

THIRTEENTH DAY

REGULAR MEETING

September 19, 2006

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

The meeting was called to order at 9:30 a. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Legislators Schneiderman, Browning, Caracappa, Losquadro, Eddington, Montano, Alden, Kennedy, Nowick, Horsley, Mystal, D'Amaro and Cooper.

Legislator Romaine arrived at 9:35 a.m.

Deputy Presiding Officer Vilorio-Fisher arrived at 9:39 a.m.

Legislators Barraga and Stern arrived at 9:43 a.m.

Pledge of Allegiance.

Statements and Presentations

Public Portion

[THE MEETING WAS RECESSED AT 12:39PM FOR LUNCH AND RESUMED AT 2:28PM]

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

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

Intro Res. No. 2054-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 989 -2006, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE NO. 252

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
Smithtown:				
0800-040.00-02.00-011.000	2005/06	\$122,270.46	\$0.00	\$122,270.46

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2055-2006 Laid on Table 8/22/2006
 Introduced by Presiding Officer, on the request of the County Executive

RESOLUTION NO. 990 -2006, TO READJUST,
 COMPROMISE, AND GRANT REFUNDS AND
 CHARGEBACKS ON CORRECTION OR
 ERRORS/COUNTY TREASURER BY: COUNTY
 LEGISLATURE NO. 253

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

WHEREAS, the properties represented by the item numbers or tax map numbers indicated below have been erroneously or improperly assessed as appears from the certificates

of Assessors of the respective towns in which said properties are situated as described below and the procedures as provided in the Real Property Tax Law have been fully complied with; now, therefore, be it

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
Brookhaven:				
0200-891.00-03.00-999.000 (Item # 8003570)	2005/06	\$33,116.02	\$0.00	\$33,116.02
0200-353.00-01.00-019.002 (Item # 8732901)	2005/06	\$3,555.63	\$0.00	\$3,555.63

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2056-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer ,on request of the County Executive

RESOLUTION NO. 991 -2006, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL NO. 756-2006)

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

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

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

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

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

RESOLUTION NO.

CONTROL#756-2006

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	04/05	5315130	200-589-1-4	14194.26	11634.65	2559.61
A	BROOKHAVEN	05/06	3706140	200-980-3-9	7683.99	960.70	6723.29
A	BROOKHAVEN	04/05	3706140	200-980-3-9	7263.21	908.33	6354.88
A	BROOKHAVEN	03/04	3706140	200-980-3-9	7008.72	874.40	6134.32
A	BROOKHAVEN	05/06	1128208	200-46-3-13	15603.85	3258.73	12345.12
A	ISLIP	05/06	716727	500-285-2-	14589.28	9028.70	5560.58

A	SOUTHAMPTON	05/06	N/A	6.6 900-92-2-33	45929.32	22034.21	23895.11
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*As Provided and Requested By Town Assessor or Receiver of Taxes

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2057-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 992 -2006, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE NO. 254

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
BROOKHAVEN:				
0200-451.00-01.00-002.009 (Item #99-90032)	2005/06	\$13,267.30	\$0.00	\$13,267.30
2006-021.00-06.00-009.001 (Item #87-03537)	2005/06	\$10,129.86	\$0.00	\$10,129.86
0200-159.00-01.00-035.002 (Item #08-01144)	2005/06	\$203,211.03	\$5702.72	\$197,508.31

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2058-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 993 -2006, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE NO. 255

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
BROOKHAVEN:				
0200-452.00-01.00-015.000 (ITEM #8200739)	2005/06	\$9552.47	\$0.00	\$9552.47

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2066-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 994 -2006, AMENDING THE 2006
ADOPTED OPERATING BUDGET TO ACCEPT AND
APPROPRIATE 100% ADDITIONAL STATE AID FROM THE
NEW YORK STATE OFFICE OF ALCOHOLISM AND
SUBSTANCE ABUSE SERVICES TO CONCEPTS FOR
NARCOTICS PREVENTION FOR MEDICALLY SUPERVISED
OUTPATIENT SERVICES**

WHEREAS, the approved New York State Budget for Fiscal Year 2006 includes funding to support services directed at individuals who suffer from chemical abuse or dependence, their family members and/or significant other; and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded the Concepts for Narcotics Prevention program additional 100% State aid in the amount of \$4,680 to facilitate the conversion of their non-medically supervised outpatient services to medically supervised outpatient services; and

WHEREAS, this unallocated 100% additional State Aid from the New York State Office of Alcoholism and Substance Abuse Services is not currently included in the 2006 Adopted Operating Budget; now, therefore be it

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

<u>REVENUES:</u>	<u>AMOUNT</u>
001- 3486 State Aid: Narcotics Addiction Control	\$4,680

ORGANIZATIONS

Department of Health Services
Division of Community Mental Hygiene Services
001-HSV-4310-4980

	2006 Current <u>Adopted</u>	2006 Modified <u>Adopted</u>	<u>Change</u>
001-HSV-4310-4980 Contracted Services	\$668,308	\$672,988	+\$4,680

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with Concepts for Narcotic Prevention; and be it further

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

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2068-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 995 -2006, AMENDING THE 2006 ADOPTED OPERATING BUDGET TO ACCEPT AND APPROPRIATE 100% ADDITIONAL STATE AID FROM THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES TO VARIOUS CONTRACT AGENCIES FOR MEDICALLY SUPERVISED OUTPATIENT SERVICES IN SUFFOLK COUNTY

WHEREAS, the approved New York State Budget for Fiscal Year 2006 includes funding to support services directed at individuals who suffer from chemical abuse or dependence, their family members and/or significant other; and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded various contract agencies additional 100% State Aid in the amount of \$157,655 to facilitate the conversion of their non-medically supervised outpatient services to medically supervised outpatient services; and

WHEREAS, this unallocated 100% additional State Aid from the New York State Office of Alcoholism and Substance Abuse Services is not currently included in the 2006 Adopted Operating Budget; now, therefore be it

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

<u>REVENUES</u>	<u>AMOUNT</u>
001- 3486 State Aid: Narcotics Addiction Control	\$157,655

ORGANIZATIONS

Department of Health Services
Division of Community Mental Hygiene Services
001-HSV-4310-4980

	2006 <u>Adopted</u>	2006 Modified <u>Adopted</u>	<u>Change</u>
ATC1 Town of Babylon Narcotics Guidance Council	\$416,439	\$453,284	+\$36,845
AQX2 Southampton Alternatives/East End	\$749,009	\$818,209	+\$69,200
AVH1 Town of Smithtown/Horizons	\$585,855	\$603,665	+\$17,810
AYU1 YMCA of Long Island, Inc.	\$723,695	\$757,495	+\$33,800

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with the above named agencies; and be it further

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

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2036-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 996
2006, AMENDING RESOLUTION NO. 1423-2005**

—

WHEREAS,

Resolution No. 1423-2005, "Accepting & Appropriating A Grant In The Amount Of \$700,000 From The New York State Department Of Transportation For The LIE/HOV Enforcement Program In Suffolk County With 100% Support", was adopted by the Suffolk County Legislature on December 20, 2005; and

WHEREAS, the

Suffolk County Police Department has received notification from the New York State Department of Transportation that the grant award has been increased in the amount of \$35,000, for a total award of \$735,000; and

WHEREAS, the

Suffolk County Police Department has also received notification from the New York State Department of Transportation that the operational period of the Program has been extended an additional eighteen (18) days to December 18, 2006; now, therefore be it

1st RESOLVED, that the 1st Resolved clause of Resolution No. 1423-2005 is hereby amended to read as follows:

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

<u>REVENUES:</u>	<u>Amount</u>	
115-4379-Federal Aid: LIE/HOV Enforcement Program 2006	\$560,000	
115-3392-State Aid: LIE/HOV Enforcement Program 2006	[\$140,000]	<u>\$175,000</u>

ORGANIZATIONS:

Police Department (POL)
LIE/HOV Enforcement Program 2006
115-POL-3258

<u>1000-Personal Services</u>	[\$508,631]	<u>\$543,259</u>
1120-Overtime Salaries	[\$508,631]	<u>\$543,259</u>
<u>4300-Travel</u>	[\$31,814]	<u>\$33,067</u>
4310-Employee Miscellaneous Expense	[\$19,964]	<u>\$21,301</u>
4330-Travel, Employee Contracts	[\$11,850]	<u>\$11,766</u>

Employee Benefits (EMP)
Retirement
115-EMP-9010

<u>8000-Employee Benefits</u>	[\$95,827]	<u>\$91,760</u>
8280-State Retirement	[\$95,827]	<u>\$91,760</u>

Employee Benefits (EMP)
Social Security
115-EMP-9030

<u>8000-Employee Benefits</u>	[\$7,728]	<u>\$8,114</u>
8330-Social Security	[\$7,728]	<u>\$8,114</u>

and be it further

2nd RESOLVED, that the 2nd Resolved Clause of Resolution No. 1423-2005 be deleted in its entirety:

[**2nd RESOLVED**, that the Reporting Category for the County Integrated Financial Management System is P144; and be it further]

[] brackets denote deletion of existing language
 ___ underlining denotes addition of new language

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2069-2006 Laid on Table 8/22/2006
Introduced by Presiding Officer, on request of County Executive and Legislators Vilorio-Fisher
and Browning

**RESOLUTION NO. 997 -2006, ACCEPTING AND
APPROPRIATING GRANT FUNDS RECEIVED FROM THE NEW
YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES,
SCHOOL DISTRICT INVESTIGATIONS**

WHEREAS, New York State Division of Criminal Justice Services has awarded a grant in the amount of \$300,000 to investigate and review administration practices in school districts in Suffolk County for the possibility of fraud, theft, professional misconduct or other criminal activities in school districts in Suffolk County; and

WHEREAS, said grant is to run for the period 4/1/05 through 9/15/07; and

WHEREAS, this grant will partly fund positions already included in the District Attorney's 2006 Adopted Budget, personnel funds for this program will be appropriated to the District Attorney General appropriation account 001-1165-1100; now, therefore be it

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

<u>REVENUES:</u>	<u>AMOUNT</u>
001-3031-School District Investigations	\$300,000

ORGANIZATIONS:

District Attorney (DIS)
General Administration
001-1165-1100

<u>Personnel</u>	<u>\$197,757</u>
1100—Permanent Salaries	\$197,757

District Attorney (DIS)
School District Investigations
001-DIS-1161

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

FEES FOR SERVICES	\$31,000
4520—Jurors & Witnesses	\$ 4,800
4560—Fees for Services	\$26,200
Retirement 001-EMP-9010	

<u>EMPLOYEE BENEFITS</u>	<u>\$18,212</u>
8280-Retirement	\$18,212

Employee Benefits

Social Security
001-EMP-9030

<u>EMPLOYEE BENEFITS</u>	<u>\$11,908</u>
8330-Social Security	\$11,908

Employee Benefits
Major Medical Claims
039-EMP-9060

EMPLOYEE BENEFITS	\$28,105
8360-Health Insurance	\$28,105

Employee Benefits
Welfare Fund Contributions
001-EMP-9080

EMPLOYEE BENEFITS	\$ 3,018
8380-Welfare Fund	\$ 3,018

and be it further

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

3rd RESOLVED, that the County Executive be authorized to execute the grant related agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2041-2006
Introduced by Legislator Schneiderman

Laid on Table 8/22/2006

**RESOLUTION NO. 998 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO THE 2006 ADOPTED
OPERATING BUDGET FOR THE CONTRACTED AGENCY OLA
OF EASTERN LONG ISLAND**

WHEREAS, the 2006 Adopted Operating Budget provides funding for the contracted agency OLA (Hispanic Community Outreach); and

WHEREAS, the 2006 Operating Budget when adopted contained technical errors; and

WHEREAS, the County Legislature desires technical corrections to the 2006 Operating Budget; now, therefore be it

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

APPROPRIATIONS:

FROM:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	DSS	GZR1	6015	4980	OLA (HISPANIC COMMUNITY OUTREACH)	-\$1,500

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	DSS	GZR1	6015	4980	OLA OF EASTERN LONG	+\$1,500

ISLAND

and be it further

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

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

Legislator Montano made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 15-3-0-0. Deputy Presiding Officer Viloria-Fisher and Legislators D’Amaro and Cooper voted no.

Intro. Res. No. 1393-2006
Introduced by Legislator Montano

Laid on Table 3/14/2006

RESOLUTION NO. 999 -2006, ADOPTING LOCAL LAW NO. 46 -2006, A LOCAL LAW TO AMEND THE MEMBERSHIP OF THE HISPANIC ADVISORY BOARD

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 14, 2006, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE MEMBERSHIP OF THE HISPANIC ADVISORY BOARD**" now, therefore, be it

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

LOCAL LAW NO. 46 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND THE MEMBERSHIP OF THE HISPANIC ADVISORY BOARD

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Suffolk County Hispanic Advisory Board has historically served as a bridge between Suffolk County government and the

County's rapidly growing Hispanic community; advocated on behalf of the Hispanic community and encouraged Hispanic participation in civic life; and worked to improve understanding between this vital community and all other citizens and communities of Suffolk County.

This Legislature also finds that the Hispanic Advisory Board, which had disbanded, was reconstituted in 2005 so that it could resume its mission with a new sense of purpose and direction.

This Legislature further finds that in an effort to broaden representation on the Board, County Legislators representing districts that contained a population that included 5% or more Hispanic residents were given the opportunity to appoint a member.

This Legislature further finds that this particular provision, while well-intentioned, has produced many additional appointments, making the size of the Board too large and unwieldy to be entirely effective.

Therefore, the purpose of this law is to make legislative appointments to the Hispanic Advisory Board conditional on representing a district where Hispanics make up at least 10% of the population.

Section 2. Amendment.

Section 652-2 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 652-2. Membership; initial terms of office.

- A. The Suffolk County Hispanic Advisory Board shall consist of no fewer than 15 members to be selected as follows:

* * * *

- (3) Members to be selected by any Legislator representing any Legislative District that contains a population comprised of 10% [5%] or more of Hispanic residents, rounded up to the nearest whole number, as determined by the latest regular federal census or any County-wide special population census, said representatives to serve an initial term of one year; provided that before any person is appointed or reappointed to the Board, the Legislative District from which they are being appointed from must be shown to meet the 10% threshold described above, as determined by the latest federal census or any County-wide special population census; and

* * * *

Section 3. Applicability.

This law shall apply to all appointments occurring on or after January 1, 2007.

Section 4. Transition Provision.

The term of any member selected by a Legislator prior to December 31, 2006, who represents a district that contains a Hispanic population less than 10%, shall continue for

one year from the effective date of this law, after which time the term of the member shall expire.

Section 5. Severability.

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

Section 6. SEQRA Determination.

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

Section 7. Effective Date.

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

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

DATED: September 19, 2006

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED OCTOBER 4, 2006

After a public hearing duly held on October 3, 2006
Filed with the Secretary of State on October 30, 2006

Legislator Cooper made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 10-8-0-0.

Intro. Res. No. 1877-2006
Introduced by Legislator Cooper

Laid on Table 6/27/2006

RESOLUTION NO. 1000 -2006, AUTHORIZING PLANNING STEPS FOR IMPLEMENTATION OF SUFFOLK COUNTY WORKFORCE HOUSING PROGRAM (SCTM NO. 0400-094.00-03.00-026.002)

WHEREAS, Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE establishes the County's Workforce Housing Program; and

WHEREAS, Section 36-2(C) of said Article authorizes land to be acquired by the County through the use of Capital Bond proceeds (CP 8704 and/or CP 7177); and

WHEREAS, the County Department of Economic Development and Workforce Housing and the Town of Huntington have identified a site known as Suffolk County Tax Map No. 0400-094.00-03.00-026.002, which would be appropriate for development as workforce housing; and

WHEREAS, the Town of Huntington has expressed an interest in partnering with the County of Suffolk to provide workforce housing at this location; now therefore, be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this constitutes a Type II action pursuant to Section 617.5(c) (18), (20), (21) and (27) of the NEW YORK CODE OF RULES AND REGULATIONS (NYCRR) in that the resolution authorizes information collection and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action and because the resolution constitutes routine or continuing agency administration; since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that this Legislature hereby finds that the parcel known as 0400-094.00-03.00-026.002 meets the acquisition and infrastructure funding requirements of the County Workforce Housing Program and the need to fill the critical shortage of workforce housing in Suffolk County; and be it further

3rd RESOLVED, that the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing, is hereby authorized, empowered and directed, pursuant to Section 14-10(B) of the SUFFOLK COUNTY CHARTER, to plan for the acquisition of and/or infrastructure improvements for the parcel listed herein below:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0400 Section 094.00 Block 03.00	.17	Donald Pius Pius Realty 794 Fort Salonga Road

and be it further

4th RESOLVED, that the County Department of Economic Development and Workforce Housing, the Division of Real Property Acquisition and Management, and the County Department of Law are hereby authorized, empowered and directed to take such other actions as may be necessary and appropriate to accomplish such planning purposes, including, but not limited to, securing appraisals, surveys, engineering reports, environmental audits, title search and to utilize such valid appraisals for the subject parcels as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

5th RESOLVED, that the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing is hereby authorized, empowered and directed to take such other actions as may be necessary and appropriate to process such application; and be it further

6th RESOLVED, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel; and be it further

7th RESOLVED, that any unencumbered, unallocated funds available upon the execution of a binding Development Agreement between the County of Suffolk and the Town of Huntington, shall be appropriated to future and subsequent Workforce Housing Program projects.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 5, 2006

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 13-4-1-0.

Intro. Res. No. 1884-2006

Laid on Table 6/27/2006

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

**RESOLUTION NO. 1001 -2006, ADOPTING LOCAL LAW
NO. 47 -2006, A LOCAL LAW TO ENSURE PAYMENT OF
FAIR WAGES AND ENFORCEMENT OF JOB SITE SAFETY
STANDARDS ON PUBLIC PROJECTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on June 27, 2006, a proposed local law entitled, “**A LOCAL LAW TO ENSURE PAYMENT OF FAIR WAGES AND ENFORCEMENT OF JOB SITE SAFETY STANDARDS ON PUBLIC PROJECTS,**” and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

LOCAL LAW NO. 47 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ENSURE PAYMENT OF FAIR WAGES AND ENFORCEMENT OF JOB SITE SAFETY STANDARDS ON PUBLIC PROJECTS

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

Section 1. Legislative Intent.

This Legislature finds that state law requires that contracts on public projects be awarded only to responsible bidders, and that Chapter 143 of the Suffolk County Code enumerates the types of conduct which may lead to a determination that a bidder is nonresponsible.

This Legislature also finds that a proper factor in determining whether a contractor is a responsible bidder is to evaluate the contractor’s history of compliance with wage and safety laws.

This Legislature also finds and determines that codified standards are needed to ensure that only contractors who comply with state and local wage and safety laws are awarded contracts for public projects.

Therefore, the purpose of this legislation is to amend Chapter 143 of the Suffolk County Code to establish that a factor to be used in determining that a bidding contractor on a public project is a responsible bidder is to consider whether the contractor has complied with state and local wage and safety laws.

Section 2. Amendment.

Section 143-5 of Chapter 143 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 143-5. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

* * *

NONRESPONSIBLE BIDDER

B.) Any entity possessing a conviction under, or having been determined by the Departments of Labor of the State of New York or the County of Suffolk to be in violation of:

- (1) Chapter 31 of the Consolidated Laws of the State of New York (“Labor Law”); or
- (2) Chapter 347 of the Laws of the County of Suffolk; or
- (3) any provision of state or local law protecting workers’ safety. Notwithstanding the foregoing, if the awarding agency finds that an entity has violated any provision of such law, the awarding agency may give due consideration to the size of the entity’s business, the good faith of the entity, the gravity of the violation, the history of previous violations and the failure to comply with record-keeping or other requirements, and such other factors the awarding agency may deem relevant.

[B.] C.)

Section 3. Applicability

This law shall apply to any public project contract awarded on or after January 1, 2007.

Section 4. Severability

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

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (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 19, 2006

APPROVED BY:

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

Date: October 3, 2006
Filed with the Secretary of State on October 30, 2006

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

Intro. Res. No. 1907-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1002 -2006, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0200-973.80-01.00-026.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 973.80, Block 01.00, Lot 026.000, and acquired by tax deed on March 28, 2001, from Joseph Sawicki Jr., the Deputy County Treasurer of Suffolk County, New York, and recorded on March 29, 2001, in Liber 12110, CP 677 and otherwise known as and by Town of Brookhaven, NY & Bklyn Sub Inv Co. Map 10/102 Block 708 Lots 6 to 8, S 5 Ft 9, filed in the Office of the Clerk of Suffolk County on August 5, 1890; and

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

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

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

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

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

1st RESOLVED, the subject parcel shall be conveyed to the Town of Brookhaven, 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 Town of Brookhaven, and all subsequent Grantees shall comply with all applicable Federal, State, and Local regulations pertaining to the price, income eligibility, and marketing standards in effect for affordable housing programs; and be it further

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

For Owner-Occupied Housing:

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

For Rental Housing:

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

2. Rent shall not exceed HUD established Fair Market Rent for the Nassau-Suffolk PMSA based on bedroom size;
3. Home must meet local building and zoning codes;
4. Project must be completed within three years of transfer or else property reverts to Suffolk County, unless an extension of time is granted in writing by the Director after good cause is shown. Said extension shall not exceed two two-year extensions unless approved by duly enacted resolution.
5. Property must remain as an affordable unit for at least 10 years.

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

4th RESOLVED, that Patricia B. Zielenski, Director of Real 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

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 1913-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1003 -2006, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0200-973.80-04.00-020.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 973.80, Block 04.00, Lot 020.000, and acquired by tax deed on July 31, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 1, 2003, in Liber 12264, CP 691 and otherwise known as and by Town of Brookhaven, NY & Bklyn Sub Inv Co. Map 102 Sec 10 Blk 520 Lots N 10' 18 All 19-21 Inc.; 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

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

4. That the Grantee or any subsequent grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises.
5. The Town of Brookhaven shall provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31, of each year commencing December 31, 2007, outlining the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises.
6. The Town of Brookhaven and all subsequent Grantees shall comply with all applicable Federal, State, and Local regulations pertaining to the price, income eligibility, and marketing standards in effect for affordable housing programs; and be it further

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

For Owner-Occupied Housing:

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

For Rental Housing:

6. Income of tenant limited to 80% of median income based on family size;
7. Rent shall not exceed HUD established Fair Market Rent for the Nassau-Suffolk PMSA based on bedroom size;
8. Home must meet local building and zoning codes;
9. Project must be completed within three years of transfer or else property reverts to Suffolk County, unless an extension of time is granted in writing by the Director after good cause is shown. Said extension shall not exceed two two-year extensions unless approved by duly enacted resolution.
10. Property must remain as an affordable unit for at least 10 years.

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

4th RESOLVED, that Patricia B. Zielenski, Director of Real 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

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 1957A-2006

BOND RESOLUTION NO. 1004 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$100,000 BONDS TO FINANCE THE COST OF THE REPLACEMENT OF THE ROOF AT MEADOWCROFT COUNTY PARK, SAYVILLE (CP 7510.335)

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 replacement of the roof at Meadowcroft County Park, Sayville, 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. 12(a)(3) of the Law of the Law, is ten (10) years.

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

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

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

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

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

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

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

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

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 1957-2006
Introduced by Presiding Officer Lindsay

Laid on Table 8/8/2006

RESOLUTION NO. 1005 –2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH ROOF REPLACEMENT AT MEADOWCROFT COUNTY PARK, SAYVILLE (CP 7510)

WHEREAS, the Department of Parks, Recreation and Conservation is in need of funds for roof replacement at Meadowcroft County Park in Sayville; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said construction under Capital Project No. 7510; and

WHEREAS, pursuant to Resolution No. 675-2006, the application of the 5-25-5 law has been waived during fiscal year 2006, this resolution requests the method of financing be changed for 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 County Legislature, by resolution of even date herewith, has authorized the issuance of \$100,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8, Resolution Number 485-2004 determined that the Proposed Historic Restoration, Preservation and Stabilization of Historic Buildings and Structures within Suffolk County Parks constitutes a Type II action pursuant to the provisions of Title 6 NYCRR Part 617.5 (c), (1) and (2) and Chapter 279 of the Suffolk County Code, since it involves “maintenance of and replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of 59 is eligible for approval in accordance with the provisions of Resolution No. 471-

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

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

Project Number: 7510
Project Title: Historic Restoration and Preservation Fund

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
3. Construction	\$6,969,700	\$345,000 B \$100,000 G	\$445,000 B
TOTAL	\$7,465,200	\$475,000	\$475,000

and be it further

RESOLVED, that the proceeds of \$100,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7510.335	Historic Restoration and Preservation Fund	\$100,000

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 1958A -2006

BOND RESOLUTION NO. 1006 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS TO FINANCE A PART OF THE COST OF STRENGTHENING AND IMPROVING COUNTY ROADS (CP 5014.341)

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 \$4,000,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of strengthening and improving County roads, 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 \$10,500,000. The plan of financing includes (a) the issuance of \$6,500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 778-2006, (b) the issuance of \$4,000,000 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. 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 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 1958-2006
Introduced by Presiding Officer Lindsay

Laid on Table 8/8/2006

**RESOLUTION NO. 1007 –2006, AMENDING THE 2006
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH STRENGTHENING AND
IMPROVING COUNTY ROADS (CP 5014)**

WHEREAS, the Suffolk County Department of Public Works is in need of funds for strengthening and improving County roads; and

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

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$4,000,000 in Suffolk County Serial Bonds; and

WHEREAS, pursuant to Resolution No. 675-2006, the application of the 5-25-5 law has been waived during fiscal year 2006, this resolution requests the method of financing be changed for 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; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-three (43) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

2nd RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 1175-1995 classified the action contemplated by this as a Type II action; and be it further

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

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

Project Number: 5014
 Project Title: Strengthening and Improving County Roads

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
3. Construction	\$43,000,000	\$4,000,000G \$6,500,000B	\$10,500,000B
TOTAL	\$43,000,000	\$10,500,000	\$10,500,000

and be it further

5th RESOLVED, that the proceeds of \$4,000,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5014.341	50	Strengthening and Improving County Roads	\$4,000,000

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 1959A-2006

BOND RESOLUTION NO. 1008 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$250,000 BONDS TO FINANCE THE COST OF THE APPLICATION AND REMOVAL OF LANE MARKINGS (CP 5037.321)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$250,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the application and removal of lane markings, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000. The plan of financing includes the issuance of \$250,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 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 19, 2006

APPROVED BY:

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

Date: September 29, 2006

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

Intro. Res. No. 1959-2006
Introduced by Presiding Officer Lindsay

Laid on Table 8/8/2006

**RESOLUTION NO. 1009 –2006, AMENDING THE 2006
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH APPLICATION AND REMOVAL
OF LANE MARKINGS (CP 5037)**

WHEREAS, the Suffolk County Department of Public Works is in need of funds for the application and removal of lane markings on County roads; and

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

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$250,000 in Suffolk County Serial Bonds; and

WHEREAS, pursuant to Resolution No. 675-2006, the application of the 5-25-5 law has been waived during fiscal year 2006, this resolution requests the method of financing be changed for 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; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-six (46) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

2nd RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter “SEQRA”), Resolution No. 1175-1995 classified the action contemplated by this as a Type II action; and be it further

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

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

Project Number: 5037

Project Title: Application and Removal of Lane Markings

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

and be it further

5th RESOLVED, that the proceeds of \$250,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5037.321	50	Application and Removal of Lane Markings	\$250,000

DATED: September 19, 2006

APPROVED BY:

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

Date: September 29, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 15-3-0-0. Legislators Barraga and Kennedy voted no.

Intro. Res. No. 2029-2006 Laid on Table 8/8/2006
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1010 -2006, ADOPTING LOCAL LAW
NO. 48 -2006, A CHARTER LAW TO SIMPLIFY AND
CLARIFY OPERATING AND CAPITAL BUDGET PROPERTY
TAX IMPACT STATEMENTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 8, 2006, a proposed local law entitled, "**A CHARTER LAW TO SIMPLIFY AND CLARIFY OPERATING AND CAPITAL BUDGET PROPERTY TAX IMPACT STATEMENTS,**" and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

LOCAL LAW NO. 48 -2006, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO SIMPLIFY AND CLARIFY OPERATING
AND CAPITAL BUDGET PROPERTY TAX IMPACT
STATEMENTS**

**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 Sections C4-6(C) and 2-12(D) of the SUFFOLK COUNTY CHARTER currently obligate the County Executive to submit a written statement with his/her proposed operating budget, the Suffolk County Community College Operating Budget, and Capital Budget identifying the impact the proposal will have on the various County tax funds, real property tax rates in each of the ten (10) Suffolk towns, and the average tax bill for County Taxpayers on a Town-by-Town basis, while simultaneously obligating the Suffolk County Legislature to submit the same information with every Operating and Capital Budget amendment.

This Legislature further finds that identifying and disseminating this information confuses the public because it results in some towns showing increases and other towns showing decreases in real property taxes, even when the actual budget or amendment may be showing no tax increase on a County wide basis.

This Legislature further finds and determines that this skewed and distorted information appearing on the written statement confuses the public by creating the impression that the Elected Officials of the County of Suffolk are misrepresenting the truth on the budgets and budget amendments they propose, submit, and adopt thereby undermining public confidence in the County budgetary process.

This Legislature further determines that, simplifying and clarifying the Real Property Impact Statements, to promote a unified County wide impact, will more accurately reflect the actual impact the proposed budget and budget amendments would have on real property taxes for County Taxpayers; would more accurately reflect the increases and decreases on such taxes; and would eliminate any confusion about what the information on the impact statement means.

Therefore, the purpose of this law is to simplify and clarify the Real Property Tax Impact Statements for Proposed Operating and Capital Budgets, and amendments thereto, in order to avoid confusion in the interpretation of information contained on the written impact statement by requiring the statement to reflect the average real property tax bill for the County taxpayer, not the average tax bill or the assessed tax rate in each of the ten (10) Suffolk towns.

Section 2. Amendments.

I. Section C4-6(C) of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C4-6. Submission of proposed county budget by County Executive.

* * * * *

C. At the same time that the County Executive submits his proposed operating budget, he shall also submit a written statement demonstrating the impact the proposal will have on:

- (1) the general fund;
- (2) other county funds;
- (3) the full value tax rate; and
- (4) [The assessed value tax rate in each of the 10 towns; and]
- [(5)] (4.) The average tax bill for the county taxpayer [in each of the 10 towns].

* * * * *

II. Section C2-12 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C2-12. Legislative consideration of proposed local laws and resolutions.

* * * * *

D. Fiscal impact statement.

- (1) No proposed local law, resolution or charter law which has or which may tend to have a fiscal impact upon Suffolk County or any of its political subdivisions may be discharged from the legislative committee of the County Legislature to which it has been assigned, or be eligible for approval by the full Legislature unless it shall have appended thereto a written statement as to the estimated annual fiscal impact of such legislation.

* * * * *

- (5) Such statement of fiscal impact shall contain, but not be limited to, the following information:
 - (a) Total estimated financial cost or impact on the county or political subdivisions within the county.
 - (b) Proposed source(s) of funding.
 - (c) Total estimated financial cost or impact over five years on the county or each political subdivision within the county.
 - (d) Timing of impact.
 - (e) A detailed listing by type and category of services to be provided, if applicable, pursuant to the

pertinent local law, Charter law or resolution, with a comparison of the cost to provide such services by outside contractors or consultants versus utilization of in-house county personnel, regardless of whether or not positions of employment for such in-house personnel exist in the county budget at the time of the preparation of the fiscal impact statement.

- (f) Total estimated financial cost of impact on the General Fund; other county funds; the full value tax rate; [the assessed value tax rate in each of the 10 towns;] the average tax bill for the county taxpayer [in each of the 10 towns]; as well as the reduction or increase in property taxes that will be collected by all pertinent municipalities, including the County of Suffolk, as a result of enactment and implementation of such legislation.

* * * * *

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
After a public hearing duly held on October 3, 2006
Date: October 3, 2006
Filed with the Secretary of State on October 30, 2006

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

Intro. Res. No. 2077-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Treasurer

RESOLUTION NO.

1011

2006, AUTHORIZING THE COUNTY TREASURER TO BORROW CASH FUNDS FROM OTHER COUNTY FUNDS FOR 2006

WHEREAS, the County Treasurer recommends that moneys be borrowed from a variety of County Funds to meet a temporary shortfall of cash during the remainder of 2006; and

WHEREAS, in accordance with Section 9-a of the NEW YORK GENERAL MUNICIPAL LAW, moneys can be temporarily borrowed between funds, but must be repaid with interest by the end of the fiscal year; and

WHEREAS, the original intent of the Suffolk County Legislature and New York State Laws in creating said funds will not be circumvented by the enactment of this resolution; and

WHEREAS, it is prudent fiscal management for the County to borrow from its own funds since the County will not incur borrowing fees, such as the cost of issuance from such action; now, therefore be it

1st RESOLVED, that the County Treasurer is hereby authorized and empowered to borrow available cash from individual County Funds to the extent this cash is not needed for budgeted expenditures of said funds; and be it further

Section 1. Legislative Intent.

This Legislature finds and determines that pursuant to Local Law No. 14-2003, this Legislature authorized the designation of an Empire Zone; that Local Law No. 15-2003 established Empire Zone boundaries; and that a new local law is required to submit to New York State a request to revise the zone boundaries to include US Web, Inc. located at premises described as Suffolk County Tax Map No. 0400-104.00-01.00-050.000.

This Legislature also finds and determines that New York State has amended the Empire Zone Program to include specific projects deemed Regionally Significant Projects. Regionally Significant Projects are defined as company and site specific projects located outside the existing zone boundaries that will create fifty (50) or more jobs.

This Legislature further finds and determines that US Web, Inc., a full-service printing operation and mailing service company, located at 780 Park Avenue, Huntington, New York 11743, meets the criteria of Section 957(d) of the NEW YORK GENERAL MUNICIPAL LAW for a Regionally Significant Project and has requested consideration for such designation by the Suffolk County Empire Development Zone - Zone Administrative Board.

Therefore, the purpose of this law is to authorize the submission of an application to New York State to amend the boundaries of the Suffolk County Empire Development Zone, to include the above location.

Section 2. Application.

The Suffolk County Empire Zone - Zone Administrative Board, is hereby authorized, empowered and directed in accordance with Section 3 of this Law to submit an application to the New York State Department of Economic Development to augment the boundaries of the existing Empire Zone and to execute such documents as are necessary and desirable to effectuate the purposes of this Law.

Section 3. Request for Consideration.

A.) The Commissioner of the New York State Department of Economic Development is hereby requested to revise the boundaries of the Empire Zone in accordance with this Law.

B.) The Clerk of the Suffolk County Legislature is hereby authorized, empowered and directed to file a certified copy of this local law with said Commissioner upon its adoption.

Section 4. Designation of Revised Empire Zone Boundaries.

The boundary of the Empire Zone, designated in Local Law No. 14-2003 and Local Law No. 15-2003, as adopted, shall be amended to include Suffolk County Tax Map No. 0400-104.00-01.00-050.000.

Section 5. Real Property Tax Exemption.

A.) The property included in the revised boundaries as described and designated by this Law is hereby granted an exemption from the taxes and special ad valorem levies by the County of

Suffolk and the exemption shall be granted for the period and to the extent provided for in Section 485-e of the New York Real Property Tax Law. This exemption shall be for a term of ten (10) years, notwithstanding that the designation of the Empire Zone may expire prior to the end of such ten (10) year term.

B.) The exemption granted pursuant to this Law shall only take effect as to the revised Empire Zone designation in the event that the revised designation is approved by New York State and placed on the tax rolls. In the event the revised Empire Zone designation is not approved, the exemption granted pursuant to Local Law No. 14-2003, as adopted, shall continue pursuant to the terms of that Law.

Section 6. Applicability.

This Law shall apply to all actions and taxable status dates occurring on or after the effective date except as otherwise provided for herein.

Section 7. Severability.

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

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (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 on non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

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

DATED: September 19, 2006

APPROVED BY:

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

Date: October 3, 2006
Filed with the Secretary of State on October 30, 2006

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

Intro. Res. No. 1390-2006
Introduced by Legislator Eddington

Laid on Table 3/14/2006

RESOLUTION NO. 1013 -2006, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND (TREMONT AVENUE PROPERTY) TOWN OF BROOKHAVEN

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

WHEREAS, there are sufficient revenues to fund land acquisition in Capital Project No. 8706.210, Project Name: Hamlet Greens, Hamlet Parks or Pocket Parks; 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. 8706.210, 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 Hamlet Greens, Hamlet Parks, or Pocket Parks purposes;

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 838.00 Block 03.00 Lot 001.000 (p/o)	2.2	Concetta Rupolo 174 Hewlett Avenue East Patchogue, NY 11772

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)(2)(5) and (6) of the SUFFOLK COUNTY CHARTER in connection with the Hamlet Greens, Hamlet Parks or Pocket Parks acquisitions; and be it further

3rd **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

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 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 1873-2006

Laid on Table 6/27/2006

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

**RESOLUTION NO. 1014 -2006, AUTHORIZING THE
INCLUSION OF NEW PARCELS INTO EXISTING
AGRICULTURAL DISTRICTS IN THE COUNTY OF SUFFOLK**

WHEREAS, the New York State Agriculture and Markets Law, Article 25-AA, allows the annual inclusion of land which is predominantly viable agricultural land within certified agricultural districts prior to the County established review period; and

WHEREAS, a public hearing was held on April 4, 2006; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board has met and made recommendations relative to these parcels; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Board has voted to allow the attached parcels to join existing certified Agricultural Districts; and

WHEREAS, the Department of Planning staff has evaluated the use of the proposed parcels and has determined that the parcels are predominantly viable agricultural land; and

WHEREAS, forty-nine (49) parcels totaling one thousand one hundred sixty four and seven tenths (1,164.7) acres in the Towns of Brookhaven, East Hampton, Riverhead, Southampton, and Southold have requested inclusion in existing Agricultural Districts (Exhibit "A"); now, therefore be it

1st RESOLVED, that this Legislature hereby finds that it is in the best interest of the people of Suffolk County to include the new parcels into existing Agricultural Districts as recommended by the Suffolk County Agricultural and Farmland Protection Board; and be it further

2nd RESOLVED, that the petition for the inclusion of new parcels of viable agricultural land in certified Agricultural Districts is hereby approved and adopted, and referred to the Commissioner of the New York State Department of Agriculture and Markets for review of the petition as required by Section 303-b. (4) of the New York Agricultural and Markets Law, Article 25AA; and be it further

3rd RESOLVED, that the Clerk of the Suffolk County Legislature is hereby directed to submit said petition including this resolution, the report of the County Agricultural and Farmland Protection Board and the Tax Map Identification Numbers and tax maps for each parcel of land to be included in the Agricultural Districts to the New York State Commissioner of Agriculture and Markets; and be it further

4th RESOLVED, this legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this resolution is a Type II action pursuant to Title 6 NYCRR Part 617.5(c)(20) and (27) since it constitutes a local legislative decision in connection with routine agency administration and management in compliance with Article 25AA (Agricultural Districts) of the New York State Agricultural and Markets Law, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 2047-2006
Introduced by the Presiding Officer

Laid on Table 8/22/2006

RESOLUTION NO. 1015 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED REPLACEMENT OF SALT STORAGE BUILDING, TOWN OF SOUTHOLD

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Replacement of Salt Storage Building, Town of Southold", pursuant to Section 6 of Local Law No. 22-1985 which project involves the replacement of an existing salt storage building on the same footprint including site work and electrical work; and

WHEREAS, at its August 9, 2006 meeting, the CEQ reviewed the information submitted by the Suffolk County Department of Public Works in connection with this project; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated August 10, 2006 of said recommendations; and

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

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

1st RESOLVED, that this Legislature hereby determines that the Proposed Replacement of Salt Storage Building, Town of Southold constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(1)(2) and Chapter 279 of the Suffolk County Code, which project involves the maintenance, repair, replacement, rehabilitation or reconstruction of a structure in-kind on the same site including upgrading buildings to meet building or fire codes; and be it further

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

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

DATED: September 19, 2006

APPROVED BY:

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

Date: September 22, 2006

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

Intro. Res. No. 2048-2006
Introduced by the Presiding Officer

Laid on Table 8/22/2006

RESOLUTION NO. 1016 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR PARKLAND PURPOSES KNOWN AS THE HERTLIN PROPERTY, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Parkland Purposes, Known as the Hertlin Property, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 6.197 acres of land by Suffolk County for parkland purposes; and

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

WHEREAS, at its August 9, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated August 10, 2006 of said recommendations; and

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

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

1st RESOLVED, that this Legislature hereby determines that the Proposed Acquisition of Land for Parkland Purposes Known as the Hertlin Property, Town of Brookhaven constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The property will be dedicated to the Suffolk County Department of Parks, Recreation and Conservation for parkland purposes; and
- 3.) The Town of Brookhaven will restore the historic barn on the site and manage the property;

and be it further

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

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

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2049-2006

Laid on Table 8/22/2006

Introduced by the Presiding Officer and Legislator Browning

RESOLUTION NO. 1017 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE FORGE RIVER WATERSHED ADDITION – THE ESTATE OF GUCCIONE PROPERTY, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Forge River Watershed Addition – the Estate of Guccione Property, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project

involves the acquisition of 0.252 acres of land by Suffolk County for open space preservation purposes; and

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

WHEREAS, at its August 9, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated August 10, 2006 of said recommendations; and

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

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

1st RESOLVED, that this Legislature hereby determines that the Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Forge River Watershed Addition – The Estate of Guccione Property, Town of Brookhaven constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) The property will be dedicated to the Suffolk County Department of Parks, Recreation and Conservation for passive recreation purposes;

and be it further

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

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

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2050-2006
Introduced by the Presiding Officer

Laid on Table 8/22/2006

RESOLUTION NO. 1018 -2006, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE PATCHOGUE RIVER WETLANDS ADDITION – IRWIN PROPERTY, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Patchogue River Wetlands Addition – Irwin Property, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.14 acres of land by Suffolk County for open space preservation purposes; and

WHEREAS, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Planning; and

WHEREAS, at its August 9, 2006 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated August 10, 2006 of said recommendations; and

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

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

1st RESOLVED, that this Legislature hereby determines that the Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Patchogue River Wetlands Addition – Irwin Property, Town of Brookhaven constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County

Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) The property will be dedicated to the Suffolk County Department of Parks, Recreation and Conservation for passive recreation purposes;

and be it further

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

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

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2051-2006
Introduced by Legislators Kennedy and Romaine

Laid on Table 8/22/2006

RESOLUTION NO. 1019 -2006, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE FIRST ¼% SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (APPROVED 1987, AMENDED 1996) – TOWN OF SMITHTOWN – SEBESTA PROPERTY – (SCTM NO. 0800-106.00-02.00-011.007)

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

WHEREAS, adequate funding is provided for, under the first Suffolk County Drinking Water Protection Program (formerly Section C12-5(E)(1)(b) of the SUFFOLK COUNTY CHARTER) for the acquisition of such land; now, therefore be it

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

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NO.</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
No. 1	Dist. 0800 Sec. 106.00 Block 02.00 Lots 011.007	±.37	Catherine Sebesta 17 Ledgewood Drive Smithtown, NY 11787

and be it further

2nd RESOLVED, that the Director of the Division of Real Estate in the County Department of Planning is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire fee simple absolute or a lesser interest (i.e. conservation easement) of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

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

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 2070-2006

Laid on Table 8/22/2006

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

**RESOLUTION NO. 1020 -2006, APPROVING PLANNING
STEPS FOR THE ACQUISITION OF FARMLAND
DEVELOPMENT RIGHTS – AUGUST 2006**

WHEREAS, Local Law No. 35-1999, "A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers," authorizes the use of 7.35 per cent of sales and compensating use tax proceeds generated each year for farmland development rights acquisition, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, Resolution No. 559-1998 (Local Law No. 27-1998), a "Charter Law Adding Article XII-A to the Suffolk County Charter to provide a "Suffolk County Greenways Community Fund" was approved by the electorate on November 3, 1998, thereby making \$20 Million available for the acquisition of farmland development rights under its Farmland component; and

WHEREAS, the Greenways Community Fund provides for Town participation by sharing in the investment in County acquisition of farmland development rights to continue existing farming interests, respectively; and

WHEREAS, Resolution No. 751-1997 established the Land Preservation Partnership Program with Suffolk County Towns, subject to receipt by the County Executive of a Town Board resolution which represents that the property is eligible for acquisition under the County Drinking Water Protection Program, the Open Space Program, the Farmland Development Rights Program, watershed and/or estuary protection, or parklands; authorizes acquisition of fee title, or a lesser interest therein, to be held by the County of Suffolk; appropriates funds for the acquisition in the amount of fifty-percent (50%) of the total cost of acquisition, including, but not limited to survey, appraisal, environmental audit, title insurance, tax adjustment and taxes prior to exemption; and

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program (in accordance with criteria attached thereto as Exhibit "A"); 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. 603-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, Local Law No. 34-2004, approved by the electorate in 2004, "A Charter Law adding Article XXXVI to the SUFFOLK COUNTY CHARTER established the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund" which authorizes the acquisition of farmland development rights by making \$35 Million available for such acquisition under the Farmland component, as determined by a duly enacted resolution of the County of Suffolk; and

WHEREAS, the County's nationally acclaimed land preservation programs have received a jump start with the approval in 2004, 2005 and 2006 master lists of important and significant environmentally sensitive lands, farmland and recreationally important lands identified in Resolution No. 621-2004, Resolution No. 877-2005 and Resolution No. 47-2006, respectively, that it is now necessary to add additional parcels to the master list for acquisition of farmland development rights; now, therefore be it

1st **RESOLVED**, that this list of farmlands identified by Exhibit "A " for the acquisition of farmland development rights in Suffolk County, is hereby approved and/or confirmed, as a supplement to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk; and be it further

I.) NEW DRINKING WATER PROTECTION PROGRAM – FARMLAND DEVELOPMENT RIGHTS

2nd **RESOLVED**, that the following parcel(s), in addition to parcels previously approved for consideration for acquisition of farmland development rights via duly enacted resolutions of the County of Suffolk, is (are) hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Farmland Preservation Program authorized, empowered, and directed by Section 12-3 of the SUFFOLK COUNTY CHARTER and implemented under Article XII of the SUFFOLK COUNTY CHARTER:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District Section Block Lot		SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

and be it further

3rd **RESOLVED**, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

4th **RESOLVED**, that Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10(B) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

5th **RESOLVED**, that Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the farmland development

rights of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

6th **RESOLVED**, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

7th **RESOLVED**, that Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

8th **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel(s); and be it further

II.) COMMUNITY GREENWAYS PROGRAM – FARMLAND DEVELOPMENT RIGHTS

9th **RESOLVED**, that Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate to acquire the farmland development rights, via a negotiated purchase, in addition to parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk listed herein below from the reputed owners for inclusion in the Suffolk County Farmland Development Rights Program, the funding for which shall be provided under the Suffolk County Greenways Community Fund, i.e. Section 12-A(A)(3) of the SUFFOLK COUNTY CHARTER:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District Section Block Lot		SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

and be it further

10th **RESOLVED**, that Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY

CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the farmland development rights of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

11th **RESOLVED**, that the pertinent proposed acquisition shall be consummated in accordance with, and subject to, the provisions of Sections 12-A(A)(3), (5) and (6) of the SUFFOLK COUNTY CHARTER in connection with such farmland development rights acquisitions, the appropriations and expenditures of County bond proceeds for which is hereby conditioned upon receipt by the County of Suffolk of the written binding pledge or commitment to provide at least thirty per cent (30%) of the actual cost of acquisition from the pertinent Town, for each subject parcel from which such farmland development rights are acquired; and be it further

12th **RESOLVED**, that the County Department of Environment and Energy, Division of Real Property Acquisition and Management, County Department of Planning, and/or the County Department of Public Works; are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, obtaining surveys, obtaining engineering reports, securing titles and insurance, and executing such other documents as are required to acquire such County interest in said lands; and be it further

III.) SUFFOLK COUNTY LAND PRESERVATION PARTNERSHIP PROGRAM -- FARMLAND DEVELOPMENT RIGHTS

13th **RESOLVED**, that Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10(B) and (E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 3rd RESOLVED clause of this Resolution to acquire the farmland development rights for the parcels listed herein below, from the reputed owners, in addition to the parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk, for inclusion in the Suffolk County Land Preservation Partnership Program, the funding for which shall be provided under Resolutions Nos. 751-1997 and 1092-1997 as supplemented by subsequent appropriations:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District Section Block Lot		SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

;and be it further

14th **RESOLVED**, that Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY

CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the farmland development rights of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

15th **RESOLVED**, that this proposed acquisition shall be consummated in accordance with, and subject to, the provisions of Resolutions Nos. 751-1997 and 1092-1997; and be it further

16th **RESOLVED**, that the County Department of Environment and Energy, Division of Real Property Acquisition and Management, the County Department of Planning, the County Planning Department, and/or the County Department of Public Works, 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

17th **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 Land Preservation Partnership Program; and be it further

IV.) MULTIFACETED LAND PRESERVATION PROGRAM – FARMLAND DEVELOPMENT RIGHTS

18th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 3rd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire the farmland development rights of the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Preservation Program, together with those parcels previously approved for consideration for acquisition via duly enacted resolutions of the County of Suffolk, to be consummated pursuant to Chapter 8 of the SUFFOLK COUNTY CODE:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District Section Block Lot		SET FORTH IN EXHIBITS "A" ATTACHED HERETO AND MADE A PART HEREOF

and be it further

19th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy Environment and Energy, or her designee, is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire

the farmland development rights of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

20th **RESOLVED**, that this proposed acquisition shall be consummated in accordance with, and subject to, the provisions of the 5th RESOLVED clause of Resolution No. 459-2001; and be it further

21st **RESOLVED**, that the County Department of Environment and Energy, Division of Real Property Acquisition and Management, the County Department of Planning, the County Planning Department, and/or the County Department of Public Works 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

V.) SAVE OPEN SPACE (SOS) PROGRAM – FARMLAND DEVELOPMENT RIGHTS

22nd **RESOLVED**, that the parcels listed below are hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund Program authorized, empowered and directed by Section 36-1.A(3) of the SUFFOLK COUNTY CHARTER and implemented under Article XXXVI of the SUFFOLK COUNTY CHARTER, by Local law No. 34-2005 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>
No. 1	District Section Block Lot		SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

and be it further

23rd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the farmland development rights of the subject parcels, the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

24th **RESOLVED**, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel in accordance with Resolution No. 423-1988, and be it further

25th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee, is hereby authorized, empowered, and directed, pursuant to Section 14-10 (B) of the SUFFOLK COUNTY CHARTER, to have the subject parcel appraised, environmentally audited, and searched for title; and be it further

26th **RESOLVED**, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XXXVI of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

27th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, or her designee is hereby further authorized, empowered, and directed, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

28th **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel; and be it further

29th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) AND WITHIN THE MEANING OF Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

APPENDIX A

Page 1 of 4

<u>PARCEL:</u>	<u>SUFFOLK COUNTY</u>		<u>ACRES:</u>	<u>REPUTED OWNER</u>
No. 1	<u>TAX MAP NUMBER:</u>			<u>AND ADDRESS:</u>
	District	0200	0.55 acres	Robert and Jean Benner
	Section	133.00		56 Gnarled Hollow Road
	Block	03.00		Setauket, New York 11733
	Lot	030.00		

No. 2	District	0200	9.7 acres	William A. Mallins
	Section	626.00		190 Jackson Landing
	Block	03.00		Mattituck, NY 11952
	Lot	039.003		
No. 3	District	0500	19.5 acres	Russell C. Weiss
	Section	354.00		95 Main Street
	Block	02.00		Center Moriches, NY 11934
	Lot	002.000		
No. 4	District	0500	3.1 acres	Russell C. Weiss
	Section	354.00		95 Main Street
	Block	02.00		Center Moriches, NY 11934
	Lot	003.000		
No. 5 100.00	District	0600	9.9 acres	James Sharkey & Monique Section
		Molfetta		
	Block	03.00		1535 Middle Country Road
	Lot	010.005		Calverton, NY 11933
No. 6	District	0600	81.9 acres	Walter E. Hodun
	Section	065.00		1197 W. Main Street
	Block	01.00		Riverhead, NY 11901-3109
	Lot	009.002		
No. 7	District	0600	6.2 acres	Jeffrey Batch
	Section	063.00		Sonia Emeric
	Block	01.00		734 Horton Avenue
	Lot	011.000		Riverhead, NY 11901-1111
No. 8	District	0600	10.6 acres	Louis Caracciolo
	Section	009.00		Herricks Lane
	Block	01.00		Jamesport, NY 11947
	Lot	006.006		
No. 9	District	0600	19.5 acres	Louis Caracciolo
	Section	022.00		Herricks Lane
	Block	03.00		Jamesport, NY 11947
	Lot	004.000		
No. 10	District	0600	13.08 acres	Fred & Lois Reeve
	Section	008.00		233 Church Lane
	Block	02.00		Riverhead, NY 11901-5508
	Lot	012.004		

APPENDIX A

Page 2 of 4

<u>PARCEL:</u>	<u>SUFFOLK COUNTY</u>		<u>ACRES:</u>	<u>REPUTED OWNER</u>
	<u>TAX MAP NUMBER:</u>			<u>AND ADDRESS:</u>
No. 11	District	0600	10.77 acres	Fred & Lois Reeve
	Section	008.00		233 Church Lane

	Block	02.00		Riverhead, NY 11901-5508
	Lot	012.005		
No. 12	District	0600	41 acres	Stanley Chicanowicz
	Section	022.00		5873 Sound Avenue
	Block	02.00		Riverhead, NY 11901
	Lot	012.000		
No. 13	District	0600	16.7 acres	Terry Girls Realty
	Section	066.00		(KarenBocksel)
	Block	02.00		486 Main Road
	Lot	017.000		Aquebogue, NY 11931
No. 14	District	0600	17.9 acres	Russell Ireland
	Section	009.00		5873 Sound Avenue
	Block	02.00		Riverhead, NY 11901-5611
	Lot	008.000		
No. 15	District	0600	22.3 acres	Russell Ireland
	Section	009.00		5873 Sound Avenue
	Block	02.00		Riverhead, NY 11901-5611
	Lot	009.00		
No. 16	District	0600	24.1 acres	Philip & Deborah Schmitt
	Section	042.00		Stanley Zilnicki
	Block	02.00		1096 Ostrander Avenue
	Lot	002.001		Riverhead, NY 11901-2619
No. 17	District	0600	7.5 acres	John Raynor
	Section	042.00		2047 Roanoke Avenue
	Block	01.00		Riverhead, NY 11901-1813
	Lot	030.005		
No.18	District	0600	75.1 acres	Austin Warner
	Section	041.00		2649 Sound Avenue
	Block	02.00		Calverton, NY 11933-3738
	Lot	002.004		
No.19	District	0600	21.7 acres	Raymond Bell
	Section	063.00		John Bell
	Block	02.00		24 Skookwams Ct.
	Lot	004.000		West Islip, NY 11795

APPENDIX A

Page 3 of 4

SUFFOLK COUNTY

REPUTED OWNER

<u>PARCEL:</u>	<u>TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>AND ADDRESS:</u>
No. 20 Section	District 0600 048.00 Block 03.00 Lot 010.00	11.41 acres	Stanley, Albie & Frank Zaweski P.O. Box 436 Jamesport, NY 11947-0436
No. 21	District 0600 Section 048.00 Block 03.00 Lot 011.000	10.7 acres	Stanley, Albie & Frank Zaweski P.O. Box 436 Jamesport, NY 11947-0436
No. 22	District 0600 Section 069.00 Block 03.00 Lot 056.000	24.5 acres	Zaweski Family LLC P.O. Box 436 Jamesport, NY 11947-0436
No. 23	District 0600 Section 069.00 Block 03.00 Lot 057.000	23.9 acres	Zaweski Family LLC P.O. Box 436 Jamesport, NY 11947-0436
No. 24	District 0600 Section 069.00 Block 02.00 Lot 018.000	11.1 acres	Joseph Sieminski Trust Main Road Jamesport, NY 11947
No. 25	District 0600 Section 094.00 Block 01.00 Lot 005.000	21.7 acres	Joseph Sieminski Trust Main Road Jamesport, NY 11947
No. 26	District 0600 Section 094.00 Block 01.00 Lot 006.000	9.6 acres	Joseph Sieminski Trust Main Road Jamesport, NY 11947
No. 27	District 0600 Section 022.00 Block 01.00 Lot 001.011	9.1 acres	Jeffrey Raine Manor Lane Jamesport, NY 11947
No. 28	District 0600 Section 080.00 Block 01.00 Lot 003.002	37.1 acres	Reginald & Connie Farr 46 Youngs Avenue Calverton, NY 11933

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 29	District 0600 Section 043.00 Block 01.00 Lot 003.000	78.9 acres	Helen Zilnicki 3615 Sound Avenue Riverhead, NY 11901
No. 30	District 0600 Section 047.00 Block 01.00 Lot 003.002	40.0 acres	353 Manor Lane LLC Joseph Totino 151-24 18 th Ave Whitestone, NY 11357
No. 31	District 0600 Section 068.00 Block 03.00 Lot 032.005	38.1 acres	Norman Bahary c/o Shahrer Realty 45 N. Station Place Great Neck, NY 11021

TOTAL ACRES
727.21

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

Intro. Res. No. 2083-2006 Laid on Table 8/22/2006
Introduced by the Presiding Officer on request of the County Executive and Legislator Schneiderman

RESOLUTION NO. 1021 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY OPEN SPACE PRESERVATION PROGRAM – JOSEPH F. GAZZA PROPERTY – PINE BARRENS CORE AREA (TOWN OF SOUTHAMPTON – SCTM NO. 0900-243.00-03.00-022.000, 047.000 & 055.000, 0900-245.00-01.00-015.000, 0900-281.00-03.00-006.000, 024.000, 026.000, 038.000 047.000 & 049.000, 0900-283.00-01.00-012.000, 014.000, 0900-306.00-01.00-022.000 & 030.000)

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

WHEREAS, subsequent resolutions have been adopted to increase funding for the Open Space Preservation Program; and

WHEREAS, any of these proposed acquisitions shall be consummated in accordance with and subject to the provisions of Resolution No. 762-1986 establishing and

outlining the role of the Board of Trustees of the Department of Parks, Recreation and Conservation in connection with such Open Space acquisitions; and

WHEREAS, Resolution No. 264-2002 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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition under the Suffolk County Open Space Preservation Program for a total purchase price of Eighty Thousand Three Hundred Dollars (\$80,300.00+/-), at \$5,000.00 per acre for 16.06± acres, subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0900 Section 243.00 Block 03.00 Lot 022.000	16.06± acres	Joseph F. Gazza 5 Ogden Lane Quogue, NY 11959
No. 2	District 0900 Section 243.00 Block 03.00 Lot 047.000		
No. 3	District 0900 Section 243.00 Block 03.00 Lot 055.000		
No. 4	District 0900 Section 245.00 Block 01.00 Lot 015.000		
No. 5	District 0900 Section 281.00 Block 03.00 Lot 006.000		
No. 6	District 0900 Section 281.00 Block 03.00		

	Lot	024.000
No. 7	District	0900
	Section	281.00
	Block	03.00
	Lot	026.000
No. 8	District	0900
	Section	281.00
	Block	03.00
	Lot	038.000
No. 9	District	0900
	Section	281.00
	Block	03.00
	Lot	047.000
No. 10	District	0900
	Section	281.00
	Block	03.00
	Lot	049.000
No. 11	District	0900
	Section	283.00
	Block	01.00
	Lot	012.000
No. 12	District	0900
	Section	283.00
	Block	01.00
	Lot	014.000
No. 13	District	0900
	Section	306.00
	Block	01.00
	Lot	022.000
No. 14	District	0900
	Section	306.00
	Block	01.00
	Lot	030.000

and be it further

2nd 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 Open Space Preservation Program, for a purchase price of Eighty Thousand Three Hundred Dollars (\$80,300.00+), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$80,300.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7144.213, Suffolk County Open Space Preservation Program, for this acquisition; and be it further

4th 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

5th 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

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

7th 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

8th RESOLVED, that in accordance with Section 279(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 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2084-2006

Laid on Table 8/22/2006

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

RESOLUTION NO. 1022 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY OPEN SPACE PRESERVATION PROGRAM FOR THE JOSEPH GAZZA PROPERTY – PINE BARRENS CORE AREA (TOWN OF SOUTHAMPTON – SCTM NO. 0900-215.03-01.00-034.000, 0900-286.00-02.00-002.000, 003.000, 004.000, 005.000, 009.000, 016.000, 0900-307.00-01.00-032.000, 0900-281.00-03.00-001.000, 0900-246.00-02.00-007.000, 0900-243.00-03.00-012.000, 014.000, 016.000, 044.000, 046.000, 0900-285.00-02.00-006.000, 009.000, 010.000, 012.000, 013.000, 014.000, 018.000, 019.000, 0900-310.00-01.00-003.000)

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

WHEREAS, subsequent resolutions have been adopted to increase funding for the Open Space Preservation Program; and

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

WHEREAS, Resolution No. 264-2002 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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition under the Suffolk County Open Space Preservation Program for a total purchase price of Forty Three Thousand Seven Hundred Fifty Dollars (\$43,750.00+/-), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0900 Section 215.03 Block 01.00	8.75± acres	Joseph Gazza 5 Ogden Lane Quogue, NY 11959

	Lot	034.000
No. 2.	District	0900
	Section	286.00
	Block	02.00
	Lot	002.000
No. 3	Lot	003.000
No. 4	Lot	004.000
No. 5	Lot	005.000
No. 6	Lot	009.000
No. 7	Lot	016.000
No. 8	District	0900
	Section	307.00
	Block	01.00
	Lot	032.000
No. 9	District	0900
	Section	281.00
	Block	03.00
	Lot	001.000
No. 10	District	0900
	Section	246.00
	Block	02.00
	Lot	007.000
No. 11	District	0900
	Section	243.00
	Block	03.00
	Lot	012.000
No. 12	Lot	014.000
No. 13	Lot	016.000
No. 14	Lot	044.000
No. 15	Lot	046.000
No. 16	District	0900
	Section	285.00
	Block	02.00
	Lot	006.000
No. 17	Lot	009.000
No. 18	Lot	010.000
No. 19	Lot	012.000
No. 20	Lot	013.000
No. 21	Lot	014.000
No. 22	Lot	018.000
No. 23	Lot	019.000

No. 24	District	0900
	Section	310.00
	Block	01.00
	Lot	003.000

and be it further

2nd 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 Open Space Preservation Program, for a purchase price of Forty Three Thousand Seven Hundred Fifty Dollars (\$43,750.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$43,750.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-CAP-7144.213, Suffolk County Open Space Preservation Program, for this acquisition; and be it further

4th 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

5th 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

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

7th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 4.) 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
- 5.) the proposed use of the subject parcel(s) will be passive recreation; and
- 6.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

8th RESOLVED, that in accordance with Section 279(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 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2085-2006 Laid on Table 8/22/2006
Introduced by Presiding Officer, on request of the County Executive and Legislator Schneiderman

RESOLUTION NO. 1023 -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY OPEN SPACE PRESERVATION PROGRAM FOR THE JOSEPH Z. GAZZA PROPERTY – PINE BARRENS CORE AREA (TOWN OF SOUTHAMPTON – SCTM NO. 0900-215.03-01.00-061.000, 0900-243.00-01.00-005.000 & 0900-243.00-02.00-003.000)

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

WHEREAS, subsequent resolutions have been adopted to increase funding for the Open Space Preservation Program; and

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

WHEREAS, Resolution No. 264-2002 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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition under the Suffolk County Open Space Preservation Program for a total purchase price of Fourteen Thousand Two Hundred Dollars (\$14,200.00±), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0900 Section 215.03 Block 01.00 Lot 061.000	2.84± acres	Joseph Z. Gazza 5 Ogden Lane Quogue, NY 11959
No. 2	District 0900 Section 243.00 Block 01.00 Lot 005.000		
No. 3	District 0900 Section 243.00 Block 02.00 Lot 003.000		

and be it further

2nd 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 Open Space Preservation Program, for a purchase price of Fourteen Thousand Two Hundred Dollars (\$14,200.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$14,200.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-CAP-7144.213, Suffolk County Open Space Preservation Program, for this acquisition; and be it further

4th 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

5th 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

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

7th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 7.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 8.) the proposed use of the subject parcel(s) will be passive recreation; and
- 9.) 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

8th RESOLVED, that in accordance with Section 279(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 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2086-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive and Legislator Viloría-Fisher

RESOLUTION NO. 1024 -2006, AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION AND HAMLET PARKS FUND-FARMLAND PRESERVATION COMPONENT FOR THE JOHNSON PROPERTY – SMOKE RUN (SCTM NO. 0200-

197.00-06.00-025.000 p/o, 026.001, 021.005, & 021.006, TOWN OF BROOKHAVEN)

WHEREAS, Local Law No. 34-2004, A Charter Law adding Article XXXVI to the SUFFOLK COUNTY CHARTER, establishes the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund which authorizes the acquisition of farmland development rights, as determined by a duly enacted resolution of the County of Suffolk; and

WHEREAS, Resolution No.1361-2004 appropriated \$35 million for acquisition of farmland development rights under the Farmland component of the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

WHEREAS, Resolution No. 119-2005, authorized planning steps for the acquisition of farmland development rights of the subject property; and

WHEREAS, the Town of Brookhaven has approved Resolution No. 2 on November 15, 2005 authorizing the acquisition of farmland development rights of the subject property in partnership with the County of Suffolk; and

WHEREAS, pursuant thereto, said acquisition of farmland development rights is to be made in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code which provides that the same shall be consummated in accordance with provisions of General Municipal Law, Section 247, and the recommendation of the Suffolk County Farmland Committee; 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 Real Property Acquisition and Management to negotiate the acquisition of farmland development rights; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of farmland development rights of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Farmland component, for a total purchase price of Two Million Thirteen Thousand Two Hundred Ninety Six Dollars and Forty Cents (\$2,013,296.40±), at \$394,764.00 per acre for 5.1± acres, which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling One Million Four Hundred Nine Thousand Three Hundred Seven Dollars and Forty Eight Cents (\$1,409,307.48±), for a Seventy percent (70%) undivided interest; and the Town's share, totaling Six Hundred Three Thousand Nine Hundred Eighty Eight Dollars and Ninety Two Cents (\$603,988.92±), for a Thirty percent (30%) 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 for inclusion in the Suffolk County Farmland Development Rights Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>		<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District	0200	5.1±	Ralph A. Johnson, Jr. as Trustee under the Trust created under the Last Will and Testament of Ralph A. Johnson, and/or any other individual or entity necessary pursuant to title search
	Section	197.00		
	Block	06.00		
	Lot	025.000 p/o		
No. 2	District	0200		c/o Joseph R. Attonia, Esq. 59 Landing Avenue – Suite 4 Smithtown, NY 11787
	Section	197.00		
	Block	06.00		
	Lot	026.001		
No. 3.	District	0200		
	Section	197.00		
	Block	06.00		
	Lot	021.005		
No. 4	District	0200		
	Section	197.00		
	Block	06.00		
	Lot	021.006		

and be it further

2nd 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 farmland development rights of the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(3), of the SUFFOLK COUNTY CHARTER for the County's purchase price of Two Million Thirteen Thousand Nine Hundred Ninety Six Dollars and Forty Cents (\$2,013,296.40±), subject to a final survey, of which the County contribution will be One Million Four Hundred Nine Thousand Three Hundred Seven Dollars and Forty Eight Cents (\$1,409,307.48) at \$394,764.00± per acre for 5.1± acres, subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$1,409,307.48±, subject to payment by the Town of its share of the purchase and subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8707.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Farmland component, Section C36-1(A)(3), for this acquisition; and be it further

4th RESOLVED, that title to this acquisition shall be held by the County and the Town, with the County owning seventy percent (70%) undivided interest and the Town owning thirty percent (30%) undivided interest, as tenants-in-common; and be it further

5th 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

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 6 NYCRR Sections 617.5(c) (20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing a farmland development rights acquisition as part of the Suffolk County Farmland Preservation

Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2088-2006
Introduced by Presiding Officer Lindsay

Laid on Table 8/22/2006

RESOLUTION NO. 1025 -2006, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND (HANSON PLACE PROPERTY) TOWN OF ISLIP (SCTM NO. 0500-357.00-03.00-024.001, 025.000)

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. 8706.210, Project Name: Hamlet Greens, Hamlet Parks or Pocket Parks; 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. 8706.210, 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 Hamlet Greens, Hamlet Parks, or Pocket Parks purposes;

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
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1	District: 0500	.40	Jerry and Madeline Piciullo
	Section 357.00		41 Hanson Place
	Block 03.00		Sayville, NY 11782
	Lot 024.001		
2	District: 0500	.45	Madeline Piciullo
	Section 357.00		41 Hanson Place
	Block 03.00		Sayville, NY 11782
	Lot 025.000		
TOTAL ACREAGE		.85	

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)(2)(5) and (6) of the SUFFOLK COUNTY CHARTER in connection with the Hamlet Greens, Hamlet Parks or Pocket Parks acquisitions; and be it further

3rd 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

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 19, 2006

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 1971-2006
Introduced by Presiding Officer Lindsay

Laid on Table 8/8/2006

**RESOLUTION NO. 1026 -2006, ADOPTING LOCAL LAW
NO. 57 -2006, A LOCAL LAW STRENGTHENING SMOKING
PROHIBITIONS AT SUFFOLK COUNTY FACILITIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 8, 2006, a proposed local law entitled, "**A LOCAL LAW STRENGTHENING SMOKING PROHIBITIONS AT SUFFOLK COUNTY FACILITIES**" now, therefore, be it

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

LOCAL LAW NO. 57 -2006, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW STRENGTHENING SMOKING PROHIBITIONS AT
SUFFOLK COUNTY FACILITIES**

**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 human health is seriously threatened by exposure to environmental tobacco smoke (ETS) and that recent findings by the federal Environmental Protection Agency (EPA) make clear that ETS, or secondhand smoke, is a human carcinogen responsible for 3,000 lung cancer deaths each year in nonsmoking adults.

This Legislature also finds and determines that although smoking is prohibited in County facilities and all hospitals located within Suffolk County, people seeking access to these facilities can still be exposed to secondhand smoke as they seek to enter such public buildings.

This Legislature further finds and determines that the County of Suffolk has sought to remedy this problem by prohibiting smoking within a 50 foot radius of all street level entrances to County facilities; however this provision has allowed smoking to continue at other entrances to County buildings. For example, individuals continue to smoke near the plaza level entrances to the H. Lee Dennison Building, exposing non-smoking individuals to second-hand smoke.

Therefore, the purpose of this law is to clarify the prohibition on smoking within a 50 foot radius of entrances to County facilities so as to remove any loopholes and further protect the health of Suffolk residents and employees.

Section 2. Amendments.

Section 437-3 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 437, SMOKING

* * * *

§ 437-3. Limitations and restrictions

* * * *

P. Smoking is prohibited within a fifty-foot radius of [street-level] all entrances to all County buildings and facilities located within Suffolk County which are either owned or leased by the County of Suffolk and which are designated as accessible by the public.

* * * *

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 5. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

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

DATED: September 19, 2006

****VETOED BY COUNTY EXECUTIVE ON OCTOBER 20, 2006****

****VETO OVERRIDE ADOPTED ON NOVEMBER 8, 2006****

After a public hearing duly held on October 3, 2006
Filed with the Secretary of State on December 4, 2006

Intro. Res. No. 1971-2006
Introduced by Presiding Officer Lindsay

Laid on Table 8/8/2006

**RESOLUTION NO. 1026 -2006, ADOPTING LOCAL LAW
NO. 57 -2006, A LOCAL LAW STRENGTHENING SMOKING
PROHIBITIONS AT SUFFOLK COUNTY FACILITIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 8, 2006, a proposed local law entitled, "**A LOCAL LAW STRENGTHENING SMOKING PROHIBITIONS AT SUFFOLK COUNTY FACILITIES**" now, therefore, be it

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

LOCAL LAW NO. 57 -2006, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW STRENGTHENING SMOKING PROHIBITIONS AT
SUFFOLK COUNTY FACILITIES**

**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 human health is seriously threatened by exposure to environmental tobacco smoke (ETS) and that recent findings by the federal Environmental Protection Agency (EPA) make clear that ETS, or secondhand smoke, is a human carcinogen responsible for 3,000 lung cancer deaths each year in nonsmoking adults.

This Legislature also finds and determines that although smoking is prohibited in County facilities and all hospitals located within Suffolk County, people seeking access to these facilities can still be exposed to secondhand smoke as they seek to enter such public buildings.

This Legislature further finds and determines that the County of Suffolk has sought to remedy this problem by prohibiting smoking within a 50 foot radius of all street level entrances to County facilities; however this provision has allowed smoking to continue at other entrances to County buildings. For example, individuals continue to smoke near the plaza level entrances to the H. Lee Dennison Building, exposing non-smoking individuals to second-hand smoke.

Therefore, the purpose of this law is to clarify the prohibition on smoking within a 50 foot radius of entrances to County facilities so as to remove any loopholes and further protect the health of Suffolk residents and employees.

Section 2. Amendments.

Section 437-3 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 437, SMOKING

* * * *

§ 437-3. Limitations and restrictions

* * * *

P. Smoking is prohibited within a fifty-foot radius of [street-level] all entrances to all County buildings and facilities located within Suffolk County which are either owned or leased by the County of Suffolk and which are designated as accessible by the public.

* * * *

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK

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

Section 5. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

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

DATED: September 19, 2006

****VETOED BY COUNTY EXECUTIVE ON OCTOBER 20, 2006****

****VETO OVERRIDE ADOPTED ON NOVEMBER 8, 2006****

After a public hearing duly held on October 3, 2006
Filed with the Secretary of State on December 4, 2006

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

Intro. Res. No. 2067-2006 Laid on Table 8/22/2006
Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine and Schneiderman

RESOLUTION NO. 1027 -2006, ACCEPTING AND APPROPRIATING 80.1% STATE GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE NYS LEGISLATIVE MEMBER ITEM GRANT FOR SUPPORT OF THE PECONIC BAY ESTUARY PROGRAM

WHEREAS, the New York State Department of Environmental Conservation has awarded 80.1% State grant funds to the Department of Health Services, Division of Environmental Quality for the NYS Member Item grant in the amount of \$200,000 for support of the Peconic Bay Estuary Program for the period 05/01/06-08/31/10; and

WHEREAS, the Peconic Estuary Program Management Conference has agreed that these funds will support Phase III of the Peconic Estuary Benthic Mapping Project; and

WHEREAS, these maps of the underwater lands for the Peconic Estuary are needed to document bathymetry and the distribution of natural resources; and

WHEREAS, a contract shall be executed with the researchers at the State University of New York at Stony Brook, Marine Sciences Research Center; and

WHEREAS, the Suffolk County Department of Health, Office of Ecology will oversee the work done by the researchers at State University of New York at Stony Brook; and

WHEREAS, this 80.1% State Aid is not currently included in the 2006 Adopted Operating Budget, now therefore be it

1st RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$200,000 State grant funds as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
001-3910 Environmental Control	\$200,000

APPROPRIATIONS

Department of Health Services (HSV)
Division of Environmental Quality
National Estuary Action Plan
001-HSV-4405

<u>Fees for Service</u>	<u>\$200,000</u>
4560 Fees for Service, Non-Employees State University of New York at Stony Brook	\$200,000

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with the State University of New York at Stony Brook; and be it further

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

RESOLUTION NO. 1028 -2006, AMENDING THE SUFFOLK COUNTY CLASSIFICATION AND SALARY PLAN IN CONNECTION WITH NEW POSITION TITLES IN THE DEPARTMENT OF HEALTH SERVICES (PHARMACIST I, PHARMICIST II, DIRECTOR OF MEDICAL SUPPORT SERVICES)

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

WHEREAS, on the basis of this review they have determined that the new titles of Pharmacist I, Pharmacist II and Director of Medical Support Services 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

1st 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:

ADDITIONS TO CLASSIFICATION AND SALARY PLAN

<u>Spec No.</u>	<u>JC</u>	<u>Position Title</u>	<u>Grade</u>	<u>BU</u>
2236	C	Pharmacist I	25	02
2237	C	Pharmacist II	27	02
2239	C	Director of Medical Support Services	28	02

DELETIONS FROM CLASSIFICATION AND SALARY PLAN

2233	C	Pharmacist	21	02
2235	C	Pharmacist I (Correctional Facility)	24	02
2234	C	Pharmacist II (Correctional Facility)	26	02
2636	C	Medical Support Services Coordinator	26	20

AMENDMENTS TO OPERATING BUDGET

ADDITIONS

<u>Position No.</u>	<u>Spec No.</u>	<u>JC</u>	<u>Position Title</u>	<u>Grade</u>	<u>BU</u>
01-4010-3000-1601	2239	C	Director of Medical Support Services	28	02
01-4010-3000-1611	2236	C	Pharmacist I	25	02
01-4109-3104-0025	2236	C	Pharmacist I	25	02
01-4109-3104-0026	2236	C	Pharmacist I	25	02
01-4109-3104-0018	2237	C	Pharmacist II	27	02

DELETIONS

<u>Position No.</u>	<u>Spec No.</u>	<u>JC</u>	<u>Position Title</u>	<u>Grade</u>	<u>BU</u>
01-4010-3000-1600	2636	C	Medical Support Services Coordinator	26	02
01-4010-3000-1610	2233	C	Pharmacist		23 02
01-4109-3104-0033	2234	C	Pharmacist II (Correctional Facility)	26	02
01-4109-3104-0034	2235	C	Pharmacist I (Correctional Facility)	24	02
01-4109-3104-0035	2235	C	Pharmacist I (Correctional Facility)	24	02

and be it further

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2046-2006

Laid on Table 8/22/2006

Introduced by Legislators Viloría-Fisher and Losquadro

**RESOLUTION NO. 1029 –2006, APPROVAL OF THE
LONG ISLAND NORTH SHORE HERITAGE AREA
MANAGEMENT PLAN**

WHEREAS, in 1998, the New York State Legislature established the Long Island North Shore Heritage Area for the purpose of preserving and enhancing the historic, cultural and natural resources of Long Island’s North Shore; and

WHEREAS, along with such establishment the Long Island North Shore Heritage Area Planning Commission was created and charged with developing a management plan that local governments within the heritage area can utilize for planning, preservation and enhancement of heritage area; and

WHEREAS, a management plan was professionally prepared with an extensive public participation process that involved more than 500 residents and civic leaders from throughout the Heritage Area; and

WHEREAS, the management plan is a sourcebook of inventories, interpretive themes, and strategies for preservation, protection and celebration of the North Shore's intrinsic resources; and

WHEREAS, the Long Island North Shore Heritage Area Planning Commission, acting as lead agency prepared a Generic Environmental Impact Statement (GEIS) that examines the environmental impacts and social and economic considerations associated with the Plan; and

WHEREAS, after conducting a SEQRA review process that increased public involvement and resulted in a Final Generic Environmental Impact Statement (FGEIS), the Long Island North Shore Heritage Area Planning Commission is now ready to submit the completed management plan to local governments for their approval; and

WHEREAS, local approval of the management plan will not impact local autonomy; and

WHEREAS, approval of the management plan will lead to a variety of benefits for the North Shore region, including but not limited to, strengthening its cultural and historical identity and technical assistance and increased funding opportunities for projects within the Heritage Area; and

WHEREAS, the County of Suffolk is a municipality that falls (wholly or in part) within the boundaries of the North Shore Heritage Area; and

WHEREAS, under the State Environmental Quality Review Act (SEQRA) and 6 NYCRR Part 617, the County of Suffolk is an involved agency with respect to approval of the Management Plan; now, therefore, be it

1st RESOLVED, that the County of Suffolk supports the mission of the Long Island North Shore Heritage Area Planning Commission to preserve and protect the region's historic, natural and maritime resources; and be it further

2nd RESOLVED, that the County of Suffolk hereby approves the Long Island North Shore Heritage Area Management Plan; and be it further

3rd RESOLVED, that the Clerk of the Suffolk County Legislature is hereby directed to forward a copy of this Resolution to the Long Island North Shore Heritage Area Planning Commission; and be it further

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2053A-2006

BOND RESOLUTION NO. 1030 -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 COUNTY MARINAS (CP 7109.110 and 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 \$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 County Marinas-Shinnecock, Timber Point, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,070,590. The plan of financing includes (a) the issuance of \$120,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 946-1995 (\$15,000 for planning and \$105,000 for construction), (b) the issuance of \$85,590 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 810-1999, as amended (\$25,000 for planning and \$60,590 for construction), (c) the issuance of \$165,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 655-2002 (\$15,000 for planning and \$150,000 for construction), (d) the issuance of \$275,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 375-2003 (\$25,000 for planning and \$250,000 for construction), (e) the issuance of \$175,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 518-2004 (\$50,000 for planning and \$125,000 for construction), (f) the issuance of \$250,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$50,000 for planning and \$200,000 for construction) and (g) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years, computed from July 15, 1996, the date of the first obligations issued for such purpose pursuant to Bond Resolution No. 946-1995.

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 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 2053-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1031 -2006, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO COUNTY MARINAS (CP 7109)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for the planning and construction of improvements at County marinas; and

WHEREAS, there are sufficient funds within the 2006 Adopted Capital Budget and Program to cover the entire cost of said planning and improvements under Capital Program Number 7109; and

WHEREAS, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution Numbers 1251-96, 422-97, 1044-00 and 529-02 determined that such improvements constitute Type II actions which will have no significant effect on the environment and the Suffolk County Legislature, being SEQRA lead agency determined that conducting studies and preliminary planning necessary to formulate a proposal for action constitutes a Type II action with no significant impact on the environment and therefore, SEQRA is complete; 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

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty three (53), is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

2nd RESOLVED, that the proceeds of the \$250,000 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-7109.110	26	Planning for Improvements to County Marinas	\$50,000
525-CAP-7109.310	26	Improvements to County Marinas-Shinnecock, Timber Point	\$200,000

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

Into. Res. No. 2063A-2006

BOND RESOLUTION NO. 1032 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$700,000 BONDS TO FINANCE A PART OF THE COST OF THE RESTORATION OF WEST NECK FARM (CP 7096.114 and .315)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$700,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York

(referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the restoration of West Neck Farm, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$800,000. The plan of financing includes (a) the issuance of \$100,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 673-2006, (b) the issuance of \$700,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$50,000 for planning and \$650,000 for construction) and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

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

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

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

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

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

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 2063-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/22/2006

**RESOLUTION NO. 1033 -2006, AMENDING THE 2006
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH RESTORATION OF WEST NECK
FARM, HUNTINGTON (CP 7096)**

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for planning and construction for restoration West Neck Farm, Huntington; and

WHEREAS, there are not sufficient funds within the 2006 Capital Budget and Program to cover the cost of said planning for improvements under Capital Program Number 7096; 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, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution Number 427-1997 determined that these actions constitute a Type I action pursuant to the provisions of Title 6 of the New York Code of Rules and Regulations (NYCRR), Part 617 and Suffolk County Local Law No. 22-1985 and will not have a significant effect on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;
- 2.) Upgrades within the facility are necessary to bring it up to building and fire code standards;
- 3.) The proposed work is necessary for the restoration of the historic landmark Coindre Hall Boathouse and was approved by the Suffolk County Historic Trust; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$700,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty 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

2nd RESOLVED, that the 2006 Capital Budget and Program be and they are hereby amended as follows:

Project No. 7096

Project Title: Restoration of West Neck Farm, Huntington

	Total 2006 Estimated <u>Cost</u>	Current 2006 Capital Program and Budget	Revised 2006 Capital Program and Budget
1. Planning	\$100,000	\$100,000	\$150,000
3. Construction	\$700,000	\$700,000	\$650,000
TOTAL	\$800,000	\$800,000	\$800,000

and be it further;

3rd RESOLVED, that the proceeds of \$700,000 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-7096.114	26	Planning for Restoration of West Neck Farm, Huntington	\$50,000
525-CAP-7096.315	26	Construction for Restoration of West Neck Farm, Huntington	\$650,000

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 2071A-2006

BOND RESOLUTION NO. 1034 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$115,000 BONDS TO FINANCE THE COST OF IMPROVEMENTS AND LIGHTING AT COUNTY PARKS (CP 7079.110 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 \$115,000 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 and lighting 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 \$115,000 (\$15,000 for planning and \$100,000 for construction). The plan of financing includes the issuance of \$115,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to

pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2071-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1035 –2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS AND LIGHTING AT COUNTY PARKS (CP 7079)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for improvements and lighting at County parks; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request under Capital Program Number 7079; and

WHEREAS, pursuant to Introductory Resolution No. 1647-2006, the application of the 5-25-5 law has been waived during fiscal year 2006, this resolution requests the method of financing be changed for this project; and

WHEREAS, this resolution constitutes an amendment to change the method of financing thereby requiring a three-fourths vote of the full membership of the County Legislature, rather than an offset, under Section C4-13 of the Suffolk County Charter; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$115,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), CEQ Resolution No. 98-05 determined that the proposed improvements and lighting at various County parks constitute an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of forty three (43), is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998, and reaffirmed by Resolution No. 209-2000; and be it further

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

Project No: 7079
Project Title: Improvements and Lighting at County Parks

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
1. Planning	\$15,000	\$15,000G	\$15,000B
3. Construction	\$100,000	\$100,000G	\$100,000B
TOTAL	\$115,000	\$115,000	\$115,000

4th RESOLVED, that the proceeds of \$115,000 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-7079.110 (Fund 001-Debt Service)	60	Improvements and Lighting at County Parks -- Planning	\$15,000
525-CAP-7079.311	60	Improvements and	\$100,000

(Fund 001-Debt Service)

Lighting at County Parks
-- Construction

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 1950-2006

Laid on Table 8/8/2006

Introduced by Legislators Eddington, Vilorio-Fisher, Browning, Romaine, Montano, Kennedy,
Schneiderman, Cooper, Mystal, Alden, Stern, D'Amaro

**RESOLUTION NO. 1036 -2006, AUTHORIZING THE
DEPARTMENT OF INFORMATION TECHNOLOGY TO
IMPLEMENT A "MAPQUEST" STYLED INFORMATION
SERVICE ON THE COUNTY'S WEBSITE FOR SUFFOLK
COUNTY TRANSIT BUS ROUTES**

WHEREAS, Suffolk County Transit System serves thousands of bus riders each
day; and

WHEREAS, traveling by bus in Suffolk County can be difficult and stressful,
particularly for a rider who needs to utilize more than one bus to reach their destination; and

WHEREAS, the Suffolk County Website presently contains schedule information
for various bus routes, but provides no integrated system of information to aid riders; and

WHEREAS, establishing a "mapquest" styled information service on the County's
Website would be an invaluable tool for Suffolk County's bus riders; and

WHEREAS, such a system would allow riders to enter their start point and
destination and determine which bus routes the rider can use and the times these buses run;
and

WHEREAS, a "mapquest" styled information service would better serve Suffolk
residents and serve to increase ridership on the County's bus system; and

WHEREAS, the Suffolk County Department of Information Technology has
determined that it is feasible to establish this information service on the County's Website; now,
therefore be it

1st RESOLVED, that pursuant to Section C20-3 of the SUFFOLK COUNTY CHARTER, the Department of Information Technology is hereby authorized, empowered and directed to establish and implement a “mapquest” styled information service on the County’s Website for Suffolk County Transit bus routes within 120 days of the effective date of this Resolution; and

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 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 1986-2006

Laid on Table 8/8/2006

Introduced by Legislators Cooper, Viloría-Fisher, Nowick and Stern

**RESOLUTION NO. 1037 -2006, ADOPTING LOCAL LAW
NO. 45 -2006, A LOCAL LAW TO ENHANCE EVACUATION
PLANS FOR PETS AND ANIMALS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 8, 2006, a proposed local law entitled, "**A LOCAL LAW TO ENHANCE EVACUATION PLANS FOR PETS AND ANIMALS**" now, therefore, be it

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

LOCAL LAW NO. 45 -2006, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENHANCE EVACUATION PLANS FOR PETS
AND ANIMALS**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that a fire at a West Islip pet store in December 2004 resulted in the death of hundreds of animals.

This Legislature also determines that during and after Hurricane Katrina, many pets and animals perished unnecessarily, in part because their safe evacuation was not considered in the emergency planning process.

This Legislature further finds that a lesson learned from these tragedies is that Suffolk County, its towns and fire departments would benefit from a coordinated approach that would help ensure the safe evacuation of pets and animals in the event of a fire or other emergency.

This Legislature also determines that the County Executive has issued an Executive Order (No. 5-2005) directing the Department of Fire, Rescue and Emergency Services (FRES) to establish a "Pet Shop/Firefighters/Fire Department/Animal Outreach Program".

This Legislature also finds and determines that the enactment of a local law authorizing and directing FRES to take the steps necessary to develop an effective, coordinated animal evacuation plans will engender the type of cooperation necessary for successful implementation of this program.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY ADMINISTRATIVE CODE to authorize FRES to develop a registry of all pet stores, animal hospitals and kennels in Suffolk County; to take necessary steps to ensure the filing of floor plans and/or animal registries of all such facilities with local fire departments; to help develop evacuation plans for animals and pets in Suffolk County; and to establish shelters for animals for use during an emergency.

Section 2 Amendments.

Article XI of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

ARTICLE XI, Department of Fire, Rescue and Emergency Services

* * * *

§ 11-4. Evacuation of Pets and Animals.

The Department of Fire, Rescue and Emergency Services is hereby authorized, empowered and directed to:

- A. Develop a registry of all pet stores, animal hospitals, and kennels in Suffolk County. The Department shall make this registry available to all towns, villages, fire districts, fire departments, and fire marshals in Suffolk County.
- B. Develop a program to ensure the filing of floor plans and/or registries of animals on site with local fire departments by pet stores, animal hospitals and kennels to enable

safe evacuation of pets and animals in the event of a fire or explosion in a pet store, animal hospital or kennel.

- C. Work with all towns, villages, fire departments, fire marshals, pet stores, animal hospitals and kennels, as well as the Suffolk County Society for the Prevention of Cruelty to Animals (SCPCA), to develop a coordinated emergency response evacuation plan for pets and animals in each jurisdiction in the event of an emergency or disaster.
- D. Establish additional pet-friendly emergency shelters throughout Suffolk County for use in times of emergency or disaster.

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: September 19, 2006

APPROVED BY:

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

Date: October 3, 2006
Filed with the Secretary of State on October 30, 2006

Legislator Mystal made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 16-2-0-0. Legislators Caracappa and Losquadro voted no.

Intro. Res. No. 2027-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of the County Executive and Legislators Montano Mystal, Cooper, Vilorio-Fisher, Stern, D'Amato

RESOLUTION NO. 1038 -2006, ADOPTING LOCAL LAW NO. 51 -2006, A LOCAL LAW TO UPDATE AND STRENGTHEN THE INVESTIGATION AND ENFORCEMENT POWERS OF THE SUFFOLK COUNTY HUMAN RIGHTS COMMISSION AND TO ACHIEVE SUBSTANTIAL EQUIVALENCE WITH THE FEDERAL FAIR HOUSING ACT

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 8, 2006 a proposed local law entitled, "A LOCAL LAW TO UPDATE AND STRENGTHEN THE INVESTIGATION AND ENFORCEMENT POWERS OF THE SUFFOLK COUNTY HUMAN RIGHTS COMMISSION AND TO ACHIEVE SUBSTANTIAL EQUIVALENCE WITH THE FEDERAL FAIR HOUSING ACT" now, therefore, be it

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

LOCAL LAW NO. 51 -2006, SUFFOLK COUNTY NEW YORK

A LOCAL LAW TO UPDATE AND STRENGTHEN THE INVESTIGATION AND ENFORCEMENT POWERS OF THE SUFFOLK COUNTY HUMAN RIGHTS COMMISSION AND TO ACHIEVE SUBSTANTIAL EQUIVALENCE WITH THE FEDERAL FAIR HOUSING ACT

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

Section 1. Legislative Intent.

The Suffolk County Legislature hereby finds and determines that in the County of Suffolk, with its diverse population, there is no greater danger to the health, morals, safety, and welfare of

the County and its inhabitants than the existence of groups and individuals reflecting prejudice against one another and antagonism to each other because of actual or perceived differences of race, creed, color, sex, disability, religion, familial status, marital status, sexual orientation, age, gender, or national origin. Many persons have been compelled to live under substandard unhealthful, unsanitary, and crowded living conditions because of discrimination and segregation in housing.

The Legislature also finds that housing segregation creates economic instability by limiting individuals' access to quality education, health care and job opportunities for professionals and skilled workers, which manifests into unequal wealth accumulation. These factors create pockets of poverty, and limit the financial resources available to those neighborhoods. As businesses relocate to other communities, the neighborhoods left behind lose a sustainable tax base, to the social and economic detriment of the entire County.

The Legislature further finds and declares that acts of prejudice, intolerance, bigotry, and discrimination which deny a person the opportunity to sell, purchase or lease, rent, or obtain financing for the purchase or lease of housing accommodations because of actual or perceived race, creed, color, sex, disability, religion, familial status, marital status, sexual orientation, age, gender, or national origin threaten the fundamental rights and privileges of the inhabitants of the County of Suffolk and undermine the foundations of a free democratic state and the economic stability of the region.

The Legislature further declares it to be the public policy of the County of Suffolk to eliminate and prevent discrimination and segregation based on actual or perceived race, creed, color, sex, disability, religion, familial status, marital status, sexual orientation, age, gender, or national origin and to safeguard the right of every person to sell, purchase, lease, rent, or obtain financing for the purchase or lease of housing accommodations without regard to actual or perceived race, creed, color, sex, disability, religion, familial status, marital status, sexual orientation, age, gender, or national origin.

The Legislature also finds that housing segregation creates economic instability by limiting access to quality education, health care and job opportunities for professionals and skilled workers. It creates pockets of poverty and increases the cost of housing in all neighborhoods. It limits the availability of housing for enterprises whose workforces reflect the efficiencies of diversity, and this limitation reduces the County's capacity for economic development, to the social and economic detriment of the entire County.

Therefore, the purpose of this law is to address and eliminate such discriminatory practices, and obtain certification by the United States Department of Housing and Urban Development that this law is substantially equivalent to the federal Fair Housing Act, so that the County can be eligible for federal and State funding for enforcement and administration of this law.

Section 2. Repeal.

Section 89-12 of the SUFFOLK COUNTY CODE is repealed.

Section 3. Amendments.

A new Section 89-12 of the SUFFOLK COUNTY CODE is added as follows:

§89-12. Unlawful discriminatory practices in the sale, lease, or rental of real property.

A.) Definitions.

The terms defined in Section 2 of Local Law No. 14-2001 shall have the meanings as set forth therein. For the purpose of unlawful discriminatory practices in the sale, lease, or rental of real property, the terms defined in Section 2 of Local Law No. 14-2001 that are not in conflict with this section shall be applicable. To the extent that they are in conflict, the following terms shall have the meanings set forth herein:

1. "Agent" means any person or entity, whether or not for financial consideration, with the authority to engage in any act associated with the offer for sale or rental of a housing accommodation on behalf of an owner or other person or entity in control of such accommodation. The term "agent" shall include, but not be limited to, a real estate agent or real estate broker.
2. "Commercial space" means any space in a building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing handling, garaging or distribution of personal property; and any space which is used or occupied, or is intended arranged or designed to be used or occupied as a separate business or professional unit or office in any building structure or portion thereof.
3. "Commission" refers to the Suffolk County Human Rights Commission, established and governed pursuant to this chapter.
4. "County" means the County of Suffolk.
5. "Couple" shall encompass two individuals who reside or seek to reside together and who have interdependence and emotional and financial commitment to and between each other, as those terms are currently used in 9 N.Y.C.R.R. § 2204.6.
6. "Covered entity" means a person required to comply with any provision of Section 89-12 of this chapter.
7. "Covered multifamily dwellings" means (a) buildings consisting of 4 or more units if such buildings have one or more elevators; and (b) ground floor units in other buildings consisting of 4 or more units.
8. "Demonstrates" means meets the burdens of production and persuasion.
9. The term "disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
10. "Discrimination" means any difference in treatment based on actual or perceived race, creed, color, sex, gender, disability, religion, familial status, marital status, sexual orientation, age or national origin, alienage or citizenship and shall include segregation, except that it shall not be discrimination for any religious or denominational institution to

devote its facilities, exclusively or primarily, to or for members of its own religion or denomination or to give preference to such members or to make such selection as is calculated by such institution to promote the religious principles for which it is established or maintained, unless membership in such religion is restricted on account of race, color, or national origin.

11. “Dwelling” includes any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
12. “Familial status” means (a) any person who is pregnant or has a child or is in the process of securing legal custody of any individual who has not attained the age of eighteen years, or (b) one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals or the designee of such parent.
13. “Gender” means both the biological and social characteristics of being female or male.
14. “Housing accommodation” includes any building, structure, or portion thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, and any vacant land offered for sale or lease for the construction or location thereon of any such buildings, structure, or portion thereof.
15. “Legislature” means the Legislature of Suffolk County.
16. “Lending institution” means any bank, insurance company, savings and loan association, or any other person regularly engaged in the business of lending money or guaranteeing loans.
17. “Marital status,” as used in this chapter, refers both to the status of an individual and to the status of a couple.
18. “National origin” for the purposes of this section includes “ancestry.”
19. “Person” includes one or more individuals, partnerships, associations, limited liability companies, corporations of all types, legal representatives, trustees, trustees in bankruptcy, mutual companies, joint-stock companies, trusts, unincorporated associations, fiduciaries, or receivers. The term “person” also includes recipients of County funding after September 1, 2007, which recipients have entered into agreements accepting the jurisdiction of this chapter.
20. “Protected basis” means race, creed, color, sex, gender, disability, religion, familial status, national origin, alienage or citizenship, marital status, sexual orientation or age.
21. “Publicly-assisted housing accommodations” shall include all housing accommodations within the County of Suffolk in:
 - (a) public housing;

- (b) housing constructed after July first, nineteen hundred fifty, within the County of Suffolk;
 - (i) which is exempt in whole or in part from taxes levied by the state or any of its political subdivisions,
 - (ii) which is constructed on land sold below cost by the state or any of its political subdivisions or any agency thereof, pursuant to the federal housing act of nineteen hundred forty-nine,
 - (iii) which is constructed in whole or in part on property acquired or assembled by the state or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction, or
 - (iv) for the acquisition, construction, repair or maintenance of which the state or any of its political subdivisions or any agency thereof supplies funds or other financial assistance;
- (c) housing which is located in a multiple dwelling, the acquisition, construction, rehabilitation, repair or maintenance of which is, after July first, nineteen hundred fifty-five, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions or any agency thereof, provided that such a housing accommodation shall be deemed to be publicly assisted only during the life of such loan and such guaranty or insurance; and
- (d) housing which is offered for sale by a person who owns or otherwise controls the sale of ten or more housing accommodations located on land that is contiguous (exclusive of public streets), if
 - (i) the acquisition, construction, rehabilitation, repair or maintenance of such housing accommodations is, after July first, nineteen hundred fifty-five, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions or any agency thereof, provided that such a housing accommodation shall be deemed to be publicly assisted only during the life of such loan and guaranty or insurance; or
 - (ii) a commitment, issued by a government agency after July first, nineteen hundred fifty-five, is outstanding that acquisition of such housing accommodations may be financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions or any agency thereof.

22. “Real estate broker,” “real estate salesperson,” and “associate real estate broker” shall have, respectively, the meanings of “real estate broker,” “real estate salesman,” and

“associate real estate broker” set forth in section four hundred forty of the Real Property Law. Notwithstanding any inconsistent provision, for the purposes of this title, a real estate broker shall be legally responsible for any act of a real estate salesperson or associate real estate broker, provided that:

- (a) in connection with the offer, purchase, sale, rental, or lease of housing accommodations, the real estate broker has authorized such real estate salesperson or associate real estate broker to act on the broker’s behalf and subject to his or her direction, supervision, or control; and
- (b) such violation has occurred within the scope of the authorization described in subparagraph a. of this paragraph 25.

23. “Reasonable modification” and “reasonable accommodation” means such modification or accommodation that shall not cause undue hardship in the conduct of the covered entity’s business.

24. “Religious or denominational institution” means an institution which is operated for religious purposes or is operated, supervised or controlled by religious or denominational organizations.

25. “Sexual orientation” means a person’s being homosexual, bisexual or heterosexual.

26. “Unlawful discriminatory practice” refers to any act that is unlawful under Section 89-12(B).

B. Unlawful Discriminatory Practices.

1. It shall be an unlawful discriminatory practice:

- a. to refuse to sell, rent or lease any housing accommodations, including publicly assisted housing accommodations, and commercial space to any person, or refuse to negotiate for the sale, rental or lease of any housing accommodation to any person, because of the actual or perceived protected basis of such person, or to represent that any housing accommodation is not available for inspection, sale, rental or lease when in fact it is so available, or to otherwise deny or withhold any housing accommodation or any facilities of any housing accommodation from any person because of the actual or perceived protected basis of such person;
- b. to discriminate against any person because of actual or perceived protected basis in the terms, conditions or privileges of the sale, rental, or lease of any such housing accommodations or in the furnishing of facilities or services in connection therewith;
- c. to discriminate against any person in making available a residential real-estate transaction, or in the terms and conditions of such a transaction, because of actual or perceived protected basis of such person;
- d. to make print or publish any statement, advertisement, or publications, or to use any form of application for the purchase, rental, or lease of such housing

accommodations, or to make any record or inquiry in connection with the prospective purchase, rental, or lease of such housing accommodations which expresses, directly or indirectly, any limitation, specification, or discrimination with respect to actual or perceived protected basis, or any intent to make any such limitation, specification, or discrimination;

- e. to refuse to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person with a disability if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the covered entity may, where it is reasonable to do so, condition permission for a modification on a renter agreeing to restore the interior and/or exterior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - f. to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling;
 - g. in connection with the design and construction of covered multifamily dwellings for first occupancy after January 1, 2007, to fail to design and construct those dwellings in such a manner that:
 - i. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - ii. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - iii. all premises within such dwellings contain the following features of adaptive design:
 - (A). an accessible route into and through the dwelling;
 - (B). light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (C). reinforcements in bathroom walls to allow later installation of grab bars; and
 - (D). usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- (1) Compliance with the appropriate requirements of the American National Standard Institute for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of clause iii. of subparagraph h. of this paragraph.

- (2) Nothing in subparagraphs e., f., or g. of this section B.1. requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (3) The provisions of subparagraphs a. through g. of this section B.1. shall not apply: (a) to the rental of housing accommodations in a building which contains housing accommodations for not more than two families if the owner or members of his family reside in one of such housing accommodation; or (b) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and he or she or members of his or her family reside in such housing accommodation; (c) solely with respect to age and familial status to the restriction of the sale, rental or lease of housing accommodations exclusively to persons sixty-two years of age or older and the spouse of any such person, or for housing intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply.

2. It shall be an unlawful discriminatory practice to:

- a. discriminate against any applicant or applicants for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation because of actual or perceived protected basis of such applicant or applicants or any member, stockholder, director, officer, or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodations in the granting, withholding, extending, or in the fixing of the rates, terms or conditions of any such financial assistance; or
- b. use any form or application for such financial assistance or make any record or inquiry in connection with applications for such financial assistance which express, directly or indirectly, limitations, specifications, preferences, or discrimination because of actual or perceived protected basis.

3. It shall be an unlawful discriminatory practice to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this section, or attempt to do so.

4. It shall be an unlawful discriminatory practice to retaliate or discriminate against any person in any manner because he or she has opposed any practices forbidden under this

section or because he has filed a complaint, testified, or assisted in any proceeding under this section.

5. It shall be an unlawful discriminatory practice to coerce, intimidate, threaten, or interfere with any person (a) in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed any right granted or protected by this section.; or (b) on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this section; or because of the protected basis of a person with whom such person has or is perceived to have a relationship or association.
6. It shall be an unlawful discriminatory practice to violate the terms of any conciliation agreement entered into pursuant to section C. 5., below.
7. It shall be an unlawful discriminatory practice, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular protected class.

C. Administrative Enforcement.

1. Complaint.

- a. Any person aggrieved by an unlawful discriminatory practice may, by himself or herself or by such person's attorney, make, sign and file with the Commission a verified complaint in writing which shall: (i) state the name of the person alleged to have committed the unlawful discriminatory practice complained of, and the address of such person if known; (ii) set forth the particulars of the alleged unlawful discriminatory; and (iii) contain such other information as may be required by the Commission. The Commission shall acknowledge the filing of the complaint and advise the complainant of the time limits and choice of forums set forth in this section.
- b. Commission-initiated complaints. The Commission may itself make, sign and file a verified complaint alleging that a person has committed an unlawful discriminatory practice.
- c. The Commission shall serve a copy of the complaint upon the respondent and all persons it deems to be necessary parties and shall advise the respondent of his or her procedural rights and obligations as set forth herein.
- d. The Commission shall not have jurisdiction over any complaint that has been filed more than one year after the alleged unlawful discriminatory practice occurred.
- e. The Commission shall not have jurisdiction to entertain a complaint if: (i) the complainant has previously initiated a civil action in a court of competent jurisdiction alleging an unlawful discriminatory practice as defined by this section with respect to the same grievance which is the subject of the complaint under this section, unless such civil action has been dismissed without prejudice or withdrawn without prejudice; or (ii) the complainant has previously filed and has an action or proceeding before any administrative agency under any other

law of the state alleging an unlawful discriminatory practice as defined by this section with respect to the same grievance which is the subject of the complaint under this section; or (iii) the complainant has previously filed a complaint with the New York State Division of Human Rights alleging an unlawful discriminatory practice as defined by this section with respect to the same grievance which is the subject of the complaint under this section and a final determination has been made thereon.

f. Any complaint filed pursuant to this section may be amended pursuant to procedures prescribed by rule of the Commission by filing such amended complaint with the Commission and serving a copy thereof upon all parties to the proceeding.

2. Answer.

a. Within ten days after a copy of the complaint is served upon the respondent by the Commission, the respondent shall file a written, verified answer thereto with the Commission, and the Commission shall cause a copy of such answer to be served upon the complainant and any necessary party.

b. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge or information sufficient to form a belief, in which case the respondent shall so state, and such statement shall operate as a denial.

c. Any allegation in the complaint not specifically denied or explained shall be deemed admitted and shall be so found by the Commission unless good cause to the contrary is shown.

d. All affirmative defenses shall be stated separately in the answer.

e. Upon request of the respondent and for good cause shown, the period within which an answer is required to be filed may be extended in accordance with the rules of the Commission.

f. Any necessary party may file with the Commission a written, verified answer to the complaint, and the Commission shall cause a copy of such answer to be served upon the complainant, respondent and any other necessary party.

g. Any answer filed pursuant to this section may be amended pursuant to procedures prescribed by rule of the Commission by filing such amended answer with the Commission and serving a copy thereof upon the complainant and any necessary party to the proceeding.

3. Withdrawal of Complaints.

a. A complaint filed pursuant to Section C. 1. may be withdrawn by the complainant as of right at any time prior to a determination of the issue of probable cause. Such a withdrawal shall be in writing and signed by the complainant.

- b. Unless such complaint is withdrawn pursuant to a conciliation agreement, the withdrawal of a complaint shall be without prejudice:
- (i) to the continued investigation of the complaint by the Commission in accordance with rules of the Commission;
 - (ii) to the initiation of a complaint by the Commission based in whole or in part upon the same facts;
 - (iii) to the commencement of a civil action by the complainant in a court of competent jurisdiction; or
 - (iv) to the commencement of a civil action in a court of competent jurisdiction by the County Attorney based upon the same facts pursuant to subparagraph 8. b. of this section C.

4. Dismissal of Complaint.

- a. The Commission may, in its discretion, dismiss a complaint for administrative convenience at any time prior to the taking of testimony at a hearing. Administrative convenience shall include, but not be limited to, the following circumstances:
- (i) Commission personnel have been unable to locate the complainant after diligent efforts to do so;
 - (ii) the complainant has repeatedly failed to appear at mutually agreed upon appointments with Commission personnel or is unable or unwilling to meet with Commission personnel, provide requested documentation, or to attend a hearing;
 - (iii) relief is precluded by the respondent's absence or other special circumstances;
 - (iv) the complainant's objections to a proposed conciliation agreement are without substance;
 - (v) holding a hearing will not benefit the complainant;
 - (vi) the complainant has repeatedly engaged in conduct which is disruptive to the orderly functioning of the Commission; or
 - (vii) prosecution of the complaint will not serve the public interest.
- b. The Commission shall dismiss a complaint for administrative convenience where a complainant requests that it do so for the purpose of commencement by the complainant of a civil action in a court of competent jurisdiction.
- c. In accordance with the rules of the Commission, the Commission shall dismiss a complaint if the complaint is not within the jurisdiction of the Commission.

- d. If after investigation the Commission determines that probable cause does not exist to believe that the respondent has engaged or is engaging in an unlawful discriminatory practice, the Commission shall dismiss the complaint as to such respondent.
- e. The Commission shall promptly serve notice upon the complainant, respondent and any necessary party of any dismissal pursuant to this section.
- f. The complainant or respondent may, within thirty days of such service, and in accordance with the rules of the Commission, apply to the Executive Director of the Commission for review of any dismissal pursuant to this section. Upon such application, the Executive Director shall review such action and issue an order affirming, reversing or modifying such determination or remanding the matter for further investigation and action. A copy of such order shall be served upon the complainant, respondent and any necessary party.
- g. All complaints administratively dismissed pursuant to this section shall be reported in the Yearly Report of the Human Rights Commission mandated by Chapter 89 of the Suffolk County Code and will include:
 - (i) the total number of cases administratively dismissed for the reporting period;
 - (ii) the specific protected basis of the affected complainants;
 - (iii) the type of violation or discriminatory act alleged in the complaint; and
 - (iv) the basis for dismissing the complaint under this subsection.
- h. Upon dismissal of the complaint, the Executive Director shall have the authority to refer the complaint to the New York State Division of Human Rights for further processing.

5. Mediation and Conciliation.

- a. If in the judgment of the Commission circumstances so warrant, it may at any time after the filing of a complaint endeavor to resolve the complaint by any method of dispute resolution prescribed by rule of the Commission including, but not limited to, mediation and conciliation.
- b. Mediators shall be selected by the Executive Director of the Suffolk County Human Rights Commission and may include Commission staff.
- c. The terms of any conciliation agreement may contain such provisions as may be agreed upon by the Commission, the complainant and the respondent, including a provision for the entry in court of a consent decree embodying the terms of the conciliation agreement.
- d. The members of the Commission and its staff shall not publicly disclose what transpired in the course of mediation and conciliation efforts.

e. If a conciliation agreement is entered into, the Commission shall embody such agreement in an order and serve a copy of such order upon all parties to the conciliation agreement. Every conciliation agreement shall be made public except where the Commission determines, either on its own or at the request of all parties, that extraordinary circumstances exist that would make such disclosure contrary to the public interest.

6. Investigation.

a. Every complaint shall be investigated in a timely, comprehensive and thorough manner, according to standards and procedures to be adopted in rules of practice of the Commission.

b. Such standards, procedures and rules shall include a requirement that a proceedings with respect to a complaint be commenced within 30 days of its filing, and that the investigation shall be completed within 100 days of its filing, unless the Commission determines that it is impracticable to do so, in which case the Commission shall be required to notify the complainant and respondent in writing of the reasons for not doing so.

c. At the end of each investigation, the Commission shall prepare a final investigative report containing:

(i) the names and dates of contacts with witnesses;

(ii) a summary and the dates of correspondence with the complainant and the respondent;

(iii) a summary description of other pertinent records;

(iv) a summary of witness statements; and

(v) answers to interrogatories.

A final investigative report may be amended if additional evidence is later discovered.

d. After the conclusion of an investigation, the Commission shall make available on request of a complainant or respondent a copy of the final investigative report and the information derived from the investigation.

7. Determination of Probable Cause.

a. Except in connection with Commission-initiated complaints, which shall not require a determination of probable cause, where the Commission determines that probable cause exists to believe that the respondent has engaged or is engaging in an unlawful discriminatory practice, the Commission shall issue a written notice to complainant and respondent so stating. A determination of probable cause is not a final order of the Commission and shall not be administratively or judicially reviewable.

- b. If there is a determination of probable cause pursuant to subparagraph a. of this paragraph 7. in relation to a complaint, including a Commission-initiated complaint, alleging any unlawful discriminatory practice in the sale, lease, or rental of real property, complainant may apply to a court of appropriate jurisdiction for an order enjoining respondent from doing or causing to be done any act that would tend to render ineffectual any such remedial relief that may thereafter be ordered.
- c. If a determination is made pursuant to subparagraph a. of this paragraph 7. that probable cause exists, or if a Commission-initiated complaint has been filed, the Executive Director of the Commission shall refer the complaint to an administrative law judge, except in a case where the Executive Director determines that: the respondent is already under investigation by the New York State Division of Human Rights as part of a pattern and practice or repeat offender case; the matter would be more appropriately handled by the New York State Division of Human Rights; or it would further the purposes of fair housing enforcement to refer the case to the New York State Division of Human Rights.
- d. If a determination is made pursuant to subparagraph a. of this paragraph 7. that probable cause exists, or if a Commission-initiated complaint has been filed, the Executive Director of the Commission shall serve a notice upon the complainant, respondent and any necessary party that the complaint has been so filed.
- e. Notwithstanding subparagraph d. of this paragraph 7., the Executive Director may elect to accept cases after a determination that probable cause exists, or may decline and refer the complaint to the New York State Division of Human Rights for further processing. In the event that a case is declined and so referred, the Commission shall issue a written notice to complainant and respondent so stating and inform the complainant that s/he may file an action in a court of appropriate jurisdiction against the respondent or apply to the New York State Division of Human Rights for further processing of the complaint by the State.
- f. The Commission shall maintain statistics as to the number of cases processed pursuant to subparagraph .e. of this paragraph 7.
- g. Nothing in this Section 89-12 shall be interpreted to prevent the receiving or other processing of complaints in accordance with any cooperative agreement with the New York State Division of Human Rights or with other agencies concerned with the enforcement of laws against discrimination.

8. Election of Remedies.

- a. Within 20 days of the Commission's service of notice of probable cause pursuant to subparagraph a. of paragraph 7. above, a complainant or respondent may elect to proceed in a court of appropriate jurisdiction. A complainant or respondent so electing shall notify the Commission in writing of such election.
- b. Where an election is made pursuant to subparagraph a. of this paragraph 8., the Executive Director may elect to commence an action in a court of appropriate jurisdiction within 45 days thereafter.

- c. If the Executive Director commences an action in a court of appropriate jurisdiction pursuant to subparagraph b. of this paragraph 8., the complainant shall have the right to intervene in such action at any time.

9. Rules of Procedure.

The Commission shall adopt rules providing for hearing and pre-hearing procedures. These rules shall include rules providing that the Commission shall be a party to all complaints and that a complainant shall be a party if the complainant has intervened in the manner set forth in the rules of the Commission. These rules shall also include rules governing discovery, sanctions for non-compliance with orders, motion practice and the issuance of subpoenas. Wherever necessary, the Commission shall issue orders compelling discovery.

10. Hearing.

- a. A hearing on the complaint shall be held before an administrative law judge, who shall be any attorney in good standing designated by the Commission.
- b. The place of any such hearing shall be the office of the Commission or such other place as may be designated by the Commission. Notice of the date, time and place of such hearing shall be served upon the complainant, respondent and any necessary party.
- c. The case in support of the complaint shall be presented before the Commission. The complainant may present additional testimony and cross-examine witnesses in person or by counsel, if the complainant shall have intervened pursuant to rules established by the Commission.
- d. The administrative law judge may, in his or her discretion, permit any person who has a substantial interest in the complaint to intervene as a party and may require the joinder of necessary parties.
- e. Evidence relating to endeavors at mediation or conciliation by, between or among the Commission, the complainant and the respondent shall not be admissible.
- f. If the respondent has failed to answer the complaint within the time period prescribed in section C.2.a. above, the administrative law judge shall enter a default and the hearing shall proceed to determine the evidence in support of the complaint; provided, however, that, upon application, the administrative law judge may, for good cause shown, open a default in answering, upon equitable terms and conditions, including the taking of an oral answer.
- g. A respondent who has filed an answer or whose default in answering has been set aside by the Commission for good cause shown; or a necessary party; or a complainant; or other person who has intervened pursuant to the rules of the Commission, may appear at such hearing in person or otherwise, with or without counsel, and cross-examine witnesses, present testimony and offer evidence.

- h. The hearing shall be governed by the rules of evidence applicable in the Supreme Court of the State of New York. The testimony taken at the hearing shall be under oath and shall be transcribed.
- i. Subsequent to the hearing and to such briefing as the presiding Administrative Law Judge may direct, the presiding Administrative Law Judge shall prepare a recommended decision and order and forward that recommended decision and order, along with the record in the case, to the Executive Director.

11. Decision and Order.

- a. If, upon all the evidence at the hearing, and upon the findings of fact, conclusions of law and relief recommended by an administrative law judge, the Executive Director shall find that a respondent has engaged in any unlawful discriminatory practice in the sale, lease, or rental of real property or has discriminated against any applicant(s) for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation because of actual or perceived protected basis of such applicant(s), the Executive Director shall state his/her findings of fact and conclusions of law and shall issue and cause to be served on such respondent an order for such relief as may be appropriate. Such order shall require the respondent to take such affirmative action as, in the judgment of the Executive Director, will effectuate the purposes of this chapter including, but not limited to:
 - (i) selling, renting or leasing, or approving the sale, rental or lease of housing accommodations or land, or an interest therein, or the provision of credit with respect thereto, without unlawful discrimination, if such actions are appropriate;
 - (ii) requiring training, monitoring, or adopting alternative policies;
 - (iii) payment of compensatory damages to the person aggrieved by such practice or act; and
 - (iv) submission of reports with respect to the manner of compliance.

The Commission may also direct the payment of civil penalties to the County in the amounts and under circumstances described below in paragraph 12. of this section C. The Commission may further direct the payment of a prevailing complainant's reasonable attorney's and expert's fees and costs.

- b. If, upon all the evidence at the hearing, and upon the findings of fact and conclusions of law recommended by the administrative law judge, the Executive Director shall find that a respondent has not engaged in any such unlawful discriminatory practice, the Executive Director shall state his/her findings of fact and conclusions of law and shall issue and cause to be served on the complainant, respondent, and any necessary party or any complainant who has not intervened, an order dismissing the complaint as to such respondent.

12. Civil penalties imposed by Commission for Unlawful Discriminatory Practices.

- a. Except as otherwise provided in subparagraph b. of this paragraph 12., in addition to any of the remedies and penalties set forth in paragraph 11., above, in any matter where the Executive Director finds that a person has engaged in an unlawful discriminatory practice, the Commission may impose (i) compensatory damages to the person aggrieved by such practice; (ii) punitive damages in an amount not to exceed ten thousand dollars to the person aggrieved by such practice; (iii) payment to the county general fund of profits obtained by a respondent through the commission of unlawful discriminatory acts described in this Section 89-12; and (iv) civil fines and penalties in an amount not to exceed fifty thousand dollars, to be paid to the county general fund by a respondent found to have committed an unlawful discriminatory act, or not to exceed one hundred thousand dollars to be paid to the County General Fund by a respondent found to have committed an unlawful discriminatory act which is found to be willful, wanton or malicious;
- b. A respondent that is found liable for an unlawful discriminatory practice, may, in relation to the determination of the appropriate amount of civil penalties to be imposed pursuant to subparagraph a. of this paragraph, plead and prove any relevant mitigating factor(s), including the following:
- (i) the establishment of and compliance with policies, programs and procedures for the prevention and detection of unlawful discriminatory practices by employees, agents and persons employed as independent contractors, including but not limited to:
 - (A) a meaningful and responsive procedure for investigating complaints of discriminatory practices by employees, agents and persons employed as independent contractors and for taking appropriate action against those persons who are found to have engaged in such practices;
 - (B) a firm policy against such practices which is effectively communicated to employees, agents and persons employed as independent contractors;
 - (C) a program to educate employees and agents about unlawful discriminatory practices under local, state, and federal law;
 - (D) procedures for the supervision of employees and agents and for the oversight of persons employed as independent contractors specifically directed at the prevention and detection of such practices; and
 - (ii) a record of no, or relatively few, prior incidents of discriminatory conduct by such employee, agent or person employed as an independent contractor or other employees, agents or persons employed as independent contractors.
- c. In addition to any other penalties or sanctions which may be imposed pursuant to any other law, any person who knowingly makes a material false statement in any proceeding conducted, or document or record filed with the Commission, or

record required to be preserved or made and kept and subject to inspection by the Commission pursuant to this section shall be liable for a civil penalty in an amount up to five thousand dollars.

13. Reopening of Proceeding by Commission.

The Commission may reopen any proceeding, or vacate or modify any order or determination of the Commission, whenever justice so requires, in accordance with the rules of the Commission.

14. Injunction and Temporary Restraining Order.

At any time after the filing of a complaint with the Commission alleging an unlawful discriminatory practice in the sale, lease, or rental of real property, where there is reason to believe that the respondent, or any other person acting in concert with the respondent, may do or cause to be done any act that would tend to render ineffectual relief that could be ordered:

(a) The County may commence or cause to be commenced, a special proceeding in accordance with article sixty-three of the civil practice law and rules for an order to show cause why the respondent and such other persons should not be enjoined from doing or causing such acts to be done; and

(b) Where the County has obtained injunctive relief pursuant to this paragraph, in order to prevent the involvement of innocent third parties in the rental or sale of housing accommodations during the pendency of the complaint, a notice may be posted by the County in a conspicuous place on such housing accommodation stating that such accommodation is the subject of a complaint before the Commission and that prospective buyers or renters will take such accommodations at their own risk, provided, however, that no such notice shall be posted where the person charged with discrimination agrees in writing not to sell or rent such housing accommodations during the pendency of the action or proceeding against him or her. Any willful destruction, defacement, alteration or removal of such notice by the owner or the agents or employees of the owner shall be a misdemeanor punishable upon conviction by a fine of up to five hundred dollars.

(c) Nothing herein shall prevent a complainant from applying to a court of competent jurisdiction for an injunction, temporary or permanent, or from filing a lis pendens against the property.

15. Judicial Review.

a. Any complainant, respondent or other person aggrieved by a final order of the Executive Director or of the Commission issued pursuant to paragraphs C. 4. and C. 11. above, may obtain judicial review thereof in a proceeding as provided in this paragraph.

b. Such proceeding shall be brought in Supreme Court, Suffolk County.

- c. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the Commission, and the issuance and service of a notice of petition returnable before such court. Thereupon, the court shall have jurisdiction of the proceeding and of the questions determined therein, and shall have power to grant such relief as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order annulling, confirming or modifying the order of the Commission in whole or in part. Objections not previously raised on the record before the Commission shall not be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.
- d. The findings of the Executive Director and the Commission as to the facts shall be conclusive if supported by substantial evidence on the record considered as a whole.
- e. An audiotape copy of the completed testimony shall be made available by the Commission at all reasonable times to all parties for examination without cost and for the purposes of judicial review of the order of the Commission.
- f. A proceeding under this section must be instituted within thirty days after the service of the final order of the Commission.

16. Civil Penalties for Violating Orders of the Commission and the Executive Director.

Any person, who shall willfully resist, prevent, impede or interfere with the Commission or any of its employees or representatives in the performance of duty under this article, or shall willfully violate an order of the Commission or director or a conciliation agreement, shall be liable for a civil penalty of not more than fifty thousand dollars (\$50,000) and an additional civil penalty of not more than one thousand dollars (\$1,000) per day for each day that the violation continues.

17. Enforcement.

- a. Any action or proceeding that may be appropriate or necessary for the enforcement of any order issued by the Commission pursuant to this section, including actions to secure permanent injunctions enjoining any acts or practices which constitute a violation of any such order, mandating compliance with the provisions of any such order, imposing penalties, or for such other relief as may be appropriate, may be initiated in any court of competent jurisdiction by the County on behalf of the Commission. In any such action or proceeding, application may be made for a temporary restraining order or preliminary injunction, enforcing and restraining all persons from violating any provisions of any such order, or for such other relief as may be just and proper, until hearing and determination of such action or proceeding and the entry of final judgment or order thereon. The court to which such application is made may make any or all of the orders specified, as may be required in such application, with or without notice, and may make such other or further orders or directions as may be necessary to render the same effect.

- b. In any action or proceeding brought pursuant to subparagraph a. of this paragraph 17., no person shall be entitled to contest the terms of the order sought to be enforced unless that person has timely commenced a proceeding for review of the order pursuant to paragraph 15. of this section C.
- c. An action or proceeding may be commenced in any court of competent jurisdiction on behalf of the Commission for the recovery of the civil penalties provided for in paragraph 16. of this section C..

18. Disposition of Civil Penalties.

- a. Any civil penalties recovered by the Commission pursuant to this section shall be paid into the general fund of the County.
- b. Notwithstanding the foregoing provision, where an action or proceeding is commenced against a County agency for the enforcement of a final order issued by the Executive Director of the Commission pursuant to paragraph 11. of this section C. after a finding that such agency has engaged in an unlawful discriminatory practice and in such action or proceeding civil penalties are sought for violation of such order, an amount equal to any civil penalties imposed against such agency shall be appropriated in the subsequent fiscal year for any of the following purposes, to be determined by the County Executive: (i) investigation of alleged discriminatory practices under this law; (ii) prosecution of alleged discriminatory practices under this law; and (iii) education programs designed to eradicate discrimination.

19. Institution of Actions or Proceedings.

Where any of the provisions of this chapter authorize an application to be made, or an action or proceeding to be commenced on behalf of the Commission in a court, such application may be made or such action or proceeding may be instituted only by the County Attorney, such attorneys that may be employed by the commission as are designated by the county attorney or other persons designated by the county attorney.

20. Civil Cause of Action.

- a. Any person claiming to be aggrieved by an unlawful discriminatory practice as proscribed by this section shall have a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the County Commission on Human Rights or with the State Division of Human Rights with respect to such alleged unlawful discriminatory practice. For purposes of this paragraph, the filing of a complaint with a federal agency pursuant to applicable federal law prohibiting discrimination which is subsequently referred to the County Commission on Human Rights or to the State Division of Human Rights pursuant to such law shall not be deemed to constitute the filing of a complaint under this subdivision.
- b. Notwithstanding any inconsistent provision of subparagraph a of this paragraph, where a complaint filed with the County Commission on Human Rights or the State Division on Human Rights is dismissed by the Commission pursuant to

paragraph 4. of this section C., or by the State Division of Human Rights pursuant to section two hundred ninety-seven of the executive law for administrative convenience or because an election of remedies has been annulled, an aggrieved person shall maintain all rights to commence a civil action pursuant to this section as if no such complaint had been filed.

- c. A civil action commenced under this paragraph must be commenced within two years after the alleged unlawful discriminatory practice occurred. Upon the filing of a complaint with the County Commission on Human Rights or the State Division of Human Rights and during the pendency of such complaint and any court proceeding for review of the dismissal of such complaint, such two year limitations period shall be tolled.
- d. Notwithstanding any inconsistent provision of subparagraph 20. c. above., where a complaint filed with the County Commission on Human Rights or State Division of Human Rights is dismissed for administrative convenience and such dismissal is due to the complainant's malfeasance, misfeasance or recalcitrance, the two year limitation period on commencing a civil action pursuant to this section shall not be tolled.
- e. In any civil action commenced pursuant to this paragraph, the court, in its discretion, may award the prevailing party costs and reasonable attorney's fees.

21. Pattern and Practice Investigations by County Attorney.

- a. Whenever there is reasonable cause to believe that a person is engaged in pattern or practice that results in the denial to any person of the full enjoyment of any right secured by this section 89-12, a civil action on behalf of the Commission or the County may be commenced in a court of competent jurisdiction, by filing a complaint setting forth facts pertaining to such pattern or practice and requesting such relief as may be deemed necessary to insure the full enjoyment of the rights described in such section, including, but not limited to, injunctive relief, damages, including punitive damages, and such other types of relief as are deemed appropriate. Nothing in this paragraph 21. shall be construed to prohibit (i) an aggrieved person from filing a complaint pursuant to paragraph C. 1. or from commencing a civil action in a court of competent jurisdiction based upon the same facts pertaining to such a pattern or practice as are alleged in the civil action, or (ii) the Commission from filing a Commission-initiated complaint pursuant to paragraph C. 1. alleging a pattern or practice of discrimination, provided that a civil action pursuant to this section shall not have previously been commenced.
- b. A civil action commenced under this section 89-12 must be commenced within two years after the alleged discriminatory practice occurred.
- c. Such action may be instituted only by the County Attorney, such attorneys employed by the Commission as are designated by the County Attorney or other persons designated by the County Attorney.

22 Chapter to be liberally construed.

This chapter shall be construed liberally for the accomplishment of its purposes.

23. Severability.

If any provision of this local law or the application of such provision to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder of such local law or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

24. Regulations.

The Executive Director of the Suffolk County Human Rights Commission is hereby authorized, empowered, and directed to promulgate and issue such rules and regulations as shall be deemed necessary to carry out the provisions of this law.

Section 4. Applicability.

This law shall apply to all complaints filed with the Commission on or after the effective date of this law.

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 on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

After a public hearing duly held on October 3, 2006

Date: October 3, 2006

Filed with the Secretary of State on October 30, 2006

Legislator Romaine made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 17-0-1-0. Legislator Alden abstained.

Intro. Res. No. 1753-2006

Laid on Table 6/13/2006

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

RESOLUTION NO. 1039 -2006, AUTHORIZATION OF ALTERATION OF RATES FOR NORTH FERRY CO., INC.

WHEREAS, North Ferry Co., Inc. has applied to the Suffolk County Legislature by a verified petition, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law and Section 131-g of the Highway Law of the State of New York, Chapter 287 (Ferry Service) of the Suffolk County Code and enacted by Local Law No. 7 of 1982 for alteration of its ferry rates for the operating and capital needs of the company; and

WHEREAS, the Legislative Office of Budget Review has submitted its recommendations on said application to this Legislature and made its recommendations of the revisions in the rates requested; and

1st RESOLVED, that the verified petition as of 6/7/06 of the North Ferry Co., Inc. is approved and the existing North Ferry Co., Inc. rate schedule is hereby modified as follows:

REGULAR SCHEDULED SERVICE BETWEEN SHELTER ISLAND HEIGHTS, NEW YORK AND GREENPORT, NEW YORK:

<u>CATEGORY</u>	<u>CURRENT RATES</u>	<u>PROPOSED RATES</u>
CARS		
One way Car and driver	\$9.00	\$9.00
Round Trip Car and Driver	\$13.00	\$13.00
SUV Surcharge	\$1.00	\$1.00
PREPAID 10 TICKET DISCOUNT BOOKS (FOR CARS)		
Resident One-Way	\$45.00	\$45.00
Resident Round Trip	\$48.00	\$48.00
5-Day Resident Commuter	\$22.00	\$22.00
6-Day Resident Commuter	\$26.00	\$26.00
Non-Resident One Way	\$57.00	\$57.00
Non-Resident Round Trip	\$72.00	\$72.00
5-Day Non-Resident Commuter	\$28.00	\$28.00
6-Day Non-Resident Commuter	\$33.00	\$33.00
PASSENGERS		
In Vehicles or walk-ons	\$1.00	\$2.00

Buses:			
Mini-Bus		Car Rates	Car Rates
School	One way	\$40.00	\$45.00
	Round Trip	\$50.00	\$55.00
Coach	One way	\$60.00	\$70.00
	Round Trip	\$80.00	\$95.00
Hazardous Materials (Service on small boats only) If on large boat rate is \$250.00		\$100.00	\$100.00

Definitions: **Cars** are 4 wheel vehicles under 20 feet. This class also includes pick-up or passenger vans under 20 feet also with no more than 4 wheels.

Resident Round-Trip tickets are not accepted for trips originating in Greenport. Resident one-way tickets may be used for that purpose.

Round Trip means same business day, which is from our first boat until our last boat that day.

Shelter Island Resident: A Shelter Island Property owner, or a person with a New York State Driver's license with a Shelter Island address. In addition, we will honor a residential lease with a term of a minimum of 10 months if presented in the office. For those without a Shelter Island drivers license with a valid lease, we will issue a resident identification card in the office. This will allow purchase of resident tickets in the office and resident commuter tickets on the boats.

Resident commuter tickets may also be purchased by validated employees of a Shelter Island-based business.

Passengers are \$2 each whether in a vehicle or a walk-on, if the person is 10 years old or older. Passengers who are working and accompanying a driver with a Commuter ticket will be granted a discounted same day round trip fare of \$3.00. Also, passengers in cars accompanying Shelter Island Residents (as defined above) using Round Trip tickets (and so initiating their journey from Shelter Island) will also be entitled to the same discounted \$3.00 round trip fare.

Discount Tickets which are sold only in the office are valid until December of the year following purchase. Expiring tickets may be renewed for an additional year if presented within three months of their expiration. Previously purchased passenger tokens will be refunded at a rate of \$1.00 each from the date of rate increase. After this date, these previously purchased tokens will no longer be accepted for full passenger fare.

Commuters can purchase a ticket (on the boats Monday or Tuesday and in the Office through Wednesday) which entitles them to 10 or 12 crossings during the course of the week starting Monday morning and ending Sunday night. There is

a resident ticket and a non- resident ticket. Resident tickets can also be purchased by validated employees of the Shelter Island based business.

Bicycles-This a work pass, sold round trip only, and costs \$3 daily. An identification card to obtain this rate is available in the office.

Shelter island Resident Trucks on Account will be discounted by 20% for Non-Municipal accounts only.

SUV Surcharge-For vehicles with a Gross Vehicle Weight Rating (GVWR) in excess 7000 pounds. The surcharge is to compensate for the excess dimensions and weight of this class of vehicle. A sample list of vehicles eligible for the surcharge is attached.

and be it further

2nd RESOLVED, that the rates authorized by this Resolution shall take effect on the effective date of this Resolution.

DATED: September 19, 2006

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED OCTOBER 5, 2006

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

Intro. Res. No. 2023-2006

Laid on Table 8/8/2006

Introduced by Legislators Schneiderman, Romaine, Horsley, Browning, Eddington, Cooper, Mystal and Viloría-Fisher

RESOLUTION NO. 1040 -2006, ADOPTING LOCAL LAW NO. 50 -2006, A LOCAL LAW TO ADD ECOLOGICAL HEALTH AND MARINE PRODUCTIVITY AS ACCEPTABLE CRITERIA FOR COUNTY DREDGING PROJECTS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 8, 2006, a proposed local law entitled, “ **TO ADD ECOLOGICAL HEALTH AND MARINE PRODUCTIVITY AS ACCEPTABLE CRITERIA FOR COUNTY DREDGING PROJECTS**” now, therefore, be it

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

LOCAL LAW NO. 50 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ADD ECOLOGICAL HEALTH AND MARINE PRODUCTIVITY AS ACCEPTABLE CRITERIA FOR COUNTY DREDGING PROJECTS

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Suffolk County Dredging Projects Screening Committee was created to investigate the feasibility and desirability of proposed County dredging projects and to recommend to this Legislature projects that further the public interest.

This Legislature also finds and determines that under current law, the Dredging Projects Screening Committee uses multiple criteria to determine if a proposed dredging project is in the public interest, but environmental factors and marine productivity are not considered.

This Legislature further finds and determines that dredging may, at times, be necessary to increase flushing rates of harbors in order to protect marine ecology and productivity.

This Legislature determines that the Dredging Projects Screening Committee should consider environmental issues and marine productivity when evaluating proposed dredging projects.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY ADMINISTRATIVE CODE to authorize the Suffolk County Dredging Projects Screening Committee to evaluate environmental factors and marine productivity when evaluating proposed dredging projects.

Section 2. Amendments.

Section A8-5 the SUFFOLK COUNTY ADMINISTRATIVE CODE is amended as follows:

§ A8-5. Criteria for County Dredging Projects.

B. A dredging project shall be deemed to be in the public interest if it supports, advances or enhances the following types of uses, activities and/or facilities:

(11) improves environmental/ecological health and/or marine productivity, based upon a certification from the Suffolk County Department of Health Services, Office of Ecology, or the Suffolk County Department of Environment and Energy. Such determination shall consider factors including, but not limited to, flow rates, contaminant levels, nitrogen levels, phosphorus levels, coli form levels, algal growth rates, salinity levels, pH levels, dissolved oxygen, water temperature, oxygen levels and other such considerations that may jeopardize the health of the marine ecology or productivity.

Section 3. Applicability.

This law shall apply to dredging projects considered by the Suffolk County Dredging Project Screen Committee occurring on or after the effective date of this law.

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: September 19, 2006

APPROVED BY:

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

Date: October 3, 2006

Filed with the Secretary of State on October 30, 2006

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

BOND RESOLUTION NO. 1041 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$250,000 BONDS TO FINANCE THE COST OF PLANNING AND DESIGN FOR SAFETY AND DRAINAGE IMPROVEMENTS TO CENTER MEDIANS ON VARIOUS COUNTY ROADS (CP 5116.110)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$250,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of planning and design for safety and drainage improvements to center medians on various County roads, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000. The plan of financing includes the issuance of \$250,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

DATED: September 19, 2006

APPROVED BY:

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

Date: September 29, 2006

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

Intro. Res. No. 2043-2006
Introduced by Legislator Browning

Laid on Table 8/22/2006

RESOLUTION NO. 1042 -2006, APPROPRIATING FUNDS IN CONNECTION WITH SAFETY AND DRAINAGE IMPROVEMENTS TO CENTER MEDIANS ON VARIOUS COUNTY ROADS (CP 5116)

WHEREAS, the Department of Public Works requires planning funds and there are sufficient funds within the Adopted 2006 Capital Budget and Program to cover the cost of planning safety and drainage improvements under Capital Project No. 5116; 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 \$250,000 in Suffolk County Serial Bonds; now, therefore be it

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

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 \$250,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5116.110	50	Safety and Drainage Improvements to Center Medians on Various County Roads	\$250,000

DATED: September 19, 2006

APPROVED BY:

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

Date: September 29, 2006

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

Intro. Res. No. 2059A-2006

BOND RESOLUTION NO. 1043 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$850,000 BONDS TO FINANCE THE COST OF PLANNING FOR IMPROVEMENTS TO CR 39, NORTH ROAD, TOWN OF SOUTHAMPTON (CP 5528.112)

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 \$850,000 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 for improvements to CR 39, North Road, Town of Southampton, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$850,000. The plan of financing includes the issuance of \$850,000 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. 62 of the Law, is five (5) years.

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

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

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

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

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

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

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

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

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2059-2006 Laid on Table 8/22/2006
Introduced by Presiding Officer, on request of the County Executive and Legislator Schneiderman

RESOLUTION NO. 1044 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO CR 39, NORTH ROAD, TOWN OF SOUTHAMPTON (CAPITAL PROGRAM NUMBER 5528)

WHEREAS, the Commissioner of Public Works has requested funds for improvements to CR 39, North Road, Town of Southampton; and

WHEREAS, a pilot program to mitigate traffic congestion and improve public access to the south fork by way of CR 39 was conducted from July 10th - July 14th, 2006; and

WHEREAS, this pilot program was successful in mitigating the traffic congestion and reducing travel time as much as one hour in some instances; and

WHEREAS, the County Executive responded to the overwhelming public support for this program by reinstating the program on July 25th, 2006; and

WHEREAS, an innovative and cost-effective plan has been devised by the County Executive to address the need to reconfigure CR 39 on a more permanent basis; and

WHEREAS, this project will progress the improvements years before federal funding may become available, be designed within existing right-of-ways, and minimize traffic congestion by scheduling construction at night; and

WHEREAS, sufficient funds are not included in the 2006 Capital Budget and Program to cover the costs of said request under CP 5528 and, pursuant to Suffolk County Charter Section C4-13, an offsetting authorization must be provided from other Capital Projects; and

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

implemented in the Adopted 2006 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

1st RESOLVED, that it is determined that this program with a priority ranking of sixty-one (61) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

2nd RESOLVED, that the 2006 Capital Budget and Program is hereby amended as follows:

Project No.: 8180
 Project Title: Sewer District No. 3 – Southwest Sludge Treatment & Disposal Project

	<u>Total Est'd. Cost</u>	Current 2006 Capital Budget & Program	Revised 2006 Capital Budget & Program
3. Construction	\$55,000,000	\$45,600,000X	\$32,600,000B
TOTAL	\$60,150,000	\$46,850,000	\$33,850,000

Project No.: 5528
 Project Title: Reconstruction of North Highway, CR 39

	<u>Total Est'd. Cost</u>	Current 2006 Capital Budget & Program	Revised 2006 Capital Budget & Program
3. Construction	\$13,000,000	\$ 0	\$13,000,000B
TOTAL	\$16,500,000	\$ 0	\$13,000,000

and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter to complete the Improvements to CR 39, North Road; and be it further

4th RESOLVED, that the proceeds of \$13,000,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
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525-CAP- 5528.112 (Fund 001 - Debt Service)	50	Planning and Design for Improvements to CR 39, North Road, Town of Southampton	\$850,000
525-CAP-5528.310 (Fund 001 - Debt Service)	50	Improvements to CR 39, North Road, Town of Southampton	\$12,150,000

5th RESOLVED, that prior to the adoption of any bond resolution authorizing the issuance of bonds to finance construction of these Improvements to CR 39, North Road, Town of Southampton, an environmental review of the project shall be undertaken and completed in accordance with SEQRA; and be it further

6th RESOLVED, no appropriations for the improvements to CR 39, North Road, Town of Southampton shall be allocated to or expended from this Capital Project No. 5528 unless and until the adoption of the bond resolution authorizing the issuance of bonds to finance construction of these improvements; and be it further

7th RESOLVED, that 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; and be it further

8th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(21) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2060A-2006

BOND RESOLUTION NO. 1045 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$250,000 BONDS TO FINANCE THE COST OF THE REPLACEMENT OF MAJOR

**BUILDINGS OPERATIONS EQUIPMENT AT VARIOUS
COUNTY FACILITIES (CP 1737.323)**

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$250,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the replacement of major buildings operations equipment at various County facilities, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000. The plan of financing includes the issuance of \$250,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 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 19, 2006

APPROVED BY:

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

Date: September 29, 2006

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

Intro. Res. No. 2060-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/22/2006

**RESOLUTION NO. 1046 -2006, AMENDING THE 2006
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH REPLACEMENT OF MAJOR
BUILDINGS OPERATIONS EQUIPMENT AT VARIOUS
COUNTY FACILITIES (CAPITAL PROGRAM NUMBER 1737)**

WHEREAS, the Commissioner of Public Works has requested funds for replacement of Major Buildings Operations Equipment at Various County Facilities; and

WHEREAS, there are sufficient funds within the 2006 Capital Budget and Program to cover the cost of said request under Capital Program Number 1737; and

WHEREAS, pursuant to Introductory Resolution No. 1647-2006, the application of the 5-25-5 law has been waived during fiscal year 2006, this resolution requests the method of financing be changed for this project; and

WHEREAS, this resolution constitutes an amendment to change the method of financing thereby requiring a three-fourths vote of the full membership of the County Legislature, rather than an offset, under Section C4-13 of the Suffolk County Charter; and

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

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

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 255-2005 classified the action contemplated by this as an Type II action; and be it further

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

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

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

Project No: 1737
Project Title: Replacement of Major Buildings Operations Equipment at Various County Facilities

	Current 2006 Capital	Modified 2006 Capital
Total		

	<u>Est'd Cost</u>	<u>Budget & Program</u>	<u>Budget & Program</u>
3. Construction	<u>\$2,000,000</u>	<u>\$250,000G</u>	<u>\$ 250,000B</u>
TOTAL	\$2,000,000	\$ 250,000	\$ 250,000

and be it further

5th RESOLVED, that the proceeds of \$250,000 in Suffolk County Serial Bonds be and hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1737.323 (Fund 001-Debt Service)	20	R e p l a c e m e n t o f M a j o r B u i l d i n g s O p e r a t	\$250,000

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DATED: September 19, 2006

APPROVED BY:

/s/ Paul Sabatino II

Chief Deputy County Executive of Suffolk County

Date: September 29, 2006

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

Intro. Res. No. 2061A-2006

BOND RESOLUTION NO. 1047 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$150,000 BONDS TO FINANCE THE COST OF PAINTING OF COUNTY BRIDGES (CP 5815.416)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$150,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of painting County bridges, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$150,000. The plan of financing includes the issuance of \$150,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

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

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

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

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

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

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

DATED: September 19, 2006

APPROVED BY:

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

Date: September 29, 2006

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

Intro. Res. No. 2061-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/22/2006

RESOLUTION NO. 1048 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH PAINTING OF COUNTY BRIDGES (CAPITAL PROGRAM NUMBER 5815)

WHEREAS, the Commissioner of Public Works has requested funds for site improvements for Painting of County Bridges; and

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

WHEREAS, the professional engineering services associated with the planning, design and construction of this project have been and will be performed by the staff of the Department of Public Works; and

WHEREAS, pursuant to Introductory Resolution No. 1647-2006, the application of the 5-25-5 law has been waived during fiscal year 2006, this resolution requests the method of financing be changed for this project; and

WHEREAS, this resolution constitutes an amendment to change the method of financing thereby requiring a three-fourths vote of the full membership of the County Legislature, rather than an offset, under Section C4-13 of the Suffolk County Charter; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$150,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 1171-1995 classified the action contemplated by this as a Type II action; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-eight (48) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

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

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

Project No: 5815
 Project Title: Painting of County Bridges

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Modified 2006 Capital Budget & Program</u>
4. Site Improvements	<u>\$ 2,110,000</u>	<u>\$ 150,000G</u>	<u>\$ 150,000B</u>
TOTAL	<u>\$ 2,110,000</u>	<u>\$ 150,000</u>	<u>\$ 150,000</u>

and be it further

5th RESOLVED, that the proceeds of \$150,000 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- 5815.416 (Fund 001-Debt Service)	50	Painting of County Bridges	\$150,000

DATED: September 19, 2006

APPROVED BY:

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

Date: September 29, 2006

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

Intro. Res. No. 2062A-2006

BOND RESOLUTION NO. 1049 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$250,000 BONDS TO FINANCE THE COST OF IMPROVEMENTS TO COUNTY ENVIRONMENTAL RECHARGE BASINS (CP 5072.311)

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 the cost of improvements to County environmental recharge basins, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000. The plan of financing includes the issuance of \$250,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) 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 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

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

RESOLUTION NO. 1050 -2006, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO COUNTY ENVIRONMENTAL RECHARGE BASINS (CAPITAL PROGRAM NUMBER 5072)

WHEREAS, the Commissioner of Public Works has requested funds for construction in connection with improvements to County Environmental Recharge Basins; and

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

WHEREAS, pursuant to Introductory Resolution No. 1647-2006, the application of the 5-25-5 law has been waived during fiscal year 2006, this resolution requests the method of financing be changed for this project; and

WHEREAS, this resolution constitutes an amendment to change the method of financing thereby requiring a three-fourths vote of the full membership of the County Legislature, rather than an offset, under Section C4-13 of the Suffolk County Charter; and

WHEREAS, the professional engineering services associated with the planning, design and construction of this project have been and will be performed by the staff of the Department of Public Works; and

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

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

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action for the CR 2 in Wyandanch project, pursuant to Section 617.5 (C) (2), Title 6 of New York Code of Rules and Regulations ("NYCRR"), and the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 1202 of 2005 classified the action contemplated by the CR 67 @ Vandercrest Court project as an Unlisted Action, which will not have a significant effect on the environment; and be it further

3rd 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

4th RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

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

Project No: 5072
 Project Title: Improvements to County Environmental Recharge Basins

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Modified 2006 Capital Budget & Program</u>
3. Construction	<u>\$ 1,675,000</u>	<u>\$ 250,000G</u>	<u>\$ 250,000B</u>
TOTAL	<u>\$ 1,675,000</u>	<u>\$ 250,000</u>	<u>\$ 250,000</u>

and be it further

6th 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- 5072.311 (Fund 001-Debt Service)	50	Improvements to Environmental Recharge Basins	\$250,000

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: October 3, 2006

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

Intro. Res. No. 2064-2006 Laid on Table 8/22/2006
 Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

**RESOLUTION NO. 1052 -2006, AMENDING THE 2006
 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
 FUNDS IN CONNECTION WITH ENERGY CONSERVATION AT**

**VARIOUS COUNTY BUILDINGS (CAPITAL PROGRAM
NUMBER 1664)**

WHEREAS, the Commissioner of Public Works has requested funds for Energy Conservation at Various County Buildings; 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 as reaffirmed by Resolution No. 209-2000 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$950,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 506-1995 classified the action contemplated by this as an Type II action; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-six (66) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and as reaffirmed by Resolution No. 209-2000; and be it further

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

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

Project No.: 1664
Project Title: Energy Conservation at Various County Buildings

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
1. Planning	\$370,000	\$250,000B	\$100,000B
3. Construction	\$4,285,000	\$700,000B	\$850,000B
TOTAL	\$4,655,000	\$950,000	\$950,000

and be it further

5th RESOLVED, that the proceeds of \$950,000 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>
CAP-525-1664.113 (Fund 001-Debt Service)	20	Planning for Energy Conservation at various County Buildings	\$ 100,000
CAP-525-1664.314 (Fund 001-Debt Service)	20	Energy Conservation at various County Buildings	\$ 850,000

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2072-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1053 -2006, TRANSFERRING ESCROW ACCOUNT REVENUE FUNDS TO THE CAPITAL FUND, AMENDING THE 2006 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS FOR SEWER CONSTRUCTION IN SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST (CP 8110)

WHEREAS, pursuant to Section 271 of the County Law, Suffolk County Sewer District No. 3 - Southwest was established by resolution of the Board of Supervisors on 9 June 1969, and approved by the electorate at the general election held in November 1969; and

WHEREAS, the district became operational on October 10, 1981, during the time the district has been operational, and areas that were not previously served by the district require sewer service; and

WHEREAS, the Administrative Head of Sewer District No. 3 - Southwest has requested that previously received connection fees, which are deposited in escrow accounts, be appropriated to cover costs associated with the sewer service construction; and

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

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

WHEREAS, sufficient funds are available in the escrow accounts established and containing connection fees to cover the costs of the engineering and construction; now therefore be it

1st **RESOLVED**, pursuant to State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), that this Legislature hereby determines that the Proposed Sewer District No. 3 – Southwest Sewer Construction constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment;
- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and the Suffolk County Code;
- 3.) The parcel does not appear to suffer from any severe environmental development constraints (no poor soil properties, no high groundwater and no unmanageable slopes);
- 4.) The capacity of the Sewer District No. 3 Sewage Plant was designed to handle the proposed hookups; and
- 5.) The project is in conformance with the National Environmental Policy Act EIS, which covered the construction of the entire Southwest Sewer District facilities;

and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty (60) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd **RESOLVED**, that the County Treasurer and County Comptroller be and they hereby are authorized to transfer the following funds, plus accrued interest to date, from the Trust & Agency Escrow Account to the Capital Fund as a Sewer Revenue:

From <u>Escrow Account</u>	To <u>Capital Fund Sewer Revenues</u>	<i>Amount</i>	Accrued <u>Interest</u>
270 South Service Rd. HU 1470	528-2122 Sewer Service Charge	\$93,893.52	Yes
Deer Park Ave. Villas BA 1417	528-2122 Sewer Service Charge	\$362,873.65	Yes

Total SCSD No. 3		\$456,767.17	Yes
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and be it further

4th **RESOLVED**, that the County Treasurer and County Comptroller be and they hereby are authorized to accept proceeds not to exceed \$456,767.17 plus accrued interest to date, transferred to the Capital Fund from the Trust & Agency Escrow Account; and be it further

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

Program No.: 8110
 Project Name: Improvements to Sewage Treatment Facilities – Southwest Sewer District

	<u>Total Est'd Cost</u>	<u>Current 2006 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
Planning, Design & Supervision	\$50,000	\$0	\$50,000-E
Construction	\$406,767.17	\$0	\$406,767.17-E
TOTAL	\$456,767.17		\$456,767.17

-E Escrow Funds
 and be it further

6th **RESOLVED**, that the proceeds of \$456,767.17 in revenues transferred to the Capital Fund, plus accrued interest to date, be and hereby are appropriated as follows:

<u>PROJECT NO.</u>	<u>PROJECT TITLE</u>	<u>AMOUNT</u>
528-CAP-8110.111	Planning, Design and Supervision of Sewers, Southwest Sewer District	\$50,000 + Accrued Interest
528-CAP-8110.310	Construction of Sewers - Southwest Sewer District	\$406,767.17 + Accrued Interest

DATED: September 19, 2006

BY:

APPROVED

Sabatino II

/s/ Paul

County Executive of Suffolk County

Chief Deputy

September 22, 2006

Date:

Legislator Eddington made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 16-1-0-1. Legislator Alden voted no. Legislator Romaine was not present.

Intro. Res. No. 2074A-2006

BOND RESOLUTION NO. 1054 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$80,000 BONDS TO FINANCE THE COST OF ENGINEERING FOR DREDGING OF COUNTY WATERS (CP 5200.113)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$80,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of engineering for dredging of County waters, 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 \$80,000. The plan of financing includes the issuance of \$80,000 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. 62 of the Law, is five (5) years.

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

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

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

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

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

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

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

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

Legislator Eddington made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 16-1-0-1. Legislator Alden voted no. Legislator Romaine was not present.

Intro. Res. No. 2074-2006 Laid on Table 8/22/2006
Introduced by Presiding Officer, on request of the County Executive and Legislators Schneiderman and Browning

RESOLUTION NO. 1055 -2006, APPROPRIATING FUNDS IN CONNECTION WITH DREDGING OF COUNTY WATERS (CAPITAL PROGRAM NUMBER 5200)

WHEREAS, the Commissioner of Public Works has requested funds for engineering for Dredging of County Waters; 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 \$80,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of thirty-eight (38) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

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

3rd RESOLVED, that the proceeds of \$80,000 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>
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525-CAP- 5200.113
(Fund 001-Debt Service)

50

Planning for Dredging of County Waters \$80,000

and be it further

4th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

Legislator Caracappa made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-3-0-0. Deputy Presiding Officer Viloria-Fisher and Legislators Montano and Mystal voted no.

Intro. Res. No. 2025-2006

Laid on Table 8/8/2006

Introduced by Presiding Officer, on request of County Executive and Legislators Caracappa, D'Amaro, Eddington and Horsley

RESOLUTION NO. 1056 -2006, ADOPTING LOCAL LAW NO. 52 -2006, A LOCAL LAW TO REQUIRE COMPANIES DOING BUSINESS WITH THE COUNTY TO CERTIFY COMPLIANCE WITH FEDERAL LAW WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 8, 2006, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE COMPANIES DOING BUSINESS WITH THE COUNTY TO CERTIFY COMPLIANCE WITH FEDERAL LAW WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

LOCAL LAW NO. 52 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REQUIRE COMPANIES DOING BUSINESS WITH THE COUNTY TO CERTIFY COMPLIANCE WITH FEDERAL LAW WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES

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

Section 1. Legislative Intent.

This Legislature hereby finds that there has been an ongoing national debate regarding the unfairness and inequities between employers that comply with all federal, State, and local laws and regulations in connection with the hiring of their employees and employers that fail to comply with such laws and regulations.

This Legislature further finds and determines that these inequities provide a financial disadvantage to those employers who comply with all federal, State, and local laws and regulations in connection with the hiring of their employees while, in turn, providing an unfair financial advantage to those employers who do not comply with the law.

This Legislature further finds and determines that, since there has been a lack of enforcement of a twenty (20) year old federal law (Simpson-Mazzoli) that requires businesses to verify that their employees are legally eligible to be employed in the United States, Suffolk County has an opportunity to lead by example in an effort to prod the federal government to undertake such enforcement action.

This Legislature also finds and determines that employer non-compliance with federal, State, and local laws and regulations that regulate the hiring of employees results in diminished protections of employees from unfair labor practices and fosters the circumvention of prevailing wage and health insurance coverage requirements.

This Legislature further finds and determines that Suffolk County at present has no jurisdiction to enforce Simpson-Mazzoli, even against businesses that are one hundred percent (100%) funded by the County of Suffolk.

This Legislature also finds and determines that the County of Suffolk has a finite amount of scarce taxpayer resources to expend, which resources shall be spent wisely and prudently.

This Legislature further finds that the County of Suffolk provides grants, loans, contracts, license agreements, leases and other forms of financial assistance to businesses that result in the creation and maintenance of a wide variety of employment opportunities in Suffolk County, thereby affording the County the opportunity to utilize its economic and financial leverage to compel local businesses to comply with the federal law requiring businesses to verify that their employees are legally eligible to be employed in the United States.

Therefore, the purpose of this law is to provide a means of assisting the enforcement of the federal law requiring businesses to verify that their employees are legally eligible to be employed in the United States, by providing an enforcement mechanism at the

County level against non-compliant businesses that are one hundred percent (100%) funded by the County of Suffolk, thereby:

- (i) helping to promote the federal policy of requiring employers to verify the employment status of potential employees;
- (ii) helping to eliminate unfair competitive advantages between businesses;
- (iii) helping to eliminate unfair labor practices and worker exploitation; and
- (iv) helping to assure taxpayers that employers and employees are paying their fair share of taxes by complying with tax laws.

Section 2. Definitions.

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

- A.) ALIEN – Any person who is not a citizen or national of the United States.

- B.) AWARDING AGENCY – That subordinate or component entity or person of the County of Suffolk that is responsible for solicitation of proposals or bids and responsible for the award and administration of contracts, license agreements, leases and other financial compensation agreements.

- C.) COMPENSATION –
 - 1.) Any grant, loan, tax incentive funding, appropriation, payment, subsidy or other form of financial assistance which is realized by or provided to a covered employer, or the owners thereof, by or through the authority or approval of the County of Suffolk including, but not limited to, Community Development Block Grant (CDBG)

loans, Industrial Development Agency (IDA) loans, and Enterprise-Zone-related incentives.

- 2.) Any contract, subcontract, license agreement, lease or other financial compensation agreement let to a person with or by the County of Suffolk for the furnishing of services, goods, equipment, supplies, materials, public works, or other property to or for the County of Suffolk.
- D.) CONTRACTOR – A person who contracts to do work for another. This term does not include wholesalers.
- E.) COUNTY – The County of Suffolk, any agency, office, position, administration, department, division, bureau, board, commission, corporation, public authority or unit of government, the expenses of which are paid in whole or in part by the County of Suffolk, or over which majority control is exercised by officers of the County of Suffolk or of a County-affiliated agency or their appointees.
- F.) COVERED EMPLOYEE – An individual employed on either a full-time, part-time, temporary or seasonal basis, by a covered employer to perform work on or for the project or matter for which the recipient has received compensation.

- G.) COVERED EMPLOYER – A recipient of, or an applicant for, compensation that is not exempt from this law, and who has at least one (1) covered employee working within the County of Suffolk or the County of Nassau, or at least one 50% or more owner living within the County of Suffolk.
- H.) PERSON – One or more of the following or their agents, employees, representatives and legal representatives: individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, all trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries and other entities recognized at law by this County.
- I.) PROTECTED INDIVIDUAL – An individual who: a) is a citizen or national of the United States; or b) is an alien who is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under Title 8 U.S.C. Section 1160(a) or Section 1255a(a)(1), is admitted as a refugee under Title 8 U.S.C. Section 1157, or is granted asylum under Title 8 U.S.C. Section 1158; but does not include: (i) an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of Title 8 U.S.C. Section 1324b; and (ii) an alien who has applied on a timely basis, but has not been

naturalized as a citizen within 2 years after the date of the application, unless the alien can establish that the alien is actively pursuing naturalization.

- J.) RECIPIENT – Any person or entity that is a recipient of compensation, as defined in this law, and any contractor or subcontractor of a recipient producing or providing goods, materials, supplies, public works, or services to a recipient that are used by that recipient in the project or matter for which the recipient has received compensation.

- K.) SEASONAL – A period of time not to exceed ninety (90) consecutive days at any given time within a six-month period.

- L.) SUBCONTRACTOR – A person who takes portions of a contract from a covered employer, a contractor or another subcontractor. This term does not include wholesalers.

- M.) WHOLESALER – A person who buys in comparatively large quantities, and then resells, usually in small quantities, to a middleman or retailer, but never to the ultimate consumer.

Section 3. Requirements.

- A.) 1.) All covered employers, and the owners thereof, as the case may be, that are recipients of compensation from the County through

any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which shall be established by the County Department of Labor, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code (U.S.C.) Section 1324a (Aliens and Nationality) with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

- 2.) All such covered employers, and the owners thereof, as the case may be, shall not discriminate against any covered employee or applicant for employment with respect to the hiring, or recruitment or referral for a fee, of such covered employee or applicant for employment, nor shall such covered employers, and the owners thereof, as the case may be, discriminate against any covered employee with respect to the discharge of such covered employee, because of race, creed, color, national origin, sex, age, gender, disability, sexual orientation, military status, or marital status, or in the case of a protected individual, because of such individual's citizenship status.
- 3.) All such covered employers, and the owners thereof, as the case may be, shall not intimidate, threaten, coerce, or retaliate against any covered employee or applicant for employment for the purpose of interfering with any right or privilege secured under Title 8 U.S.C. Section 1324b or because the covered employee or applicant for employment intends to file or has filed a charge or a complaint, testified, assisted, or participated in a manner in an investigation, proceeding, or

hearing under Title 8 U.S.C. Section 1324b. A covered employee or applicant for employment so intimidated, threatened, coerced, or retaliated against shall be considered to have been discriminated against for purposes of Section 3(A)(2) of this law.

B.) 1.) All contractors and subcontractors of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which shall be established by the Department of Labor, certifying that they have complied, in good faith, with the requirements of Title 8 U.S.C. Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

2.) All such contractors and subcontractors of covered employers, and the owners thereof, as the case may be, shall not discriminate against any employee or applicant for employment with respect to the hiring, or recruitment or referral for a fee, of such employee or applicant for employment, nor shall such contractors and subcontractors of covered employers, and the owners thereof, as the case may be, discriminate against any employee with respect to the discharge of such

employee, because of race, creed, color, national origin, sex, age, gender, disability, sexual orientation, military status, or marital status, or in the case of a protected individual, because of such individual's citizenship status.

- 3.) All such contractors and subcontractors of covered employers, and the owners thereof, as the case may be, shall not intimidate, threaten, coerce, or retaliate against any employee or applicant for employment for the purpose of interfering with any right or privilege secured under Title 8 U.S.C. Section 1324b or because the employee or applicant for employment intends to file or has filed a charge or a complaint, testified, assisted, or participated in a manner in an investigation, proceeding, or hearing under Title 8 U.S.C. Section 1324b. An employee or applicant for employment so intimidated, threatened, coerced, or retaliated against shall be considered to have been discriminated against for purposes of Section 3(B)(2) of this law.
- C.) Covered employer and owner sworn affidavits shall be submitted to the awarding agency at the following times:
- 1.) upon application made to the County for any grant, loan, subsidy, tax incentive funding, appropriation, payment, or other form of financial assistance;
 - 2.) upon submission to the County of any response to a County bid, request for proposals (RFP), request for qualifications (RFQ), request for expressions of interest (RFEI), or similar contract letting process, including but limited to letting for license agreements, leases and other financial compensation agreements;
 - 3.) on January 1st of each year for the duration of the County contract, subcontract, license agreement, lease or other financial compensation agreement; and
 - 4.) upon renewal and amendment of any County contract, subcontract, license agreement, lease or other financial compensation agreement.
- D.) Contractor and subcontractor sworn affidavits shall be submitted by the covered employer to the awarding agency at the following times:
- 1.) within one (1) week after the contractor or subcontractor is hired by the covered employer to perform the work in connection with the County contract, subcontract, license agreement, lease or other financial compensation agreement;
 - 2.) in the event of a County contract, subcontract, license agreement, lease or other financial compensation agreement that is being renewed or amended where a contractor or subcontractor was previously hired by a covered employer to perform work in connection with such contract, subcontract, license agreement, lease or other financial compensation agreement, upon such renewal or amendment; and
 - 3.) on January 1st of each year for the duration of the County contract, subcontract, license agreement, lease or other financial compensation agreement, provided that the contractor or subcontractor was previously hired by the covered employer to perform work in connection with such contract, subcontract, license agreement, lease or other financial compensation agreement and is continuing to perform such work.

Section 4. Affirmative Defense.

- A.) Any covered employer and the owners thereof, as the case may be, that establish that they have complied in good faith with the requirements of Title 8 U.S.C. Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be, have established an affirmative defense that such covered employer and the owners thereof, as the case may be, have not violated Section 3(A)(1) of this law with respect to such hiring and alien and nationality status of the owners thereof.
- B.) Any contractor and subcontractor of a covered employer and the owners thereof, as the case may be, that establish that they have complied in good faith with the requirements of Title 8 U.S.C. Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be, have established an affirmative defense that such contractor and subcontractor of the covered employer and the owners thereof, as the case may be, have not violated Section 3(B)(1) of this law with respect to such hiring and alien and nationality status of the owners thereof.

Section 5. Maintenance of Records.

- A.) All covered employers and the owners thereof, as the case may be, shall verify that they have complied with the requirements of Section 3 of this law based upon the categories of records, set forth below, copies of which shall be maintained by the covered employer to evidence compliance with this law:
 - (i) United States passport; or
 - (ii) resident alien card or alien registration card; or
 - (iii) (a) driver's license, if it contains a photograph of the individual; and
(b) a social security account number card (other than such a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or
 - (iv) employment authorization documents, such as an H-1B visa, H-2B visa, and L-1 visa, or such other work visa as may be authorized by the United States Government at the time the County contract is awarded for all covered employees; or
 - (v) birth certificate indicating that person was born in the United States;
- B.) The documents reviewed and relied upon by the covered employer, or the owners thereof, as the case may be, must appear on their face to be genuine. Copies of such documents relied upon by the covered employer, or the owners thereof, as the case may be, shall be maintained by the covered employer for all covered employees for the periods set forth below.
- C.) Such records shall be maintained by the covered employer, or owners thereof, for the following minimum periods of time:
 - 1.) one (1) year for a tax incentive;
 - 2.) two (2) years for a County grant, subsidy or other financial assistance;

- 3.) until such time the County loan is paid back in full; and
 - 4.) six (6) years after the County contract, subcontract, license agreement, lease or other financial compensation agreement either expires or is terminated.
- D.) Authorized County employees shall be entitled to review such records on a periodic basis as requested by the County or awarding agency.

Section 6. County contracts; subcontractor contracts.

- A.) No grant, loan, subsidy, tax incentive, funding, appropriation, payment, other financial assistance, contract, subcontract, license agreement, lease or other financial compensation agreement shall be awarded to a covered employer, or the owners thereof, as the case may be, that does not certify that it has complied with Title 8 U.S.C. Section 1324a and Sections 3 and 5 of this law, with respect to its covered employees or with respect to the alien and nationality status of the owners thereof, as the case may be. All County contracts, subcontracts, license agreements, leases and other financial compensation agreements awarded shall set forth the obligations of the covered employer and owners as enumerated in this law.
- B.) All covered employers, or the owners thereof, as the case may be, shall inform their contractors and subcontractors to comply with the provisions of this law for as long as the covered employer or owner, as the case may be, is in receipt of compensation. Language indicating the contractor's and subcontractor's requirement to comply shall be included in any contract or agreement between a covered employer and its contractors and subcontractors. A copy of such subcontracts or other agreements shall be submitted to the County and made available to the public upon request.

Section 7. Applicability.

- A.) This law shall apply to all actions occurring on or after January 1, 2007, and shall apply to:
- (i) All County contracts, subcontracts, license agreements, leases and other financial compensation agreements entered into or renewed after the applicability date of this law;
 - (ii) Amendments to all County contracts, subcontracts, license agreements, leases and other financial compensation agreements entered into after the applicability date of this law;
 - (iii) All loans, subsidies, tax incentives funding, appropriations, payments, and other financial assistance provided by the County after the applicability date of this law; and
 - (iv) A covered employer, or the owners thereof, as the case may be, who is constructing public works for the County of Suffolk under a loan agreement and pursuant to County plans and specifications, even though the project may not

be 100 per cent County funded due to federal and/or State aid that may be available.

- B.) This law shall not apply as follows:
 - (i) Section 3(B) of this law shall not apply to the subcontractors of not-for-profit corporations or the subcontractors of the owners thereof, as the case may be, as that term is defined in the NEW YORK NOT-FOR-PROFIT CORPORATION LAW.

Section 8. Enforcement; penalties for offenses.

- A.) Notwithstanding any provision of law to the contrary, any covered employer, or the owners thereof, as the case may be, who submits a false, fictitious or fraudulent affidavit to the County or awarding agency in connection with Sections 3 or 6 of this law shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine of not less than \$250.00 nor more than \$2,000.00, or up to six (6) months imprisonment, or both. Each such violation shall constitute a separate and distinct offense.
- B.) Notwithstanding any provision of law to the contrary, any covered employer, or the owners thereof, as the case may be, who violates any of the provisions of Sections 3 or 6 of this law, upon a first violation shall be subject to a civil penalty, in an amount not less than \$250.00 nor more than \$1,000.00, for each day such covered employee remains employed by the covered employer, or for each day the owners thereof shall remain an owner, as the case may be. Any covered employer, or the owners thereof, as the case may be, who violates any of the provisions of Sections 3 or 6 of this law as set forth herein within the period of one (1) year immediately subsequent to the first violation, shall result in a second violation, the civil penalty of which shall be in an amount not less than \$2,000.00 nor more than \$5,000.00 for each day such covered employee remains employed by the covered employer, or for each day the owners thereof shall remain an owner, as the case may be. Each such violation shall constitute a separate and distinct offense.
- C.) Notwithstanding any provision of law to the contrary, any covered employer, or the owners thereof, as the case may be, who violates the provisions of Section 5 of this law shall be subject to a civil penalty, in an amount not less than \$250.00 nor more than \$2,000.00.
- D.) Any covered employer, or the owners thereof, as the case may be, who violates the provisions of Sections 3, 5, or 6 of this law, more than two (2) times, shall have its contract, subcontract, license agreement, lease or other financial compensation agreement terminated immediately; and, in the case of a County loan, subsidy or other form of financial assistance, same shall be declared in default for purposes of the County collecting on the full amount of the loan, subsidy or other form of financial assistance. In addition, such covered employers shall be barred from bidding on future County contracts and shall be ineligible to receive any future loans, subsidies or other financial assistance from the County.
- E.) Any determination made hereunder by the County of Suffolk shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

Section 9. Promulgation of rules and regulations.

The Suffolk County Department of Labor shall promulgate such rules and regulations as it deems necessary and appropriate for the implementation and enforcement of any provisions of this chapter. Such rules shall govern the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under Article 78 of the Civil Practice Law and Rules relating to the assessment of civil penalties herein authorized and such other penalties authorized under Section 8(D) of this law. Such rules shall further provide for due process procedural mechanisms and any other mechanisms deemed necessary by the Suffolk County Department of Labor. Such rules and regulations shall establish that the Suffolk County Department of Labor shall refer to the Suffolk County Human Rights Commission all complaints it receives of unlawful discrimination under Sections 3(A) and 3(B) of this law and all unlawful discriminatory practices, as that term is defined at Section 89-13 of the SUFFOLK COUNTY CODE, of all covered employers, and the owners thereof, and all contractors and subcontractors of such covered employers, and the owners thereof.

Section 10. Severability.

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

Section 11. SEQRA Determination.

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

Section 12. Effective Date.

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

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County
After a public hearing duly held on October 3, 2006

Date: October 4, 2006

Filed with the Secretary of State on October 30, 2006

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

Intro. Res. No. 2073-2006

Laid on Table 8/22/2006

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 1057 -2006, AUTHORIZING THE ACQUISITION OF LANDS FROM THE TOWN OF SMITHTOWN PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTY FOR THE RECONSTRUCTION OF SEWER DISTRICT 18 – HAUPPAUGE INDUSTRIAL, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK (SCTM NO. 0800-181.00-02.00-007.000) (CP 8126)

WHEREAS, the County of Suffolk is the owner of Sewer District No. 18 – Hauppauge Industrial, situated in the Town of Smithtown, Suffolk County, New York; and

WHEREAS, this sewage treatment facility is not sufficient to meet current and anticipated future needs of the sewer district and adjacent area; and

WHEREAS, for this sewage treatment facility to sufficiently meet current and anticipated future needs for the purpose of treating sewage from the Hauppauge Industrial Park, it is essential that additional, adjacent land be acquired; and

WHEREAS, a this Legislature, in Adopted Resolution Number 332-2005, Authorized Planning Steps for the Acquisition of Land for the Reconstruction of Sewer District 18 – Hauppauge Industrial, Town of Smithtown (SCTM No. 0800-181.00-02.00-007.000) (CP 8126); and

WHEREAS, the Town of Smithtown, Suffolk County, New York, is the owner of a certain parcel of real property having a Suffolk County Tax Map Identification Number of 0800-181.00-02.00-007.000, a copy of the Map and Metes and Bounds description being attached hereto and marked as Exhibit “A”; and

WHEREAS, the Town Board of the Town of Smithtown, Suffolk County New York, by adopted Two Adopted Resolutions, dated July 11, 2006, (Exhibit “B”) authorized the conveyance of that certain parcel of real property having a Suffolk County Tax Map Identification Number of 0800-181.00-02.00-007.000 to the County of Suffolk under the provisions of New York State General Municipal Law Section 72-h for a consideration of One & 00/100 (\$1.00) Dollar (to be waived); now, therefore be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto (NYCRR Section 617.2(b)(2)). The Legislature 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 a major re-ordering of priorities (NYCRR Section 617.13(d)(15),(21)). As a Type II action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)(1)); and be it further

2nd RESOLVED, that the parcel listed in Exhibit "A" consisting of approximately 5.962 acres are hereby approved for acquisition and ultimate annexation to the existing sewage treatment facility site located at SCTM No. 0200-181.00-02.00-006.000; and be it further

3rd RESOLVED, that the Commissioner of the County Department of Public Works, or his or her designee, is hereby authorized, empowered, and directed to execute all necessary documents to acquire fee simple absolute or a lesser interest (i.e. temporary easement or permanent easement) of the subject parcel, for a consideration of One & 00/100 (\$1.00) Dollar (to be waived).

DATED: September 19, 2006

APPROVED BY:

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

Date: September 22, 2006

Legislator Cooper made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 16-0-0-2. Deputy Presiding Officer Viloría-Fisher and Legislator Montano were not present.

Intro. Res. No. 2079-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/22/2006

RESOLUTION NO. 1058 -2006, AUTHORIZING THE SUFFOLK COUNTY EXECUTIVE'S OFFICE TO ACT AS SIGNATORY FOR THE BROWNFIELD CLEANUP AGREEMENT FOR THE SUFFOLK COUNTY CANINE KENNEL SITE

WHEREAS, the Brownfield Cleanup Program Act was enacted to encourage the voluntary remediation of Brownfield sites for reuse and redevelopment so as to advance the policy of the State of New York to conserve, improve, and protect its natural resources and environment, and control water, land, and air pollution; and

WHEREAS, the New York State Department of Environmental Conservation (“Department”) is authorized to administer the Brownfield Cleanup Program contained in Article 27, Title 14 of the Environmental Conservation Law (“ECL”); and

WHEREAS, Suffolk County submitted a request by certified application dated March 30, 2005, a copy of which is annexed as Exhibit “A”, to participate in the Brownfield Cleanup Program relative to property located on Old Riverhead Road, Westhampton Beach 11978, also known as the Suffolk County Airport Canine Kennel Site No. 152079 (hereinafter “Site”); and

WHEREAS, Suffolk County, consistent with the Long Island Pine Barrens Protection Act, as amended, intends to restore the habitat and environmental quality of this Site located within the Pine Barrens, maintain open space, and include the Site in the buffer zone for the Suffolk County Francis S. Gabreski Airport; and

WHEREAS, the Department provided an opportunity for public comment on Suffolk County’s request to participate in the Brownfield Cleanup Program and the Department duly considered all comments received; and

WHEREAS, based upon the information contained in the certified application, and upon consideration of statutory factors, any public comment received and that Suffolk County is eligible to participate in the Brownfield Cleanup Program, the Department made a determination accepting the application to participate in the Brownfield Cleanup Program; and

WHEREAS, the Department has presented for execution by Suffolk County a Brownfield Cleanup Agreement for the Site, which agreement is annexed hereto and made a part hereof as Exhibit “B”; and

WHEREAS, by this resolution it is the intent of the Suffolk County Legislature to authorize the Office of the Suffolk County Executive to act as signatory for the Brownfield Cleanup Agreement for the Site; now, therefore be it

1st RESOLVED, that a Chief Deputy County Executive is the representative authorized to act as signatory on behalf of Suffolk County for the Brownfield Cleanup Agreement for the Site, and that he is otherwise authorized, empowered and directed to act for Suffolk County related to such agreement; and be it further

2nd RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action pursuant to Title 6 NYCRR Part 617.5(c)(15)(20) and (29) since it constitutes minor temporary uses of land having negligible or no permanent impact on the environment; is routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and represents an exercise of prosecutorial discretion. As a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

3rd RESOLVED, that this authorization shall take effect immediately.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

Legislator Eddington made motion for the following resolution, seconded by Legislator Horsley. The resolution was passed 15-1-0-2. Legislator Alden voted no. Deputy Presiding Officer Viloría-Fisher and Legislator Montano were not present.

Intro. Res. No. 2087-2006

Laid on Table 8/22/2006

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

RESOLUTION NO. 1059 -2006, AUTHORIZING PUBLIC HEARINGS PURSUANT TO ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW OF THE STATE OF NEW YORK IN CONNECTION WITH THE ACQUISITION OF PROPERTY TO BE ACQUIRED TO ALLEVIATE BLIGHT FOR DOWNTOWN ECONOMIC DEVELOPMENT REVITALIZATION, TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK (PLAZA THEATER-SCTM NO. 0200-977.50-04.00-038.000)

WHEREAS, pursuant to Eminent Domain Procedure Law Section 707, Suffolk County Charter Sections C42-2(C)(3)(d) and (4), C42-3(C)(3), and Suffolk County Administrative Code Section A42-5, and Resolution No. 801-2006, the Commissioner of the Department of Environment and Energy, was directed to prepare map(s) showing the property commonly known as the "Plaza Theater", SCTM No. 0200-977.50-04.00-038.000 located at 393 East Main Street, East Patchogue, Town of Brookhaven, Suffolk County, New York, to be acquired to alleviate Blight for Downtown Economic Development Revitalization, with said map(s) indicating the property to be acquired, the name(s) of the reputed owner(s), the boundaries and dimensions of the parcels to be acquired; and

WHEREAS, said maps are in the process of being prepared for this acquisition;
and

WHEREAS, pursuant to Article 2 of the Eminent Domain Procedure Law, it is required that a public hearing be held prior to acquisition in order to inform the public and to review the public use to be served by this project and to review the impact on the environment for residents of the locality in which the project is situate; and

WHEREAS, Section 204 of the Eminent Domain Procedure Law requires the making of determinations and findings concerning the proposed public project and requires the publication thereafter of a brief synopsis; now, therefore be it

1st RESOLVED, that pursuant to Eminent Domain Procedure Law Section 707, Suffolk County Charter Sections C42-2(C)(3)(d) and (4), C42-3(C)(3), and Suffolk County Administrative Code Section A42-5, the Commissioner of the Suffolk County Department of Environment and Energy, and in his or her absence the Director of the Division of Real Property

Acquisition and Management, or their designee, be deemed hearing officer with authority to make determinations and findings pursuant to Section 204 of the Eminent Domain Procedure Law; and the said Commissioner, said Director of the Division, or their designee, is hereby authorized to exercise the full authority of the Legislature to conduct public hearings and make determinations and findings as provided in Article 2 of the Eminent Domain Procedure Law; and be it further

2nd RESOLVED, that upon conclusion of the aforesaid hearings, pursuant to Eminent Domain Procedure Law, the hearing officer file written determinations and findings with the Clerk of the Legislature within 90 days of the conclusion of the public hearing provided for in Article 2 of the Eminent Domain Procedure Law; and be it further

3rd RESOLVED, that a brief synopsis of the filed determinations and findings shall be published pursuant to the requirements of Section 204 of the Eminent Domain Procedure Law; and be it further

4th RESOLVED, that copies of the determinations and findings will be forwarded upon written request, to applicants without cost to said applicant by the Clerk of the Legislature; and be it further

5th RESOLVED, that upon completion of hearings required by Article 2 of the Eminent Domain Procedure Law, the aforesaid map shall be filed in the Office of the Clerk of the County Legislature of the County of Suffolk; and be it further

6th RESOLVED, that upon the filing of the determinations and findings with the Clerk of the Legislature, the Legislature of Suffolk County shall consider whether to adopt or reject said determinations and findings; and be it further

7th RESOLVED, that all costs pertaining to notices, public hearings, publications, stenographic fees, mailings, postings, and direct service of process and/or notices be deemed an appropriate charge to this project as provided or to be provided in the capital program for the acquisition of said real property.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2159-2006
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/19/2006

**RESOLUTION NO. 1060 -2006, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
949-2006**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 949-2006; and

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

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

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

Resolution No. 949-2006

IN THE TITLE:

RESOLUTION NO. -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – LAND PRESERVATION PARTNERSHIP PROGRAM – [FOR THE RONALD CAPURSO & EILEEN SCHUTT PROPERTY] TESTAMENTARY TRUST CREATED UNDER THE LAST WILL AND TESTAMENT OF RALPH CAPURSO – MONTAUK DOWNS STATE PARK ADDITION (TOWN OF EAST HAMPTON – SCTM NO. 0300-019.00-02.00-061.000)

IN THE 1st RESOLVED CLAUSE:

1st 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:

PARCEL:

**SUFFOLK COUNTY
TAX MAP NUMBER:**

ACRES:

**REPUTED OWNER
AND ADDRESS:**

No. 1	District Section Block Lot	0300 019.00 02.00 061.000	0.44± acres	[Ronald Capurso 225 Suydam Lane Bayport, NY 11705 and Eileen Schutt 680 Bohemia Pkwy. Sayville, NY 11782] <u>Testamentary Trust Created by the Last Will and Testament Of Ralph Capurso With Ronald Capurso 225 Suydam Lane Bayport, NY 11705 And Eileen Schutt 680 Bohemia Pkwy Sayville, NY 11782 as trustees.</u>
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[] indicated deleted language
 ____ indicates added language

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2160-2006 Laid on Table 9/19/2006
 Introduced by Presiding Officer, on the request of the County Executive

**RESOLUTION NO. 1061 -2006, AUTHORIZING
 CERTAIN TECHNICAL CORRECTION TO ADOPTED
 RESOLUTION NO. 946-2006**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 946-2006; and

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

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

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

Resolution No. 946-2006

In the TITLE:

RESOLUTION NO. -2006, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – LAND PRESERVATION PARTNERSHIP PROGRAM – [FOR THE ESTATE OF RALPH CAPURSO PROPERTY] THE ESTATE OF EDNA CAPURSO, BY CO-EXECUTORS RONALD CAPURSO AND EILEEN SCHUTT – 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)

IN THE 1st RESOLVED

1st 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	3.34± acres	Estate of [Ralph] <u>Edna</u> Capurso by Co-Executors Ronald Capurso 225 Suydam Lane Bayport,NY11705 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

[] denotes deletion of language
 ____ denotes addition of language

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 2178-2006

Laid on Table 9/19/2006

Introduced by Presiding Officer, on request of the County Executive

TAX ANTICIPATION NOTE RESOLUTION NO. 1062 -2006

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF NOT TO EXCEED \$55,000,000 TAX ANTICIPATION NOTES OF THE COUNTY OF SUFFOLK, NEW YORK, IN ANTICIPATION OF THE COLLECTION OF TAXES LEVIED FOR COUNTY PURPOSES OR RETURNED TO THE COUNTY FOR COLLECTION FOR THE FISCAL YEARS COMMENCING JANUARY 1, 2003, 2004, 2005 AND 2006, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), the power to authorize the issuance of Tax Anticipation Notes (herein called the "Notes") of the County of Suffolk, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$55,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The following matters are hereby determined and declared:

(a) The Notes shall be issued in anticipation of the collection of real estate taxes levied for County purposes or returned to the County for collection for the fiscal years commencing January 1, 2003, 2004, 2005 and 2006.

(b) No notes have heretofore been authorized or issued in anticipation of the collection of said taxes, other than the \$275,000,000 Tax Anticipation Notes-2006 (Series I), dated and issued on January 4, 2006.

(c) Said Notes shall mature within the period of one year from the date of their issuance, and may be renewed from time to time in accordance with the provisions of the Law.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the powers to enter into one or more letter of credit agreements or liquidity facility agreements for the Notes, are hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2179-2006

Laid on Table 9/19/2006

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

RESOLUTION NO.

1063

-
**2006, AUTHORIZING THE ACQUISITION OF FARMLAND
DEVELOPMENT RIGHTS UNDER THE SUFFOLK COUNTY
SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION,
AND HAMLET PARKS FUND FOR THE DEBORAH LIGHT
PRESERVE PROPERTY - PECONIC LAND TRUST,
INC. (SCTM NO. 0300-149.00-03.00-003.002 p/o, 0300-149.00-
03.00-012.000, 0300-149.00-04.00-001.000, 0300-150.00-03.00-
001.004, 0300-150.00-03.00-003.000, 0300-150.00-03.00-
006.000 - TOWN OF EAST HAMPTON)**

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” authorizes the acquisition of farmland development rights, as determined by duly enacted resolution of the County of Suffolk; and

WHEREAS, Resolution No. 1361-2004 appropriated \$35 million for acquisition of farmland development rights under the Farmland 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 farmland development rights of the subject property; and

WHEREAS, pursuant thereto, said acquisition of farmland development rights is to be made in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code which provides that the same shall be consummated in accordance with provisions of General Municipal Law, Section 247, and the recommendation of the Suffolk County Farmland Committee; 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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of farmland development rights of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Farmland component, for a total purchase price of Six Million Dollars (\$6,000,000.00±), for 194.30± acres, 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; for inclusion in the Suffolk County Farmland Development Rights Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0300 Section 149.00 Block 03.00 Lot 003.002 p/o	194.30±	Peconic Land Trust, Incorporated A Not for Profit NY Corp. 296 Hampton Road Southampton, NY 11969 John V.H. Halsey, President
No. 2	District 0300 Section 149.00 Block 0300 Lot 012.000		
No. 3	District 0300 Section 149.00 Block 04.00 Lot 001.000		
No. 4	District 0300 Section 150.00 Block 03.00 Lot 001.004		
No. 5	District 0300		

	Section	150.00
	Block	03.00
	Lot	003.000
No. 6	District	0300
	Section	150.00
	Block	03.00
	Lot	006.000

and be it further

2nd 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 farmland development rights of the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(3) of the SUFFOLK COUNTY CHARTER, for the purchase price of Six Million Dollars (\$6,000,000.00±), for 194.30± acres, subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$6,000,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8707.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Funds, Farmland component, Section C36-1(A)(3), for this acquisition; and be it further

4th RESOLVED, that the County of Suffolk has applied to the United States Department of Agriculture – Natural Resources Conservation Service (“USDA-NRCS”) for Three Million and 00/100 Dollars (\$3,000,000.00) in grant money to be used for the purchase of the farmland development rights of the subject premises and in the event that said application is approved by the USDA-NRCS and the Three Million and 00/100 Dollars (\$3,000,000.00) is authorized by the USDA-NRCS and expended for said purchase, then the County Comptroller and the County Treasurer are authorized to reimburse and return Three Million and 00/100 Dollars (\$3,000,000.00) to the Capital Project account 525-CAP-8707.210 for the Suffolk County Save Open Space (SOS), Farmland and Hamlet Parks Fund, Farmland component, Section C36-1(A)(3); and be it further

5th RESOLVED, that it is the intention of the Seller, Peconic Land Trust, Incorporated, to make a charitable donation to the County of Suffolk pursuant to Section 1011(b) of the Internal

Revenue Code of 1986, as amended, of the difference between the appraised fair market value of the development rights of the subject premises and the purchase price and, as such, the Department of Environment and Energy, and its' Division of Real Property Acquisition and Management, and/or their designee, is authorized to review all necessary and required information to be submitted by the Seller and to execute Internal Revenue Service Form 8283 and/or such other form(s) as may be necessary, acknowledging receipt of a charitable donation of an interest in land, provided that the information submitted by the Seller is complete and acceptable to the Department and to the Division; and be it further

6th 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 to obtain said grant money from the USDA-NRCS; and, be it further

7th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to 6 NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing a farmland development rights acquisition as part of the Suffolk County Farmland Preservation Program which will mainly result in a beneficial impact and for which a SEQRA Determination of Non-Significance has already be issued.

DATED: September 19, 2006

APPROVED BY:

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

Date: September 21, 2006

Legislator Horsley made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 17-1-0-0. Presiding Officer Lindsay voted no.

Intro. Res. No. 2186A-2006

BOND RESOLUTION NO. 1064 -2006

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$2,557,000 BONDS TO FINANCE A PART OF THE COST OF THE CONSTRUCTION, FURNISHING AND EQUIPPING OF THE WORKFORCE DEVELOPMENT TECHNOLOGY CENTER (CP 2111.310 and .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 \$2,557,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the construction, furnishing and equipping of the Workforce Development Technology Center, as authorized in the 2006 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,450,000. The plan of financing includes (a) the issuance of \$168,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 399-2005, (b) the expenditure of \$168,000 State Aid expected to be received from the State of New York, as described in Bond Resolution No. 399-2005, (c) the issuance of \$2,557,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$2,400,000 for construction and \$157,000 for furniture and equipment), (d) the expenditure of \$2,557,000 State Aid expected to be received from the State of New York (\$2,400,000 for construction and \$157,000 for furniture and equipment), and (e) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 11 (b) of the Law of the Law, is twenty-five (25) years, computed from November 1, 2005, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 399-2005.

(b) Pursuant to Section 11.00 a. 62 (b) of the Local Finance Law, the period of probable usefulness applicable to the bonds authorized to be issued pursuant to Bond Resolution 399-2005 is hereby amended and restated to be twenty-five (25) years, computed from November 1, 2005, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 399-2005.

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 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

Legislator Horsley made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 17-1-0-0. Presiding Officer Lindsay voted no.

Intro. Res. No. 2186-2006
Introduced by Presiding Officer, on request of County Executive

Laid on Table 9/19/2006

**RESOLUTION NO. 1065 -2006, AMENDING THE 2006
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH THE WORKFORCE
DEVELOPMENT TECHNOLOGY CENTER (CP 2111)**

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

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

WHEREAS, the title of this Capital Project 2111 needs to be changed from “HVACR Technology and Services Building” to “Workforce Development Technology Center” to reflect the modification in the intended usage of the facility; and

WHEREAS, Workforce Development Technology Center's intended usage has been modified to house manufacturing and service training programs; and

WHEREAS, sufficient funds have been included in the 2006 Capital Budget and Program to cover the County's cost of Capital Project 2111; 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 \$2,557,000 in Suffolk County Serial Bonds; and

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

1st RESOLVED, that this Legislature, being a funding agency, hereby finds and determines in accordance with the State Environmental Quality Review Act (SEQRA) that the adoption of this law is an unlisted action with no significant adverse impacts on the environment pursuant to Title 6 NYCRR Part 617, for the following reasons:

1. The proposed action will not exceed any of the criteria in Title 6 NYCRR Part 617.7(c) which sets forth thresholds for determining significant adverse impacts on the environment;
2. The proposed action does not adversely impact surface or groundwater nor increase erosion, flooding, leaching or drainage problems as the topography remains flat and the building will be sewerred;
3. The proposed action only removes minor secondary growth (i.e. shrubs) and does not impact on a significant habitat area;
4. The proposed action does not conflict with the College Master Plan;
5. The increased use of electricity and natural gas is not significant relative to the rest of the Campus;
6. All necessary State and County approvals will be obtained.

and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of 55 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

3rd RESOLVED, that the 2006 Capital Budget and Program is hereby amended changing the title of CP 2111 as follows:

Project No.: 2111
Project Title: **HVACR Technology and Services Building**

	<u>Total Est'd. Cost</u>	<u>Current 2007 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
3. Construction	\$4,800,000	\$2,400,000B \$2,400,000S	\$2,400,000B \$2,400,000S
5. Furniture & Equipment	\$314,000	\$ 157,000B \$ 157,000S	\$ 157,000B \$ 157,000S
TOTAL	\$5,450,000	\$5,114,000	\$5,114,000

Project No.: 2111
Project Title: **Workforce Development Technology Center**

	<u>Total Est'd. Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2006 Capital Budget & Program</u>
3. Construction	\$4,800,000	\$2,400,000B \$2,400,000S	\$2,400,000B \$2,400,000S
5. Furniture & Equipment	\$314,000	\$ 157,000B \$ 157,000S	\$ 157,000B \$ 157,000S
TOTAL	\$5,450,000	\$5,114,000	\$5,114,000

and be it further

4thRESOLVED, that the proceeds of \$2,557,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>JC</u>	<u>Amount</u>
525-CAP-2111.310	Construction for Workforce Development Technology Center	30	\$2,400,000
525-CAP-2111.510	Furniture & Equipment for Workforce Development Technology Center	30	\$157,000

And be it further

5th RESOLVED, that State Aid be and it hereby is appropriated as follows:

<u>Project No.</u>	Project Title	JC	Amount
525-CAP-2111.310	Construction for Workforce Development Technology Center	30	\$2,400,000
525-CAP-2111.510	Furniture & Equipment for Workforce Development Technology Center	30	\$157,000

And be it further

6th RESOLVED, that no appropriations authorized herein may be expended unless and until 1) the Suffolk County Community College has entered into a written memorandum of understanding with all pertinent unions agreeing that the College has no desire, plan, or intent to have its HVAC/R program used as an apprenticeship training program, and 2) the College commits to utilizing the Workforce Development Technology Center as an advanced manufacturing/Mechatronics laboratory for the purpose of offering advanced manufacturing training to incumbent manufacturing and dislocated workers within the Long Island region.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2006

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

Intro. Res. No. 2187-2006 Laid on Table 9/19/2006
Introduced by Presiding Officer, on request of the County Executive and Legislator Mystal

RESOLUTION NO. 1066 –2006, AUTHORIZING CONVEYANCE OF PARCEL TO THE TOWN OF BABYLON (SECTION 72-H, GENERAL MUNICIPAL LAW)

WHEREAS, the County of Suffolk is the fee owner of the parcel described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 040.00, Block 01.00, Lot 064.00 (SCTM No. 0100-040.00-01.00-064.000); and

WHEREAS, the parcel is located within the Town of Babylon; and

WHEREAS, the Restore New York Program is a program created by the New York State Empire State Development Corporation to demolish, rehabilitate and reconstruct structures within local municipalities; and

WHEREAS, applicants for Restore New York Program grants from the New York State Empire State Development Corporation must be cities, towns or villages; and

WHEREAS, the Town of Babylon is desirous of applying for a Restore New York Program grant from the New York State Empire State Development Corporation for the parcel described herein; and

WHEREAS, the Town of Babylon has passed Resolution No. 577/2005 requesting that the County of Suffolk execute and deliver a quitclaim deed to the Town of Babylon for conveyance of the parcel described herein for the purpose of downtown revitalization as part of Wyandanch Rising (Resolution annexed as Exhibit "A"); and

WHEREAS, the parcel described herein is eligible for a Restore New York Program grant from the New York State Empire State Development Corporation; 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 parcel is surplus to the needs of Suffolk County; now, therefore be it

1st **RESOLVED**, that the Director of the County Division of Real Property Acquisition and Management, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Article 42 of the Suffolk County Charter, to execute and deliver a quitclaim deed to the Town of Babylon in consideration of the sum of TEN (\$10.00) Dollars plus the pro rata share of the current tax adjustment due at closing for the subject parcel herein and more particularly described as Suffolk County Tax Map No. 0100-040.00-01.00-064.000 for the purpose of seeking a Restore New York Program grant from the New York State Empire State Development Corporation as part of Wyandanch Rising; and be it further

2nd **RESOLVED**, that said quitclaim deed issued by the Director of the County Division of Real Property Acquisition and Management, or his or her deputy, pursuant to this resolution, shall contain a reverter clause to the effect that title to the said above described parcel shall revert to the County of Suffolk in the event that the above-described parcel is not used for the above-described public governmental purposes; or in the event that the Town of Babylon 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 for the above described public governmental purposes subsequent to delivery of said deed to the Town of Babylon, or in the event that the Town of Babylon imposes a back-charge or fee against the County of Suffolk for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991, or in the event the Town of Babylon violates Resolution No. 256-1998; and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and/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 19, 2006

APPROVED BY:

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

Date: September 21, 2006

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

Intro. Res. No. 1515-2006
Introduced by Legislator Romaine

Laid on Table 5/16/2006

**RESOLUTION NO. 1067 –2006, AMENDING THE 2006
OPERATING BUDGET AND TRANSFERRING FUNDS FOR
VARIOUS CONTRACT AGENCIES**

WHEREAS, the 2006 Operating Budget does not include sufficient funds for the Vail-Leavitt Music Hall to provide musical theatre performances; and

WHEREAS, the 2006 Operating Budget does not include sufficient funds for the Boy Scouts of America to provide its “Learning for Life-In School Character Development Program at the Riverhead Middle School”; and

WHEREAS, the 2006 Operating Budget does not include sufficient funds for the Ambulance Committee of Moriches, Inc. for the installation of 3M Opticom Systems in their emergency vehicles; and

WHEREAS, the 2006 Operating Budget contains surplus appropriations for the contracted agencies Planning Federation, Wading River Civic Association and the Family Service League; and

WHEREAS, it is the desire of the Suffolk County Legislature to provide \$2,200 to the Vail-Leavitt Music Hall, \$3,200 to the Boy Scouts of America and \$5,600 to the Ambulance Committee of Moriches, Inc.; and

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

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

APPROPRIATIONS:

FROM:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	PLN	HEQ1	8020	4980	Planning Federation	-\$5,000
001	ECD	HQX1	6410	4980	Wading River Civic Association	-\$1,000
001	EXE	AGS1	7325	4980	Family Service League	-\$5,000

TO:

<u>FD</u>	<u>AGY</u>	<u>X-Org</u>	<u>R-Org</u>	<u>OBJ</u>	<u>ORG Name</u>	<u>AMOUNT</u>
001	ECD	GZF1	6410	4980	Vail-Leavitt Music Hall	+\$2,200
001	EXE	XXXX	7320	4980	Suffolk County Boy Scouts	+\$3,200
001	FRE	XXXX	3400	4980	Ambulance Committee of Moriches, Inc.	+\$5,600

and be it further

RESOLVED, that the County Executive's Budget Office is authorized to assign a pseudo code for the Suffolk County Boy Scouts and the Ambulance Committee of Moriches, Inc.; and be it further

RESOLVED, that the moneys appropriated pursuant to this resolution shall be used exclusively for Suffolk County societal benefit and the sole purpose of funding the Vail-Leavitt Music Hall, the Boy Scouts of America and the Ambulance Committee of Moriches, Inc.

DATED: September 19, 2006

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 3, 2006

ADJOURNED 6:30PM
TIM LAUBE, CLERK OF THE LEGISLATURE