airport District		37,529.40
Special Road Assessment Districts		71,351.27
General (Town Wide)		13,374,828.26
General (Town Outside Village)		12,609,284.61
<b>TOTAL TOWN PURPOSES</b>	\$	<b>113,488,176.65</b>
County Tax - General Mandated - NYS*	\$	12,147,004.00
County Tax - General Discretionary		1,169,176.00
County Tax - General Mandated - NYS - 2005 Estimate - Surplus*		(1,852,181.00)

County Tax - General Discretionary - 2005 Estimate - Deficit		1,750,584.00
County Tax - General Mandated - NYS - 2004 Actual - Surplus*		(8,018,954.00)
County Tax - General Discretionary - 2004 Actual - Surplus		(1,717,512.00)
County Tax - Suffolk Community College Mandated		39,298.00
County Tax - Suffolk Community College Discretionary		279,585.00
District Superintendent of Schools		1,406.00
	Sub Total	<u>3,798,406.00</u>
Relevy of Prior Years Unpaid Taxes		0.00
	Total County General	\$ <u>3,798,406.00</u>
Less Credits		
Excess Due To Extension		(25,967.35)
<b>Total Payable to County Treasurer for County General</b>		\$ <u><u>3,772,438.65</u></u>

\*Total to identified amount of County General Mandated by New York State

Adjustments Mandated By Law		
Erroneous Assessments & Tax Refunds-County		11,202.11
Erroneous Assessments & Tax Refunds-Suffolk Community College		2,082.02
Erroneous Assessments & Tax Refunds-Town Only		84,553.89
Total of Adjustments Mandated by Law		<u>97,838.02</u>
<b>TOTAL COUNTY PURPOSES</b>		\$ <u><u>3,870,276.67</u></u>
<b>TOTAL AMOUNT OF LEVY</b>		\$ <u><u><u>117,358,453.32</u></u></u>

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution passed 18-0.**

Intro. Res. No. 1080-2006  
Introduced by Presiding Officer

Laid on Table 1/17/2006

**RESOLUTION NO. 79 -2006, AUTHORIZING AMENDED  
TAX WARRANT FOR THE TOWN OF EAST HAMPTON**

**1<sup>st</sup> RESOLVED**, that the taxes and levies, as extended on the 2005-2006 tax and assessment rolls for the Town of East Hampton, is hereby amended to correct the amounts reported which the town incorrectly reported to

the County Legislature, and the same hereby are ratified and confirmed in the revised amounts set forth in the Exhibits attached hereto and made a part hereof; and be it further

**2<sup>nd</sup> RESOLVED**, that the amended tax warrant for the Town of East Hampton for the collection of such taxes (increase of \$71,351.57 due payable to Supervisor) as are provided by law be annexed to the tax rolls of the Town of East Hampton, under the seal of the County, and signed by the Presiding Officer and Clerk of the County Legislature.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Montano made motion for the following resolution, seconded by Legislator Losquadro. The resolution passed 18-0.**

Intro. Res. No. 1093-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 80 -2006, DELEGATING AUTHORITY TO REFUND CERTAIN ERRONEOUS TAX PAYMENTS TO THE SUFFOLK COUNTY TREASURER**

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

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

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

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

**RESOLVED**, that this resolution shall only be in effect through December 31st of 2006.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Browning made motion for the following resolution, seconded by Deputy Presiding Officer Viloria-Fisher. The resolution passed 18-0.**

Intro Res. No. 1134-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 81 -2006, AMENDING THE 2006 OPERATING BUDGET TO IMPLEMENT FUNDING MORE EFFICIENTLY WITHIN THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES**

**WHEREAS**, the County Executive and the County Legislature have adopted and approved the 2006 Operating Budget; and

**WHEREAS**, a review by the Suffolk County Executive's Budget Office and the Suffolk County Department of Health Services found the need for technical corrections and the transfer of funds from agencies no longer doing business with the Suffolk County Department of Health Services to those programs which will provide a more viable utilization of the funding; and

**WHEREAS**, these corrections and transfers as shown in Attachment "A" will have no financial impact on the 2006 Adopted Operating Budget; now, therefore, be it

**RESOLVED**, that the 2006 Adopted Operating Budget be and hereby is amended and the County Comptroller be and is hereby authorized to transfer funds as reflected on Attachment "A."

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Alden made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution passed 18-0.**

Intro. Res. No. 1136-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 82 -2006, ACCEPTING AND APPROPRIATING EXCESS REVENUES RECEIVED FROM 2004 HOTEL/MOTEL TAX AND FUNDS RECAPTURED VIA SETTLEMENT**

**WHEREAS**, the 2004 Operating Budget included One Million, Two Hundred Thousand Dollars (\$1,200,000) in Fund 192 as the revenue to be collected through the Hotel/Motel Tax; and

**WHEREAS**, the actual 2004 Hotel/Motel Tax collected exceeded the amount included in the 2004 Adopted Budget by Nine Hundred Fifty Two Thousand, One Hundred Forty Three Dollars (\$952,143), of which Four Hundred Twenty Four Thousand, Two Hundred Thirty Five Dollars (\$424,235) was appropriated through Resolution No. 539-2005, resulting in a 2004 Fund 192 balance of Five Hundred Twenty Seven Thousand, Nine Hundred and Eight Dollars (\$527,908); and

**WHEREAS**, pursuant to Chapter 327-14 of the Suffolk County Code, all revenues resulting from the imposition of the tax shall be distributed by the County under the formula of sixty-six and two-thirds percent to the tourism promotion which the County of Suffolk contracts with pursuant to the provisions of § 327-13A of this article and thirty-three and one-third percent to the support of cultural programs and activities relevant to the continuation and enhancement of the tourism industry apportioned equally between 1) the care, maintenance and promotion of County parks and recreation facilities and 2) program support of non-profit museums and cultural organizations; and

**WHEREAS**, pursuant to Resolution No. 1024-2005 Suffolk County recaptured funds in the amount of forty two thousand dollars (\$42,000) from the settlement of a lawsuit brought against the Long Island Convention and Visitors Bureau by the County Attorney to recover any and all sums due the County, based on an audit dated July 14, 2004 of the Long Island Convention and Visitors Bureau conducted by the Suffolk County Comptroller which audit contained expenditures that the Comptroller deemed to be improper and inappropriate or questionable; and

**WHEREAS**, seventy seven thousand and twenty one dollars (\$77,021) of the hotel/motel tax funding will be used for the support of cultural tourism programs as detailed in the attached; and

**WHEREAS**, thirty seven thousand dollars (\$37,000) in recaptured funds will be used by the Suffolk County Motion Picture/Television Film Commission for marketing and development of film production resources because of its positive economic impact as unanimously designated by a resolution of the Suffolk County Motion Picture/Television Film Commission (January 9, 2006); and

**WHEREAS**, five thousand dollars (\$5,000) in recaptured funds will be used by the Office of Cultural Affairs for cultural tourism operating expenses; and

**WHEREAS**, it is necessary to accept and appropriate these funds; now, therefore be it

**RESOLVED**, that the County Comptroller and County Treasurer be and they are hereby authorized to accept and appropriate the Five Hundred Twenty Seven Thousand, Nine Hundred and Eight Dollars in Hotel/Motel Tax as follows:

<u>APPROPRIATIONS</u>	<u>2006</u>	<u>2006</u>	<u>2006</u>	<u>Change</u>
		<u>Adopted</u>	<u>Modified</u>	
192-ECD-6410-4560	\$ 0	\$ 58,500	+\$ 58,500	
192-ECD-6410-4770	\$ 370,199	\$ 388,720	+\$ 18,521	
192-ECD-6410-4980	\$1,480,351	\$1,754,441	+\$274,090	
192-PKS-7510-3650	\$ 95,018	\$ 271,815	+\$176,797	

and be it further

**2nd RESOLVED**, that the Suffolk County Legislature hereby approves the \$18,521 appropriated to 192-ECD-6410-4770 for cultural organizations be allocated to the East End Arts Council for the Long Island Country Winter Festival and that the County Executive or his Deputy, or the Commissioner of the Suffolk County Department of Economic Development and Workforce Housing or his or her designee, as the case may be, is hereby authorized to enter into an agreements with East End Arts Council in the amount of \$18,521; and be it further

**3rd RESOLVED**, that the County Comptroller and County Treasurer be and they are hereby authorized to accept and appropriate the Thirty Seven Thousand Dollars in Recaptured Funds as follows:

<u>APPROPRIATIONS</u>	<u>2006</u>	<u>2006</u>	<u>2006</u>	<u>Change</u>
		<u>Adopted</u>	<u>Modified</u>	
192-ECD-6410-4560	\$0	\$37,000	+\$37,000	

and be it further

**4th RESOLVED**, that the County Comptroller and County Treasurer be and they are hereby authorized to accept and allocate Five Thousand Dollars in Recaptured Funds for the purchase of equipment for the Office of Cultural Affairs, which will be made available for department-wide use when appropriate:

<u>APPROPRIATIONS</u>	<u>2006</u>	<u>2006</u>	<u>2006</u>	<u>Change</u>
		<u>Adopted</u>	<u>Modified</u>	
192-ECD-6410-2020	\$0	\$3,000	+\$3,000	
192-ECD-6410-2500	\$0	\$2,000	+\$2,000	

and be it further

**5th 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, pursuant to 6 NYCRR.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Alden made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution passed 18-0.**

Intro. Res. No. 1148-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 83 -2006, AMENDING THE 2006**

**OPERATING BUDGET TO STRIKE \$103,053,848 IN EXCESS      2006  
RETIREMENT APPROPRIATIONS**

**WHEREAS**, on August 3, 2004 the Governor signed into law Chapter 260, New York State Laws of 2004 which changed the due date for the 2005/06 employer retirement contribution from December 15, 2005 to February 1, 2006; and

**WHEREAS**, Suffolk County Legislature and the Suffolk County Executive adopted the 2006 retirement operating budget in accordance with Chapter 260, New York State Laws of 2004 by establishing a retirement reserve fund for the payment of future employee retirement costs; and

**WHEREAS**, the 2006 adopted operating budget includes \$103,053,848 in retirement appropriations to pay the 2005/06 retirement bill on February 1, 2006; and

**WHEREAS**, New York State and Local Employees' Retirement Systems has notified municipalities that local governments had an option to pay the 2005/06 retirement bill either on December 15, 2005 or February 1, 2006; and

**WHEREAS**, municipalities who elect to pay 2005/06 retirement contributions on December 15, 2005 will receive a discounted bill at 8% for the 47 day period between December 15<sup>th</sup> and February 1<sup>st</sup>; and

**WHEREAS**, the Suffolk County Legislature adopted Resolution No. 1345-2005 to create additional 2005 appropriations for the sole purpose of paying the County's retirement obligation to the New York State and Local Employees' Retirement Systems on December 15, 2005, thereby, saving Suffolk County taxpayers \$1,032,903; and

**WHEREAS**, the payment of the 2004/05 retirement bill on December 15, 2005 leaves \$103,053,848 in excess 2006 retirement appropriations which would have been used to pay the 2005/06 retirement bill on February 1, 2006; and

**WHEREAS**, it is the desire of the Suffolk County Legislature to strike \$103,053,848 in excess 2006 retirement appropriations to achieve \$1,032,903 in real savings for the taxpayers of Suffolk County and eliminate duplicate appropriations for the same retirement expense; now therefore be it

**1st RESOLVED**, that the 2006 County Operating Budget is hereby amended as follows to strike excess 2006 retirement appropriations and that the County Comptroller and the County Treasurer be and they are hereby authorized to strike the following funds and authorizations as detailed on Schedule A, attached:

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Deputy Presiding Officer Vioria-Fisher made motion for the following resolution, seconded by Legislator Cooper. The resolution passed 13-3-2-0. Legislators Caracappa, Barraga and Kennedy voted no. Legislators Losquadro and Alden abstained.**

Intro. Res. No. 1150-2006

Laid on Table 1/17/2006

Introduced by the Presiding Officer, on request of the County Executive

**RESOLUTION NO. 84 –2006, AMENDING THE 2006 OPERATING BUDGET TO FUND THE DEPARTMENT OF ENVIRONMENT AND ENERGY AND AMENDING THE SUFFOLK COUNTY CLASSIFICATION AND SALARY PLAN IN CONNECTION WITH DEPUTY COMMISSIONER OF ENVIRONMENT AND ENERGY, AND ASSISTANT TO THE COMMISSIONER OF ENVIRONMENT AND ENERGY**

**WHEREAS**, the purpose of this Resolution is to budgetarily implement the staff, appropriations, and resources necessary for the creation of an independent County Department of Environment and Energy:

- to safeguard the natural resources of Suffolk County;
- to promote the remediation and redevelopment of Brownfield sites;
- to conserve energy;
- to encourage proper solid waste management;
- to protect farmlands, parklands, open spaces, and ecological resources including, but not limited to, the critical, stressed or endangered environments, ecosystems, and species;
- to help Suffolk County achieve low cost sources of energy for its consumers and businesses;
- to establish a professional Division of Real Property Acquisition and Management within the County Department of Environment and Energy with adequate budgetary and management powers to ensure the acquisition and disposition of interests in real property by the County of Suffolk in accordance with the highest standards of conduct;
- to establish an Office of Cancer Awareness and Environmental Assessment within this Department to coordinate efforts to find the causes of cancer on Long Island and ascertain any links between the environment and incidents of cancer on Long Island;
- to coordinate the activities of the CEQ with the County Department of Environment and Energy in addition to the County Executive and the County Legislature; and
- to create an Office of Energy, Division of Water Quality/Environmental Unit, an Office of Farmland Acquisition and Management, and an Office of Recycling and Waste Management in order to focus public attention and County resources on the various environmental issues prevalent on Long Island.

and

**WHEREAS**, this budgetary implementation has effectuated transfers of appropriations and positions that are offset by reductions or terminations in other appropriations and/or positions; now, therefore, be it

**1st** **RESOLVED**, that the Suffolk County Classification and Salary Plan be and is hereby amended as follows:

ADDITION TO THE CLASSIFICATION AND SALARY PLAN

<u>Spec. #</u>	<u>J/C BU</u>	<u>Title</u>		<u>Gr</u>
9332	P(E)	Deputy Commissioner of Environment and Energy	31	EX

MODIFICATION TO THE CLASSIFICATION AND SALARY PLAN

FROM:

<u>Spec. #</u>	<u>J/C BU</u>	<u>Title</u>		<u>Gr</u>
9329	{P(U)}	Assistant to Commissioner of Environment And Energy	31	EX

TO:

<u>Spec. #</u>	<u>J/C BU</u>	<u>Title</u>		<u>Gr</u>
9329	{P(U)}	Assistant to Commissioner of Environment And Energy	29	EX

**2nd** **RESOLVED**, that the 2006 County Operating Budget is hereby amended as follows to create the following positions:

CREATED POSITIONS

Fd	Dept	Org	Unit	Job Title	Grade	2006 Adopted	2006 Modified	Change
001	EVE	8200	1000	COMM OF ENVIRONMENT & ENERGY	39	0	1	+1
001	EVE	8200	1000	DEPUTY COMM OF ENVIR & ENRGY	31	0	1	+1
001	EVE	8200	1000	ASST TO COMM OF ENVIR & ENRGY	29	0	1	+1
001	EVE	8220	1000	ENERGY COORDINATOR	20	0	1	+1

and be it further

**3rd** **RESOLVED**, that the 2006 County Operating Budget is hereby amended as follows to abolish the following positions:

ABOLISHED POSITION

Fd	Dept	Org	Unit	Job Title	Grade	2006 Adopted	2006 Modified	Change
001	PLN	8020	0100	ASST DIRECTOR OF REAL ESTATE	33	1	0	-1
001	PLN	8020	0100	ASST TO PLANNING DIRECTOR	25	1	0	-1
001	EXE	1231	0100	DIR OF ENVIRONMENTAL AFFAIRS	39	1	0	-1

and be it further

**4th** **RESOLVED**, that the 2006 County Operating Budget is hereby amended as follows to transfer the following positions to the Proposed Department of Environment and Energy:

POSITIONS TRANSFERRED FROM

Fd	Dept	Org	Unit	Job Title	Grade	2006 Adopted	2006 Modified	Change
001	PLN	1361	1300	DIRECTOR OF REAL ESTATE	35	1	0	-1
001	PLN	1361	1300	OFFC SYSTEMS ANALYST IV	28	1	0	-1
001	PLN	1361	1300	OFFICE SYSTEMS TECHNICIAN	17	1	0	-1
001	PLN	1361	1300	SECRETARIAL ASSISTANT	17	1	0	-1
001	PLN	1361	1300	SENIOR CLERK TYPIST	12	1	0	-1
001	PLN	1361	1300	CLERK TYPIST	09	1	0	-1
001	PLN	1361	1320	LAND MANAGEMNT SPCLST III	19	4	0	-4
001	PLN	1361	1320	SENIOR APPRAISAL REVIEWER	31	1	0	-1
001	PLN	1361	1320	APPRAISAL REVIEWER	26	2	0	-2
001	PLN	1361	1320	LAND MANAGEMENT SPCLST I	13	1	0	-1
001	PLN	1361	1320	ACCOUNT CLERK/TYPIST	11	1	0	-1
001	PLN	1361	1320	CLERK TYPIST	09	1	0	-1
001	PLN	1361	1330	LAND MANAGEMENT SPCLST V	27	2	0	-2
001	PLN	1361	1330	CLERK OF THE WORKS	23	1	0	-1
001	PLN	1361	1330	LAND MANAGEMENT SPCLST II	16	1	0	-1
001	PLN	1361	1330	MAP & COORDINATE SUPVR	29	1	0	-1
001	PLN	1361	1330	ASST REAL ESTATE AGENT	23	1	0	-1
001	PLN	1361	1330	SENIOR LEGAL STENOGRAPHER	14	1	0	-1
001	PLN	1361	1330	MICROFILM OPERATOR	09	1	0	-1
001	PLN	1361	1335	PRINCIPAL ACCOUNTANT	28	1	0	-1
001	PLN	1361	1335	ACCOUNT CLERK/TYPIST	11	2	0	-2
001	PLN	1361	1335	ACCOUNT CLERK	11	1	0	-1
001	PLN	1361	1335	CLERK TYPIST	09	1	0	-1
001	PLN	1361	1340	LAND MANAGEMENT SPCLST VI	31	1	0	-1
001	PLN	1361	1340	LAND MANAGEMENT SPCLST IV	22	1	0	-1
001	PLN	1361	1340	LAND MANAGEMENT SPCLST II	16	1	0	-1
001	PLN	1361	1340	LAND MANAGEMENT SPCLST I	13	3	0	-3
001	PLN	1361	1350	LAND MANAGEMENT SPCLST V	27	1	0	-1

POSITIONS TRANSFERRED FROM

Fd	Dept	Org	Unit	Job Title	Grade	2006 Adopted	2006 Modified	Change
001	PLN	1361	1350	LAND MANAGEMNT SPCLST III	19	1	0	-1
001	PLN	1361	1350	ASST REAL ESTATE AGENT	23	1	0	-1
001	PLN	1361	1350	CLERK TYPIST	09	1	0	-1
001	PLN	1361	1360	PRINCIPAL TITLE SEARCHER	21	1	0	-1
001	PLN	1361	1360	TITLE SEARCHER	13	1	0	-1
001	EXE	1231	0100	HEALTH PROGRAM ANALYST III	24	1	0	-1
001	EXE	1231	0100	CHF ENVIRONMENTAL ANALYST	33	1	0	-1
477	HSV	4410	0100	PUBLIC HEALTH ENGINEER	19	1	0	-1
477	HSV	4410	0100	ENVIRONMENTAL ANALYST	19	2	0	-2
477	HSV	4410	0100	PRINCIPAL CLERK	14	1	0	-1
477	DPW	1497	0100	COMP GRAPHICS MAP SPECIALIST	20	1	0	-1
477	DPW	1497	0100	CLERK TYPIST	09	1	0	-1
477	DPW	1497	0100	BIOLOGIST	21	1	0	-1
477	DPW	1497	0100	SENIOR CIVIL ENGINEER	29	1	0	-1
477	DPW	1497	0100	JR CIVIL ENGINEER TRAINEE	19	2	0	-2
477	DPW	1497	0100	ENGINEERING AIDE	12	1	0	-1
477	DPW	1497	0300	BLDG FACILITIES CREW LEADER	16	1	0	-1
477	DPW	1497	0300	LABOR CREW LEADER	14	3	0	-3
477	DPW	1497	0300	ASST LABOR CREW LEADER	11	2	0	-2
477	DPW	1497	0300	CLERK TYPIST	9	1	0	-1
477	DPW	1497	0300	HEAVY EQUIP OPERATOR	14	1	0	-1

POSITIONS TRANSFERRED TO

Fd	Dept	Org	Unit	Job Title	Grade	2006 Adopted	2006 Modified	Change
001	EVE	8715	0100	DIRECTOR OF REAL ESTATE	35	0	1	+1
001	EVE	8715	0100	OFFC SYSTEMS ANALYST IV	28	0	1	+1
001	EVE	8715	0100	OFFICE SYSTEMS TECHNICIAN	17	0	1	+1
001	EVE	8715	0100	SECRETARIAL ASSISTANT	17	0	1	+1
001	EVE	8715	0100	SENIOR CLERK TYPIST	12	0	1	+1
001	EVE	8715	0100	CLERK TYPIST	09	0	1	+1
001	EVE	8715	0200	LAND MANAGEMNT SPCLST III	19	0	4	+4
001	EVE	8715	0200	SENIOR APPRAISAL REVIEWER	31	0	1	+1
001	EVE	8715	0200	APPRAISAL REVIEWER	26	0	2	+2
001	EVE	8715	0200	LAND MANAGEMENT SPCLST I	13	0	1	+1
001	EVE	8715	0200	ACCOUNT CLERK/TYPIST	11	0	1	+1
001	EVE	8715	0200	CLERK TYPIST	09	0	1	+1
001	EVE	8715	0300	LAND MANAGEMENT SPCLST V	27	0	2	+2
001	EVE	8715	0300	CLERK OF THE WORKS	23	0	1	+1
001	EVE	8715	0300	LAND MANAGEMENT SPCLST II	16	0	1	+1

POSITIONS TRANSFERRED TO

Fd	Dept	Org	Unit	Job Title	Grade	2006 Adopted	2006 Modified	Change
001	EVE	8715	0300	MAP & COORDINATE SUPVR	29	0	1	+1
001	EVE	8715	0300	ASST REAL ESTATE AGENT	23	0	1	+1
001	EVE	8715	0300	SENIOR LEGAL STENOGRAPHER	14	0	1	+1
001	EVE	8715	0300	MICROFILM OPERATOR	09	0	1	+1
001	EVE	8715	0400	PRINCIPAL ACCOUNTANT	28	0	1	+1
001	EVE	8715	0400	ACCOUNT CLERK/TYPIST	11	0	2	+2
001	EVE	8715	0400	ACCOUNT CLERK	11	0	1	+1
001	EVE	8715	0400	CLERK TYPIST	09	0	1	+1
001	EVE	8715	0500	LAND MANAGEMENT SPCLST VI	31	0	1	+1
001	EVE	8715	0500	LAND MANAGEMENT SPCLST IV	22	0	1	+1
001	EVE	8715	0500	LAND MANAGEMENT SPCLST II	16	0	1	+1
001	EVE	8715	0500	LAND MANAGEMENT SPCLST I	13	0	3	+3
001	EVE	8715	0600	LAND MANAGEMENT SPCLST V	27	0	1	+1
001	EVE	8715	0600	LAND MANAGEMNT SPCLST III	19	0	1	+1
001	EVE	8715	0600	ASST REAL ESTATE AGENT	23	0	1	+1
001	EVE	8715	0600	CLERK TYPIST	09	0	1	+1
001	EVE	8715	0700	PRINCIPAL TITLE SEARCHER	21	0	1	+1
001	EVE	8715	0700	TITLE SEARCHER	13	0	1	+1
001	EVE	8041	1000	HEALTH PROGRAM ANALYST III	24	0	1	+1
001	EVE	8230	1000	CHF ENVIRONMENTAL ANALYST	33	0	1	+1
477	EVE	8210	2000	PUBLIC HEALTH ENGINEER	19	0	1	+1
477	EVE	8210	2000	ENVIRONMENTAL ANALYST	19	0	2	+2
477	EVE	8210	2000	PRINCIPAL CLERK	14	0	1	+1
477	EVE	8210	1000	COMP GRAPHICS MAP SPECIALIST	20	0	1	+1
477	EVE	8210	1000	CLERK TYPIST	09	0	1	+1
477	EVE	8210	1000	BIOLOGIST	21	0	1	+1
477	EVE	8210	1000	SENIOR CIVIL ENGINEER	29	0	1	+1
477	EVE	8210	1000	JR CIVIL ENGINEER TRAINEE	19	0	2	+2
477	EVE	8210	1000	ENGINEERING AIDE	12	0	1	+1
477	EVE	8210	2000	BLDG FACILITIES CREW LEADER	16	0	1	+1
477	EVE	8210	2000	LABOR CREW LEADER	14	0	3	+3
477	EVE	8210	2000	ASST LABOR CREW LEADER	11	0	2	+2
477	EVE	8210	2000	CLERK TYPIST	9	0	1	+1
477	EVE	8210	2000	HEAVY EQUIP OPERATOR	14	0	1	+1

and be it further

**5th** **RESOLVED**, that the 2006 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:

<b>FD</b>	<b>AGY</b>	<b>XORG</b>	<b>OBJ</b>	<b>OBJECT NAME</b>	<b>2006 Adopted</b>	<b>2006 Modified</b>	<b>Change</b>
001	EVE	8200	1100	Permanent Salaries	0	197,043	+197,043
001	EVE	8200	2500	Other: Equipment Not Otherwise	0	5,000	+5,000
001	EVE	8200	3010	Office Supplies	0	2,000	+2,000
001	EVE	8200	3070	Membership & Subscriptions	0	2,000	+2,000
001	EVE	8200	3500	Other: Unclassified	0	5,000	+5,000
001	EVE	8200	4560	Fees For Services: Non-employee	0	10,000	+10,000
001	EVE	8220	1100	Permanent Salaries	0	37,080	+37,080
001	EVE	8041	1100	Permanent Salaries		61,320	+61,320
001	EVE	8230	1100	Permanent Salaries	0	90,111	+90,111
001	EVE	8230	1060	Longevity Pay	0	2,000	+2,000
001	EVE	8715	1060	Longevity Pay	0	38,250	+38,250
001	EVE	8715	1100	Permanent Salaries	0	1,883,657	+1,883,657
001	EVE	8715	1120	Overtime Salaries	0	2,000	+2,000
001	EVE	8715	2010	Furniture & Furnishings	0	25,000	+25,000
001	EVE	8715	2020	Office Machines	0	13,600	+13,600
001	EVE	8715	3010	Office Supplies	0	8,000	+8,000
001	EVE	8715	3030	Photostat, Photograph & Blueprints	0	4,000	+4,000
001	EVE	8715	3040	Outside Printing	0	10,000	+10,000
001	EVE	8715	3080	Research & Law Books	0	1,350	+1,350
001	EVE	8715	3160	Computer Software	0	3,500	+3,500
001	EVE	8715	3500	Other: Unclassified	0	5,000	+5,000
001	EVE	8715	3510	Rent: Business Machines & Sys	0	6,398	+6,398
001	EVE	8715	3610	Repairs: Office Equipment	0	2,590	+2,590
001	EVE	8715	3650	Repairs: Buildings	0	30,000	+30,000
001	EVE	8715	3770	Advertising	0	28,000	+28,000
001	EVE	8715	4050	Utility & Other Expense On Rent	0	85,000	+85,000
001	EVE	8715	4320	Meals: Employee A.M.E. Contract	0	250	+250
001	EVE	8715	4330	Travel: Employee Contracts	0	750	+750
001	EVE	8715	4360	Employee Training Travel	0	4,000	+4,000
001	EVE	8715	4560	Fees For Services: Non-employee	0	59,000	+59,000
001	EVE	8715	4730	Expenses On Property Acquisition	0	191,000	+191,000
477	EVE	8210	1060	Longevity Pay	0	950	+950
477	EVE	8210	1100	Permanent Salaries	0	622,167	+622,167
477	EVE	8210	1120	Overtime Salaries	0	5,000	+5,000
477	EVE	8210	2010	Furniture & Furnishings	0	5,000	+5,000
477	EVE	8210	2020	Office Machines	0	1,000	+1,000
477	EVE	8210	3010	Office Supplies	0	2,000	+2,000
477	EVE	8210	3030	Photostat, Photograph & Blueprints	0	3,000	+3,000
477	EVE	8210	3080	Research & Law Books	0	500	+500
477	EVE	8210	3120	Small Tools & Automotive Maint.	0	1,500	+1,500
477	EVE	8210	3160	Computer Software	0	1,000	+1,000
477	EVE	8210	3250	Building Materials	0	1,500	+1,500
477	EVE	8210	3310	Clothing & Accessories	0	2,000	+2,000
477	EVE	8210	3350	Safety Supplies	0	1,000	+1,000

FD	AGY	XORG	OBJ	OBJECT NAME	2006 Adopted	2006 Modified	Change
477	EVE	8210	3500	Other: Unclassified	0	1,500	+1,500
477	EVE	8210	3610	Repairs: Office Equipment	0	9,000	+9,000
477	EVE	8210	3680	Repairs: Special Equipment	0	1,000	+1,000
477	EVE	8210	3770	Advertising	0	1,000	+1,000
477	EVE	8210	4310	Employee Misc-expenses	0	500	+500
477	EVE	8210	4320	Meals: Employee A.M.E. Contract	0	1,000	+1,000
477	EVE	8210	4330	Travel: Employee Contracts	0	2,125	+2,125
477	EVE	8210	4340	Travel: Other	0	4,300	+4,300
477	EVE	8210	4560	Fees For Services: Non-employee	0	36,050	+36,050
477	EVE	8210	4770	Special Services	0	100,000	+100,000
				TOTAL			3,615,991

FD	AGY	XORG	OBJ	OBJECT NAME			
001	EXE	1230	1100	Permanent Salaries	2,602,144	2,574,820	-27,324
001	EXE	1231	1100	Permanent Salaries	286,754	36,055	-250,699
001	EXE	1231	1060	Longevity Pay	2,000	0	-2,000
001	EXE	1231	2500	Other: Equipment Not Otherwise	5,000	0	-5,000
001	EXE	1231	3010	Office Supplies	2,000	0	-2,000
001	EXE	1231	3070	Membership & Subscriptions	2,000	0	-2,000
001	EXE	1231	3500	Other: Unclassified	5,000	0	-5,000
001	EXE	1231	4560	Fees For Services: Non-employee	10,000	0	-10,000
001	PLN	8020	1100	Permanent Salaries	1,870,038	1,725,012	-145,026
001	PLN	1361	1060	Longevity Pay	38,250	0	-38,250
001	PLN	1361	1100	Permanent Salaries	2,332,147	448,490	-1,883,657
001	PLN	1361	1120	Overtime Salaries	2000	0	-2,000
001	PLN	1361	2010	Furniture & Furnishings	25,000	0	-25,000
001	PLN	1361	2020	Office Machines	13,600	0	-13,600
001	PLN	1361	3010	Office Supplies	8,000		-8,000
001	PLN	1361	3030	Photostat, Photograph & Blueprints	4,000	0	-4,000
001	PLN	1361	3040	Outside Printing	10,000	0	-10,000
001	PLN	1361	3080	Research & Law Books	1,350	0	-1,350
001	PLN	1361	3160	Computer Software	3,500	0	-3,500
001	PLN	1361	3500	Other: Unclassified	5,000	0	-5,000
001	PLN	1361	3510	Rent: Business Machines & Sys	8,530	2,132	-6,398
001	PLN	1361	3610	Repairs: Office Equipment	2,590	0	-2,590
001	PLN	1361	3650	Repairs: Buildings	30,000	0	-30,000
001	PLN	1361	3770	Advertising	28,000	0	-28,000
001	PLN	1361	4050	Utility & Other Expense On Rent	85,000	0	-85,000
001	PLN	1361	4320	Meals: Employee A.M.E. Contract	250	0	-250
001	PLN	1361	4330	Travel: Employee Contracts	750	0	-750
001	PLN	1361	4360	Employee Training Travel	4,000	0	-4,000
001	PLN	1361	4560	Fees For Services: Non-employee	81,500	22,500	-59,000
001	PLN	1361	4730	Expenses On Property Acquisition	191,000	0	-191,000
477	DPW	1497	1060	Longevity Pay	950	0	-950

FD	AGY	XORG	OBJ	OBJECT NAME	2006 Adopted	2006 Modified	Change
477	DPW	1497	1100	Permanent Salaries	612,352	117,760	-494,592
477	DPW	1497	1120	Overtime Salaries	5,000	0	-5,000
477	DPW	1497	2010	Furniture & Furnishings	5,000	0	-5,000
477	DPW	1497	2020	Office Machines	1,000	0	-1,000
477	DPW	1497	3010	Office Supplies	2,000	0	-2,000
477	DPW	1497	3030	Photostat, Photograph & Blueprints	3,000	0	-3,000
477	DPW	1497	3080	Research & Law Books	500	0	-500
477	DPW	1497	3120	Small Tools & Automotive Maint.	1,500	0	-1,500
477	DPW	1497	3160	Computer Software	1,000	0	-1,000
477	DPW	1497	3250	Building Materials	1,500	0	-1,500
477	DPW	1497	3310	Clothing & Accessories	2,000	0	-2,000
477	DPW	1497	3350	Safety Supplies	1,000	0	-1,000
477	DPW	1497	3500	Other: Unclassified	1,500	0	-1,500
477	DPW	1497	3610	Repairs: Office Equipment	9,000	0	-9,000
477	DPW	1497	3680	Repairs: Special Equipment	1,000	0	-1,000
477	DPW	1497	3770	Advertising	1,000	0	-1,000
477	DPW	1497	4310	Employee Misc-expenses	500	0	-500
477	DPW	1497	4320	Meals: Employee A.M.E. Contract	1,000	0	-1,000
477	DPW	1497	4330	Travel: Employee Contracts	1,000	0	-1,000
477	DPW	1497	4340	Travel: Other	1,000	0	-1,000
477	HSV	4410	1100	Permanent Salaries	157,950	30,375	-127,575
477	HSV	4410	4330	Travel: Employee Contracts	1,125	0	-1,125
477	HSV	4410	4340	Travel: Other	3,300	0	-3,300
477	HSV	4410	4560	Fees For Services: Non-employee	36,050	0	-36,050
477	HSV	4410	4770	Special Services	100,000	0	-100,000
TOTAL							-\$3,653,486

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Horsley made motion for the following resolution, seconded by Legislator Montano. The resolution passed 18-0.**

Intro. Res. No. 1117A -2006

**BOND RESOLUTION NO. 85 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK,  
AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS TO FINANCE A PART  
OF THE COST OF THE REMOVAL OF ARCHITECTURAL BARRIERS/ADA  
COMPLIANCE AT SUFFOLK COUNTY COMMUNITY COLLEGE (CP 2127)**

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 \$1,500,000 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 removal of architectural barriers/ADA compliance at Suffolk County Community College, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,150,000. The plan of financing includes (a) the expenditure of \$1,575,000 State Aid funds, (b) the issuance of \$75,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 246-2005, (c) the issuance of \$1,500,000 bonds or bond anticipation notes authorized pursuant to this resolution, and (d) 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, 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: February 7, 2006

APPROVED BY:

Paul Sabatino II  
Chief Deputy County Executive of Suffolk County

Date: February 10, 2006

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**Legislator Horsley made motion for the following resolution, seconded by Legislator Montano.  
The resolution passed 18-0.**

Intro. Res. No. 1117-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive and Legislator Horsley

**RESOLUTION NO. 86 -2006, APPROPRIATING FUNDS IN CONNECTION  
WITH REMOVAL OF ARCHITECTURAL BARRIERS/ADA COMPLIANCE (CP  
2127)**

**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 2006 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 2006 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 \$1,500,000 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 the maintenance, repair, replacement, rehabilitation, reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building codes. 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 60 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 \$1,500,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<b>JC</b>	<b>Amount</b>
525-CAP-2127.314	Removal of Architectural Barriers/ADA Compliance	30	\$1,500,000

and be it further

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

<u>Project No.</u>	<u>Project Title</u>	<b>JC</b>	<b>Amount</b>
525-CAP-2127.314	Removal of Architectural Barriers/ADA Compliance	30	\$1,500,000

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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

Intro. Res. No. 1118A-2006

**BOND RESOLUTION NO. 87 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK,  
AUTHORIZING THE ISSUANCE OF \$272,711 BONDS TO FINANCE A PART  
OF THE COST OF THE INSTALLATION OF FIRE SPRINKLER  
INFRASTRUCTURE AT SUFFOLK COUNTY COMMUNITY COLLEGE  
(AMMERMAN CAMPUS) (CP 2129)**

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 \$272,711 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 installation of fire sprinkler infrastructure at Suffolk County Community College (Ammerman Campus), as authorized in the 2006 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 \$995,422. The plan of financing includes (a) the expenditure of \$497,711 State Aid funds (\$25,000 for planning and \$472,711 for construction), (b) the issuance of \$225,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 531-2005 (\$25,000 for planning and \$200,000 for construction), (c) the issuance of \$272,711 bonds or bond anticipation notes authorized pursuant to this resolution, and (d) 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, 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: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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

Intro. Res. No. 1118-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive and Legislator Horsley

**RESOLUTION NO. 88 -2006, APPROPRIATING FUNDS IN CONNECTION WITH FIRE SPRINKLER INFRASTRUCTURE – AMMERMAN CAMPUS (CP 2129)**

**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 2006 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 2006 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 \$272,711 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)(1,2) and (27), since it constitutes a local legislative decision in connection with the maintenance, repair, replacement, rehabilitation, reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building codes. 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 70 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 \$272,711 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>JC</u>	<u>Amount</u>
525-CAP-2129.310	Construction of Fire Sprinkler Infrastructure	30	\$272,711

and be it further

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

<u>Project No.</u>	<u>Project Title</u>	<u>JC</u>	<u>Amount</u>
525-CAP-2129.310	Construction of Fire Sprinkler Infrastructure	30	\$272,711

DATED: February 7, 2006

APPROVED BY:

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

Date February 10, 2006

**Legislator Horsley made motion for the following resolution, seconded by Legislator Eddington. The resolution passed 17-0-0-1. Legislator Cooper was not present.**

Intro. Res. No. 1119A-2006

**BOND RESOLUTION NO. 89 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$355,000 BONDS TO FINANCE A PART OF THE COST OF SITE PAVING AT SUFFOLK COUNTY COMMUNITY COLLEGE (CP 2134)**

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 \$355,000 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 site paving at Suffolk County Community College, as authorized in the 2006 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 \$710,000. The plan of financing includes (a) the expenditure of \$355,000 State Aid funds (\$23,500 for planning and \$331,500 for site improvements), (b) the issuance of \$355,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$23,500 for planning and \$331,500

for site improvements), 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. 20 (f) of the Law, is ten (10) years.

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

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

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

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

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

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

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

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

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Horsley made motion for the following resolution, seconded by Legislator Eddington. The resolution passed 17-0-0-1. Legislator Cooper was not present.**

Intro. Res. No. 1119-2006  
request of the County Executive and Legislator Horsley

Laid on Table 1/17/2006 Introduced by Presiding Officer, on

**RESOLUTION NO. 90 -2006, APPROPRIATING FUNDS IN CONNECTION  
WITH SITE PAVING – COLLEGE WIDE (CP 2134)**

**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 2006 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 2006 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 \$355,000 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)(1,2) and (27), since it constitutes a local legislative decision in connection with the maintenance, repair, replacement, rehabilitation, reconstruction, repaving of a structure or facility, in kind, on the same site, including upgrading buildings to meet building codes. 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 63 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 \$355,000 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-2134.110	Planning for Site Paving – College Wide	30	\$23,500
525-CAP-2134.410	Site Improvements – College Wide	30	\$331,500

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-2134.110	Planning for Site Paving – College Wide	30	\$23,500
525-CAP-2134.410	Site Improvements – College Wide	30	\$331,500

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Horsley made motion for the following resolution, seconded by Legislator Eddington. The resolution passed 17-0-0-1. Legislator Cooper was not present.**

Intro. Res. No. 1119-2006  
request of the County Executive and Legislator Horsley

Laid on Table 1/17/2006 Introduced by Presiding Officer, on

**RESOLUTION NO. 90 -2006, APPROPRIATING FUNDS IN CONNECTION WITH SITE PAVING – COLLEGE WIDE (CP 2134)**

**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 2006 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 2006 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 \$355,000 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)(1,2) and (27), since it constitutes a local legislative decision in connection with the maintenance, repair, replacement, rehabilitation, reconstruction, repaving of a structure or facility, in kind, on the same site, including upgrading buildings to meet building codes. 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 63 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 \$355,000 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-2134.110	Planning for Site Paving – College Wide	30	\$23,500
525-CAP-2134.410	Site Improvements – College Wide	30	\$331,500

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-2134.110	Planning for Site Paving – College Wide	30	\$23,500
525-CAP-2134.410	Site Improvements – College Wide	30	\$331,500

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Horsley. The resolution passed 16-0-0-2. Legislators Montano and Cooper were not present.**

**(RESCINDED BY IR. 1403-2006 AND REPLACED BY A NEW BOND IR. 1120A)**

Intro. Res. No. 1120A-2006

**BOND RESOLUTION NO. 91 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK,  
AUTHORIZING THE ISSUANCE OF \$250,000 BONDS TO FINANCE A PART  
OF THE COST OF ROOF IMPROVEMENTS/REPLACEMENTS AT VARIOUS  
BUILDINGS AT SUFFOLK COUNTY COMMUNITY COLLEGE (CP 2137)**

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 a part of the cost of roof improvements/replacements at various buildings at Suffolk County Community College, as authorized in the 2006 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 \$500,000. The plan of financing includes (a) the expenditure of \$250,000 State Aid funds (\$23,333 for planning and \$226,667 for construction), (b) the issuance of \$250,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$23,333 for planning and \$226,667 for construction), 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. 12 (a) (2) 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: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Horsley. The resolution passed 16-0-0-2. Legislators Montano and Cooper were not present.**

Intro. Res. No. 1120-2006 Laid on Table 1/17/2006  
 Introduced by Presiding Officer, on request of the County Executive and Legislator Horsley

**RESOLUTION NO. 92 -2006, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS/REPLACEMENTS TO ROOFS AT VARIOUS BUILDINGS – COLLEGE WIDE (CP 2137)**

**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 2006 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 2006 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; 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)(1,2) and (27), since it constitutes a local legislative decision in connection with the maintenance, repair, replacement, rehabilitation, reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building codes. 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 63 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 \$250,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>JC</u>	<u>Amount</u>
525-CAP-2137.110	Planning for Improvements/Replacements to Roofs at Various Buildings	30	\$23,333
525-CAP-2137.313	Construction of Improvements/Replacements to Roofs at Various Buildings	30	\$226,667

and be it further

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

<u>Project No.</u>	<u>Project Title</u>	<u>JC</u>	<u>Amount</u>
525-CAP-2137.110	Planning for Improvements/Replacements to Roofs at Various Buildings	30	\$23,333
525-CAP-2137.313	Construction of Improvements/Replacements to Roofs at Various Buildings	30	\$226,667

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

**Legislator Barraga made motion for the following resolution, seconded by Legislator Eddington. The resolution passed 18-0.**

Intro. Res. No. 1121A-2006

**BOND RESOLUTION NO. 93 - 2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$255,000 BONDS TO FINANCE A PART OF THE COST OF WATERPROOFING BUILDING EXTERIORS AT SUFFOLK COUNTY COMMUNITY COLLEGE (CP 2177)**

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 \$255,000 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 waterproofing building exteriors at Suffolk County Community College, as authorized in the 2006 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 \$1,020,000. The plan of financing includes (a) the expenditure of \$510,000 State Aid funds (\$53,332 for planning and \$456,668 for construction) , (b) the issuance of \$255,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 535-2005 (\$26,666 for planning and \$228,334 for construction), (c) the issuance of \$255,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$26,666 for planning and \$228,334 for construction), and (d) 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, 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: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Barraga made motion for the following resolution, seconded by Legislator Eddington. The resolution passed 18-0.**

Intro. Res. No. 1121-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive and Legislator Horsley

**RESOLUTION NO. 94 -2006, APPROPRIATING FUNDS IN CONNECTION WITH WATERPROOFING BUILDING EXTERIORS (CP 2177)**

**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 2006 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 2006 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 \$255,000 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)(1,2) and (27), since it constitutes a local legislative decision in connection with the maintenance, repair, replacement, rehabilitation, reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building codes. 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 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 proceeds of \$255,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>JC</u>	<u>Amount</u>
525-CAP-2177.110	Planning for Waterproofing Building Exteriors	30	\$26,666
525-CAP-2177.310	Construction for Waterproofing Building Exteriors	30	\$228,334

and be it further

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

<u>Project No.</u>	<u>Project Title</u>	<u>JC</u>	<u>Amount</u>
525-CAP-2177.110	Planning for Waterproofing Building Exteriors	30	\$26,666
525-CAP-2177.310	Construction for Waterproofing Building Exteriors	30	\$228,334

DATED: February 7, 2006

APPROVED BY:

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

Date: February 10, 2006

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**Legislator Horsley made motion for the following resolution, seconded by Legislator Mystal.  
The resolution passed 18-0.**

Into. Res. No. 1130-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 95 -2006, APPROVING THE CHANGE OF PROJECT FOR DOWNTOWN REVITALIZATION ROUND III AND ROUND IV FOR THE COPIAGUE BEAUTIFICATION COMMITTEE, AND AMENDING THE CONTRACT WITH THE TOWN OF BABYLON TO REFLECT SAME**

**WHEREAS**, through Resolution No. 952-2001 and Resolution No. 152-2002, the Suffolk County Legislature approved Downtown Revitalization Round III funding of \$23,837.50 for Copiague Beautification for irrigation, flag poles, benches and landscaping materials on the northeast corner of Great Neck Road and Dixon Avenue; and

**WHEREAS**, on behalf of the Copiague Beautification Committee, the Town of Babylon has requested approval to change the location to the southwest corner of Dixon Avenue and Great Neck Road as a result of receiving said parcel through the Suffolk County Greenways Program; and

**WHEREAS**, the Suffolk County Downtown Citizens Advisory Panel has reviewed and recommends these changes to the Legislature for consideration; and

**WHEREAS**, where the project purpose differs from the purpose originally proposed and approved, Legislative approval for the change in project is needed; now, therefore, be it

**RESOLVED**, that the Legislature approves the changes in these projects and directs the Department of Economic Development and Workforce Housing to proceed with the necessary contracts to allow for these projects to proceed.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Cooper made motion for the following resolution, seconded by Legislator Browning.  
The resolution passed 18-0.**

Into Res. No. 1131-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Cooper

**RESOLUTION NO. 96 -2006, APPROVING THE CHANGE OF PROJECT FOR DOWNTOWN REVITALIZATION ROUND III and ROUND IV FOR THE COLD SPRING HARBOR MAIN STREET ASSOCIATION AND AMENDING THE CONTRACT WITH THE TOWN OF HUNTINGTON TO REFLECT SAME**

**WHEREAS**, through Resolution No. 952-2001 and Resolution No. 152-2002, the Suffolk County Legislature approved Downtown Revitalization Round III and IV funding of \$12,000 for Cold Spring Harbor Main Street Association for the purpose of constructing a public restroom; and

**WHEREAS**, on behalf of the Cold Spring Harbor Main Street Association, the Town of Huntington has requested approval to utilize the funds from both Round III and Round IV to purchase and install decorative steel benches, trash receptacles, a flag pole with lights and a United States Flag; and

**WHEREAS**, the Suffolk County Downtown Citizens Advisory Panel has reviewed and recommends these changes to the Legislature for consideration; and

**WHEREAS**, where the project purpose differs from the purpose originally proposed and approved, Legislative approval for the change in project is needed; now, therefore, be it

**RESOLVED**, that the Legislature approves the changes in these projects and directs the Department of Economic Development and Workforce Housing to proceed with the necessary contracts to allow for these projects to proceed.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 14, 2006

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**Legislator Mystal made motion for the following resolution, seconded by Legislator Horsley. The resolution passed 18-0.**

Intro. Res. No. 1132-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 97 -2006, APPROVING THE CHANGE OF PROJECT FOR DOWNTOWN REVITALIZATION ROUND III FOR THE WYANDANCH BEAUTIFICATION COMMITTEE, AND AMENDING THE CONTRACT WITH THE TOWN OF BABYLON TO REFLECT SAME**

**WHEREAS**, through Resolution No. 952-2001, the Suffolk County Legislature approved Downtown Revitalization Round III funding \$13,837.50 for Wyandanch Beautification for banners, trash receptacles and planters; and

**WHEREAS**, on behalf of the Wyandanch Beautification Committee, the Town of Babylon has requested approval to utilize the funds to purchase and install a four-sided clock in Wyandanch to be the focal point of the entrance to the community, receptacles and benches; and

**WHEREAS**, the Suffolk County Downtown Citizens Advisory Panel has reviewed and recommends these changes to the Legislature for consideration; and

**WHEREAS**, where the project purpose differs from the purpose originally proposed and approved, Legislative approval for the change in project is needed; now, therefore, be it

**RESOLVED**, that the Legislature approves the changes in these projects and directs the Department of Economic Development and Workforce Housing to proceed with the necessary contracts to allow for these projects to proceed.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution passed 15-2-1-0. Legislators Caracappa and Barraga voted no. Legislator Alden abstained.**

Intro. Res. No. 1026-2006  
Introduced by Legislators Cooper, Romaine, Lindsay, Eddington, D'Amaro and Schneiderman

Laid on Table 1/3/2006

**RESOLUTION NO. 99 -2006, ADOPTING LOCAL LAW NO. 11 -2006, A CHARTER LAW TO AMEND THE SUFFOLK COUNTY CHARTER TO ENSURE REPRESENTATION OF ENVIRONMENTAL INTERESTS AND**

## **HISTORIC PRESERVATION ON THE COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 24, 2006 a proposed local law entitled, "**A CHARTER LAW TO AMEND THE SUFFOLK COUNTY CHARTER TO ENSURE REPRESENTATION OF ENVIRONMENTAL INTERESTS AND HISTORIC PRESERVATION ON THE COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)**"; now, therefore, be it

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

### **LOCAL LAW NO. 11 -2006, SUFFOLK COUNTY, NEW YORK**

#### **A CHARTER LAW TO AMEND THE SUFFOLK COUNTY CHARTER TO ENSURE REPRESENTATION OF ENVIRONMENTAL INTERESTS AND HISTORIC PRESERVATION ON THE COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)**

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

#### **Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the purpose of the Council on Environmental Quality (CEQ) is to provide the Legislature with recommendations and advice regarding the environmental impact of proposed Suffolk County projects.

This Legislature also finds and determines that the CEQ, as currently constituted, requires that the members have diverse qualifications.

This Legislature further finds and determines that the present Charter requirements do not mandate that any member of the CEQ represent the interests of environmental protection or historic preservation.

Therefore, the purpose of this law is to amend the required qualifications for membership on the CEQ to ensure that at least one member be a representative of environmental interests and at least one member represent the interests of historic preservation.

#### **Section 2. Amendments.**

Section C1-3 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:  
§C1-3. Membership of Council.

- A. The Council on Environmental Quality shall consist of [nine] eleven voting members, one of whom shall be the Chairman of the Parks Committee of the County Legislature, or any successor Committee thereto, and [eight] ten of whom shall be appointed by the County Legislature for terms of five years.

\* \* \* \*

- F. In addition to the criteria outlined in subsection E above, at least one (1) member of the Council shall demonstrate a commitment to environmental preservation and protection through their experience and affiliation with a recognized not-for-profit environmental advocacy group for a period of at least five (5) years.

- G. In addition to the criteria outlined in subsection E above, at least one (1) member of the Council shall demonstrate a consistent, ongoing commitment to the preservation of historic buildings for a period of at least five (5) consecutive years.

#### **Section 3. Applicability.**

This law shall apply to all appointments to the Council on Environmental Quality occurring on or after the effective date of this law.

#### **Section 4. Severability.**

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

#### **Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

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

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on February 7, 2006  
Filed with the Secretary of State on March 24, 2006

Date: February 21, 2006

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**Legislator Kennedy made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution passed 17-1. Legislator Mystal was not present.**

Intro. Res. No. 1087-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 100 -2006, TO APPOINT MEMBER OF  
COUNTY PLANNING COMMISSION (CARRIE MEEK  
GALLAGHER)**

**WHEREAS**, Section 14-2 of the SUFFOLK COUNTY CHARTER provides for the appointment of fifteen (15) members of the Suffolk County Planning Commission, one member from each of the ten (10) towns in Suffolk County, one member from an incorporated village of under 5,000 population, one member from an incorporated village of over 5,000 population, and three members from the County at large; and

**WHEREAS**, there is a desire to diversify the Commission by appointing someone with a regional economic development, planning, and research background; and

**WHEREAS**, Steve Levy, the County Executive of Suffolk has appointed **CARRIE MEEK GALLAGHER**, currently residing at 256 Gibbs Pond Road, Nesconset, New York 11767, as a member of the County Planning Commission to replace **Robert K. Martin**, whose term expired December 31, 2003; now, therefore be it

**1st** **RESOLVED**, that **CARRIE MEEK GALLAGHER**, currently residing at 256 Gibbs Pond Road, Nesconset, New York 11767, is hereby appointed as a member of the Suffolk County Planning Commission to represent the Town of Smithtown for the unexpired balance of the four-(4)-year term, said term to expire December 31, 2007.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Cooper made motion for the following resolution, seconded by Legislator Romaine. The resolution passed 18-0.**

Intro. Res. No. 1025-2006

Laid on Table 1/3/2006

Introduced by Legislators Cooper, Romaine, Browning, Horsley, Caracappa, Lindsay, Eddington D'Amaro, Schneiderman, Stern, Nowick, Losquadro, Montano, Alden, Barraga, Kennedy, Mystal, and Vilorio-Fisher

**RESOLUTION NO. 101 -2006, ADOPTING LOCAL LAW NO. 12 -2006, A LOCAL LAW TO PROHIBIT ALL REGISTERED SEX OFFENDERS FROM RESIDING NEAR SCHOOLS, DAY CARE CENTERS AND PLAYGROUNDS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 24, 2006, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT ALL REGISTERED SEX OFFENDERS FROM RESIDING NEAR SCHOOLS, DAY CARE CENTERS AND PLAYGROUNDS**" now, therefore, be it

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

**LOCAL LAW NO. 12 -2006, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO PROHIBIT ALL REGISTERED SEX OFFENDERS FROM RESIDING NEAR SCHOOLS, DAY CARE CENTERS AND PLAYGROUNDS**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that sex offenders pose an unreasonable threat to the safety and well-being of children.

This Legislature also finds and determines that the County of Suffolk has gone to great lengths to protect the children of this County from sex offenders, such as requiring certain sex offenders to wear ankle bracelets so that law enforcement can determine their whereabouts.

This Legislature further finds and determines that information is currently available to the public regarding these high-risk offenders, which information is available through the internet and other sources.

This Legislature finds that it is imperative that the County of Suffolk takes all steps necessary to protect the most vulnerable residents of the County.

Therefore, the purpose of this law is to restrict all registered sex offenders from residing within one-quarter of a mile of any school, licensed day care center or playground.

**Section 2. Definitions.**

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

**DAY CARE CENTER** – Any program or facility caring for children for more than three hours per day per child as those terms are defined in § 390 of the New York Social Services Law.

**HOUSING ACCOMMODATION** – Any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more human beings.

**REGISTERED SEX OFFENDER** – Any person who has been convicted of an offense and is registered with the State Division of Criminal Justice Services pursuant to the provisions of Article 6 of the New York Correction Law.

**PLAYGROUND** – Any public land designated for recreational or athletic purposes by any school district, library district, or by the County of Suffolk or any Town or Village located wholly within the County of Suffolk.

**SCHOOL** – Any institution, building or structure used for teaching children, or imparting an education.

**SHELTER** – Any residential facility providing temporary housing, for which such temporary use and occupancy of the housing facilities the owner or primary tenant of the property receives compensation, either directly from the temporary occupant or through reimbursement from a third party on behalf of such temporary occupant, or both.

**Section 3. Residence Limitation.**

- A. It shall be unlawful for all registered sex offenders to reside within one-quarter of a mile of the property line of any public or private nursery, elementary, middle or high school; or a licensed day care center; or a playground.
- B. No shelter or housing accommodation shall permit or cause the placement of any registered sex offender if such shelter or housing accommodation is within one-quarter of a mile of the property line

of any public or private nursery, elementary, middle or high school; or a licensed day care center; or a playground.

- C. The residence prohibition established by this Section shall remain in effect for as long as the offender is classified as a registered sex offender.

**Section 4. Exceptions.**

- A. The provisions of this law shall not apply to any registered sex offenders who have established a residence prior to the effective date of this law.
- B. The provisions of this law shall not apply if a public or private nursery, elementary, middle or high school, or a licensed day care center, or a playground is newly constructed, and is within one-quarter of a mile of the residence of a registered sex offender who has previously established a residence in that location.
- C. The provisions of this law shall not apply to any registered sex offender who is required by court order to reside at a certain location.

**Section 5. Penalties.**

A registered sex offender who violates the provisions of this law shall be guilty of an unclassified misdemeanor punishable by no more than one year in jail.

**Section 6. Applicability.**

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

**Section 7. Severability.**

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

**Section 8. Reverse Preemption.**

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

**Section 9. SEQRA Determination.**

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

**Section 10. 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.

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on February 7, 2006  
Filed with the Secretary of State on March 24, 2006

Date: February 21, 2006

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**Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Stern. The resolution passed 10-3-5-0. Legislators Caracappa, Alden and Barraga voted no. Legislators Romaine, Schneiderman, Losquadro, Kennedy and Nowick abstained.**

Intro. Res. No. 1065-2006 Laid on Table 1/3/2006  
Introduced by Presiding Officer, on request of County Executive, Deputy Presiding Officer Viloría-Fisher and Legislators Cooper, Montano, Mystal, Browning, D'Amaro, Eddington, Horsley and Stern

**RESOLUTION NO. 102 -2006, ADOPTING LOCAL LAW NO. 13 -2006, A CHARTER LAW TO PROMOTE NON-POLITICAL, PROFESSIONAL DIVERSE COUNTY PLANNING COMMISSION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on March 24, 2006, a proposed local law entitled, "**CHARTER LAW TO PROMOTE NON-POLITICAL, PROFESSIONAL DIVERSE COUNTY PLANNING COMMISSION**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

**LOCAL LAW NO. 13 -2006, SUFFOLK COUNTY, NEW YORK**

**CHARTER LAW TO PROMOTE NON-POLITICAL, PROFESSIONAL DIVERSE COUNTY PLANNING COMMISSION**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the Suffolk County Planning Commission makes important decisions regarding land use in the County of Suffolk, the effects of which can impact future generations from the standpoint of environmental protection, transportation, population density, resource allocation, clean air, clean water, public health, economic growth, groundwater protection, smart growth, and balanced development.

This Legislature further finds and determines that balanced, thoughtful, long-term decision-making requires greater diversity of opinion and independence to insulate the Commission from pressures that may emanate from outside forces.

Therefore, the purpose of this law is to change the composition of the Commission in such a manner so as to provide greater diversity in its membership and to ensure an independent, non-political, professional County Planning Commission.

**Section 2. Amendments.**

- I.) Section 14-2 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**ARTICLE XIV  
County Planning**

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**§14-2. Membership of Planning Commission.**

- A.) The Planning Commission shall consist of 15 members, as follows: one member from each of the ten towns in Suffolk County, one member from an incorporated village of under 5,000 population, one member from an incorporated village of over 5000 population and three members from the County at large, subject to the qualifications set forth in Section 14-4 of this Article.

B.) The Planning Commission may invite any officials of government to participate in its deliberations or otherwise assist it in discharging its functions under this article.

II.) Section 14-4 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**§14-4 Qualifications for Membership on Planning Commission.**

A.) A Planning Commissioner shall be a resident of Suffolk County at the time of his or her appointment and while holding office as a member of the Planning Commission.

[B.] No elected official of village, town, county or state government is eligible to serve on the Planning Commission.]

B.) In selecting the twelve (12) members who are not chosen from the County at large, the following criteria shall apply:

1.) at least one (1) member shall be a representative from a nationally renowned and/or publicly acknowledged environmental organization and/or from a nationally renowned and/or publicly recognized civic association;

2.) at least one (1) member shall be an individual with a background or expertise in municipal planning and/or an individual with a law degree and experience in land-use litigation, the law of land-use regulation, or environmental law;

3.) at least one (1) member shall be a representative from the real estate industry and/or from the business community;

4.) at least one (1) member shall be a representative from a labor organization;

5.) at least one (1) member shall be an individual with a background in the field of transportation;

6.) at least one (1) member shall be an individual with a background or expertise in workforce housing; and

7.) at least one (1) member shall be an individual recommended by the Association of Town Supervisors.

C.) No person shall be appointed or reappointed to a position under Paragraph A of this section and Paragraph A of Section 14-2 of this Article who is a party officer. For the purposes of this section, "party officer" shall mean an individual who holds any party position or any party office, whether by election, appointment, or otherwise, including committeemen, and "party" shall mean any political organization which, at the last preceding election for Governor, polled at least fifty thousand (50,000) votes for its candidate for Governor.

[C.]) D.) To continue in office, a member of the Planning Commission shall continue to satisfy the requirements of this section with respect to eligibility for appointment to the office.

E.) No person shall be reappointed to a position under Paragraph A of this section and Paragraph A of Section 14-2 of this Article unless and until such person shall have attended at least seventy-five per cent (75%) of the regular and/or special meetings held by said Commission. Absences from such meetings caused by death in the immediate family of the members (i.e. spouse, children, parents, brothers, sisters, in-laws and/or grandparents) caused by a verifiable illness or caused by a verifiable accident shall not be counted for the purpose of this calculation of attendance.

F.) No person shall be appointed or reappointed to a position under Paragraph A of this section and Paragraph A of Section 14-2 of this Article unless and until such person shall first appear at least once before the pertinent legislative committee of the County Legislature having primary jurisdiction over such resolution naming such person for approval to such appointment or reappointment and before such other legislative committees of the County Legislature as shall request an appearance by such person.

G.) No person shall be appointed to a position under Paragraph A of this section and Paragraph A of Section 14-2 of this Article who is an elected official of the State of New York or of any political subdivision thereof; who is an appointee to a position of employment

with the State of New York or any political subdivision thereof including the County of Suffolk, which position does not require a competitive civil service examination for appointment thereto; or who is appointed to a town or a village board, commission, or agency which is charged with the responsibility of making planning and/or land-use decisions regarding real property.

H.) No person shall serve as a Planning Commissioner for more than twelve (12) consecutive years.

III.) Section 14-5 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**§14-5. Term of office for members of Planning Commission.**

A.) The term of office of each Commissioner shall be four years, except that the term of office of the members first appointed from the county at large shall commence January 1, 1971, and terminate on December 31, 1971, and except that, of the remaining 12 members first appointed for terms of office commencing January 1, 1971, three shall be appointed for terms of one year, three shall be appointed for terms of two years, three shall be appointed for terms of three years and three shall be appointed for terms of five years.

B.) This staggering of terms shall continue and remain in full force and effect and apply to all appointments made on or after the effective date of this law.

C.) In connection with any proposed project under consideration by the Commission, an appointee shall take into account the potential of any such project to have a disproportionately high and adverse health and/or environmental impact on a minority or economically distressed community.

**Section 3. Applicability.**

A.) All appointments to the Suffolk County Planning Commission, in place as of December 31, 2004, shall expire on December 31, 2006. Any appointments made to fill a position terminated under this Paragraph shall be made in accordance with the provisions of Paragraphs (A) and (B) of Section 14-5 of the SUFFOLK COUNTY CHARTER.

B.) Any member appointed under this law shall serve through the term of office of the staggered term to which he or she is appointed, be it the full term or the unexpired balance of a hold-over term, as the case may be.

C.) This law shall apply to all appointments made to the Suffolk County Planning Commission on or after January 1, 2006.

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

This law shall not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the office of the Secretary of State.

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on February 7, 2006  
Filed with the Secretary of State on March 24, 2006

Date: February 21, 2006

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

Intro Res. No. 1115-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 103 -2006, DESIGNATING MARCH 2006 AS THE THIRTY-DAY PERIOD WITHIN WHICH A LAND OWNER MAY SUBMIT A REQUEST FOR INCLUSION OF LAND THAT IS PREDOMINANTLY VIABLE AGRICULTURAL LAND WITHIN A CERTIFIED AGRICULTURAL DISTRICT AND DESIGNATING JANUARY AS THE ANNUAL ENROLLMENT MONTH STARTING IN 2007**

**WHEREAS**, Article 25AA of the New York State Agriculture and Markets Law, as recently amended in 2003, allows farms to join existing Agricultural Districts on an annual basis; and

**WHEREAS**, Section 303-b was added to establish an annual 30-day period during which a farmer can submit proposals to include viable agricultural land within a certified agricultural district; and

**WHEREAS**, Suffolk County does contain certified agricultural districts; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that Suffolk County does hereby designate March 2006 as the 30-day period during which Landowners can submit proposals to include viable agricultural land within a certified agricultural district and designating January as the annual enrollment period starting in 2007; and be it further

**2<sup>nd</sup> RESOLVED**, that this legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this resolution is a Type II action pursuant to Title 6 NYCRR Part 617.5(c)(20) and (27) since it constitutes a local legislative decision in connection with routine agency administration and management in compliance with Article 25AA (Agricultural Districts) of the New York State Agriculture and Markets Law, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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

Intro. Res. No. 1125-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

**RESOLUTION NO. 104 -2006, AUTHORIZING ACQUISITION UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION**

**PROGRAM - LAND PRESERVATION PARTNERSHIP OF THE  
SPOSATO PROPERTY (TOWN OF SHELTER ISLAND - SCTM NO.  
0700-023.00-01.00-029.000)**

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

**WHEREAS**, there are sufficient funds within Capital Project 525-CAP-7177.215 to cover the cost of said request of acquiring the land under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, the Town of Shelter Island has approved Resolution No. 502-2004 on November 12, 2004 as amended by Resolution No. 477-2005 on August 26, 2005 authorizing the acquisition of the subject parcel in partnership with the County of Suffolk, attached hereto and made a part hereof as Exhibit "A"; and

**WHEREAS**, Resolution No. 76-2005 adopted by the County Legislature on February 15, 2005, authorized planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program of the subject property; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition in the Town of Shelter Island under the Suffolk County Multifaceted Land Preservation Program pursuant to the Land Preservation Partnership Program (Resolution No. 751-1997) for open space purposes for the total purchase price of nine hundred twenty five thousand dollars (\$925,000.00±) which cost is to be shared equally by the County of Suffolk, totaling four hundred sixty two thousand five hundred dollars (\$462,500.00±) 50% undivided interest with the Town of Shelter Island, totaling four hundred sixty two thousand five hundred dollars (\$462,500.00±) 50% undivided interest; and for additional expenses which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report, insurance, and tax adjustments:

		<u>SUFFOLK COUNTY</u>			<u>REPUTED OWNER</u>
<u>PARCEL:</u>	<u>TAX MAP NUMBER</u>		<u>ACRES:</u>	<u>AND ADDRESS:</u>	
<b>No. 1</b>	District	0700	5.99±		John & Sally Sposato
	Section	023.00		339 Highwood Avenue	
	Block	01.00		Leonias, NJ 07605	
	Lot	029.000			

**2<sup>nd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve \$462,500.00±, from previously appropriated funds in Capital Project 525-CAP-7177.215, Suffolk County Multifaceted Land Preservation Program for this acquisition; and be it further

**3<sup>rd</sup>** **RESOLVED**, that title to these acquisitions shall be held by:

- (a) the County; or
- (b) the County and the Town of Shelter Island, as tenants-in-common, with the County of Suffolk owning fifty percent (50%) undivided interest and the Town of Shelter Island owning fifty percent (50%) undivided interest;

and be it further

**4<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Estate is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town of Shelter Island to effectuate the terms of this resolution; and, be it further

**5<sup>th</sup>** **RESOLVED**, that the title to these acquisitions shall be held by the County and be dedicated to the County Department of Parks, Recreation and Conservation for open space purposes according to the requirements of the Suffolk County Land Preservation Partnership Program (Resolution No. 751-1997) and meeting the following criteria under the Category of Use (Chapter 661-5.c) – Open Space Preservation Program (natural resource preservation); and be it further

**6<sup>th</sup>** **RESOLVED**, that the County Department of Planning, Division of Real Estate, is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town of Shelter Island for the management of said County acquisition consistent with this program with the County Department of Parks, Recreation and Conservation hereby charged with the management and operation of said property; and, be it further

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

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

- 1) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth threshold for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2) the site contains environmentally sensitive lands that should be preserved as open space; and
- 3) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have;

and, be it further

**9<sup>th</sup>** **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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

Intro. Res. No. 1127-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

**RESOLUTION NO. 105 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND –OPEN SPACE COMPONENT – KEMPINSKI PROPERTY- FORGE RIVER WATERSHED – (TOWN OF BROOKHAVEN – SCTM NO. 0200-750.00-06.00-009.000)**

**WHEREAS**, 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” was approved by the electorate on November 2, 2004; and

**WHEREAS**, Resolution No. 1361-2004 appropriated \$30 million for acquisition of Open Space pursuant to the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

**WHEREAS**, Resolution No. 621-2004, Master List I – 2004, authorized planning steps for the acquisition of the subject property in the Town of Brookhaven; and

**WHEREAS**, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Estate to negotiate the acquisition; now, therefore, be it

**1<sup>ST</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition in the Town of Brookhaven under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, for a total purchase price of Twenty Thousand Dollars (\$20,000.00±), subject to a final survey, and for additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report, insurance, and tax adjustments:

	<b>SUFFOLK COUNTY</b>			<b>REPUTED OWNER</b>
<b>PARCEL:</b>	<b>TAX MAP NUMBER:</b>	<b>ACRES</b>		<b>AND ADDRESS</b>
No. 1	District 0200	0.09±	acres	Gerard Kempinski
	Section 750.00			4512 Graham Farm Trail
	Block 06.00			Knightdale, NC 27545
	Lot 009.000			

and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Estate and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C14-10(E) of the SUFFOLK COUNTY CHARTER, to acquire the parcel listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1) of the SUFFOLK COUNTY CHARTER for the purchase price of Twenty Thousand Dollars (\$20,000.00±), subject to a final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve \$20,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525 CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, for this acquisition; and, be it further

**4<sup>th</sup> RESOLVED**, that the Director of the Division of Real Estate and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, obtaining surveys, obtaining engineering reports, securing title insurance, and executing such other documents as are required to acquire such County interest in said lands; and, be it further

**5<sup>th</sup> RESOLVED**, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, zero (0) Workforce Housing Development Rights (WHDR) shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

**6<sup>th</sup> RESOLVED**, that the subject parcel shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

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

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

- 1.) the proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617, which sets forth a threshold for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form.
- 2.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

**9<sup>th</sup> RESOLVED**, in accordance with Section 279-5(c)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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

Intro. Res. No. 1128-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

**RESOLUTION NO. 106-2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND –OPEN SPACE COMPONENT – BERKOWITZ PROPERTY – MASTIC/SHIRLEY CONSERVATION AREA PHASE I (TOWN OF BROOKHAVEN – SCTM NO. 0200-982.10-05.00-019.000)**

**WHEREAS**, 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” was approved by the electorate on November 2, 2004; and

**WHEREAS**, Resolution No. 1361-2004 appropriated \$30 million for acquisition of Open Space pursuant to the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

**WHEREAS**, Resolution No. 625-2004, Mastic/Shirley Conservation Area Phase I, authorized planning steps for the acquisition of the subject property in the Town of Brookhaven; and

**WHEREAS**, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Estate to negotiate the acquisition; now, therefore, be it

**1<sup>ST</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition in the Town of Brookhaven under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, for a total purchase price of three thousand five hundred dollars (\$3,500.00±), subject to final survey, and for additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report, insurance, and tax adjustments:

<b>SUFFOLK COUNTY</b>		<b>ACRES</b>		<b>REPUTED OWNER</b>	
<b><u>PARCEL: TAX MAP NUMBER:</u></b>		<b><u>AND ADDRESS</u></b>			
No. 1	District 0200	0.05±	acres	Murray & Rebecca Berkowitz	
	Section 982.10			3 Willowbrook Road	
	Block 05.00			Framingham, MA 01701	
	Lot 019.000				

and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Estate and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C14-10(E) of the SUFFOLK COUNTY CHARTER, to acquire the parcel listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1) of the SUFFOLK COUNTY CHARTER for the purchase price of three thousand five hundred dollars (\$3,500.00±), subject to final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve \$3,500.00±, subject to final survey, from previously appropriated funds in Capital Project 525 CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, for this acquisition; and, be it further

**4<sup>th</sup> RESOLVED**, that the Director of the Division of Real Estate and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, obtaining surveys, obtaining engineering reports, securing title insurance, and executing such other documents as are required to acquire such County interest in said lands; and, be it further

**5<sup>th</sup> RESOLVED**, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, 0 (zero) Workforce Housing

Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

**6<sup>th</sup> RESOLVED**, that the subject parcel shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

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

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

- 3.) the proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617, which sets forth a threshold for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form.
- 4.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

**9<sup>th</sup> RESOLVED**, in accordance with Section 279-5(c)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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

Intro. Res. No. 1129-2006 Laid on Table 1/17/2006  
Introduced by the Presiding Officer, on request of County Executive and Legislator Browning

**RESOLUTION NO. 107 –2006, AUTHORIZING ACQUISITION UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – FOR WATERSHED AND/OR ESTUARY PROTECTION - FOR THE ANITA KAUFMAN FAMILY PARTNERSHIP AND JOSEPH HELLER AS TENANTS IN COMMON PROPERTY – MUD CREEK (TOWN OF BROOKHAVEN – SCTM NO. 0200-975.60-03.00-018.006)**

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

**WHEREAS**, there are sufficient funds within the 2005 Capital Budget and Program to cover the cost of the said request of acquiring the land under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 614-2003 adopted by the County Legislature on August 5, 2003, authorized planning steps for acquisition under the New Suffolk County Drinking Water Protection Program (Mud Creek Additions) Property; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition in the Town of Brookhaven under the Suffolk County Multifaceted Land Preservation Program for watershed and/or

estuary protection, for the total purchase price of one hundred eighty four thousand dollars (\$184,000.00±), and for additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report, insurance, and tax adjustments:

<b>SUFFOLK COUNTY</b>			<b>REPUTED OWNER</b>	
<b><u>PARCEL:TAX MAP NUMBER</u></b>			<b><u>ACRES:</u></b>	<b><u>AND ADDRESS:</u></b>
<b>No. 1</b>	District	0200	1.6±	Anita Kaufman Family
	Section	975.60		Partnership & Joseph Heller
	Block	03.00		255 Executive Drive
	Lot	018.006		Suite LL107
				Plainview, NY 11803

and, be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve \$184,000.00±, subject to final survey, from previously appropriated funds in Capital Project MLPP-7177.215, Suffolk County Multifaceted Land Preservation Program for watershed and/or estuary protection, for this acquisition; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the title to these acquisitions shall be held by the County and be dedicated to the County Department of Parks, Recreation and Conservation for watershed and/or estuary protection; and be it further

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

**5<sup>th</sup>** **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth threshold for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2) the site contains environmentally sensitive lands that should be preserved as open space; and
- 3) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have;

and, be it further

**6<sup>th</sup>** **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Browning made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution passed 17-1. Legislator Cooper was not present.**

Intro. Res. No. 1135-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 108-2006, AMENDING THE 2006 OPERATING BUDGET TO IMPROVE PROGRAM ACCOUNTABILITY FOR CORNELL COOPERATIVE EXTENSION**

**WHEREAS**, Cornell Cooperative Extension receives funds from several sources to provide a variety of innovative educational programs for the residents and visitors of Suffolk County; and

**WHEREAS**, Cornell Cooperative Extension develops and implements water quality programs that protect, conserve, and restore the County's environment; and

**WHEREAS**, Cornell Cooperative Extension utilizes annual County funding to attract federal, state, and town grant funding; and

**WHEREAS**, County funding for Cornell Cooperative Extension has grown from \$2.3 million in 1996 to \$5.5 million in 2006; and

**WHEREAS**, Cornell Cooperative Extension reports that the annual County support enables them to secure \$8.8 million in additional non-County funding to expand its programs to the benefit of all Suffolk County residents; and

**WHEREAS**, the assignment of pseudo codes to each of Cornell Cooperative Extension's specific programs defines and improves accountability; now therefore be it

**RESOLVED**, that the 2006 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

**APPROPRIATIONS:**

**FROM:**

<u>FD</u>	<u>AGY</u>	<u>R-Org</u>	<u>X-Org</u>	<u>OBJ</u>	<u>Object Name</u>	<u>R-Org Name</u>	<u>AMOUNT</u>
001	CEX	8750	8750	4770	Special Services	COOPERATIVE EXTENSION ASSN	\$3,019,030
001	DSS	GHE1	6015	4980	Contracted Agencies	CORNELL COOP EXTENSION	\$172,922
001	EXE	GTR1	7320	4980	Contracted Agencies	CCE VANDER MUS SUMMER CAMP	\$15,606
001	EXE	GTQ1	7320	4980	Contracted Agencies	CCE MARINE-CEDAR BCH CAMP	\$36,414
001	HSV	GSU1	4148	4980	Contracted Agencies	CORNELL COOP EXT. DIABETES EDUC	\$126,017
001	HSV	GGW1	4100	4980	Contracted Agencies	CORNELL COOPERATIVE EXTENSION	\$270,801
001	EXE	HLQ1	7320	4980	Contracted Agencies	CORNELL COOPERATIVE EXTENSION - PECONIC DUNES CAMP	\$30,000
001	CEX	HLP1	8750	4980	Contracted Agencies	CORNELL COOPERATIVE EXTENSION - HUMAN RESOURCES DEVELOPMENT PROJECT	\$20,000
477	CEX	8751	8751	4770	Special Services	IPM PROGRAM	\$818,064

477	CEX	8752	8752	4770	Special Services	CCE, AGRICULTURE STEWARDSHIP PRG	\$171,646
477	CEX	GZA1	1497	4770	Special Services	CEX STORM WATER REMEDIATION	\$357,825
							\$5,038,325

**TO:**

FD	AGY	R-Org	X-Org	OBJ	Object Name	R-Org Name	AMOUNT
001	CEX	HDS1	8750	4980	Contracted Agencies	CCE – Administration, Finance & Communications	\$763,819
001	CEX	HSE1	8750	4980	Contracted Agencies	CCE - Marine Program	\$483,414
001	CEX	HSF1	8750	4980	Contracted Agencies	CCE - Agriculture & Horticulture Programs	\$478,205
001	CEX	HSG1	8750	4980	Contracted Agencies	CCE - 4-H Youth Development & Farm Education Programs	\$212,212
001	CEX	HS11	8750	4980	Contracted Agencies	CCE - Family & Consumer Sciences Program	\$242,996
001	CEX	HS11	8750	4980	Contracted Agencies	CCE - Farm Meat Production Program	\$838,384
001	DSS	GHE1	6015	4980	Contracted Agencies	CCE - Food Stamp Program	\$172,922
001	EXE	GTR1	7320	4980	Contracted Agencies	CCE - Marine Day Camp (Vanderbilt)	\$15,606
001	EXE	GTQ1	7320	4980	Contracted Agencies	CCE - Marine Day Camp (Cedar Beach)	\$36,414
001	HSV	GSU1	4148	4980	Contracted Agencies	CCE - Diabetes Education Program	\$126,017
001	HSV	GGW1	4100	4980	Contracted Agencies	CCE - Diabetes Prevention Program	\$270,801
001	EXE	HLQ1	7320	4980	Contracted Agencies	CCE - Peconic Dunes Camp	\$30,000
001	CEX	HLP1	8750	4980	Contracted Agencies	CCE - Human Resources Development Project	\$20,000
477	CEX	HSJ1	8751	4980	Contracted Agencies	CCE - Alternative Management Strategies for Control of Insect Pests in Suffolk County Agriculture & Landscapes	\$142,566
477	CEX	HSK1	8751	4980	Contracted Agencies	CCE - Development & Implementation of an Agriculture Stewardship Program	\$284,080
477	CEX	HSM1	8751	4980	Contracted Agencies	CCE - Integrated Pest Management (IPM) Program	\$204,000
477	CEX	HSN1	8751	4980	Contracted Agencies	CCE - Restoration of Peconic Bay Scallop Populations & Fisheries	\$359,064
477	DPW	GZA1	1497	4980	Contracted Agencies	CCE - Suffolk County Stormwater Phase II Program Implementation	\$357,825
							\$5,038,325

and be it further

**RESOLVED**, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding Cornell Cooperative Extension programs.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Horsley. The resolution passed 15-1-2-0.. Legislator Caracappa voted no. Legislators Alden and Kennedy abstained.**

Intro. Res. No. 1137-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive and Legislator Cooper

**RESOLUTION NO. 109-2006, TO APPOINT MEMBER OF COUNTY PLANNING COMMISSION (ADRIENNE ESPOSITO)**

**WHEREAS**, Section 14-2 of the SUFFOLK COUNTY CHARTER provides for the appointment of fifteen (15) members of the Suffolk County Planning Commission, one member from each of the ten (10) towns in Suffolk County, one member from an incorporated village of under 5,000 population, one member from an incorporated village of over 5,000 population, and three members from the County at large; and

**WHEREAS**, the term of office of **Laure Nolan** representing a Village with a population of over 5,000, will expire as of December 31, 2005; and

**WHEREAS**, there is a desire to diversify the Commission by appointing someone from a publicly acknowledged environmental organization; and

**WHEREAS**, Steve Levy, the County Executive of Suffolk has appointed **Adrienne Esposito**, currently residing at 277 West Avenue, Patchogue, New York 11772, as a member of the County Planning Commission; now, therefore be it

**1st RESOLVED**, that **Adrienne Esposito**, currently residing at 277 West Avenue, Patchogue, New York 11772, is hereby appointed as a member of the Suffolk County Planning Commission to represent a Village with a population of over 5,000, for a four-(4)-year term, said term to expire December 31, 2009.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Kennedy made motion for the following resolution, seconded by Legislator Montano. The resolution passed 18-0.**

Intro. Res. No. 1122-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 110 -2006, AUTHORIZING THE LEASE OF PREMISES LOCATED AT 200 WIRELESS BOULEVARD, HAUPPAUGE, NY FOR USE BY THE DEPARTMENT OF SOCIAL SERVICES AND THE DEPARTMENT OF HEALTH SERVICES**

**WHEREAS**, the Department of Social Services wishes to lease building space for use as a client center in the Smithtown area, and the Department of Health Services wishes to lease building space in a similar catchment area for use as a Clinic; and

**WHEREAS**, M3GH Properties, LLC has offered to lease approximately 54,333 square feet of space for use by both the Department of Social Services and the Department of Health Services, for a term of twenty years, commencing on or about October 1, 2006 at a annual rental rate of \$1,257,809.00 for the first year of the lease term and an annual escalation of two and one-half percent (2.5%); and

**WHEREAS**, the premises to be leased are located at 200 Wireless Boulevard, Hauppauge, New York; and

**WHEREAS**, the Space Management Steering Committee recommended the approval of this lease on August 5, 2005; and

**WHEREAS**, sufficient funds are included in the 2006 Operating Budget for lease payments for the proposed premises; now, therefore, be it

**RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(1), (2), (7), (20) and (27) of the New York Code of Rules and Regulations (NYCRR) and Section 8-0109 of the New York Environmental Conservation Law. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices; and be it further

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Deputy Presiding Officer Vilorio-Fisher made motion for the following resolution, seconded by Legislator Cooper. The resolution passed 17-0-1-0.**

Intro. Res. No. 1138-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 111-2006, TO RE-APPOINT MEMBER OF COUNTY PLANNING COMMISSION (SARAH LANSDALE)**

**WHEREAS**, Section 14-2(A) of the SUFFOLK COUNTY CHARTER provides for the appointment of fifteen (15) members of the Suffolk County Planning Commission, one member from each of the ten (10) towns in Suffolk County, one member from an incorporated village of under 5,000 population, and three members from the County at large; and

**WHEREAS**, the term of office of one of the members at large (Sarah Lansdale) has expired on 12/31/2005; and

**WHEREAS**, Steve Levy, the County Executive of Suffolk has appointed Sarah Lansdale, currently residing at 78 Little Plains Road, Huntington, New York 11743, as a member at large of the County Planning Commission; now, therefore be it

**1st RESOLVED**, that Sarah Lansdale, currently residing at 78 Little Plains Road, Huntington, New York 11743, is hereby appointed as a member of the Suffolk County Planning Commission as a member at large for a four-(4)-year term, said term to expire December 31, 2009, pursuant to Section 14-2(A) of the SUFFOLK COUNTY CHARTER.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Alden made motion for the following resolution, seconded by Legislator Losquadro. The resolution passed 18-0.**

Intro. Res. No. 1055-2006

Laid on Table 1/3/2006

Introduced by Legislators Alden, Romaine, Schneiderman, Browning, Caracappa, Losquadro, Eddington, Montano, Barraga, Kennedy, Nowick, Horsley, Mystal, Stern, D'Amaro, Cooper, Vilorio-Fisher and Lindsay

**RESOLUTION NO. 112 -2006, TO SUPPLEMENT EXISTING  
HEAP PROGRAM TO BENEFIT A WIDER RANGE OF  
SUFFOLK RESIDENTS**

**WHEREAS**, the Home Energy Assistance Program (HEAP) is a federally funded program primarily aimed at low income residents; and

**WHEREAS**, the eligibility standards for this Program are set at sixty percent (60%) of State median income-for instance, a household of one (1) is eligible for HEAP if the maximum allowable monthly gross income is no more than \$1,803.00, while a family of four (4) may have a maximum income of \$3,468.00; and

**WHEREAS**, the recent skyrocketing cost of all home heating fuels will prove to be a hardship to Suffolk residents with incomes slightly in excess of the current guidelines; and

**WHEREAS**, this Legislature provided across-the-board relief to all Suffolk residents when it enacted a partial repeal of the Energy Tax; and

**WHEREAS**, this winter, many Suffolk households with incomes slightly in excess of these guidelines will be forced to make choices between adequately heating their homes and other necessities of life; and

**WHEREAS**, these Suffolk households will be in need of assistance to pay home heating costs and are not eligible under the existing federally funded program; and

**WHEREAS**, the County should establish a County funded supplemental Home Energy Assistance Program that will aid those Suffolk residents who would otherwise qualify for federally funded HEAP, except that their income exceeds the guidelines by twenty percent (20%) or less; now, therefore, be it

**1st RESOLVED**, that a Supplemental Home Energy Assistance Program (hereinafter referred to as Suffolk HEAP) is hereby established and shall be administered in all respects in exactly the same manner and with exactly the same requirements as the federally funded HEAP, as that program may be amended from time to time, except; however, for purposes of Suffolk HEAP only, the income guidelines established under the federally funded HEAP shall be increased by no more than twenty percent (20%) to determine eligibility for Suffolk HEAP funds; and be it further

**2nd RESOLVED**, that all applicants whose income qualifies such applicant for federally funded HEAP shall be funded solely through federally funded HEAP and that only those applicants whose income exceeds the guidelines of federally funded HEAP by not more than twenty percent (20%) shall be funded by Suffolk HEAP; and be it further

**3rd RESOLVED**, that all other terms and conditions of the federally funded HEAP program, including but not limited to, maximum funding amounts, terms and priorities of funding, documentation required, shall be applied to and shall govern eligibility for Suffolk HEAP; and be it further

**4th RESOLVED**, that the Suffolk HEAP program shall be administered by the same County department(s) as is the existing federally funded HEAP program; and be it further

**5th RESOLVED**, that this Resolution shall be effective on February 1, 2006; 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: February 7, 2006

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

EXECUTIVE UNSIGNED FEBRUARY 21, 2006

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**Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Horsley. The resolution passed 10-4-3-1. Legislators Romaine, Schneiderman, Losquadro and Nowick voted no. Legislators Caracappa, Alden and Kennedy abstained. Legislator D'Amario was not present.**

Intro. Res. No. 1057-2006

Laid on Table 1/3/2006

Introduced by Presiding Officer, on request of the County Executive, Deputy Presiding Officer Viloría-Fisher and Legislators Cooper, Montano, Mystal, Browning, Horsley, Stern, and Barraga

**RESOLUTION NO. 113 -2006, REFORMING COUNTY SICK LEAVE PAY POLICY FOR EXEMPT EMPLOYEES IN ANY COUNTY DEPARTMENT, OFFICE OR AGENCY FOR COST CONTAINMENT ON PROSPECTIVE BASIS**

**WHEREAS**, Resolution No. 659-1988, "Establishing a Policy of Affordable Fringe Benefits for Exempt Employees of the County of Suffolk," reformed the County policy for unused accumulated sick leave by providing for payment at the rate of one day for every four days up to a total of 90 days paid for 360 days accumulated and by forfeiting accumulated sick-leave days occurring on or after January 1, 1989; and

**WHEREAS**, sick leave is meant to be used when an employee is sick rather than as a golden parachute or retirement bonus; and

**WHEREAS**, Resolution No. 655-2001, "Adopting Salary Plans for Employees Who are Excluded from Bargaining Units", softened that restriction by providing payment of one day paid for every two days accumulated where there were no payments for sick time earned after January 1, 1989; and

**WHEREAS**, the goal is to reform the sick leave payment system on a prospective basis; now, therefore, be it

**I. POST 2006 PROMOTION/THRESHOLD FORMULA**

**1st** **RESOLVED**, that, upon the effective date of this Resolution, if any nonexempt employee in any County department, office, or agency accepts an appointment, promotion or transfer to a position of employment that is designated as the status of an exempt employee in any County department, office, or agency under the terms of this article, or any exempt employee in any County department, office, or agency whose salary, as a result of a salary increase, is equal to or exceeds \$40,000 annually, then such individual shall have his or her accrued sick leave day accruals frozen and computed as to dollar value and as to title or position held by such employee as of the effective date of such appointment, promotion or transfer to the position or status of exempt employee in any County department, office, or agency. Upon separation from County service by retirement or death, such exempt employee in any County department, office, or agency shall be granted payment for any unused accumulated sick leave accruals earned subsequent to the effective date of this Resolution at the rate of one day paid for every four days accumulated up to a total of 90 days paid for 360 days accumulated; and be it further

**II. POST 2006 FORMULA**

**2nd** **RESOLVED**, that any unused accumulated sick-leave days accrued on or after the effective date of this Resolution by any exempt employee in any County department, office, or agency shall be paid upon such employee's separation from County service by retirement or death, notwithstanding the provisions of Resolutions 659-1988 or 655-2001, at the rate of one day paid for every four days accumulated up to a total of 90 days paid for 360 days accumulated; and be it further

**III. MISCELLANEOUS IMPLEMENTATION**

**3rd** **RESOLVED**, that, upon separation from the County service by retirement or death, no employee shall be paid an amount of sick time pursuant to Resolutions 659-1988, 655-2001 or this Resolution, that, in the aggregate, exceeds the combined maximum amount allowable pursuant to the conditions contained in Resolution 659-1988 and 655-2001; and be it further

**4th** **RESOLVED**, that any other provisions of Resolution 659-1988 or 655-2001, not specifically addressed by this Resolution, remain in full force and effect; and be it further

**5th** **RESOLVED**, that the County Director of Personnel and Labor Relations is hereby authorized, empowered, and directed to issue and promulgate such rules and regulations as he or she shall deem necessary to implement the provisions of this Resolution in a manner that is consistent with Exhibit "A", attached hereto and made a part hereof; 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), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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

Intro. Res. No. 1084-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive and Legislators Vilorio-Fisher, Browning and Mystal

**RESOLUTION NO. 114 -2006, AUTHORIZING PLANNING STEPS FOR IMPLEMENTATION OF SUFFOLK COUNTY WORKFORCE HOUSING PROGRAM AT (SCTM NO. 1000-122.00-02.00-023.001)**

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

**WHEREAS**, Section 36-2(C) of said Article authorizes land to be acquired by the County through the use of Capital Bond proceeds (CP 8704 and/or CP 7177); and

**WHEREAS**, the County Department of Economic Development and Workforce Housing and the Town of Southold have identified a site known as Suffolk County Tax Map No. 1000-122.00-02.00-023.001, which would be appropriate for development as workforce housing; and

**WHEREAS**, the Town of Southold has submitted a letter of support requesting funding under the County's Workforce Housing Program for the proposed development of approximately 24 units of workforce home-ownership housing with 12 workforce rental housing units, which meet the requirements of the County Workforce Housing Program; and, now therefore, be it

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

**2<sup>nd</sup> RESOLVED**, that this Legislature hereby finds that the parcel known as 1000-122.00-02.00-023.001 meets the acquisition and infrastructure funding requirements of the County Workforce Housing Program and the need to fill the critical shortage of workforce housing in Suffolk County; and be it further

**3<sup>rd</sup> RESOLVED**, that the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing, is hereby authorized, empowered and directed, pursuant to Section 14-10(B) of the SUFFOLK COUNTY CHARTER, to plan for the acquisition of and/or infrastructure improvements for the parcel listed herein below:

SUFFOLK COUNTY  
TAX MAP NUMBER:

REPUTED OWNER

District            1000  
Section            122.00  
Block                02.00  
Lot                    023.1

White Oak Builders, LLC.

and be it further

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

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

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

7<sup>th</sup> **RESOLVED**, that any unencumbered, unallocated funds available upon the execution of a binding Development Agreement between the County of Suffolk and the Town of Southold, shall be appropriated to future and subsequent Workforce Housing Program projects.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Montano made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution passed 18-0.**

Intro. Res. No. 1050-2006  
Introduced by Legislators Montano, Mystal, Viloría-Fisher and Cooper

Laid on Table 1/3/2006

**RESOLUTION NO. 115 –2006, CREATING A TASK FORCE TO INCREASE MINORITY REPRESENTATION ON THE SUFFOLK COUNTY POLICE FORCE**

**WHEREAS**, the County of Suffolk, as authorized by Resolution No. 862-1986, entered into a Consent Decree with the United States of America, which was approved and entered by the United States District Court for the Eastern District of New York on September 12, 1986; and

**WHEREAS**, the County of Suffolk recently attempted to create a minority-based program which would have encouraged minorities to apply and test for positions on the Police Force and once approved be assigned to the same communities in which they reside, but this initiative was rejected by the U.S. Justice Department; and

**WHEREAS**, it is vital to maintain and encourage diversity on the Suffolk County Police Force, and to seek recruits from every background; and

**WHEREAS**, programs which would enhance minority enrollment in the Suffolk County Police Department are needed; and

**WHEREAS**, a Task Force to Increase Minority Representation on the Suffolk County Police Force should be created to make recommendations for programs and any other efforts necessary to encourage minorities to apply to the Suffolk County Police Department; now; therefore, be it

**1st RESOLVED**, that the Task Force to Increase Minority Representation on the Suffolk County Police Force (Task Force) is hereby created and shall consist of the following eight (8) members:

- 1.) The Suffolk County Commissioner of Police, or his or her designee, who shall serve as Chair;
- 2.) The Suffolk County Attorney, or his or her designee;

- 3.) A representative appointed by the Public Safety & Public Information Committee of the Suffolk County Legislature, or any successor Committee thereto;
- 4.) The Personnel Director of the Suffolk County Department of Human Resources, Personnel and Civil Service, or his or her designee;
- 5.) A representative of the Suffolk County Bar Association, to be selected by the President of the Association;
- 6.) A representative chosen by the Suffolk County Guardians;
- 7.) A representative chosen by the Hispanic Police Society; and
- 8.) A representative chosen by the Suffolk Minorities in Law enforcement;

and be it further

**2nd** **RESOLVED**, that the Task Force shall make recommendations for recruitment, selection, or promotion policy or programs and/or any other efforts or initiatives to enhance minority enrollment in the Suffolk County Police Department to the Suffolk County Executive and each member of the Suffolk County Legislature no later than June 30, 2006, at which time the Task Force shall deposit all the records of its proceedings with the Clerk of the Legislature; and

**3rd** **RESOLVED**, that the Task Force shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened by the chairman of the Task Force, for the purpose of organization and the appointment of a vice chairperson and a secretary; and be it further

**4th** **RESOLVED**, that the members of said Task Force shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

**5th** **RESOLVED**, that five (5) members of the Task Force shall constitute a quorum to transact the business of the Task Force at both regular and special meetings; and be it further

**6th** **RESOLVED**, that clerical services involving the month-to-month operation of this Task Force, as well as supplies and postage as necessary, will be provided by the staff of the Suffolk County Legislature; and be it further

**7th** **RESOLVED**, that the Task Force may conduct such informal hearings and meetings at any place or places within the County of Suffolk for the purpose of obtaining necessary information or other data to assist it in the proper performance of its duties and functions as it deems necessary; and be it further

**8th** **RESOLVED**, that the Task Force may delegate to any member of the Task Force the power and authority to conduct such hearings and meetings; and be it further

**9th** **RESOLVED**, that the Task Force is hereby authorized, empowered, and directed to hold at least one (1) public hearing throughout the County of Suffolk to assemble the data and information necessary to complete the valuation, study, and report required with all reasonable efforts to be made to ascertain the views, wishes, and opinions of the residents of Suffolk County; and be it further

**10th** **RESOLVED**, that this special Task Force shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive no later than June 30, 2006 for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

**11th** **RESOLVED**, that this study shall not be performed by any outside consultant or consulting firm unless explicit approval and authorization for such consultant or consulting firm is granted pursuant to a duly enacted resolution of the County Legislature; and be it further

**12th** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Eddington made motion for the following resolution, seconded by Legislator Montano. The resolution passed 18-0.**

Intro. Res. No. 1067-2006 Laid on Table 1/3/2006  
Introduced by Presiding Officer, on request of the County Executive, Deputy Presiding Officer Viloría-Fisher and Legislators Cooper, Montano, Mystal, Browning, D'Amaro, Eddington, Horsley, and Stern

**RESOLUTION NO. 116 –2006, ADOPTING LOCAL LAW NO. 14 –2006, A LOCAL LAW TO ESTABLISH THE SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED (“STOP-DWI”) AS A DIVISION WITHIN THE PROBATION DEPARTMENT**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on March 24, 2006, a proposed local law entitled, **“A LOCAL LAW TO ESTABLISH THE SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED (“STOP-DWI”) AS A DIVISION WITHIN THE PROBATION DEPARTMENT,”** and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

**LOCAL LAW NO. 14 –2006, SUFFOLK COUNTY, NEW YORK**

A LOCAL LAW TO ESTABLISH THE SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED (“STOP-DWI”) AS A DIVISION WITHIN THE PROBATION DEPARTMENT

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that section 1197 of the Vehicle and Traffic Law authorized the County to establish a Special Traffic Options Program for Driving While Intoxicated, known popularly as the “STOP-DWI” program.

This Legislature further determines that the establishment of this program has reduced alcohol-related traffic injuries and fatalities by providing a plan for coordination of county, town, city and village efforts.

This Legislature also determines that the County’s STOP-DWI program, presently administered through the County Executive’s office, would operate more effectively and efficiently as a division within the County’s Probation Department.

Therefore, the purpose of this law is to establish the Special Traffic Options Program for Driving While Intoxicated (“STOP-DWI”) as a division within the County’s Probation Department.

**Section 2. Division Established; functions.**

- A.) The Suffolk County Special Traffic Options Program (“STOP-DWI”) is hereby established as a division within the Department of Probation. Pursuant to NEW YORK VEHICLE AND TRAFFIC LAW § 1197, this Division shall be headed by a Coordinator designated by the County Executive.
- B.) The STOP-DWI division and its Coordinator shall act in accordance with, and carry out all duties imposed by NEW YORK VEHICLE AND TRAFFIC LAW § 1197, which include:
  - 1.) Formulating a special traffic options program for driving while intoxicated and coordinate efforts of interested parties and agencies engaged in alcohol traffic safety, law enforcement, adjudication, rehabilitation and preventative education.
  - 2.) Receiving proposals from county, town, city or village agencies or non-governmental groups for activities related to alcohol traffic safety and submitting them to the County

Legislature, together with a recommendation for funding of the activity if deemed appropriate.

- 3.) Cooperating with and assisting local officials within the county in the formulation and execution of alcohol traffic safety programs including enforcement, adjudication, rehabilitation and education.
- 4.) Study alcohol traffic safety problems and recommend to the appropriate legislative bodies, departments or commissions, such changes in rules, orders, regulations and existing law as may be advisable.
- 5.) Promoting alcohol and drug-related traffic safety education for drivers.
- 6.) Obtaining and assembling data on alcohol-related accidents arrests, convictions and accidents and to analyze, study, and consolidate such data for educational, research and informational purposes.

**Section 3. Applicability.**

Section 2 of this law shall apply to actions occurring on or after January 1, 2006.

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on February 7, 2006  
Filed with the Secretary of State on March 24, 2006

Date: February 21, 2006

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**Legislator Browning made motion for the following resolution, seconded by Legislator Alden.  
The resolution passed 18-0.**

Intro. Res. No. 1081-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 117-2006, ACCEPTING &  
APPROPRIATING A GRANT IN THE AMOUNT OF \$186,000  
FROM THE NEW YORK STATE DIVISION OF CRIMINAL  
JUSTICE SERVICES FOR THE SUFFOLK COUNTY POLICE  
DEPARTMENT BELLPORT TASK FORCE 2005 WITH 75%  
SUPPORT**

**WHEREAS**, the New York State Department of Criminal Justice Services has made \$186,000 in Federal pass-through monies from the 2004 Edward Byrne Memorial Formula Grant Program available to Suffolk County continue a project to reduce crime committed by repeat offenders in the area served by the Suffolk County Police Department's Fifth Precinct; and

**WHEREAS**, said project will utilize a multi-agency approach of investigation, enforcement and prevention; and

**WHEREAS**, the operational period of the Program will be from July 1, 2005, through June 30, 2006; and

**WHEREAS**, funds totaling \$7,380 for the program and \$62,000 in funds for the required match are included in the 2005 Suffolk County Operating Budget; and

**WHEREAS**, said grant funds 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:

<b>REVENUE:</b>	<b><u>Amount</u></b>
115-4380-Federal Aid: Bellport Task Force 2005	\$186,000
 <b>ORGANIZATIONS:</b>	
<b>Police Department (POL) Bellport Task Force 2005 115-POL-3266</b>	
<b><u>1000-Personal Services</u></b>	<b><u>\$137,114</u></b>
1120-Overtime Salaries	\$137,114
 <b><u>3000-Supplies Materials &amp; Others</u></b>	 <b><u>\$588</u></b>
3680-Repairs: Special Equipment	\$588
 <b><u>4000-Utilities</u></b>	 <b><u>\$600</u></b>
4010-Telephone & Telegraph	\$600
 <b><u>4300-Travel</u></b>	 <b><u>\$2,291</u></b>
4310-Employee Miscellaneous Expense	\$1,823
4330-Travel, Employee Contracts	\$468
 <b><u>4400-Fees for Facilities</u></b>	 <b><u>\$10,200</u></b>
4410-Rent: Offices & Buildings	\$10,200
 <b>Employee Benefits Retirement 115-EMP-9010</b>	
 <b><u>8000-Employee Benefits</u></b>	 <b><u>\$25,837</u></b>
8280-Employee Retirement System	\$25,837
 <b>Employee Benefits Social Security 115-EMP-9030</b>	
 <b><u>8000-Employee Benefits</u></b>	 <b><u>\$1,990</u></b>
8330-Social Security	\$1,990

and be it further

**RESOLVED**, that the Reporting Category for the County Integrated Financial Management System is P146; and be it further

**RESOLVED**, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Horsley made motion for the following resolution, seconded by Legislator Mystal. The resolution passed 18-0.**

Intro. Res. No. 1095-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive and Legislators Mystal, Horsley, D'Amaro and Stern

**RESOLUTION NO. 118-2006, ACCEPTING AND APPROPRIATING A GRANT  
IN THE AMOUNT OF \$289,000 FROM THE NEW YORK STATE DIVISION OF  
CRIMINAL JUSTICE SERVICES FOR THE SUFFOLK COUNTY POLICE  
DEPARTMENT FIRST PRECINCT GANG TASK FORCE WITH 75% SUPPORT**

**WHEREAS**, the New York State Department of Criminal Justice Services has made \$289,000 in Federal pass-through monies from the 2003 Edward Byrne Memorial Formula Grant Program available to Suffolk County to continue an integrated program to prevent, deter and reduce gang-related crime in the area served by the Suffolk County Police Department's First Precinct; and

**WHEREAS**, the operational period of the Program will be from September 1, 2005, through August 31, 2006; and

**WHEREAS**, the monies for the permanent salaries and fringe benefit match are included in the 2006 Suffolk County Operating Budget; and

**WHEREAS**, said grant funds have not been included in the 2006 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:

<b>REVENUE:</b>		<b>AMOUNT:</b>
115-4381-Federal Aid: 1 <sup>st</sup> Precinct Gang Task Force 2005	\$289,000	

**ORGANIZATIONS:**

	Police Department (POL)		
	1 <sup>st</sup> Precinct Gang Task Force 2005		
	115-POL-3268		
<b><u>1000-Personal Services</u></b>			<b><u>\$225,418</u></b>
1120-Overtime Salaries	\$225,418		
<b><u>Travel</u></b>			<b><u>\$3,850</u></b>
4310-Employee Miscellaneous Expense		2,942	
4330-Travel, Employee Contracts	908		
<b><u>4500-Fees for Services</u></b>			<b><u>\$8,000</u></b>
4560-Fees for Services, Non-Employees			8,000
<b><u>4700-Miscellaneous</u></b>			<b><u>\$6,000</u></b>
4770-Special Services			6,000
	Employee Benefits		
	Retirement		
	115-EMP-9010		

**8000-Employee Benefits**  
8280-Employee Retirement System

**\$42,460**  
42,460

Employee Benefits  
Social Security  
115-EMP-9030

**8000-Employee Benefits**  
8330-Social Security

**\$3,272** 3,272

and be it further

**RESOLVED**, that the Reporting Category for the County Integrated Financial Management System is P147; and be it further

**RESOLVED**, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006  
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**Legislator Losquadro made motion for the following resolution, seconded by Deputy Presiding Officer Viloria-Fisher. The resolution passed 18-0.**

Intro. Res. No. 1096-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 119 -2006, ACCEPTING AND APPROPRIATING  
A GRANT IN THE AMOUNT OF \$65,800 FROM THE STATE OF  
NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, TO  
TARGET SPEEDING AND AGGRESSIVE DRIVING WITH 84.56%  
SUPPORT**

**WHEREAS**, the State of New York Governor's Traffic Safety Committee has awarded \$65,800 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, 2005, through September 30, 2006; and

**WHEREAS**, said grant funds totaling \$65,800 have not been included in the 2006 Suffolk County Operating Budget; now, therefore, be it

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

**REVENUES:**  
**AMOUNT:**

115-4398-Federal Aid: Aggressive Driving & Speed Enforcement \$ 65,800

**ORGANIZATIONS:**

Police Department (POL)  
Aggressive Driving & Speed Enforcement 06  
115-POL-3270

**1000-Personal Services**  
1120-Overtime Salaries

**\$55,300**  
55,300

2000-Equipment  
2500-Other Equipment

\$10,500  
10,500

**RESOLVED**, that the fringe benefits associated with the overtime salaries for this grant are included in the 2006 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: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Stern made motion for the following resolution, seconded by Legislator D'Amaro. The resolution passed 18-0.**

Intro. Res. No. 1097-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive and Legislators Cooper, D'Amaro, and Stern

**RESOLUTION NO. 120 -2006, ACCEPTING AND APPROPRIATING A GRANT  
IN THE AMOUNT OF \$22,500 FROM THE NEW YORK STATE DIVISION OF  
CRIMINAL JUSTICE SERVICES FOR THE SUFFOLK COUNTY POLICE  
DEPARTMENT'S SECOND PRECINCT COMMUNITY SUPPORT PROGRAM  
WITH 75% SUPPORT**

**WHEREAS**, the New York State Division of Criminal Justice Services has made \$22,500 in Federal pass-through monies from the 2003 Edward Byrne Memorial Formula Grant Program available to Suffolk County to implement a program to address community concerns regarding gang-related criminal activity through targeted enforcement efforts and educational presentations to school, community and business groups in the area served by the Suffolk County Police Department's Second Precinct; and

**WHEREAS**, the operational period of the Program will be from September 1, 2005, through August 31, 2006; and

**WHEREAS**, the monies for the permanent salaries and fringe benefit match are included in the 2006 Suffolk County Operating Budget; and

**WHEREAS**, said grant funds have not been included in the 2006 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:

**REVENUE:**

**AMOUNT:**

115-4382-Federal Aid: 2<sup>nd</sup> Precinct Community Support

\$22,500

**ORGANIZATIONS:**

Police Department (POL)  
2<sup>nd</sup> Precinct Community Support  
115-POL-3271

**1000-Personal Services**

1120-Overtime Salaries

13,361

**\$13,361**

<b><u>2000-Equipment</u></b>		<b><u>\$6,200</u></b>	
2020-Office Machines			5,400
2070-Cameras and Photographic			800

**Travel**

<b><u>\$228</u></b>			
4310-Employee Miscellaneous Expense			174
4330-Travel, Employee Contracts	54		

Employee Benefits  
Retirement  
115-EMP-9010

<b><u>8000-Employee Benefits</u></b>		<b><u>\$2,517</u></b>	
8280-Employee Retirement System			2,517

Employee Benefits  
Social Security  
115-EMP-9030

<b><u>8000-Employee Benefits</u></b>		<b><u>\$194</u></b>	
8330-Social Security			194

and be it further

**RESOLVED**, that the Reporting Category for the County Integrated Financial Management System is P148; and be it further

**RESOLVED**, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 13, 2006

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**Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution passed 18-0.**

Intro. Res. No. 1123A-2006

**BOND RESOLUTION NO. 121-2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK,  
AUTHORIZING THE ISSUANCE OF \$105,000 BONDS TO FINANCE THE  
COST OF THE PURCHASE OF A PRISONER TRANSPORT BUS (6TH  
PRECINCT) (CP 3175)**

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 \$105,000 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 purchase of a prisoner transport bus (6<sup>th</sup> Precinct), as authorized in the 2006 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 \$105,000. The plan of financing includes the issuance of \$105,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 29 of the Law of the Law, is five (5) years.

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

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

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

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

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

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

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

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution passed 18-0.**

Intro. Res. No. 1123-2006  
Introduced by the Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 122 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF A PRISONER TRANSPORT BUS (6<sup>TH</sup> PRECINCT) (C.P. 3175)**

**WHEREAS**, the Police Commissioner has requested funds for the purchase of a prisoner transport bus (6<sup>th</sup> Precinct); and

**WHEREAS**, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of the purchase of a prisoner transport bus under Capital Project No. 3175; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, has established a priority ranking system, implemented in the Adopted 2006 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 \$105,000 in Suffolk County Serial Bonds; now, therefore, be it

**RESOLVED**, that it is determined that this program with a priority ranking of forty-eight (48) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

**RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations (NYCRR) Section 671.5(25) and (27), in that the resolution concerns purchase of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

**RESOLVED**, that the proceeds of \$105,000 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-3175.512 (Fund 001-Debt Service)	28		Purchase of Prisoner Transport Bus	\$105,000

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Romaine. The resolution passed 18-0.**

Intro. Res. No. 1124A -2006

**BOND RESOLUTION NO. 123 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK,  
AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS TO FINANCE THE  
COST OF THE ACQUISITION OF A POLICE HELICOPTER (CP 3117)**

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 \$5,000,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the acquisition of a police helicopter, as authorized in the 2006 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 \$5,000,000. The plan of financing includes the issuance of \$5,000,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 32 of the Law of the Law, is five (5) years.

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

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

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

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

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

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

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

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Romaine. The resolution passed 18-0.**

Intro. Res. No. 1124-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 124 -2006, APPROPRIATING FUNDS IN CONNECTION  
WITH THE PURCHASE OF AN ADDITIONAL HELICOPTER (C.P. 3117)**

**WHEREAS**, the Police Commissioner has requested funds for the purchase of an additional helicopter; and

**WHEREAS**, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of the purchase of an additional helicopter under Capital Project No. 3117; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, has established a priority ranking system, implemented in the Adopted 2006 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 \$5,000,000 in Suffolk County Serial Bonds; now, therefore, be it

**RESOLVED**, that it is determined that this program with a priority ranking of fifty-eight (58) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

**RESOLVED**, that 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 671.5(25) and (27), in that the resolution concerns purchase of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

**RESOLVED**, that the proceeds of \$5,000,000 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-3117.514 (Fund 001-Debt Service)	28		Purchase of an Additional Helicopter	\$5,000,000

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Eddington made motion for the following resolution, seconded by Legislator Alden. The resolution passed 18-0.**

Intro. Res. No. 1140-2006 Laid on Table 1/17/2006  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 125 -2006, ESTABLISHING A FIREARMS  
QUALIFICATION PROGRAM FOR QUALIFIED RETIRED LAW  
ENFORCEMENT OFFICERS**

**WHEREAS**, the federal "Law Enforcement Officers Safety Act of 2004," 18 U.S.C. section 926C, has granted an exemption to qualified retired law enforcement officers from state laws prohibiting the carrying of concealed firearms; and,

**WHEREAS**, the federal law requires as a condition of the federal exemption that the eligible retiree possess a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; and

**WHEREAS**, the federal law provides that the cost for said training and qualification shall be at the expense of the individual retired law enforcement officer; and

**WHEREAS**, many of the police agencies within Suffolk County receive their initial and annual training from the Suffolk County Police Department; and

**WHEREAS**, the Suffolk County Police Commissioner has indicated his willingness to provide the training to qualified retired law enforcement officers, subject to each retiree supplying his/her own ammunition of a quality approved for use by the Suffolk County Police Department Fire Arms Training Section, signing a release of liability for any actions or incidents occurring during training, said release to be prepared and approved by the Suffolk County Attorney, entering into a memorandum of understanding with the County of Suffolk and paying a non-refundable fee for participation in the training at the Suffolk County Range; and

**WHEREAS**, the administrative, material and personnel costs associated with conducting the training and related functions have been established; and

**WHEREAS**, the Suffolk County Police Commissioner has recommended that an initial fee of \$37.00 be charged for training, qualifying and issuance of a letter of successful completion of training and qualification for each firearm so requested by a qualified retired law enforcement officer; and an additional \$7.00 fee be charged for issuance of a photographic identification card to a qualified law enforcement officer retiree from the Suffolk County Police Department; and

**WHEREAS**, the Suffolk County Police Department does not have the authority to issue photographic identification cards to qualified retired law enforcement officers who are not retirees of the Suffolk County Police Department, but other law enforcement agencies within Suffolk County may accept and adopt Suffolk County training standards as their own and issue their own photographic identification cards to their retirees; and

**WHEREAS**, it is in the best interest of the County of Suffolk, retired law enforcement officers and national security to have qualified retired law enforcement officers properly trained on their concealed firearms and therefore able to offer assistance in emergency and other situations and to adequately defend themselves; now therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Legislature accepts the recommendation of the Suffolk County Police Commissioner and authorizes the establishment of a program for retired law enforcement officer training; and be it further

**2<sup>nd</sup> RESOLVED**, that the Suffolk County Police Commissioner is authorized and directed to implement a firearms qualification training program open to qualified retired law enforcement officers, as that term is defined under the Law Enforcement Officers Safety Act of 2004, who formerly were employed by a law enforcement agency within Suffolk County; to set terms and conditions of the training, one of which conditions shall be that the retired officer supply his or her own ammunition of a quality approved for use by the Suffolk County Police Department; to issue to his or her former law enforcement officers the photographic identification card identifying the date of training and the type(s) of weapon(s) covered by the certification; to collect an initial fee of \$37.00 from the qualified retired law enforcement officer for each firearm used in qualifying; and to collect an additional fee of \$7.00 for each photographic identification card issued, said fees to be reevaluated annually and with the approval of this Legislature, increased as necessary on an annual basis; and be it further

**3<sup>rd</sup> RESOLVED**, that any retired law enforcement officer participating in the program must sign a release prepared by the Suffolk County Attorney prior to and as a condition to participation, said release to be prepared in suitable form for use by the Suffolk County Police Department, protecting the County from liability for any incidents occurring on the Suffolk County Range during the course of the training; and be it further

**4<sup>th</sup> RESOLVED**, that each retired law enforcement officer who completes the training and is issued an identification card shall enter into a memorandum of understanding with the County expressing the officer's understanding of and acceptance of his or her liabilities and responsibilities.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Deputy Presiding Officer Vilorio-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution passed 18-0.**

Intro. Res. No. 1028-2006 Laid on Table 1/3/2006  
Introduced by Legislators Vilorio-Fisher, Montano, Schneiderman, Romaine, Losquadro, Horsley, Browning, Eddington, Mystal, Lindsay, Stern, D'Amaro and Cooper

**RESOLUTION NO. 126 –2006, IMPLEMENTING LEADERSHIP IN ENERGY AND ENVIRONMENT DESIGN (LEED) PROGRAM FOR FUTURE COUNTY CONSTRUCTION PROJECTS**

**WHEREAS**, the LEED Building Rating System 2.1 was developed by the United States Building Council for the United States Department of Energy for use in connection with commercial building projects, as a standard that meets environmental and economic performance of commercial buildings, using established and/or advanced building principles, practices, materials and standards; and

**WHEREAS**, simply paying attention to energy conserving construction techniques could drive down County operating costs on a systematic basis; and

**WHEREAS**, the County of Suffolk could benefit from implementation of such a program for future construction and future major renovation of County buildings; now, therefore, be it

**1st RESOLVED**, that the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section C8-2(W) of the SUFFOLK COUNTY CHARTER, to apply the principles of the LEED Building Rating System 2.1, as a standard that meets environmental and economic performance of commercial buildings, using established and/or advanced building principles, practices, materials and standards, for:

- a.) planning of new construction project occurring on or after the effective date of this Resolution, with a construction cost of \$1,000,000.00 or more; or
- b.) planning of renovation of an existing County building occurring on or after the effective date of this Resolution, which requires the expenditure of \$1,000,000.00 or more;

and be it further

**2nd RESOLVED**, that the Project Check List, attached hereto and made a part hereof as Exhibit "A", shall be followed by the County Department of Public Works in implementing the 1st RESOLVED Clause of this Resolution; and be it further

**3rd RESOLVED**, that any Capital Project meeting the criteria set forth in the 1st RESOLVED Clause shall be ranked in accordance with the certified silver, gold and platinum ranking system set forth in Exhibit "A", separate and apart from the ranking system contained in Resolution No. 571-1998, as amended, which established a formalized priority ranking system for Capital Projects; and be it further

**4th RESOLVED**, that no appropriations for construction may be made for a Capital Project covered by this Resolution unless it receives a "certified" ranking under the Project Check List; and be it further

**5th RESOLVED**, that compliance with the requirements herein may only be waived if:

- a.) the Commissioner of the County Department of Public Works files a Certification with the Suffolk County Legislature and the Suffolk County Executive setting forth the existence of Federal and/or State engineering design standards or historic district or preservation requirements or the existence of special or extraordinary engineering design circumstances which would prevent compliance with the LEED Program; and
- b.) such Certification is accepted and compliance with LEED is waived by a duly enacted resolution of the County of Suffolk;

and be it further

**6th RESOLVED**, that the Suffolk County Council of Environmental Quality (CEQ) shall consider the LEED Building Rating System 2.1 set forth in Exhibit "A", attached hereto and made a part hereof, in its review of County action under SEQRA and Section 279 of the SUFFOLK COUNTY CODE; and be it further

**7th RESOLVED**, that the County Department of Public Works is hereby further authorized, empowered, and directed, pursuant to Section C8-2(W) of the SUFFOLK COUNTY CHARTER, to promulgate such rules and regulations as it deems necessary and appropriate for the implementation and enforcement of any provisions of this Resolution; and be it further

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Montano. The resolution passed 18-0.**

Intro. Res. No. 1066-2006 Laid on Table 1/3/2006  
Introduced by Presiding Officer, on request of the County Executive, Deputy Presiding Officer Vioria-Fisher and Legislators Cooper, Montano, Mystal, Browning, D'Amaro, Eddington, Horsley, and Stern

**RESOLUTION NO. 127 –2006, ADOPTING LOCAL LAW  
NO. 15 –2006, A CHARTER LAW AUTHORIZING THE  
DEPARTMENT OF PUBLIC WORKS TO PERFORM  
EMINENT DOMAIN FUNCTION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on March 24, 2006, a proposed local law entitled, **“A CHARTER LAW AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PERFORM EMINENT DOMAIN FUNCTION,”** and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

**LOCAL LAW NO. 15 –2006, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS  
TO PERFORM EMINENT DOMAIN FUNCTION**

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

**Section 1. Legislative Intent.**

This Legislature finds and determines that the county's eminent domain powers are exercised most frequently in connection with highway projects.

This Legislature further finds that empowering the Department of Public Works to perform condemnation and associated appraisal work will expedite important county road projects and achieve greater administrative efficiency.

This Legislature also finds and determines that the first step in this important management initiative was already taken with the creation of a new Appraisals and Condemnation unit within the Department of Public Works' Highway Division in the 2006 Adopted County Operating Budget.

Therefore, the purpose of this law is to authorize the Department of Public Works to perform the county's eminent domain function in connection with highway and other public works projects in conformity with the 2006 Operating Budget and in furtherance of sound management practices.

**Section 2. Amendments.**

I. Section C8-2 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows.

**ARTICLE VIII**

**Department of Public Works**

\* \* \* \* \*

**§ C8-2. Powers and Duties.**

Except as otherwise provided in this Charter, the Department of Public Works shall:

\* \* \* \* \*

Z.) Conduct hearings and make findings pursuant to the Eminent Domain Law and prepare appraisals or let contracts for appraisals for lands to be acquired by the county pursuant to New York Eminent Domain Procedure Law for county highway and other Public Works projects.

II. Section A8-7 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, presently reserved, is hereby amended to read as follows:

**ARTICLE VIII**

**Department of Public Works**

\* \* \* \* \*

**§A8-7. Conduct of hearings and making of findings pursuant to New York Eminent Domain Law for Department projects.**

A.) The Legislature finds and determines it to be in the public interest that public hearings for Department of Public Works' projects, as required by the New York State Eminent Domain Procedure Law, can best be conducted by the Department of Public Works pursuant to Article II of said law, and that the Department of Public Works, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may establish and amend rules and regulations consistent with the provisions of said law, pursuant to Article VII, § 707 of said law.

B.) After the Legislature approves acquisition of an interest in real property for a Public Works project, the resolution of approval shall delegate unto the Commissioner of the Department of Public Works, and in his or her absence the Chief Deputy Commissioner of the Department of Public Works, the full authority of the Legislature to conduct public hearings and make determinations and findings as to all matters set forth in Article 2 of the New York Eminent Domain Procedure Law.

C.) Public hearings shall be conducted and the notices thereof shall be published and issued pursuant to §§ 201, 202, 203, and 204 of the New York Eminent Domain Procedure Law.

D.) The Commissioner of the Department of Public Works, or in his or her absence, the Chief Deputy Commissioner of the Department of Public Works, shall be deemed a hearing officer with the authority to make determinations and findings pursuant to § 204 of the New York Eminent Domain Procedure Law.

E.) The written determination and findings shall be filed with the Clerk of the County Legislature within 90 days after the conclusion of the public hearing.

F.) The Commissioner of the Department of Public Works, or in his or her absence, the Chief Deputy Commissioner of the Department of Public Works, shall publish a brief synopsis of such filed determinations and findings in at least two successive issues of the official newspapers and in two successive issues of a newspaper of general circulation in such locality, and the publication shall state that copies of the determinations and findings will be forwarded, upon written request, without cost.

G.) The hearing officer may recommend and permit further field studies subsequent to the hearing, pursuant to § 205 of the New York Eminent Domain Procedure Law. The hearing officer may authorize and permit amendments or alterations to accommodate such field conditions if deemed necessary, but the Legislature reserves unto itself the right to approve any changes in the original acquisition maps whereby additional property is required or whereby the acquisition of properties approved in the original maps are deleted.

H.) The Commissioner of the Department of Public Works, and in his or her absence, the Chief Deputy Commissioner of the Department of Public Works, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may, from time to time, make or amend rules and regulations consistent with the provisions of this section in those instances where such provisions are not expressly provided in the New York Eminent Domain Procedure Law; and such rules and regulations or amendments thereto shall be filed with the Clerk of the Legislature and shall be deemed approved by the Legislature and become effective 60 days after filing, unless overturned by a duly enacted resolution of the County of Suffolk.

III. Section A14-31 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

**ARTICLE XIV**

**Department of Planning**

\* \* \* \* \*

**§A14-31. Conduct of hearings and making of findings pursuant to Eminent Domain Law.**

A. The Legislature finds and determines, that with the exception of condemnation proceedings required for highway projects and other projects undertaken by the Department of Public Works, it [to be] is in the public interest that public hearings, as required by the New York State Eminent Domain Procedure Law, can best be conducted by the Department of Planning, pursuant to Article II of said law, and the Department of Planning, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may establish and amend rules and regulations consistent with the provisions of said law, pursuant to Article VII, § 707 of said law.

\* \* \* \* \*

**Section 3. Applicability.**

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

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

This law shall not take effect until at least forty-five (45) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within forty-five (45) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting

against this law in conformity with the provisions of Section 24 of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the office of the Secretary of State.

[ ] Brackets denote deletions  
— Underlining denotes additions

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on February 7, 2006  
Filed with the Secretary of State on March 24, 2006

Date: February 21, 2006

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Alden. The resolution passed 17-0-1-0. Legislator Kennedy abstained.**

Intro. Res. No. 1073A-2006

**BOND RESOLUTION NO. 128 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK,  
AUTHORIZING THE ISSUANCE OF \$100,000 BONDS TO FINANCE THE  
COST OF A SOUND WALL STUDY AT CR 97, NICOLL'S ROAD, BETWEEN  
MONTAUK HIGHWAY AND FURROWS ROAD (CP 5114)**

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 \$100,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of a sound wall study at CR 97, Nicholl's Road, between Montauk Highway and Furrows Road, as authorized in the 2006 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 \$100,000. The plan of financing includes the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 62 of the Law of the Law, is five (5) years.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing

the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

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

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

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

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

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

DATED: February 7, 2006

**\*\*VETOED BY THE COUNTY EXECUTIVE ON FEBRUARY 22, 2006\*\***

**\*\*VETO OVERRIDE ADOPTED MARCH 14, 2006\*\***

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Alden. The resolution passed 17-0-1-0. Legislator Kennedy abstained.**

Intro. Res. No. 1073-2006  
Introduced by Presiding Officer Lindsay

Laid on Table 1/17/2006

**RESOLUTION NO. 129 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING \$100,000 IN FUNDS FOR A SOUND WALL STUDY @ CR 97 NICOLL'S ROAD BETWEEN MONTAUK HIGHWAY AND FURROWS ROAD (CP 5114)**

**WHEREAS**, the growth of Suffolk County has included improvements to the transportation infrastructure enabling motor vehicle traffic volume to increase; and

**WHEREAS**, this increased motor vehicle traffic volume may have increased decibel levels above acceptable public health and safety standards for residential housing in the proximity of County Road 97, between Montauk Highway and Furrows Road; and

**WHEREAS**, noise level research has indicated that a barrier such as a sound wall reduces steady state noise levels associated with motor vehicle traffic; and

**WHEREAS**, a study is necessary to provide the County with the best plan of action for resolving potential public health and safety issues on this section of County Road 97 associated with vehicle traffic noise levels; and

**WHEREAS**, the Adopted 2006 Capital Budget did not include funding for this public health and safety study; and

**WHEREAS**, based on the study's findings and recommendations this capital project may require the planning, design, and construction of a sound wall system necessary to remediate public health and safety issues on this section of County Road 97 associated with vehicle traffic noise levels; 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 2006 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

**RESOLVED**, that the 2006 Capital Budget and Program be and is hereby amended as follows:

Project Number: 1755

Project Title: Infrastructure Improvements for Traffic Safety and Public Safety and Public Health Contingency Project

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Budget &amp; Program</u>	<u>Revised 2006 Capital Budget &amp; Program</u>
3. Construction	\$5,300,000	\$1,900,000B	\$1,800,000B
TOTAL	\$5,300,000	\$1,900,000	\$1,800,000

Project Number: 5114

Project Title: Sound Wall Study @ CR 97 Nicoll's Road between Montauk Highway and Furrows Road

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Budget &amp; Program</u>	<u>Revised 2006 Capital Budget &amp; Program</u>
1. Planning, Design & Supervision	\$100,000	\$0	\$100,000 B
TOTAL	\$100,000	\$0	\$100,000

and be it further

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

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5114.110		Sound Wall Study @ CR 97 Nicoll's Road between Montauk Highway and Furrows Road	\$100,000

and be it further

**RESOLVED**, that it is hereby determined that this project, with a priority ranking of 53 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

**RESOLVED**, that the 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

**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 the Sound Wall Study @ CR 97 Nicoll's Road between Montauk Highway and Furrows Road, Town of Islip; and be it further

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

DATED: February 7, 2006

**\*\*VETOED BY COUNTY EXECUTIVE ON FEBRUARY 22, 2006\*\***

**\*\*VETO OVERRIDE ADOPTED ON MARCH 14, 2006\*\***

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**Legislator Kennedy made motion for the following resolution, seconded by Legislator Montano. The resolution passed 18-0.**

Intro. Res. No. 1085-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 130 -2006, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO A PROPOSED IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 22 - HAUPPAUGE MUNICIPAL (CP 8171)**

**WHEREAS**, by proceedings heretofore duly had and taken pursuant to Article 5A of the County Law, the County Legislature of the County of Suffolk, New York, has established a County sewer district designated and known as Suffolk County Sewer District No. 22 - Hauppauge Municipal; and

**WHEREAS**, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to a proposed increase and improvement of the facilities of said sewer district; and

**WHEREAS**, said County Legislature has duly adopted Resolution No. 1159-2005 on November 22, 2005, calling a public hearing on the aforesaid map and plan and estimate of cost in accordance with the provisions of Section 268 of the County Law, said public hearing held in Riverhead, New York, in said County on December 6, 2005, at 2:30 PM prevailing time; and

**WHEREAS**, the Clerk of the Legislature did duly cause a Notice of Public Hearing to be published at least once in each of then official newspapers of the County as well as other local newspapers, all in the manner and within the time provided by law and proof thereof has been presented to the County Legislature; and

**WHEREAS**, said public hearing was duly held at the time and place aforesaid, at which time all parties interested therein were duly heard; and

**WHEREAS**, said County Legislature has duly considered the evidence given at said public hearing; now, therefore, be it

**RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of Suffolk County Sewer District No. 22 - Hauppauge Municipal at a maximum estimated cost of \$650,000 in Serial Bonds, substantially in accordance with the aforesaid map and plan, and that the cost of said increase and improvement of facilities shall be allocated to the entire area of said sewer district service area, that all property owners served by the District and contractees to the District will be benefited by the improvement and that all of the property and property owners are within the service area. No benefited property has been excluded. The annual cost is based on use of Assessment Stabilization Reserve Funds and will amount to an increase of 3% per year or \$13.20/typical property per year.

Section 2. The Administrative Head of said Suffolk County Sewer District No. 22 - Hauppauge Municipal is hereby authorized and directed to proceed with such improvements of the facilities of said district in the manner provided by Section 262 of the County Law.

Section 3. This resolution shall take effect immediately.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 8, 2006

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**Legislator Eddington made motion for the following resolution, seconded by Legislator Caracappa. The resolution passed 18-0.**

Intro. Res. No. 1086-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 131 -2006, A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IN RELATION TO A PROPOSED IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 7 - MEDFORD (CP 8150)**

**WHEREAS**, by proceedings heretofore duly had and taken pursuant to Article 5A of the County Law, the County Legislature of the County of Suffolk, New York, has established a County sewer district designated and known as Suffolk County Sewer District No. 7 - Medford; and

**WHEREAS**, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to a proposed increase and improvement of the facilities of said sewer district; and

**WHEREAS**, said County Legislature has duly adopted Resolution No. 1154-2005 on November 22, 2005, calling a public hearing on the aforesaid map and plan and estimate of cost in accordance with the provisions of Section 268 of the County Law, said public hearing held in Riverhead, New York, in said County on December 6, 2005, at 2:30 PM prevailing time; and

**WHEREAS**, the Clerk of the Legislature did duly cause a Notice of Public Hearing to be published at least once in each of then official newspapers of the County as well as other local newspapers, all in the manner and within the time provided by law and proof thereof has been presented to the County Legislature; and

**WHEREAS**, said public hearing was duly held at the time and place aforesaid, at which time all parties interested therein were duly heard; and

**WHEREAS**, said County Legislature has duly considered the evidence given at said public hearing; now therefore be it

**RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of Suffolk County Sewer District No. 7 - Medford at a maximum estimated cost of \$300,000 in Serial Bonds, substantially in accordance with the aforesaid map and plan, and that the cost of said increase and improvement of facilities shall be allocated to the entire area of said sewer district service area being less than \$9 per year per typical property, and that all property owners in the District and contractees to the District will be benefited by the improvement and that all of the property and property owners are within the service area. No benefited property has been excluded.

Section 2. The Administrative Head of said Suffolk County Sewer District No. 7 - Medford is hereby authorized and directed to proceed with such improvements of the facilities of said district in the manner provided by Section 262 of the County Law.

Section 3. This resolution shall take effect immediately.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 8, 2006

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**Legislator Horsley made motion for the following resolution, seconded by Legislator Mystal. The resolution passed 16-2. Legislators Alden and Mystal voted no.**

Intro. Res. No. 1089-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 132 -2006, AUTHORIZING EXECUTION OF AGREEMENT  
BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT  
NO. 3 - SOUTHWEST WITH THE OWNER OF TILLES CORPORATE CENTER  
EAST (HU-0999)**

**WHEREAS**, Tilles Corporate Center East is located outside the boundary of Suffolk County Sewer District No. 3 - Southwest; and

**WHEREAS**, Tilles Corporate Center East has previously petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 3; and has been approved to discharge 27,000 gallons per day; and

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

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

**WHEREAS**, the proposed connection has requested and received the approval of the Suffolk County Sewer Agency for an additional daily flow of 33,000 gallons with a connection fee of \$15.00 per gallon per day of sewage capacity for an additional connection fee of \$495,000.00; (if approved, total flow would be 60,000 gallons per day, a total fee of \$900,000); and

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

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

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

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Browning made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution passed 17-1. Legislator Alden voted no.**

Intro. Res. No. 1126-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 133 –2006, TO APPROVE THE LEASE OF FOUR (4) REPLACEMENT VEHICLES IN THE SUFFOLK COUNTY DEPARTMENT OF LABOR, IN COMPLIANCE WITH LOCAL LAW 20-2003.**

**WHEREAS**, Local Law No. 20-2003, "A Local Law to Restrict Purchase of Sports Utility Vehicles (SUV) by Suffolk County" was filed in the Office of the Secretary of State on July 10, 2003; and

**WHEREAS**, Local Law No. 20-2003 stipulates that "6. No vehicle of any nature whatsoever shall be purchased or leased by the County of Suffolk unless: ... (b) the purchase or lease of the vehicle is based on the County Vehicle Standard...; and (c) explicit approval for the acquisition of such vehicle, via lease or purchase, has been granted via duly enacted Resolution of the County of Suffolk."; and

**WHEREAS**, the Suffolk County Department of Labor included funding for program vehicles in the 2006 Operating Budget Request, and the vehicles were approved and funded in the 2006 Adopted Budget; and

**WHEREAS**, the Code of Federal Regulations, Title 48, Part 31 categorizes vehicle lease costs for federal grant programs as an "allowable cost" to the extent that the rates are reasonable; and

**WHEREAS**, these four (4) leased vehicles are program vehicles used for transporting participants for the Suffolk Works Employment Program and the Workforce Investment Act (WIA) Youth Conservation Corps, and the cost is allocated to these grant programs in compliance with the approved New York State Cost Allocation Plan for the Suffolk County Department of Labor; and

**WHEREAS**, the existing leases for three (3) full-size vans and one (1) mini-van terminate in March 2006; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the Suffolk County Department of Labor is authorized to initiate the process for the replacement of leased vehicles through the Purchase Requisition process; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Department of Public Works, Purchasing Division, in adherence with New York State General Municipal Law, is hereby authorized to conduct a formal sealed bid process, in which the specifications for these vehicles will comply with the "County Vehicle Standard"; and be it further

3<sup>rd</sup> **RESOLVED**, that the Suffolk County Department of Labor is duly authorized to enter into a contractual agreement to lease the following vehicles:

4 – Full-size 15 passenger vans;

and be it further

4<sup>th</sup> **RESOLVED**, that there will be no net increase in the number of vehicles in the Department's fleet as a result of this Resolution.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Stern made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution passed 18-0.**

Intro. Res. No. 1133-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/17/2006

**RESOLUTION NO. 134 -2006, APPROVING THE APPOINTMENT OF  
CHRISTINE SHIEBLER AS A MEMBER OF THE SENIOR CITIZENS  
ADVISORY BOARD**

**WHEREAS**, Steven Stern resigned as a member of the Senior Citizens Advisory Board as of January 1, 2006; now, therefore, be it

**RESOLVED**, that the appointment of Christine Shiebler, residing at 95 Corey Avenue, Blue Point, NY 11715, as a member of the Senior Citizens Advisory Board to replace Steven Stern, for a term of office expiring July 26, 2008, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of 158-2(B) of the SUFFOLK COUNTY CODE.

DATED: February 7, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: February 14, 2006

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**Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Viloria-Fisher. The resolution passed 17-0-1-0. Legislator Montano abstained.**

Intro. Res. No. 1017-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 1/3/2006

**RESOLUTION NO. 135 -2006, SALE OF COUNTY- OWNED REAL  
ESTATE PURSUANT TO LOCAL LAW 13-1976 IZYDOR GOTTLIB and  
ANNA GOTTLIB, his wife (SCTM NO. 0200-163.00-03.00-002.000)**

**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 163.00, Block 03.00 Lot 002.000 and acquired by Tax Deed on June 26, 1990 from General L. Rains the Deputy County Treasurer of Suffolk County, New York,

and recorded on June 29,1990 in Liber 11094 at Page 514 and described as follows, Town of Brookhaven, Highland Park Map No. 395, Lots 397 & 398 filed in the Office of the Clerk of Suffolk County on November 17,1906; 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**, **Izidore Gottlieb and Anna Gottlieb, his wife**, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2,288. 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 \$2,000, 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 \$2,288, 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 Quitclaim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Izidore & Anna Gottlieb, 1696 Lyn Court, Merrick, New York 11566.

DATED: February 7, 2006

APPROVED BY:

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

Date: February 14, 2006

**MEETING ADJOURNED 6:06PM**  
**TIM LAUBE, CLERK OF THE LEGISLATURE**