

**CONTINUATION OF  
TWELFTH DAY**

**REGULAR MEETING**

**September 5, 2006**

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

The meeting was called to order at 9:45 a.m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Vioria-Fisher; Legislators Schneiderman, Browning, Caracappa, Losquadro, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, Horsley, Mystal, Stern, D'Amaro and Cooper.

Legislator Romaine arrived at 9:46 a.m.

Pledge of Allegiance.

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Statements and Presentations  
Public Portion  
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**Deputy Presiding Officer Vioria-Fisher made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 18-0.**

Intro. Res. No. 1604A-2006

**BOND RESOLUTION NO. 930 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$100,000 BONDS TO FINANCE THE COST OF REMEDIATION OF JET FUEL CONTAMINATED SOIL AT GABRESKI AIRPORT IN CONNECTION WITH THE REDEVELOPMENT OF A CERTAIN AREA IN THE AIRPORT (CP 8223.311)**

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$100,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the remediation of jet fuel contaminated soil at Gabreski Airport in connection with the redevelopment of a certain area in the airport, for the purpose of accommodating

installation of a recharge basin, including permanent installation of ground water monitoring wells, pursuant to a New York State Department of Environmental Conservation Voluntary Cleanup Agreement, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$100,000. The plan of financing includes the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 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: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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**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. 1604-2006

Laid on Table 5/16/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 931 -2006, APPROPRIATING FUNDS  
IN CONNECTION WITH THE BROWNFIELDS PILOT PROJECT  
(CP 8223)**

**WHEREAS**, the Commissioner of Health Services has requested the appropriation of funds in connection with the Brownfields Pilot Project; and

**WHEREAS**, these funds will be used to begin the jet fuel contamination cleanup in the soil at the Gabreski Airport site; and

**WHEREAS**, this project will be conducted under the New York State Department of Environmental Conservation Brownfields Voluntary Cleanup Program; and

**WHEREAS**, there are sufficient funds within the 2006 Adopted Capital Budget and Program to cover the cost of said request under Capital Program Number 8223; and

**WHEREAS**, Resolution No. 471-1994 as revised by Resolution No. 571-1998 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$100,000 in Suffolk County Serial Bonds; now therefore be it

**1<sup>st</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty seven (57) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

**2<sup>nd</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) 20, and 27 of Title 6 of New York Code of Rules and Regulations ("NYCRR"), and the Legislature has no further responsibilities under SEQRA; and be it further

**3<sup>rd</sup> RESOLVED**, that the proceeds of \$100,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8223.311 (Fund 001 – Debt Service)	40	Brownfields Pilot Project	\$100,000

DATED: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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

**RESOLUTION NO. 932                    -2006, TO APPOINT  
DIRECTOR TO THE SUFFOLK COUNTY LOCAL  
DEVELOPMENT CORPORATION (PATRICIA M. MC  
MAHON)**

**WHEREAS**, Local Law No. 5-2006 established the Suffolk County Local Development Corporation for the purpose of developing business incubators in low income communities in Suffolk County; and

**WHEREAS**, the Suffolk County Local Development Corporation shall have five directors appointed as follows:

- 1.) three (3) directors shall be appointed by the County Legislature as follows:
  - a.) one (1) director shall be appointed by the Presiding Officer of the County Legislature for a term of three (3) years;
  - b.) one (1) director shall be appointed by the County Legislature for a term of three (3) years; and
  - c.) one (1) director shall be appointed by the Minority Leader of the County Legislature for a term of three (3) years, measured by the political party having the second highest number of Suffolk County Legislators affiliated with said party.
- 2.) two (2) directors shall be appointed by the County Executive for a term of three (3) years;

now, therefore be it

**1st                    RESOLVED**, that Patricia M. McMahon, residing at 11 Cedar Lane, Babylon, New York, 11702, be and she is hereby appointed as a Director of the Suffolk County Local Development Corporation as the appointment of the Suffolk County Legislature for a term of office to expire three years subsequent to the effective date of this Resolution; and be it further

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

DATED: September 5, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND LOCAL LAW NO. 5-2006

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

Intro. Res. No. 1592A-2006

**BOND RESOLUTION NO. 933 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$92,000 BONDS TO FINANCE THE COST OF PAVING IMPROVEMENTS ON CR 100, SUFFOLK AVENUE, BRENTWOOD, TOWN OF ISLIP (CP 5185.310)**

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 \$92,000 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 paving improvements on CR 100, Suffolk Avenue, Brentwood, in the Town of Islip, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$92,000. The plan of financing includes the issuance of \$92,000 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. 20 (c) of the Law of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1592B-2006

**BOND RESOLUTION NO. 934 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$108,000 BONDS TO FINANCE THE COST OF LIGHTING IMPROVEMENTS ON CR 100, SUFFOLK AVENUE, BRENTWOOD, TOWN OF ISLIP (CP 5185.510)**

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$108,000 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 lighting improvements on CR 100, Suffolk Avenue, Brentwood, in the Town of Islip, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$108,000. The plan of financing includes the issuance of \$108,000 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. 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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1592-2006  
Introduced by Legislator Montano

Laid on Table 5/16/2006

**RESOLUTION NO. 935 -2006, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO LIGHTING AND PAVING ON CR 100, SUFFOLK AVENUE, BRENTWOOD, TOWN OF ISLIP (CP 5185)**

**WHEREAS**, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of the lighting and paving improvements under Capital Project No. 5185; and

**WHEREAS**, the cost of the paving improvements will be \$92,000 and the cost associated with the lighting improvements will be \$108,000; and

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

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$200,000 in Suffolk County Serial Bonds; now, therefore be it

**RESOLVED**, that it is determined that this program 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

**RESOLVED**, that \$92,000 in Suffolk County Serial Bonds will be used for paving improvements and \$108,000 in Suffolk County Serial Bonds will be used for lighting improvements; and be it further

**RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations (NYCRR) Section 671.5(20), (21) and (27), in that the resolution concerns construction of lighting and paving in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

**RESOLVED**, that the proceeds of \$200,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5185.310 (Fund 001-Debt Service)	50	Improvements to Paving CR 100 Suffolk Avenue in Brentwood	\$92,000
525-CAP-5185.510 (Fund 001-Debt Service)	50	Improvements to Lighting CR 100 Suffolk Avenue in Brentwood	\$108,000

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2030-2006  
Introduced by Presiding Officer Lindsay

Laid on Table 8/8/2006

**RESOLUTION NO. 936 -2006, TO EXTEND THE DEADLINE  
FOR THE HOMEOWNERS TAX REFORM COMMISSION**

**WHEREAS**, Resolution No. 168-2006 established the Homeowners Tax Reform Commission for the purpose of studying alternatives to our current system of real estate taxation, including the potential to replace real estate taxes, for owner-occupied single family homeowners only, with an income tax that would ultimately be paid to the respective taxing jurisdictions where the owner-occupied residence is located; and

**WHEREAS**, this Task Force will require additional time in order to complete its work; now, therefore be it

**1st RESOLVED**, that the 14<sup>th</sup> and 15<sup>th</sup> RESOLVED clauses of Resolution No. 168-2006 are hereby amended to read as follows:

**14th RESOLVED**, that this Commission shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive no later than [one hundred eighty (180) days subsequent to the effective date of this Resolution] December 31, 2006 for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

**15th RESOLVED**, that the Commission shall expire, and the terms of office of its members terminate, as of [September 1] December 31, 2006 at which time the Commission shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

and be it further

**2nd RESOLVED**, that all other terms and conditions of Resolution No. 168-2006 shall remain in full force and effect; and be it further

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1897-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/8/2006

**RESOLUTION NO. 937 -2006, APPROVING THE REAPPOINTMENT OF EDWARD NIELSEN III AS A MEMBER OF THE SUFFOLK COUNTY HOME APPLIANCE REPAIR LICENSING BOARD**

**WHEREAS**, the term of office of Edward Nielsen III, expired on December 31, 2004; now, therefore be it

**RESOLVED**, that the reappointment of Edward Nielsen III of 10 Ingram Court, Smithtown, New York 11787 as a member of the Suffolk County Home Appliance Repair Licensing Board, for a term of office expiring December 31, 2007, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 345 Section 345-27.A.

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1898-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/8/2006

**RESOLUTION NO. 938 -2006, APPROVING THE REAPPOINTMENT OF LYNN BLASSO AS A MEMBER OF THE SUFFOLK COUNTY ELECTRICAL LICENSING BOARD**

**WHEREAS**, the term of office of Lynn Blasso, expired on April 30, 2005; now, therefore be it

**RESOLVED**, that the reappointment of Lynn Blasso of 87 West Avenue, West Sayville, New York 11796 as a member of the Suffolk County Electrical Licensing Board, for a term of office expiring April 30, 2008, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6. A.(1).

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1899-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 939 -2006, APPROVING THE REAPPOINTMENT OF ROBERT RUGGIERO AS A MEMBER OF THE SUFFOLK COUNTY PLUMBING LICENSING BOARD**

**WHEREAS**, the term of office of Robert Ruggiero, expired on December 31, 2005; now, therefore be it

**RESOLVED**, that the reappointment of Robert Ruggiero of 11 Linden Street, Selden, New York 11784 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2008, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1900-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 940 -2006, APPROVING THE REAPPOINTMENT OF ANTHONY T. WARRENSKI AS A MEMBER OF THE SUFFOLK COUNTY PLUMBING LICENSING BOARD**

**WHEREAS**, the term of office of Anthony T. Warrenski, expired on December 31, 2005; now, therefore be it

**RESOLVED**, that the reappointment of Anthony T. Warrenski of 23 Storyland Lane, East Setauket, New York 11733 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2008, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1901-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/8/2006

**RESOLUTION NO. 941 -2006, APPROVING THE REAPPOINTMENT OF MICHAEL S. TOWERS AS A MEMBER OF THE SUFFOLK COUNTY ELECTRICAL LICENSING BOARD**

**WHEREAS**, the term of office of Michael S. Towers, expired on April 30, 2005; now, therefore be it

**RESOLVED**, that the reappointment of Michael S. Towers of 194 Oak Street, Deer Park, New York 11729 as a member of the Suffolk County Electrical Licensing Board, for a term of office expiring April 30, 2008, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(1).

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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**Legislator Eddington made motion for the following resolution, seconded by**

**Presiding Officer Lindsay. The resolution was passed 18-0.**

Intro. Res. No. 1902-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/8/2006

**RESOLUTION NO. 942                      -2006, APPROVING THE  
REAPPOINTMENT OF CHRISTIAN B. LISTER AS A MEMBER  
OF THE SUFFOLK COUNTY PLUMBING LICENSING BOARD**

**WHEREAS**, the term of office of Christian B. Lister, expired on December 31, 2004; now, therefore be it

**RESOLVED**, that the reappointment of Christian B. Lister of 26 Bayview Lane, Amityville, New York 11701 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2007, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1903-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/8/2006

**RESOLUTION NO. 943                      -2006, APPROVING THE  
REAPPOINTMENT OF DANIEL J. MEEHAN AS A MEMBER OF  
THE SUFFOLK COUNTY PLUMBING LICENSING BOARD**

**WHEREAS**, the term of office of Daniel J. Meehan, expired on December 31, 2004; now, therefore be it

**RESOLVED**, that the reappointment of Daniel J. Meehan of 69 Bobann Drive, Nesconset, New York 11767 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2007, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1929-2006  
Introduced by Legislator Nowick

Laid on Table 8/8/2006

**RESOLUTION NO. 944 -2006, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND (DECARMINE PROPERTY) TOWN OF SMITHTOWN**

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

**WHEREAS**, Resolution No. 840-2004 entitled the Save Open Space Bond Act authorizes the removal of development rights from County acquired parcels for the purposes of Workforce Housing; and

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

**1st RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 3rd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 8705.210, to acquire title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund for the preservation of Open Space purposes;

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0800 Section 075.00	1.2	Adrienne Tyler Decarmine PO Box 281

	Block	05.00		Smithtown, NY 11787
	Lot	038.000		
2	District:	0800	3.75	Adrienne Tyler Decarmine
	Section	075.00		PO Box 281
	Block	05.00		Smithtown, NY 11787
	Lot	039.000		
TOTAL ACREAGE			4.92	

and be it further

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

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

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

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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1982-2006  
Introduced by Legislator Romaine

Laid on Table 8/8/2006

**RESOLUTION NO. 945 -2006, AUTHORIZING PLANNING  
STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE  
OPEN SPACE (SOS), FARMLAND PRESERVATION, AND  
HAMLET PARKS FUND (MANZI PROPERTY) TOWN OF  
RIVERHEAD**

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

**WHEREAS**, there are sufficient revenues to fund land acquisition in Capital Project No. 8707.210, Project Name: Acquisition of Farmland Development Rights; now, therefore be it

**1st RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 3rd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 8707.210, to acquire development rights to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund for Acquisition of Farmland Development Rights;

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0600 Section 099.00 Block 02.00 Lot 013.003	31.6	Joseph G. Manzi, Jr. Irrevocable Trust 12 Monroe Street Rocky Point, NY 11778

and be it further

**2nd RESOLVED**, that this proposed acquisition shall be consummated in accordance with, and subject to, the provisions of Sections C36-1(A)(3) and (6) of the SUFFOLK COUNTY CHARTER in connection with the Acquisition of Farmland Development Rights; and be it further

**3rd RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, the County Department of Public Works, and/or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

**4th RESOLVED**, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be appropriated to future and subsequent acquisitions under the Suffolk County Save Open Space (SOS) Farmland Preservation and Hamlet Parks Fund; and be it further

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1999-2006

Laid on Table 8/8/2006

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

**RESOLUTION NO. 946 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – LAND PRESERVATION PARTNERSHIP PROGRAM – FOR THE ESTATE OF RALPH CAPURSO PROPERTY – MONTAUK DOWNS STATE PARK ADDITION (TOWN OF EAST HAMPTON – SCTM NO. 0300-019.00-02.00-016.001, 016.002, 018.001, 018.002 & 018.003)**

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

**WHEREAS**, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 775-2005 authorized planning steps for acquisition of the subject property; and

**WHEREAS**, the Town of East Hampton (hereinafter referred to “Town”) has approved Resolution No. 2006-563 on April 20, 2006 authorizing the acquisition of the subject property in partnership with the County of Suffolk; 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 Property Acquisition and Management to negotiate the acquisition; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program, pursuant to the Land Preservation Partnership Program, Resolution No. 751-1997, for a total purchase price of One Million Seven Hundred Fifty Thousand and 00/100 Dollars (\$1,750,000.00±), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk’s share, totaling Eight Hundred Seventy Five Thousand and 00/100 Dollars (\$875,000.00±) for a fifty percent (50%) undivided interest; and the Town’s share, totaling Eight Hundred Seventy Five Thousand and 00/100 Dollars (\$875,000.00±), for a fifty percent (50%) undivided interest, as tenants-in-common, 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 and 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      0300 Section        019.00 Block          02.00 Lot              016.001	3.34± acres	Estate of Ralph Capurso by Co-Executors Ronald Capurso 225 Suydam Lane Bayport, NY 11705 and Eileen Schutt 680 Bohemia Parkway Sayville, NY 11782
No. 2	District      0300 Section 019.00		

	Block	02.00
	Lot	016.002
No. 3	District	0300
	Section 019.00	
	Block	02.00
	Lot	018.001
No. 4	District	0300
	Section 019.00	
	Block	02.00
	Lot	018.002
No. 5	District	0300
	Section 019.00	
	Block	02.00
	Lot	018.003

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for the County's share of the purchase price of Eight Hundred Seventy Five Thousand and 00/100 Dollars (\$875,000.00±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$875,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County of Suffolk owning a fifty percent (50%) undivided interest and the Town owning a fifty percent (50%) undivided interest; and be it further

**5<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses 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

**6<sup>th</sup> RESOLVED**, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation according to the requirements of the Suffolk County Land Preservation Partnership Program (Resolution No. 751-1997) thereby meeting the following criteria for acquisition under the Open Space Preservation Program, as described in Section 661-2, and meeting the following category of use:

*C. The Open Space Preservation Program (natural resource preservation)*

as described in Section 661-5; and be it further

**7<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and enter into any collateral agreements with the Town to effectuate the terms of the resolution; and be it further

**8<sup>th</sup> RESOLVED**, that the County of Suffolk, through its Department of Parks, Recreation and Conservation, is hereby authorized to negotiate and enter into a municipal cooperative agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; 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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2000-2006

Laid on Table 8/8/2006

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

**RESOLUTION NO. 947 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – LAND PRESERVATION PARTNERSHIP PROGRAM – FOR THE RALPH CAPURSO, JR. PROPERTY – MONTAUK DOWNS STATE PARK ADDITION (TOWN OF EAST HAMPTON – SCTM NO. 0300-019.00-02.00-018.004 & 018.007)**

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

**WHEREAS**, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 775-2005 authorized planning steps for acquisition of the subject property; and

**WHEREAS**, the Town of East Hampton (hereinafter referred to as “Town”) has approved Resolution No. 2006-566 on April 20, 2006 authorizing the acquisition of the subject property in partnership with the County of Suffolk; 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 Property Acquisition and Management to negotiate the acquisition; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program, pursuant to the Land Preservation Partnership Program, Resolution No. 751-1997, for a total purchase price of Six Hundred Forty Five Thousand and 00/100 Dollars (\$645,000.00±), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Three Hundred Twenty Two Thousand Five Hundred and 00/100 Dollars (\$322,500.00±) for a fifty percent (50%) undivided interest; and the Town's share, totaling Three Hundred Twenty Two Thousand Five Hundred 00/100 Dollars (\$322,500.00±), for a fifty percent (50%) undivided interest, as tenants-in-common, 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 and 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 0300 Section 019.00 Block 02.00 Lot 018.004	1.05± acres	Ralph Capurso, Jr. 115 Ocean Avenue Bayport, NY 11705
No. 2	District 0300 Section 019.00 Block 02.00 Lot 018.007		

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for the County's share of the purchase price of Three Hundred Twenty Two Thousand Five Hundred and 00/100 Dollars (\$322,500.00±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$322,500.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County of Suffolk owning a fifty percent (50%) undivided interest and the Town owning a fifty percent (50%) undivided interest; and be it further

**5<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such

additional expenses 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

**6<sup>th</sup> RESOLVED**, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation according to the requirements of the Suffolk County Land Preservation Partnership Program (Resolution No. 751-1997) thereby meeting the following criteria for acquisition under the Open Space Preservation Program, as described in Section 661-2, and meeting the following category of use:

*D. The Open Space Preservation Program (natural resource preservation)*

as described in Section 661-5; and be it further

**7<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and enter into any collateral agreements with the Town to effectuate the terms of the resolution; and be it further

**8<sup>th</sup> RESOLVED**, that the County of Suffolk, through its Department of Parks, Recreation and Conservation, is hereby authorized to negotiate and enter into a municipal cooperative agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; 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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2001-2006

Laid on Table 8/8/2006

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

**RESOLUTION NO. 948 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – LAND PRESERVATION PARTNERSHIP PROGRAM – FOR THE BURKE PROPERTY – MONTAUK DOWNS STATE PARK ADDITION (TOWN OF EAST HAMPTON – SCTM NO. 0300-019.00-02.00-016.003)**

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

**WHEREAS**, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 775-2005 authorized planning steps for acquisition of the subject property; and

**WHEREAS**, the Town of East Hampton (hereinafter referred to as “Town”) has approved Resolution No. 2006-567 on April 20, 2006, authorizing the acquisition of the subject property in partnership with the County of Suffolk; 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 Property Acquisition and Management to negotiate the acquisition; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program, pursuant to the Land Preservation Partnership Program, Resolution No. 751-1997, for a total purchase price of Three Hundred Sixty Thousand and 00/100 Dollars (\$360,000.00±), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk’s share, totaling One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00±) for a fifty percent (50%) undivided interest; and the Town’s share, totaling One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00±), for a fifty percent (50%) undivided interest, as tenants-in-common, 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 and 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 0300	0.50± acres	Jay Burke
	Section 019.00		P.O. Box 2396
	Block 02.00		Montauk, NY 11954
	Lot 016.003		

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for the County’s share of the purchase price of One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$180,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County of Suffolk owning a fifty percent (50%) undivided interest and the Town owning a fifty percent (50%) undivided interest; and be it further

**5<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such

additional expenses 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

**6<sup>th</sup> RESOLVED**, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation according to the requirements of the Suffolk County Land Preservation Partnership Program (Resolution No. 751-1997) thereby meeting the following criteria for acquisition under the Open Space Preservation Program, as described in Section 661-2, and meeting the following category of use:

*E. The Open Space Preservation Program (natural resource preservation)*

as described in Section 661-5; and, be it further

**7<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and enter into any collateral agreements with the Town to effectuate the terms of the resolution; and be it further

**8<sup>th</sup> RESOLVED**, that the County of Suffolk, through its Department of Parks, Recreation and Conservation, is hereby authorized to negotiate and enter into a municipal cooperative agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; 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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2002-2006 Laid on Table 8/8/2006  
Introduced by Presiding Officer on request of the County Executive and Legislator Schneiderman

**RESOLUTION NO. 949 -2006 AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – LAND PRESERVATION PARTNERSHIP PROGRAM – FOR THE RONALD CAPURSO & EILEEN SCHUTT PROPERTY – MONTAUK DOWNS STATE PARK ADDITION (TOWN OF EAST HAMPTON – SCTM NO. 0300-019.00-02.00-061.000)**

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

**WHEREAS**, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 775-2005 authorized planning steps for acquisition of the subject property; and

**WHEREAS**, the Town of East Hampton (hereinafter referred to as “Town”) has approved Resolution No. 2006-565 on April 20, 2006 authorizing the acquisition of the subject property in partnership with the County of Suffolk; 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 Property Acquisition and Management to negotiate the acquisition; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program, pursuant to the Land Preservation Partnership Program, Resolution No. 751-1997, for a total purchase price of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00±), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk’s share, totaling One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00±) for a fifty percent (50%) undivided interest; and the Town’s share, totaling One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00±), for a fifty percent (50%) undivided interest, as tenants-in-common, 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 and insurance, and tax adjustments:

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY</u></b>		<b><u>ACRES:</u></b>	<b><u>REPUTED OWNER</u></b>
	<b><u>TAX MAP NUMBER:</u></b>			<b><u>AND ADDRESS:</u></b>
No. 1	District	0300	0.44± acres	Ronald Capurso
	Section	019.00		225 Suydam Lane
	Block	02.00		Bayport, NY 11705
	Lot	061.000		and
				Eileen Schutt
				680 Bohemia Pkwy.
				Sayville, NY 11782

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for the County’s share of the purchase price of One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$175,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County of Suffolk owning a fifty percent (50%) undivided interest and the Town owning a fifty percent (50%) undivided interest; and be it further

**5<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses 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

**6<sup>th</sup> RESOLVED**, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation according to the requirements of the Suffolk County Land Preservation Partnership Program (Resolution No. 751-1997) thereby meeting the following criteria for acquisition under the Open Space Preservation Program, as described in Section 661-2, and meeting the following category of use:

*F. The Open Space Preservation Program (natural resource preservation)*

as described in Section 661-5; and, be it further

**7<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and enter into any collateral agreements with the Town to effectuate the terms of the resolution; and be it further

**8<sup>th</sup> RESOLVED**, that the County of Suffolk, through its Department of Parks, Recreation and Conservation, is hereby authorized to negotiate and enter into a municipal cooperative agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; 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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2003-2006

Laid on Table 8/8/2006

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

**RESOLUTION NO. 950 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – LAND PRESERVATION PARTNERSHIP PROGRAM – FOR THE ESTATE OF EDNA CAPURSO PROPERTY – MONTAUK DOWNS STATE PARK ADDITION (TOWN OF EAST HAMPTON – SCTM NO. 0300-019.00-02.00-016.004, 018.005, 018.006 & 020.002)**

**WHEREAS**, the 5<sup>th</sup> RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to

Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

**WHEREAS**, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 775-2005 authorized planning steps for acquisition of the subject property; and

**WHEREAS**, the Town of East Hampton (hereinafter referred to as “Town”) has approved Resolution No. 2006-564 on April 20, 2006 authorizing the acquisition of the subject property in partnership with the County of Suffolk; 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 Property Acquisition and Management to negotiate the acquisition; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program, pursuant to the Land Preservation Partnership Program, Resolution No. 751-1997, for a total purchase price of One Million Three Hundred Fifteen Thousand and 00/100 Dollars (\$1,315,000.00±), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk’s share, totaling Six Hundred Fifty Seven Thousand Five Hundred and 00/100 Dollars (\$657,500.00±) for a fifty percent (50%) undivided interest; and the Town’s share, totaling Six Hundred Fifty Seven Thousand Five Hundred and 00/100 Dollars (\$657,500.00±), for a fifty percent (50%) undivided interest, as tenants-in-common, 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 and insurance, and tax adjustments:

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b>	<b><u>ACRES:</u></b>	<b><u>REPUTED OWNER AND ADDRESS:</u></b>
No. 1	District 0300 Section 019.00 Block 02.00 Lot 016.004	1.85± acres	Estate of Edna Capurso by Co-Executors Ronald Capurso 225 Suydam Lane Bayport, NY 11705 and Eileen Schutt 680 Bohemia Parkway Sayville, NY 11782
No. 2	District 0300 Section 019.00 Block 02.00 Lot 018.005		

No. 3            District            0300  
                  Section 019.00  
                  Block            02.00  
                  Lot              018.006

No. 4            District            0300  
                  Section 019.00  
                  Block            02.00  
                  Lot              020.002

and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for the County's share of the purchase price of Six Hundred Fifty Seven Thousand Five Hundred and 00/100 Dollars (\$657,500.00±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$657,500.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County of Suffolk owning a fifty percent (50%) undivided interest and the Town owning a fifty percent (50%) undivided interest; and be it further

**5<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses 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

**6<sup>TH</sup> RESOLVED**, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation according to the requirements of the Suffolk County Land Preservation Partnership Program (Resolution No. 751-1997) thereby meeting the following criteria for acquisition under the Open Space Preservation Program, as described in Section 661-2, and meeting the following category of use:

*G. The Open Space Preservation Program (natural resource preservation)*

as described in Section 661-5; and, be it further

**7<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and enter into any collateral agreements with the Town to effectuate the terms of the resolution; and be it further

**8<sup>th</sup> RESOLVED**, that the County of Suffolk, through its Department of Parks, Recreation and Conservation, is hereby authorized to negotiate and enter into a municipal cooperative agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; 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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2010-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 951 -2006, AMENDING THE ADOPTED 2006 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH THE ROBINSON DUCK FARM COUNTY PARK HABITAT RESTORATION FEASIBILITY STUDY(CP 8710.113)**

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

**WHEREAS**, funds are available to conduct a feasibility study to assess the potential for restoring freshwater wetland, riparian, and upland habitats at the Robinson Duck Farm County Park; 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**, there are available Fund 477 funds within the Reserved Fund Balance for Water Quality related projects to support the appropriation of this project within the 2006 Capital Budget and Program; now, therefore be it

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

**2<sup>nd</sup>RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Section 617.5 (c) (20), (21) and (27) of Title 6 of the NYCRR and within the meaning of Section 8-0109 (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; and be it further

**3<sup>rd</sup>RESOLVED**, that sufficient funds exist within Fund 477’s Water Quality Reserve Fund Balance component to cover the cost of said transfer; and be it further

**4<sup>th</sup>RESOLVED**, that the Adopted 2006 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

**EXPENDITURES:**

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$85,000

and be it further

**5<sup>th</sup>RESOLVED**, that the interfund revenues be and hereby are transferred and accepted in the Capital Fund as follows:

**REVENUES:**

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Water Quality Protection	\$85,000

and be it further

**6<sup>th</sup>RESOLVED**, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8710  
 Project Title: Water Quality Protection- Robinson Duck Farm

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget &amp; Program</u>	<u>Revised 2006 Capital Budget &amp; Program</u>
1. Planning	\$85,000	\$0	\$85,000

TOTAL \$85,000 \$0 \$85,000

and be it further

**7<sup>th</sup>RESOLVED**, that the transfer in the amount of \$85,000 be and hereby is appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8710.113	50	Robinson Duck Farm Habitat Restoration Feasibility Study	\$85,000

and be it further

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2012-2006 Laid on Table 8/8/2006  
Introduced by Presiding Officer, on request of the County Executive and Legislator Stern

**RESOLUTION NO. 952 -2006, AUTHORIZING  
ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY  
MULTIFACETED LAND PRESERVATION PROGRAM –  
OPEN SPACE PRESERVATION PROGRAM - FOR THE  
HOUDE PROPERTY -  
EME  
RALD ESTATES (TOWN OF HUNTINGTON – SCTM NO.  
0400-168.00-02.00-085.000, 0400-170.00-01.00-001.000 p/o  
& 0400-170.00-01.00-002.000)**

**WHEREAS**, the 5<sup>th</sup> RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to

Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

**WHEREAS**, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 315-2004 authorized planning steps for acquisition of the subject 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 Property Acquisition and Management to negotiate the acquisition, now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Three Hundred Seventy Five Thousand Dollars (\$375,000.00±), 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 and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>		<u>REPUTED OWNER ACRES:</u>	<u>AND ADDRESS:</u>
No. 1	District 0400	1.84±	Freda B. Houde	
	Section 168.00		231 Cuba Hill Road	
	Block 02.00		Huntington, NY 11743	
	Lot 085.000			
No. 2	District 0400			
	Section 170.00			
	Block 01.00			
	Lot 001.000 p/o			
No. 3	District 0400			
	Section 170.00			
	Block 01.00			
	Lot 002.000			

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Three Hundred Seventy Five Thousand Dollars (\$375,000.00±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$375,000.00±, subject to a final survey, from previously appropriated

funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses 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

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

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; 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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2013-2006

Laid on Table 8/8/2006

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

**RESOLUTION NO. 953 -2006, AUTHORIZING  
ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY  
MULTIFACETED LAND PRESERVATION PROGRAM –  
OPEN SPACE PRESERVATION PROGRAM - FOR THE  
BORELLI PROPERTY – EMERALD ESTATES  
(TOWN OF HUNTINGTON – SCTM NO. 0400-168.00-02.00-  
087.000)**

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

**WHEREAS**, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 315-2004 authorized planning steps for acquisition of the subject 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 Property Acquisition and Management to negotiate the acquisition, now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Three Hundred Seventy Five Thousand Dollars (\$375,000.00±), 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 and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>		<u>REPUTED OWNER ACRES:      AND ADDRESS:</u>
No. 1	District      0400	1.68±	John Borelli
	Section 168.00		215 Cuba Hill Road
	Block          02.00		Huntington, NY 11743
	Lot             087.000		

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Three Hundred Seventy Five Thousand Dollars (\$375,000.00±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$375,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses 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

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

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

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

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

- 2.) the proposed use of the subject parcel(s) will be passive recreation; 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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2014-2006

Laid on Table 8/8/2006

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

**RESOLUTION NO. 954 -2006, AUTHORIZING  
ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY  
MULTIFACETED LAND PRESERVATION PROGRAM –  
OPEN SPACE PRESERVATION PROGRAM - FOR THE  
COOPER PROPERTY – EMERALD ESTATES  
(TOWN OF HUNTINGTON – SCTM NO. 0400-168.00-02.00-  
079.000 p/o)**

**WHEREAS**, the 5<sup>th</sup> RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land

acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

**WHEREAS**, Resolution No. 1121-2005 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 315-2004 authorized planning steps for acquisition of the subject 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 Property Acquisition and Management to negotiate the acquisition, now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Eight Hundred Fifty Five Thousand Dollars (\$855,000.00 ±), 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 and insurance, and tax adjustments:

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b>		<b><u>REPUTED OWNER ACRES:      <u>AND ADDRESS:</u></u></b>
No. 1	District      0400	3.1±	Paul & Linda Cooper
	Section 168.00		211 Cuba Hill Road
	Block          02.00		Huntington, NY 11743
	Lot             079.000 p/o		

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Eight Hundred Fifty Five Thousand Dollars (\$855,000.00 ±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$855,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses 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

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

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; 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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2015-2006

Laid on Table 8/8/2006

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

**RESOLUTION NO. 955 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT- THE ESTATE OF GUCCIONE PROPERTY - FORGE RIVER WATERSHED (TOWN OF BROOKHAVEN – SCTM NO. 0200-750.00-06.00-018.000)**

**WHEREAS**, Local Law No. 34-2004, a “Charter Law Adding Article XXXVI to the Suffolk County Charter to Provide a Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund and Permitting the Transfer of Development Rights” was approved by the electorate on November 2, 2004; and

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

**WHEREAS**, Resolution No. 621-2004, authorized planning steps for the acquisition of the subject 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 Property Acquisition and Management to negotiate the acquisition; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, for a total purchase price of Fifty One Thousand Dollars (\$51,000.00±), subject to a final survey; and hereby approves additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b>	<b><u>ACRES:</u></b>	<b><u>REPUTED OWNER AND ADDRESS:</u></b>
No. 1	District 0200	0.252±	Estate of Juanita Guccione
	Section 750.00		Djelloul Marbrook, Administrator
	Block 06.00		1093 Woods Road
	Lot 018.000		Germantown, NY 12526

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to

Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) 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 Fifty One Thousand Dollars (\$51,000.00±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$51,000.00±, 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, Open Space component, Section C36-1(A)(1), for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses 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

**5<sup>th</sup> RESOLVED**, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, one (1) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

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

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

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

- 1.) the proposed action will not exceed any of the criteria in 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 proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

**9<sup>th</sup> RESOLVED**, 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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2016-2006

Laid on Table 8/8/2006

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

**RESOLUTION NO. 956 -2006, AUTHORIZING THE ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM FOR PARKLAND PURPOSES - FOR THE HERTLIN PROPERTY (TOWN OF BROOKHAVEN – SCTM NO. 0200-623.00-01.00-001.000)**

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

**WHEREAS**, Resolution No. 1121 appropriated \$12,051,750.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

**WHEREAS**, Resolution No. 88-2002 authorized planning steps for acquisition of the subject property; and

**WHEREAS**, there is a ranch style house in fair condition on the property, which upon the County’s acquisition, the Town of Brookhaven has agreed to demolish at its sole cost and expense, along with a historic frame barn, which will be maintained by the Town, also at its sole cost and expense, see attached “Exhibit A”; and

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program for parkland purposes, for a total purchase price of One Million Five Hundred Forty Nine Thousand Two Hundred Fifty Dollars (\$1,549,250.00±), 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 and 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	6.197±	Lillian Hertlin
	Section 623.00		675 Portion Road
	Block 01.00		L. Ronkonkoma, NY 11779
	Lot 001.000		

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of One Million Five Hundred Forty Nine Thousand Two Hundred Fifty Dollars (\$1,549,250.00±), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$1,549,250.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.214 for \$214,000.00 and Capital Project 525-CAP-7177.222 for \$1,335,250.00, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses 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

**5<sup>th</sup> RESOLVED**, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for parkland purposes with a management agreement with the Town of Brookhaven including, but not limited to, restoring and maintaining an existing historic frame barn, demolishing the existing residential structure and providing a small parking area for access to an existing trail, see attached Exhibit “A”; and be it further

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be for parkland purposes; 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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2020-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 957 -2006, AUTHORIZING THE  
DIRECTOR OF THE DIVISION OF REAL PROPERTY  
ACQUISITION AND MANAGEMENT TO ENTER INTO  
CONTRACT FOR APPRAISAL SERVICES**

**WHEREAS**, the Suffolk County Charter (§ C42-2(C)(6)) requires the Department of Environment and Energy, Division of Real Property Acquisition and Management to maintain a pool of thirty (30) qualified real property appraisers or appraisal firms to provide consultant appraisal services in connection with the acquisition and disposition of real property with designation and approval of the pool of qualified appraisers or firms to occur no less frequently than every two years beginning on April 1, 2006; and

**WHEREAS**, the Director of the Division of Real Property Acquisition and Management conducted a search and solicitation of appraisers to identify new candidates to add to the County pool; and

**WHEREAS**, having evaluated the qualifications of the appraisers who responded to that solicitation, and reviewed their curriculum vitae, certifications and other applicable licenses, the Director of the Division of Real Property Acquisition and Management has recommended that the appraisers listed on Exhibit "A" should be added to the County pool; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the list of appraisers set forth in Exhibit "A", annexed hereto and made a part hereof, is hereby approved; and be it further

**2<sup>nd</sup> RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that 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: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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

Intro. Res. No. 1932-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 958 -2006, APPROVING THE  
APPOINTMENT OF DOROTHY A. WENDEL TO THE  
SUFFOLK COUNTY DISABILITIES ADVISORY BOARD  
- GROUP D**

**WHEREAS**, Suffolk County Local Law No. 19-2002 increased the membership of  
the Disabilities Advisory Board; now, therefore be it

**RESOLVED**, that the appointment of Dorothy A. Wendel, of 41 Louis Ave.,  
Patchogue, NY 11772, to the Disabilities Advisory Board – Group D, for a term of office expiring  
December 31, 2006, be and the same hereby is approved; said appointment having been made  
by the County Executive pursuant to the provisions of §78-3 of Chapter 78 of the SUFFOLK  
COUNTY ADMINISTRATIVE CODE.

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

**Intro. Res. No. 1906-2006**

**Laid on Table 8/8/2006**

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 959 -2006, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE INCORPORATED VILLAGE OF PATCHOGUE, TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0204-004.00-06.00-008.000)**

**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 Incorporated Village of Patchogue, 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 0204, Section 004.00, Block 06.00, Lot 008.000, and acquired by tax deed on April 8, 1997, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on April 24, 1997, in Liber 11827, CP 130 and otherwise known as and by Incorporated Village of Patchogue, Town of Brookhaven, Sch Dist 24, N x Sixth Street, E x now or formerly Antonio S16, S x now or formerly Suffolk County, W x now or formerly Showmode; 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 Incorporated Village of Patchogue, Suffolk County, New York, has requested the County of Suffolk convey the above-described parcel to it (see annexed Resolution hereto marked as Exhibit "A"); and

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

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

**1<sup>st</sup> RESOLVED**, the subject parcel shall be conveyed to the Incorporated Village of Patchogue, 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 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.

3. The Incorporated Village of Patchogue, 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

**2<sup>nd</sup>** **RESOLVED**, the subject parcel shall be conveyed to the Incorporated Village of Patchogue, 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.

**3<sup>rd</sup>** **RESOLVED**, the conveyance of the parcel described to the Incorporated Village of Patchogue, 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

**4<sup>th</sup>** **RESOLVED**, that Patricia B. Zielenski, Director of Real Property Acquisition and Management, 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

**5<sup>th</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II Action, 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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

**Intro. Res. No. 1910-2006**

**Laid on Table 8/8/2006**

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 960 -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. 0200-035.00-04.00-004.000)**

**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 035.00, Block 04.00, Lot 004.000, 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, CP 108 and otherwise known as and by Town of Brookhaven, North Shore Beach, Map No. 1015, Sec 4C Lots 12750, 12751 & 12752. Filed in the Office of the Clerk of Suffolk County on July 3, 1928; 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 Nos. 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

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

**1<sup>st</sup> 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

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

**3<sup>rd</sup> 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

**4<sup>th</sup> RESOLVED**, that Patricia B. Zielenski, Director of Real Property Acquisition and Management, 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

**5<sup>th</sup> RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II Action, 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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

**Intro. Res. No. 1911-2006**

**Laid on Table 8/8/2006**

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 961 -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. 0200-959.00-02.00-032.000)**

**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 959.00, Block 02.00, Lot 032.000, and acquired by tax deed on May 2, 1983, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on May 2, 1983, in Liber 9351, CP 287 and otherwise known as and by

Town of Brookhaven, NY & Bklyn Sub Inv Co. Map 10/102 Blk 522 N. 5 Ft of 29, all 30, 31 & 32;  
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 Nos. 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

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

**1<sup>st</sup> 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

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

**3<sup>rd</sup> 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

**4<sup>th</sup> RESOLVED**, that Patricia B. Zielenski, Director of Real Property Acquisition and Management, 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

**5<sup>th</sup> RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II Action, 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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro Res. No. 2011-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/8/2006

**RESOLUTION NO. 962 -2006, APPROVING THE APPOINTMENT OF THOMAS P. CLEERE AS A MEMBER OF THE SUFFOLK COUNTY PUBLIC EMPLOYMENT RELATIONS BOARD**

**WHEREAS**, Andrew Nowotny's term as a member of the Suffolk County Public Employment Board, has expired, it is the intent of this resolution to fill the vacancy created by this expiration; now, therefore be it

**RESOLVED**, that the appointment of Thomas P. Cleere of 3 Smithtown Crescent, Smithtown NY 11787, as a member of the Suffolk County Public Employment Relations Board be and the same hereby is approved for a term of office expiring on August 1, 2012, said appointment having been made by the Suffolk County Executive pursuant to the provisions of Section 44-6 of the Suffolk County Administrative Code; and be it further

**RESOLVED**, that this Legislature, being the State Environment Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Article 8 of the New York Environmental Conservation Law and Section 617.13(D) (15) (21) of Title 6 of the New York Code of Rules and Regulations (NYCRR) since such law constitutes routine or continuing agency administration and management and promulgation of regulations, policies, procedures and legislative decision in connection with such action.

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1930-2006  
Introduced by Legislators Browning and Alden

Laid on Table 8/8/2006

**RESOLUTION NO. 963 -2006, AUTHORIZING THE USE OF SMITH POINT COUNTY PARK PROPERTY, CATHEDRAL PINES COUNTY PARK, SOUTHAVEN COUNTY PARK, AND SMITH POINT MARINA BY THE LONG ISLAND 2 DAY WALK TO FIGHT BREAST CANCER, INC., FOR BREAST CANCER WALK**

**WHEREAS**, The Long Island 2 Day Walk to Fight Breast Cancer, Inc., is a not-for-profit corporation dedicated to finding a cure for breast cancer; and

**WHEREAS**, The Long Island 2 Day Walk to Fight Breast Cancer, Inc., would like to use the Smith Point County Park, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina for the purpose of hosting a walkathon to raise funds for breast cancer outreach and educational efforts, as well as to help local organizations with their fight against breast cancer; and

**WHEREAS**, the walkathon would be held on Friday, June 8, 2007, Saturday, June 9, 2007, and Sunday, June 10, 2007; and

**WHEREAS**, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by The Long Island 2 Day Walk to Fight Breast Cancer, Inc.; and

**WHEREAS**, the use of County property for a walkathon would promote and protect the public health and general welfare of the residents of Suffolk County; now, therefore, be it

**1st RESOLVED**, that the use of County-owned property, i.e. the Smith Point County Park in Shirley, in consideration of the payment of Fifty and 00/100 Dollars (\$50.00) per diem, for the purpose of a walkathon to fight breast cancer on Friday, June 8, 2007 from 12:00 noon through the next day, Saturday, June 9, 2007 to 6:00 p.m., and on Sunday, June 10, 2007 from 2:00 p.m. to 5:00 p.m., the proceeds of which shall be allocated directly to breast cancer organizations to fund breast cancer outreach and educational activities, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from The Long Island 2 Day Walk to Fight Breast Cancer, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

**2nd RESOLVED**, that the use of County-owned property, i.e. the Cathedral Pines County Park in Middle Island, in consideration of the payment of Fifty and 00/100 Dollars (\$50.00) per diem, for the purpose of a walkathon to fight breast cancer on Friday, June 8, 2007 from 12:00 noon through Sunday, June 10, 2007 12:00 noon, the proceeds of which shall be allocated directly to breast cancer organizations to fund breast cancer outreach and educational activities, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from The Long Island 2 Day Walk to Fight Breast Cancer, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

**3rd RESOLVED**, that the use of County-owned property, i.e. the Southaven Park in Shirley, in consideration of the payment of Fifty and 00/100 Dollars (\$50.00) per diem, for the purpose of a walkathon to fight breast cancer on Friday, June 8, 2007 from 12:00 noon through the next day, Saturday, June 9, 2007 to 6:00 p.m., and on Sunday, June 10, 2007 from 2:00 p.m. to 5:00 p.m., the proceeds of which shall be allocated directly to breast cancer organizations to fund breast cancer outreach and educational activities, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from The Long Island 2 Day Walk to Fight Breast Cancer, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

**4th RESOLVED**, that the use of County-owned property, i.e. the Smith Point Marina in Shirley, in consideration of the payment of Fifty and 00/100 Dollars (\$50.00) per diem, for the purpose of a walkathon to fight breast cancer on Sunday, June 10, 2007 from 11:00 a.m. to 2:00 p.m., the proceeds of which shall be allocated directly to breast cancer organizations to fund breast cancer outreach and educational activities, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by

the County of Suffolk from The Long Island 2 Day Walk to Fight Breast Cancer, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

**5th** **RESOLVED**, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fund drive for support of the public-safety services provided by The Long Island 2 Day Walk to Fight Breast Cancer, Inc., at Smith Point County Park in Shirley, Cathedral Pines County Park in Middle Island, Southaven Park in Shirley, and Smith Point Marina by The Long Island 2 Day Walk to Fight Breast Cancer, Inc.; and be it further

**6th** **RESOLVED**, that The Long Island 2 Day Walk to Fight Breast Cancer, Inc., shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

**7th** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1987A-2006

**BOND RESOLUTION NO. 964 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$730,000 BONDS TO FINANCE THE COST OF IMPROVEMENTS TO COUNTY CAMPGROUNDS (CP 7009.115 and .317)**

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 \$730,000 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 County campgrounds, 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 \$730,000 (\$195,000 for planning and \$535,000 for construction). The plan of financing includes the issuance of \$730,000 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 of the Law of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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

DATED: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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

**RESOLUTION NO. 965 -2006, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO COUNTY CAMPGROUNDS (CP 7009)**

**WHEREAS**, the Commissioner of Parks, Recreation and Conservation has requested funds for planning and construction of improvements to County campgrounds including projects relating to restroom facilities, storage, building and grounds repair, and other similar campground improvements; and

**WHEREAS**, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said planning and construction under Capital Program Number 7009; and

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

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$730,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> RESOLVED**, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution Numbers 905-2003, 26-1998, 498-1995, 766-2001, 767-2001 have determined that these actions constitute a Type II action pursuant to the provisions of Title 6 of the New York Code of Rules and Regulations (NYCRR), Part 617.5 (c) 1, 2, 6, 7, 11, 18, 21, 27 and Chapter 279 of the Suffolk County Code, since they involve the construction or expansion of a primary or accessory/appurtenant, non residential structure or facility of less than 4,000 square feet; maintenance, repair, replacement, rehabilitation or construction, landscaping, and extension of existing utilities; extension of utility distribution facilities; conducting feasibility and other studies and preliminary planning necessary to the formulation of a proposal for action; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty seven (47), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

**3<sup>rd</sup> RESOLVED**, that the proceeds of \$730,000 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-7009.115	26	Planning for Improvements to County Campgrounds	\$195,000
525-CAP-7009.317	26	Construction for Improvements to County Campgrounds	\$535,000

DATED: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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

Intro. Res. No. 1988A-2006

**BOND RESOLUTION NO. 966 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW  
YORK, AUTHORIZING THE ISSUANCE OF \$50,000 BONDS TO  
FINANCE A PART OF THE COST OF IMPROVEMENTS TO  
COUNTY GOLF COURSES - TIMBER POINT (CP 7166.311)**

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 \$50,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of improvements to County golf courses, 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 \$4,604,800. The plan of financing includes (a) the issuance of \$250,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 140-1997, (b) the issuance of \$500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 371-1998, (c) the issuance of \$1,400,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 463-1999, (d) the issuance of \$190,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 190-2000, (e) the issuance of \$905,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1281-2000, (f) the issuance of \$500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 144-2001, (g) the issuance of \$34,800 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 387-2002, (h) the issuance of \$500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1252-2002, (i) the issuance of \$75,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 379-2003, (j) the issuance of \$200,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 396-2004, (k) the issuance of \$50,000 bonds or bond anticipation notes authorized pursuant to this resolution and (l) 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. 54 of the Law of the Law, is fifteen (15) years, computed from August 4, 1998, the date of the first obligations issued for such purpose pursuant to Bond Resolution No. 140-1997.

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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1988-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 967 -2006, APPROPRIATING FUNDS  
IN CONNECTION WITH IMPROVEMENTS AT COUNTY GOLF  
COURSES – TIMBER POINT (CP 7166)**

**WHEREAS**, the Commissioner of Parks, Recreation and Conservation has requested funds for improvements at the Timber Point golf course; and

**WHEREAS**, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said improvements under Capital Program Number 7166; and

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

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$50,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> 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

**2<sup>nd</sup> RESOLVED**, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution Number 416-1998 determined that improvements at Timber Point constitutes a Type I action and the project will have no significant impact on the environment since the proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, the project will not negatively impact the historic Timber Point Clubhouse, no significant habitats will be affected and all necessary Army Corps of Engineers and NYSDEC permits will be obtained; and be it further

**3<sup>rd</sup> RESOLVED**, that the proceeds of \$50,000 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-7166.311	26	Improvements to County Golf Courses – Timber Point	\$50,000

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1989A-2006

**BOND RESOLUTION NO. 968 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$250,000 BONDS TO FINANCE A PART OF THE COST OF IMPROVEMENTS TO WATER SUPPLY SYSTEMS IN COUNTY PARKS (CP 7184.110 and .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 \$250,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of improvements to the water supply systems at 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 \$750,000. The plan of financing includes (a) the issuance of \$250,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 881-2004, (b) the issuance of \$250,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 996-2005, (c) the issuance of \$250,000 bonds or bond anticipation notes (\$25,000 for planning and \$225,000 for improvements) authorized pursuant to this resolution and (d) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law of the Law, is forty (40) years, computed from November 1, 2005, the date of the first obligations issued for such purpose pursuant to Bond Resolution No. 881-2004.

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

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

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

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

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

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

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

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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1989-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/8/2006

**RESOLUTION NO. 969 -2006, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO WATER SUPPLY SYSTEMS IN COUNTY PARKS (CP 7184)**

**WHEREAS**, the Commissioner of Parks, Recreation and Conservation has requested funds for improvements to the water supply systems in County Parks; and

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

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

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

**1<sup>st</sup> RESOLVED**, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution Number 720-2004 determined that the proposed improvements to the water utilities constitute a Type II action pursuant to the provisions of Title 6 NYCRR, Part 617.5 (C) (2) and (5), since it involves minor temporary uses of land having negligible or no permanent impact on the environment; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty nine (59), is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998, and reaffirmed by Resolution No. 209-2000; and be it further

**3<sup>rd</sup> RESOLVED**, that the proceeds of \$250,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7184.110	26	Improvements to Water Supply Systems in County Parks	\$25,000
525-CAP-7184.311	26	Improvements to Water Supply Systems in County Parks	\$225,000

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2006-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 970 -2006, AUTHORIZING USE OF  
SOUTHAVEN COUNTY PARK BY CONTRACTORS FOR KIDS  
FOR THEIR PICNIC AND BARBECUE FUNDRAISER**

**WHEREAS**, Contractors for Kids, Inc. is a not-for-profit organization; and

**WHEREAS**, Contractors for Kids would like to use Southaven County Park for the purpose of hosting their Picnic and Barbecue Fundraiser to raise money for the organization; and

**WHEREAS**, the fundraiser will be held on the grounds of Southaven County Park on Saturday, September 16, 2006; and

**WHEREAS**, a Certificate of Insurance with accompanying declaration page naming Suffolk County as an additional insured has been provided by the Contractors for Kids; now therefore, be it

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

**2<sup>nd</sup> RESOLVED**, that the use of Southaven County Park by Contractors for Kids, Inc. for the purpose of hosting a fundraiser on Saturday, September 16, 2006, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from the Contractors for Kids, Inc. and the payment of the Five Hundred Dollars (\$500.00) event fee, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

**3<sup>rd</sup> RESOLVED**, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at the Southaven County Park by Contractors for Kids, Inc.

DATED: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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

Intro. Res. No. 2007-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/8/2006

**RESOLUTION NO. 971 -2006, AUTHORIZING USE OF THE LONG ISLAND MARITIME MUSEUM BY THE CHILDREN'S FOUNDATION OF SUFFOLK FOR THEIR ANNUAL PIG ROAST FUNDRAISER**

**WHEREAS**, the Children's Foundation of Suffolk, Inc. is a not-for-profit organization; and

**WHEREAS**, the Children's Foundation of Suffolk would like to use the Long Island Maritime Museum in the County Park in West Sayville for the purpose of hosting their Annual Pig Roast Fundraiser to raise money for the Foundation; and

**WHEREAS**, the fundraiser will be held on the grounds of the Long Island Maritime Museum on Saturday, September 9, 2006; and

**WHEREAS**, a Certificate of Insurance with accompanying declaration page naming Suffolk County as an additional insured has been provided by the Children's Foundation of Suffolk, Inc.; now, therefore be it

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

**2<sup>nd</sup> RESOLVED**, that the use of Long Island Maritime Museum by the Children's

Foundation of Suffolk, Inc. for the purpose of hosting a fundraiser on Saturday, September 9, 2006, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from the Children's Foundation of Suffolk, Inc. and the payment of the Five Hundred Dollars (\$500.00) event fee, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

**3<sup>rd</sup> RESOLVED**, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at the Long Island Maritime Museum by the Children's Foundation of Suffolk, Inc.

DATED: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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

Intro. Res. No. 1545-2006  
Introduced by Legislators Cooper and Browning

Laid on Table 5/16/2006

**RESOLUTION NO. 972 -2006, ESTABLISHING AN ENVIRONMENTALLY SOUND E-WASTE POLICY FOR SUFFOLK COUNTY**

**WHEREAS**, the protection of the environment of Long Island has long been a top priority of the County of Suffolk; and

**WHEREAS**, rapid advances in technology and expanding demand for new features has accelerated the generation of obsolete electronic equipment, known as electronic waste or "e-waste"; and

**WHEREAS**, e-waste can be hazardous to public health and the environment because it often contains contaminants such as cadmium, lead and mercury which can seep into the groundwater; and

**WHEREAS**, the Environmental Protection Agency estimates that electronic waste comprises approximately 1 to 4 percent of the municipal waste stream, but even small amounts of bio-accumulative pollutants, such as mercury, can create potentially harmful reproductive, developmental, hormonal or other human health effects; and

**WHEREAS**, the County of Suffolk should take the lead in instituting best practices for the proper reuse and disposal of obsolete and hazardous electronic waste in order to further protect the residents and the environment of Suffolk County; now, therefore be it

**1st RESOLVED**, that it shall be the policy of the County of Suffolk to achieve, to the fullest extent practicable, the reuse and recycling of electronic products so as to reduce the effects of potentially hazardous pollutants on the environment of Suffolk County; and be it further

**2nd RESOLVED**, that all departments and agencies of the County of Suffolk shall seek, whenever possible, to employ a strategy of reuse of electronic equipment which requires no repairs or changes, provided that the electronic equipment is not obsolete; such strategy shall include, but not be limited to, donation of the electronic equipment to not-for-profit organizations as permitted by applicable laws and resolutions of the County of Suffolk, or reuse of electronic components such as memory, disk drives, circuit boards and microprocessor chips; and be it further

**3rd RESOLVED**, that County electronic equipment that is determined to be surplus or obsolete by the Division of Purchasing, and which is not sold at auction or donated to a not-for-profit organization, shall be recycled only in a manner which will ensure the greatest protection of public health and the environment, and the Department of Public Works is hereby authorized, empowered and directed to issue an RFP to identify and select an electronic waste recycler to implement this policy; and be it further

**4th RESOLVED**, that all departments and agencies of the County of Suffolk shall require bidders and/or respondents to solicitations for electronic equipment, whenever practicable, to propose a program in which the bidder agrees to provide for the take-back of electronic products that have reached the end of their useful life for environmentally sound reuse, recycling or disposal, and which are not, or cannot be, auctioned or donated as surplus property by the County of Suffolk; and be it further

**5th RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1736-2006 Laid on Table  
6/13/2006

Introduced by the Presiding Officer Pursuant to Rule 3(A)(14) of the S.C. Legislature

**RESOLUTION NO. 973 -2006, APPROVING EXTENSION OF LICENSE FOR SAYVILLE FERRY SERVICE, INC. FOR CROSS BAY SERVICE BETWEEN SAYVILLE, NEW YORK AND THE FIRE ISLAND COMMUNITIES OF FIRE ISLAND PINES, CHERRY GROVE, WATER ISLAND AND SAILORS HAVEN**

**WHEREAS**, Sayville Ferry Service, Inc. has applied to the Suffolk County Legislature, by a Petition dated April 28, 2006 and verified April 28, 2006, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County; and

**WHEREAS**, Sayville Ferry 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**, that:

- (1) The Petition of Sayville Ferry Service, Inc. dated April 28, 2006 and verified April 28, 2006 is approved;
- (2) The undertaking heretofore filed with the clerk of the Suffolk County Legislature in the sum of \$10,000.00 is hereby approved;
- (3) The Ferry License heretofore granted to Sayville Ferry Service, Inc. to operate a public ferry service over and upon the waters of the Great South Bay for service between Sayville, New York on the mainland of Long Island and Fire Island Communities of Fire Island, Pines Cherry Grove, Water Island and Sailors Haven, New York, all within the County of Suffolk be and the same hereby is extended up to and including March 14, 2012;
- (4) This Ferry License is granted subject to all existing laws, rules and regulations of all federal, state, county and municipal governments and agencies having jurisdiction thereover;
- (5) The rates and fares to be charged for transportation pursuant to this License shall not exceed the rates and fares authorized to the said Sayville Ferry Service, Inc. 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 fares and 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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1972 -2006

Laid on Table 8/8/2006

Introduced by Presiding Officer pursuant to Rule 3(A) (14) of the Suffolk County Legislature

**RESOLUTION NO. 974 -2006, AUTHORIZING PUBLIC HEARING FOR APPROVAL OF RATES FOR FIRE ISLAND FERRIES, INCORPORATED**

**WHEREAS**, Fire Island Ferries, Incorporated, a corporation formed pursuant to Section 3 of the New York Corporations Law, has applied to the Suffolk County Legislature, Navigation Law and Section 71 of the New York Transportation Corporations Law and Chapter 287 of the Suffolk County Code for the approval of the alteration of its existing passenger and freight rates, which will be applicable to the Fire Island Ferries, Incorporated's Cross Bay Service from Bay Shore and Fire Island communities of Kismet, Fair Harbor, Dunewood, Atlantique, Seaview, Ocean Bay Park with intermittent stops at such communities and the Incorporated Villages of Ocean Beach and Saltaire and for its lateral service along Fire Island Beach between Village of Saltaire, Dunewood, Village of Ocean Beach, Kismet, Fair Harbor, Atlantique, Sea View, and Ocean Bay Park, all of which lie within Suffolk County, at approved rates; and be it further

**1st RESOLVED**, that a Public Hearing on the Petition dated and verified July 28, 2006 shall be held at the Regular Meeting of the Suffolk County Legislature at 2:30 pm on the 19<sup>th</sup> day of September 2006 at Riverhead, New York; and be it further

**2nd RESOLVED**, that pending the consideration of this Petition and Public Hearing, the Petition be, and it hereby is, referred to the Public Works and Transportation Committee for its consideration and recommendation to the Suffolk County Legislature.

DATED: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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

Intro. Res. No. 1978-2006  
Introduced by Legislators Romaine and Browning

Laid on Table 8/8/2006

**RESOLUTION NO. 975 –2006, TO CONDUCT A FEASIBILITY STUDY FOR THE EXPANSION OF THE 7D BUS ROUTE**

**WHEREAS**, the 7D Bus Route currently services the areas of Mastic, Shirley, and East Yaphank; and

**WHEREAS**, the East Yaphank Industrial Park, consisting of approximately 30 businesses, is located just north of the boundary line of the 7D Bus Route; and

**WHEREAS**, there is currently no bus service to this industrial park, thereby making it inaccessible to Suffolk County residents who rely on public transportation to go to work or to do business at the industrial park; and

**WHEREAS**, the East Yaphank Civic Association, together with the East Yaphank Chamber of Commerce, support the expansion of this bus route to include the East Yaphank Industrial Park in order to make it more viable and accessible to the general public; now, therefore be it

**1st RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, pursuant to §8-2(W) of the SUFFOLK COUNTY CHARTER, to conduct a feasibility study of the expansion of the 7D Bus Route to include the East Yaphank Industrial Park located on the east side of William Floyd Parkway between the Long Island Railroad tracks and the Long Island Expressway; and be it further

**2nd RESOLVED**, that a written report of the findings and determinations of this feasibility study shall be submitted to the County Executive and each member of the Suffolk County Legislature no later than 90 days subsequent to the effective date of this Resolution; and be it further

**3rd RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 18, 2006

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

Intro. Res. No. 2009-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 976 -2006, AMENDING THE SUFFOLK COUNTY CLASSIFICATION AND SALARY PLAN IN CONNECTION WITH A NEW POSITION TITLE IN THE DEPARTMENT OF HEALTH SERVICES (DIRECTOR OF SERVICES TO CHILDREN WITH SPECIAL NEEDS)**

**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 Director of Services to Children with Special Needs be created; and

**WHEREAS**, there are sufficient unexpended and uncommitted funds in the Department of Health Services budget to cover the cost; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Classification and Salary Plan and the Department of Health Services 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>
2632	C	Director of Services to Children with Special Needs	32	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>
01-4813-1000-0005	2632	C	Director of Services to Children with Special Needs	32	02

**DELETION**

<u>Position No.</u>	<u>Spec No.</u>	<u>JC</u>	<u>Position Title</u>	<u>Grade</u>	<u>BU</u>
01-4813-1000-0048	2633	C	Coordinator of Special Education	29	02

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the provisions of the within resolution shall take effect within the first pay period immediately succeeding its adoption.

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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**Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 17-1-0-0. Legislator Barraga voted no.**

Intro. Res. No. 1991A-2006

**BOND RESOLUTION NO. 977 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$7,000 BONDS TO FINANCE THE COST OF THE PURCHASE OF TWO HYBRID SUPPORT VEHICLES (CP 5658.535)**

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 \$7,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the purchase of two hybrid support vehicles, 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 \$70,000. The plan of financing includes (a) the expenditure of \$56,000 in Federal Aid funds (80%) and \$7,000 in State Aid funds (10%), (b) the issuance of \$7,000 bonds or bond anticipation notes authorized pursuant to this resolution, and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1991-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 978 -2006, AUTHORIZING THE PURCHASE OF TWO HYBRID SUPPORT VEHICLES 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 of support vehicles; 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**, the Suffolk County Transit fleet consists of over 162 transit buses for fixed route bus service and over 70 vans for paratransit services representing a substantial investment of federal, state and county funded rolling stock; and

**WHEREAS**, the FTA requires that the county provide adequate and proper oversight regarding the maintenance and operation of assets purchased with federal funds; and

**WHEREAS**, the purchase of the two hybrid support vehicles for replacement of conventionally powered support vehicles will enable staff of the Transportation Division of the Department of Public Works to continue to provide the necessary project oversight of the federally funded assets; 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 up to \$70,000; and

**WHEREAS**, Resolution No. 321-2003 requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicles, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature"; and

**WHEREAS**, 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 \$7,000 in Suffolk County Serial Bonds to cover the County share of this purchase; now, therefore be it

**1<sup>st</sup> 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

**2<sup>nd</sup> 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

**3<sup>rd</sup> RESOLVED**, that the purchase of 2 replacement vehicles (Hybrid Ford

Escapes or equal) is hereby approved, pursuant to Section 18602 (B)(6) of the SUFFOLK COUNTY CODE, and in accordance with County Vehicle Standard; and be it further

**4<sup>th</sup> RESOLVED**, that the Purchasing Division is authorized to acquire two (2) hybrid support vehicles for the Transportation Division of the Department of Public Works subject to approvals of FTA and NYSDOT and pursuant to applicable federal and state regulations; and be it further

**5<sup>th</sup> RESOLVED**, that the proceeds of \$7,000 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-5658.535	Purchase of two (2) hybrid support vehicles	\$7,000

and be it further

**6<sup>th</sup> 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-5658.535	Purchase of two (2) hybrid support vehicles	\$7,000

and be it further

**7<sup>th</sup> 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-5658.535	Purchase of two (2) hybrid support vehicles	\$56,000

and be it further

**8<sup>th</sup> RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept State and/or Federal aid in connection with this project.

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

**BOND RESOLUTION NO. 979 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, ADOPTED JUNE 8, 2004 AND AMENDED SEPTEMBER 5, 2006, AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS TO FINANCE THE COST OF PLANNING AND CONSTRUCTION OF A HELICOPTER HANGAR AT GABRESKI AIRPORT (CP 3167.310)**

THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all members of said County Legislature) that the Bond Resolution duly adopted on June 8, 2004 authorizing the issuance of \$1,500,000 bonds to finance the cost of construction of a helicopter hangar at Gabreski Airport (CP 3167.310) is hereby amended to read as follows:

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$1,500,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of planning and construction of a helicopter hangar at Gabreski Airport, as authorized in the 2004 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,500,000 (\$100,000 for planning and \$1,400,000 for construction). The plan of financing includes the issuance of \$1,500,000 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. The amendment of the bond resolution adopted on June 8, 2004 shall in no way affect the validity of any liabilities incurred, obligations issued, or actions heretofore taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

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. 11(a)(2) of the Law, is twenty-five (25) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made 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 Section 21.00 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: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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

Intro. Res. No. 2037-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 980 -2006, AMENDING THE PRIOR CAPITAL AUTHORIZED APPROPRIATIONS FOR THE CONSTRUCTION OF THE HELICOPTER HANGAR FOR EAST END OPERATION, GABRESKI AIRPORT (CP 3167)**

**WHEREAS**, Resolution No. 603-2004 appropriated \$1.5 million for the construction of a Helicopter Hangar for the Police East End operations to house the Police helicopter and staff at Gabreski Airport; and

**WHEREAS**, the current Capital Budget & Program contemplated construction of a Helicopter Hangar for the Police East End operations to house the Police helicopter, the cost of which was in excess of \$2.5 million dollars; and

**WHEREAS**, the Levy administration devised an alternative plan using modular construction that will drive down the cost to approximately \$1.2 million dollars; and

**WHEREAS**, planning and engineering costs are required for the construction of the Helicopter Hangar for the Police East End operations to house the Police helicopter; and

**WHEREAS**, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

**WHEREAS**, it is necessary to amend Resolution No. 603-2004 by reducing \$100,000 from the construction line and increasing the planning, engineering and design line by an equivalent amount; now, therefore be it

**RESOLVED**, that the 1<sup>st</sup> Resolved clause of Resolution No. 603-2004 is hereby amended to include the following:

Project No.:                    3167  
Project Title:                Helicopter Hangar For East End Operations

	Current 2004 Capital	Revised 2004 Capital
Total		

	<u>Est'd Cost</u>	<u>Budget &amp; Program</u>	<u>Budget &amp; Program</u>
<u>1. Planning</u>	<u>\$ 100,000</u>	<u>\$ -0-</u>	<u>\$ 100,000B</u>
<u>3. Construction</u>	<u>\$1,400,000</u>	<u>\$ -0-</u>	<u>\$1,400,000B</u>
<u>TOTAL</u>	<u>\$1,500,000</u>	<u>\$ -0-</u>	<u>\$1,500,000</u>

and be it further

**RESOLVED**, that the 7<sup>th</sup> Resolved clause of Resolution No. 603-2004 is hereby amended by reducing the construction appropriation by \$100,000 and adding a planning appropriation for an equivalent amount as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
<u>525-3167.310</u>	<u>Planning For the Construction of Helicopter Hangar East End Operations, Gabreski Airport Westhampton</u>	<u>\$100,000</u>

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
<u>525-3167.310</u>	<u>Construction of Helicopter Hangar East End Operations, Gabreski Airport Westhampton</u>	<u>[\$1,500,000]</u> <u>\$1,400,000</u>

and be it further

**RESOLVED**, that the Commissioner of the Department of Public Works is authorized, empowered and directed pursuant to Section 8-2 W to proceed with the capital projects for which funding is contained herein; 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.

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

DATED: September 5, 2006

APPROVED BY:

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

Date: September 7, 2006

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

Intro. Res. No. 2038A-2006

**BOND RESOLUTION NO. 981 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$250,000 BONDS TO FINANCE A PART OF THE COST OF IMPROVEMENTS TO THE COUNTY CENTER IN RIVERHEAD (CP 1643.113 and 316)**

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$250,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of improvements to the County Center, C001 Riverhead - Phase I Renovations to the South Wing for the Health Department Mammography Unit, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the full County Center project, including preliminary costs and costs incidental thereto and the financing thereof, is \$34,770,000. The plan of financing includes (a) the issuance of \$420,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 200-1997, (b) the issuance of \$500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1352-1999, (c) the issuance of \$550,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 124-2001, (d) the issuance of \$3,600,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 345-2003, (e) the issuance of \$27,850,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 604-2004, (f) the issuance of \$1,600,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 719-2005 (\$100,000 for planning and \$1,500,000 for construction), (g) the issuance of \$250,000 bonds or bond anticipation notes authorized pursuant to this resolution and (h) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12(a)(2) of the Law of the Law, is fifteen (15) years, computed from June 15, 1999, the date of the first obligations issued for such purpose pursuant to Bond Resolution No. 200-1997.

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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 2038-2006 Laid on Table 8/8/2006  
Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

**RESOLUTION NO. 982 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING ADDITIONAL FUNDS IN CONNECTION WITH THE IMPROVEMENTS TO COUNTY CENTER, C001 RIVERHEAD - PHASES I RENOVATIONS TO THE SOUTH WING FOR THE HEALTH DEPARTMENT MAMMOGRAPHY UNIT (CAPITAL PROGRAM NUMBER 1643)**

**WHEREAS**, Additional funding is required for the inclusion of the Mammography Unit in the County Center, Riverhead and other revisions required to accommodate the needs of the Health Department; and

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

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

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

**RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) (20), (21), and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), and the Legislature has no further responsibilities under SEQRA; and be it further

**RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-nine (69) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

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

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

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1643.113 (Fund 001 Debt Service)	20	Planning for Improvements to County Center C001, Riverhead Phase I –Renovations to the South Wing	\$20,000
525-CAP-1643.316 (Fund 001 Debt Service)	20	Improvements to County Center C001, Riverhead, Phase I – Renovations to the South Wing	\$230,000

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1749-2006  
Introduced by Legislator Montano

Laid on Table 6/13/2006

**RESOLUTION NO. 983 -2006, ADOPTING LOCAL LAW NO. 53 -2006, A LOCAL LAW AMENDING THE PROCEDURE FOR DISPOSITION OF PROPERTY ACQUIRED THROUGH THE SUFFOLK COUNTY TAX ACT**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on June 13, 2006, a proposed local law entitled, "**A LOCAL LAW AMENDING THE PROCEDURE FOR DISPOSITION OF PROPERTY ACQUIRED THROUGH THE SUFFOLK COUNTY TAX ACT**" now, therefore, be it

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

**LOCAL LAW NO. 53 -2006, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW AMENDING THE PROCEDURE FOR DISPOSITION OF PROPERTY ACQUIRED THROUGH THE SUFFOLK COUNTY TAX ACT**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that numerous properties have been acquired by the County of Suffolk by means of tax deed through the Suffolk County Tax Act.

This Legislature also finds and determines that it greatly benefits County taxpayers to have these parcels put back on the tax roll by selling the parcels at general auction, or when the appropriate criteria are met, by direct sale to adjacent property owners.

This Legislature further finds and determines that it is imperative to strike a balance between returning these parcels to the tax rolls quickly, and making plots of land available for potential new housing and new homeowners.

This Legislature determines that codifying the current administrative practice of ascertaining whether or not parcels being sold to adjacent owners meet minimum zoning requirements of any municipalities, or the possible development of housing, prior to the sale of such parcels, would establish an enduring policy.

Therefore, the purpose of this law is to require that parcels acquired by the County of Suffolk through tax default go to general auction if they are buildable plots of land, rather than be sold directly to the adjacent property owners.

**Section 2. Amendments.**

Section A42-4(H) of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

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

\* \* \* \*

H. The Commissioner, or his or her designee, shall, in the case of parcels which, because of size, shape, covenants, restrictions, and other factors, do not meet the minimum zoning requirements of the municipality in which the parcel is located in order to be developed, and are appraised for less than \$20,000, [to] offer such parcels to appropriate adjoining property owners at not less than the appraised value before advertising them for sale by general auction. The County Director of Planning may also sell any parcel at not less than the appraised value to any local government or school district requesting such parcel, subject to County Legislature approval.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to disposition of properties occurring on or after the effective date of this law.

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County  
After a public hearing duly held on October 3, 2006

Date: September 18, 2006  
Filed with the Secretary of State on October 30, 2006

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

Intro. Res. No. 1912-2006  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/8/2006

**RESOLUTION NO. 984 -2006, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-h OF THE GENERAL MUNICIPAL LAW (TOWN OF BROOKHAVEN) (SCTM NO. 0200-900.00-02.00-018.000)**

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

**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 900.00, Block 02.00 Lot 018.000 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, NY & Bklyn Sub Inv Co., Map 435/436, Sec 1 Blk 16, Lots 24 & 25. Filed in the Office of the Clerk of Suffolk County on June 27/28, 1889; and

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

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

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

**1<sup>st</sup> RESOLVED**, that Patricia B. Zielenski, Director of the Division of Real Property Acquisition and Management, or her Deputy, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the above described terms and conditions to said Town of Brookhaven for the

sum of \$737.76 plus the pro rata share of the current tax adjustment due at closing; and be it further

**2<sup>nd</sup> RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for a buffer adjacent to a landfill purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcel for other than a buffer adjacent to a landfill purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for a buffer adjacent to a landfill purposes; and be it further

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

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

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Intro. Res. No. 1949-2006  
Introduced by Legislator Cooper

Laid on Table 8/8/2006

**RESOLUTION NO. 985 -2006, TO AMEND CHAPTER 674 OF THE SUFFOLK COUNTY CODE TO INCLUDE POLICY AND PROCEDURE FOR THE NAMING OF COUNTY FACILITIES, PARKS, AND ROADWAYS**

**WHEREAS**, Resolution No. 709-2001, codified in Chapter 674 of the SUFFOLK COUNTY CODE, established a Review Committee for the Siting of Memorials and Symbols on County-owned or County-leased property; and

**WHEREAS**, various County facilities, Parks, and roadways have been named in honor of individuals, groups, or organizations that have contributed to the growth, development, and betterment of the County of Suffolk; and

**WHEREAS**, this Legislature wishes to continue the practice of naming County facilities, Parks, and roadways in honor of distinguished individuals, groups, or organizations and wishes to establish policies and procedures to guide the process of choosing appropriate individuals, groups, or organizations to honor; and

**WHEREAS**, this process can best be accomplished by establishing a global committee to review criteria adopted by this Legislature and to make recommendations to the full body in those cases where the naming of a County facility, Park, or roadway is proposed, as well as the siting of memorials and symbols; now, therefore be it

**1st RESOLVED**, that Chapter 674 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

**Chapter 674, SITING OF MEMORIALS AND SYMBOLS AND NAMING OF COUNTY FACILITIES, PARKS, AND ROADS**

**§ 674-1. Review committee established.**

The Suffolk County Review Committee for County Siting of Memorials and Symbols and Naming of County Facilities, Parks, and Roads (Committee) is hereby created to consist of the following [five] seven individuals:

- A. A representative of the County Legislature, to be selected by the Presiding Officer, who shall serve as Chairman.
- B. The County Executive, or his or her designee.
- C. The Commissioner of the County Department of Public Works, or his or her designee.
- D. The Director of the County Department of Planning, or his or her designee.
- E. The Executive Director of the County Division of Human Rights, or his or her designee.
- F. The Minority Leader of the Suffolk County Legislature, or his/her designee; and

G. The Chairman of the Suffolk County Legislature's Ways & Means Committee, or any successor Committee thereto.

**§ 674-2. Committee responsibilities.**

A. The Committee shall review all requests for the proposed placement, siting and installation of memorials and/or symbols on County-owned or County-leased property, or the naming of any County facility, Park, or road according to the criteria set forth herein prior to the granting of any approval of any such request, and shall issue a written recommendation to the Ways and Means Committee of the County Legislature, or any successor committee thereto, and to the County Executive, no later than 90 days subsequent to the receipt of such request, said recommendation to be in writing and to include a brief listing of the findings and determinations on which the recommendation is based.

B. The Committee shall consider the following criteria when reviewing a request to name or rename a County facility, Park, or road:

- 1.) If the facility is to be named after a deceased individual, the individual should have been deceased for at least six (6) months prior to the naming of the facility, the individual should have provided outstanding service to the County of Suffolk over a period of years, and special consideration should be given if the individual's death was related to service to the County;
  - 2.) If the facility is to be named after a living individual, that individual should have provided outstanding service to the County of Suffolk over a period of years and the individual should be at least sixty-five (65) years of age;
  - 3.) If the facility is to be named after a group/organization, then the group/organization should have contributed at least fifty (50%) percent to the development costs or maintenance costs of the facility, and should agree to pay the cost of installing a plaque or other form of dedication of the facility;
  - 4.) A relationship should exist between the individual or group/organization being considered and the location and/or type of facility being named; and
  - 5.) A proliferation of names for different parts of the same facility should be avoided and the same name should not be applied to any other County facility;
- C. The Committee shall not review proposals for the naming or renaming of County Roads in honor of deceased veterans who perished in war zones as set forth in Resolution No. 786-2006.

**§ 674-3. Committee recommendation required [for replacement].**

A. No resolution authorizing such placement, siting or installation of memorials and/or symbols on County-owned or County-leased property, or the naming of County facilities, Parks, or roads shall be considered by the Suffolk County Legislature unless and until [such] a recommendation has been received from the Committee.

B. Any such recommendation shall not be binding but shall be purely advisory in nature.

**§ 674-4. Applicability.**

This chapter shall apply to any request for proposed placement, siting and installation of memorials and/or symbols on County-owned or County-leased property, or the naming of County facilities, Parks, or roads made on or after the effective date of this chapter.

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: September 5, 2006

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED SEPTEMBER 21, 2006

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

Intro. Res. No. 1997-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 986 -2006, TRANSFER OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF**

**THE GENERAL MUNICIPAL LAW (TOWN OF BABYLON)  
(SCTM NO. 0100-172.00-02.00-033.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, bounded and described as follows:

**BEGINNING** at a point on the Northwestern side of Commerce Boulevard, distant 445.03 feet Northeasterly from the extreme Northeasterly end of the arc connecting the Northwestern side of Commerce Boulevard with the Northeasterly side of Great Neck Road; **RUNNING THENCE** North 65 degrees 22 minutes 50 seconds West 180.82 feet; **RUNNING THENCE** North 24 degrees 49 minutes 25 seconds East 138.45 feet; **THENCE** South 65 degrees 22 minutes 50 seconds East 180.33 feet to the Northwestern side of Commerce Boulevard; **THENCE** South 24 degrees 37 minutes 10 seconds West along the Northwestern side of Commerce Boulevard, 138.45 feet to the point or place of **BEGINNING**. And described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 172.00, Block 02.00, Lot 033.000; and

**WHEREAS**, in 1992 the County entered into a lease and services agreement with Opportunities Industrialization Centers of Suffolk County, Inc. (OIC), a not-for-profit organization, to operate an underemployment and unemployment training center at the premises to serve the needs of the economically disadvantaged residents of Suffolk County; and

**WHEREAS**, in 1999, without the County's consent, OIC assigned a portion of the premises to another not-for-profit organization, North Amityville Community Economic Council (NACEC) to provide related employment services; and

**WHEREAS**, litigation subsequently arose between the County, OIC and NACEC concerning the operation of the premises and the litigation was ultimately settled; and

**WHEREAS**, in settlement of the litigation, the County entered into separate leases and services agreements with OIC and NACEC with the terms of such leases and services agreements expiring in July, 2017; and

**WHEREAS**, the Town of Babylon is interested in acquiring this parcel for the public purpose of allowing for the continued provision of program training for economically disadvantaged unemployed and underemployed residents of the Town of Babylon, and it is desirable to facilitate the continued availability of these worthwhile programs; and

**WHEREAS**, upon the transfer of the property by the County to the Town of Babylon, the Town of Babylon intends to transfer the premises to NACEC; and

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

**WHEREAS**, the Town of Babylon has formally requested that the County of Suffolk convey this parcel to it (see annexed resolution – Exhibit “A”); and

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

**WHEREAS**, the Suffolk County Department of Economic Development supports the proposed transfer of ownership and use of this parcel; now, therefore be it

**1<sup>st</sup> RESOLVED**, that Director Patricia B. Zielenski or her Deputy, is hereby authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the herein described terms and conditions to the Town of Babylon for the sum of \$10.00 plus the pro rata share of the current tax adjustment due at closing; and be it further

**2<sup>nd</sup> RESOLVED**, that such 72-h transfer is conditioned upon all parties, including the Town of Babylon, OIC, NACEC and the County of Suffolk, executing assignments, releases and any other agreements as are necessary to effectuate the transfer; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Executive, or his designee, is hereby authorized to execute an assignment of the leases and services agreements to the Town of Babylon and to execute any other documents necessary to effectuate the intent of this resolution; and be it further

**4<sup>th</sup> RESOLVED**, that the Town of Babylon, NACEC and any subsequent grantee will be restricted in their use of the subject parcel and will use said parcel solely and exclusively for public purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Babylon, NACEC or any subsequent grantee, at any time, uses or attempts to use said subject parcel for other than public purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for public purposes; and be it further

**5<sup>th</sup> RESOLVED**, that said quitclaim deed issued by Director Patricia B. Zielenski or her Deputy pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public purposes; or 2) the grantee and any subsequent grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for public purposes; or 3) the grantee Town of Babylon imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee Town of Babylon violates Resolution No. 256-1998; and be it further

**6<sup>th</sup> 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/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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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**Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 17-1-0-0. Legislator Barraga voted no.**

Intro. Res. No. 1992A-2006

**BOND RESOLUTION NO. 987 -2006**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$230,583 BONDS TO FINANCE THE COST OF THE PURCHASE OF HYBRID-ELECTRIC TRANSIT BUSES FOR SUFFOLK COUNTY TRANSIT (CP 5658.536)**

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 \$230,583 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the purchase of hybrid-electric transit buses for Suffolk County Transit, including radios, fareboxes and spare components and including audit and inspection during manufacture, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,305,825. The plan of financing includes (a) the expenditure of \$1,844,660 in Federal Aid funds (80%) and \$230,582 in State Aid funds (10%), (b) the issuance of \$230,583 bonds or bond anticipation notes authorized pursuant to this resolution, and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 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: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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**Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 17-1-0-0. Legislator Barraga voted no.**

Intro Res. No. 1992-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 988 -2006, AUTHORIZING THE PURCHASE OF HYBRID-ELECTRIC TRANSIT BUSES FOR SUFFOLK COUNTY TRANSIT INCLUDING RADIOS, FAREBOXES AND SPARE COMPONENTS AND INCLUDING AUDIT AND INSPECTION DURING MANUFACTURE AND AMENDING THE 2006 CAPITAL BUDGET AND ACCEPTING AND APPROPRIATING FEDERAL AID (80%), STATE AID (10%) AND COUNTY FUNDS (10%) IN CONNECTION WITH THIS PURCHASE (CP 5658)**

**WHEREAS**, Resolution No. 1330-2005 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 the purchase of hybrid-electric transit buses for Suffolk County Transit; and

**WHEREAS**, the Federal Funds for this purchase were earmarked for Suffolk County for this purpose and are currently the subject of a grant application before the FTA known as NY-03-Hybrids 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 up to \$2,305,825;  
and

**WHEREAS**, there are insufficient 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 \$230,582 in Suffolk County Serial Bonds to cover the County share of this purchase; now, therefore be it

**1<sup>st</sup>** **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

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

**3<sup>rd</sup>** **RESOLVED**, that the Purchasing Division is authorized to acquire hybrid-electric transit buses including radios, fareboxes and spare components and including audit and inspection during manufacture subject to approvals of FTA and NYSDOT and pursuant to applicable federal and state regulations; and be it further

**4<sup>th</sup>** **RESOLVED**, that the 2006 Capital Budget and Program is hereby amended as follow:

Project No. 5658  
Project Title: Purchase of Public Transit Vehicles

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget &amp; Program</u>	<u>Revised 2006 Capital Budget &amp; Program</u>
5. Furniture & Equipment	\$83,185,042	156,000B 180,272S 1,442,174F 24,272O	299,582B 323,854S 2,590,834F 24,272O
6. TOTAL	\$83,185,042	1,802,718	3,238,542

and be it further

**5<sup>th</sup>** **RESOLVED**, that the proceeds of \$230,582 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-5658.536	Purchase of hybrid-electric transit buses including radios, fareboxes and spare components and including audit and inspection during manufacture	\$230,582

and be it further

**6<sup>th</sup>** **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-5658.536	Purchase of hybrid-electric transit buses including radios, fareboxes and spare components and including audit and inspection during manufacture	\$230,582

and be it further

**7<sup>th</sup>** **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-5658.536	Purchase of hybrid-electric transit buses including radios, fareboxes and spare components and including audit and inspection during manufacture	\$1,844,660

and be it further

**8<sup>th</sup>** **RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept State and/or Federal Aid in connection with this project.

DATED: September 5, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: September 7, 2006

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

Mem. Res. No. 61-2006

LOT 8/8/2006

Introduced by Legislator Browning, Romaine

**MEMORIALIZING RESOLUTION IN SUPPORT OF THE  
BREAST CANCER AND ENVIRONMENTAL RESEARCH  
ACT OF 2005**

**WHEREAS**, breast cancer is the second leading cause of cancer in the United States among women between the ages of 20 and 59; and

**WHEREAS**, in 2005, it was projected that 269,730 new cases of breast cancer would be diagnosed among women, and 40,410 women would die from breast cancer in the United States; and

**WHEREAS**, the National Cancer Institute states that, if the current rates remain the same, one (1) out of eight (8) women have a chance of developing breast cancer during their lifetime; and

**WHEREAS**, in 2003, the National Institute of Environmental Health Sciences awarded grants to four research centers to begin to study the prenatal-to-adult environmental exposures that may predispose a woman to breast cancer, but more research is required; now, therefore be it

**RESOLVED**, that this Legislature hereby supports H.R. 2231 which would amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to award grants to public and not-for-profit entities for the purpose of conducting research on environmental factors that may be related to the etiology of breast cancer; and be it further

**RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to President Bush; to Senators Charles E. Schumer and Hillary Rodham Clinton; to the Majority and Minority Leaders of the United States Senate; to the Majority and Minority Leaders of the United States House of Representatives; and to Congressmen Timothy Bishop, Carolyn McCarthy, Steve Israel, Gary Ackerman, and Peter King.

**DATED: September 5, 2006**

s:\memres\mr-us-breast cancer act

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

Mem. Res. No. 63-2006  
Introduced by Legislator Stern

LOT 8/8/2006

**MEMORIALIZING RESOLUTION IN SUPPORT OF SAFE  
AND SUSTAINABLE PROCUREMENT**

**WHEREAS**, in this new century, the manufacture of certain commodities and technologies, as well as the construction of buildings and the provision of services, may have an adverse impact on public health and the environment; and

**WHEREAS**, including public health and environmental considerations in State purchasing decisions can help to ensure a higher quality of life for present and future generations as well as encouraging New York state businesses to compete in an increasingly global marketplace; and

**WHEREAS**, the protection of public health and the environment in State purchasing decisions is consistent with the traditional considerations of lowest price, best value, quality, cost and efficiency; and

**WHEREAS**, safe and sustainable procurement by New York State will lead to increased efficiency and reduced overall costs to government, taxpayers and society as a whole; now, therefore, be it

**1st RESOLVED**, that this Legislature hereby supports Senate Bill No. S. 4544 and Assembly Bill No. A. 07257 which would establish a preference for the purchase of commodities, services and technologies by the State of New York that minimize potential adverse impacts on public health and the environment; 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: September 5, 2006

s:\memres\mr-safe-procurement

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

Mem. Res. No. 64-2006

LOT 8/8/2006

Introduced by Legislator Stern, Romaine

**MEMORIALIZING RESOLUTION IN SUPPORT OF THE  
"NEW YORK STATE PUBLIC HEALTH PROTECTION ACT"**

**WHEREAS**, New York State is, and should continue to be, a leader in the development of policies that create and maintain a healthy environment and strong economy; and

**WHEREAS**, heeding early warnings of harm, putting safety and prevention first, encouraging innovation, and creating and choosing the safest, and most sustainable technologies, products and practices will help to achieve these goals; and

**WHEREAS**, a precautionary approach to decision-making is a belief that government, businesses and society as a whole have an obligation to prevent harm to public health or the environment where evidence exists that harm is occurring or is likely to occur, even if the exact nature of such harm has yet to be proven; and

**WHEREAS**, legislation has been introduced in the New York State Legislature to amend the Environmental Conservation Law and the Executive Law, by establishing the "New York State Public Health Protection Act" to establish a policy to take precautionary measures when threats to or harm to human health or the environment exists even if there is a lack of full scientific certainty about cause and effect; now, therefore, be it

**1st RESOLVED**, that this Legislature hereby supports New York State Senate bill S.4545 and New York State Assembly bill A.7256, which establishes a policy to protect public health and the environment, which act shall be known as the "New York State Health Protection Act"; 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: September 5, 2006

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

Mem. Res. No. 65-2006  
Introduced by Legislator Stern, Romaine

LOT 8/8/2006

**MEMORIALIZING RESOLUTION IN SUPPORT OF THE  
DEVELOPMENT OF AN ENVIRONMENTAL HEALTH  
TRACKING SYSTEM**

**WHEREAS**, chronic diseases account for the majority of deaths, illnesses and disabilities in New York State and the United States; and

**WHEREAS**, a recent study indicates that chronic diseases are responsible for 7 out of 10 deaths each year in the United States; and

**WHEREAS**, in an effort to gain additional knowledge that may help prevent chronic diseases, legislation has been introduced in the New York State Legislature that would create a working group within, the Departments of Health, Environmental Conservation and Labor and the State University of New York School of Public Health, to determine the best

approach in developing a tracking system in relation to chronic diseases and environmental exposure; and

**WHEREAS**, data collected by this system will allow the relevant Departments to track and evaluate a variety of chronic diseases and their relation to environmental exposure on a state and local level; now, therefore, be it

**1st** **RESOLVED**, that this Legislature hereby supports New York State Assembly Bill No. A00969-A and New York State Senate Bill No. S02626 to further the creation of an Environmental Health Tracking System to help prevent chronic diseases; 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: September 5, 2006

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**ADJOURNED 3:40PM**  
**TIM LAUBE, CLERK OF THE LEGISLATURE**