

SIXTH DAY
REGULAR MEETING

April 4, 2006

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

The meeting was called to order at 9:32 a. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Vilorio-Fisher; Legislators Romaine, Schneiderman, Browning, Eddington, Montano, Barraga, Nowick, Horsley, Mystal, and Stern.

Legislator D'Amaro arrived at 9:33 a.m.

Legislator Cooper arrived at 9:40 a.m.

Legislators Caracappa, Losquadro, Alden and Kennedy arrived at 9:42 a.m.

Pledge of Allegiance.

Statements and Presentations
Public Portion

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

Intro. Res. No. 1306-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 211 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE CONTROL # 745-2006

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

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

WHEREAS, the properties represented by the tax item number and/or Suffolk County Tax Map Number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully

complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes; then

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

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

RESOLUTION NO.

CONTROL# 745-2006

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BABYLON	05/06		0100/116-6-50	5348.73	1374.10	3974.63
A	BABYLON	05/06		0100/227-3-82	7044.48	3872.73	3171.75
A	BROOKHAVEN	05/06	85-42190	0200/593-2-1	8932.18	5411.40	3520.78
A	BROOKHAVEN	05/06	85-42150	0200/723-4-15	24179.98	14780.22	9399.76
A	BROOKHAVEN	05/06	80-05598	0200/729-3-1.1	234650.68	205636.76	29103.92
A	HUNTINGTON	05/06		0400/116-2-28.2	6763.91	3466.41	3297.50
A	HUNTINGTON	05/06		0400/244-1-80	8677.45	3126.04	5551.41
A	RIVERHEAD	05/06		0600/126-4-12	11114.40	2709.44	8404.96

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

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1307-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 212 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE CONTROL # 746-2006

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

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

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

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

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

RESOLUTION NO.

CONTROL# 746-2006

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	05/06	86-12405	0200/132-2-1.1	11182.88	7497.20	3685.68
A	BROOKHAVEN	05/06	86-12415	0200/132-2-1.2	30256.71	18251.40	12005.31
A	BROOKHAVEN	05/06	82-13195	0200/288-1-5.1	12382.00	7997.17	4384.83
A	BROOKHAVEN	05/06	82-13194	0200/288-1-24	4618.32	135.98	4482.34
A	BROOKHAVEN	05/06	82-18012	0200/500-1-1.3	19875.38	8443.24	11432.14
A	BROOKHAVEN	05/06	85-01630	0200/508-1-2	5213.26	1450.05	3763.21
A	BROOKHAVEN	05/06	82-07841	0200/634-1-6.5	23460.43	20555.23	2905.20
A	BROOKHAVEN	05/06	82-21590	0200/706-1-4	41620.90	4542.74	37078.16
A	BROOKHAVEN	05/06	85-27371	0200/828-3-18.1	11456.52	5828.94	5627.58
A	BROOKHAVEN	05/06	85-33850	0200/860-1-14	14494.83	8729.71	5765.12

A	BROOKHAVEN	5/06	34-03480	0200/973.8-3-12	3472.61	658.86	2813.75
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*As Provided and Requested By Town Assessor or Receiver of Taxes

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1313-2006 Laid on Table 3/14/2006
 Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 213 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE

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

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

WHEREAS, the properties represented by the tax item number and/or Suffolk County Tax Map Number and indicated below have been duly investigated by the Real Property

Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes; then

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

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

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVE N	05/06	87-20855	0200/102-1-3.1	49767.85	32989.56	16778.29
A	BROOKHAVE N	05/06	07-01571	0200/182-2-25.3	27300.28	23776.69	3523.59
A	BROOKHAVE N	05/06	87-00868	0200/205-7-1	15773.50	11284.11	4489.39
A	BROOKHAVE N	05/06	86-17952	0200/278-6-4.5	307734.42	249795.50	57938.92
A	BROOKHAVE N	05/06	82-17278	0200/403-1-2.3	13341.86	8980.10	4361.76
A	BROOKHAVE N	05/06	80-24161	0200/472-6-2	24550.30	14730.18	9820.12
A	BROOKHAVE N	05/06	80-26588	0200/490-4-1.1	33756.67	17185.21	16571.46
A	BROOKHAVE	05/06	62-38650	0200/648-5-35.1	18843.44	11070.56	7772.88

A	N BROOKHVAE	05/06	80-08940	0200/655-5-19	19164.40	10827.88	8336.52
A	N BROOKHAVE	05/06	80-10831	0200/688-3-4.1	41220.04	19314.55	21905.49
A	N BROOKHAVE	05/06	27-03280	0200/736-1-10	40174.88	33111.15	7063.73
A	N BROOKHAVE	05/06	28-06980	0200/771-7-21.1	18280.52	13375.98	4904.54
A	N BROOKHAVE	05/06	41-12050	0200/851-4-18.1	18610.51	14345.58	4264.93
A	N BROOKHAVE	05/06	82-31870	0202/5-4-26	29236.27	17155.79	12780.48
A	N BROOKHAVE	05/06	81-00313	0208/13-5-10	20197.26	9313.17	10884.09
A	N BROOKHAVE	05/06	81-00314	0208/13-5-11	24685.54	11332.91	13352.63

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

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1320-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 214 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 747-2006)

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

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

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

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

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

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

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
C	BABYLON	04/05	13-0177003	100-59-3-39	10,895.20	6,230.70	4,664.50
C	BABYLON	05/06	13-0177003	100-59-3-39	11,430.79	6,527.03	4,903.76
A	BABYLON	05/06	10-1362009	100-26-2-81	6,588.23	3,867.56	2,720.67
C	EAST HAMPTON	05/06	N/A	300-124-1-4	5,189.16	89.06	5,100.10

A	HUNTINGTON	05/06	N/A	400-282-2-163.3	6,066.78	3,120.93	2,945.85
A	HUNTINGTON	05/06	N/A	400-191-5-11	20,850.15	0.00	20,850.15
A	HUNTINGTON	05/06	N/A	400-191-5-10	14,404.33	374.96	14,029.37
A	HUNTINGTON	05/06	N/A	400-277-2-67	14,839.07	11,615.72	3,223.35
C	RIVERHEAD	02/03	N/A	600-135-1-7.31	893,884.0	871,703.57	22,180.49
C	RIVERHEAD	03/04	N/A	600-135-1-7.31	520,812.3	497,467.94	23,344.36
C	RIVERHEAD	04/05	N/A	600-135-1-7.35	449,126.1	425,301.20	23,824.98
C	RIVERHEAD	05/06	N/A	600-96-1-13.68	15,089.01	10,812.31	4,276.67
A	SOUTHAMPTON	04/05	N/A	900-385-2-36	25,827.08	14,953.96	10,873.12
A	SOUTHAMPTON	04/05	N/A	900-179-1-2	17,907.36	11,327.21	6,580.15
A	SOUTHAMPTON	04/05	N/A	900-317-2-2.2	23,920.88	0.00	23,920.88
A	SOUTHAMPTON	03/04	N/A	900-317-2-2.2	3,079.54	0.00	3,079.54
A	SOUTHAMPTON	04/05	N/A	902-3-1-19.1	5,049.36	1,470.46	3,578.90
C	SOUTHAMPTON	03/04	N/A	902-3-1-19.1	4,493.52	1,284.37	3,209.15
A	SOUTHOLD	05/06	N/A	1000-18-3-3	6,316.33	3,509.07	2,807.26
A	SOUTHOLD	05/06	N/A	1000-143-5-3	3,688.33	1,133.06	2,555.27

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

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1326-2006 Laid on Table 3/14/2006
 Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 215 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #238

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:				
0200-298.00-01.00-002.002 (Item # 99-90040)	2005/06	\$9,915.85	\$0.00	\$9,915.85
0200-307.00-03.00-013.021 (Item # 99-90003)	2005/06	\$11,648.85	\$0.00	\$11,648.85
0200-626.00-01.00-009.000 (Item # 80-03783)	2005/06	\$16,888.62	\$0.00	\$16,888.62

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro Res. No. 1350-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 216 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR

ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #240

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>
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BROOKHAVEN:

0200-592.00-02.00-017.000 (ITEM # 8504704)	2005/06	\$11,478.82	\$0.00	\$11,478.82
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DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1351-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 217 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #217

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>
Southampton:				
0900-259.00-01.00-006.004	2003/04	\$15,681.02	\$0.00	\$15,681.02
	2004/05	\$12,643.18	\$0.00	\$12,643.18
0900-034.00-01.00-005.002	2004/05	\$6809.22	\$0.00	\$6809.22
0900-386.00-02.00-005.003	2004/05	\$12,699.92	\$0.00	\$12,699.92
0900-128.00-01.00-022.002	2004/05	\$3001.88	\$0.00	\$3001.88
0900-020.00-01.00-001.082	2004/05	\$6489.90	\$0.00	\$6489.90
Easthampton:				
0300-103.00-01.00-005.000	2004/05	\$5264.72	\$0.00	\$5264.72

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1309-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 218 -2006, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE COUNTY

EXECUTIVE TO EXECUTE AGREEMENTS

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

WHEREAS, the Department of Economic Development/Community Development Division has submitted an application for a Community Development Entitlement Block Grant for Federal Fiscal Year 2006 under the Housing and Community Development Acts of 1974 (P.L. 93-383) as amended; and

WHEREAS, the County Consortium has been awarded a FY 2006 entitlement Community Development Block Grant in the amount of \$3,810,697; and has program income of \$55,000 and unobligated funds of \$87,000; and

WHEREAS, \$381,697 of said funds are to be used for operational costs; and

WHEREAS, these funds have already been included in the 2006 Adopted Operating Budget to offset operational costs; and

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

1st RESOLVED, that the Suffolk County Legislature hereby authorizes the County Executive to accept the Community Development Block Grant and to contract with HUD and the cooperating municipalities for the expenditure of these funds; and be it further

2nd RESOLVED, that \$381,697 of these funds be used to reimburse budgeted county expenses and that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate the following funds.

REVENUES:

352-4920 Federal Aid:	Community Development	\$3,810,697
	Program Income	\$ 55,000
	Unobligated Funds	\$ 87,000

ORGANIZATIONS:

**ECONOMIC DEVELOPMENT
GRANTS TO COOPERATING MUNICIPALITIES
352-CDV-8035**

<u>4980-Contracted Services</u>	\$3,571,000
4980-Contracted Agencies TOWN OF BROOKHAVEN 352-9131	\$2,160,000
4980-Contracted Agencies TOWN OF EAST HAMPTON 352-9132	115,000
4980-Contracted Agencies TOWN OF RIVERHEAD 352-9133	168,000
4980-Contracted Agencies TOWN OF SHELTER ISLAND 352-9134	17,000
4980-Contracted Agencies TOWN OF SMITHTOWN 352-9135	314,000

4980-Contracted Agencies TOWN OF SOUTHAMPTON 352-9136	259,000
4980-Contracted Agencies TOWN OF SOUTHOLD 352-9137	139,000
4980-Contracted Agencies VILLAGE OF BELLPORT 352-9138	17,000
4980-Contracted Agencies VILLAGE OF LAKE GROVE 352-9139	55,000
4980-Contracted Agencies VILLAGE OF PATCHOGUE 352-9140	236,000
4980-Contracted Agencies VILLAGE OF PORT JEFFERSON 352-9141	33,000
4980-Contracted Agencies VILLAGE OF SAG HARBOR 352-9142	20,000
4980-Contracted Agencies VILLAGE OF SOUTHAMPTON 352-9143	25,000
4980-Contracted Agencies VILLAGE OF WESTHAMPTON BEACH 352-9144	13,000

INTERFUND TRANSFER
TRANSFER TO FUND 351
IFT-9600

352-IFT-E351 Transfer to Fund 351 Comm Dev Admin \$381,697

and be it further

3rd RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is CD11.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro Res. No. 1310-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 219 -2006, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR AN EMERGENCY SHELTER GRANTS PROGRAM AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT

WHEREAS, the Suffolk County Community Development Office has been awarded an Emergency Shelter Grant for fiscal year 2006 under Title IV of the Stewart B. McKinney Homeless Assistance Act, Subpart B, P.O. 100-77; and

WHEREAS, the County has been awarded an Emergency Shelter Grant in the amount of \$163,126.00; and

WHEREAS, \$8,150 of said funds are to be used for operational costs; and

WHEREAS, these funds have been included in the 2006 Adopted Operating Budget; now, therefore, be it

1st RESOLVED, that the Suffolk County Legislature hereby authorizes the County Executive or his designee to accept the Emergency Shelter Grant and to contract with the cooperating non-profit organizations for the expenditure of these funds; and, be it further

2nd RESOLVED, that \$8,150 of these funds be used to reimburse budgeted county expenses and that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate the following funds.

REVENUES:

354-4910 Federal Aid: Community Development \$163,126

ORGANIZATIONS:

ECONOMIC DEVELOPMENT
EMERGENCY SHELTER GRANTS PROGRAM
354-CDV-8779

Contracted Services \$154,976
4980-Contracted Agencies \$154,976

INTERFUND TRANSFER
TRANSFER TO FUND 351
IFT-9600

354-IFT-E351 Transfer to Fund 351 Comm Dev Admin \$ 8,150

and be it further

3rd RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is CD10.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1311-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 220 -2006, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A HOME INVESTMENT PARTNERSHIPS PROGRAM AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS

WHEREAS, the Suffolk County Department of Economic Development/Community Development Division has submitted an application for a HOME Investment Partnership Program Grant for Federal Fiscal Year 2006 under Title II of the National Affordable Housing Act of 1990 (P.L. 101-625); and

WHEREAS, the County has been awarded a HOME Investment Partnership Program FY 2006 grant in the amount of \$2,243,210; and

WHEREAS, the County has also been awarded a FY 2006 American Dream Downpayment Initiative Grant in the amount of \$36,168 as part of the HOME Investment Partnership Program; and

WHEREAS, \$264,321 of said funds are to be used for operational costs; and

WHEREAS, these funds have been included in the 2006 Adopted Operating Budget; now, therefore, be it

1st RESOLVED, that the Suffolk County Legislature hereby authorizes the County Executive or his designee to accept the HOME Investment Partnerships Grant and to contract with HUD, cooperating municipalities, non-profit and for-profit organizations for the expenditure of these funds; and be it further

2nd RESOLVED, that \$264,321 of these funds be used to reimburse budgeted County expenses and that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate the following funds:

REVENUES:

353-4911 Federal Aid: Community Development

\$2,279,378

ORGANIZATIONS:

ECONOMIC DEVELOPMENT
HOME INVESTMENT PARTNERSHIPS
353-CDV-8775

Contracted Services
4980-Contracted Agencies

\$2,015,057
\$2,015,057

INTERFUND TRANSFER
TRANSFER TO FUND 351
IFT-9600

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

\$264,321

and be it further

3rd RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is CD12.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1279-2006
Introduced by Presiding Officer

Laid on Table 3/14/2006

RESOLUTION NO. 221 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED RABIES ORAL IMMUNIZATION PROGRAM, TOWNS OF BABYLON, BROOKHAVEN, HUNTINGTON, ISLIP AND SMITHTOWN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Rabies Oral Immunization Program, Towns of Babylon, Brookhaven, Huntington, Islip and Smithtown", pursuant to Section 6 of Local Law No. 22-1985 which project involves a 35-mile wide rabies immunization corridor by vaccinating the endemic raccoon population near the Nassau-Suffolk County border using an oral rabies vaccination bait via aerial and ground placement in order to prevent the spread of raccoon rabies entering Suffolk County; and

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

WHEREAS, at its February 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Health Services in connection with this project; 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 February 22, 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 Rabies Oral Immunization Program, Towns of Babylon, Brookhaven, Huntington, Islip and Smithtown constitutes an unlisted action under 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 proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and the Suffolk County Code;
- 3.) The parcel does not appear to suffer from any severe environmental development constraints (no poor soil properties, no high groundwater and no unmanageable slopes);
- 4.) The oral rabies vaccination bait will inoculate raccoon and possibly coyote and dog populations in the corridor and they will not be adversely affected; and
- 5.) The bait will not adversely affect other wildlife in the area nor will it affect the human population;

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: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1280-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer

RESOLUTION NO. 222 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS GREAT POND – GEORGIPOLOUS PROPERTY, TOWN OF SOUTHOLD

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 Great Pond – Georgiopolous Property, Town of Southold", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 1.34 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 February 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning in connection with this project; 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 February 22, 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 Great Pond – Georgiopolous Property, Town of Southold constitutes an unlisted action under 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; and
- 2.) 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: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1281-2006
Introduced by Presiding Officer

Laid on Table 3/14/2006

RESOLUTION NO. 223 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF A CONSERVATION EASEMENT OF FIVE ACRES OF LAND KNOWN AS THE SANS SOUCI LAKES COUNTY PARK ADDITION – LOUGHLIN PROPERTY, TOWN OF ISLIP

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of a Conservation Easement of Five Acres of Land Known as the Sans Souci Lakes County Park Addition – Loughlin Property, Town of Islip", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of a 5 acre conservation easement by Suffolk County; 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 February 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning in connection with this project; 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 February 22, 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 a Conservation Easement of Five Acres of Land Known as the Sans Souci Lakes County Park Addition – Loughlin Property, Town of Islip constitutes an unlisted action under 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; and
- 2.) The property easement will be assigned 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: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1282-2006
Introduced by Presiding Officer

Laid on Table 3/14/2006

RESOLUTION NO. 224 -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 – GODZIEBA 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 – Godzieba Property, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 37.6 acres of land by Suffolk County for open space preservation purposes; said property is to be divided equally between the County of Suffolk and the Town of Brookhaven; 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 February 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning in connection with this project; 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 February 22, 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 – Godzieba Property, Town of Brookhaven constitutes an unlisted action under 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; and
- 2.) 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: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1283-2006
Introduced by Presiding Officer

Laid on Table 3/14/2006

RESOLUTION NO. 225 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS CHAMPLIN CREEK ADDITION – CACOPERDO PROPERTY, TOWN OF ISLIP

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 Champlin Creek Addition – Cacoperdo Property, Town of Islip", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.65 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 February 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning in connection with this project; 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 February 22, 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 Champlin Creek Addition – Cacoperdo Property, Town of Islip constitutes an unlisted action under 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; and
- 2.) 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: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1284-2006
Introduced by Presiding Officer

Laid on Table 3/14/2006

**RESOLUTION NO. 226 -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 – RAKIDJIAN 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 – Rakidjian Property, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.24 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 February 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning in connection with this project; 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 February 22, 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 – Rakidjian Property, Town of Brookhaven constitutes an unlisted action under the provisions of Title 6 NYCRR 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; and
- 2.) 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: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1285-2006
Introduced by Presiding Officer

Laid on Table 3/14/2006

RESOLUTION NO. 227 -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 – DOVALE 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 – Dovale Property, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.40 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 February 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning in connection with this project; 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 February 22, 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 – Dovale Property, Town of Brookhaven constitutes an unlisted action under 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; and
- 2.) 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: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1345-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 228 -2006, ACCEPTING & APPROPRIATING A GRANT IN THE AMOUNT OF \$100,000 FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE SUFFOLK COUNTY POLICE DEPARTMENT'S OPERATION HOT WHEELS II PROGRAM WITH 100% SUPPORT

WHEREAS, the New York State Department of Criminal Justice Services has made \$100,000 in State Motor Vehicle Theft and Insurance Fraud Prevention Program funds available to Suffolk County for the continuance of the Suffolk County Police Department's Operation Hot Wheels Program; and

WHEREAS, this program is designed to reduce the incidence of motor vehicle theft and insurance fraud within Suffolk County; and

WHEREAS, the operational period of the Program will be from January 1, 2006 through December 31, 2006; and

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

1st RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds as follows:

REVENUE:	<u>Amount</u>
001-3393-State Aid: Operation Hot Wheels II	\$100,000

EXPENSE:

**Police Department (POL)
Operation Hot Wheels II
001-POL-3275**

1000-Personal Services **\$82,692**
1120-Overtime Salaries 82,692

4300-Travel **\$528**
4310-Employee Miscellaneous Expense 528

**Employee Benefits
Retirement
001-EMP-9010**

8000-Employee Benefits **\$15,580**
8280-Employee Retirement System 15,580

Employee Benefits

Social Security

001-EMP-9030

8000-Employee Benefits **\$1,200**
8330-Social Security 1,200

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1248-2006
Introduced by Presiding Officer

Laid on Table 3/14/2006

**RESOLUTION NO. 229 –2006, APPROVING PAYMENT TO
GENERAL CODE PUBLISHERS FOR ADMINISTRATIVE CODE
PAGES**

WHEREAS, General Code Publishers Corp. has provided Supplement No. 72 to update the Suffolk County Administrative Code totaling \$8,397.35; and

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

RESOLVED, that the payment of \$8,397.35 for the provisions of such pages is hereby approved.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1260-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 230 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT DOMINGO GARCIA (SCTM NO. 0500-227.00-01.00-027.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 227.00, Block 01.00, Lot 027.000, and acquired by tax deed on June 29, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2005, in Liber 12397, at Page 973, and otherwise known as and by Town of Islip, Map of Loretta Park Map 152, Lot 2161, Sec 2 filed in Suffolk County June 2, 1904; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on June 29, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2005 in Liber 12397 at Page 973.

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, DOMINGO GARCIA has made application of said above described parcel and DOMINGO GARCIA has paid the application fee and \$856.85, 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

1st 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

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to DOMINGO GARCIA, 786 Broadway, Brentwood, New York 11717, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1261-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 231 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT EDWARD MOLTON (SCTM NO. 0200-977.00-02.00-021.000)

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 977.00, Block 02.00, Lot 021.000, 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, Lot No. 4390 on a certain map entitled, "Map of Mastic Beach, Suffolk County, Long Island, New York", and filed in the Office of the Clerk of the County of Suffolk on the 3rd day of June 1926, File No. 1004; and

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

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

WHEREAS, EDWARD MOLTON has made application of said above described parcel and EDWARD MOLTON has paid the application fee and \$406.97, 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

1st 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

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to EDWARD MOLTON, 196 Washington Drive, Mastic Beach, New York 11951, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1262-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 232 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT EDWARD MOLTON (SCTM NO. 0200-977.00-02.00-017.000)

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 977.00, Block 02.00, 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, Lot Nos. 7036, 7037 and 7038 on a certain map entitled, "Second Map of Mastic Beach, Suffolk County, Long Island, New York", and filed in the Office of the Clerk of the County of Suffolk on the 29th day of June 1926, File No. 180; and

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

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

WHEREAS, EDWARD MOLTON has made application of said above described parcel and EDWARD MOLTON has paid the application fee and \$1,250.77, 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

1st 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

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to EDWARD MOLTON, 196 Washington Drive, Mastic Beach, New York 11951, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1263-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 233 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT JOHN M. COSGROVE and JULIA G. COSGROVE (SCTM NO. 0200-559.00-03.00-011.001)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 559.00, Block 03.00, Lot 011.001, and acquired by tax deed on June 24, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2004, in Liber 12330, at Page 857, and otherwise known as and by Town of Brookhaven, County of Suffolk and State of New York, known and designated as part of Lot No. 695 on a certain map entitled, "Map of Property of William M. Moffit" filed in the Suffolk County Clerk's Office on 12/14/10 as Map No. 610; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on June 24, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2004 in Liber 12330 at Page 857.

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

WHEREAS, JULIA G. COSGROVE has made application of said above described parcel and JULIA G. COSGROVE has paid the application fee and \$66,299.67, 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

1st 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

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to JOHN M. COSGROVE and JULIA G. COSGROVE, 237 Silas Carter Road, Manorville, New York 11949, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1264-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 234 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT MARGARET VAUGHAN (SCTM NO. 0200-182.00-03.00-031.001)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 182.00, Block 03.00, Lot 031.001, 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, Echo Park Map 255 N 10 Ft 10 & All 21 to 28 Inc; and

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

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

WHEREAS, MARGARET E. VAUGHAN has made application of said above described parcel and MARGARET E. VAUGHAN has paid the application fee and \$1,790.98, 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

1st 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

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to MARGARET VAUGHAN, 199 Jayne Blvd., Port Jefferson Station, New York 11776, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1265-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 235 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT SALVATORE MAZZA and LOUIS HAPST, as Tenants in Common (SCTM NO. 0103-009.00-02.00-033.000)

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 Incorporated Village of Lindenhurst, Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0103, Section 009.00, Block 02.00, Lot 033.000, and acquired by tax deed on June 9, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 13, 2005, in Liber 12392, at Page 121, and otherwise known as and by Incorporated Village of Lindenhurst, Town of Babylon, Filed Map 155 Sec 1 Blk 7 Lots 5-8 Inc; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on June 9, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 13, 2005 in Liber 12392 at Page 121.

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, LOUIS HAPST has made application of said above described parcel and LOUIS HAPST has paid the application fee and \$27,312.11, 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

1st 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

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, ZION GOSPEL CHURCH, by Rev. Willard Price, has made application of said above described parcel and ZION GOSPEL CHURCH, by Rev. Willard Price, has paid the application fee and will be paying \$68,481.20 as payment of taxes, penalties, interest, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; and

1st 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

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ZION GOSPEL CHURCH, c/o Rev. Willard Price, 90 Warren Street, Copiague, New York 11726, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1267-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 237 -2006, AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY
ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY**

TAX ACT ZION GOSPEL CHURCH (SCTM NO. 0100-202.00-02.00-040.000)

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 Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 202.00, Block 02.00, Lot 040.000, and acquired by tax deed on May 10, 2005, from Martin W. Haley, as the Chief Deputy County Treasurer of Suffolk County, New York, and recorded on May 12, 2005, in Liber 12386, at Page 804, and otherwise known as and by Town of Babylon, Filed Map 642 Blk 46 Lots 11 & 12; 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 May 10, 2005, from Martin W. Haley, as the Chief Deputy County Treasurer of Suffolk County, New York, and recorded on May 12, 2005 in Liber 12386 at Page 804.

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, ZION GOSPEL CHURCH, by Rev. Willard Price, has made application of said above described parcel and ZION GOSPEL CHURCH, by Rev. Willard Price, has paid the application fee and will be paying \$28,691.04 as payment of taxes, penalties, interest, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; and

1st 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

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ZION GOSPEL CHURCH, c/o Rev. Willard Price, 90 Warren Street, Copiague, New York 11726, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1268-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 238 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT SOTIRIS NICOLAOU (SCTM NO. 0100-057.00-02.00-054.000)

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 Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 057.00, Block 02.00, Lot 054.000, and acquired by tax deed on June 9, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 13, 2005, in Liber 12392, at Page 121, and otherwise known as and by Town of Babylon, "Map of Colonial Springs" Map No. 223 filed in the Office of the Suffolk County Clerk on March 16, 1925, Lot Numbers 14, 15 and 16 in Block 14; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on June 9, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 13, 2005 in Liber 12392 at Page 121.

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, SOTIRIS NICOLAOU has made application of said above described parcel and SOTIRIS NICOLAOU has paid the application fee and \$1,010.61, 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

1st 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

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to SOTIRIS NICOLAOU, 20 Elm Street, Wyandanch, New York 11798, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1269-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 239 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW 13-
1976 HAL SIEGER (SCTM NO. 0100-079.00-01.00-055.000)**

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 Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100 Section 079.00, Block 01.00 Lot 055.000 and acquired by Tax Deed on December 20, 1974 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on December 24, 1974 in Liber 7772 at Page 103 (CTF 563) and re-recorded on December 20, 1974 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on April 5, 1976 in Liber 8012 at Page 425 (CTF 563) and described as follows, Town of Babylon, M/O Home Acres Lots #11 and #12 Block #20 as Map #300 as filed in the Clerk's Office of Suffolk County on May 27, 1931; 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, Hal Sieger, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$5,500.00. 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 \$3,500.00, 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 \$5,500.00, 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, therefore be it

1st 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

2nd 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.

3rd 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 Hal Sieger, 33 Carrol Court, Greenlawn, New York 11740.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1270-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 240 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL
LAW 13-1976 SALVATORE A. SANGENITI AND MARY
MARGARET SANGENITI, his wife (SCTM NO. 0200-442.00-
03.00-011.003)**

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 442.00, Block 03.00 Lot 011.003 and acquired by Tax Deed on June 25, 1996 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 11, 1996 in Liber 11782 at Page 181 and described as follows, Town of Brookhaven, N x Vining St., E x Haven Hills 2, S x Haven Hills 3, W x now or formerly Zozimo; 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, Salvatore A. Sangeniti and Mary Margaret Sangeniti, his wife, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,200.00. 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 \$1,200.00, 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 \$1,200.00, 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, therefore be it

1st 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

2nd 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.

3rd 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 Salvatore A. Sangeniti and Mary Margaret Sangeniti, 8 Vining Street, Centereach, New York 11720.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1271-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of County Executive

**RESOLUTION NO. 241 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW 13-
1976 AB EQUITIES, INC. (SCTM NO. 0100-096.00-03.00-045.000)**

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 Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100 Section 096.00, Block 03.00 Lot 045.000 and acquired by Tax Deed on June 28, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 1, 1999 in Liber 11973 at Page 152 and described as follows, Town of Babylon, County of Suffolk, State of New York, known and designated as Lot U, in Block No. 33, Map No. 339, filed in the Office of the Suffolk County Clerk on December 22, 1926; 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, AB Equities, Inc., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$8,000.00. 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 \$8,000.00, 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 \$8,000.00, 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, therefore be it

1st 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

2nd 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.

3rd 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 AB Equities, Inc., 151-155 Toledo Street, Farmingdale, New York 11735.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1272-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 242 -2006, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976
MICHAEL B. BROIDY (SCTM NO. 0900-230.00-01.00-037.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0900 Section 230.00, Block 01.00 Lot 037.000, and being declared surplus property at south side of Montauk Highway (CR80) and described as follows, N x Montauk Highway (CR80), E x Montauk Highway (CR80), S x now or formerly Michael B. Broidy, W x Montauk Highway (CR80); and

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

WHEREAS, Michael B. Broidy, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,750.00. 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 \$1,750.00, 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 \$1,750.00, 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, therefore be it

1stRESOLVED, 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

2ndRESOLVED, 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. Excepting also and reserving to any and all utilities, the right of access at all times for the update, maintenance and service of their facilities. Also, the County of Suffolk will be retaining a Permanent Drainage Easement.

3rdRESOLVED, that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Michael B. Broidy, P.O. Box 581, Speonk, New York 11792.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1273-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 243 -2006, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 MICHAEL B. BROIDY (SCTM NO. 0900-230.00-01.00-038.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0900 Section 230.00, Block 01.00 Lot 038.000, and being declared surplus property at southwest side of Montauk Highway (CR80) and described as follows, N x Montauk Highway (CR80), E x Montauk Highway (CR80), S x now or formerly Gaspar Rubino, W x now or formerly Michael B. Broidy; and

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

WHEREAS, Michael B. Broidy, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,800.00. 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 \$1,800.00, 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 \$1,800.00, 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, therefore be it

1st 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

2nd 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. Excepting also and reserving to any and all utilities, the right of access at all times for the update, maintenance and service of their facilities. Also, the County of Suffolk will be retaining a Permanent Drainage Easement.

3rd RESOLVED, that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Michael B. Broidy, P.O. Box 581, Speonk, New York 11792.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1274-2006
Introduced by Presiding Officer Lindsay

Laid on Table 3/14/2006

**RESOLUTION NO. 244 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
129-2006**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 129-2006; and

WHEREAS, this resolution when adopted contained a technical error which referred to the wrong Capital Project number; and

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

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

Resolution No. 129-2006

In the title and first RESOLVED paragraph change the Project No.:

FROM:	TO:
<u>Project No.</u> 5114	<u>Project No.</u> 5115

In the second RESOLVED paragraph change the Project No.:

FROM:	TO:
<u>Project No.</u> 525-CAP-5114.110	<u>Project No.</u> 525-CAP- 5115 .110

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1291-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 245 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW
13-1976 CHARLES BUNTON AND BETTY TRIPP
BUNTON, HIS WIFE
(SCTM NO. 0800-078.00-03.00-005.002)**

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 Smithtown, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0800, Section 078.00, Block 03.00 Lot 005.002 and acquired by Tax Deed on March 6, 1991 from General L. Rains, the County Treasurer of Suffolk County, New York, and recorded on March 11, 1991 in Liber 11230 at Page 172 and otherwise known as and by Town of Smithtown, N x now or formerly Bunton Betty Trip, E x Map of Quill Estate, S x now or formerly Town of Smithtown, W x now or formerly Town of Smithtown; 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, Charles Bunton and Betty Tripp Bunton, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$9,000.00. 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 \$8,700.00, 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 \$9,000.00, 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,

1st 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,

2nd 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.

3rd 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 Charles Bunton and Betty Tripp Bunton, 137 River Road, Smithtown, New York 11787.

DATED: April 4, 2006

APPROVED BY:

/s/ Paul Sabatino II

Chief Deputy County Executive of Suffolk County

Date: April 6, 2006

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

Intro. Res. No. 1292-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 246 -2006, SALE OF COUNTY- OWNED REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 HENRY MAX KUHNER AND MILDRED A. KUHNER, HIS WIFE (SCTM NO. 0500-343.00-02.00-062.002)

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 343.00, Block 02.00 Lot 062.002 and acquired by Tax Deed on April 20, 1992 from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on April 20, 1992 in Liber 11458 at Page 87 and described as follows, Town of Islip, Map of Willowbrook Park p/o Lots #1589 – 1592 (W 12.5'±) Map #292 Sec. 2 as filed in the office of the Clerk of the County of Suffolk on September 15, 1927; 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, Henry Max Kuhner and Mildred A. Kuhner, his wife, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$500.00. 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 \$500.00, 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 \$500.00, 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,

1st 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,

2nd 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.

3rd RESOLVED, that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Quitclaim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Henry Max Kuhner and Mildred A. Kuhner, his wife, 77 Garretson Avenue, Islip, New York 11751.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1293-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 247 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW
13-1976 JAMES P. DeLONG AND MARY DeLONG, HIS
WIFE (SCTM NO. 0400-078.00-02.00-010.000)**

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 Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400 Section 078.00, Block 02.00 Lot 010.000 and acquired by Tax Deed on August 18, 1995 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 1, 1995 in Liber 11739 at Page 873 and otherwise known as and by Town of Huntington, part of Lot No. 14, in Block No. B, on a certain map entitled "Map of Shorewood", Section 3, Map No. 88, filed in the office of the Suffolk County Clerk on September 9, 1927; 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, James P. DeLong and Mary DeLong, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$3,001.00. 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 \$2,400.00, 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 \$3,001.00, 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

1st 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

2nd 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.

3rd 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 James P. DeLong and Mary DeLong, 14 Forest Drive, Centerport, New York 11721.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1294-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 248 -2006, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976
RICHARD J. DRNEK II AND LAURA L. DRNEK, HIS WIFE
(SCTM NO. 0200-979.10-04.00-008.000)**

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 979.10 Block 04.00 Lot 008.000 and acquired by Tax Deed on September 27, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on October 19, 1999 in Liber 11995 at Page 605 and otherwise known as and by Town of Brookhaven and described as Lot Nos. 2484 & 2485, as designated on the map entitled "Map of Mastic Beach", Map No. 1004, filed in the Suffolk County Clerk's Office on June 3, 1926; 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, Richard J. Drnek II and Laura L. Drnek, his wife, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$4,003.01. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$3,400.00, 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 \$4,003.01, 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

1stRESOLVED, 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

2ndRESOLVED, 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.

3rdRESOLVED, 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 Richard J. Drnek II and Laura L. Drnek, his wife, 9 Wavecrest Drive, Mastic Beach, New York 11951.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1295-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 249 -2006, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 ROBERT
CARPENTER, JR. (SCTM NO. 0200-786.00-02.00-014.000)**

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 786.00, Block 02.00 Lot 014.000 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, Mastic Park Map #766 Section 7A Lots 11949 & 11950; 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, Robert Carpenter, Jr., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$18,500.00. 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 \$18,000.00, 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 \$18,500.00, 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, therefore be it

1st 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

2nd 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.

3rd 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 Robert Carpenter, Jr., 94 Seaford Avenue, Mastic, New York 11950.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1298-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 250 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW
13-1976 DAVID L. MOREA AND ELIZABETH C. MOREA, HIS
WIFE (SCTM NO. 0200-881.00-05.00-015.000)**

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 881.00, Block 05.00 Lot 015.000 and acquired by Tax Deed on May 15, 1985 from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on May 15, 1985 in Liber 9791 at Page 51 and described as follows, Town of Brookhaven, County of Suffolk, State of New York, known and designated as Lots 9073 & 9074, in Section 9, on Map No. 612, entitled Map of Mastic Park, filed in the Suffolk County Clerk's office on April 18, 1922; 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, David L. Morea and Elizabeth C. Morea, his wife, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$8,100.00. 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 \$8,000.00, 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 \$8,100.00, 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

1stRESOLVED, 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

2ndRESOLVED, 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.

3rdRESOLVED, 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 David L. Morea and Elizabeth C. Morea, 61 Van Buren Street, Mastic, New York 11950.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1299-2006 Laid on Table 3/16/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 251 -2006, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 KEITH P.
LEVENSON (SCTM NO. 0200-750.00-05.00-001.000 & 002.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 750.00 Block 05.00 Lots 001.000 & 002.000 and acquired by Tax Deed on April 21, 1982 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on April 21, 1982 in Liber 9171 at Page 219 and otherwise known as and by Town of Brookhaven, Map of Lakeview Park, Map 653 Plate A Block 9, part of

Lots 2 to 4, E x S. Way and Lot p/o 5 and all of Lot 6, filed in the office of the Suffolk County Clerk on March 29, 1911; 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, Keith P. Levenson, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$10,100.00. 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 \$10,000.00, 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 \$10,100.00, 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

1stRESOLVED, 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

2ndRESOLVED, 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.

3rdRESOLVED, 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 Keith P. Levenson, 734 Franklin Avenue, Suite 176, Garden City, New York 11530.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1300-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 252 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW 13-
1976 FRANK PIZZICAROLA (SCTM NO. 0200-598.00-05.00-
043.000)**

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 598.00, Block 05.00 Lot 043.000 and acquired by Tax Deed on September 27, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on October 19, 1999 in Liber 11993 at Page 605 and described as follows, Town of Brookhaven, Map of "Oakwood Co. Inc." 189 B I S 2' 5 303 all 304; 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, Frank Pizzicarola, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$4,500.00. 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 \$3,000.00, 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 \$4,500.00, 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

1stRESOLVED, 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

2ndRESOLVED, 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.

3rdRESOLVED, 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 Frank Pizzicarola, 144 Spruce Street, West Hempstead, New York 11552.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1301-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 253 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW
13-1976 LUIS VELASCO AND SONIA VELASCO, HIS WIFE
(SCTM NO. 0200-446.00-03.00-024.000)**

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 446.00, Block 03.00 Lot 024.000 and acquired by Tax Deed on February 15, 1979 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on February 15, 1979 in Liber 8583 at Page 7 and described as follows, Town of Brookhaven, "Highland Park Map 69 Plate 38" Lot 566 and filed in the office of the Clerk of the County of Suffolk on June 12, 1906; and

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

WHEREAS, Luis Velasco and Sonia Velasco, his wife, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2,001.00. 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 \$2,000.00, 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 \$2,001.00, 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, therefore be it

1st 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

2nd 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.

3rd **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 Luis Velasco and Sonia Velasco, his wife, 14 Alma Avenue, Selden, New York 11784.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1302-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 254 -2006, TO CONVEY TITLE TO COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 215, NEW YORK STATE COUNTY LAW SPUR CONSTRUCTION CO., INC. (SCTM NO. 0100-205.00-03.00-013.003)

WHEREAS, the COUNTY OF SUFFOLK acquired, via agreement to road abandonment purposes, the following parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100 Section 205.00, Block 03.00 Lot 013.003 and being declared surplus property at East Side of New Highway (CR28) and West Side of Copiague Road, and described as follows, N x now or formerly Spur Construction Co., Inc., E x Copiague Road, S x now or formerly County of Suffolk, W x New Highway (CR28), formerly known as part of the northerly portion of 46th Street; and

WHEREAS, in accordance with Section 215 of the New York State County Law, provision is made for disposition of certain County-owned property acquired by means other than tax sale, which is surplus to the needs of said County; and

WHEREAS, Spur Construction Co., Inc., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$10,002.00. 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 \$10,000.00, 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 \$10,002.00, 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

1stRESOLVED, 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

2ndRESOLVED, 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.

3rdRESOLVED, 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 Spur Construction Co., Inc., 554 Islip Avenue, Islip, New York 11751.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

**Intro. Res. No. 1303-2006
Laid on Table 3/14/2006**

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 255 -2006, AUTHORIZING THE
SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL
PROPERTY ACQUIRED UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT SEA SIDE REALTY LLC
(SCTM NO. 0200-777.00-06.00-007.000**

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 777.00, Block 06.00, Lot 007.000, 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, State of New York, known and designated as Lot No. 22 on a certain map entitled, "Map of Zorn Industrial Park – Section 1 situated at Yaphank, Town of Brookhaven, Suffolk County, New York, surveyed and subdivided by Nelson and Pope, LLP, Melville, NY" and filed in the Office of the Clerk of Suffolk County on July 9, 1999 as Map No. 10306; 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, SEA SIDE REALTY LLC, by Edward Thompson, Jr., sole member, has made application of said above described parcel and SEA SIDE REALTY LLC, by Edward Thompson, Jr., sole member, has paid the application fee and \$5,728.83, 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

1stRESOLVED, 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

2ndRESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to SEA SIDE REALTY LLC, 29 Quail Run, Hampton Bays, New York 11946, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1304-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 256 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT BARBARA ABENDROTH, Executor of the Estate of Florence P. Paynter (SCTM NO. 0200-980.60-08.00-036.001)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 980.60, Block 08.00, Lot 036.001, and acquired by tax deed on March 28, 2001, from Joseph Sawicki, Jr., as the Chief Deputy County Treasurer of Suffolk County, New York, and recorded on March 29, 2001, in Liber 12110, at Page 688, and otherwise known as and by Town of Brookhaven, Mastic Beach Map 10/1260 Lots 221 to 226 Inc.; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on March 28, 2001, from Joseph Sawicki, Jr., as the Chief Deputy County Treasurer of Suffolk County, New York, and recorded on March 29, 2001 in Liber 12110 at Page 688.

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, BARBARA ABENDROTH has made application of said above described parcel and BARBARA ABENDROTH has paid the application fee and \$44,736.40, as payment of taxes, penalties, interest, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2006; and

1stRESOLVED, 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

2ndRESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to BARBARA ABENDROTH, Executor of the Estate of Florence P. Paynter, 101 Jefferson Drive, Mastic Beach, New York 11951, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1305-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 257 -2006, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT ALEDRIC REALTY CORP. (SCTM NO. 0800-108.00-01.00-015.000)

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 Smithtown, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0800, Section 108.00, Block 01.00, Lot 015.000, and acquired by tax deed on June 29, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2005, in Liber 12397, at Page 975, and otherwise known as and by Town of Smithtown, County of Suffolk and State of New York, known and designated as Lots #79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89 & 90 on a certain map entitled, "Map of Rinaldi Gardens" filed in the Suffolk County Clerk's Office on 09/09/29 and numbered 878 of Maps so filed; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on June 29, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2005 in Liber 12397 at Page 975.

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, ALEDRIC REALTY CORP., by Edward Thompson, President, has made application of said above described parcel and ALEDRIC REALTY CORP., by Edward Thompson, President, has paid the application fee and \$189.46, as payment of taxes, penalties, interest, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2006; and

1st 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

2nd RESOLVED, that Director Patricia B. Zielenski, and/or her designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ALEDRIC REALTY CORP., 666 Pleasure Drive, Riverhead, New York 11901, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1370-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 258 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL
LAW 13-1976 GEORGE E. FITZGERALD and DENISE
FILASKI, Joint Tenants
with Rights of Survivorship (SCTM NO. 0400-010.00-02.00-
004.001)**

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 Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400 Section 010.00, Block 02.00 Lot 004.001 and acquired by Tax Deed on September 14, 2000 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on September 18, 2000 in Liber 12071 at Page 501 and described as follows, Town of Huntington, N x now or formerly Rowe, E x Waterside Rd, S x now or formerly Fitzgerald & Filaski, W x Town of Huntington; and

WHEREAS, in accordance with Local Law No. 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, George E. Fitzgerald and Denise Filaski, Joint Tenants with Rights of Survivorship, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2,000. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$2,000, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, Director Patricia B. Zielenski and/or her designee, has received and deposited the sum of \$2,000, pursuant to said purchase offer; and

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

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

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

RESOLVED, that Director Patricia B. Zielenski and/or her designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said George E. Fitzgerald & Denise Filaski, 219 Waterside Road, Northport, New York 11768.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1340-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 259 -2006, APPOINTING THERESA E. SANDERS AS A MEMBER OF THE LONG ISLAND REGIONAL PLANNING COUNCIL A/K/A NASSAU-SUFFOLK REGIONAL PLANNING BOARD

WHEREAS, Resolution No. 636-2005, Re-organizing and Strengthening the Nassau-Suffolk Regional Planning Board, and Renaming the Board, "The Long Island Regional Planning Council" adopted by the County of Suffolk on June 7, 2005, provides for the appointment of five members to be appointed from Suffolk County and five members to be appointed from Nassau County to provide for greater and more diverse citizen input through an expanded Board, greater accountability, and more sharply focused goals and responsibilities; and

WHEREAS, Steve Levy, the County Executive of Suffolk County, is abiding by the provisions of Resolution No. 636-2005, even though Nassau County has not yet adopted a resolution substantially similar to Resolution No. 636-2005, as required by the 25th RESOLVED clause of that Resolution; and

WHEREAS, the members appointed to the Long Island Regional Planning Council should have a background in Engineering, Real Estate Development, Construction, Economic Development, Energy Planning and Analysis, Environmental Protection, Health Care Planning, Transportation Planning or Regional Planning, and include members from a broad cross section of interests within the Nassau/Suffolk region but not more than two (2) members shall be from the same type of professional background; and

WHEREAS, County Executive Steve Levy has appointed Theresa E. Sanders, currently residing at 457 Essex Street, North Babylon, New York 11703, as a member of the Long Island Regional Planning Council a/k/a/ Nassau-Suffolk Regional; Planning Board; now, therefore be it

1st RESOLVED, that the appointment of Theresa E. Sanders, currently residing at 457 Essex Street, North Babylon, New York 11703, as a member of the Long Island Regional Planning Council a/k/a Nassau-Suffolk Regional Planning Board, with a background in Regional Planning, is hereby approved, pursuant to Resolution No. 636-2005, for a term to expire December 31, 2008, effective immediately.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 10, 2006

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

Intro. Res. No. 1166-2006

Laid on Table 2/7/2006

Introduced by Legislator Eddington

RESOLUTION NO. 260 –2006, AMENDING THE 2006 OPERATING BUDGET IN CONNECTION WITH THE PURCHASE OF TWO STRETCHERS FOR MEDFORD VOLUNTEER AMBULANCE

WHEREAS, the Medford Volunteer Ambulance is currently using stretchers that are technologically outdated; and

WHEREAS, the Medford Volunteer Ambulance is in need of \$18,000 for two (2) new stretchers for patient safety as well as the safety of its crew members; and

WHEREAS, funding two new stretchers will decrease the number of workmen's compensation back injury cases attributed to the outdated stretchers; 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>
					BROOKHAVEN VOLUNTEER	
001	FRE	HLC1	3400	4980	FIREFIGHTERS MUSEUM	-\$ 5,000
001	EXE	GAB1	7320	4980	COLONIAL YTH & FAMILY SVC	-\$ 2,500
001	EXE	HFS1	7320	4980	LITERACY SUFFOLK	-\$ 500
					MIDDLE COUNTRY YOUTH	
001	EXE	GHQ1	7320	4980	ASSN	-\$ 2,500
001	EXE	DDL1	7325	4980	MASTIC SHIRLEY YOUTH	-\$ 5,000
					SUFFOLK SPORTS HALL OF	
001	ECD	BDY1	6410	4980	FAME	-\$ 2,500

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	FRE	XXXX	3400	4980	Medford Volunteer Ambulance	+\$18,000

and be it further

RESOLVED, that the County Executive's Budget Office is authorized to assign a pseudo code for the Medford Volunteer Ambulance; and be it further

RESOLVED, that the moneys appropriated pursuant to this resolution for the Medford Volunteer Ambulance shall be used for the sole and exclusive purpose of funding two (2) stretchers and two (2) stair chairs.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1403-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 262 -2006

**RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK,
RESCINDING THE BOND RESOLUTION ADOPTED
FEBRUARY 7, 2006 WHICH AUTHORIZED THE ISSUANCE OF
\$250,000 BONDS TO FINANCE A PART OF THE COST OF
ROOF IMPROVEMENTS/REPLACEMENTS AT VARIOUS
BUILDINGS AT SUFFOLK COUNTY COMMUNITY COLLEGE
(CP 2137)**

Recitals

WHEREAS, the County Legislature of the County of Suffolk, New York, has heretofore Adopted Bond Resolution Number 91-2006 dated February 7, 2006, authorizing the issuance of \$250,000 bonds to finance a part of the cost of roof improvements/replacements at various buildings at Suffolk County Community College, and stating that the estimated maximum cost of such project is \$500,000; and

WHEREAS, said County Legislature has now determined that \$750,000 has been heretofore authorized and appropriated for such project pursuant to Bond Resolution No. 199-2004 (authorizing the issuance of \$125,000 bonds), Resolution No. 200-2004 (appropriating \$125,000 State Aid funds), Bond Resolution No. 533-2005 (authorizing the issuance of \$250,000 bonds) and Resolution No. 534-2005 (appropriating \$250,000 State Aid funds), and the estimated maximum cost of such project is therefore \$1,250,000; and

WHEREAS, the County has determined that Bond Resolution No. 91-2006 should therefore be rescinded and a new bond resolution adopted to reflect the full estimated maximum cost of \$1,250,000;

NOW, THEREFORE

THE COUNTY LEGISLATURE THE COUNTY OF SUFFOLK, NEW YORK,
HEREBY RESOLVES AS FOLLOWS:

Section 1. The bond resolution of the County of Suffolk, New York, entitled:

BOND RESOLUTION NO. 91-2006

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

is hereby rescinded, no obligations of the County having been issued pursuant to such
resolution. The County Legislature shall adopt a new bond resolution reflecting the full
estimated maximum cost of \$1,250,000 and stating the complete plan of financing.

Section 2. This resolution shall take effect immediately upon approval by the County Executive.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

**Legislator Browning made motion for the following resolution, seconded by
Presiding Officer Lindsay. The resolution was passed 16-1-1-0. Legislator Barraga
voted no. Legislator Kennedy abstained.**

Intro. Res. No. 1278-2006
Introduced by Legislator Browning

Laid on Table 3/14/2006

**RESOLUTION NO. 263 -2006, CREATING A YAPHANK
CENTER DEVELOPMENT RFEI OUTREACH COMMITTEE**

WHEREAS, the County of Suffolk owns approximately 400 acres of vacant land in and
around the Yaphank County Center; and

WHEREAS, this property has been the subject of numerous development proposals in
past years; and

WHEREAS, recent proposals for development of this property have included an office
incubator, a sports/entertainment facility, a NASCAR race track, affordable workforce housing units,
outdoor skating rinks and swimming pools; and

WHEREAS, the Suffolk County Director of Planning has issued a Request for Expressions of Interest (RFEI) to elicit new proposals for the development of the Yaphank site; and

WHEREAS, this Legislature firmly believes that the proposals for development that result from the RFEI must receive careful scrutiny to ensure that the interests of all Suffolk residents, including those who live in communities adjoining the Yaphank County Center, are truly served; now, therefore, be it

1st **RESOLVED**, that the Yaphank Center Development RFEI Outreach Committee (Committee) is hereby created to provide advisory recommendations, consistent with the goals and objectives of the Request for Expressions of Interest (RFEI), attached hereto as Exhibit "A" and made a part hereof, to the County Executive and to the Suffolk County Legislature, regarding responses to the RFEI's related to the development of up to 250 acres of County-owned land at Yaphank, which responses are due by May 1, 2006 which such advisory recommendations shall be submitted for consideration no later than one hundred twenty (120) days subsequent to the effective date of this Resolution; and be it further

2nd **RESOLVED**, that the Committee shall also assist the Commissioner of the County Department of Economic Development and Workforce Housing and the Suffolk County Director of Planning in performing community outreach programs following the receipt of responses to the pending RFEI and until the issuance of Requests for Proposals (RFP) for this project; and be it further

3rd **RESOLVED**, that the Committee shall consist of the following eleven (11) members:

- 1.) Thomas A. Isles, Director of the Suffolk County Department of Planning, who shall act as Chairman;
- 2.) Legislator Kate Browning, or her designee;
- 3.) a member selected by Brian X. Foley, Supervisor of the Town of Brookhaven;
- 4.) James Morgo, Commissioner of Economic Development and Workforce Housing, or his designee;
- 5.) Jack Kennedy, President, Nassau-Suffolk Building Trades Council;
- 6.) Michael J. Deering, Commissioner of the County Department of Environment and Energy, or his designee;
- 7.) Brookhaven Town Councilwoman Constance Kepert;
- 8.) a member to be selected by Presiding Officer William J. Lindsay;
- 9.) Kevin Rowse, residing at 224 River Road, Moriches, New York 11955;
- 10.) Johan McConnell, residing at 76 Gerard Road, Yaphank, New York 11980; and
- 11.) Richard Margulis, Vice President of Operations, Brookhaven Memorial Hospital, 101 Hospital Road, Patchogue, New York 11772, representing Brookhaven Memorial Hospital;

and be it further

4th **RESOLVED**, that the Committee shall hold its first meeting no later than thirty (30) days after the appointment of all members, which meeting shall be convened by the Chairman of the Committee, for the purpose of organization; and be it further

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

6th **RESOLVED**, that the Committee 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 Chairman upon his or her own initiative or upon receipt of a written request therefore signed by at least three (3) members of the Committee. Written notice of the time and place of such special meetings shall be given 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 six (6) members of the Committee shall constitute a quorum to transact the business of the Committee at both regular and special meetings; and be it further

8th **RESOLVED**, that clerical services involving the month-to-month operation of this Committee, as well as supplies and postage as necessary, shall be provided by the staff of the County Department of Planning, and stenographic services shall be provided by the County Legislature; and be it further

9th **RESOLVED**, that the Committee may conduct community 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

10th **RESOLVED**, that the Committee may delegate to any member of the Committee the power and authority to conduct such community meetings; and be it further

11th **RESOLVED**, that the Committee shall cooperate with the County Executive and with Legislative Committees of the County Legislature and make available to each, upon request, any records and other data it may accumulate or obtain; and be it further

12th **RESOLVED**, that the Committee shall expire, and the terms of office of its members terminate, as of December 31, 2006, or the issuance of the RFP for this project, whichever date occurs first, at which time the Committee shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

13th **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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1286-2006

Laid on Table 3/14/2006

Introduced by Legislators Montano, Mystal, Cooper and Horsley

RESOLUTION NO. 264 -2006, APPOINTING LUTRICIA (PAT) EDWARDS AS A MEMBER OF THE SUFFOLK COUNTY INDUSTRIAL DEVELOPMENT AGENCY (IDA)

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

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

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

1st RESOLVED, that Lutricia (Pat) Edwards, residing in Central Islip, NY, be and is hereby appointed as a member of the Suffolk County Industrial Development Agency (IDA) to replace member Cleveland Johnson, Jr.; and be it further

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

DATED: April 4, 2006

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

Legislator Cooper made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 18-0.

Intro. Res. No. 1314-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 265 -2006, APPROVING THE CHANGE OF PROJECT FOR DOWNTOWN REVITALIZATION ROUND IV FOR THE CENTERPORT HARBOR CIVIC ASSOCIATION AND AMENDING THE CONTRACT WITH THE TOWN OF HUNTINGTON TO REFLECT SAME

WHEREAS, through Resolution No. 152-2002, the Suffolk County Legislature approved Downtown Revitalization Round IV funding of \$5,000 for Centerport Harbor Civic Association for a large bulletin board garbage containers, flower boxes and benches on Washington Drive; and

WHEREAS, on behalf of the Centerport Harbor Civic Association, the Town of Huntington has requested approval to change the location to the causeway of the bridge area of Mill Dam Park and to use the funds to refurbish railings on the causeway and place garbage cans and benches in the area; and

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

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

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1315-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 266 -2006, APPROVING THE CHANGE OF PROJECT FOR DOWNTOWN REVITALIZATION ROUND IV FOR THE THREE VILLAGE CHAMBER OF COMMERCE

**AND AMENDING THE CONTRACT WITH THE TOWN OF
BROOKHAVEN TO REFLECT SAME**

WHEREAS, through Resolution No. 152-2002, the Suffolk County Legislature approved Downtown Revitalization Round IV funding of \$27,775 for the Three Village Chamber of Commerce for garbage containers, flower boxes and benches; and

WHEREAS, on behalf of the Three Village Chamber of Commerce, the Town of Brookhaven has requested approval to change the project purpose to allow for the purchase and installation of street lighting, a continuation of their Round III funding; and

WHEREAS, the Suffolk County Downtown Citizens Advisory Panel has reviewed and recommends this request to the Legislature for consideration; and

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

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1330-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 267 -2006, AMENDING PRIOR
CAPITAL AUTHORIZED APPROPRIATIONS FOR THE
RENOVATION/REHABILITATION WATER POLLUTION
CONTROL PLANTS – CONSTRUCTION (CP 2109.313) TO
RENOVATION/REHABILITATION WATER POLLUTION
CONTROL PLANTS – DESIGN (CP 2109.113)**

WHEREAS, Resolution Nos. 1190-1998, 880-1999, 1150-2000 and 781-2001 approved funding in connection with the Renovation/Rehabilitation Water Pollution Control Plants; and

WHEREAS, the planning phase of the Renovation/Rehabilitation Water Pollution Control Plants project (CP 2109.113) is in need of additional funding; and

WHEREAS, this additional funding is necessary in order to design the rehabilitation of the Ammerman Campus Water Pollution Control Plant; and

WHEREAS, there exists enough funding in the construction phase of this project to cover the remaining costs of the design phase; and

WHEREAS, the College Board of Trustees, by Resolution No. 94-145 dated August 24, 1994, issued a negative SEQRA declaration for the comprehensive Master Plan which includes the Renovation/Rehabilitation Water Pollution Control Plants; and

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

WHEREAS, its is necessary to amend Resolution No. 781-2001 by moving \$66,000 (\$33,000 serial bonds and \$33,000 state aid) from construction to planning; now, therefore be it

1st RESOLVED, that the 2nd Resolved clause of Resolution No. 781-2001 is hereby amended as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>JC</u>	<u>Amount</u>
525-CAP-21067 Ref-525-2109.313	Renovation/Rehabilitation of Water Pollution Control Plants – College Wide	30	[\$225,000] <u>\$192,000</u>
<u>525-CAP-21066</u> <u>Ref-525-2109.113</u>	<u>Renovation/Rehabilitation of Water</u> <u>Pollution Control Plants – College</u> <u>Wide</u>	<u>30</u>	<u>\$ 33,000</u>

and be it further

2nd RESOLVED, that the 3rd Resolved clause of Resolution No. 781-2001 is hereby amended as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>JC</u>	<u>Amount</u>
525-CAP-21067 Ref-525-2109.313	Renovation/Rehabilitation of Water Pollution Control Plants – College Wide	30	[\$225,000] <u>\$192,000</u>
<u>525-CAP-21066</u> <u>Ref-525-2109.113</u>	<u>Renovation/Rehabilitation of Water</u> <u>Pollution Control Plants – College</u> <u>Wide</u>	<u>30</u>	<u>\$ 33,000</u>

and be it further

3rd RESOLVED, the appropriation for planning work has been increased by \$66,000 for a total appropriation of \$116,000 and the appropriation for construction work has been reduced by an equal amount to \$1,384,000; and be it further

4th RESOLVED, that the total authorization for serial bonds and state aid has not changed.

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1335A-2006

BOND RESOLUTION NO. 268 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$267,500 BONDS TO FINANCE A PART OF THE COST OF THE REPLACEMENT OF UNSAFE TENNIS COURTS (CP 2170.310)

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 \$267,500 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the replacement of unsafe tennis courts, 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 \$600,000. The plan of financing includes (a) the issuance of \$32,500 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 248-2005, (b) the expenditure of \$32,500 in State Aid, as referred to in Bond Resolution No. 248-2005, (c) the issuance of \$267,500 bonds or bond anticipation notes authorized pursuant to this resolution, (c) the expenditure of \$267,500 in additional State Aid expected to be received from the State of New York and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 19 (c) of the Law of the Law, is fifteen (15) years.

(b) Pursuant to Section 11.00 a. 62 (b) of the Local Finance Law, the period of probable usefulness applicable to the bonds authorized pursuant to Bond Resolution No. 248-2005 is hereby amended and restated to be 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: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1335-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 269 -2006, APPROPRIATING FUNDS
IN CONNECTION WITH THE REPLACEMENT OF UNSAFE
TENNIS COURTS (CP 2170)**

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

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

WHEREAS, sufficient funds have been included in the 2006 Capital Budget and Program to cover the County’s cost of the project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system,

implemented in the Adopted 2006 Capital Budget, as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by Resolution of even date herewith, has authorized the issuance of \$267,500 in Suffolk County Serial Bonds; and

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

RESOLVED, that this Legislature, being a funding agency, hereby finds and determines in accordance with the State Environmental Quality Review Act (SEQRA) that the adoption of this law is a Type II action, pursuant to Title 6 NYCRR Part 617.5(c)(1), (2) and (27), since it constitutes a local legislative decision in connection with the maintenance, repair, replacement, rehabilitation, reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building codes. As a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

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

RESOLVED, that the proceeds of \$267,500 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	Project Title	JC	Amount
525-CAP-2170.310	Replacement of Unsafe Tennis Courts	30	\$267,500

and be it further

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

<u>Project No.</u>	Project Title	JC	Amount
525-CAP-2170.310	Replacement of Unsafe Tennis Courts	30	\$267,500

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1120B-2006

BOND RESOLUTION NO. 270 -2006

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

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$250,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of roof improvements/replacements at various buildings at Suffolk County Community College, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,250,000. The plan of financing includes (a) the expenditure of \$125,000 State Aid funds heretofore appropriated pursuant to Resolution No. 200-2004 (\$11,667 for planning and \$113,333 for construction), (b) the issuance of \$125,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 199-2004 (\$11,667 for planning and \$113,333 for construction), (c) the expenditure of \$250,000 State Aid funds heretofore appropriated pursuant to Resolution No. 534-2005 (\$23,333 for planning and \$226,667 for construction), (d) the issuance of \$250,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 533-2005 (\$23,333 for planning and \$226,667 for construction), (e) the expenditure of an additional \$250,000 State Aid funds to be appropriated (\$23,333 for planning and \$226,667 for construction), (f) the issuance of the \$250,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$23,333 for planning and \$226,667 for construction) and (g) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12(a) (2) of the Law, is fifteen (15) years, computed from May 1, 2004, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 199-2004.

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: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

Legislator Nowick made motion for the following resolution, seconded by Legislator Kennedy. The resolution was passed 13-1-3-1. Legislator Barraga voted no. Legislators Caracappa, Montano and Alden abstained. Deputy Presiding Officer Viloria-Fisher was recused.

Intro. Res. No. 1219-2006
Introduced by Legislator Nowick

Laid on Table 2/7/2006

**RESOLUTION NO. 271 -2006, ADOPTING LOCAL LAW
NO. 23 -2006, A CHARTER LAW TO AMEND THE
MEMBERSHIP OF THE COUNCIL ON ENVIRONMENTAL
QUALITY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 14, 2006 a proposed local law entitled, "**A CHARTER LAW TO AMEND THE MEMBERSHIP OF THE COUNCIL ON ENVIRONMENTAL QUALITY** "; now, therefore, be it

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

LOCAL LAW NO. 23 -2006, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO AMEND THE MEMBERSHIP OF THE
COUNCIL ON ENVIRONMENTAL QUALITY**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Council on Environmental Quality (CEQ) is comprised of nine members, one of whom is the Chairman of the Suffolk County Legislature's Parks Committee.

This Legislature also finds and determines that when the CEQ was initially formed, the Parks Committee of the Suffolk County Legislature was charged with oversight of environmental issues.

This Legislature further finds and determines that for the past several years, a standing Environment, Planning, and Agriculture Committee of the Suffolk County Legislature was created to oversee environmental issues, land acquisitions, and agricultural matters. This Committee also reviews the CEQ recommendations and determinations and therefore, it would be more appropriate for the Chairman of the Environment, Planning, and Agriculture Committee to be a voting member on the CEQ.

Therefore, the purpose of this law is to replace the Chairman of the Parks and Recreation Committee with the Chairman of the Environment, Planning and Agriculture Committee as a voting member of the Council on Environmental Quality.

Section 2. Amendments.

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

§C1-3. Membership of Council.

- A. The Council on Environmental Quality shall consist of eleven voting members, one of whom shall be the Chairman of the [Parks] Environment, Planning and Agriculture Committee of the County Legislature, or any successor Committee thereto, and ten of whom shall be appointed by the County Legislature for terms of five years.
- B. Of the four members first appointed to the Council on Environmental Quality, one shall be appointed for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years; and of the four appointive members, upon the increase of voting membership to nine, one shall be appointed for a term expiring March 23, 1974, one for a term expiring March 23, 1975, one for a term expiring March 23, 1976, and one for a term expiring March 23, 1977. The term of the Chairman of the [Park] Environment, Planning and Agriculture Committee, or any successor committee thereto as a member of the Council shall be coextensive with the person's term as Chairman of said Committee.

Section 3. Applicability.

This law shall apply to the composition of the Council on Environmental Quality occurring on or after January 1, 2006.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

This law shall be effective immediately upon filing in the Office of the Secretary of State.

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
after a public hearing duly held on April 18, 2006

Date: April 18, 2006

Filed with the Secretary of State on June 16, 2006

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

Intro. Res. No. 1323-2006
Introduced by Legislators Horsley, Mystal, Cooper and Montano

Laid on Table 3/14/2006

RESOLUTION NO. 272 -2006, APPOINTING MEMBER TO THE SUFFOLK COUNTY WATER AUTHORITY (PATRICK G. HALPIN)

WHEREAS, the term of office of Eric Russo as a member of the Suffolk County Water Authority will expire March 29, 2006; now, therefore, be it

1st RESOLVED, that **Patrick G. Halpin**, currently residing in the Village of Babylon, New York, is hereby appointed as a member of the Suffolk County Water Authority for a term of office commencing March 30, 2006 and expiring on March 29, 2011, said appointment having been made pursuant to the provisions of Section 1077(1) of the NEW YORK PUBLIC AUTHORITIES LAW.

DATED: April 4, 2006

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

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

Intro. Res. No. 1338-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 273 -2006, AUTHORIZING CERTAIN TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO. 47-2006

WHEREAS, Resolution No. 47-2006 authorized the planning steps for acquisition of certain parcels of property under the Suffolk County Multifaceted Land Preservation Program for parkland purposes; 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 that the 1st RESOLVED clause in Resolution No. 47-2006 is hereby amended to read as follows:

1st

RESOLV

ED, that the Director of the Division of Real Estate, or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd Resolve 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 Preservation Program for acquisition, together with those parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk, to be consummated for parkland purposes:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:	ACRES:	REPUTED OWNER AND ADDRESS
No. 1	District 0300 Section 012.00 Block 02.00 Lot 003.000	0.36	Lora Ann Bailey P.O. Box 1128 Montauk, NY 11954
No. 2	District 0300 Section 092.00 Block 01.00 Lot 011.001	26.7	Boys Harbor Inc. Springy Banks Road East Hampton, NY 11937
No. 3	<u>District 0300</u> <u>Section 074.00</u> <u>Block 05.00</u> <u>Lot 030.002</u>	<u>1.2</u>	<u>Boys Harbor Inc.</u> <u>Springy Banks Road</u> <u>East Hampton, NY 11937</u>
No. 4	District 0600 Section 021.00 Block 01.00 Lot 001.002	172.7	North Fork Preserve Sound Avenue Riverhead, NY 11901

[Underline indicates addition]

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1339-2006

Laid on Table 3/14/2006

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

RESOLUTION NO. 274 -2006, APPOINTING JAMES L. LAROCCA AS A MEMBER OF THE LONG ISLAND REGIONAL PLANNING COUNCIL A/K/A THE NASSAU-SUFFOLK REGIONAL PLANNING BOARD

WHEREAS, Resolution No. 636-2005, Re-organizing and Strengthening the Nassau-Suffolk Regional Planning Board, and Renaming the Board, "The Long Island Regional Planning Council" adopted by the County of Suffolk on June 7, 2005, provides for the appointment of five members to be appointed from Suffolk County and five members to be appointed from Nassau County to provide for greater and more diverse citizen input through an expanded Board, greater accountability, and more sharply focused goals and responsibilities; and

WHEREAS, Steve Levy, the County Executive of Suffolk County, is abiding by the provisions of Resolution No. 636-2005, even though Nassau County has not yet adopted a resolution substantially similar to Resolution No. 636-2005, as required by the 25th RESOLVED clause of that Resolution; and

WHEREAS, the members appointed to the Long Island Regional Planning Council should have a background in Engineering, Real Estate Development, Construction, Economic Development, Energy Planning and Analysis, Environmental Protection, Health Care Planning, Transportation Planning or Regional Planning, and include members from a broad cross section of interests within the Nassau/Suffolk region but not more than two (2) members shall be from the same type of professional background; and

WHEREAS, County Executive Steve Levy has appointed James L. Larocca, currently residing at 111 North Haven Way, Sag Harbor, New York 11963, as a member of the Long Island Regional Planning Council a/k/a Nassau-Suffolk Regional Planning Board; now, therefore be it

1st RESOLVED, that the appointment of James L. Larocca, currently residing at 111 North Haven Way, Sag Harbor, New York 11963, as a member of the Long Island Regional Planning Council a/k/a Nassau-Suffolk Regional Planning, with a background in Transportation Planning, is hereby approved, pursuant to Resolution No. 636-2005, for a term to expire December 31, 2008, effective immediately.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 10, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 18-0.

RESOLUTION NO. 275 -2006, APPOINTING PAUL J. TONNA AS A MEMBER OF THE LONG ISLAND REGIONAL PLANNING COUNCIL A/K/A NASSAU-SUFFOLK REGIONAL PLANNING BOARD

WHEREAS, Resolution No. 636-2005, Re-organizing and Strengthening the Nassau-Suffolk Regional Planning Board, and Renaming the Board, "The Long Island Regional Planning Council" adopted by the County of Suffolk on June 7, 2005, provides for the appointment of five members to be appointed from Suffolk County and five members to be appointed from Nassau County to provide for greater and more diverse citizen input through an expanded Board, greater accountability, and more sharply focused goals and responsibilities; and

WHEREAS, Steve Levy, the County Executive of Suffolk County, is abiding by the provisions of Resolution No. 636-2005, even though Nassau County has not yet adopted a resolution substantially similar to Resolution No. 636-2005, as required by the 25th RESOLVED clause of that Resolution; and

WHEREAS, the members appointed to the Long Island Regional Planning Council should have a background in Engineering, Real Estate Development, Construction, Economic Development, Energy Planning and Analysis, Environmental Protection, Health Care Planning, Transportation Planning or Regional Planning, and include members from a broad cross section of interests within the Nassau/Suffolk region but not more than two (2) members shall be from the same type of professional background; and

WHEREAS, County Executive Steve Levy has appointed Paul J. Tonna, currently residing at 69 Chichester Road, Huntington, New York 11743, as a member of the Long Island Regional Planning Council a/k/a Nassau-Suffolk Regional Planning Board; now, therefore be it

1st RESOLVED, that the appointment of Paul J. Tonna, currently residing at 69 Chichester Road, Huntington, New York 11743, as a member of the Long Island Regional Planning Council a/k/a Nassau-Suffolk Regional Planning Board, with a background in Health Care Planning, is hereby approved, pursuant to Resolution No. 636-2005, for a term to expire December 31, 2008, effective immediately.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 10, 2006

Legislator Montano made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-1-0. Legislator Losquadro abstained.

Intro. Res. No. 1347-2006

Laid on Table 3/14/2006

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

RESOLUTION NO. 276 -2006, DONATION AND DEDICATION OF CERTAIN LANDS TO COUNTY PARKS - A SCDHS BOARD OF REVIEW TRANSFER OF DEVELOPMENT RIGHTS (FILE NO. C02-02-0138)

WHEREAS, a variance is being required from the Suffolk County Department of Health Services Board of Review in order to go forward with a project as described in a Report of Findings and Recommendations regarding the applicant, PG Builders Inc., File No. C02-02-0138; and

WHEREAS, the Board of Review has, under Section 760-607 (A)(1) and (B)(1) of the SUFFOLK COUNTY SANITARY CODE, granted the request for a variance on September 9, 2005 subject to the applicant's purchase of development rights or credits for the excess density required and a transfer of property for development rights with covenants to sterilize said property so as to protect surface and groundwater quality by establishing limits on population density; and

WHEREAS, the Board of Review specifically imposed a condition that the owner place a covenant upon the parcel(s) to be received, known as S.C.T.M. No. District 0200, Section 824.00 Block 10.00 Lot 018.001(n/k/a), more particularly described on Schedule "A" attached hereto and made a part hereof, and on the transfer parcel(s) known as S.C.T.M. No. District 0200 Section 212.00 Block 03.00 Lot 011.000, more particularly described on Schedule "B" attached hereto and made a part hereof and whereby the parcel(s) described in Schedule "B" shall be sterilized by the property owner and transferred and dedicated to the County of Suffolk for Open Space Parkland Purposes in exchange for the transfer of its Development Density Rights from this parcel(s) to the property described in Schedule "A"; and

WHEREAS, the Suffolk County Department of Planning has recommended this proposed transfer in a Memorandum to the County Department of Health Services, Division of Environmental Quality, dated August 24, 2005, as provided in Schedule "C"; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby accepts the donation, transfer and dedication of the property described in Schedule "B", subject to it being sterilized by the owner for Open Space Purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions, entered into by the applicant, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

2nd RESOVLED, that the Suffolk County Division of Real Estate in the Department of Planning is hereby authorized, empowered, and directed, pursuant to Section 16-4(E) of the Suffolk County Charter, to execute such documents as are necessary to acquire said parcel(s) as described in Schedule "B"; and be it further

3rd RESOLVED, that the Assessor of the Town of Brookhaven, and all other assessors having jurisdiction thereof, be and they hereby are directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law pursuant to Section 406(1) of the NEW YORK REAL PROPERTY TAX LAW; and be it further

4th RESOLVED, that the Suffolk County Division of Real Estate in the Department of Planning shall transfer jurisdiction of said land as described in Schedule "B", to the Suffolk County Department of Parks, Recreation, and Conservation for open space preservation pursuant to Section 1-7 of the SUFFOLK COUNTY CHARTER as land dedicated to open space preservation in the Miller Place-Yaphank Road Nature Preserve Area (BR 17) and subject to the continued right to use said premises for passive recreational purposes; and be it further

5th RESOLVED, that the property described in Schedule "B" be dedicated to the Suffolk County Nature Preserve for open space preservation under the jurisdiction of the Suffolk County Department of Parks, Recreation, and Conservation and subject to the continued right to use said premises for passive recreational purposes; and be it further

6th RESOLVED, that such property shall not be taken nor otherwise disposed of nor used for any purpose not specified in this resolution unless authorized by Charter Law subject to mandatory referendum under Section 1-7(D) of the SUFFOLK COUNTY CHARTER; 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 an unlisted action which 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 Section 617.7(c) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) which sets forth thresholds for determining significant effect on the environment;
2. The property will be dedicated to the Suffolk County Nature Preserve and remain in its natural state, and;
3. The site will only be used for passive recreational purposes,

and be it further

8th RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with CEQ; and be it further

9th 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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1358-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

RESOLUTION NO. 277 –2006, TO REAPPOINT MEMBER OF COUNTY PLANNING COMMISSION (LINDA G. HOLMES)

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

WHEREAS, there is a vacancy on the County Planning Commission, due to the expiration of the term of Linda G. Holmes, representing the Town of Shelter Island; and

WHEREAS, Steve Levy, the County Executive of Suffolk, has reappointed Linda G. Holmes, currently residing at 30 Dinah Rock Road, P.O. Box 546, Shelter Island, New York 11964, as a member of the County Planning Commission to represent the Town of Shelter Island; now, therefore be it

1st RESOLVED, that Linda G. Holmes, currently residing at 30 Dinah Rock Road, P.O. Box 546, Shelter Island, New York 11964, is hereby appointed as a member of the Suffolk County Planning Commission to represent the Town of Shelter Island, said term to expire December 31, 2009.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro Res. No. 1371-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive and Legislator
Schneiderman

RESOLUTION NO. 278 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM - OPEN SPACE COMPONENT - ENSLEY PROPERTY – SAGAPONACK GREENBELT – (TOWN OF SOUTHAMPTON- SCTM NO. 0900-056.00-01.00-037.003 & 037.004)

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 for open space acquisition, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, Resolution No. 75-2005, authorized planning steps for the acquisition of said property in the town of Southampton under the New Suffolk County Drinking Water Protection Program; and

WHEREAS, the Ensley property is located in the Sagaponack Greenbelt Area where the County has been acquiring environmentally sensitive lands; and

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

1st RESOLVED, that the following parcel is hereby approved for acquisition in the amount of four hundred seventy five thousand dollars (\$475,000.00±), subject to final survey, pursuant to funding under the New Suffolk County Drinking Water Protection Program authorized, empowered, and directed by Section 12-3 of the SUFFOLK COUNTY CHARTER and implemented under Article XII of the SUFFOLK COUNTY CHARTER;

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER</u>
No. 1	District 0900	1.01± acres	Rufus Ensley
	Section 056.00		5000 Town Center
	Block 01.00		Apt. 305
	Lot 037.003 & 037.004		Southfield, MI 48075

and be it further

2nd **RESOLVED**, that the Adopted 2006 Operating Budget be and hereby is amended and that the following be and hereby are appropriated from Fund 477 fund balance;

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 Budget	\$475,000

and be it further

3rd **RESOLVED**, that these 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 Fund 477	\$475,000

and be it further

4th **RESOLVED**, that the \$475,000 from the Fund 477 New Drinking Water Protection Program, Open Space Component, fund balance be and hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8709.210	Suffolk County Water Protection Open Space	\$475,000

and be it further

5th **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

6th **RESOLVED**, that payment for the acquisition of such parcels shall be made from the allocation of funds provided under Section 12-2(A)(1) of the SUFFOLK COUNTY CHARTER as per the following criteria:

- c.) any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area; and be it further

7th **RESOLVED**, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(X) 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

8th **RESOLVED**, that any unencumbered, unallocated funds available at the conclusion of the acquisition of the above described parcels shall be utilized for such future and subsequent open space acquisitions as may be approved via duly enacted Resolution of the

County of Suffolk and which are identified and designated for the use of such funds under Section 12-2(A) of the SUFFOLK COUNTY CHARTER; and be it further

9th **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

10th **RESOLVED**, that the title to these acquisitions shall be held by the County and be dedicated to the County Department of Parks, Recreation and Conservation for passive park purposes; and be it further

11th **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

12th **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

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

13th **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

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

RESOLUTION NO. 279 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT – GODZIEBA PROPERTY – FORGE RIVER WATERSHED (TOWN OF BROOKHAVEN – SCTM NO. 0200-751.00-03.00-013.000, 0200-788.00-02.00-041.000 AND 0200-788.00-03.00-003.000)

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 Town of Brookhaven has approved Resolution No. 20 on November 15, 2005 authorizing the acquisition of the subject parcel in partnership with the County of Suffolk, attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, 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 Four Million One Hundred Thirty Six Thousand Dollars (\$4,136,000.00±), subject to final survey, which cost is to be shared by the County of Suffolk, totaling Two Million Sixty Eight Thousand Dollars (\$2,068,000.00±), 50% divided interest; and the Town of Brookhaven, totaling Two Million Sixty Eight Thousand Dollars (\$2,068,000.00±), 50% divided interest; and for additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report, insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
No. 1	District 0200 Section 751.00 Block 03.00 Lot 013.000	* 37.6 acres	Walter & Ellen Godzieba 189 Barnes Road Moriches, NY 11955
	District 0200		

Section 788.00
Block 02.00
Lot 041.000

District 0200
Section 788.00
Block 03.00
Lot 003.000

* This property will be equally divided into two sections of which the easterly section will be owned solely by the County of Suffolk.

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 Four Million One Hundred Thirty Six Thousand Dollars (\$4,136,000.00±), subject to final survey, of which the County contribution will be Two Million Sixty Eight Thousand Dollars (\$2,068,000.00±), subject to final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve \$2,068,000.00±, 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 title to these acquisitions shall be held by physically dividing the property up between the County and the Town of Brookhaven, with the County owning all of the interest in its respective portion of the property (eastern), and with the Town of Brookhaven owning all of the interest in its respective portion of the property (western); and be it further

5th 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

6th 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, fourteen and a half (14.5) Workforce Housing Development Rights (WHDR) shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

7th RESOLVED, that the subject parcel shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and be it further

8th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

9th 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

10th 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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 6, 2006

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

Intro. Res. No. 1373-2006

Laid on Table 3/14/2006

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

RESOLUTION NO. 280 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT – McLAUGHLIN PROPERTY – FORGE RIVER WATERSHED (TOWN OF BROOKHAVEN – SCTM NO. 0200-787.00-09.00-006.000)

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 Twenty One Thousand Dollars (\$21,000.00±), 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>
No. 1	District 0200 Section 787.00 Block 09.00 Lot 006.000	0.128±	J. Stewart McLaughlin 315 Lakeview Avenue West Brightwaters, NY 11718

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 Twenty One Thousand Dollars (\$21,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve \$21,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525 CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, for this acquisition; and, be it further

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

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 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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1374-2006

Laid on Table 3/14/2006

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

RESOLUTION NO. 281 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT – RAKIDJIAN PROPERTY – FORGE RIVER WATERSHED (TOWN OF BROOKHAVEN – SCTM NO. 0200-824.00-07.00-048.001)

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 One Hundred Five Thousand Dollars (\$105,000.00±), 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>
No. 1	District 0200 Section 824.00 Block 07.00 Lot 048.001	0.24±	Haig Rakidjian 16 Hawthorne Street Mt. Sinai, NY 11766

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 One Hundred Five Thousand Dollars (\$105,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve \$105,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, for this acquisition; and, be it further

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

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:

- 5.) 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.
- 6.) 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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1375-2006

Laid on Table 3/14/2006

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

RESOLUTION NO. 282 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE FIRST (1987, AS AMENDED 1996) ¼% SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM – ESTATE OF PETER A. CACOPERDO - CHAMPLIN CREEK ADDITION (TOWN OF ISLIP- SCTM NO. 0500-251.00-01.00-002.006)

WHEREAS, Article XII of the SUFFOLK COUNTY CHARTER, as amended by Resolution No. 591-1996, established the Suffolk County Drinking Water Protection Program, the first priority of which being the acquisition of qualified lands to be funded by revenues generated by the quarter percent (1/4%) sales and compensating use tax; and

WHEREAS, in compliance with Sections C12-3B and C of the SUFFOLK COUNTY CHARTER prior to the Division Director of the Division of Real Estate entering into any negotiations for the acquisition of, and consummation of acquisition of any such parcel, the Board of Trustees of the Department of Parks, Recreation and Conservation shall review and recommend for acquisition any parcel; and

WHEREAS, approximately 0.65± acres of vacant land, located in the Town of Islip, is currently owned by the Estate of Peter A. Cacoperdo; and

WHEREAS, Resolution 621-2004, Master List I – 2004, authorized planning steps for the acquisition of the subject property in the Town of Islip; and

WHEREAS, adequate funding is provided for, under the First (1987, as amended 1996) Suffolk County Drinking Water Protection Program, pursuant to Section 12-5.E of the SUFFOLK COUNTY CHARTER, from 13.55 percent of the sales and compensating tax proceeds, for the acquisition of such land; now, therefore, be it

1st **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition in the Town of Islip under Article XII of the SUFFOLK COUNTY CHARTER, Section 12-5.E, for a total purchase price of One Hundred Forty Five Thousand Dollars (\$145,000.00±), 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 reports, insurance and tax adjustments:

<u>PARCEL</u>	<u>SUFFOLK COUNTY</u>		<u>ACRES</u>	<u>REPUTED OWNER</u>
No. 1	<u>TAX MAP NUMBER</u>			
	District	0500	0.65±	Rose Cacoperdo, as Executrix of the
	Section	251.00		Estate of Peter A. Cacoperdo
	Block	01.00		205 Greeley Avenue
	Lot	002.006		Sayville, NY 11782

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 First (1987 as amended 1996) ¼% Suffolk County Drinking Water Protection Program (12-5.E) for a purchase price of One Hundred Forty Five Thousand Dollars (\$145,000.00±), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve \$145,000.00±, subject to a final survey, from previously appropriated funds in MY-176-LAW-GDX2 under the First (1987 as amended 1996) ¼% Drinking Water Protection Program (12-5.E), for this acquisition; and be it further

4th **RESOLVED**, that the title to these acquisitions shall be held by the County and be dedicated to the County Parks, Recreation and Conservation for passive recreation use; and be it further

5th **RESOLVED**, that the Division of Real Estate; the County Planning Department; the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions 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

6th **RESOLVED**, that any unencumbered, unallocated funds available at the conclusion of the acquisition of the above described parcel, shall be utilized for such future and

subsequent open space acquisitions as may be approved via duly enacted Resolution of the County of Suffolk and which are identified and designated for the use of such funds under the former Section 12-5.E of Article XII of the SUFFOLK COUNTY CHARTER; 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:

- 7.) 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.
- 8.) 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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1376-2006

Laid on Table 3/14/2006

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

RESOLUTION NO. 283 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT FOR THE ZANGHI PROPERTY – OROWOC CREEK ADDITION (TOWN OF ISLIP – SCTM NO. 0500-319.00-01.00-029.001)

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 said property in the Town of Islip; 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 Islip under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, for a total purchase price of Two Hundred Twenty One Thousand One Hundred and Fifty Dollars (\$221,150.00±), subject to the 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 319.00 Block 01.00 Lot 029.001	0.510± acres	Joseph Zanghi 25 Central Avenue Hauppauge, NY 11788

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 two hundred twenty one thousand one hundred and fifty dollars (\$221,150.00±), subject to the final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve \$221,150.00±, subject to the 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, zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

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:

- 9.) 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.
- 10.) 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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1377-2006

Laid on Table 3/14/2006

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

**RESOLUTION NO. 284 -2006, AUTHORIZING
PLANNING STEPS FOR ACQUISITION UNDER THE
SUFFOLK COUNTY MULTIFACETED LAND
PRESERVATION PROGRAM - OPEN SPACE
COMPONENT (ASPATUCK CREEK, TOWN OF
SOUTHAMPTON)**

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 State II Acquisition Program; and

WHEREAS, there are sufficient revenues to fund land acquisitions 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 her deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd Resolve clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcel listed herein below from the reputed owner for inclusion in the Suffolk County Multifaceted Land Preservation Program for acquisition to be consummated pursuant to the traditional Suffolk County Open Space Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
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See Exhibit "A"

2nd **RESOLVED**, that the County Department of Environment and Energy - 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 this proposed parcel 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 Sections 617.5 (c) (20) and (21) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the 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 on non-applicability or non-significance in accordance with this resolution.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Vilorio-Fisher. The resolution was passed 18-0.

Intro. Res. No. 1381-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 285 -2006, CONFIRMING APPOINTMENT
OF COUNTY COMMISSIONER OF ENVIRONMENT AND
ENERGY**

WHEREAS, the Suffolk County Legislature adopted Resolution No. 141-2006 (I.R. 1068-2006), a “Charter Law Creating a County Department of Environment and Energy” on February 7, 2006; and

WHEREAS, the Commissioner of the County Department of Environment and Energy is appointed by the County Executive of Suffolk County to head the Suffolk County Department of Environment and Energy, subject to the approval of the County Legislature, under Section 42-2(A) of the SUFFOLK COUNTY CHARTER; and

WHEREAS, Steve Levy, the County Executive of Suffolk County, after due consideration, has appointed **MICHAEL J. DEERING**, currently residing at 53 Gardiner Road, Smithtown, New York 11787, as Commissioner of the Suffolk County Department of Environment and Energy; now therefore, be it

1st **RESOLVED**, that the appointment of **MICHAEL J. DEERING**, currently residing at 53 Gardiner Road, Smithtown, New York 11787, as Commissioner of the Suffolk County Department of Environment and Energy, is hereby approved, pursuant to Section 42-

2(A) of the SUFFOLK COUNTY CHARTER, to serve at the pleasure of the County Executive of Suffolk County, effective immediately; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

Legislator Losquadro made motion for the following resolution, seconded by Deputy Presiding Officer Vilorio-Fisher. The resolution was passed 18-0.

Intro. Res. No. 1389-2006
Introduced by Legislator Losquadro

Laid on Table 3/14/2006

RESOLUTION NO. 286 -2006, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND (PIPE STAVE HOLLOW PROPERTY) TOWN OF BROOKHAVEN

WHEREAS, Resolution No. 840-2004 adding Article XXXVI to the SUFFOLK COUNTY CHARTER established the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund for the preservation of open space; the acquisition of lands to be used as Hamlet Greens, Hamlet Parks or Pocket Parks; and for the acquisition of farmland development rights; and

WHEREAS, there are sufficient revenues to fund land acquisition in Capital Project No. 8705.210, Project Name: Preservation of Open Space; now, therefore, be it

1st RESOLVED, that the Director of the Division of Real Property Acquisition within the County Department of Planning, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section C14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall

be necessary and appropriate as set forth in the 3rd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 8705.210, to acquire title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund for the purpose of Open Space Preservation;

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0200 Section 118.00 Block 02.00 Lot 001.001	2	
2	District: 0200 Section 118.00 Block 02.00 Lot 002.000		Mount Sinai Mini Storage 376 Fulton Street Farmingdale, NY 11735
3	District: 0200 Section 118.00 Block 02.00 Lot 003.001	2	Mount Sinai Mini Storage 376 Fulton Street Farmingdale, NY 11735
4	District: 0200 Section 118.00 Block 02.00 Lot 004.000	2	Seabrook Properties, Inc. c/o Milton Wolfsohn 153 Broadway Lynbrook, NY 11563
5	District: 0200 Section 096.00 Block 02.00 Lot 062.001		Mount Sinai Mini Storage 376 Fulton Street Farmingdale, NY 11735
TOTAL ACREAGE		± 9 acres	

and be it further

2nd RESOLVED, that this proposed acquisition shall be consummated in accordance with, and subject to, the provisions of Sections C36-1(A)(1)(5) and (6) of the SUFFOLK COUNTY CHARTER in connection with the Preservation of Open Space acquisitions; and be it further

3rd RESOLVED, that the Director of the Department of Planning, in consultation with the Department of Health Services, is authorized to interpret and report the number of WHDRs that may be yielded from the subject property in the event that said property is to be purchased with Save Open Space Bond funds in accordance with Suffolk County Resolution No. 840-2004; and be it further

4th **RESOLVED**, that the County Department of Planning, Division of Real Property Acquisition within the County Department of Planning, the County Department of Public Works, and/or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

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

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Vloria-Fisher. The resolution was passed 18-0.

Intro. Res. No. 1401-2006

Laid on Table 3/14/2006

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

**RESOLUTION NO. 287 -2006, AUTHORIZING
PLANNING STEPS FOR ACQUISITION UNDER THE
SUFFOLK COUNTY COMMUNITY GREENWAYS FUND
PROGRAM – FOR ACTIVE RECREATIONAL
PURPOSES – OF THE LEWIS OLIVER PROPERTY
(TOWN OF HUNTINGTON, VILLAGE OF NORTHPORT)**

WHEREAS, Resolution No. 559-1998 (Local Law No. 27-1998), a "Charter Law Adding Article XII-A to the Suffolk County Charter to Provide a Suffolk County Greenways Community Fund" was approved by the electorate on November 3, 1998, thereby making \$20 Million available for land acquisition for active recreational purposes; and

WHEREAS, the Greenways Community Fund, under Section C12A-1.A (2), provides for Town participation by sharing in the development and future management of parkland for active recreational purposes which includes use for community recreational needs; and

WHEREAS, the Town of Huntington and the Village of Northport have expressed their interest in partnering with Suffolk County to acquire and assume full responsibility for development/maintenance of this property for multi-purpose community recreational use including a playground; now therefore be it

1st RESOLVED, that the Director of the Division of Real Estate, or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate to acquire fee title to the property listed herein below from the reputed owner, the funding for which shall be provided under the Suffolk County Community Greenways Fund, Section 12A-1.A.(2), of the SUFFOLK COUNTY CHARTER:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0404 Section 011.00 Block 02.00 Lot 004.000	~0.17	Kenneth E. Gloyd 144A East Bourne Ct. Ridge, NY 11961
No. 2	District 0404 Section 005.00 Block 02.00 Lot 005.000	~0.27	Kenneth E. Gloyd 144A East Bourne Ct. Ridge, NY 11961
No. 3	District 0404 Section 011.00 Block 02.00 Lot 006.000	~0.37	Kenneth E. Gloyd 144A East Bourne Ct. Ridge, NY 11961
No. 4	District 0404 Section 011.00 Block 02.00 Lot 007.000	~0.37	Kenneth E. Gloyd 144A East Bourne Ct. Ridge, NY 11961
No. 5	District 0404 Section 011.00 Block 02.00 Lot 008.001	~0.92	Kenneth E. Gloyd 144A East Bourne Ct. Ridge, NY 11961

Total = ~1.9 acres

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 this proposed parcel shall be appropriated to future and subsequent acquisitions under the Suffolk County Community Greenways Fund 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 Sections 617.5 (c) (20) and (21) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6NYCRR) and within the 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 on non-applicability or non-significance in accordance with this resolution.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Vloria-Fisher. The resolution was passed 18-0.

Intro. Res. No. 1402-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 288 -2006, APPROVING THE REAPPOINTMENT OF JOHN CARACCILO, AS A MEMBER OF THE SUFFOLK COUNTY PLANNING COMMISSION

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

WHEREAS, the term of office of John Caracciolo, representing the Town of Huntington, expired as of December 31, 2005; and

WHEREAS, Steve Levy, the County Executive of Suffolk County has reappointed **JOHN CARACCILO**, currently residing at 2 Midvale Court, East Northport, New York 11731,

as a member of the County Planning Commission, with a background in the entertainment business community; now, therefore be it

1st RESOLVED, that **JOHN CARACCILO**, currently residing at 2 Midvale Court, East Northport, New York 11731, is hereby reappointed as a member of the Suffolk County Planning Commission to represent the Town of Huntington for a four-(4)-year term, said term to expire December 31, 2009.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

Deputy Presiding Officer Vioria-Fisher made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 18-0.

Intro. Res. No. 1342-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 289 -2006, ACCEPTING AND APPROPRIATING 100% GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO CONTINUE THE 100% FUNDED "EMPLOYMENT SHUTTLE PROGRAM"

WHEREAS, the New York State Department of Labor has approved utilization of a total of \$19,649 in "Community Solutions for Transportation" grant funding for the continuation of the Employment Shuttle Program by the Department of Social Services through May 31, 2006; and

WHEREAS, the goal of the Employment Shuttle Program is to assist homeless families and other families with employment-related transportation needs to achieve employment and self-sufficiency by overcoming transportation barriers; and

WHEREAS, the Employment Shuttle Program provides for the operation of shuttle vans by the Education and Assistance Corporation (EAC) for up to twenty hours of transportation per day to places of employment, vocational training, work preparation sites and day care centers, as needed, to promote employment; and

WHEREAS, the 2006 Operating Budget includes \$123,964 for the purpose of funding the "Community Solutions for Transportation" program through previously awarded grant funds; and

WHEREAS, the New York State Office of Temporary and Disability Assistance has provided Suffolk County’s Department of Social Services the ability to utilize \$19,649 of unexpended grant funds from previous programs that have expired to further supplement the “Community Solutions for Transportation”, Employment Shuttle Program for a total program allocation of \$143,613; and

WHEREAS, this program is 100% funded and it is in the best interest of Suffolk County to provide transportation assistance to clients for purposes of obtaining and maintaining employment; now, therefore, be it

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

REVENUES:		<u>\$19,649</u>
001-4610	FEDERAL AID: Social Services Administration	\$19,649

and be it further

RESOLVED, that total funds in the amount of \$19,649, be and are hereby appropriated as follows:

ORGANIZATIONS:		<u>\$19,649</u>
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Department of Social Services
Client Benefits Administration
001-DSS -6015

<u>4000 – Contractual Expenses</u>	<u>\$19,649</u>
4980 – GVO1– EAC: Employment Shuttle Program	
19,649	

and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services be and they are hereby are authorized to execute a contract with the Education and Assistance Corporation.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1365A-2006

BOND RESOLUTION NO. 290 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$257,000 BONDS TO FINANCE A PART OF THE COST OF CONSTRUCTION OF AN ADDITION TO THE MAXINE S. POSTAL, TRI-COMMUNITY HEALTH CENTER IN AMITYVILLE (CP 4022)

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 \$257,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of construction of an addition to the Maxine S. Postal, Tri-Community Health Center in Amityville, 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 \$2,192,500. The plan of financing includes (a) the issuance of \$220,500 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 943-2001, (b) the issuance of \$965,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 956-2002, (c) the issuance of \$750,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 415-2004, (d) the issuance of \$257,000 bonds or bond anticipation notes authorized pursuant to this resolution, (e) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 12(a)(2) of the Law of the Law, is fifteen (15) years, computed from May 1, 2002, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 943-2001.

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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1365-2006

Laid on Table 3/14/2006

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

**RESOLUTION NO. 291 -2006, APPROPRIATING FUNDS FOR
THE ADDITION TO THE MAXINE S. POSTAL, TRI-COMMUNITY
HEALTH CENTER LOCATED IN AMITYVILLE (CP 4022)**

WHEREAS, the Commissioner of Health Services has requested funds for the addition to the Maxine S. Postal, Tri-Community Health Center located in Amityville; and

WHEREAS, the expansion and renovation will provide needed space to meet patient demand for services; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request under Capital Program Number 4022; 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 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 \$257,000 in Suffolk County Serial Bonds; now therefore be it

1st 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

2nd RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8, SEQRA Resolution No. 798-02 determined that the proposed planning and construction of an Addition to the Tri-Community Health Center, Town of Babylon, constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(C) (2), (7), (21), (25), and (27) and Chapter 279 of the SUFFOLK COUNTY CODE, since it involves a municipal decision to rehabilitate or reconstruct a facility in kind, on the same site with the expansion of a non-residential facility involving less than 4,000 sq. ft. planning and equipment purchases; and

3rd RESOLVED, that the proceeds of \$257,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-4022.313 (Fund 001 Debt Service)	20	Addition to Maxine S. Postal Tri-Community Health Center	\$257,000

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1368A-2006

BOND RESOLUTION NO. 292 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$80,000 BONDS TO FINANCE A PART OF THE COST OF IMPROVEMENTS TO THE JOHN J. FOLEY SKILLED NURSING FACILITY (CP 4057.315)

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 \$80,000 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 improvements to the John J. Foley Skilled Nursing 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 \$176,800. The plan of financing includes (a) the issuance of \$96,800 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 282-

2005, (b) the issuance of \$80,000 bonds or bond anticipation notes authorized pursuant to this resolution and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 12(a)(2) of the Law of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1368-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 293 -2006, APPROPRIATING FUNDS
IN CONNECTION WITH IMPROVEMENTS AT THE JOHN J.
FOLEY SKILLED NURSING FACILITY (CP 4057)**

WHEREAS, the Commissioner of Health Services has requested funds for improvements at the John J. Foley Skilled Nursing Facility; and

WHEREAS, the funds will be used for ongoing site improvements and building development; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request under Capital Program Number 4057; 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 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 \$80,000 in Suffolk County Serial Bonds; now therefore, be it

1st 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

2nd RESOLVED, pursuant to the State Environmental Quality Review Act, Environmental Conservation Law Article 8 (hereafter "SEQRA"), Resolution No. 948-2002 classified the action contemplated by this as an unlisted action, which will not have a significant environmental impact; and be it further

3rd RESOLVED, that the proceeds of \$80,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-4057.315 (Fund 001 Debt-Service)	20	Improvements at the John J. Foley Skilled Nursing Facility	\$80,000

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1382-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 294 -2006, AMENDING THE 2006
OPERATING BUDGET TO ACCEPT AND APPROPRIATE 100%
FEDERAL GRANT FUNDS FROM HEALTH RESEARCH INC.
TO SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
FOR THE CITIES READINESS INITIATIVE**

WHEREAS, Health Research Inc. (HRI) has awarded 100% Federal grant funds to the Suffolk County Department of Health Services, Division of Public Health for the Cities Readiness Initiative in the amount of \$40,000 for the period 08/31/05-08/30/06; and

WHEREAS, through this program Suffolk County Department of Health Services will join in this region's preparation of a rapid response to a bioterrorism incident; and

WHEREAS, these 100% Federal grant funds are not currently included in the 2006 Adopted Operating Budget; now therefore, be it

1st RESOLVED, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate this 100% Federal grant funding as follows:

REVENUES **AMOUNT**

001-4401 Public Health \$40,000

ORGANIZATIONS

Department of Health Services (HSV)
Division of Public Health
Cities Readiness Initiative Program
001-HSV-4026

<u>Equipment:</u>	<u>\$30,400</u>
2020 Office Machines	\$15,150
2040 Trucks, Trailers, Jeeps	\$15,250
<u>Supplies, Materials & Other:</u>	<u>\$ 8,200</u>
3500 Other: Unclassified	\$ 8,200
<u>Travel:</u>	<u>\$ 1,400</u>
4310 Employee Misc. Expenses	\$ 100
4320 Meals: Employee Contract	\$ 100
4330 Travel: Employee Contract	\$ 800
4340 Travel: Other	\$ 400

and be it further

2nd RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

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

Intro. Res. No. 1383-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 295 -2006, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS PASSED THROUGH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF HEALTH SERVICES, DIVISION OF MEDICAL, LEGAL INVESTIGATIONS AND FORENSIC SCIENCES FOR THE PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT

WHEREAS, the New York State Division of Criminal Justice Services has awarded 100% Federal grant funds to the Department of Health Services, Division of Medical, Legal Investigations and Forensic Sciences for the Paul Coverdell National Forensic Sciences Improvement Act in the amount of \$15,210 for the period 10/01/05-09/30/06; and

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

WHEREAS, the 100% Federal grant funds are not included in the 2006 Adopted Suffolk County Budget; now, therefore be it

1stRESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$15,210 grant funds as follows:

<u>REVENUES</u>	<u>AMOUNT</u>
001-4320 Crime Control	\$15,210

APPROPRIATIONS

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

<u>Personal Services</u>	<u>\$15,210</u>
1120 Overtime Salaries	\$15,210

and be it further

2ndRESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1384-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 296 -2006, AMENDING THE 2006 OPERATING BUDGET TO ACCEPT AND APPROPRIATE 100% STATE AID FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES, DIVISION OF COMMUNITY MENTAL HYGIENE SERVICES FOR VARIOUS CONTRACT AGENCIES

WHEREAS, the New York State Office of Mental Health has awarded 100% State Aid in the amount of \$19,432,918 for programs administered by Suffolk County Department of Health Services, Division of Community Mental Hygiene Services; and

WHEREAS, 100% State Aid in the amount of \$494,899 has been targeted for the expansion of existing programs administered by Suffolk County Division of Community Mental Hygiene Services; and

WHEREAS, the New York State Office of Mental Health has awarded 100% State Aid for start up costs for the implementation of Personalized Recovery Oriented Services Programs (PROS) for agencies that presently contract with Suffolk County Department of Health Services, Division of Community Mental Hygiene Services; and

WHEREAS, the 100% State Aid start up funding is for the purchase of equipment and the hiring of staff for PROS programs that will be implemented by New York State Office of Mental Health in March of 2006; and

WHEREAS, the New York State Office of Mental Health has allocated 100% State Aid funding for the expansion of homeless programs to Hands Across Long Island and F.R.E.E.; and

WHEREAS, the New York State Office of Mental Health has expanded the Ongoing Integrated Employment Services (OIES) in Suffolk County and the state has allocated 100% State Aid to Federation of Organizations, Inc. and Pederson Krag Center, Inc.; and

WHEREAS, this unallocated 100% State Aid is not currently included in the 2006 Adopted Operating Budget, now therefore, be it

1st RESOLVED, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate this 100% State Aid funding as follows:

REVENUES

001-3493 State Aid: Community Support Services \$494,899

ORGANIZATIONS

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

<u>XORG</u>	<u>OBJECT NAME</u>	<u>2006 Adopted</u>	<u>2006 Modified Adopted</u>	<u>Change</u>
ADM1	Clubhouse Spec Employment	\$ 354,036	\$ 418,561	+\$64,525
AIM1	HALI Psychosocial	\$ 377,568	\$ 452,568	+\$75,000
ALC5	Maryhaven Psych Rehab Spec Emp	\$ 215,661	\$ 228,325	+\$12,664
AQA1	Skills Special Employment	\$ 89,989	\$ 112,189	+\$22,200
GPC1	HALI Peer Advocacy	\$ 51,189	\$ 163,190	+\$112,000
GTJ1	F.R.E.E. Integrated Employment	\$ 32,990	\$ 55,100	+\$22,110
GYZ1	F.R.E.E. Single Point of Access	\$ 106,096	\$ 134,096	+\$28,000
HSO1	Federation of Org OIES	\$ 0	\$ 79,200	+\$79,200
HSP1	Pederson Krag OIES	\$ 0	\$ 79,200	+\$79,200

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with Clubhouse of Suffolk, Hands Across Long Island, Maryhaven, Skills Unlimited, Family Residences and Essential Enterprises, Federation of Organizations, Inc., Pederson Krag Center, Inc.; and be it further

3rd RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

Legislator Horsley made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 17-0-1-0. Legislator Montano abstained.

Intro. Res. No. 1337-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 297 -2006, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BABYLON FOR AFFORDABLE HOUSING PURPOSES

WHEREAS, the County of Suffolk is the fee owner of certain parcel which is particularly described hereto:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 055.00, Block 03.00, Lot 006.000, and acquired by tax deed on July 12, 2001, from Joseph Sawicki, Jr., the Deputy County Treasurer of Suffolk County, New York, and recorded on July 13, 2001, in Liber 12129, CP 657 and otherwise known as and by Town of Babylon, N x now or formerly Olsen, E x now or formerly Schen Eider & Ors, S x now or formerly Strower, W x Straight Path; and

WHEREAS, said parcel is surplus to the needs of the County of Suffolk; and

WHEREAS, Section 72-H of the General Municipal Law permits the sale of real property between Municipal Corporations; and

WHEREAS, the Town of Babylon, Suffolk County, New York, has requested the County of Suffolk convey the above-described parcel to it (see annexed Resolution hereto marked as Exhibit "A"); and

WHEREAS, the transfer of this parcel is pursuant to and in accordance with Local Law Nos. 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

WHEREAS, the Suffolk County Department of Planning has approved the use of this parcel for the purposes stated above; now, therefore, be it

1st **RESOLVED**, the subject parcel shall be conveyed to the Town of Babylon, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed:

1. That the Grantee or any subsequent grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises.
2. The Town of Babylon shall provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31, of each year commencing December 31, 2006, outlining the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises.
3. The Town of Babylon and all subsequent Grantees shall comply with all applicable Federal, State, and Local regulations pertaining to the price, income eligibility, and marketing standards in effect for affordable housing programs; and be it further

2nd **RESOLVED**, the subject parcel shall be conveyed to the Town of Babylon, Suffolk County, New York subject to the following deed restrictions which restrictions shall run with the land and be enforceable by the County of Suffolk:

For Owner-Occupied Housing:

1. Principal residence of owner for a period of 5 years;
2. Income of purchaser limited to 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
3. Subsidized purchase price of home should not exceed 60% of median sales price for Suffolk County based on State of New York Mortgage Agency Guidelines;
4. Project must be completed within three years of transfer or else property reverts to Suffolk County, unless an extension of time is granted in writing by the Director after good cause is shown. Said extension shall not exceed two two-year extensions unless approved by duly enacted resolution.

For Rental Housing:

1. Income of tenant limited to 80% of median income based on family size;
2. Rent shall not exceed HUD established Fair Market Rent for the Nassau-Suffolk PMSA based on bedroom size;
3. Home must meet local building and zoning codes;
4. Project must be completed within three years of transfer or else property reverts to Suffolk County, unless an extension of time is granted in writing by

the Director after good cause is shown. Said extension shall not exceed two two-year extensions unless approved by duly enacted resolution.

5. Property must remain as an affordable unit for at least 10 years.

3rd **RESOLVED**, the conveyance of the parcel described to the Town of Babylon for the purposes described herein shall be for the sum of one and 00/100 Dollar (to be waived), plus the pro rata share of the current taxes; and be it further

4th **RESOLVED**, that Patricia B. Zielenski, Director of Real Estate, or her Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property upon the above-described terms and conditions; and be it further

5th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II Action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c)(20) and (27)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)).

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1250-2006
Introduced by Legislator Schneiderman

Laid on Table 3/14/2006

RESOLUTION NO. 298 -2006, NAMING A 17-ACRE NATURE PRESERVE IN THE TOWN OF EAST HAMPTON AS THE BARBARA BARNES HALE PRESERVE

WHEREAS, in 2001, the County of Suffolk and the Town of East Hampton jointly purchased a 17-acre nature preserve located in the Town of East Hampton, currently known as the Weitzman parcel; and

WHEREAS, the Town of East Hampton, by Resolution No. 1189-2005, authorized the naming of this parcel as the Barbara Barnes Hale Preserve; and

WHEREAS, Barbara was a long-time resident of the Springs in East Hampton, who was committed to conservation and protecting natural habitats; and

WHEREAS, the County of Suffolk wishes to join the Town of East Hampton by acknowledging Barbara's efforts and dedication to the community by naming this parcel the "Barbara Barnes Hale Preserve"; now, therefore be it

1st RESOLVED, that pursuant to Section 215(1) of the NEW YORK COUNTY LAW, Weitzman Parcel (District 0300, Section 063.00, Block 03.00, Lot 010.000) is hereby named the "Barbara Barnes Hale Preserve"; and be it further

2nd RESOLVED, that the Suffolk County Department of Parks, Recreation, and Conservation is hereby authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to provide and install appropriate signs and to take such other actions as shall be necessary to effectuate this name change; and be it further

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1317-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 299 -2006, AUTHORIZING LICENSE AGREEMENT WITH KAELIN'S CONCESSION FOR CAMP

STORE/SNACK BAR CONCESSION AT CEDAR POINT COUNTY PARK

WHEREAS, the Department of Parks, Recreation and Conservation advertised and issued a RFP in November, 2005 to renovate and operate a Camp Store/Snack Bar Concession at Cedar Point County Park; and

WHEREAS, Kaelin's Concession, having its principal place of business at 125 Hallock Street, Riverhead, New York 11758, was the only entity that responded to the County's RFP; and

WHEREAS, pursuant to Article 38 of the Suffolk County Charter, legislative approval is required for any contract or license agreement which results from the utilization of a RFP process in which only one person or entity responds; now, therefore be it

1st RESOLVED, that the Department of Parks, Recreation and Conservation is hereby authorized and empowered to enter into a license agreement with Kaelin's Concession for a term of five years for the renovation and operation of the Camp Store/Snack Bar Concession at Cedar Point County Park in accordance with the terms of this resolution and subject to the approval of the Suffolk County Attorney; 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 (26) 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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1318-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 300 -2006, AUTHORIZING THE LEASE OF ONE "GEM CAR" FROM THE TOWN OF BABYLON FOR USE BY THE SUFFOLK COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION

WHEREAS, the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation has determined that the addition of a Global Electrics Motorcar ("GEM Car") would enhance the Department's ability to provide security at Smith Point County Park; and

WHEREAS, the Town of Babylon has offered to lease one (1) GEM Car for the annual rent of One Dollar (\$1.00) to the Suffolk County Department of Parks, Recreation and Conservation; now, therefore, be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(1), (2), (25) and (26) of the New York Code of Rules and Regulations (NYCRR). Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices; and be it further

2nd RESOLVED, that the Commissioner of the Department of Parks, Recreation and Conservation 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; and be it further

3rd RESOLVED, that the Suffolk County Department of Public Works, Division of Fleet Management is hereby authorized, empowered and directed to insure and maintain this vehicle bearing VIN # 5ASAG27442F018243 during the lease term.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1319-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 301 -2006, AUTHORIZING USE OF

**BLYDENBURGH COUNTY PARK BY THE CARE CENTER FOR
ITS ANNUAL WALK FOR LIFE FUNDRAISER**

WHEREAS, The Care Center is a 501(c)(3) private, nonprofit organization having its principal place of business at 91 Maple Avenue, Smithtown, New York; and

WHEREAS, The Care Center would like to hold its Annual Walk For Life Fundraiser at Blydenburgh County Park in the Town of Smithtown; and

WHEREAS, the Annual Walk For Life Fundraiser is scheduled to be held on May 20, 2006; and

WHEREAS, Blydenburgh County Park will be used as the beginning and ending point of the walk route; and

WHEREAS, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by The Care Center; now, therefore, be it

1st 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; and be it further

2nd RESOLVED, that the use of Blydenburgh County Park by The Care Center for the purpose of hosting a fundraiser on Saturday, May 20, 2006, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from The Care Center and the payment of One Hundred Twenty Five Dollars (\$125.00) event fee, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4 (A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at Blydenburgh County Park by The Care Center.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1322-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 302 -2006, AUTHORIZING USE OF BLYDENBURGH COUNTY PARK BY HABITAT FOR HUMANITY OF SUFFOLK FOR THEIR ANNUAL HOUSEWALK FUNDRAISER

WHEREAS, the Habitat for Humanity of Suffolk would like to hold their Annual Housewalk Fundraiser at Blydenburgh County Park in the Town of Smithtown; and

WHEREAS, the Annual Housewalk Fundraiser, is scheduled to be held on May 13, 2006; and

WHEREAS, Blydenburgh County Park will be used as the beginning and ending point of the walk route and the Parks Department's Showmobile will be used; and

WHEREAS, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by the Habitat for Humanity of Suffolk; now therefore, be it

1st 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, and be it further

2nd RESOLVED, that the use of Blydenburgh County Park by the Habitat for Humanity of Suffolk for the purpose of hosting a fundraiser on Saturday, May 13, 2006, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from the Habitat for Humanity of Suffolk and the payment of the Eight Hundred Dollars (\$800.00) event and Showmobile fee, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at Blydenburgh County Park by the Habitat for Humanity of Suffolk.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

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

Intro. Res. No. 1327-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 303 -2006, AUTHORIZING THE
TRANSFER OF CERTAIN PROPERTIES TO SUFFOLK
COUNTY DEPARTMENT OF PARKS, RECREATION AND
CONSERVATION**

WHEREAS, the COUNTY OF SUFFOLK is the owner of certain real property, surplus to its needs, described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, these parcels, as shown on aforesaid Exhibit A have been identified by the Suffolk County Planning Department and Suffolk County Department of Parks, Recreation and Conservation and Division of Real Estate as containing or are directly adjacent stream corridor systems and their associated tidal and/or freshwater wetlands as well as under water lands; and are adjacent or associated with presently existing Suffolk County Parkland/Nature Preserve; and

WHEREAS, as a result thereof the jurisdiction of said parcels should be transferred to the Suffolk County Department of Parks, Recreation and Conservation in order to become part of said Suffolk County Parkland; and

WHEREAS, if it is found that such properties shown on Exhibit A, once transferred or dedicated, have created a landlocked parcel or parcels, or denied access to such parcel or parcels, such portion of the dedication was inadvertent, and it is the intention of the Suffolk County Legislature not to dedicate such land to Suffolk County Parks system and/or Nature Preserve as may be required to maintain access and to prevent said properties from being either landlocked or having access denied thereto; and

WHEREAS, it is not the intention of the Suffolk County Legislature to grant rights to adjacent property owners that did not exist at the time of this dedication; and

WHEREAS, Section 406, Real Property Law provides that municipal real property held on public use shall be free of taxation; now, therefore, be it

1st RESOLVED, that the Director of the Division of Real Estate, Department of Planning be authorized to transfer to the Suffolk County Department of Parks, Recreation and Conservation, No Number Montauk Highway, Sayville, New York, the interest of Suffolk County in the above described properties for the above stated reasons and purpose; and be it further

2nd **RESOLVED**, that in the event that it is determined that an abutting property becomes landlocked, or access is denied thereto, such occurrence was not the intention of this dedication, and the Suffolk County Legislature shall provide such easements and/or rights-of-way as it deems just and property to effectuate the intent of this resolution, without the necessity of a mandatory referendum, solely by a duly adopted resolution by a majority of its members; and be it further

3rd **RESOLVED**, that said parcel (s) are held in public use and free of taxation under Section 406 (1) New York Real Property Tax Law and the assessor of the Town of Babylon, Brookhaven, Islip, Riverhead, Southampton and Southold and all other assessors having jurisdiction thereof, be and they hereby are directed to mark the assessment rolls of their jurisdiction to show that said property is owned by the County of Suffolk and is exempt from taxation and exempt from special ad valorem levies and special assessments to the extent permitted by law, and further that the Clerk of the Legislature shall transmit a copy of this resolution to the aforesated assessors for this purpose; and be it further

4th **RESOLVED**, that the designation of such property to the Suffolk County Department of Parks, Recreation and Conservation is a Type II action under the provisions of Title 6 NYCRR Part 617.5 (c) (20), routine or continuing agency administration, with no further environmental review necessary.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

EXHIBIT A

2003parksdedication.xls

1	Tax Map Number	investment	current taxes	Rationale	liber	page	rec date	acreage
2	0100 08300 0400 090000	\$1,874.67	\$79.19	Carlls River County Park	1226 0	584	7/11/2003	0.09
3	0100 08300 0400 096000	\$406,073.15	\$19,032.32	Carlls River County Park	1227 0	62	9/3/2003	10.00
4	0200 02500 0300 001001	\$4,546.78	\$955.27	Chandler Estate County Park	1227 4	112	9/25/2003	0.66
5	0200 16800 0400 016000	\$628.55	\$119.41	Miller Place/Yaphank Rd County Nature Preserve	1227 4	112	9/25/2003	0.09
6	0200 19700 0600 021009	\$273.37	\$45.03	Forsythe Meadow County Park	1227 4	112	9/25/2003	0.05
7	0200 25200 0500 020000*	\$217.61	\$217.61	South Setauket Woods	1218 9	902	6/5/2002	0.11
8	0200 25700 0400 031000	\$689.55	\$80.81	St. Germain of Alaska County Nature Preserve	1223 9	108	3/7/2003	0.11

9	0200 30100 0100 015000	\$406.57	\$54.21	United Artists County Park - CORE	1223 9	108	3/7/20 03	0.12
1 0	0200 30100 0100 033000	\$402.65	\$78.38	United Artists County Park - CORE	1223 9	108	3/7/20 03	0.12
1 1	0200 35600 0400 004002	\$727.30	\$81.32	Manorville Pine Barrens- CORE	1223 9	108	3/7/20 03	0.48
1 2	0200 37700 0300 047000	\$1,046.4 6	\$130.95	Middle Island County Nature Preserve	1223 9	108	3/7/20 03	0.14
1 3	0200 41300 0200 002000	\$727.30	\$81.32	Manorville Pine Barrens- CORE	1223 9	108	3/7/20 03	0.40
1 4	0200 46400 0300 013000	\$4,993.4 4	\$1,008.3 4	Manorville Pine Barrens- CORE	1227 4	112	9/25/2 003	2.80
1 5	0200 50300 0200 064000	\$1,683.7 0	\$218.85	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.23
1 6	0200 51100 0600 024000	\$1,155.1 2	\$138.92	Manorville Pine Barrens- CORE	1223 9	108	3/7/20 03	0.34
1 7	0200 51100 0600 026000	\$1,155.1 2	\$138.92	Manorville Pine Barrens- CORE	1223 9	108	3/7/20 03	0.32
1 8	0200 51200 0300 003000	\$366.15	\$34.73	Manorville Pine Barrens- CORE	1223 9	108	3/7/20 03	0.09
1 9	0200 52800 0100 008000	\$1,046.4 6	\$130.95	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.14
2 0	0200 52800 0100 010000	\$1,989.8 2	\$261.98	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.23
2 1	0200 52800 0100 018000	\$1,675.4 5	\$218.25	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.23
2 2	0200 52800 0100 019000	\$1,989.4 2	\$261.90	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.28
2 3	0200 52900 0300 024000	\$619.34	\$119.37	Warbler Woods County Park - CORE	1227 4	112	9/25/2 003	0.09
2 4	0200 52900 0300 035000	\$735.42	\$87.30	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.09
2 5	0200 52900 0500 046000	\$2,947.3 3	\$392.85	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.41
2 6	0200 52900 0500 070000	\$735.42	\$87.30	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.08
2 7	0200 53000 0200 008000	\$4,020.7 1	\$596.85	Warbler Woods County Park - CORE	1227 4	112	9/25/2 003	0.46
2 8	0200 53000 0400 020000	\$1,051.5 3	\$130.95	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.14
2 9	0200 53100 0300 009000	\$1,683.7 0	\$218.25	Warbler Woods County Park - CORE	1223 9	108	3/7/20 03	0.23
3 0	0200 55500 0200 007000	\$3,006.4 8	\$465.39	Manor-Yaphank Road County Nature Preserve	1210 2	252	2/13/2 001	0.14
3 1	0200 56100 0200 018000	\$182.24	\$23.28	Manorville Vistas County Park	1227 4	112	9/25/2 003	0.05
3 2	0200 56200 0400 012000	\$1,099.5 8	\$211.06	Manorville Pine Barrens - CORE	1227 4	112	9/25/2 003	0.36
3 3	0200 56200 0400 013000	\$1,099.5 8	\$211.06	Manorville Pine Barrens - CORE	1227 4	112	9/25/2 003	0.36
3 4	0200 56300 0100 022000	\$183.36	\$23.47	Manorville Pine Barrens - CORE	1227 4	112	9/25/2 003	0.04
3 5	0200 56300 0600 003000	\$1,549.5 1	\$191.01	Manorville Pine Barrens - CORE	1223 9	108	3/7/20 03	0.50

36	0200 57500 0200 001003	\$672.82	\$87.30	Gordon Heights County Nature Preserve	1223 9	108	3/7/20 03	0.41
37	0200 59200 0300 004000	\$364.47	\$34.73	South Manorville County Nature Preserve	1223 9	108	3/7/20 03	0.04
38	0200 59200 0300 056000	\$364.47	\$34.73	South Manorville County Nature Preserve	1223 9	108	3/7/20 03	0.08
39	0200 59200 0700 024001	\$756.39	\$86.82	Rock Hill County Nature Preserve	1223 9	108	3/7/20 03	0.23
40	0200 64400 0200 001000	\$1,540.8 4	\$208.38	Pine Ridge County Nature Preserve	1223 9	108	3/7/20 03	0.12
41	0200 64400 0200 025000	\$1,540.8 4	\$208.38	Pine Ridge County Nature Preserve	1223 9	108	3/7/20 03	0.17
42	0200 68300 0100 005000	\$629.13	\$69.46	Eastport County Nature Preserve	1223 9	108	3/7/20 03	0.09
43	0200 78100 0200 021000	\$823.08	\$96.76	Southaven County Park	1223 9	108	3/7/20 03	0.09
44	0200 78700 0300 066000	\$614.53	\$70.43	Forge River County Park	1223 9	108	3/7/20 03	0.09
45	0200 85400 0100 014000	\$870.18	\$105.65	Forge River County Park	1223 9	108	3/7/20 03	0.04
46	0200 91700 0300 004000	\$1,304.6 7	\$150.98	Moriches Bay County Park	1223 9	108	3/7/20 03	0.23
47	0200 91700 0300 013000	\$1,544.9 0	\$181.17	Moriches Bay County Park	1223 9	108	3/7/20 03	0.32
48	0200 93100 0400 046000	\$703.15	\$80.63	Beaverdam Creek County Wetlands	1223 9	108	3/7/20 03	0.11
49	0200 93100 0500 019000	\$703.15	\$80.63	Beaverdam Creek County Wetlands	1223 9	108	3/7/20 03	0.11
50	0200 93100 0500 040000	\$403.13	\$40.32	Beaverdam Creek County Wetlands	1223 9	108	3/7/20 03	0.06
51	0200 96100 0300 049000	\$703.15	\$80.63	Beaverdam Creek County Wetlands	1223 9	108	3/7/20 03	0.11
52	0200 96100 0300 069000	\$703.15	\$80.63	Beaverdam Creek County Wetlands	1223 9	108	3/7/20 03	0.11
53	0200 96100 0300 094000	\$703.15	\$80.63	Beaverdam Creek County Wetlands	1223 9	108	3/7/20 03	0.01
54	0200 96500 0100 001000	\$6,636.4 0	\$1,419.2 6	Carmans River County Park	1227 4	112	9/25/2 003	5.00
55	0200 98060 0400 047000*	\$0.00	\$0.00	Mastic/Shirley County Conservation Area	1210 9	5	2/5/20 01	0.55
56	0200 98070 0300 004000	\$604.54	\$70.43	Mastic/Shirley County Conservation Area	1223 9	108	3/7/20 03	0.09
57	0200 98070 0400 005000*	\$254.39	\$254.39	Mastic/Shirley County Conservation Area	1221 0	506	9/23/2 002	0.18
58	0200 98070 0700 028002*	\$175.23	\$175.23	Mastic/Shirley County Conservation Area	1219 0	534	2/5/20 01	0.05
59	0200 98070 0700 029000*	\$332.53	\$332.53	Mastic/Shirley County Conservation Area	1219 0	534	2/5/20 01	0.11
60	0200 98070 0700 030000*	\$334.86	\$334.86	Mastic/Shirley County Conservation Area	1219 0	534	2/5/20 01	0.11
61	0200 98070 0800 008000*	\$254.39	\$254.39	Mastic/Shirley County Conservation Area	1217 7	360	3/28/2 002	0.09
62	0200 98070 0800 009000*	\$254.39	\$254.39	Mastic/Shirley County Conservation Area	1217 7	360	3/28/2 002	0.09

63	0200 98070 0800 010000*	\$254.39	\$254.39	Mastic/Shirley County Conservation Area	1217 7	360	3/28/2 002	0.09
64	0200 98210 0300 013000	\$799.15	\$140.87	Mastic/Shirley County Conservation Area	1223 9	108	3/7/20 03	0.18
65	0200 98210 0300 015000*	\$254.39	\$254.39	Mastic/Shirley County Conservation Area	1210 0	831	2/5/20 01	0.19
66	0200 98210 0300 016000*	\$2,067.0 1	\$2,067.0 1	Mastic/Shirley County Conservation Area	1210 0	831	2/5/20 01	0.10
67	0200 98210 0500 016000	\$785.44	\$105.65	Mastic/Shirley County Conservation Area	1223 9	108	3/7/20 03	0.14
68	0200 98220 0100 025000*	\$0.00	\$0.00	Mastic/Shirley County Conservation Area	1223 4	881	2/5/20 01	0.09
69	0200 98220 0100 026000*	\$0.00	\$0.00	Mastic/Shirley County Conservation Area	1223 4	881	2/5/20 01	0.09
70	0200 98220 0100 036000	\$785.44	\$143.58	Mastic/Shirley County Conservation Area	1227 4	112	9/25/2 003	0.14
71	0200 98260 0100 009000	\$212.96	\$14.73	Mastic/Shirley County Conservation Area	1223 9	108	3/7/20 03	0.01
72	0200 98340 0200 066000	\$606.93	\$70.43	Mastic/Shirley County Conservation Area	1212 9	300	7/12/2 001	0.04
73	0200 98340 0200 067000	\$1,144.0 8	\$140.87	Mastic/Shirley County Conservation Area	1212 9	300	7/12/2 001	0.09
74	0200 98340 0200 068000	\$1,144.0 8	\$140.87	Mastic/Shirley County Conservation Area	1223 9	108	3/7/20 03	0.09
75	0200 98340 0600 010000*	\$0.00	\$0.00	Mastic/Shirley County Conservation Area	1210 0	830	2/5/20 01	0.14
76	0200 98340 0600 013000*	\$0.00	\$0.00	Mastic/Shirley County Conservation Area	1210 0	830	2/5/20 01	0.14
77	0200 98340 0800 002000	\$855.23	\$105.65	Mastic/Shirley County Conservation Area	1223 9	108	3/7/20 03	0.09
78	0200 98340 0900 045000	\$9,241.3 9	\$622.15	Mastic/Shirley County Conservation Area	1027 4	389	3/19/1 987	0.09
79	0200 98350 0100 056000*	\$0.00	\$0.00	Mastic/Shirley County Conservation Area	1210 0	830	2/5/20 01	0.55
80	0200 98350 0200 012000	\$855.23	\$105.65	Mastic/Shirley County Conservation Area	1223 9	108	3/7/20 03	0.14
81	0200 98460 0100 004500*	\$474.37	\$474.37	Mastic/Shirley County Conservation Area	1218 7	921	5/24/2 002	0.18
82	0200 98460 0400 003000*	\$548.65	\$548.65	Mastic/Shirley County Conservation Area	1212 7	787	7/5/20 01	0.23
83	0500 01100 0100 040000	\$1,194.2 1	\$244.46	Lake Ronkonkoma County Park	1228 8	737	12/9/2 003	0.45
84	0500 02100 0300 063000	\$3,779.8 6	\$598.92	Lake Ronkonkoma County Park	1228 8	737	12/9/2 003	0.20
85	0600 04900 0100 012000	\$5,914.4 9	\$760.81	Wading River County Nature Preserve	1223 7	535	2/27/2 003	0.28
86	0600 14101 0100 002000	\$517.90	\$41.34	Robert C. Murphy County Park - CORE	1223 7	535	2/27/2 003	0.09
87	0900 04500 0200 111000	\$101.88	\$46.01	North Sea Watershed County Park	1228 5	585	11/24/ 2003	0.09
88	0900 06300 0200 021000	\$194.35	\$50.10	North Sea Watershed County Park	1228 5	585	11/24/ 2003	0.14
89	0900 06300 0400 035000	\$81.44	\$140.62	North Sea Watershed County Park	1224 3	90	3/28/2 003	0.04

90	0900 07801 0200 030000	\$0.00	\$0.00	North Sea Watershed County Park	9999	51	3/17/1986	0.14
91	0900 07801 0200 061000	\$0.00	\$0.00	no file?	12285	585	11/24/2003	0.00
92	0900 07801 0200 064000	\$89.76	\$0.62	North Sea Watershed County Park	12285	585	11/24/2003	0.09
93	0900 07801 0200 071000	\$89.76	\$0.62	North Sea Watershed County Park	12285	585	11/24/2003	0.09
94	0900 07802 0200 004000	\$153.40	\$0.92	North Sea Watershed County Park	12243	90	3/28/2003	0.14
95	0900 13500 0300 004000	\$137.08	\$37.98	Peconic River County Park - CORE	12285	585	11/24/2003	0.06
96	0900 16600 0200 027000	\$2,531.25	\$266.10	Flanders County Preserve	12285	585	11/24/2003	0.09
97	0900 18300 0200 005000	\$455.63	\$57.12	Flanders County Preserve-CORE	12243	90	3/28/2003	0.61
98	0900 19600 0200 012000	\$428.83	\$61.98	Flanders County Preserve-CORE	12285	585	11/24/2003	0.61
99	0900 19800 0300 003000	\$352.32	\$52.26	Flanders County Preserve-CORE	12243	90	3/28/2003	0.23
100	0900 20000 0200 017000	\$185.61	\$47.40	Flanders County Preserve-CORE	12243	90	3/28/2003	0.11
101	0900 21501 0100 001000	\$799.87	\$104.50	Hampton Hills -CORE	12285	585	11/24/2003	1.00
102	0900 21502 0100 059000	\$213.19	\$70.48	Hampton Hills -CORE	12285	585	11/24/2003	0.05
103	0900 23800 0300 016000	\$304.32	\$83.84	Hampton Hills -CORE	12285	585	11/24/2003	0.23
104	0900 23900 0400 007000	\$223.65	\$78.98	Hampton Hills -CORE	12285	585	11/24/2003	0.11
105	0900 23900 0500 005000	\$223.65	\$78.98	Hampton Hills -CORE	12243	90	3/28/2003	0.11
106	0900 24300 0100 014000	\$143.96	\$94.58	Dwarf Pine Plains -CORE	12285	585	11/24/2003	0.06
107	0900 24400 0200 004000	\$114.41	\$5.20	Dwarf Pine Plains -CORE	12285	585	11/24/2003	0.13
108	0900 24400 0200 005000	\$114.41	\$5.20	Dwarf Pine Plains -CORE	12285	585	11/24/2003	0.13
109	0900 28000 0200 063000	\$705.64	\$64.02	Dwarf Pine Plains -CORE	12285	585	11/24/2003	1.70
110	0900 28100 0300 003000	\$104.55	\$3.48	Dwarf Pine Plains -CORE	12285	585	11/24/2003	0.09
111	0900 28400 0100 017000	\$200.85	\$99.78	Dwarf Pine Plains -CORE	12285	585	11/24/2003	0.09

1								
1	0900 30400 0100				1224		3/28/2	
2	002000	\$211.75	\$8.66	Dwarf Pine Plains -CORE	3	90	003	0.23
1	0900 30600 0200				1228		11/24/	
3	013000	\$211.75	\$8.66	Dwarf Pine Plains -CORE	5	585	2003	0.23
1	0900 30700 0200				1224		3/28/2	
4	030000	\$967.08	\$194.92	Dwarf Pine Plains -CORE	3	90	003	1.60
1	0900 30700 0200				1224		3/28/2	
5	033000	\$543.08	\$130.34	Dwarf Pine Plains -CORE	3	90	003	0.74
1	0900 33100 0300				1224		3/28/2	
6	004000	\$154.49	\$68.62	Dwarf Pine Plains -CORE	3	90	003	0.05
1	0900 33400 0200				1224		3/28/2	
7	030000	\$127.96	\$85.94	Dwarf Pine Plains -CORE	3	90	003	0.05
1	0900 33600 0100				1228		11/24/	
8	007000	\$200.85	\$99.78	Dwarf Pine Plains -CORE	5	585	2003	0.09
1	0907 00200 0100	\$26,037.	\$4,619.9	West Hampton Beach County	1224		3/28/2	
9	026000	45	2	Wetlands	3	90	003	0.84
1	1000 13800 0200				1206		9/8/20	
0	038000	\$681.32	\$99.25	Mud Creek - tidal wetlands	9	203	00	0.03
1		\$544,895	\$44,602.					
2		.51	19					
1	totals							42.50

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

Intro. Res. No. 1334A-2006

BOND RESOLUTION NO. 304 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$100,000 BONDS TO FINANCE A PART OF THE COST OF IMPROVEMENTS TO OLD FIELD HORSE FARM (CP 7176.311)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$100,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of improvements to Old Field Horse Farm, 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 \$200,000. The plan of financing includes (a) the issuance of \$100,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1000-2005, (b) the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to this resolution and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 19(c) of the Law of the Law, is fifteen (15) years.

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

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

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

credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

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

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

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

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

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1334-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 305 -2006, APPROPRIATING FUNDS
IN CONNECTION WITH IMPROVEMENTS TO OLD FIELD
HORSE FARM (CP 7176)**

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds to rehabilitate the large stable at the center of Old Field Horse Farm; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said construction under Capital Program Number 7176; and

WHEREAS, Resolution No. 471-1994 as revised by Resolutions 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 \$100,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution No. 889-2005 has determined that this action constitutes a Type II action pursuant to the provisions of Title 6 of the New York Code of Rules and Regulations (NYCRR), Part 617.5 (c) (1) and (2) and Chapter 279 of the Suffolk County Code, since it involves "maintenance or repair involving no substantial changes in an existing structure or facility" and "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet buildings or fire code"; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-nine (59), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

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

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7176.311 (Fund 001- Debt Service)	26	Improvements to Old Field Horse Farm	\$100,000

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1404-2006
Introduced by Legislator Browning

Laid on Table 3/14/2006

RESOLUTION NO. 306 -2006, AUTHORIZING EXTENSION OF SOCCER FIELD AGREEMENT WITH MASTIC SPORTS CLUB

WHEREAS, Resolution No. 1007-2000 authorized the Suffolk County Department of Parks, Recreation and Conservation to enter into an agreement with the Mastic Sports Club, in conjunction with the South Country Youth and Soccer League, to maintain, use and supervise soccer fields located on approximately twenty (20) acres of County-owned land behind the Police Headquarters in Yaphank; and

WHEREAS, this agreement runs through March 8, 2011; and

WHEREAS, the Mastic Sports Club wishes to extend its agreement with the County of Suffolk for their continued use of the soccer fields through March 8, 2016; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to extend the agreement with the Mastic Sports Club for the maintenance, use and supervision of soccer fields, in conjunction with the South Country Youth and Soccer League, located on approximately twenty (20) acres of land behind the Yaphank Police Headquarters, for an additional five (5) years through March 8, 2016; and be it further

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 18-0.

Intro. Res. No. 1159-2006

Laid on Table 2/7/2006

Introduced by Legislators Cooper, D’Amaro, Stern, Mystal and Browning

RESOLUTION NO. 307 -2006, ADOPTING LOCAL LAW NO. 24 -2006, A LOCAL LAW TO PROTECT SUFFOLK

RESIDENTS BY PERMITTING THE SEIZURE AND FORFEITURE OF VEHICLES ENGAGED IN UNLAWFUL SPEED CONTESTS OR RACES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 14, 2006, a proposed local law entitled, "**A LOCAL LAW TO PROTECT SUFFOLK RESIDENTS BY PERMITTING THE SEIZURE AND FORFEITURE OF VEHICLES ENGAGED IN UNLAWFUL SPEED CONTESTS OR RACES**" now, therefore, be it

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

LOCAL LAW NO. 24 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROTECT SUFFOLK RESIDENTS BY PERMITTING THE SEIZURE AND FORFEITURE OF VEHICLES ENGAGED IN UNLAWFUL SPEED CONTESTS OR RACES

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the National Highway Traffic Safety Administration reports that in the year 2001, illegal street racing was listed as a factor in 135 fatal crashes, and this number continues to rise.

This Legislature also finds and determines that motor vehicle accidents are the leading cause of death for people between the ages of 16 and 20.

This Legislature further finds and determines that nationwide statistics show that nearly 50 people in every 1,000 who are involved in illegal auto racing will be seriously injured in auto racing accidents.

This Legislature determines that numerous deaths have occurred on Long Island as a result of illegal auto racing including most recently on July 7, 2005 when a couple was killed during an illegal drag race.

This Legislature also finds that the penalties currently in place for illegal drag racing do not serve to deter individuals from participating in these types of street races.

Therefore, the purpose of this law is to deter illegal street racing and protect the lives of Suffolk residents by permitting the seizure and forfeiture of vehicles involved in unlawful speed contests.

Section 2. Definitions.

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

- A.) "Offense" means engaging in a speed contest or race as prohibited by § 1182 of the New York Vehicle and Traffic Law.

- B.) “Claiming Authority” means the County Attorney, or his or her designee.
- C.) “Instrumentality of an Offense” means a vehicle whose use contributed directly and materially to the commission of an offense as defined in this law.
- D.) “Seizing Agency” means the law enforcement agency seizing the instrumentality of an offense.

Section 3. Warrantless Seizures.

A. Upon making an arrest or upon issuing a summons or an appearance ticket for an offense as defined herein committed in his or her presence, an officer shall seize the instrumentality of the offense. Said vehicle may be forfeited as hereinafter provided.

B. Notice of seizure.

- (1) The seizing agency shall send notification of the seizure to all titled owners and registrants, if different, on file with the New York State Department of Motor Vehicles by certified mail, return receipt requested, within five business days of the seizure. Such notification shall inform the recipient that there will be a hearing promptly scheduled before a neutral magistrate to determine whether probable cause existed for the defendant’s having been issued a summons or having been arrested for committing an offense as defined herein, whether the County is likely to succeed on the merits of the forfeiture action, whether retention is necessary to preserve the vehicle from destruction or sale during the pendency of the forfeiture proceeding, and whether any other measures would better protect the County’s interest during the proceedings, including, but not limited to: (a) issuance of a restraining order prohibiting the sale, transfer, or loss of the vehicle with imposition(s) of appropriate penalties for violation of said restraining order; and/or (b) taking of a bond.
- (2) When a hearing is held, the neutral magistrate shall review the documents supporting the probable cause for issuance of a summons or arrest for an offense as defined herein and any other relevant documents and take any testimony to determine whether the seizing agency has sustained its burden of proof as set forth in § 3-B(1) of this law. If the seizing agency has met its burden of proof, the neutral magistrate shall authorize the continued retention of the property by the seizing agency pending a judicial determination of any civil forfeiture action. Nothing herein shall be construed to preclude a party with a legal interest in the seized property from commencing an action or proceeding in a court of competent jurisdiction for its return.
- (3) The Suffolk County Executive shall designate neutral magistrates to conduct hearings in accordance with this Subsection B(2).

C. Any action for forfeiture under § 4 of this law shall be commenced, in the manner prescribed by the New York Civil Practice Law and Rules, § 304, within 180 days after the

disposition of the summons or arrest for the offense, but in no event more than five (5) years after seizure. Failure to commence such an action within the aforesaid time period shall result in the immediate return of the property to its lawful owner. Vehicle will be made available for release to the titled owner at the place of storage subject to payment of reasonable and customary towing, maintenance and storage fees to the date of release. In the event of a failure to take possession of the vehicle within sixty (60) days after actual notification or by certified mail, return receipt requested sent to the address on file to the titled owner with the New York State Department of Motor Vehicles or another state's equivalent office, if not titled in New York, whichever date is earlier, the vehicle will be forfeited.

Section 4. Civil Authority.

A. A civil action may be commenced by the claiming authority, or its designees against a defendant to forfeit seized property which constitutes the instrumentality of an offense or to recover a money judgment in an amount equivalent in value to the property which constitutes an instrumentality of an offense, except that:

- (1) No property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this law unless it shall appear that the owner or agent of the owner was a consenting party or privy to the commission of the offense as described in this law; and
- (2) No property shall be forfeited under the provisions of this law by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than the owner while the subject property was unlawfully in the possession of a person other than the owner.

B. A civil action may be commenced by the claiming authority, or its designee against a defendant to seize and to forfeit property which constitutes the instrumentality of an offense, or to recover a money judgment in an amount equivalent in value to the property which constitutes the instrumentality of an offense, except that:

- (1) No property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this law unless it shall appear that the owner or agent of the owner was a consenting party or privy to the commission of the offense as described in this law; and
- (2) No property shall be forfeited under the provisions of this law by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than the owner while the subject property is unlawfully in the possession of a person other than the owner.

C. A civil action may also be commenced against a non-criminal defendant to recover the property which constitutes the instrumentality of an offense, subject to the same exceptions contained in Subsections A and B of this Section. A non-criminal defendant who knows, or

should know, of prior illegal use by a criminal defendant of the instrumentality or other property of a like nature or kind, shall be presumed to know that the instrumentality was or would be used in a manner that would directly and materially contribute to the commission of a subsequent crime or that obtaining his or her interest in the instrumentality could assist the criminal defendant in avoiding the forfeiture.

D. All actions commenced under this law shall be governed by the procedures enumerated in law 13-A of the New York Civil Practice Law and Rules, where not specifically outlined herein.

E. No property shall be forfeited under this law unless the claiming authority produces clear and convincing evidence that the non-criminal defendant engaged in affirmative acts which aided, abetted or facilitated the conduct of the criminal defendant. The non-criminal defendant must take all prudent steps to prevent the illegal use of his or her property, and willful disregard by the owner or lienholder of the acts giving rise to forfeiture shall not constitute a defense to such forfeiture.

F. Unless barred by the five (5) year limitation contained in § 3(C) of this law, any action to forfeit seized property under Subsection A of this Section may be commenced within 180 days after the disposition of the summons or arrest for the offense when the property has first been seized under § 3(A) of this law and within 180 days after the disposition of the summons or arrest for the offense when the property has not been first seized under § 3(A), and said action shall be civil, remedial, and *in rem* in nature and shall not be deemed to be a penalty or criminal forfeiture for any purpose. An action under this law shall not be deemed a criminal proceeding of any type. The action shall be commenced in the manner prescribed by the New York Civil Practice Law and Rules § 304. Potential claimants to the property shall be served with a summons and notice or summons and verified complaint. No property shall be forfeited without service of notice upon potential claimants to the property and the opportunity for a hearing given prior to such forfeiture.

G. Once a civil action for forfeiture has been commenced pursuant to this Section, the claiming authority shall notify victims who have been physically injured as a result of the offensive actions of an individual which have precipitated such seizure and forfeiture proceeding as to the time and place of said court forfeiture hearing.

H. In order to establish its case in any action commenced under this law, the County shall demonstrate, by clear and convincing evidence, that the property in question is subject to forfeiture at the time of commission of the offense, as defined in this law, which precipitated the seizure or the commencement of an action for the seizure of the property without regard to the final determination of any criminal actions brought against the individual for such offense. The non-criminal defendant shall then have the burden of proving a lack of knowledge or lack of consent on behalf of said non-criminal defendant sufficient to constitute a defense to such forfeiture.

I. If, after a seizure of property has been made under § 3(A) of this law, it is determined that the non-criminal defendant has met the burden set forth hereinabove, then the vehicle which constitutes the instrumentality of an offense so seized shall immediately be returned to its lawful owner. The vehicle will be made available for release to the lawful owner at the place of storage, subject to payment of reasonable and customary towing, maintenance and storage fees to the date of release. In the event of a failure to take possession of the

vehicle within sixty (60) days after actual notification or by certified mail, return receipt requested sent to the address on file to the titled owner with the New York State Department of Motor Vehicles or another state's equivalent office, if not titled in New York, whichever date is earlier, then upon such failure the vehicle will be forfeited.

J. All property seized pursuant to this law is subject to reasonable and customary towing, maintenance and daily storage fees as may be established by the Suffolk County Police Commissioner. Such fees shall be payable to the seizing agency, or in the event the instrumentality of the offense has been transferred to the custody of the Suffolk County Police Department by the seizing agency, such fees shall be payable to the Suffolk County Police Department, prior to release of said property. The seizing agency, if other than the Suffolk County Police Department, shall be reimbursed up to \$200 for towing and storage expense actually incurred, upon disposal of said instrumentality of the offenses by the Claiming Authority, but said reimbursement shall not exceed money actually received by the Suffolk County Police Department for its disposition. All towing, storage and maintenance fees collected shall be retained by the Suffolk County Police Department and shall be transferred into a police asset forfeiture fund in a separate non-lapsing appropriation for law enforcement purposes.

K. The Claiming Authority may at any time authorize the return of the seized vehicle to the lawful owner, with or without conditions attached. When a vehicle is made available for release to the lawful owner, it shall be at the place of storage and subject to payment of reasonable and customary towing, maintenance and storage fees to the date of release. In the event of a failure to take possession of the vehicle within sixty (60) days after actual notification or by certified mail, return receipt requested sent to the address on file to the titled owner with the New York State Department of Motor Vehicles or another state's equivalent office, if not titled in New York, whichever date is earlier, then upon such failure the vehicle will be forfeited.

Section 5. Disposition of forfeited assets and proceeds.

A. Whenever property is forfeited under this law, the claiming authority, or his or her respective designee, may:

- (1) Retain the property or asset for official use.
- (2) Sell any forfeited property or asset which is not required to be destroyed by law and which is not harmful to the public.
- (3) Transfer the property or asset to any County agency, department or other political subdivision demonstrating need for the specific property or asset so that the property or asset may be put into official use by that agency, department or other political subdivision.
- (4) Transfer the property or asset to any County-funded agency or organization demonstrating need for the specific property or asset so that the property or asset may be put into use by the funded agency or organization in the regular course of business of that funded agency or organization. Any such transfer of forfeited property or assets under this subsection may result in an in-kind deduction from those funds paid by the County to the specific agency or organization.

B. Any funds generated by the sale of forfeited property or assets described in this law, after deducting therefrom any fees imposed pursuant to Subsection 4(J) above, shall be distributed in the following order of priority:

- (1) Amounts to satisfy any valid lien or claim against the property forfeited;
- (2) Amounts ordered to be paid by the defendant in any other action or proceeding as restitution, reparations or damages to a victim of the offense which constitutes the basis upon which forfeiture of the seized asset was effected under this law, to the extent such amounts remain unpaid, whichever is less; provided, however, the claiming authority receives written notice from the victim or their duly appointed representative within 30 days of the commencement of the civil forfeiture action in order for the victim to receive such funds;
- (3) All monies remaining after distributions made pursuant to Subsection 5(B)(1) and (2) shall be distributed as follows:
 - a) Twenty percent to the claiming authority in satisfaction of actual costs and expenses incurred in the investigation, preparation and litigation of the forfeiture action, including that proportion of the salaries of the attorneys, clerical and investigative personnel devoted thereto, plus all costs and disbursements made in the administration of this law shall be deposited into a separate nonlapsing appropriation of the claiming authority for law enforcement purposes;
 - b) Ten percent to the Sheriff's Department in satisfaction of actual costs and expenses incurred in the service of process of the civil forfeiture actions, including that proportion of the salaries of the personnel devoted thereto shall be deposited into a separate nonlapsing appropriation of the Sheriff's Department for law enforcement purposes; and
 - c) Seventy percent to the Suffolk County STOP-DWI Office for the purposes of supporting or providing drunk driving education, prevention and enforcement programs administered by governmental and/or non-governmental agencies within Suffolk County.

The expenditure of funds pursuant to Subsection B(3) shall be in accordance with an annual plan approved by resolution of the County Legislature.

Section 6. Discretionary action.

A. Nothing contained in this law shall require the claiming authority, or his or her respective designee, to commence a forfeiture action when, in his or her discretion, it is in the interests of justice not to commence such an action.

B. Nothing contained in this law shall require a court to order a forfeiture when it determines, in its discretion, that it is in the interests of justice not to do so.

Section 7. Rules and regulations.

The County Attorney shall issue and promulgate such rules and regulations as may be necessary to implement the provisions of this law.

Section 8. Applicability.

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

Section 9. 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 10. Reverse Preemption.

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

Section 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), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK

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

Section 12. Effective Date.

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

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

after a public hearing duly held on April 18, 2006

Date: April 18, 2006

Filed with the Secretary of State on June 16, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 17-0-0-1.

Intro. Res. No. 1287-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer Lindsay and Legislators Horsley and Cooper

**RESOLUTION NO. 308 –2006, APPOINTING MEMBER TO
THE SUFFOLK COUNTY TRAFFIC SAFETY BOARD
(BARBARA LO MORIELLO)**

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, William Faulk was appointed to the Traffic Safety Board by Resolution No. 597-2005 and has resigned effective February 22, 2006; now, therefore be it

1st RESOLVED, that **Barbara LoMoriello**, with offices located at 725 Veterans Memorial Highway, Smithtown, NY, 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, to fill the unexpired term of William Faulk, said term to expire on December 31, 2007; 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: April 6, 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 Horsley. The resolution was passed 18-0.

Intro. Res. No. 1308-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 309 -2006, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$289,000 FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE SUFFOLK COUNTY POLICE DEPARTMENT FIRST PRECINCT GANG TASK FORCE WITH 75% SUPPORT

WHEREAS, the New York State Department of Criminal Justice Services has made \$289,000 in Federal pass-through monies from the 2004 Edward Byrne Memorial Formula Grant Program available to Suffolk County to continue an integrated program to prevent, deter and reduce gang-related crime in the area served by the Suffolk County Police Department's First Precinct; and

WHEREAS, the operational period of the Program will be from September 1, 2006, through August 31, 2007; and

WHEREAS, the monies for the permanent salaries and fringe benefit match are included in the 2006 Suffolk County Operating Budget; and

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

1st RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds as follows:

REVENUE:	<u>AMOUNT</u>
115-4383-Federal Aid: 1 st Precinct Gang Task Force 2006	\$289,000

ORGANIZATIONS:

**Police Department (POL)
1st Precinct Gang Task Force 2006
115-POL-3274**

<u>1000-Personal Services</u>	<u>\$225,528</u>
1120-Overtime Salaries	225,528
<u>Travel</u>	<u>\$3,712</u>
4310-Employee Miscellaneous Expense	2,859
4330-Travel, Employee Contracts	853
<u>4500-Fees for Services</u>	<u>\$8,000</u>
4560-Fees for Services, Non-Employees	8,000
<u>4700-Miscellaneous</u>	<u>\$6,000</u>
4770-Special Services	6,000
Employee Benefits Retirement 115-EMP-9010	
<u>8000-Employee Benefits</u>	<u>\$42,488</u>
8280-Employee Retirement System	42,488
Employee Benefits Social Security 115-EMP-9030	
<u>8000-Employee Benefits</u>	<u>\$3,272</u>
8330-Social Security	3,272

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1328A-2006

BOND RESOLUTION NO. 310 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$85,000 BONDS TO FINANCE THE COST OF THE UPGRADE OF AIR CONTROL UNITS IN THE SCALPS COMPUTER ROOM (CP 3507.310)

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 \$85,000 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 upgrade of air control units in the SCALPS computer room, 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 \$85,000. The plan of financing includes the issuance of \$85,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 32 of the Law of the Law, is five (5) years.

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

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes

issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1328-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 311 -2006, AMENDING THE 2006
CAPITAL BUDGET AND PROGRAM AND
APPROPRIATING
FUNDS IN CONNECTION WITH THE UPGRADE OF AIR
CONTROL UNITS, SCALPS COMPUTER ROOM (C.P. 3507)**

WHEREAS, the Police Commissioner has requested funds for the upgrade of air control units, SCALPS computer room; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said upgrade under Capital Project No. 3507 with an amendment to the allocation of funding; 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 \$85,000 in Suffolk County Serial Bonds; now, therefore, be it

1st **RESOLVED**, that it is determined that this program with a priority ranking of forty-six (46) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

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 law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations (NYCRR) Section 671.5(c)(1)(2)(25) and Chapter 279 of the Suffolk County Code, as it involves repair, reconstruction, and the purchase of equipment within an existing facility; and be it further

3rd **RESOLVED**, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 3507

Project Name: Upgrade of Air Control Units, SCALPS Computer Room

	<u>Total Est'd. Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
1. Planning, Design & Supervision	\$ -0-	\$10,000B	\$ -0-
3. Construction	<u>\$85,000</u>	<u>\$75,000B</u>	<u>\$85,000B</u>
TOTAL	\$85,000	\$85,000	\$85,000

and be it further

4th **RESOLVED**, that the proceeds of \$85,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3507.310 (Fund 001 Debt Service)	28	Upgrade of Air Control Units, SCALPS Computer Room	\$85,000

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

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

Intro. Res. No. 1367A-2006

BOND RESOLUTION NO. 312 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$132,000 BONDS

**TO FINANCE THE COST OF THE REPLACEMENT OF THE
MARINE TRAVEL HOIST (CP 3502.510)**

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 \$132,000 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 the Marine Travel Hoist, 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 \$132,000. The plan of financing includes the issuance of \$132,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 32 of the Law of the Law, is five (5) years.

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

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

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

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

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

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

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

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

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1367-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 313 -2006, APPROPRIATING FUNDS
IN CONNECTION WITH THE REPLACEMENT OF THE
MARINE TRAVEL HOIST (C.P. 3502)**

WHEREAS, the Police Commissioner has requested funds for the replacement of the marine travel hoist; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said replacement under Capital Project No. 3502; 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 \$132,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, that it is determined that this program with a priority ranking of fifty-seven (57) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

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 law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations (NYCRR) Section 617.5(c)(1)(2) and (25) and Chapter 279 of the Suffolk County Code, which 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

3rd RESOLVED, that the proceeds of \$132,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3502.510 (Fund 001 Debt Service)	28	Replacement of Marine Travel Hoist	\$132,000

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1399-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 314-2006, ACCEPTING AND
APPROPRIATING A GRANT IN THE AMOUNT OF
\$25,000 FROM THE STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY COMMITTEE, FOR
THE SUFFOLK COUNTY POLICE DEPARTMENT TO
CONTINUE A PEDESTRIAN SAFETY ENFORCEMENT
PROGRAM WITH 83.1% SUPPORT**

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$25,000 in Federal Highway Safety pass-through monies to fund a program allowing the Suffolk County Police Department to continue to conduct enforcement activities at certain identified locations with the goal of reducing crashes involving pedestrians; and

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

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

WHEREAS, said grant funds totaling \$25,000 have not been included in the 2006 Suffolk County Operating Budget; now, therefore, be it

1st RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
115-4355-Federal Aid: Pedestrian Safety Enforcement	\$25,000

ORGANIZATIONS:

Police Department (POL)
Pedestrian Safety Enforcement 06
115-POL-3276

<u>1000-Personal Services</u>	<u>\$25,000</u>
1120-Overtime Salaries	25,000

and be it further

2nd RESOLVED, that the fringe benefits associated with the overtime salaries for this grant are included in the 2006 Suffolk County Operating Budget.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1005-2006

Laid on Table 1/3/2006

Introduced by the Presiding Officer Pursuant to Rule 3(A)(14) of the S.C. Legislature

RESOLUTION NO. 315 –2006, AUTHORIZATION OF ALTERATION OF RATES FOR SAYVILLE FERRY SERVICE, INC. FOR CROSS BAY SERVICE BETWEEN SAYVILLE, NEW YORK AND THE FIRE ISLAND COMMUNITIES OF FIRE ISLAND PINES, CHERRY GROVE AND WATER ISLAND

WHEREAS, Sayville Ferry Service, Inc. has applied to the Suffolk County Legislature, by a Petition dated and verified October 27, 2005, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law and Section 131-g of The Highway Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County for the alteration of its ferry rates; and

WHEREAS, the Office of Legislative Budget Review has submitted its recommendations on said application to this Legislature; and

WHEREAS, the Public Works Committee of this Legislature has reported its recommendations on the application to the Legislature as a whole; now, therefore be it

1st RESOLVED, that

The Petition of Sayville Ferry Service, Inc. dated and verified October 27, 2005 is approved, Effective _____, 2006, as follows:

A. Fare Structure for Regular Scheduled Service between Sayville, Town of Islip, across the

Great South Bay and the Fire Island Communities of Cherry Grove and Fire Island Pines:

	<u>Current</u>	<u>Proposed</u>
<u>Adult</u>		
One-Way	6.50	7.25
Round Trip	12.00	14.00
Multiple trip tickets of 40 one-way trips	195.00	217.50
Senior Citizens displaying Suffolk County Senior Citizens' cards and Handicapped Persons displaying a Suffolk County Handicapped card		
One-Way	4.50	6.25
Round Trip	8.00	12.00
<u>Children under the age of twelve</u>		
One-Way	3.25	3.50
Round Trip	6.00	6.50
Multiple trip tickets of 20 one-way trips	47.50	N/A
Multiple trip tickets of 40 one-way trips	N/A	105.00

<u>Dog</u>		
One-Way	2.00	2.50
Round Trip	3.50	4.00
Multiple tickets of 20 one-way trips	24.00	N/A
Multiple tickets of 40 one-way trips	N/A	75.00

Group discounts, charter rates and other multiple trip rates, based on the Adult One-Way rate per trip, shall be at the discretion of the Petitioner

Petitioner shall be entitled to charge a \$1.00 surcharge for any tickets sold on its vessels where the terminal of departure ticket office was open not less than 10 minutes prior to scheduled departure

SPECIAL WINTER SERVICE: For Special Winter Service, not to exceed \$12.50 one-way. Only cash Adult One-Way fares will be accepted and no multiple trip tickets will be accepted.

B. Fare Structure for Regular Scheduled Service between Sayville, Town of Islip, across the Great South Bay and the Fire Island Community of Water Island:

	<u>Current</u>	<u>Proposed</u>
<u>Adult</u>		
One-Way	11.00	12.00
Round Trip	20.00	22.00
Multiple Tickets of 40 one-way trips	200.00	N/A
Multiple Tickets of 20 one-way trips	N/A	210.00

Child

One-Way	5.50	6.00
Round Trip	10.00	11.00
Multiple tickets of 20 one-way trips	100.00	100.00

Dog

One-Way	2.00	2.50
Round Trip	3.50	4.00
Multiple tickets of 20 one-way trips	N/A	37.50

Group discounts, charter rates and multiple trip rates, based on the one-way rates per trip, shall be at the discretion of the Petitioner

Petitioner shall be entitled to charge a \$1.00 surcharge for any tickets sold on its vessels where the terminal of departure ticket office was open not less than 10 minutes prior to scheduled departure

Currently, the multiple trip tickets for adults are for 40 one-way trip tickets. Multiple trip tickets for children and dogs are being changed from 20 one-way trips to 40 one-way trips.

C. Passenger Freight Tariffs: Passenger freight, hand carried by and accompanying a passenger, shall be accepted at the discretion of the operator, based upon capacity and safety, at a rate, based upon bulk and weight, not to exceed \$20.00 per item.

D. Freight Tariffs: Freight tariff rates as set forth in the Freight Tariff Schedule annexed to the Petition.

DATED: April 4, 2006

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED APRIL 18, 2006

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

Intro. Res. No. 1217-2006

Laid on Table 2/7/2006

Introduced by Legislators Alden, Romaine, Vilorio-Fisher, Presiding Officer Lindsay, Cooper, D'Amaro, Stern, Mystal, Horsley, Montano, Losquadro and Browning

RESOLUTION NO. 316 –2006, TO EVALUATE THE FEASIBILITY OF ESTABLISHING CO-GENERATION FOR COUNTY FACILITIES IN YAPHANK AND THE NORTH COUNTY COMPLEX

WHEREAS, rising energy costs threaten to increase the cost of maintaining and operating Suffolk County facilities; and

WHEREAS, co-generation facilities can help to reduce these costs by simultaneously producing heat and electricity; and

WHEREAS, co-generation plants are most efficient when the heat generated from the production of electricity can be used on site, or as close to the site as possible; and

WHEREAS, the large grouping of County buildings at both the Yaphank facility and the North County Complex in Hauppauge make these locations ideal for the establishment of co-generation plants in order to simultaneously produce heat and electricity, thereby saving County taxpayers money by more efficiently operating County buildings; 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 energy producers to evaluate the feasibility of establishing co-generation facilities at the Suffolk County facilities in Yaphank and for the North County Complex; and be it further

2nd 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 six months subsequent to the effective date of this resolution in order for further action to be taken by the Legislature in establishing a co-generation facility or facilities; and be it further

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 20, 2006

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

Intro. Res. No. 1221-2006

Laid on Table 2/7/2006

Introduced by Legislators Vilorio-Fisher, Schneiderman, Stern, Cooper, D'Amaro, Losquadro and Nowick

**RESOLUTION NO. 317 -2006, ADOPTING A LOCAL LAW
NO. 25 -2006, A LOCAL LAW TO PROMOTE ENERGY
EFFICIENT ENVIRONMENTALLY FRIENDLY DREDGE
PROJECTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 14, 2006 a proposed local law entitled, "**A LOCAL LAW TO PROMOTE ENERGY EFFICIENT ENVIRONMENTALLY FRIENDLY DREDGE PROJECTS**" now, therefore, be it

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

LOCAL LAW NO. 25 -2006, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROMOTE ENERGY EFFICIENT
ENVIRONMENTALLY FRIENDLY DREDGE PROJECTS**

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

Section 1. Legislative Intent.

This Legislature hereby finds that the cost of fuel oil has skyrocketed in recent months in the wake of natural disasters in this Country and political upheaval in other parts of the world.

This Legislature also finds and determines that oil is a finite resource and the world's supply is rapidly diminishing.

This Legislature further finds and determines that the use of more environmentally friendly fuel promotes the economic best interests of Suffolk County; emits less air pollution and promotes conservation of our natural resources.

This Legislature determines that the County of Suffolk has historically been a leader in preserving the environment and promoting sensible alternatives to fossil fuel use.

This Legislature also finds and determines that dredging projects, that are so necessary to the continued enjoyment of our waterways by the residents of Suffolk County and which promote the natural flushing of our bays and waterways, can be accomplished in a more environmentally sound manner by the use of bio-diesel fuel in dredges.

Therefore, the purpose of this law is to require the use of bio-diesel fuel when performing under a County dredge project.

Section 2. Amendments.

Section A8-5 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

* * * * *

§ A8-5. Criteria for County Dredging Projects and for award of dredge contracts.

* * * * *

E. The specifications accompanying a solicitation for the award of a contract for dredge services shall require that bio-diesel fuel be employed by dredges in the performance of the dredge project except that dredges with a discharge pipe of 16 inches and greater, that are utilized for deep water operations, are exempt from this requirement.

Section 3. Applicability.

This law shall apply to bid solicitations for contract work and work performed with the County dredge, which occurs on or after September 1, 2006.

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
after a public hearing duly held on April 18, 2006

Date: April 18, 2006
Filed with the Secretary of State on June 16, 2006

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

Intro. Res. No. 1256-2006
Introduced by Presiding Officer Lindsay

Laid on Table 3/14/2006

RESOLUTION NO. 318 -2006, AUTHORIZING TRANSFER OF THREE (3) SURPLUS COUNTY COMPUTERS TO THE ISLIP ACADEMIC CENTER

WHEREAS, the Suffolk County Department of Planning 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 Suffolk County Department of Planning 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:
Islip Academic Center
371 Locust Avenue
Oakdale, NY 11769

Contact: Linda Lorenzo
Telephone: 631-244-5950

MONITOR SERIAL NO.:
MY-04D025-47603-23E-DQKK
MY-04D025-47603-23E-DQK1
MY-04D025-47603-23E-DQN6

TOWER SERIAL NO.:
7SPR401
D9QBM01
4ZG0H01

PRINTER SERIAL NO.:

USFC041714

USFB192993

SG04K8308M

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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1277-2006
Introduced by Legislator Romaine and Presiding Officer Lindsay

Laid on Table 3/14/2006

RESOLUTION NO. 319 -2006, DIRECTING THE SUFFOLK COUNTY SEWER AGENCY TO PREPARE MAPS, PLANS, REPORTS AND MAKE RECOMMENDATIONS IN ACCORDANCE WITH ARTICLE

5-A TO FORM A SEWER DISTRICT AT WILLOW PONDS ON THE SOUND IN THE TOWN OF RIVERHEAD

WHEREAS, the Suffolk County Sewer Agency has entered heretofore and will hereafter enter into agreements with various subdividers, developers, and sponsors to make provisions for sewage collection and disposal facilities in and about subdivisions, condominiums, commercial, industrial and other areas, as well as the formation of districts to implement such intentions; and

WHEREAS, it has previously been determined to be in the best interest of all residents of the County of Suffolk for small sewage treatment facilities to be incorporated into the oversight of the Suffolk County Department of Public Works to ensure the quality of ground water and the health and comfort of surrounding residents; and

WHEREAS, the Homeowners Association at Willow Ponds on the Sound has requested via petition, attached hereto and made a part hereof, that the Suffolk County Sewer Agency study and make recommendations necessary for the formation of a County Sewer District; now, therefore, be it

RESOLVED, that the Suffolk County Sewer Agency, with the assistance of the Suffolk County Department of Public Works, be, and they are hereby authorized, empowered, and directed within the limitations of their budgets, to undertake the preparation of appropriate maps, plans, reports and recommendations all in accordance with Article 5-A of the New York County Law and necessary to initiate the formation of such County Sewer District in and about Willow Ponds on the Sound in the Town of Riverhead, consisting of 222 dwelling units in a condominium development; and be it further

RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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: April 4, 2006

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED APRIL 18, 2006

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

RESOLUTION NO. 320 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF SEWER FACILITY MAINTENANCE EQUIPMENT (CP 8164)

WHEREAS, the sewerage facility infrastructure is increasing and regulations mandate increasing sewer attention necessitating an increase in the Sanitation fleet; and

WHEREAS, the Commissioner of Public Works has requested funds for the purchase of equipment for sewer facility maintenance; and

WHEREAS, there are sufficient funds included within the 2006 Adopted Capital Budget to cover the cost of said sewer facility maintenance equipment; and

WHEREAS, there are sufficient funds included within the 2006 Adopted Operating Budget (261-IFT-E525) to cover the transfer of funds to the Capital Fund for said sewer facility maintenance equipment; and

WHEREAS, the Commissioner of Public Works requests that these funds be transferred and appropriated for the purchase of sewer facility maintenance equipment; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality review Act have been performed; 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 material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

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

RESOLVED, that an increase in the Sanitation fleet is hereby authorized for sewer maintenance activities; and be it further

RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept Interfund revenues for the purchase of sewer facility maintenance equipment as follows:

REVENUE:

<u>Fund /Agency/Source</u>	<u>Description</u>	<u>Activity</u>	<u>Amount</u>
525-IFT-R261	Transfer from Sewer Maintenance	D	\$750,000

and be it further

RESOLVED, that the proceeds of \$750,000 in Interfund revenues be and they are hereby appropriated as follows:

APPROPRIATION:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8164.525	50	Sewer Facility Maintenance Equipment Various Sewer Districts	\$750,000

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

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

Intro. Res. No. 1331-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 321 -2006, AUTHORIZING PUBLIC HEARINGS PURSUANT TO ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW OF THE STATE OF NEW YORK IN CONNECTION WITH THE ACQUISITION OF PROPERTIES TO BE ACQUIRED FOR THE REPLACEMENT OF THE BRIDGE CARRYING C.R. 67, MOTOR PARKWAY OVER THE LONG ISLAND EXPRESSWAY, KENNEDY DRIVE TO HOFFMAN AVENUE, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK (CP 5172)

WHEREAS, Charles J. Bartha, Commissioner of the Department of Public Works, was directed to prepare maps showing the properties to be acquired for the replacement

of the bridge carrying C.R. 67, Motor Parkway, over the Long Island Expressway, Kennedy Drive to Hoffman Lane, Town of Islip, Suffolk County, New York, indicating the properties to be acquired, the names of the reputed owners, the boundaries and dimensions of the parcels to be acquired; and

WHEREAS, said maps were prepared on or about December 2005, and are entitled "ABSTRACT REQUEST MAP FOR THE REPLACEMENT OF THE BRIDGE CARRYING C.R. 67, MOTOR PARKWAY, OVER THE LONG ISLAND EXPRESSWAY, KENNEDY DRIVE TO HOFFMAN AVENUE, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK"; and

WHEREAS, the project has been adopted in the 2006 Capital Budget as and by Capital Project No. 5172; and

WHEREAS, pursuant to Article 2 of the Eminent Domain Procedure Law, it is required that a public hearing be held prior to acquisition in order to inform the public and to review the public use to be served by this project and to review the impact on the environment for residents of the locality in which the project is situate; and

WHEREAS, Section 204 of the Eminent Domain Procedure Law requires the making of Findings and Determinations concerning the proposed project and requires the publication thereafter of a brief synopsis; now therefore, be it

1ST RESOLVED, that Division Director Patricia B. Zielenski, or her designee, be deemed Hearing Officer with authority to make Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law; and the said Director, or designee, is hereby authorized to exercise the full authority of the Legislature to conduct public hearings and make determinations and findings as provided in Article 2 of the Eminent Domain Procedure Law; and be it further

2ND RESOLVED, that upon conclusion of the aforesaid hearings, pursuant to Eminent Domain Procedure Law, the Hearing Officer file written Findings and Determinations with the Clerk of the Legislature within 90 days of the conclusion of the Public Hearing provided for in Article 2 of the Eminent Domain Procedure Law; and be it further

3RD RESOLVED, that a brief synopsis of the filed Findings and Determinations shall be published pursuant to the requirements of Section 204 of the Eminent Domain Procedure Law; and be it further

4TH RESOLVED, that copies of the Findings and Determinations will be forwarded upon written request, to applicants without cost to said applicant by the Clerk of the Legislature; and be it further

5TH RESOLVED, that upon completion of hearings required by Article 2 of the Eminent Domain Procedure Law, the map aforesaid, be filed in the Office of the Clerk of the County Legislature of the County of Suffolk; and be it further

6TH RESOLVED, that upon the filing of the Findings and Determinations with the Clerk of the Legislature, the Legislature of Suffolk County shall consider whether to adopt or reject said Findings and Determinations; and be it further

7TH RESOLVED, that all costs pertaining to notices, public hearings, publications, stenographic fees, mailings, postings, and direct service of process and/or notices be deemed an appropriate charge to this project as provided in the Capital Program for the acquisition of said real property.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

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

Intro. Res. No. 1332-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 322 -2006, APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE RECONSTRUCTION OF C.R. 16, SMITHTOWN BOULEVARD AT C.R. 93, ROSEVALE AVENUE AND GIBBS POND ROAD, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK (C.P. 5118)

WHEREAS, the Department of Public Works of the County of Suffolk has prepared maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF C.R. 16, SMITHTOWN BOULEVARD AT C.R. 93, ROSEVALE AVENUE AND GIBBS POND ROAD, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK"; and

WHEREAS, on February 14, 2003, the County of Suffolk as Lead Agency, issued a SEQRA determination of non-significance for the project in Adopted Resolution No. 42-2003 and SEQRA is complete; and

WHEREAS, pursuant to Adopted Resolution No. 615-2005, the Division of Real Estate of the Suffolk County Department of Planning was directed to hold public hearings; and

WHEREAS, notice of said hearing was duly published in Newsday, a daily newspaper of general circulation in the locality under consideration; and in the Smithtown News, said newspaper at the time of publication being a current official County newspaper of the County of Suffolk and the Smithtown Messenger, which, at the time of publication was both a

current official County newspaper of the County of Suffolk and the official town newspaper situated in the locality where the public project is located; and

WHEREAS, a public hearing was duly held on September 23, 2005 for the following purposes:

- A. To inform the public;
- B. To review the public use to be served by the above-entitled project;
- C. To determine the impact upon the environment and upon residents of the locality of the project;
- D. To review possible alternative locations;
- E. To authorize the acquisition of said properties for the public purpose as set forth in the title herein; and

WHEREAS, all persons in attendance desiring to be heard on the project were given an opportunity to be heard and to present written statements; and

WHEREAS, Findings and Determinations pursuant to Section 204 of the New York State Eminent Domain Procedure Law were duly made and filed in the Office of the Clerk of the Suffolk County Legislature on November 25, 2005, pursuant to Adopted Resolution No. 615-2005; and

WHEREAS, a brief synopsis thereof was duly published in two successive issues in the Smithtown News and the Long Island Advance, said newspapers at the time of publication being the current official County newspapers of the County of Suffolk; and the Smithtown Messenger, which, at the time of publication was the current official town newspaper situated in the locality where the public project is located, together with the publication thereof in five successive issues of Newsday, a daily newspaper of general circulation; and

WHEREAS, the maps of this project were duly filed with the Clerk of the Suffolk County Legislature on November 25, 2005, pursuant to Adopted Resolution No. 615-2005; now therefore, be it

1st RESOLVED, that the Findings and Determinations heretofore filed with the Clerk of the Suffolk County Legislature on November 25, 2005, and the recommendations contained therein be and the same are hereby adopted and approved; and be it further

2nd RESOLVED, that the maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF C.R. 16, SMITHTOWN BOULEVARD AT C.R. 93, ROSEVALE AVENUE AND GIBBS POND ROAD, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK", being the maps heretofore filed with the Clerk of the Suffolk County Legislature on November 25, 2005, pursuant to Adopted Resolution No. 615-2005, be and the same are hereby approved and adopted; and be it further

3rd RESOLVED, that the Division of Real Estate of the Suffolk County Department of Planning be and hereby is authorized to proceed pursuant to its Rules, Regulations, and Procedures, and Article 3 of the New York State Eminent Domain Procedure Law, to appraise the estates to be acquired and to make offers to the Condemnees by means of the "one offer" system as set forth in the Rules, Regulations, and Procedures of the Division of Real Estate of the Suffolk County Department of Planning and Article 3 of the New York State Eminent Domain Procedure Law; and be it further

4th RESOLVED, that the Division of Real Estate of the Suffolk County Department of Planning be and hereby is authorized to acquire the properties set forth in the aforesaid maps herein; said acquisition to be in the name of the County of Suffolk; and be it further

5th RESOLVED, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

6th RESOLVED, that the Division of Real Estate of the Suffolk County Department of Planning be and hereby is authorized and permitted to make the aforesaid acquisition of said lands from the Condemnees by negotiation, purchase, and conveyance; and in the event that the Division of Real Estate of the Suffolk County Department of Planning is unable to acquire said property by negotiation, purchase and conveyance, it is hereby authorized, permitted, and directed to acquire said property pursuant to the Eminent Domain Procedure Law; and be it further

7th RESOLVED, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

8th RESOLVED, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1333-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 323 -2006, APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES

**FOR THE RECONSTRUCTION OF C.R. 67, MOTOR PARKWAY,
TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK (C.P. 5533)**

WHEREAS, the Department of Public Works of the County of Suffolk has prepared maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF C.R. 67, MOTOR PARKWAY, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK"; and

WHEREAS, on September 15, 1998, the County of Suffolk as Lead Agency, issued a SEQRA determination of non-significance for the project in Adopted Resolution No. 797-1998 and SEQRA is complete; and

WHEREAS, pursuant to Adopted Resolution No. 843-1999, the Division of Real Estate of the Suffolk County Department of Planning was directed to hold public hearings; and

WHEREAS, notice of said hearing was duly published in Newsday, a daily newspaper of general circulation in the locality under consideration; and in the Smithtown News and the Smithtown Messenger, said newspapers being the current official County newspapers of the County of Suffolk; and the Islip Bulletin, the official town newspaper situated in the locality where the public project is located; and

WHEREAS, a public hearing was duly held on November 16, 2005 for the following purposes:

- F. To inform the public;
- G. To review the public use to be served by the above-entitled project;
- H. To determine the impact upon the environment and upon residents of the locality of the project;
- I. To review possible alternative locations;
- J. To authorize the acquisition of said properties for the public purpose as set forth in the title herein; and

WHEREAS, all persons in attendance desiring to be heard on the project were given an opportunity to be heard and to present written statements; and

WHEREAS, Findings and Determinations pursuant to Section 204 of the New York State Eminent Domain Procedure Law were duly made and filed in the Office of the Clerk of the Suffolk County Legislature on November 18, 2005, pursuant to Adopted Resolution No. 843-1999; and

WHEREAS, a brief synopsis thereof was duly published in two successive issues in the Smithtown News and the Long Island Advance, said newspapers at the time of publication being the current official County newspapers of the County of Suffolk; and the Islip Bulletin, which, at the time of publication was the current official town newspaper situated in the locality where the public project is located, together with the publication thereof in five successive issues of Newsday, a daily newspaper of general circulation; and

WHEREAS, the maps of this project were duly filed with the Clerk of the Suffolk County Legislature on November 18, 2005, pursuant to Adopted Resolution No. 843-1999; now therefore, be it

1st RESOLVED, that the Findings and Determinations heretofore filed with the Clerk of the Suffolk County Legislature on November 18, 2005, and the recommendations contained therein be and the same are hereby adopted and approved; and be it further

2nd RESOLVED, that the maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF C.R. 67, MOTOR PARKWAY, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK", being the maps heretofore filed with the Clerk of the Suffolk County Legislature on November 18, 2005, pursuant to Adopted Resolution No. 843-1999, be and the same are hereby approved and adopted; and be it further

3rd RESOLVED, that the Division of Real Estate of the Suffolk County Department of Planning be and hereby is authorized to proceed pursuant to its Rules, Regulations, and Procedures, and Article 3 of the New York State Eminent Domain Procedure Law, to appraise the estates to be acquired and to make offers to the Condemnees by means of the "one offer" system as set forth in the Rules, Regulations, and Procedures of the Division of Real Estate of the Suffolk County Department of Planning and Article 3 of the New York State Eminent Domain Procedure Law; and be it further

4th RESOLVED, that the Division of Real Estate of the Suffolk County Department of Planning be and hereby is authorized to acquire the properties set forth in the aforesaid maps herein; said acquisition to be in the name of the County of Suffolk; and be it further

5th RESOLVED, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

6th RESOLVED, that the Division of Real Estate of the Suffolk County Department of Planning be and hereby is authorized and permitted to make the aforesaid acquisition of said lands from the Condemnees by negotiation, purchase, and conveyance; and in the event that the Division of Real Estate of the Suffolk County Department of Planning is unable to acquire said property by negotiation, purchase and conveyance, it is hereby authorized, permitted, and directed to acquire said property pursuant to the Eminent Domain Procedure Law; and be it further

7th RESOLVED, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

8th RESOLVED, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof.

DATED: April 4, 2006

APPROVED BY:

/s/ Paul Sabatino II

Chief Deputy County Executive of Suffolk County

Date: April 6, 2006

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

Intro. Res. No. 1336-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 324
-2006, TRANSFERRING ASSESSMENT STABILIZATION
RESERVE FUNDS TO THE CAPITAL FUND, AMENDING
THE 2006 OPERATING BUDGET, AND APPROPRIATING
FUNDS FOR THE PURCHASE OF DIVISION OF
SANITATION LABORATORY EQUIPMENT (CP 8166)

WHEREAS, analysis for all County Sewer Districts are performed at the Sanitation Division Laboratory; and

WHEREAS, it is necessary to replace and/or update that equipment to maintain the Laboratory's mandated self-monitoring requirements and to insure compliance with applicable environmental laws; and

WHEREAS, the Administrative Head of the Sewer Districts has requested that funds be appropriated to costs associated with the project; and

WHEREAS, it is proposed that the Assessment Stabilization Reserve Fund provide \$150,000 for the purchase of laboratory equipment; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 459-2001 has established the use of a priority ranking system as the basis for funding Capital Projects such as this project; 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 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 material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty (50), is eligible for approval in accordance with the provisions of Resolution No. 459-2001 as revised by Resolution No. 571-1998; and be it further

3rd RESOLVED, that the Assessment Stabilization Reserve Fund shall provide the sum of \$150,000 for the purpose of implementing the project: and be it further

4th RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to amend the 2006 Adopted Operating Budget, transfer funds and accept proceeds as follows:

<u>Interfunds</u>	<u>Amount</u>
404-IFT-E528-Transfer to Fund 528	\$150,000
528-IFT-R404-Transfer from Fund 404 and be it further	\$150,000

5th RESOLVED, that funds in the amount of \$150,000 from the Assessment Stabilization Reserve Fund be and hereby are appropriated as follows:

<u>PROJECT NO.</u>	<u>PROJECT TITLE</u>	<u>AMOUNT</u>
528-CAP-8166.511	Furniture & Equipment	\$150,000

and be it further

6th RESOLVED, that the Administrative Head of the Sewer Districts be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the purchase of equipment.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

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

Intro. Res. No. 1355-2006
Introduced by Legislator Schneiderman

Laid on Table 3/14/2006

RESOLUTION NO. 325 -2006, DIRECTING THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 3 TO STUDY AND DETERMINE THE NECESSITY OF INCREASING FEES FOR SCAVENGER WASTE DISCHARGE AND TREATMENT

WHEREAS, the Bergen Point Sewage Treatment Plant accepts and treats scavenger wastes collected by carters from inside and outside Suffolk County Sewer District No. 3 - Southwest; and

WHEREAS, the District presently charges carters three cents (.3¢) per gallon to take these scavenger wastes; and

WHEREAS, other municipalities are charging carters significantly higher fees to take and treat these wastes; and

WHEREAS, it may be necessary to raise the County's below market fees for scavenger waste discharge and treatment, particularly in light of planned capital improvements at the Bergen Point Plant; and

WHEREAS, pursuant to Chapter 424 of the SUFFOLK COUNTY CODE, the Commissioner of the Department of Public Works, as the District Administrator, is responsible for establishing the schedule of charges and fees for scavenger waste discharge and treatment after public notice and hearing; now, therefore, be it

RESOLVED, that the Commissioner of the Department of Public Works, as the Administrative Head of Suffolk County Sewer District No. 3 – Southwest, is hereby authorized, empowered and directed to convene a public hearing, as soon as may be practicable, but no later than 90 days after the effective date of this resolution, to determine whether the schedule of charges and fees for scavenger waste discharge and treatment should be increased; and be it further

RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1356-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer pursuant to Rule 3(A)(14) of the Suffolk County Legislature

RESOLUTION NO. 326 -2006, AUTHORIZING PUBLIC HEARING FOR RENEWAL OF FERRY LICENSE AND FARES OF TONY'S FREIGHT SERVICE, INC.

WHEREAS, Tony's Freight Service, Inc. has applied to the Suffolk County Legislature, by a petition dated and verified February 22, 2006, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law and Local Law No. 7 of 1982 of Suffolk County for the renewal of its existing Ferry license for service over and upon the waters of the Great South Bay, within the County of Suffolk between the Town of Islip facility of Sayville, New York, and various communities on Fire Island, New York, including Fair Harbor, Fire Island Pines, Cherry Grove, Barrett Beach, Davis Park, Ocean Bay Park, Sailor's Haven, Watch Hill, Seaview, Kismet, Saltaire, Water Island, Point O'Woods, Atlantique Beach, Fire Island, New York; now therefore, be it

RESOLVED, that:

Consideration of the application of Tony's Freight Service, Inc. for the purposes of publication of the notice required by the Suffolk County Legislature the Public Hearing on this application shall be held at the Regular Meeting of the Suffolk County Legislature at Riverhead, New York on the 16th day of May, 2006 at 2:30 p.m.; and it is further

RESOLVED, that pending the consideration of this application and the public hearing, the application be and it hereby is referred to the Public Works and Transportation Committee for its consideration and recommendation to the Suffolk County Legislature.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 13, 2006

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

Intro. Res. No. 1359-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 327 -2006, TRANSFERRING ESCROW ACCOUNT REVENUES TO THE CAPITAL FUND, AMENDING

**THE 2006 CAPITAL BUDGET AND APPROPRIATING FUNDS
FOR ENGINEERING SERVICES ON THE OCEAN OUTFALL IN
SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST
(CP #8108)**

WHEREAS, pursuant to Section 271 of the County Law, Suffolk County Sewer District No. 3 - Southwest was established by resolution of the Board of Supervisors on 9 June 1969, and approved by the electorate at the general election held in November 1969; and

WHEREAS, the district became operational on October 10, 1981, during the time the district has been operational, and now an evaluation is necessary of the ocean outfall; and

WHEREAS, the Administrative Head of Sewer District No. 3 - Southwest has requested that previously received connection fees, which are deposited in escrow accounts, be appropriated to cover engineering costs associated with the ocean outfall integrity evaluation/rehabilitation project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, sufficient funds are available in the escrow accounts established and containing connection fees to cover the costs of the engineering assistance; now therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of seventy five (75) 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 law constitutes a Type II action pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5(c) (18) and (21), in that the law authorized 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 the law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

3rd RESOLVED, that the County Treasurer and County Comptroller be and they hereby are authorized to transfer the following funds, plus accrued interest to date, from the Trust & Agency Escrow Account to the Capital Fund as a Sewer Revenue:

<u>From Escrow Account</u>	<u>To Capital Fund Sewer Revenues</u>	<i>Amount</i>	<u>Accrued Interest</u>
SCCC Western Campus IS0535	528-2122 Sewer Service Charge	\$15,178	Yes

2 of 6			
SCCC Western Campus IS0535	528-2122 Sewer Service Charge	\$15,178	Yes
3 of 6			
KFC/LJS Restaurant HU1443	528-2122 Sewer Service Charge	\$27,000	Yes
515 Broadhollow Rd. HU1438	528-2122 Sewer Service Charge	\$38,745	Yes
Total SCSD #3		\$96,101	Yes

and be it further

4th RESOLVED, that the County Treasurer and County Comptroller be and they hereby are authorized to accept proceeds not to exceed \$96,101 plus accrued interest to date, transferred to the Capital Fund from the Trust & Agency Escrow Account; and be it further

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

Program No.: **8108**
Project Name: **Outfall at SD #3 - Southwest**

	Total Est'd Cost	Current 2006 Capital Budget & Program	Revised 2006 Capital Budget & Program
Planning, Design & Supervision	\$885,311	\$100,00-O	\$96,101E
TOTAL	\$885,311	\$100,000	\$96,101

IFMS 3 uses "E" to distinguish Escrow Funds from Other "O" sources of funding

and be it further

6th RESOLVED, that the proceeds of \$96,101 in revenues transferred to the Capital Fund, plus accrued interest to date, be and hereby are appropriated as follows:

PROJECT NO.	JC	PROJECT TITLE	AMOUNT
528-CAP-8108.111	80	Southwest Sewer District Outfall Planning, Design and Supervision	\$ 96,101

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

Legislator D’Amaro made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 18-0.

Intro. Res. No. 1360-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 328
-2006, TRANSFERRING ASSESSMENT STABILIZATION
RESERVE FUNDS TO THE CAPITAL FUND, AMENDING THE
2006 CAPITAL BUDGET AND PROGRAM, AND
APPROPRIATING FUNDS FOR IMPROVEMENT IN THE
SUFFOLK COUNTY SEWER DISTRICT NO. 5 - STRATHMORE
HUNTINGTON (CP 8115)

WHEREAS, Suffolk County Sewer District No. 5 – Strathmore Huntington includes a number of remote pumping stations; and

WHEREAS, Pump Station No. 2 was required to have its force main replaced; and

WHEREAS, the replacement involved an easement that also provided access to community property required restoration of pavement; and

WHEREAS, funds initially allocated for the project were insufficient to properly restore the paving; and

WHEREAS, pursuant to State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA") Resolution No. 1201 of 2005 determined that the proposed improvement constitutes a Type II Code action pursuant to the provisions of 6NYCRR Part 617 and Chapter 279 of the Suffolk County Code; and

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

WHEREAS, it is proposed that \$50,000 of the Assessment Stabilization Reserve Fund be appropriated for the purpose of implementing the project; now therefore be it

1ST RESOLVED, that it is hereby determined that this project, with a priority ranking seventy-four (74) 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 additional funds from the Assessment Stabilization Reserve Fund shall be appropriated in the sum of \$50,000 for the purpose of implementing the project; and be it further

3rd RESOLVED, that the County Treasurer and County Comptroller be and they are hereby authorized to amend the 2006 Adopted Operating Budget to transfer funds and accept proceeds as follows:

Interfunds	Amount
404-IFT-E527-Transfer to Fund 527	\$50,000
527-IFT-R404	\$50,000

4th RESOLVED, that the 2006 Capital Budget be and it hereby is amended as follows:

Capital Program: 8115
 Project Name: Improvements to Suffolk County Sewer District No. 5 – Strathmore Huntington

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
3. Construction	\$1,841,208	\$ 0	\$50,000-A
TOTAL	\$1,896,208	\$ 0	\$50,000-A

A- Assessment Stabilization Reserve Fund

and be it further

5th RESOLVED, that funds in the amount of \$50,000 from the Assessment Stabilization Reserve Fund be and hereby are appropriated as follows:

<u>Project No.</u>	Project Title	Amount
527-CAP-8115.310	Improvements to Sewer District 5 – Strathmore Huntington	\$50,000

and be it further

6th RESOLVED, that the Administrative Head of Sewer Districts be and he hereby authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the construction of improvements at Sewer District No. 5 – Strathmore Huntington.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

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

Intro Res. No. 1361-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 329 -2006, AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSPORTATION FINANCIAL ASSISTANCE FOR MASS TRANSPORTATION PROJECTS FOR SUFFOLK COUNTY AUTHORIZED BY 49 U.S.C. CHAPTER 53 TITLE 23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for mass transportation projects; and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the County including the provision that the County commit to providing the local share of project costs in the program; and

WHEREAS, the County will provide all annual certifications and assurances required for the project to the Federal Transit Administration; and

WHEREAS, the County of Suffolk is a Designated Recipient as defined by 49 U.S.C. Section 5307(a)(2); and

WHEREAS, in Federal Fiscal Year 2004 and 2005, Suffolk County was allocated \$5,471,139 and \$5,607,203 respectively, in federal capital funds (\$11,078,342 total federal funds) (\$13,847,928 total project cost) under Section 5307 of the Transportation Equity Act of the 21st Century (TEA-21); and

WHEREAS, it is required by the U.S. Department of Transportation, in accord with the provision of Title VI of the Civil Rights Act of 1964, as amended, that the County give an assurance that it will comply with the Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements there under; now, therefore, be it

1st **RESOLVED**, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file an application for Federal assistance on behalf of the County of Suffolk with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration; and be it further

2nd **RESOLVED**, that the County proposes to utilize allocated Federal Fiscal Year 2004 and 2005 funds to aid in the financing of capital mass transportation projects pursuant to Section 5307 of the Federal Transit Act, a Program of Projects and Budget being described as follows:

<u>Related Capital Program Number</u>	<u>Program of Projects</u>	<u>Estimated Cost</u>
5658	Purchase of Replacements 35-ft Buses (and related equipment)	\$8,000,000
5658	Purchase Replacement Vans (and related equipment)	\$1,200,000
5658	Purchase New Service Vans (and related equipment)	\$400,000
5648	Upgrade of Diesel Engine Emissions Components	\$500,000
5651	Acquire-Bus Passenger Shelters	\$650,000
5658	Purchase Support Vehicles	\$120,000
--	Acquire-ADP Hardware	\$100,000
--	Acquire-ADP Software	\$125,000
5648	Acquire Vehicle Locator System	\$100,000
5648	Radios Eng/Design	\$50,000
--	Contingencies	\$102,928
--	Project Administration	\$200,000
--	Preventative Maintenance	\$1,800,000
--	Complimentary Service ADA	\$500,000
	Total Estimated Cost of the Program of Projects	\$13,847,928

Estimated Federal Share: 80% \$ 11,078,342
Estimated State Share: 10% \$ 1,384,793
Estimated County Share: 10% \$ 1,384,793

and be it further

3rd **RESOLVED**, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and Budget; and be it further

4th **RESOLVED**, that the Designee of the County Executive of Suffolk County is hereby authorized to execute grant agreements on behalf of the County of Suffolk with the U.S. Department of Transportation and the New York State Department of Transportation for aid in the financing of the capital assistance Program of Projects and Budget herein described; and be it further

5th **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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1362-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 330 -2006, AMENDING PRIOR CAPITAL AUTHORIZED APPROPRIATION FOR STORM REMEDIATION IMPROVEMENTS FOR CR 80, MONTAUK HIGHWAY AT OCEANVIEW ROAD (CAPITAL PROGRAM NUMBER 8240.311)

WHEREAS, Resolution No. 310-2005 approved funding in connection with Storm Remediation Improvements for CR 80, Montauk Highway at Oceanview Road; and

WHEREAS, this resolution appropriated \$1,360,000 in construction funding; and

WHEREAS, a portion of this funding is necessary for planning; and

WHEREAS, there exists enough funding in the construction phase of this project to cover the planning costs; and

WHEREAS, it is necessary to amend Resolution No. 310-2005 by re-appropriating \$110,000 from construction to planning; now, therefore, be it

(1) **RESOLVED**, that the 8th RESOLVED clause of Resolution No. 310-2005 is hereby amended as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8240.110	50	Storm Water Remediation on Various County Roads	[\$0] <u>\$110,000</u>

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8240.311	50	Storm Water Remediation on Various County Roads	[\$1,360,000] <u>\$1,250,000</u>

and be it further

RESOLVED, the appropriation for planning has been increased by \$110,000 for a total appropriation of \$110,000 and the appropriation for construction has been reduced by an equal amount to \$1,250,000.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1363-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 331 -2006, AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSPORTATION CAPITAL ASSISTANCE FOR THE PURCHASE OF TRANSIT BUSES AND RELATED EQUIPMENT AUTHORIZED BY 49 U.S.C. CHAPTER 53 TITLE 23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for transportation projects; and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the County, and will require the County to provide the local share of the project costs; and

WHEREAS, the County will provide all annual certifications and assurances required for the project to the Federal Transit Administration; and

WHEREAS, the County of Suffolk is a Designated Recipient as defined by 49 U.S.C. Section 5307(a)(2); and

WHEREAS, in Federal Fiscal Year 2005 the County was allocated \$971,779 in federal capital funds (\$1,214,724 total project cost) under Section 5309 of the Transportation Equity Act of the 21st Century (TEA-21); and

WHEREAS, the grant contract for financial assistance will impose certain obligations upon the County, including the provision that the County commit to providing the local share (10%) of project costs in the program; and

WHEREAS, it is required by the U.S. Department of Transportation, in accord with the provision of Title VI of the Civil Rights Act of 1964, as amended, that the County give an assurance that it will comply with the Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements there under; now, therefore, be it

1st **RESOLVED**, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file an application for Federal assistance on behalf of the County of Suffolk with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration; and be it further

2nd **RESOLVED**, that the County proposes to utilize allocated Federal Fiscal Year 2004 funds to aid in the financing of a capital assistance project pursuant to Section 5309 of the Federal Transit Act, a Program of Projects and Budget being described as follows:

Related
Capital
Program

Estimated

<u>Number</u>	<u>Program of Projects</u>	<u>Cost</u>
5658	Purchase of Transit Buses and Related Equipment	\$1,214,724
	Total Estimated Project Cost	\$1,214,724
	Estimated Federal Share: 80%	\$971,779
	Estimated State Share: 10%	\$121,472
	Estimated County Share: 10%	\$121,473

and be it further

3rd **RESOLVED**, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and Budget; and be it further

4th **RESOLVED**, that the Designee of the County Executive of Suffolk County is hereby authorized to execute grant agreements on behalf of the County of Suffolk with the U.S. Department of Transportation and the New York State Department of Transportation for aid in the financing of the capital assistance Program of Projects and Budget herein described; and be it further

5th **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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1364-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 332 -2006, TO APPROVE THE PURCHASE OF TWO (2) REPLACEMENT VEHICLES IN THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES

WHEREAS, Resolution No. 321-2003 as amended requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicle, via lease or purchase, has been granted via duly enacted Resolution of the County of Suffolk"; and

WHEREAS, the 2006 Adopted Capital Budget includes sufficient funds to cover the purchase of these vehicles; and

WHEREAS, the two (2) replacement vehicles are program vehicles; one vehicle will replace the Morgue van used for transporting bodies as required for the Medical Examiner's Office and the other vehicle will replace a well drilling and monitoring support vehicle; now therefore be it

1ST RESOLVED, that the Suffolk County Department of Health Services is authorized to initiate the process for the purchase and replacement of these vehicles through the Purchase Requisition process; and be it further

2ND RESOLVED, that the Department of Public Works, Purchasing Division, in adherence with the New York State General Municipal Law, is hereby authorized to conduct a formal sealed bid process, in which the specifications for these vehicles will comply with the 'County Vehicle Standard'; and be it further

3RD RESOLVED, that there will a net increase of one vehicle in the Department's fleet as a result of this Resolution.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

Legislator D'Amaro made motion for the following resolution, seconded by Legislator Horsley. The resolution was passed 18-0.

Intro. Res. No. 1366-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 333 -2006, TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND, AMENDING THE 2006 OPERATING BUDGET, AND APPROPRIATING FUNDS FOR MOBILE

DEWATERING SYSTEM IN SUFFOLK COUNTY SEWER DISTRICTS (CP 8133)

WHEREAS, the sanitary facilities under the ownership and operation of Suffolk County have increased over the past thirty-five years to twenty-two treatment plants and nearly ninety pumping stations; and

WHEREAS, there exists a need to replace the trucking of liquid sludge; and

WHEREAS, the Administrative Head of the Sewer Districts has requested that funds be appropriated to cover purchase cost associated with the Mobile Dewatering System; and

WHEREAS, it is proposed that the Assessment Stabilization Reserve fund the districts the sum of \$1,000,000 for the purpose of implementing this project for the benefit of all the sewer districts; 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

1ST RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA") for Suffolk, hereby finds and determines that this law constitutes a Type II action pursuant to the provisions of Environmental Conservation Law Article 8, Title 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 material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2ND RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-two (52), is eligible for approval 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 Assessment Stabilization Reserve Fund shall fund the Sewer Districts the sum of \$1,000,000 for the purpose of implementing this project for the benefit of all the sewer districts; and be it further

4TH RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to amend the 2006 Adopted Operating Budget increasing Interfund appropriations and revenues, transferring funds and accepting proceeds as follows:

<u>Interfunds</u>	<u>Amount</u>
Appropriations:	
404-IFT-E527 - Transfer to Fund 527	\$1,000,000
Revenues:	

527-IFT-R404 - Transfer from Fund 404

\$1,000,000

and be it further

5TH RESOLVED, that funds in the amount of \$1,000,000 from the Assessment Stabilization Reserve Fund be and hereby are appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8133.510	80	Furniture and Equipment –Mobile Dewatering System	\$1,000,000

and be it further

6th RESOLVED, that the Administrative Head of the Sewer Districts be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the Mobile Dewatering System.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-1-0. Legislator Alden abstained.

Intro. Res. No. 1386A-2006

BOND RESOLUTION NO. 334 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS TO FINANCE A PART OF THE COST OF THE PLANNING AND CONSTRUCTION OF IMPROVEMENTS TO THE COUNTY CORRECTIONAL FACILITY C-141 IN RIVERHEAD (CP 3014)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$1,500,000 pursuant to the Local

Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the planning and construction of improvements to the County Correctional Facility C-141 in Riverhead, 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 \$2,500,000. The plan of financing includes (a) the issuance of \$1,000,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 792-2005 (\$80,000 for planning and \$920,000 for construction), (b) the issuance of \$1,500,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$100,000 for planning and \$1,400,000 for construction) and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 12(a)(2) of the Law of the Law, is fifteen (15) years.

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

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

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

WHEREAS, the Sheriff of Suffolk County has requested additional funds for numerous improvements to the County Correctional Facility C – 141, Riverhead including, but not limited to, reconfiguring one of the pod housing areas for direct supervision of inmates which will require the relocation of control panels already scheduled to be replaced and upgraded; the replacement of 24 air handlers, the replacement of the perimeter heating system and controls, and the replacement of the main electrical switch and automatic transfer switch; and

WHEREAS, this smart management initiative has been embraced by the County Executive as part of a seven part plan to reform the County Sheriff's Department; and

WHEREAS, the Riverhead Correctional Facility continues to deteriorate at an alarming rate and requires immediate repairs to keep the facility operational and habitable; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the Planning and Construction costs of said request under Capital Program Number 3014; 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 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

1stRESOLVED, pursuant to the State Environmental Quality Review Act, Environmental Conservation Law Article 8, CEQ Resolution No. 06-2004 classified the action contemplated by this as a Type II, pursuant to the provisions of Title 6 NYCCR, Part 617.5 (1), (2) and (21), as the project involves planning as well as replacement and rehabilitation involving no substantial changes to an existing structure, or reconstruction of a structure or facility in-kind; and be it further

2ndRESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-four (64), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 459-2001; and be it further

3rdRESOLVED, 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- 3014.113	18	Planning of Improvements to the County Correctional Facility C-141-Riverhead	\$100,000
525-CAP-3014.316	18	Improvements to the County Correctional Facility C-141-Riverhead	\$1,400,000

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro Res. No. 1387A-2006

BOND RESOLUTION NO. 336 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$262,500 BONDS TO FINANCE THE COST OF THE RENOVATION OF THE EXISTING 6TH PRECINCT, IN CORAM (CP 3188.311,510)

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 \$262,500 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the renovation of the existing 6th Precinct, in Coram, 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 \$262,500. The plan of financing includes the issuance of \$262,500 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12 (a) (2) of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1387-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of County Executive and Legislators Losquadro, Vilorio-Fisher and Browning

RESOLUTION NO. 337 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RENOVATION OF THE EXISTING 6th PRECINCT, CORAM (C.P. 3188)

WHEREAS, the Director of Probation has requested funds to complete the Renovation of the Existing 6th Precinct, Coram for public safety purposes; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request under Capital Project No. 3188 with an amendment to the allocation adopted in the 2006 Capital Budget; 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 \$262,500 in Suffolk County Serial Bonds; now, therefore be it

1ST RESOLVED, that it is determined that this program with a priority ranking of forty-eight 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 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 3188
Project Title: Renovation of the Existing 6th Precinct, Coram

	<u>Total Est'd. Cost</u>	<u>Current 2007 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
1. Planning, Design & Supervision	\$50,000	\$262,500B	\$0
3. Construction	\$595,000	\$0	\$95,000B
5. Furniture & Equipment	\$167,500	\$0	\$167,500B
TOTAL	\$812,500	\$262,500	\$262,500

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 an unlisted action pursuant to Section 617.2 of title 6 of the NEW YORK CODE OF RULES AND REGULATION (6 NYCRR) and pursuant to Resolution No. 121-2001, and will not have a significant adverse impact on the environment within the meaning of Section 8 of the NEW YORK ENVIRONMENTAL CONSERVATION LAW because enactment of this Resolution will not exceed any of the criteria in section 617.11 of Title 6 NYCRR which sets forth thresholds for determining significant effects on the environment; and be it further

4TH RESOLVED, that the proceeds of \$262,500 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3188.311 (Fund 001 Debt Service)	34	Renovation of the Existing 6 th Precinct, Coram	\$ 95,000
525-CAP-3188.510 (Fund 001 Debt Service)	34	Renovation of the Existing 6 th Precinct, Coram	\$167,500

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 17-1-0-0. Legislator Barraga voted no.

Intro. Res. No. 1400-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine, Schneiderman, Lindsay, Horsley, Kennedy, Montano, Browning, D'Amaro, Vilorio-Fisher, Cooper and Stern

RESOLUTION NO. 338 -2006, APPROVING THE PURCHASE OF THIRTY (30) HYBRID/ELECTRIC VEHICLES IN ACCORDANCE WITH SECTION 186-2(B)(6) OF THE SUFFOLK COUNTY CODE AND IN ACCORDANCE WITH THE COUNTY VEHICLE STANDARD

WHEREAS, Resolution No. 321-2003, as amended by Resolution No. 1322-2005, requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicles, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature"; and

WHEREAS, the 2006 Adopted Operating Budget includes sufficient funds for the purchase of thirty (30) fuel efficient hybrid/electric replacement vehicles; now, therefore, be it

1st RESOLVED, that the thirty (30) hybrid/electric vehicles are required for the replacement of vehicles currently assigned to the departments of Social Services, Health and Probation; and be it further

2nd RESOLVED, that the purchase of thirty (30) hybrid/electric replacement vehicles is hereby approved, pursuant to Section 186-2(B)(6) of the SUFFOLK COUNTY CODE, and in accordance with County vehicle standard; and be it further

3rd RESOLVED, that ten (10) hybrid/electric vehicles shall be allocated as replacement vehicles to the Suffolk County Department of Social Services; ten (10) hybrid/electric vehicles shall be allocated as replacement vehicles to the Suffolk County Department of Health Services; and ten (10) hybrid/electric vehicles shall be allocated as replacement vehicles to the Suffolk County Department of Probation.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No 1378-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 339 -2006, APPROVING THE REAPPOINTMENT OF ARLENE STEVENS AS A MEMBER OF THE SENIOR CITIZENS ADVISORY BOARD

WHEREAS, the term of office of Arlene Stevens expired on July 26, 2005, now therefore be it

RESOLVED, that the reappointment of Arlene Stevens, residing at 988 Skyline Drive, Bretton Woods, NY 11727, as a member of the Senior Citizens Advisory Board for a term of office expiring July 26, 2008, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of 158-2(B) of the SUFFOLK COUNTY CODE.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1379-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 340 -2006, APPROVING THE REAPPOINTMENT OF CHESTENE COVERDALE AS MEMBER OF THE SENIOR CITIZENS ADVISORY BOARD

WHEREAS, the term of office of Chestene Coverdale expired on July 26, 2005, now therefore be it

RESOLVED, that the reappointment of Chestene Coverdale, residing at 50 South Gillette Avenue in Bayport, NY 11705, as a member of the Senior Citizens Advisory Board, for a term of office expiring July 26, 2008, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of 158-2(B) of the SUFFOLK COUNTY CODE.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1380-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/14/2006

RESOLUTION NO. 341 -2006, APPROVING THE REAPPOINTMENT OF BLANCHE MULHOLLAND AS A MEMBER OF THE SENIOR CITIZENS ADVISORY BOARD

WHEREAS, the term of office of Blanche Mulholland expired on July 26, 2005, now therefore be it

RESOLVED, that the reappointment of Blanche Mulholland, residing at 39-3A Richmond Blvd, Ronkonkoma, NY 11779, as a member of the Senior Citizens Advisory Board, for a term of office expiring July 26, 2008, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of 158-2(B) of the SUFFOLK COUNTY CODE.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1398-2006
Introduced by Legislator Mystal

Laid on Table 3/14/2006

RESOLUTION NO. 342 -2006, AUTHORIZING AN AMENDMENT OF AN AGREEMENT BETWEEN THE OFFICE FOR THE AGING AND THE GERALD J. RYAN OUTREACH CENTER, INC.

WHEREAS, Resolution No. 190-1999 authorized the County's purchase of a van for use by the Gerald J. Ryan Outreach Center, Inc. (hereinafter referred to as the "Center"); and

WHEREAS, Resolution No. 190-1999 authorized the Center to use the van to furnish transportation and other services to elderly residents in the Town of Babylon; and

WHEREAS, the Center has requested permission to use the van to provide additional services to low income, high risk families and individuals in the Town of Babylon, including, but not limited to, transportation to and from medical appointments, job interviews, schools and training programs; and

WHEREAS, the Office for the Aging has no objection to this request; now, therefore, be it

1st RESOLVED, that the Office for the Aging is hereby authorized and empowered to amend their Agreement with the Gerald J. Ryan Outreach Center so the Center may provide additional services to include, but not be limited to, transporting low income, high risk families or individuals to medical appointments, job interviews, Department of Social Services and Department of Labor appointments, schools and other training programs; and be it further

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2006

Legislator Stern made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 18-0.

Introduced by Legislator Stern, as Chairman of the Veterans & Seniors Committee and Legislators Eddington, Kennedy, Mystal, Alden, Browning, Horsley, Stern, D'Amaro and Cooper

LOT 4/4/06

**PROCEDURAL RESOLUTION NO. 3 -2006,
DESIGNATING VETERANS ORGANIZATIONS TO RECEIVE
FUNDING FOR MEMORIAL DAY OBSERVANCES**

WHEREAS, each year Veterans Organizations throughout Suffolk County remember and recognize the sacrifice of courageous veterans who have died; and

WHEREAS, one of the many ways these organizations honor these fallen heroes is to place a flag at gravesites at the two National Cemeteries and at other cemeteries in Suffolk County; and

WHEREAS, this Legislature wishes to assist these organizations in the purchase of flags for the Memorial Day observances; and

WHEREAS, §A2-15(A) of the Suffolk County Administrative Code authorizes the appropriation of up to \$7,500.00 per year to Veterans Organizations designated by the Veterans and Seniors Committee of the Suffolk County Legislature; now, therefore be it

1st RESOLVED, that the Long Island National Cemetery Memorial Committee shall be comprised of the following organizations, pursuant to §A2-15(A) of the Suffolk County Administrative Code, to receive funding for the purpose of defraying the expenses of the proper observance of Memorial Day observances at the Long Island National Cemetery, Pinelawn; Calverton National Cemetery, Calverton; and at grave sites of veterans buried in other cemeteries within the County of Suffolk:

- 1.) Vietnam Veterans of America;
- 2.) Korean War Veterans;
- 3.) AMVETS;
- 4.) American Legion;
- 5.) American Ex-Prisoners of War;
- 6.) USCG-CPOA LI Chapter;
- 7.) Veterans of Foreign Wars;
- 8.) Masonic War Veterans;
- 9.) Disabled American Veterans;
- 10.) Fleet Reserve Association;
- 11.) Catholic War Veterans;
- 12.) Jewish War Veterans of the USA;
- 13.) Huntington Coordinator of Veterans Affairs;
- 14.) Marine Corps League;

and be it further

2nd RESOLVED, that funding for this purpose shall be expended from Fund 001-LEG-1025-1025-4560; and be it further

3rd RESOLVED, that the Legislature's Office of Budget Review shall receive and process all vouchers, receipts, and related documents submitted by the designated organizations for disbursement of these funds pursuant to the criteria set forth in §A2-15(A) of the Suffolk County Administrative Code; 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: Adopted 4/4/06

EFFECTIVE IMMEDIATELY PURSUANT TO §A2-15(A) OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 13-5-0-0. Legislators Caracappa, Losquadro, Alden, Kennedy, and Nowick voted no.

Intro. Res. No. 1114-2006 Laid on Table 1/17/2006
Introduced by Legislators Cooper, Viloría-Fisher, Schneiderman, Browning, Mystal, Stern, Montano, Horsley, Eddington, Lindsay and D'Amaro

RESOLUTION NO. 343 -2006, ADOPTING LOCAL LAW NO. 26 -2006, A LOCAL LAW TO AUTHORIZE COUNTY REGISTRY FOR DOMESTIC PARTNERS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 7, 2006, a proposed local law entitled, "**A LOCAL LAW TO AUTHORIZE COUNTY REGISTRY FOR DOMESTIC PARTNERS**"; now, therefore, be it

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

LOCAL LAW NO. 26 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AUTHORIZE COUNTY REGISTRY FOR DOMESTIC PARTNERS

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the American tradition of equal opportunity and the exercise of individual rights protects all citizens against discrimination.

This Legislature also finds that many couples who live together often have personal relationships and bonds that are as strong as, if not stronger than, married couples and who nurture and care for one another in sickness and in health.

This Legislature hereby determines that the World Trade Center attack demonstrated the need to provide domestic partners in committed relationships with a means to legally establish that relationship because there are numerous situations in which one partner was injured or killed and the partner has been denied the ability to collect insurance, reside in the partnership's residence, claim next of kin benefits, or even to visit their hospitalized partner.

Therefore, the purpose of this law is to establish a Suffolk County registry for domestic partners of County residents and/or employees, be they heterosexual or of the same sex.

Section 2. Definitions.

- A.) "Domestic partners" shall mean persons who have a registered domestic partnership, including any partnership registered pursuant to this law.
- B.) "Registry of domestic partnerships" shall mean the registry maintained by the County Clerk pursuant to this law, including all domestic partnerships registered.
- C.) "Affidavit of domestic partnership" shall mean an affidavit prepared by the office of the County Clerk in accordance with rules adopted by the County Clerk.

Section 3. Domestic partnership registration.

- A.) Domestic partnership registration: A domestic partnership may be registered by two people who meet all of the following conditions:
 - 1.) either (a) both persons are residents of Suffolk County, or (b) at least one partner is employed by the County of Suffolk on the date of registration;
 - 2.) both persons are eighteen (18) years of age or older and mentally competent to execute a contract;
 - 3.) neither of the persons is legally married to a third party;
 - 4.) neither of the persons is a party to another domestic partnership, or has been a party to another domestic partnership within the six months immediately prior to registration;
 - 5.) the persons are not related to each other by blood in a manner that would bar their marriage in the State of New York;
 - 6.) the persons have a close and committed personal relationship, live together, and have been living together on a continuous basis for at least one (1) year;
 - 7.) the persons return a completed domestic partners affidavit provided by the County Clerk, notarized and signed by both parties; and
 - 8.) the proposed partners submit at least two (2) items of proof evidencing their financial interdependence from among the following list:

JOINT BANK ACCOUNT

- Statement with both names
- check with both names
- passbook with both names

JOINT CREDIT CARD

- Statement with both names

JOINT OBLIGORS ON LOAN

- Note or other loan origination document with both names

JOINT OWNERSHIP OF RESIDENCE

- Deed or other sale/transfer document with both names
- Property or water tax document with both names
- Mortgage Agreement

JOINT TENANTS ON LEASE

- Lease with both names

COMMON HOUSEHOLD EXPENSES

- Utility/telephone bill with both names
- Public assistance document with both names

JOINT CUSTODY OF A CHILD

JOINT VEHICLE OWNERSHIP

- Title in both names

JOINT WILLS

- Copy of will or wills, with each party naming the other as beneficiary and/or executor

POWER OF ATTORNEY

- Copy of Powers of Attorney with each party naming the other party and no limitation on the term of the documents

HEALTH CARE PROXY

- Copy of health care proxies/living wills, with each party giving the other party the power to make health care/non-resuscitation decisions upon incapacitation

LIFE INSURANCE

- Copy of policy with one party naming the other as beneficiary

RETIREMENT BENEFITS

- Copy of beneficiary designation form with one party designating the other as beneficiary

TAX RETURNS

JOINT MEMBERSHIP

- Church
- Family organization

REGISTRATION

- Domestic partnership filed in a different state or municipality which recognizes such partnerships

DAYCARE

- Joint responsibility for childcare as evidenced by school documents or guardianship

JOINT INVESTMENTS

- Investment securities with both names
- Mutual fund statements with both names
- brokerage account statements with both names

AFFIDAVIT

- By a creditor or other person able to testify to partner's financial interdependence

COUNTY CLERK

- Other proof establishing economic interdependence, as determined by the County Clerk

- B.) In order to register, persons shall execute an affidavit of domestic partnership and submit it to the County Clerk, who shall maintain a registry of domestic partnerships. Both parties to the partnership shall be present when the affidavit is submitted.
- C.) Except when one of the parties is confined to a prison, in a hospital or other health-care facility, or is unable to travel to the office of the County Clerk because of a physical disability, the affidavits shall be submitted to the County Clerk at the office of the County Clerk.
- D.) The County Clerk may adopt such rules and filing fees as are necessary to implement this domestic partnership registration program which shall include provisions necessary to provide for the registration of domestic partners when one of the partners is in prison or unable to travel, which shall be comparable (no more restrictive) to the rules applicable to persons in such circumstances who apply for a marriage license.

Section 4. Termination of domestic partnership.

- A.) If either party or both parties to a registered domestic partnership determines that the partnership has terminated, one of the partners shall file a termination statement with the County Clerk. The person filing the termination statement shall declare that the domestic partnership is terminated and, if the termination statement has not been signed by both domestic partners, that the other domestic partner has been notified of such termination by registered mail, return receipt requested.
- B.) A domestic partnership shall terminate whenever one of the parties to the partnership marries a third party.
- C.) A domestic partnership shall terminate upon the death of one of the parties.

Section 5. Confidentiality of domestic partnership information.

- A.) The County Clerk shall establish procedures and filing fees to ensure the confidentiality of information in the registry of domestic partnerships. In the ordinary course of business, such records shall be released only:
- 1.) to the parties to the domestic partnership;
 - 2.) to individuals presenting written authorization from one of the parties to the domestic partnership; and
 - 3.) to attorneys in cases where such records are required as evidence in an active pending legal proceeding.
- B.) The following restrictions shall not apply to records that are at least fifty (50) years old, or to records where both parties to the domestic partnership are deceased:
- 1.) where a party to the domestic partnership sends a third party to obtain their domestic partnership record without a letter of authorization, the third party may make the request and pay any applicable fee if the third party consents to have the record mailed directly to the party to the domestic partnership;
 - 2.) if a person requires information concerning the prior history of domestic partnerships of a person who is that person's domestic partner or spouse or prospective domestic partner or spouse, the office of the County Clerk shall, upon receiving adequate assurance that such person's interest is as described in this paragraph, payment of the appropriate fee, and the furnishing of an approximate date of the registration of the partnership and sufficient information to search under at least one party's name, confirm only the fact of a prior domestic partnership by a "yes" or "no" answer.
- C.) Nothing herein shall be construed to prohibit the publication of statistics pertaining to domestic partnerships which have been registered by the County Clerk, provided that appropriate measures are taken to prevent identification of persons registered.

Section 6. Certificate of domestic partnership registration.

- A.) The County Clerk shall issue a Certificate of Domestic Partnership Registration to persons who have registered pursuant to this law. Such a certificate shall constitute notice of a registered domestic partnership when persons apply for rights or benefits available to domestic partners.
- B.) The application fee for the processing of the request for such a Certificate of Domestic Partnership Registration shall be Twenty and 00/100 (\$20.00) Dollars and must be paid before any such certificate may be issued.

Section 7. Benefits.

As a matter of County policy,

- A.) Nothing in this law shall be deemed to supersede, alter, affect or conflict with any applicable state or federal statutes, laws, regulations, or rules. Nor shall anything in this law be construed to confer any right, privilege, or benefit not explicitly provided for herein.
- B.) Nothing in this local law requires, or is intended to require, any religious or denominational institution or organization operated for charitable or educational purposes to recognize or provide health benefits to domestic partners.

Section 8. Applicability.

This law shall apply to domestic partners who apply for a domestic partnership registration on or after the effective date of this law.

Section 9. 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 10. Penalties.

Any person who willfully makes a material misrepresentation under Section 3 of this law shall be guilty of a violation punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

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) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 12. Effective Date.

This law shall take effect on the 90th day after filing in the office of the Secretary of State.

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
after a public hearing duly held on April 18, 2006

Date: April 18, 2006
Filed with the Secretary of State on June 16, 2006

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

Intro. Res. No. 1251-2006
Introduced by Legislator Eddington

Laid on Table 3/14/2006

**RESOLUTION NO. 344 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
1037-2005**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No.1037-2005; and

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

WHEREAS, Resolution No. 1037-2005 appropriated funds in connection with the Ronkonkoma Historical Society; and

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

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

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

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	PKS	7510	HPG1	4980	Ronkonkoma Historical Society	-\$5,000

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	PKS	7510	HPG1	4980	Lake Ronkonkoma Society	Historical	+\$5,000

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1254-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 345 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
536-2005**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 536-2005; and

WHEREAS, this resolution when adopted contained technical errors; and

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

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

Resolution No. 536-2005

In the 3rd and 4th RESOLVED paragraphs change the Project No.

FROM:

TO:

Project No.
525-CAP-2177.310

Project No.
525-CAP-2177.311

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1255-2006 Laid on Table 3/14/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 346 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
94-2006**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 94-2006; and

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

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

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

Resolution No. 94-2006

In the 3rd and 4th RESOLVED paragraphs change the Project No.

FROM:

TO:

Project No.
525-CAP-2177.310

Project No.
525-CAP-2177.311

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1258-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 347 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW
13-1976 LYDIA WALLACE (SCTM NO. 0200-978.10-01.00-
076.000)**

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 978.10, Block 01.00 Lot 076.000 and acquired by Tax Deed on June 15, 1995 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on July 6, 1995 in Liber 11731 at Page 977 and described as follows, Town of Brookhaven, County of Suffolk, State of New York, known and designated as Lots 3 & 4, in Block 607 on map entitled Map No. 173B. The New York and Brooklyn Investment Company, filed in the office of the Suffolk County Clerk on July 30, 1980; and

WHEREAS, in accordance with Local Law No. 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, Lydia Wallace, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2,150.00. 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 \$2,100.00, 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 \$2,150.00, 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, therefore be it

1st 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

2nd 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.

3rd 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 Lydia Wallace, 207 Poospatuck Lane, Mastic, New York 11950.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1259-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 348 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW
13-1976 JOYCE SMITH & WINSTON FEARON (SCTM NO.
0400-211.00-02.00-036.000)**

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 Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400 Section 211.00, Block 02.00 Lot 036.000 and acquired by

Tax Deed on February 28, 2003 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on March 7, 2003 in Liber 12239 at Page 107 and described as follows, Town of Huntington, Map of Greenlawn Center, filed in the Suffolk County Clerk's Office on October 15, 1928 as Map No. 601, Block No. 12, Lots No. 40 & 41; 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, Joyce Smith & Winston Fearon, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$8,000.00. 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 \$7,500.00, 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 \$8,000.00, 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, therefore be it

1st 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

2nd 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; and be it further

3rd 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 Joyce Smith & Winston Fearon, 46 Delamere Street, Huntington, NY 11743.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 6, 2006

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

Intro. Res. No. 1289-2006
Introduced by Legislator Montano

Laid on Table 3/14/2006

RESOLUTION NO. 349 -2006, AUTHORIZING THE RECONVEYANCE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 215, NEW YORK STATE COUNTY LAW TO FRANCISCO CRUZ (SCTM NO. 0500-229.00-02.00-078.002)

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

ALL that certain plot, piece or parcel of land with any buildings and improvements thereon erected, situate, lying and being in Central Islip, Town of Islip, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Service Agency as District 0500, Section 229.00, Block 02.00, Lot 078.002, and acquired by tax deed on July 14, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 19, 2004, in Liber 12331, at Page 567, and otherwise known as and by Town of Islip, Map No. 248, Lot No. 856 and part of Lot No. 855, filed in the Suffolk County Clerk's Office on March 19, 1918.

and

WHEREAS, Francisco Cruz was the former owner of said real property; and

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

WHEREAS, an investigation by Legislator Montano's Office has determined that said non-payment of taxes on the part of Mr. Cruz was not an intentional act but was due to circumstances beyond his control, more fully described in the documents attached hereto; and

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

WHEREAS, the above described parcel has been appraised by the County Department of Planning, Division of Real Estate, at Sixteen Thousand Dollars and 00/100 (\$16,000); and

WHEREAS, the Director of the Division of Real Estate, or his or her deputy, will receive and deposit the sum of Twelve Thousand Twenty Four Dollars and 56/100 (\$12,024.56) together with any and all other charges that may be due and owing to the County of Suffolk as of the actual date of closing, as full payment of all amounts due and owing to the County of Suffolk; now, therefore, be it

RESOLVED, that the Director of the Division of Real Estate, or his or her deputy, is hereby authorized to execute, acknowledge, and deliver a quitclaim deed to Francisco Cruz for vacant land located on the South Side of Poplar Street, 760 Feet East of Wilson Blvd., in the Hamlet of Central Islip upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate.

DATED: April 4, 2006

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED APRIL 18, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 17-0-1-0. Legislator Kennedy abstained.

Intro. Res. No. 1312-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 350 -2006, AUTHORIZING LICENSE AGREEMENT WITH DEVELOPMENTAL DISABILITIES INSTITUTE FOR USE OF HARD ESTATE GREENHOUSE AT WEST SAYVILLE COUNTY PARK

WHEREAS, Developmental Disabilities Institute (DDI), having its principal place of business at 99 Hollywood Drive, Smithtown, NY, is a non-profit, multi-site facility serving children and adults with various and distinct needs through a wide variety of programs and services; and

WHEREAS, DDI's Greenhouse Recreation Opportunities Workshop (G.R.O.W.) provides individuals with different learning disabilities the opportunity to be trained in a community-based environment with staff who address their special needs; and

WHEREAS, DDI is the Long Island Regional Center of Excellence for Individuals with Autism, the Long Island designee of the New York Autism Network, and the Long Island Crisis Response Team of the Office of Mental Retardation and Developmental Disabilities; and

WHEREAS, all DDI staff are trained in working with individuals with autism and other developmental disabilities; and

WHEREAS, DDI has successfully operated the G.R.O.W. program at the Hard Estate Greenhouse at West Sayville County Park since 1991; and

WHEREAS, in exchange for the continued use of the Greenhouse, DDI will continue to provide plants, flowers, and landscaping assistance at approximately twenty various County Parks for which the Parks Department pays only the cost of supplies; and

WHEREAS, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by DDI; and

WHEREAS, DDI would like to enter into an agreement for a term of five (5) years with two (2) additional optional terms of five (5) years each with the County of Suffolk for the non-exclusive use of the Hard Estate Greenhouse, supported by annual program schedules to be submitted to, and approved by, the Commissioner of the County Department of Parks, Recreation and Conservation; now, therefore, be it

1st RESOLVED, that the Suffolk County Department of Parks, Recreation, Conservation is hereby authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to enter into an Agreement with the Developmental Disabilities Institute for providing educational and support programming, including the G.R.O.W. program, at the Hard Estate Greenhouse at the West Sayville County Park; and be it further

2nd RESOLVED, that the Hard Estate Greenhouse and grounds on said premises shall be returned to the County of Suffolk at the conclusion of any agreements authorized pursuant to the 1st RESOLVED clause of this resolution in a physical condition that is substantially the same condition as on the effective date of any such agreement, or better, subject to reasonable use, wear, tear, and natural deterioration, between the date thereof and the conclusion of any such use agreements; and be it further

3rd 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: April 4, 2006

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1316-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 351 -2006, APPROVING AN AGREEMENT TO ACKNOWLEDGE A LEASE BETWEEN VERIZON WIRELESS AND VETERANS MEMORIAL LLC, AND CONSENTING TO THE USE OF A PORTION OF THE ROOFTOP AT COUNTY LEASED FACILITIES BY VERIZON

WHEREAS, the Department of Social Services leases premises located at 3455 Veterans Memorial Highway, Ronkonkoma, New York, from Veterans Memorial LLC, for use as administrative offices; and

WHEREAS, Veterans Memorial LLC has offered to lease a portion of the rooftop at this building which portion is excluded from the lease to the County of Suffolk, to New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), for its use as a communication facility; and

WHEREAS, the portion of the rooftop to be leased to Verizon Wireless can only be accessed by entering through the County's leased premises; and

WHEREAS, Verizon Wireless has represented that its installation, operation, and management of, and access to the proposed communication facility shall not conflict with the County's lease or operations at the premises; now, therefore, be it

1ST RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to 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 an Agreement consenting to the lease between Veteran's Memorial LLC and Verizon Wireless, in substantial conformance with the form annexed.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

Legislator Kennedy made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 18-0.

Intro. Res No. 1321-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 352 –2006, AUTHORIZING THE COUNTY CLERK TO FILE AN APPLICATION FOR ADDITIONAL STATE MORTGAGE TAX REIMBURSEMENT

WHEREAS, Section 262 of the NEW YORK TAX LAW allows the County Clerk to receive all necessary expenses, as approved and allowed by the New York State Tax Commission, by retention from mortgage proceeds actually collected; and

WHEREAS, the Suffolk County Clerk's Office has sought and retrieved mortgage tax reimbursement in the amount of \$1,748,558.00 for 2005-2006; and

WHEREAS, the County Clerk's basic expenses in collecting mortgage tax has increased; and

WHEREAS, the County Clerk's Office collected a recorded \$280,846,764.00 in mortgage tax in 2005 compared to \$273,372,474.00 collected in 2004; and

WHEREAS, the Suffolk County Clerk is now entitled to retain annually from the mortgage tax collected which moneys could be utilized to offset budgetary shortfalls or tax increases in the County Operating Budget; and

WHEREAS, the County Clerk, has determined that his office is eligible to retain \$1,743,913.00 of mortgage tax collected to offset expenses in his office; now, therefore be it

RESOLVED, that the Suffolk County Clerk is hereby authorized, empowered, and directed, pursuant to Section 18-2 of the SUFFOLK COUNTY CHARTER, to file an application with the New York State Commissioner of Taxation and Finance, for additional funding in the amount of \$1,743,913.00 that the County of Suffolk may be entitled to as a result of actual collection of the New York State mortgage tax proceeds by the Suffolk County Clerk's Office, as set forth in Exhibit "A" attached hereto and made part hereof.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 11, 2006

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

Intro. Res. No. 1325-2006
Introduced by Presiding Officer Lindsay

Laid on Table 3/14/2006

**RESOLUTION NO. 353 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO THE 2006 ADOPTED
OPERATING BUDGET**

WHEREAS, the 2006 Operating Budget when adopted contained technical errors; and

WHEREAS, the County Legislature desires technical corrections to the 2006 Operating Budget; now, therefore, be it

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

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	6510	HCB1	4980	Hunter Square Jackson VFW Post	-2,500
001	EXE	6510	HMX1	4980	Hunter Square Jackson American Legion Hall	-2,500
001	EXE	6510	HCI1	4980	Vietnam Veterans of America	-5,000
001	EXE	6510	HCF1	4980	Taylor Post 9486 Veterans of Foreign Wars	-5,000

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	HMX1	6510	4980	American Legion Post #1218 Hunter-Squires-Jackson	+5,000
001	EXE	HQT1	6510	4980	Vietnam Veterans of America - Chapter 11	+5,000
001	EXE	HRJ1	6510	4980	William F Taylor VFW Post 9486	+5,000

and be it further

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used exclusively for public benefit and for the sole purpose of funding the aforementioned contract agencies.

DATED: April 4, 2006

APPROVED BY:

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

Date: April 13, 2006

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

Intro. Res. No. 1344-2006

Laid on Table 3/14/2006

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

**RESOLUTION NO. 354 -2006, CONFIRMING
APPOINTMENT OF COUNTY COMMISSIONER OF
INFORMATION TECHNOLOGY (SHARON J. CATES-
WILLIAMS)**

WHEREAS, the Suffolk County Legislature adopted Resolution No. 138-2006 (I.R. 1064-2006), a “Charter Law Creating a County Department of Information Technology” on February 7, 2006; and

WHEREAS, the Commissioner of the County Department of Information Technology is appointed by the County Executive of Suffolk County to head the Suffolk County Department of Information Technology, subject to the approval of the County Legislature, under Section 20-2(A) of the SUFFOLK COUNTY CHARTER; and

WHEREAS, Steve Levy, the County Executive of Suffolk County, after due consideration, has appointed **SHARON J. CATES-WILLIAMS**, currently residing at 16 Sprat Street, Medford, New York 11763-4425, as Commissioner of the Suffolk County Department of Information Technology; now therefore, be it

1st RESOLVED that the appointment of **SHARON J. CATES-WILLIAMS**, currently residing at 16 Sprat Street, Medford, New York 11763-4425, as Commissioner of the Suffolk County Department of Information Technology, is hereby approved, pursuant to Section 20-2(A) of the SUFFOLK COUNTY CHARTER, to serve at the pleasure of the County Executive of Suffolk County, effective immediately; and be it further

2nd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1346-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 355 -2006, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-h OF THE GENERAL MUNICIPAL LAW (TOWN OF ISLIP) (SCTM NO. 0500 -367.00-02.00-100.000)

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

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 367.00, Block 02.00 Lot 100.000 and acquired by Tax Deed on December 28, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on January 4, 2000 in Liber 12011 at Page 0409 and described as follows, Town of Islip, Map of Brookside, Map No. 612 Lots 66, p/o 64 & 65, filed in the Office of the Clerk of Suffolk County on March 18, 1914; and

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

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

WHEREAS, the Suffolk County Department of Planning has approved the proposed transfer and use of this parcel; and

1st **RESOLVED**, that Patricia B. Zielenski, Director of the Division of Real Estate or her Deputy, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the above described terms and conditions to said Town of Islip for the sum of \$19,322.66 plus the pro rata share of the current tax adjustment due at closing; and be it further

2nd **RESOLVED**, that the Town of Islip will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for parking purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Islip, at any time, uses or attempts to use said subject parcel for other than parking purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for parking purposes; and be it further

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

4th **RESOLVED**, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1)

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

**RESOLUTION NO. 356 -2006, AUTHORIZING THE
PLACEMENT OF CERTAIN PROPERTIES OWNED BY THE
COUNTY OF SUFFOLK IN PUBLIC USE PURSUANT TO
SECTION 406, NEW YORK STATE REAL PROPERTY LAW**

WHEREAS, the COUNTY OF SUFFOLK, a municipality of the State of New York, is the owner of certain property described by Tax Map Numbers set forth in Exhibit "A" attached hereto and made a part hereof, situated in the Towns of Brookhaven and Islip; and

WHEREAS, the County of Suffolk has taken ownership of these properties by virtue of Suffolk County Tax Deed; and

WHEREAS, these properties represent 63 individual parcels located on Fire Island that are underwater, adjacent to Fire Island National Seashore or other such parcels which should not be developed; and

WHEREAS, the properties listed in Exhibit "A" were offered to Fire Island National Seashore with the purpose of preserving said parcels under that jurisdiction; and

WHEREAS, the Fire Island National Seashore was unable, due to fiscal constraints to accept any/all of the properties listed in Exhibit "A"; and

WHEREAS, while these parcels should be preserved from further development and held until a proper jurisdiction can be established, the County of Suffolk should avoid paying property taxes on such lands by assigning them to the general purpose use classification; now, therefore be it

1st **RESOLVED**, that the property as set forth in Exhibit "A" be held for general public use by the County of Suffolk; and be it further

2nd **RESOLVED**, that said property be and it is hereby exempt from taxation pursuant to Section 406 of the New York State Real Property Tax Law; and be it further

3rd **RESOLVED**, that the assessors of the Towns of Brookhaven and Islip and any other assessors having jurisdiction thereof, mark the assessment rolls to carry as exempt the said property held in public use by the County of Suffolk pursuant to Section 406 of the New York State Real Property Tax Law.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1369-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 357 -2006, TRANSFERRING CASH BALANCES FROM THE COUNTY ROAD CONSTRUCTION FUND (FUND 526) AND ACCEPTING REVENUE IN THE COUNTY ROAD FUND (FUND 105)

WHEREAS, the County Road Construction Fund was created many years ago to fund various County highway capital projects; and

WHEREAS, since all of said capital projects in the Fund have long been closed, there is no longer a need for the County Road Construction Fund; and

WHEREAS, the County Treasurer recommends that said fund be closed and that the remaining cash balance in excess of \$115,000 be transferred; now, therefore be it

1st RESOLVED, that County Treasurer be and she is hereby authorized to transfer the entire cash balance in Fund 526 to the County Road Fund (Fund 105); and be it further

2nd RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept said cash balance as revenue, as follows:

REVENUE:	AMOUNT
105- DBT-2956-Earnings on Capital Investments	\$ 115,484

and be it further

3rd RESOLVED, that these revenues are to be used for the purpose of offsetting the debt service cost in the County Road Fund (Fund 105).

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

Legislator Romaine made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 18-0.

Intro. Res. No. 1388-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on the request of the County Executive and Legislators Cooper D'Amaro, Vilorio-Fisher, Romaine, Stern, Mystal and Horsley

RESOLUTION NO. 358 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS FROM THE 2006 CAPITAL BUDGET IN CONNECTION WITH THE OPTICAL DISK IMAGING SYSTEM – REDACTING SOFTWARE APPLICATION (CP 1751)

WHEREAS, the Acting County Clerk has requested funds for the optical disk imaging system – Redacting Software Application; and

WHEREAS, the project includes funding for the redacting mechanism to "mask" social security numbers on the 25 million digital images that are already in the optical imaging system; and

WHEREAS, the estimated costs of this enhancement is \$225,000 and is required to purchase software required to facilitate this application; and

WHEREAS, this step is technically required for the subscription service project, which has a waiting list of 540 entities at up to \$6000 per user; and

WHEREAS, the Information Services Steering Committee has approved this project for funding; and

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

WHEREAS, this resolution constitutes an amendment to change the method of financing thereby requiring a three-fourths vote of the full membership of the County Legislature, rather than an offset, under Section C4-13 of the Suffolk County Charter; 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, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environment Quality Review Act have been performed; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$225,000 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 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 material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-seven (47) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 459-2001; and be it further

3rd RESOLVED, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No.:	1751		
Project Title:	Optical Disk Imaging System		
		<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>
			<u>Revised 2006 Capital Budget & Program</u>
1. Planning, Design & Supervision	\$ 1,250,000		\$ 1,100,000G \$ 875,000 G 225,000 B
TOTAL	\$ 5,661,800		\$1,100,000 \$1,100,000

and be it further

4th RESOLVED, that the proceeds of \$225,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Name</u>	<u>Amount</u>
525-CAP-1751.111 (Fund 001 Debt Service)	09	Optical Disk Imaging System - Redacting Software Application	\$225,000

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 14, 2006

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

Intro. Res. No. 1406-2006
Introduced by Presiding Officer Lindsay

Laid on Table 3/14/2006

RESOLUTION NO. 359 –2006, APPOINT MEMBER TO THE SUFFOLK COUNTY ETHICS COMMISSION (ERIC SACHS)

WHEREAS, Local Law No. 44-1988 established a Suffolk County Ethics Commission to consist of three (3) members, one of whom is to be selected by the Suffolk County Legislature; and

WHEREAS, Resolution No. 1158-2004 appointed Steven J. Wilutis to serve as the Legislative appointment on this Commission; and

WHEREAS, the term of office of Steven J. Wilutis as a member of the Suffolk County Ethics Commission is set to expire on April 6, 2006; now, therefore, be it

1st RESOLVED, that Eric Sachs, currently residing in Dix Hills, New York, is hereby appointed as a member of the Suffolk County Ethics Commission, said term of office to expire on April 6, 2010, pursuant to Section 30-2 of the SUFFOLK COUNTY CHARTER.

DATED: April 4, 2006

EFFECTIVE PURSUANT TO SECTIONS 2-15(A) AND 30-2 OF THE SUFFOLK COUNTY CHARTER

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

Mem. Res. No. 9 -2006 LOT 3/14/06
Introduced by Legislator Losquadro, Romaine, Barraga, Schneiderman, Nowick, Browning, Caracappa, Eddington, Montano, Alden, Kennedy, Horsley, Mystal, Stern, D'Amaro, Cooper, Viloría-Fisher, Lindsay

MEMORIALIZING RESOLUTION REQUESTING STATE OF NEW YORK TO ENACT NIXZMARY'S LAW

WHEREAS, in January 2006, Nixzmary Brown was found dead in her family's apartment after suffering repeated assaults, torture and other abuse; and

WHEREAS, Nixzmary's mother and stepfather have been charged with her murder; and

WHEREAS, under existing law, a parent, guardian or other person in a position of trust who acts in a depraved manner and abuses a child under the age of 14 until the child dies, or who intentionally murders his child, is only subject to a parole eligible sentence of between 15 and 25 years; and

WHEREAS, the current law only provides for a life sentence without parole for a person who murders a child in the course of committing a sex offense; and

WHEREAS, the crimes committed against Nixzmary Brown were so appalling that a sentence of 15 to 25 years is not an adequate measure of punishment, and the law must be amended to impose a life sentence without the possibility of parole for any person whose

depraved acts against a child causes the death of the child, or who intentionally kills their child; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby requests the State of New York to enact Senate Bill No. S06481A and Assembly Bill No. A.09567A, which would require a sentence of life without parole for a parent, guardian or other person in a position of trust convicted of murdering a child under the age of 14 years; 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: April 4, 2006

s:\memres\mr-nixmary's-law

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

Mem. Res. No. 10-2006

LOT 3/14/2006

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

**MEMORIALIZING RESOLUTION REQUESTING STATE OF
NEW YORK TO AMEND REAL PROPERTY TAX LAW FOR
ELIGIBLE RESERVISTS**

WHEREAS, since February 2003 approximately 2,000 eligible reservists from New York State have been called for active duty, including many from Long Island; and

WHEREAS, more reservists will likely be called for active duty to fight the War on Terror and the War in Iraq given the current policy of rotating front line units when their tour of duty ends and replacing them with National Guard units; and

WHEREAS, reservists who serve our country must leave their employment, often for extended periods of time, which can result in financial hardship for the reservists and their families; and

WHEREAS, currently there is no real property tax exemption for eligible members of the Military Reserves who are called for active duty; and

WHEREAS, legislation is pending in the New York State Senate and Assembly to amend the Real Property Tax Law to exempt eligible reservists who have been called to active duty from property taxes provided that the local municipality wherein they reside enacts a local law to that extent; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby supports New York State Senate Bill S.1020 and New York State Assembly Bill A.4423 to amend the Real Property Tax Law in relation to tax exemptions for eligible reservists who are called for active duty; 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: April 4, 2006

s:\memres\mr-reservists-tax-exemption

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

Mem. Res. No. 11– 2006

LOT 3/14/2006

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

**MEMORIALIZING RESOLUTION IN SUPPORT OF
AMENDING THE COUNTY LAW TO PROHIBIT A COUNTY
CLERK’S OFFICE FROM ACCEPTING FOR FILING OR
RECORDING ANY DOCUMENTS WHICH INCLUDE THE
SOCIAL SECURITY NUMBER OF ANY PERSON
(ASSEMBLY BILL A.9996 AND SENATE BILL S.6766)**

WHEREAS, the Suffolk County Clerk does not presently have the discretion to refuse to accept for filing deeds, mortgages, and other documents that include an individual’s Social Security Number; and

WHEREAS, these documents are available for review by the general public and, therefore, this personal information can be accessed for unlawful purposes, including identity fraud; and

WHEREAS, this problem is exacerbated by the posting of documents on the County Clerk’s website; and

WHEREAS, the County Clerk’s Office lacks the authority to remove personal identification information from the documents it records; and

WHEREAS, the Suffolk County Clerk must be empowered to protect the personal information of Suffolk County residents; and

WHEREAS, there is now a proposal before the New York State Senate and Assembly which would prohibit a County Clerk’s Office from accepting for filing or recording, any document which includes the Social Security Number of any person; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby supports Senate Bill No. S.6766 and New York State Assembly Bill No. A.9996, which would amend the County Law to prohibit a County Clerk's Office from accepting for filing or recording any document which includes the Social Security Number of any person; 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: April 4, 2006

s:\memres\mr-ssn-amended

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

Mem. Res. No. 12-2006

LOT 3/14/2006

Introduced by Legislator Stern, Lindsay, Eddington, Mystal, Alden, Schneiderman, Browning, Barraga, Nowick, Horsley, D'Amaro, Cooper, Viloría-Fisher

**MEMORIALIZING RESOLUTION REQUESTING THE
UNITED STATES CONGRESS TO ENACT THE
"REVERSE MORTGAGES TO HELP AMERICA'S
SENIORS ACT"**

WHEREAS, senior citizens in Suffolk and across the nation, many of whom live on fixed incomes, are struggling to remain in their homes as property taxes, energy costs, and health expenses continue to rise; and

WHEREAS, home equity conversion mortgages, known popularly as "reverse mortgages", permit seniors to convert accumulated home equity into liquid assets; and

WHEREAS, reverse mortgages are a tool seniors can utilize to remain in their homes and maintain or improve their standard of living; and

WHEREAS, the Federal Housing Authority (FHA) presently insures reverse mortgages, increasing their availability; and

WHEREAS, under current federal law, the number of FHA-insured reverse mortgages may not exceed 250,000; and

WHEREAS, legislation has been introduced in the United States Congress that would amend the National Housing Act and remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby requests the United States Congress to enact H.R. 2892 and S. 1710 to remove the limitation on the number of reverse mortgages that the FHA may insure; and be it further

2nd **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to President Bush; to Senators Charles E. Schumer and Hillary Rodham Clinton; to the Majority and Minority Leaders of the United States Senate; to the Majority and Minority Leaders of the United States House of Representatives; and to Congressmen Timothy Bishop, Carolyn McCarthy, Steve Israel, Gary Ackerman, and Peter King.

DATED: April 4, 2006

s:\memres\mr-reverse-mortgage-seniors

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

Mem. Res. No.13 -2006

LOT 3/14/2006

Introduced by Legislator Losquadro, Romaine, Horsley, Schneiderman, Browning

**MEMORIALIZING RESOLUTION IN SUPPORT OF
INCREASING PENALTIES FOR CRIMINAL CONVICTIONS
OF DRUNK DRIVING WHERE CHILDREN ARE
PASSENGERS**

WHEREAS, the National Highway Traffic Safety Administration has estimated more than 12,000 children, under the age of 14, were killed in alcohol-related accidents between 1994 and 2000; and

WHEREAS, a recent study from the University of North Carolina shows that the percentage of children involved in alcohol-related fatalities has increased; and

WHEREAS, the study further shows that 64% of those children killed were passengers in a vehicle operated by a drunk driver; and

WHEREAS, the study also found that drunk drivers who had children as passengers at the time of their offense were likely to have a previous drunk driving conviction, a prior driver license suspension; and less were likely to put their children in a restraint; and

WHEREAS, children are typically powerless to stop an intoxicated person from driving; and

WHEREAS, approximately 27 states have enacted laws to expand the protection of children and punish those drunk drivers who put them at risk by imposing more stringent sentences, such as higher fines and longer prison terms; and

WHEREAS, anyone who is intoxicated and is driving with a child under the age of 17 is reckless, and this action should be considered neglect and abusive; and

WHEREAS, legislation has been introduced in the New York State Senate and the New York State Assembly to increase the penalties for criminal convictions for persons who are driving drunk when a child, under the age of 17, is a passenger in their vehicle; now, therefore, be it

1st RESOLVED, that this Legislature hereby support New York State Senate bill S.2272 and New York State Assembly bill A994 to impose criminal convictions for persons who are driving drunk where a child, under the age of 17, is a passenger in their vehicle; 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: April 4, 2006

s:\memres\mr-penalties-alcohol-convictions

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

Mem. Res. No. 14-2006

LOT 3/14/2006

Introduced by Legislator Stern, Romaine, Lindsay, Eddington, Kennedy, Mystal, Alden, Schneiderman, Browning, Losquadro, Horsley, D'Amaro, Cooper

MEMORIALIZING RESOLUTION IN SUPPORT OF NEW YORK STATE SENATE BILL S.06622 AND NEW YORK STATE ASSEMBLY BILL A.09470

WHEREAS, many senior citizens, at the time of their retirement, live on a fixed income; and

WHEREAS, increasing taxes are a particular burden on senior citizens in our County, making it difficult for them to remain in their homes; and

WHEREAS, after retirement, many older individuals stay active by participating in volunteer work, and

WHEREAS, the experience and knowledge offered by senior citizens can and should be encouraged to enhance our communities; and

WHEREAS, the New York State Legislature has introduced a bill that will give local governments the option to offer senior citizens a reduction of up to \$750 in their real property taxes in exchange for performing volunteer services; and

WHEREAS, the purposed state legislation would allow senior citizens to give back to their communities, stay active, and receive a reduction in their taxes for doing so; now, therefore, be it

1st RESOLVED, that this Legislature supports New York State Senate Bill (S.06622) and New York State Assembly Bill (A.09470) which would allow communities to design and implement a program that would provide senior citizen volunteers with a reduction in their real property taxes; 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: April 4, 2006

s:\memres\mr-tax abatement

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

Mem. Res. No. 15-2006

LOT 3/14/2006

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

MEMORIALIZING RESOLUTION IN SUPPORT OF UNITED STATES SENATE BILL (S.1103) TO REPEAL THE INDIVIDUAL ALTERNATIVE MINIMUM TAX

WHEREAS, the federal Alternative Minimum Tax was created in 1969 to prevent wealthy taxpayers from abusing tax deductions that were intended to ease the tax burden of working-class families; and

WHEREAS, because the Alternative Minimum Tax has never been adjusted for inflation, increasing numbers of middle-income families are paying this tax; and

WHEREAS, it is estimated that 47,000 middle class families on Long Island were impacted by the Alternative Minimum Tax in the 2005 tax year and that number will increase four-fold in 2006, to 193,000 families; and

WHEREAS, that most of the pain associated with this tax is borne by families that earn between \$100,000 and \$200,000, pay high local taxes and have children and mortgages – a description that fits many Suffolk County families; and

WHEREAS, this Legislature believes that Suffolk County families need and deserve relief from this onerous tax; and

WHEREAS, legislation has been introduced in the United States Senate that would eliminate the Alternative Minimum Tax; now, therefore, be it

1st RESOLVED, that this Legislature supports United States Senate Bill S.1103, which would repeal the Alternative Minimum Tax; and be it further

2nd RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to President Bush; to Senators Charles E. Schumer and Hillary Rodham Clinton; to the Majority and Minority Leaders of the United States Senate; to the Majority and Minority Leaders of the United States House of Representatives; and to Congressmen Timothy Bishop, Carolyn McCarthy, Steve Israel, Gary Ackerman, and Peter King.

DATED: April 4, 2006

s:\memres\mr-us-alternative minimum tax

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

Mem. Res. No.16-2006

LOT 3/14/2006

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

MEMORIALIZING RESOLUTION REQUESTING UNITED STATES CONGRESS TO ENACT THE MEDICARE INFORMED CHOICE ACT OF 2005

WHEREAS, participation rates by private drug plans and new Medicare Advantage plans in the new Part D drug program will be much higher than originally predicted; and

WHEREAS, Congress should make sure that enrollees' initial choices don't negatively impact Medicare beneficiaries who may have acted without all the information needed to make the best choice; and

WHEREAS, by delaying late enrollment penalties, giving every beneficiary a chance to change plans during the first year of the program, and protecting seniors with

employer-provided retiree health benefits, enrollees can be sure that they will not be penalized by acting to elect to participate in this program too quickly; and

WHEREAS, it is imperative that seniors receive the greatest value possible out of this new drug benefit, and Congress should remove provisions that could force seniors into making inappropriate plan choices; now, therefore, be it

RESOLVED, that this Legislature hereby requests the U.S. Congress to enact the Medicare Informed Choice Act of 2005 (S. 1841 and H.R. 3861) which would provide extended and additional protection to Medicare beneficiaries who enroll in the Medicare prescription drug benefit during 2006; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to President Bush; to Senators Charles E. Schumer and Hillary Rodham Clinton; to the Majority and Minority Leaders of the United States Senate; to the Majority and Minority Leaders of the United States House of Representatives; and to Congressmen Timothy Bishop, Carolyn McCarthy, Steve Israel, Gary Ackerman, and Peter King.

DATED: April 4, 2006

S:\memres\mr-us-medicare-informed-choice

Legislator Cooper made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 17-0-1-0. Legislator Nowick abstained.

Mem. Res. No. 17 -2006
Introduced by Legislator Cooper, Schneiderman

LOT 3/14/2006

MEMORIALIZING RESOLUTION IN SUPPORT OF SHARED PARENTING BILLS

WHEREAS, the current divorce rate for first marriages on Long Island is estimated at 50%; and

WHEREAS, divorce is difficult on all involved parties, but children are especially vulnerable to its negative impacts; and

WHEREAS, according to reports by the National Institute of Mental Health, custody arrangements which effectively remove one parent from a child's life, are often detrimental to the child's normal development; and

WHEREAS, studies have shown that children generally fare better when a joint-custody agreement is in place; and

WHEREAS, a parent's obligation to raise their children should not and does not end with a divorce; and

WHEREAS, public policy must encourage parents to share the rights and responsibilities of child rearing and assure that minor children have frequent and continuing contact with both parents after a marriage dissolves; and

WHEREAS, legislation has been introduced in the New York State Senate and Assembly that would establish a presumption in favor of joint custody in matrimonial proceedings and require the courts to award custody to both parents in the absence of allegations that joint custody would be harmful to the children involved; now, therefore be it

1st RESOLVED, that this Legislature hereby supports New York State Senate Bill S.291 and New York State Assembly Bill A.00330, which would create a statutory presumption of joint custody for all minor children whose parents are no longer married; 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: April 4, 2006

s:\memres\mr-shared parenting

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

Intro. Res. No. 1477-2006

Laid on Table 4/4/2006

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

RESOLUTION NO. 360 -2006, AUTHORIZING ACQUISITION UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – PARKLAND FOR THE SCHMIDT FAMILY REVOCABLE TRUST PROPERTY – ARTHUR KUNZ COUNTY PARK ADDITION (TOWN OF SMITHTOWN – SCTM NO. 0800-022.00-01.00-006.000)

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 parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands State II Acquisition Program; and

WHEREAS, Resolution No. 621-2004 authorized planning steps for the acquisition of the subject property in the Town of Smithtown; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of the said request of acquiring the land under the Suffolk County Multifaceted Land Preservation Program; 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 Smithtown under the Suffolk County Multifaceted Land Preservation Program for parkland purposes, for the total purchase price of Nine Hundred Seventy Five Thousand Dollars (\$975,000.00±), 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</u>	<u>ACRES:</u>	<u>REPUTED OWNER</u>
<u>No. 1</u>	<u>TAX MAP NUMBER</u>		<u>AND ADDRESS:</u>
	District 0800	6.2±	Schmidt Family Revocable Trust
	Section 022.00		1 Landing Road
	Block 01.00		Kings Park, NY 11754
	Lot 006.000		

and, be it further

2nd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$975,000.00±, subject to a final survey, from previously appropriated funds in Capital Project MLPP-525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program-Parkland, for this acquisition; and, be it further

3rd **RESOLVED**, that the title to these acquisitions shall be held by the County and be dedicated to the County Department of Parks, Recreation and Conservation for parkland purposes; and, be it further

4th **RESOLVED**, that any conservation easement acquired under this program shall be acquired pursuant to Section 25-6B of Chapter 25 or the SUFFOLK COUNTY CODE; and, be it further

5th **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

6th **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

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

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

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

and, be it further

7th **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 6, 2006

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

Intro. Res. No. 1493-2006
Introduced by Presiding Officer Lindsay and Legislator Browning

Laid on Table 4/4/2006

RESOLUTION NO. 361 -2006, ADOPTING LOCAL LAW NO. 27 -2006, A LOCAL LAW TO AMEND THE SUFFOLK COUNTY FAIR SHARE FOR HEALTH CARE ACT

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on April 4, 2006, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE SUFFOLK COUNTY FAIR SHARE FOR HEALTH CARE ACT**"; now, therefore, be it

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

LOCAL LAW NO. 27 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND THE SUFFOLK COUNTY FAIR SHARE FOR HEALTH CARE ACT

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 Chapter 325 of the Suffolk County Code requires that covered employers spend a minimum level of funding on health care for employees, based on the number of hours the employees work in a year.

This Legislature further finds and determines that amendments to Chapter 325 are necessary in order to clarify and simplify various aspects of the law.

This Legislature also finds and determines that streamlining the procedures for compliance with and administration of the law will facilitate and ensure the law's successful implementation.

Therefore, the purpose of this law is to amend Chapter 325 of the Suffolk County Code by including additional compliance options, streamlining administrative procedures, and ensuring fair application of the law.

Section 2. Amendment

I. Section 325-2 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

§ 325-2. Definitions.

* * *

HEALTH-CARE EXPENDITURE --Any amount paid by a covered employer to [an] employees or to another party [on behalf of an employee] for the purpose of providing health care services or reimbursing the cost of such services for [the] employees or family of [the] employees. "Health Care Expenditure" includes, but is not limited to: (i) contributions by a covered employer to a health savings account, as defined under Section 223 of the United States Internal Revenue Code [on behalf of its employee or the family of its employee] or to any other account having substantially the same purpose or effect without regard to whether such contributions qualify for a tax deduction or are excludable from employee income; [or](ii) reimbursement by a covered employer

of health care expenses incurred by its employees or the family of its employees, whether or not the employees had any preexisting entitlement to such reimbursement under any plan, fund or program maintained by the employer; (iii) expenditures made by a covered employer to operate a work place health clinic or to provide any health-related services to employees in the workplace; or (iv) contributions by a covered employer to any federally qualified health center or other community health center serving uninsured low-income persons that is located in an area of the County where the employer operates a store or where employees of the employer reside, without regard to whether such contributions are designated for a particular individual or group of individuals, notwithstanding anything herein to the contrary. "Health-Care Expenditure" does not include any payment made directly or indirectly for workers' compensation, Medicare benefits or any other health benefits costs, taxes or assessments that the employer is required to pay by state or federal law, or any payroll deductions or other costs paid by employees for health-care services.

* * *

- II. Section 325-3 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 325-3. Requirements.

A. Covered employers shall make minimum health-care expenditures on behalf of their employees each year. A covered employer's minimum health-care expenditure each year shall be not less than the public health care cost rate [\$3.00] multiplied by the total number of hours worked by employees of the covered employer over the year, beginning in the first full calendar year after the effective date of this law. The public health care cost rate shall be a rate that approximates the cost to the public health care system of providing health care to one uninsured employee. This rate shall be calculated by the administering agency by determining the average annual premium cost under the Family Health Plus Program of providing health coverage to one adult on Long Island, and dividing that amount by two thousand eighty (2080) to determine a prorated hourly rate. The administering agency shall determine [adjust] this rate annually based on the most recent available Family Health Plus premium cost data and shall publish the updated rate by October 1 of each year beginning in 2006. [to reflect changes in the medical component of the consumer price index for all urban consumers, as reported by the United States Department of Labor for the New York-Northern New Jersey-Long Island region.] A covered employer may use any reasonable methodology, consistent with regulations promulgated by the administering agency, to determine (1) the number of hours worked during the year by its employees, and (2) the value of its health care expenditures during the year. At the covered employer's election, health care expenditures made between January 1 and January 31 may be credited towards satisfaction of that preceding year's minimum health care expenditures; provided that no health care expenditures may be credited toward more than one year.

* * * *

D. Covered employers shall report [annually] by March 1 of each year beginning in 2008 on a form prescribed by the administering agency the [following information:] total number of hours worked by the employees of the covered employer during the preceding calendar year, and the covered employer's health-care expenditures [over the prior year; payroll records indicating name, address, job title; and the dates and hours

worked of each employee during the reporting period] during the preceding calendar year. Such records filed with the administering agency shall be available to the public for inspection and copying to the same extent that such information may be released under New York Public Officers Law Section 87 [; provided, however, that a covered employer that is a signatory to one or more collective bargaining agreements may comply with this law as provided in Section 6 of this law].

[E. A covered employer shall: (1) maintain accurate records for each employee's name and the dates and hours worked by each employee; (2) permit employees or their designated representatives access to records maintained pursuant to this subsection for inspection and copying; and (3) maintain accurate records of the covered employer's health care expenditures each year. Covered employers shall not be required to maintain such records regarding health care expenditures in any particular form.]

III. Section 325-4 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

§ 325-4. Enforcement; penalties for offenses.

A. A covered employer that violates this law by making health care expenditures during a given year that fall short of its minimum health care expenditure shall be required to pay a civil penalty equal to the amount of the shortfall [, and shall be required to correct such violation by increasing its health care expenditures to make up for the past shortfall within ninety days of such determination. The administering agency shall serve a notice to correct such violation which shall specify the date by which the violation shall be corrected. Failure to correct such violation pursuant to this subsection shall subject a covered employer to an additional civil penalty of up to \$15.00 per employee for each day such violation continues]. A covered employer that violates this article by failing to provide information to the administering agency as required under this article, or by retaliating against any person in violation of this article, shall be subject to a civil penalty in the amount of up to \$250 for each day that a violation occurred or remains unremedied. Civil penalties assessed pursuant to this article shall be paid to the County and deposited into the general fund.

B. The administering agency shall [be empowered] take appropriate action to enforce this article, including but not limited to [by auditing covered employers to monitor their compliance; establishing a system to accept complaints from any person charging that a covered employer has violated this article; investigating complaints received; conducting inspections at a covered employer's workplace; examining the books, documents and records pertaining to the health-care expenditures made by a covered employer, and the hours of work performed by its employees; issuing subpoenas, administering oaths and examining witnesses pursuant to the New York Civil Practice Law and Rules; negotiating settlements with covered employers;] investigating possible violations, holding administrative hearings over alleged violations[; making findings of violations] and ordering the payment of civil penalties by [the] covered employers [and any other appropriate relief,] found to have violated this section [including disclosure of required information or reinstatement of employees discharged in violation of this article; supervising the payment of civil penalties; and delegating any of the foregoing powers to its deputy or other authorized representative]. Findings rendered by the administering agency shall be subject to review pursuant to Article 78 of the New York Civil Practice Law and Rules. In any proceeding investigating a complaint of an alleged violation of

this article, the person filing the complaint shall be deemed to be a party to the proceeding and shall be permitted to participate in the proceeding.

C. It shall be unlawful for any covered employer to deprive or threaten to deprive any person of employment, take or threaten to take any reprisal or retaliatory action against any person, or directly or indirectly, intimidate, threaten, coerce, command or influence or attempt to intimidate, threaten, coerce, command or influence any person because such person has taken an action to enforce, inquire about, or inform others about the requirements of this article. [Taking adverse action against a person within ninety (90) days of a person's exercise of rights protected under this law shall raise a rebuttable presumption that such action was in retaliation for the exercise of such rights. Any person who has suffered retaliation by a covered employer in violation of this law may bring an action in any court of competent jurisdiction against the covered employer and, upon a determination of a violation, shall be awarded liquidated damages in the amount of \$250.00 for each day that the violation occurred or remains unremedied, any other appropriate legal or equitable relief, and reasonable attorney's fees and costs incurred in maintaining the action.]

D. Any enforcement proceeding or civil action commenced under this article must be commenced within three years after the date of the occurrence or termination of the alleged violation.

* * *

IV. Section 325-6 of the SUFFOLK COUNTY CODE is hereby repealed.

V. Section 325-7 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 325- 6 [7] Applicability.

This law shall take effect on January 1, [2006] 2007, [but] and the obligation of covered employers to make prevailing health care expenditures and to comply with other requirements of this law shall [not] commence [until May 1, 2006] at that time.

Section 3. Severability

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

Section 4. SEQRA Determination

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to

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

Section 5. Effective Date.

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

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of the County of Suffolk
after a public hearing duly held on April 18, 2006

Date of Approval: April 18, 2006
Filed with the Secretary of State on June 16, 2006

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

Intro. Res. No. 1290-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine, Browning, Presiding Officer Lindsay, Viloría-Fisher, Horsley, Mystal, Stern, D’Amaro, Cooper, and Schneiderman

RESOLUTION NO. 363 -2006, ADOPTING LOCAL LAW NO. 21 -2006, A LOCAL LAW EXPANDING VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS REAL PROPERTY TAX EXEMPTIONS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on April 4, 2006, a proposed local law entitled, **“A LOCAL LAW EXPANDING VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS REAL PROPERTY TAX EXEMPTIONS,”** 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. 21 -2006, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW EXPANDING VOLUNTEER FIRE FIGHTERS AND
VOLUNTEER AMBULANCE WORKERS REAL PROPERTY TAX
EXEMPTIONS**

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

Section 1. Legislative Intent.

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

This Legislature further finds and determines that the New York State Legislature recently enacted New York Real Property Tax Law § 466-f to authorize municipalities to extend volunteer firefighters and volunteer ambulance workers real property tax exemptions to un-remarried spouses of deceased volunteer firefighters or ambulance workers killed in the line of duty.

This Legislature also finds and determines that volunteer firefighters and ambulance workers in Suffolk County should be entitled to the full extent of the exemptions permitted under state law.

This Legislature further determines that extending a real property tax exemption to un-remarried spouses of deceased volunteer firefighters and ambulance workers killed in the line of duty will lead to greater retention and recruitment in the volunteer services thereby avoiding the necessity to add additional paid personnel.

Therefore, the purpose of this law is to amend Chapter 458 of the Suffolk County Code to extend real property tax exemptions to the un-remarried spouses of deceased volunteer firefighters and ambulance workers killed in the line of duty.

Section 2. Amendment.

Section 458-40 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 458
TAXATION

* * * *

ARTICLE XIV
Exemption for Volunteer Fire Fighters and Ambulance Workers

§ 458-40. Exemption granted.

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, or such enrolled member and spouse, or such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty, shall be exempt from taxation to the extent of 10[96] percent of the assessed value of such property for County purposes, exclusive of special assessments.

§ 458-41. Criteria for exemption.

* * * *

G.) Where an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service is killed in the line of duty, a deceased enrolled member's un-remarried spouse may continue to claim a real property exemption obtained under sections 458-40 and 41, provided, however that:

- 1.) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who was killed in the line of duty; and
- 2.) such deceased volunteer had been an enrolled member for at least five years; and
- 3.) such deceased volunteer had been receiving the exemption prior to his or her death.

Section 3. Applicability.

This law shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2006.

Section 4. Filing.

The Clerk of the Suffolk County Legislature is hereby directed to file a copy of this law with the State Board of Real Property Services and the ten (10) town assessors who prepare the assessment roll on which the taxes of this County are levied.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

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

Section 6. SEQRA Determination.

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

Section 7. Effective Date.

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

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

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 10, 2006
After a public hearing duly held on April 4, 2006
Filed with the Secretary of State on April 14, 2006

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

Intro. Res. No. 1324-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine Eddington, Alden, Schneiderman, Browning, Kennedy, Horsley, Mystal, Stern, D’Amaro, Cooper and Vilorio-Fisher

RESOLUTION NO. 364 -2006, ADOPTING LOCAL LAW NO. 22 -2006, A LOCAL LAW EXPANDING VETERANS ALTERNATIVE REAL PROPERTY TAX EXEMPTION

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on April 4, 2006, a proposed local law entitled, “**A LOCAL LAW EXPANDING VETERANS ALTERNATIVE REAL PROPERTY TAX EXEMPTION**,” 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. 22 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW EXPANDING VETERANS ALTERNATIVE REAL PROPERTY TAX EXEMPTION

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, pursuant to New York Real Property Tax Law § 458-a, the County of Suffolk offers the alternative veterans property tax exemption to disabled, wartime and combat veterans, and Gold Star Parents residing in Suffolk County.

This Legislature hereby finds and determines that the New York State Legislature recently amended New York Real Property Tax Law § 458-a to allow local municipalities the option to increase the alternative veterans real property tax exemption.

This Legislature also finds and determines that pursuant to the newly amended New York Real Property Tax Law § 458-a (2)(d)(ii), Suffolk County qualifies as a “high appreciation municipality” and may offer veterans an even greater exemption than previously allowed.

This Legislature also finds that it has been the County’s consistent policy to fully recognize the sacrifices made by veterans in defense of our country by offering all eligible veterans the maximum tax exemptions allowable under state law.

Therefore, the purpose of this law is to amend and update Chapter 458 of the Suffolk County Code to ensure that all eligible veterans receive the maximum alternative real property tax exemption available under the law.

Section 2. Amendment.

Section 458-23 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 458
TAXATION

* * * *

ARTICLE VIII

Exemption for Veterans; Gold Star Parents

* * * *

§ 458-23. Exemption granted to veterans and Gold Star Parents

- A. The maximum exemption allowable to qualifying residential real property exempt from taxation, under § 458-a of the New York Real Property Tax Law to the extent of 15% of the assessed value, shall be increased from [\$18,000 to] \$27,000 to \$54,000.
- B. In addition to the exemption provided by Subsection A of this section, the maximum exemption allowable to veterans who served in a combat theater or combat zone of operations, as documented by the award of the United States Campaign Ribbon or Service Medal, or the armed forces expeditionary medal, naval expeditionary medal, Marine Corps expeditionary medal, or global war on terrorism expeditionary medal shall be increased from [\$18,000 to] \$27,000 to \$36,000.
- C. The maximum exemption allowable, as an additional exemption available to a veteran who has received a compensation rating from a New York veterans organization or the United States Department of Defense because of a service-connected disability, calculated as the product of the assessed value multiplied by 50% of the veteran's disability rating under § 458-a of the New York Real Property Tax Law, is hereby increased from [\$60,000 to] \$90,000 to \$180,000.

* * * *

Section 3. Applicability.

This law shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 2, 2006.

Section 4. Filing.

The Clerk of the Suffolk County Legislature is hereby directed to file a copy of this law with the State Board of Real Property Services and the ten (10) town assessors who prepare the assessment roll on which the taxes of this County are levied.

Section 5. Severability.

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

Section 6. SEQRA Determination.

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

Section 7. Effective Date.

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

[] Brackets denote deletion of language.

___ Underlining denotes addition of new language.

DATED: April 4, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 10, 2006
After a public hearing duly held on April 4, 2006
Filed with the Secretary of State on April 14, 2006

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

Mem. Res. No. 26-2006

LOT 4/4/06

Introduced by Presiding Officer Lindsay, Alden, Schneiderman, Browning, Viloría-Fisher, Horsley, Stern, D'Amaro, Cooper, Barraga

MEMORIALIZING RESOLUTION REQUESTING STATE OF NEW YORK TO ENACT ASSEMBLY BILL A.9807 AND SENATE BILL S.6787 TO HALT THE PUBLIC SERVICE COMMISSION FROM ITS CURRENT PROCEEDINGS TO ELIMINATE TELECOMMUNICATION CONSUMER PROTECTIONS

WHEREAS, universal access to affordable quality telephone service and consumer protection has been a longstanding objective of New York State; and

WHEREAS, the Public Service Commission (PSC) issued a report (entitled "COMP III"), which proposal changing the telecommunications landscape for decades to come, but did so with virtually no public input from local and state officials; and

WHEREAS, this report indicates that the PSC intends to eliminate consumer protection in the area of service quality, which would adversely affect Long Islanders and their rates for telephone and broadband services; and

WHEREAS, this potential deregulation would result in a failure to maintain subscribership in the existing telephone lifeline program, a critical need for many of our residents; and

WHEREAS, the PSC plans to eliminate consumer protections as well as the penalties on companies that violate traditional service quality standards; and

WHEREAS, the PSC's plan to lift consumer protections and price caps will hurt New York consumers, especially rural, low-income urban, and senior citizens; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the State of New York to enact Assembly Bill No. A9807 and Senate Bill No. S6787A to halt the Public Service Commission from its current proceedings to eliminate telecommunication consumer protections; 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: April 4, 2006

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

Mem. Res. No. 28-2006
Introduced by Presiding Officer Lindsay

LOT 4/4/06

**MEMORIALIZING RESOLUTION IN SUPPORT OF THE FAIR
SHARE FOR HEALTH CARE ACT (S.7090)**

WHEREAS, the growing number of individuals and families without health insurance is one of the greatest crises facing New York State; and

WHEREAS, the rising cost of public health programs, especially Medicaid, is a great strain on the finances of state and county government, and a major cause of the growing property-tax burden; and

WHEREAS, nearly three million New Yorkers lack any health insurance, and many more have inadequate insurance that fails to cover vital services and leaves them unable to pay their medical bills; and

WHEREAS, the great majority of New York's uninsured are employed or are the dependents of workers; and

WHEREAS, nearly half a million recipients of Medicaid or other public health programs are employed, and nearly one million are the dependents of workers; and

WHEREAS, the employers of both the uninsured and Medicaid recipients are often large, profitable businesses; and

WHEREAS, it is rightly the responsibility of these businesses and not the general public to pay for health benefits for these workers; and

WHEREAS, employers that fail to provide health insurance not only deny their workers needed care, but impose great costs on the public; and

WHEREAS, care for the uninsured is a major driver of rising insurance premiums, adding \$233 to the cost of individual coverage and \$640 to the cost of family coverage according to one recent study; and

WHEREAS, Wal-Mart alone has an estimated 3,000 workers (plus their dependents) enrolled in public health programs, costing taxpayers more than \$20 million, and 10,000 workers with no insurance, costing the public another \$10-15 million; and

WHEREAS, the failure of businesses such as Wal-Mart to provide adequate health benefits creates competitive pressure on other businesses to reduce benefits, undermining our system of employer-sponsored health care; and

WHEREAS, it is impossible to bring government expenditures on health care under control as long as these businesses continue to shift their costs to the public; and

WHEREAS, most large businesses in New York do provide decent health coverage for their employees, proving that it is economically feasible to do so; and

WHEREAS, New York businesses are paying higher taxes and insurance premium because of the failure of giant, national corporations to provide adequate health benefits; and

WHEREAS, businesses that do the right thing and provide insurance to their employees should not be penalized by being forced to subsidize health care for workers at businesses that fail to provide it; and

WHEREAS, it is a fundamental American principle that working people are entitled to a living wage that is sufficient for the necessities of life, including health care; and

WHEREAS, New York State has both the legal authority and the moral responsibility to demand that large businesses do their fair share to pay for health coverage for their employees; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby requests the State of New York State to enact Senate bill S.7090, which would require all businesses with over 100 workers in New York State to pay the cost of health benefits 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 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: April 4, 2006

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ADJOURNED 6:48PM
TIM LAUBE, CLERK OF THE LEGISLATURE