

SEVENTH DAY
REGULAR MEETING
MAY 16, 2006

Minutes of the Regular Meeting of the County Legislature of Suffolk County, New York, held in the Evans K. Griffing County Center, Maxine Postal Legislative Auditorium, 300 Center Drive, Riverhead, New York, at 9:30 a.m., pursuant to notice duly given.

The meeting was called to order at 9:37 a. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Viloría-Fisher, Legislators Romaine, Schneiderman, Browning, Caracappa, Losquadro, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, Mystal, Stern, and D'Amaro.

Legislator Horsley arrived at 9:41 a.m.
Legislator Cooper arrived at 10:22 a.m.

Pledge of Allegiance.

Statements and Presentations
Public Portion

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

The Clerk called the roll and the following were found present: Presiding Officer Lindsay, Deputy Presiding Officer Viloría-Fisher; Legislators Romaine, Schneiderman, Browning, Losquadro, Eddington, Montano, Barraga, Nowick, Mystal, Stern, D'Amaro and Cooper.

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

Intro. Res. No. 1425-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 365 -2006, ACCEPTING AND APPROPRIATING A GRANT AWARD FROM THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION FOR A HIGHER EDUCATION SERVICES CORPORATION (HESC) FINANCIAL AID TRAINING GRANT 100% REIMBURSED BY STATE FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, Suffolk County Community College has received a grant award from the New York State Higher Education Services Corporation, in the amount of \$7,175, for a Higher Education Services Corporation (HESC) Financial Aid Training Grant, for the period of January 1, 2006 through December 31, 2006; and

WHEREAS, the grant provides for meeting costs associated with financial aid and bursar office staffs' student financial aid training on the rules and regulations of federal student aid and the grants, scholarships and loan programs administered by HESC; and

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

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the grant award on March 9, 2006 by Resolution No. 2006.; and

WHEREAS, the College anticipates spending the \$7,175 in accordance with the terms of said grant award by December 31, 2006; now therefore be it

1ST RESOLVED, that said grant award from the New York State Higher Education Services Corporation, for a Higher Education Services Corporation (HESC) Financial Aid Training Grant, in the amount of \$7,175, be accepted and appropriated for the operation of the program as follows:

REVENUES	AMOUNT
State Aid: HESC Financial Aid Training: 818-GRC-3264-06	\$ 7,175

APPROPRIATIONS	AMOUNT
HESC Financial Aid Training: 818-GRT-GC36-06	\$ 7,175

Suffolk County Community College
HESC Financial Aid Training Grant
818-GRT-GC36-06

4300-Travel	\$ 7,175
4340-Travel, Other	\$ 7,175

DATED: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

Intro. Res. No. 1431-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 366 -2006, ACCEPTING AND APPROPRIATING A GRANT AWARD FROM ST. CHARLES HOSPITAL, ST. CATHERINE OF SIENA MEDICAL CENTER, AND CENTRAL SUFFOLK HOSPITAL FOR NURSING FACULTY 100% REIMBURSED BY PRIVATE FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, Suffolk County Community College has entered into a Memorandum of Understanding (MOU) with St. Charles Hospital (St. Charles), St. Catherine of Siena Medical Center (St. Catherine), and Central Suffolk Hospital (Central Suffolk), each for the amount of \$76,007, for a total of \$228,021, for the first year of a six-year period, from January 1, 2006 through December 31, 2006; and

WHEREAS, the funding will provide for the cost of salaries and benefits for additional nursing faculty to expand the Nursing Program at Suffolk County Community College by thirty (30) seats per academic year to accommodate qualified employees of St. Charles, St. Catherine and Central Suffolk; and

WHEREAS, the Memoranda of Understanding between Suffolk County Community College and St. Charles, St. Catherine, and Central Suffolk have occurred after the beginning of the fiscal year, and as such are being viewed as grant-funded agreements for the Spring 2006 semester; and

WHEREAS, funding for the salaries and benefits for two nursing faculty positions for the Spring 2006 semester will be in the amount of \$78,274, including fringe benefits; and

WHEREAS, no matching funds are required; and

WHEREAS, the Board of Trustees of Suffolk County Community College approved the Memoranda of Understanding with St. Charles, St. Catherine, and Central Suffolk on December 8, 2005 by Resolution No. 2005.108, and on January 19, 2006 by amending Resolution 2006.4, to view the funding received by the College as a grant for the 2005-2006 fiscal period; and

WHEREAS, the College anticipates spending the \$78,274, for the Spring 2006 semester, in accordance with the terms of said Memoranda of Understanding; and

WHEREAS, the remainder of the funds will be appropriated in the 2006-2007 College Operating Budget; now therefore be it

1ST RESOLVED, that said Memoranda of Understanding between Suffolk County Community College and St. Charles, St. Catherine, and Central Suffolk, for the creation of additional faculty positions to expand the Nursing Program, in the amount of \$228,021 for the first year of the agreements, be accepted; and be it further

2ND RESOLVED, that \$78,274 for the Spring 2006 semester, be appropriated for the operation of the program as follows:

REVENUES	AMOUNT
Private Aid: SCH, SCSMC, SCH Nursing Grant: 818-2510	\$ 78,274

APPROPRIATIONS	AMOUNT
SCH, SCSMC, SCH Nursing Grant: 818-GRT-GC40	\$ 78,274

Suffolk County Community College
SCH, SCSMC, SCH Nursing Grant
818-GRT-GC40

1000-Personal Services	\$ 57,290
1100-Permanent Salaries	57,290
8000-Employee Benefits	\$ 20,984
8160-TIAA/CREF Retirement	4,584
8300-Workers' Comp	330
8330-Social Security	4,383
8350-Unemployment Insurance	102
8360-Health Insurance	10,042
8380-Benefit Fund Contribution	1,543

and be it further

3RD **RESOLVED**, that the following positions be created for the entire period of the grant:

Budget Line No.	Title	Spec No.	Bargaining Unit
2309-3001-1010	Assistant Professor	9105	03
2309-3001-1020	Assistant Professor	9105	03

DATED: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

Intro. Res. No. 1486-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 4/4/2006

RESOLUTION NO. 367 -2006, ACCEPTING AND APPROPRIATING AN AMENDMENT TO THE

**COLLEGE BUDGET FOR A GRANT AWARD FROM
THE U. S. DEPARTMENT OF EDUCATION FOR A
FEDERAL WORK-STUDY PROGRAM 100%
REIMBURSED BY FEDERAL FUNDS AT SUFFOLK
COUNTY COMMUNITY COLLEGE**

WHEREAS, the 2005-2006 College Operating Budget provides \$546,400 in anticipation of a Federal Work-Study Program grant; and

WHEREAS, the actual grant award from the U. S. Department of Education included an additional amount of \$32,002 bringing the total amount of the grant award to \$578,402 for the period of July 1, 2005 through June 30, 2006; and

WHEREAS, it is necessary to amend the College budget in the amount of \$32,002 to provide for the increase in the grant award; and

WHEREAS, the Federal Work-Study Program grant is allocated to Ammerman, Grant and East Campuses of Suffolk County Community College; and

WHEREAS, the amended amount of \$32,002 will be allocated to all campuses according to the Campus wage distribution percentages as follows: Ammerman (45.5%) \$14,561, Grant (39.5%) \$12,641, and East (15%) \$4,800; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the Federal Work-Study Program grant award on May 12, 2005 by Resolution No. 2005.52; and

WHEREAS, the College anticipates spending the increase in the grant award in the amount of \$32,002 in accordance with the terms of said grant before June 30, 2006; now therefore, be it

RESOLVED, that said 2005-2006 College budget be amended to reflect the increase in the amount of the grant award and \$32,002 to be appropriated for the operation of the program as follows:

REVENUES:	AMOUNT:
Federal Aid: Federal Work-Study Program: 818-4205	\$ 32,002

APPROPRIATIONS:

Suffolk County Community College
Federal Work-Study Program
818-GRT-GA01

1000-Personal Services	\$ 14,561
1130-Temporary Salaries	14,561

Suffolk County Community College
Federal Work-Study Program
818-GRT-GW01

1000-Personal Services	\$ 12,641
1130-Temporary Salaries	12,641

Suffolk County Community College
Federal Work-Study Program
818-GRT-GE01

1000-Personal Services	\$ 4,800
1130-Temporary Salaries	4,800

DATED: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

Intro. Res. No. 1452-2006
Introduced by Presiding Officer

Laid on Table 4/4/2006

RESOLUTION NO. 368 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED SOUTHWEST INFILTRATION/INFLOW STUDY AND SEWER REHABILITATION TO SEWER DISTRICT NO. 3, CP #8181, TOWN OF BABYLON

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Southwest Infiltration/Inflow Study and Sewer Rehabilitation to Sewer District No. 3, CP #8181, Town of Babylon", pursuant to Section 6 of Local Law No. 22-1985 which project involves the evaluation of extraneous flows into the sanitary sewer system with recommendations for rehabilitation on sewers, manholes, and appurtenances. The initial project involves the service areas for Pump Stations 1 (West Islip) and 3 (Brightwaters) as well as some sewer lining work; and

WHEREAS, at its March 15, 2006 meeting, the CEQ reviewed the information submitted by the Suffolk County Department of Public Works in connection with this project; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated March 20, 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 Southwest Infiltration/Inflow Study and Sewer Rehabilitation to Sewer District No. 3, CP #8181, Town of Babylon" constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR Part 617.5(c)(1)(2) and (25) and Chapter 279 of the Suffolk County Code, which project involves the maintenance and rehabilitation involving no substantial changes to an existing structure or in-kind reconstruction of a structure or facility and the purchase of equipment; and be it further

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

3rd RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

Intro. Res. No. 1453-2006
Introduced by Presiding Officer

Laid on Table 4/4/2006

RESOLUTION NO. 369 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED SOUTHWEST GRIT IMPROVEMENT TO SEWER DISTRICT NO. 3, CP #8170, TOWN OF BABYLON

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Southwest Grit Improvement to Sewer District No. 3, CP #8170, Town of Babylon", pursuant to Section 6 of Local Law No. 22-1985 which project

involves improvement and expansion. The major elements include a third grit tank, a grit building extension, two additional truck unloading lanes, a scavenger grit removal building, odor control, and site work; and

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

WHEREAS, at its March 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated March 20, 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 Southwest Grit Improvement to Sewer District No. 3, CP #8170, Town of Babylon” constitutes an unlisted action pursuant to the provision 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 Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;
- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and 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); and
- 4.) The plant’s treatment process will be improved;

and be it further

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

3rd RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: May 16, 2005

APPROVED BY:

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

Date: May 18, 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. 1454-2006
Introduced by Presiding Officer

Laid on Table 4/4/2006

RESOLUTION NO. 370 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED SAFETY AND SECURITY IMPROVEMENTS, CP #8103, AND IMPROVEMENTS TO TREATMENT FACILITY, CP #8163, SEWER DISTRICT NO. 9, COLLEGE PARK, FARMINGVILLE, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Safety and Security Improvements, CP #8103, and Improvements to Treatment Facility, CP #8163, Sewer District No. 9, and College Park, Farmingville, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the construction of a fence around a 30,000 sq. ft. portion of plant site with 0.1 acres disturbed, for the safety and security of the plant. The project also involves the replacement of the biological treatment process for the referenced treatment plant. A process tank, in an addition of approximately 20' x 40', is to be installed adjacent to the existing treatment plant to provide reliable treatment for an extended life at the treatment facility; and

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

WHEREAS, at its March 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated March 20, 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 Safety and Security Improvements, CP #8103, and Improvements to Treatment Facility, CP #8163, Sewer District No. 9, College Park, Farmingville, 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 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;
- 2.) The parcel does not appear to suffer from any severe environmental development constraints (no poor soil properties, no high groundwater and no unmanageable slopes); and
- 3.) The project will improve the plant security and treatment process;

and be it further

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

3rd RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

RESOLUTION NO. 371 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED IMPROVEMENTS TO TREATMENT FACILITY AT SEWER DISTRICT NO. 23 – COVENTRY MANOR, CP #8149, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Improvements to Treatment Facility at Sewer District No. 23 – Coventry Manor, CP #8149, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the replacement of the biological treatment process for the referenced treatment plant. A process tank, approximately 20' x 50', is to be installed adjacent to the existing treatment plant to provide reliable treatment for an extended life; and

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

WHEREAS, at its March 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated March 20, 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 Improvements to Treatment Facility at Sewer District No. 23 – Coventry Manor, CP #8149, Town of Brookhaven" constitutes an unlisted action pursuant to the provision 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 Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;
- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and 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); and
- 4.) The project will improve the plant's treatment process;

and be it further

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

3rd RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

Intro. Res. No. 1456-2006
Introduced by Presiding Officer

Laid on Table 4/4/2006

RESOLUTION NO. 372 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED SAFETY AND SECURITY IMPROVEMENTS TO SEWER DISTRICT NO. 28, FAIRFIELD AT ST. JAMES, CP #8103, TOWN OF SMITHTOWN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Safety and Security Improvements to Sewer District No. 28, Fairfield at St. James, CP #8103, Town of Smithtown", pursuant to Section 6 of Local Law No. 22-1985 which project involves the paving of a 4,706 sq. ft. area and relocation of a fence area to improve sludge withdrawal as well as the replacing of landscaping trees; and

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

WHEREAS, at its March 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated March 20, 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 Safety and Security Improvements to Sewer District No. 28, Fairfield at St. James, CP #8103, Town of Smithtown” constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;
- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and 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.) Plant security and access will be improved; and
- 5.) Any trees that are removed will be replaced;

and be it further

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

3rd RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

Intro. Res. No. 1457-2006
Introduced by Presiding Officer

Laid on Table 4/4/2006

RESOLUTION NO. 373 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF PROPERTY FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE OROWOC CREEK COUNTY PARK ADDITION – ZANGHI PROPERTY, TOWN OF ISLIP

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Property for Open Space Preservation Purposes Known as the Orowoc Creek County Park Addition – Zanghi Property, Town of Islip", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.51 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 March 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated March 20, 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 Property for Open Space Preservation Purposes Known as the Orowoc Creek

County Park Addition – Zanghi Property, Town of Islip” constitutes an unlisted action pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617.7, which sets forth 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: May 16, 2006

APPROVED BY:

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

Date: May 18, 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. 1458-2006
Introduced by Presiding Officer

Laid on Table 4/4/2006

RESOLUTION NO. 374 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED DONATION OF PROPERTY TO SUFFOLK COUNTY PARKS FOR SCDHS TRANSFER OF DEVELOPMENT RIGHTS REQUIREMENT – FILE #C02-02-0138, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Donation of Property to Suffolk County Parks for SCDHS Transfer of Development Rights Requirement, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.14 acres of land by Suffolk County through a donation 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 March 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated March 20, 2006 of said recommendations; and

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

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

1st RESOLVED, that this Legislature hereby determines that the “Proposed Donation of Property to Suffolk County Parks for SCDHS Transfer of Development Rights Requirement – File #C02-02-0138, Town of Brookhaven” constitutes an unlisted action pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; 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: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

Intro. Res. No. 1459-2006
Introduced by Presiding Officer

Laid on Table 4/4/2006

RESOLUTION NO. 375 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED DONATION OF PROPERTY TO SUFFOLK COUNTY PARKS FOR SCDHS TRANSFER OF DEVELOPMENT RIGHTS REQUIREMENT – FILE NO. R02-03-0866 AND 0867, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Donation of Property to Suffolk County Parks for SCDHS Transfer of Development Rights Requirement – File No. R02-03-0866 and 0867, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.50 acres of land by Suffolk County through a donation 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 March 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated March 20, 2006 of said recommendations; and

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

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

1st RESOLVED, that this Legislature hereby determines that the "Proposed Donation of Property to Suffolk County Parks for SCDHS Transfer of Development Rights Requirement – File No. R02-03-0866 and 0867, Town of Brookhaven" constitutes an unlisted action pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; 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: May 16, 2006

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

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

Intro. Res. No. 1460-2006
Introduced by Presiding Officer

Laid on Table 4/4/2006

RESOLUTION NO. 376 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF PROPERTY FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE SAGAPONACK GREENBELT COUNTY PARK ADDITION – ENSLEY PROPERTY, TOWN OF SOUTHAMPTON

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Property for Open Space Preservation Purposes Known as the Sagaponack Greenbelt County Park Addition – Ensley Property, Town of Southampton", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 1.01 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 March 15, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated March 20, 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 Property for Open Space Preservation Purposes Known as the Sagaponack Greenbelt County Park Addition – Ensley Property, Town of Southampton” constitutes an unlisted action pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; 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: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

Intro. Res. No. 1427-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 377 -2006, ACCEPTING AND APPROPRIATING 100% STATE GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE AMY WATKINS CASEWORKER EDUCATION PROGRAM

WHEREAS, the New York State Office of Children and Family Services is providing 100% state grant funding in the amount of \$12,899 for the period of April 1, 2005 through September 15, 2006 for the Amy Watkins Caseworker Education Program, in addition to a reallocation of previously unspent grant funds in the amount of \$50,868 for a total amount available to Suffolk County of \$63,767; and

WHEREAS, the New York State Office of Children and Family Services desires to upgrade the skills of child welfare caseworkers by providing funding for graduate social work education for child welfare caseworkers enrolled in accredited Masters in Social Work degree programs; and

WHEREAS, upgrading the skills of child welfare caseworkers will allow them to provide better services to the citizens of Suffolk County and better protect vulnerable children and providing professional education has been shown to aid in the retention of staff; and

WHEREAS, this program will be administered by the Department of Social Services in accordance with New York State procedures and is exempt from the AME Union negotiated tuition reimbursement guidelines set forth by Suffolk County; and

WHEREAS, this funding is available for payment of tuition, fees, and \$100 per student per semester to subsidize the cost of textbooks; and

WHEREAS, it is in the best interests of Suffolk County to accept these funds; now therefore, be it

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

<u>REVENUES</u>	<u>AMOUNT</u>
001-3610 State Aid: Administration	
	<u>\$63,767</u>
	63,767

ORGANIZATION

Social Services
Training and Staff Development
001-DSS-6016

<u>4000 – Contractual Expenses</u>	<u>\$63,767</u>
4310-Employee Miscellaneous Expenses	63,767

DATED: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

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

Intro Res. No. 1484-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 378 -2006, ACCEPTING AND APPROPRIATING GRANT FUNDS RECEIVED FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, UNDER PROJECT IMPACT II

WHEREAS, New York State Division of Criminal Justice Services has awarded a grant in the amount of \$996,600 to address the reduction of UCR Part1 and other serious crime by implementing an enforcement program of strategy through Operation IMPACT that includes a data-driven multi-agency response to one or more local crime problem; and

WHEREAS, such grant funds are to be distributed between the Suffolk County District Attorney's Office, the Suffolk County Police Department, the Suffolk County Probation Department, the Suffolk County Health Department, the Riverhead Town Police, and the Council for Unity; and

WHEREAS, said grant is to run for the period 7/1/05 through 6/30/06; and

WHEREAS, partial funding has been included in the District Attorney's 2006 Suffolk County Adopted Operating Budget for Project IMPACT II; now, therefore, be it

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

<u>REVENUES:</u>	<u>AMOUNT</u>
001-3321: State Aid Criminal Justice Services	\$ 463,400

ORGANIZATIONS:

District Attorney (DIS)
Operation Impact II
001-1167

<u>CONSULTANT SERVICES</u>	<u>\$25,000</u>
HSR1—Council for Unity (Riverhead School District & Area)	\$10,000
HSQ1—Riverhead Town Police Department	\$15,000

Suffolk County Police Department (POL)
Operation Impact II
001-POL-3273

PERSONNEL **\$252,557**
1120—Overtime \$252,557

CONTRACTUAL EXPENSES **\$2,500**
4340—Travel: Other \$2,500

CONFIDENTIAL SERVICE **\$97,100**
4770—Special Services \$97,100

Retirement
001-EMO-9010

EMPLOYEE BENEFITS **\$47,581**
8280-Retirement \$47,581

Employee Benefits

Social Security
001-EMO-9030

EMPLOYEE BENEFITS **\$3,662**
8330-Social Security \$3,662

Suffolk County Probation Department (PRO)
Operation Impact II
001-PRO-3181

PERSONNEL **\$10,000**
1120—Overtime \$10,000

Suffolk County Health Department-Crime Lab (HSV)
Operation Impact II
001-HSV-4730

PERSONNEL	\$9,000
1120—Overtime	\$9,000
<u>TESTING SUPPLIES</u>	<u>\$16,000</u>
3500—Supplies	\$16,000

and be it further

RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes Type II action; and be it further

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

DATED: May 16, 2006

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

Date: May 18, 2006

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

Intro. Res. No. 1407-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 379 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION
NO. 1267-2005**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 1267-2005; and

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

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

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

Resolution No. 1267-2005

In the fifth RESOLVED paragraph change the Project No.

FROM:

Project No.
525-CAP-7097.111
(Fund 001 – Debt Service)

TO:

Project No.
525-CAP-7097.110
(Fund 001 – Debt Service)

Project No.
525-CAP-7097.311
(Fund 001 – Debt Service)

Project No.
525-CAP-7097.310
(Fund 001 – Debt Service)

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 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. 1408-2006
Introduced by Presiding Officer Lindsay

Laid on Table 4/4/2006

**RESOLUTION NO. 380 –2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
169-2006**

WHEREAS, Resolution No. 169-2006 when adopted contained technical errors;
and

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

RESOLVED, that Appendix A of Resolution 169-2006 be and it hereby is
corrected as follows:

APPROPRIATIONS:

FROM:

<u>FD</u>	<u>AGY</u>	<u>Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	EXE	7326	4981	Child Development & Learning Center, Inc.	-\$2,000

001	EXE	7326	4981	Moriches Community Center, Inc.	-\$2,000
001	EXE	7326	4981	Suffolk County Girl Scouts Council, Inc.	-\$2,500
001	EXE	7326	4981	Suffolk County Girl Scouts Council, Inc. (SU 44)	-\$500

TO:

<u>FD</u>	<u>AGY</u>	<u>Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	EXE	7320	4981	Child Development & Learning Center, Inc.	+\$2,000
001	EXE	7320	4981	Moriches Community Center, Inc.	+\$2,000
001	EXE	7320	4981	Suffolk County Girl Scouts Council, Inc.	+\$2,500
001	EXE	7320	4981	Suffolk County Girl Scouts Council, Inc.	+\$500

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

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

Intro. Res. No. 1435-2006 Laid on Table 4/4/2006
 Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 381 -2006, AUTHORIZING THE
 ISSUANCE OF A CERTIFICATE OF ABANDONMENT
 OF THE INTEREST OF THE COUNTY OF SUFFOLK IN
 PROPERTY DESIGNATED AS TOWN OF SOUTHAMPTON
 SUFFOLK COUNTY TAX MAP NO. 0900-243.00-03.00-042.003
 PURSUANT TO SECTION 40-D OF THE SUFFOLK
 COUNTY TAX ACT**

WHEREAS, a parcel of property lying, situate and being in the Town of Southampton, designated as Suffolk County Tax Map Number 0900-243.00-03.00-042.003 known as Hampton Springs Park Map 455 Sec 2 Lot 32 in Block 32, formerly assessed to George Messing; and

WHEREAS, the County of Suffolk acquired said property designated as Suffolk County Tax Map Number 0900-243.00-03.00-042.003, by tax deed dated July 12, 1993, and recorded on July 22, 1993 in the Suffolk County Clerk's Office in Liber 11637 at page 334 for unpaid 1990/1991 taxes; and

WHEREAS, it has been determined that due to erroneous assessment and lack of notice to rightful owner, property should not have been taken; now, therefore be it

RESOLVED, that pursuant to Section 40-C of the Suffolk County Tax Act, after receiving payment in full of all monies due to the County of Suffolk, including but not limited to, accrued taxes, penalties and interest as calculated by the Treasurer of the County of Suffolk, payment has been made to the Division of Real Estate, the tax deed to Suffolk County will be canceled pursuant to Section 40-D of the Suffolk County Tax Act. Patricia B. Zielenski and/or her designee is authorized to file a certificate of abandonment of Claim of Title, which Suffolk County holds pursuant to said tax deed.

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

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

Intro Res. No. 1436-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 382 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
1087-2005**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 1087-2005; 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. 1087-2005

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 143.00, Block 02.00 Lot 052.000 and acquired by Tax Deed on July 23, 1998 from John C. Cochrane the County Treasurer of Suffolk County, New York, and recorded on July 29, 1998 in Liber 11907 at Page 589 and described as follows, Town

of Southampton, Silver Brook Colony Map 1265, Blk A, Lots 5 & 6 Section 1 filed in the Office of the Clerk of Suffolk County on July 20, 1938.

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

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

Intro. Res. No. 1470-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 383 -2006, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 L.C.R.
CRONOS, INC. (SCTM NO. 0200-624.00-03.00-033.018)**

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 624.00 Block 03.00 Lot 033.018 and acquired by Tax Deed on February 21, 2003 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 7, 2003 in Liber 12239 at Page 108 and described as follows, Town of Brookhaven, otherwise known as North part of Lot No. 359 on the Map of Birchwood North Shore under the Map No. 6520 Section-8, which was filed in the office of the Clerk of Suffolk County on March 15, 1977; 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, L.C.R. Cronos, Inc., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,500.00. This property has been offered to only one adjacent owner due to extensive title problems. Only this adjoining owner has an overlay map with the subject property. 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 \$1,500.00, 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 \$1,500.00, 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 to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said L.C.R. Cronos, Inc., 30 Miller Farm Drive, Miller Place, New York 11764.

DATED: May 16, 2006

APPROVED BY:

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

Date: May 18, 2006

Legislator Mystal made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 15-3-0-0. Legislators Romaine, Barraga and Kennedy voted no.

Intro. Res. No. 1405-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive, and Legislators Nowick, D'Amaro, Schneiderman, Mystal, Eddington, Stern, Montano, Vilorio-Fisher, Browning, Horsley, Cooper, and Alden

RESOLUTION NO. 386 –2006, ADOPTING NO FRILLS BUDGET PLAN TO STABILIZE PROPERTY TAXES IN 2007 BY ENSURING AFFORDABLE COUNTY GOVERNMENT (PHASE I)

WHEREAS, the County of Suffolk is facing a potential \$79.9 Million budgetary shortfall for 2007 due to a soft national economy, increased health care costs, rising energy costs, and the effects of volatile pension costs; and

WHEREAS, it is the intent of the County Executive and the County Legislature to develop and implement a joint budgetary plan that mitigates, to the maximum extent feasible, any need for a tax increase in 2007; now therefore be it

I. PAYGO APPROPRIATIONS

1st RESOLVED, that Appropriation 401-IFT-E525-9600 (Transfer to Capital Fund 525) in the amount of \$7,534,284 is hereby stricken and Appropriation 001-IFT-E401-9600 (Transfer to Capital Reserve Fund) and Revenue 401-IFT-R001 (Transfer from General Fund) are hereby modified and reduced in an equivalent dollar amount of \$7,534,284, as set forth in Exhibit "A", attached hereto and made a part hereof; and be it further

II. TOBACCO CESSATION REFORM

2nd RESOLVED, that the Commissioner of the County Department of Health Services is hereby authorized, empowered, and directed, pursuant to Section 9-3 of the SUFFOLK COUNTY CHARTER, to:

- A.) establish and impose a fee of no less than Five Hundred and 00/100 (\$500.00) Dollars (less than the cost of one hundred packs of cigarettes) per individual who chooses to participate in the Suffolk County Tobacco Cessation Program, per year, beginning January 1, 2007, for those individuals who are ultimately determined to have third-party insurance or benefit fund coverage for such tobacco cessation pharmaceuticals, with a limit of the actual cost of such pharmaceuticals for those individuals who do have third-party insurance or benefit fund coverage, said fee to offset the County cost of providing pharmaceuticals to such individuals who choose to participate in the Suffolk County Tobacco Cessation Reform Program; and
- B.) establish and impose a sliding scale fee, based on income, comparable to the income levels used to impose fees in Suffolk County Health Centers, for any individual who chooses to participate in the Suffolk County Tobacco Cessation Program, per year, and who is ultimately determined

to have no third-party insurance or benefit fund coverage for such tobacco cessation pharmaceuticals, beginning January 1, 2007, said fees to be collected by the County of Suffolk at the time the tobacco cessation pharmaceuticals are provided by the County of Suffolk to each such participating individual, with a limit of not more than \$500.00 in such fees, or the actual cost of such pharmaceuticals, whichever is lower, for those individuals whose income is \$110,630.00 or below, and with a limit of not more than \$500.00 in said fees, or the actual cost of such pharmaceuticals, whichever is higher, for those individuals whose income is above \$110,630.00, said fees to help to offset the County cost of providing pharmaceuticals to such individuals who choose to participate in the Suffolk County Tobacco Cessation Reform Program;

and be it further

3rd **RESOLVED**, that that the Commissioner of the County Department of Health Services is hereby authorized, empowered, and directed, pursuant to Section 9-3 of the SUFFOLK COUNTY CHARTER, to verify the existence of third-party insurance or benefit fund coverage for such participating individuals; take all measures necessary and appropriate to recover such third-party coverage for participation in such program, said collection to reduce the amount of the fee imposed; and to issue Suffolk County Rx Initiative to Provide Taxpayer Savings (SCRIPTS) prescription drug coverage cards to any Suffolk County resident who participates in the program and who does not have insurance coverage for pharmaceuticals; and be it further

III. APPROPRIATION REDUCTIONS

4th **RESOLVED**, that the following appropriations, in the amount of Two Hundred Thousand and 00/100 (\$200,000.00) Dollars, in Supply and Material accounts are hereby stricken pursuant to Sections 4-27(B) and (D) of the SUFFOLK COUNTY CHARTER:

001-DPW-1494-4020-Light Power and Water: -\$200,000.00

and be it further

IV. TAX STABILIZATION

5th **RESOLVED**, that, in the event that Section 4-10(F)(2) of the SUFFOLK COUNTY CHARTER is amended to establish a cap of \$120 Million on the amount of funds deposited into the Contingency and Tax Stabilization Reserve Fund, heretofore established pursuant to Section 6-a of the NEW YORK GENERAL MUNICIPAL LAW and Section 4-10(F)(2)(1) of the SUFFOLK COUNTY CHARTER, and in such a way as to permit access to funds in excess of a \$120 Million cap on the Contingency and Tax Stabilization Reserve Fund, then such funds in excess of the \$120 Million shall be allocated only to pay for:

- 1.) payment of bonded indebtedness;
- 2.) clearing of snow and ice from public thoroughfares and public places;

- 3.) pay for repair of potholes and other road surface maintenance in Suffolk County;
- 4.) pay for heat, light, and power in Suffolk County owned or leased buildings; and/or
- 5.) pay for disaster preparedness expenses incurred by the County of Suffolk;

and be it further

V. UNIFORM FILING APPLICATION

6th **RESOLVED**, that, in the event that Section 8021 of the NEW YORK CIVIL PRACTICE LAW AND RULES (CPLR) is amended to provide for a uniform \$175.00 filing fee for mortgage-related documents filed in the office of the Suffolk County Clerk, as opposed to the current structure of fees that fluctuates, based on the number of pages, lots, and other variables, at least 40 per cent of which such fees shall be deposited in:

- A.) a **Retirement County Contribution Reserve Fund** established pursuant to Section 6-r of the NEW YORK GENERAL MUNICIPAL LAW for the purpose of financing future payments of retirement contributions; and/or
- B.) a **Reserve Fund for Payment of Bonded Indebtedness** established pursuant to Section 6-h of the NEW YORK GENERAL MUNICIPAL LAW for the purpose of accumulating and providing moneys to be used for those lawful purposes enumerated in law, the substantive effect of which shall be to moderate and stabilize real property taxes in Suffolk County;

and be it further

VI. RESERVE FUNDS

7th **RESOLVED**, that the following Reserve Funds shall be applied and utilized to reduce the anticipated budgetary shortfall in the following amounts:

- 1.) a **Retirement County Contribution Reserve Fund** established pursuant to Section 6-r of the NEW YORK GENERAL MUNICIPAL LAW for the purpose of financing future payments of retirement contributions (\$12 Million); and/or
- 2.) a **Reserve Fund for Payment of Bonded Indebtedness** established pursuant to Section 6-h of the NEW YORK GENERAL MUNICIPAL LAW for the purpose of accumulating and providing moneys to be used for those lawful purposes enumerated in law, the substantive effect of which shall be to moderate and stabilize real property taxes in Suffolk County (\$11.7 Million); and/or

- 3.) a **Reserve Fund for Catastrophic Medical Claims** established in the County 2006 Operating Budget for the purpose of paying catastrophic medical claims that exceed \$250,000.00 per year (\$10 Million);

and be it further

VII. OTB SAVINGS

8th RESOLVED, that savings in the form of monthly increases in the net revenue to the County of Suffolk, resulting from the reforms implemented in 2006 by the new Board of Directors of the Off Track Betting Corporation (OTB), shall be deposited in the Suffolk County General Fund, currently projected at \$500,000.00; and be it further

VIII. SEQRA

9th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 19, 2006

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

Intro. Res. No. 1420-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 387 -2006, ADOPTING AN UPDATED INVESTMENT POLICY FOR THE COUNTY OF SUFFOLK

WHEREAS, Section 39 of the NEW YORK GENERAL MUNICIPAL LAW requires all municipalities to adopt a comprehensive investment policy which details the

operative policy and instructions to officers and staff regarding the investing, monitoring, and reporting of funds to said municipalities; and

WHEREAS, Resolution No. 196-2004 was adopted by the County Legislature for that purpose; and

WHEREAS, the County Treasurer has recommended an updated County Investment Policy to conform with Statement 40 of the Governmental Accounting Standards Board (GASB), entitled "Deposit and Investment Risk Disclosures"; now, therefore be it

RESOLVED, that the investment policy set forth in Exhibit "A", attached hereto and made a part hereof, is hereby adopted effective immediately; 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: May 16, 2006~~

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 19, 2006

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

Intro. Res. No. 1072-2006
Introduced by Legislator Schneiderman

Laid on Table 1/17/2006

RESOLUTION NO. 388 –2006, AMENDING RESOLUTION NO. 673-2004, TO IMPOSE A FEE FOR LATE NIGHT LANDINGS AT FRANCIS S. GABRESKI AIRPORT

WHEREAS, Resolution No. 673-2004, "To Set Fees at Francis S. Gabreski Airport" was approved on June 10, 2004, and imposed a new fee schedule including landing fees for various aircraft; and

WHEREAS, this resolution has been introduced by Legislator Schneiderman with the support of County Executive Steve Levy; and

WHEREAS, the landing of aircraft after 11:00 p.m. creates problems for both airport personnel and for the surrounding communities; and

WHEREAS, the fee schedule should be amended to reflect these conditions; now, therefore be it

1st RESOLVED, that the 2nd RESOLVED clause of Resolution No. 673-2004 is hereby amended to read as follows:

2nd RESOLVED, that, effective immediately upon adoption of this Resolution, the following rates are adopted for Gabreski Airport:

Type	Landing Fee	Security Fee	<u>Day Landing Fee Total</u>	<u>Night Landing Fee Total *</u>
Non-Commercial Aircraft				
Single-engine	\$3.00	\$2.00	<u>\$5.00</u>	<u>\$6.65</u>
Twin-engine equal to or under 12,500 lbs gross weight	\$8.00	\$2.00	<u>\$10.00</u>	<u>\$13.30</u>
Twin-engine over 12,500 lbs gross weight	\$23.00	\$2.00	<u>\$25.00</u>	<u>\$33.25</u>
Commerical Aircraft				
Single-engine	\$12.00	\$2.00	<u>\$14.00</u>	<u>\$18.62</u>
Twin-engine equal to or under 12,500 lbs gross weight	\$23.00	\$2.00	<u>\$25.00</u>	<u>\$33.25</u>
Twin-engine over 12,500 lbs gross weight	\$48.00	\$2.00	<u>\$50.00</u>	<u>\$66.50</u>
Twin-engine over 25,000 lbs gross weight	\$98.00	\$2.00	<u>\$100.00</u>	<u>\$133.00</u>
Over 50,000 lbs gross weight	\$148.00	\$2.00	<u>\$150.00</u>	<u>\$199.50</u>
Over 100,000 lbs gross weight	\$198.00	\$2.00	<u>\$200.00</u>	<u>\$266.00</u>

***Night Fees in effect between 11:00 p.m. and 7:00 a.m**

Tie Down

Single-engine \$ 70.00 per month
Twin-engine \$ 80.00 per month

Overnight/Transient Parking

Single-engine \$ 10.00 per day
Twin-engine \$ 20.00 per day
(No more than seven consecutive days)

Airship Mooring \$100.00 per day (not to exceed \$2,000.00 per month)

Touch and Go Operations

Aircraft 12,500 lbs gross weight and over \$200.00 (per series of 4)
Aircraft under 12,500 lbs gross weight No Charge
(Weights are based on gross take-off weights)

Film Industry

Taxiways \$500.00 per day
Runways \$100.00 [per day] per hour
Terminal Building \$250.00 per day
Ramp Area \$400.00 per day

Area outside AOA (Airfield Operations Area) \$350.00 per day

and be it further

2nd **RESOLVED**, that all other terms and conditions of Resolution No. 673-2004 shall remain in full force and effect; and be it further

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

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

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 19, 2006

Legislator Horsley made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-2. Legislators Romaine and Schneiderman voted no.

Intro. Res. No. 1143-2006 Laid on Table 1/17/2006
Introduced by Presiding Officer, on request of the County Executive and Legislators D'Amaro, Alden, and Barraga

RESOLUTION NO. 389 -2006, ADOPTING LOCAL LAW NO. 28 -2006, A CHARTER LAW TO REQUIRE ALL LEASES FOR PROPERTY AT FRANCIS S. GABRESKI AIRPORT TO BE APPROVED BY THE LEGISLATURE TO STREAMLINE COUNTY GOVERNMENT

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on April 7, 2006, a proposed local law entitled, "**A CHARTER LAW TO REQUIRE ALL LEASES FOR PROPERTY AT FRANCIS S. GABRESKI AIRPORT TO BE APPROVED BY THE LEGISLATURE TO STREAMLINE COUNTY GOVERNMENT**," and said charter 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. 28 -2006, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO REQUIRE ALL LEASES FOR PROPERTY AT FRANCIS S. GABRESKI AIRPORT TO BE APPROVED BY THE LEGISLATURE TO STREAMLINE COUNTY GOVERNMENT

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, prior to the County Legislature delegating the authority to approve leases in 1998 to the Airport Lease Screening Committee, the County Legislature reviewed and voted on all leases at the Francis S. Gabreski Airport.

This Legislature further finds and determines that the ultimate decision to allocate space and approve leases should rest with the County Legislature and the County Executive, as it did prior to 1998, with the assistance of the Department of Economic Development and Workforce Housing and the professional airport managers now on its staff.

Therefore, the purpose of this law is to amend the Suffolk County Charter and the Suffolk County Administrative Code to abolish the Airport Lease Screening Committee, to streamline the governmental process of leasing of space at the Airport, and to return to County Executive and Legislative scrutiny and approval of all leases at Francis S. Gabreski Airport.

Section 2. Amendments.

- A.) Section 15-4 of the SUFFOLK COUNTY CHARTER, "Establishment of County policy for leasing space at County airport" is hereby repealed.
- B.) Section 34-2 of the Suffolk County Administrative Code, "Establishment of County policy for leasing space at County airport" is hereby repealed.
- C.) The powers and duties of the Department of Economic Development and Workforce Housing are hereby modified by amending section 35-2(X) of the Suffolk County Charter to read as follows:

§ C35-2. Powers and duties of Department.

* * * * *

- X.) To supervise and conduct the management of the Francis S. Gabreski Airport at Westhampton Beach [.] and to accept and review requests for the lease of space at Francis S. Gabreski Airport, and to make recommendations on such requests for the lease of space at Francis S. Gabreski Airport to the County Executive and County Legislature.

C.) The powers and duties of the Department of Economic Development and Workforce Housing are hereby modified by the addition of a new section 35-2(Y) to the Suffolk County Charter to read as follows:

§ C35-2. Powers and duties of Department.

* * * * *

Y.) To issue and promulgate such rules and regulations as it may deem necessary and appropriate to implement the provisions of section (X) above.

Section 3. Applicability.

This law shall apply to all requests for the lease of space at Francis S. Gabreski Airport pending as of its effective date, and to all requests made on or after its effective date.

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)(1), (2), (9), (19), (20), (21), and (27) of the NEW YORK CODE OF RULES AND REGULATIONS (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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
after a public hearing duly held on June 6, 2006

Date: June 12, 2006

Filed with the Secretary of State on July 13, 2006

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

Intro. Res. No. 1421-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 390 –2006, ACCEPTING AND APPROPRIATING AN AMENDMENT TO THE COLLEGE BUDGET FOR A GRANT AWARD FROM THE STATE UNIVERSITY OF NEW YORK FOR AN EDUCATIONAL OPPORTUNITY PROGRAM 71% REIMBURSED BY STATE FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, the 2005-2006 College Operating Budget provides \$74,800 for an Educational Opportunity Program (EOP) grant from the State University of New York, for the period of September 1, 2005 through August 31, 2006; and

WHEREAS, the grant award has been increased by an additional amount of \$42,652, to provide for a Pre-Freshman Summer Orientation EOP Program, bringing the total amount of the grant award to \$117,452; and

WHEREAS, it is necessary to amend the College budget in the amount of \$42,652 to provide for the increase in the grant award; and

WHEREAS, matching funds in the amount of \$17,092 are provided for in the College Operating Budget; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the amendment to the 2005-2006 College Budget for the increase in the grant award in the amount of \$42,652 on March 30, 2006 by Resolution No. 2006.; and

WHEREAS, the College anticipates spending the increase in the grant award in the amount of \$42,652 in accordance with the terms of said grant before August 31, 2006; now therefore, be it

1st RESOLVED, that said 2005-2006 College Budget be amended to reflect the increase in the grant award from the State University of New York, for an Educational

Opportunity Program grant in the amount of \$42,652, and said amount be accepted and appropriated for the operation of the program as follows:

REVENUES:	AMOUNT:
State Aid: EOP: 818-GRC-3203-06	\$42,652

APPROPRIATIONS:	AMOUNT:
EOP: 818-GRT-GC07-06	\$42,652

Suffolk County Community College
Educational Opportunity Program (EOP)
818-GRT-GC07-06

1000-Personal Services	\$ 13,785
1180-Part-time Instructors - Summer	13,785

3000-Supplies & Materials	\$ 27,220
3100-Instructional Supplies	2,880
3500-Unclassified Supplies	24,340

8000-Employee Benefits	\$ 1,647
8100-Teachers' Retirement System	509
8330-Social Security	1,055
8350-Unemployment Insurance	83

DATED: May 16, 2006

APPROVED BY:

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

Date: May 19, 2006

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

Intro. Res. No. 1434-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 391 -2006, APPOINTING MEMBER
TO THE SUFFOLK COUNTY EMPIRE DEVELOPMENT ZONE
ADMINISTRATIVE BOARD (VANESSA PUGH) (REPRESENTING
TOWN OF BABYLON)**

WHEREAS, the New York State Legislature, under provisions of the General Municipal Law, has authorized the establishment of “Economic Development Zones” and “Empire Zone Administrative Boards” in counties throughout New York State and these zones are eligible for certain assistance and incentives to promote businesses and the Boards are designed to oversee the local administration of the zone activities; and

WHEREAS, Local Law No. 14-2003 ratified the designation of an Empire Zone and sub-zones in Suffolk County and a Zone Administrative Board whose members are to be appointed; now, therefore be it

1st **RESOLVED**, that Vanessa Pugh, residing at 87 Court Street, North Babylon, New York 11703, is hereby appointed to serve on the Zone Administrative Board pursuant to Local Law No. 14-2003 to represent the Town of Babylon area; 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 19, 2006

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

Intro. Res. No. 1449A-2006

BOND RESOLUTION NO. 392 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$150,000 BONDS TO FINANCE THE COST OF EMERGENCY RUNWAY, TAXIWAY AND APRON REPAIRS AT FRANCIS S. GABRESKI AIRPORT (CP 5739.310)

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 \$150,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of emergency runway, taxiway and apron repairs at Francis S. Gabreski Airport, 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 \$150,000. The plan of financing includes the issuance of \$150,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 15 of the Law of the Law, is thirty (30) years.

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

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

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

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

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

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

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

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

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 19, 2006

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

Intro. Res. No. 1449-2006

Laid on Table 4/4/2006

Introduced by Legislators Schneiderman and Caracappa

RESOLUTION NO. 393 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH EMERGENCY RUNWAY, TAXIWAY, AND APRON REPAIRS AT FRANCIS S. GABRESKI AIRPORT (CP 5739)

WHEREAS, Suffolk County owns and operates Gabreski Airport; and

WHEREAS, Federal and State Aid cutbacks have hindered the advancement of necessary runway, taxiway, and apron rehabilitation projects at this airfield; and

WHEREAS, County funds are now required for emergency repairs to the airport's transportation infrastructure, which includes its runways, taxiways, and aprons; and

WHEREAS, these repairs are to comply with FAA rules for improving and maintaining public safety of runways, taxiways, and aprons; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$150,000 in Suffolk County Serial Bonds; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

RESOLVED, that it is hereby determined that this project, with a priority ranking of 80 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 2006 Capital Budget and Program be and is hereby amended as follows:

Project Number: 1755

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

<u>Cost Elements</u>	Total Estimated Cost	Current 2006 Capital Budget & Program	Revised 2006 Capital Budget & Program
Construction	\$5,050,000	\$1,700,000 B	\$1,550,000 B
TOTAL	\$5,050,000	\$1,700,000	\$1,550,000

Project Number: 5739

Project Title: Pavement Management Rehabilitation at Francis S. Gabreski Airport

<u>Cost Elements</u>	Total Estimated Cost	Current 2006 Capital Budget & Program	Revised 2006 Capital Budget & Program
Construction	\$150,000	\$0	\$150,000 B

TOTAL \$150,000 \$0 \$150,000

and be it further

RESOLVED, that the proceeds of \$150,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5739.310		Pavement Management Rehabilitation at Francis S. Gabreski Airport	\$150,000

and be it further

RESOLVED, that emergency funding appropriated by this resolution is to be utilized in correcting critical safety issues that are associated with the airfield’s runways, taxiways, and aprons at Francis S. Gabreski Airport; and be it further

RESOLVED, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section C8-2 (A) (1) (i) of the SUFFOLK COUNTY CHARTER, to work with the Commissioner of the Department of Economic Development and Workforce Housing to assist and provide support associated with the emergency repairs to the County’s airport transportation infrastructure which includes its runways, taxiways, and aprons; and be it further

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

RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines 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 or fire codes. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 19, 2006

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 16-0-1-1. Legislator Kennedy abstained. Legislator Caracappa was not present.

Intro. Res. No. 1485-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 4/4/2006

**RESOLUTION NO. 394 -2006, AUTHORIZING THE
EXTENSION OF SUB-LEASE FOR HANGAR SPACE
LOCATED AT FRANCIS S. GABRESKI AIRPORT,
WESTHAMPTON BEACH, NEW YORK FOR USE BY THE
POLICE DEPARTMENT AVIATION DIVISION**

WHEREAS, pursuant to a Sublease Agreement between the County of Suffolk and Sea Empty Equipment, Inc. (the "Landlord"), dated May 24, 2001 the County of Suffolk leased a portion of Hangar 101, for use by the Suffolk County Police Department – Aviation Division (the "Police Department"); and

WHEREAS, upon the expiration of the Sublease Agreement on May 31, 2005 the County of Suffolk continued to occupy the space as a holdover Tenant; and

WHEREAS, the Police Department wishes to continue to occupy such hangar space to provide Medevac Helicopter services to meet the medical needs of Eastern Suffolk County; and

WHEREAS, the Landlord, has offered to extend the Sublease Agreement, on a month to month basis, commencing as of the expiration of the original Sublease Agreement, on July 1, 2005, at a monthly rental rate of \$4,636; and

WHEREAS, in response to a request from the County of Suffolk, the Landlord has subsequently agreed to lease additional space in Hangar 101 for use by the Suffolk County Police Department; and

WHEREAS, the Space Management Steering Committee recommended the approval of the extension of the Sublease Agreement on December 30, 2005 and the lease of additional space in Hangar 101; and

WHEREAS, sufficient funds have been provided in the 2006 Operating Budget for lease payments for the subject premises; now, therefore be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.59(c)(20) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109 of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this law; and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a Sublease Agreement Extension and 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 County Executive is authorized to execute an Amendment to the Sublease Agreement Extension for additional space in Hangar 101, for a monthly rental of \$8,000.00

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

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

Intro. Res. No. 1497-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer Lindsay and Legislator Montano

**RESOLUTION NO. 395 -2006, APPROVING THE LEASE OF
ADDITIONAL SQUARE FOOTAGE OF PREMISES LOCATED
AT 30 GREENE AVENUE, SAYVILLE, BY SUFFOLK COUNTY
COMMUNITY COLLEGE**

WHEREAS, in order to help meet the ongoing critical need for trained nursing personnel to sustain the delivery of quality health care to the residents of Suffolk County, Suffolk County Community College (College) needs to expand its instructional facilities within the Sayville Downtown Educational Center; and

WHEREAS, pursuant to Resolution No. 2005.37 of the College Board of Trustees and Resolution No. 356-2005 of the Suffolk County Legislature, a lease for 14,514 square feet of instructional space was executed with the Sayville Union Free School District (Lessor) for a term of August 15, 2005 through August 14, 2011 (with 2-two year options to renew) with an annual rent (i) from August 15, 2005 through August 14, 2006 of \$15 per square foot for 13,968 square feet and no charge for 546 square feet, (ii) from August 15, 2006 through August 14, 2007 of \$15 per square foot increased by a percentage equal to the percentage increase in the regional consumer price index for the New York-Northeastern New Jersey area, based upon the index for all urban consumers (CPI-U) during the preceding twelve (12) month period ending December 31st of the subsequent year and (iii) for subsequent years of the lease, the square foot rate for the preceding year increased by a percentage equal to the percentage increase in the regional consumer price index for the New York-Northeastern New Jersey area, based upon the index for all urban consumers (CPI-U) during the preceding twelve (12) month period ending December 31st of each subsequent year; and

WHEREAS, since the initial lease was executed, the College has entered into partnership agreements with seven (7) area hospitals to train qualified nursing and allied health personnel, resulting in additional educational slots for 90 nursing students per semester and the need for additional nursing instruction lecture space; and

WHEREAS, pursuant to Section 6306(4) of the New York State Education Law, the County of Suffolk, as the College's local sponsor, holds title to real property in trust for the uses and purposes of the College; and

WHEREAS, the College's Board of Trustees, which has been granted authority to issue SEQRA determinations under the Plan C agreement between Suffolk County and the College, determined that leasing of additional facilities is a Type II action, pursuant to Title 6 NYCRR Part 617.5(c)(1), (2) and (25), since it constitutes the maintenance, repair, replacement, rehabilitation or reconstruction of a structure or a facility, in kind, on the same site, including upgrading buildings to meet building codes, as well as the purchase of equipment; and

WHEREAS, sufficient funds are being designated in the forthcoming College proposed 2006-07 Operating Budget for lease payments; now, therefore be it

RESOLVED, that a amendment to the lease between the College and Lessor for an additional 1,151 square feet of space within the facility at 30 Greene Avenue, Sayville be and hereby is approved at the lease rate outlined above.

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 19, 2006

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

Intro. Res. No. 1354-2006

Laid on Table 3/14/2006

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

RESOLUTION NO. 396 -2006, ADOPTING LOCAL LAW NO. 29 -2006, A LOCAL LAW TO REQUIRE SUFFICIENT NOTICE OF PLANNING COMMISSION REFERRALS AND MEETINGS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 4, 2006, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE SUFFICIENT NOTICE OF PLANNING COMMISSION REFERRALS AND MEETINGS**" now, therefore, be it

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

LOCAL LAW NO. 29 -2006, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REQUIRE SUFFICIENT NOTICE OF PLANNING
COMMISSION REFERRALS AND MEETINGS**

**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 major commercial development projects that are constructed in one town or village may have enormous and diverse impacts on neighboring municipalities.

This Legislature also finds that in many instances, residents are not given adequate notice of a proposed development that will affect their community and their quality of life because they live on the wrong side an arbitrary town or village boundary.

This Legislature further determines that pursuant to provisions of state and county law, towns and villages in Suffolk County are required to refer certain zoning actions, which affect real property lying within 500 feet of the boundary of any town of village, to the Suffolk County Planning Commission for review and recommendation.

This Legislature also finds and determines that while towns and villages are required to refer to the Planning Commission zoning actions that affect property close to their boundaries, there is no requirement that the neighboring towns and villages receive notice of such a referral.

This Legislature also determines that giving residents an opportunity to be heard on large commercial development proposals pending in a nearby town or village is consistent with the goals of regional planning.

Therefore, the purpose of this law is to require the Suffolk County Planning Commission to notify adjoining towns and village governments when they receive a referral because the affected real property lies within 500 feet of a town or village boundary and to require large commercial developers to notify the residents of the adjoining communities as to the date, time and place of the Planning Commission meeting when such referral will be considered.

Section 2. Amendments.

Section A14-15 of the Suffolk County Administrative Code is hereby amended as follows:

**A14-15. Notice of Referrals; Consideration of municipal zoning actions by Planning
Commission**

A. In every instance where a matter is referred to the Suffolk County Planning
Commission by a town or village pursuant to this Article on the basis that the affected

real property lies within 500 feet of a town or village boundary, the Planning Commission shall give notice of the referral to the town(s) and village(s) adjacent to that border. Said notice shall be made in writing within five (5) days of the Planning Commission's receipt of the referral. Said notice shall also include the date, time and location of the meeting at which the Planning Commission will consider the referred action. This notice shall be delivered to the clerk and mayor of any affected village and the clerk and supervisor of any affected town.

B. If a matter is referred to the Suffolk County Planning Commission on the basis that the affected real property lies with 500 feet of a town or village boundary and the referred matter proposes a commercial development in excess of 25,000 square feet, the applicant shall provide written notice to all businesses and residences located within a 1,000 foot radius of such proposed development, that the matter has been referred to the Suffolk County Planning Commission. Said notice shall include the date, time and location of the meeting at which the Planning Commission will consider the referred action. The applicant will provide such notice within three (3) business days after it shall have received notice from the Planning Commission as to the date, time and place when its application would be considered.

[A] C. Subject to the provisions of §§ A14-20 and A14-21, upon the referral of a municipal zoning action to the Planning Commission, the Commission, within 45 days after receipt of a full statement on the proposed action and after due consideration, may, by resolution, render a report indicating that the proposed action has no significant countywide or intercommunity impact, render a report approving the proposed action without change, render a report recommending changes in the proposed action and approving the proposed action with such changes or render a report disapproving the proposed action. If the proposed municipal zoning action is not acted upon by the Planning Commission within said forty-five-day period, then the proposed municipal zoning action, as filed or as referred to said Commission, shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions.

[B] D. In accordance with rules adopted by resolution of the Planning Commission, the Commission may dispense with a report on the proposed action. Under such circumstances, the municipality that referred the proposed action to the Planning Commission may proceed, after 45 days from the date of submission of a full statement, as if the Commission had rendered a report approving the proposed action without change. If the proposed municipal zoning action is not acted upon by the Planning Commission within said forty-five-day period, then the proposed municipal zoning action, as filed or as referred to said Commission, shall be deemed to have been approved as of the expiration of the forty-five-day period. For the purposes of this subsection, "acted upon" shall mean approved, rejected, approved with modifications or approved subject to conditions.

Section 3. Applicability.

This law shall apply to matters referred to the Planning Commission occurring on or after the effective date of this law.

Section 4. Severability.

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

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (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 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
after a public hearing duly held on June 6, 2006
Date: June 12, 2006
Filed with the Secretary of State on July 13, 2006

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

Intro. Res. No. 1412-2006
Introduced by Legislator Viloría-Fisher

Laid on Table 4/4/2006

**RESOLUTION NO. 397 -2006, REAPPOINTING MEMBER OF
THE COUNCIL ON ENVIRONMENTAL QUALITY (R.
LAWRENCE SWANSON)**

WHEREAS, appointments to the Council on Environmental Quality (CEQ) are now within the exclusive purview of the County Legislature under Section 1-3 of the SUFFOLK COUNTY CHARTER; and

WHEREAS, the term of office of **R. Lawrence Swanson** expired on March 21, 2006; now, therefore be it

1st RESOLVED, that **R. Lawrence Swanson**, currently residing in St. James, New York, is hereby reappointed as a member of the Suffolk County Council on Environmental Quality, pursuant to Section 1-3(A) of the SUFFOLK COUNTY CHARTER, for a term of office to expire March 21, 2011.

DATED: May 16, 2006

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

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

Intro Res. No. 1446-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 398 -2006, TO SET A PUBLIC
HEARING FOR THE REVIEW AND MODIFICATION OF
AGRICULTURAL DISTRICT NO. 3 IN THE TOWNS OF
BABYLON, BROOKHAVEN, HUNTINGTON, ISLIP AND
SMITHTOWN**

WHEREAS, pursuant to Section No. 25-AA of the NEW YORK AGRICULTURE AND MARKETS LAW, the County Legislature must review an agricultural district at the end of every eight (8) year period; and

WHEREAS, August 26, 2006 will mark the anniversary of Suffolk County Agricultural District No. 3 in the Towns of Babylon, Brookhaven, Huntington, Islip, and Smithtown first formed in 1982 created by Resolution No. 215-1983, and renewed by Resolution No. 802-1998; and

WHEREAS, a notice was received from the New York State Department of Agriculture and Markets by the County Legislature to so review and modify, if necessary, this agricultural district; now, therefore be it

1st RESOLVED, that, pursuant to Section 303-a (2)(d) of the NEW YORK AGRICULTURE AND MARKETS LAWS, a public hearing shall be scheduled and held by the Suffolk County Legislature for the purpose of reviewing the district under the statutory eight - (8)

- year period and to consider recommendations of the Suffolk County Planning Board and County Agricultural and Farmland Protection Board in connection therewith; and be it further

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

DATED: May 16, 2006

APPROVED BY:

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

Date: May 19, 2006

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

Intro. Res. No. 1451-2006
Introduced by Legislator Romaine

Laid on Table 4/4/2006

RESOLUTION NO. 399 -2006, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM (RICHARDS PROPERTY) TOWN OF SHELTER ISLAND

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

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

1st RESOLVED, that the Director of the Division of Real Estate, or his deputy, is hereby authorized, empowered, and directed, pursuant to Section C14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd

RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Acquisition Program for acquisitions to be consummated for parkland purposes;

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0700 Section 023.00 Block 02.00 Lots 079.000 & 081.001	3	Susanne & Walter Richards 17 Osprey Road PO Box 3014 Shelter Island Heights NY 11965

and be it further

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

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

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

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 19, 2006

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

Intro. Res. No. 1463-2006
Introduced by Legislator Alden

Laid on Table 4/4/2006

RESOLUTION NO. 400 –2006, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE FIRST ¼% SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (APPROVED 1987, AMENDED 1996) – TOWN OF ISLIP – PENATAQUIT STREAM CORRIDOR – (SCTM NO. 0500-341.00-03.00-045.000)

WHEREAS, the first ¼% Suffolk County Drinking Water Program, approved in 1987 and amended in 1996, authorized the use of one-third of any surplus funds in the program for the acquisition of parkland in various towns, including the Town of Islip, on a pro rata basis as determined by population; and

WHEREAS, the Town of Islip has requested that the County of Suffolk acquire a parcel of land located in the Penataquit Stream corridor, Bay Shore; and

WHEREAS, adequate funding is provided for, under the first Suffolk County Drinking Water Protection Program (formerly Section C12-5(E) of the SUFFOLK COUNTY CHARTER) for the acquisition of such land; now, therefore, be it

1st RESOLVED, that the following parcel is hereby approved for preliminary planning steps and ultimate inclusion in the first Suffolk County Drinking Water Protection Program:

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NO.</u>	<u>ACRES</u>	<u>REPUTED OWNER</u>
No. 1	Dist. 0500 Sec. 341.00 Block 03.00 Lots 045.000	.25	Estate of Mary M. Leverich c/o William H. Leverich 258 Albert Drive San Luis Obispo, CA 93401

and be it further

2nd RESOLVED, that the Director of 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 initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire fee simple absolute or a lesser interest (i.e. conservation easement) of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

3rd RESOLVED, that the County Division of Real Estate is hereby authorized to use such appraisals as may be made available by other municipalities for the purpose of such acquisition, if deemed cost effective and appropriate by the Department; and be it further

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0600 Section 061.00 Block 01.00 Lot 007.002	5.2	Linda & Larry Martin 782 Twomey Avenue Baiting Hollow, NY 11933
No. 2	District 0600 Section 061.00 Block 02.00 Lot 007.003	5.2	Linda & Larry Martin 782 Twomey Avenue Baiting Hollow, NY 11933
Total Acreage		10.4 acres	

and be it further

2nd RESOLVED, that this proposed acquisition shall be consummated in accordance with, and subject to, the provisions of Sections 12-A(A)(2), (5) and (6) of the SUFFOLK COUNTY CHARTER in connection with such active parklands acquisitions; and be it further

3rd RESOLVED, that the Division of Real Estate within the County Planning Department, 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 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

4th RESOLVED, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be appropriated to future and subsequent Active Parklands Acquisition Program acquisitions as such funds may be necessary under the Suffolk Community Greenways County Fund; and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 19, 2006

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

Intro. Res. No. 1472-2006

Laid on Table 4/4/2006

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

RESOLUTION NO. 402 –2006, AUTHORIZING ACQUISITION UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – OPEN SPACE FOR THE JEROME J. NORTON PROPERTY – MUD CREEK (TOWN OF BROOKHAVEN – SCTM NO’S 0200-973.60-04.00-011.003, 011.005, 001.002, 001.004 & 001.006)

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 Stage II Acquisition Program; and

WHEREAS, Resolution No. 614-2003 adopted by the County Legislature on August 5, 2003 authorized planning steps for acquisition under the New Suffolk County Drinking Water Protection Program (Mud Creek Additions); 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 Brookhaven under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Program (1986), for the total purchase price of Two Hundred Thirty Thousand Dollars (\$230,000.00±), 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 0200	1.25±	Jerome J. Norton
	Section 973.60		220 Summit Way
	Block 04.00		Syosset, NY 11791

	Lot	011.003	
No. 2	District	0200	Jerome J. Norton
	Section 973.60		220 Summit Way
	Block	04.00	Syosset, NY 11791
	Lot	011.005	
No. 3	District	0200	Jerome J. Norton
	Section 973.60		220 Summit Way
	Block	04.00	Syosset, NY 11791
	Lot	001.002	
No. 4	District	0200	Jerome J. Norton
	Section 973.60		220 Summit Way
	Block	04.00	Syosset, NY 11791
	Lot	001.004	
No. 5	District	0200	Jerome J. Norton
	Section 973.60		220 Summit Way
	Block	04.00	Syosset, NY 11791
	Lot	001.006	

and be it further

2nd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve \$230,000.00±, subject to the final survey, from previously appropriated funds in Capital Project MLPP-7177.222, Suffolk County Multifaceted Land Preservation Program-Open Space, 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 open space preservation protection, passive recreation; 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 thresholds 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 5(C)(4) of Chapter 279 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1473-2006

Laid on Table 4/4/2006

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

**RESOLUTION NO. 403 –2006, AUTHORIZING
ACQUISITION UNDER THE SUFFOLK COUNTY
MULTIFACETED LAND PRESERVATION PROGRAM –
OPEN SPACE FOR THE HOWARD NORTON PROPERTY –
MUD CREEK (TOWN OF BROOKHAVEN – SCTM NO'S
0200-973.60-04.00-011.002, 011.004, 001.001, 011.007,
001.003 & 001.005)**

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 Stage II Acquisition Program; and

WHEREAS, Resolution No. 614-2003 adopted by the County Legislature on August 5, 2003 authorized planning steps for acquisition under the New Suffolk County Drinking Water Protection Program (Mud Creek Additions); 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 Brookhaven under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Program (1986), for the total purchase price of Two Hundred Thirty Five Thousand Dollars (\$235,000.00±), 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 0200 Section 973.60 Block 04.00 Lot 011.002	55,000± s.f.	Howard Norton 220 Summit Way Syosset, NY 11791
No. 2	District 0200 Section 973.60 Block 04.00 Lot 011.004		Howard Norton 220 Summit Way Syosset, NY 11791
No. 3 & 4	District 0200 Section 973.60		Howard Norton 220 Summit Way

	Block	04.00	Syosset, NY 11791
	Lot	001.001 & 011.007	
No. 5	District	0200	Howard Norton
	Section 973.60		220 Summit Way
	Block	04.00	Syosset, NY 11791
	Lot	001.003	
No. 6	District	0200	Howard Norton
	Section 973.60		220 Summit Way
	Block	04.00	Syosset, NY 11791
	Lot	001.005	

and, be it further

2nd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve \$235,000.00±, subject to the final survey, from previously appropriated funds in Capital Project MLPP-7177.222, Suffolk County Multifaceted Land Preservation Program-Open Space, 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 open space preservation protection, passive recreation; 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 thresholds 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 5(C)(4) of Chapter 279 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1474-2006

Laid on Table 4/4/2006

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

RESOLUTION NO. 404 -2006, AUTHORIZING ACQUISITION UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – OPEN SPACE FOR THE RICHARD NORTON PROPERTY – MUD CREEK (TOWN OF BROOKHAVEN – SCTM NO. 0200-973.60-04.00-011.006)

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 Stage II Acquisition Program; and

WHEREAS, Resolution No. 614-2003 adopted by the County Legislature on August 5, 2003 authorized planning steps for acquisition under the New Suffolk County Drinking Water Protection Program (Mud Creek Additions); 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 Brookhaven under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Program (1986), for the total purchase price of Forty Six Thousand Dollars (\$46,000.00±), 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 0200	0.25±	Richard Norton
	Section 973.60		220 Summit Way
	Block 04.00		Syosset, NY 11791
	Lot 011.006		

and, be it further

2nd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve \$46,000.00±, subject to the final survey, from previously appropriated funds in Capital Project MLPP-7177.222, Suffolk County Multifaceted Land Preservation Program-Open Space, 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 open space preservation protection, passive recreation; 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 thresholds 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 5(C)(4) of Chapter 279 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1475-2006

Laid on Table 4/4/2006

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

RESOLUTION NO. 405 -2006, AUTHORIZING ACQUISITION OF ENVIRONMENTALLY SENSITIVE LAND UNDER THE SUFFOLK COUNTY OPEN SPACE PRESERVATION PROGRAM – WALSH PROPERTY (TOWN OF SOUTHAMPTON – SCTM NO. 0900-307.00-02.00-044.000)

WHEREAS, Resolution No. 762-1986 established a Capital Budget and Program for the acquisition of land designated as the Open Space Preservation Program and appropriated Sixty Million Dollars (\$60,000,000.00) in connection therewith; and

WHEREAS, subsequent resolutions have been adopted to increase and delete funding for the Open Space Preservation Program to approximately Seventy-Five Million Five Hundred and Nine Thousand Dollars (\$75,509,000.00); and

WHEREAS, within Suffolk County there are environmentally sensitive parcels of land which would be eligible as candidates for acquisition in the Suffolk County Open Space Preservation Program which should be approved for acquisition by resolution; and

WHEREAS, any of these proposed acquisitions shall be consummated in accordance with and subject to the provisions of Resolution No. 762-1986 establishing and outlining the role of the Board of Trustees of the Department of Parks, Recreation and Conservation in connection with such Open Space acquisitions; and

WHEREAS, the acquisition of this property constitutes a Type II action pursuant to NYCRR Part 617.5(c)(20) and (27) since such actions are simply legislative decisions administering and implementing land acquisitions as part of the Suffolk County Open Space Preservation Program which will mainly result in a beneficial impact, and further, that prior to the acquisition of any parcel, an Environmental Assessment Form and State Environmental Quality Review Act (SEQRA) determination will be made in addition to any environmental audit; now, therefore, be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition in the Town of Southampton under the Suffolk County Open Space Preservation Program for a total purchase price of Seven Thousand Nine Hundred Fifty Dollars (\$7,950.00±), 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>
No. 1	<u>TAX MAP NUMBER:</u> District 0900 Section 307.00 Block 02.00	0.092± acres	<u>AND ADDRESS</u> William E. Walsh, III 680 71 st Street, St. Petersburg, FL 33706

Lot 044.000

and be it further

2nd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve \$7,950.00±, subject to the final survey, from previously appropriated funds in Capital Project 525-CAP-CAP-7144.213 Suffolk County Open Space Preservation Program, for this acquisition; and be it further

3rd RESOLVED, that any conservation easement acquired for inclusion in the Suffolk County Open Space Preservation Program shall be acquired pursuant to Article XXVIII of the Suffolk County Charter, Resolution No. 762-1986 and this resolution, through Section 25-6B of Chapter 25 of Administrative Local Laws of Suffolk County, adopted as Local Law No. 27-1990; and be it further

4th RESOLVED, that this acquisition shall be consummated in accordance with and subject to the provisions of Resolution No. 762-1986 establishing and outlining the role of the Board of Trustees of the Department of Parks, Recreation and Conservation in connections with such Open Space acquisitions; and be it further

5th RESOLVED, that in accordance with Section C1-4(1)(d) of the Suffolk County Charter, and Section 5(C)(4) of Chapter 279 of the Suffolk County Code, the C.E.Q. is hereby directed to prepare and circulate a S.E.Q.R.A. notice of determination of non-significance in accordance with this Resolution.

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro Res. No. 1476-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive and Legislator Schneiderman

RESOLUTION NO. 406 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM - OPEN SPACE COMPONENT - MCGHEE N/K/A SAINS PROPERTY - SAGAPONACK GREENBELT (TOWN OF SOUTHAMPTON - SCTM NO. 0900-056.00-01.00-035.001)

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 acquisitions, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, Resolution No. 75-2005, authorized planning steps for the acquisition of the McGhee n/k/a Sains Property in the Town of Southampton under the New Suffolk County Drinking Water Protection Program; and

WHEREAS, adequate funding is provided for, pursuant to Section 12-2(A)(1), the open space component of the New Suffolk County Drinking Water Protection Program 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 and payment is hereby authorized in the amount of Four Hundred Forty Thousand Dollars (\$440,000.00±), subject to final survey, pursuant to funding under the New Suffolk County Drinking Water Protection Program authorized, empowered, and directed pursuant to Sections 12-2(A)(1) and 12-3 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 Section 056.00 Block 01.00 Lot 035.001	0.49±	Rhea Noelle McGhee n/k/a Sains 23 East Oakdale Street Bay Shore, NY 11706

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	\$440,000.00±

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	\$440,000.00±

and be it further

4th **RESOLVED**, that the \$440,000.00 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-87002	Suffolk County Water Protection Open Space	\$440,000.00+*

*subject to survey

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:

- d.) lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County; 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 New Drinking Water Protection Program open space component 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 than 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1478-2006

Laid on Table 4/4/2006

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

RESOLUTION NO. 407 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE OLD SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM – VILARDI PROPERTY - OROWOC CREEK ADDITION (TOWN OF ISLIP- SCTM NO. 0500-319.00-01.00-027.004)

WHEREAS, Article XII of the SUFFOLK COUNTY CHARTER, established the Old Suffolk County Drinking Water Protection Program, as amended and effective as of November 30, 2000, the first priority of which is 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 C12-3(B) and (C) thereof, the Board of Trustees of the Department of Parks, Recreation and Conservation shall review and recommend a parcel for acquisition prior to entering into any negotiations for the acquisition, and consummation of the acquisition of any such parcel; and

WHEREAS, pursuant to Section C12-5 (E)(1)(a) thereof, there is adequate funding available for the acquisition of such land; and

WHEREAS, approximately 0.675± acres of vacant land, located in the Town of Islip, is reputedly owned by Michael Vilardi; and

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

1st **RESOLVED**, that the County of Suffolk hereby authorizes the acquisition of the subject property set forth below in the Town of Islip pursuant to the Old Suffolk County Drinking Water Protection Program, under Article XII of the SUFFOLK COUNTY CHARTER, as amended and effective, as of November 30, 2000, for a total purchase price of One Hundred Seventy Thousand Dollars (\$170,000.00±), subject to a final survey, and hereby authorizes 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 TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER</u>
No. 1	District 0500 Section 319.00 Block 01.00 Lot 027.004	0.675±	Michael Vilardi 72 Darcy Circle Islip, NY 11751

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, for a purchase price of One Hundred Seventy Thousand Dollars (\$170,000.00±), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$170,000.00±, subject to a final survey, from previously appropriated funds in MY-176-LAW-GDX2 under the Old Drinking Water Protection Program, as amended and effective as of November 30, 2000, pursuant to Section C12-5(E)(1)(a) of the SUFFOLK COUNTY CHARTER, 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 drinking water protection 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 Old Suffolk County Drinking Water Protection Program pursuant to Section C12-5(E)(1)(a) of Article XII of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000; and be it further

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

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

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

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

DATE: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1494-2006

Laid on Table 4/4/2006

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

RESOLUTION NO. 408 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT – GEORGIPOULOS PROPERTY – GREAT POND WETLANDS

(TOWN OF SOUTHDOLD – SCTM NO. 1000-059.00-01.00-021.008)

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 under the Open Space Component under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

WHEREAS, Resolution No. 273-2005, authorized planning steps for the acquisition of the Georgiopoulos property; 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 under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund Open Space Component, for a total purchase price of Two Hundred Twenty Five Thousand Dollars (\$225,000.00±), subject to a final survey, and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report and 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 1000	1.34±	Constantine & Harriet Georgiopoulos
	Section 059.00		156 Read Avenue
	Block 01.00		Crestwood, NY 10707
	Lot 021.008		

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 Five Thousand Dollars (\$225,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$225,000.00±, 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 as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments 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, and Resolution No. 412-2005, One (1) Workforce Housing Development Right 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1495A-2006

BOND RESOLUTION NO. 409 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$250,000 BONDS TO FINANCE THE COST OF IMPROVEMENTS TO ACTIVE PARKLAND/RECREATION AREAS FOR THE OAK BEACH FISHING PIER (CP 7178)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$250,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of improvements to active parkland/recreation areas for the Oak Beach fishing pier, under the Greenways Active Parkland Program, 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 \$250,000. The plan of financing includes the issuance of \$250,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County

without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1495-2006
Introduced by Legislator Horsley

Laid on Table 4/4/2006

RESOLUTION NO. 410 -2006, AMENDING THE CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO ACTIVE PARKLAND/RECREATION AREAS (CP 7178) FOR THE OAK BEACH FISHING PIER

WHEREAS, the County of Suffolk acquired the Oak Beach Inn Property, Town of Babylon, via Resolution No. 197-2001 under the Greenways Active Parkland Program; and

WHEREAS, Resolution No. 372-1999, amended by Resolution No. 483-2004, established criteria for implementation of Suffolk County Community Greenways Infrastructure Improvement Fund; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program in the Capital Project, Greenways Infrastructure Matching Funds; and

WHEREAS, these funds provide fifty percent (50%) matching grants to towns or community organizations willing to provide funds for the improvement of parks under the Greenways program; and

WHEREAS, the Town of Babylon has agreed to commit \$250,000 for several infrastructure improvements for active recreational purposes at the Oak Beach Inn Property, including the refurbishing of a fishing pier; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000 established the use of a priority ranking system, implemented in the Adopted 2006 Capital Budget as the basis for funding capital projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$250,000 in Suffolk County Serial Bonds; now therefore be it

RESOLVED, that it is hereby determined that this project, with a priority ranking of forty one (41), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

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"), the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that the 2006 Capital Budget and Program be and is hereby amended as follows:

Project No.: 7151
 Project Title: Greenways Infrastructure Matching Funds

	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
3. Construction	\$1,350,000	\$500,000B	\$250,000B
TOTAL	\$1,350,000	\$500,000	\$250,000

Project No.: 7178
 Project Title: Improvements to Active Parkland/Recreation Areas

	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
3. Construction	\$250,000	\$0	\$250,000B
TOTAL	\$250,000	\$0	\$250,000

and be it further

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

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7178.416	Improvement to Active Parkland/Recreation Areas Oak Beach Fishing Pier	\$250,000

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1394-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer Lindsay and Legislators Stern, Browning, Montano, Kennedy, Schneiderman, Alden and Mystal

RESOLUTION NO. 411 -2006, ADOPTING LOCAL LAW NO. 31 -2006, A LOCAL LAW TO STRENGTHEN NURSING HOME SCREENING REQUIREMENTS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 4, 2006, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN NURSING HOME SCREENING REQUIREMENTS**" now, therefore, be it

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

LOCAL LAW NO. 31 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO STRENGTHEN NURSING HOME SCREENING REQUIREMENTS

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 due to their advanced age and/or medical condition, residents of nursing homes are particularly vulnerable to exploitation by sex offenders.

This Legislature further determines that while criminal background checks are required for many nursing home employees, some employees and volunteers are not subject to such screening.

This Legislature also finds that nursing home operators are not required to screen their residents/patients or, if they have knowledge that a registered sex offender is residing in their facility, that they advise other residents of this fact. In late 2005, it was reported that a registered level 2 sex offender living in a Suffolk County nursing home was arrested for forcibly touching an 84 year old female resident and that the nursing home did not advise its residents that a known sex offender was living amongst them.

Therefore, the purpose of this law is to afford greater protection to nursing home residents by strengthening the screening and notification requirements for nursing homes.

Section 2. Definitions.

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

EMPLOYEE – Any employee, volunteer or intern who is not required, pursuant to any other law or regulation, to undergo a criminal background check prior to beginning his or her employment or service in a nursing home.

NURSING HOME – A facility providing therein nursing care or health related services to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board.

OPERATOR – Any person, corporation or other entity which owns or operates a nursing home.

RESIDENT – Any resident or patient of a nursing home.

Section 3. Screening Requirements.

A.) All nursing home operators in Suffolk County shall make an inquiry to the New York State Sex Offender Registry to determine whether any current employee appears in said Registry.

B.) All nursing home operators in Suffolk County shall, prior to hiring any new employee, make an inquiry to the New York State Sex Offender Registry to determine whether the prospective employee appears in said Registry.

C.) All nursing home operators in Suffolk County shall make an inquiry to the New York State Sex Offender Registry to determine whether any current resident appears in said Registry.

D.) All nursing homes in Suffolk County shall, prior to admitting a new resident, make an inquiry to the New York State Sex Offender Registry to determine whether the prospective resident appears in said Registry.

Section 4. Notification.

If a nursing home operator determines that a resident of the nursing home is registered with the New York State Sex Offender Registry, the nursing home operator shall advise its employees, residents and residents' next of kin, of the resident's sex offender status. The nursing home operator shall also direct staff and residents to the State and Megan's Law Sex Offender Registries to obtain further information.

Section 5. Enforcement.

This law shall be enforced by the Suffolk County Department of Health Services in accordance with the provisions of Article II of the Suffolk County Sanitary Code.

Section 6. Penalties.

Any nursing home operator that fails to comply with Sections 3 and 4 of this law shall be subject to a civil penalty of \$2,000 for each violation.

Section 7. Promulgation of Regulations.

The Commissioner of the Suffolk County Department of Health Services is hereby authorized and empowered to issue such rules and regulations as he or she deems necessary to implement and carry out the provisions of this law.

Section 8. Applicability.

This law shall apply to nursing homes within the County of Suffolk subsequent to 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. 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 11. Effective Date.

This law shall take effect 60 days subsequent to its filing in the office of the Secretary of State.

[] Brackets denote deletion of existing language.

___ Underlining denotes addition of new language.

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
after a public hearing duly held on June 6, 2006

Date: June 16, 2006
Filed with the Secretary of State on July 13, 2006

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

Intro. Res. No. 1418-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 4/42006

RESOLUTION NO. 412 -2006, APPROVING THE APPOINTMENT OF JACQUELINE HASSON AS A MEMBER OF THE SUFFOLK COUNTY YOUTH BOARD COORDINATING COUNCIL REPRESENTING LEGISLATIVE DISTRICT NO. 16

WHEREAS, the term of office of Nancy Z. Schwartz has expired as of April 30, 2005; now, therefore, be it

RESOLVED, that the appointment of **Jacqueline Hasson**, currently residing at 278 Altessa Boulevard, Melville, New York 11747, as a member of the Suffolk County Youth Board Coordinating Council, representing the 16th Legislative District, for a term of office expiring April 30, 2008, is hereby approved, said appointment effective the date of enactment of this resolution pursuant to the provisions of Section A3-5 of the Suffolk County Administrative Code.

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1481-2006
Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

Laid on Table 4/4/2006

RESOLUTION NO. 413 -2006, REQUESTING LEGISLATIVE APPROVAL FOR THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WHEREAS, the Suffolk County Department of Health Services, Office of Ecology is requesting Legislative approval to submit a grant application to the New York State Department of Environmental Conservation; and

WHEREAS, this program provides funding for the hand removal of an invasive species, *Ludwigia peploides*, from the Peconic River; and

WHEREAS, the New York State Department of Environmental Conservation requires legislative approval before they will consider the application; and

WHEREAS, the grant amount shall not exceed \$26,046; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Health Services, Office of Ecology upon approval is hereby authorized and directed to file an application with the New York State Department of Environmental Conservation for funds from the New York State Aquatic Invasive Species Eradication Grant Program; 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: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 10-8. Legislators Romaine, Schneiderman, Caracappa, Losquadro, Alden, Barraga, Kennedy and Nowick voted no.

Intro. Res. No. 1139-2006

Laid on Table 1/17/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 414 -2006, AMENDING THE SUFFOLK COUNTY CLASSIFICATION AND SALARY PLAN AND THE 2006 OPERATING BUDGET IN CONNECTION WITH A NEW POSITION TITLE IN THE DEPARTMENT OF PUBLIC WORKS (PUBLIC WORKS CAPITAL PROJECTS MANAGER)

WHEREAS, the Department of Civil Service/Human Resources has completed a review of the duties and the responsibilities of the proposed new title in the Department of Public Works; and

WHEREAS, on the basis of this review they have determined that a new title of Public Works Capital Projects Manager be created; and

WHEREAS, the Department of Civil Service/Human Resources has recommended the salary grade as presented herein; and

WHEREAS, it is estimated that sufficient and uncommitted funds in the 2006 Department of Public Works budget to cover the costs of this position exists; now, therefore be it

RESOLVED, that the Suffolk County Classification and Salary Plan and the 2006 Operating Budget be and they are hereby amended as follows:

ADDITION TO THE CLASSIFICATION AND SALARY PLAN

<u>Spec. #</u>	<u>J/C</u>	<u>Title</u>	<u>Gr</u>	<u>BU</u>
0753	C	Public Works Capital Projects Manager	35	2

AMENDING THE 2006 OPERATING BUDGET

<u>Position</u>	<u>Fd- Agy – Org -Unit- Pos.</u>	<u>Gr</u>	<u>2006 Adopted</u>	<u>2006 Modified</u>	<u>Change</u>
Public Works Capital Projects Manager	001-DPW-1493-1500-0020	35	0	1	+1
Assistant Clerk of Works	001-DPW-1493-1500-0091	17	2	1	-1

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 31, 2006

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

Intro. Res. No. 1424-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 415 -2006, APPROVING APPOINTMENT
OF RELATIVE OF COUNTY EMPLOYEE AT SUFFOLK
COUNTY DEPARTMENT OF PUBLIC WORKS (WILLIAM J.
BARCLAY)**

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

WHEREAS, William J. Barclay, currently residing at 365 Middle Road, Bayport, New York 11705, has been offered employment with the Suffolk County Department of Public Works as a full-time custodian; and

WHEREAS, County Executive Steve Levy has given his approval for such hiring;
and

WHEREAS, William J. Barclay is the stepson of John K. Desmond, Director of Probation; now, therefore be it

1st RESOLVED, that the appointment of William J. Barclay, as a full-time custodian in the County Department of Public Works, is hereby approved, pursuant to Section 6-3(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, for the remainder of fiscal year 2006 and for all subsequent fiscal years until such time as this authorization is repealed; 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of County of Suffolk

Date: May 31, 2006

**William J. Barclay
365 Middle Road
Bayport, NY 11705
(631) 472-1516**

Objective: To obtain full-time employment where my customer service and academic skills can be best utilized.

Education:
2004 to 2005 Suffolk Community College
Brentwood, NY
Liberal Arts

2000 to 2004 High School Diploma
Deer Park High School
Deer Park, NY
Automotive Repair

Employment
History:
2003 to 2004 The Hamlet Golf Course
Commack, NY
Waiter
Served patrons in the party planning field
utilizing extensive customer service skills.

References: Available upon request.

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

Intro. Res. No. 1428-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 416 -2006, AUTHORIZING THE DISBURSEMENT OF FUNDS FROM THE SUFFOLK COUNTY LIVING WAGE CONTINGENCY FUND FOR BRIGHTWATERS CHILD CARE & DEVELOPMENT CENTER, INC. DBA KIDDIE ACADEMY OF BRIGHTWATERS, KID'S PLACE EARLY CHILDHOOD DAY SCHOOL, LAZY COW INC. DBA KIDDIE CARE, NOAH'S ARK DAY CARE CENTER, RAINBOW CHIMES INC., AND THE COMMUNITY PROGRAMS CENTER OF LONG ISLAND, INC., DAY CARE PROVIDERS UNDER CONTRACT WITH THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, a new Section 347-15, County Transitional Financial Assistance was added to the Suffolk County Code wherein child care providers shall be eligible for upfront financial assistance from the Suffolk County Living Wage Contingency Fund, or any successor fund thereto, in order to meet increased payroll expenses; and

WHEREAS, Brightwaters Child Care & Development Center, Inc. dba Kiddie Academy of Brightwaters, Kid's Place Early Childhood Day School, Lazy Cow Inc. dba Kiddie Care, Noah's Ark Day Care Center, Rainbow Chimes Inc., and The Community Programs Center of Long Island, Inc., day care providers, have submitted an Application for Hardship Assistance and other prescribed forms to document the need for financial assistance; and

WHEREAS, the providers have concerns about their ability to comply with the Living Wage Law without a financial subsidy; and

WHEREAS, the centers provide a needed service to the community; and

WHEREAS, the Department of Social Services seeks to continue it's contractual relationship with the day care providers to enable families that are eligible for Social Service Programs to maintain their relationship with these resources; and

WHEREAS, based on a financial review, the Department of Social Services recommended and the Department of Labor has authorized Hardship Assistance in the amount up to a maximum of \$444,299 be awarded for the period January 1, 2006 to December 31, 2006; and

WHEREAS, it is in the best interest of the County to provide the funding to Brightwaters Child Care & Development Center, Inc. dba Kiddie Academy of Brightwaters (\$52,045.00), Kid's Place Early Childhood Day School (\$34,100.00), Lazy Cow Inc. dba Kiddie Care (\$54,200.00), Noah's Ark Day Care Center (\$4,100.00), Rainbow Chimes, Inc. (\$95,200.00), and The Community Programs Center of Long Island, Inc. (\$204,654.00) in the amount up to a maximum of \$444,299; now, therefore be it

RESOLVED, that the County Comptroller be and hereby is authorized, empowered and directed to disburse funds as follows:

FROM:

001-MS-1998-4770 Suffolk County Living Wage Contingency Fund \$444,299

TO:

001-DSS-6015-4770 Client Benefits Special Services \$444,299

and be it further

RESOLVED, that the Commissioner of Social Services is hereby authorized, empowered and directed to disburse the funds to Brightwaters Child Care & Development Center, Inc. dba Kiddie Academy of Brightwaters, Kid's Place Early Childhood Day School, Lazy Cow Inc. dba Kiddie Care, Noah's Ark Day Care Center, Rainbow Chimes, Inc., and The Community Programs Center of Long Island, Inc.

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 31, 2006

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

Intro. Res. No. 1440-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 417 –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 (SCTM NO. 0100-083.00-02.00-142.000)

WHEREAS, the County of Suffolk is the fee owner of a 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 083.00, Block 02.00, Lot 142.000, and acquired by tax deed on January 13, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on January 14, 2003, in Liber 12230, CP 319 and otherwise known as and by Town of Babylon, Map of Colonial Springs No: 223 Blk 38 Lots 1 to 4 Inc. p/o 5. Filed in the Office of the Clerk of Suffolk County on March 16, 1926; 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 No's. 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, 2007, 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 31, 2006

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

Intro. Res. No. 1441-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 418 –2006, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0200-452.00-02.00-039.000)

WHEREAS, the County of Suffolk is the fee owner of a 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 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 452.00, Block 02.00, Lot 039.000, and acquired by tax deed on August 28, 2000, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 1, 2000, in Liber 12067, CP 720 and otherwise known as and by Town of Brookhaven, "Map of Gordon Heights" Sec. 15 Map No. 1719 Blk 2 Lot 21. Filed in the office of the Clerk of Suffolk County on December 5, 1949; 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 Brookhaven, 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 No's. 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 Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed:

4. 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.
5. The Town of Brookhaven 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, 2007, 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.
6. The Town of Brookhaven 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 Brookhaven, 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:

5. Principal residence of owner for a period of 5 years;
6. Income of purchaser limited to 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
7. 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;
8. 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:

6. Income of tenant limited to 80% of median income based on family size;

7. Rent shall not exceed HUD established Fair Market Rent for the Nassau-Suffolk PMSA based on bedroom size;
8. Home must meet local building and zoning codes;
9. 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.
10. Property must remain as an affordable unit for at least 10 years.

3rd **RESOLVED**, the conveyance of the parcel described to the Town of Brookhaven 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 31, 2006

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

Intro. Res. No. 1442-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 419 –2006, AUTHORIZING THE SALE OF
COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION
72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF**

**BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM
NO. 0200-897.00-03.00-047.000)**

WHEREAS, the County of Suffolk is the fee owner of a 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 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 897.00, Block 03.00, Lot 047.000, and acquired by tax deed on July 21, 1997, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 6, 1997, in Liber 11844, CP 842 Ctf#501172 and otherwise known as and by Town of Brookhaven, NY & Bkyn Sub Inv Co. Map 201, Sec 11, Blk. 926, Lot 4 & 5; 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 Brookhaven, 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 No's. 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 Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed:

7. 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.
8. The Town of Brookhaven 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, 2007, 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.
9. The Town of Brookhaven 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 Brookhaven, 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:

9. Principal residence of owner for a period of 5 years;
10. Income of purchaser limited to 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
11. 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;
12. 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:

11. Income of tenant limited to 80% of median income based on family size;
12. Rent shall not exceed HUD established Fair Market Rent for the Nassau-Suffolk PMSA based on bedroom size;
13. Home must meet local building and zoning codes;
14. 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.
15. Property must remain as an affordable unit for at least 10 years.

3rd **RESOLVED**, the conveyance of the parcel described to the Town of Brookhaven 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 31, 2006

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

Intro. Res. No. 1443-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 420 –2006, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (S.C.T.M. NO. 0200-929.00-03.00-008.000)

WHEREAS, the County of Suffolk is the fee owner of a 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 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 929.00, Block 03.00, Lot 008.000, and acquired by tax deed on July 5, 2001, from Joseph Sawicki, Jr., the Deputy County Treasurer of Suffolk County, New York, and recorded on July 12, 2001, in Liber 12129, CP 300 and otherwise known as and by Town of Brookhaven, NY & Bklyn Sub Inv Map 6/444, Blk 529, Lots N 5 Ft 13, All 14 to 16 Inc. Filed in the office of the Clerk of Suffolk County on June 9, 1890; 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 Brookhaven, 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 No's. 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 Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed:

10. 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.
11. The Town of Brookhaven 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, 2007, 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.
12. The Town of Brookhaven 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 Brookhaven, 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:

13. Principal residence of owner for a period of 5 years;
14. Income of purchaser limited to 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
15. 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;
16. 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:

16. Income of tenant limited to 80% of median income based on family size;
17. Rent shall not exceed HUD established Fair Market Rent for the Nassau-Suffolk PMSA based on bedroom size;
18. Home must meet local building and zoning codes;
19. 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.
20. Property must remain as an affordable unit for at least 10 years.

3rd **RESOLVED**, the conveyance of the parcel described to the Town of Brookhaven 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1444-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 421 –2006, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0200-980.30-03.00-046.000)

WHEREAS, the County of Suffolk is the fee owner of a 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 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 980.30, Block 03.00, Lot 046.000, and acquired by tax deed on January 29, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on January 31, 2003, in Liber 12233, CP 236 and otherwise

known as and by Town of Brookhaven, Map of Shirley L I Unit F Map No. 1828 Lot 209. Filed in the office of the Clerk of Suffolk County on March 27, 1951; 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 Brookhaven, 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 No's. 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 Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed:

13. 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.
14. The Town of Brookhaven 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, 2007, 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.
15. The Town of Brookhaven 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 Brookhaven, 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:

17. Principal residence of owner for a period of 5 years;
18. Income of purchaser limited to 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
19. 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;
20. 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:

21. Income of tenant limited to 80% of median income based on family size;
22. Rent shall not exceed HUD established Fair Market Rent for the Nassau-Suffolk PMSA based on bedroom size;
23. Home must meet local building and zoning codes;
24. 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.
25. Property must remain as an affordable unit for at least 10 years.

3rd RESOLVED, the conveyance of the parcel described to the Town of Brookhaven 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 422 -2006, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0200-973.70-05.00-025.000)

WHEREAS, the County of Suffolk is the fee owner of a 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 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 973.70, Block 05.00, Lot 025.000, 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, CP 605 and otherwise known as and by Town of Brookhaven, NY & Bklyn Sub Inv Co. Map 102/10 Blk 787 Lots 59 & 60. Filed in the office of the Clerk of Suffolk County on August 5, 1890; 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 Brookhaven, 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 No's. 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 Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed:

16. 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.
17. The Town of Brookhaven 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, 2007, 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.

18. The Town of Brookhaven 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 Brookhaven, 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:

21. Principal residence of owner for a period of 5 years;
22. Income of purchaser limited to 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
23. 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;
24. 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:

26. Income of tenant limited to 80% of median income based on family size;
27. Rent shall not exceed HUD established Fair Market Rent for the Nassau-Suffolk PMSA based on bedroom size;
28. Home must meet local building and zoning codes;
29. 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.
30. Property must remain as an affordable unit for at least 10 years.

3rd RESOLVED, the conveyance of the parcel described to the Town of Brookhaven 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); and be it further

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1461-2006

Laid on Table 4/4/2006

Introduced by Legislators Browning, Romaine, Eddington, Alden, Mystal, Presiding Officer Lindsay, Barraga, Kennedy, Schneiderman, Stern, D'Amaro and Vilorio-Fisher

**RESOLUTION NO. 423 -2006, ESTABLISHING A
COUNTY POLICY PERMITTING LEAVES OF ABSENCE
FOR BREAST CANCER AND PROSTATE CANCER
SCREENING**

WHEREAS, the high incidence of breast cancer and prostate cancer is a grave concern for Long Islanders; and

WHEREAS, early detection of these cancers can mean the difference between life and death; and

WHEREAS, the State of New York has a policy that permits State employees to take an excused leave for breast cancer and prostate cancer screening; and

WHEREAS, this Legislature wishes to establish a similar policy that encourages County employees to be screened for breast cancer and prostate cancer in a timely fashion; now, therefore be it

1st RESOLVED, that every employee of Suffolk County shall be entitled to excuse himself or herself from his or her duties as an employee for a sufficient period of time, not to exceed four (4) hours on an annual basis, to undertake screenings for breast cancer and prostate cancer; and be it further

2nd RESOLVED, that the entire period of the leave of absence authorized pursuant to this Resolution shall be an excused leave and shall not be charged against any sick, personal or other leave time that such employee is otherwise entitled to; and be it further

3rd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW

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

DATED: May 16, 2006

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED JUNE 2, 2006

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

Intro. Res. No. 1487-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 424 -2006, AMENDING THE SUFFOLK COUNTY CLASSIFICATION AND SALARY PLAN IN CONNECTION WITH A NEW POSITION TITLE IN THE DEPARTMENT OF CIVIL SERVICE (SENIOR WORKERS' COMPENSATION CLAIMS EXAMINER)

WHEREAS, the Department of Civil Service/Human Resources has completed a review of the duties and responsibilities of a position; and

WHEREAS, on the basis of this review they have determined that the new title of Senior Workers' Compensation Claims Examiner be created; and

WHEREAS, there are sufficient unexpended and uncommitted funds in the Department of Civil Service Budget to cover the cost; now, therefore be it

RESOLVED, that the Suffolk County Classification and Salary Plan and the Department of Civil Service Operating Budget be and they are hereby amended as follows:

ADDITION TO CLASSIFICATION AND SALARY PLAN

<u>Spec No.</u>	<u>JC</u>	<u>Position Title</u>		<u>Grade</u>	<u>BU</u>
0946	C	Senior Workers' Compensation Claims Examiner	19	02	

**AMENDMENT TO OPERATING BUDGET
ADDITION**

<u>Position No.</u>	<u>Spec No.</u>	<u>JC</u>	<u>Position Title</u>	<u>Grade</u>	<u>BU</u>
38-1316-0300-0105	0946	C	Senior Workers' Compensation	19	02

Claims Examiner

DELETION

<u>Position No.</u>	<u>Spec No.</u>	<u>JC</u>	<u>Position Title</u>	<u>Grade</u>	<u>BU</u>
38-1316-0300-0124	0945	C	Workers' Compensation Claims Examiner		17 02

and be it further

RESOLVED, that the provisions of the within resolution shall take effect within the first pay period immediately succeeding its adoption.

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1419A-2006

BOND RESOLUTION NO. 425 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$75,000 BONDS TO FINANCE A PART OF THE COST OF THE REMOVAL OF TOXIC MATERIALS IN COUNTY PARKS (CP 7185.311)

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 \$75,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the removal of toxic materials in County parks, 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 \$225,000. The plan of financing includes the issuance of \$75,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on

all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 35 of the Law of the Law, is five (5) years.

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

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

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

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

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

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

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

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

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1419-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 426 -2006, APPROPRIATING FUNDS IN CONNECTION WITH THE REMOVAL OF TOXIC MATERIALS IN COUNTY PARKS (CP 7185)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested construction funds for the removal of toxic materials in County parks; 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 2003 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; and

WHEREAS, removal of all toxic materials discovered in County parks will be in accordance with all Federal and OSHA standards; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$75,000 in Suffolk County Serial Bonds; now, therefore be it

1ST **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty (60) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

2ND **RESOLVED**, that the 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") Part 617.5 (c):

(1) maintenance or repair involving no substantial changes in an existing structure or facility; and

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part; and

(3) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may effect the environment; and therefore SEQRA is complete; and be it further

3RD **RESOLVED**, that the proceeds of \$75,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-7185.310	26	Removal of Toxic Materials in County Parks	\$75,000

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1482A-2006

BOND RESOLUTION NO. 427 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$740,000 BONDS TO FINANCE THE COST OF RECONSTRUCTION OF THE FORMER GATR SITE AT THEODORE ROOSEVELT COUNTY PARK FOR USE AS A MAINTENANCE AND OPERATIONS FACILITY (CP 7173)

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 \$740,000 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 reconstruction of the former GATR site at Theodore Roosevelt County Park for use as a maintenance and operations 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 \$740,000. The plan of financing includes the issuance of \$740,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12(a)(3) of the Law of the Law, is ten (10) years.

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

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County

without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1482-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 428 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF THE FORMER (GATR) SITE FOR USE AS A MAINTENANCE AND OPERATIONS BUILDING (CP 7173)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for planning and construction of a maintenance and operations facility at Theodore Roosevelt County Park (the former Ground-to-Air-Transmit and Receive (GATR) facility) as well as other locations; and

WHEREAS, there are not sufficient funds within the 2006 Adopted Capital Budget and Program to cover the cost of said planning and construction under Capital Program Number 7173; and

WHEREAS, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution No. 1204-2005 has determined that the proposed rehabilitation and adaptive reuse of the buildings and surrounding disturbed area of the former Ground-to-Air Transmit and Receive (GATR) site to serve as the park maintenance facility constitutes a Type II action pursuant to the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk Code which will not have a significant impact on the environment; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998, and reaffirmed by Resolution No. 209-2000 established a priority ranking system, implemented in the Adopted 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 \$720,000 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 three (53), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998, and reaffirmed by Resolution No. 209-2000; and be it further

2nd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section c8-2(X) of the Suffolk County Charter; and be it further

3rd RESOLVED, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No. 7173

Project Title: Reconstruction of Maintenance and Operations Facilities

	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Program and Budget</u>	<u>Revised 2006 Capital Program and Budget</u>
1. Planning	\$600,000	\$0	\$80,000 B
3. Construction	\$10,760,000	\$180,000 B	\$640,000 B
TOTAL	\$10,620,000	\$180,000	\$720,000

Project No. 7162

Project Title: Restoration of Smith Point County Park

	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Program and Budget</u>	<u>Revised 2006 Capital Program and Budget</u>
3. Construction	\$12,665,000	\$1,250,000 B	\$710,000 B
TOTAL	\$13,625,000	\$1,250,000	\$710,000

and be it further

4th RESOLVED, that the proceeds of the \$720,000 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-7173.114	26	Planning for a Reconstruction of a Maintenance And Operations Building at Theodore Roosevelt County Park, Montauk (the former (GATR) site)	\$80,000
525-CAP-7173.313	26	Reconstruction of a Maintenance And Operations Building at	\$640,000

Theodore Roosevelt County Park,
Montauk (the former (GATR) site)

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 17-0-0-1.

Intro. Res. No. 1416-2006
Introduced by Legislator Viloría-Fisher

Laid on Table 4/4/2006

RESOLUTION NO. 429 -2006, CREATING A SUFFOLK COUNTY STOP DWI DEATHS TASK FORCE

WHEREAS, alcohol related traffic deaths number approximately 20,000 nationwide or about 40% of all traffic fatalities; and

WHEREAS, one prominent insurer estimates that every 33 minutes someone dies in an alcohol related traffic accident; and

WHEREAS, alcohol is a factor in a higher percentage of fatal accidents than non-fatal accidents; and

WHEREAS, these statistics were brought to the attention of all Suffolk residents when a 7 year old girl was one of two victims of a drunk driver in a recent terrible accident; and

WHEREAS, the problems presented by drunk drivers should be reviewed and analyzed by a task force representing law enforcement, a victim's group, and a representative of the automobile industry so that a wide range of possible solutions can be studied; and

WHEREAS, the feasibility of new technologies including, devices that would prevent the operation of a motor vehicle by a drunk driver, can be analyzed and brought to the attention of law makers; now, therefore be it

1st RESOLVED, that a special Suffolk County Stop DWI Deaths Task Force is hereby created to study and analyze the problem of drunk driving, and to make recommendations for action by the County of Suffolk, automobile manufacturers and car dealers; and be it further

2nd RESOLVED, that this Stop DWI Deaths Task Force shall consist of the following seven (7) members:

- 1.) the Suffolk County District Attorney, or his designee;
- 2.) the Suffolk County Police Commissioner, or his designee;
- 3.) the Director of the Suffolk County Probation Department, or his designee, who shall serve as Chair;
- 4.) the Commissioner of the Suffolk County Department of Health Services, or his designee;
- 5.) a representative from Mothers Against Drunk Driving (MADD) to be appointed by the MADD organization;
- 6.) a representative from the automotive, mechanics, and electronics industry, who should be certified by either the ASE (Automotive Service Excellence) or ICAR, to be selected by the Public Safety & Public Information Committee of the County Legislature; and
- 7.) a representative from the County Executive's Stop DWI Program;

and be it further

3rd **RESOLVED**, that the Stop DWI Deaths Task Force shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened by the Chairman of the Stop DWI Deaths Task Force; and be it further

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

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

6th **RESOLVED**, that four (4) members of the Stop DWI Deaths Task Force shall constitute a quorum to transact the business of the Stop DWI Deaths Task Force at both regular and special meetings; and be it further

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

8th **RESOLVED**, that the Stop DWI Deaths Task Force may conduct such informal hearings and meetings at any place or places within the County of Suffolk for the purpose of obtaining necessary information or other data to assist it in the proper performance of its duties and functions as it deems necessary; and be it further

9th **RESOLVED**, that the Stop DWI Deaths Task Force may delegate to any member of the Stop DWI Deaths Task Force the power and authority to conduct such hearings and meetings; and be it further

10th **RESOLVED**, that the Stop DWI Deaths Task Force shall cooperate with the Legislative Committees of the County Legislature and make available to each Committee's use, upon request, any records and other data it may accumulate or obtain; and be it further

11th **RESOLVED**, that this special Stop DWI Deaths Task Force shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive no later than one hundred eighty (180) days subsequent to the effective date of this Resolution for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

12th **RESOLVED**, that the Stop DWI Deaths Task Force shall expire, and the terms of office of its members terminate, as of January 30, 2007 at which time the Stop DWI Deaths Task Force 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: May 16, 2006

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 31, 2006

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

Intro. Res. No. 1417A-2006

BOND RESOLUTION NO. 430 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$500,000 BONDS TO FINANCE THE COST OF TRAFFIC SIGNAL IMPROVEMENTS (CP 5054.572)

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 \$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 the cost of traffic signal improvements, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000. The plan of financing includes the issuance of \$500,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 72 of the Law of the Law, is twenty (20) years.

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

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

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

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

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

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

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

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

DATED: May 16, 2006

APPROVED BY:

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

Date: May 17, 2006

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

Intro. Res. No. 1417-2006

Laid on Table 4/4/2006

Introduced by Legislators Schneiderman, Kennedy, Romaine, Presiding Officer Lindsay and Eddington

**RESOLUTION NO. 431 -2006, AMENDING THE 2006
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH TRAFFIC SIGNAL
IMPROVEMENTS (CAPITAL PROGRAM 5054)**

WHEREAS, the Suffolk County Department of Public Works is in need of funds for Traffic Signal Improvements; and

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

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$500,000 in Suffolk County Serial Bonds; 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, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 1175-1995 classified the action contemplated by this as a Type II action; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty three (53) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

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

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

Project Number: 5054

Project Title: Traffic Signal Improvements

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
5. Furniture & Equipment	\$5,820,000	\$500,000G	\$500,000B
TOTAL	\$6,450,000	\$500,000	\$500,000

and be it further

5th RESOLVED, that the proceeds of \$500,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5054.572	50	Traffic Signal Improvements	\$500,000

and be it further

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

DATED: May 16, 2006

APPROVED BY:

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

Date: May 17, 2006

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

Intro. Res. No. 1426-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 432 -2006, ACCEPTING AND APPROPRIATING 75% GRANT FUNDS RECEIVED FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, NEW YORK STATE COMPTROLLERS NUMBER C825632

WHEREAS, in 2005, the New York State Division of Criminal Justice Services, awarded a grant to the Suffolk County District Attorney's Office to address the prosecution of gang and narcotic related criminal activities; and

WHEREAS, said grant is to run for the period 1/1/06 through 12/31/06 and awards the amount of \$54,500 (75%) grant funds; and

WHEREAS, the source of the local matching funds of \$18,167 (25%) will be asset forfeiture monies from the District Attorney's Shared Federal Forfeiture Proceeds; and

WHEREAS, no funding has been adopted to the District Attorney's Operating Budget for this program for fiscal year 2006, now, therefore, be it

1st RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to appropriate the following grant funds for fiscal year 2006:

<u>REVENUES</u>	<u>AMOUNT</u>
001-4360 Federal Aid: Prosecution of Gang Related Violent Crime	\$54,500

ORGANIZATIONS

District Attorney (DIS)
Gang Prosecution Program
001-1170

EQUIPMENT

and be it further

2nd **RESOLVED**, that the Reporting Category for the County Integrated Financial Management System is Appropriation Code DIS 001-1170 and Revenue Code 001-4360; 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 Type II action; and be it further

4th **RESOLVED**, that the County Executive be authorized to execute the grant related agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

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

Intro. Res. No. 1432-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 433 -2006, AMENDING THE 2006
OPERATING BUDGET IN CONNECTION WITH THE
CREATION OF EIGHT (8) DETENTION ATTENDANT
POSITIONS IN THE POLICE DEPARTMENT**

WHEREAS, the new Sixth Precinct building is now operational and contains a twenty (20) position cell block with a central monitoring station;

WHEREAS, this configuration is planned to operate most efficiently when detention attendants are assigned to this area; and

WHEREAS, the Police Commissioner requests the creation of eight (8) Detention Attendant positions to operate this facility as designed; and

WHEREAS, it is required by the New York State Commission of Correction that the Suffolk County Police Department shall staff and operate the 6th Precinct detention area observation post as designed and approved by the Commission whenever prisoners are lodged

in the lock up detention area, at a minimum during the 4 P.M. to 12 A.M. and the 12 A.M. to 8 A.M. shifts; and

WHEREAS, there is sufficient funding in the 2006 Police Department budget to cover the costs of these positions due to the abolishment of eight (8) Police Operation Aides; now, therefore, be it

1st RESOLVED, that the 2006 Police Department budget is hereby amended as follows:

AMENDING THE 2006 OPERATING BUDGET

<u>Position Title</u>	<u>Fd-Agy-Org-Unit-Pos.</u>	<u>Grade</u>	<u>2006</u>		
			<u>Adopted</u>	<u>Modified</u>	<u>Change</u>
Detention Attendant	15-3121-2000-	10	0	8	+8
Police Operation Aide	15-3121-2000-2909	11	1	0	-1
Police Operation Aide	15-3121-2000-2910	11	1	0	-1
Police Operation Aide	15-3121-2000-2911	11	1	0	-1
Police Operation Aide	15-3121-2000-2912	11	1	0	-1
Police Operation Aide	15-3121-2000-2913	11	1	0	-1
Police Operation Aide	15-3121-2000-2914	11	1	0	-1

<u>Position Title</u>	<u>Fd-Agy-Org-Unit-Pos.</u>	<u>Grade</u>	<u>2006</u>		
			<u>Adopted</u>	<u>Modified</u>	<u>Change</u>
Police Operation Aide	15-3121-2000-2915	11	1	0	-1
Police Operation Aide	15-3121-2000-2916	11	1	0	-1

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 31, 2006

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

Intro. Res. No. 1433-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 434 -2006, ACCEPTING AND APPROPRIATING 90% FEDERAL GRANT FUNDS AWARDED THROUGH THE NEW YORK STATE DIVISION OF CRIMINAL

**JUSTICE SERVICES BUREAU OF JUSTICE FUNDING TO THE
SUFFOLK COUNTY DEPARTMENT OF PROBATION**

WHEREAS, Suffolk County has received federal funds in the amount of \$100,000.00 from the U.S. Department of Justice with a 10% County match required; and

WHEREAS, Suffolk County ranks highest among all counties outside of New York City for the number of parolees which is further compounded by a 56% recidivism rate for parolees within two years of release; and

WHEREAS, the need to understand the reentry process is critical for systems planning and maximizing existing community resources; and

WHEREAS, \$100,000.00 (90%) are dedicated to the Local Reentry Task Force Initiative that is not currently in the 2006 Operating Budget and \$11,100 (10%) in fringe benefits will be allocated to this project from the 2006 Operating Budget; and

WHEREAS, the Suffolk County Probation Department has requested \$100,000.00 of said grant funding to establish a Reentry Task Force to address the needs of parolees who are transitioning from prison into the community and to hire a full time reentry coordinator (18 months) who would serve a population that can not be serviced by the current CJCC staff; and

WHEREAS, on June 29, 2005, the County's Criminal Justice Coordinating Council held the required public hearing on all funding requests under said grant and after such hearing it was the unanimous recommendation of the Council to approve all such funding requests; now, therefore be it

RESOLVED, that the County Executive is authorized to execute any Agreement with the U.S. Department of Justice, as necessary, to secure said grant funds; and further

RESOLVED, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate said unbudgeted grant funds in the amount of \$100,000.00 as follows:

<u>REVENUES</u>	<u>AMOUNT</u>
PR06-001-4320 Federal Aid: Criminal Justice	\$100,000.00
Division of Criminal Justice Services, Bureau of Justice Funding	

<u>APPROPRIATIONS:</u>	<u>AMOUNT</u>
Suffolk County Criminal Justice Coordinating Council Reentry Task Force Coordinator 001-PRO- 3172	
<u>1000 Personnel Services</u>	<u>\$81,104.00</u>

1100 Permanent Salaries \$81,104.00

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

Interfund Transfer \$6,646.00
9600-Transfer to Funds \$6,646.00

2000 Equipment \$2,187.00
2010 – Furniture and furnishings \$ 987.00
2020 – Office machines \$1,200.00

3000 Supplies \$1,425.00
3010 – Office Supplies \$1,000.00
3160 – Computer Software \$ 425.00

4300 Travel \$8,638.00
4320 - Meals \$ 300.00
4330 – Travel \$8,338.00

and be it further

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

<u>FUND</u>		<u>SPEC.</u>			<u>GRADE</u>	<u>NO.</u>
<u>CREATED</u>	<u>JC</u>	<u>NO.</u>	<u>POSITION TITLE</u>			
01-3172-0100	1	0259	Program Coordinator (Criminal Justice Planning)		24	1

and be it further

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

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

Legislator Eddington made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 15-0-2-1. Legislators Losquadro and Alden abstained. Deputy Presiding Officer Vilorio-Fisher was not present.

BOND RESOLUTION NO. 435 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$62,000 BONDS TO FINANCE A PART OF THE COST OF THE PURCHASE OF PARATRANSIT VANS AND RELATED EQUIPMENT (CP 5658.533)

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 \$62,000 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 purchase of paratransit vans and related equipment, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$620,000. The plan of financing includes (a) the expenditure of \$496,000 in Federal Aid funds, (b) the expenditure of \$62,000 in State Aid funds, (c) the issuance of \$62,000 bonds or bond anticipation notes authorized pursuant to this resolution, and (d) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 29 of the Law of the Law, is five (5) years.

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

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

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

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

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

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

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

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

DATED: May 16, 2006

APPROVED BY:

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

Date: May 26, 2006

Legislator Eddington made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 15-0-2-1. Legislators Losquadro and Alden abstained. Deputy Presiding Officer Viloría-Fisher was not present.

Intro Res. No. 1422-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 436 -2006, AUTHORIZING THE PURCHASE OF UP TO ELEVEN PARATRANSIT VANS AND RELATED EQUIPMENT AND ACCEPTING AND APPROPRIATING FEDERAL AID (80%), STATE AID (10%) AND COUNTY FUNDS (10%) IN CONNECTION WITH THIS PURCHASE (CP 5658)

WHEREAS, Resolution No. 636-2003 authorized the filing for and the execution of a grant with the Federal Transit Administration (FTA) and the New York State Department of Transportation (NYSDOT) for mass transportation projects including the purchase paratransit vans and related equipment; and

WHEREAS, federal grant NY-90-X490 was approved on August 6, 2003, whereby FTA will provide 80% of the cost of this project and NYSDOT will provide 10% of the cost of this project, with the County providing 10% of the cost of this 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 total cost of the purchase is estimated to be \$620,000; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program; and

WHEREAS, that the County Legislature, by resolution of even date herewith, has authorized the issuance of \$62,000 in Suffolk County Serial Bonds to cover the County share of this purchase; 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 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

2ND RESOLVED, that it is hereby determined that this project has been classified as a priority ranking of sixty-two (62) and 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 Purchasing Division is authorized to acquire up to eleven (11) paratransit vans including related equipment subject to approvals of FTA and NYSDOT and pursuant to applicable federal and state regulations; and be it further

4TH **RESOLVED**, that the proceeds of \$62,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.533	Purchase of eleven (11) paratransit vans and related equipment	\$62,000

and be it further

5TH **RESOLVED**, that the State Aid be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.533	Purchase of eleven (11) paratransit vans and related equipment	\$62,000

and be it further

6TH **RESOLVED**, that the Federal Aid be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.533	Purchase of eleven (11) paratransit vans and related equipment	\$496,000

and be it further

7TH **RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept State and/or Federal aid in connection with this project.

DATED: May 16, 2006

APPROVED BY:

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

Date: May 26, 2006

Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-0-0-2. Legislator Kennedy and Deputy Presiding Officer Vilorio-Fisher were not present.

Intro. Res. No. 1423-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 437 -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 INTERSECTION IMPROVEMENTS ON C.R. 46, AT SURREY CIRCLE, TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK (C.P. 3301)

WHEREAS, the Department of Public Works of the County of Suffolk has prepared maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR INTERSECTION IMPROVEMENTS ON C.R. 46, AT SURREY CIRCLE, TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK"; and

WHEREAS, on July 2, 2001, the County of Suffolk as Lead Agency, issued a SEQRA determination of non-significance for the project in Adopted Resolution No. 594-2001 and SEQRA is complete; and

WHEREAS, pursuant to Adopted Resolution No. 602-2005, the Division of Real Estate of the Suffolk County 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 South Shore Press, the official town newspaper situated in the locality where the public project is located; and

WHEREAS, a public hearing was duly held on November 18, 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; and
- 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 January 31, 2006, pursuant to Adopted Resolution No. 602-2005; and

WHEREAS, a brief synopsis thereof was duly published in two successive issues in the Smithtown News and the Smithtown Messenger, said newspapers at the time of publication being the current official County newspapers of the County of Suffolk; and the South Shore Press, 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 January 31, 2006, pursuant to Adopted Resolution No. 602-2005; now therefore, be it

1st **RESOLVED** that the Findings and Determinations heretofore filed with the Clerk of the Suffolk County Legislature on January 31, 2006, 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 INTERSECTION IMPROVEMENTS ON C.R. 46, AT SURREY CIRCLE, TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK", being the maps heretofore filed with the Clerk of the Suffolk County Legislature on January 31, 2006, pursuant to Adopted Resolution No. 602-2005, 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 Environment and Energy 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 Environment and Energy 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 Environment and Energy 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 Environment and Energy 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 Environment and Energy 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: May 16, 2006

APPROVED BY:

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

Date: May 17, 2006

Legislator D’Amaro made motion for the following resolution, seconded by Legislator Stern. The resolution was passed 14-2-0-2. Legislators Romaine and Horsley voted no. Legislator Kennedy and Deputy Presiding Officer Viloría-Fisher were not present.

Intro. Res. No. 1437-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 438 –2006, A RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 - SOUTHWEST (VARIOUS CAPITAL PROJECTS)

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York, has established a County sewer district designated and known as Suffolk County Sewer District No. 3 - Southwest; and

WHEREAS, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to the proposed increase and improvement of the facilities of said sewer district; and

WHEREAS, the Administrative Head of the Sewer District has requested that funds be appropriated to cover the installation costs associated with the improvement project by reconstructing the sludge treatment process and portions of the wastewater treatment system; and

WHEREAS, this action is in conformity with Resolution No’s. 589-2001, 262-2002, 902-2003 and 1113-2005 which satisfies the State Environmental Quality Review Act; and

WHEREAS, it is now desired to call a public hearing thereon; pursuant to Section 254 of County Law; now therefore be it

1st **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the William H. Rogers Legislature Building, in Hauppauge, New York, in said County, on 13th day of June 2006, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in substantially the following form, to wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk New York will meet at the William H. Rogers Legislature Building, in Hauppauge, New York, in said County, on the 13th day of June 2006 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal to increase and improve the facilities of Suffolk County Sewer District No. 3 - Southwest consisting of the reconstruction and replacement of portions of the existing sewage and sludge treatment plant and system at Suffolk County Sewer District No. 3 - Southwest at which time and place said County Legislature will hear all parties interested therein concerning the same. The estimated expense of said proposed increase and improvement of facilities is \$125.15 million. The cost is to be allocated to the entire area of said sewer district and will be stabilized by the Assessment Stabilization Reserve Fund at three percent per year being less than \$22/year in the Town of Islip and \$21/year in the Town of Babylon. A copy of the map, plan, and estimate of costs relating to said proposed increase and improvement of facilities is on file in the Office of the Clerk of said County Legislature, where the same may be examined during regular business hours.

DATED: May 16, 2006

BY THE ORDER OF THE COUNTY
OF SUFFOLK, NEW YORK

BY /s/ Tim Laube
Clerk, County Legislature

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 31, 2006

Legislator D'Amaro made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-0-0-2. Legislator Kennedy and Deputy Presiding Officer Vioria-Fisher were not present.

Intro. Res. No. 1438-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 439 -2006, A RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 23 - COVENTRY MANOR (CP 8149)

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York has established a County sewer district designated and known as Suffolk County Sewer District No. 23 - Coventry Manor; and

WHEREAS, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to the proposed increase and improvement of the facilities of said sewer district; and

WHEREAS, the Administrative Head of the Sewer District has requested that funds be appropriated to cover the installation costs associated with the improvement project to renovate the sewerage facilities; and

WHEREAS, pursuant to State Environmental Quality Review Act Environmental Conservation Law Article 8, CEQ Resolution No. 26-2006 determined that the Proposed Improvements to Sewer District 23 - Coventry Manor constitutes a Type II action which will not have a significant effect on the environment pursuant to the provisions of Title 6 NYCRR Part 617(c), (7) and (25) and Chapter 279 of the Suffolk County Code; and

WHEREAS, it is now desired to call a public hearing thereon; pursuant to Section 254 of County Law; now therefore be it

1ST RESOLVED, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. A meeting of the County Legislature of the County of Suffolk, New York, shall be held at the William H. Rogers Legislature Building, in Hauppauge, New York, in said County, on the 13th day of June 2006, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty, days before the day set herein for said public hearing. Such notice shall be in substantially the following form, to wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk, New York, will meet at the William H. Rogers Legislature Building in Hauppauge, New York, in said County, on the 13th day of June 2006 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal to increase, improve the sewerage facilities of Suffolk County Sewer District No. 23 - Coventry Manor consisting of the construction of an effluent filtration equipment and building at Suffolk County Sewer District No. 23 - Coventry Manor at which time and place said County Legislature will hear all parties interested therein concerning the same. The estimated expense of said proposed increase and improvement of facilities is \$800,000 using Serial Bonds. The cost is to be allocated to the entire area of said sewer district service area. Financing is based on Assessment Stabilization Reserve Fund funding and will amount to a 3% increase in the current rate, or an increase of \$12.00/typical property/year. A copy of the map, plan, and estimate of costs relating to said proposed increase and improvement of facilities is on file in the Office of the Clerk of said County Legislature, where the same may be examined during regular business hours.

Section 3. This resolution shall take effect immediately.

DATED: May 16, 2006

BY THE ORDER OF THE COUNTY
OF SUFFOLK, NEW YORK

By /s/ Tim Laube
 Clerk, County Legislature

APPROVED BY:

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

Date: May 26, 2006

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 16-0-0-2. Legislator Kennedy and Deputy Presiding Officer Vilorio-Fisher were not present.

Intro. Res. No. 1439-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 440 -2006, A RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 9 - COLLEGE PARK (CP 8163)

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York has established a County sewer district designated and known as Suffolk County Sewer District No. 9 - College Park; and

WHEREAS, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to the proposed increase and improvement of the facilities of said sewer district; and

WHEREAS, the Administrative Head of the Sewer District has requested that funds be appropriated to cover the installation costs associated with the improvement project to renovate the sewerage facilities; and

WHEREAS, pursuant to State Environmental Quality Review Act Environmental Conservation Law Article 8, CEQ Resolution No. 23-2006 determined that the Proposed Improvements to Sewer District 9 - College Park constitutes a Type II action which will not have a significant effect on the environment pursuant to the provisions of Title 6 NYCRR Part 617(c), (7) and (25) and Chapter 279 of the Suffolk County Code; and

WHEREAS, it is now desired to call a public hearing thereon; pursuant to Section 254 of County Law; now therefore, be it

1ST RESOLVED, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. A meeting of the County Legislature of the County of Suffolk, New York, shall be held at the William H. Rogers Legislature Building in Hauppauge, New York, in said County, on the 13th day of June 2006, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty, days before the day set herein for said public hearing. Such notice shall be in substantially the following form, to wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk, New York, will meet at the William H. Rogers Building in Hauppauge, New York, in said County, on the 13th day of June 2006 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal to increase, improve the sewerage facilities of Suffolk County Sewer District

No. 9 - College Park consisting of the construction of an effluent filtration equipment and building at Suffolk County Sewer District No. 9 - College Park at which time and place said County Legislature will hear all parties interested therein concerning the same. The estimated expense of said proposed increase and improvement of facilities is \$550,000 using Serial Bonds. The cost is to be allocated to the entire area of said sewer district service area, including contractees. Financing is based on Assessment Stabilization Reserve Fund funding and will amount to a 3% increase in the current rate, or an increase of \$12.07/typical property/year. A copy of the map, plan, and estimate of costs relating to said proposed increase and improvement of facilities is on file in the Office of the Clerk of said County Legislature, where the same may be examined during regular business hours.

Section 3. This resolution shall take effect immediately.

DATED: May 16, 2006

BY THE ORDER OF THE COUNTY
OF SUFFOLK, NEW YORK

By \s\Tim Laube
Clerk, County Legislature

APPROVED BY:

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

Date: May 26, 2006

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

Intro. Res. No. 1462A-2006

BOND RESOLUTION NO. 441 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$200,000 BONDS TO FINANCE THE COST OF PLANNING FOR CONSTRUCTION OF SIDEWALKS ALONG COUNTY ROAD 85, MONTAUK HIGHWAY BETWEEN WEST SAYVILLE AND OAKDALE (CP 5497.111)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$200,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the construction of sidewalks along County Road 85, Montauk Highway between West Sayville and Oakdale, 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 the issuance of \$200,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 24 of the Law of the Law, is ten (10) years.

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

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

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

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

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

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

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

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

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1462-2006

Laid on Table 4/4/2006

Introduced by Legislator Presiding Officer Lindsay

RESOLUTION NO. 442 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH PLANNING FOR THE CONSTRUCTION OF SIDEWALKS ALONG COUNTY ROAD 85, MONTAUK HIGHWAY BETWEEN WEST SAYVILLE AND OAKDALE (CP 5497)

WHEREAS, there is a need for the construction of sidewalks along County Road 85, Montauk Highway, between West Avenue in West Sayville and Vanderbilt Boulevard in Oakdale to ensure the safety of pedestrians from vehicle traffic; and

WHEREAS, there are insufficient funds in the 2006 Capital Budget for the planning of the improvements and construction of sidewalks along County Road 85; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$200,000 in Suffolk County Serial Bonds; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, established the use of a priority ranking system, implemented in the Adopted 2006 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

RESOLVED, that it is hereby determined that this project, with a priority ranking of 52 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

RESOLVED, that the 2006 Capital Budget and Program be and is hereby amended as follows:

Project Number: 1755

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

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
3. Construction	\$5,200,000	\$1,700,000 B	\$1,500,000 B
TOTAL	\$5,200,000	\$1,700,000	\$1,500,000

Project Number: 5497

Project Title: Construction of Sidewalks on Various County Roads

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
1. Planning, Design and Supervision	\$315,000	\$0	\$200,000 B
TOTAL	\$3,095,000	\$500,000	\$700,000

and be it further

RESOLVED, that the proceeds of \$200,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-5497.111	50	Construction of Sidewalks on Various County Roads	\$200,000

and be it further

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

RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1276-2006
Introduced by Presiding Officer Lindsay

Laid on Table 3/14/2006

RESOLUTION NO. 443 -2006, ADOPTING LOCAL LAW NO. 30 -2006, A CHARTER LAW TO ENHANCE PUBLIC HEARING PROCESS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 4, 2006, a proposed local law entitled, "**A CHARTER LAW TO ENHANCE PUBLIC HEARING PROCESS**"; now, therefore, be it

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

LOCAL LAW NO. 30 -2006, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO ENHANCE PUBLIC HEARING PROCESS

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 the Suffolk County Charter, no local law may be enacted unless it has been the subject of a public hearing by the County Legislature.

This Legislature further finds that timely and meaningful public participation is an indispensable element of the County's legislative process.

This Legislature also determines that on several occasions in recent years, the public hearing process has been diminished when major, substantive changes have been made to a proposed local law after the required public hearing was closed. The citizens of Suffolk County were afforded no opportunity to speak for or against the amended version of these local laws before they were acted on by this Legislature.

This Legislature also finds and determines that the failure to allow for public input after proposed legislation has undergone significant revisions is inconsistent with this County Legislature's stated policy and historic tradition of inviting citizen participation.

Therefore, the purpose of this law is strengthen and enhance citizen participation in the legislative process by requiring that a public hearing be reopened if substantial changes are made to a proposed local law after the original public hearing has been closed.

Section 2. Amendment.

Section C2-12 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

§ C2-12. Legislative consideration of proposed local laws and resolutions.

* * * * *

- B. No proposed local law may be enacted unless it is the subject of a public hearing by the County Legislature or one of its duly constituted committees. Such a public hearing shall be held on public notice, the form and time of which shall be prescribed by local law.

- C. If a public hearing on a proposed local law has been held and closed, and substantial changes are made to the proposed local law thereafter, a further public hearing must be held before the local law may be enacted. [A public hearing held on a proposed local law which is later amended and enacted as amended is, for purposes of Subsection B, a public hearing on the enacted local law.]

* * * * *

Section 3. Applicability.

This law shall apply to public hearings occurring on or after the effective date of this law.

Section 4. Severability.

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

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (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 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: May 16, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED JUNE 14, 2006

after a public hearing duly held on July 6, 2006

Filed with the Secretary of State on July 13, 2006

Legislator Mystal made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-1-0-0. Legislator Kennedy voted no.

Intro. Res. No. 1349-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 444 -2006, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976
DONATO AMBROSIO (SCTM NO. 0200-685.00-03.00-022.000)**

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 685.00, Block 03.00 Lot 022.000 and acquired by Tax Deed on July 21, 1997 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 6, 1997 in Liber 11844 at Page 842 and described as follows, Town of Brookhaven, County of Suffolk, State of New York, known and designated as Lots 58 & 59, in Block 4 on Map of Miriam Estates, Map No. 442, Plate 5, filed in the Office of the Suffolk County Clerk on September 1, 1910; 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, Donato Ambrosio, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$5,000.00. 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 \$5,000.00, 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 \$5,000.00, 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 Donato Ambrosio, 2368 Amherst Street, East Meadow, NY 11554.

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

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

Intro. Res. No. 1388A-2006

BOND RESOLUTION NO. 445 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$225,000 BONDS TO FINANCE THE COST OF THE ACQUISITION AND INSTALLATION OF AN OPTICAL DISK IMAGING SYSTEM, REDACTING SOFTWARE APPLICATION (CP 1751)

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 \$225,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to

finance the cost of the acquisition and installation of an optical disk imaging system, redacting software application, 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 \$225,000. The plan of financing includes the issuance of \$225,000 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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1450-2006
Introduced by Legislator Cooper

Laid on Table 4/4/2006

RESOLUTION NO. 447 -2006, AUTHORIZING WAIVER OF INTEREST AND PENALTIES FOR PROPERTY TAX FOR JOHN CLEMENT AND MARY KAY CLEMENT (SCTM NO. 0402-004.00-02.00-009.000)

WHEREAS, John Clement and Mary Kay Clement are the owners of a parcel of real property located at 14 Baycrest Drive, Huntington, NY 11743, bearing Suffolk County Tax Map (SCTM No. 0402-004.00-02.00-009.000); and

WHEREAS, the Town of Huntington has documented that their records reflected an incorrect mailing address for the Clements' 2004-2005 property tax bill, which resulted in the late payment of their property taxes; and

WHEREAS, pursuant to Section 30 of the SUFFOLK COUNTY TAX ACT, this Legislature may waive penalties and interest for the late payment of taxes under these circumstances; now, therefore be it

1st RESOLVED, that this Legislature hereby authorizes the Suffolk County Treasurer, pursuant to Section 30 of the SUFFOLK COUNTY TAX ACT, to accept the amount of \$17,257.68 in full payment of taxes for the 2004-2005 tax year from the property owners without payment of the interest charges and penalty charges in the amount of \$4,084.17 for a parcel in Huntington, New York, bearing SCTM No. 0402-004.00-02.00-009.000:

<u>Tax Year:</u>	<u>Taxes:</u>	<u>Penalty and Interest To Be Waived:</u>
2004-2005	\$17,257.68	\$4,084.17

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: May 16, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 22, 2006

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

Intro. Res. No. 1468-2006 Laid on Table 4/4/2006
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 448 -2006, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 DANIEL W. HOFMANN SR. AND JACKIE HOFMANN, HIS WIFE (SCTM NO. 0100-180.00-01.00-088.000)

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 180.00 Block 01.00 Lot 088.000 and acquired by Tax Deed on March 24, 2003 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 25, 2003 in Liber 12242 at Page 399 and described as follows, Town of Babylon, Filed Map #227 Sec. 2 Blk 2 Lots 31 & 32; 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, Daniel W. Hofmann Sr. and Jackie Hofmann, his wife, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$13,500.00. 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 \$5,500.00, 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 \$13,500.00, 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 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 Daniel W. Hofmann Sr. and Jackie Hofmann, his wife, 15 Ireland Place, Copiague, New York 11726.

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

Legislator D'Amaro made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 17-0-1-0. Legislator Kennedy abstained.

Intro. Res. No. 1469-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 449 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW
13-1976 GREGORY C. SESTO (SCTM NO. 0103-001.00-
01.00-029.000)**

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 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 001.00 Block 01.00 Lot 029.000 and acquired by Tax Deed on March 24, 2003 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 25, 2003 in Liber 12242 at Page 399 and otherwise known as and by, Incorporated Village of Lindenhurst, Town of Babylon, Amityville Terrace Map No. 642 Block No. 5, Lots 27 & 28, Lind TM 1-103, filed in the office of the Suffolk County Clerk on October 7, 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, Gregory C. Sesto, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$17,300.00. 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 \$16,250.00, 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 \$17,300.00, 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 Gregory C. Sesto, 99 Inlet Drive, Lindenhurst, New York 11757.

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

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

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 450 -2006, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW
13-1976 RALPH B. ADAMS (SCTM NO. 0200-883.00-01.00-
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 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 883.00 Block 01.00 Lot 038.000 and acquired by Tax Deed on May 2, 1983 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on May 2, 1983 in Liber 9351 at Page 287 and described as follows, Town of Brookhaven, Map of Mastic Park No: 109, Sec. 10, Lots 10861-10862, filed in the Office of the Clerk of Suffolk County on October 7, 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, Ralph B. Adams, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$16,050.00. 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 \$16,000.00, 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 \$16,050.00, 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 Ralph Adams, P.O. Box 631, Moriches, New York 11955.

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

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

Intro. Res. No. 1496-2006

Laid on Table 4/4/2006

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

RESOLUTION NO. 451 -2006, TRANSFERRING FUNDS TO TRAIN FOUR (4) ADDITIONAL COMMUNITY EMERGENCY RESPONSE TEAMS (CERT) TO ASSIST THE COUNTY IN TIMES OF EMERGENCIES

WHEREAS, the Department of Fire, Rescue and Emergency Services has identified the need to train additional volunteers from the community to assist the County in times of emergencies, natural disasters, etc.; and

WHEREAS, a New York State grant which covered the cost of this program will run out in May of 2006; and

WHEREAS, additional funding in the amount of \$30,000 is needed to fund four (4) six week classes commencing in May 2006 and running through September of this year; and

WHEREAS, funding within the Department of Fire, Rescue and Emergency Services which could have been utilized to fund this program was transferred by the Legislature to fund another worthwhile program; and

WHEREAS, funding exists within the budget of the County Legislature for worthwhile programs such as CERT training; now, therefore be it

RESOLVED, that the County Comptroller is hereby authorized to transfer funds as follows.

ORGANIZATIONS:

Department of Fire, Rescue and Emergency Services
Citizens Corps Council
001-FRE-3411

	<u>Adopted</u>	<u>Modified</u>	<u>Change</u>
<u>3000 - Supplies, Materials & Other Expense</u>	\$0	\$14,580	\$14,580
3040 Outside Printing	\$0	\$ 1,120	\$ 1,120
3310 Clothing & Accessories	\$0	\$ 8,000	\$ 8,000
3370 Medical Supplies	\$0	\$ 1,400	\$ 1,400
3500 Other, Unclassified	\$0	\$ 4,060	\$ 4,060
<u>4000 – Contractual Expenses</u>	\$0	\$11,820	\$11,820
4560 Fees for Services	\$0	\$11,820	\$11,820

Fire, Rescue & Emergency Services
001-FRE-3400

	<u>Adopted</u>	<u>Modified</u>	<u>Change</u>
<u>1000 – Personal Services</u>	\$4,660,885	\$4,664,485	\$3,600
1120 Overtime Salaries	\$ 400,000	\$ 403,600	\$3,600

Suffolk County Office for the Aging
Health Insurance Information Counseling and Assistance Program
001-6795

	<u>Change</u>
4980 – GVC1 RSVP	(\$7,000)

Suffolk County Department of Parks
001-7110

	<u>Change</u>
4980 Contracted Services	(\$3,000)

Department of Public Works
Buildings Operations and Maintenance

WHEREAS, the County match required to accept the additional \$1,691,669 in funding for this program is valued at \$187,964 (10%); and

WHEREAS, it is in the best interest of the County to accept these funds to increase services to the frail elderly; now, therefore be it

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

REVENUES:

001-3776 State Aid: Programs for Aging

\$1,691,669

ORGANIZATIONS:

**County Executive
Human Services: Office for the Aging
001-EXE-6778**

	<u>CURRENT</u>	<u>MODIFIED</u>	<u>CHANGE</u>
	914,955	1,143,733	228,778
1100 Permanent Salaries	914,955	1,143,733	228,778
<u>Equipment</u>	<u>39,584</u>	<u>44,584</u>	<u>5,000</u>
2010 Furniture, Furnishings	39,584	44,584	5,000
<u>Supplies, Materials & Other Equipment</u>	<u>19,860</u>	<u>30,970</u>	<u>11,110</u>
3010 Supplies	10,500	14,500	4,000
3500 Other, Unclassified	4,360	8,470	4,110
3510 Rent, Business Machines	5,000	8,000	3,000
<u>Contracted Expenses</u>	<u>1,541,473</u>	<u>3,176,218</u>	<u>1,634,745</u>
4980-Contracted Agencies	1,541,473	3,176,218	1,634,745

Total Change
1,879.633

and be it further

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

County Executive

**Human Services: Office for the Aging
O.R.T. Program
001-6798**

<u>4000 Contracted Expenses</u>	<u>Adopted</u>	<u>Modified</u>	<u>Change</u>
GVF1 RSVP	12,460	-0-	(12,460)

**Suffolk County of Parks, Recreation and Conservation
Parks, Recreation and Conservation
001-7110**

<u>4000 Contracted Expenses</u>	<u>Adopted</u>	<u>Modified</u>	<u>Change</u>
4980 Contracted Services	179,000	3,496	(175,504)
	<u>Total Change</u>	<u>(187,964)</u>	

DATED: May 16, 2006

APPROVED BY:

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

Date: May 17, 2006

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

Intro. Res. No. 1652-2006 Laid on Table 5/16/2006
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

**RESOLUTION NO. 453 -2006, ACCEPTING A DONATION
OF APPROXIMATELY \$20,000 FROM WINNER'S CIRCLE
HORSE SHOWS, INC. FOR RESTORATION AND REPAIRS TO
BE MADE AT THE SUFFOLK COUNTY FARM IN YAPHANK,
NEW YORK**

WHEREAS, Winner's Circle Horse Shows, Inc. is graciously donating approximately \$20,000 to the County of Suffolk for the restoration and repair of the horse rings on the horse show grounds at the Suffolk County Farm in Yaphank, New York, such services to be provided by a general contractor; and

WHEREAS, the general contractor that will be performing the work, Clifford Broman & Son Inc., has forwarded its work proposal to the County (Exhibit A), has executed an indemnification and hold harmless agreement with the County (Exhibit B), and has provided the required insurance, naming the County of Suffolk as an additional insured, for the work proposed to be done (Exhibit C); and

WHEREAS, the work proposal submitted by the general contractor has been reviewed by the County of Suffolk and such is in compliance with the County's requirements for the type of work involved; and

WHEREAS, the County's Department of Public Works shall oversee and supervise the work being performed at the site and will suspend any and all work in the event same is conducted contrary to the County's work requirements; now, therefore be it

1st RESOLVED, that pursuant to Section C4-22(B) of the SUFFOLK COUNTY CHARTER, the Suffolk County Executive is hereby authorized to accept the donation of services in the approximate amount of \$20,000 from Winner's Circle Horse Shows, Inc. for the purposes of restoration and repair of the horse rings at the Suffolk County Farm located in Yaphank, New York; 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)(1) 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 the work involves maintenance and repair involving no substantial changes to an existing structure or facility, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: May 16, 2006

APPROVED BY:

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

Date: May 17, 2006

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

Intro. Res. No. 1654-2006 Laid on Table 5/16/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 454 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
117-2005**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 117-2005; and

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

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

RESOLVED, that the Clerk of the Legislature shall make the following technical correction of the 3rd Resolved clause in Resolution No. 117-2005 hereby amended to read as follows:

3rd RESOLVED, that the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing, is hereby authorized, empowered and directed, pursuant to Section 35-2 (V) of the SUFFOLK COUNTY CHARTER, to plan for the acquisition of and infrastructure improvements to the parcels listed herein below;

SUFFOLK COUNTY
TAX MAP NUMBER:

REPUTED OWNER

District	0204	
Section	13.00	
Block	04.00	
Lot	019	Eremet DeCurzio
Lot	020	Rogello Bonilla
Lot	021	LI Head Start Child Development Services, Inc
Lot	022	Harriet H. Gordon Revocable Trust
Lot	023.3	Harriet & Benjamin Gordon Revocable Trust
Lot	024	George & Claudia DeFillippo
Lot	025	Luis Torres
Lot	026	Suzanne Wuehlar/Luis Torres
Lot	027	Karen L. & James F. DeVito
Lot	028	Fran & Pasquale Federico
Lot	029	Steven Brandt-Pine Shore Builders, Inc.
Lot	030	Joseph Costa & Steven Brandt
Lot	031	George R. Lundin, Jr.
Lot	032	Patchogue Village CDA
Lot	033	Patchogue Village
Lot	034	Francesca Lettieri
Lot	035	Thomas Krohn
Lot	036	Patchogue Village CDA
<u>Lot</u>	<u>017</u>	<u>Patchogue Village</u>

[Underline indicates addition]

DATED: May 16, 2006

APPROVED BY

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

Date: May 18, 2006

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

Intro. Res. No. 1357-2006

Laid on Table 3/14/2006

Introduced by Presiding Officer pursuant to Rule 3(A)(14) of the Suffolk County Legislature

RESOLUTION NO. 455 -2006, APPROVING RENEWAL AND EXTENSION 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; and

WHEREAS, Tony's Freight Service, Inc. has heretofore filed with the Clerk of the Suffolk County Legislature its undertaking with a surety all pursuant to Article 8 of the Navigation Law of the State of New York; now, therefore, be it

RESOLVED, pursuant to Chapter 287 of the SUFFOLK COUNTY CODE that:

(1) The Petition of Tony's Freight Service, Inc. dated and verified February 22, 2006, is hereby approved;

(2) The undertaking heretofore filed with the Clerk of the Suffolk County Legislature in the sum of \$20,000.00 is hereby approved;

(3) The Ferry license and Franchise heretofore granted to Tony's Freight Service, Inc. to operate a public ferry service for the transportation of property 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 of Fire Island, New York, including Fair Harbor, Fire Island Pines, Cherry Grove, Barrett Beach, Davis Park, Ocean Beach, Ocean Bay Park, Sailor's Haven, Watch Hill, Seaview, Kismet, Saltaire, Water Island, Point O'Woods, Atlantique Beach, Fire Island, New York is hereby extended for a period of five (5) years commencing on the date of approval hereof up to and including March 14, 2011;

(4) This Ferry License and Franchise is granted subject to all existing laws, rules and regulations of all Federal, State, County and Municipal governments and agencies thereof having jurisdiction thereover;

(5) The rates and fares to be charged for transportation pursuant to this License and Franchise shall not exceed the rates and fare authorized to the said Tony's Freight Service, Inc. and in place at the present time, or as amended in the future by separate resolution from time to time by the Suffolk County Legislature pursuant to Article 8 of the Navigation Law, Section 71 of the Transportation Corporations Law, Section 131-g of the Highway Law and Local Law No. 7 of 1982 of Suffolk County.

(6) The said rates and fare schedules, if any, shall be posted at each entrance of the ferry pursuant to Section 113 of the Navigation Law and Section 72 of the Transportation Corporations Law.

DATED: May 16, 2006

APPROVED BY:

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

Date: May 19, 2006

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

Intro. Res. No. 1429-2006

Laid on Table 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 456 -2006, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE #242

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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Islip:

0500-076-04-039	2004/05	\$6,292.35	\$0.00	\$6,292.35
0500-077-01-042	2004/05	\$4,825.06	\$0.00	\$4,825.06
0500-078-01-056	2004/05	\$6,072.62	\$0.00	\$6,072.62
0500-143-04-003	2004/05	\$5,453.32	\$0.00	\$5,453.32
0500-054-02-036	2004/05	\$4,454.47	\$0.00	\$4,454.47

DATED: May 16, 2006

APPROVED BY:

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

Date: May 22, 2006

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

Intro. Res. No. 1430-2006 Laid on Table 4/4/2006
 Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 457 -2006, TO READJUST,
 COMPROMISE, AND GRANT REFUNDS AND
 CHARGEBACKS ON CORRECTION OR
 ERRORS/COUNTY TREASURER BY: COUNTY
 LEGISLATURE #243

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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DATED: May 16, 2006

APPROVED BY:

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

Date: May 22, 2006

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

Intro. Res. No. 1483-2006

Laid on Tabled 4/4/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 460 -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
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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		0100/7-1-10	26478.71	19330.93	7147.78
A	BABYLON	05/06		0100/23-3-103	8666.17	5708.93	2957.24
C	BABYLON	05/06		0100/46-3-59	10943.03	6673.29	4269.74
C	BABYLON	05/06		0100/139-3-67	9759.75	5368.49	4391.26
A	BABYLON	05/06		0100/157-2-17	105308.88	72000.73	33308.15
A	BABYLON	05/06		0100/216-3-55	11360.64	8802.35	2558.29
C	BABYLON	05/06		0101/4-3-6	4753.39	2080.15	2673.24
A	BABYLON	05/06		0102/12-1-50	4730.52	1395.54	3334.98
A	BROOKHAVEN	05/06	86-22850	0200/42-5-6	7292.87	2430.69	4862.18
A	BROOKHAVEN	05/06	85-41325	0200/593-2-5	55904.34	28404.54	27499.80
C	EAST HAMPTON	05/06		0300/80-7-27	3340.66	222.72	3117.94
A	HUNTINGTON	05/06		0400/197-3-96	9923.32	7166.43	2756.89

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

DATED: May 16, 2006

APPROVED BY:

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

Date: May 22, 2006

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

Mem. Res. No. 8-2006

LOT 2/7/06

Introduced by Legislator Horsley, Romaine, Vilorio-Fisher, Stern, Browning, Montano,
Schneiderman, Mystal

**MEMORIALIZING RESOLUTION REQUESTING THE STATE
OF NEW YORK TO CREATE THE LONG ISLAND
WORKFORCE HOUSING INCENTIVE PROGRAM**

WHEREAS, the lack of affordable housing is universally recognized as one of the most critical problems facing the Long Island region; and

WHEREAS, in the last four years, housing prices on Long Island have risen 81% while incomes have risen only 14% on average, putting homes and rental units out of the reach of more individuals and families; and

WHEREAS, on Long Island more than 25% of households -- and one-third of renters -- pay more than 35% of their gross monthly income for housing costs; and

WHEREAS, the lack of affordable housing and workforce housing is forcing residents, particularly young people and seniors, to leave Suffolk County; and

WHEREAS, the County of Suffolk faces labor shortages and stunted economic growth unless this critical issue is addressed; and

WHEREAS, while the County of Suffolk has made the creation of affordable workforce housing a top priority, action is required at all levels of government, particularly at the town and village level; and

WHEREAS, legislation has been approved in the New York State Assembly, A.02050, and introduced in the New York State Senate, S.03966, that would create the Workforce Housing Incentive Program; and

WHEREAS, this legislation would require local governments in Nassau and Suffolk County that approve a subdivision plat or site plan for five (5) or more residential units to require the set aside of at least 10% of such units for affordable workforce housing, the payment of a fee to be used to provide affordable workforce housing or the provision of other lands for such purpose; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby supports Assembly Bill A02050, and Senate Bill S03966 to create the Long Island Workforce Housing Incentive Program; and be it further

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

DATED: March 14, 2006

s:\memres\mr-LI workforce housing incentive program

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

Mem. Res. No. 18-2006
Introduced by Legislator Romaine

LOT 4/4/2006

**MEMORIALIZING RESOLUTION IN SUPPORT OF
AMENDING THE NEW YORK STATE TAX LAW TO
PROVIDE TAX CREDITS FOR ALTERNATIVE ENERGY
SYSTEMS AND GENERATING EQUIPMENT**

WHEREAS, the County of Suffolk has enacted local legislation that encourages the development and use of renewable energy technologies and supports the enactment of similar measures by the state and federal governments; and

WHEREAS, additional investment in alternative energy sources like solar energy, wind energy and fuel cell electric generating equipment helps protect our environment and reduce our nation's reliance on non-renewable energy sources; and

WHEREAS, under existing state law, individuals who invest in solar electric technology for residential use are eligible for a personal income tax credit; and

WHEREAS, this Legislature believes a similar incentive should be offered to businesses to encourage their use of self-sufficient renewable energy systems; and

WHEREAS, legislation has been introduced and passed in the New York State Senate that would provide a tax credit to businesses that invest in alternative energy systems; now, therefore be it

1st **RESOLVED**, that this Legislature supports New York State Senate bill S.785A, which would provide a tax credit to businesses to encourage their investment in alternative energy systems, and urges the State of New York to enact this legislation; 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: May 16, 2006

s:\memres\mr-tax-credit

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

Mem. Res. No. 19 -2006

LOT 4/4/2006

Introduced by Presiding Officer Lindsay, Romaine

MEMORIALIZING RESOLUTION IN SUPPORT OF NEW YORK STATE ASSEMBLY BILL NO. A.1434, PROVIDING THE OWNERS OF MANUFACTURED HOMES THE RIGHT OF FIRST REFUSAL FOR THE PURCHASE OF MANUFACTURED HOME PARKS

WHEREAS, the owners of manufactured homes invest thousands of dollars to purchase and site their homes; and

WHEREAS, the majority of manufactured homeowners rent the lots on which their homes are located; and

WHEREAS, because of restrictive zoning laws, only a limited number of locations are available for manufactured homes; and

WHEREAS, most manufactured homes are difficult and expensive to move, and may suffer significant damage if moved; and

WHEREAS, the sale of a manufactured home park can have a devastating impact on the manufactured homeowners residing therein; and

WHEREAS, legislation has been introduced in the New York State Assembly that would provide manufactured homeowners the opportunity to purchase the park by and through a homeowner's association, within 60 days from the time the park owner either publicly offers the park for sale, or receives an unsolicited offer that is being seriously considered; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby supports New York State Assembly Bill No. A.1434 that would amend the Real Property Law in relation to providing a manufactured home park homeowner's association or the tenants thereof a right of first refusal upon the owner's receipt of a purchase offer; 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: May 16, 2006

s:\memres\mr-manufactured homes

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

Mem. Res. No. 21-2006
Introduced by Presiding Officer Lindsay

LOT 4/4/06

**MEMORIALIZING RESOLUTION IN SUPPORT OF
LEGISLATION THAT WILL EMPOWER THE WATERFRONT
COMMISSION TO DENY LICENSING OR REGISTRATION
OF PERSONS ASSOCIATED WITH ORGANIZED CRIME
AND TERRORISTS GROUPS**

WHEREAS, the Waterfront Commission Act, which is a compact between New York and New Jersey, provides various grounds for the denial of applications for registration and licensing of hiring agents, pier superintendents, and checkers; and

WHEREAS, in the aftermath of the September 11, 2001 attacks and the continuing terrorist threat to our nation, there is a need to bar prospective registrants and licensees from the port's piers and waterfront terminals, where an applicant has a knowing association with a terrorist group, career offender cartel, or organized crime group; and

WHEREAS, legislation has been introduced in the New York State Legislature that will empower the Waterfront Commission to deny an application for registration or licensing of hiring agents, pier superintendents, and checkers if the applicant knowingly associates with an organized crime group, terrorist group, or a career offender cartel; now, therefore, be it

1st **RESOLVED**, that this Legislature hereby requests the State of New York to enact Senate bill S.6822, which would authorize the Waterfront Commission to bar prospective registrants and licensees from the State's piers and waterfront terminals, where the applicant has a knowing association with terrorists, organized crime groups, or career offender cartels; 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: May 16, 2006

s:\memres\mr-waterfront-commission-act

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

Mem. Res. No. 22-2006
Introduced by Presiding Officer Lindsay

LOT 4/4/06

**MEMORIALIZING RESOLUTION IN SUPPORT OF
REQUIRING MOTOR FUEL DEALERS TO MAINTAIN
ELECTRIC GENERATORS**

WHEREAS, in the aftermath of recent hurricanes in the southern United States, gas stations were unable to provide services to government operations, businesses, and consumers because there was no power available to pump fuel; and

WHEREAS, the continuity of gas station operations during power outages is critical to the public's safety and well-being; and

WHEREAS, legislation has been introduced in the New York State Legislature that would require fuel dealers in New York State to maintain electric generators for the purpose of providing service in the event of a power outage; now, therefore, be it

1st RESOLVED, that this Legislature hereby request the State of New York to enact Senate bill S.6733, which would require motor fuel dealers to maintain electric generators for the provision of service during power outages; 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: May 16, 2006

s:\memres\mr-fuel-dealer-electric-generators

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

Mem. Res. No. 23-2006
Introduced by Presiding Officer Lindsay, Eddington

LOT 4/4/06

**MEMORIALIZING RESOLUTION IN SUPPORT OF
ESTABLISHING STANDARDS FOR NURSING HOMES AND
ASSISTED LIVING FACILITIES REGARDING EMERGENCY
PREPAREDNESS**

WHEREAS, there are presently no standards for best practices that New York nursing homes and assisted living facilities can follow when preparing disaster and emergency preparedness plans; and

WHEREAS, our elderly and disabled residents are among the most vulnerable of our population and require special consideration in emergency preparedness planning; and

WHEREAS, a lack of adequate planning lead to the death of 34 elderly residents at a nursing home in a New Orleans suburb in the aftermath of Hurricane Katrina; and

WHEREAS, legislation has been introduced in the New York State Legislature which would require the Director of the State's Homeland Security to assist nursing homes and assisted living facilities with disaster preparedness plans, such plans to include maintaining a reserve supply of food, water and medications, emergency generators, and establishing an evacuation plan for residents; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the State of New York to enact Senate bill S.6912, which would empower the Director of Homeland Security to establish standards for nursing homes and assisted facilities regarding disaster preparedness plans; 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: May 16, 2006

s:\memres\mr-standards-emergency-prepare

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

Mem. Res. No. 24 -2006
Introduced by Legislator Losquadro, Romaine, Alden

LOT 4/4/06

**MEMORIALIZING RESOLUTION IN SUPPORT OF
ASSEMBLY BILL NO. A09735 AND SENATE BILL NO.
S06635 REQUIRING AUTOMATED EXTERNAL
DEFIBRILLATORS IN STATE POLICE VEHICLES**

WHEREAS, time is critical when responding to a person experiencing cardiac arrest and five minutes can make a difference in life or death; and

WHEREAS, automated external defibrillators are a highly effective means of saving lives, and people often die because a life saving defibrillator arrives too late; and

WHEREAS, the administration of a defibrillator within the first few minutes after cardiac arrest occurs increases survival rates by 35% or higher; and

WHEREAS, in many areas, State police are usually the first to arrive at the scene of an accident, often before emergency medical services; and

WHEREAS, legislation has been introduced in the New York State Assembly and Senate that will require that State police vehicles used on patrol be equipped with an automated external defibrillator to help reduce the number of deaths associated with cardiac arrest; now, therefore, be it

1st RESOLVED, that this Legislature hereby supports Assembly Bill No. A09735 and Senate Bill No. S06635, which will require that automated external defibrillators be available in all State police vehicles used on patrol; 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: May 16, 2006

s:\memres\mr-defibrillators in state vehicles

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

Mem. Res. No. 25-2006

LOT 4/4/06

Introduced by Legislator Stern, Eddington, Browning, Cooper

**MEMORIALIZING RESOLUTION IN SUPPORT OF
TOUGHER PENALTIES FOR HAZING AND BULLYING**

WHEREAS, in recent years, school districts throughout the State have increased the safety of the school community by enacting codes of conduct and by increasing penalties for acts of violence on school property; and

WHEREAS, despite these efforts, the acts of bullying and hazing have been overlooked; and

WHEREAS, bullying and hazing, though less overt than other acts of violence, are still distracting and potentially terrifying forms of mistreatment which can impede the education, social development, and self-esteem of students; and

WHEREAS, prohibiting the acts of hazing and bullying on school property will address this oversight, and will make the school community safer for our students; now, therefore, be it

1st RESOLVED, that this Legislature hereby supports Assembly Bill No. A.09406 which would define and prohibit the acts of hazing and bullying on school property, and which would require the prohibition of these acts in school codes of conduct; 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 Speaker of the New York State Assembly Sheldon Silver; to the Minority Leader of the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: May 16, 2006

s:\memres\mr-bullying

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

Mem. Res. No.. 27-2006

LOT 4/4/06

Introduced by Legislator Romaine, Browning

MEMORIALIZING RESOLUTION REQUESTING THE STATE OF NEW YORK TO ENACT ASSEMBLY BILL A.10010 TO AMEND THE VEHICLE AND TRAFFIC LAW AND THE EDUCATION LAW IN RELATION TO SCHOOL BUS SAFETY

WHEREAS, all reasonable steps should be taken to increase the safety of children who travel on school buses; and

WHEREAS, in New York State, approximately 50,000 motorists illegally pass school buses every day, and in the last five years 35 students were hit and two were killed by motorists who illegally passed a school bus; and

WHEREAS, "Operation Safe Stop" was created to promote school bus safety through education and enforcement efforts; and

WHEREAS, "Operation Safe Stop" issued 1,250 tickets for illegally passing a school bus on their one day enforcement campaign; and

WHEREAS, currently, New York State allows for the permanent disqualification of school bus drivers convicted of certain crimes such as murder, manslaughter, and various sex crimes, however, this list of crimes has not been recently updated and therefore, it is not comprehensive enough; and

WHEREAS, in New York State, schools are required to create comprehensive district-wide school safety plans and building level school safety plans regarding crisis intervention and emergency response and management; and

WHEREAS, the criteria for these safety plans must be clarified to deal with an event that occurs while children are being transported by the school district; and

WHEREAS, legislation has been introduced in the New York State Legislature that would increase the penalties for passing a school bus illegally; update the list of crimes that disqualify individuals from driving a school bus to include certain sexual abuse and child abuse crimes; and require school districts to include a specific description of the district's emergency response plan in the event of a crisis involving the transportation of children; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the State of New York to enact Assembly Bill A.10010 to further protect our children from motorists who illegally pass a school bus which results in an accident where serious physical injury or death occurs; to update the list of crimes for disqualification of a school bus driver; and to clarify the emergency safety plans required in every school district; 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: May 16, 2006

s:\memres\mr-school-bus-safety

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

Introduced by Presiding Officer Lindsay

Laid on Table 5/16/06

PROCEDURAL RESOLUTION NO. 4 –2006, TO SET A PUBLIC HEARING REGARDING BAY SHORE FERRY, INC.

WHEREAS, Resolution No. 343-2003 approved a cross bay ferry license for the Bay Shore Ferry, Inc. to operate a ferry service over the waters of the Great South Bay; and

WHEREAS, Resolution 344-2003 authorized a rate schedule for Bay Shore Ferry, Inc.;

and

WHEREAS, Resolution 643-2004 authorized an amended cross bay ferry license for Bay Shore Ferry, Inc.; and

WHEREAS, the Suffolk County Legislature has received a notarized letter, dated May 8, 2006 advising that the Bay Shore Ferry, Inc. wishes to surrender said license; now, therefore be it

1st **RESOLVED**, that, pursuant to Chapter 287 of the SUFFOLK COUNTY CODE, a public hearing shall be held on June 13, 2006 at 2:30 p.m. in the Rose Y. Caracappa Auditorium at the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, NY for the purpose of considering the surrender of the license issued to Bay Shore Ferry, Inc., to operate a ferry service.

DATED: Adopted 5/16/06

EFFECTIVE IMMEDIATELY PURSUANT TO §A2-15(A) OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

s:\procedural resolutions\motion-bay-shore-ferry

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

Home Rule Message No. 4 -2006
Introduced by Legislator Lindsay

LOT 5/16/06

**HOME RULE MESSAGE REQUESTING NEW YORK STATE
LEGISLATURE TO ALLOW SUFFOLK COUNTY TO INSTALL
AND OPERATE RED-LIGHT CAMERA PROGRAM
(ASSEMBLY BILL A.3393)**

WHEREAS, the Insurance Institute for Highway Safety estimates that vehicle drivers running red traffic lights are responsible for an estimated 260,000 crashes each year in the United States, 750 of which are fatal, and that fatal crashes at intersections increased by almost 20 per cent during the five-year period from 1992 through 1996; and

WHEREAS, Suffolk County Local Law 18-2001, "Local Law to Prohibit Red Light Running in Suffolk County", similar to the successful New York City program now in place, was adopted by the Suffolk County Legislature on November 20, 2001, subject to the enactment of enabling State legislation for authority to install and implement traffic-control signal photo-violation monitoring devices to catch red-light runners; and

WHEREAS, Suffolk County Home Rule Message No. 3-2002 requested the New York State Legislature to adopt Senate Bill S. 6083-A, for red light traffic cameras in Suffolk County, and Suffolk County Home Rule Message No. 4-2002 requested the New York State Legislature to enact Assembly Bill A09871 for the same purpose; and

WHEREAS, Suffolk County Home Rule Message 1-2004 and Suffolk County Home Rule Message 2-2004, adopted by the Suffolk County Legislature on May 10, 2004, made similar requests to the New York State Legislature; and

WHEREAS, Suffolk County Home Rule Message No. 3-2005 was adopted by the Suffolk County Legislature on June 7, 2005 requesting the State of New York to enact Assembly Bill A.3393; and

WHEREAS, there is currently a proposal before the New York State Assembly to amend the NEW YORK VEHICLE AND TRAFFIC LAW (VTL) to allow Suffolk County to install and operate traffic-control signal photo violation-monitoring devices (red-light cameras) at intersections within Suffolk County; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the New York State Legislature to enact Assembly Bill A.3393 for the purpose of:

- 1.) amending new Section 1111-a of the VTL to allow Suffolk County to adopt a local law establishing and implementing a demonstration red-light camera program which would impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications by installing and operating traffic control signal photo violation-monitoring devices at no more than fifty (50) intersections within the County at any one time;
- 2.) imposing monetary fines not to exceed fifty (\$50.00) dollars per violation for failure to obey a traffic-control device to be adjudicated in the same manner that parking tickets are adjudicated, plus an additional penalty not to exceed twenty-five (\$25.00) dollars for each violation for the failure to respond to a notice of liability within the prescribed time period; and
- 3.) utilizing necessary technologies to ensure, to the extent practicable, that photographs produced by such traffic-control signal photo violation-monitoring systems shall not include images that identify the driver, the passengers or the contents of the 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: May 16, 2006

s:\memres\hr- -red-light-2006

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

Home Rule Message No. 6 -2006
Introduced by Presiding Officer Lindsay

LOT 5/16/06

**HOME RULE MESSAGE REQUESTING THE STATE OF
NEW YORK TO AUTHORIZE THE COUNTY OF SUFFOLK
TO ENFORCE STATE LAW REGULATING PET DEALERS**

WHEREAS, the State of New York enacted state legislation regulating pet dealers and mandating an annual inspection of pet stores beginning in 2002; and

WHEREAS, the State does not have sufficient manpower to enforce the law and carry out inspections; and

WHEREAS, in order to assist the State of New York and to protect animals from abuse and neglect, Suffolk County is willing to act to have the state law enforced at the local level; now, therefore be it

1st **RESOLVED**, that this Legislature hereby requests the State of New York to enact Assembly Bill A.8194, which would authorize the County of Suffolk to enforce the provisions of Article 26-A of the New York Agriculture and Markets Law, relating to the care of animals by pet dealers, and empower the County of Suffolk to contract with the Suffolk County Society for the Prevention of Cruelty to Animals to conduct inspections of pet dealers and to respond to complaints concerning pet dealers in the County of Suffolk; 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: May 16, 2006

S:\memres\hr-pet-dealers

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

Home Rule Message No. 7 -2006
Introduced by Legislator Lindsay

LOT 5/16/06

**HOME RULE MESSAGE REQUESTING NEW YORK STATE
LEGISLATURE TO ALLOW SUFFOLK COUNTY TO INSTALL**

**AND OPERATE RED-LIGHT CAMERA PROGRAM
(ASSEMBLY BILL A.3345-A)**

WHEREAS, the Insurance Institute for Highway Safety estimates that vehicle drivers running red traffic lights are responsible for an estimated 30% of reported vehicular crashes in the State of New York, 17% of which result in fatalities; and

WHEREAS, Suffolk County Local Law 18-2001, "Local Law to Prohibit Red Light Running in Suffolk County", similar to the successful New York City program now in place, was adopted by the Suffolk County Legislature on November 20, 2001, subject to the enactment of enabling State legislation for authority to install and implement traffic-control signal photo-violation monitoring devices to catch red-light runners; and

WHEREAS, there is currently a proposal before the New York State Assembly to amend the NEW YORK VEHICLE AND TRAFFIC LAW (VTL) to allow Suffolk County to install and operate traffic-control signal photo violation-monitoring devices (red-light cameras) at intersections within Suffolk County; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the New York State Legislature to enact Assembly Bill A.3345-A for the purpose of amending the VTL to allow Suffolk County to adopt a local law establishing and implementing a demonstration red-light camera program which would impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications by installing and operating traffic control signal photo violation-monitoring devices at no more than fifty (50) intersections within the County at any one time; and which would impose monetary liability not to exceed fifty (\$50.00) dollars per violation for failure to obey a traffic-control device to be adjudicated in the same manner that parking tickets are adjudicated; 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: May 16, 2006

s:\memres\hr-stop-light-cameras