

FIFTH DAY
REGULAR MEETING
MARCH 14, 2006

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

The meeting was called to order at 4:03 p. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Viloría-Fisher, Legislators Romaine, Schneiderman, Losquadro, Eddington, Montano, Barraga, Kennedy, Nowick, Mystal, and Cooper.

Legislators Alden and Horsley arrived at 4:04 p.m.

Legislator Stern arrived at 4:05 p.m..

Legislator Browning arrived at 4:06 p.m.

Legislator Caracappa arrived at 4:24 p.m.

Pledge of Allegiance.

Statements and Presentations
Public Portion

Legislator Romaine made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 13-0-0-5. Deputy Presiding Officer Viloría-Fisher, and Legislators Eddington, Montano, D’Amaro, and Cooper were not present.

Intro. Res. No. 1233-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 142 –2006, RELEASING THE COUNTY OF SUFFOLK’S RIGHT OF REVERTER INTEREST IN THE PREMISES KNOWN AS AND BY SCTM NO. 1001-004.00-06.00-032.000 TO FACILITATE DOWNTOWN ECONOMIC REVITALIZATION FOR GREENPORT VILLAGE

WHEREAS, pursuant to Resolution No. 380-1985, the County of Suffolk conveyed to the Village of Greenport (the “Village”) the following described parcel (the “County 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 Southold, County of Suffolk and State of New York, described on the Tax Map of the Suffolk county Real Property Tax Service Agency as District

1001, Section 004.00, Block 06.00, Lot 032.000, and acquired by Tax Deed on February 7, 1985, from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on February 8, 1985 in Liber 9311, at Page CP 572 on 573, and otherwise known as and by Town of Southold, N-L Nezin, E-Village Prop. S-South St. W-L. Nezin;

and

WHEREAS, the County of Suffolk conveyed the above described parcel to the Village for a total sum of \$7,527.17; and

WHEREAS, the transfer of the County parcel by the County of Suffolk was conditioned on the use of the subject parcel only for governmental purposes with all right title and interest reverting to the County of Suffolk if, at any time, the Village attempted to sell or otherwise dispose of said realty; and

WHEREAS, the Village owns an adjacent parcel (the "Village parcel") described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 1001, Section 004.00, Block 06.00, Lot 034.600; and

WHEREAS, the Village moved a building it owned at another location and situated it so that the building straddles the boundary line that once separated the County parcel and the Village parcel which can not now be separated and alienated without considerable cost to the Village; and

WHEREAS, the Village has requested the release of the covenants and restrictions so that the County parcel and the Village parcel can be transferred to a private owner, free from any encumbrances to be utilized for commercial purposes; and

WHEREAS, as consideration for the County releasing its reverter interest and condition that the parcel only be used for governmental purposes in the County parcel, the Village shall pay to the County the sum of Eighty-Thousand (\$80,000.00) dollars which amount exceeds the appraised value of the County parcel; and

WHEREAS, the Village intends to utilize the funds realized by the sale of the County parcel and the Village parcel to complete a project at the Mitchell Park and Marina which will not only benefit Suffolk County residents, but will also promote economic growth and contribute to the Village's downtown revitalization program; and

WHEREAS, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation and the State of New York or the United States of America, with or without consideration; now, therefore be it

1st RESOLVED, that subject to the execution of all agreements(s), all other legal documents and full payment of consideration hereunder, the County of Suffolk hereby sells, transfers, devises, alienates or otherwise extinguishes its right of reverter and condition that the parcel be used for governmental purposes in the County parcel for the amount of Eighty-Thousand (\$80,000.00) dollars, as and for consideration, in favor of the Village, so that the Village will enjoy fee simple absolute ownership of said realty; and be it further

2nd **RESOLVED**, that pursuant to Sections C16-2 and C14-10(E) of the Suffolk County Charter, the County Attorney and the Director of the Division of Real Estate are hereby authorized, empowered and directed to take all steps necessary to effectuate the terms of this Resolution; and be it further

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1237-2006

Laid on Table 2/7/2006

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

RESOLUTION NO. 143 -2006, AMENDING THE ADOPTED 2006 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 - WATER QUALITY PROTECTION FUND, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH A FEASIBILITY STUDY AND OTHER PLANNING NEEDS ASSESSMENT RELATED TO THE DREDGING OF MEETINGHOUSE CREEK (CP 8710.112)

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

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

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

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

WHEREAS, A nitrogen Total Maximum Daily Load (TMDL) is being developed for western Flanders Bay as part of the Peconic Estuary Program due to violations of the state dissolved oxygen standard. The feasibility study and dredging plan will result in the removal of duck farm sludge deposits from Meetinghouse Creek and serve to alleviate nutrient loading to surface waters and improve dissolved oxygen 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; and

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

WHEREAS, there are available Fund 477 funds within the Reserved Fund Balance for Water Quality related projects to support the appropriation of this project within the 2006 Capital Budget and Program; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty eight (58) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

2nd RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Section 617.5 (c) (20), (21) and (27) of Title 6 of the NYCRR and within the meaning of Section 8-019 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and Legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

3rd RESOLVED, that the County of Suffolk hereby continues with its plan to perform a feasibility study and other planning needs assessment related to the dredging of Meetinghouse Creek; and be it further

4th RESOLVED, that sufficient funds exist within Fund 477's Water Quality Reserve Fund Balance component to cover the cost of said transfer; and be it further

5th RESOLVED, that the Adopted 2006 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$75,000

and be it further

6th RESOLVED, that the interfund revenues be and hereby are transferred and accepted in the Capital Fund as follows:

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Water Quality Protection	\$75,000

and be it further

7th RESOLVED, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8710
 Project Title: Water Quality Protection- Meetinghouse Creek

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
1. Planning	\$75,000	\$0	\$75,000
TOTAL	\$75,000	\$0	\$75,000

and be it further

8th RESOLVED, that the transfer in the amount of \$75,000 be and hereby is appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8710.112	50	Feasibility Study for	\$75,000

Dredging of Meetinghouse Creek

and be it further

9th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers to finance this capital project.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro Res. No. 1179-2006 Laid on Table 2/7/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 144 -2006, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE #232

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback & Refund, if paid</u>
Brookhaven:				
0200-543.00-01.00-024.000 Item # 999-90066	2005/06	\$21,615.01	\$0.00	\$21,615.01

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro Res. No. 1181-2006 Laid on Table 2/17/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 145 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #233

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback & Refund, if paid</u>
Brookhaven:				
0200-777.00-05.00-001.008 (Item # 36-34744)	2003/04	\$24,475.79	\$0.00	\$24,475.79

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro Res. No. 1184-2006 Laid on Table 2/7/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 146 -2006, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE #235

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

1st 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

2nd RESOLVED, that the amount of such adjustment or refund be charged back to the respective town as provided by law.

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback & Refund, if paid</u>
Brookhaven:				
0200-246-04-001.001 (Item#9990043)	2005/06	\$14,435.50	\$0.00	\$14,435.50
0200-979.70-01-010.002 (Item# 9990012)	2005/06	\$ 5,166.49 \$0.00		\$ 5,166.49
0200-099-05-020.001 (Item # 9990005)	2005/06	\$ 5,172.82 \$0.00		\$ 5,172.82
0200-034-09-005.002 (Item # 9990004)	2005/06	\$ 2,953.65 \$0.00		\$ 2,953.65
0200-153-06-014.001 (Item # 99900001)	2005/06	\$ 3,668.79 \$0.00		\$ 3,668.79
0206-012-04-029 (Item # 8628396)	2005/06	\$14,482.53	\$0.00	\$14,482.53
0200-330-03-001.001 (Item # 8611205)	2005/06	\$ 9,493.84 \$0.00		\$ 9,493.84
0200-299-01-012 (Item # 8539490)	2005/06	\$ 3,679.61 \$0.00		\$ 3,679.61
0204-009-04-022.001 (Item # 8306436)	2004/05	\$185,767.75	\$0.00	\$185,767.75
0204-009-04-022.001 (Item # 8306436)	2005/06	\$193,858.90	\$0.00	\$193,858.90
0204-005-05-003 (Item # 8304260)	2004/05	\$10,168.33	\$0.00	\$10,168.33
0204-005-05-003 (Item # 8304260)	2005/06	\$10,611.23	\$0.00	\$10,611.23
0200-498-02-026 (Item # 2208430)	2005/06	\$ 6,693.14 \$0.00		\$ 6,693.14

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro Res. No. 1185-2006 Laid on Table 2/7/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 147 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #234

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

1st 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

2nd RESOLVED, that the amount of such adjustment or refund be charged back to the respective town as provided by law.

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback & Refund, if paid</u>
Brookhaven: 0200-497.00-04.00-036.000 (Item# 2210360)	2001/02	\$13,854.41	\$6,163.27	\$7,691.14
0200-976.00-03.00-035.000 (Item# 8231790)	2000/01	\$14,206.74	\$6,609.21	\$7597.53
0200-623.00-01.00-014.001 (Item # 8015836)	2005/06	\$160,993.65	\$0.00	\$160,993.65
0200-977.90-02.00-037.001 (Item # 3426231)	2005/06	\$9,654.64	\$0.00	\$9,654.64

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Vilorio-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1203-2006
Introduced by Presiding Officer

Laid on Table 2/7/2006

RESOLUTION NO. 148 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS MUD CREEK COUNTY PARK ADDITION – KAUFMAN/HELLER PROPERTY, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as Mud Creek County Park Addition – Kaufman/Heller Property, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 1.6 acres of land by Suffolk County for open space preservation purposes; 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 January 18, 2006 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 23, 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 Acquisition of Land for Open Space Preservation Purposes Known as Mud Creek County Park Addition – Kaufman/Heller Property, 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: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1204-2006
Introduced by Presiding Officer

Laid on Table 2/7/2006

RESOLUTION NO. 149 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE MASTIC-SHIRLEY CONSERVATION AREA – BERKOWITZ PROPERTY, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the “Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic-Shirley Conservation Area – Berkowitz Property, Town of Brookhaven”, pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.05 acres of land by Suffolk County for open space preservation purposes; 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 January 18, 2006 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 23, 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 Acquisition of Land for Open Space Preservation Purposes Known as the Mastic-Shirley Conservation Area – Berkowitz Property, 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 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: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1205-2006
Introduced by Presiding Officer

Laid on Table 2/7/2006

RESOLUTION NO. 150 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE SPOSATO PROPERTY, TOWN OF SHELTER ISLAND

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Sposato Property Town of Shelter Island", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 5.99 acres of land by Suffolk County for open space preservation purposes; 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 January 18, 2006 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 23, 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 Acquisition of Land for Open Space Preservation Purposes Known as the Sposato Property, Town of Shelter Island 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: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1206-2006
Introduced by Presiding Officer

Laid on Table 2/7/2006

RESOLUTION NO. 151 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS NOYAC GREENBELT – SCHWABE PROPERTY, TOWN OF SOUTHAMPTON

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as Noyac Greenbelt – Schwabe Property, Town of Southampton", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 14.0 acres of land by Suffolk County for open space preservation purposes; 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 January 18, 2006 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 23, 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 Acquisition of Land for Open Space Preservation Purposes Known as Noyac Greenbelt – Schwabe Property, Town of Southampton 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: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1207-2006
Introduced by Presiding Officer

Laid on Table 2/7/2006

RESOLUTION NO. 152 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE FORGE RIVER COUNTY PARK ADDITION – MCLOUGHLIN PROPERTY, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Forge River County Park Addition – McLoughlin Property, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.128 acres of land by Suffolk County for open space preservation purposes; 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 January 18, 2006 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 23, 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 Acquisition of Land for Open Space Preservation Purposes Known as the Forge River County Park Addition – McLoughlin Property, 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:

- 4.) 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;
- 5.) The property adds to the County park property in the area; and
- 6.) 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: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1208-2006
Introduced by Presiding Officer

Laid on Table 2/7/2006

RESOLUTION NO. 153 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE FORGE RIVER COUNTY PARK ADDITION – KEMPINSKI PROPERTY, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Forge River County Park Addition – Kempinski Property, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.09 acres of land by Suffolk County for open space preservation purposes; 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 January 18, 2006 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 23, 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 Acquisition of Land for Open Space Preservation Purposes Known as the Forge River County Park Addition – Kempinski Property, 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;
- 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: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D'Amario was not present.

Intro. Res. No. 1209-2006
Introduced by Presiding Officer

Laid on Table 2/7/2006

RESOLUTION NO. 154 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED MARINE TRAVEL HOIST, CP #3502, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Marine Travel Hoist, CP #3502, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the funding for the replacement of an aging twenty-five+ year old hoist with one 35 ton Acme Hoist; and

WHEREAS, at its January 18, 2006 meeting, the CEQ reviewed the information submitted by the Suffolk County Police Department in connection with this project; and

WHEREAS, the CEQ recommended that the above activity be considered 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 23, 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 Marine Travel Hoist, CP #3502, 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: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Vilorio-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1186-2006 Laid on Table 2/7/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 155 -2006, ACCEPTING AND APPROPRIATING \$175,000 IN 100% GRANT FUNDING FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE ENHANCEMENT OF THE CHILD CARE DATABASE IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, \$175,000 has been made available to Suffolk County by New York State from Child Care Block Grant Enhanced Implementation funds; and

WHEREAS, the New York State Office of Children and Family Services has approved the Suffolk County Department of Social Services'(DSS) plan to utilize these funds for the purpose of improving DSS' Child Care database; and

WHEREAS, this funding will enable DSS to purchase the equipment and technical services needed to upgrade the existing Child Care database resulting in improved services to clients and child care providers; and

WHEREAS, these expenditures will be 100% funded by the grant allocation and it is in the best interest of Suffolk County to accept these funds; and

WHEREAS, these grant funds have not been included in the 2006 Operating Budget; now, therefore, be it

1st RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept the following funds:

<u>REVENUES:</u>	<u>\$175,000</u>
001-4620 FEDERAL AID: Child Care Block Grant 175,000	

and be it further

2nd RESOLVED, that total funds in the amount of \$175,000 be and they are hereby appropriated as follows:

ORGANIZATIONS: **\$175,000**

Department of Social Services
Child Care Block Grant Enhancement Program
001-DSS-6171

<u>2000 – Equipment</u>	<u>\$128,770</u>
2020 – Office Machines	109,598
2500 – Other Equipment	19,172
<u>3000 – Supplies, Materials and Other Expenditures</u>	<u>\$ 13,680</u>
3160 – Computer Software	13,680
<u>4500 – Fees for Services</u>	<u>\$32,550</u>
4560 – Fees for Services – Non Employees	32,550

DATED: March 14, 2005

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Vilorio-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1170-2006
Introduced by Legislator Eddington

Laid on Table 2/7/2006

**RESOLUTION NO. 156 -2006, ACCEPTING
AND APPROPRIATING A COMMUNITY**

**ENHANCEMENT GRANT IN THE AMOUNT OF \$5,800
FROM THE TOWN OF BROOKHAVEN FOR THE
SUFFOLK COUNTY POLICE DEPARTMENT TO
PURCHASE FINGERPRINTING EQUIPMENT TO
ASSIST CHILD PROTECTION ADVOCATES WITH
100% SUPPORT**

WHEREAS, the Town of Brookhaven allocates community enhancement funds to members of the Town Board to be used to promote and improve the quality of life for the residents within their respective council districts; and

WHEREAS, the Brookhaven Town Board enacted Resolution No. 12A at their December 20, 2005 meeting, allocating \$5,800 to the Suffolk County Police Department for the purpose of purchasing fingerprinting equipment to be utilized by Parent's of Megan's Law; and

WHEREAS, said grant funds totaling \$5,800 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:

<u>REVENUES:</u>	<u>AMOUNT</u>
001-2260-Police Services for Other Governments	\$5,800

ORGANIZATIONS:

Police Department (POL)
General Administration
001-POL-3120

<u>4000-Contractual Expenses</u>	<u>\$5,800</u>
4980-XXXX-Parents For Megan's Law	\$5,800

and be it further

RESOLVED, that the Reporting Category for the County Integrated Financial Management System is P150, and be it further

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

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Vilorio-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1235-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 157 -2006, ACCEPTING AND APPROPRIATING 100% FEDERAL FUNDS FROM THE NEW YORK STATE UNIFIED COURT SYSTEM FOR A CONTRACT WITH THE SUFFOLK COUNTY DEPARTMENT OF PROBATION TO ENHANCE EXISTING DRUG COURT PROGRAM OPERATIONS AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE GRANT RELATED AGREEMENTS

WHEREAS, the New York State Unified Court System-10th Judicial District in Suffolk County has received a drug court enhancement grant from the U.S. Department of Justice; and

WHEREAS, the drug court enhancement grant will provide intensive mental health case management services to defendants suffering from both substance abuse problems and serious mental illness through the Suffolk County Treatment Court; and

WHEREAS, the Suffolk County Probation Department will provide a full-time Probation Officer/Mental Health Case Manager to screen Suffolk County Treatment Court defendants for co-occurring serious mental illness (significant Axis I psychiatric diagnosis) and schedule comprehensive mental health evaluations by the Division of Community Mental Hygiene, ensuring timely completion of those evaluations and prompt referral to appropriate treatment programs following the evaluation, assisting in the development of strategies for sanctions, rewards, and treatment program graduation requirements, providing intensive supportive case management services to defendants, planning and coordinating the activities of the assistant case manager and assisting in the maintenance of case-related information in the Universal Treatment Application (UTA) database; and

WHEREAS, the NYS Unified Court System-10th Judicial District in Suffolk County will provide \$125,614.00 of the federal grant funds over a two year period from July 1, 2005 through June 30, 2007 for Probation Department salary and fringe benefit expenses for services rendered under this Drug Court Enhancement Program; and

WHEREAS, these grant funds have not been included in the 2006 Operating Budget; now, therefore, be it

RESOLVED, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate said unbudgeted grant funds in the amount of \$125,614.00 as follows:

REVENUES

AMOUNT

001- 4089 -Federal Aid: Other

\$125,614.00

APPROPRIATIONS

AMOUNT

Suffolk County Probation Department

Drug Court Program

001-PRO-3176

1000 Personal Service

\$93,742

1100-Permanent Salaries

\$93,742

Employee Benefits (EMP)
Retirement
001-9010

Employee Benefits

\$11,250

8280-State Retirement

\$11,250

Employee Benefits (EMP)
Social Security
001-9030

Employee Benefits

\$7,172

8330-Social Security

\$7,172

Employee Benefits (EMP)
Benefit Fund Contribution
001-9080

Employee Benefits

\$2,562

8380-Benefit Fund Contribution

\$2,562

Interfund Transfer (IFT)
Transfer to Self Health Insurance
001-E039

Interfund Transfer

\$10,888

9600-Transfer to Funds

\$10,888

and be it further

RESOLVED, that the following position be and it hereby is created in the Probation Department as follows:

<u>FUND CREATED</u>	<u>JC</u>	<u>SPEC. NO.</u>	<u>POSITION TITLE</u>	<u>GRADE</u>	<u>NO. CREATED</u>
001-3176-0100	C	6511	Probation Officer	21	1

and be it further

RESOLVED, that following the creation of the above position the following position be and it hereby is abolished in the Probation Department as follows:

<u>FUND</u>	<u>JC</u>	<u>SPEC. NO.</u>	<u>POSITION TITLE</u>	<u>GRADE</u>	<u>NO.ABOLISHED</u>
001-3189-0100-0033	c-2	6511	Probation Officer	21	1

and be it further

RESOLVED, that the County Executive be and hereby is authorized to execute related agreements; and be it further

RESOLVED, that the Reporting Categories for the County Integrated Financial Management System (IFMS) for the Probation Department is PR53.

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro Res. No. 1180-2006 Laid on Table 2/7/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 158 -2006, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE COUNTY AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR 100% FEDERAL AND STATE AID FUNDING FOR THE

CONTINUATION OF THE HOV BUS SERVICE ON THE LONG ISLAND EXPRESSWAY FOR 2006

WHEREAS, the New York State Department of Transportation has requested an extension of the bus service which operates in the High Occupancy Lane of the Long Island Expressway for the period January 1, 2006 through December 31, 2006, at no cost to the County; and

WHEREAS, Federal and State funding in the amount of 100% has been made available for the service; and

WHEREAS, the Federal funds are in the amount of \$560,000 and the State funds are in the amount of \$140,000 for a total of \$700,000; and

WHEREAS, sufficient funds as well as the revenue estimates have been included in the 2006 Operating Budget for these services; and

WHEREAS, no County match is required; now, therefore be it

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive materials, 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 County Executive is hereby authorized to execute an agreement with the New York State Department of Transportation to accept these funds.

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1151-2006 Laid on Table 2/7/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 159 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION
NO. 973-2005**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 973-2005; and

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

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

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

Resolution No. 973-2005

In the second RESOLVED paragraph change the Project No.

FROM:

Project No.: 8129
Project Title: SD#7 – Medford Sludge Thickening

	<u>Total Estimated Cost</u>	<u>Current 2005 Capital Program and Budget</u>	<u>Revised 2005 Capital Program and Budget</u>
3. Construction	\$1,000,000	\$1,000,000 X	\$0 X
TOTAL	\$1,000,000	\$1,000,000	\$0

TO:

Project No.: 8170
Project Title: Improvements to SD#3

	<u>Total Estimated Cost</u>	<u>Current 2005 Capital Program and Budget</u>	<u>Revised 2005 Capital Program and Budget</u>
3. Planning, Design & Supervision	\$8,227,317	\$1,000,000X	\$-0-
TOTAL	\$72,075,758	\$1,865,071	\$865,071

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1162-2006
Introduced by Presiding Officer Lindsay

Laid on Table 2/7/2006

**RESOLUTION NO. 160 –2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
1401-2005**

WHEREAS, Resolution No. 1401-2005 amended Capital Project 5648 and authorized an interfund transfer of \$60,000 from pay-as-you-go for the purchase and installation of bicycle racks on Suffolk County Transit Buses; and

WHEREAS, the appropriation and revenue code of the above interfund transfer designated in Resolution No. 1401-2005 is incorrect and must be changed to enable the funding to be appropriated; and

WHEREAS, the project number in Resolution No. 1401-2005 is incorrect and must be changed to enable the funding to be appropriated; now, therefore be it

RESOLVED, the appropriation shown for the pay-as-you-go transfer in the 4th resolved clause of Resolution No. 1401-2005 is hereby corrected and changed from 001-IFT-E525 to **401-IFT-E525**; and be it further

RESOLVED, the revenue code in the 4th RESOLVED clause of Resolution No. 1401-2005 is hereby corrected and changed from 525-IFT-R001 Transfer from General Fund to **525-IFT-R401 Transfer from General Capital Reserve Fund**; and be it further

RESOLVED, the project number in the 3rd RESOLVED clause of Resolution No. 1401-2005 is hereby corrected and changed from 525-CAP-5648.516 to **525-CAP-5648.517**, and be it further

RESOLVED, the project number in the 4th RESOLVED of Resolution No. 1401-2005 is hereby corrected and changed from 525-CAP-5648.516 to **525-CAP-5648.517**.

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1188-2006 Laid on Table 2/7/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 161 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT DANIEL W. SCOVOTTI (S.C.T.M. NO. 0200-980.50-07.00-017.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 980.50, Block 07.00, Lot 017.000, 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, County of Suffolk and State of New York, known and designated as Lots 8488 through 8492 inclusive, as shown on a certain map entitled, “Third Map of Mastic Beach” and filed in the Suffolk County Clerk’s Office on November 11, 1926 as Map No. 626; 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, DANIEL W. SCOVOTTI has made application of said above described parcel and DANIEL W. SCOVOTTI has paid the application fee and \$1,278.00, 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 DANIEL W. SCOVOTTI, 5 Kingwood Road, Scarsdale, New York 10583, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1189-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 162 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT MARCELLO CAJAMARCA and RODOLFO BONILLA (S.C.T.M. NO. 0200-975.40-02.00-035.000)

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 975.40, Block 02.00, Lot 035.000, 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, bounded northerly by James Street, bounded easterly by now or formerly Gerard Steuart, bounded southerly by now or formerly Alecsi Rubio; bounded westerly by Medford Avenue S.R. 112; 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, MIGUEL A. CANTEROS, as Mortgagee, has made application of said above described parcel and MIGUEL A. CANTEROS, as Mortgagee, has paid the application fee and \$31,121.09, 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 MARCELLO CAJAMARCA and RODOLFO BONILLA, 201 Medford Avenue, Patchogue, New York 11772, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1191-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 163 -2006, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 CATANIA
FAMILY TRUST (S.C.T.M. NO. 0200-094.00-01.00-008.000)**

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 094.00, Block 01.00, Lot 008.000 and acquired by Tax Deed on January 30, 2001 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on February 13, 2001 in Liber 12102 at Page 255 and described as follows, Town of Brookhaven, N x now or formerly Kopcienski, E x now or formerly Kopcienski, S x now or formerly Catania, W x to a point; 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, the Catania Family Trust, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$350.00. 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 \$350.00, 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 \$350.00, 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 to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Catania Family Trust, Michael J. Catania, Trustee, 18 St. George Glen Drive, Setauket, NY 11733.

DATED: March 14, 2006

APPROVED BY:

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

Date: March 16, 2006

Legislator Mystal made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1168-2006
Introduced by Legislator Kennedy

Laid on Table 2/7/2006

**RESOLUTION NO. 164 –2006, AMENDING THE 2006
OPERATING BUDGET AND TRANSFERRING FUNDS FOR
LONG ISLAND CARES**

WHEREAS, Resolution No. 1037-2005 provided \$10,000 in the Department of Social Services for the contract agency, Harry Chapin Food Pantry, pseudo code HMT1; and

WHEREAS, the contract agency’s correct legal name is “Long Island Cares”, pseudo code AKL3, which is included in the Department of Social Services; and

WHEREAS, to enable the Department of Social Services to execute a contract and ensure that the agency receives the funding as soon as possible, the funding appropriated needs to be transferred from pseudo code HMT1 to AKL3; and

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

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

RESOLVED, that the 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>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	DSS	HMT1	6004	4980	Harry Chapin Food Pantry	-\$10,000

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	DSS	AKL3	6004	4980	Long Island Cares	+\$10,000

and be it further

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Alden made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1176-2006
Introduced by Legislator Alden

Laid on Table 2/7/2006

**RESOLUTION NO. 165 –2006, AMENDING THE ADOPTED
2006 OPERATING BUDGET AND TRANSFERRING FUNDS
FOR VARIOUS CONTRACTED AGENCIES AND TO THE
DOWNTOWN REVITALIZATION PROGRAM (CP 6412)**

WHEREAS, the 2006 Adopted Operating Budget includes funds for various downtown revitalization projects located in the Town of Islip; and

WHEREAS, it is the desire of the Legislature to have the Town of Islip administer certain projects as part of their downtown revitalization program to improve efficiencies; and

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

1st 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:

FD	AGY	RORG	XORG	R/Xorg Name	Obj	Amount
001	IFT	E525	E525	Transfer to Fund 525 CAP FD-9550	9600	+ \$95,500
001	ECD	GZJ1	6410	Bay Shore Chamber of Commerce	4980	- \$2,500
001	ECD	GWE1	6410	East Islip Main St. Restoration	4980	- \$50,000
001	ECD	HRK1	6410	Wishful Seeds/Islip Terrace Improvement	4980	- \$43,000

REVENUES:

FD	AGY	Rorg			Amount
001	IFT	R001		Transfer from General Fund	\$95,500

and be it further

2nd RESOLVED, that Ninety-Five Thousand Five-hundred Dollars (\$95,500), is hereby allocated as follows:

<u>Project No.</u>	<u>Project Name</u>	<u>Amount</u>
525-6412.312	Suffolk County Downtown Revitalization Program	\$95,500

and, be it further

3rd RESOLVED, that \$95,500 is allocated for the sole purpose of Downtown Revitalization Program and said funds are to be administered by the Town of Islip and to the following specific downtown revitalization programs:

<u>PROGRAM</u>	<u>AMOUNT</u>
Bay Shore Chamber of Commerce	\$2,500
East Islip Main Street Restoration Project	\$30,000
Wishful Seeds/Islip Terrace Improvement	\$43,000
Chamber of Commerce of the Greater Ronkonkomas	\$20,000

and be it further

4th RESOLVED, that the Commissioner of the County Department of Economic Development and Workforce Housing is hereby authorized, empowered, and directed, pursuant to Section 35-2(V) of the SUFFOLK COUNTY CHARTER, to fully implement the 3rd RESOLVED clause of this Resolution; and be it further

5th RESOLVED, that the 2006 Adopted Operating Budget be and it hereby is amended as follows:

FROM:

<u>FD</u>	<u>AGY</u>	<u>RORG</u>	<u>XORG</u>	<u>Xorg Name</u>	<u>Object</u>	<u>Amount</u>
001	ECD	6410	GZJ1	Bay Shore Chamber of Commerce	4980	- \$16,000

TO:

001	DSS	GZP1	6010	Friends of Karen	4980	+ \$5,000
001	EXE	XXXX	7320	Lumber Jack Lou's Community Boxing	4980	+ \$2,000
001	EXE	XXXX	7320	St. Peter the Apostle Youth Ministry	4980	+ \$1,000
001	EXE	GVJ1	6510	Suffolk County United Veterans	4980	+ \$3,000
001	HSV	XXXX	4007	Eastern Suffolk BOCES	4980	+ \$5,000

and be it further

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

7th RESOLVED, that the County Executive's Budget Office is authorized to assign appropriate pseudo codes as necessary.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1227-2006

Laid on Table 2/7/2006

Introduced by Legislator Caracappa

**RESOLUTION NO. 166 -2006, AMENDING THE 2006
OPERATING BUDGET AND TRANSFERRING FUNDS TO
VARIOUS CONTRACTED AGENCIES**

WHEREAS, insufficient funding was included in the 2006 Adopted Operating Budget to fund the Middle Country Lacrosse, Centereach Touchdown Club, and the Newfield Wolverine Den; and

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

RESOLVED, that the 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>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>Amount</u>
001	EXE	HFW1	7320	4980	Middle Country Athletic Booster Club	-\$10,000

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>Amount</u>
001	EXE	XXXX	7320	4980	Middle Country Lacrosse	\$5,000
001	EXE	XXXX	7320	4980	Centereach Touchdown Club	\$2,500
001	EXE	XXXX	7320	4980	Newfield Wolverine Den	\$2,500

and be if further

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

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Deputy Presiding Officer Vioria-Fisher. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro Res. No. 1231-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 167 -2006, AMENDING THE ADOPTED 2006 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM, APPROPRIATING FUNDS IN CONNECTION WITH, AND AUTHORIZING ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM FOR THE LOUGHLIN PROPERTY – 5.0±ACRES UNDER THE OPEN SPACE COMPONENT – AND 5.0± ACRES UNDER THE FARMLAND DEVELOPMENT RIGHTS COMPONENT (TOWN OF ISLIP – SCTM NO. 0500-357.00-03.00-033.000)

WHEREAS, Local Law No. 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plans for Sewers, Environmental Protection and County Taxpayers,” authorized the use of 13.55 percent of sales, and compensating use tax proceeds generated each year of open space acquisition, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, Local Law No. 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers,” Section C12-2.C, authorizes the use of 7.5 percent of sales and compensating use tax proceeds generated each for farmland development rights acquisition, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, Resolution No. 775-2003, authorized planning steps for the acquisition of the Loughlin Property in the Town of Islip under the New Suffolk County Drinking Water Protection Program-Farmland Development Rights Component; 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, adequate funding is provided within the Fund 477 Reserved Fund Balance, pursuant to Section 12-2(A)(1) and 12-2(C) of the SUFFOLK COUNTY CHARTER, for the acquisition of Open Space and Farmland Development Rights, respectively; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty eight (58) is eligible for approval in accordance with the provisions of Resolution

No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

2nd RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program established by Section 12-2(A)(1) and 12-2(C), respectively of the SUFFOLK COUNTY CHARTER and implemented under Article XII of the SUFFOLK COUNTY CHARTER, in the amount of one million one hundred fifty thousand eight hundred twenty five dollars (\$1,150,825.00±) for the Open Space Component (5.0± acres), and one million one hundred fifty thousand eight hundred twenty five (\$1,150,825.00±) for the Farmland Development Rights Component (5.0± acres), 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:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0500 Section 357.00 Block 03.00 Lot 033.000	10.3± acres	Bernard Loughlin 160 Sunrise Highway Sayville, NY 11782

and be it further

3rd RESOLVED, that the Adopted 2006 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$2,301,650

and be it further

4th RESOLVED that the interfund revenues be and hereby are transferred and accepted in the Capital Fund as follows:

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Water Quality Protection	\$2,301,650

and be it further

5th RESOLVED, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8708
Project Title: Water Quality Protection- Farmland Development Rights

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
2. Land Acquisition	\$18,803,825	\$0	\$1,150,825
TOTAL	\$18,803,825	\$0	\$1,150,825
Project No.:	8709		
Project Title:	Water Quality Protection- Open Space		

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
2. Land Acquisition	\$23,881,149	\$0	\$1,150,825
TOTAL	\$23,881,149	\$0	\$1,150,825

and be it further

6th RESOLVED, that the transfer in the amount of \$2,301,650.00 be and hereby is appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8708.210 (Ref. 525-CAP-87001)	Suffolk County New Drinking Water Protection Program-Farmland Development Rights	\$1,150,825.00
525-CAP-8709.210 (Ref. 525-CAP-87002)	Suffolk County New Drinking Water Protection Program-Open Space	\$1,150,825.00

and be it further

7th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, to the Capital Fund required to finance this Capital Project; and be it further

8th RESOLVED, Resolution No. 284-2003 authorized the acquisition of farmland development rights of the subject property by the County of Suffolk under Section 12-2(C) of Article XII as amended by Local Law No. 35-1999; and be it further

9th RESOLVED, the subject property was approved for purchase of development rights by the Farmland Select Committee, which is the continuing agency of Suffolk County Government charged with the administration and functions of the Suffolk County Farmland Preservation Program, which include the recommendation and prioritization of lands whose development rights may be acquired pursuant to this Program; and be it further

10th 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 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

11th RESOLVED, that the Division of Real Estate in the County Department of Planning is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all appropriate steps to acquire fee simple absolute or a lesser interest (i.e. conservation easement) of the subject parcels; and be it further

12th RESOLVED, that the above activity for the Open Space component (5.0± acres) is an unlisted action pursuant to the provisions of the Title 6 NYCRR, Part 617; and be it further

- 1) the proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617.7 which sets forth a threshold for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2) the properties contain 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 that the proposed acquisition and preservation of the site would have;

and be it further

13th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that the above activity for the Farmland Development Rights component constitutes a Type II actions pursuant to 6 NYCRR Section 617.5 (c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering an implementing land acquisition as part of the Suffolk County Farmland Preservation Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued; and be it further

14th 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 of determinations in accordance with this resolution.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Nowick made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 15-0-2-1. Legislators Schneiderman and Alden abstained. Legislator D'Amaro was not present.

Intro. Res. No. 1241-2006

Laid on Table 2/7/2006

Introduced by Legislator Nowick, Presiding Officer Lindsay and Legislators Montano, Cooper D'Amaro, Losquadro, Romaine, Eddington, Horsley, Browning, Mystal, Stern, and Viloría-Fisher

**RESOLUTION NO. 168 –2006, TO ESTABLISH THE
HOMEOWNERS TAX REFORM COMMISSION**

WHEREAS, recent newspaper reports show young people are leaving Long Island in ever increasing numbers because of the high cost of living, primarily because of real estate taxes; and

WHEREAS, senior citizens are finding it more and more difficult to remain near their families on Long Island, primarily because of real estate taxes; and

WHEREAS, our economic base may be endangered by the loss of workers including construction workers, nurses, factory and office workers who are driven away by the high cost to live on Long Island; and

WHEREAS, the cost of housing and real estate taxes are factors in the loss of residents who have previously served as volunteer fire fighters, and ambulance and emergency responders in our communities; and

WHEREAS, if double digit school taxes increases continue, by the end of this decade real estate taxes in many communities will have doubled; now, therefore, be it

1st RESOLVED, that the Suffolk County Homeowner Tax Reform Commission is hereby established for the purposes of studying alternatives to our current system of real estate taxation, including the potential to replace real estate taxes, for owner-occupied single family homeowners only, with an income tax that would ultimately be paid to the respective taxing jurisdictions where the owner-occupied residence is located; and be it further

2nd RESOLVED, that this Commission shall also study the feasibility of utilizing other sources of revenue, including sales and mortgage taxes and/or a local lottery, as alternatives to the property tax; and be it further

3rd RESOLVED, that the Homeowner Tax Reform Commission shall consist of the following 17 members:

- 1) the Presiding Officer, or his designee;
- 2) the County Executive, or his designee;
- 3) the Minority Leader of the Suffolk County Legislature, or his designee;
- 4) the Director of the Legislature's Office of Budget Review, or her designee;
- 5) a representative from the Suffolk County Assessor's Association;

- 6) a representative from the Suffolk County Tax Receivers and Collectors Association;
- 7) a representative from the Nassau/Suffolk School Boards Association;
- 8) a Long Island representative of the New York State Council of School Superintendents;
- 9) a representative of the Regional Chapter of New York State United Teachers (NYSUT);
- 10) the Suffolk County Comptroller, or his designee;
- 11) an individual with mortgage/banking experience to be selected by the Suffolk County Legislature;
- 12) a representative from a recognized taxpayer advocacy organization;
- 13) a tax advisor or Certified Public Accountant, to be selected by the Presiding Officer of the Suffolk County Legislature;
- 14) a representative of the Long Island Association, Inc.;
- 15) a representative of the Long Island Board of Realtors;
- 16) a representative of the Suffolk Chapter of the Government Finance Officers Association; and
- 17) a representative from the Long Island Federation of Labor;

and be it further

4th RESOLVED, that the Presiding Officer shall designate a Chairperson of the Commission prior to its first meeting, and that the Commission 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 Chairperson of the Commission; and be it further

5th RESOLVED, that the members of said Commission shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

6th RESOLVED, that the Commission 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 therefor signed by at least five (5) members of the Commission. 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

7th RESOLVED, that nine (9) members of the Commission shall constitute a quorum to transact the business of the Commission at both regular and special meetings; and be it further

8th RESOLVED, that clerical services involving the month-to-month operation of this Commission, as well as supplies and postage as necessary, will be provided by the staff of the Legislative Office of Budget Review and the Legislative Clerk's Office; and be it further

9th RESOLVED, that the Commission may submit requests to the County Executive and/or the County Legislature for approval for the provision of secretarial services, travel expenses, or retention of consultants to assist the Commission with such endeavors, said total expenditures not to exceed Two Thousand (\$2,000.00) per fiscal year, which services shall be subject to Legislative approval; and be it further

10th **RESOLVED**, that the Commission 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

11th **RESOLVED**, that the Commission may delegate to any member of the Commission the power and authority to conduct such hearings and meetings; and be it further

12th **RESOLVED**, that the Commission 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

13th **RESOLVED**, that the Commission is hereby authorized, empowered, and directed to hold at least three (3) public hearings throughout the County of Suffolk to assemble the data and information necessary to complete the evaluation, 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

14th **RESOLVED**, that this Commission 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; and be it further

15th **RESOLVED**, that the Commission shall expire, and the terms of office of its members terminate, as of September 1, 2006 at which time the Commission shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

16th **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

17th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Legislator D'Amara was not present.

Intro. Res. No. 1242-2006
Introduced by Presiding Officer Lindsay

Laid on Table 2/7/2006

**RESOLUTION NO. 169 -2006, TRANSFERRING
CONTINGENT FUNDING FOR VARIOUS CONTRACT
AGENCIES (PHASE I)**

WHEREAS, funds were included in a Legislative Contingency account in the 2006 Operating Budget (001-MS-1994-4981) to supplement County services via non-profit agencies; and

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

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

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

RESOLVED, that the Adopted 2006 County Operating Budget is hereby amended as shown in the attached Appendix A, which is attached hereto and made a part of this resolution.

DATED: March 14, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 27, 2006

APPENDIX A		
FROM:	AMOUNT	
001-MSC-1994-4981 Contingent: Legislative Programs	\$67,000	
TO:		
CONTRACT AGENCY	Phase I-2006	FD-AG-ORG-OBJ
Ada Howe Kent Memorial Shelter, Inc.	\$1,500	001-HSV-4022-4981
American Legion Post 833 - Smithtown	\$2,500	001-EXE-6510-4981
American Legion Post 944	\$2,500	001-EXE-6510-4981
AMVETS Post #18	\$500	001-EXE-6510-4981
Child Development & Learning Center, Inc.	\$2,000	001-EXE-7326-4981
East End Aircraft L I, Inc.	\$5,000	001-DPW-1490-4981
Fort Salonga Association, Inc.	\$2,000	001-ECD-6410-4981
Great River Fire Department	\$500	001-FRE-3400-4981
Griswold Terry Glover Post # 803 Southold	\$2,500	001-EXE-6510-4981
Hands Across Long Island, Inc.	\$1,000	001-HSV-4310-4981
HANDS, Inc.	\$500	001-EXE-8050-4981
Islip Fire Department	\$500	001-FRE-3400-4981
Islip Terrace Fire District	\$500	001-FRE-3400-4981
Keep Islip Clean, Inc. (KIC)	\$500	001-ECD-6410-4981
Ketcham Inn Foundation, Inc.	\$2,500	001-PKS-7510-4981
Kings Park Rangers Baseball Club, Inc.	\$2,000	001-EXE-7320-4981
Kings Park Soccer Organization, Inc.	\$2,000	001-EXE-7320-4981
Little League Baseball Inc. - Sunrise #2 Little League	\$1,500	001-EXE-7320-4981
Long Island Blue Jays Jr. Drum & Bugle Corps., Inc.	\$2,000	001-EXE-7320-4981
Long Island Gay and Lesbian Youth, Inc.	\$1,000	001-EXE-7320-4981
Long Island Housing Services, Inc.	\$1,500	001-ECD-6410-4981
Mattituck - Cutchoguc Union Free School District	\$2,500	001-POL-3542-4981
Moriches Community Center, Inc.	\$2,000	001-EXE-7326-4981
New York State Association for Retarded Children, Inc. - Suffolk Chapter (NYSARC)	\$500	001-EXE-7320-4981
Open Arms Care Center, Inc.	\$1,500	001-DSS-6004-4981
Retreat, Inc.	\$1,500	001-DSS-6035-4981
Sayville Historical Society	\$2,000	001-PKS-7510-4981
Skills Unlimited Inc.	\$500	001-HSV-4320-4981
St. Mary's R.C.C. - Youth Ministry	\$1,000	001-EXE-7320-4981
St. Patrick Church - Hospitality Center	\$500	001-DSS-6004-4981

Stony Brook Foundation, Inc. - The Sunrise Fund School Reentry Program	\$4,000	001-HSV-4330-4981
Suffolk County Coalition Against Domestic Violence, Inc.	\$500	001-DSS-6017-4981
Suffolk County Girl Scouts Council, Inc.	\$2,500	001-EXE-7326-4981
Suffolk County Girl Scouts Council, Inc. (SU 44)	\$500	001-EXE-7326-4981
Suffolk County Veteran Halfway House Project, Inc.	\$2,000	001-EXE-6510-4981
The Bohemia Historical Society	\$500	001-PKS-7510-4981
The East Islip Historical Society	\$500	001-PKS-7510-4981
The Greater Sayville Food Pantry	\$1,000	001-DSS-6004-4981
The Island Workshop Studios, Inc.	\$1,000	001-ECD-6410-4981
The Suffolk County Senior Citizens Chorus, Inc.	\$500	001-EXE-6773-4981
United Cerebral Palsy Association of Greater Suffolk, Inc.	\$2,500	001-EXE-8050-4981
VFW Post 5796	\$2,500	001-EXE-6510-4981
VFW Sgt. John W Cook Post 395	\$2,500	001-EXE-6510-4981
	\$67,000	

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 16-0-1-1. Legislator Alden abstained. Legislator D’Amaro was not present.

Intro. Res. No. 1153-2006

Laid on Table 2/7/2006

Introduced by Legislators Cooper and Romaine

RESOLUTION NO. 170 –2006, TO EVALUATE THE FEASIBILITY OF ESTABLISHING A RENEWABLE ENERGY PARK ON COUNTY PROPERTY

WHEREAS, the County of Suffolk has historically been a nationwide leader in the preservation of the environment; and

WHEREAS, power generation from polluting non-renewable resources, such as oil and coal, results in serious human impairments, negative impacts on wildlife, plant life and the natural environment; and

WHEREAS, energy conservation efforts have not fulfilled their promise to reduce the serious negative impacts caused by fossil fuels used for energy generation; and

WHEREAS, the use of clean renewable energy sources, such as wind, solar, ocean, geothermal and hydro, have many benefits including minimal environmental impacts, increased income for local producers of such energy sources and dramatic air quality improvements; and

WHEREAS, the County of Suffolk has land available, which land may be suitable for the establishment of a renewable energy park; and

WHEREAS, there are numerous companies that may be interested in the opportunity to establish a renewable energy park on such County property; and

WHEREAS, prior to considering such a project, this Legislature must evaluate the potential for a successful renewable energy park; now, therefore be it

1st **RESOLVED**, that the Commissioner of the Department of Public Works is hereby authorized, empowered and directed pursuant to Section C8-2(W) of the SUFFOLK COUNTY CHARTER to issue a Request for Expressions of Interest (RFEI) from renewable energy producers to evaluate the feasibility of establishing a renewable energy park on any County owned property; and be it further

2nd **RESOLVED**, that responses to such RFEI should be evaluated considering the following:

1. Feasibility of the project,
2. Agreement with property owners where the County owns the development rights,
3. Interconnection and power sale agreements with the Long Island Power Authority,
4. Regulatory and permitting issues,
5. Potential for payments to the County or to the owners of the underlying property rights,
6. Any aesthetic impact that the construction of a renewable energy park may have on the surrounding area, and
7. The feasibility of blending energy technologies to maximize the practical benefit of renewable energy projects;

and be it further

3rd **RESOLVED**, that all responses to the RFEI shall be evaluated by the Commissioner of Public Works and presented to all members of the County Legislature within one (1) year subsequent to the effective date of this resolution; and be it further

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 16-0-0-2. Deputy Presiding Officer Viloria-Fisher was recused. Legislator D'Amato was not present.

Intro. Res. No. 1160-2006
Introduced by Presiding Officer

Laid on Table 2/7/2006

RESOLUTION NO. 171 –2006, APPOINTING VIVIAN VILORIA-FISHER AS A MEMBER OF THE SUFFOLK COUNTY SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, the Suffolk County Board of Supervisors established a Soil and Water Conservation District by Resolution No. 245 of 1964; and

WHEREAS, State Law requires two members of the Legislature be appointed to the Soil and Water Conservation District; and

WHEREAS, Brian X. Foley's legislative term ended on December 31, 2005; now, therefore, be it

1st RESOLVED, that Vivian Viloria-Fisher, with offices at 46 Route 25A – Suite 5, East Setuaket, NY 11733, be and is hereby appointed as a member of the Soil and Water Conservation District to fill the term that will expire on December 31, 2006, said appointment having been made pursuant to the provisions of Section 6 of the NEW YORK SOIL CONSERVATION DISTRICTS LAW.

DATED: March 14, 2006

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

Legislator Nowick made motion for the following resolution, seconded by Legislator Kennedy. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1193-2006
Introduced by Legislator Nowick

Laid on Table 2/7/2006

RESOLUTION NO. 172 -2006, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM (MILLS POND PROPERTY) TOWN OF SMITHTOWN

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

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

1st RESOLVED, that the Director of the Division of Real Estate, or his deputy, is hereby authorized, empowered, and directed, pursuant to Section C14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Acquisition Program for acquisitions to be consummated for parkland purposes;

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0800 Section 040.00 Block 02.00 Lot 002.000	2	Arthur and Carol Cotins 178 Mills Pond Road St. James, NY 11780

and be it further

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

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

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Romaine made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1222-2006
Introduced by Legislator Romaine

Laid on Table 2/7/2006

RESOLUTION NO. 173 –2006, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (RIVERSIDE DRIVE PROPERTY – TOWN OF RIVERHEAD)

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

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

WHEREAS, these parcels shall be acquired in partnership with the Town of Riverhead and shall require a Town Board Resolution providing commitment to share fifty percent (50%) of the cost; now, therefore, be it

1st RESOLVED, that the parcels listed in Exhibit "A", consisting of approximately 55.1 acres, are hereby approved for preliminary planning steps and ultimate inclusion in the New Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER; and be it further

2nd RESOLVED, that the parcels listed in Exhibit “A” meet the criteria required by the New Drinking Water Protection Program in that they are lands “located fully or partially within a statutorily designated Special Groundwater Protection Area”; and be it further

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

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

5th RESOLVED, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK

COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

6th RESOLVED, that the Director of the Division of Real Estate within the County Planning Department, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to 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

7th 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 parcels; and be it further

8th RESOLVED, that these parcels shall be acquired in partnership with the Town of Riverhead and shall require a Town Board Resolution providing a commitment to share fifty percent (50%) of the cost; and be it further

9th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1230-2006 Laid on Table 2/7/2006
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. 174 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT – DOVALE

PROPERTY - FORGE RIVER WATERSHED – (TOWN OF BROOKHAVEN – SCTM NO. 0200-825.00-01.00-004.000 AND 005.000)

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

1st 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 Seventy Thousand Dollars (\$70,000.00±), 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:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
No. 1	District 0200 Section 825.00 Block 01.00 Lot 004.000 & 005.000	0.40± acres	William Dovale 390 West Shore Court Moriches, NY 11955

and be it further

2nd 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 Seventy Thousand Dollars (\$70,000.00±), subject to final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve \$70,000.00±, 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

4th 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

5th 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, one (1) Workforce Housing Development Right (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

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

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

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

- 1.) the proposed action will not exceed any of the criteria in 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

9th 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: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2006

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1232-2006

Laid on Table 2/7/2006

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

RESOLUTION NO. 175 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT – SCHWABE PROPERTY - NOYACK GREENBELT ADDITION – (TOWN OF SOUTHAMPTON – SCTM. NO. 0900-035.00-02.00-054.005)

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. 75-2005 authorized planning steps for the acquisition of this property under the New Drinking Water Protection Program; 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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition in the Town of Southampton under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, for a total purchase price of Three Million Dollars (\$3,000,000.00+), 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:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
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No. 1	District	0900	14.0±	Jerrold Schwabe
	Section	035.00		28 Cordwood Lane
	Block	02.00		East Hampton, NY 11937
	Lot	054.005		

and be it further

2nd 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 Million Dollars (\$3,000,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve \$3,000,000.00±, 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

4th 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

5th 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, one (1) Workforce Housing Development Right (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

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

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

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

- 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 or residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

9th **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: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1212-2006 Laid on Table 2/7/2006
Introduced by Legislators Viloría-Fisher, Romaine, Schneiderman, Nowick, Alden and Stern

RESOLUTION NO. 176 -2006, CREATING A PUBLIC HEALTH NURSING TASK FORCE

WHEREAS, providing for the public health of Suffolk County residents is one of the prime missions of County government; and

WHEREAS, demographic changes in the population of Suffolk County requires greater public education and outreach in providing health care services; and

WHEREAS, the most vulnerable members of our community do not always have the ability to access health facilities; and

WHEREAS, the County’s Public Health Nurses play an important role in our health care system by visiting patients who need monitoring and treatment at home; and

WHEREAS, patients served by public health nurses include infants born with serious health problems, women in high-risk pregnancies, people with AIDS, tuberculosis or other infectious diseases, the disabled and the home-bound elderly; and

WHEREAS, anecdotal evidence suggests that maintaining a strong public health nursing program that delivers timely preventative care and allows elderly and disabled people to live at home rather than in nursing homes, can reduce overall health care costs; and

WHEREAS, emergency room visits and hospitalizations to treat Ambulatory Care Sensitive (ACS) conditions like ear infections, adult asthma, high blood pressure and diabetes can often be avoided by prior medical care, yet the Long Island Index reports that the rate of hospital discharges with ACS conditions increased by almost 25% on Long Island between 1997 and 2004; and

WHEREAS, the County of Suffolk needs to conduct a thorough cost/benefit analysis of the County's Public Health Nurse Program to determine the benefits, economic and otherwise, of public health nursing to guide county policy in this area; now, therefore be it

1st RESOLVED, that the Public Health Nursing Task Force is hereby created for the purpose of establishing the criteria for a Requests for Proposals (RFP) that will be used to choose a consultant to perform a cost/benefit analysis of the County's Public Health Nurse program; and be it further

2nd RESOLVED, that this Task Force shall consist of the following eleven (11) members:

- 1.) five (5) members to be chosen from the Public Health Nurse Professional Advisory Committee;
- 2.) the County's Public Health Nursing Director, who shall serve as Chairperson;
- 3.) a Department of Health Services Bio-Statistician, chosen by the Commissioner of Health Services;
- 4.) a representative chosen by the Presiding Officer of the Suffolk County Legislature;
- 5.) a representative chosen by the Minority Leader of the Suffolk County Legislature;
- 6.) a representative chosen by the Chair of the Health and Human Services Committee of the Suffolk County Legislature;
- 7.) a representative chosen by the County Executive;

and be it further

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 Chairperson of the Task Force; 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 therefor 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 Department of Health Services; and be it further

8th **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

9th **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

10th **RESOLVED**, that this Task Force shall submit a written report outlining the criteria for the RFP, to each member of the County Legislature and the County Executive, no later than one hundred twenty (120) days subsequent to the effective date of this Resolution for consideration, review, and appropriate action, by the entire County Legislature; and be it further

11th **RESOLVED**, that the Task Force shall expire, and the terms of office of its members terminate, as of September 1, 2006 at which time the Task Force shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

12th **RESOLVED**, that the Department of Health Services shall issue the RFP for consulting services to perform a cost/benefit analysis of the County's Public Health Nursing Program within thirty (30) days after receipt of the Task Force's report outlining the criteria for the RFP; and be it further

13th **RESOLVED**, that the cost/benefit analysis described herein shall not be performed by any outside consultant or consulting firm unless an RFP is issued for those consulting services and 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

14th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: March 14, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 30, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1234-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 177 -2006, REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR ORAL SURGERY SERVICES FOR THE DEPARTMENT OF HEALTH SERVICES, DIVISION OF PATIENT CARE, JAIL MEDICAL UNIT

WHEREAS, Local Law No. 3-1996 requires the County Legislature to approve any contract in excess of \$20,000 awarded pursuant to an RFP process in which only one party responds to the County's solicitation of proposals; and

WHEREAS, the Department of Health Services requested an RFP for "Oral Surgery Services" for the Division of Patient Care, Jail Medical Unit; and

WHEREAS, the Purchasing Division of the Department of Public Works advertised for these services and mailed the RFP to four (4) potential vendors and received only one response from Sharon Pollick, D.D.S.; and

WHEREAS, an independent evaluation committee reviewed the proposal from Sharon Pollick, D.D.S. and found her quality of work and experience satisfactory, and its cost proposal submission within the industry standards, and have recommended that the Department of Health Services enter into a contractual agreement with the provider; and

WHEREAS, there are sufficient funds in the 2006 Suffolk County Operating Budget to cover the cost of this contract; now, therefore be it

1ST RESOLVED, that upon receiving a two-thirds vote of the County Legislature as required by Local Law No. 3-1996 that the Department of Health Services enter into a contractual agreement with Sharon Pollick, D.D.S. for the provision of oral surgery services.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1146-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 178 -2006, AMENDING THE 2006 OPERATING BUDGET IN CONNECTION WITH THE CONSOLIDATION OF COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES

WHEREAS, the position of Director of Information Management currently exists in the County Executive's Office; and

WHEREAS, transferring the Director of Information Management from the County Executive's Office to the Department of Information Technology is in keeping with the County Executive initiative to consolidate the County's technology staff in one area; and

WHEREAS, there are sufficient funds in the 2006 Adopted Operating Budget for the County Executive's Office that can be transferred to the Department of Information Technology Services to fund this position; now, therefore, be it

1st RESOLVED, that the 2006 Operating Budget be and is hereby amended and the following position be and is hereby transferred as follows:

County Executive
001-EXE-1230

<u>Spec. No.</u>	<u>J/C</u>	<u>Position Title</u>	<u>Fd-Org-Unit-Pos</u>	<u>Gr</u>	<u>BU</u>	<u>Change</u>
0580	C	Director of Information Management	001-1230-0100-0750	33	2	-1

Information Technology Services
016-ITS-1680

<u>Spec. No.</u>	<u>J/C</u>	<u>Position Title</u>	<u>Fd-Org-Unit-Pos</u>	<u>Gr</u>	<u>BU</u>	<u>Change</u>
0580	C	Director of Information Management	016-1680-0100-0007	33	2	+1

and be it further

2nd RESOLVED, that the 2006 Adopted Operating Budget be and hereby is amended and that the following appropriations be and hereby are transferred:

APPROPRIATIONS:

County Executive
Office of Budget and Management
001-EXE-1232

	<u>2006 Adopted</u>	<u>2006 Modified</u>	<u>Change</u>
001-EXE-1232-1100: Permanent Salaries	\$1,699,421	\$1,614,296	-\$85,125

Information Technology Services
Management Information Services
016-ITS-1680

	<u>2006 Adopted</u>	<u>2006 Modified</u>	<u>Change</u>
016-ITS-1680-1100: Permanent Salaries	\$4,337,140	\$4,422,265	\$85,125

Interfunds:

<u>Appropriations:</u>	<u>2006 Adopted</u>	<u>2006 Modified</u>	<u>Change</u>
001-IFT-E016-Transfer to Interdepartmental Service Fund	\$17,839,209	\$17,924,334	\$85,125

<u>Revenues:</u>			
016-IFT-R001-Transfer from General Fund	\$17,839,209	\$17,924,334	\$85,125

and be it further

3rd RESOLVED, that the County Executive is authorized to effectuate the above amendment of appropriations and transfer of staff; and be it further

4th RESOLVED, that this Resolution will take effect immediately upon adoption.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 16-1-0-1. Legislator Barraga voted no. Legislator D’Amaro was not present.

Intro. Res. No. 1155-2006

Laid on Table 2/7/2006

Introduced by Legislators Cooper, Romaine and Viloría-Fisher

RESOLUTION NO. 179 -2006, TO ESTABLISH AN ECOLOGY AND TECHNOLOGY (ECO-TECH) PARK IN SUFFOLK COUNTY

WHEREAS, this Legislature has been committed to the development and utilization of alternative fuels, alternative methods of maintaining County parklands and other initiatives designed to protect and preserve the environment of Suffolk County for future generations; and

WHEREAS, this County has established a leadership role in conserving our natural resources; and

WHEREAS, in order to accomplish our goal of securing the environmental future of this County, Suffolk residents must be encouraged to conserve our natural resources and to protect our air and our ground and surface waters from contamination; and

WHEREAS, establishing an Ecology and Technology (Eco-Tech) Park on Suffolk County parkland will provide the residents of Suffolk County with the tools to live more environmentally responsible lives by showcasing eco-friendly technologies, such as solar and wind power, energy conservation, alternatives to lawns, alternatives to chemical pesticides, and hybrid fuel vehicles; and

WHEREAS, fun, yet educational interactive exhibits would demonstrate in a leisurely, passive-park setting how environmentally friendly technology can be incorporated into daily living; and

WHEREAS, these exhibits would be funded through corporate sponsorships, private donations, and educational grants; and

WHEREAS, this Eco-Tech Park would be an ideal site for visits by school children throughout Suffolk County; now, therefore be it

1st RESOLVED, that the Commissioner of Parks, Recreation and Conservation is hereby authorized, empowered, and directed, pursuant to Section C28-4(A) of the SUFFOLK COUNTY CHARTER, to establish an Eco-Tech Park at a site to be chosen by the Commissioner, which park will be designed to provide a learning experience, and to provide Suffolk County residents with the tools to live more environmentally responsible lives using exhibits, including, but not limited to, examples set forth in this Resolution; and be it further

2nd RESOLVED, that the Commissioner of Parks, Recreation and Conservation is further authorized, empowered, and directed to seek corporate sponsorships and grant funding, to the extent permissible by law, to establish the exhibits necessary for an Eco-Tech Park; and be it further

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Mystal made motion for the following resolution, seconded by Legislator Horsley. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1192-2006
Introduced by Legislator Mystal

Laid on Table 2/7/2006

RESOLUTION NO. 180 –2006, APPOINTING MATTHEW W. SWINSON AS A MEMBER OF THE SUFFOLK COUNTY VANDERBILT MUSEUM COMMISSION (TRUSTEE NO. 6)

WHEREAS, the term of office of Bertram E. Seides, as a member of the Suffolk County Vanderbilt Museum Commission expired on December 28, 2005; now, therefore, be it

1st RESOLVED, that **Matthew W. Swinson**, residing at 1690 Westwood Boulevard, Bay Shore, NY 11706, be and is hereby appointed to the Suffolk County Vanderbilt Museum Commission, as Trustee No. 6, for a term of office to expire December 28, 2009, said appointment having been made pursuant to the provisions of Section 184-7(A) of the SUFFOLK COUNTY CODE; and be it further

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

DATED: March 14, 2006

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

Legislator Cooper made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1211-2006
Introduced by Legislator Cooper

Laid on Table 2/7/2006

**RESOLUTION NO. 181 -2006, AUTHORIZING USE OF
MAKAMAH PRESERVE IN NORTHPORT BY NORTHPORT
ROAD RUNNERS CLUB**

WHEREAS, the Northport Road Runners Club is a nonprofit club whose members are active volunteers improving and maintaining nature trails throughout Long Island; and

WHEREAS, the Northport Road Runners Club would like to use the County-owned Makamah Preserve to sponsor a 8K race for the purpose of honoring Dr. Douglas Wood and benefiting the Douglas Wood Scholarship Fund, which funds would be awarded to a promising high school athlete; and

WHEREAS, the race would be held on April 8, 2006 at the Makamah Preserve in Northport; and

WHEREAS, the County of Suffolk shall receive consideration in the total amount of Two Hundred Fifty and 00/100 (\$250.00) Dollars, payment of which shall be guaranteed by the Northport Road Runners Club; and

WHEREAS, the use of County property for such fund drive to benefit the Douglas Wood Scholarship Fund would promote and protect the public health, safety, and general welfare of the residents of Suffolk County; now, therefore, be it

1st RESOLVED, that the use of County-owned property, i.e. the Makamah Preserve in Northport, in consideration of the payment of Two Hundred Fifty and 00/100 (\$250.00) Dollars, for the purpose of a 8K race on April 8, 2006, between the hours of 8:30 a.m. and 11:00 a.m., is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the County’s receipt of a Certificate of Insurance naming the County of Suffolk as an additional insured from the Northport Road Runners Club, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

2nd RESOLVED, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER and Section 378-7 of the SUFFOLK COUNTY CODE to issue a permit to the Northport Road Runners Club. The Department of

Parks, Recreation and Conservation and the County Department of Public Works are further authorized, empowered and directed to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fund drive for support of the services to benefit the public provided by the Northport Road Runners Club at Makamah Preserve in Northport by the Northport Road Runners Club; and be it further

3rd **RESOLVED**, that the Northport Road Runners Club shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink and require these vendors to display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2006

Legislator Browning made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1224-2006
Introduced by Legislator Browning

Laid on Table 2/7/2006

RESOLUTION NO. 182 -2006, AUTHORIZING USE OF SMITH POINT PARK PROPERTY BY MASTIC KNIGHTS OF COLUMBUS FOR 5K RACE

WHEREAS, the Mastic Knights of Columbus is a not-for-profit organization; and

WHEREAS, the Mastic Knights of Columbus would like to use Smith Point Park for the purpose of a 5K Race to benefit the TWA Flight 800 Memorial and Crohn's Disease; and

WHEREAS, the Race would be held on Sunday, June 18, 2006 between the hours of 5:00 a.m. and 1:00 p.m.; and

WHEREAS, the County of Suffolk shall receive consideration in the total amount of Three Hundred Fifty and 00/100 (\$350.00), payment of which shall be guaranteed by the Mastic Knights of Columbus; and

WHEREAS, the Mastic Knights of Columbus have requested the use of the adjoining parking lot for this event; and

WHEREAS, a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured will be provided by the Mastic Knights of Columbus; now, therefore be it

1st RESOLVED, that the use of County-owned property, Smith Point Park in Shirley, by the Mastic Knights of Columbus, in consideration of the payment of Three Hundred Fifty and 00/100 (\$350.00), for the purpose of holding a 5K Race on June 18, 2006, between the hours of 5:00 a.m. and 1:00 p.m. is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured by the County of Suffolk from the Mastic Knights of Columbus and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

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

3rd RESOLVED, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fund drive for the benefit of the TWA Flight 800 Memorial and Crohn's Disease; and be it further

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

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Alden made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1161-2006

Laid on Table 2/7/2006

Introduced by Legislators Alden, Browning, Romaine, Schneiderman, Stern, Caracappa, Cooper, Mystal and Losquadro

RESOLUTION NO. 183 -2006, AUTHORIZING THE USE OF ELECTRONIC MONITORING DEVICES FOR ALL SEX OFFENDERS

WHEREAS, the County of Suffolk has taken numerous proactive measures to protect the citizens of Suffolk County, particularly children, from sex offenders; and

WHEREAS, by Resolution No. 36-2005, this Legislature established a County policy to maximize preventive measures, including the use of Global Positioning System (GPS) electronic monitoring as condition of probation, to deter registered sex offenders from having contact with children; and

WHEREAS, Resolution No. 36-2005 authorized, empowered and directed the Director of the Department of Probation to work in conjunction with the courts to establish a pilot program where level 2 and 3 sex offenders, as a condition of probation, are monitored using Global Positioning System (GPS) equipment; and

WHEREAS, this Legislature wishes to extend this program to level 1 sex offenders; now, therefore, be it

1st RESOLVED, that the Director of Probation is hereby directed to extend the electronic monitoring program established by Resolution No. 36-2005 to level 1 sex offenders who are on probation; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this 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.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 30, 2006

Deputy Presiding Officer Vilorio-Fisher made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro Res. No. 1183-2006

Laid on Table 2/7/2006

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

RESOLUTION NO. 184- 2006, ACCEPTING AND APPROPRIATING 75% FEDERAL PASS-THROUGH GRANT FUNDS FROM THE NYS EMERGENCY MANAGEMENT OFFICE TO THE SUFFOLK COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES FOR A FY2005 PRE DISASTER MITIGATION PLANNING (PDMC) GRANT AND TO EXECUTE GRANT RELATED AGREEMENTS

WHEREAS, the NYS Office of Emergency Management has awarded 75% federal grant funds to the Department of Fire, Rescue and Emergency Services for a FY2005 Pre-Disaster Mitigation Planning Grant in the amount of \$1,117,904.25; and

WHEREAS, these funds will be used to engage in the process of multi-jurisdictional mitigation planning and produce a local multi-jurisdictional mitigation plan satisfying the requirements of 44 CFR Part 201 for Suffolk County and its local communities including the Town of Babylon; Town of Huntington; Town of Riverhead; Town of Shelter Island; Town of Smithtown; Town of Southold; Village of Asharoken; Village of Bellport; Village of Huntington Bay; Village Lake Grove; and Village of Northport; and

WHEREAS, Suffolk County and its town and villages have experienced numerous natural and man-made losses including six (6) presidential declared disasters costing over \$16 million dollars since 1985 and according to the National Flood Insurance Program, Suffolk County ranks second in New York State in repetitive losses; and

WHEREAS, it is the desire of the County of Suffolk and all participating municipalities to fully conform with the United States Disaster Act of 2000, which calls for each

political subdivision within the United States to have a pre-approved mitigation plan prior to federal mitigation fund awards; and

WHEREAS, this FY2005 PDMC grant is for a two (2) year period beginning September 14, 2005 through September 13, 2007 in which the County will received 75% funding in the amount of \$1,117,904.25; and

WHEREAS, the remaining 25% local match in the amount of \$372,634.75 is identified as pre-existing costs, leaving no additional costs to the County (\$151,217) or any of the municipal partners (\$221,417.75); and

WHEREAS, \$1,097,852.25 of said funds have not been included in the 2006 Operating Budget, and \$20,052 has been included in the 2006 Operating Budget; now, therefore be it

1st RESOLVED, that the County Comptroller and County Treasurer be and that they hereby are authorized to accept \$ 1,117,904, including \$20,052 in 001-PLN-8020-110 and fringes and appropriate said grant funds as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
001-FRE-4374 Pre-Disaster Mitigation Grant	\$ 1,097,852.25
001-PLN-4374 Pre-Disaster Mitigation Grant	\$20,052.00

ORGANIZATIONS:

Department of Fire, Rescue & Emergency Services
Pre-Disaster Mitigation Grant
001-FRE-3408 - \$1,072,988.25

<u>1000 – Personal Services</u>	<u>\$ 70,767.00</u>
1100 Permanent Salaries	\$ 70,767.00
 <u>4000 – Contractual Expenses</u>	 <u>\$1,002,221.25</u>
4560 Fees for Services-Non Employees	\$337,968.00
4980 Contracted Agencies	\$664,253.25
XXXX – Town of Huntington	\$108,299.25
XXXX – Town of Riverhead	\$82,191.75
XXXX – Town of Shelter Island	\$42,491.25
XXXX – Town of Smithtown	\$88,200.00
XXXX – Town of Southold	\$113,086.50
XXXX – Town of Babylon	\$125,863.50
XXXX – Village of Asharoken	\$22,601.25
XXXX – Village of Bellport	\$19,674.75
XXXX – Village of Huntington Bay	\$22,601.25

XXXX – Village of Lake Grove \$16,642.50
XXXX – Village of Northport \$22,601.25

Employee Benefits
Social Security
001-EMP - 9030 - \$5,414

Employee Benefits **\$5,414**
8330 – Social Security **\$5,414**

Employee Benefits
Retirement
001-EMP-9010 – \$9,363

Employee Benefits **\$9,363**
8280 – Retirement **\$9,363**

Employee Benefits
Welfare Fund
001-EMP-9080 - \$1,281

Employee Benefits **\$ 1,281**
8380 – Welfare Fund Contribution **\$ 1,281**

Interfund Transfer
Transfer to Employee Medical Health Plan
001-IFT-E039 - \$8,806

Employee Benefits **\$ 8,806**
9600 Transfer of Funds **\$ 8,806**

2nd RESOLVED, that the following interfund revenues for Employee Medical Health Plan be accepted and appropriated as follows:

REVENUES

039-IFT-R0001 Transfer from General Fund

\$8,806

ORGANIZATION

**Employee Benefits
Major Medical Claim
039-EMP-9060**

Employee Benefits

\$8,806

8360 – Health Insurance

\$8,806

3rd RESOLVED, that the following position be and they hereby are created in the Department of Fire, Rescue & Emergency Services as follows:

Department of Fire, Rescue & Emergency Services
Pre-Disaster Mitigation Grant
001-FRE-3408

<u>Position No.</u>	<u>Spec No.</u>	<u>Position Title</u>	<u>JC</u>	<u>Grade</u>	<u>No. Created</u>
3408-0100-0001	1510	Planning Aide	C	17	1

and be it further

4th RESOLVED, that the County Executive's Budget Office is authorized to assign appropriate pseudo codes as necessary; and be it further

5th RESOLVED, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue the employment of the individuals filling the position created by this Resolution at the conclusion of the grant funding provided for such position created by said grant; and be it further

6th 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; and be it further

7th RESOLVED, that the Reporting Category for the County Integrated Financial Management System (IFMS) is EM21.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Losquadro made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1228-2006

Laid on Table 2/7/2006

Introduced by Legislators Losquadro, Nowick, Eddington, Mystal, Kennedy, Browning, Stern, Schneiderman, Alden and Caracappa

RESOLUTION NO. 185 –2006, AMENDING THE 2006 OPERATING BUDGET TO ACQUIRE SECURE CONTINUOUS REMOTE ALCOHOL MONITORING (SCRAM) UNITS FOR THE DEPARTMENT OF PROBATION TO ENHANCE AN ALTERNATIVE TO INCARCERATION (ATI) PILOT PROGRAM FOR DWI OFFENDERS AND REDUCE JAIL OVERCROWDING

WHEREAS, Resolution 1136-2005 established a pilot program to study the use of electronic monitoring devices for DWI offenders; and

WHEREAS, the Department of Probation requires additional equipment to properly support this alternative to incarceration pilot program; and

WHEREAS, sufficient funds currently exist within the Department of Probation’s 2006 Adopted Operating Budget to cover the cost of the additional equipment; and

WHEREAS, the County will utilize the funds to rent twenty (20) Secure Continuous Remote Alcohol Monitor (SCRAM) units for 12 months; and

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

RESOLVED, that the 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>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	PRO	3140	3140	1100	Permanent Salaries	-\$60,590

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	PRO	3189	3189	3510	Rent: Business Machines & Systems	+\$60,590

and be it further

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding Secure Continuous Remote Alcohol Monitor (SCRAM) units.

DATED: March 14, 2006

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED APRIL 3, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1173-2006
Introduced by Presiding Officer Lindsay

Laid on Table 2/7/2006

**RESOLUTION NO. 186 –2006, APPOINTING MEMBER TO
THE SUFFOLK COUNTY TRAFFIC SAFETY BOARD
(ROBERT J. BEHRLE)**

WHEREAS, Local Law No. 37-2004, "A Charter Law to Modify the Traffic Safety Board", amended Section C29-3 of the SUFFOLK COUNTY CHARTER, to allow any County resident interested in traffic safety and traffic problems to be appointed to said Board; and

WHEREAS, the term of **Jeffrey Noss** expired on December 31, 2005; now, therefore be it

1st RESOLVED, that **Robert J. Behrle**, with offices located at 100 Center Drive, Riverhead, NY 11901, be and hereby is appointed as a member of the Suffolk County Traffic Safety Board, pursuant to the provisions of Section C29-3 of the SUFFOLK COUNTY CHARTER, said term to expire on December 31, 2008; and be it further

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

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

DATED: March 14, 2006

EFFECTIVE PURSUANT TO SECTIONS 2-15(A) AND 29-3 OF THE SUFFOLK COUNTY CHARTER

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1174-2006
Introduced by Presiding Officer Lindsay

Laid on Table 2/7/2006

**RESOLUTION NO. 187 –2006, REAPPOINTING MEMBERS
TO THE SUFFOLK COUNTY TRAFFIC SAFETY BOARD**

WHEREAS, the terms of office of six (6) members of the Suffolk County Traffic Safety Board appointed by Resolution No. 597-2005 have expired; and

WHEREAS, it is the desire of the Suffolk County Legislature to reappoint these six (6) members to continue to serve on the Suffolk County Traffic Safety Board; now, therefore be it

1st RESOLVED, that the following persons are hereby reappointed as members of the Suffolk County Traffic Safety Board for terms of office expiring on the dates shown, pursuant to the provisions of Section C29-3 of the SUFFOLK COUNTY CHARTER:

<u>NAME</u>	<u>TERM TO EXPIRE</u>
Michael J. Salatti, Vice President/Director Transportation Engineer Greenman Pedersen Consulting Engineers President of Institute of Transportation Engineers 100 West Main Street Babylon, NY 11702	December 31, 2008
Sergeant Richard H. Schneider East Hampton Village Police Department One Cedar Street East Hampton, NY 11937	December 31, 2008
Stephen Shadbolt, Transportation Supervisor Sachem Central School District 245 Union Avenue Holbrook, NY 11741	December 31, 2008

Susan Katz, Co-Coordinator, Safe Kids Suffolk
Stony Brook Hospital
Dept. of Pediatrics T11, 060
Health Science Center
Stony Brook, NY 11794-8111

December 31, 2008

Frank Pearson
Regional Traffic Engineer
New York Department of Transportation
State Office Bldg.
Veterans Memorial Highway
Hauppauge, NY 11787

December 31, 2008

Stephen Miller
Suffolk County District Court
400 Carleton Avenue
Central Islip, NY 11722

December 31, 2008

and be it further

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

DATED: March 14, 2006

EFFECTIVE PURSUANT TO SECTIONS 2-15(A) AND 29-3 OF THE SUFFOLK COUNTY CHARTER

Legislator Kennedy made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1195-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 2/7/2006

RESOLUTION NO. 188 -2006, AUTHORIZING EXECUTION OF AGREEMENT BY THE ADMINISTRATIVE HEAD OF SUFFOLK

**COUNTY SEWER DISTRICT NO. 13 - WINDWATCH WITH THE
WHITSON'S FOOD SERVICE (IS-1539)**

WHEREAS, Whitson's Food Service is located outside the boundary of Suffolk County Sewer District No. 13 - Windwatch; and

WHEREAS, Whitson's Food Service has petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of Sewer District No. 13 - Windwatch; and

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

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

WHEREAS, the proposed connection has received the approval of the Suffolk County Sewer Agency with a connection fee of \$15.00 per gallon per day of sewage capacity; with a daily flow of 1,568 gallons, for a total connection fee of \$23,520.00; and

WHEREAS, it will financially beneficial to Suffolk County Sewer District No. 13 – Windwatch 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. 13 - Windwatch 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: March 14, 2006

APPROVED BY:

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

Date: March 17, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

RESOLUTION NO. 189 -2006, AUTHORIZING EXECUTION OF AGREEMENT BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 7 - MEDFORD WITH ISLAND BUILDERS (BR-1446)

WHEREAS, Island Builders is located outside the boundary of Suffolk County Sewer District No. 7 - Medford; and

WHEREAS, Island Builders has petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 7 - Medford; and

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

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

WHEREAS, the proposed connection has received the approval of the Suffolk County Sewer Agency with a connection fee of \$15.00 per gallon per day of sewage capacity; with a daily flow of 2,438 gallons, for a total connection fee of \$36,570.00; and

WHEREAS, it will be financially beneficial to Suffolk County Sewer District No. 7 - Medford 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. 7 - Medford 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: March 14, 2006

APPROVED BY:

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

Date: March 17, 2006

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1197A-2006

BOND RESOLUTION NO. 190 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,350,000 BONDS TO FINANCE A PART OF THE COST OF REHABILITATION OF CR 51, MORICHES-RIVERHEAD ROAD, FROM CR 80, MONTAUK HIGHWAY, TO THE RIVERHEAD COUNTY CENTER, TOWN OF SOUTHAMPTON, IN THE TOWN OF SOUTHAMPTON (CP 5564)

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 \$1,350,000 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 rehabilitation of CR 51, Moriches-Riverhead Road, from CR 80, Montauk Highway, to the Riverhead County Center, Town of Southampton, 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 \$6,000,000. The plan of financing includes (a) the issuance of \$3,000,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 561-2003, (b) the issuance of \$1,650,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 651-2004, (c) the issuance of the \$1,350,000 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. 20 of the Law, is ten (10) years, computed from May 1, 2004, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 561-2003.

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

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of

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

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

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

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

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

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

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1197-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 191 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE REHABILITATION OF CR 51, MORICHES-RIVERHEAD ROAD, FROM CR 80, MONTAUK HIGHWAY TO THE RIVERHEAD COUNTY CENTER, TOWN OF SOUTHAMPTON (CAPITAL PROGRAM NUMBER 5564)

WHEREAS, the Commissioner of Public Works has requested funds for construction in connection with Rehabilitation of CR 51, Moriches-Riverhead Road; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request; and

WHEREAS, the professional engineering services associated with the planning, design and construction of this project have been and will be performed by the staff of the Department of Public Works; 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 \$1,350,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter “SEQRA”), Resolution No. 1171 of 1995 classified the action contemplated by this as an Type II Action, which will not have a significant effect on the environment; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-five (65) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

4th RESOLVED, that the proceeds of \$1,350,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5564.310 (Fund 001 – Debt Service)	50	Rehabilitation of CR 51, Moriches- Riverhead Road	\$1,350,000

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1198A-2006

BOND RESOLUTION NO. 192-2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$50,000 BONDS TO FINANCE THE COST OF THE REPLACEMENT OF DREDGE SUPPORT EQUIPMENT (CP 5201)

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

Section 1. The County of Suffolk, New York (herein called the “County”), is hereby authorized to issue bonds in the principal amount of \$50,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the “Law”), the Suffolk County Charter and other applicable laws, to finance the cost of the replacement of dredge support equipment, 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 \$50,000. The plan of financing includes the issuance of \$50,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 28 of the Law of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1198-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 193 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE REPLACEMENT OF DREDGE SUPPORT EQUIPMENT (CAPITAL PROGRAM NUMBER 5201)

WHEREAS, the Commissioner of Public Works has requested funds for construction for the Replacement of Dredge Support Equipment; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 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 \$50,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (25) (C) (2), (11), (20), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; and the Legislature has no further responsibilities under SEQRA; and be it further

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

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

4th RESOLVED, that the proceeds of \$50,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5201.513 (Fund 001 – Debt Service)	50	Replacement of Dredge Support Equipment	\$50,000

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Stern made motion for the following resolution, seconded by Legislator Horsley. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1199A -2006

BOND RESOLUTION NO. 194 -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 PLANNING FOR THE RECONSTRUCTION OF CR 57, BAY SHORE ROAD, TOWNS OF BABYLON AND ISLIP (CP 5523.111)

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 planning for the reconstruction of CR 57, Bay Shore Road, Towns of Babylon and Islip, 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 \$2,400,000. The plan of financing includes (a) the issuance of up to \$900,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 753-2003 (the bond issuance being limited to the County share of 5% or \$45,000 pursuant to Resolution No. 418-2004), with the expectation that Federal grant funds in the amount of 80% or \$720,000 and State Marchiselli aid in the amount of 15% or \$135,000 shall be received, (b) the issuance of \$1,500,000 bonds or bond anticipation notes authorized pursuant to this resolution (the bond issuance being limited to the County share of 20% or \$300,000), with the expectation that Federal grant funds in the amount of 80% or \$1,200,000 shall be received 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. It is expected that Federal/State Aid shall be received to pay a part of the cost of the project and any such aid is authorized to be expended for such purpose.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of 1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond

anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

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

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

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

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

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Stern made motion for the following resolution, seconded by Legislator Horsley. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1199-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 195 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR PARTICIPATION IN THE RECONSTRUCTION OF CR 57, BAY SHORE ROAD, TOWNS OF BABYLON AND ISLIP (CAPITAL PROGRAM NUMBER 5523)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with the Reconstruction of CR 57, Bay Shore Road, from the Vicinity of Southern State Parkway to NYS 231, Towns of Babylon and Islip; and

WHEREAS, there are Federal funds available for this project, identified as PIN 0756.69 under the Transportation Equity Act of the 21st Century (TEA-21), with a share allocation of eighty (80%) percent Federal funds and twenty (20%) percent County funds; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal portion; and

WHEREAS, sufficient funds are not included in the 2006 Capital Budget and Program to cover the cost of said request under Capital Project 5523 and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State aid; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 2004 Capital Budget, as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$1,500,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-one (61) is eligible for approval in accordance with the provisions of Resolution

No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter to complete the Reconstruction of CR 57, Bay Shore Road; and be it further

4th RESOLVED, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5523
 Project Title: Reconstruction of CR 57, Bay Shore Road

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
1. Planning, Design & Supervision	\$4,000,000	\$ 0	\$1,200,000 F \$ 300,000B
TOTAL	\$24,733,750	\$ 0	\$1,500,000

and be it further

5th 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>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5523.111	50	Reconstruction of CR 57, Bay Shore Road, Towns of Babylon & Islip	\$1,500,000

and be it further

6th RESOLVED, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$300,000; and be it further

7th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of 1,200,000; and be it further

8th RESOLVED, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$1,200,000; and be it further

9th RESOLVED, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this

project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Eddington made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1200A-2006

Laid on Table 3/14/2006

BOND RESOLUTION NO. 196 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$300,000 BONDS TO FINANCE A PART OF THE COST OF PLANNING FOR THE RECONSTRUCTION OF CR 16, HORSEBLOCK ROAD, TOWN OF BROOKHAVEN (CP 5511.114)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$300,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of planning for the reconstruction of CR 16, Horseblock Road, Town of Brookhaven, 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 \$330,000. The plan of financing includes (a) the expenditure of \$30,000 transferred from the General Fund (Operating Fund pursuant to Resolution No. 1349-2004), (b) the issuance of \$300,000 bonds or bond anticipation notes authorized pursuant to this resolution and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,
and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Eddington made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1200-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 197 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR PARTICIPATION IN THE RECONSTRUCTION OF CR 16, HORSEBLOCK ROAD, TOWN OF BROOKHAVEN (CAPITAL PROGRAM NUMBER 5511)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with the Reconstruction of CR 16, Horseblock Road, from the Vicinity of CR 99, Woodside Avenue to the Vicinity of Peconic Avenue, Town of Brookhaven; and

WHEREAS, there are Federal funds available for this project under the Transportation Equity Act for the 21st Century (TEA-21), with a share allocation of eighty (80%) percent Federal funds and twenty (20%) percent County funds; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal portion; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 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 \$300,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5

(C) (20), (21) and (27) of Title 6 of New York Code of Rules and Regulations (“NYCRR”), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-seven (67) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter to complete the Reconstruction of CR 16, Horseblock Road; and be it further

4th RESOLVED, that the proceeds of \$300,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5511.114	50	Reconstruction of CR 16, Horseblock Road, Town of Brookhaven	\$300,000

and be it further

5th RESOLVED, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$60,000; and be it further

6th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$240,000; and be it further

7th RESOLVED, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$240,000; and be it further

8th RESOLVED, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality’s participation in the above referenced project.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Eddington made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1200-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 197 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR PARTICIPATION IN THE RECONSTRUCTION OF CR 16, HORSEBLOCK ROAD, TOWN OF BROOKHAVEN (CAPITAL PROGRAM NUMBER 5511)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with the Reconstruction of CR 16, Horseblock Road, from the Vicinity of CR 99, Woodside Avenue to the Vicinity of Peconic Avenue, Town of Brookhaven; and

WHEREAS, there are Federal funds available for this project under the Transportation Equity Act for the 21st Century (TEA-21), with a share allocation of eighty (80%) percent Federal funds and twenty (20%) percent County funds; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal portion; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 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 \$300,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20), (21) and (27) of Title 6 of New York Code of Rules and Regulations (“NYCRR”), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-seven (67) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter to complete the Reconstruction of CR 16, Horseblock Road; and be it further

4th RESOLVED, that the proceeds of \$300,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5511.114	50	Reconstruction of CR 16, Horseblock Road, Town of Brookhaven	\$300,000

and be it further

5th RESOLVED, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$60,000; and be it further

6th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$240,000; and be it further

7th RESOLVED, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$240,000; and be it further

8th RESOLVED, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Eddington made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1201A-2006

Laid on Table 3/14/2006

BOND RESOLUTION NO. 198 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS TO FINANCE A PART OF THE COST OF THE CONSTRUCTION OF THE FIRE VEHICLE STORAGE/PUMP HOUSE FACILITY (CP 3415.310)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$3,000,000 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 a part of the cost of the construction of the fire vehicle storage/pump house facility, 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 \$3,500,000. The plan of financing includes (a) the issuance of \$250,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 745-2003, (b) the issuance of \$250,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1397-2005 (c) the issuance of \$3,000,000 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 11.00 a. 11 (a) (2) of the Law of the Law, is twenty-five (25) years.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Resolution No. 320 of 1966, as amended by Resolution No. 81 of

1972, and Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

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

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

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

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

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Eddington made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1201-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 2/7/2006

RESOLUTION NO. 199 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE CONSTRUCTION OF THE FIRE VEHICLE STORAGE/PUMP HOUSE FACILITY (CAPITAL PROGRAM NUMBER 3415)

WHEREAS, the Commissioner of Public Works has requested funds for the Construction of a fire vehicle storage/pump house facility; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, 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 \$3,000,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 1398-2005 classified the action contemplated by this resolution as an unlisted action which 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 proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York of the Suffolk County Charter and code;
- 3) The parcel does not appear to suffer from any severe environmental development constraints (no poor soil properties, no high groundwater and no unmanageable slopes);

and be it further

2nd RESOLVED, that it is determined that this program with a priority ranking of sixty-four (64) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter to complete this project; and be it further

4th RESOLVED, that the proceeds of \$3,000,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3415.310 (Fund 001 debt Service)	20	Construction of the Fire Vehicle Storage/Pump House Facility	\$3,000,000

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Alden made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1218-2006
Introduced by Legislators Alden and Eddington

Laid on Table 2/7/2006

RESOLUTION NO. 200 -2006, AUTHORIZING TRANSFER OF FIVE (5) SURPLUS COUNTY COMPUTERS TO LONG ISLAND HEAD START

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

WHEREAS, this equipment has been declared surplus property; and

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

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

1st RESOLVED, that the Department of Public Works is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following not-for-profit organization, for use within its facilities for nominal consideration:

TO:
Long Island Head Start
98 Austin Street
Patchogue, NY 11772

Contact: Deborah Garcia, CEO
Telephone: 631-758-5200

COMPUTER:
1 - #211J501
1 - #B37F601
1 - #937F601
1 - #DC2VS01
1 - #1D2VS01

MONITOR:

- 1 - #06271R
- 1 - #05968556F
- 1 - #08376T
- 1 - #9211813
- 1 - #6271RC20Z480

SPEAKER:

5 – PC Speakers

and be it further

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

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

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1144-2006 Laid on Table 1/17/2006
Introduced by Presiding Officer on request of the County Executive and Legislators Horsley, D’Amaro, Eddington, Montano, and Mystal

RESOLUTION NO. 201 -2006, ADOPTING LOCAL LAW NO. 20 -2006, A LOCAL LAW TO ENCOURAGE AND FACILITATE

PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO SUFFOLK COUNTY CONTRACTS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 4, 2006, a proposed local law entitled, "**A LOCAL LAW TO ENCOURAGE AND FACILITATE PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO SUFFOLK COUNTY CONTRACTS**," 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. 20 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ENCOURAGE AND FACILITATE PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO SUFFOLK COUNTY CONTRACTS

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 a need exists within the County of Suffolk to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.

This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.

This Legislature further finds that both the State and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.

Therefore, the purpose of this law is to ensure that minority - and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Suffolk County.

Section 2. Definitions.

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

- A.) "Certified business" shall mean a business verified as a minority or women owned business enterprise pursuant to Section 7 of this law.
- B.) "Contracting department" shall mean any of the County entities enumerated in Section 5 below, which is a party or proposed party to a County contract.
- C.) "Contractor" shall mean an individual, a business enterprise, including a sole

proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other entity or party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D.) "County" shall mean Suffolk County and shall include:

- 1.) any County department; or
- 2.) any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E.) "County contract" shall mean:

- 1.) a written agreement or purchase order instrument providing for a total expenditure in excess of twenty-five thousand dollars (\$25,000.00), whereby a contracting department is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting department on the County's behalf; or
- 2.) a written agreement in excess of one hundred thousand dollars (\$100,000.00) whereby a contracting department is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon. For the purpose of this section, the term "services" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with a contracting department for the sale of bonds, notes or other securities.

F.) "Director" shall mean the director of the Suffolk County Office of Minority Affairs.

G.) "Disparity study" shall mean a study of the utilization of minority and women-owned business enterprises as subcontractors on County contracts compared with the availability of such firms to perform such work. A disparity study shall separately assess the availability and utilization of each minority group and of women-owned business enterprises and shall include an analysis of the data, including conclusions as to whether there has been utilization. A disparity study shall also include the gathering of anecdotal evidence of discrimination.

H.) "Minority-owned business enterprise" shall mean a business enterprise, including a sole proprietorship, partnership or corporation, that is:

- 1.) at least fifty-one percent owned by one or more minority group members; and
- 2.) an enterprise in which such minority ownership is real, substantial and continuing; and
- 3.) an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and

- 4.) an enterprise authorized to do business in the state of New York and is independently owned and operated.
- I.) "Minority group member" shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:
- 1.) Black persons having origins in any of the Black African racial groups;
 - 2.) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;
 - 3.) Native American or Alaskan native persons having origin in any of the original peoples of North America; or
 - 4.) Asian and Pacific Islander persons having origin in any of the Far East countries, South East Asia, the Indian subcontinent, or the Pacific Islands.
- J.) "Office" shall mean the Suffolk County Office of Minority Affairs.
- K.) "Subcontract" shall mean an agreement providing for a total expenditure in excess of twenty-five thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.
- L.) "Utilization plan" shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified businesses, if known, that have committed to perform work in connection with the proposed County contract, as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified business with which the contractor intends to subcontract.
- M.) "Women owned business enterprise" shall mean a business enterprise, including sole proprietorship, partnership or corporation that is:
- 1.) at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
 - 2.) an enterprise in which the ownership interest of such women is real, substantial and continuing;
 - 3.) an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
 - 4.) an enterprise authorized to do business in this state and is independently owned and operated.

Section 3. Equal employment opportunities for minority group members and women.

- A.) All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions:
 - 1.) The contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this local law such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
 - 2.) At the request of the contracting department, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein.
 - 3.) The contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.
- B.) The contractor shall include the provisions of paragraph (A) of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.
- C.) The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.
- D.) In the implementation of this section, the contracting department shall consider compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity which effectuates the purposes of this section. The contracting department shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law and if such duplication or conflict exists, the contracting department shall waive the applicability of this section to the extent of such duplication or conflict.

Section 4. Contracting department requirements.

- A.) The Director shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for

meaningful participation in the performance of County contracts. Such rules shall require contracting departments to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority businesses particularly with regard to such contracts. Nothing in the provisions of this local law shall be construed to limit the ability of any certified business to bid on any contract.

- B.) Contracting departments shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals ("RFP"), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this local law including, but not limited to provisions:
 - 1.) requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the contracting department by the Office; and
 - 2.) requiring the parties to agree as a condition of entering into such contract, to be bound by the provisions of Section 3 of this local law. Provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.
- C.) In the implementation of this section, the contracting department shall consider compliance with the requirements of any federal or State law concerning opportunities for minority and women-owned business enterprises which effectuate the purpose of this section. The contracting department shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof and if such duplication or conflict exists, the contracting department may waive the applicability of this local law to the extent of such duplication or conflict.

Section 5. Rules for utilization of subcontractors.

- A.) The Director shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting by minority-owned business enterprises and women-owned business enterprises in accordance with goals set by the Director to enhance opportunity for minority and women owned businesses reflect the percentage of minority and women-owned businesses available to perform such work. The setting of such goals shall in part be based on the findings and conclusions of the disparity study referred to in Section 6 herein.
- B.) Contracting departments shall administer the rules and regulations promulgated by the Director to ensure compliance with the provisions of this section.
 - 1.) Such rules and regulations shall require that:
 - a.) a contractor submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an

RFP;

- b.) in all cases, prior to the award of a County contract, the contracting department shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
 - c.) the contracting department notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;
 - d.) the contractor submit periodic compliance reports relating to the operation and implementation of any utilization plan; and
 - e.) a contracting department file a complaint with the Director in the event a contractor is failing or has failed to comply with the minority and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to paragraphs (E) and (F) of this section.
- 2.) Such rules and regulations shall allow a contractor to:
- a.) apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to paragraphs (E) and (F) of this section;
 - b.) file a complaint with the Director in the event a contracting department has failed or refused to issue a waiver of the minority and women-owned business enterprises participation requirements or has denied such request for a waiver.
- C.) The rules and regulations promulgated pursuant to this paragraph regarding a utilization plan shall provide that where enterprises have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise at least to the extent indicated. A contracting department may require a contractor to indicate within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this local law, but may not require, as a condition of award of, or compliance with, a contract that a contractor utilize a particular enterprise in performance of the contract.
- D.) Without limiting other grounds for the disqualification of bids or proposals on the basis of non-responsibility, a contracting department may disqualify the bid or proposal of a contractor as being non-responsible for failure to remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director after receiving notification of such deficiencies from the contracting department. Where failure to remedy any noted deficiency in the utilization plan is a

ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the contracting department. Where the contracting department states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the contracting department. Such hearing shall be conducted by the appropriate authority of the contracting department to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law.

- E.) Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the contracting department requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the contracting department shall consider the number and types of minority and women-owned business enterprises located in the County, the total dollar value of the County contract, the scope of work to be performed and the project size and term. Based on such considerations, if the contracting department determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the contracting department shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of minority and women-owned businesses located in the County to perform the County contract.
- F.) For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the contracting department shall consider:
- 1.) whether the contractor has advertised in general circulation media, trade association, and minority-focus and women-focus media, and in such event:
 - a.) whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
 - b.) whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the contracting department's bid date; and
 - 2.) whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to **paragraph (f) of subdivision two of section one hundred two of this local law**; and

- 3.) whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.
- G.) In the event that a contracting department fails or refuses to issue a requested waiver to a contractor within thirty days of the application therefore pursuant to Paragraph (E) of this section, or if the contracting department denies such application in whole or in part, the contractor may file a complaint with the Director pursuant to Section 3 of this local law setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. The contractor shall serve a copy of such complaint upon the contracting department by personal service or by certified mail, return receipt requested. The contracting department shall be afforded an opportunity to respond to such in writing.
 - H.) If, after the review of a contractor's minority and women-owned business utilization plan or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the contracting department in connection therewith, it appears that a contractor is failing or refusing to comply with the minority and women-owned business participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the contracting department may file a written complaint with the Director pursuant to Section 3 of this local law setting forth the facts and circumstances giving rise to the contracting department's complaint together with a demand for relief. The contracting department shall serve a copy of such complaint upon the contractor by personal service or by certified mail, return receipt requested. The contractor shall be afforded an opportunity to respond to such complaint in writing.

Section 6. Disparity Study.

The County shall enter into a contract for a disparity study to be completed prior to January 1, 2007.

Section 7. Countywide Certification Program.

- A.) The Director shall promulgate rules and regulations providing for the establishment of a Countywide certification program including rules and regulations governing the approval, denial or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in Section 73 of the NEW YORK CIVIL RIGHTS LAW. The department shall accept all businesses having or awaiting certification by a State agency.
- B.) For the purposes of this local law, the Office shall be responsible for verifying businesses as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses or may refer such process to an appropriate State agency. The Director shall prepare a directory of certified business for use by contracting departments and contractors in carrying out the provisions of this article. The Director shall periodically update the directory.
- C.) Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any

outstanding deficiencies, within thirty days. Within sixty (60) days of submission of a final completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within thirty (30) days from receipt of notice of such determination, be entitled to a hearing before an independent hearing officer designated for such purpose by the Director. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The independent hearing officer shall conduct a hearing and upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse or modify such determination of the Director. Such written recommendation shall be issued to the applicant and the Director. The Director, within thirty days shall, by order, accept, reject or modify such recommendation of the hearing officer and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefore upon the business enterprise by personal service or by certified mail return receipt requested.

Section 8. Enforcement.

Upon receipt by the Director of a complaint by a contracting department that a contractor has violated the provisions of a County contract which have been included to comply with the provisions of this local law, the Director shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the Director shall immediately refer the matter to the Office of the County Attorney for appropriate action, including, but not limited to, withholding payment due under the contract, cancellation, termination or suspension of the contract in whole or in part.

Section 9. Applicability.

This law shall apply to all County contracts and documents soliciting bids or proposals for County contracts on or after the effective date of this law.

Section 10. 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 11. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL

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

Section 12. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State, contingent upon the completion of a disparity study, as required by Section 6 of this local law, prior to that date and demonstrating that there is underutilization of minority and/or women-owned business enterprises on Suffolk County contracts and subcontracts. In conjunction with the Office of the County Executive, the Office of Minority Affairs shall receive and review such disparity study and shall report its results to the County Legislature within thirty days of receiving it.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 30, 2006

After a public hearing held on March 14, 2006
Filed with the Secretary of State on April 14, 2006

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Intro. Res. No. 1178-2006
Introduced by Legislator Schneiderman

Laid on Table 2/7/2006

**RESOLUTION NO. 202 -2006, AUTHORIZING
CONVEYANCE OF PARCEL TO THE VILLAGE OF SAG
HARBOR, TOWN OF SOUTHAMPTON (SECTION 72-h,
GENERAL MUNICIPAL LAW)**

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

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

WHEREAS, the Village of Sag Harbor has requested that this property, located along Long Island Avenue, be obtained from the County of Suffolk for the purpose of using it as a public pocket park and as part of the Long Island Avenue beautification project; and

WHEREAS, the Village of Sag Harbor has maintained this parcel for several years; now, therefore, be it

1st RESOLVED, that the Director of the County Division of Real Estate, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 16-4(E) of the SUFFOLK COUNTY CHARTER, to execute and deliver a quitclaim deed to the Village of Sag Harbor in consideration for the sum of Ten Dollars (\$10.00) for said property, more particularly described and designated as Suffolk County Tax Map No. District 0903, Section 002.00, Block 01.00, Lot 051.000, pursuant to Section 72-h of the NEW YORK GENERAL MUNICIPAL LAW, for the purpose of transferring the interest of Suffolk County in the above described property to the Village of Sag Harbor for inclusion in the Long Island Avenue beautification project; and be it further

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

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Eddington made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1182-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 203 -2006, AUTHORIZING THE
EXTENSION OF A LEASE FOR PREMISES LOCATED AT
1149 OLD COUNTRY ROAD, RIVERHEAD, NY FOR USE
BY THE SHERIFF’S OFFICE – INTERNAL AFFAIRS**

WHEREAS, the Sheriff’s Office wishes to continue to occupy approximately 2,400 square feet of office space in the building located at 1149 Old Country Road, Riverhead, NY for use by the Internal Affairs Division; and

WHEREAS, the Lease Agreement, last dated June 28, 2000, expired on May 31, 2005 and the County continues to occupy the space as a holdover; and

WHEREAS, the Landlord, North Fork Management Corp., a New York corporation with an address at 6 Main Avenue, Garden City, New York 11530, has offered to extend the lease for a term of five years, commencing as of the expiration of the original lease, on June 1, 2005, and expiring on May 31, 2010, at an annual rental rate of \$47,040 for the first year of the lease term extension, with an annual escalation of approximately five percent (5%); and

WHEREAS, the Space Management Steering Committee recommended the approval of this lease agreement on June 30, 2005; and

WHEREAS, sufficient funds have been provided in the 2006 Operating Budget for lease payments for the subject 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 Sections 617.5(1), (20) and (27) of the New York Code of Rules and Regulations (NYCRR) and Section 8-0109 of the New York Environmental Conservation Law in that the resolution pertains to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; since this resolution is a Type II action, the Legislature has no further responsibilities under SEQRA; 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; and be it further

2nd 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: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Stern made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-0-1-1. Legislator Montano abstained. Legislator D’Amaro was not present.

Intro. Res. No. 1190-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 204 -2006, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 PUBLIC
SERVICE LLC (SCTM NO. 0500-223.00-02.00-029.001)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 223.00, Block 02.00 Lot 029.001 and acquired by Tax Deed on March 12, 1985 from General L. Rains the Deputy County Treasurer of Suffolk County, New York, and recorded on March 28, 1985 in Liber 9760 at Page 275 and described as follows, Town of Islip, Map of Bay Shore Farms No. 559, Lot p/o Lot 527 and Gore Strip. Filed in the Office of the Clerk of Suffolk County on January 24, 1900; 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, Public Service LLC, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$12,000.00. 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 \$11,400.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, Director Patricia B. Zielenski and/or her designee, has received and deposited the sum of \$12,000.00, pursuant to said purchase offer; and

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

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

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

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

RESOLVED, that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Public Service LLC, c/o Fisher & Golden, 15 Toilsome Lane, East Hampton, NY 11937.

DATED: March 14, 2006

APPROVED BY:

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

Date: March 17, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1194-2006
Introduced by Presiding Officer Lindsay

Laid on Table 2/7/2006

RESOLUTION NO. 205 –2006, AMENDING RESOLUTION NO. 8-2006, TO RENAME A DEPOSITORY

WHEREAS, Resolution No. 8-2006, "Designating Depositories Pursuant to Section 212 of the County Law", was adopted by the Suffolk County Legislature on January 3, 2006; and

WHEREAS, the Suffolk County Treasurer received official notification, dated January 23, 2006, advising the County that, effective December 30, 2005, the Long Island Commercial Bank has been renamed to the New York Commercial Bank; now, therefore be it

1st RESOLVED, that the 1st RESOLVED clause of Resolution 8-2006 is hereby amended to read as follows:

RESOLVED, that each of the following banks having and maintaining a principal or branch office or offices in the County of Suffolk, namely, Bank of New York, 1401 Franklin Avenue, Garden City, New York; JP Morgan Chase Bank, 395 North Service Road, Melville, New York; Citibank, 730 Veterans Memorial Highway, Hauppauge, New York; Commerce Bank, 45 Melville Park Road, Melville, New York; Bank of America, 300 Broad Hollow Road, Melville, New York; North Fork Bank, 275 Broad Hollow Road, Melville, New York; State Bank of Long Island, 740 Veterans Memorial Highway, Hauppauge, New York; Suffolk County National Bank, 6 West Second Street, Riverhead, New York; ~~[Long Island Commercial Bank]~~ New York Commercial Bank, [One Suffolk Square] 1601 Veterans Memorial Highway, Suite 120, Islandia, New York; HSBC Bank, 534 Broad Hollow Road, Melville, New York, Bank of Smithtown, 1 East Main Street, Smithtown, New York, Hamptons State Bank, North Sea Road and Windmill Lane, Box 5037, Southampton, New York, and Bridgehampton National Bank, 2200 Montauk Highway, Bridgehampton, New York, or any successor entity thereto, be and the same are hereby designated and appointed a depository for the deposit of moneys received or under the control of the County Treasurer, pursuant to Section 212 of the NEW YORK COUNTY LAW, provided, however, that the maximum amount to be kept on deposit in any such bank or branches shall not exceed \$750,000,000.00 including interest bearing deposits in any one of said bank or branches, except that such limitation shall not apply to those depositories in which regular county working accounts (checking accounts) are maintained in whatever amounts are required for the regular and necessary conduct of the County's business; and be it further

* * * * *

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

DATED: March 14, 2006

EFFECTIVE PURSUANT TO SECTION 212 OF THE NEW YORK COUNTY LAW

Legislator Browning made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 16-1-0-1. Legislator Barraga voted no. Legislator D'Amaro was not present.

RESOLUTION NO. 206 –2006, ESTABLISHING AN APPLICATION FEE WAIVER POLICY FOR CIVIL SERVICE EXAMINATIONS

WHEREAS, Section 50(5)(b) of New York State Civil Service Law allows counties to waive civil service application fees for specific classes of positions, types of examinations and/or candidates; and

WHEREAS, similar counties such as Nassau and Westchester, along with New York City and New York State, have all adopted policies to waive application fees for civil service examinations for individuals who receive social services or are unemployed; and

WHEREAS, out of the 59 counties in New York State that charge an application fee for civil service exams, 35 have already adopted a fee waiver policy; and

WHEREAS, it is in the best interest of the County of Suffolk to have as many able body citizens gainfully employed as possible; and

WHEREAS, allowing social services recipients and/or unemployed individuals greater access to employment opportunities will help to alleviate the strain on social service programs and encourage self-sufficiency; now, therefore be it

1st RESOLVED, that the County of Suffolk is hereby establishing an application fee waiver policy for eligible candidates who are unemployed, and/or recipients of either Medicaid, Temporary Assistance to Needy Families, or Food Stamps; and be it further

2nd RESOLVED, that such fees shall be waived for candidates who certify to the Suffolk County Department of Civil Service that they are unemployed, and/or recipients of either Medicaid, Temporary Assistance to Needy Families, or Food Stamps; and be it further

3rd RESOLVED, that upon a candidate's approval of eligibility for an application fee waiver, that candidate shall receive a full waiver of their civil service application fee; and be it further

4th RESOLVED, that every Suffolk County Civil Service examination announcement with an application fee shall have information printed on the announcement informing potential applicants of the fee waiver policy; and be it further

5th RESOLVED, that, pursuant to Section C6-2 of the Suffolk County Charter, the Personnel Officer, as Director of the Department of Human Resources, Personnel and Civil Service, is hereby authorized, empowered, and directed, to issue such regulations as he deems necessary to implement this Resolution; and 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 §§617.5(c)(20) and (27), of Title 6 of New York Code of Rules and Regulations (6 NYCRR) and within the meaning of § 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 resolution.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2006

Legislator Montano made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1244-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 207 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING \$1,000,000 IN ASSESSMENT STABILIZATION RESERVE FUNDS TO SATISFY PENALTIES IN CONNECTION WITH THE SUFFOLK COUNTY INDUSTRIAL PRETREATMENT PROGRAM IN COMPLIANCE WITH A CONSENT JUDGMENT

WHEREAS, the Suffolk County Department of Public Works has administered an Industrial Pretreatment Program, pursuant to the Clean Water Act, which has successfully protected Suffolk County Publicly Owned Treatment Works/Sewage Treatment Plants and the receiving waters thereof; and

WHEREAS, it is alleged by the United States of America, on behalf of the United States Environmental Protection Agency (“United States”) and the New York State Department of Environmental Conservation (“NYSDEC”) that Suffolk County failed to timely implement revised regulations, maintain adequate staffing levels, provide a technical basis for the development of local sewer discharge limitations and follow monitoring and reporting requirements; and

WHEREAS, the alleged violations were discovered during a Pretreatment Compliance Inspection conducted by the United States in June of 2000 and, as a result, in 2004 Suffolk County negotiated the terms of a consent judgment with the United States and NYSDEC (“Consent Judgment”) which the County has been voluntarily complying with from 2004 to date; and

WHEREAS, the penalties for the alleged past violations, if proven, could result in penalties that could greatly exceed \$1,000,000, notwithstanding the fact that, the alleged violations did not create any safety threat or result in any improper discharges

into the County's waters; and

WHEREAS, on February 2, 2006 the Suffolk County Ways and Means Committee authorized the execution of the Consent Judgment between Suffolk County, the United States and NYSDEC settling all the terms and conditions in connection with the above allegations in order to avoid protracted litigation and the potential for significantly greater penalties to be assessed against the County than what has been agreed to by the parties in the Consent Judgment; and

WHEREAS, of the \$1,000,000 penalty, \$700,000 dollars shall be the subject of a Supplemental Environment Project to purchase land in the Core Preservation Area of the Central Long Island Pine Barrens to be dedicated to the Long Island Pine Barrens Preserve for the purpose of protecting groundwater in Suffolk County's sole source aquifer from discharges of pollutants that may accompany development, \$200,000 shall be paid to the United States and \$100,000 shall be paid to New York State; now therefore be it

1st RESOLVED, that the 2006 Operating Budget be and hereby is amended as follows:

Appropriations:

Department of Public Works
Engineering: Sewerage Facilities
261-DPW-8198

	<u>2006 Adopted</u>	<u>2006 Modified</u>	<u>Change</u>
261-DPW-8198-4770- Special Services	\$150,000	\$450,000	\$300,000

and be it further

2nd RESOLVED, that the 2006-2008 Capital Program and 2006 Capital budget be and hereby is amended as follows:

Program No.: 8160
Project Name: Consent Order Obligations Suffolk
County Sewer Districts

	<u>Total Est. Cost</u>	<u>Current Capital Program & Budget</u>	<u>Revised Capital Program & Budget</u>	
2. Land Acquisition	\$700,000	\$0	\$700,000	(A)
Total	\$700,000	\$0	\$700,000	(A)

(A) Assessment Stabilization
Reserve Fund

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
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527-CAP-8160.210	Consent Order Obligations Suffolk County Sewer Districts	\$700,000
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and be it further

3rd RESOLVED, that all interest earned on the \$700,000 in this capital project will be automatically appropriated to this project on an ongoing basis until all funds are expended; and be it further

4th RESOLVED, that the interfunds in the amount of \$1,000,000 from the Assessment Stabilization Reserve Fund be and hereby are appropriated as follows:

Interfunds:

<u>Appropriations:</u>	<u>2006 Adopted</u>	<u>2006 Modified</u>	<u>Change</u>
404-IFT-E527-Transfer to Fund 527 Cap Sewer Fund	\$0	\$700,000	\$700,000
404-IFT-E261-Transfer to Fund 261 Sanitation O&M	\$900,000	\$1,200,000	\$300,000
<u>Revenues:</u>	<u>2006 Adopted</u>	<u>2006 Modified</u>	<u>Change</u>
527-IFT-E404-Transfer from Fund 404 Asses. Stab. Reserve Fund	\$0	\$700,000	\$700,000
261-IFT-E404-Transfer from Fund 404 Asses. Stab. Reserve Fund	\$900,000	\$1,200,000	\$300,000

and be it further

5th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund transfers, including the associated cash transfers, to and from the Assessment Stabilization Reserve Fund required to finance this Consent Judgment; 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 (6NYCRR) 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 and appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2006

Legislator Alden made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Intro. Res. No. 1245-2006

Laid on Table 2/7/2006

Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine and Alden

RESOLUTION NO. 208 -2006, AUTHORIZING TRANSFER OF TROLLEY VEHICLE TO JOSEPH A. KIRK VOITURE LOCALE 713, SUFFOLK COUNTY

WHEREAS, Joseph A. Kirk Voiture Locale 713, Suffolk County (“Voiture”), is the local unit of the La Societe des Quarante Hommes et Huit Chevaux (40 & 8), a fraternal organization within the American Legion, of United States veterans formed in 1920 and dedicated to charitable aims that provides services and funds to various worthy groups and individuals within Suffolk County including children, students, veterans and others, and the promotion of respect for our country; and

WHEREAS, the organization regularly attends community functions and parades throughout Suffolk County and the State of New York, and occasionally elsewhere in the United States, and utilizes a parade vehicle to carry its members who ride in the vehicle while promoting its programs; and

WHEREAS, the organization’s current parade vehicle is over thirty five years old and needs to be replaced; and

WHEREAS, the County of Suffolk (the “County”) is desirous of helping this worthy organization to continue its work which benefits our communities by protecting and advancing the public health and welfare and promoting patriotic observance, and at the same time promote the virtues of Suffolk County; and

WHEREAS, the County is the owner of a trolley vehicle which is surplus to the needs of the County based upon a determination made by the County Department of Economic Development and Workforce Housing and is suitable for the needs of the Voiture organization; and

WHEREAS, Voiture has requested the donation of the trolley from the County and the County hereto desires to make the trolley available to Voiture in order to secure the continued public service and promotion of patriotic observance provided by Voiture to the residents of Suffolk County; now, therefore be it

1st RESOLVED, that the County Executive be and hereby is authorized to execute a contract with Voiture to transfer title from the trolley vehicle (VIN 1GBKP37N5S3332447) to Voiture, for the sole purpose of using it as its parade vehicle, in exchange for Voiture providing services to the residents of Suffolk County, subject to the approval of the County Attorney; and be it further

2nd RESOLVED, that the County Attorney's office is hereby authorized to execute any and all other documents necessary to effectuate the terms and conditions of this Resolution; and be it further

3rd RESOLVED, that if at any time Voiture ceases to use the trolley for the purposes stated herein or proposes to sell or otherwise dispose of the trolley, the trolley shall be immediately returned to the County; and be it further

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

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2006

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

**MEMORIALIZING RESOLUTION REQUESTING STATE OF
NEW YORK TO GRANT MUNICIPALITIES THE AUTHORITY
TO REGULATE TRAPPING**

WHEREAS, the cruel and inhumane practice of trapping animals with the use of steel jaw leghold traps continues in Suffolk County despite long-term efforts by both elected officials and residents to put an end to this barbaric practice; and

WHEREAS, the County of Suffolk, as well as two other counties in the State, have attempted to put an end to the use of steel jaw leghold traps through duly enacted legislation, only to have these efforts frustrated by the courts; and

WHEREAS, steel jaw leghold traps cause unbearable pain and suffering for the animals caught in them, with the trapped animals often surviving for long periods and it is not uncommon for a trapped animal to chew off its own limb in an attempt to escape; and

WHEREAS, for every one animal taken in these traps, at least one non-target animal is caught and either killed or tossed aside because it is useless to the trapper; and

WHEREAS, several jurisdictions have banned or severely restricted the use of these inhumane traps, including Arizona, California, Colorado, Florida, Massachusetts, New Jersey, Rhode Island and Washington, and the European Union has banned the importation of pelts from animals killed in steel jaw leghold traps; and

WHEREAS, nearly 90 countries around the world, including all members of the European Union, have already banned the use of steel-jaw leghold traps; and

WHEREAS, a dog was recently killed by a steel body-gripping animal trap that, though permissible under the laws and regulations of New York State, was placed only 53 feet from a nature trail; and

WHEREAS, it is only a matter of time until a child is injured or killed by one of these barbaric devices if municipalities are not permitted to enforce more restrictive trapping regulations based upon their individual needs; now, therefore, be it

1st RESOLVED, that this Legislature hereby supports Senate Bill No. S. 2142 and Assembly Bill No. A. 1835 which would amend the Environmental Conservation Law to grant each county in New York State the authority to restrict, limit or prohibit trapping within their respective municipal limits; and be it further

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

DATED: March 14, 2006

s:\memres\mr-trapping

Legislator Alden made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Mem. Res. No. 4-2006

LOT 2/7/2006

Introduced by Legislator Alden and Presiding Officer Lindsay, Romaine

**MEMORIALIZING RESOLUTION REQUESTING THE STATE
OF NEW YORK TO REPEAL THE MONTHLY
ADMINISTRATIVE FEE FOR ELECTRONIC TOLL
COLLECTION**

WHEREAS, the widespread use of E-ZPass has grown significantly since its inception, however, recently the New York State Thruway Authority, Metropolitan Transit Authority and Port Authority have imposed a monthly \$1.00 administrative fee on motorists who use E-ZPass; and

WHEREAS, this monthly flat fee is imposed on motorists regardless of whether they utilize any of our State roadways during the monthly billing period, which amounts to a tax on a service not rendered; and

WHEREAS, the use of E-ZPass on New York bridges and tunnels has made life less complicated for thousands of commuters and vacationers while significantly reducing accidents at these locations; and

WHEREAS, motorists who subscribe to E-ZPass save the State money by voluntarily using this automated system, thereby enabling the MTA and other authorities to streamline their operation by requiring fewer toll-takers; and

WHEREAS, the monies saved by employing fewer toll-takers should be sufficient to offset any and all administrative fees; and

WHEREAS, legislation has been introduced in the New York State Legislature, Assembly Bill A.09527 and Senate Bill S.06528, which provides that no public authority which collects tolls shall charge an administrative fee for the electronic collection of such tolls in New York State; now, therefore, be it

1st RESOLVED, that this Legislature hereby supports Assembly Bill A.09527 and Senate Bill S.06528, which would prohibit any public authority from collecting an administrative fee for the electronic collection of tolls in State of New York; and be it further

2nd RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to the Members of the Board of the MTA; the New York State Bridge

Authority; the Port Authority; the New York State Thruway Authority; to Governor George E. Pataki; to the Majority Leader of the New York State Senate Joseph L. Bruno; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: March 14, 2006

s:\memres\mr-e-zpass-admin-fee

Legislator Stern made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Mem. Res. No. 6 -2006

LOT 2/7/2006

Introduced by Legislators Stern , Browning, Vilorio-Fisher, Montano

**MEMORIALIZING RESOLUTION IN SUPPORT OF THE
HEALTH CARE RESPONSIBILITY ACT**

WHEREAS, most retail employers in New York State have historically provided paid health care for their employees and families, but mounting competitive pressures from large employers who do not follow this practice is forcing many employers to eliminate health care coverage; and

WHEREAS, wages in the retail industry are among the lowest in New York State, and there is an increasing number of residents holding these jobs who are unable to pay for their own health care; and

WHEREAS, these low wage employees are often forced to turn to Medicaid or other forms of publicly funded health care to meet their family's needs, thereby causing taxpayers to subsidize employers who have failed to provide health coverage for their workers; and

WHEREAS, the State of New York and its municipalities cannot afford to continue to subsidize low wage employers who refuse to provide a minimum level of health care for their employees; now, therefore, be it

1st RESOLVED, that this Legislature hereby supports Senate Bill No. S. 6472 and Assembly Bill No. 9776, which would require employers operating certain large retail establishments in New York State to spend a minimum level of funding on health care for their employees; and be it further

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

DATED: March 14, 2006

s:\memres\mr-health-care-security

Legislator Horsley made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 17-0-0-1. Legislator D’Amaro was not present.

Mem. Res. No. 8-2006

LOT 2/7/06

Introduced by Legislator Horsley, Romaine, Vilorio-Fisher, Stern, Browning, Montano, Schneiderman, Mystal

MEMORIALIZING RESOLUTION REQUESTING THE STATE OF NEW YORK TO CREATE THE LONG ISLAND WORKFORCE HOUSING INCENTIVE PROGRAM

WHEREAS, the lack of affordable housing is universally recognized as one of the most critical problems facing the Long Island region; and

WHEREAS, in the last four years, housing prices on Long Island have risen 81% while incomes have risen only 14% on average, putting homes and rental units out of the reach of more individuals and families; and

WHEREAS, on Long Island more than 25% of households -- and one-third of renters -- pay more than 35% of their gross monthly income for housing costs; and

WHEREAS, the lack of affordable housing and workforce housing is forcing residents, particularly young people and seniors, to leave Suffolk County; and

WHEREAS, the County of Suffolk faces labor shortages and stunted economic growth unless this critical issue is addressed; and

WHEREAS, while the County of Suffolk has made the creation of affordable workforce housing a top priority, action is required at all levels of government, particularly at the town and village level; and

WHEREAS, legislation has been approved in the New York State Assembly, A.02050, and introduced in the New York State Senate, S.03966, that would create the Workforce Housing Incentive Program; and

WHEREAS, this legislation would require local governments in Nassau and Suffolk County that approve a subdivision plat or site plan for five (5) or more residential units to require the set aside of at least 10% of such units for affordable workforce housing, the payment of a fee to be used to provide affordable workforce housing or the provision of other lands for such purpose; now, therefore, be it

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 22, 2006

Legislator Alden made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-1. Legislator D'Amato was not present.

Intro. Res. No. 1275-2006

Laid on Table 3/14/2006

Introduced by Legislators Alden, Romaine, Mystal, Schneiderman and Stern

**RESOLUTION NO. 210 -2006, TO FURTHER 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 six (6) month suspension 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 2006 Adopted Operating Budget included \$1,000,000 to provide funding for a supplemental heating assistance program; and

WHEREAS, the County should establish a County funded supplemental Home Energy Assistance Program that will aid those Suffolk residents, mostly seniors and working families, who would

otherwise qualify for federally funded HEAP, except that their income exceeds the guidelines by fifteen percent (15%) or less; and

WHEREAS, this amended copy represents a compromise between County Executive Steve Levy and the sponsors of the bill, based upon the recommendation of the County Department of Social Services; and

WHEREAS, the wrong version of Resolution No. 112-2006 (I.R. 1055-2006), “to Supplement Existing HEAP Program to Benefit a Wider Range of Suffolk Residents” was inadvertently adopted by the County Legislature on February 7, 2006 because the January 11, 2006 amended version of the bill was not filed in a timely fashion; and

WHEREAS, Executive Order No. 5-2006, “Suffolk HEAP Program”, has implemented changes requested by the County Department of Social Services pending adoption of this Resolution; now, therefore, be it

1st RESOLVED, that Resolution No.112-2006 (I.R. 1055-2006), “to Supplement Existing HEAP Program to Benefit a Wider Range of Suffolk Residents” is hereby repealed in its entirety, effective immediately; and be it further

2nd RESOLVED, that a Supplemental Home Energy Assistance Program (hereinafter referred to as Suffolk HEAP) is hereby established and shall be administered by the Department of Social Services and shall provide \$300 to eligible households. Suffolk HEAP eligibility shall be based upon the income guidelines established under the federally funded HEAP Program increased by fifteen percent (15%) as further illustrated in Attachment “A”; and be it further

3rd 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 who are income ineligible for the federally funded HEAP Program but are within the established income standards as illustrated in Attachment “A” at time of application are entitled to the Suffolk HEAP benefit; and be it further

4th RESOLVED, that all prescribed documentation that is required for the federally funded HEAP Program shall also apply to Suffolk HEAP; and be it further

5th RESOLVED, that the Suffolk HEAP Program shall be administered by the Department of Social Services and shall follow the same calendar as the Federally funded HEAP Program in New York State or until the funds that have been authorized are exhausted, whichever occurs first; and be it further

6th RESOLVED, that this resolution shall take effect immediately and shall apply to all requests for assistance occurring on or after February 15, 2006 consistent with the manner in which such requests were processed under Suffolk County Executive Order No. 5-2006; and be it further

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

Deed *
Utility Bill

Marriage Certificates

* **NOTE:** Also verifies tenant of record.

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

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 & Program</u>	<u>Revised 2006 Capital Budget & 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 & Program</u>	<u>Revised 2006 Capital Budget & 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****

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 17-0-0-1. Legislator D'Amaro was not present.

Introduced by Legislators Browning, Schneiderman & Montano LOT 3/14/06

**MOTION NO. 2-2006, PROCEDURAL RESOLUTION
AUTHORIZING CONTINUED FUNDING OF
CONSULTANT FOR HOUSING NEEDS ASSESSMENT
STUDY FOR SUFFOLK COUNTY**

WHEREAS, Procedural Motion No. 2-2005 authorized the retention of the Center for Urban Policy Research (CUPR) at Rutgers University for the purpose of conducting a Housing Needs Assessment Study for Suffolk County; and

WHEREAS, Procedural Motion No. 2-2005 authorized the payment of funds not to exceed Sixty-Five Thousand (\$65,000.00) for the year 2005; and

WHEREAS, in order to complete the Housing Needs Assessment Study for Suffolk County, the contract with CUPR must be extended; now, therefore, be it

1st RESOLVED, that the 2nd RESOLVED clause of Procedural Motion No. 2-2005 is hereby amended to read as follows:

2nd RESOLVED, that this Legislature hereby directs the Presiding Officer to execute such agreements with the Center for Urban Policy Research (CUPR) at Rutgers University for such professional services as may be necessary to carry out this Resolution in an amount not to exceed Sixty Five Thousand Dollars (\$65,000.00) [for 2005], said amount to be paid from the Budget Review Office Fees for Services: Non-Employees (001-LEG-1025-4560) appropriation; and be it further

3rd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(21) of Title 6 of the NEW YORK CODE OF RULES AND

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

DATED: March 14, 2006

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

s:\motion-extend-housing-needs-2006

Riverside Drive Site Planning Steps Resolution, Town of Riverhead

SCTM#s and Current Owners

SCTM#	Owner(s) _____
Dist. 0600 Section 130 Block 3 Lots 1, 3, 6, 9, 12, 15, 20, 23, 26, 29, 32, 35, 39, 42, 45	River Property Holdings, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 130 Block 3 Lots 2, 5, 8, 10, 13, 16, 19, 22, 25, 28, 30, 33, 36, 38, 41, 44, 47	Resort Holdings, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 130 Block 3 Lots 4, 7, 11, 14, 17, 18, 21, 24, 27, 31, 34, 37, 40, 43, 46	BB Peconic, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 130 Block 4 Lot 3	BB Peconic, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 130 Block 4 Lots 1,4, 6	Resort Holdings, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 130 Block 4 Lots 2, 5	River Properties Holdings, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 130 Block 4 Lots 1	The River Club I, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102

SCTM#s and Current Owners

SCTM#

Dist. 0600
Section 130
Block 1
Lots 10, 20, 26, 29, 32, 34,
37, 40, 42, 44, 47, 50

Owner(s) _____

River Resort, LLC
c/o John McInerney
120 EAB Plaza West Tower
Uniondale, NY 11556-0102

Dist. 0600
Section 130
Block 1
Lots 9, 21, 24, 25, 28, 31, 35, 38,
43, 46, 48, 51

Waterfront Property, LLC
c/o John McInerney
120 EAB Plaza West Tower
Uniondale, NY 11556-0102

Dist. 0600
Section 130
Block 1
Lots 11, 18, 22, 27, 30, 33,
36, 39, 41, 45, 49

Peconic Property I, LLC
c/o John McInerney
120 EAB Plaza West Tower
Uniondale, NY 11556-0102

Dist. 0600
Section 130
Block 1
Lots 19, 23

Peconic Holdings I, LLC
c/o John McInerney
120 EAB Plaza West Tower
Uniondale, NY 11556-0102

Dist. 0600
Section 131
Block 1
Lots 17, 20, 23, 26, 29, 32

River Resort, LLC
c/o John McInerney
120 EAB Plaza West Tower
Uniondale, NY 11556-0102

Dist. 0600
Section 131
Block 1
Lots 16, 19, 22, 25, 28, 31

Waterfront Property, LLC
c/o John McInerney
120 EAB Plaza West Tower
Uniondale, NY 11556-0102

Dist. 0600
Section 131
Block 1
Lots 15, 18, 21, 24, 27, 30, 33

Peconic Property I, LLC
c/o John McInerney
120 EAB Plaza West Tower
Uniondale, NY 11556-0102

Riverside Drive Site Planning Steps Resolution, Town of Riverhead

SCTM#s and Current Owners

SCTM#	Owner(s)
Dist. 0600 Section 131 Block 2 Lots 1, 6, 9, 13, 15, 22, 28, 36, 39	River Resort, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 131 Block 2 Lots 2, 5, 12, 17, 19, 23, 26, 30, 37, 40	Waterfront Property, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 131 Block 2 Lots 3, 8, 10, 14, 16, 21, 27, 29, 35	Peconic Property I, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 131 Block 2 Lots 4, 7, 11, 18, 20, 24, 25, 38	Peconic Holdings I, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 131 Block 3 Lots 9, 12, 14, 17, 19	River Resort, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 131 Block 3 Lots 8, 11, 15	Waterfront Property, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 131 Block 3 Lots 7, 10, 16, 28	Peconic Property I, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102
Dist. 0600 Section 131 Block 3 Lots 13, 18	Peconic Holdings I, LLC c/o John McInerney 120 EAB Plaza West Tower Uniondale, NY 11556-0102

**MEETING ADJOURNED 9:16PM
TIM LAUBE, CLERK OF THE LEGISLATURE**