

ELEVENTH DAY
REGULAR MEETING

August 7, 2007

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

The meeting was called to order at 9:38 a. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Viloría-Fisher, Legislators Romaine, Schneiderman, Losquadro, Eddington, Montano, Barraga, Kennedy, Nowick, Horsley, Stern, D'Amaro and Cooper.

Legislator Browning arrived at 9:40 a.m.

Pledge of Allegiance.

Statements and Presentations
Public Portion

THE MEETING WAS MOVED INTO EXECUTIVE SESSION AT 12:02 P.M.

THE MEETING WAS RECONVENED AT 12:30 P.M.

THE MEETING WAS RECESSED AT 12:31 P.M. AND RESUMED AT 2:32 P.M.

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

Legislator Romaine made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-0-1-2. Legislator Cooper abstained. Legislators Montano and Mystal were not present.

Mem. Res. No. 50 -2007
Introduced by Legislator Romaine

LOT 6/12/07

**MEMORIALIZING RESOLUTION IN SUPPORT OF FUNDING
CERTAIN APPROVED SPECIAL EDUCATION PROGRAMS
AND SPECIAL ACT PUBLIC SCHOOL DISTRICTS (SENATE
BILL S.5672 AND ASSEMBLY BILL A.8337)**

WHEREAS, special education and special act school districts provide rehabilitative and educational services to more than 3,500 children who have been admitted into the juvenile justice system, foster care and mental health systems; and

WHEREAS, these schools and programs provide educational services and support to children without the same financial and infrastructure support as other public schools; and

WHEREAS, these schools and programs have existed with no increase in their tuition reimbursements and have experienced an inconsistent application of the tuition rate setting methodology; and

WHEREAS, funding certainty and flexibility are necessary to help these schools and programs maintain their mission and educate some of our most vulnerable students; now, therefore, be it

1st RESOLVED, that this Legislature hereby supports New York State Senate Bill S.5672 and New York State Assembly Bill A.8337, which would establish a multi-year tuition rate setting methodology for certain approved special education programs and special act public school districts can provide them with increased financial stability; and be it further

2nd RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor Eliot Spitzer; to the Majority Leader of the New York State Senate Joseph L. Bruno; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: August 7, 2007

s:\memres\mr-special-ed-special-act

Legislator Stern made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 14-1-1-2. Legislator Barraga voted no. Legislator Cooper abstained. Legislators Montano and Mystal were not present.

Mem. Res. No. 53-2007
Introduced by Legislator Stern

LOT 6/26/07

MEMORIALIZING RESOLUTION REQUESTING UNITED STATES CONGRESS TO ENACT THE STROKE TREATMENT AND ONGOING PREVENTION ACT OF 2007 (S. 999)

WHEREAS, stroke is the third leading cause of death in the United States, with approximately 700,000 Americans suffering a new or recurrent stroke and over 160,000 Americans dying from stroke annually; and

WHEREAS, stroke is also one of the leading causes of adult disability with between 15% and 30% of stroke survivors being permanently disabled, and the costs associated with stroke treatment are over 1 billion dollars annually; and

WHEREAS, recent advances in stroke treatment can significantly improve the outcome for stroke patients, and public awareness of the prevention, detection, and treatment of a stroke can reduce the disability resulting from a stroke; and

WHEREAS, legislation is pending before Congress to amend the Public Health Service Act to direct the Secretary of Health and Human Services to take measures to establish a grant program to enable states to develop stroke care systems; foster the development of stroke care systems through information sharing among involved agencies and individuals; develop a model curriculum for training emergency medical services personnel in the identification, assessment, stabilization, and prehospital treatment of stroke patients; issue recommendation and guidelines on best practices for establishing and operating such systems; and provide public information on recognition of stroke signs and symptoms and appropriate actions; now, therefore, be it

RESOLVED, that this Legislature hereby requests the U.S. Congress to enact S.999, to be known as the Stroke Treatment and Ongoing Prevention Act of 2007; and be it further

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

DATED: August 7, 2007

S:\memres\mr-stroke-prevention

Legislator Stern made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 14-1-1-2. Legislator Barraga voted no. Legislator Cooper abstained. Legislators Montano and Mystal were not present.

Mem. Res. No. 54 -2007
Introduced by Legislator Stern

LOT 6/26/07

MEMORIALIZING RESOLUTION REQUESTING UNITED STATES CONGRESS TO ENACT THE ALZHEIMER'S BREAKTHROUGH ACT OF 2007

WHEREAS, Alzheimer's disease is a disorder that destroys brain cells and leads to the onset of dementia and the failure of other body systems; and

WHEREAS, an estimated 4.5 million Americans suffer from Alzheimer's disease;
and

WHEREAS, Alzheimer's disease exacts large economic costs; half of all nursing home residents have Alzheimer's disease or a related disorder and the average annual cost for their care is \$70,000; and

WHEREAS, it is vital to increase Alzheimer's funding to find a cure for this terrible disease; now, therefore, be it

RESOLVED, that this Legislature hereby requests the U.S. Congress enact S.898 and H.R. 1560, "The Alzheimer's Breakthrough Act of 2007", which will double federal funding for Alzheimer's research; and be it further

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

DATED: August 7, 2007

s:\memres\mr-us-alzheimer-breakthrough-act

Legislator Stern made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 14-1-1-2. Legislator Romaine voted no. Legislator Cooper abstained. Legislators Montano and Mystal were not present.

Mem. Res. No. 55-2007
Introduced by Legislator Stern

LOT 6/26/07

MEMORIALIZING RESOLUTION REQUESTING UNITED STATES CONGRESS TO ENACT THE ALZHEIMER'S FAMILY ASSISTANCE ACT OF 2007

WHEREAS, Alzheimer's disease is the leading cause of dementia, a condition that involves gradual memory loss, decline in the ability to perform routine tasks, disorientation, difficulty in learning, loss of language skills, impairment of judgment, and personality changes; and

WHEREAS, an estimated 4,500,000 Americans have Alzheimer's disease and 1 in 10 individuals have a family member with the disease; and

WHEREAS, an individual will live an average of 8 years and as many as 20 once the symptoms of Alzheimer's disease appear; and

WHEREAS, the average lifetime cost of care for an individual with Alzheimer's disease is \$170,000; and

WHEREAS, 7 in 10 individuals with Alzheimer's disease live at home; while almost 75% of home care is provided by family and friends, the average annual cost of paid care for people with Alzheimer's disease at home is \$19,000 per year, almost all families pay this cost out of pocket; now, therefore, be it

RESOLVED, that this Legislature hereby requests the U.S. Congress to enact S.897 and H.R. 1807, "The Alzheimer's Family Assistance Act of 2007" which amends the Internal Revenue Code to allow a phased-in tax credit for family caregivers of spouses and dependents who have long-term care needs; allows a tax deduction for long-term care insurance premiums; and applies certain consumer protection standards to long-term care insurance contracts; and be it further

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

DATED: August 7, 2007

s:\memres\mr-us-alzheimer-family-assistance-act

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

Introduced by Presiding Officer Lindsay

Laid on Table 8/7/07

**MOTION NO. 12 – 2007, PROCEDURAL RESOLUTION
AUTHORIZING FUNDING FOR COMMUNITY SUPPORT
INITIATIVES (PHASE V)**

WHEREAS, funds are included in the 2007 Operating Budget (001-LEG-1012-4981) to supplement county services via non-profit organizations; and

WHEREAS, pursuant to Resolution No. 1153-2006, this Legislature is administering these "Community Support Initiatives"; now, therefore be it

1st RESOLVED, that the Presiding Officer is hereby authorized to enter into agreements with the following contract agencies for the amounts indicated:

<u>Agency</u>		<u>Sponsor</u>		<u>Amount</u>
Coast 2 Coast Basketball		Romaine		\$1,000
Central Bellport Civic Association		Browning		\$7,000

<u>Agency</u>	<u>Sponsor</u>	<u>Amount</u>
Knights of Columbus Our Lady of the Rosary Council 4428	D'Amaro	\$1,000
Saints Cyril and Methodius Roman Catholic Church and Outreach	D'Amaro	\$3,000
Good Shepherd Hospice	Viloria-Fisher	\$1,000
Herstory Writing Workshop	Viloria-Fisher	\$1,000
Middle Island Caring for Kids Day Care and Learning Center, Inc.	Romaine	\$2,000
Council for Unity	Eddington	\$5,000
Suffolk Police Veterans' Association	Stern	\$2,500
St. John the Evangelist Roman Catholic Church	Romaine	\$1,000
Friends of Karen, Inc.	Romaine	\$1,000
Suffolk County Archaeological Association	Losquadro	\$2,000
Huntington Freedom Center	D'Amaro	\$3,000
St. Johnland Nursing Center	Nowick	\$4,500
West Babylon Little League	Horsley	\$1,500
Mayor's Beautification Society of Lindenhurst	Horsley	\$2,500
Bright Hopes, Inc.	Viloria-Fisher	\$1,000
Greater Port Jefferson Arts Council	Viloria-Fisher	\$2,000
Cornell Cooperative Extension of Suffolk County	Viloria-Fisher	\$1,000
League of Women Voters of Huntington	Stern	\$1,000
American Legion Griswold Terry Glover Post 803	Romaine	\$1,500
Lindenhurst National Little League	Horsley	\$1,500
Quogue Wildlife Refuge a/k/a Southampton Township Wildfowl Association	Schneiderman	\$4,000
East Islip Historical Society	Alden	\$1,000
Artists Alliance of East Hampton, Inc.	Schneiderman	\$1,500
US Lacrosse Inc. -- Hills Elwood Youth Lacrosse	Stern	\$1,000
Ward Melville Heritage Organization, Ltd.	Viloria-Fisher	\$2,000
Pronto of Long Island, Inc.	Alden	\$4,000
Newfield High School PTA	Caracappa	\$1,000
West Islip Youth Enrichment Services, Inc.	Alden	\$2,500
Huntington YMCA	Cooper	\$1,000
The League of Women Voters	Cooper	\$1,000
Open Arms Care Center, Inc.	Romaine	\$1,000
Long Island Senior Games	Viloria-Fisher	\$1,000

<u>Agency</u>	<u>Sponsor</u>	<u>Amount</u>
Suffolk County Coalition Against Domestic Violence	Alden	\$3,000
Southeast Concerned Civic Association	Stern	\$2,500
Huntington Historical Society	Cooper	\$2,450
Girl Scouts of Suffolk County, Inc.	Lindsay	\$15,000
Patchogue Village Center for the Performing Arts, Inc.	Eddington	\$4,000
American Veterans Post 18	Alden	\$2,000
South Shore Restoration Group, Inc.	Alden	\$2,000
Parents for Megan's Law, Inc.	Losquadro	\$4,500
Shoreham Wading River Little League	Romaine	\$1,000
Whaling Museum Society, Inc.	Cooper	\$1,500
Northport American Legion Post 694	Cooper	\$2,500
Huntington Community First Aid Squad	Cooper	\$1,000
Sayville Advocacy for Initiatives in Learning, Corp.	Lindsay	\$1,000
For the Kids Foundation of East Islip	Alden	\$5,000
Moriches Rotary Health Camp, Inc.	Romaine	\$1,000
Northport Youth Center Soccer League	Cooper	\$1,000
Marine Corps League, Inc.	Cooper	\$1,000
Northport Historical Society	Cooper	\$1,000
SeniorNet @ Family Service League of Suffolk County	Cooper	\$1,000
Little Shelter Animal Adoption Center, Inc.	Cooper	\$1,000
Huntington Township Chamber Foundation	Cooper	\$1,000
Cornell Cooperative Extension of Suffolk County	Cooper	\$1,000
Youth Directions and Alternatives Community and Youth Agency, Inc.	Cooper	\$1,000
Splashes of Hope	Cooper	\$2,000
East Islip Soccer Club	Alden	\$1,000
Moriches Rotary Health Camp, Inc.	Browning	\$1,000
EAC, Inc.	Losquadro	\$5,000
Greater Port Jefferson Arts Council	Losquadro	\$3,000
Little League of the Islips, Inc.	Alden	\$1,000
Suffolk Community College Foundation, Inc. (Men's Basketball Program)	Caracappa	\$2,000
Civil Air Patrol	Eddington	\$1,000
The Ministry for Hope a/k/a Hope		

<u>Agency</u>		<u>Sponsor</u>		<u>Amount</u>
House Ministries		Losquadro		\$2,000
New York State Association for Retarded Children, Inc. Suffolk Chapter		Alden		\$2,500

and be it further

2nd RESOLVED, that funding for this purpose shall be expended from Fund 001-LEG-1012-4981.

DATED: Adopted August 7, 2007

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

s:\procedural motions-CSI Phase V

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

S.C.C.B.A. No. 1-2007 Laid on Table 8/7/2007
 Introduced by Presiding Officer Lindsay and Legislators Alden, Eddington, Horsley, Romaine, and Cooper

RESOLUTION NO. 710 -2007, AMENDING THE SUFFOLK COMMUNITY COLLEGE RECOMMENDED BUDGET 2007-2008 TO PROPERLY RESOURCE AN AFFORDABLE EDUCATION FOR THE RESIDENTS OF SUFFOLK COUNTY AND TO IMPLEMENT SIGNIFICANT RECOMMENDATIONS MADE BY THE MIDDLE STATES ACCREDITATION REVIEW TEAM

WHEREAS, the Suffolk County Legislature, pursuant to SECTION 6304 of the NEW YORK STATE EDUCATION LAW, is the local sponsor of Suffolk County Community College; and

WHEREAS, the County Executive instructed the College to submit a 2007-2008 operating budget request with no more than a zero percent increase in the County contribution; and

WHEREAS, the Board of Trustees of Suffolk County Community College adopted Resolution No. 2007.32 on April 18, 2007 approving the College's 2007-2008 Operating Budget request for submission to the County Executive which included a zero percent increase in the County contribution, necessitating the authorization of a tuition increase of \$260 for full time students and \$11 per credit for part-time students; and

WHEREAS, on June 15, 2007 the County Executive submitted the Suffolk Community College Recommended Budget 2007-2008 to the Suffolk County Legislature for review and approval; and

WHEREAS, the Suffolk Community College Recommended Budget 2007-2008 complies with Local Law Nos. 21-1983, 38-1989 and 29-1995; and

WHEREAS, the Suffolk County Legislature held two public hearings on June 26, 2007 and August 1, 2007 on the Suffolk Community College Recommended Budget 2007-2008; and

WHEREAS, Resolution No. 30-1997 requires that the Suffolk County Community College Operating Budget Amendment Resolution(s) and Budget Amendment Veto(s) shall contain a County contribution for illustrative purposes only; and

WHEREAS, Suffolk County Community College successfully operates a three campus community college at a lower cost to taxpayers than a single campus community college in a neighboring county; and

WHEREAS, the residents of Suffolk County receive a significant return on their investment in Suffolk County Community College through a high quality affordable education offering 75 associate degree programs and transfer options for students who wish to earn an advanced degree at a four-year educational institution; and

WHEREAS, Suffolk County Community College is meeting the needs of the business community by developing programs to provide workforce training in nursing and allied health fields as well as in the culinary arts and hospitality industry and technical fields such as HVAC/R, machining, and automotive technology; and

WHEREAS, the State commitment for base aid per full-time equivalent (FTE) student has been approved at \$2,675 per FTE which represents a 5.94% increase; and

WHEREAS, the County Legislature wishes to join the State in its effort to support community colleges by increasing the County's contribution to Suffolk County Community College by two percent (2%), as contained in this resolution, to properly resource the College for the 2007-2008 academic year and into the future; and

WHEREAS, the Suffolk County Legislature requests the Board of Trustees of Suffolk County Community College to review the 2007-2008 tuition rates to determine the extent to which the tuition increase of \$260 for full time students and \$11 per credit for part-time students can be reduced equal to the need to generate sufficient revenue to fund available appropriations and reflect the 2% increase in the County contribution, and

WHEREAS, the Budget Review Office of the Suffolk County Legislature has issued its Review of the 2007-2008 Suffolk County Community College Operating Budget dated July 27, 2007 which makes recommendations to amend the Suffolk Community College Recommended Budget 2007-2008; and

WHEREAS, it is the desire of the Suffolk County Legislature to incorporate many of the recommendations contained in the Budget Review Office's Review of the 2007-2008 Suffolk County Community College Operating Budget to provide sufficient funds to ensure that the residents of Suffolk County continue to receive an affordable quality education; and

WHEREAS, it is the desire of the Suffolk County Legislature to create 10 new positions as requested by the College to address the recommendations of the Middle States Accreditation Team, to

provide enhanced campus security, to maintain Veterinary Science accreditation and to meet the needs resulting from increased enrollment in the Culinary Arts and the Licensed Practical Nurse (LPN) programs. The positions are: Assistant Professor (5), Professional Assistant (3), Assistant Director of Public Safety (1) and Animal Caretaker (1); and

WHEREAS, the recommended budget does not include sufficient appropriations for the College to implement its 5-year furniture replacement plan as recommended by the Middle States Accreditation Team; and

WHEREAS, it is the desire of the Suffolk County Legislature to continue its commitment to upgrade the College's furnishings to meet the needs of a modern educational environment as demonstrated last year when the Legislature provided additional appropriations for the College to replace the original furniture in the 40-year old Ammerman Library; and

WHEREAS, the recommended budget does not include sufficient appropriations for Suffolk Community College to develop and establish a new curriculum for an energy technology and building efficiency program in partnership with SUNY Farmingdale; and

WHEREAS, it is the desire of the Suffolk County Legislature to provide \$30,000 for stage I program development for the emerging academic field of energy technology and building efficiency; and

WHEREAS, the College's energy costs have increased by 54.2% during the 4-year period ending in 2005-2006 and actual energy costs exceeded the adopted budgeted amounts by a total of \$871,970 during this same 4-year period; and

WHEREAS, it is the desire of the Suffolk County Legislature to provide sufficient energy appropriations based upon the Budget Review Office's trend analysis of the College's energy consumption and cost trends; and

WHEREAS, this resolution contains such budgetary adjustments as shall be necessary to accomplish the explicitly stated single budgetary objective set forth in the budget note below; now, therefore be it

1st **RESOLVED**, that the County Comptroller and County Executive shall post all revenue increases, revenue decreases, appropriation increases, or appropriation decreases contained in this Resolution directly to the pertinent line item, organization or object, or revenue account in the Suffolk County Community College Adopted Budget 2007-2008; shall place and post all appropriation and revenue changes or adjustments contained in this Resolution pertaining to fiscal year 2006-2007 for the purpose of calculating the effect on the 2006-2007 fund balances for Suffolk County Community College; and shall place, post, and make all appropriation, revenue, personnel, and programmatic changes or adjustments contained in this Resolution in the pertinent line item, organization, object and sub-object for fiscal years 2006-2007 and/or 2007-2008 all as set forth herein, not to be construed as amending the Suffolk County Community College Adopted Budget 2006-2007 because the 2006-2007 Estimated Column contained in the Suffolk Community College Recommended Budget 2007-2008 shall be construed as informational in nature for the purpose of calculating the 2006-2007 fund balances for Suffolk County Community College; and be it further

2nd **RESOLVED**, that any Budget Amendment Resolution enacted subsequent to adoption of this Resolution, containing budgetary adjustments that are consistent with either an appropriation decrease, appropriation increase, revenue increase, or revenue decrease provided for in this Resolution,

shall be treated as an adjustment to be calculated cumulatively from the adopted figures contained in this Resolution, and those items not amended by this or any other resolution be posted as “adopted”; and be it further

3rd **RESOLVED**, that all Whereas clauses and all Resolved clauses denominated 1st through 9th inclusive, contained on pages 1 through 4 (inclusive) of the Suffolk Community College Recommended Budget 2007-2008 are hereby stricken and are not adopted and not approved, and shall not appear in the printed 2007-2008 Suffolk Community College Adopted Budget; and be it further

4th **RESOLVED**, that the \$60,000 provided in this adopted budget specifically for the Nursing Incentive Program shall not be utilized as an offset for any other purpose without a duly enacted Resolution of the County of Suffolk pursuant to Section 3(b) of the Plan “C” Agreement between the County of Suffolk and the Suffolk County Community College, as authorized by Section 6304(6) of the NEW YORK STATE EDUCATION LAW and Suffolk County Resolution Nos. 847-1989, 716-1994, and 785-1995; and be it further

5th **RESOLVED**, that the Charter Review Commission is authorized and directed to review the budget cycle for the Suffolk Community College, and to make recommendations to address and resolve the current situation by which the College must set tuition rates for the academic year prior to adoption of its operating budget; and

6th **RESOLVED**, the Suffolk County Comptroller or his designee is hereby authorized and directed to chair a committee to include the County Executive Budget Director, the Director of Budget Review, and the College’s Chief Financial Officer or their designees and to convene within 90 days of the adoption of this resolution for the purpose of starting the process of determining the required adjustments to reconcile the College Reserve Fund to the College's audited financial records in order to incorporate the agreed upon adjustments into the 2008-2009 Suffolk Community College Recommended Budget presentation; and be it further

7th **RESOLVED**, the Suffolk Community College Recommended Budget 2007-2008 and it hereby is amended pursuant to Section 3(b) of the Plan “C” Agreement between the County of Suffolk and the Suffolk County Community College, as authorized by Section 6304(6) of the NEW STATE YORK EDUCATION LAW and Suffolk County Resolution Nos. 847-1989, 716-1994 and 785-1995 as follows:

APPROPRIATIONS								
Changes to the 2006-2007 estimated column as presented in the 2007-2008 Recommended Budget								
FD	AGY	UNIT	UNIT NAME	OBJECT	OBJECT DESCRIPTION	2006-2007 ESTIMATED	2006-2007 REVISED ESTIMATED	DIFFERENCE
818	SCC	2220	Academic Support	4340	Travel: Other	\$72,692	\$50,742	(\$21,950)
818	SCC	2260	Plant Maintenance & Operation	4020	Light, Power & Water	\$5,019,238	\$5,166,937	\$147,699
818	SCC	2270	General Administration	4340	Travel: Other	\$53,693	\$37,493	(\$16,200)
818	SCC	2280	General Instructional Support	4340	Travel: Other	\$39,209	\$27,359	(\$11,850)
818	SCC	8280	Employee Benefits	8280	State Retirement (ERS)	\$2,878,074	\$2,788,074	(\$90,000)
818	SCC	8380	Employee Benefits	8380	Benefit Fund Contribution	\$1,525,000	\$1,539,000	\$14,000
							\$21,699	
FD	AGY	UNIT	UNIT NAME	OBJECT	OBJECT DESCRIPTION	2007-2008 RECOMMENDED	2007-2008 ADOPTED	DIFFERENCE
818	SCC	2210	Instruction	1100	Permanent Salaries	\$35,369,124	\$35,511,047	\$141,923
818	SCC	2210	Instruction	2010	Furniture & Furnishings	\$126,792	\$161,212	\$34,420
818	SCC	2210	Instruction	2020	Office Machines	\$101,245	\$176,245	\$75,000
818	SCC	2210	Instruction	2440	Instructional Equipment	\$410,891	\$535,891	\$125,000
818	SCC	2210	Instruction	3100	Instructional Supplies	\$497,965	\$510,265	\$12,300
818	SCC	2210	Instruction	3170	Instructional Software	\$41,545	\$56,545	\$15,000
818	SCC	2210	Instruction	4340	Travel: Other	\$88,174	\$90,874	\$2,700
818	SCC	2220	Academic Support	1100	Permanent Salaries	\$4,035,765	\$4,177,688	\$141,923
818	SCC	2220	Academic Support	3040	Outside Printing	\$20,870	\$55,620	\$34,750
818	SCC	2220	Academic Support	3500	Other: Unclassified	\$54,090	\$92,647	\$38,557
818	SCC	2250	Student Services	1100	Permanent Salaries	\$9,047,523	\$9,099,972	\$52,449
818	SCC	2250	Student Services	2010	Furniture & Furnishings	\$37,530	\$71,949	\$34,419
818	SCC	2260	Plant Maintenance & Operation	1100	Permanent Salaries	\$10,184,860	\$10,291,188	\$106,328
818	SCC	2260	Plant Maintenance & Operation	2040	Trucks, Trailers & Jeeps	\$55,000	\$174,000	\$119,000
818	SCC	2260	Plant Maintenance & Operation	2050	Other Motorized Equipment	\$158,183	\$39,183	(\$119,000)
818	SCC	2260	Plant Maintenance & Operation	3320	Household & Laundry Supplies	\$140,500	\$163,000	\$22,500
818	SCC	2260	Plant Maintenance & Operation	4020	Light, Power & Water	\$5,073,638	\$5,873,638	\$800,000
818	SCC	2270	General Administration	2010	Furniture & Furnishings	\$13,864	\$28,342	\$14,478
818	SCC	2280	General Instructional Support	1100	Permanent Salaries	\$5,129,417	\$5,166,442	\$37,025
818	SCC	2280	General Instructional Support	3770	Advertising	\$523,970	\$563,970	\$40,000
818	SCC	8280	Employee Benefits	8280	State Retirement (ERS)	\$2,894,040	\$2,594,040	(\$300,000)
818	SCC	8100	Employee Benefits	8100	State Teachers Retirement (TRS)	\$2,110,486	\$1,910,486	(\$200,000)
							\$1,228,772	
REVENUES								
FD	REV CODE	REVENUE				2007-2008 RECOMMENDED	2007-2008 ADOPTED	DIFFERENCE
818	1350	Student Tuition-Full Time-Fall				\$20,964,771	\$21,236,224	\$271,453
818	1351	Student Tuition-Full Time-Spring				\$18,994,661	\$19,216,758	\$222,097
							\$493,550	
COUNTY CONTRIBUTION SHOWN FOR ILLUSTRATIVE PURPOSES PURSUANT TO RESOLUTION NO. 30-1997								
FD	REV CODE	REVENUE				2007-2008 RECOMMENDED	2007-2008 ADOPTED	DIFFERENCE
818	1001	Real Property Taxes				\$4,375,202	\$4,471,615	\$96,413
818	2810	Suffolk County Contribution				\$33,470,834	\$34,131,342	\$660,508
					Contribution to Community College Fund	\$37,846,036	\$38,602,957	\$756,921

SUFFOLK COUNTY COMMUNITY COLLEGE NEW POSITIONS 2007-2008							
FD	UNIT	SECTION	TITLE	GRADE	2007-2008 RECOMMENDED	2007-2008 ADOPTED	DIFFERENCE
818	2210	5022	Assistant Professor	UN	1 N(01)	2 N(02)	1
818	2210	6065	Professional Assistant I	UN	0	1 N(01)	1
818	2210	6065	Assistant Professor	UN	6	7 N(01)	1
818	2220	3001	Professional Assistant I	UN	0	1 N(01)	1
818	2220	3003	Assistant Professor	UN	0	2 N(02)	2
818	2250	3020	Assistant Professor	UN	0	1 N(01)	1
818	2260	3030	Assistant Director of Public Safety	UN	0	1 N(01)	1
818	2260	6010	Animal Caretaker	9	0	1 N(01)	1
818	2280	3015	Professional Assistant I	UN	0	1 N(01)	1
							10

DATED: August 7, 2007

****VETOED BY COUNTY EXECUTIVE ON AUGUST 20, 2007****

****VETO OVERRIDE ADOPTED ON AUGUST 21, 2007****

Note: This resolution amends the Suffolk County Community College Recommended Budget 2007-2008. The County contribution is increased by \$756,921 (2%) to properly resource the College to provide a quality education for the residents of Suffolk County. A portion of the increase in the County contribution is a \$96,413 increase in the non-mandated College real property tax which is an increase of 16 cents on the average residential tax bill. Ten (10) new positions are created as requested by the College. Expenditures are increased by a net total of \$1,250,471 over the two academic years, 2006-2007 and 2007-2008. Expenditure increases include \$30,000 for stage I development of the energy technology and building efficiency program as follows: \$12,300 for Instructional Supplies, \$15,000 for Instructional Software, and \$2,700 for travel. Ten votes are required for adoption.

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

Intro. Res. No. 1642-2007

Laid on Table 6/26/2007

Introduced by the Presiding Officer, on request of the County Executive

**RESOLUTION NO. 711 -2007, APPORTIONING MORTGAGE
TAX BY: COUNTY TREASURER**

RESOLVED, that the joint reports of the Recording Officer and the County Treasurer as filed with this Legislature on May 16, 2007 relative to the distribution of mortgage taxes for the six month period ending March 31, 2007, be accepted and that the amounts

specified therein be fixed and determined as the amounts due the Towns and Villages respectively; and be it further

RESOLVED, that the Presiding Officer and Clerk of this Legislature be authorized to execute and deliver to the County Treasurer a warrant of this Legislature directing her to make the payments therein specified in the report in accordance with the provisions of Section 261 of the Tax Law.

DATED: August 7, 2007

APPROVED BY:

/s/ Paul Sabatino II
County Executive of Suffolk County

Date: August 23, 2007

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

Intro Res. No. 1650-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 712 -2007, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE #276

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>
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BROOKHAVEN:

0200-781.00-01.00-003.000 (ITEM #8507480)	2005/06	\$5524.02	\$0.00	\$5524.02
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0200-545.00-01.00-003.000 (ITEM #8205881)	2006/07	\$4752.54	\$0.00	\$4752.54
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DATED: August 7, 2007

APPROVED BY:

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

Date: August 9, 2007

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

Intro. Res. No. 1651-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 713 -2007, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL NO. 775-2007)

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

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

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

BE IT RESOLVED, that the taxes for the properties represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be

readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated; and

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

RESOLUTION NO.

CONTROL# 775-2007

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	05/06		0200/51-1-39	12607.40	0	12607.40
A	BROOKHAVEN	05/06		0200/82-1-1.2	10571.95	0	10571.95
A	BROOKHAVEN	05/06		0200/131-2-28.1	11648.85	0	11648.85
A	BROOKHAVEN	05/06		0200/228-1-2	12133.45	0	12133.45
A	BROOKHAVEN	05/06		0200/275-5-1.000-01	11963.00	0	11963.00
A	BROOKHAVEN	05/06		0200/510-3-1.2	12312.85	0	12312.85
A	BROOKHAVEN	05/06		0200/526-1-13	12828.70	0	12828.70
A	BROOKHAVEN	05/06		0200/552-1-2	12519.85	0	12519.85
A	BROOKHAVEN	05/06		0200/899-3-1	12008.75	0	12008.75
A	BROOKHAVEN	05/06		0204/12-6-18.1	10203.10	0	10203.10
A	BROOKHAVEN	05/06		0206/13-1-11.1	8045.85	0	8045.85

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

DATED: August 7, 2007

APPROVED BY:

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

Date: August 9, 2007

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

Intro. Res. No. 1652-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 714 -2007, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE #275

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:				
0200-872.00-02.00-018.005 (ITEM #3615341)	2006/07	\$6096.50	\$0.00	\$6096.50

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1643-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 715 -2007, ACCEPTING AND APPROPRIATING ADDITIONAL 100% GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF FAMILY AND CHILDREN SERVICES TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR THE REGISTRATION AND INSPECTION OF CHILD CARE PROVIDERS

WHEREAS, the New York State Office of Children and Family Services has awarded Suffolk County Department of Social Services Federal funds in the amount of \$983,885, of which \$80,083 is designated for a increase in the child care registration and inspection services program; and

WHEREAS, the 2007 Modified budget includes \$859,110 for a contract with the Child Care Council of Suffolk, Inc., as well as, \$44,692 of indirect costs incurred by the Department of Social Services' Child Care Bureau; and

WHEREAS, it is the intention of the Department of Social Services to continue to contract the activities of registration and inspection to the Child Care Council of Suffolk, Inc. and modifying their contract by increasing their 2007 allocation in the amount of \$80,083 for a total of \$939,193; and

WHEREAS, the New York State Office of Family and Children's Services has transferred the responsibility of registering Family Day Care Providers and School Aged Child Care programs to the local districts; and

WHEREAS, the Child Care Council of Suffolk, Inc. will provide this service in Suffolk County; and

WHEREAS, this program is 100% funded and is in the best interest of Suffolk County to accept these funds; now, therefore be it

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

REVENUES:

\$80,083

001-4620 FEDERAL AID: Child Care Block Grant \$80,083

and be it further

2nd RESOLVED, that total funds in the amount of \$80,083 be and are hereby appropriated as follows:

ORGANIZATIONS: \$80,083

Department of Social Services
Client Benefits Administration
001-DSS-6015

4000 – Contractual Expenses **\$80,083**

4980 – GGN1– Child Care Council: Registration and Inspection **\$80,083**

and be it further

3rd RESOLVED, that the County Executive and the Commissioner of Social Services be and they are hereby are authorized to modify the existing contract with the Child Care Council of Suffolk, Inc. for Child Care Registration and Inspection.

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1656-2007 Laid on Table 6/26/2007
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 716 -2007, ACCEPTING AND APPROPRIATING 100% ADDITIONAL FEDERAL GRANT FUNDS PASSED THROUGH THE NEW YORK STATE DEPARTMENT OF HEALTH TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE FAMILY PLANNING PROGRAM

WHEREAS, the New York State Department of Health has awarded additional 100% Federal grant funds to the Department of Health Services, Division of Patient Care Services for the Family Planning Program in the amount of \$103,628 for the period 01/01/07-12/31/07; and

WHEREAS, this additional grant funding provides family planning and reproductive health services to Suffolk County residents; and

WHEREAS, 100% additional Federal Aid in the amount of \$103,628 needs to be appropriated for the existing Family Planning Program administered by Suffolk County Division of Patient Care Services; and

WHEREAS, these additional funds were not included in the Suffolk County 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 \$103,628 in additional grant funds as follows:

<u>REVENUES</u>	<u>Amount</u>
001-4435 Family & Health Planning Services	\$103,628

APPROPRIATIONS

Department of Health Services (HSV)
Division of Patient Care Services
Family Planning Program
001-HSV-4135

<u>Equipment</u>	<u>\$2,550</u>
2440-Instructional Equipment	\$2,550
<u>Supplies, Materials & Other</u>	<u>\$89,678</u>
3080-Research and Law Books	\$ 2,634
3100-Instructional Supplies	\$63,040
3370-Medical, Dental & Laboratory Supplies	\$24,004
<u>Fees for Services</u>	<u>\$11,400</u>
4560-Fees for Services, Non-Employees	\$11,400

and be it further

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

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1687-2007
Introduced by Presiding Officer on request of the County Executive

Laid on Table 6/26/2007

RESOLUTION NO. 717 -2007, ACCEPTING AND APPROPRIATING 100% FUNDING FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES (OCFS) FOR IMPROVING STAFF-TO-CLIENT RATIOS IN THE DEPARTMENT OF SOCIAL SERVICES - CHILD PROTECTIVE SERVICES BUREAU

WHEREAS, the New York State Office of Children and Family Services (OCFS) has designated Suffolk County as the recipient of 100% State funding in the amount of \$294,278 to improve the staff-to-client ratios in the Child Protective Services workforce; and

WHEREAS, this is part of a state-wide special allocation to improve the staff-to-client ratios in all social services districts; and

WHEREAS, NYS OCFS authorized this special allocation for social service districts to hire four new entry level clerical support staff, and pay overtime to the child protective service's caseworkers to assist in the reduction of overdue assessments and report determinations; and

WHEREAS, it is the intention of the Suffolk County Department of Social Services to use this allocation to reduce the Child Protective Services caseload for staff investigating reports of child abuse and maltreatment, reduce the number of overdue safety assessments and report determinations, and improve timeliness in completing safety assessments and report determinations; and

WHEREAS, the Suffolk County Department of Social Services desires to create the new entry level support positions, and also to increase the overtime appropriation for the child protective service's caseworkers with this grant award; and

WHEREAS, this special allocation award is 100% State funded; and

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

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

<u>REVENUES:</u>		<u>\$294,278</u>
001-3610	STATE AID: Social Services Administration	294,278

and be it further

2nd RESOLVED, that total funds in the amount of \$294,278 be and are hereby

appropriated as follows, less indirect costs of \$43,600 already included in the 2007 Operating Budget:

ORGANIZATIONS: \$250,678

Social Services
Family and Children's Services
001-DSS-6010

<u>1000 – Personal Services</u>	<u>\$194,731</u>
1100 – Permanent Salaries	62,460
1120 – Overtime Salaries	132,271

Employee Benefits
Retirement
001-EMP-9010

<u>8000 – Employee Benefits</u>	<u>\$18,733</u>
8280 – State Retirement	18,733

Employee Benefits
Social Security
001-EMP-9030

<u>8000 – Employee Benefits</u>	<u>\$14,897</u>
8330 – Social Security	14,897

Employee Benefits
Unemployment Insurance
001-EMP-9055

<u>8000 – Employee Benefits</u>	<u>\$194</u>
8350 – Unemployment Insurance	194

Employee Benefits
Benefit Fund Contribution
001-EMP-9080

<u>8000 – Employee Benefits</u>	<u>\$1,424</u>
8380 – Benefit Fund Contribution	1,424

Interfund Transfers
Transfer to Fund 39 (Self Insurance)
001-IFT-E039

<u>9000 – Interfund Transfers</u>	<u>\$19,200</u>
9600 – Transfer to Funds	19,200

Interfund Transfers
Transfer to Fund 38 (Workers Compensation)

001-IFT-E038

<u>9000 – Interfund Transfers</u>	<u>\$1,499</u>
9600 – Transfer to Funds	1,499

and be it further

3rd RESOLVED, that the following interfund revenues be accepted and appropriated as follows:

<u>REVENUES:</u>	<u>\$20,699</u>
039-IFT-R001 Transfer from General Fund	19,200
038-IFT-R001 Transfer from General Fund	1,499

ORGANIZATIONS: **\$19,200**

Employee Benefits
Major Medical Claims
039-EMP-9060

<u>8000 - Employee Benefits</u>	<u>\$10,560</u>
8380 – Health Insurance	10,560

Employee Benefits
Hospital Claims
039-EMP-9061

<u>8000 - Employee Benefits</u>	<u>\$ 8,640</u>
8360 – Health Insurance	8,640

Employee Benefits
Workers' Compensation
038-EMP-9040

<u>8000 - Employee Benefits</u>	<u>\$ 1,499</u>
8300 – Workers' Compensation	1,499

and be it further

4th RESOLVED, that the following positions be and they are hereby created:

Social Services
Family and Children's Services
001-DSS-6010

<u>Spec No.</u>	<u>Position Title</u>	<u>J/C</u>	<u>Grade</u>	<u>No. Created</u>
0021	Clerk Typist	C	9	4

and be it further

5th RESOLVED, that any unexpended funds be reappropriated in the 2008 Operating Budget, and will be fully expended by March 31, 2008 in conformance with the terms

of the grant award.

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1636-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 718 -2007, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
342-2007**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 342-2007; and

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

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

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

Resolution No. 342-2007

In the 3rd RESOLVED paragraphs change the number under the APPROPRIATIONS: from:

FROM:

TO:

001-PRO-6126

001-PRO-3197

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1637-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 719 -2007, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
447-2007**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 447-2007; and

WHEREAS, this resolution when adopted contained technical errors; and

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

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

Resolution No. 447-2007

In the 5th RESOLVED paragraph change the amount from:

FROM:

\$24,635.00*

TO:

\$26,635.00*

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

not present.

Intro. Res. No. 1641-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 720 -2007, AUTHORIZING CERTAIN TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO. 316-2007

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 316-2007; and

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

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

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

Resolution No. 316-2007

In the 5TH RESOLVED paragraph change the amount from:

FROM:

TO:

\$9,280,000

\$1,856,000

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1644-2007
6/26/2007

Laid on Table

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

RESOLUTION NO. 721 -2007, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE

**SUFFOLK COUNTY TAX ACT NATALIYA WHITE (SCTM
NO. 0400-081.00-07.00-022.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as

District 0400, Section 081.00, Block 07.00, Lot 022.000, and acquired by tax deed on May 4, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 9, 2007, in Liber 12504, at Page 467, and otherwise known as and by Town of Huntington, known and designated as and by lot number three (3) on a certain map entitled "Map of Timber Heights" which map was filed in the Office of the Clerk of the County of Suffolk on January 17, 1941 as Map No. 1325; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on May 4, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 9, 2007 in Liber 12504 at Page 467.

WHEREAS, in accordance with Suffolk County Local Law No. 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, NATALIYA WHITE has made application of said above described parcel and NATALIYA WHITE has paid the application fee and \$568.00, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2007; now, therefore be it

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

2nd RESOLVED, that Director Christopher E. Kent, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to NATALIYA WHITE, 43 Maplewood Drive, Northport, New York 11768, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1645-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 722 -2007, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT ANTHONY WEBB (SCTM NO. 0100-083.00-01.00-117.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 083.00, Block 01.00, Lot 117.00, and acquired by tax deed on October 3, 2001, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on October 10, 2001, in Liber 12146, at Page 198, and otherwise known as and by Town of Babylon, known as "Map of Colonial Springs" Filed 3/18/1917 as Map No. 223 known as Blk 44 Lots 22-25 Inc.; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on October 3, 2001, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on October 10, 2001 in Liber 12146 at Page 198.

WHEREAS, in accordance with Suffolk County Local Law No. 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, ANTHONY WEBB has made application of said above described parcel and CHRISTOPHER WEBB has paid the application fee and ANTHONY WEBB has paid \$2,389.61, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2007; now, therefore be it

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA,

the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd RESOLVED, that Director Christopher E. Kent, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ANTHONY WEBB, 3294 Towers Ct. South, Columbus, Ohio 43227, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1646-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 723 -2007, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT DOROTHY L. ALESSANDRINI, a/k/a DOROTHY ALESSANDRINI and ANDREW R. ALESSANDRINI, a/k/a ANDREW ALESSANDRINI (SCTM NO. 0900-031.00-03.00-002.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0900, Section 031.00, Block 03.00, Lot 002.000, and acquired by tax deed on July 26, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 14, 2006, in Liber 12464, at Page 302, and otherwise known as and by Town of Southampton, County of Suffolk and State of New York, being designated on a map entitled, "Subdivision Map of Bay View Oaks" situated at North Sea, Town of

Southampton, Suffolk County, New York, Owner and Developer, Peconic Shores, Inc. 88 81st Street, Brooklyn, New York, Mr. Vilheim M. Reimann, President, Theodore F. Suires, Civil Engineer and Surveyor of Southampton, New York and filed in the Office of the Clerk of Suffolk County, State of New York, on the 12th day of December, 1947 as Map No. 1594, as Lot No. 41; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 26, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 14, 2006 in Liber 12464 at Page 302.

WHEREAS, in accordance with Suffolk County Local Law No. 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, DOROTHY L. ALESSANDRINI, a/k/a DOROTHY ALESSANDRINI and ANDREW R. ALESSANDRINI, a/k/a ANDREW ALESSANDRINI have made application of said above described parcel and DOROTHY L. ALESSANDRINI, a/k/a DOROTHY ALESSANDRINI and ANDREW R. ALESSANDRINI, a/k/a ANDREW ALESSANDRINI have paid the application fee and \$4,343.46, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2007; now, therefore be it

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

2nd RESOLVED, that Director Christopher E. Kent, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to DOROTHY L. ALESSANDRINI, a/k/a DOROTHY ALESSANDRINI and ANDREW R. ALESSANDRINI, a/k/a ANDREW ALESSANDRINI, 22 Homeward Drive, Hampton Bays, New York 11946, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

Legislator Losquadro made motion for the following resolution, seconded by

Legislator Barraga. The resolution was passed 17-0-0-1. Legislator Montano was not present.

**Intro. Res. No. 1647-2007 Laid on Table
6/26/2007**

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 724 -2007, AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY
ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY
TAX ACT LINDA M. FRANCIS a/k/a LINDA FRANCIS (SCTM
NO.
0600-105.00-02.00-040.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Riverhead, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as

District 0600, Section 105.00, Block 02.00, Lot 040.000, and acquired by tax deed on March 28, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 13, 2007, in Liber 12501, at Page 31, and otherwise known as and by Town of Riverhead, County of Suffolk and State of New York, known and designated as and by parts of lots numbered 89, 88, 87 and 86 on a certain map entitled, "Map of Mill Brook Gables" which map was filed in the Office of the Clerk of the County of Suffolk on the 21st day of May, 1947, as Map # 1544; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on March 28, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 13, 2007 in Liber 12501 at Page 31.

WHEREAS, in accordance with Suffolk County Local Law No. 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, LINDA FRANCIS a/k/a LINDA M. FRANCIS, has made application of said above described parcel and LINDA FRANCIS a/k/a LINDA M. FRANCIS, has paid the application fee and will be paying \$8,559.90 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; now, therefore be it

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II

action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd RESOLVED, that Director Christopher E. Kent, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to LINDA M. FRANCIS a/k/a LINDA FRANCIS, 9000 Richard Lane, Rice, Virginia 23966, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: August 7, 2007

APPROVED BY:

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

Date: August 9, 2007

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

Intro. Res. No. 1663-2007
Introduced by Legislator Alden

Laid on Table 6/26/2007

**RESOLUTION NO. 725 -2007, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
1153-2006 TO PROVIDE FUNDING FOR SKILLS UNLIMITED**

WHEREAS, Adopted Resolution No. 1153-2006, provided \$1,000 for the contracted agency Skills Unlimited; and

WHEREAS, Resolution No. 1153-2006 when adopted contained a technical error; and

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

1st RESOLVED, that the 2007 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	HSV	AQA2	4330	4980	SKILLS UNLIMITED	- \$1,000

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	HSV	AQA4	4320	4980	SKILLS UNLIMITED	+ \$1,000

and be it further

2nd 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: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1431-2007

Laid on Table 5/15/2007

Introduced by Legislator Schneiderman

RESOLUTION NO. 726 -2007, AMENDING THE 2007 OPERATING BUDGET AND TRANSFERRING FUNDS FOR CONTRACTED SERVICES IN THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND WORKFORCE HOUSING

WHEREAS, the 2007 Operating Budget does not include sufficient funds in the Department of Economic Development and Workforce Housing for contracted services to provide cultural opportunities for Suffolk County residents; and

WHEREAS, the contracted agency Westhampton Beach Performing Arts can furnish these services to Suffolk County residents; and

WHEREAS, the 2007 Operating Budget contains surplus funds in the Departments of Environment and Energy, Executive and Parks; and

WHEREAS, it is the desire of the Suffolk County Legislature to amend the 2007 Operating Budget and transfer a total of \$8,000 to the Westhampton Beach Performing Arts in the Department of Economic Development and Workforce Housing; 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

1st RESOLVED, that the 2007 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>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY & OBJECT NAME</u>	<u>AMOUNT</u>
001	EVE	8210	HYJ1	4980	East End Economic Environment Institute	-\$2,000
001	PKS	7110	HOD1	4980	Montauk Observatory	-\$2,000
001	PKS	7110	HEL1	4980	Riverhead Found. For Marine Res	-\$2,000
001	EXE	6510	HWV1	4980	American Legion, Hand Aldrich Post 924 Hampton Bays	-\$2,000

TO:

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY & OBJECT NAME</u>	<u>AMOUNT</u>
001	ECD	6410	GTG1	4980	Westhampton Bch Perform Arts	+\$8,000

and be it further

2nd RESOLVED, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding Westhampton Beach Performing Arts.

DATED: August 7, 2007

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED AUGUST 23, 2007

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

Intro. Res. No. 1571-2007 Laid on Table
 6/12/2007
 Introduced by Presiding Officer Lindsay

**RESOLUTION NO. 727 -2007, AUTHORIZING
 ADDITIONAL SPACE FOR THE LONG ISLAND
 MARITIME MUSEUM**

WHEREAS, pursuant to Article 28 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, the County of Suffolk provides space for the Long Island Maritime Museum at the Suffolk County Park in West Sayville; and

WHEREAS, the Long Island Maritime Museum is an important resource for Suffolk County residents, documenting and celebrating Long Island Maritime's heritage; and

WHEREAS, the Long Island Maritime Museum needs additional space to fulfill its mission; and

WHEREAS, the 1,702 square foot "Carriage House" on the grounds at West Sayville is presently vacant, but could be rented to a County employee pursuant to Chapter 723 of the SUFFOLK COUNTY CODE; and

WHEREAS, making the Carriage House available to the Maritime Museum would permit the museum to move administrative staff out of the current building, increasing space available for displays; and

WHEREAS, the Maritime Museum can make the best and highest use of the Carriage House; now, therefore be it

1st RESOLVED, that the Department of Parks, Recreation and Conservation is hereby directed to withhold the Carriage House at the County Park in West Sayville from being rented to a County employee; and be it further

2nd RESOLVED, that the Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed to make the 1,702 square foot Carriage House available to the Long Island Maritime Museum for its operations; and be it further

3rd RESOLVED, that the Department of Parks, Recreation and Conservation is further empowered and authorized to amend their agreement with the Museum to reflect the additional space being used by the Museum; 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: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

Intro. Res. No. 1571-2007 Laid on Table
6/12/2007
Introduced by Presiding Officer Lindsay

**RESOLUTION NO. 727 -2007, AUTHORIZING
ADDITIONAL SPACE FOR THE LONG ISLAND
MARITIME MUSEUM**

WHEREAS, pursuant to Article 28 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, the County of Suffolk provides space for the Long Island Maritime Museum at the Suffolk County Park in West Sayville; and

WHEREAS, the Long Island Maritime Museum is an important resource for Suffolk County residents, documenting and celebrating Long Island Maritime's heritage; and

WHEREAS, the Long Island Maritime Museum needs additional space to fulfill its mission; and

WHEREAS, the 1,702 square foot "Carriage House" on the grounds at West Sayville is presently vacant, but could be rented to a County employee pursuant to Chapter 723 of the SUFFOLK COUNTY CODE; and

WHEREAS, making the Carriage House available to the Maritime Museum would permit the museum to move administrative staff out of the current building, increasing space available for displays; and

WHEREAS, the Maritime Museum can make the best and highest use of the Carriage House; now, therefore be it

1st RESOLVED, that the Department of Parks, Recreation and Conservation is hereby directed to withhold the Carriage House at the County Park in West Sayville from being rented to a County employee; and be it further

2nd RESOLVED, that the Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed to make the 1,702 square foot Carriage House available to the Long Island Maritime Museum for its operations; and be it further

3rd RESOLVED, that the Department of Parks, Recreation and Conservation is further empowered and authorized to amend their agreement with the Museum to reflect the additional space being used by the Museum; 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: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

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

Intro. Res. No. 1616-2007

Laid on Table 6/12/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 728 -2007, AUTHORIZING THE SALE OF ADDITIONAL BROWNFIELD PROPERTY TAX LIENS AT PUBLIC AUCTION (PHASE II)

WHEREAS, the Suffolk County Legislature has heretofore established that the County of Suffolk be the sole bidder at real property tax lien sales; and

WHEREAS, that by Legislative Resolution No. 1010-1972, *Declaring A Moratorium On Assignments By The County Of Suffolk Of Tax Liens*, the Suffolk County Legislature resolved that, a moratorium banning the sale to any third party of any and all tax liens acquired by the County of Suffolk is to continue indefinitely until otherwise declared by the County Legislature; and

WHEREAS, it was then determined by Legislative Resolution No. 1010-1972 that it would be in the best interest of the County of Suffolk to become the ultimate owner of such real property in the event that the parcel is not redeemed by the delinquent tax payer so that the parcel could be used for governmental purposes or sold at public auction for its true market value; and

WHEREAS, the County of Suffolk is now owed a substantial sum in unpaid property taxes on parcels where the redevelopment or reuse of which may be complicated by the presence or potential presence of hazardous waste, petroleum, pollutant or contaminant; and

WHEREAS, such parcels are known as “Brownfield” properties as that term is defined in Title 14 of Article 27 of the Environmental Conservation Law of the State of New York; and

WHEREAS, it may not be in the best interests of the County of Suffolk to acquire title to Brownfield properties due to clean-up costs and liabilities which could result from ownership of such properties; and

WHEREAS, it would be in the best interests of the County of Suffolk to sell the tax liens for Brownfield properties to third parties who have the financial means and expertise to remediate and reuse such properties, and to restore such properties to the tax rolls; and

WHEREAS, it is in the best interests of the County of Suffolk to have at its disposal the opportunity to utilize as many procedural methods as possible to collect the sum owed as a result of unpaid taxes on Brownfield properties, and to restore such properties to the tax rolls; and

WHEREAS, the Director of Real Property Acquisition and Management has determined that the tax liens on the following parcels should be sold as Brownfield properties:

0100-110.00-01.00-006.000
0100-130.00-03.00-058.001
0100-226.00-03.00-059.000
0100-226.00-03.00-123.000
0100-226.00-03.00-124.000
0100-226.00-03.00-182.000
0101-008.00-04.00-010.000
0103-019.00-05.00-058.000
0400-106.00-02.00-007.002
0500-224.00-01.00-078.000
0500-249.00-02.00-031.000
0500-273.00-01.00-017.000
0500-273.00-01.00-018.000
0500-344.00-02.00-024.000
0500-346.00-02.00-008.000
0500-346.00-02.00-010.000
0500-368.00-01.00-001.000
0500-392.00-01.00-036.000
0500-392.00-01.00-044.000

WHEREAS, the sale of Brownfield tax liens will enable the County of Suffolk to expedite the collection of the delinquent taxes and receipt of anticipated revenues, and will keep

County property taxes down for those who pay their taxes on time by restoring these properties to the tax rolls; and

WHEREAS, Resolution No. 1258-2006 authorized the first phase of sale of such liens; now, therefore be it

1st RESOLVED, that the sale of any tax liens of Brownfield properties shall be offered for sale at public auction pursuant to regulations established for such auctions by the Commissioner of the Department of Environment and Energy or his or her designee (“Commissioner”); and be it further

2nd RESOLVED, the Commissioner shall advertise in the official newspapers, and may advertise in such other media as he or she may elect, the date, time, and place of the public auction for the sale of any of the tax liens for Brownfield properties. Lists of the tax liens to be offered for sale may be made available by mail to persons requesting such lists; and be it further

3rd RESOLVED, the Commissioner, or his or her designee, shall deliver to the County Legislature, in resolution for approval, the Brownfield tax lien proposed to be sold, together with the bid price. If the sale of such lien is not concluded within two years after the effective date of the County resolution authorizing such sale, the tax lien shall be re-listed for sale at public auction to the highest bidder; and be it further

4th RESOLVED, the sale of any Brownfield property tax lien not described herein above shall be approved via duly enacted resolution; and be it further

5th RESOLVED, the 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 Park 617.5 (c) (20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, 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; and be it further

6th RESOLVED, that this resolution shall take effect immediately.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

Legislator Stern made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 16-0-1-1. Legislator Romaine abstained. Legislator Alden was recused.

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 729 -2007, AUTHORIZING THE EXECUTION OF AN AGREEMENT BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST WITH DURYEY RESIDENTIAL DEVELOPMENT (HU-1521)

WHEREAS, Duryea Residential Development is located outside the boundary of Suffolk County Sewer District No. 3 - Southwest; and

WHEREAS, Duryea Residential Development has petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 3; and

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

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

WHEREAS, the proposed connection has received the approval of the Suffolk County Sewer Agency with a connection fee of \$15.00 per gallon per day of sewage capacity with a daily flow of 5,463 gallons, for a total connection fee of \$81,945.00 and

WHEREAS, it will be financially beneficial to Suffolk County Sewer District No. 3 and Suffolk County, as well as in the environmental interest of all of Suffolk County, for the connection to be made; and

WHEREAS, pursuant to Section 617.9 of the SEQRA regulations, a Negative Declaration has been issued by the Lead Agency; now, therefore be it

1st RESOLVED, that the Administrative Head of the District be and he hereby is authorized, directed and empowered to enter into contracts and agreements with the developer upon such terms and conditions as he may deem necessary relating to connections to the District of lands adjacent to Suffolk County Sewer District No. 3 - Southwest and that they be required to post a surety bond or bonds and deposit cash or securities with the County Treasurer in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1627-2007

Laid on Table 6/12/2007

Introduced by Presiding Officer, on request of County Executive

RESOLUTION NO. 730 –2007, AMENDING THE HOURLY RATE FOR TEMPORARY POSITIONS IN THE SUFFOLK COUNTY CLASSIFICATION AND SALARY PLAN

WHEREAS, the State of New York has adopted legislation to increase the minimum wage from the current \$6.75 per hour to \$7.15 per hour effective January 1, 2007; and

WHEREAS, the Suffolk County Temporary Classification and Salary Plan contains positions whose hourly rate of pay requires adjustment to conform with the new legislation; and

WHEREAS, the 2007 Adopted Operating Budget includes adequate appropriations to fund the changes required by New York State legislation; now, therefore be it

1st RESOLVED, that the Temporary Classification and Salary Plan be amended as follows:

SPEC.	TITLE		CURRENT RATE	AMENDED RATE
3815	STUDENT INTERN I	YEAR 1	\$7.00	\$7.15

and be it further

2nd RESOLVED, that the new rates will be effective as of the amendment date of the rate increase, and upon adoption of this resolution any adjustments required in the temporary salary rates will be made retroactive to the amendment date of the rate increases; 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, pursuant to 6 NYCRR.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

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

Intro. Res. No. 1653-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 731 -2007, AMENDING THE 2007 OPERATING BUDGET AND TRANSFERRING FUNDS TO OFFSET THE ADDITIONAL COST OF POULTRY AND BEEF REQUIRED TO FEED INMATES AT THE SUFFOLK COUNTY CORRECTIONAL FACILITIES

WHEREAS, appropriations within Cornell Cooperative Extensions Farm Meat Production (HS11) are insufficient to purchase the quantity of beef and poultry required to feed the inmates at the Suffolk County Correctional Facilities; and

WHEREAS, sufficient funds and appropriations to cover the additional cost required to purchase beef and poultry for the Suffolk County Correctional Facilities reside within the Sheriff's Budget; and

WHEREAS, beef and poultry purchased by the Cooperative Extension is purchased at a greater discount than the same food purchased by the Sheriff; and

WHEREAS, the Sheriff will have a corresponding savings in his food account as the cost associated with the purchase of processed beef has been reduced of and beyond the \$60,000 transfer needed for beef and poultry; now, therefore be it

1st RESOLVED, that the 2007 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:

Sheriff
General Administration
001-3110

<u>FROM</u>		<u>2007 Adopted</u>	<u>2007 Modified</u>	<u>Diff</u>
001-3110	Permanent Salaries	\$13,715,810	\$13,685,810	-\$30,000

Sheriff
Prisoner Transportation
001-3115

<u>FROM</u>		<u>2007 Adopted</u>	<u>2007 Modified</u>	<u>Diff</u>
001-3115	Permanent Salaries	\$6,012,963	\$5,982,963	-\$30,000

Cooperative Extension Association
Farm Meat Production Program
001-HSI1

<u>TO:</u>	<u>2007 Adopted</u>	<u>2007 Modified</u>	<u>Diff</u>
001-HSI1-4980 Contracted Expenses	\$859,543	\$919,543	+\$60,000

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

Legislator Montano made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 17-1-0-0. Legislator Barraga voted no.

Intro. Res. No. 1694-2007

Laid on Table 6/26/2007

Introduced by Legislators Montano, Alden, Romaine and Browning

**RESOLUTION NO. 732 -2007, TO ESTABLISH THE
BUDGET REFORM COMMISSION TO IDENTIFY POLICY
OPTIONS AND DEVELOP A PLAN TO DECREASE THE
COUNTY'S DEPENDENCE ON FUND BALANCE AND
PROTECT SUFFOLK COUNTY TAXPAYERS**

WHEREAS, Suffolk County has ended the fiscal years 2004, 2005 and 2006 with substantial fund balances culminating in an unprecedented \$149 million General Fund balance in 2006; and

WHEREAS, appropriations included in the Suffolk County Operating Budget each year cannot be expended because of the necessity to regenerate significant year-end fund balances; and

WHEREAS, Suffolk County's General Fund operating costs are approaching \$2 billion annually due to a variety of factors that include, but are not limited to, increases in contractual salary and benefit costs, escalating debt service associated with the state's mandate to construct a replacement correctional facility and the County's aggressive land acquisition program; and

WHEREAS, if fund balances are not regenerated annually, property taxes will have to increase by a like amount unless new revenue sources are identified or draconian cuts are made to Suffolk County's operating expenses; and

WHEREAS, the Suffolk County Charter requires a dual operating budget divided into mandated and discretionary portions resulting in an unnecessarily complex budget document and an absence of transparency; and

WHEREAS, Suffolk County's tax levy and expenditure caps require complex calculations based on the dual budget requirement, when the determination of cap compliance should be straight forward and transparent to the public; now, therefore be it

1st RESOLVED, that the Suffolk County Budget Reform Commission is hereby established for the purposes of identifying policy options to be incorporated into a plan for joint consideration by the Executive and Legislative branches to decrease the County's dependency on fund balance; and be it further

2nd RESOLVED, that this Commission shall also study the budgeting, fund balance and reserve fund practices of other municipalities to determine the best practices to incorporate in the recommended plan of action; and be it further

3rd RESOLVED, that this Commission shall review and compare Suffolk County's dual budget practices and associated caps with other municipalities to determine the best practices for inclusion in this plan to reduce the County's dependency upon fund balance and moderate any future increases in property taxes; and be it further

4th RESOLVED, that the Budget Reform Commission shall consist of the following ten (10) members:

- 1) The Chairman of the Suffolk County Legislature's Budget and Finance Committee, or his designee;
- 2) the Presiding Officer of the Suffolk County Legislature, or his designee;
- 3) the Suffolk County Executive, or his designee;
- 4) the Minority Leader of the Suffolk County Legislature, or his designee;
- 5) the Director of the Legislature's Office of Budget Review, or her designee;
- 6) the Director of the County Executive's Budget Office, or his designee;
- 7) Counsel to the Suffolk County Legislature, or his designee;
- 8) the Suffolk County Comptroller, or his designee;
- 9) the Suffolk County Treasurer, or her designee;
- 10) a representative of the Suffolk Chapter of the Government Finance Officers Association;

and be it further

5th RESOLVED, that the Chairperson of the Budget and Finance Committee shall be designated Chairperson of the Commission prior to its first meeting, and that the Commission shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened by the Chairperson of the Commission; and be it further

6th **RESOLVED**, that the members of said Commission shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

7th **RESOLVED**, that the Commission shall hold regular meetings, keep a record of all its proceedings, and determine the rules of its own proceedings with special meetings to be called by the Chairperson upon his or her own initiative or upon receipt of a written request therefore signed by at least five (5) members of the Commission. Written notice of the time and place of such special meetings shall be given by the secretary to each member at least four (4) days before the date fixed by the notice for such special meeting; and be it further

8th **RESOLVED**, that six (6) members of the Commission shall constitute a quorum to transact the business of the Commission at both regular and special meetings; and be it further

9th **RESOLVED**, that clerical services involving the month-to-month operation of this Commission, as well as supplies and postage as necessary, will be provided by the staff of the Legislative Office of Budget Review and the Legislative Clerk's Office; and be it further

10th **RESOLVED**, that the Commission may submit requests to the County Executive and/or the County Legislature for approval for the provision of secretarial services, travel expenses, or retention of consultants to assist the Commission with such endeavors, said total expenditures not to exceed Two Thousand (\$2,000.00) per fiscal year; and be it further

11th **RESOLVED**, that the Commission may conduct such informal hearings and meetings at any place or places within the County of Suffolk for the purpose of obtaining necessary information or other data to assist it in the proper performance of its duties and functions as it deems necessary; and be it further

12th **RESOLVED**, that the Chairperson may delegate to any member of the Commission the power and authority to conduct such hearings and meetings; and be it further

13th **RESOLVED**, that the Commission shall cooperate with the Legislative Committees of the County Legislature and make available to each Committee, upon request, any records and other data it may accumulate or obtain; and be it further

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

15th **RESOLVED**, that the Commission shall expire and the terms of office of its members terminate 30 days subsequent to the submission of its written report , at which time the Commission shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

16th **RESOLVED**, that this study shall not be performed by any outside consultant or consulting firm unless explicit approval and authorization for such consultant or consulting firm is granted pursuant to a duly enacted resolution of the County Legislature; and be it further

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

Legislator Horsley made motion for the following resolution, seconded by Legislator Mystal. The resolution was passed 16-0-2-0. Legislators Romaine and Alden abstained.

Intro. Res. No. 1501-2007

Laid on Table 5/15/2007

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

**RESOLUTION NO. 733 -2007, ADOPTING LOCAL LAW
NO. -2007, A LOCAL LAW ENHANCING THE
ABILITY OF THE WIRELESS SUFFOLK COUNTY LOCAL
DEVELOPMENT CORPORATION TO DEVELOP A WI-FI
NETWORK IN SUFFOLK COUNTY AND NASSAU COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 15, 2007, a proposed local law entitled, **“A LOCAL LAW ENHANCING THE ABILITY OF THE WIRELESS SUFFOLK COUNTY LOCAL DEVELOPMENT CORPORATION TO DEVELOP A WI-FI NETWORK IN SUFFOLK COUNTY AND NASSAU COUNTY,”** 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. -2007, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW ENHANCING THE ABILITY OF THE WIRELESS SUFFOLK
COUNTY LOCAL DEVELOPMENT CORPORATION TO DEVELOP A WI-FI
NETWORK IN SUFFOLK COUNTY AND NASSAU COUNTY**

**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 Local Law No. 56-2006 established the Wireless Suffolk County Local Development Corporation for the purpose of creating and implementing a WI-FI Network in Suffolk County to foster new business enterprises and the promotion of long-term economic development.

Therefore, the purpose of this legislation is to expand the Board of Directors of the Wireless Suffolk County Local Development Corporation (“WSCLDC”) to enhance the ability of the Corporation to develop a WI-FI Network in Suffolk County and Nassau County.

Section 2. Amendments.

Section 2 of Local Law No. 56-2006 is hereby amended to read as follows:

* * *

Section 2. Creation of Local Development Corporation

* * *

F.) In addition to the requirements set forth in Section 402 of the New York Not-For-Profit Corporation Law for certificates of incorporation, the certificate of incorporation of the WSCLDC shall state:

* * *

- 4.) the duration of the WSCLDC shall be for a period of five (5) years as measured from the date of incorporation; and
- 5.) that one officer of the WSCLDC shall be the Commissioner of the Suffolk County Department of Information Technology, and shall be an ex-officio member of the board of directors; and
- 6.) that an ex-officio member of the board of directors may only vote in the event of a tie vote on any business coming before the board of directors, and only as set forth in procedures established by the by-laws of the Wireless Suffolk County Local Development Corporation.

G.) The WSCLDC shall have six [five] directors which serve at the pleasure of their appointing authority, appointed as follows:

- [1.) three (3) directors shall be appointed by the County Legislature as follows:]
- 1.) [a.) one (1) director shall be appointed by the Presiding Officer of the Suffolk County Legislature [for a term of three (3) years]; and

- 2.) [b.]) one (1) director shall be appointed by the [Presiding Officer] Nassau [Suffolk] County Legislature [in consultation with the Presiding Officer of the Nassau County Legislature for a term of three (3) years]; and
- 3.) [c.]) one (1) director shall be appointed by the Nassau County Executive [Minority Leader of the County Legislature for a term of three (3) years, measured by the political party having the second highest number of Suffolk County Legislators affiliated with said party.]; and
- 4.) [2.]) two (2) directors shall be appointed by the Suffolk County Executive [for a term of three (3) years]; and
- 5.) one (1) director shall be the Chair of the Economic Development, Higher Education and Energy Committee of the Suffolk County Legislature, or any successor committee thereto, or his or her designee.

Section 3. Applicability.

This law shall apply to any 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) 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 language
— Underlining denotes addition of new language

DATED: August 7, 2007

****VETOED BY COUNTY EXECUTIVE ON AUGUST 20, 2007****
****VETO SUSTAINED NO FURTHER ACTION TAKEN****

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

Intro. Res. No. 1654-2007 Laid on Table 6/26/2007
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 734 -2007, ACCEPTING AND APPROPRIATING A GRANT PROPOSAL TO THE METLIFE FOUNDATION/CIVIC VENTURES COMMUNITY COLLEGE ENCORE CAREER PROJECT FOR AN ENCORE CAREER PROGRAM 100% REIMBURSED BY PRIVATE FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, Suffolk County Community College has submitted a proposal to The MetLife Foundation/Civic Ventures Community College Encore Career Project, in the amount of \$25,000, for an Encore Career Program, for the period of September 1, 2007 through December 31, 2008; and

WHEREAS, the program provides for a creative collaboration with Suffolk County Community College, the Long Island Volunteer Center, and the Suffolk Community Council to prepare older adults for volunteer and staff positions as health resource specialists in Long Island's health and social service sectors; and

WHEREAS, matching funds are not required; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the grant proposal on June 14, 2007 by Resolution No. 2007. ; and

WHEREAS, the College anticipates spending the \$25,000, in accordance with the terms of said grant, if funded, before December 31, 2008; now, therefore be it

1st **RESOLVED**, that said grant is subject to the award by the funding source; and be it further

2nd **RESOLVED**, that upon receipt of the grant award letter, the College shall provide a copy of the award letter, including the final dollar amount to the County Executive's Budget Office; and be it further

3rd **RESOLVED**, that said grant proposal to The MetLife Foundation/Civic Ventures Community College Encore Career Project for an Encore Career Program, in the amount of \$25,000, be accepted, and contingent upon the awarding of the grant, \$25,000 to be appropriated for the operation of the program as follows:

REVENUES:	AMOUNT
Private Aid: 818-GRT-2511-08 Encore Career Program	\$ 25,000
APPROPRIATIONS:	AMOUNT
818-GRT-GC60-08 Encore Career Program	\$ 25,000

Suffolk County Community College
Encore Career Program
818-GRT-GC60-08

1000-Personal Services	\$ 10,300	
1130-Temporary Salaries	1,200	
1170-Part-time Instructor- Evening		9,100
3000-Supplies and Materials	\$ 3,600	
3010-Office Supplies	350	
3100-Instructional Supplies	2,750	
3500-Unclassified Supplies	500	
4500-Contracted Services	\$ 10,000	
4560-Fees for Services, Non-Employees	10,000	
8000-Employee Benefits	\$ 1,100	
8160-TIAA/CREF Retirement	250	
8330-Social Security	788	
8350-Unemployment Insurance	62	

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1686-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 735 -2007, ACCEPTING AND APPROPRIATING AN AMENDMENT TO THE COLLEGE BUDGET FOR A GRANT AWARD FROM THE NATIONAL SCIENCE FOUNDATION FOR SCHOLARSHIPS FOR INFORMATION TECHNOLOGY, ENGINEERING TECHNOLOGY, AND MATHEMATICS STUDENTS PROJECT 100% REIMBURSED BY FEDERAL FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, Suffolk County Community College has received a four-year grant award entitled "Scholarships for Information Technology, Engineering Technology, and Mathematics Students at Suffolk County Community College" from the National Science Foundation, in the amount of \$399,500, for the period of August 15, 2001 and extended through August 31, 2007; and

WHEREAS, the grant award has been increased by \$13,500 for participant costs including stipends and travel costs, bringing the total amount of the grant award to \$413,000; and

WHEREAS, no matching funds are required as the project is 100% reimbursed by Federal funding; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the grant award on June 14, 2007 by Resolution No. 2007.51; and

WHEREAS, the College anticipates spending the increase reflected in the grant award in the amount of \$13,500 in accordance with the terms of said grant award by August 31, 2007; now, therefore be it

1st RESOLVED, that said 2006-2007 College operating budget be amended to reflect the increase in the grant award in the amount of \$13,500, and said amount be accepted and appropriated for the operation of the project as follows:

REVENUES:	AMOUNT
Federal Aid: 818-GRT-4227-07	\$ 13,500
Scholarships for IT, Engineering Tech, and Math Students	

APPROPRIATIONS:	AMOUNT
818-GRT-GC31-07	

Scholarships for IT, Engineering Tech, and Math Students \$ 13,500

Suffolk County Community College
Scholarships for IT, Engineering Tech, and Math Students
818-GRT-GC31-07

4500-Contracted Services \$ 13,500
4560-Fees for Services – Non-employees 13,500

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1489-2007 Laid on Table 5/15/2007
Introduced by Presiding Officer, on request of the County Executive and Legislators Schneiderman, Eddington, Losquadro, Browning and Romaine

RESOLUTION NO. 736 -2007, AMENDING THE ADOPTED 2007 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2007 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH SUFFOLK COUNTY EELGRASS RESTORATION INITIATIVE (CP 8710.118)

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

WHEREAS, the Cornell Cooperative Extension of Suffolk County has requested funding in the amount of \$315,000 for a program entitled “Suffolk County Eelgrass Restoration Initiative” in accordance with the requirements of Resolution No. 659 of 2002; and

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to Resolution No. 659 of 2002, has recommended funding this program through Cornell Cooperative Extension as an appropriate use of Suffolk County Water Quality Protection and Restoration Program funds; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 461-2006, has established a priority ranking system, implemented in the 2007 Adopted Capital Budget and Program, as the basis for funding capital projects such as this project; and

WHEREAS, there are available Fund 477 funds within the Reserved Fund Balance for Water Quality related projects to support the appropriation of this project within the 2007 Capital Budget and Program; 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 resolution constitutes a Type II action, pursuant to Section 617.5 (c) (20), (21) and (27) of Title 6 of the NYCRR and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and Legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty nine (59) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

4th RESOLVED, that the Adopted 2007 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$315,000

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Water Quality Protection	\$315,000

and be it further

6th RESOLVED, that the 2007 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8710
 Project Title: Water Quality Protection- Suffolk County Eelgrass Restoration Initiative

	<u>Total Est'd Cost</u>	<u>Current 2007 Capital Budget & Program</u>	<u>Revised 2007 Capital Budget & Program</u>
1. Planning	\$1,542,000	\$0	\$315,000
TOTAL	\$6,511,160	\$0	\$315,000

and be it further

7th RESOLVED, that the transfer in the amount of \$315,000 be and hereby is appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8710.118	50	Suffolk County Eelgrass Restoration Initiative	\$315,000

and be it further

8th RESOLVED, that nothing contained herein shall be construed as a binding obligation on the part of Suffolk County to continue to provide funding or resources to Cornell Cooperative Extension for positions of employment or programs arising out of the implementation of this resolution once the funding in this resolution has been exhausted; and be it further

9th RESOLVED, that Cornell Cooperative Extension of Suffolk County shall enter into a contractual agreement with Suffolk County to ensure project completeness; and be it further

10th RESOLVED, that Cornell Cooperative Extension shall obtain all necessary permits and satisfy SEQRA requirements; and be it further

11th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers to finance this capital project.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1634-2007

Laid on Table 6/12/2007

Introduced by Presiding Officer, on request of the County Executive and Legislators Cooper, Stern, Nowick

RESOLUTION NO. 737 -2007, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – HAMLET PARKS COMPONENT - FOR THE LEWIS OLIVER PROPERTY (TOWN OF HUNTINGTON, VILLAGE OF NORTHPORT – SCTM NOS. 0404-011.00-02.00-004.000, 005.000, 006.000, 007.000 AND 008.001)

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

WHEREAS, Resolution No. 1361-2004 appropriated \$10 million for acquisitions under the Hamlet Parks component of the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund; and

WHEREAS, Resolution No. 502-2007, authorized planning steps for the acquisition of said property; and

WHEREAS, the Town of Huntington (“Town”) has approved Resolution No. 2007-166 on March 6, 2007, authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Hamlet Park component, for a total purchase price of One Million Six Hundred Forty-Six Thousand and 00/100 Dollars (\$1,646,000.00±), at \$850,000.00 per acre for 1.96± acres less \$20,000.00 for demolition costs, which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk’s share, totaling Eight Hundred Twenty-Three Thousand and 00/100 Dollars (\$823,000.00±), for a Fifty percent (50%) undivided interest; and the Town’s share, totaling Eight Hundred Twenty-Three Thousand and 00/100 Dollars (\$823,000.00±), 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 0404 Section 011.00 Block 02.00 Lot 004.000	0.17±	Burt Avenue LLC 21 Drake Place Northport, New York 11768
No. 2	District 0404 Section 011.00 Block 02.00 Lot 005.000	0.27±	
No. 3	District 0404 Section 011.00 Block 02.00 Lot 006.000	0.37±	
No. 4	District 0404 Section 011.00 Block 02.00 Lot 007.000	0.37±	
No. 5	District 0404 Section 011.00 Block 02.00 Lot 008.001	0.92±	

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(2), of the SUFFOLK COUNTY CHARTER for the County's portion of the purchase price of Eight Hundred Twenty-Three Thousand and 00/100 Dollars (\$823,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$823,000.00±, 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-8706.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Hamlet Parks component, Section C36-1(A)(2), for this acquisition; and be it further

4th RESOLVED, that the title to this acquisition shall be held by the County and the Town, with the County owning a Fifty percent (50%) undivided interest and the Town owning a Fifty percent (50%) 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 his 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 the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for hamlet park use as described in Section C36-1(A)(2) of the SUFFOLK COUNTY CHARTER to be developed as a multipurpose community recreational site including a playground; and be it further

7th RESOLVED, that the Town of Huntington and the Village of Northport assume full responsibility for development and maintenance of all structures and surrounding grounds of the subject property; and be it further

8th RESOLVED, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town and Village of Northport to effectuate the terms of this resolution; and be it further

9th RESOLVED, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation is hereby authorized to negotiate and enter into a municipal cooperative agreement with the Town and the Village of Northport for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

10th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

11th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

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

- 2.) the proposed use of the subject parcel(s) will be for a Hamlet Park to be developed as a multipurpose community recreational site including a playground; 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

12th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1665-2007

Laid on Table 6/26/2007

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

**RESOLUTION NO. 738
-2007, AUTHORIZING THE ACQUISITION OF FARMLAND
DEVELOPMENT RIGHTS UNDER THE NEW SUFFOLK
COUNTY DRINKING WATER PROTECTION PROGRAM FOR
THE SCHMITT & ZILNICKI PROPERTY (TOWN OF
RIVERHEAD-SCTM NO. 0600-042.00-02.00-002.001 p/o)**

WHEREAS, Local Law No. 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers,” Section C12-2(C) authorized the use of 7.35 percent of sales and compensating tax proceeds generated each year for farmland development rights acquisition, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(C) of the SUFFOLK COUNTY CHARTER, from 7.35 percent of the sales and compensating tax proceeds, for the acquisition of farmland development rights; and

WHEREAS, Resolution No. 1020-2006, authorized planning steps for the acquisition of farmland development rights of the subject property; and

WHEREAS, the Town of Riverhead (“Town”) has approved Resolution No. 370-2007 on April 17, 2007, authorizing the acquisition of farmland development rights of the subject property in partnership with the County of Suffolk; and

WHEREAS, pursuant thereto, said acquisition 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 the farmland development rights of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, Farmland component, Section C12-2(C) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for a total purchase price of Nine Hundred Thousand Dollars (\$900,000.00±), at Ninety Thousand Dollars (\$90,000.00) per acre for 10.0± acres, which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Six Hundred Thirty Thousand Dollars (\$630,000.00±), for a seventy percent (70%) undivided interest; and the Town's share, totaling Two Hundred Seventy Thousand Dollars (\$270,000.00±), 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</u>		<u>ACRES:</u>	<u>REPUTED OWNER</u>
<u>No. 1</u>	<u>TAX MAP NUMBER:</u>			<u>AND ADDRESS:</u>
	District	0600	10.0±	Phillip Anthony Schmitt & Deborah Schmitt
	Section	042.00		2552 Roanoke Avenue
	Block	02.00		Riverhead, NY 11901
	Lot	002.001 p/o		
				Stanley Zilnicki & Kathy Zilnicki
				1096 Ostrander Avenue
				Riverhead, NY 11901

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3) 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 New Suffolk County Drinking Water Protection Program, Farmland component, Section C12-2(C) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for the purchase price of Nine Hundred Thousand Dollars (\$900,000.00±), subject to a final survey, of which the County's contribution will be Six Hundred Thirty Thousand Dollars (\$630,000.00±), at \$90,000.00 per acre for 10.0± acres, subject to a final survey; and be it further

3rd RESOLVED, that the Adopted 2007 Operating Budget be and hereby is amended and that the following be and hereby are appropriated from the Fund 477 balance:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Revenue Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Budget	\$630,000.00±*

*subject to a final survey

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Revenue Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Fund 477	\$630,000.00±*

*subject to a final survey

and be it further

5th RESOLVED, that the \$630,000.00± from the Fund 477, New Drinking Water Protection Program, Farmland Development Rights, Section C12-2(C) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, fund balance be and hereby is appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8708.210	New Drinking Water Protection Program	\$630,000.00±*

*subject to a final survey

and be it further

6th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized and directed to accept and to pay these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, as described above, to the Capital Fund required to finance this capital project; and be it further

7th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$630,000.00±, 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-8708.210, the New Suffolk County Drinking Water Protection Program, Farmland component, Section C12-2(C) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for this acquisition; and be it further

8th RESOLVED, that title to this acquisition shall be held by the County and the Town, as tenants-in-common, with the County owning seventy percent (70%) undivided interest and the Town owning thirty percent (30%) undivided interest; and be it further

9th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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

10th 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 the acquisition of farmland development rights 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: August 7, 2007

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1679-2007

Laid on Table 6/26/2007

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

**RESOLUTION NO. 739 -
2007, AUTHORIZING THE ACQUISITION OF LAND UNDER
THE NEW SUFFOLK COUNTY DRINKING WATER
PROTECTION PROGRAM – OPEN SPACE COMPONENT -
FOR THE MCLAUGHLIN PROPERTY –
MASTIC/SHIRLEY CONSERVATION AREA II TOWN OF
BROOKHAVEN – (SCTM NO. 0200-984.60-03.00-021.000)**

WHEREAS, Local Law No. 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers,” Section C12-2(A)(1) authorized the use of 13.55 percent of sales and compensating tax proceeds generated each year for open space acquisitions, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 13.55 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of said 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 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 under the New Suffolk County Drinking Water Protection Program, Open Space component, effective as of December 1, 2000, for a total purchase price of Seven Thousand Five Hundred Dollars (\$7,500.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200	.09±	J. Stewart McLaughlin
	Section 984.60		315 Lakeview Avenue
	Block 03.00		W. Brightwaters, NY 11718
	Lot 021.000		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) 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 New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for the County's purchase price of Seven Thousand Five Hundred Dollars (\$7,500.00), subject to a final survey; and be it further

3rd RESOLVED, that the Adopted 2006 Operating Budget be and hereby is amended and that the following be and hereby are appropriated from the Fund 477 balance:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Budget	\$7,500.00*

*subject to a final survey

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Revenue Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Fund 477	\$7,500.00*

*subject to a final survey

and be it further

5th RESOLVED, that the \$7,500.00 from the Fund 477, New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, fund balance be and hereby is appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8709.210	New Drinking Water Protection Program	\$7,500.00*

*subject to a final survey

and be it further

6th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, as described above, to the Capital Fund required to finance this capital project; and be it further

7th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$7,500.00, subject to a final survey, from the New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for this acquisition; and be it further

8th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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

9th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

- a.) freshwater/tidal wetlands and buffer lands for same;

- d.) lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County;

and be it further

10th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

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

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

- 1.) the proposed action will not exceed any of the criteria of 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) is passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact that the proposes acquisition and preservation of the site would

have; and be it further

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1680-2007

Laid on Table 6/26/2007

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

**RESOLUTION NO. 740 -
2007, AUTHORIZING THE ACQUISITION OF LAND UNDER
THE NEW SUFFOLK COUNTY DRINKING WATER
PROTECTION PROGRAM – OPEN SPACE COMPONENT -
FOR THE VALENTA PROPERTY – MASTIC/SHIRLEY
CONSERVATION AREA II TOWN OF BROOKHAVEN – (SCTM
NO. 0200-984.60-04.00-005.000)**

WHEREAS, Local Law No. 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers,” Section C12-2(A)(1) authorized the use of 13.55 percent of sales and compensating tax proceeds generated each year for open space acquisitions, as determined by duly enacted Resolutions of the County of Suffolk;
and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 13.55 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of said 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 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 under the New Suffolk County Drinking Water Protection Program, Open Space component, effective as of December 1, 2000, for a total purchase price of Eighteen Thousand Dollars (\$18,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 984.60 Block 04.00 Lot 005.000	.03±	Francis E. Valenta & Carol A. Valenta, his wife 16 Dancing Creek Lane Fletcher, NC 28732

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) 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 New

Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for the County's purchase price of Eighteen Thousand Dollars (\$18,000.00), subject to a final survey; and be it further

3rd RESOLVED, that the Adopted 2006 Operating Budget be and hereby is amended and that the following be and hereby are appropriated from the Fund 477 balance:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Budget	\$18,000.00*

*subject to a final survey

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Revenue Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Fund 477	\$18,000.00*

*subject to a final survey

and be it further

5th RESOLVED, that the \$18,000.00 from the Fund 477, New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, fund balance be and hereby is appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8709.210	New Drinking Water Protection Program	\$18,000.00*

*subject to a final survey

and be it further

6th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, as described above, to the Capital Fund required to finance this capital project; and be it further

7th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$18,000.00, subject to a final survey, from the New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the

SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for this acquisition; and be it further

8th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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

9th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

- b.) freshwater/tidal wetlands and buffer lands for same;
- d.) lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County;

and be it further

10th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

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

12th RESOLVED, that the project will not have a significant effect on the environment

for the following reasons:

- 2.) the proposed action will not exceed any of the criteria of 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) is passive recreation; and
- 4.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact that the proposes acquisition and preservation of the site would have; and be it further

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1681-2007

Laid on Table 6/26/2007

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

**RESOLUTION NO. 741
-2007, AUTHORIZING THE ACQUISITION OF LAND UNDER
THE NEW SUFFOLK COUNTY DRINKING WATER
PROTECTION PROGRAM – OPEN SPACE COMPONENT -
FOR THE SFERRAZZA PROPERTY –
MASTIC/SHIRLEY CONSERVATION AREA | TOWN OF
BROOKHAVEN – (SCTM NO. 0200-980.60-08.00-038.000)**

WHEREAS, Local Law No. 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers,” Section C12-2(A)(1) authorized the use of 13.55 percent of sales and compensating tax proceeds generated each year for open space acquisitions, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 13.55 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 625-2004, authorized planning steps for the acquisition of said 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 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 under the New Suffolk County Drinking Water Protection Program, Open Space component, effective as of December 1, 2000, for a total purchase price of Twenty Thousand Five Hundred Dollars (\$20,500.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 980.60 Block 08.00 Lot 038.000	.32±	Giuseppe Sferrazza & Anne Sferrazza, his wife 4 Pine Cone Court Moriches, NY 11955

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) 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 New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for the County's purchase price of Twenty Thousand Five Hundred Dollars (\$20,500.00), subject to a final survey; and be it further

3rd RESOLVED, that the Adopted 2006 Operating Budget be and hereby is amended and that the following be and hereby are appropriated from the Fund 477 balance:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Budget	\$20,500.00*

*subject to a final survey

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Revenue Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Fund 477	\$20,500.00*

*subject to a final survey

and be it further

5th RESOLVED, that the \$20,500.00 from the Fund 477, New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, fund balance be and hereby is appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8709.210	New Drinking Water Protection Program	\$20,500.00*

*subject to a final survey

and be it further

6th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, as described above, to the Capital Fund required to finance this capital project; and be it further

7th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$20,500.00, subject to a final survey, from the New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for this acquisition; and be it further

8th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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

9th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

- c.) freshwater/tidal wetlands and buffer lands for same;
- d.) lands determined by the County Department of Planning to

be necessary for maintaining the quality of surface and/or groundwater in Suffolk County;

and be it further

10th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

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

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

- 3.) the proposed action will not exceed any of the criteria of 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) is passive recreation; and
- 5.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact that the proposes acquisition and preservation of the site would have; and be it further

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1682-2007

Laid on Table 6/26/2007

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

RESOLUTION NO.

742 -2007, AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION AND HAMLET PARKS FUND – FARMLAND COMPONENT - FOR THE THOMAS CONKLIN PROPERTY (SCTM NO. 0900-049.00-01.00-008.006), TOWN OF SOUTHAMPTON)

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. 275-2005, authorized planning steps for the acquisition of farmland development rights of the subject property; and

WHEREAS, the Town of Southampton (the “Town”) has approved Resolution No. 2006-1568 on November 28, 2006, 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 Three Million Fifty Thousand Two Hundred

Dollars (\$3,050,200.00±), at \$302,000.00 per acre for 10.1± 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 Two Hundred Twenty Thousand Eighty Dollars (\$1,220,080.00±), for a forty percent (40%) undivided interest; and the Town's share, totaling One Million Eight Hundred Thirty Thousand One Hundred Twenty Dollars (\$1,830,120.00±), for a sixty percent (60%) 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 0900	10.1±	Thomas O. Conklin
	Section 049.00		Scuttle Hole Road
	Block 01.00		P.O. Box 3044
	Lot 008.006		Bridgehampton, NY 11932-3044

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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 portion of the purchase price of One Million Two Hundred Twenty Thousand Eighty Dollars (\$1,220,080.00±), 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 \$1,220,080.00±, 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 forty percent (40%) undivided interest and the Town owning sixty percent (60%) 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 his 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: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1683-2007

Laid on Table 6/26/2007

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

RESOLUTION NO. 743 -2007, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT FOR THE HALLOCK LANDING AT SHOREHAM, LLC PROPERTY – BLUFFS AT SHOREHAM - TOWN OF BROOKHAVEN – (SCTM NO. 0200-037.00-04.00-037.000)

WHEREAS, Local Law No. 34-2004, a “Charter Law Adding Article XXXVI to the Suffolk County Charter to Provide a Suffolk County Save Open Space (SOS), Farmland

Preservation, and Hamlet Parks Fund and Permitting the Transfer of Development Rights” was approved by the electorate on November 2, 2004; and

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

WHEREAS, Resolution No. 78-2005, authorized planning steps for the acquisition of the subject property; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, for a total purchase price of Four Million Six Hundred Twenty Seven Thousand Nine Hundred Twenty Dollars (\$4,627,920.00±), at \$240,000.00 per acre, subject to a final survey; and hereby approves additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 037.00 Block 04.00 Lot 037.000	19.283±	Hallock Landing at Shoreham, LLC Salvatore Malguarnera, Principal Partner 251 Hawkins Road Centereach, NY 11720

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1), of the SUFFOLK COUNTY CHARTER for the purchase price of Four Million Six Hundred Twenty Seven Thousand Nine Hundred Twenty Dollars (\$4,627,920.00±), 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 \$4,627,920.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, Section C36-1(A)(1), for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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

5th RESOLVED, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, 19 (Nineteen) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

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

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

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

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

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1684-2007

Laid on Table 6/26/2007

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

RESOLUTION NO. 744 -2007, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY SAVE OPEN SPACE (SOS), FARMLAND PRESERVATION, AND HAMLET PARKS FUND – OPEN SPACE COMPONENT FOR THE PANDOLFI PROPERTY – FORGE RIVER WATERSHED ADDITION TOWN OF BROOKHAVEN – (SCTM NOS. 0200-750.00-03.00-010.001, 010.002, 010.003 & 010.004)

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

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

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of the subject property; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, for a total purchase price of One Hundred Eight Thousand Dollars (\$108,000.00_±), at \$150,000.00 per acre for .72_± acres, subject to a final survey; and hereby approves additional expenses, which shall include

but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 750.00 Block 03.00 Lot 010.001	.72±	Phil & Mae Pandolfi a/k/a P. Pandolfi & M. Pandolfi 610 Veterans Memorial Hwy. Hauppauge, NY 11788
No. 2	District 0200 Section 750.00 Block 03.00 Lot 010.002		
No. 3	District 0200 Section 750.00 Block 03.00 Lot 010.003		
No. 4	District 0200 Section 750.00 Block 03.00 Lot 010.004		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund, Section C36-1(A)(1), of the SUFFOLK COUNTY CHARTER for the purchase price of One Hundred Eight Thousand Dollars (\$108,000.00±), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$108,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8705.210, the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Open Space component, Section C36-1(A)(1), for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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

5th RESOLVED, that this property is not to be developed and is being purchased through the Save Open Space Bond Act in accordance with Suffolk County Resolution No. 840-2004, Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Open Space Bond Act Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

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

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

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

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

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1685-2007

Laid on Table 6/26/2007

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

**RESOLUTION NO. 745
-2007, AUTHORIZING THE ACQUISITION OF LAND UNDER
THE NEW SUFFOLK COUNTY DRINKING WATER
PROTECTION PROGRAM – OPEN SPACE COMPONENT -
FOR THE STIFFEL PROPERTY – MASTIC/SHIRLEY
CONSERVATION AREA II TOWN OF BROOKHAVEN – (SCTM
NO. 0200-984.70-01.00-016.000)**

WHEREAS, Local Law No. 35-1999, “A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers,” Section C12-2(A)(1) authorized the use of 13.55 percent of sales and compensating tax proceeds generated each year for open space acquisitions, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 13.55 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 877-2005, authorized planning steps for the acquisition of said 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 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 under the New Suffolk County Drinking Water Protection Program, Open Space component, effective as of December 1, 2000, for a total purchase price of Seven Thousand Five Hundred Dollars (\$7,500.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>		<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District	0200	.09±	Judith Stiffel
	Section	984.70		3 Laurel Road East
	Block	01.00		Mastic Beach, NY 11951
	Lot	016.000		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) 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 New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for the County's purchase price of Seven Thousand Five Hundred Dollars (\$7,500.00), subject to a final survey; and be it further

3rd RESOLVED, that the Adopted 2006 Operating Budget be and hereby is amended and that the following be and hereby are appropriated from the Fund 477 balance:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Budget	\$7,500.00*

*subject to a final survey

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Revenue Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Fund 477	\$7,500.00*

*subject to a final survey

and be it further

5th RESOLVED, that the \$7,500.00 from the Fund 477, New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, fund balance be and hereby is appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8709.210	New Drinking Water Water Protection Program	\$7,500.00*

*subject to a final survey

and be it further

6th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, as described above, to the Capital Fund required to finance this capital project; and be it further

7th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$7,500.00, subject to a final survey, from the New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2000, for this acquisition; and be it further

8th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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

9th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

- d.) freshwater/tidal wetlands and buffer lands for same;
- d.) lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County;

and be it further

10th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

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

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

- 4.) the proposed action will not exceed any of the criteria of 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) is passive recreation; and

6.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact

that the proposes acquisition and preservation of the site would

have; and be it further

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1688-2007

Laid on Table 6/26/2007

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

RESOLUTION NO. 746 -2007, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY LAND PRESERVATION PARTNERSHIP PROGRAM AND THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – FOR THE PHEASANT MEADOW FARMS, INC. PROPERTY TOWN OF BROOKHAVEN – (SCTM NO. 0200-833.00-02.00-007.001)

WHEREAS, Resolution Nos. 751-1997, 652-1998 and 375-1999 established and amended the Suffolk County Land Preservation Partnership Program, codified as Chapter 661, Article I of Suffolk County Resolutions, Rules and Regulations; and

WHEREAS, this program enables the County to acquire a wide array of environmentally sensitive parcels which meet certain criteria, and further leverages the County’s funding

which is fifty percent (50%) for all acquisition costs, by inducing the County's towns and villages to financially participate in funding the balance of the subject acquisition costs; 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; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, Resolution No. 414-2001 appropriated \$1,939,900.00 for acquisitions under the Suffolk County Land Preservation Partnership Program; and

WHEREAS, Resolution No. 277-2007 appropriated \$11,833,000.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

WHEREAS, Resolution No. 407-2001 authorized planning steps for acquisition of the subject property; and

WHEREAS, the Town of Brookhaven ("Town") has approved Resolution No. 122-2007 on January 23, 2007 authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Land Preservation Partnership Program, Resolution No. 751-1997, et seq. and the Suffolk County Multifaceted Land Preservation Program pursuant to the Land Preservation Partnership Program, Resolution No. 751-1997, et seq., for a total purchase price of Five Million Two Hundred Thousand Dollars (\$5,200,000.00) which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Two Million Six Hundred Thousand Dollars (\$2,600,000.00) for a fifty percent (50%) undivided interest; and the Town's share, totaling Two Million Six Hundred Thousand Dollars (\$2,600,000.00), 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:

	SUFFOLK COUNTY		REPUTED OWNER	
<u>PARCEL:</u>	<u>TAX MAP NUMBER:</u>		<u>ACRES:</u>	<u>AND ADDRESS:</u>
No. 1	District	0200	30.737±	Pheasant Meadow Farms, Inc.
	Section	833.00		Mark Sagliocca
	Block	02.00		90 Concourse East
	Lot	007.001		Brightwaters, NY 11718

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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, part of the funding for which shall be provided under the Suffolk County Land Preservation Partnership Program, for the County's share of the purchase price of Four Hundred Fifty Four Thousand Five Hundred Thirty Three Dollars (\$454,533.00), and the remaining part of the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for the County's share of the purchase price of Two Million One Hundred Forty Five Thousand Four Hundred Sixty Seven Dollars (\$2,145,467.00) 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 \$454,533.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7174.210, Suffolk County Land Preservation Partnership Program, and to reserve and to pay \$2,145,467.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.227, Suffolk County Multifaceted Land Preservation Program for this acquisition; and be it further

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

5th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his 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

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

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

as described in Resolution No. 751-1997, et seq.; and be it further

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

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

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

10th 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 open space; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

Intro. Res. No. 1689-2007

Laid on Table 6/26/2007

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

**RESOLUTION NO. 747 -2007, AUTHORIZING
ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY
MULTIFACETED LAND PRESERVATION PROGRAM –
OPEN SPACE PRESERVATION PROGRAM - FOR THE
FARLEY PROPERTY – SOUTH SNEDECOR
AVENUE ADDITION TOWN OF ISLIP – (SCTM NO. 0500-
411.00-02.00-011.001)**

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

WHEREAS, Resolution No. 277-2007 appropriated \$11,833,000.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

WHEREAS, Resolution No. 251-2005 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 under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Five Hundred Forty Thousand Dollars (\$540,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0500	.689±	Lance Farley & Christine Farley, his wife
	Section 411.00		2835 North Wading River Road
	Block 02.00		Wading River, NY 11792
	Lot 011.001		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Five Hundred Forty Thousand Dollars (\$540,000.00), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$540,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177.222, Suffolk County Multifaceted Land 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 his 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 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1473-2007

Laid on Table 5/15/2007

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 748 -2007, APPROVING
THE APPOINTMENT OF INGO J. GLOECKNER TO THE
SUFFOLK COUNTY DISABILITIES ADVISORY BOARD –
GROUP C**

WHEREAS, Fred Shenn, has resigned from the Suffolk County Disabilities Advisory Board; now, therefore be it

RESOLVED, that the appointment of Ingo J. Gloeckner, of 20 Linden Lane, East Norwich, NY 11732, as a member of the Suffolk County Disabilities Advisory Board – Group C – representing the New York State Education Department's Office of Vocational and Educational Services for Individuals with Disabilities (VESID), for a term of office expiring September 14, 2008, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of 78-3(3) of the SUFFOLK COUNTY CODE.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

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

Intro. Res. No. 1504-2007

Laid on Table 5/15/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 749 -2007, AUTHORIZING APPLICATION TO THE NEW YORK STATE DEPARTMENT OF HEALTH FOR APPROVAL OF THE TRANSFER OF THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES, DIVISION OF EMERGENCY MEDICAL SERVICES, TO THE DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES

WHEREAS, the Division of Emergency Medical Services was established within the Department of Health Services in 1975 by virtue of an order of the then Health Commissioner; and

WHEREAS, under the present organization of Suffolk County government, the jurisdiction over and the administration of emergency services is actually performed by two (2) separate departments, with the Emergency Medical Services Division within the Health Department providing regulatory and medical oversight and education and training in the volunteer based system, and the Department of Fire, Rescue and Emergency Services overseeing operational aspects such as dispatch and communications; and

WHEREAS, the transfer of the Division of Emergency Medical Services into the Department of Fire Rescue and Emergency Services will allow for streamlined communications, enhanced coordination of emergency medical services issues and emergency preparedness and improvement of the County's Emergency Management Office by the inclusion of medical professionals in day to day operations; and

WHEREAS, the departments of Health Services and Fire Rescue and Emergency Services support this proposed change of functions and responsibilities; and

WHEREAS, in order to ensure that health related funding received under Article 6 of the Public Health Law is not interrupted, prior approval of the New York State Department of Health is required to transfer of the Division of Emergency Medical Services from the Department of Health Services to the Department of Fire Rescue and Emergency Services; and

WHEREAS, the departments of Health Services and Fire Rescue and Emergency Services, together with the County Executive's Office, have made preliminary inquiry with the New York State Department of Health regarding approval of this change; now, therefore be it

1st RESOLVED, that the County Executive, or his designee, is authorized to apply to the New York State Department of Health for approval to transfer the Division of Emergency Medical Services, along with all of its responsibilities and functions, from the Department of Health Services to the Department of Fire Rescue and Emergency Services; and be it further

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

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

Intro. Res. No. 1512-2007

Laid on Table 6/12/2007

Introduced by Presiding Officer, on request of the County Executive and Legislators Caracappa, Losquadro, Eddington, Browning, D'Amaro and Mystal

**RESOLUTION NO. 750 -2007, ADOPTING LOCAL
LAW NO. 25 -2007, A LOCAL LAW TO STRENGTHEN
COUNTY POLICY ENHANCING ZONING AND BUILDING CODE
ENFORCEMENT BY SUFFOLK COUNTY TOWNS AND
VILLAGES**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on June 12, 2007, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN COUNTY POLICY ENHANCING ZONING AND BUILDING CODE ENFORCEMENT BY SUFFOLK COUNTY TOWNS AND VILLAGES**"; 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. 25 -2007, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STRENGTHEN COUNTY POLICY ENHANCING
ZONING AND BUILDING CODE ENFORCEMENT BY SUFFOLK
COUNTY TOWNS AND VILLAGES**

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 Local Law No. 1-2006 established a County policy, now embodied in Article II of Chapter 166 of the Suffolk County Code, of offering monetary incentives to the towns and villages within the County to increase and enhance zoning and building code enforcement in their jurisdictions, specifically targeted to illegal multi-family housing.

This Legislature hereby also finds and determines that the goals of Local Law No. 1-2006 are better accomplished under a strengthened County policy that gives the towns and villages more flexibility in complying with Article II of Chapter 166 of the Suffolk County Code.

Therefore, the purpose of this law is to strengthen the County policy established under Local Law 1-2006, thereby enhancing the building and zoning code enforcement powers by the towns and villages within Suffolk County.

Section 2. Amendment.

Article II of Chapter 166 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 166
SOCIAL SERVICES DEPARTMENT**

* * * *

**ARTICLE II
Standards for Rental Housing**

* * * *

§ 166-7. Reports by Landlords.

NOTE: Local Law No. 1-2006 also provided as follows:

* * * *

Section 2. Adoption of code enforcement incentive.

* * * *

[(2) Requires such town or village, after it obtains presumptive evidence that multiple families reside in a single or one-family residence or dwelling, to request a verified statement from the owner of the building or dwelling unit that the building or dwelling unit meets all applicable zoning and building codes, ordinances and regulations of the applicable town or village; and

(3) Empowers such town or village to impose upon the owner of the building or dwelling unit a fine in the event such a verified statement is not submitted to the applicable town or village as required.]

* * * *

Section 3. Applicability.

This law shall apply to all actions occurring on or after its effective date.

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

[] Brackets denote deletion of language

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

After a public hearing duly held on August 21, 2007
Filed with the Secretary of State on September 13, 2007

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

Intro. Res. No. 1673-2007
6/26/2007
Introduced by Legislator Romaine

Laid on Table

**RESOLUTION NO. 751 -2007, DECLARING
SEPTEMBER 2007 AS "POLIO AWARENESS MONTH" IN
SUFFOLK COUNTY**

WHEREAS, the Polio vaccine has been the victim of its own success in the United States, allowing parents to think that Polio is "cured" and that the vaccination is unnecessary; and

WHEREAS, due to an aggressive education and vaccination program in the latter half of the 20th century, reported cases of Polio were reduced dramatically; and

WHEREAS, while many Americans believe that Polio has been eradicated worldwide, this simply is not true; last year Polio flared in India, Nigeria and Indonesia as well as in Namibia, a country once considered polio-free; and

WHEREAS, in the past two years, there have been approximately six new cases reported in the United States; and

WHEREAS, the Centers for Disease Control (CDC) reports that 10% of United States children under three years of age, roughly 1 million toddlers, are not vaccinated against Polio; and

WHEREAS, equally frightening, not everyone infected with poliovirus shows symptoms; for every case of paralytic polio, there are between 70 and 200 "silent carriers" of the polio virus; and

WHEREAS, the polio virus damages muscle controlling nerves which results in muscle weakness and severe illness and may cause the person to lose the ability to move their arms and legs and also may inhibit their ability to breath without assistance; and

WHEREAS, polio survivors and health care professionals are not aware that 70% of paralytic polio survivors and 40% of non-paralytic polio survivors are developing Post-Polio Sequelae (PPS), which can be unexpected and often with disabling symptoms that occur about 35 years after the polio virus attack; and

WHEREAS, symptoms of PPS include overwhelming fatigue, muscle weakness, muscle and joint pain, sleep disorders, heightened sensitivity to anesthesia, cold and pain, and difficulty swallowing and breathing; and

WHEREAS, it is the desire of the Suffolk County Legislature to advise parents to continue to have their children vaccinated against Polio and to educate Polio survivors and health professionals about PPS, the unexpected and often disabling symptoms that occur in mid-life among approximately 1.63 million American survivors of Polio; now, therefore be it

1st RESOLVED, that the month of September 2007 is hereby designated as "**Polio Awareness Month**" within Suffolk County, for the purpose of highlighting the importance of having all children vaccinated against Polio and educating Polio survivors and health professionals about Post-Polio Sequelae; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 23, 2007

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

Intro. Res. No. 1696A-2007

BOND RESOLUTION NO. 752 -2007

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$155,000 BONDS TO FINANCE THE COST OF A STUDY IN CONNECTION WITH THE PROPOSED TICK ERADICATION PROJECT (CP 4085.110)

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 \$155,000 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 a study in connection with the proposed tick eradication project, as authorized in the 2007 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 \$155,000. The plan of financing includes the issuance of \$155,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

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

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

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

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

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

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

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1660-2007
Introduced by Legislator Kennedy

Laid on Table 6/26/2007

**RESOLUTION NO. 753 -2007, AUTHORIZING A
MANAGEMENT PLAN FOR THE COMMERDINGER PROPERTY**

WHEREAS, Resolution No. 1217-2006 authorized the County's acquisition of the Commerdinger property in the Town of Smithtown; and

WHEREAS, Resolution No. 1475-2006 authorized the Suffolk County Department of Parks, Recreation and Conservation to enter into a Stewardship Agreement with the Walter S. Commerdinger Historical Society for the management and/or stewardship of this property; and

WHEREAS, in order to ensure the historical, educational, and cultural value of the Commerdinger property, it is imperative that the County develop a management plan for this acquisition; now, therefore be it

1st RESOLVED, that the Commissioner of the Department of Parks, Recreation and Conservation is hereby authorized, empowered, and directed to develop a long term management plan for the Commerdinger property, which plan shall provide for the restoration and maintenance of the structures on the property, the maintenance of the grounds, and the types of activities and uses that may properly occur on the property; and be it further

2nd **RESOLVED**, that in developing this management plan, the Department of Parks, Recreation and Conservation shall consult with the W. S. Commerdinger, Jr. County Park Preservation Society, Inc.; and be it further

3rd **RESOLVED**, that the Suffolk County Planning Department shall assist the Department of Parks, Recreation and Conservation in developing the plan; 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: August 7, 2007

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED AUGUST 23, 2007

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

Intro. Res. No. 1667-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 754 -2007, AUTHORIZING USE OF
THE LONG ISLAND MARITIME MUSEUM BY THE ROTARY
CLUB OF SAYVILLE FOR ANNUAL BEEFSTEAK
FUNDRAISER**

WHEREAS, Rotary Club of Sayville is a 501(c)(4) organization operating as a local chapter of Rotary International, having its principal place of business at 1560 Sherman Avenue, Evanston, Illinois; and

WHEREAS, the Rotary Club of Sayville would like to use the Long Island Maritime Museum in the County Park in West Sayville for the purpose of hosting their Annual Beefsteak Fundraiser to raise money for the organization; and

WHEREAS, the fundraiser will be held on the grounds of the Long Island Maritime Museum on Thursday, August 16, 2007; and

WHEREAS, the Long Island Maritime Museum is authorized to charge a reasonable fee for the utilization of its facilities under its license agreement with the County; and

WHEREAS, a Certificate of Insurance with accompanying declaration page naming Suffolk County as an additional insured has been provided by Rotary International; now, therefore be it

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

2nd RESOLVED, that the use of Long Island Maritime Museum by the Rotary Club of Sayville for the purpose of hosting a fundraiser on Thursday, August 16, 2007, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from Rotary International and the payment of the Five Hundred Dollar (\$500.00) event fee to the Long Island Maritime Museum, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at the Long Island Maritime Museum by the Rotary Club of Sayville.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1671-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 755 -2007, 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 2007 Adopted Capital Budget and Program to cover the entire cost of said planning and improvements under Capital Program No. 7109; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, established the use of a priority ranking system, implemented in the Adopted 2007 Capital Budget as the basis for funding capital projects such as this project; and

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

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. 461-2006; and be it further

2nd RESOLVED, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution Nos. 1251-1996, 422-1997, 1044-2000 and 529-2002 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 be it further

3rd RESOLVED, that the proceeds of the \$200,000 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 (Fund 001-Debt Service)	26	Planning for Improvements to County Marinas	\$50,000
525-CAP-7109.310 (Fund 001-Debt Service)	26	Improvements to County Marinas	\$150,000

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

BOND RESOLUTION NO. 756 -2007

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$200,000 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 \$200,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of improvements to County marinas, as authorized in the 2007 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 \$1,270,590. 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 Bond Resolution No. 1030-2006 (\$50,000 for planning and \$200,000 for construction), (g) the issuance of \$200,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$50,000 for planning and \$150,000 for construction), and (h) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 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: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1639-2007
Introduced by Legislator Horsley

Laid on Table 6/26/2007

RESOLUTION NO. 758 -2007, AMENDING THE 2007 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH SAFETY IMPROVEMENTS ON CR 3, WELLWOOD AVENUE IN THE VILLAGE OF LINDENHURST, TOWN OF BABYLON (CP 5001)

WHEREAS, the Suffolk County Department of Public Works is in need of funds for pedestrian and traffic safety improvements on CR 3, Wellwood Avenue, south of East Gates Avenue in the Village of Lindenhurst, Town of Babylon; and

WHEREAS, there are sufficient funds within the 2007 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 \$200,000 in Suffolk County Serial Bonds; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2007 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 fifty three (53) is eligible for approval in accordance with the provisions of Resolution

No. 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

2nd RESOLVED, that the 2007 Capital Budget and Program be and is hereby amended as follows:

Project No.: 5175

Project Title: Safety Improvements and Corridor Study on CR 99 Woodside Avenue

<u>Cost Elements</u>	Total Estimated <u>Cost</u>	Current 2007 Capital Budget & <u>Program</u>	Revised 2007 Capital Budget & <u>Program</u>
3. Construction	\$100,000	\$200,000B	\$0
TOTAL	\$200,000	\$200,000	\$0

Project No.: 5001

Project Title: Median Improvements on Various County Roads

<u>Cost Elements</u>	Total Estimated <u>Cost</u>	Current 2007 Capital Budget & <u>Program</u>	Revised 2007 Capital Budget & <u>Program</u>
3. Construction	\$1,100,000	\$0	\$200,000B
TOTAL	\$1,100,000	\$0	\$200,000

and be it further

3rd RESOLVED, that the proceeds of \$200,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5001.313	50	Median Improvements on Various County Roads	\$200,000

and be it further

4th RESOLVED, that the County Comptroller and the County Treasurer are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the transfer of this funding forthwith; and be it further

5th RESOLVED, 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"), the Legislature has no further responsibilities under SEQRA.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1639A-2007

BOND RESOLUTION NO. 759 -2007

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$200,000 BONDS TO FINANCE THE COST OF SAFETY IMPROVEMENTS ON CR 3, WELLWOOD AVENUE, IN THE VILLAGE OF LINDENHURST, TOWN OF BABYLON (CP 5001.313)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$200,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of safety improvements on CR 3, Wellwood Avenue, in the Village of Lindenhurst, Town of Babylon, as authorized in the 2007 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000. The plan of financing includes the issuance of \$200,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 20 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: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro Res. No.1648-2007

Laid on Table 6/26/2007

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

RESOLUTION NO. 760 –2007, APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS PURSUANT TO THE NEW YORK STATE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE RECONSTRUCTION OF C.R. 16, PORTION ROAD, FROM THE VICINITY OF RONKONKOMA AVENUE TO THE VICINITY OF C.R. 97, NICOLLS ROAD, TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK (C.P. 5511, PHASE I, PIN 0755.98)

WHEREAS, the Determinations and Findings of the Public Hearing held on July 11, 2006 that were made in accordance with Section 204 of the Eminent Domain Procedure Law along with the stenographic transcript of said hearing and all exhibits thereto were duly filed with the Clerk of the Legislature on September 22, 2006; and

WHEREAS, on March 20, 2007, said Determinations and Findings along with the recommendations contained therein were duly approved by this Legislature in Adopted Resolution Number 1180-2002; and

WHEREAS, the Commissioner of the Department of Public Works of the County of Suffolk was directed by Adopted Resolution Number 305-2007 to file acquisition maps with this Legislature entitled “MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF C.R. 16, PORTION ROAD, FROM THE VICINITY OF RONKONKOMA AVENUE TO THE VICINITY OF C.R. 97, NICOLLS ROAD, TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK (CP 5511, PHASE I, PIN 0755.98)”; and

WHEREAS, the acquisition maps for this project were duly filed by the Commissioner of the Department of Public Works on May 25, 2007, with the Clerk of the Suffolk County Legislature, pursuant to Adopted Resolution Number 305-2007; and

WHEREAS, on February 15, 2002, the County of Suffolk as Lead Agency issued a SEQRA determination of non-significance for the project in Adopted Resolution No. 67-2002 and SEQRA is complete; now, therefore be it

1st RESOLVED, that the maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF C.R. 16, PORTION ROAD, FROM THE VICINITY OF RONKONKOMA AVENUE TO THE VICINITY OF C.R. 97, NICOLLS ROAD, TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK (CP 5511, PHASE I, PIN 0755.98)", being the maps heretofore filed with the Clerk of the Suffolk County Legislature on May 25, 2007, pursuant to Adopted Resolution No. 305-2007, be and the same are hereby approved and adopted; and be it further

2nd RESOLVED, that the Suffolk County Department of Public Works be and hereby is authorized to proceed pursuant to its Rules, Regulations, and Procedures, and Article 3 of the New York State Eminent Domain Procedure Law, to appraise the estates to be acquired and to make offers to the Condemnees by means of the "one offer" system as set forth in the Rules, Regulations, and Procedures of the Suffolk County Department of Public Works and Article 3 of the New York State Eminent Domain Procedure Law; and be it further

3rd RESOLVED, that the Suffolk County Department of Public Works be and hereby is authorized to acquire the properties set forth in the aforesaid maps herein; said acquisition to be in the name of the County of Suffolk; and be it further

4th RESOLVED, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

5th RESOLVED, that the Suffolk County Department of Public Works be and hereby is authorized and permitted to make the aforesaid acquisition of said lands from the Condemnees by negotiation, purchase, and conveyance; and in the event that the Suffolk County Department of Public Works is unable to acquire said property by negotiation, purchase and conveyance, it is hereby authorized, permitted, and directed to acquire said property pursuant to the Eminent Domain Procedure Law; and be it further

6th RESOLVED, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

7th RESOLVED, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof.

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1496-2007

Laid on Table 5/15/2007

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 761
-2007, AMENDING RESOLUTION NO. 1258-2006
AUTHORIZING THE SALE OF BROWNFIELD PROPERTY TAX
LIENS AT PUBLIC AUCTION**

WHEREAS, Resolution No. 1258-2006 authorized the sale of tax liens at public auction
for various Brownfield properties; and

WHEREAS, the property located at 1305 S. Strong Avenue, Copiague, New York,
identified as SCTM No. 0100-198.00-02.00-029.000 (hereinafter "Premises"), was one of the
properties designated to have its tax lien sold at public auction; and

WHEREAS, the current owner of the Premises is Crescent Group Realty Inc.; and

WHEREAS, Crescent Group Realty Inc., entered into a Brownfield Site Cleanup
Agreement with the New York State Department of Environmental Conservation December 12, 2006
in which Crescent Group Realty Inc. agreed to cleanup and remediate contamination resulting from
previous uses of the Premises; and

WHEREAS, the Environmental Conservation Law § 27-1433 authorizes the governing body of any tax district to cancel, in whole or in part, any interest, penalties or other charges on real property where said real property is subject to a Brownfield Site Cleanup Agreement; and

WHEREAS, Crescent Group Realty Inc., has advised the County of their intention to redeem the tax liens on the Premises by paying the Suffolk County Treasurer an amount equal to all taxes owed on the Premises with the request that the County cancel any interest, penalties or other charges which have accrued over time; and

WHEREAS, Crescent Group Realty Inc., is pursuing a grievance with the Town of Babylon challenging the assessment of the Premises for the tax years 1998/99 through and including 2006/07; and

WHEREAS, said grievance has not yet been finalized making it impossible to determine the amount of the taxes owed by Crescent Group Realty Inc., in order to redeem the tax liens from the Suffolk County Treasurer; and

WHEREAS, the County wishes to encourage voluntary cleanup agreements of Brownfields Sites; and

WHEREAS, based on the forgoing it would be in the best interests of the County and Crescent Group Realty Inc. to remove the Premises from the list of Brownfield properties whose tax liens are to be sold at public auction in order to provide the Suffolk County Treasurer with sufficient

time to ascertain the amount of taxes owed by Crescent Group Realty Inc., on the subject Premises;
now, therefore be it

1st RESOLVED, that Resolution No. 1258-2006 is hereby amended to the extent that the property located at 1305 S. Strong Avenue, Copiague, New York, identified as SCTM No. 0100-198.00-02.00-029.000, shall be removed from the list of Brownfield properties designated therein to have their tax liens sold at public auction; and be it further

2nd RESOLVED, that the Commissioner of the Department of Environment and Energy, or her designee, is directed to remove said property from the aforementioned auction list.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1655-2007

Laid on Table 6/12/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 762 -2007, REQUESTING LEGISLATIVE APPROVAL AUTHORIZING THE CHIEF DEPUTY COUNTY EXECUTIVE BE THE REPRESENTATIVE TO ACT ON BEHALF OF SUFFOLK COUNTY PURSUANT TO A CONTRACT FOR GROUNDWATER MONITORING IN NASSAU AND SUFFOLK COUNTIES

WHEREAS, the New York State Department of Environmental Conservation requires local enabling legislation to designate a representative and signatory to enter into a

contract on behalf of Suffolk County with the New York State Department of Environmental Conservation (DEC) to monitor the groundwater quality in Nassau and Suffolk Counties for pesticide contamination; and

WHEREAS, this groundwater monitoring project is a comprehensive Long Island Study, and as such, the contract will authorize the use of Suffolk County's Public Environmental Health Laboratory (PEHL) to analyze samples delivered by the Nassau County Department of Health Services for purposes of regional groundwater monitoring; and

WHEREAS, this Resolution authorizes a County representative and signatory for said contract as required by the New York State Department of Environmental Conservation; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract, and Suffolk County deems it to be in the public interest and benefit under this law to enter into a contract with the New York State Department of Environmental Conservation; now, therefore be it

1st RESOLVED, that the Chief Deputy County Executive Paul Sabatino II, or such person's successor in office, is the representative authorized to act on behalf of Suffolk County in all matters related to Contract number C006289, and is also authorized to enter into and execute the Contract, submit Project documentation, and otherwise act for Suffolk County in all matters related to this project; and be it further

2nd RESOLVED, that one (1) certified copy of this Resolution be prepared and sent to the Albany Office of the New York State Department of Environmental Conservation together with the Contract; and be it further

3rd RESOLVED, that this Authorization take effect immediately.

DATED: August 7, 2007

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED AUGUST 23, 2007

Legislator D'Amaro made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 17-1-0-0. Legislator Romaine voted no.

Intro. Res. No. 1668-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 763 -2007, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 HANCOCK LOT 23 LLC as to an undivided 75% interest and SWS MT. SINAI LLC as to an undivided 25% interest (SCTM NO. 0200-163.00-02.00-005.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 163.00 Block 02.00 Lot 005.000 and acquired by Tax Deed on July 21, 1997 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 6, 1997 in Liber 11844 at Page 842 and described as follows, Town of Brookhaven, Port Jefferson Map 324 Lots 635 & 636; and

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

WHEREAS, HANCOCK LOT 23 LLC and SWS MT. SINAI LLC, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$3,500.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$3,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, Christopher E. Kent, Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$3,500.00, pursuant to said purchase offer; and

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

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

2nd RESOLVED, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of

the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them; and be it further

3rd RESOLVED, that Director Christopher E. Kent and/or his designee, hereby is authorized to execute and acknowledge a Quitclaim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said HANCOCK LOT 23 LLC and SWS MT. SINAI LLC, 3235 Route 112, Medford, New York 11763.

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

Legislator D'Amaro made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 17-1-0-0. Legislator Romaine voted no.

Intro. Res. No. 1669-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 764 -2007, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW 13-1976 MT. SINAI INDUSTRIAL LLC as to an undivided 75% interest and SWS MT. SINAI LLC as to an undivided 25% interest (SCTM NO. 0200-162.00-05.00-008.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 162.00 Block 05.00 Lot 008.000 and acquired by Tax Deed on April 17, 1984 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on April 17, 1984 in Liber 9546 at Page 321 and described as follows, Town of Brookhaven, Map of Port Jefferson Square Map #324 Lot #756; and

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

WHEREAS, MT. SINAI INDUSTRIAL LLC and SWS MT. SINAI LLC, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$1,380.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, Christopher E. Kent, Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$2,000.00, pursuant to said purchase offer; and

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

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

2nd RESOLVED, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd RESOLVED, that Director Christopher E. Kent and/or his designee, hereby is authorized to execute and acknowledge a Quitclaim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said MT. SINAI INDUSTRIAL LLC and SWS MT. SINAI LLC, 3225 Route 112, Medford, New York 11763.

DATED: August 7, 2007

APPROVED BY:

Paul Sabatino II
Chief Deputy County Executive of Suffolk County

Date: August 9, 2007

Legislator D'Amato made motion for the following resolution, seconded by Legislator Caracappa. The resolution was passed 16-1-1-0. Legislator Romaine voted no. Legislator Schneiderman abstained.

Intro. Res. No. 1670-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 765 -2007, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO
LOCAL LAW 13-1976 STEPHEN AURIGEMA (SCTM NO.
0200-973.80-01.00-011.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 973.80 Block 01.00 Lot 011.000 and acquired by Tax Deed on July 5, 2001 from Joseph Sawicki Jr., the Chief Deputy County Treasurer of Suffolk County, New York, and recorded on July 12, 2001 in Liber 12129 at Page 300 and described as follows, Town of Brookhaven, NY & Bklyn Sub Inv Map # 102/10 B714, N 10 Ft Lot 14 & All Lot 15; and

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

WHEREAS, STEPHEN AURIGEMA, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$3,500.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$3,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, Christopher E. Kent, Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$3,500.00, pursuant to said purchase offer; and

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

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

2nd RESOLVED, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd RESOLVED, that Director Christopher E. Kent and/or his designee, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said STEPHEN AURIGEMA, 954 South Second Street, Ronkonkoma, New York 11779.

DATED: August 7, 2007

APPROVED BY:

/s/ Paul Sabatino II
County Executive of Suffolk County

Date: August 9, 2007

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

Intro. Res. No. 1678-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 766 -2007, AMENDING THE
LEASE OF PREMISES LOCATED AT 200 WIRELESS
BOULEVARD, HAUPPAUGE, NY FOR USE BY THE**

**DEPARTMENT OF SOCIAL SERVICES AND THE
DEPARTMENT OF HEALTH SERVICES**

WHEREAS, pursuant to the Lease Agreement between the County of Suffolk and Harvest 200 Wireless Boulevard, LLC (the "Landlord"), dated February 23, 2006, the County of Suffolk leases the premises located at 200 Wireless Boulevard, Hauppauge, N.Y. for use by the Department of Social Services and Department of Health Services; and

WHEREAS, it is the desire of the County and the Landlord to amend the Lease Agreement to incorporate provisions requested by the New York State Office of Alcoholism and Substance Abuse Services, as set forth in the Letter of Agreement, dated April 3, 2007; now, therefore be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(1), (2), (7), (20) and (27) of the New York Code of Rules and Regulations (NYCRR) and Section 8-0109 of the New York Environmental Conservation Law. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices; and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a Letter of Agreement amending the lease in accordance with the terms and conditions of this resolution and in substantial conformance with the form annexed.

DATED: August 7, 2007

APPROVED BY:

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

Date: August 9, 2007

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

Intro. Res. No. 1695-2007

Laid on Table 6/26/2007

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 767 -2007, REVIEW OF AUCTION
RULES FOR THE DISPOSITION OF SURPLUS PROPERTY
ACQUIRED UNDER THE SUFFOLK COUNTY TAX ACT**

WHEREAS, the disposition of property acquired through the Suffolk County Tax Act is regulated pursuant to Article A14 of the Administrative Code, Laws of Suffolk County, Part II (herein the "Code"); and

WHEREAS, §14-30(L) and §712-6 of Code pertain to the formulation and adoption of auction rules and procedures; and

WHEREAS, §712-6 requires the approval by the Suffolk County Legislature of auction rules and regulations formulated by the Department of Environment and Energy, Division of Real Property Acquisition and Management; and

WHEREAS, the auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act were approved by this Legislature on March 20, 2007 without any changes or modifications; and

WHEREAS, the Department of Environment and Energy, Division of Real Property Acquisition and Management[, the Department of Economic Development and Workforce Housing] and the Department of Law have recommended modifications to the auction rules in order to [further the County's policy of promoting workforce housing and affordable housing, and to] preserve the integrity of the auction process; and

WHEREAS, the Department of Environment and Energy, Division of Real Property Acquisition and Management, has previously filed a copy of the proposed rules for the auction of surplus County real estate with the County Executive and the Clerk of the Legislature and a copy of said proposed rules is annexed as Exhibit "A"; now, therefore be it

1st RESOLVED, that the auction rules annexed as Exhibit "A" are approved for use immediately on filing of this approved resolution with the Clerk of the Legislature.

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

DATED: August 7, 2007

APPROVED BY:

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

Date: August 9, 2007

COUNTY OF SUFFOLK
Department of Environment and Energy
Division of Real Property Acquisition and Management

Exhibit "A"

Auction Terms and Conditions - Definitions

Affiliate: A Business Entity in which the Purchaser has, directly or indirectly, a voting, control or ownership interest of twenty percent (20%) or more, or which has such an interest in Purchaser.

Assignment: The transfer or conveyance of a right or contract from one person or Business Entity to another.

Business Entity: A legal being, other than an individual, natural person, e.g., a corporation, limited liability company, partnership, joint venture or syndication. A Business Entity must be duly formed in accordance with all applicable provisions of law and have the legal capacity, among other things, to be sued and to own property in the State of New York.

County: The County of Suffolk.

Deed: An instrument in writing, duly executed and delivered, that conveys title to real property.

Default: A failure by the Purchaser to comply with any provision of the Terms and Conditions.

Director: The Director of the Division of Real Property Acquisition and Management.

Immediate Family: A spouse, issue, including adopted children, sibling or parent.

Lien: A claim or encumbrance of property, e.g., for the payment of a debt.

Memorandum of Sale: The contract between the County and the Purchaser for the purchase of the Property, which incorporates, by reference, the Terms and Conditions of Sale and any special terms and conditions.

Principal: Any individual or Business Entity who participates at the auction through a duly authorized agent.

Property: The particular parcel of County-owned real property and any improvements thereon, sold at public auction to the Purchaser.

Purchase Price: The highest bid made and accepted for the Property at the auction.

Purchaser: The successful bidder(s) at the auction sale and, where the Purchaser is a Business Entity, then each partner or any director(s), officer(s), or shareholder(s) having a total of twenty percent (20%) or more of the Purchaser's voting stock, ownership interest or control.

Third party bidder: An individual who bids solely as a duly authorized agent of another individual or Business Entity.

Third party bidding: Bidding on behalf of a Purchaser/Principal through a duly authorized agent.

Title Closing: The transfer of title to or ownership of the Property to the Purchaser; the date upon which such transfer is made.

Upset Price: The amount at which bidding starts on the Property.

AUCTION TERMS AND CONDITIONS

The public auction of surplus land by the County of Suffolk will be conducted by the Division of Real Property Acquisition and Management pursuant to auction terms and conditions approved by the Suffolk County Legislature. This document contains the terms and conditions which might pertain to such auctions. It may be supplemented by the subsequent approval by the Suffolk County Legislature of additional or different terms and conditions.

Each separate auction will be governed by those particular terms and conditions included herein that are determined by the Director of the Division of Real Property Acquisition and Management to be applicable to said auction. The terms and conditions that pertain to an auction will be published in the Auction Brochure published for that auction.

1. **AUCTION INVENTORY - Properties that will be auctioned by the County include parcels forfeited by the prior owners as a result of failure to pay taxes. The County's rights thereto are pursuant to Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law are believed to have been extinguished by the tax sale proceedings, and/or as a result of forfeiture. Auction parcels may also include parcels acquired by condemnation, but no longer needed as part of the public project. The County reserves the right, in its sole discretion, to withdraw from the auction at any time, any of the properties listed in the Auction Brochure or in any other listing of surplus real property available for auction.**
2. **OFFICIAL IDENTIFICATION - For purposes of the auction, each parcel is identified by a section, block and lot number as shown on the Suffolk County Tax Map. No other identification is guaranteed. Descriptions in the auction materials pertaining to any auctioned property, such as the size, exact location, street requirements and information as to existing structures, are approximate only. Purchasers should verify all information relative to each property.**
3. **NOTIFICATION OF AUCTION - The Notice of Auction will be published in the official newspapers as required by the Suffolk County Code. In addition to said publication, not less than one month prior to each auction, an Auction Brochure which includes both a list of the properties expected to be offered by auction and a document entitled "Terms and Conditions of Sale - (*Insert Date of Auction*) Auction" will be published on the internet at www.co.suffolk.ny.us [/Departments/Planning/Division of Real Estate/Notices*]. Copies of the Auction Brochure will be available at the Division of Real Property Acquisition and Management Offices and at the Riverhead County Center, the Offices of the Suffolk County Legislature, each Town Hall and various County offices.**
4. **TERMS AND CONDITIONS OF SALE - The "Terms and Conditions of Sale - (*Insert Date of Auction*) Auction" document will specify the rules applicable to the auction for which it is prepared and dated. Failure of the purchaser to comply with the published auction rules, terms and conditions shall constitute a default and [it] may result in cancellation of a sale and forfeiture of both the down payment and the auction fee.**

* Internet address will be relocated to Dept. of Environment and Energy, Div. of Real Property Acquisition and Management.

5. AUCTION RULES -- In addition to those rules and conditions that are set forth in the "Terms and Conditions of Sale - (*Insert Date of Auction*) Auction", all sales of surplus County property will be subject to the following:

Approval of the deed and proposed conveyance by the Suffolk County Legislature, which approval may precede the sale or follow it;

Any state of facts an accurate survey or personal inspection of the premises would disclose;

Applicable zoning/land use/building/health and environmental regulations;

Easements, covenants, conditions and rights-of-way of record existing at the time of the levy of the tax, the non-payment of which resulted in the tax sale;

For the immediate tax year, pro rata real estate taxes [for closings occurring after the tax status date, 50% of the levied 2003 real estate tax bill]; and

For assessment purposes, the purchaser shall be deemed to be the owner prior to the next taxable status date following the closing;

The rights, if any, of tenants and persons in possession, and;

Outstanding water and sewer assessments and other unpaid liens or charges (including, but not limited to, demolition charges, interest and penalties, condominium fees) whether they have been billed or not as of the date of the auction, all as specified in the Auction Brochure;

Any covenants, easements or conditions imposed by the County Planning or any other Department and listed in the Auction Brochure, or by the Legislature as part of its approval of the sale.

Purchaser's signing a Certification as part of the bid finalization that he or she has read and understood the Terms and Conditions as set forth in the pertinent Auction Brochure;

Such additional contract terms and conditions as may be set forth in the Auction Brochure or Memorandum of Sale.

6. **NO WARRANTIES** - All real property in the auction, including any building thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the physical condition or as to title.
7. **REFUNDS** - In the event that a sale is cancelled [by court order or judgment,] or the bid is rejected by the Suffolk County Legislature, the down payment and other monies paid when the Memorandum of Sale was executed will be refunded without interest.
8. **AUCTION PROCEDURES** -- As determined by the Director [of the Division of Real Property Acquisition and Management] to be appropriate or necessary, the following rules or conditions shall [may] be included in the "Terms and Conditions of Sale - (*Insert Date of Auction*) Auction":

County general auctions are Public Auctions at which a person must be present to participate as a bidder. Third party bidding may be accepted provided the bidder identifies the purchaser/principal for whom he or she is acting as an agent and provided the purchaser/principal pre-registers pursuant to paragraph 11 herein. No absentee bids are accepted.

The County may conduct special auctions, that is, auctions limited to certain properties, based on their type or condition, for example, brownfield sites; or their potential use, for example, affordable housing sites and commercial properties; or based on any other special circumstance relating to the properties to be auctioned. At special auctions, sealed bids from bidders who are not physically present and third party bidding may be accepted provided the bidder identifies the purchaser/ principal for whom he or she is acting as an agent and provided the purchaser/principal pre-registers pursuant to paragraph 11 herein.

Pre-registration shall [may] be required prior to [at] any auction. Prior to the auction, [On completing pre-registration,] each registered bidder will be assigned a bidding number that must be displayed in order to bid.

The auction may be divided into Sessions. The auctioneer will accept bids in increments, as described below, until such time as no further bids are entered. Thereupon the parcel is declared, "Sold" to the highest bidder. All successful bids in one Session must be finalized (see the next subsection regarding finalization) before commencement of the next Session, or the underlying sales will be deemed cancelled.

Directly after the sale of a parcel, the purchaser or third party bidder, in purchaser's absence [successful bidder] must finalize **the sale by signing**

the Terms and Conditions of Sale, or Memorandum of Sale, as applicable, and depositing the down payment and the auction fee with the auction cashier. Delay in finalizing the sale may be cause for cancellation. *If a purchaser [successful bidder] fails to finalize the purchase of any parcel, he, [or] she or it shall [will] not be permitted to bid on any further parcels and the Director [of the Division of Real Property Acquisition and Management] may immediately cancel all other sales that took place at the same auction to the same purchaser. In the event of cancellation due to failure to finalize a purchase, the subject parcel(s) may be returned to the auction block or withdrawn from the auction.*

9. PRE-AUCTION INFORMATION -- Collecting and verifying any information in regard to auctioned parcels, including, for example, address, location, zoning and land use restrictions, building or health code requirements, taxes or assessed value is the responsibility of the buyer. Much of this information may be obtained from the Town or Village in which the property is located. The County is not responsible to provide real property information, other than the Suffolk County Tax Map number. Purchaser's misunderstanding or failure to verify property information is not grounds for rescinding or canceling an auction sale. **THE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH ANY AUCTION SALE.**
10. INSPECTION OF PROPERTY -- The Auction Brochure will indicate whether the property may be inspected and how arrangements for inspection can be made. Inspection or entry onto the property may be prohibited by the County due to safety or any other reason. Where inspection is permitted, persons intending to participate at the auction should inspect and investigate the property in which they are interested prior to the auction sale. Inspection of commercial and industrial properties must not interfere with businesses operating thereon. Parcels that are improved by occupied homes may only be inspected on the dates and at the times set by the County in its publications, or on the dates and at the times confirmed in writing by the Division of Real Property Acquisition and Management. Entering onto any auction parcel at any other time will be grounds for disqualification from the auction and may amount to a trespass subject to prosecution.
11. REGISTRATION OF BIDDERS— All bidders, except third party bidders, shall be required to register prior to all auctions. In the event of third party bidding, the purchaser/principal shall be required to register prior to the auction. Such registration will be a condition of participation in said auction and shall consist of the execution of a registration form designated for use by the Director and may further require providing an official photographic identification, address, social security number or tax identification number, disclosure statement or other personal or financial documentation that would verify the identity and financial

ability of the person or business entity to participate in the auction. [For auctions in which bidders are required to register prior to the auction, such registration will be a condition of participating in that auction. Registration may require providing an official photographic identification, address, social security number, disclosure statement or other personal or financial documentation that would verify the identity and financial ability of the person to participate in the auction.] As designated by the Director, pre-registration may require filing a bond, deposit or other evidence (as may be required) of financial ability to complete the terms and conditions of the sale at the estimated fair market value.

When third party bidding is permitted, individuals acting on behalf of others, not in attendance at the auction, must produce a "Power of Attorney" or other appropriate authorizing documentation, duly executed and notarized. Incorporated entities (Inc., Corp., LLC.) are required to provide a corporate resolution prior to the auction authorizing the entity's participation in said auction and a corporate resolution authorizing the purchase of real property prior to the transfer of title.

12. FORM OF BIDDING - Each bidder is responsible to signal his or her bid to the auctioneer. Bids may be signaled either by raising the paddle bearing the unique number issued to him or her for purposes of bidding at the auction or, in auctions not requiring individual bidder paddles, by securing a floor usher to signal the desired bid.

13. MEMORANDUM OF SALE - The purchaser's offer and agreement to purchase will be formalized in a "Terms and Conditions of Sale" or "Memorandum of Sale", referred to hereafter jointly as the "Memorandum of Sale", as may be utilized at the particular auction. Purchaser or third party bidder in purchaser's absence, is obligated to execute the Memorandum of Sale and pay the down payment and auction fee before the end of the auction session at which the property [parcel] [on which he/she is the successful bidder] was sold. As a material condition of the Memorandum of Sale:[,]

a. Purchaser waives any claim to special, [or] consequential or punitive damages, attorney's fees, reimbursement for any expenses incurred in reliance on completion of the sale, improvements of property, or for license fees already paid should the sale subsequently not be approved or closing not occur; and [This waiver by the purchaser which is included in the Memorandum of Sale, is a material condition of the sale.]

b. Purchaser acknowledges that no property interest, either real or personal, is acquired by purchaser and any and all claims for specific performance and/or any right to file a Notice of Pendency against any property offered for bidding and/or sale should the sale subsequently not be approved or closing not occur are hereby waived.

14. DOWNPAYMENT - Following acceptance of the winning bid, and prior to the start

of the next auction Session, the purchaser or third party bidder in purchaser's absence shall [successful bidder will] deposit a down payment in the amount of twenty percent (20%) of the sale price, or as otherwise specified. ONLY cash, certified checks, bank checks, money orders or traveler's checks are acceptable for the down payment. If the purchaser fails to produce the acceptable payment, as described, the parcel may be resold at the same auction or withdrawn from the auction, in the sole discretion of the County. Additionally, closing costs which consist of the following will be paid with the down payment on the day of the auction for each parcel: (a) New York State Transfer Tax (\$2.00 for each \$500.00 of the purchase/bid price); (b) Filing Fee for the Real Property Transfer Report (\$25.00); (c) Filing Fee for combined Gains Transfer Tax Affidavit (\$5.00); (d) all fees required by the Suffolk County Clerk for recording of the deed (\$28.00 to record a, one page deed; \$3.00 for each additional page); and (e) a \$20.00 surcharge. Closing costs may be subjected to an increase if said fees increase prior to closing.

15. RESTRICTIVE COVENANT ON RESIDENTIALLY-IMPROVED PARCELS - A parcel offered at auction which is improved by a residential structure, may be offered subject to a restrictive covenant that will be noted in the Auction Brochure and included in the deed conveying the parcel. The covenant requires the purchaser [bidder], his or her natural children and/or natural parents to occupy said premises for a period of at least five (5) years subsequent to the date of conveyance. The obligations assumed under the covenant cannot be assigned. Violation of the covenant will result in automatic reversion of the parcel's title to the County by operation of law and without further process. It is the responsibility of the purchaser to note which parcels are sold subject to the said restrictive covenant.
16. PURCHASER [GRANTEE] IDENTIFICATION - Prior to closing, the purchaser shall provide information necessary to complete forms and documents required for recording the deed in the Suffolk County Clerk's Office, including, among others as may be requested, the NYS Department of Taxation and Finance TP-584 form.
17. FORMER OWNER BIDDING RESTRICTED - The former owner of the property, or his agent, shall not be permitted to bid on the property or purchase same at the public auction, unless his or her bid amount exceeds the total of tax arrears, penalties and interest or surcharges that would have been due as of the day of the auction, without regard to limits on the time to redeem. If the former owner, or his agent is the successful bidder at auction all liens existing prior to the foreclosure will be reinstated and added to the auction price.
18. ASSIGNMENT RESTRICTED - A Memorandum of Sale executed at the auction cannot be assigned unless the Director [of Real Property Acquisition and Management] agrees thereto in writing. Assignments shall only be approved upon good cause shown. [It is preferred that the Purchaser who executed the Memorandum of Sale should not transfer his or her right to complete the purchase.] In the event that an assignment is approved, [after good cause shown,] a fee of no

less than \$300 can be charged.

19. **DISPUTE RESOLUTION FINAL** - The decision of the Director [of the Division of Real Property Acquisition and Management] regarding any dispute related to the auction or the conveyance of auctioned property is final. The Director reserves the right to reject any bid for failure to comply with auction procedures, or for any other reason related to the conduct of the auction, or to cancel an approved sale if the County elects not [is unable] to proceed or if the purchaser fails to complete his or her obligations in timely fashion.
20. **BROKERS** - The County of Suffolk will not pay any broker's commissions or fees. If a broker or attorney acting in the capacity of a broker is authorized to bid as the designee or agent of the actual purchaser, it is the sole responsibility of the purchaser to pay any brokerage fees or commissions earned thereby.
21. **PARTICIPATION BY SUFFOLK COUNTY EMPLOYEES PROHIBITED** - County employees and/or their immediate families, whether or not residing with the employees, are not permitted to participate as a purchaser or bidder at a County auction. Purchasers will be required to furnish an affidavit at the closing to the effect that the Purchasers are not employees or immediate family members of any Suffolk County Employee.
22. **SALE SUBJECT TO APPROVAL BY LEGISLATURE** - The Suffolk County Code requires that the disposition of surplus property must be approved by the County Legislature. A list of proposed auction sales will be presented to the Legislature for review and approval. All offers to sell are conditioned on approval from the [Suffolk] County Legislature which in its sole discretion, can decline to approve.
23. **SALE SUBJECT TO CANCELLATION BY COUNTY** - At the County's discretion, sales remain subject to cancellation even after legislative approval, but prior to the title closing [of title] in the event that insurable title cannot be conveyed, or for other good cause as determined to exist by the Director [of Real Property Acquisition and Management]. In the event that a sale is cancelled due to the purchaser's violation of any of the conditions set forth herein, any monies paid by or on behalf of the purchaser to the County shall be forfeited by purchaser and shall be retained by the County.
24. **RISK OF LOSS** - Damage by fire or other casualty loss that occurs between the sale and the title closing and that reduces the value of the auctioned premises more than 10%, may permit the purchaser to cancel the sale; if the damage is less than 10% of the value of the auctioned premises the Division of Real Property Acquisition and Management may cancel the sale, or may reduce the purchase price, after verifying the amount and value of damage by an appraisal.
25. **TITLE CLOSINGS** - Closings can be scheduled only after the legislative resolution approving the sale is filed with the County Clerk. The County will use its best efforts to close within six months of this approval. Closing dates for the sale of

properties purchased at auction will be determined by the Director [of the Division of Real Property Acquisition and Management]. Notice of a closing date will be sent to the purchaser, at least ten (10) calendar days in advance. The County reserves the right, in its sole discretion, to extend the time for closing or to compel the completion of the sale by an action for specific performance. If an adjournment is requested by the purchaser, then the Director may declare the adjourned date, or any subsequent adjourned date to be the final law date set for closing of title. On purchaser's failure to accept delivery of the deed on the final law date the sale may be cancelled and all monies paid to date may be retained by the County. In such event, purchaser will have no further rights or any claim regarding the sale or the parcel.

26. METHOD OF PAYMENT - Except for the auction fee (see below) cash, certified checks, bank checks, money orders or traveler's checks are the only forms of payment acceptable for amounts due at auction or closing. At the discretion of the Director, such certified or bank checks, money orders or traveler's checks, if payable to the order of the Purchaser, may be endorsed over to the Division of Real Property Acquisition and Management. The balance of the purchase price together with the pro rata share of taxes for a parcel sold at auction shall be due and payable at the time of the closing of title.
27. AUCTION FEES - In addition to the amount of the accepted winning bid, the purchaser of each parcel must pay an auction administrative fee (generally 1%, or up to 3% of the sales price), if auction fees are required for the subject auction. The auction fee is separate and apart from the purchase price [amount of the accepted winning bid] and must be paid by separate check or cash. Payment of the auction fee may be made by any of the methods mentioned in the immediately prior section or by personal check. There will be a \$25 fee imposed as an additional closing cost for checks that are not collectible after one presentation to the bank. Auction fees offset the costs of advertising, printing and other expenses of this auction and may be increased or decreased as appropriate to the auction, but may not exceed 3% of the winning bid without approval of the legislature.
28. DEFAULT BY THE PURCHASER - If, due to failure on the part of the p[P]urchaser, title does not close on any auctioned parcel, the down payment and auction fee are subject to forfeiture as liquidated damages for the County's auction costs, overhead expenses and loss of the transaction. *In the event of a default on one parcel, the Defaulting Purchaser may not be permitted to close on any other parcels for which he or she is the successful bidder.* If the purchaser fails to pay the balance of the purchase price as herein required, the deposit and auction fee shall be forfeited.
29. UPSET PRICE - Bidding will begin at the upset price as specified in the Auction Brochure.
30. BIDDING INCREMENTS - During the auction, the auctioneer will announce the

minimum increments required to advance bidding. A bid will not be accepted unless it meets or exceeds the increment then in effect. The Director [of Real Property Acquisition and Management] may modify the Bidding Increments at any time without notice. Generally, increments will increase as a multiple of each \$20,000 that the sale price increases.

Typical increments are as follows:

<i>Bid Amount (Range)</i>	<i>Minimum Increment of Subsequent Bid</i>
\$ 5,000 to \$ 25,000	\$ 500
\$25,000 to \$ 50,000	\$1,000
\$50,000 to \$100,000	\$2,000

31. OCCUPANCY PRIOR TO CLOSING - After the close of the Auction, the purchaser of any parcel may contact the Division of Real Property Acquisition and Management to attempt to arrange for a license agreement that would permit inspection or use and occupancy of the auctioned parcel prior to closing. A license agreement may be approved at the discretion of the Director [of the Division of Real Property Acquisition and Management], on such terms as the Director may deem reasonable. No entry onto the auctioned property is permitted without a license agreement.
32. PERSONAL PROPERTY - No personal property is included in the sale of any of the parcels auctioned by Suffolk County, except as may remain on the premises after the closing. The disposition of any personal property, located on any parcel following the closing shall be the responsibility of the purchaser.
33. DEED FORMAT - The Auction Brochure will set forth the type of deed approved by the legislature for conveyance of each parcel to the winning bidder. One of three types of deeds may be employed:
Bargain and Sale Deed without Covenants, or with Covenants against G[g]rantor's A[a]cts;
Quitclaim Deed;
Directed Deed (from the Treasurer to the Purchaser.)
34. QUITCLAIM DEED - A quitclaim deed issued to convey a parcel sold at auction may contain the following provisions:

"Nothing contained in any description herein is intended to convey more than the assessed owner owned at the time of the levy of the tax,

the non-payment of which resulted in the tax sale. There is no representation as to the extent of the acreage conveyed herein";

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

Intro. Res. No. 1657-2007

Laid on Table 6/26/2007

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

**RESOLUTION NO. 768 -2007, APPROPRIATING FUNDS
IN CONNECTION WITH THE COUNTY SHARE FOR
PARTICIPATION IN THE RECONSTRUCTION OF CR 80,
MONTAUK HIGHWAY, SHIRLEY/MASTIC, TOWN OF
BROOKHAVEN (CP 5516)**

WHEREAS, the Commissioner of Public Works has requested funds for land acquisition in connection with the Reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven; and

WHEREAS, there are Federal funds available from the Federal Highway Administration for this project, identified as PIN 0756.68, with a share allocation of 52% Federal funds and 48% County funds; and

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

WHEREAS, there are sufficient funds within the 2007 Capital Budget and Program to cover the cost of said request under this capital project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2007 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 \$850,000 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. 876 of 2004 classified the action contemplated by this as a Type I Action which will not have a significant effect on the environment; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-nine (69) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to

Section C8-2 (X) of the Suffolk County Charter to complete the reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven; and be it further

4th RESOLVED, that the proceeds of \$410,000 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-5516.211 (Fund 001-Debt Service)	50	Reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven	\$410,000

and be it further

5th RESOLVED, that Federal Aid in the amount of \$440,000 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5516.211	50	Reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven	\$440,000

and be it further

6th RESOLVED, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$410,000; and be it further

7th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$440,000; and be it further

8th RESOLVED, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$440,000; and be it further

9th RESOLVED, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

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

Intro. Res. No. 1657A-2007

BOND RESOLUTION NO. 769 -2007

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$850,000 BONDS TO FINANCE A PART OF THE COST OF THE RECONSTRUCTION OF CR 80, MONTAUK HIGHWAY, TOWN OF BROOKHAVEN (CP 5516.211)

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 a part of the cost of the reconstruction of CR 80, Montauk Highway, Town of Brookhaven, as authorized in the 2007 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,000,000. The plan of financing includes (a) the issuance of \$400,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 779-2003, with the expectation of \$320,000 in Federal Aid funds (80%) and \$80,000 in County share (20%), (b) the issuance of \$1,000,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 989-2004, with the expectation of \$800,000 in Federal Aid funds (80%), \$150,000 State Marchiselli Aid (15%) (as appropriated in Resolution 608-2006) and \$50,000 in County share (20%), (c) the issuance of \$3,750,000 bonds or bond anticipation authorized pursuant to Bond Resolution No. 1525-2006, with the expectation of \$3,000,000 in Federal Aid funds (80%) and \$750,000 in County share (20%), (d) the issuance of \$850,000 bonds or bond anticipation authorized pursuant to this resolution, with the expectation of \$440,000 in Federal Aid funds (52%) and \$410,000 in County share (48%), 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. The Comptroller is directed to limit the principal amount of serial bonds issued pursuant to this resolution to the \$410,000 County share, but the full amount of \$850,000 may be financed by the issuance of bond anticipation notes.

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, is fifteen (15) years, computed from May 15, 2005, the date of issuance of the first bonds or notes issued pursuant to Bond Resolution No. 779-2003.

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

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

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

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

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

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

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

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

Legislator Cooper made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 14-2-2-0. Legislators Caracappa and Barraga voted no. Legislators Alden and Mystal abstained.

Intro. Res. No. 1511-2007

Laid on Table 5/15/2007

Introduced by Legislators Cooper, Romaine, Schneiderman and Losquadro

RESOLUTION NO. 770 -2007, ADOPTING LOCAL LAW NO. 24 -2007, A CHARTER LAW EXTENDING AND ACCELERATING THE SUFFOLK COUNTY 1/4% DRINKING WATER PROTECTION PROGRAM FOR ENVIRONMENTAL PROTECTION

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on May 15, 2007, a proposed local law entitled, "**A CHARTER LAW EXTENDING AND ACCELERATING THE SUFFOLK COUNTY 1/4% DRINKING WATER PROTECTION PROGRAM FOR ENVIRONMENTAL PROTECTION**," 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. 24 -2007, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW EXTENDING AND ACCELERATING THE SUFFOLK COUNTY 1/4% DRINKING WATER PROTECTION PROGRAM FOR ENVIRONMENTAL PROTECTION

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 Drinking Water Protection Program, which was initially approved in 1987 by the electorate, and then modified by the electorate in 1988, 1993, 1996, and 1998 is due to expire at midnight December 31, 2013.

This Legislature further finds that, over the years, this program has provided moneys for property tax mitigation, funds for revenue-sharing for towns to either acquire land or cap and close landfills, funds for sewer district tax rate stabilization, and moneys for water quality protection programs.

This Legislature also determines that, in order to extend this program without interruption in a smooth and orderly fashion, it will be necessary to conduct another public referendum prior to its expiration, while still allowing sufficient time for approval in a timely fashion.

This Legislature also finds and determines that Open Space, Farmland Preservation, Land Stewardship, and control of invasive plant species are of vital interest and importance to the people of Suffolk County from an economic and quality-of-life standpoint; and that funding water-quality and habitat-restoration initiatives will materially enhance the quality of life for all Suffolk County residents.

This Legislature further finds that, notwithstanding the progress that the County had made in acquiring and saving land, developmental pressures are greater now than ever before, and that more funding is needed by the County due to the ever increasing values in land coupled with those intense developmental pressures.

This Legislature also finds that Suffolk County's existing inventory of preserved open space must be properly managed and cared for to ensure desired water quality because such management can occur only through proper planning resulting in a Management and Practices Manual serving to guide the Suffolk County Department of Parks, Recreation and Conservation in its stewardship role as one of the nation's largest municipal open space managers.

This Legislature further finds and determines that by extending this program by another 17 years, the County will be able to borrow money now at reduced interest rates, purchase the last vestiges of land available, and pay off its debt service at a later date, all to the benefit of the Suffolk County taxpayers.

Therefore, the purpose of this law is to extend the 1/4% Suffolk County Drinking Water Protection Program for 17 years on a modified basis, to accelerate the land acquisition component therein, and to add a land stewardship component to the law.

Section 2. Amendment.

Article XII of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

ARTICLE XII

Suffolk County Drinking Water Protection Program

§12-1. Programmatic Structure.

A Suffolk County Drinking Water Protection Program designed to provide funding for sewer district tax rate stabilization, environmental protection, and property

tax mitigation is hereby extended [re-created] in a modified form beginning on December 1, 2007 [2000], and ending on November 30, 2030 [December 31, 2013].

§12-2. Programmatic Expenses.

In the event that the New York State Legislature enacts enabling state legislation prior to November 30, 2007 [2000], for the explicit purpose of extending, within the territorial limits of the County of Suffolk, on the terms and conditions set forth in this law, the additional sales and compensating use tax of one-quarter ($\frac{1}{4}$) of one per cent (1%) authorized and imposed by the County of Suffolk pursuant to the provisions of Section 1210-A of the NEW YORK TAX LAW and Suffolk County Resolution Nos. 1568-1988 and 650-2000, then the County of Suffolk shall extend, prior to [November 30,] December 31, 2007 [2000], by appropriate legislative action, within the territorial limits of the County of Suffolk, the additional sales and compensating use tax of one-quarter ($\frac{1}{4}$) of one per cent (1%) imposed by the County of Suffolk pursuant to the provisions of Section 1210-A of the NEW YORK TAX LAW and Suffolk County Resolution No. 745-1968 as amended by Resolution Nos. 1568-1988 and 650-2000, and any revenues generated by the extension of such one-quarter ($\frac{1}{4}$) of one per cent (1%) sales and compensating use tax so authorized by appropriate state and local action, during the period commencing December 1, 2007 [2000], and concluding November 30, 2030 [December 31, 2013], shall be allocated annually only in accordance with the following formula throughout this entire period of time:

A.) Specific environmental protection [(open space acquisition)]:

- 1.) 31.10% [13.55%] of the total revenues generated each calendar year to reduce or stabilize the County's general property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the County, said revenues to be used to offset the County cost of the acquisition of:
 - (a.) Freshwater/tidal wetlands and buffer lands for same.
 - (b.) Lands within the watershed of a coastal stream, as determined by a reasonable planning or hydrological study.
 - (c.) Any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area.
 - (d.) Lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County.
 - (e.) Lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or Long Island Sound

Comprehensive Conservation Management Plan (LICMP) as needed to protect coastal water resources.

- (f.) Farmland development rights pursuant to Chapter 8 of the SUFFOLK COUNTY CODE and in accordance with the rating system set forth in Exhibit A attached hereto and made a part hereof, and/or any successor exhibit thereto.
- (g.) Open space, in accordance with the criteria set forth in Exhibit B attached hereto and made a part hereof, and/or any successor exhibit thereto.
- (h.) Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, subject to such terms and conditions regarding the actual use of such land as may be imposed by duly enacted resolution of the County of Suffolk, including, but not limited to, traditional preexisting use of such land, anything in Section 1-7 of the SUFFOLK COUNTY CHARTER to the contrary notwithstanding, as are determined to be eligible for acquisition, via duly enacted resolution of the County of Suffolk, in accordance with the criteria set forth in Exhibit B, attached hereto and made a part hereof, and/or any successor exhibit thereto.
- (i.) Land for use as Hamlet Greens, Hamlet Parks, pocket parks (with the effect of providing public spaces that reinforce community livability by enhancing the pedestrian-friendly nature of communities, including uses for outdoor activities, playgrounds, and other public gathering purposes), active parkland, active recreation, historic and/or cultural park uses, all subject to continued public access to such property, as are determined to be eligible for acquisition via duly enacted resolution of the County of Suffolk, in accordance with the criteria set forth in Exhibit C attached hereto and made a part hereof, and/or any successor exhibit thereto, after taking into consideration the advisory recommendations, if any, of the Suffolk County Planning Department and the Suffolk County Board of Trustees of Parks, Recreation, and Conservation, which Suffolk County resolution shall also explicitly designate the authorized use of such land.

2.) The Suffolk County Environmental Programs Trust Fund is hereby created. 31.10% [13.55%] of the total revenues generated each calendar year by such sales and compensating use tax shall be allocated and deposited annually to this Trust Fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. If the revenues generated in any year, including calendar year 2030 [2013], exceed the amount necessary to provide for such environmental projects, then such excess revenues shall be carried over as a fund balance for such environmental projects to be consummated in subsequent years.

(a.) The revenues allocated and deposited into the Trust Fund may be used for: the purchase of farmland development rights, open space, Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, land for use as Hamlet Greens, Hamlet Parks, pocket parks (with the effect of providing public spaces that reinforce community livability by enhancing the pedestrian-friendly nature of communities, including uses for outdoor activities, playgrounds, and other public gathering purposes), active parkland, active recreation, historic and/or cultural park uses, or, the payment of debt service on serial bonds or notes authorized via duly enacted resolution of the County of Suffolk and issued for the purchase of farmland development rights, open space, Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, land for use as Hamlet Greens, Hamlet Parks, pocket parks (with the effect of providing public spaces that reinforce community livability by enhancing the pedestrian-friendly nature of communities, including uses for outdoor activities, playgrounds, and other public gathering purposes), active parkland, active recreation, historic and/or cultural park uses. Principal and interest expenses, bond or note issuance costs and all other expenses directly related to the bonds or notes issued for such farmland development rights, open space, Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, land for use as Hamlet Greens, Hamlet Parks, pocket parks (with the effect of providing public spaces that reinforce community livability by enhancing the pedestrian-friendly nature of communities, including uses for outdoor activities, playgrounds, and other public gathering purposes), active parkland, active recreation, historic and/or cultural park uses acquisition may be paid from the sales tax revenues in the Trust Fund. The amount of debt service and bond or note issuance costs

paid from the Trust Fund in any calendar year shall not exceed eighty percent (80%) of the unobligated projected sales tax revenues for such calendar year. A projection of annual sales tax revenues for the current calendar year and the 3 calendar years immediately following, shall be prepared in a written report and shall be jointly certified by the County Executive's Office and the Legislature's Budget Review Office as follows: one (1) month prior to the sale of any Suffolk County bond or note, or forty-five (45) days prior to the debt service of any bond or note becoming due and payable by Suffolk County, whichever is sooner, and on September 1st of each calendar year. On an annual basis, actual sales tax revenues allocated and deposited into the Trust Fund that exceed debt service requirements for the current calendar year shall be reserved by Suffolk County for future debt service payments in the event future annual debt service requirements are projected to exceed 80% of the unobligated projected sales tax revenues. In the event such reserved revenues become unnecessary to ensure that the 80% cap is not exceeded, such revenues may be used for the acquisition of farmland development rights, open space, Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, land for use as Hamlet Greens, Hamlet Parks, pocket parks (with the effect of providing public spaces that reinforce community livability by enhancing the pedestrian-friendly nature of communities, including uses for outdoor activities, playgrounds, and other public gathering purposes), active parkland, active recreation, historic and/or cultural park uses under this program.

- (b.) For purposes of this section, "unobligated projected sales tax revenues" means the total projected sales tax revenues generated each calendar year that are allocated and deposited into the Trust Fund and are not committed by Suffolk County under a fully executed contract for the purchase of farmland development rights, open space, Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, land for use as Hamlet Greens, Hamlet Parks, pocket parks (with the effect of providing public spaces that reinforce community livability by enhancing the pedestrian-friendly nature of communities, including uses for outdoor activities, playgrounds, and other public gathering purposes), active parkland, active recreation, historic and/or cultural park uses, or for the payment of bonds or notes obtained for the acquisition of other farmland development rights, open space, wetlands, woodlands, pine barrens, and other lands which are

suitable only for passive, recreational use, land for use as Hamlet Greens, Hamlet Parks, pocket parks (with the effect of providing public spaces that reinforce community livability by enhancing the pedestrian-friendly nature of communities, including uses for outdoor activities, playgrounds, and other public gathering purposes), active parkland, active recreation, historic and/or cultural park uses under this program.

(c.) The County of Suffolk hereby reserves the right to dedicate and transfer development rights from land acquired under this law (exclusive of transactions involving farmland development rights, active parkland, hamlet parks, and historic parks), and hold for use for the sole purpose of providing workforce housing, as defined in Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE, pursuant to a program established by the Suffolk County Department of Planning and via subsequent duly enacted resolution of the County of Suffolk. In each individual use or sale of such development rights, such use or sale shall be subject to approval by duly enacted resolution of the County of Suffolk and shall be consistent with Resolution No. 412-2005, as amended.

(d.) Serial bonds or notes issued for the purchase of development rights or land under this program may only be authorized by a duly enacted bond or note resolution of the County of Suffolk adopted in the calendar years 2008, 2009, 2010 or 2011. Any such bonds or notes must be issued on or prior to December 31, 2011, and the final maturity of such bonds and notes shall be no later than December 31, 2030.

B.) Water quality protection and restoration program and Land Stewardship initiatives.

(1.) [11.25%] 11.75% of the total revenues generated each calendar year to reduce or stabilize the County's general property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the County, said revenues to be used to offset the County cost of environmental programs limited to:

(a.) Projects recommended by the Management Committee of SSER, PEP, and/or LICMP, if approved by duly enacted resolution of the County of Suffolk, for infrastructure improvements or operating expenses which may include, but not be limited to, the following:

(1) Nonpoint source abatement and control.

- (a.) Conventional or innovative structural or non-structural stormwater abatement or prevention.
- (b.) Establishment and/or testing of innovative and alternative on-site sanitary waste disposal systems.
- (c.) Best - management - practice demonstration and implementation at commercial, industrial, and/or residential sites.

(2) Aquatic habitat restoration:

- (a.) Wetlands preservation and enhancement.
- (b.) Submerged aquatic vegetation restoration and enhancement.
- (c.) Bay scallop and other aquatic species restoration efforts, including the management of underwater lands subject to the Suffolk County Shellfish Acqua-culture Leasing Authority.
- (d.) [Open marsh water] Inte-grated marsh management.
- (e.) Native plantings and other near-shore vegetative preservation and restoration projects.
- (f.) Non-structural [S]shore stabilization and restoration projects.
- (g.) Preservation and restoration initiatives targeted at protection of rare, threatened, or endangered species, or other priority species or critical

natural resource areas identified by the County of Suffolk.

(3) Agricultural nonpoint source abatement and control:

(a.) Best - management - practice demonstration and implementation to control or reduce pollutants such as nutrients, pesticides, and herbicides from agricultural sites and their impact on surface water quality and habitat.

(4) Pollution prevention initiatives:

a.) Best - management - practice demonstration and implementation to prevent pollution at commercial, industrial, and/or residential sites.

b.) Freshwater and tidal stream corridor restoration.

c.)[b.]) Projects to implement "no discharge zones."

d.)[c.]) Programs for educational outreach, as long as a matching non-County share of 50% is provided.

e.)[d.]) Programs to remediate other nonpoint source pollution.

f.) Land Stewardship Initiatives:

1.) The Department of Parks, Recreation and Conservation shall create a Suffolk County Open Space Management and Practices Manual, which will be an updated version of the existing Nature Preserve Handbook, to include the following:

(a.) Open Space Best Management Practices Plan to ensure open space is preserved in its natural state in perpetuity while promoting public access to open spaces where appropriate;

- (b.) Inventory of plants, animals and natural communities in Suffolk County;
 - (c.) Species Protection Best Management Practices Plan to identify criteria and actions needed to maintain stable, well-distributed populations of Suffolk County's native species of plant, animals and natural communities;
 - (d.) Land Protection Best Management Practices Plan to ensure protection of scenic and wildlife habitat resources and provide for compatible uses by the residents of Suffolk County; and
 - (e.) Complete and usable, mapped inventory of all preserved and protected lands acquired by the County of Suffolk.
- 2.) Projects to manage, maintain or restore terrestrial plants, animals, and damaged habitats.
 - 3.) Invasive species prevention and management, including early detection, monitoring, removal, research, and education, as recommended by the Final Report and Recommendations of the Suffolk County Water and Land Invasive Control Task Force dated December 2006, and prioritized by the Water Quality Protection and Restoration Program and Land Stewardship Review Committee established by this law.
 - 4.) Mechanical treatment and prescribed fires to reduce hazardous fuels, such as leaf and twig buildup.
 - 5.) Grasslands restoration and management,

- 6.) Cleaning and maintenance of ponds, lakes and tidal tributaries.
 - 7.) Cleaning up of illegal dumping.
 - 8.) Building and maintenance of trails.
- (2.) The County of Suffolk may use these funds to match offers, grants or donations of funding to the County by third-parties consistent with the water quality protection and restoration and land stewardship initiatives set forth above.
- (3.) (a.) A Water Quality Protection and Restoration Program and Land Stewardship Review Committee (Committee) is hereby created consisting of the following nine members:
- (1.) County Executive or designee;
 - (2.) County Legislator to be appointed by the Presiding Officer;
 - (3.) Commissioner of Public Works or designee;
 - (4.) Commissioner of Health Services or designee;
 - (5.) Commissioner of Parks, Recreation and Conservation or designee;
 - (6.) Director of Planning or designee;
 - (7.) Commissioner of Environment and Energy or designee to serve as Chairman;
 - (8.) One representative from a widely recognized and publicly acknowledged environmental group, to be selected by the Presiding Officer of the Suffolk County Legislature; and
 - (9.) One representative to be appointed by the County Legislature from amongst the following: Citizen Advisory Committee Chairs for the South Shore Estuary Preserve, Long Island Sound Estuary, and Peconic Estuary Program.
- (b.) The Committee is hereby authorized and directed to solicit and review all proposed projects submitted

pursuant to the Water Quality Protection and Restoration Program and Land Stewardship Initiatives and make recommendations thereon to the County Executive and the Suffolk County Legislature.

- (c.) The Committee shall establish its rules of procedure and shall meet regularly on a schedule adopted by its members.
- (d.) All projects shall be subject to the approval of the Suffolk County Legislature after review and submission of recommendations by the Committee.
- (e.) The Department of Environment and Energy is designated to administer this program.
- (f.) The Commissioner of said Department shall issue and promulgate such rules and regulations as may be necessary to implement and carry out the provisions of this article.
- (g.) The Department of Environment and Energy shall implement and administer such projects as have been duly approved by the Legislature and shall be responsible for reporting the progress of each such project on an annual basis to the County Executive and the Legislature.
- (h.) The Department of Environment and Energy shall provide staff support to the Committee.

(4.)[2.]The Suffolk County Environmental Programs Trust Fund is hereby created. [11.25%] 11.75% of the total revenues generated each calendar year by such sales and compensating use tax shall be allocated and deposited annually to this Trust Fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. If the revenues generated in any year, including calendar year 2030 [2013], exceed the amount necessary to provide for such environmental projects, then such excess revenues shall be carried over as a fund balance for such environmental projects to be consummated in subsequent years.

- [C.) Specific environmental protection (farmland acquisition): 7.35% of the total revenues generated each calendar year to reduce or stabilize the County's general property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the County, said revenues to be used to offset the County cost of environmental programs limited to the County cost of acquiring farmland development rights pursuant to Chapter 8 of the SUFFOLK COUNTY CODE. 7.35% of the total revenues generated each calendar year by such sales

and compensating use tax shall be allocated and deposited annually to the Suffolk County Environmental Programs Trust Fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. If the revenues generated in any year, including calendar year 2013, exceed the amount necessary to provide for such environmental projects, then such excess revenues shall be carried over as a fund balance for such environmental projects to be consummated in subsequent years.]

C.) [D.] County-wide property tax protection: 32.15% of the total revenues generated each calendar year to reduce or stabilize the County's general property taxes and/or police/public safety property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the County. The Suffolk County Taxpayers Trust Fund is hereby created. 32.15% of the total revenues generated each calendar year by such sales and compensating use tax shall be allocated and deposited annually to this Trust Fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. These revenues shall not be used to fund new programs or positions of employment (defined as programs or positions not budgeted by Suffolk County in the prior fiscal year).

D.) [E.] Sewer taxpayer protection: 25% [35.70%] of the total revenues generated each calendar year for sewer district tax rate stabilization only in those instances in which the pertinent sewer district will experience an increase in rates of at least 3% in the aggregate for user charges, operations and maintenance charges, per parcel charges, and ad valorem assessments in the calendar year for which these sewer district tax stabilization revenues are being allocated. The Suffolk County Sewer Assessment Stabilization Fund is hereby created. 25% [35.70%] of the total revenues generated each calendar year by such sales and compensating use tax shall be allocated and deposited annually to this Trust Fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk and shall not reduce the projected rate increase below 3% in the aggregate for user charges, operations and maintenance charges, per parcel charges, and ad valorem assessments for the year in question. If the revenues generated in any year, including calendar year 2030 [2013], exceed the amount necessary to provide such stabilization, then such excess revenues shall be carried over as a fund balance for sewer district tax rate stabilization.

§12-3. Management of program.

The management, administration, and day-to-day care and supervision of this program (not the actual allocation of revenues or appropriations) shall be provided by the [Budget Office] Department of Environment and Energy, [which] while the budget office shall maintain the official records of moneys expended pursuant to each of the funding components of this article.

§12-4. Expiration of this program.

In the event that the sales and compensating use tax extension contemplated by Section 12-2 of the SUFFOLK COUNTY CHARTER is brought before the County of Suffolk for legislative action and approval, then such sales and compensating use tax

extension may only be approved by the County Legislature and County Executive on the condition that the resolution, local law, or Charter law imposing such extension contain a condition, term, and/or provision mandating the expiration of such sales and compensating use tax extension no later than November 30, 2030 [December 31, 2013].

§12-5. Construction with other laws.

- A.) Notwithstanding any law to the contrary, expenditures made during fiscal year 2008 [2001] only, pursuant to this Article, shall not be subject to Sections 4-6(B), 4-10(E), (F), and (G), and 4-11(D) of the SUFFOLK COUNTY CHARTER. In all subsequent years, all pertinent tax cap and expenditure cap laws shall apply to expenditures made and revenues received under this article.
- B.) The revenues generated under this law shall not be available for funding the program contemplated by Section 4-6(J) [(I)] of the SUFFOLK COUNTY CHARTER, enacted by Local Law 18-1998, which program is funded under its own separate revenue source.

Section 3. Repealed.

ARTICLE I of Chapter 858A (858A-1 through A-5) of the SUFFOLK COUNTY CODE as added by Resolution No. 659-2002 is hereby repealed.

Section 4. Applicability.

In the event that the New York State Legislature enacts enabling State legislation prior to November 30, 2007, for the explicit purpose of extending, within the territorial limits of the County of Suffolk, on the terms and conditions set forth in this law, the additional sales and compensating use tax of one-quarter (¼) of one per cent (1%) imposed under Local Law Nos. 40-1987, 35-1988 and 35-1999, and Resolution Nos. 1568-1988 and 650-2000 to the provisions of Section 1210-A of the NEW YORK TAX LAW, and in the event that the County of Suffolk extends, prior to December 31, 2007, by appropriate legislative action within the territorial limits of the County of Suffolk, additional sales and compensating use tax of one-quarter (¼) of one per cent (1%) imposed under Resolution Nos. 1568-1988 and 650-2000, pursuant to the provisions of Section 1210-A of the NEW YORK TAX LAW, then any revenues generated by the extension of the one-quarter (¼) of one per cent (1%) sales and compensating use tax so authorized by appropriate State and local action, shall be used for the sole and explicit purpose of paying any and all costs set forth in this law, only in the proportions so set forth, for the period December 1, 2007, through November 30, 2030. In addition, every effort shall be made to apply for every federal, State, and local aid that may be available to support this program.

Section 5. Severability.

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

Section 6. SEQRA Determination.

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

Section 7. Form of Proposition.

The question to be submitted to the electorate pursuant to Section 7 of this law shall read as follows:

Shall Resolution No. -2007, Adopting A Charter Law to Extend the Existing Suffolk County 1/4% Sales Tax Drinking Water Protection Program for Environmental Protection, Sewer District Tax Rate Stabilization and County-wide Property Tax Protection from December 31, 2013 to November 30, 2030; To Accelerate the Land Acquisition Component of the Program, by Permitting Borrowing of Up to \$322 Million Over the Next Four (4) Years Only, With the Cost of This Borrowing to be Repaid from the 1/4% Sales Tax Revenue Stream; To Add a Land Stewardship Component Thereto; and To Allow the Transfer of Development Rights, Be Approved?

Section 8. Effective Date.

This law shall not take effect until the first day of the first fiscal year after its approval by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section 34 of the NEW YORK MUNICIPAL HOME RULE LAW. After approval by the electorate, this law, as well as any other law converted into a mandatory referendum pursuant to Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW, by a vote of the County Legislature, may only be amended, modified, repealed, or altered by enactment of an appropriate Charter law subject to mandatory referendum in accordance with prevailing law, except that Section 2 of this law will take effect on December 1, 2007.

Section 9. Conflicting Referenda.

In the event that there are other referenda on the ballot, pertaining to or addressing substantially the same issues as are contained in this law, then the provisions of the measure approved by the electorate receiving the greatest number of affirmative votes, shall prevail, and the alternative measure, or measures, as the case may be, shall be deemed null and void.

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

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

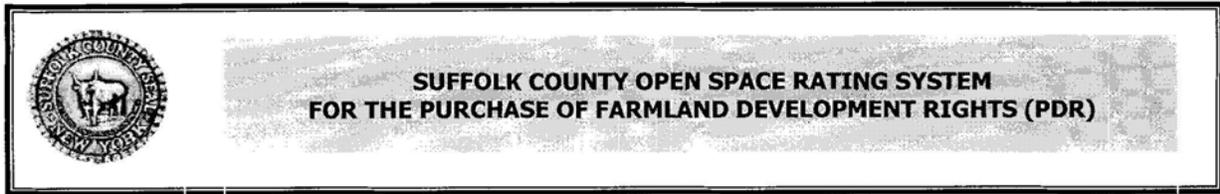
Date: August 22, 2007

After a public hearing duly held on August 21, 2007
Filed with the Secretary of State on September 13, 2007

Open Space Acquisition Policy Plan for Suffolk County

Name _____

Exhibit A



This rating system was developed for the evaluation of farm properties for the potential purchase by the development rights (PDR) program. The system considers four major factors: contiguity, vistas, soils, and value. The first two factors seek to preserve large blocks of farmland thus protecting the land from non-agricultural intrusions and preserving the scenic vistas. Soils which are better for farming such as Bridgehampton and Haven associations are assigned higher point values. Slope also plays a part in the soil type and desirability of farmland. The estimated price of the farmland is also considered in the evaluation. Bonuses are given for land in Agricultural Districts, and negative points may be given for negative impacts such as excavations.

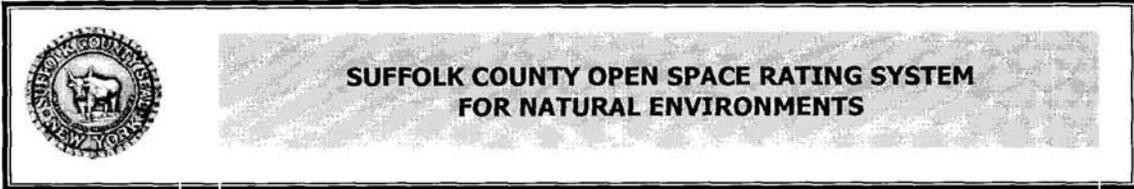
			Score	Subtotal
FARMLAND PRESERVATION FACTORS				
CONTIGUITY: PROXIMITY TO PRESERVED FARM PROPERTIES				
1.	PDR properties on three sides. (5 pts)			
2.	PDR properties on two sides. (4 pts)			
3.	PDR properties on one side. (3 pts)			
4.	Large amount of protected farmland nearby. (2 pts)			
5.	Some protected farmland nearby. (1 pt)			
6.	No protected farmland nearby. (0 pt)			0
VISTAS				
1.	Long road frontage and part of a large block of farmland (100+ acres). (5 pts)			
2.	Small road frontage and part of a large block of farmland. (4 pts)			
3.	Long road frontage and part of a small block of farmland. (3 pts)			
4.	Small road frontage and part of a small block of farmland. (2 pts)			
5.	Less than 100' of road frontage and part of a large block of farmland. (1 pt)			
6.	Less than 100' of road frontage and part of a small block of farmland. (0 pt)			0
SOILS		Slope	Capability	
1.	Capability Unit I-1: Bridgehampton, Haven, Montauk. (5 pts)	0-3%	BgA, HaA, MKA	
2.	Nearly flat Class II: Riverhead, Scio, Plymouth, Haven, Montauk. (4 pts)	0-3%	RdA, SdA, PsA, He, Mf	
3.	Best soils but with some slope: Bridgehampton, Haven, Montauk. (3 pts)	2-8%	BgB, Bh8, I-laB, MkB	
4.	Other Class II soils with some slope: Montauk, Riverhead, Scio, Sudbury. (2 pts)	2-8%	MB, RdB, ScB, Su	
5.	Non-prime soil that is farmed: Plymouth. (1 pt)		PmB3	
6.	Poor soil. (0 pt)		Gp	0
APPROXIMATE DEVELOPMENT RIGHTS VALUE PER ACRE				
1.	\$30,000 or less. (5 pts)			
2.	\$30,001-\$45,000. (4 pts)			
3.	\$45,001-\$60,000. (3 pts)			
4.	\$60,001-\$80,000. (2 pts)			
5.	\$80,001-\$100,000. (1 pt)			
6.	\$100,001-\$200,000. (0 pt)			
7.	\$200,001-\$500,000. (-1 pt)			
8.	\$500,001 or more. (-2 pts)			0
ADJUSTMENTS				
1.	Bonus for being in an Agricultural District. (2 pts)			
2.	Other negative factors. (-1 or -2 pts)			0
TOTAL SCORE (maximum = 22 points)				0

Open Space Acquisition Policy Plan for Suffolk County

Exhibit B

Name _____

Introductory Resolution No. _____



This rating system for natural environments is designed to clarify the recommendation and acquisition process for parcels of land that might be acquired with funds from the New Drinking Water Protection Program, the Multifaceted Land Preservation Program, the SOS Program, the Environmental Legacy Fund, or any of the other County open space programs that are designed for the protection of natural environments.

NEW DRINKING WATER PROTECTION PROGRAM

If the property is being recommended for acquisition under the **New Drinking Water Protection Program (1999)**, then it must meet at least one of the following criteria:

- 1. Freshwater/tidal wetlands and buffer lands for same
- 2. Lands within the watershed of a coastal stream as determined by a reasonable planning or hydrological study
- 3. Any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area
- 4. Lands determined by the County Department of Planning to be necessary for maintaining the quality of surface or groundwater in Suffolk County
- 5. Lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or the Long Island Sound Comprehensive Conservation and Management Plan (LICMP) as needed to protect coastal water resources

If YES, then go to the next page.

MULTIFACETED LAND PRESERVATION PROGRAM

Property is being recommended for acquisition under the following component of the **Multifaceted Land Preservation Program**:

- pursuant to the Land Preservation Partnership Program (Resolution No. 751-1997 passive recreation)
- pursuant to the traditional (1986) Open Space Preservation Program
- for environmentally sensitive land acquisition
- for watershed/estuary protection
- for drinking water protection purposes

If YES, then go to the next page.

OTHER OPEN SPACE PROGRAMS:

1986 Open Space Preservation, 1987 Drinking Water Protection, South Setauket Woods Conservation Area, Land Preservation Partnership (passive recreation), the Community Greenways Fund (Open Space component), SOS (Save Open Space) Program (Open Space component), Environmental Legacy Fund (Open Space category), etc.

If YES, then go to the next page.

Open Space Acquisition Policy Plan for Suffolk County



SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR NATURAL ENVIRONMENTS

Score Subtotal

NATURAL RESOURCE CHARACTERISTICS			
A. WETLANDS AND BUFFER AREAS			
1. Site contains tidal or freshwater wetlands as identified by New York State Department of Environmental Conservation or local town/village approved maps. (> 50%=10pts.; between 50% and 25%=8pts.; less than 25%=5pts.)			
2. Site contains the buffer area of a tidal wetland (approx. 300 ft.) or freshwater wetland. (approx. 100 ft.) (5pts.)			
3. Site contains both tidal and freshwater wetlands as identified by New York State Department of Environmental Conservation or local town/village approved maps. (2pts.)			
4. Site is located within a drainageway with at least one of the following soil types: At, Bd, Ca, De, Mu, ScB, SdA, SdB, Su, Tm, Wa, Wd, We, Wh. (2pts.)			0
B. GROUNDWATER RESOURCES			
1. Site is located within the Pine Barrens Core Area. (10pts.)			
2. Site is located within a Special Groundwater Protection Area (SGPA), but not within the Pine Barrens Core Area. (8pts.)			
3. Site is located within Hydrogeologic Zone I or Zone III (deep aquifer recharge area), but not within the Pine Barrens Core Area or a SGPA. (3pts.)			0
C. NATURAL HABITAT			
1. Site contains endangered (10 pts.), threatened (10 pts.) and/or special concern (5 pts.) species pursuant to Federal/New York State listings as identified under ECL Section 11-0535; regulation 6NYCRR Part 182.5. (10pts.)			
2. Site contains a New York State Natural Heritage Program Element(s) with a Global rank of G1, G2 or G3 and/or a State rank of S1, S2 or S3. (5pts.)			
3. Site contains an endangered, threatened, exploitably vulnerable or rare New York State Protected Native Plant species as identified under ECL Section 9-1503; regulation 6 NYCRR Part 193.3. (4pts.)			
4. Habitat diversity – Site contains three or more habitat cover types (ie. pine barrens, mature oak forest, wetland, maritime shrubland, etc. (2pts.)			0
PHYSICAL CHARACTERISTICS			
A. GEOLOGICAL LANDFORMS AND BOUNDARIES			
1. Site includes or is adjacent (approx. 300 ft.) to a waterbody such as an ocean/ bay/ sound/ pond/ lake/ river/ stream/ creek. (5pts.)			
2. Site contains a unique geological landform (ie. kettlehole, dune, bluff, escarpment, other) or is located within a major swale area that contributes direct runoff to surface waters. (3pts.)			
3. Site contains more than one waterbody, geologic landform as identified in No. 1 and 2 above. (2pts.)			
4. Site is located within the FIRMs 100-year floodplain (V Zone). (2pts.)			
5. Site is located within the FIRMs 100-year floodplain (A Zone). (1pt.)			0
B. SIZE			
1. Over 50 acres. (10 pts.)			
2. Between 10 and 50 acres. (8 pts.)			
3. Between 5 and 10 acres. (5 pts.)			0
C. LOCATION			
1. Site is adjacent or near (approx 300 ft.) to other County Parkland. (5 pts)			
2. Strategic parcel associated with an area earmarked by the Suffolk County Planning Department for future park acquisition or where significant County park/open space interests already exist. (4pts.)			
3. Site has been identified for environmental protection by an estuary program plan: Long Island Sound Study CCMP, Peconic Estuary Plan CCMP or the South Shore Estuary Reserve Plan CMP. (3pts.)			
4. Site is adjacent or near (approx. 300 ft.) to other protected parklands (ie. Federal, state, town, village or is located within a New York State designated Wild, Scenic and Recreational Rivers corridor). (2pts.)			
5. Site will provide public access to the shoreline (ie. ocean, bay, etc.). (2pts.)			
6. Site is located within or adjacent to a designated greenbelt or historic trail. (2pts)			
7. Site will provide special view from a high elevation, scenic roadway, major road corridor, waterfront, etc. (2pts.)			
8. Site is adjacent or near (approx. 300 ft.) to private open space. (1pt.)			0
STEWARDSHIP MANAGEMENT AGREEMENT			
1. Inter-municipal management agreement with Federal, state, town and/or village. (5 pts.)			
2. Management agreement with non-profit environmental organization. (1 pt.)			0
TOTAL SCORE (maximum = 100 points)			0

Open Space Acquisition Policy Plan for Suffolk County

Exhibit C

Name _____

Introductory Resolution No. _____



This rating system for active recreation, hamlet park or historic and/or cultural park, uses is designed to clarify the recommendation and acquisition process for parcels of land that might be acquired with funds from the Suffolk County Community Greenways Fund (Active Parklands component), the Multifaceted Land Preservation Program (Active Parklands Stage II), the Multifaceted Land Preservation Program (Parkland Purposes), SOS (Save Open Space) Program (Hamlet Greens, Hamlet Park or Pocket Park component), the Environmental Legacy Fund, active parkland or historic park category, etc.

SUFFOLK COUNTY COMMUNITY GREENWAYS FUND, MULTIFACETED LAND PRESERVATION PROGRAM, ACTIVE PARKLANDS STAGE II OR ENVIRONMENTAL LEGACY FUND, ACTIVE PARKLANDS

If the property is being recommended for acquisition for active recreation under: 1) the Suffolk County Community Greenways Fund (Active Parklands component) or 2) the Multifaceted Land Preservation Program (Active Parklands Stage II), or the Environmental Legacy Fund (Active Parkland category) then Suffolk County has to enter into a written binding agreement with another municipality, school district or community group, as specified by either program, and meet at least one of the following criteria to improve and maintain the property for active park use:

An agreement with a municipality, school district or community group is completed or has been initiated by resolution of the municipality, school district or community group.

If YES, then answer the following list of criteria:

Site must meet at least one of the following criteria as its proposed recreational use(s):

- Additional space for playgrounds
- Use as a soccer field
- Use as a football field
- Use as a baseball field
- Use for outdoor concerts
- Use for horseback riding or equine endeavors
- Use for other community recreational needs

Note: Golf courses are not to be considered as an active recreation acquisition under these programs.

If YES to any of the above criteria, then go to the next page.

MULTIFACETED LAND PRESERVATION PROGRAM

If the property is being recommended for acquisition under the following component of the Multifaceted Land Preservation Program:

- for parkland purposes

If YES, then go to the next page.

SOS (SAVE OPEN SPACE) PROGRAM

If the property is being recommended for acquisition under the following component of the SOS Program:

- Hamlet Green, Hamlet Park, or Pocket Parks

Note: Site plans and a completed Environmental Assessment Form is required to be submitted to the Suffolk County Department of Planning and the Suffolk County Department of Parks, Recreation and Conservation as part of this review process.

If YES, then go to the next page.

Open Space Acquisition Policy Plan for Suffolk County



**SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR ACTIVE RECREATION,
HAMLET PARK, HISTORIC AND/OR CULTURAL PARK USES**

Score Subtotal

RECREATIONAL CHARACTERISTICS

A. HISTORIC/ CULTURAL FEATURES

1. Site is location of prehistoric/archeological significance and/or findings as identified by the NYS Office of Parks, Recreation and Historic Preservation. (5 pts.)		
2. Site is listed on the National or State Register of Historic Places. (5 pts.)		
3. Site is located within a town designated historic district or is an historic landmark. (4 pts.)		
4. Site is located within a designated greenbelt or historic trail. (4 pts.)		0

B. SITE ATTRIBUTES

Site can/will adequately accommodate the proposed recreational use(s) of the site and its associated parking needs. (5 pts.)		
2. Site is accessible to all residents of Suffolk County by means of an adequate roadway that would accommodate the proposed recreational use. (5 pts.)		
3. Site and its proposed use(s) will not compromise or reduce any environmentally sensitive natural habitats such as wetlands, rare upland plant/forest habitats, habitats of endangered, threatened and/or special concern species pursuant to Federal/New York State listings. (5 pts.)		
4. Site will provide public access to the shoreline (i.e. ocean, bay, etc.). (5 pts.)		
5. Site will provide special view from a high elevation, scenic roadway, major road corridor, etc. (5 pts.)		0

C. COMMUNITY VALUES

1. Site and its proposed recreational use(s) have community support. (10 pts.)		
2. Site and its proposed use(s) will provide a recreational opportunity in an area that is presently deficient in this use or similar recreational uses. (5 pts.)		
3. Site is located adjacent to another existing public recreational area where this acquisition will enhance the recreational uses of both sites. (4 pts.)		
4. Site is located within a census designated place with a population density greater than 2,000 persons per square mile. (4 pts.)		0

PHYSICAL CHARACTERISTICS

A. SIZE

1. Over 25 acres. (5 pts.)		
2. Between 10 and 25 acres. (4 pts.)		
3. Between 3 and 10 acres. (3 pts.)		0

B. LOCATION

1. Site is adjacent or near (approx. 300 ft.) to other County Parkland. (5 pts.)		
2. Site is adjacent or near (approx. 300 ft.) to other protected parklands (i.e. Federal, state, town, village). (4 pts.)		
3. Site is adjacent to private park/recreational use. (3 pts)		0

STEWARDSHIP MANAGEMENT AGREEMENT

1. Inter-municipal management agreement with Federal, state, town and/or village. (10 pts.)		
2. Management agreement with non-profit environmental organization. (7 pt.)		0

TOTAL SCORE (maximum = 100 points) 0

Department of Parks, Recreation and Conservation Comments (*fiscal impacts, capital operating costs, building condition, maintenance costs, etc.*):

Suffolk County Active Parklands Acquisition

- A.) Funding may be authorized, issued, appropriated, and expended via duly enacted Suffolk County Resolution for the acquisition of various parcels of land for use as active parklands, except golf courses, in those instances in which a Town, Village, School District, and/or community organizations, has entered into a written binding agreement or commitment with Suffolk County to improve and maintain the property for the agreed upon use of the land for playgrounds; for use as a soccer field; for use as a football field; for use as a baseball field; for use for outdoor concerts; for use for horseback riding or equine endeavors; and/or for use for such other community recreational needs as shall be determined via duly enacted resolution of the County of Suffolk, all subject to continued public access to such property, which Suffolk County Resolution shall also contain approval of such binding commitment or agreement.
- B.) In those instances in which a community organization proposes to enter into a written binding agreement or commitment with the County of Suffolk requiring a financial contribution of Twenty-five Thousand Dollars (\$25,000.00) or more by such community organization, the County Department of Parks, Recreation, and Conservation and the Legislative Office of Budget Review shall review the financial capability of such community organization to provide both the proposed short-term capital improvements submitted as part of the proposal and the financial capability of the community organization to carry out the proposed project from the standpoint of improving and maintaining the property in a timely fashion on a long-term basis. Such review shall include a review of the financial statements submitted by the community organization for the past five (5) years, as well as current financial statements. The Legislative Office of Budget Review shall issue a written report to the County Executive and to each member of the County Legislature no later than sixty (60) days subsequent to the receipt of such proposal from such community organization stating its findings and determinations as to such financial capability.

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

Intro. Res. No. 1789-2007

Laid on Table 8/7/2007

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 771 -2007, ACCEPTING AND APPROPRIATING 100% ADDITIONAL STATE AID FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH TO NASSAU SUFFOLK LAW SERVICES FOR THE PROVISION OF CIVIL LEGAL SERVICES PROGRAM

WHEREAS, the New York State Office of Mental Health (NYSOMH) allocated 100% additional State Aid funding to Suffolk County Department of Health for continuation of the provision of a Civil Legal Services Program for Mental Health Consumers; and

WHEREAS, Resolution No. 248-2007 identified Nassau Suffolk Law Services as the agency to provide the Civil Legal Service Program and appropriated \$102,800 for the program through June 30, 2007; and

WHEREAS, this additional 100% State Aid includes a 2.3% cost of living adjustment (COLA); and

WHEREAS, Nassau Suffolk Law Services was the sole respondent to the Request for Qualifications for Civil Legal Services; and

WHEREAS, the Division of Community Mental Hygiene Services requests to continue and extend the contract with Nassau Suffolk Law Services through December 31, 2007 to ensure the continuity of provision of Civil Legal Services to this target population and to prevent the loss of this additional 100% State Aid; and

WHEREAS, these additional funds were not included in the Suffolk County Operating Budget; and

WHEREAS, these additional funds are 100% State funded; 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 funding as follows:

<u>REVENUES</u>	<u>Amount</u>
001-HSV-3493 State Aid: Community Support Services	\$107,528

ORGANIZATIONS

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

<u>XORG OBJECT NAME</u>	<u>2007 Current Modified Adopted</u>	<u>2007 Revised Modified Adopted</u>	<u>Change</u>
HYO1 Nassau Suffolk Law Services	\$102,800	\$210,328	+\$107,528

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with Nassau Suffolk Law Services; and be it further

3rd RESOLVED, that the funding and the expenditures that may be incurred run concurrent to the budget period as specified in the award letter; and be it further

4th 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: August 7, 2007

APPROVED BY:

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

Date: August 9, 2007

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

Into. Res. No. 1824-2007 Laid on Table 8/7/2007
Introduced by Presiding Officer, on request of the County Executive and Legislators Mystal, Horsley, D’Amaro, Stern and Eddington

RESOLUTION NO. 772 -2007, AUTHORIZING THE COUNTY OF SUFFOLK TO ENTER INTO A CONTRACT FOR SHARED SERVICES WITH THE NORTH BABYLON UNION FREE SCHOOL DISTRICT

WHEREAS, municipal corporations and districts have the power to enter into, amend, cancel and terminate agreements for the performance among themselves, or one for the other, of their respective functions, powers and duties on a collaborative or contract basis; and

WHEREAS, such collaborations or contracts with other municipal corporations and districts include entering into agreements for the purposes of renting, leasing, exchanging or borrowing machinery and equipment, with or without operators; and

WHEREAS, the North Babylon Union Free School District has requested to borrow a truck with a boom and bucket to facilitate its painting operations; and

WHEREAS, it is hereby determined that the County of Suffolk has machinery and equipment which stands idle from time to time; and

WHEREAS, it is hereby determined that other municipal corporations and districts often have the need to use such machinery and equipment; and

WHEREAS, it is smart government to use idle machinery and equipment on a shared basis as it results in taxpayer savings; and

WHEREAS, it is hereby determined that such taxpayer savings are in the best interests of the County of Suffolk; and

WHEREAS, it is the intent of this Legislature to authorize the County Executive to enter into a shared services agreement allowing the North Babylon Union Free School District to borrow a truck with a boom and bucket for painting operations; now, therefore be it

1st RESOLVED, that the County Executive be and hereby is authorized to execute a contract, subject to the approval of the County Attorney, with the North Babylon Union Free School District for the sole purpose of sharing with the school district the use of a truck with bucket and boom; and be it further

2nd RESOLVED, that the County Attorney's office is hereby authorized to execute any and all documents necessary to effectuate the terms and conditions of this resolution; and be it further

3rd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that 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 or continuing agency administration and management, 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; and be it further

4th RESOLVED, that this resolution shall take effect immediately.

DATED: August 7, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 15, 2007

Exhibit B

Suffolk County Legislative Requirements I

1. Contractor's/Vendor's Public Disclosure Statement

The Contractor represents and warrants that it has filed with the Comptroller of Suffolk County the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the said Comptroller on or before the 31st day of January in each year of this Agreement's duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of this Agreement, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Agreement.

Required Form: Suffolk County Form SCEX 22; entitled "Contractor's/Vendor's Public Disclosure Statement"

2. Living Wage Law

This Agreement is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

The Contractor represents and warrants that it has read and shall comply with the requirements of Suffolk County Code Chapter 347, Suffolk County Local Law No. 12-2001, the Living Wage Law.

Required Forms: Suffolk County Living Wage Form LW-1; entitled "Suffolk County Department of Labor – Living Wage Unit Notice of Application for County Compensation (Contract)"

Suffolk County Living Wage Form LW-38; entitled
"Suffolk County Department of Labor – Living Wage Unit Living Wage
Certification/Declaration – Subject To Audit"

3. Use of County Resources to Interfere with Collective Bargaining Activities Local Law No. 26-2003

The Contractor represents and warrants that it has read and is familiar with the requirements of Chapter 466, Article 1 of the Suffolk County Local Laws, "Use of County Resources to Interfere with Collective Bargaining Activities". County Contractors (as defined) shall comply with all requirements of Local Law No. 26-2003 including the following prohibitions:

¹ For purposes of this Agreement, the District is referred to herein as the "Contractor."

- a. **The Contractor shall not use County funds to assist, promote, or deter union organizing.**
- b. **No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.**
- c. **The County of Suffolk shall not use County funds to assist, promote, or deter union organizing.**
- d. **No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.**

If Contractor services are performed on County property the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, nonintimidation agreement and a majority authorization card agreement.

If Contractor services are for the provision of human services and such services are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Local Law No. 26-2003, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

Required Form: Suffolk County Labor Law Form DOL-LO1; entitled “Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration – Subject to Audit”

4. Lawful Hiring of Employees Law

This Agreement is subject to the Lawful Hiring of Employees Law of the County of Suffolk (Local Law 52-2006). It provides that all covered employers, (as defined), 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 is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) 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.

All contractors and subcontractors (as defined) 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 is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code 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.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the contract, and whenever a new contractor or subcontractor is hired under the terms of the contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of this agreement.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate this Agreement for violations of this Law and to seek other remedies available under the law.

The Contractor represents and warrants that it has read, is in compliance with, and shall comply with the requirements of Suffolk County Code Chapter 234, Suffolk County Local Law No. 52-2006, the Lawful Hiring of Employees Law.

Required Forms: Suffolk County Lawful Hiring of Employees Law Form LHE-1; entitled “Suffolk County Department of Labor –”Notice Of Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees”

1324a “Affidavit Of Compliance With The Requirements Of 8 U.S.C. Section With Respect To Lawful Hiring Of Employees” Form LHE-2.

5. **Gratuities**

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

5. 6. Prohibition Against Contracting with Corporations that Reincorporate Overseas

The Contractor represents that it is in compliance with Suffolk County Administrative Code Article IV, §§A4-13 and A4-14, found in Suffolk County Local Law No. 20-2004, entitled “A Local Law To Amend Local Law No. 5-1993, To Prohibit The County of Suffolk From Contracting With Corporations That Reincorporate Overseas.” Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

7. Child Sexual Abuse Reporting Policy

The Contractor agrees to comply with Chapter 577, Article IV, of the Suffolk County Code, entitled “Child Sexual Abuse Reporting Policy”, as now in effect or amended hereafter or of any other Suffolk County Local Law that may become applicable during the term of this Agreement with regard to child sexual abuse reporting policy.

8. Non Responsible Bidder

The Contractor represents and warrants that it has read and is familiar with the provisions of Suffolk County Code Chapter 143, Article II, §§143-5 through 143-9. Upon signing this Agreement the Contractor certifies that he, she, it, or they have not been convicted of a criminal offense within the last ten (10) years. The term “conviction” shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under the provision of Section 143-5 of the Suffolk County Code under “Nonresponsible Bidder.”

9. Use of Funds in Prosecution of Civil Actions Prohibited

Pursuant to the Suffolk County Code Section §590-3, the Contractor represents that it shall not use any of the moneys received under this Agreement, either directly or indirectly, in connection with the prosecution of any civil action against the County of Suffolk or any of its programs, funded by the County, in part or in whole, in any jurisdiction or any judicial or administrative forum.

10. Suffolk County Local Laws

Suffolk County Local Laws, Rules and Regulations can be found on the Suffolk County web site at [www.co.suffolk<http://www.co.suffolk.ny.us>](http://www.co.suffolk.ny.us). Click on “Laws of Suffolk County” under “Suffolk County Links.”

**ADJOURNED 6:24PM
TIM LAUBE, CLERK OF THE LEGISLATURE**