

FIFTH DAY
REGULAR MEETING

March 18, 2008

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 4:00 p.m., pursuant to notice duly given.

The meeting was called to order at 4:02 p.m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Mystal; Legislators Romaine, Schneiderman, Browning, Beedenbender, Vilorio-Fisher, Losquadro, Eddington, Montano, Barraga, Nowick, Horsley, Stern, and D'Amaro.

Statements and Presentations

Public Portion

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

Intro. Res. No. 1170-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 129 -2008, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS
ON CORRECTION OR ERRORS/COUNTY TREASURER BY:
COUNTY LEGISLATURE #291**

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

1st 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.

Original Corrected Chargeback or

<u>Description</u>	<u>Year</u>	<u>Tax</u>	<u>Tax</u>	<u>Refund, if paid</u>
ISLIP:				
0500-294.00-02.00-046.000	2007/08	\$4976.50	\$0.00	\$4976.50
0500-271.00-03.00-013.000	2007/08	\$4769.29	\$0.00	\$4769.29
0500-378.00-01.00-036.001	2007/08	\$3471.89	\$0.00	\$3471.89
0500-378.00-01.00-036.002	2007/08	\$5734.47	\$0.00	\$5734.47
0500-251.00-01.00-002.006	2007/08	\$2948.13	\$0.00	\$2948.13
0500-174.00-01.00-005.003	2007/08	\$17768.80	\$0.00	\$17768.80

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1171-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 130 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #292

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

1st 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:				
0200-777.00-04.00-002.000 Item #3634720	2007/08	\$35,407.80	\$0.00	\$35,407.80
0200-985.70-08.00-038.000 Item #8906685	2007/08	\$3,721.77	\$0.00	\$3,721.77

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1172-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/4/2008

RESOLUTION NO. 131 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #293

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

1st 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>
EASTHAMPTON:				
0300-048.00-07.00-024.001	2007/08	\$3662.42	\$0.00	\$3662.42

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro Res. No. 1187-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 132 -2008, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR AN EMERGENCY SHELTER GRANTS PROGRAM AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT

WHEREAS, the Suffolk County Community Development Office has been awarded an Emergency Shelter Grant for fiscal year 2008 under Title IV of the Stewart B. McKinney Homeless Assistance Act, Subpart B, P.O. 100-77; and

WHEREAS, the County has been awarded an Emergency Shelter Grant in the amount of \$163,391; and

WHEREAS, \$8,165 of said funds are to be used for operational costs; and

WHEREAS, these funds have been included in the 2008 Adopted Operating Budget, now, therefore be it

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

2nd RESOLVED, that \$8,165 of these funds be used to reimburse budgeted County expenses and that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate the following funds.

REVENUES: AMOUNT

354-4910 Federal Aid: Community Development \$163,391

ORGANIZATIONS:

Economic Development
Emergency Shelter Grants Program
354-CDV-8780

Contracted Services \$155,226
4980-Contracted Agencies \$155,226

Interfund Transfer
Transfer to Fund 351
IFT-9600

354-IFT-E351 Transfer to Fund 351 Comm. Dev. Admin. \$ 8,165

and be it further

3rd RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is CD10; 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 Type II action, pursuant to 6 NYCRR.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro Res. No. 1188-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/4/2008

**RESOLUTION NO. 133 -2008, ACCEPTING AND
 APPROPRIATING A 100% REIMBURSED GRANT FROM THE
 U.S. DEPARTMENT OF HOUSING AND URBAN
 DEVELOPMENT AND AUTHORIZING THE COUNTY
 EXECUTIVE TO EXECUTE AGREEMENTS**

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

WHEREAS, the Department of Economic Development/Community Development Division has submitted an application for a Community Development Entitlement Block Grant for Federal Fiscal Year 2008 under the Housing and Community Development Acts of 1974 (P.L. 93-383) as amended; and

WHEREAS, the County Consortium has been awarded a FY 2008 entitlement Community Development Block Grant in the amount of \$3,639,781; and has program income of \$75,000; and

WHEREAS, \$414,781_____ of said funds are to be used for operational costs; and

WHEREAS, these funds have already been included in the 2008 Adopted Operating Budget to offset operational costs; and

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

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

2nd RESOLVED, that \$414,781 of these funds be used to reimburse budgeted county expenses and that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate the following funds.

REVENUES:

352-4920 Federal Aid:	Community Development	<u>\$3,639,781</u>
	Program Income	\$ 75,000

ORGANIZATIONS:

Economic Development
 Grants to Cooperating Municipalities
 352-CDV-8035

<u>4980-Contracted Services</u>	\$3,300,000
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4980-Contracted Agencies TOWN OF BROOKHAVEN 352-9247	\$2,030,000
4980-Contracted Agencies TOWN OF EAST HAMPTON 352-9248	108,000
4980-Contracted Agencies TOWN OF RIVERHEAD 352-9249	156,000
4980-Contracted Agencies TOWN OF SHELTER ISLAND 352-9250	16,000
4980-Contracted Agencies TOWN OF SMITHTOWN 352-9251	292,000
4980-Contracted Agencies TOWN OF SOUTHAMPTON 352-9252	204,000
4980-Contracted Agencies TOWN OF SOUTHOLD 352-9253	130,000
4980-Contracted Agencies VILLAGE OF BELLPORT 352-9254	16,000
4980-Contracted Agencies VILLAGE OF LAKE GROVE 352-9255	52,000
4980-Contracted Agencies VILLAGE OF PATCHOGUE 352-9256	222,000
4980-Contracted Agencies VILLAGE OF PORT JEFFERSON 352-9257	23,000
4980-Contracted Agencies VILLAGE OF SAG HARBOR 352-9258	16,000
4980-Contracted Agencies VILLAGE OF SOUTHAMPTON 352-9259	23,000
4980-Contracted Agencies VILLAGE OF WESTHAMPTON BEACH 352-9262	12,000

Interfund Transfer
Transfer to Fund 351
IFT-9600

352-IFT-E351 Transfer to Fund 351 Comm. Dev. Admin. \$414,781

and be it further

3rd RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is CD11; 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 Type II action, pursuant to 6 NYCRR.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1206-2008 Laid on Table 3/4/2008
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 134 -2008, ACCEPTING AND APPROPRIATING A 100% REIMBURSED GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN

**DEVELOPMENT FOR A HOME INVESTMENT
PARTNERSHIPS PROGRAM AND AUTHORIZING THE
COUNTY EXECUTIVE TO EXECUTE AGREEMENTS**

WHEREAS, the Suffolk County Department of Economic Development/Community Development Division has submitted an application for a HOME Investment Partnership Program Grant for Federal Fiscal Year 2008 under Title II of the National Affordable Housing Act of 1990 (P.L. 101-625); and

WHEREAS, the County has been awarded a HOME Investment Partnership Program
FY 2008 grant in the amount of \$2,153,832; and

WHEREAS, the County has also been awarded a FY 2008 American Dream Down Payment Initiative grant in the amount of \$14,613 as part of the HOME Investment Partnership Program; and

WHEREAS, \$261,802 of said funds are to be used for operational costs; and

WHEREAS, these funds have been included in the 2008 Adopted Operating Budget; now, therefore be it

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

2nd RESOLVED, that \$261,802 of these funds be used to reimburse budgeted County expenses and that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate the following funds:

<u>REVENUES:</u>	<u>AMOUNT</u>
353-4911 Federal Aid: Community Development	\$2,168,445

ORGANIZATIONS:

Economic Development Home Investment Partnerships 353-CDV-8775	<u>\$1,906,643</u>
<u>Contracted Services</u> 4980-Contracted Agencies	<u>\$1,906,643</u>

Interfund Transfer Transfer to Fund 351 IFT-9600	
353-IFT-E351 Transfer to Fund 351 Comm. Dev. Admin.	<u>\$261,802</u>

and be it further

3rd RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is CD12; 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 Type II action, pursuant to 6 NYCRR.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1190-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 135 -2008, AUTHORIZING AN INCREASE IN THE FLEET OF THE SUFFOLK COUNTY POLICE DEPARTMENT TO ACCOMMODATE SPECIALIZED VEHICLES PURCHASED WITH UNITED STATES DEPARTMENT OF HOMELAND SECURITY GRANT FUNDING WITH 100% SUPPORT

WHEREAS, Resolution Nos. 807-2005, 809-2005 and 1177-2006 accepted and appropriated grant funds from the United States Department of Homeland Security, passed through the New York State Office of Homeland Security; and

WHEREAS, said grant funds also included funding for six (6) specialized vehicles for the Suffolk County Police Department; and

WHEREAS, said resolutions did not provide for an increase in the fleet of the Suffolk County Police Department; and

WHEREAS, Chapter 186 of the Suffolk County Code requires that no vehicle shall be purchased or leased unless explicit approval for the acquisition of such vehicle, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature; now, therefore be it

1st RESOLVED, that the County Legislature hereby authorizes the fleet of the Suffolk County Police Department be increased by three (3) undercover surveillance, intelligence and response vehicles, approved pursuant to Chapter 186-2 (b)(6) of the SUFFOLK COUNTY CODE, and in accordance with or exceeding the County Vehicle Standard, for use by the Electronic Investigations Unit, Criminal Intelligence Section and the Hostage Negotiation Unit of the Suffolk County Police Department; and be it further

2nd RESOLVED, that the County Legislature hereby authorizes the fleet of the Suffolk County Police Department be increased by one (1) heavy duty four wheel drive truck body with special mounting platform and equipment, approved pursuant to Chapter 186-2 (b)(6) of the SUFFOLK COUNTY CODE, and in accordance with or exceeding the County Vehicle Standard, for use by the Electronic Investigations Unit of the Suffolk County Police Department; and be it further

3rd RESOLVED, that the County Legislature hereby authorizes the fleet of the Suffolk County Police Department be increased by one (1) heavy duty four wheel drive vehicle with a gross combined weight rating of 26,000 pounds, for the purpose of providing transport for Port Security grant funded vessels, approved pursuant to Chapter 186-2 (b)(6) of the SUFFOLK COUNTY CODE, and in accordance with or exceeding the County Vehicle Standard, for use by the Marine Bureau of the Suffolk County Police Department; and be it further

4th RESOLVED, that the County Legislature hereby authorizes the fleet of the Suffolk County Police Department be increased by one (1) cut-away van with a 139 inch wheel base, customized for use as a CBRNE Post Blast Investigation vehicle, approved pursuant to Chapter 186-2 (b)(6) of the SUFFOLK COUNTY CODE, and in accordance with or exceeding the County Vehicle Standard, for use by the Arson Section of the Suffolk County Police Department; and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of the 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 of 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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Losquadro made motion for the following resolution, seconded by

Legislator Beedenbender. The resolution was passed 18-0.

Intro Res. No. 1193-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 136 2008, ACCEPTING AND APPROPRIATING ONE HUNDRED PERCENT FEDERAL PASS-THROUGH GRANT FUNDS FROM THE NYS OFFICE OF EMERGENCY MANAGEMENT OF THE NYS DIVISION OF MILITARY AND NAVAL AFFAIRS FOR A SUFFOLK COUNTY CITIZEN CORPS. COUNCIL PROGRAM

WHEREAS, the New York State Office of Emergency Management has awarded to Suffolk County Department of Fire, Rescue and Emergency Services \$53,449 in grant funds to improve the effectiveness of citizen response during times of natural or man-made disaster; and

WHEREAS, these funds will be used to ensure minimal loss of life and property through a nationwide initiative call for volunteer citizens to assist in homeland defense; and

WHEREAS, these funds will continue the work funded by Resolution Nos. 768-2003; 545-2004; 1218-2005; and 1183-2006 and performed by the Suffolk County Citizen Corps. Council (created by Resolution No. 1283-2004) initiating and guiding the Suffolk County Community Emergency Response Team (CERT) program, the Suffolk County Volunteers in Police Service (VIPS) program, and the Suffolk County Medical Reserve Corps (MRC); and

WHEREAS, this is a grant program beginning July 1, 2007 to June 30, 2010 in which the County will receive one hundred percent grant funding in the amount of \$53,449; and

WHEREAS, \$19,569 of said funds have been included in the 2007 Operating Budget, and

WHEREAS, \$33,880 of said funds have not been included in the 2007 Operating Budget; now, therefore be it

1st RESOLVED, that the County Comptroller and County Treasurer be and that they hereby are authorized to accept \$53,449, including \$13,947 included in the 2007 Operating Budget (001-FRE-3400-1100) and appropriate said grant funds as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
001-4089 Federal Aid: Other	\$53,449
ORGANIZATIONS:	
Citizen Corps Council 001-FRE-3411-\$24,570	
<u>2000-Equipment</u>	<u>\$1,719</u>
2020-Office Machines	\$1,719

<u>3000-Supplies, Materials & Other Expenses</u>	<u>\$11,101</u>
3010-Office Supplies	\$ 362
3310-Clothing & Accessories	\$3,918
3370-Medical Supplies	\$2,589
3500-Other, Unclassified	\$3,732
3510-Rent-Business Machines & Systems	\$ 500

4000-Contractual Expenses	<u>\$11,750</u>
4560-Fees for Services	\$11,750

Fire, Rescue & Emergency Services
001-FRE-3400-\$24,119

<u>1000-Personal Services</u>	<u>\$24,119</u>
1100-Permanent Salaries	\$13,947
1120-Overtime Salaries	\$10,172

Employee Benefits-\$4,760
Social Security
001-EMP-9030

8330-Social Security	\$1,047
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Retirement
001-EMP-9010

8280-Retirement	\$1,809
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Welfare Fund
001-EMP-9080

8380-Welfare Fund Contribution	\$ 238
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Transfer to Employee Medical Health Plan
001-IFT-E039

9600-Transfer of Funds	\$1,666
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2nd RESOLVED, that the reporting category for the County Integrated Financial Management System (IFMS) is EM13.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1166-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 137 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT SYLVIA STRONG (SCTM NO. 0200-980.60-07.00-026.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 980.60, Block 07.00, Lot 026.000, and acquired by tax deed on August 15, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007, in Liber 12520, at Page 725, and otherwise known as and by Town of Brookhaven, Lot number 640, designated on map entitled "10th Map of Mastic Beach", and filed in the Suffolk County Clerk's Office on the 12th day of June 1938, as Map No. 1260; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on August 15, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007 in Liber 12520 at Page 725.

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, JOHN BOKLAK, as attorney-in-fact for Sylvia Strong, has made application of said above described parcel and HARVEY GOLDSTEIN, ESQ. has paid the application fee, and HAMLET TITLE AGENCY, INC. has paid \$486.56, 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 of the Division of Real Property Acquisition and Management Christopher E. Kent, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to SYLVIA STRONG, 8445 78TH Street Court, Cottage Grove, Minnesota 55016, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1167-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 138 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT SECRETARY OF HOUSING AND URBAN DEVELOPMENT (SCTM NO. 0200-907.00-05.00-025.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 907.00, Block 05.00, Lot 025.000, and acquired by tax deed on August 15, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007, in Liber 12520, at Page 725, and otherwise known as and by Town of Brookhaven, County of Suffolk and State of New York, known as "Map of Plan of Tangier, Sec. A" filed in the Office of the Clerk of Suffolk County on March 11, 1911 as Map No. 600 being the north half of Lot 11 in Block 63; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on August 15, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007 in Liber 12520 at Page 725.

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, NATIONAL HOME MANAGEMENT SOLUTIONS, INC., (as authorized agent for Housing and Urban Development) by Dale Albertelli, Manager, has made application of said above described parcel and NATIONAL HOME MANAGEMENT SOLUTIONS, INC., (as authorized agent for Housing and Urban Development) by Dale Albertelli, Manager, has paid the application fee and \$1,443.15, 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, 2008; 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 of the Division of Real Property Acquisition and Management Christopher E. Kent, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to SECRETARY OF HOUSING AND URBAN DEVELOPMENT, Three Advantage Court, Bordentown, New Jersey 08505, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1168-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 139 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT JAFRIA ASSOCIATION OF NORTH AMERICA (SCTM NO. 0500-160.00-01.00-017.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 160.00, Block 01.00, Lot 017.000, and acquired by tax deed on October 16, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 26, 2007, in Liber 12528, at Page 20, and otherwise known as and by Town of Islip, known and designated as Suffolk County New York Tax Map Number District 0500, Section 160.00, Block 01.00, Lot 017.000; 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 16, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 26, 2007 in Liber 12528 at Page 20.

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, SYED H. NAQUI, as President of Jafria Association of North America, has made application of said above described parcel and SYED H. NAQUI has paid the application fee and \$13,157.53, 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 of the Division of Real Property Acquisition and Management Christopher E. Kent, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to JAFRIA ASSOCIATION OF NORTH AMERICA, 124 3rd Street, Brentwood, New York 11717, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1169-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 140 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT OVLASID REALTY LLC (SCTM NO. 1000-089.00-03.00-001.001)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southold, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 1000, Section 089.00, Block 03.00, Lot 001.001, and acquired by tax deed on April 20, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 26, 2007, in Liber 12502, at Page 651, and otherwise known as and by Town of Southold, County of Suffolk and State of New York, as Suffolk County Tax Map Number: District 1000, Section 089.00, Block 03.00, Lot 001.001; 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 April 20, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 26, 2007 in Liber 12502 at Page 651.

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, JNL FUNDING CORP., as Mortgagee, by Timothy Mayette, as C.F.O., has made application of said above described parcel and JNL FUNDING CORP., as Mortgagee, has paid the application fee and \$46,073.29, 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 of the Division of Real Property Acquisition and Management Christopher E. Kent, and/or his designee, be and he hereby is authorized to

execute and acknowledge a Quitclaim Deed to OVLASID REALTY LLC, c/o JNL FUNDING CORP., 4792 Hempstead Turnpike, Farmingdale, New York 11735, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

ntro. Res. No. 1195-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 141 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT HELMUTH WOEHNCKE and ELLEN WOEHNCKE, his wife (SCTM NO. 0500-163.00-01.00-027.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 163.00, Block 01.00, Lot 027.000, and acquired by tax deed on July 2, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 13, 2007, in Liber 12513, at Page 418, and otherwise known as and by Town of Islip, as Suffolk County Tax Map Number: District 0500, Section 163.00, Block 01.00, Lot 027.000; 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 2, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 13, 2007 in Liber 12513 at Page 418.

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, HELMUTH WOEHNCKE, has made application of said above described parcel and HELMUTH WOEHNCKE, has paid the application fee and will be paying

\$36,414.20 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; and

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

2nd RESOLVED, that Director of the Division of Real Property and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to HELMUTH WOEHNCKE and ELLEN WOEHNCKE, his wife, 13 Gray Street, Brentwood, New York 11717, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1196-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/4/2008

RESOLUTION NO. 142 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT JOHN STAMOULIS (SCTM NO. 0200-029.00-12.00-035.001)

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

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

District 0200, Section 029.00, Block 12.00, Lot 035.001, and acquired by tax deed on August 15, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007, in Liber 12520, at Page 725, and otherwise known as and by Town of Brookhaven, County of Suffolk, State of New York, known and designated as part of Lot 8536 as shown on a certain map entitled, "Fourth Map of Sound Beach, Section A" and filed in the Office of the Clerk of Suffolk County on July 25, 1929, as File No. 663; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on August 15, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007 in Liber 12520 at Page 725.

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, JOHN STAMOULIS has made application of said above described parcel and JOHN STAMOULIS has paid the application fee and \$400.00, 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, 2008; and

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

2nd RESOLVED, that Director of the Division of Real Property and Management and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to JOHN STAMOULIS, 28 Syosset Road, Sound Beach, New York 11789, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

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 of the Division of Real Property and Management and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to JOSEPH PHILIP MARCARIO a/k/a JOSEPH MARCARIO and MARIEN RONEA MARCARIO, his wife, 132 Swezey Drive, P.O. Box 27, Middle Island, New York 11953, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1198-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/4/2008

**RESOLUTION NO. 144 -2008, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO
LOCAL LAW 13-1976 JEFFREY A. CITERA AND ANGELA M.
CITERA, his wife (SCTM NO. 1000-070.00-10.00-005.001)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southold, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 1000, Section 070.00, Block 10.00, Lot 005.001 and acquired by Tax Deed on September 24, 2003 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 26, 2003 in Liber 12274 at Page 351 and described as follows, Town of Southold, known as North x Now or Formerly Walter Berry, East and South x Now or Formerly Jeffrey A. and Angela M. Citera, West x South Street; and

WHEREAS, in accordance with Local Law No. 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

WHEREAS, Jeffrey A. Citera and Angela M. Citera, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$3,000.00. 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 \$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 \$3,000.00, 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 of the Division of Real Property and Management 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 Jeffrey A. Citera and Angela M. Citera, 55 Gagens Landing Road, Southold, N.Y. 11971.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1029-2008

Laid on Table 1/2/2008

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

RESOLUTION NO. 145 -2008, AUTHORIZING ALTERATION OF RATES FOR SOUTH FERRY, INC.

WHEREAS, South Ferry, Inc. has applied to the Suffolk County Legislature, by its verified Petition, pursuant to Article 8 of the Navigation Law, Section 71 of the Transportation Corporations Law and Section 131-g of the Highway Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County for the alteration of its ferry; and

WHEREAS, the Office of Legislative Budget Review has submitted its recommendations to this Legislature; and

WHEREAS, a public hearing has been duly held thereon; now, therefore be it

RESOLVED, that:

The verified Petition of South Ferry, Inc. is approved as follows:

REGULAR SCHEDULED SERVICE BETWEEN SHELTER ISLAND, NEW YORK AND NORTH HAVEN, NEW YORK, NOT TO EXCEED:

<u>CATEGORY</u>	<u>CURRENT FARE</u>	<u>PROPOSED FARE</u>	<u>PERCENTAGE CHANGE</u>
<u>CARS & 4 WHEEL PICKUPS UNDER 20':</u>			
<u>CASH:</u>			
ONE WAY	\$10.00	\$12.00	20.0%
ROUND TRIP (SAME DAY)	\$12.00	\$15.00	25.0%
<u>10 ROUND TRIP CAR BOOK:</u>			
GENERAL PUBLIC	\$77.00	\$85.00	10.4%
SHELTER ISLAND RESIDENT	\$47.00	\$52.00	10.6%
<u>10 ONE WAY CAR BOOK:</u>			
GENERAL PUBLIC	\$62.00	\$70.00	12.9%
SHELTER ISLAND RESIDENT	\$45.00	\$50.00	11.1%
<u>WORKER/STUDENT COMMUTER TICKET:</u>			

<u>CATEGORY</u>	<u>CURRENT FARE</u>	<u>PROPOSED FARE</u>	<u>PERCENTAGE CHANGE</u>
5 - DAY	\$20.00	\$22.00	10.0%
6 - DAY	\$23.00	\$26.00	13.0%
7 - DAY	\$28.00	\$31.00	10.7%
<u>FOOT PASSENGERS:</u>			
EACH WAY	\$1.00	\$1.00	0.0%
30 TRIP BOOK - GENERAL PUBLIC	\$25.00	\$25.00	0.0%
30 TRIP BOOK - SHELTER ISLAND RESIDENT	\$17.00	\$17.00	0.0%
<u>TWO WHEELED:</u>			
<u>MOTORIZED:</u>			
ONE WAY	\$6.00	\$7.00	16.7%
ROUND TRIP	\$7.00	\$8.00	14.3%
<u>BICYCLE:</u>			
ONE WAY	\$3.00	\$4.00	33.3%
ROUND TRIP	\$5.00	\$6.00	20.0%
ON BUMPER RACK - EACH WAY	\$0.00	\$2.00	NOTE 1
<u>TOWED ITEMS:</u> \$3.00 + \$.50/FOOT, EACH WAY, TO 18 FEET; STANDARD TRUCK RATE OVER 18 FEET			NOTE 2
<u>TRUCKS:</u>			
<u>STANDARD TRUCKS:</u>			
18' TO UNDER 20': (AND DUALIES UNDER 20')			
ONE WAY	\$10.00	\$13.00	30.0%
ROUND TRIP	\$15.00	\$18.00	20.0%
20' TO UNDER 40':			
40' & LONGER - EACH WAY:	\$10.00 FOR 20'+ \$.50/FOOT OVER 20'	\$13 FOR 20' + \$.50/FOOT OVER 20'	21.2%
	TRACTOR TRAILER RATES	TRACTOR TRAILER RATES	8.3%
<u>DUMP TRUCKS:</u>			
UNDER 23': (INCLUDES LOAD)			
EACH WAY	\$12.00	STD. TRUCK RATES	8.3%
23' TO UNDER 30': (NO ROUND TRIPS)			
FULL	\$50.00	\$60.00	20.0%
EMPTY	\$25.00	\$30.00	20.0%
30' & LONGER: (NO ROUND TRIPS)			
FULL	\$60.00	\$65.00	8.3%
EMPTY	\$35.00	\$45.00	28.6%
LOW SIDED:	STANDARD TRUCK RATES		8.3%
<u>REDI-MIX, ROLL-ON, ROLL-OFF 30' - 39'11"</u>			

<u>CATEGORY</u>	<u>CURRENT FARE</u>	<u>PROPOSED FARE</u>	<u>PERCENTAGE CHANGE</u>
<u>BLOCK/SHEETROCK, BOOMED OR TAG-ALONG LUMBER, BOOMED FORMS, ETC:</u>			
FULL	\$55.00	\$65.00	18.2%
EMPTY	\$30.00	\$40.00	33.3%
<u>UNDER 30' & OVER 30,000 MG VW, I.E. BOOMED UTILITY, LUMBER, PRE-CAST, ETC.:</u>			
ONE WAY	\$35.00	\$40.00	14.3%
ROUND TRIP	\$50.00	\$60.00	20.0%
<u>MOTOR CRANE & CONCRETE PUMPER:</u>			
EACH WAY	\$60.00	\$70.00	16.7%
<u>HEAVY BACK HOE/PAYLOADER, ETC:</u>			
EACH WAY	\$30.00	\$35.00	16.7%
<u>LIGHT BACK HOE/PAYLOADER, ETC:</u>			
		STANDARD TRUCK RATES	21.2%
<u>CONCRETE FORMS TRUCK: (NO BOOM)</u>			
FULL	\$30.00	\$35.00	16.7%
EMPTY	\$15.00	STD. TRUCK RATES	13.3%
<u>TRACTOR TRAILERS & TANKERS:</u>			
<u>UNDER 40':</u> STANDARD TRUCK RATES			
<u>40' – 59'11":</u> NOTE 3			
<u>LIGHT:</u> 10 WHEEL, GOLF CARTS, HORSES, SMALL LANDSCAPING & EARTH EQUIP, KAYAKS, ETC.			
ONE WAY	\$35.00	\$40.00	14.3%
ROUND TRIP	\$50.00	\$60.00	20.0%
<u>HEAVY:</u> ALL 18 WHEELERS			
ONE WAY	\$55.00	\$60.00	9.1%
ROUND TRIP	\$85.00	\$110.00	29.4%
<u>60' & OVER (ALL):</u> NOTE 4			
ONE WAY	\$55.00	\$70.00	27.3%
ROUND TRIP	\$85.00	\$110.00	29.4%
<u>WATER:</u>			
ONE WAY	\$60.00	\$60.00	0.0%
ROUND TRIP	\$95.00	\$110.00	15.8%
<u>GASOLINE/PROPANE & HAZMAT:</u>			
EACH WAY	\$55.00	\$65.00	18.2%
<u>STANDARD BULK:</u>			
<u>NON-HAZMAT, FUEL/HEATING OIL, SEPTIC, ETC. OVER 2000 GALLONS:</u>			
ONE WAY	\$25.00	\$30.00	20.0%
ROUND TRIP	\$40.00	\$45.00	12.5%

<u>CATEGORY</u>	<u>CURRENT FARE</u>	<u>PROPOSED FARE</u>	<u>PERCENTAGE CHANGE</u>
<u>NON-HAZMAT, FUEL/HEATING OIL UNDER 2000 GAL CAPACITY:</u>			
ONE WAY	\$25.00	\$13.00	-48.0%
ROUND TRIP	\$40.00	\$18.00	-55.0%
<u>SMALL HAZ-MAT, GAS, PROPANE, ETC:</u>			
EACH WAY – (AT APPROVAL)	\$35.00	\$45.00	28.6%
(AT ONE YEAR ANNIVERSARY)		\$55.00	22.2%
(AT TWO YEAR ANNIVERSARY)		\$65.00	18.2%
<u>BUSES:</u>			
<u>COACH:</u>			
ONE WAY	\$50.00	\$55.00	10.0%
ROUND TRIP	\$80.00	\$110.00	37.5%
<u>OVER 30':</u>			
ONE WAY	\$40.00	\$35.00	-12.5%
ROUND TRIP	\$60.00	\$70.00	16.7%
<u>22' TO 30':</u>			
ONE WAY	\$20.00	\$25.00	25.0%
ROUND TRIP	\$40.00	\$50.00	25.0%
<u>UNDER 22':</u>			
ONE WAY	\$15.00	\$15.00	0.0%
ROUND TRIP	\$25.00	\$30.00	20.0%

NOTES:

Note 1. Flat rate of \$2 each way for racks holding bikes, fishing platforms, pool carts and other similar items when attached to vehicle bumpers and which extend length of vehicle

Note 2. Add base \$3 each way to all towed items.

Current \$.50 per foot does not correlate to value of deck space. Percentage of change varies at every foot marker. A 15 foot towed item's fare will increase 40%; a 38-foot item's fare will increase 7.5%

Note 3. Definition of "Light" and "Heavy" in 40' to 59'11" category:

"Light": 10 wheelers & vehicles (other than tractors and dump trucks) with trailers, or single frames (full or empty), with an overall length of 40' to 59'11", transporting items including, but not limited to:

1. Lawn & light landscaping equipment
2. Horses & livestock
3. Golf carts
4. Canoes/Kayaks & other personal watercraft
5. Light bulldozer, excavator, ditch witch, skid steer, etc.

"Heavy": All non hazardous material 18-wheelers (tankers and boxed tractor trailers) and Tractor-trailers with heavy loads on flatbeds, including, but not limited to:

1. Heavy bulldozer, payload, backhoe, pavement roller, paver, etc.
2. Precast concrete cesspools & vaults

3. Steel, cable, stone, building materials

Note 4. New fare category for vehicles 60 feet and longer.

Current rate structure provides no category to address the longer, heavier 18-wheeled trucks being carried today. The \$10 increase each way for trucks from 60 feet to over 75 feet long is for the extra 20 to 35 feet of deck space occupied by the largest tractor trailers.

Note 5. Standard, bulk Haz-mat, gas, propane, etc. trucks:

All vehicles requiring a dedicated vessel and traveling during normal business hours will be charged same rate per trip, provided no other special conditions exist. To spread impact of increase, small tank truck fares shall be phased in as follows:

Phase 1) \$10 each way increase at the time of Legislative approval

Phase 2) \$10 each way increase at one year anniversary date of Phase 1

Phase 3) \$10 each way increase at the two year anniversary date of Phase 1

Note 6. Purchase of Shelter Island Resident Books require proof of residency or property ownership & must be purchased through South Ferry Office. Round trip tickets may only be used when travel originates from Shelter Island.

Note 7. Shelter Island Resident Ticket Books may only be purchase one book every two weeks per eligible person.

Note 8. Vehicles over 80,000 pounds, gross weight, and/or requiring special handling, shall be priced per agreement between South Ferry and vehicle owner.

Note 9. Extended service fee of \$2 per transaction will be charged for travel commencing after midnight.

Note 10. Foot passengers 8 years and older shall pay full fare.

Note 11. Vehicle passengers exceeding number of legal DOT seat belts available in vehicle shall be charged as walk on passengers.

Note 12. Discount ticket books are available for all fare categories.

DATED: March 18, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 27, 2008

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

Intro. Res. No. 1218-2008
Introduced by Presiding Officer

Laid on Table 3/4/2008

**RESOLUTION NO. 148 –2008, AMENDING RESOLUTION
NO. 1188-2007, IMPLEMENTING BUDGET, STAFF AND
TAXES FOR THE FISCAL YEAR 2008 (DISCRETIONARY)**

WHEREAS, Resolution No. 1188-2007 implemented budget, staff and taxes for the 2008 fiscal year (Discretionary); and

WHEREAS, the tax levy amounts contained in Resolution No. 1188-2007 must be amended to reflect the proper amounts in the line for the Refuse and Garbage District under the Town of Brookhaven; now, therefore be it

1st RESOLVED, that the 11th RESOLVED clause of Resolution No. 1188-2007 is hereby amended to read as follows:

11th RESOLVED, that taxes for the year 2007-2008 be levied against the taxable property in the Towns of Babylon, Brookhaven, East Hampton, Huntington, Islip, Riverhead, Shelter Island, Smithtown, Southampton and Southold for the purposes outlined as follows, to wit:

* * * * *

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1219-2008
Introduced by Presiding Officer

Laid on Table 3/4/2008

**RESOLUTION NO. 149 –2008, AMENDING RESOLUTION
NO. 1189-2007, IMPLEMENTING BUDGET, STAFF AND
TAXES FOR THE FISCAL YEAR 2008 (MANDATED)**

WHEREAS, Resolution No. 1189-2007 implemented budget, staff and taxes for the fiscal year 2008 (Mandated); and

WHEREAS, the tax levy amounts contained in Resolution No. 1189-2007 must be amended to reflect the proper amounts in the line for the Refuse and Garbage District under the Town of Brookhaven; now, therefore be it

1st RESOLVED, that the 11th RESOLVED clause of Resolution No. 1189-2007 is hereby amended to read as follows:

11th RESOLVED, that taxes for the year 2007-2008 be levied against the taxable property in the Towns of Babylon, Brookhaven, East Hampton, Huntington, Islip, Riverhead, Shelter Island, Smithtown, Southampton and Southold for the purposes outlined as follows, to wit:

* * * *

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

TOWN OF BROOKHAVEN		
School Districts		\$ 950,438,613.00
STAR Exemption		(127,740,065.01)
Library District		2,818,869.00
Highway (Town Wide)		13,530,887.00
Highway (Town Outside Village)		43,607,228.00
Fire Districts		72,305,850.00
Fire Protection Districts		451,233.00
Water Districts		368,862.00
Lighting Districts		7,579,866.00
Sewer Districts (Town Only)		112,469.00
Ambulance Districts		8,576,865.00
Park Districts		44,350.00
Dock Districts		256,864.00
Unpaid Sewer and Water Rents		2,584.69
Demolition Unsafe Structures		87,829.39
Erosion Control Districts		1,043,324.00
Clean-Up of Premises		286,726.87
\$100M Bond Act of 2004		6,906,000.00
Real Property Tax Law - Article 7		4,801,199.00
Refuse and Garbage District		44,705,436.48
General (Town Wide)		21,256,246.00
General (Town Outside Village)		5,658,714.00
TOTAL TOWN PURPOSES	\$	1,057,099,951.42
County Tax - General	\$	38,652,039.00
2006 Actual Surplus – County Tax General		(35,365,880.00)
2007 Estimated Deficit – County Tax General		6,550,345.00
County Tax – Suffolk Community College		1,149,338.00
District Superintendent of Schools		3,909.00
Sub Total	\$	10,989,751.00
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 1		11,691.93
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 7		8,865.78
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 10		5,544.00
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 11		66,109.51
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 14		10,484.96
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 19		3,117.47
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 20		38,813.04
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 23		26,894.78
Total	\$	11,161,272.47
Less Credits		(27,686.06)
Total Payable to County Treasurer for County General	\$	11,133,586.41
County Police District		152,813,528.00
2006 Actual Deficit - Police District		12,289,141.00
2007 Estimated Surplus - Police District		(14,536,081.00)
District Court District		2,595,810.00
2006 Actual Deficit - District Court District		150,098.00
2007 Estimated Surplus - District Court District		(103,937)

(Continued)		
TOWN OF BROOKHAVEN (Continued)		
County Sewer District No 1, Port Jefferson		698,850.00
County Sewer District No. 7 – Medford		1,275,694.00
County Sewer District No. 8 – Strathmore Ridge		100,649.00
County Sewer District No. 9 – College Park		86,810.00
County Sewer District No. 10 – Stony Brook		974,752.00
County Sewer District No. 10, Construction Cost Only		0.00
County Sewer District No. 11, Selden, Zone A		543,925.00
County Sewer District No. 11, Selden, Zone B		1,375,525.00
County Sewer District No. 11, Zone B, Construction Cost Only		1.00
County Sewer District No. 12 – Birchwood/Holbrook		135,979.00
Adjustments Mandated by Law		
Erroneous Assessments & Tax Refunds - County		184,417.57
Erroneous Assessments & Tax Refunds - Community College		14,263.25
Erroneous Assessments & Tax Refunds - Town Only		20,154,043.56
Erroneous Assessments & Tax Refunds - Police District		2,638,691.23
Erroneous Assessments & Tax Refunds - District Court District		45,955.78
Erroneous Assessments & Tax Refunds - S.D. #1 (T12)		8.25
Erroneous Assessments & Tax Refunds - S.D. #7 (T21)		113,356.03
Erroneous Assessments & Tax Refunds - S.D. #9 (T20)		263.95
Erroneous Assessments & Tax Refunds - S.D. #10 (T22)		1,450.55
Erroneous Assessments & Tax Refunds - S.D. #11A (T31)		447.56
Erroneous Assessments & Tax Refunds - S.D. #11B (T25)		1,191.09
Erroneous Assessments & Tax Refunds - S.D. #11B (T30)		51.09
Erroneous Assessments & Tax Refunds - S.D. #12 (T34)		76.11
Total Adjustments Mandated by Law for Town of Brookhaven - \$ 23,154,216.02		
TOTAL COUNTY PURPOSES	\$	192,688,546.43
TOTAL AMOUNT OF LEVY	\$	1,249,788,497.85

* * * * *

TOWN OF BROOKHAVEN		
School Districts	\$	950,438,613.00
STAR Exemption		(127,740,065.01)
Library District		2,818,869.00
Highway (Town Wide)		13,530,887.00
Highway (Town Outside Village)		43,607,228.00
Fire Districts		72,305,850.00
Fire Protection Districts		451,233.00
Water Districts		368,862.00
Lighting Districts		7,579,866.00
Sewer Districts (Town Only)		112,469.00
Ambulance Districts		8,576,865.00
Park Districts		44,350.00
Dock Districts		256,864.00
Unpaid Sewer and Water Rents		2,584.69
Demolition Unsafe Structures		87,829.39
Erosion Control Districts		1,043,324.00
Clean-Up of Premises		286,726.87
\$100M Bond Act of 2004		6,906,000.00
Real Property Tax Law - Article 7		4,801,199.00
Refuse and Garbage District		44,705,436.48
General (Town Wide)		21,256,246.00
General (Town Outside Village)		5,658,714.00
TOTAL TOWN PURPOSES	\$	1,057,099,951.42
County Tax - General	\$	38,652,039.00
2006 Actual Surplus – County Tax General		(35,365,880.00)
2007 Estimated Deficit – County Tax General		6,550,345.00
County Tax – Suffolk Community College		1,149,338.00
District Superintendent of Schools		3,909.00
Sub Total	\$	10,989,751.00
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 1		11,691.93
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 7		8,865.78
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 10		5,544.00
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 11		66,109.51
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 14		10,484.96
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 19		3,117.47
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 20		38,813.04
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 23		26,894.78
Total	\$	11,161,272.47
Less Credits		(27,686.06)
Total Payable to County Treasurer for County General	\$	11,133,586.41
County Police District		152,813,528.00
2006 Actual Deficit - Police District		12,289,141.00
2007 Estimated Surplus - Police District		(14,536,081.00)
District Court District		2,595,810.00
2006 Actual Deficit - District Court District		150,098.00
2007 Estimated Surplus - District Court District		(103,937)

(Continued)		
TOWN OF BROOKHAVEN (Continued)		
County Sewer District No 1, Port Jefferson		698,850.00
County Sewer District No. 7 – Medford		1,275,694.00
County Sewer District No. 8 – Strathmore Ridge		100,649.00
County Sewer District No. 9 – College Park		86,810.00
County Sewer District No. 10 – Stony Brook		974,752.00
County Sewer District No. 10, Construction Cost Only		0.00
County Sewer District No. 11, Selden, Zone A		543,925.00
County Sewer District No. 11, Selden, Zone B		1,375,525.00
County Sewer District No. 11, Zone B, Construction Cost Only		1.00
County Sewer District No. 12 – Birchwood/Holbrook		135,979.00
Adjustments Mandated by Law		
Erroneous Assessments & Tax Refunds - County		184,417.57
Erroneous Assessments & Tax Refunds - Community College		14,263.25
Erroneous Assessments & Tax Refunds - Town Only		20,154,043.56
Erroneous Assessments & Tax Refunds - Police District		2,638,691.23
Erroneous Assessments & Tax Refunds - District Court District		45,955.78
Erroneous Assessments & Tax Refunds - S.D. #1 (T12)		8.25
Erroneous Assessments & Tax Refunds - S.D. #7 (T21)		113,356.03
Erroneous Assessments & Tax Refunds - S.D. #9 (T20)		263.95
Erroneous Assessments & Tax Refunds - S.D. #10 (T22)		1,450.55
Erroneous Assessments & Tax Refunds - S.D. #11A (T31)		447.56
Erroneous Assessments & Tax Refunds - S.D. #11B (T25)		1,191.09
Erroneous Assessments & Tax Refunds - S.D. #11B (T30)		51.09
Erroneous Assessments & Tax Refunds - S.D. #12 (T34)		76.11
Total Adjustments Mandated by Law for		
Town of Brookhaven - \$ 23,154,216.02		
TOTAL COUNTY PURPOSES	\$	192,688,546.43
TOTAL AMOUNT OF LEVY	\$	1,249,788,497.85

* * * *

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

Intro. Res. No. 1220-2008
 Introduced by Presiding Officer

Laid on Table 3/4/2008

**RESOLUTION NO. 150 –2008, AUTHORIZING AMENDED
TAX WARRANT FOR RESOLUTION NO. 1190-2007 (FOR
THE TOWN OF BROOKHAVEN) TO BE SIGNED BY THE
PRESIDING OFFICER AND THE CLERK OF THE COUNTY
LEGISLATURE**

1st **RESOLVED**, that the taxes and levies as extended on the 2007-2008 tax assessment rolls for the Town of Brookhaven are hereby amended to correct the amounts reported and the same are hereby ratified and confirmed in the revised amounts set forth in the Exhibit "A" attached hereto and made a part hereof; and be it further

2nd **RESOLVED**, that the amended tax warrant for the Town of Brookhaven for the collection of such taxes as are provided by law be annexed to the tax rolls of the Town of Brookhaven under the seal of the County and signed by the Presiding Officer and the Clerk of the County Legislature.

* * * * *

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

TOWN OF BROOKHAVEN		
TO THE SUPERVISOR OF SAID TOWN:		
School Districts	\$	822,703,390.79
Library District		2,818,869.00
Highway (Town Wide)		13,530,887.00
Highway (Town Outside Village)		43,607,228.00
Fire Districts		72,308,184.58
Fire Protection Districts		451,233.00
Water Districts		368,862.00
Lighting Districts		7,579,866.00
Sewer Districts (Town Only)		112,469.00
Ambulance Districts		8,576,865.00
Park Districts		44,350.00
Dock Districts		256,864.00
Unpaid Sewer and Water Rents		2,584.69
Demolition Unsafe Structures		87,829.39
Erosion Control Districts		1,043,324.00
Clean-Up of Premises		286,726.87
\$100M Bond Act of 2004		6,906,000.00
Real Property Tax Law - Article 7		4,801,199.00
Refuse and Garbage District		44,705,436.48
General (Town Wide)		21,256,246.00
General (Town Outside Village)		5,658,714.00
TOTAL PAYABLE TO SUPERVISOR	\$	1,057,107,128.80
TO THE TREASURER OF SAID COUNTY:		
County Tax - General	\$	38,652,039.00
2006 Actual Surplus – County Tax General		(35,365,880.00)
2007 Estimated Deficit – County Tax General		6,550,345.00
County Tax – Suffolk Community College		1,149,338.00
District Superintendent of Schools		3,909.00
Sub Total	\$	10,989,751.00
Relevy of Prior Years Unpaid Taxes		
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 1		11,691.93
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 7		8,865.78
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 10		5,544.00
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 11		66,109.51
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 14		10,484.96
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 19		3,117.47
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 20		38,813.04
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 23		26,894.78
Total	\$	11,161,272.47
Less Credits		(27,686.06)
Total Payable to County Treasurer for County General	\$	11,133,586.41

TOWN OF BROOKHAVEN (Continued)		
County Police District		152,813,528.00
2006 Actual Deficit - Police District		12,289,141.00
2007 Estimated Surplus - Police District		(14,536,081.00)
District Court District		2,595,810.00
2006 Actual Deficit - District Court District		150,098.00
2007 Estimated Surplus - District Court District		(103,937)
County Sewer District No. 1 - Discretionary		698,850.00
County Sewer District No. 7 - Discretionary		1,275,694.00
County Sewer District No. 8 - Discretionary		100,649.00
County Sewer District No. 9 - Discretionary		86,810.00
County Sewer District No. 10 - Discretionary		974,752.00
County Sewer District No. 10 - Construction Only		0.00
County Sewer District No. 11, Zone A - Discretionary		543,925.00
County Sewer District No. 11, Zone B - Discretionary		1,375,525.00
County Sewer District No. 11, Zone B, Construction Only		1.00
County Sewer District No. 12 - Discretionary		135,979.00
Adjustments Mandated by Law		
Erroneous Assessments & Tax Refunds - County		184,417.57
Erroneous Assessments & Tax Refunds - Community College		14,263.25
Erroneous Assessments & Tax Refunds - Town Only		20,154,043.56
Erroneous Assessments & Tax Refunds - Police District		2,638,691.23
Erroneous Assessments & Tax Refunds - District Court District		45,955.78
Erroneous Assessments & Tax Refunds - S.D. #1 (T12)		8.25
Erroneous Assessments & Tax Refunds - S.D. #7 (T21)		113,356.03
Erroneous Assessments & Tax Refunds - S.D. #9 (T20)		263.95
Erroneous Assessments & Tax Refunds - S.D. #10 (T22)		1,450.55
Erroneous Assessments & Tax Refunds - S.D. #11A (T31)		447.56
Erroneous Assessments & Tax Refunds - S.D. #11B (T25)		1,191.09
Erroneous Assessments & Tax Refunds - S.D. #11B (T30)		51.09
Erroneous Assessments & Tax Refunds - S.D. #12 (T34)		76.11
Total Adjustments Mandated by Law for Town of Brookhaven - \$ 23,154,216.02		
Excess Due to Tax Extension		25,324.81
TOTAL PAYABLE TO COUNTY TREASURER	\$	192,713,871.24
TOTAL AMOUNT OF WARRANT	\$	1,249,821,000.04

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

Intro. Res. No. 1160-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 151 -2008, ADOPTING A POLICY REGARDING THE DEVELOPMENT OF THE HAMPTON BUSINESS AND TECHNOLOGY PARK AND A STATE ENVIRONMENTAL QUALITY REVIEW ACT FINDINGS STATEMENT FOR THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, since adopting the 1981 Airport Master Plan the County of Suffolk County has continually planned on redeveloping 58.6 acres of property at the Francis S. Gabreski Airport as an industrial park that would be an economic engine for year round, high paying, career type jobs for the east end and for all of Suffolk County; and

WHEREAS, over the last 2 years the County of Suffolk has assisted the Town of Southampton in preparing and having adopted a Southampton Town Airport Planned Development District (APDD) Master Plan which delineates the permitted uses for the APDD, sets overall and individual site development criteria and adopts an expedited town review process for proposed developments; and

WHEREAS, this cooperative effort included, in addition to the formal hearings held by the Town of Southampton, several meetings with the Gabreski Airport Community Advisory Boards APDD sub-committee. These meetings resulted in the inclusion of and changes to items of concern to the local community, specifically density and design; and

WHEREAS, the APDD Master Plan required the Town of Southampton to have prepared a Generic Environmental Impact Statement; and

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) determined that the redevelopment of the subject site with light industrial development "is considered nondevelopment pursuant to ECL 57-0107(13) (i)". Therefore the development would not be subject to further review for conformance with the Central Pine Barrens Comprehensive Land Use Plan; and

WHEREAS, after numerous Public Hearings, on June 26, 2007 the Town of Southampton adopted the APDD through Local Law and adopted and accepted the Findings Statement as presented in the FGEIS; and

WHEREAS, the APDD is substantially consistent or conforms with the 1981 Master Plan, 1990 Master Plan Update, 1995 Central Pine Barrens Comprehensive Land use Plan, 1992 Long Island Comprehensive Special Groundwater Protection Area Plan, the 1970 and 1999 Town of Southampton Master Plan, Suffolk County Industrial and Commercial Incentive Board Plan as adopted by Southampton Town and the Town of Southampton Eastport-Speonk-Remsenburg-Westhampton Area Plan and the Long Island Comprehensive Wastewater Treatment Management Plan; and

WHEREAS, incentives for increased density have been built into the Master Plan not only to reflect the APDD as a Pine Barrens Receiving Site but also to allow increased density for construction meeting the LEEDS Gold Standard; and

WHEREAS, as an involved agency Suffolk County must also adopt a Findings Statement on the proposed development; now, therefore be it

1st RESOLVED, that the Legislature finds that there is a need for a strategy to address the redevelopment of this site that reflects the goals and needs of the County, the Town of Southampton and the residents neighboring Gabreski Airport; and be it further

2nd RESOLVED, that the Findings Statement attached (Exhibit A) conforms with the 1990 Master Plan with respect to the development of the 58.6 acres to be known as the Hampton Business and Technology Park; and be it further

3rd RESOLVED, that the Legislature supports the Findings Statement, as a means of coordinating and overseeing future development of this site, consistent with all applicable laws; and be it further

4th RESOLVED, the Legislature adopts policy for the development within the APDD that requires development proposals and applicants to adhere to the conditions set forth in the Town of Southampton's APDD Master Plan (Exhibit B) and its associated FGEIS (Exhibit C); and be it further

5th RESOLVED, that, pursuant to 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Charter, the Legislature hereby adopts the Statement of Findings annexed hereto, incorporated by reference and made a part hereof, certifies that the requirements of SEQRA have been met, and certifies that, consistent with social, economic and other essential considerations, the proposed APDD Master Plan and associated County actions have been developed from among the reasonable alternatives available, as the choice that avoids or minimizes potential adverse, environmental impacts, to the maximum extent practicable; and be it further

6th RESOLVED, that the Legislature certifies that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporation, as conditions within the Statement of Findings, where those mitigative measures that have been identified as practicable; and be it further

7th RESOLVED, that the Commissioner of the Suffolk County Department of Economic Development and Workforce Housing or his designee, and the Commissioner of Public Works or his designee are hereby authorized and directed to oversee the development process necessary to implement this development including the review by the Airport Conservation and Assessment Panel of those proposals recommended by the Departments.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1199-2008

Laid on Table 3/4/2008

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

RESOLUTION NO. 152 -2008, ACCEPTING AND APPROPRIATING A GRANT AWARD AMENDMENT FROM THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION, D/B/A EMPIRE STATE DEVELOPMENT CORPORATION (ESDC) FOR AN ENTREPRENEURIAL ASSISTANCE PROGRAM CENTER 50% REIMBURSED BY STATE FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, the 2006-2007 College Operating Budget provided \$59,091 in anticipation of a grant from the New York State Urban Development Corporation, d/b/a Empire State Development Corporation (ESDC), for an Entrepreneurial Assistance Program Center, for the period of June 1, 2007 through May 31, 2008; and

WHEREAS, the actual grant award includes an additional amount of \$20,909, bringing the total amount of the grant award to \$80,000; and

WHEREAS, it is necessary to amend the 2007-2008 College Operating Budget in the amount of \$20,909 to provide for the increase in the grant award; and

WHEREAS, matching funds, in the amount of \$40,000, are provided for in the 2007-2008 College Operating Budget, and no additional funds are required for the amendment; and

WHEREAS, an in-kind contribution, which will be met through postage, telephone, space, utilities and administrative support and the associated benefits, is provided for in the College Operating Budget; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the grant amendment to the 2007-2008 College Budget on February 14, 2008 by Resolution No. 2008. ; and

WHEREAS, the College anticipates spending the \$20,909 in accordance with the terms of said grant award before May 31, 2008; now, therefore be it

1st RESOLVED, that said 2007-2008 College Operating Budget be amended to reflect the increase in the grant award, from the New York State Urban Development Corporation, d/b/a Empire State Development Corporation (ESDC), for an Entrepreneurial Assistance Program Center, in the amount of \$20,909, and said amount be accepted and appropriated for the operation of the program as follows:

REVENUES:	AMOUNT
State Aid: Entrepreneurial Assistance Program Center: 818-GRT-3217-07	\$20,909

APPROPRIATIONS:	AMOUNT
Entrepreneurial Assistance Program Center: 818-GRT-GT03-07	\$20,909

Suffolk County Community College
 Entrepreneurial Assistance Program Center
 818-GRT-GT03-07

1000-Personal Services	\$ 12,913
1130-Temporary Salaries	2,647
1170-Part-Time Instructors – Evening	10,266
3000-Supplies & Materials	\$ 6,000
3010-Office Supplies	2,000
3040-Outside Printing	3,000
3100-Instructional Supplies	1,000
4300-Travel	\$ 1,000
4340-Travel: Other	1,000
8000-Employee Benefits	\$ 996
8330-Social Security	929
8350-Unemployment Insurance	67

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1222-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 153 -2008 AUTHORIZING 2008 FUNDING FOR SUFFOLK COUNTY CULTURAL, FILM COMMISSION AND VISUAL MEDIA ARTS PROGRAMMING

WHEREAS, the Adopted 2008 Operating Budget provides \$212,000 from Fund 001-6410-4770 for the funding of cultural programs; and

WHEREAS, the Citizen's Arts Advisory Board has met and unanimously recommended that a re-grant program for community arts groups in the amount of \$105,000 be established and administered by the Suffolk County Alliance of Arts Councils, comprised of the Babylon Citizens Council on the Arts, Brookhaven Arts and Humanities Council, East End Arts & Humanities Council, Greater Port Jefferson-Northern Brookhaven Arts Council, Huntington Arts Council, Islip Arts Council and Smithtown Township Arts Council, each to receive an equal apportionment of \$15,000; and

WHEREAS, the DED/WFH recommends \$25,000 be awarded to the cultural tourism project LI Winterfest due to its positive impact on visitation to the East End during the months of February and March; and

WHEREAS, the Suffolk County Film Commission has recommended funding of cultural programs specific to the discipline of media arts, pursuant to Section 58-12(b) of the Suffolk County Code, which stipulates that a function of the Suffolk County Motion Picture/TV Film Commission is to cooperate and assist the motion picture/television industry within the County on matters beneficial to the general welfare and economic development of Suffolk County, and \$82,000 is available for such programs as detailed in Exhibit A; now, therefore be it

1st RESOLVED, that the Suffolk County Legislature hereby approves the allocation of funding in the amount of \$212,000 for the organizations as set forth in Exhibit "A", attached, such funding to be paid at the commencement of the pertinent contract; 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 an action, pursuant to 6 NYCRR; and be it further

3rd RESOLVED, that the County Executive or his Deputy, as the case may be, is hereby authorized to enter into agreements with the organizations as set forth in Exhibit "A" and in the amounts set forth therein.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1223-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/4/2008

**RESOLUTION NO. 154 -2008, AUTHORIZING CULTURAL,
TOURISM AND DEVELOPMENT FUNDING FOR 2008**

WHEREAS, the Adopted 2008 Operating Budget provides \$403,668 from Fund 192-Hotel/Motel Room Tax, for program support of non-profit museums and cultural organizations that promote tourism; and

WHEREAS, the Cultural Affairs Citizens Advisory Board reviewed applications for funding and recommends the allocation as noted on the attached Exhibit "A"; now, therefore be it

1st RESOLVED, that the Suffolk County Legislature hereby approves the allocation of funding in the amount of \$403,668 for the organizations as set forth in Exhibit "A", attached, such funding to be paid at the commencement of the pertinent contract; 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 an action, pursuant to 6 NYCRR and; be it further

3rd RESOLVED, that the County Executive or his Deputy, as the case may be, is hereby authorized to enter into agreements with the organizations as set forth in Exhibit "A" and in the amounts set forth therein.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

GRANTEE LEGAL NAME	2008 Recommended Funding
Arena Players Repertory Theatre of L.I., Inc.	\$20,000
Art League of Long Island	\$5,000
Atlantic Wind Symphony, Inc.	\$5,000
Babylon Citizens' Council on the Arts	\$18,000
Bay Street Theatre Festival, Inc.	\$17,600
Bridgehampton Chamber Music Assoc., Inc.	\$5,000
Bridgehampton Historical Society	\$5,000
Brookhaven Arts and Humanities Council, Inc.	\$7,000
Byrd Hoffman Water Mill Fndation	\$7,000
Children's Museum of the East End	\$5,000
(dba.) Cinema Arts Centre /// New Community Cinema.	\$20,000
East End Arts and Humanities Council, Inc.	\$24,000
Friends of the Bayshore/Brightwaters Library	\$5,000
Greater Port Jefferson Arts Council	\$19,200
Guild Hall of East Hampton, Inc.	\$7,200
Hallockville, Inc.	\$13,672
Heckscher Museum	\$15,600
Huntington Arts Council	\$22,000
Inter-Media Art Center, Inc.	\$20,500
Islip Arts Council, Inc.	\$23,000
Long House Reserve	\$5,000
Long Island Philharmonic, Inc.	\$8,000
Museums at Stony Brook-LI Museum of American Art, History & Carriages	\$20,000
Oysterponds Historical Society	\$5,000
Parrish Art Museum	\$8,000
Patchogue Theater for the Performing Arts	\$8,800
Smithtown Township Arts Council, Inc.	\$17,396
Society for the Preservation of L.I. Antiquities	\$5,000
Stony Brook Fndation, Inc. (Pollock-Krasner House)	\$7,000
Theatre Three Productions, Inc.	\$15,000
Walt Whitman Birthplace Association	\$13,600
Westhampton Beach Performing Arts Center, Inc.	\$20,000
Whaling Museum Society, Inc.	\$6,100
Total	\$403,668

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

Intro. Res. No. 1149-2008
Introduced by Legislators Cooper, Horsley, Stern

Laid on Table 3/4/2008

RESOLUTION NO. 155 -2008, REAPPOINTING MEMBER TO THE SUFFOLK COUNTY WATER AUTHORITY (JAMES F. GAUGHRAN)

WHEREAS, Resolution No. 23-2008 appointed James F. Gaughran as a member of the Suffolk County Water Authority for a term of office to expire on March 24, 2008; now, therefore be it

1st RESOLVED, that **James F. Gaughran**, of Huntington, New York, is hereby reappointed as a member of the Suffolk County Water Authority with said term of office to expire March 24, 2013, said appointment having been made pursuant to the provisions of Section 1077(1) of the NEW YORK PUBLIC AUTHORITIES LAW; 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: March 18, 2008

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

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

Intro. Res. No. 1156-2008
Introduced by Presiding Officer Lindsay

Laid on Table 3/4/2008

RESOLUTION NO. 156 -2008, AUTHORIZING THE COUNTY OF SUFFOLK TO DEDUCT FROM A CREDIT FUND ESTABLISHED FOR THE BENEFIT OF THE SUFFOLK COUNTY WATER AUTHORITY, THE AUTHORITY'S SHARE OF THE COST FOR THE PREPARATION OF THE UPDATE OF THE SUFFOLK COUNTY COMPREHENSIVE WATER RESOURCES MANAGEMENT PLAN (the "PLAN")

WHEREAS, on February 27, 2005, the County of Suffolk and the Suffolk County Water Authority (the "SCWA") entered into a Stipulation of Settlement attached hereto as Exhibit A and hereinafter the "Stipulation" to resolve a certain action brought by the SCWA against the County pursuant to which the County established a \$1.5 million dollar interest accruing credit in the favor of the SCWA (the "SCWA Credit"); and

WHEREAS, pursuant to the Stipulation, SCWA could use the SCWA Credit or any portion thereof as consideration for any acquisition of real or personal property from the County of Suffolk or in lieu of payment for any services provided by the County on behalf of SCWA; and

WHEREAS, the County is preparing or causing to be prepared an update of the Plan; and

WHEREAS, the SCWA and the County entered into an Agreement dated April 22, 2005 attached hereto as Exhibit B under which the SCWA agreed to pay up to \$300,000.00 in direct funding for the Plan's preparation; and

WHEREAS, the SCWA, by check dated June 15, 2005, paid the County \$100,000.00 of the pledged \$300,000.00; and

WHEREAS, the SCWA wishes to use a \$200,000.00 portion of the SCWA Credit to pay for its remaining direct funding share of the Plan; now, therefore be it

1st RESOLVED, that the County hereby deducts from the SCWA Credit the sum of \$200,000.00 in full satisfaction of the SCWA's share of direct funding for the Plan; and be it further

2nd RESOLVED, that the County Attorney's Office is directed to provide an accounting of the funds remaining in the SCWA Credit.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1157-2008
Introduced by Presiding Officer Lindsay

Laid on Table 3/4/2008

RESOLUTION NO. 157 -2008, AUTHORIZING THE COUNTY OF SUFFOLK TO DEDUCT FROM A CREDIT FUND ESTABLISHED FOR THE BENEFIT OF THE SUFFOLK COUNTY WATER AUTHORITY THE COST OF THE INSTALLATION OF CERTAIN WATER MAIN ON COUNTY ROAD 39 BY THE COUNTY

WHEREAS, on February 27, 2005, the County of Suffolk and the Suffolk County Water Authority (the "SCWA") entered into a Stipulation of Settlement attached hereto as Exhibit A and hereinafter the "Stipulation" to resolve a certain action brought by the SCWA against the County pursuant to which the County established a \$1.5 million dollar interest accruing credit in the favor of the SCWA (the "SCWA Credit"); and

WHEREAS, pursuant to the Stipulation, SCWA could use the SCWA Credit or any portion thereof as consideration for any acquisition of real or personal property from the County of Suffolk or in lieu of payment for any services provided by the County on behalf of SCWA; and

WHEREAS, the County is making road improvements to County Road 39 in Southampton; and

WHEREAS, the County at the request of SCWA installed water main as part of the road improvements at the cost of \$18,597.00 and has requested SCWA to pay for the installation; and

WHEREAS, the SCWA wishes to use a \$18,597.00 portion of the SCWA Credit to pay for the cost of the water main installation; now, therefore be it

1st RESOLVED, that the County hereby deducts from the SCWA Credit the sum of \$18,597.00 in full satisfaction for the cost of installing the water main for the County Road 39 improvement project; and be it further

2nd RESOLVED, that the County Attorney's Office is directed to provide an accounting of the funds remaining in the SCWA Credit.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

RESOLUTION NO. 158 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE CARLLS RIVER COUNTY PARK ADDITION – NAPOLI CONSTRUCTION PROPERTY, TOWN OF BABYLON

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Carlls River County Park Addition – Napoli Construction Property, Town of Babylon", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.33 acres of land by Suffolk County for open space preservation purposes; and

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

WHEREAS, at its February 20, 2008 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated February 20, 2008 of said recommendations; and

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

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

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

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

and be it further

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

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Losquadro made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 16-0-1-1-0. Deputy Presiding Officer Mystal abstained. Legislator Montano was not present.

Intro. Res. No. 1200-2008

Laid on Table 3/4/2008

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

RESOLUTION NO. 159 -2008, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY OPEN SPACE PRESERVATION PROGRAM – FOR THE BREMS ESTATE PROPERTY – MILLER PLACE/YAPHANK ROAD NP ADDITION TOWN OF BROOKHAVEN – (SCTM NO. 0200-212.00-03.00-023.000)

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

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

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

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

WHEREAS, Resolution No. 877-2005 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; and

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA lead agency, in Resolution No. 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and Resolution Nos. 621-2004 and 877-2005 – Master Lists I and II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and/or Resolution Nos. 621-2004 and/or 877-2005 – Master Lists I and/or II Reports, respectively; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition under the Suffolk County Open Space Preservation Program for a total purchase price of Ten Thousand Dollars (\$10,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 212.00 Block 03.00 Lot 023.000	4,000± s.f.	The Estate of Jacob Brems 8285 Firshade Terrace Cincinnati, OH 45239

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 Open Space Preservation Program, for a purchase price of Ten Thousand Dollars (\$10,000.00), 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 \$10,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7144.213, Suffolk County Open Space Preservation Program, for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or 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 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 property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA determination of non-significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Losquadro made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 16-0-1-1-0. Deputy Presiding Officer Mystal abstained. Legislator Montano was not present.

Intro. Res. No. 1201-2008

Laid on Table 3/4/2008

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

RESOLUTION NO. 160 -2008, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY OPEN SPACE PRESERVATION PROGRAM – FOR THE BYRNE PROPERTY – MILLER PLACE/YAPHANK ROAD NP ADDITION TOWN OF BROOKHAVEN – (SCTM NO. 0200-189.00-04.00-009.000)

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

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

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

WHEREAS, Resolution No. 877-2005 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; and

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA lead agency, in Resolution No. 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and Resolution Nos. 621-2004 and 877-2005 – Master Lists I and II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and/or Resolution Nos. 621-2004 and/or 877-2005 – Master Lists I and/or II Reports, respectively; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below for acquisition under the Suffolk County Open Space Preservation Program for a total purchase price of Twenty Thousand One Hundred Twenty Five Dollars (\$20,125.00), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title report and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 189.00 Block 04.00 Lot 009.000	0.134±	Mary Brenda Byrne 317 Monroe Street – Apt. 5 Philadelphia, PA 19147

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 Open Space Preservation Program, for a purchase price of Twenty Thousand One Hundred Twenty Five Dollars (\$20,125.00), 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 \$20,125.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7144.213, Suffolk County Open Space Preservation Program, for this acquisition; and, be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or 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 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 property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA Determination of non-significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1202-2008 Laid on Table 3/4/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Mystal

**RESOLUTION NO. 161 -2008, AUTHORIZING
ACQUISITION OF LAND UNDER THE OLD SUFFOLK COUNTY
DRINKING WATER PROTECTION PROGRAM [C12- 5(E)(1)(a)]
– FOR THE NAPOLI CONSTRUCTION PROPERTY – CARLLS**

RIVER TOWN OF BABYLON - (SCTM NOS. 0100-017.00-02.00-009.000 & 010.000)

WHEREAS, Article XII of the SUFFOLK COUNTY CHARTER established the Old Suffolk County Drinking Water Protection Program, as amended and effective as of November 30, 2000, the first priority of which being the acquisition of qualified lands to be funded by revenues generated by the quarter percent (1/4%) sales and compensating use tax; and

WHEREAS, in compliance with Sections C12-3(B) and (C) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, prior to the Director of the Division of Real Property Acquisition and Management entering into any negotiations for the acquisition of, and consummation of acquisition of any such parcel, the Board of Trustees of the Department of Parks, Recreation and Conservation shall review and recommend its acquisition; and

WHEREAS, adequate funding is provided for, under the Old Suffolk County Drinking Water Protection Program, pursuant to Section C12-5(E)(1)(a) of Article XII of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for the acquisition of such land; and

WHEREAS, Resolution No. 153-2007, 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 Article XII of the SUFFOLK COUNTY CHARTER, Section C12-5(E)(1)(a), as amended and effective as of November 30, 2000, for a total purchase price of One Hundred Forty Thousand Dollars (\$140,000.00), 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 0100 Section 017.00 Block 02.00 Lot 009.000	.33±	Napoli Construction 14 Coolidge Place Smithtown, NY 11787
No. 2	District 0100 Section 017.00 Block 02.00 Lot 010.000		

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 C42-2(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 Old Suffolk County Drinking Water Protection Program, Section C12-5(E)(1)(a) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for a purchase price of One Hundred Forty Thousand Dollars (\$140,000.00), 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 \$140,000.00, subject to a final survey, from previously appropriated funds in MY-176-LAW-GDH1 under the Old Drinking Water Protection Program, Section C12-5(E)(1)(a) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, 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 the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreation 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, 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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Nowick made motion for the following resolution, seconded by Legislator Kennedy. The resolution was passed 16-0-1-1-0. Deputy Presiding Officer Mystal abstained. Legislator Montano was not present.

Intro. Res. No. 1221-2008
Introduced by Legislator Nowick

Laid on Table 3/4/2008

RESOLUTION NO. 162 -2008, AUTHORIZING PLANNING STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM (DECARMINE PROPERTY) TOWN OF SMITHTOWN (SCTM NOS. 0800-075.00-05.00-038.000 and 0800-075.00-05.00-039.000)

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

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

1st RESOLVED, that the Director of the Division of Real Property Acquisition and Management, or his deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Acquisition Program pursuant to the traditional Suffolk County Open Space Program:

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0800 Section 075.00 Block 05.00 Lot 038.000	1.2	Adrienne Tyler Decarmine PO Box 281 Smithtown, NY 11787
2	District: 0800 Section 075.00 Block 05.00 Lot 039.000	3.75	Adrienne Tyler Decarmine PO Box 281 Smithtown, NY 11787
TOTAL ACREAGE		4.92	

and be it further

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

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

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Cooper made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 14-1-2-1-0. Legislator Barraga voted no. Deputy Presiding Officer Mystal and Legislator Alden abstained. Legislator Montano was not present.

Intro. Res. No. 1228-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 163 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE CHARTER LAW EXTENDING AND ACCELERATING THE SUFFOLK COUNTY 1/4% DRINKING WATER PROTECTION PROGRAM FOR ENVIRONMENTAL PROTECTION FOR LAND ACQUISITIONS

WHEREAS, at the general election held on November 6, 2007, the electorate approved the mandatory referendum on Resolution No. 770-2007, Adopting A Charter Law Extending and Accelerating the Existing Suffolk County ¼% 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 (Local Law No. 24-2007); and

WHEREAS, the intent of Local Law No. 24-2007 is to extend the ¼% Suffolk County Drinking Water Protection Program for 17 years and to accelerate the land acquisition component of the program, by permitting borrowing of up to \$322 million over the next four (4) years, with the cost of the borrowing to be repaid from the ¼% Sales Tax Revenue Stream; and

WHEREAS, Local Law No. 24-2007 will allow the County 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; and

WHEREAS, under that law, 31.10% of the total revenues generated each calendar year by the ¼% Sales Tax Revenue Stream is allocated and deposited annually to the Suffolk County Environmental Programs Trust Fund; and

WHEREAS, the Suffolk County Environmental Programs Trust Fund can be used for 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, active parkland, active recreation, historic and/or cultural park uses; and

WHEREAS, principal and interest expenses, bond or note issuance costs and all other expenses directly related to the bonds or notes issued for such purchases may be paid from the sales tax revenues allocated and deposited annually to the Suffolk County Environmental Programs Trust Fund; and

WHEREAS, the serial bonds or notes issued for the purchase of development rights or land under this program are required to 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; and

WHEREAS, 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; 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 2008 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, the County Legislature by even date herewith has authorized the issuance of \$32,000,000 in Suffolk County Serial Bonds to cover the cost of purchasing land under the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection; now, therefore be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(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, not including new programs or major reordering of priorities that may affect the environment; and be it further

2nd RESOLVED, that prior to the approval by this Legislature of any property for purchase under this capital project, an environmental review of each property shall be undertaken and completed in accordance with SEQRA; and be it further

3rd RESOLVED, that the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law; and be it further

4th RESOLVED, that it is hereby determined that this project, with a priority ranking of seventy-two (72), 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

5th RESOLVED, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8712
Project Title: Suffolk County ¼% Drinking Water Protection Program for Environmental Protection - Land Acquisition Component

	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Program and Budget</u>	<u>Revised 2008 Capital Program and Budget</u>
2. Land Acquisition	\$32,000,000	\$ 0	\$32,000,000 B
TOTAL	\$32,000,000	\$ 0	\$32,000,000

and be it further

6th RESOLVED, that the proceeds of \$32,000,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8712.210 (Fund 477-Debt Service)	Suffolk County ¼% Drinking Water Protection Program for Environmental Protection - Land Acquisition Component	\$32,000,000

and be it further

7th RESOLVED, that no funds appropriated by this resolution may be expended unless and until a resolution authorizing planning and/or acquisition of a piece of property for the purposes of these capital projects has been duly adopted.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Cooper made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 14-2-1-1-0. Legislators Alden and Barraga voted no. Deputy Presiding Officer Mystal abstained. Legislator Montano was not present.

Intro. Res. No. 1228A-2008

BOND RESOLUTION NO. 164 -2008

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK,
AUTHORIZING THE ISSUANCE OF \$32,000,000 BONDS TO FINANCE
THE COST OF THE ACQUISITION OF LAND AND/OR DEVELOPMENT
RIGHTS UNDER THE SUFFOLK COUNTY 1/4% DRINKING WATER**

**PROTECTION PROGRAM FOR ENVIRONMENTAL PROTECTION
LAND ACQUISITIONS (CP 8712.210)**

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 \$32,000,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the acquisition of land and/or development rights under the Suffolk County 1/4% Drinking Water Protection Program pursuant to Local Law No. 24-2007, as authorized in the 2008 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 \$32,000,000. The plan of financing includes the issuance of \$32,000,000 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. It is expected that certain sales tax revenues to be collected pursuant to the Suffolk County 1/4% Drinking Water Protection Program shall be available and shall be used to pay principal and interest on the bonds and notes authorized to be issued pursuant to this bond resolution. In accordance with Local Law 24-2007, the bonds authorized pursuant to this resolution, and any bond anticipation notes issued in anticipation thereof, are required to be issued on or prior to December 31, 2011; and all such bonds and notes must be authorized by duly enacted bond or note resolutions adopted in the calendar years 2008, 2009, 2010 or 2011.

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. 21 of the Law, is thirty (30) years. However, in accordance with Local Law 24-2007, the bonds authorized pursuant to this resolution, and any bond anticipation notes issued in anticipation thereof, shall mature no later than December 31, 2030.

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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Romaine made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 14-1-2-1-0. Presiding Officer Lindsay voted no. Deputy Presiding Officer Mystal and Legislator Alden abstained. Legislator Montano was not present.

Intro. Res. No. 1233-2008

Laid on Table 3/4/2008

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

**RESOLUTION NO. 165 –2008, AUTHORIZING
ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY
ENVIRONMENTAL LEGACY FUND FOR OPEN SPACE
PRESERVATION FOR THE NATURE CONSERVANCY,
INC. AS CONTRACT VENDEE OF THE BLOCKER
PROPERTY – COREY CREEK - TOWN OF SOUTHOLD –
(SCTM NO. 1000-087.00-06.00-012.001)**

WHEREAS, the Suffolk County Environmental Legacy Fund was established by Resolution No. 281-2007, allocating fifty million dollars for the acquisition of: environmentally sensitive lands pursuant to the traditional Open Space Preservation Program, Resolution No. 762-1986 et seq.; farmland development rights pursuant to the Suffolk County Administrative Local Law Chapter 8, Development Rights to Agricultural Lands; active parklands including playgrounds, soccer fields, football fields, baseball fields, outdoor concerts, horseback riding or equine endeavors and/or other community recreational needs; or historic properties that exhibit historic and/or archeological significance, where there is a partner who will provide at least a 50% matching contribution to its acquisition; and

WHEREAS, there are sufficient funds appropriated for Capital Project 525-CAP-8731.211 to cover the cost of said request of acquiring the land under the Suffolk County Environmental Legacy Fund; and

WHEREAS, Resolution No. 621-2004 authorized planning steps for acquisition of the subject property; and

WHEREAS, the Town of Southold (“Town”) has approved Resolution No. 2007-934 on December 4, 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; and

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution No. 108-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and Resolution Nos. 621-2004 and 877-2005 – Master Lists I and II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and/or Resolution Nos. 621-2004 and/or 877-2005 – Master Lists I and/or II Reports, respectively; 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 Environmental Legacy Fund pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq.), for a total purchase price of Eight Million Dollars (\$8,000,000.00), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk’s share, totaling Four Million Dollars (\$4,000,000.00) for a fifty percent (50%) undivided interest; and the Town’s share, totaling Four Million Dollars (\$4,000,000.00), 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>	ACRES:	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 1000 Section 087.00 Block 06.00 Lot 012.001	45.0±	The Nature Conservancy, Inc. as Contract Vendee P.O. Box 5125 East Hampton, NY 11937

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 Environmental Legacy Fund, for the County’s portion of the purchase price of Four Million Dollars (\$4,000,000.00), 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 \$4,000,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8731.211, Suffolk County Environmental Legacy Fund, 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 a fifty percent (50%) undivided interest and the Town owning a 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 for passive recreational use; 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 necessary collateral agreements with the Town to effectuate the terms of the resolution; and be it further

8th RESOLVED, that the acquisition of the subject property is contingent upon the following: a) adoption by the Suffolk County Legislature of a bond resolution for the Suffolk County Environmental Legacy Fund Program for the year 2008; b) publication of a notice relating to the bond resolution, pursuant to Section 81.00 of the Local Finance Law; and c) confirmation by the County that no action, suit or proceeding contesting the validity of the obligations authorized by the bond resolution referenced above has been commenced within twenty (20) days from the publication of such notice; 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 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 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 property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA determination of non-significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 14-1-2-1-0. Presiding Officer Lindsay voted no. Deputy Presiding Officer Mystal and Legislator Alden abstained. Legislator Montano was not present.

Intro. Res. No. 1234-2008

Laid on Table 3/4/2008

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

**RESOLUTION NO. 166 –2008, AUTHORIZING
ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY
ENVIRONMENTAL LEGACY FUND FOR OPEN SPACE
PRESERVATION FOR THE NATURE CONSERVANCY, AS
CONTRACT VENDEE OF THE FILIPPELLI PROPERTY –
ACCABONAC HARBOR ADDITION - TOWN OF EAST
HAMPTON – (SCTM NOS. 0300-039.00-14.00-029.000
AND 0300-063.00-03.00-002.000)**

WHEREAS, the Suffolk County Environmental Legacy Fund was established by Resolution No. 281-2007, allocating fifty million dollars for the acquisition of: environmentally sensitive lands pursuant to the traditional Open Space Preservation Program, Resolution No. 762-1986 et seq.; farmland development rights pursuant to the Suffolk County Administrative Local Law Chapter 8, Development Rights to Agricultural Lands; active parklands including playgrounds, soccer fields, football fields, baseball fields, outdoor concerts, horseback riding or equine endeavors and/or other community recreational needs; or historic properties that exhibit historic and/or archeological significance, where there is a partner who will provide at least a 50% matching contribution to its acquisition; and

WHEREAS, there are sufficient funds appropriated for Capital Project 525-CAP-8731.211 to cover the cost of said request of acquiring the land under the Suffolk County Environmental Legacy Fund; and

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

WHEREAS, the Town of East Hampton (“Town”) has approved Resolution No. 2007-1521 on November 2, 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; and

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution No. 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and Resolution Nos. 621-2004 and/or 877-2005 – Master Lists I and/or II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and/or Resolution Nos. 621-2004 and/or 877-2005 – Master Lists I and/or II Reports, respectively; 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 Environmental Legacy Fund pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq.), for a total purchase price of Three Million Two Hundred Thousand Dollars (\$3,200,000.00), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk’s share, totaling One Million Six Hundred Thousand Dollars (\$1,600,000.00) for a fifty percent (50%) undivided interest; and the Town’s share, totaling One Million Six Hundred Thousand Dollars (\$1,600,000.00), 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	0300	9.5±	The Nature Conservancy, As Contract Vendee
	Section	039.00		c/o John Kaledin, Esq.
	Block	14.00		195 New Karner Road-Suite 200
	Lot	029.000		Albany, NY 12205
No. 2	District	0300		
	Section	063.00		
	Block	03.00		
	Lot	002.000		

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 C42-2(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 Environmental Legacy Fund, for the County's portion of the purchase price of One Million Six Hundred Thousand Dollars (\$1,600,000.00), 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 \$1,600,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8731.211, Suffolk County Environmental Legacy Fund, 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 a fifty percent (50%) undivided interest and the Town owning a 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 for passive recreational use; 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 necessary collateral agreements with the Town to effectuate the terms of the resolution; and be it further

8th RESOLVED, that the acquisition of the subject property is contingent upon the following: a) adoption by the Suffolk County Legislature of a bond resolution for the Suffolk County

Environmental Legacy Fund Program for the year 2008; b) publication of a notice relating to the bond resolution, pursuant to Section 81.00 of the Local Finance Law; and c) confirmation by the County that no action, suit or proceeding contesting the validity of the obligations authorized by the bond resolution referenced above has been commenced within twenty (20) days from the publication of such notice; 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 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 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 property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA determination of non-significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1143-2008
Introduced by Legislator Losquadro

Laid on Table 2/5/2008

RESOLUTION NO. 167 -2008, ADOPTING LOCAL LAW NO. 8 -2008, A LOCAL LAW TO AMEND RESOLUTION NO. 1386-2007 TO CLARIFY APPLICATION OF INDIVIDUAL WATER METER REQUIREMENTS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 5, 2008, a proposed local law entitled, "**A LOCAL LAW TO AMEND RESOLUTION NO. 1386-2007 TO CLARIFY APPLICATION OF INDIVIDUAL WATER METER REQUIREMENTS**;" now, therefore be it

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

LOCAL LAW NO. 8 -2008, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND RESOLUTION NO. 1386-2007 TO CLARIFY APPLICATION OF INDIVIDUAL WATER METER REQUIREMENTS

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Resolution No. 1386-2007 was enacted by the County of Suffolk in order to require uniform drinking water distribution system standards throughout the County, and to require individual water meters where practicable.

This Legislature also finds and determines that it is necessary to amend the language of Resolution No. 1386-2007 in order to clarify the application of the law.

Therefore, the purpose of this law is to amend Resolution No. 1386-2007 to require individual water meters in residential housing developments and condominium developments consisting of single family detached residences.

Section 2. Amendments.

A.) Section 2 of Resolution No. 1386-2007 is hereby amended to read as follows:

Section 2. Individual Meters.

No residential housing development consisting of two or more private dwellings, [or] and condominium development containing single family detached residences, which for the purposes of this Section shall mean a building consisting solely of one dwelling unit that is not attached to any other residential unit or building. shall be permitted to be constructed in Suffolk County unless each residence is serviced by an individual water meter.

B.) Section 3 of Resolution No. 1386-2007 is hereby amended to read as follows:

Section 3. Requirements for Multiple Dwellings.

Pursuant to Article 9, § 2(C) 10, of the New York State Constitution, governing protection, health, safety, and well-being of persons, all drinking water distribution systems installed throughout Suffolk County that provide drinking water to a multiple dwelling, as that term is defined in Section 4 of the NEW YORK MULTIPLE [DWELLING] RESIDENCE LAW, [where an individual water meter is not able to be installed] shall conform to the following standards, or any succeeding standards thereto:

* * * *

B. All four (4) inch, six (6) inch, eight (8) inch, ten (10) inch, and twelve (12) inch nominal-inside diameter, poly vinyl chloride (PVC) pressure pipe shall be Class 150, and shall have a standard dimension ratio (S.D.R.) of 18 and conform to the latest edition of American Water Works Association (AWWA) C900. The outside diameter of said PVC pipe shall be the same as that of the same nominal size of cast-iron or ductile-iron pipe so that no special adaptation is necessary to connect to cast-iron or ductile-iron valves and fittings. Said PVC pipe shall be only of integral bell and plain end lengths. [Each standard and random length of said PVC pipe shall be tested to 600 psi for the minimum dwell of five (5) seconds.] The installed pipe shall be prepared for use, including hydrostatic testing, in conformance with the latest edition of Section 7 of AWWA Standard C605. All such PVC pipe shall be furnished with mechanical pipe (cast iron) gaskets. Detectable Metallic Underground Tape, a minimum of 2 inches wide, marked for "Water" shall also be installed 1 foot above the top of any such PVC pipe.

* * * * *

Section 3. SEQRA Determination.

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

Section 4. Effective Date.

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

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

After a public hearing duly held on April 1, 2008
Filed with the Secretary of State on April 11, 2008

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

Intro. Res. No. 1224-2008

Laid on Table 3//4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 168 -2008, ACCEPTING AND APPROPRIATING 100% STATE GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO IMPLEMENT A FOOD STAMP BONUS AWARD ALLOCATION PLAN

WHEREAS, the New York State Office of Temporary and Disability Assistance has awarded Suffolk County Department of Social Services funds in the amount of \$169,292 as a performance award for the success of our management of the Food Stamp Program; and

WHEREAS, the Suffolk County Department of Social Services intends to use this allocation to enhance Food Stamp related initiatives such as the Working Families Food Stamp Initiative; and

WHEREAS, this allocation is 100% State funded; and

WHEREAS, it is in the best interest of Suffolk County to accept and appropriate 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>\$169,292</u>
001-3612 STATE AID: Food Stamp Performance Bonus	\$169,292

and be it further

2nd RESOLVED, that total funds in the amount of \$98,519 be and are hereby appropriated as follows, less indirect costs of \$70,773 already included in the 2008 Operating Budget:

<u>ORGANIZATIONS:</u>	<u>\$98,519</u>
Department of Social Services Information Technology 001-DSS-6006	

<u>2000-Equipment</u>	<u>\$4,300</u>
2020-Office Machines	\$4,300

Department of Social Services

Client Benefits
001-DSS-6015

1000-Personal Services **\$82,782**
1130-Temporary Salaries **\$82,782**

3000-Supplies, Mtls, and Other Exp. \$3,200
3500-Other **\$3,200**

Employee Benefits
Social Security
001-EMP-9030

8000-Employee Benefits **\$6,333**
8330-Social Security **\$6,333**

Interfund Transfers
Transfer to Fund 38 (Workers Compensation)
001-IFT-E038

9000-Interfund Transfers **\$1,904**
9600-Transfer to Funds **\$1,904**

and be it further

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

REVENUES: **\$1,904**
038-IFT-R001 Transfer from General Fund **\$1,904**

ORGANIZATIONS: **\$1,904**

Employee Benefits
Workers' Compensation
038-EMP-9040

8000-Employee Benefits **\$1,904**
8300-Workers' Compensation **\$1,904**

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1161-2008 Laid on Table 3/4/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. 169 -2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NOS. 0200-853.00-02.00-036.000 and 0200-909.00-08.00-020.000)

WHEREAS, the County of Suffolk is the fee owner of certain parcels which are particularly described in Exhibit "A" attached hereto; and

WHEREAS, said parcels are surplus to the needs of the County of Suffolk; and

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

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

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

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing has approved the use of these parcels for the purposes stated above; now, therefore be it

1st RESOLVED, the subject parcels shall be conveyed to the Town of Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed and, additionally, if any one or more of the following occurs, the subject premises shall revert to the grantor as herein provided and as provided in any deed evidencing the transfer of the subject premises from the grantor to the grantee:

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained

herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PSMA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

- a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and
- b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and
- c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and
- d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

and be it further

2nd **RESOLVED**, the grantee will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for affordable housing with all right title and interest

reverting to the County of Suffolk in the event that the grantee at any time, uses or attempts to use said subject parcels for other than affordable housing or attempts to sell, transfer or otherwise dispose of or does, in fact, sell transfer or otherwise dispose of said subject parcels with said parcels being used thereafter for other than affordable housing; and be it further

3rd **RESOLVED**, that neither grantee nor any subsequent grantee shall bill or charge back to grantor any cost incurred or projected to be incurred for the cleaning up, removal and disposal of any debris, waste and/or contamination on said properties. In the event that such charge back or bill is rendered to the grantor the transfer shall be void ab initio and the realty shall revert to the grantor; and be it further

4th **RESOLVED**, that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof; and be it further

5th **RESOLVED**, the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs; and be it further

6th **RESOLVED**, that Christopher E. Kent, Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described properties upon the above-described terms and conditions; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c)(20) and (27)). As a Type II action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a).

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Exhibit "A"

<u>Tax Map No.</u>	<u>Location</u>	<u>Acre</u>
0200-853.00-02.00-036.000	S/W/C/O Clinton Ave. & Herkimer St., Mastic	0.23
0200-909.00-08.00-020.000	S/S/O Coventry Ave.,, 246' E/O Clover St., Mastic	0.358

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

Intro. Res. No. 1162-2008 Laid on Table 3/4/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

**RESOLUTION NO. 170 -2008, AUTHORIZING THE SALE
OF COUNTY-OWNED REAL PROPERTY PURSUANT TO
SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE
TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING
PURPOSES (SCTM NOS. 0200-959.00-05.00-029.000, 0200-
959.00-06.00-017.000, 0200-973.70-04.00-032.000)**

WHEREAS, the County of Suffolk is the fee owner of certain parcels which are particularly described in Exhibit "A" attached hereto; and

WHEREAS, said parcels are surplus to the needs of the County of Suffolk; and

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

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

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

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing has approved the use of these parcels for the purposes stated above; now, therefore be it

1st RESOLVED, the subject parcels shall be conveyed to the Town of Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed and, additionally, if any one or more of the following occurs, the subject premises shall revert to the grantor as herein provided and as

provided in any deed evidencing the transfer of the subject premises from the grantor to the grantee:

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PSMA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

- a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and
- b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and
- c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and
- d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

and be it further

2nd **RESOLVED**, the grantee will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for affordable housing with all right title and interest reverting to the County of Suffolk in the event that the grantee at any time, uses or attempts to use said subject parcels for other than affordable housing or attempts to sell, transfer or otherwise dispose of or does, in fact, sell transfer or otherwise dispose of said subject parcels with said parcels being used thereafter for other than affordable housing; and be it further

3rd **RESOLVED**, that neither grantee nor any subsequent grantee shall bill or charge back to grantor any cost incurred or projected to be incurred for the cleaning up, removal and disposal of any debris, waste and /or contamination on said properties. In the event that such charge back or bill is rendered to the grantor the transfer shall be void ab initio and the realty shall revert to the grantor; and be it further

4th **RESOLVED**, that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof; and be it further

5th **RESOLVED**, the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs; and be it further

6th **RESOLVED**, that Christopher E. Kent, Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described properties upon the above-described terms and conditions; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c)(20) and (27)). As a Type II action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)).

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1163-2008

Laid on Table 3/4/2008

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

RESOLUTION NO. 171 -2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0200-979.10-06.00-046.000)

WHEREAS, the County of Suffolk is the fee owner of the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 979.10, Block 06.00, Lot 046.000, and acquired by tax deed on March 4, 2002, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 9, 2002, in Liber 12173, CP 275 and otherwise known as and by Town of Brookhaven, known and designated as Lots No. 5061 to 5065 inclusive as shown on a certain map entitled "Map of Mastic Beach" and filed in the Suffolk County Clerk's Office on June 3, 1926 as Map No. 1004; and

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

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

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

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

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing has approved the use of this parcel for the purposes stated above; now, therefore be it

1st RESOLVED, the subject parcel shall be conveyed to the Town of Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed and, additionally, if any one or more of the following occurs, the subject premises shall revert to the grantor as herein provided and as provided in any deed evidencing the transfer of the subject premises from the grantor to the grantee:

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PSMA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

- a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and
- b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and
- c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and
- d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing

December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs;

and be it further

2nd RESOLVED, the grantee will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for affordable housing with all right title and interest reverting to the County of Suffolk in the event that the grantee at any time, uses or attempts to use said subject parcel for other than affordable housing or attempts to sell, transfer or otherwise dispose of or does, in fact, sell transfer or otherwise dispose of said subject parcel with said parcel being used thereafter for other than affordable housing; and be it further

3rd RESOLVED, that neither grantee nor any subsequent grantee shall bill or charge back to grantor any cost incurred or projected to be incurred for the cleaning up, removal and disposal of any debris, waste and /or contamination on said property. In the event that such charge back or bill is rendered to the grantor the transfer shall be void ab initio and the realty shall revert to the grantor; and be it further

4th RESOLVED, that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof; and be it further

5th RESOLVED, the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs; and be it further

6th RESOLVED, that Christopher E. Kent, Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property upon the above-described terms and conditions; and be it further

7th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c)(20) and (27)). As a Type II action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a).

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

EXHIBIT A

<u>DSBL</u>	<u>LOCATION</u>	<u>TRANSFER TO</u>
0200-979.10-06.00-046.000	6 Juniper Rd., Mastic	Habitat

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

Intro. Res. No. 1164-2008 Laid on Table 3/4/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. 172 –2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES

WHEREAS, the County of Suffolk is the fee owner of certain parcels which are particularly described in Exhibit “A” attached hereto; and

WHEREAS, said parcels are surplus to the needs of the County of Suffolk; and

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

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

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

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing has approved the use of these parcels for the purposes stated above; now, therefore be it

1st RESOLVED, the subject parcels shall be conveyed to the Town of Brookhaven, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed and, additionally, if any one or more of the following occurs, the subject premises shall revert to the grantor as herein provided and as provided in any deed evidencing the transfer of the subject premises from the grantor to the grantee:

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PSMA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

- a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and
- b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and
- c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

and be it further

2nd **RESOLVED**, the grantee will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for affordable housing with all right title and interest reverting to the County of Suffolk in the event that the grantee at any time, uses or attempts to use said subject parcels for other than affordable housing or attempts to sell, transfer or otherwise dispose of or does, in fact, sell transfer or otherwise dispose of said subject parcels with said parcels being used thereafter for other than affordable housing; and be it further

3rd **RESOLVED**, that neither grantee nor any subsequent grantee shall bill or charge back to grantor any cost incurred or projected to be incurred for the cleaning up, removal and disposal of any debris, waste and /or contamination on said properties. In the event that such charge back or bill is rendered to the grantor the transfer shall be void ab initio and the realty shall revert to the grantor; and be it further

4th **RESOLVED**, that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof; and be it further

5th **RESOLVED**, the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs; and be it further

6th **RESOLVED**, that Christopher E. Kent, Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described properties upon the above-described terms and conditions; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a

Type II action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c)(20) and (27)). As a Type II action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a).

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1213-2008
Introduced by Legislator Browning

Laid on Table 3/4/2008

RESOLUTION NO. 173 -2008, AUTHORIZING USE OF SMITH POINT COUNTY PARK PROPERTY BY MASTIC BEACH FIRE DEPARTMENT, INC., FOR PUBLIC-SAFETY SERVICES FUND DRIVE

WHEREAS, the Mastic Beach Fire Department responds to over one hundred calls at the Smith Point County Park each year; and

WHEREAS, the Mastic Beach Fire Department, Inc. (Department), would like to host a fund drive at Smith Point County Park in Shirley; and

WHEREAS, the fund drive for support of the public-safety services provided by the Department would be held from July 4, 2008 through July 6, 2008, and July 19, 2008 and July 20, 2008; and

WHEREAS, the County of Suffolk shall receive consideration in the total amount of One Hundred and Twenty-Five and 00/100 Dollars (\$125.00), plus public-safety services rendered by the Department to the Smith Point County Park, payment of which shall be guaranteed by the Department; and

WHEREAS, a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured will be provided by the Department; and

WHEREAS, the use of County property for such fund drive for support of the public-safety services provided by the Department would promote and protect the public health, safety, and general welfare of the residents of Suffolk County; now, therefore be it

1st RESOLVED, that the use of County-owned property, i.e. the Smith Point County Park in Shirley, by the Mastic Beach Fire Department, Inc. (Department), in consideration of the payment of One Hundred and Twenty-Five Dollars (\$125.00), and in consideration of public-safety services rendered by the Department to the Smith Point County Park, for the purpose of hosting a fund drive by standing at the tollbooths with a sign asking the public to "help us save you", for support of the public-safety services provided by the Department from July 4, 2008 through July 6, 2008, and July 19, 2008 and July 20, 2008 between the hours of 7:00 a.m. and 4:30 p.m. each day is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from the Department, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

2nd RESOLVED, that before this event shall be permitted to occur, the Department must apply for and obtain a permit from the Commissioner of the Department of Parks, Recreation, and Conservation as required by Section 378-7(B) of the Suffolk County Code; and be it further

3rd RESOLVED, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fund drive for support of the public-safety services provided by the Department at Smith Point County Park in Shirley by the Department; and be it further

4th RESOLVED, that the Department shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

5th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1217-2008
Introduced by Legislators Browning and Lindsay

Laid on Table 3/4/2008

RESOLUTION NO. 174 -2008, AUTHORIZING THE USE OF SOUTHAVEN COUNTY PARK PROPERTY TO HOLD A FREE CONCERT FOR CHILD ABUSE AWARENESS

WHEREAS, Evelynn Marie Biondo (“Baby Evelynn”) was a victim of child abuse at the tender age of 10 weeks; and

WHEREAS, her battle for life started when Evelynn was brutally and viciously attacked by her own father because she interrupted his nap; and

WHEREAS, a concert (“Evelynntopia”) is being held to raise money for Baby Evelynn; other not-for-profit child abuse organizations; to promote awareness for Child Abuse, Shaken Baby Syndrome, and the importance of being a blood donor; and

WHEREAS, the Concert will be held at Southaven County Park in Brookhaven on Sunday, June 22, 2008 during the hours 9:00 a.m. through 8:00 p.m. with a rain date of Sunday, June 29, 2008; and

WHEREAS, other legislation is being sponsored in the Suffolk County Legislature entitled “Designating the Month of April as Child Abuse/Shaken Baby Syndrome Month” to help this worthwhile effort; and

WHEREAS, a certificate of insurance naming Suffolk County as an additional insured will be provided by the Strong Island Sound; now, therefore be it

1st RESOLVED, that the use of County-owned property, i.e. the Southaven County Park in Brookhaven for the above described concert in consideration of the payment of \$500.00 on Sunday, June 22, 2008 from 9:00 a.m. to 8:00 p.m., with a rain date of Sunday June 29, 2008, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from the Strong Island Sound, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

2nd RESOLVED, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the concert to raise awareness of Shaken Baby Syndrome\Child Abuse at Southaven County Park in Brookhaven; and be it further

3rd RESOLVED, that Anthony Biondo shall also provide an entertainment promoter certificate to Suffolk County if it intends to allow vendors at the event to sell tangible personal property

other than food or drink in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

4th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1038-2008 Laid on Table 2/5/2008
Introduced by Legislators Nowick, Browning, Eddington, Kennedy, Horsley, Losquadro, Lindsay

**RESOLUTION NO. 175 -2008, ADOPTING LOCAL LAW
NO. 5 -2008, A LOCAL LAW TO PROHIBIT THE SALE AND
POSSESSION OF SALVIA DIVINORUM**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 5, 2008, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE SALE AND POSSESSION OF SALVIA DIVINORUM**"; now, therefore be it

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

LOCAL LAW NO. 5 -2008, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT THE SALE AND POSSESSION OF
SALVIA DIVINORUM**

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 *Salvia divinorum*, also known as “Diviner’s Sage” or “Maria Pastora,” is a powerful psychoactive herb which can be smoked or chewed to produce hallucinogenic effects or visionary states.

This Legislature also finds and determines that *Salvia divinorum* is native to the area of southern Mexico, and has historically been utilized for its medicinal properties. In recent years, with the help of the Internet, the leaves of *Salvia divinorum*, or the entire plant, have become available almost anywhere in the United States.

This Legislature further finds and determines that recent media reports have uncovered that *Salvia divinorum* is being abused by individuals, especially teenage children, in order to “self medicate” for depression.

This Legislature finds that the parents of a Delaware student are currently suing a distributor of *Salvia divinorum*, claiming that their son’s use of *Salvia divinorum* was the cause of his depression which eventually resulted in his death by suicide.

This Legislature determines that the long term effects of *Salvia divinorum* are unknown, but it has been shown to cause dysphoria in humans, which in the context of an underlying mood disorder, indicates a heightened risk of suicide.

This Legislature also finds that several states, and many countries are taking, action to try to curb the abuse of *Salvia divinorum*, especially by younger children, in order to prevent any harm as a result of its use.

Therefore, the purpose of this law is to prohibit the possession and sale of *Salvia divinorum* in Suffolk County.

Section 2. Definitions.

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

SALVIA DIVINORUM—the herb commonly known as “Diviner’s Sage,” “Maria Pastora,” “Sage of the Seers,” “The Key,” “Purple Salvia,” “Purple Haze,” or “Sally D,” whether sold as a whole plant, loose leaves, or as a concentrated extract of the chemical *salvinorin A*.

PERSON—any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization of any kind.

Section 3. Prohibitions.

Pursuant to Article 9, § 2(C) 10, of the New York State Constitution, governing protection, health, safety, and well-being of persons, no person shall possess, sell or offer for sale *Salvia divinorum* within the County of Suffolk.

Section 4. Exceptions.

The provisions of this law shall not apply to non prescription over-the-counter drugs approved or regulated by the Federal Food and Drug Administration.

Section 5. Penalties.

Any person who knowingly violates the provisions of this law shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year's imprisonment.

Section 6. Applicability.

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

Section 7. Reverse Preemption.

This article shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 8. 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 9. SEQRA Determination.

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

Section 10. Effective Date.

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

After a public hearing duly held on April 1, 2008
Filed with the Secretary of State on April 11, 2008

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

Intro. Res. No. 1175-2008

Laid on Table 3/4/2008

Introduced by Legislators Stern, Eddington, Horsley, Losquadro and Nowick

RESOLUTION NO. 176 -2008, DECLARING THE MONTH OF APRIL AS "UNDERAGE DRINKING AWARENESS MONTH" IN SUFFOLK COUNTY

WHEREAS, alcohol use by young people is extremely dangerous – both to themselves and to society at large, and is associated with traffic fatalities, violence, unsafe sex, suicide, educational failure, and other problem behaviors; and

WHEREAS, according to the National Council on Alcoholism and Drug Dependence, alcohol is the number one drug of choice for America's young people; and

WHEREAS, those who begin drinking before age 15 are four times more likely to develop alcoholism than those who begin at age 21; and

WHEREAS, each day, 7,000 children in the United States under the age of 16 take their first drink; and

WHEREAS, underage alcohol use costs the nation an estimated \$53 billion annually; and

WHEREAS, public awareness needs to be raised for this important issue, and

WHEREAS, this year's theme for the national Alcohol Awareness Month is a Call To Action and it highlights the need to work together to create comprehensive education, prevention, intervention and treatment resources; and

WHEREAS, a public education contest to be held in each school in Suffolk County would raise the awareness of this very serious issue; now, therefore be it

1st RESOLVED, that the month of April be declared as "Underage Drinking Awareness Month" in Suffolk County for this year and every year thereafter; and be it further

2nd **RESOLVED**, that the office of the Presiding Officer of the Suffolk County Legislature shall conduct an annual "Underage Drinking Awareness" campaign in elementary, middle, and high schools throughout the County of Suffolk, inviting students to participate in a contest requiring a student's interpretation of what should be done to prevent underage drinking, whether it be in the form of a poster, an essay, a photographic or multimedia presentation; and be it further

3rd **RESOLVED**, that each Legislator shall send letters to the Superintendents of public school districts, located within their pertinent legislative district, advising the school district as to the awareness campaign and contest; and be it further

4th **RESOLVED**, that each Legislator shall judge entries made by students in the elementary, middle, and high school levels in his or her district and recommend to the Presiding Officer of the County Legislature one submission per level to represent their legislative district; and be it further

5th **RESOLVED**, that the deadline for submitting eligible entries shall be March 30 of each year beginning in the year 2009; the Presiding Officer shall then select the winning entries at the elementary, middle and high school levels, which shall be announced at the first regularly scheduled meeting of the Legislature in April each year; and be it further

6th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro Res. No. 1210-2008

Laid on Table 3/4/2008

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

RESOLUTION NO. 177 -2008, ACCEPTING AND APPROPRIATING GRANT FUNDS RECEIVED FROM THE NEW

**YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES,
UNDER STOP DWI PROGRAM**

WHEREAS, New York State Division of Criminal Justice Services has awarded three grants in the amount of \$55,000.00 each to ensure the well being of the citizens of Suffolk County on the roadways, by prosecuting those who drive while intoxicated to the full extent of the law. The objective of these grants is to prosecute drunk drivers by requesting increased penalties for those who break the law and by requesting stricter sentencing for repeat offenders and for those who cause serious injury or death to their victims; and

WHEREAS, said grant is to run for the period 4/1/07 through 3/31/09; and

WHEREAS, sufficient positions exist in the District Attorney's 2008 Suffolk County Adopted Operating Budget, three positions will be transferred from the general administration portion of the District Attorney's Budget to that part of the budget dedicated to the STOP DWI Program; and

WHEREAS, no funding has been included in the District Attorney's 2008 Suffolk County Adopted Operating Budget for additional positions in the STOP DWI Program; now, therefore be it

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

<u>REVENUES:</u>	<u>AMOUNT</u>
001-3212-State Aid – DCJS DWI Program	\$165,000

ORGANIZATIONS:

District Attorney (DIS)
STOP DWI Program
001-1160

<u>Personnel Services</u>	<u>\$165,000</u>
1100-Permanent Salaries	\$165,000

and be it further

2nd RESOLVED, that the following positions are transferred within the District Attorney's Office from appropriation 001-1165:

<u>Position No.</u>	<u>Spec. No.</u>	<u>Position Title</u>	<u>J/C</u>	<u>Grade</u>	<u>Created</u>
001-1165-1600-0097	6128	Assistant District Attorney	E	24	-1
001-1165-1600-0175	6128	Assistant District Attorney	E	24	-1
001-1165-1600-0580	6128	Assistant District Attorney	E	24	-1

and be it further

3rd RESOLVED, that the following positions are transferred within the District Attorney's Office to appropriation 001-1160:

<u>Position No.</u>	<u>Spec. No.</u>	<u>Position Title</u>	<u>J/C</u>	<u>Grade</u>	<u>Created</u>
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001-1160-2900-0097	6128	Assistant District Attorney	E	24	+1
001-1160-2900-0175	6128	Assistant District Attorney	E	24	+1
001-1160-2900-0580	6128	Assistant District Attorney	E	24	+1

and be it further

4th RESOLVED, that the non-reimbursable fringe benefits associated with the salaries for this grant are included in the 2008 Suffolk County Budget; and be it further

5th RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes Type II action; and be it further

6th RESOLVED, that the County Executive be authorized to execute the grant related agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1211-2008 Laid on Table 3/4/2008
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 178 -2008, APPROVING AN INCREASE
IN FLEET FOR THE SUFFOLK COUNTY POLICE DEPARTMENT**

WHEREAS, in June 2004, the Police Commissioner established a Field Auditing Section whose purpose is to do hands-on field monitoring of chronic sick and injured employees in order to expedite their return to duty as soon as they are medically cleared; and

WHEREAS, this section has proven to be extremely beneficial; and

WHEREAS, the Police Commissioner finds that an additional vehicle is now needed to continue said monitoring of chronic sick and injured employees; now, therefore be it

1st RESOLVED, that the Police Department is given authorization to increase the Police fleet by one vehicle, Field Auditing Vehicle No. 6 (undercover vehicle to be determined), which lease will be funded through the use of Asset Forfeiture funds.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Deputy Presiding Officer Mystal made motion for the following resolution, seconded by Legislator Beedenbender. The resolution was passed 16-1-1-0-0. Legislator Barraga voted no. Legislator Alden abstained.

Intro. Res. No. 1132-2008

Laid on Table 2/5/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 179 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH SAFETY IMPROVEMENTS AT VARIOUS INTERSECTIONS (CP 3301)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with Safety Improvements on CR 46, William Floyd Parkway @ Surrey Circle; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C-4-13, an offsetting authorization must be provided from another 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 2008 Capital Budget, as the basis for funding capital projects such as this project; and

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

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

WHEREAS, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 594-2001 classified the action contemplated by this as an Unlisted Action; 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, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the Safety Improvements on CR 46, William Floyd Parkway @ Surrey Circle, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

3rd RESOLVED, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5168
 Project Title: Reconstruction of CR 11, Pulaski Road, Town of Huntington

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	<u>\$3,950,000</u>	<u>\$1,500,000B</u>	<u>\$1,450,000B</u>
TOTAL	\$4,500,000	\$1,500,000	\$1,450,000

Project No.: 3301
 Project Title: Safety Improvements at Various Intersections

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
1. Planning, Design & Supervision	<u>\$992,000</u>	<u>\$100,000B</u>	<u>\$150,000B</u>
TOTAL	\$13,667,000	\$2,110,000	\$2,160,000

and be it further

4th RESOLVED, that the proceeds of \$150,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3301.123 (Fund 001-Debt Service)	50	Safety Improvements on CR 46, William Floyd Parkway @ Surrey Circle	\$150,000

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Deputy Presiding Officer Mystal made motion for the following resolution, seconded by Legislator Beedenbender. The resolution was passed 16-2-0-0-0. Legislator Alden and Legislator Barraga voted no.

Intro. Res. No. 1132A-2008

BOND RESOLUTION NO. 180 - 2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$150,000 BONDS TO FINANCE A PART OF THE COST OF THE PREPARATION OF ENGINEERING PLANS AND SPECIFICATIONS IN CONNECTION WITH SAFETY IMPROVEMENTS ON CR 46, WILLIAM FLOYD PARKWAY AT SURREY CIRCLE (CP 3301.123)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$150,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the preparation of engineering plans and specifications in connection with safety improvements on CR 46, William Floyd Parkway at Surrey Circle, as authorized in the 2008 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 \$270,000. The plan of financing includes (a) the issuance of \$20,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1300-1999 (for land acquisition), (b) the issuance of \$100,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 559-2007 (for land acquisition), (c) the issuance of \$150,000 bonds or bond anticipation notes authorized pursuant to this resolution and (d) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years, computed from May 15, 2006, the date of issuance of the first obligations issued therefor pursuant to Bond Resolution No. 1300-1999.

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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Exhibit "A"

<u>Tax Map No.</u>	<u>Location</u>	<u>Acre</u>
0200-959.00-05.00-029.000	715 Michigan Avenue Bellport	0.17
0200-959.00-06.00-017.000	819 Doane Avenue Bellport	0.20
0200-973.70-04.00-032.000	716 Narragansett Avenue Patchogue	0.18

Legislator Cooper made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 16-1-1-0-0. Legislator Barraga voted no. Legislator Alden abstained.

Intro. Res. No. 1133-2008 Laid on Table 2/5/2008
Introduced by Presiding Officer, on request of the County Executive and Legislators Cooper, D'Amaro

RESOLUTION NO. 181 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RECONSTRUCTION OF CR 11, PULASKI ROAD, FROM WOODBURY ROAD TO DEPOT ROAD, TOWN OF HUNTINGTON (CP 5168)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with the Reconstruction of CR 11, Pulaski Road, from Woodbury Road to Depot Road; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program under Capital Project 5168 to cover the cost of said request; 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 2008 Capital Budget, as the basis for funding capital projects such as this project; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$500,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20), (21) and (27) of Title 6 of New York Code of Rules and Regulations (“NYCRR”), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of thirty-eight (38) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 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 11, Pulaski Road, from Woodbury Road to Depot Road; and be it further

4th RESOLVED, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5168
 Project Title: Reconstruction of CR 11, Pulaski Road, Town of Huntington

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
1. Planning, Design & Supervision	\$1,050,000	\$ 0	\$ 500,000B
3. Construction	<u>\$3,500,000</u>	<u>\$1,500,000B</u>	<u>\$1,000,000B</u>

TOTAL	\$4,550,000	\$1,500,000	\$1,500,000
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and be it further

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

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5168.112 (Fund 001-Debt Service)	50	Reconstruction of CR 11, Pulaski Road, from Woodbury Road to Depot Road	\$500,000

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Cooper made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro .Res. No. 1133A-2008

BOND RESOLUTION NO. 182 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$500,000 BONDS TO FINANCE THE COST OF ENGINEERING FOR THE RECONSTRUCTION OF CR 11, PULASKI ROAD, FROM WOODBURY ROAD TO DEPOT ROAD, TOWN OF HUNTINGTON (CP 5168.112)

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

Section 1. The County of Suffolk, New York (herein called the “County”), is hereby authorized to issue bonds in the principal amount of \$500,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the “Law”), the Suffolk County Charter and other applicable laws, to finance the cost of engineering for the reconstruction of CR 11, Pulaski Road, from Woodbury Road to Depot Road, Town of Huntington, as authorized in the 2008 Capital Budget and

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

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

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

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

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

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

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

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

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

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

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

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

Intro. Res. No. 1173-2008 Laid on Table 3/4/2008
Introduced by Presiding Officer, pursuant to Rule 3(A)(14) of the Suffolk County Legislature

RESOLUTION NO. 183 -2008, AUTHORIZING PUBLIC HEARING FOR APPROVAL OF FERRY RATES FOR DAVIS PARK FERRY CO.

WHEREAS, Davis Park Ferry Co., has applied to the Suffolk County Legislature, by a Petition dated and verified January 4, 2008, pursuant to Article 8 of the New York Navigation Law, Section 71 of the New York Transportation Corporations Law, and Chapter 287 of the Suffolk County Code for the approval of its passenger and freight rates between the ferry terminals in Patchogue, NY and the Fire Island communities of Davis Park and Watch Hill at approved rates; now, therefore be it

1st RESOLVED, that a Public Hearing on the Petition of Davis Park Ferry Co., shall be held at the Regular Meeting of the Suffolk County Legislature at 2:30 p.m., on the 29th day of April, 2008 at Hauppauge, New York; and be it further

2nd RESOLVED, that pending the consideration of this Petition and the Public Hearing, the Petition is hereby referred to the Public Works and Transportation Committee, or any successor committee thereto, for its consideration and recommendations to the Suffolk County Legislature.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 27, 2008

Legislator Stern made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1178-2008
Introduced by Legislator Stern

Laid on Table 3/4/2008

**RESOLUTION NO. 184 -2008, AMENDING THE
2008 CAPITAL BUDGET AND PROGRAM AND
APPROPRIATING FUNDS IN CONNECTION WITH
STRENGTHENING AND IMPROVING COUNTY ROADS (CP
5014)**

WHEREAS, the County's surface transportation infrastructure at the intersection of County Road 11 and County Road 9/Central Street in the Town of Huntington is in need of reconstruction and modernization; and

WHEREAS, this infrastructure reconstruction will additionally improve pedestrian safety and mobility to and from the Greenlawn Park; and

WHEREAS, the deferral of this necessary reconstruction and modernization will result in further surface and structural decay; and

WHEREAS, the 2008 Adopted Capital Budget and Program does not include sufficient funds to cover the reconstruction and modernization, an offsetting authorization must be provided from another capital project; and

WHEREAS, a funding offset within the Adopted 2008 Capital Budget and Program is desirable as it does not increase the Capital Program or increase future Operating Budgets; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$120,000 in Suffolk County Serial Bonds for this reconstruction and modernization; 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 2008 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 41 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 2008 Capital Budget and Program be and is hereby amended as follows:

Project No.: 1755

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

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	\$2,725,000	\$2,845,000 B	\$2,725,000 B
TOTAL	\$2,725,000	\$2,845,000	\$2,725,000

Project No.: 5014

Project Title: Strengthening and Improving County Roads

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	\$59,135,000	\$5,500,000 B	\$5,620,000 B
TOTAL	\$59,135,000	\$5,500,000	\$5,620,000

and be it further

3rd RESOLVED, that the proceeds of \$120,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5014.346	Strengthening and Improving County Roads	\$120,000

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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

Legislator Stern made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1178A -2008

BOND RESOLUTION NO. 185 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$120,000 BONDS TO FINANCE THE COST OF STRENGTHENING AND IMPROVING COUNTY ROADS (CP 5014.346)

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 \$120,000 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 strengthening and improving County roads, as authorized in the 2008 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 \$120,000. The plan of financing includes the issuance of \$120,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a.20 (c) of the Law, 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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1179-2008
Introduced by Legislator Stern

Laid on Table 3/4/2008

**RESOLUTION NO. 186 –2008, AMENDING THE 2008
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH PLANTING TREES AND
SHRUBS AT VARIOUS LOCATIONS/ROADS (CP 5902)**

WHEREAS, vehicle and safety lighting infrastructure in the area of County Road 4 and in the vicinity of North Gate in the Towns of Huntington and Smithtown are broadcasting light beyond the roadways and the planting of trees & shrubs in this area is an environmentally safe and preferred remediation to this issue; and

WHEREAS, the Adopted 2008 Capital Budget and Program does not include funds for planting trees and shrubs at various locations and roadways; and

WHEREAS, the 2008 Adopted Capital Budget and Program does not include sufficient funds to cover the planting of trees and shrubs at various locations and roadways, an offsetting authorization must be provided from another capital project; and

WHEREAS, a funding offset within the Adopted 2008 Capital Budget and Program is desirable as it does not increase the Capital Program or increase future Operating Budgets; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$50,000 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 2008 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 57 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 2008 Capital Budget and Program be and is hereby amended as follows:

Project No.: 1755

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

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	\$2,675,000	\$2,725,000 B	\$2,675,000 B
TOTAL	\$2,675,000	\$2,725,000	\$2,675,000

Project No.: 5902

Project Title: Planting Trees & Shrubs Various Locations / Roads

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
4. Site Improvements	\$250,000	\$0	\$50,000 B
TOTAL	\$250,000	\$0	\$50,000

and be it further

3rd RESOLVED, that the proceeds of \$50,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5902.411	Planting Trees & Shrubs Various Locations/ Roads	\$50,000

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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1179A -2008

BOND RESOLUTION NO. 187 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$50,000 BONDS TO FINANCE THE COST OF PLANTING TREES AND SHRUBS IN THE AREA OF COUNTY ROAD 4 IN THE VICINITY OF NORTH GATE, TOWNS OF HUNTINGTON AND SMITHTOWN (CP 5902.411)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$50,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of planting trees and shrubs in the area of County Road 4 in the vicinity of North Gate, Towns of Huntington and Smithtown, as authorized in the 2008 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 \$50,000. The plan of financing includes the issuance of \$50,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 57 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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1185-2008
Introduced by Legislator Kennedy

Laid on Table 3/4/2008

RESOLUTION NO. 188 –2008, AUTHORIZING THE USE OF COUNTY OWNED LAND AT THE H. LEE DENNISON BUILDING BY THE HAUPPAUGE GIRL SCOUTS FOR THE PURPOSE OF BURYING A TIME CAPSULE

WHEREAS, in 2007, the Girl Scouts of America celebrated their 95th anniversary as an organization dedicated to helping girls grow into strong, independent and capable women, all the while providing valuable community service; and

WHEREAS, the Girl Scouts help girls become contributing members of the community from an early age through their fledgling “Daisy” and “Brownie” Programs; and

WHEREAS, the Hauppauge Girl Scouts have expressed a desire to honor those girl scouts of the past by burying a time capsule which will be opened by the girl scouts of the future; and

WHEREAS, any location for a time capsule must be permanent, and the H. Lee Dennison Building in Hauppauge meets the needs of the Girls Scouts of Hauppauge, as the building is centrally located and is safe from further development, thus ensuring the posterity of any time capsule buried there; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby consents to the use of a portion of County owned land at the site of the H. Lee Dennison Building in Hauppauge by the Girl Scouts of Hauppauge for the purposes of burying a time capsule and for the erection of a plaque commemorating the same no later than April 22nd, 2008; and be it further

2nd RESOLVED, that the Department of Public Works is hereby authorized, empowered and directed to specify a site on the grounds surrounding the H. Lee Dennison

Building in Hauppauge that is suitable for the purposes enumerated in this Resolution; and be it further

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro Res. No. 1189-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 189 -2008, TO APPROVE THE
LEASE OF ONE (1) REPLACEMENT FIFTEEN (15)
PASSENGER VAN IN THE SUFFOLK COUNTY DEPARTMENT
OF LABOR, IN COMPLIANCE WITH LOCAL LAW 20-2003.

WHEREAS, Local Law No. 20-2003, "A Local Law to Restrict Purchase of Sports Utility Vehicles (SUV) by Suffolk County" was filed in the Office of the Secretary of State on July 10, 2003; and

WHEREAS, Local Law No. 20-2003, stipulates that "6. No vehicle of any nature whatsoever shall be purchased or leased by the County of Suffolk unless: ... (b) the purchase or lease of the vehicle is based on the County Vehicle Standard...; and (c) explicit approval for the acquisition of such vehicle, via lease or purchase, has been granted via duly enacted Resolution of the County of Suffolk"; and

WHEREAS, the Suffolk County Department of Labor included funding for program vehicles in the 2008 Operating Budget Request, and the vehicles were approved and funded in the 2008 Adopted Budget; and

WHEREAS, the Code of Federal Regulations, Title 48, Part 31 categorizes vehicle lease costs for federal grant programs as an “allowable cost” to the extent that the rates are reasonable; and

WHEREAS, leased vehicles are program vehicles used for transporting participants for the Suffolk Works Employment Program and the cost is allocated to this program in compliance with the approved New York State Cost Allocation Plan for the Suffolk County Department of Labor; and

WHEREAS, the existing leases for one (1) full-size van terminates in March 2008; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Labor is authorized to initiate the process for the replacement of leased vehicle through the Purchase Requisition process; and be it further

2nd RESOLVED, that the Department of Public Works, Purchasing Division, in adherence with New York State General Municipal Law, is hereby authorized to conduct a formal sealed bid process, in which the specifications for these vehicles will comply with the ‘County Vehicle Standard’; and be it further

3rd RESOLVED, that the Suffolk County Department of Labor is duly authorized to enter into a contractual agreement to lease the following vehicles:

1 – Full-size 15 passenger van;

and be it further

4th RESOLVED, that there will be no net increase in the number of vehicles in the Department’s fleet as a result of this Resolution.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1191-2008

Laid on Table 3/4/2008

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

RESOLUTION NO. 190 -2008, AUTHORIZING THE
TRANSFER OF FIFTY (50) SURPLUS COUNTY RADIO
UNITS TO THE CENTERPORT FIRE DISTRICT

WHEREAS, the Suffolk County Department of Public Works has submitted a list of surplus/obsolete radio hardware which has been declared surplus; and

WHEREAS, this equipment has been taken out of service because it is obsolete technology; and

WHEREAS, the Centerport Fire District has requested the donation of radio equipment of this kind from the County; and

WHEREAS, the Centerport Fire District is willing to assume responsibility for the removal of this equipment; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed to transfer the following surplus equipment to the following municipal corporation, for use in its operations for a nominal consideration:

TO:

Centerport Fire District

9 Park Circle

Centerport, NY 11721

Contact: John C. Engberg

Phone: (631) 261-5916

EQUIPMENT:

Fifty (50) Motorola Syntor X model T99VB+001W trunk mount radios complete with control heads, cables, microphones, speakers, mounting plates, brackets, antennas (no cables) and programmer

and be it further

2nd RESOLVED, that the above-described surplus County property is hereby declared to be of scrap value only and is transferred to the above listed municipal corporation

for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the Suffolk County Charter; and be it further

3rd RESOLVED, that the above named municipal corporation shall assume responsibility for the removal and transportation of said equipment; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5 (c)(20) and (25) 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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1192-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 191 -2008, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE COUNTY AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR FEDERAL AND STATE AID FUNDING FOR THE CONTINUATION OF THE HOV BUS SERVICE ON THE LONG ISLAND EXPRESSWAY FOR 2008

WHEREAS, the New York State Department of Transportation has requested an extension of the bus service which operates in the High Occupancy Lane of the Long Island Expressway for the period January 1, 2008 through December 31, 2008; and

WHEREAS, Federal and State funding has been made available to cover the deficit related to the operation of this service; and

WHEREAS, the Federal funds are in the amount of \$520,000 and the State funds are in the amount of \$130,000 for a total of \$650,000; and

WHEREAS, sufficient funds as well as the revenue estimates have been included in the 2008 Operating Budget for these services; and

WHEREAS, no County match is required; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (c) (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive materials, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute an agreement with the New York State Department of Transportation to accept these funds.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1203-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 192 -2008, APPROPRIATING FUNDS
IN CONNECTION WITH THE RENOVATIONS, CONSTRUCTION,
AND ADDITIONS TO POLICE PRECINCTS (FOURTH PRECINCT)
(CP 3184)**

WHEREAS, the Police Commissioner has requested funds to hire a commissioning agent to enhance the L.E.E.D.S. qualities for the new Fourth Police Precinct Building; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program under Capital Project No. 3184 to cover the hiring of a commissioning agent; 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, 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 determined that this program with a priority ranking of fifty-four (54) 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, that this Legislature hereby determined through Resolution No. 417-2007, that the Suffolk County Police Department 4th Precinct in the North County Complex, Town of Smithtown constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Title 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
2. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and the Suffolk County Code;
3. The Parcel does not appear to suffer from any severe environmental development constraints (no poor soil properties, no high groundwater and no unmanageable slopes);
4. The facility is to be hooked up to an existing sewage treatment plant which has the capacity to handle the increased load;
5. The project will be in conformance with Articles 6, 7, and 12 of the Suffolk County Sanitary Code;
6. According to the LEED VERSION 2.1 SUMMARY CHART in the EAF, the project will obtain at least 28 points or more which will rank it as “certified” and in compliance with Suffolk County Resolution No. 126-2006; and
7. All necessary N.Y.S. D.E.C. permits will be obtained;

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 such renovations, construction and additions to Police Precincts; and be it further

4th RESOLVED, that the proceeds of \$200,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>AMOUNT</u>
525-CAP-3184.317 (Fund 115-Debt Service)	21	Construction and Additions to the New Fourth Police Precinct	\$200,000

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1203A -2008

BOND RESOLUTION NO. 193 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$200,000 BONDS TO FINANCE A PART OF THE COST OF THE RENOVATION, CONSTRUCTION, AND ADDITION TO THE FOURTH POLICE PRECINCT BUILDING (CP 3184.317)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$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 the renovation, construction, and addition to the Fourth Police Precinct building, as authorized in the 2008 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 \$16,600,000. The plan of financing includes (a) the issuance of \$1,500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 320-2005, (b) the issuance of \$400,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 671-2006, (c) the issuance of \$14,500,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 567-2007 (\$14,000,000 for construction and \$500,000 for site work), (d) the issuance of \$200,000 bonds or bond anticipation notes authorized pursuant to this resolution and (e) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. 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. 11(a) of the Law of the Law, is thirty (30) years, computed from November 1, 2005, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 320-2005.

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

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

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

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

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

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

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

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

Legislator Kennedy made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1204-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 194 -2008, AMENDING THE 2008
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH INTERSECTION
IMPROVEMENTS ON CR 16, SMITHTOWN BOULEVARD @ CR
93, LAKELAND AVENUE/ROSEVALE AVENUE, TOWN OF
SMITHTOWN (CP 5118)**

WHEREAS, the Commissioner of Public Works has requested funds for construction in connection with Intersection Improvements on CR 16, Smithtown Boulevard @ CR 93, Lakeland Avenue/Rosevale Avenue, Town of Smithtown; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C-4-13, an offsetting authorization must be provided from another 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 2008 Capital Budget, as the basis for funding capital projects such as this project; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$300,000 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. 42 of 2003 classified the action contemplated by this as an unlisted action; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of thirty-eight (38) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 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 to complete the Intersection Improvements on CR 16, Smithtown Boulevard @ CR 93, Lakeland/Rosevale Avenue, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

4th RESOLVED, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5168
 Project Title: Reconstruction of CR 11, Pulaski Road, Town of Huntington

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	<u>\$3,050,000</u>	<u>\$850,000B</u>	<u>\$550,000B</u>
TOTAL	\$4,100,000	\$1,350,000	\$1,050,000

Project No.: 5118
 Project Title: Intersection Improvements on CR 16, Smithtown Boulevard at CR 93, Lakeland/Rosevale Avenue, Town of Smithtown

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	<u>\$1,200,000</u>	<u>\$ 0</u>	<u>\$300,000B</u>
TOTAL	\$2,300,000	\$ 0	\$300,000

and be it further

5th **RESOLVED**, that the proceeds of \$300,000 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-5118.314 (Fund 001-Debt Service)	50	Intersection Improvements on CR 16, Smithtown Boulevard at CR 93, Lakeland/Rosevale Avenue	\$300,000

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

Legislator Kennedy made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1204A-2008

BOND RESOLUTION NO. 195 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$300,000 BONDS TO FINANCE A PART OF THE COST OF THE RECONSTRUCTION OF CR 16, SMITHTOWN BOULEVARD, AT CR 93, LAKELAND/ROSEVALE AVENUE, TOWN OF SMITHTOWN (CP 5118.314)

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 \$300,000 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 16, Smithtown Boulevard, at CR 93, Lakeland/Rosevale Avenue, Town of Smithtown, as authorized in the 2008 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 \$1,910,000. The plan of financing includes (a) the issuance of \$50,000 bonds or bond anticipation notes heretofore authorized for pursuant to Bond Resolution No. 909-2000, (b) the issuance of \$200,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 523-2001, (c)

the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 1406-2004 , (d) the issuance of \$360,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 904-2007, (e) the issuance of \$900,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 905-2007, (f) the issuance of \$300,000 bonds or bond anticipation notes authorized pursuant to this resolution and (g) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 of the Law, is fifteen (15) years, computed from December 15, 2001, the date of issuance of the first obligations issued pursuant to Bond Resolution Number 523-2001.

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

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

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

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

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

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

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

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

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
Date: April 1, 2008

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1205-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 196 -2008, APPROPRIATING FUNDS IN CONNECTION WITH THE REPLACEMENT AND REHABILITATION OF DREDGE SUPPORT EQUIPMENT (CP 5201)

WHEREAS, the Commissioner of Public Works has requested funds for equipment in connection with Replacement and Rehabilitation of Dredge Support Equipment; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said request; 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 2008 Capital Budget, as the basis for funding capital projects such as this project; and

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

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (25) (C) (2), (11), (20), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; and the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-eight (38) 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 to complete the Replacement of Dredge Support Equipment, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the proceeds of \$100,000 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-5201.516 (Fund 001-Debt Service)	50	Replacement and Rehabilitation of Dredge Support Equipment	\$100,000

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

Legislator Schneiderman made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1205A -2008

BOND RESOLUTION NO. 197 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$100,000 BONDS TO FINANCE THE COST OF REPLACEMENT AND REHABILITATION OF DREDGE SUPPORT EQUIPMENT (CP 5201.516)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$100,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of replacement and rehabilitation of dredge support equipment, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$100,000. The plan of financing includes the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a.28 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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

Deputy Presiding Officer Mystal made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1208-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 198 -2008, APPROPRIATING FUNDS
IN CONNECTION WITH SAFETY IMPROVEMENTS AT
VARIOUS INTERSECTIONS (CP 3301)**

WHEREAS, the Commissioner of Public Works has requested funds for land acquisition in connection with Safety Improvements on CR 46, William Floyd Parkway @ Surrey Circle; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said request; 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 2008 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 \$400,000 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. 594 of 2001 classified the action contemplated by this as an Unlisted 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 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

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the Safety Improvements on CR 46, William Floyd Parkway @ Surrey Circle, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

4th RESOLVED, that the proceeds of \$400,000 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- 3301.224 (Fund 001-Debt Service)	50	Safety Improvements on CR 46, William Floyd Parkway @ Surrey Circle	\$400,000

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

Deputy Presiding Officer Mystal made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1208A -2008

BOND RESOLUTION NO. 199 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$400,000 BONDS TO FINANCE A PART OF THE COST OF LAND ACQUISITION FOR SAFETY IMPROVEMENTS ON CR 46, WILLIAM FLOYD PARKWAY AT SURREY CIRCLE (CP 3301.224)

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 \$400,000 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 land acquisition for safety improvements on CR 46, William Floyd Parkway at Surrey Circle, as authorized in the 2008 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 \$520,000. The plan of financing includes (a) the issuance of \$20,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1300-1999, (b) the issuance of \$100,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 559-2007 (c) the issuance of \$400,000 bonds or bond anticipation notes authorized pursuant to this resolution and (d) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of

the Law, is thirty (30) years, computed from May 15, 2006, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 1300-1999.

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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

Legislator Romaine made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1209-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/4/2008

**RESOLUTION NO. 200 -2008, APPROPRIATING FUNDS
IN CONNECTION WITH THE CIVIL COURT RENOVATION AND
ADDITION - COURTROOMS, RIVERHEAD (CP 1130)**

WHEREAS, Commissioner of DPW has requested funds due to additional exterior structural damage and unforeseen interior conditions have been encountered during Phase 1 construction; and

WHEREAS, the Annex Building is in need of renovation; and

WHEREAS, there are sufficient funds scheduled in the 2008 Capital Budget and Program for this project; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$ 7,220,000 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 (50) 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**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (X) of the Suffolk County Charter to complete this project; and be it further

3rd **RESOLVED**, that pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 332-2003 classified the action contemplated as a Type I action which will not have a significant effect on the environment; and be it further

4th **RESOLVED**, that the proceeds of \$ 7,220,000 in Suffolk County Serial Bonds are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1130.111 (Fund 001-Debt Service)	20	Civil Court Renovation and Addition - Courtrooms, Riverhead; Planning	\$420,000
525-CAP-1130.310 (Fund 001-Debt Service)	20	Civil Court Renovation and Addition - Courtrooms, Riverhead	\$6,800,000

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

Legislator Romaine made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1209A-2008

BOND RESOLUTION NO. 201 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$7,220,000 BONDS TO FINANCE A PART OF THE COST OF THE CONSTRUCTION OF CIVIL COURT RENOVATIONS AND ADDITIONS IN RIVERHEAD (CP 1130.111 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 \$7,220,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the construction of civil court renovations and additions in Riverhead, as authorized in the 2008 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 \$46,395,000. The plan of financing includes (a) the issuance of \$2,600,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 975-1999, (b) the issuance of \$1,925,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 696-2002, (c) the issuance of \$34,650,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 447-2003 (\$34,500,000 for construction and \$150,000 for furniture and equipment), (d) the issuance of \$7,220,000 bonds or bond anticipation notes (\$420,000 for planning and \$6,800,000 for construction) authorized pursuant to this resolution and (e) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. 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. 11 (a) (1) of the Law of the Law, is thirty (30) years, computed from June 15, 2001, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 975-1999.

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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1212-2008

Laid on Table 3/4/2008

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

RESOLUTION NO. 202 -2008, AURTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE COUNTY AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID FOR SUFFOLK COUNTY TRANSIT BUS ROUTE S92 SERVICE ENHANCEMENTS

WHEREAS, Federal Aid has been made available to the County for the purpose of providing financial support for service enhancements that have been instituted on Suffolk County Transit Bus Route S92; and

WHEREAS, said Federal Aid which is being administered by the New York State Department of Transportation and will provide \$264,000 towards the cost of the service enhancements for the period of October 1, 2007 through September 30, 2008; and

WHEREAS, sufficient funds as well as the revenue estimates have been included in the 2008 Operating Budget; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (c) (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive materials, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that the designee of the County Executive of Suffolk County is hereby authorized to execute a grant agreement with the New York State Department of Transportation to receive Federal Aid for this project.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1225-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 203 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND TRANSFERRING BUDGETED FUNDS FROM FUND 261-SEWER MAINTENANCE AND OPERATIONS TO THE CAPITAL FUND AND APPROPRIATING FUNDS FOR THE PURCHASE OF SEWER FACILITY MAINTENANCE EQUIPMENT (CP 8164)

WHEREAS, the Commissioner of Public Works has requested funds for the purchase of equipment for sewer facility maintenance; and

WHEREAS, the sewerage facility infrastructure is increasing and regulations mandate increasing sewer attention necessitating an increase in the Sanitation Fleet; and

WHEREAS, there are sufficient funds included within the 2008 Adopted Capital Budget to cover the cost of said sewer facility maintenance equipment under (CP 8164); and

WHEREAS, there are sufficient funds included within the 2008 Adopted Operating Budget (261-IFT-E527) to cover the transfer of funds to the Capital Fund for said sewer facility maintenance equipment; and

WHEREAS, the Commissioner of Public Works requests that these funds be transferred and appropriated for the purchase of sewer facility maintenance equipment; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; and

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

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act have been performed; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides,

herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-five (65) 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 an increase in the Sanitation Fleet is hereby authorized for sewer maintenance activities and that the purchase of 10 replacement vehicles as detailed on the attached is hereby approved, pursuant to Section 186-2(B)(6) of the SUFFOLK COUNTY CODE, and in accordance with County Vehicle Standard; and be it further

4th RESOLVED, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8164
 Project Title: Sewer Facility Maintenance Equipment for Various Sewer Districts

	<u>Est'd Cost</u>	<u>Current 2008 Total Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
5. Furniture and Equipment	\$8,500,000	\$1,000,000 A	\$1,000,000 T
TOTAL:	\$8,500,000	\$1,000,000	\$1,000,000

and be it further

5th RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept Interfund revenues and effectuate all associated cash transfers for the purchase of sewer facility maintenance equipment as follows:

REVENUE:

<u>Fund /Agency/Source</u>	<u>Description</u>	<u>Amount</u>
527-IFT-R261	Transfer from Sewer Maintenance	\$1,000,000

and be it further

6th RESOLVED, that the proceeds of \$1,000,000 in Interfund Revenues be and they are hereby appropriated as follows:

APPROPRIATION:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8164.527	80	Sewer Facility Maintenance Equipment Various Sewer Districts	\$1,000,000

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1226-2008

Laid on Table 3/4/2008

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

RESOLUTION NO. 204 -2008, AMENDING THE 2008 OPERATING BUDGET, TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND AND APPROPRIATING FUNDS IN CONNECTION WITH DESIGN OF IMPROVEMENTS TO SEWER DISTRICT NO. 6 – KINGS PARK (CP 8144)

WHEREAS, there is a need for expanding the service area of Sewer District No. 6 to the Main Street areas of Smithtown and Kings Park and the capacity of the Kings Park Sewer District wastewater treatment plant; and

WHEREAS, there are sufficient funds in the 2008 Capital Budget and Program for design of an expansion of Suffolk County Sewer District No. 6 – Kings Park; 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 2008 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, the Administrative Head of the Sewer Districts has requested that funds be appropriated to cover design costs associated with the design of the expansion; and

WHEREAS, it is proposed that the Assessment Stabilization Reserve Fund provide \$2,000,000 for the engineering associated with expansion and the improvements to Suffolk County Sewer District No. 6 – Kings Park; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-one (61) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd RESOLVED, that the Assessment Stabilization Reserve Fund shall fund Sewer District No. 6 the sum of \$2,000,000 for the purpose of implementing this project for the benefit of the sewer district with a loan re-payment in twenty years; and be it further

3rd RESOLVED, that the 2008 Adopted Operating Budget be and hereby is amended as follows:

<u>INTERFUNDS:</u>	<u>AMOUNT</u>
404-IFT-E527-Transfer to Fund 527	\$2,000,000

4th RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept the interfund transfer, including the cash transfer, and accept the interfund proceeds as follow:

REVENUES:

527-IFT-R404-Transfer from Fund 404 \$2,000,000
(Ref.527-CAP-IFTR-R404)
and be it further

5th RESOLVED, that funds in the amount of \$2,000,000 in from the Assessment Stabilization Reserve Fund be and they hereby are appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8144.112	80	Improvements to Sewer District No. 6 – Kings Park	\$2,000,000

and be it further

6th RESOLVED, that the Administrative Head of the Sewer Districts be and hereby is authorized, directed and empowered to issue an RFP and enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to consultant assistance for the environmental, and design of this project; and be it further

7th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (21) and (27) of Title 6 of New York Code of Rules and Regulations (“NYCRR”), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1227-2008

Laid on Table 3/4/2008

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

RESOLUTION NO. 205 -2008, AMENDING THE 2008 OPERATING BUDGET, TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND, AND APPROPRIATING FUNDS FOR THE SAFETY AND SECURITY IMPROVEMENTS PROGRAM FOR SANITARY FACILITIES IN SUFFOLK COUNTY SEWER DISTRICTS (CP 8103)

WHEREAS, the sanitary facilities under the ownership and operation of Suffolk County have increased over the past thirty-five years to twenty-two treatment plants and nearly ninety pumping stations; and

WHEREAS, there exists a need to insure that safety and security system measures are appropriate and current; and

WHEREAS, the Administrative Head of the Sewer Districts has requested that funds be appropriated to cover design and installation costs associated with the Safety and Security Improvements; and

WHEREAS, there are sufficient funds included within the 2008 Adopted Capital Budget to cover the cost of said request; 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 2008 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, it is proposed that the Assessment Stabilization Reserve Fund the districts the sum of \$540,000 for the purpose of implementing this project for the benefit of all the sewer districts, excluding SD 3 – Southwest, that has a program underway; now, therefore be it

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Resolution No. 638-2006 classified the action contemplated by the proposed Safety and Security Improvements for Suffolk County Sewer District a Type II action pursuant to the provisions of Environmental Conservation Law Article 8, Title 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5(c) (1), (2) and(25), the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-eight (58), is eligible for approval with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the Assessment Stabilization Reserve Fund shall fund the Sewer Districts the sum of \$540,000 for the purpose of implementing this project for the benefit of all the sewer districts; and be it further

4th **RESOLVED**, that the Adopted 2008 Operating Budget be and hereby is amended as follows;

APPROPRIATIONS:

	<u>Amount</u>
404-IFT-E527 - Transfer to Fund 527	\$540,000

and be it further

5th **RESOLVED**, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept Interfund revenues, and effectuate the transfer of revenue and cash, for the Safety and Security Improvements Program for sanitary facilities in Suffolk County as follows:

REVENUES:

527-IFT-R404 - Transfer from Fund 404 \$540,000
(Ref.527-CAP-IFTR-R404)

and be it further

6th **RESOLVED**, that funds in the amount of \$540,000 from the Assessment Stabilization Reserve Fund be and hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8103.112	Planning for Sewer Districts Safety and Security Program	\$40,000
527-CAP-8103.312	Construction of Sewer District Safety and Security Program	\$500,000

and be it further

7th **RESOLVED**, that the Administrative Head of the Sewer Districts be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the installation of the Safety and Security Program.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1113-2008 Laid on Table 2/5/2008
Introduced by Presiding Officer, on request of the County Executive and Legislators Browning, Romaine, Beedenbender, Losquadro, Eddington, Nowick, Mystal, Stern

RESOLUTION NO. 206 -2008, ADOPTING LOCAL LAW NO. 7 -2008, A LOCAL LAW REFINING VETERANS PROPERTY TAX EXEMPTION AFFORDED TO COLD WAR VETERANS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on February 5, 2008 a proposed local law entitled “**A LOCAL LAW REFINING VETERANS PROPERTY TAX EXEMPTION AFFORDED TO COLD WAR VETERANS;**” 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 as follows:

LOCAL LAW NO. 7-2008, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW REFINING VETERANS PROPERTY TAX EXEMPTION AFFORDED TO COLD WAR VETERANS

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. 37-2007 established a Suffolk County tax exemption for Cold War Veterans under state legislation authorizing counties, towns, villages and cities to establish a real property tax exemption for Cold War Veterans, their spouses or unremarried spouses. After enactment of Local Law 37-2007, the state law was amended to alter the Cold War Veterans’ exemption.

Therefore, the purpose of this law is to amend Local Law No. 37-2007 to conform the criteria for the Suffolk County Cold War veterans’ tax exemption to New York State law to assist eligible Cold War Veterans to receive the real property tax exemption.

Section 2. Amendments.

Section 2 of Local Law No. 37-2007 is hereby amended to read as follows:

Section 2. Amendments.

* * * *

§ 458-22. Definitions.

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

COLD WAR VETERAN—A person who served on active duty [for a period of more than 365 days] in the United States Army, Navy, Marine Corps, Air Force or Coast Guard, during the time period from September 2, 1945 to December 26, 1991, who was discharged or released therefrom under honorable conditions [and has been awarded the Cold War recognition certificate under the National Defense Authorization Act].

* * * *

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

After a public hearing duly held on April 1, 2008
Filed with the Secretary of State on April 11, 2008

Legislator Stern made motion for the following resolution, seconded by Deputy Presiding Officer Mystal. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1207-2008

Laid on Table 3/4/2008

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

**RESOLUTION NO. 207 -2008, APPROPRIATING FUNDS
IN CONNECTION WITH THE PURCHASE AND
REPLACEMENT OF NUTRITION VEHICLES FOR THE OFFICE
FOR THE AGING (CP 1749)**

WHEREAS, the Director for the Office for the Aging has requested funds for the purchase and replacement of Nutrition Vehicles; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said request; 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 2008 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 \$335,042 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of forty seven (47) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") Section 617.5 (c) (25) and (27), in that the resolution concerns purchase of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

3rd RESOLVED, Resolution No. 321-2003 requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicles via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature"; and be it further

4th RESOLVED, as per Resolution No. 321-2003, the Legislature hereby approves the purchase of seven (7) replacement transit vehicles and that the County fleet will not be increased; and be it further

5th RESOLVED, that the proceeds of \$335,042 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1749.519 (Fund 001-Debt Service)	03	Purchase and Replacement of Nutrition Vehicles for the Office For the Aging	\$335,042

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 31, 2008

Legislator Stern made motion for the following resolution, seconded by Deputy Presiding Officer Mystal. The resolution was passed 16-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No. 1207A-2008

BOND RESOLUTION NO. 208 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$335,042 BONDS TO FINANCE THE COST OF THE PURCHASE AND REPLACEMENT OF NUTRITION VEHICLES FOR THE OFFICE OF THE AGING (CP 1749.519)

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 \$335,042 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the purchase and replacement of nutrition vehicles for the Office of the Aging, as authorized in the 2008 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 \$335,042. The plan of financing includes the issuance of \$335,042 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a.29 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: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 31, 2008

Legislator Eddington made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 16-2-0-0-0. Legislators Montano and Alden voted no.

Intro. Res. No. 1055-2008
Introduced by Legislators Eddington, Browning and Mystal

Laid on Table 2/5/2008

RESOLUTION NO. 209 -2008, ADOPTING LOCAL LAW NO. 6 -2008, A LOCAL LAW TO REQUIRE NOTICE TO TENANTS OF FORECLOSURE PROCEEDINGS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 5, 2008, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE NOTICE TO TENANTS OF FORECLOSURE PROCEEDINGS**;" now, therefore, be it

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

LOCAL LAW NO. 6 -2008, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REQUIRE NOTICE TO TENANTS OF FORECLOSURE PROCEEDINGS

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 in recent months, the number of mortgage foreclosures has escalated dramatically.

This Legislature also finds and determines that it is not only homeowners who are falling victim to the growing number of foreclosures. Tenants who rent residential housing are also falling victim to foreclosures and some renters are discovering that their rented homes have been foreclosed upon by banks and that they must vacate their premises almost immediately.

This Legislature further finds and determines that renters should be made fully aware of foreclosure proceedings that may be pending prior to entering into a lease with a landlord.

Therefore, the purpose of this law is to require landlords in Suffolk County to give notice to potential renters if the premises that are going to be rented is the subject of a foreclosure proceeding.

Section 2. Amendments.

Article I of Chapter 406 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 406, RENTAL PROPERTY

ARTICLE I, Lease Terms

* * * *

§ 406-4. Notice.

- A. Any landlord offering to rent a housing accommodation which is the subject of a pending foreclosure action or proceeding shall notify a prospective tenant, in writing, of the foreclosure action, prior to entering into a lease with the prospective tenant.**
- B. Any landlord renting a housing accommodation to a tenant within the County of Suffolk shall provide such tenant with written notice that a foreclosure proceeding has been initiated against the premises that are the subject of the lease within five (5) business days of receiving notice of the foreclosure proceeding.**

§ 406-[4] 5. Penalties for offenses.

A. A willful violation by a landlord of [§ 406-3 of] this article shall constitute a misdemeanor, punishable by a fine of up to \$500. Each violation shall be deemed a separate offense.

B. Any individual injured in whole or in part as a result of a violation by a landlord of [§ 406-3 of] this article may bring an action to recover damages in an amount not to exceed three times the actual damages or \$500, whichever is greater, plus reasonable attorney's fees. This remedy shall be in addition to, and shall not preclude, any action that an individual may have under common law, local law, state law or federal law.

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

After a public hearing duly held on April 1, 2008
Filed with the Secretary of State on April 11, 2008

Legislator Viloría-Fisher made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 15-1-2-0-0. Legislator Barraga voted no. Legislators Montano and Alden abstained.

Intro. Res. No. 1148-2008
Introduced by Legislators Viloría-Fisher and Cooper

Laid on Table 3/4/2008

RESOLUTION NO. 210 -2008, BAN THE PURCHASE OF BOTTLED WATER BY SUFFOLK COUNTY

WHEREAS, the use of bottled water requires significant consumption of non-renewable resources; and

WHEREAS, supplying the plastic water bottles that are purchased in the United States annually requires more than 47 million gallons of oil, and results in the release of the equivalent of one billion pounds of carbon dioxide into the atmosphere; and

WHEREAS, many used water bottles, despite being made of recyclable plastic, nonetheless end up in incinerators, landfills, or littering roadsides and parks; and

WHEREAS, only 14% of plastic water bottles were recycled in 2005, with an estimated two-million tons of PET plastic bottles thrown away annually rather than being recycled; and

WHEREAS, a 2002 study found that discarded water bottles made up a disproportionately high percentage of the beverage container litter found in parks and roadsides; and

WHEREAS, the most inexpensive bottled water still costs 1,000 times more than tap water supplied by the Suffolk County Water Authority (SCWA); now, therefore be it

1st RESOLVED, that no public moneys shall be expended for the purchase of single serving bottled water, defined for the purposes of this Resolution as a bottle of water packaged for individual consumption with a volume of 1 liter or less, by any Suffolk County department, office or agency; and be it further

2nd RESOLVED, that the provisions of this Resolution shall not apply to the purchase of single serving bottled water if purchased as part of an underlying contract with a vending machine distributor or supplier; and be it further

3rd RESOLVED, that the Suffolk County Department of Fire, Rescue and Emergency Services is hereby exempt from the provisions of this Resolution; and be it further

4th RESOLVED, that the Commissioner of the Department of Health Services is hereby authorized, empowered and directed to issue a waiver from the provisions of this law if testing reveals that any public water supplied to a County building is unsafe for human consumption; provided however that any waiver granted pursuant to this Resolved clause shall cease upon remediation of the health risk; and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II

action pursuant to Section 617.5(c)(20), (21) and (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: March 18, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED APRIL 2, 2008

Legislator Beedenbender made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 17-0-0-0-1. Legislator D'Amato was recused.

Intro. Res. No. 1165-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 211 -2008, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976
BUDGET ESTATES, INC. (SCTM NO. 0100-039.00-03.00-
082.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100 Section 039.00 Block 03.00 Lot 082.000 and acquired by Tax Deed on March 24, 2003 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 25, 2003 in Liber 12242 at Page 399 and described as follows, Town of Babylon, Map of Harlem Park, Map 1, filed March 3, 1907, Map No. 288, Blk 100 Lots 1 & 2; and

WHEREAS, in accordance with Local Law No. 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

WHEREAS, Budget Estates, Inc., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$20,001.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$20,000.00, 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 \$20,001.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. THIS restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them; and be it further

3rd **RESOLVED**, that Director of the Division of Real Property 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 Budget Estates, Inc., 325 East Sunrise Highway (Suite C), Lindenhurst, N.Y. 11757.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

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

Intro. Res. No. 1194-2008

Laid on Table 3/4/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 212 -2008, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976
MAYA KARABLINA AND SOFIA KRUCHER AS TENANTS IN
COMMON (SCTM NO. 0200-974.80-01.00-002.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 974.80 Block 01.00 Lot 002.000 and acquired by Tax Deed on December 18, 1969 from Chester F. Jacobs, the County Treasurer of Suffolk County, New York, and recorded on December 19, 1969 in Liber 6678 at Page 290 and described as follows, Town of Brookhaven, known as Northerly ½ of Lot #23 Map of Shirley, L.I. Unit P Filed in the County Clerk’s Office of Suffolk County on September 25, 1956, as Map # 2632; and

WHEREAS, in accordance with Local Law No. No. 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

WHEREAS, Maya Karablina and Sofia Krucher, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$6,002.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$6,000.00, 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 \$6,002.00, pursuant to said purchase offer; and

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

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 of the Division of Real Property Acquisition and Mangement 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 Maya Karablina and Sofia Krucher 2965 Avenue Z (Apt 6-0) Brooklyn, NY 11235.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 1, 2008

Legislator Beedenbender made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 14-4-0-0-0. Legislators Romaine, Montano, Alden and Kennedy voted no.

Intro. Res. No. 1232-2008
Introduced by Presiding Officer, on request of County Executive

Laid on Table 03/4/2008

RESOLUTION NO. 213 -2008, ADOPTING LOCAL LAW NO. 3 -2008, A LOCAL LAW AUTHORIZING THE CREATION BY THE COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT CORPORATION KNOWN AS THE "SUFFOLK TOBACCO ASSET SECURITIZATION CORPORATION" OR "STASC"

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 4, 2008, a proposed local law entitled, "**A LOCAL LAW AUTHORIZING THE CREATION BY THE COUNTY OF SUFFOLK OF A LOCAL**

DEVELOPMENT CORPORATION KNOWN AS THE “SUFFOLK TOBACCO ASSET SECURITIZATION CORPORATION” OR “STASC;” 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. 3 -2008, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AUTHORIZING THE CREATION BY THE COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT CORPORATION KNOWN AS THE “SUFFOLK TOBACCO ASSET SECURITIZATION CORPORATION” OR “STASC”

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

Section 1. Legislative Intent.

The County of Suffolk is entitled to receive payments under the Master Settlement Agreement entered into on November 23, 1998 among the attorneys general of 46 states and six other United States jurisdictions and the four largest United States tobacco manufacturers (hereinafter, the “MSA”) and the Consent Decree and Final Judgment of the Supreme Court of the State of New York, County of New York, dated December 23, 1998 (hereinafter, as the same may be amended or modified, the “Decree”) in the class action entitled State of New York et al. v. Philip Morris Incorporated, et. [sic] al. (Index No. 400361/97).

In order to secure to present generations a portion of the benefits intended to be conferred by the MSA and the Decree, and thereby provide a source of funding to the County to reduce debt obligations and to further certain other county purposes, it is necessary or desirable for the County to sell its rights, title and interest in and to all of the monies to become payable to the County under the MSA and the Decree (the “Tobacco Asset” in order to facilitate the securitization of the Tobacco Asset).

In order to provide the financing structure for such securitization and a source of funding to the County to reduce debt obligations and other present and future County purposes, while protecting the County’s existing credit ratings, it is necessary or desirable for the County to sell such rights, title and interest to a local development corporation to be created by the County pursuant to the New York Not-For-Profit Corporation Law (the “Suffolk Tobacco Asset Securitization Corporation” or “STASC”), with the powers to acquire such rights, title and interest; to issue bonds, notes and other evidence of indebtedness and incur other obligations; to create a business trust under the laws of the State of Delaware (the “Residual Trust”) and assign and deliver to the Residual Trust the monies to become payable to the County under the MSA and the Decree in excess of the amounts necessary to pay debt service on such bonds, notes and other evidence of indebtedness, the expenses of STASC, the expenses of the trustee which is a party to the indenture of trust with STASC authorizing the issuance of such bonds, notes and other evidence of indebtedness (the “Indenture”), any amounts necessary to maintain the reserve funds required by the Indenture to be maintained, and certain other ancillary pecuniary obligations; and to take all other actions as may be necessary, convenient or desirable in furtherance of its powers, in exchange for the net proceeds of the securitization of the Tobacco Asset and certain residual rights, including the right to receive the net proceeds of future securitizations, if any, of the Tobacco Asset.

Section 2. Creation of Local Development Corporation

The County Executive and/or his designee(s) are hereby authorized, empowered and directed to take all actions necessary to create the STASC pursuant to Section 1411 of the New York Not-For-Profit Corporation Law. The STASC shall be created for the purposes and shall exercise and perform the powers described in Section 1 hereof, in accordance with the provisions of the Certificate of Incorporation of the STASC. There shall be three directors of the Corporation. One director shall be appointed by the Presiding Officer of the Legislature. Two directors shall be appointed by the County Executive, at least one of whom shall be an individual who (i) is not, and in the past two years has not been, employed by the County; (ii) is not, and in the past two years has not been, employed by an entity that received remuneration valued at more than fifteen thousand dollars for goods and services provided to the County or received any other form of financial assistance valued at more than fifteen thousand dollars from the County; (iii) is not a relative of an employee of the County; and (iv) is not, and in the past two years has not been, a lobbyist registered under a state or local law and paid by a client to influence the management decisions, contract awards, rate determinations or any other similar actions of the County.

Section 3. Sale of Tobacco Asset

The sale by the County to the STASC of the County's rights, title and interest in and to all of the Tobacco Asset, without recourse, is hereby authorized in exchange for the delivery to, or upon the order of, the County, of (i) the net proceeds of the initial issuance of bonds by the STASC contemporaneously with such sale (the "STASC Bonds") after (A) payment of all costs, fees, credit and liquidity enhancements, costs of issuance, and other expenses of the STASC and (B) the funding of all reserve funds, debt service accounts for the payment of capitalized interest, and other pledged funds which may be necessary or desirable in connection with the issuance of the STASC bonds and (ii) the undivided beneficial interest in the Residual Trust, and upon such other terms and conditions as set forth in a Purchase and Sale Agreement approved by the County Legislature at a future date between the STASC, as purchaser, and the County, as seller, ("Sale Agreement").

Section 4. Execution and Delivery of Sale Agreement

Upon legislative approval at a future date of the Sale Agreement:

- i). the County Executive and/or his designee(s) are hereby granted authority and are empowered and directed to execute and deliver on behalf of the County such approved Sale Agreement, with such changes therein as the County Executive and/or his designee(s) may approve, and the execution and delivery of such agreement shall be conclusive; and
- ii). the County Executive and/or his designee(s) are hereby further authorized, empowered and directed to execute and deliver, on behalf of the County, such other agreements, instruments or authorizations, and to perform all acts as may be contemplated, necessary or advisable to consummate, or otherwise give full effect to, the approved Sale Agreement and this Local Law or any agreement, instrument or authorization approved, contemplated or authorized hereby; and

- iii). the County pledges to and agrees with the STASC and the holders of any bonds, notes and other obligations of the STASC (hereinafter the "Obligations"), including without limitation the STASC Bonds, that the County will not alter, limit or impair the rights of the STASC to fulfill the terms of its agreements with such holders, or in any way impair the rights and remedies of such holders or the security for the Obligations, until the Obligations, together with the interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged and such agreements are fully performed on the part of the STASC. The Legislature hereby further delegates to the County Executive and/or his designee(s) the power to make, ratify and confirm such pledge to and agreement with the STASC and the holders of its Obligations and to take any and all actions necessary or desirable to cause such pledge to and agreement with the STASC and the holders of its Obligations to be made or enforced. The STASC is hereby authorized to include in any agreement with or for the benefit of the holders of its Obligations the pledges and agreements made by the Legislature and by the County Executive and/or his designee(s) on behalf of the County pursuant to this Section. The County agrees that as a member of the class of releasing parties under the Decree it is bound by the terms and conditions of the MSA and the Decree and will not take any action inconsistent therewith.

Section 5. Applicability.

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

Section 6. 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 7. 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 8. Effective Date.

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

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 24, 2008

After a public hearing duly held on March 24, 2008
Filed with the Secretary of State on April 2, 2008

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

Intro. Res. No. 1308-2008

Laid on Table 3/18/2008

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

RESOLUTION NO. 214 -2008 CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 18 – HAUPPAUGE INDUSTRIAL (CP 8126) AND REPEALING THE TERMS OF INCONSISTENT RESOLUTION NOS. 598-2005 AND 1041-2007

WHEREAS, Resolution No. 598-2005, Calling for a Public Hearing for the Purpose of Considering the Proposed Increase and Improvement of Facilities for Sewer District No. 18 – Hauppauge Industrial, signed on June 9, 2005, called for a public hearing to be held on the 28th day of June 2005, at 2:30 pm at the County Center in the meeting room of the County Legislature in Riverhead, New York for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 18 – Hauppauge Industrial; and

WHEREAS, Resolution No. 598-2005 called for the Clerk of the Suffolk County Legislature to cause a notice of the aforementioned public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may have designated, said publication to have been made in each of such newspapers not less than ten, nor more than twenty days before the 28th day of June 2005; and

WHEREAS, upon review by the New York State Comptroller’s Office, the notice for the public hearing called for in Resolution No. 598-2005 was determined ineffective due to the omission of certain mandated language and information; and

WHEREAS, the Suffolk County Legislature enacted Resolution No. 1041 to correct this problem; and

WHEREAS, the Notice of Public Hearing required by Resolution No. 1041-2007 was improperly published; and

WHEREAS, by this resolution, it is the intent of the Suffolk County Legislature to correct improper publication by repealing Resolution No. 1041-2007 in its entirety and to amend the original Resolution No. 598-2005 to conform to the legal requirements of Article 5-A of the New York County Law and language mandated by the Rules of the New York State Comptroller; and

WHEREAS, this action is in conformity with Resolution No. 716-2004 which satisfies the State Environmental Quality Review Act: now, therefore be it

1st **RESOLVED**, that Resolution No. 598-2005 and Resolution No. 1041-2007 are repealed in their entirety; and be it further

2nd **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 29th day of April 2008, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in the following form, to wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 29th day of April, 2008 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal to increase and improve the facilities of County Sewer District No. 18 – Hauppauge Industrial in and about the Hauppauge Industrial Park within the Town of Smithtown, in and for said County, substantially in accordance with certain maps, plans, report and recommendations prepared by and filed with the County Legislature by the Suffolk County Sewer Agency with the assistance of the County Department of Public Works, at which time and place said County Legislature will consider such proposal and hear all parties interested therein concerning the same.

The project is to eliminate current problems with the aging infrastructure of two sewage treatment plants which comprise the existing Sewer District and detail the proposed expansion which will allow growth and environmental benefits in the existing and proposed service area. The environmental benefits associated with the project include the elimination of on-site

systems and the implementation of reliable and efficient sewage treatment systems. An engineering report has been prepared and the cost opinion approaches a total cost, for both the improvements and an extension to the district, of \$70 million, approximately \$35 million of which will be for the increase and improvements to the district.

The proposed County sewer district increase and the improvements therefore as more fully described and defined in the aforementioned maps, plans, report and recommendations, will consist, among other things, of the installation of sewers and pumping stations, construction of a wastewater treatment and disposal facilities, abandonment of on-site sanitary facilities and abandonment of two existing wastewater treatment facilities. Copies of the map, engineering report, the public hearing report and the project summaries are available in the Hauppauge Industrial Association's office at 225 Wireless Blvd, the Office of the Department of Public Works, located in Yaphank and the Office of the Clerk of the County Legislature where they can be reviewed during normal business hours Monday through Friday. We encourage all interested parties to appear. Any questions should be forwarded to Ben Wright at 631-852-4204 at the Suffolk County Department of Public Works.

The public hearing report incorporates a map indicating the boundaries of the existing and proposed extension (which extension will be addressed in a separate notice of public hearing) of the sewer district. The existing district is billed based on water consumption, \$13.11 per 1,000 gallons during 2008 (for example, a consumption of 1,000 gallons per day is a base bill of \$4,785 per year). This bill includes debt service and operation and maintenance costs. Pursuant to the requirements of participation in the Suffolk County Assessment Stabilization Reserve Fund, which was established by Suffolk County Charter, bills are increased by 3% per year in order for the participating districts to be eligible to access the Reserve Fund. Funding from the Suffolk County Assessment Stabilization Reserve Fund then permits these participating districts to stabilize annual costs. The existing district parcels have experienced the 3% increase for approximately the last ten (10) years with the typical parcels bill being \$4,236 during 2008. The cost to the typical parcel is reached by determining the median annual parcel cost when each individual parcel cost is listed in increasing value. The 2009 rate would be \$13.50 per 1,000 gallons would result in an increase from 2008 of approximately \$127.08 for the typical parcel, as described above. The project schedule provides that construction will be initiated during 2009 and all parcels in the existing district will pay on a benefit (water consumption) basis. The estimated expense of said increase and improvements will be approximately thirty-five (35) million dollars.

It is proposed that such County Sewer District shall comprise an area lying entirely within the Town of Smithtown, known as the Hamlet of Hauppauge, such area being more particularly bounded and described as follows:

Beginning at a point on the northerly line of Vanderbilt Motor Parkway said point being 30.00 feet westerly of an arc having a Radius of 40.00 feet and Length of 62.83 feet which connects the northerly line of Vanderbilt Motor Parkway with the westerly line of Kennedy Drive;

RUNNING THENCE South 84 degrees 52 minutes 36 seconds West for a distance of 965.75 feet to a point;

RUNNING THENCE South 89 degrees 53 minutes 16 seconds West for a distance of 42.68 feet to a point;

RUNNING THENCE South 84 degrees 27 minutes 36 seconds West for a distance of 824.02 feet to a point;

RUNNING THENCE South 83 degrees 20 minutes 16 seconds West for a distance of 183.37 feet to a point;
RUNNING THENCE South 83 degrees 22 minutes 37 seconds West for a distance of 1101.79 feet to a point;
RUNNING THENCE South 84 degrees 04 minutes 48 seconds West for a distance of 1236.94 feet to a point;
RUNNING THENCE South 83 degrees 48 minutes 09 seconds West for a distance of 1301.75 feet to a point;
RUNNING THENCE South 83 degrees 31 minutes 18 seconds West for a distance of 1029.09 feet to a point;
RUNNING THENCE South 84 degrees 15 minutes 00 seconds West for a distance of 317.04 feet to a point;
RUNNING THENCE South 84 degrees 21 minutes 39 seconds West for a distance of 858.90 feet to a point;
RUNNING THENCE South 83 degrees 40 minutes 06 seconds West for a distance of 400.16 feet to a point;
RUNNING THENCE South 83 degrees 40 minutes 45 seconds West for a distance of 481.01 feet to a point;
RUNNING THENCE South 83 degrees 03 minutes 58 seconds West for a distance of 407.79 feet to a point;
RUNNING THENCE South 84 degrees 04 minutes 09 seconds West for a distance of 210.14 feet to a point;
RUNNING THENCE South 84 degrees 05 minutes 48 seconds West for a distance of 400.14 feet to a point;
RUNNING THENCE South 89 degrees 53 minutes 18 seconds West for a distance of 28.94 feet to a point;
RUNNING THENCE South 84 degrees 30 minutes 06 seconds West for a distance of 37.44 feet to an arc which bears to the right having a Radius of 1500.00 feet;
RUNNING THENCE along the arc which bears to the right having a Radius of 1500.00 feet and a chord of North 77 degrees 43 minutes 11 seconds West 880.30 feet, a distance of 893.45 feet to a point;
RUNNING THENCE North 03 degrees 20 minutes 40 seconds East for a distance of 596.71 feet to a point;
RUNNING THENCE North 02 degrees 53 minutes 50 seconds East for a distance of 37.85 feet to a point;
RUNNING THENCE North 02 degrees 49 minutes 35 seconds East for a distance of 828.90 feet to a point;
RUNNING THENCE North 06 degrees 43 minutes 53 seconds East for a distance of 1052.39 feet to a point;
RUNNING THENCE North 87 degrees 09 minutes 44 seconds West for a distance of 50.12 feet to a point;
RUNNING THENCE North 02 degrees 33 minutes 28 seconds East for a distance of 461.63 feet to a point;
RUNNING THENCE North 76 degrees 26 minutes 24 seconds West for a distance of 218.18 feet to a point;
RUNNING THENCE North 03 degrees 11 minutes 38 seconds West for a distance of 436.09 feet to a point;
RUNNING THENCE North 84 degrees 30 minutes 56 seconds East for a distance of 79.34 feet to a point;
RUNNING THENCE North 02 degrees 10 minutes 34 seconds East for a distance of 49.91 feet to a point;

RUNNING THENCE North 05 degrees 33 minutes 57 seconds West for a distance of 210.00 feet to a point;
RUNNING THENCE North 45 degrees 13 minutes 59 seconds West for a distance of 287.38 feet to a point;
RUNNING THENCE North 83 degrees 28 minutes 20 seconds West for a distance of 77.00 feet to a point;
RUNNING THENCE North 00 degrees 00 minutes 32 seconds West for a distance of 55.35 feet to a point;
RUNNING THENCE South 85 degrees 51 minutes 58 seconds East for a distance of 759.00 feet to an arc which bears to the left having a Radius of 3626.04 feet;
RUNNING THENCE along the arc which bears to the left having a Radius of 3626.04 feet and a chord North 87 degrees 14 minutes 56 seconds East, 869.33 feet, a distance of 871.43 feet to an arc which bears to the left having a Radius of 1981.86 feet;
RUNNING THENCE along the arc which bears to the left having a Radius of 1981.86 feet and a chord of North 68 degrees 07 minutes 25 seconds East, 840.38 feet, a distance of 846.81 feet to a point;
RUNNING THENCE South 34 degrees 03 minutes 02 seconds East for a distance of 93.90 feet to a point;
RUNNING THENCE North 38 degrees 41 minutes 59 seconds East for a distance of 382.97 feet to an arc which bears to the left having a Radius of 3054.95 feet;
RUNNING THENCE along the arc which bears to the left having a Radius of 3054.95 feet and a chord of North 43 degrees 39 minutes 08 seconds East, 566.76 feet, a distance of 567.58 feet to a point;
RUNNING THENCE North 38 degrees 16 minutes 14 seconds East for a distance of 1392.42 feet to an arc which bears to the right having a Radius of 1837.86 feet;
RUNNING THENCE along the arc which bears to the right having a Radius of 1837.86 feet and a chord of North 76 degrees 32 minutes 29 seconds East, 1531.21 feet, a distance of 1579.36 feet to a point;
RUNNING THENCE South 76 degrees 00 minutes 39 seconds East for a distance of 161.23 feet to a point;
RUNNING THENCE South 76 degrees 54 minutes 28 seconds East for a distance of 796.42 feet to a point;
RUNNING THENCE South 76 degrees 31 minutes 30 seconds East for a distance of 218.72 feet to an arc which bears to the left having a Radius of 2363.83 feet;
RUNNING THENCE along the arc which bears to the left having a Radius of 2363.83 feet and a chord of South 79 degrees 09 minutes 55 seconds East, 217.76 feet, a distance of 217.84 feet to a point;
RUNNING THENCE South 76 degrees 22 minutes 35 seconds East for a distance of 411.16 feet to a point;
RUNNING THENCE North 76 degrees 33 minutes 05 seconds East for a distance of 300.17 feet to a point;
RUNNING THENCE North 68 degrees 28 minutes 45 seconds East for a distance of 251.49 feet to a point;
RUNNING THENCE North 82 degrees 12 minutes 35 seconds East for a distance of 351.67 feet to a point;
RUNNING THENCE North 87 degrees 03 minutes 55 seconds East for a distance of 232.34 feet to a point;
RUNNING THENCE South 03 degrees 25 minutes 55 seconds East for a distance of 367.98 feet to a point;
RUNNING THENCE South 12 degrees 40 minutes 51 seconds East for a distance of 1145.02 feet to a point;

RUNNING THENCE South 80 degrees 28 minutes 54 seconds East for a distance of 296.25 feet to a point;
RUNNING THENCE South 80 degrees 30 minutes 44 seconds East for a distance of 1021.42 feet to a point;
RUNNING THENCE South 81 degrees 28 minutes 24 seconds East for a distance of 252.16 feet to a point;
RUNNING THENCE South 82 degrees 00 minutes 04 seconds East for a distance of 1412.33 feet to a point;
RUNNING THENCE South 80 degrees 22 minutes 44 seconds East for a distance of 672.24 feet to a point;
RUNNING THENCE South 67 degrees 14 minutes 47 seconds East for a distance of 64.62 feet to a point;
RUNNING THENCE South 80 degrees 29 minutes 04 seconds East for a distance of 197.25 feet to a point;
RUNNING THENCE South 82 degrees 10 minutes 04 seconds East for a distance of 304.50 feet to a point;
RUNNING THENCE South 77 degrees 33 minutes 04 seconds East for a distance of 132.45 feet to a point;
RUNNING THENCE South 79 degrees 42 minutes 54 seconds East for a distance of 137.37 feet to a point;
RUNNING THENCE South 10 degrees 08 minutes 16 seconds West for a distance of 90.14 feet to a point;
RUNNING THENCE South 04 degrees 51 minutes 06 seconds West for a distance of 55.80 feet to a point;
RUNNING THENCE South 00 degrees 28 minutes 26 seconds West for a distance of 111.28 feet to a point;
RUNNING THENCE South 10 degrees 14 minutes 36 seconds West for a distance of 61.61 feet to a point;
RUNNING THENCE South 03 degrees 17 minutes 54 seconds East for a distance of 150.27 feet to a point;
RUNNING THENCE South 02 degrees 59 minutes 06 seconds West for a distance of 173.80 feet to a point;
RUNNING THENCE South 03 degrees 37 minutes 36 seconds West for a distance of 721.31 feet to a point;
RUNNING THENCE South 03 degrees 04 minutes 56 seconds West for a distance of 165.70 feet to a point;
RUNNING THENCE South 00 degrees 07 minutes 04 seconds East for a distance of 213.78 feet to a point;
RUNNING THENCE South 03 degrees 48 minutes 06 seconds West for a distance of 402.02 feet to a point;
RUNNING THENCE South 00 degrees 59 minutes 36 seconds West for a distance of 101.55 feet to a point;
RUNNING THENCE South 03 degrees 22 minutes 06 seconds West for a distance of 662.37 feet to a point;
RUNNING THENCE South 83 degrees 12 minutes 13 seconds West for a distance of 409.18 feet to a point;
RUNNING THENCE South 82 degrees 48 minutes 46 seconds West for a distance of 278.91 feet to a point;
RUNNING THENCE South 82 degrees 45 minutes 48 seconds West for a distance of 435.92 feet to a point;

RUNNING THENCE South 82 degrees 52 minutes 58 seconds West for a distance of 827.95 feet to the point and place of BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 85,361,629.47 sq. ft.; 1339.798 acres more or less.

A copy of the map, plan, and estimate of costs relating to said proposed increase, improvement, and extension of facilities is on file in the Office of the Clerk of said County Legislature and the office of the Hauppauge Industrial Association, 225 Wireless Blvd., Hauppauge, where the same may be examined during regular business hours.

Section 3. This resolution shall take effect immediately.

DATED: March 18, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: March 31, 2008

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

Intro. Res. No. 1309-2008

Laid on Table 3/18/2008

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

RESOLUTION NO. 215 -2008 CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE PROPOSED EXTENSION OF SEWER DISTRICT NO. 18 – HAUPPAUGE INDUSTRIAL (CP 8126) AND REPEALING THE TERMS OF INCONSISTENT RESOLUTION NO. 1040-2007

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York, has established a County Sewer District designated and known as Suffolk County Sewer District No. 18 - Hauppauge Industrial; and

WHEREAS, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 274 of New York County Law in relation to the proposed extension of said sewer district; and

WHEREAS, this action is in conformity with Resolution No. 716-2004 which satisfies the State Environmental Quality Review Act: and

WHEREAS, pursuant to Section 254 of New York County Law the Suffolk County Legislature desired to call a public hearing regarding the proposed extension of Suffolk County Sewer District No. 18 - Hauppauge Industrial; and

WHEREAS, the Suffolk County Legislature enacted Resolution No. 1040-2007 to call this hearing; and

WHEREAS, the Notice of Public Hearing required by Resolution No. 1040-2007 was improperly published; and

WHEREAS, by this resolution, it is the intent of the Suffolk County Legislature to correct improper publication by repealing Resolution No. 1040-2007 in its entirety and to enact a new resolution in conformity with the legal requirements of Article 5-A of the New York County Law and language mandated by the Rules of the New York State Comptroller; now, therefore be it

1st **RESOLVED**, that Resolution No. 1040-2007 is repealed in its entirety; and be it further

2nd **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 29th day of April 2008, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in the following form, to wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk, New York, will meet at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 29th day of April, 2008 at 2:30 p.m., Prevailing Time, for the purpose to provide information to the parcel owners and users within the Hauppauge Industrial Park with respect to the extension of Suffolk County Sewer District 18 - Hauppauge Industrial.

The project is to eliminate current problems with the aging infrastructure of two sewage treatment plants which comprise the existing Sewer District and detail the proposed expansion which will allow growth and environmental benefits in the existing and proposed service area. The environmental benefits associated with the project include the elimination of on-site systems and the implementation of reliable and efficient sewage treatment systems. An engineering report has been prepared and the cost opinion approaches a total cost of \$70 million, approximately \$35 million of which will be for the extension of the district. Copies of the engineering report, the public hearing report and the project summaries are available in the

Hauppauge Industrial Association's office at 225 Wireless Blvd, the Office of the Department of Public Works, located in Yaphank and the Office of the Clerk of the County Legislature where they can be reviewed during normal business hours Monday through Friday. We encourage all interested parties to appear. Any questions should be forwarded to Ben Wright at 631-852-4204 at the Suffolk County Department of Public Works.

The public hearing report incorporates a map indicating the boundaries of the existing and proposed extension of the sewer district. The existing district is billed based on water consumption, \$13.11 per 1,000 gallons during 2008 (for example, a consumption of 1,000 gallons per day is a base bill of \$4,785 per year). This bill includes debt service and operation and maintenance costs. Pursuant to the requirements of participation in the Suffolk County Assessment Stabilization Reserve Fund, which was established by Suffolk County Charter, bills are increased by 3% per year in order for participating districts to be eligible to access the Reserve Fund. Funding from the Suffolk County Assessment Stabilization Reserve Fund then permits these participating districts to stabilize annual costs. The existing district parcels have experienced the 3% increase for approximately the last ten (10) years with the typical parcels bill being \$4,236 during 2008. The cost to the typical parcel is reached by determining the median annual parcel cost when each individual parcel cost is listed in increasing value. The 2009 rate would be \$13.50 per 1,000 gallons would result in an increase from 2008 of approximately \$127.08 for the typical parcel, as described above. The project schedule is to have construction initiated during 2009 and all parcels in the district as extended will pay on a benefit (water consumption) basis. The estimated expense of said extension will be approximately thirty-five (35) million dollars.

It is proposed that such County Sewer District shall comprise an area lying entirely within the Town of Smithtown, known as the Hamlet of Hauppauge, such area being more particularly bounded and described as follows:

Beginning at a point on the northerly line of Vanderbilt Motor Parkway said point being 30.00 feet westerly of an arc having a Radius of 40.00 feet and Length of 62.83 feet which connects the northerly line of Vanderbilt Motor Parkway with the westerly line of Kennedy Drive;

RUNNING THENCE South 84 degrees 52 minutes 36 seconds West for a distance of 965.75 feet to a point;

RUNNING THENCE South 89 degrees 53 minutes 16 seconds West for a distance of 42.68 feet to a point;

RUNNING THENCE South 84 degrees 27 minutes 36 seconds West for a distance of 824.02 feet to a point;

RUNNING THENCE South 83 degrees 20 minutes 16 seconds West for a distance of 183.37 feet to a point;

RUNNING THENCE South 83 degrees 22 minutes 37 seconds West for a distance of 1101.79 feet to a point;

RUNNING THENCE South 84 degrees 04 minutes 48 seconds West for a distance of 1236.94 feet to a point;

RUNNING THENCE South 83 degrees 48 minutes 09 seconds West for a distance of 1301.75 feet to a point;

RUNNING THENCE South 83 degrees 31 minutes 18 seconds West for a distance of 1029.09 feet to a point;

RUNNING THENCE South 84 degrees 15 minutes 00 seconds West for a distance of 317.04 feet to a point;

RUNNING THENCE South 84 degrees 21 minutes 39 seconds West for a distance of 858.90 feet to a point;
RUNNING THENCE South 83 degrees 40 minutes 06 seconds West for a distance of 400.16 feet to a point;
RUNNING THENCE South 83 degrees 40 minutes 45 seconds West for a distance of 481.01 feet to a point;
RUNNING THENCE South 83 degrees 03 minutes 58 seconds West for a distance of 407.79 feet to a point;
RUNNING THENCE South 84 degrees 04 minutes 09 seconds West for a distance of 210.14 feet to a point;
RUNNING THENCE South 84 degrees 05 minutes 48 seconds West for a distance of 400.14 feet to a point;
RUNNING THENCE South 89 degrees 53 minutes 18 seconds West for a distance of 28.94 feet to a point;
RUNNING THENCE South 84 degrees 30 minutes 06 seconds West for a distance of 37.44 feet to an arc which bears to the right having a Radius of 1500.00 feet;
RUNNING THENCE along the arc which bears to the right having a Radius of 1500.00 feet and a chord of North 77 degrees 43 minutes 11 seconds West 880.30 feet, a distance of 893.45 feet to a point;
RUNNING THENCE North 03 degrees 20 minutes 40 seconds East for a distance of 596.71 feet to a point;
RUNNING THENCE North 02 degrees 53 minutes 50 seconds East for a distance of 37.85 feet to a point;
RUNNING THENCE North 02 degrees 49 minutes 35 seconds East for a distance of 828.90 feet to a point;
RUNNING THENCE North 06 degrees 43 minutes 53 seconds East for a distance of 1052.39 feet to a point;
RUNNING THENCE North 87 degrees 09 minutes 44 seconds West for a distance of 50.12 feet to a point;
RUNNING THENCE North 02 degrees 33 minutes 28 seconds East for a distance of 461.63 feet to a point;
RUNNING THENCE North 76 degrees 26 minutes 24 seconds West for a distance of 218.18 feet to a point;
RUNNING THENCE North 03 degrees 11 minutes 38 seconds West for a distance of 436.09 feet to a point;
RUNNING THENCE North 84 degrees 30 minutes 56 seconds East for a distance of 79.34 feet to a point;
RUNNING THENCE North 02 degrees 10 minutes 34 seconds East for a distance of 49.91 feet to a point;
RUNNING THENCE North 05 degrees 33 minutes 57 seconds West for a distance of 210.00 feet to a point;
RUNNING THENCE North 45 degrees 13 minutes 59 seconds West for a distance of 287.38 feet to a point;
RUNNING THENCE North 83 degrees 28 minutes 20 seconds West for a distance of 77.00 feet to a point;
RUNNING THENCE North 00 degrees 00 minutes 32 seconds West for a distance of 55.35 feet to a point;
RUNNING THENCE South 85 degrees 51 minutes 58 seconds East for a distance of 759.00 feet to an arc which bears to the left having a Radius of 3626.04 feet;

RUNNING THENCE along the arc which bears to the left having a Radius of 3626.04 feet and a chord North 87 degrees 14 minutes 56 seconds East, 869.33 feet, a distance of 871.43 feet to an arc which bears to the left having a Radius of 1981.86 feet;
RUNNING THENCE along the arc which bears to the left having a Radius of 1981.86 feet and a chord of North 68 degrees 07 minutes 25 seconds East, 840.38 feet, a distance of 846.81 feet to a point;
RUNNING THENCE South 34 degrees 03 minutes 02 seconds East for a distance of 93.90 feet to a point;
RUNNING THENCE North 38 degrees 41 minutes 59 seconds East for a distance of 382.97 feet to an arc which bears to the left having a Radius of 3054.95 feet;
RUNNING THENCE along the arc which bears to the left having a Radius of 3054.95 feet and a chord of North 43 degrees 39 minutes 08 seconds East, 566.76 feet, a distance of 567.58 feet to a point;
RUNNING THENCE North 38 degrees 16 minutes 14 seconds East for a distance of 1392.42 feet to an arc which bears to the right having a Radius of 1837.86 feet;
RUNNING THENCE along the arc which bears to the right having a Radius of 1837.86 feet and a chord of North 76 degrees 32 minutes 29 seconds East, 1531.21 feet, a distance of 1579.36 feet to a point;
RUNNING THENCE South 76 degrees 00 minutes 39 seconds East for a distance of 161.23 feet to a point;
RUNNING THENCE South 76 degrees 54 minutes 28 seconds East for a distance of 796.42 feet to a point;
RUNNING THENCE South 76 degrees 31 minutes 30 seconds East for a distance of 218.72 feet to an arc which bears to the left having a Radius of 2363.83 feet;
RUNNING THENCE along the arc which bears to the left having a Radius of 2363.83 feet and a chord of South 79 degrees 09 minutes 55 seconds East, 217.76 feet, a distance of 217.84 feet to a point;
RUNNING THENCE South 76 degrees 22 minutes 35 seconds East for a distance of 411.16 feet to a point;
RUNNING THENCE North 76 degrees 33 minutes 05 seconds East for a distance of 300.17 feet to a point;
RUNNING THENCE North 68 degrees 28 minutes 45 seconds East for a distance of 251.49 feet to a point;
RUNNING THENCE North 82 degrees 12 minutes 35 seconds East for a distance of 351.67 feet to a point;
RUNNING THENCE North 87 degrees 03 minutes 55 seconds East for a distance of 232.34 feet to a point;
RUNNING THENCE South 03 degrees 25 minutes 55 seconds East for a distance of 367.98 feet to a point;
RUNNING THENCE South 12 degrees 40 minutes 51 seconds East for a distance of 1145.02 feet to a point;
RUNNING THENCE South 80 degrees 28 minutes 54 seconds East for a distance of 296.25 feet to a point;
RUNNING THENCE South 80 degrees 30 minutes 44 seconds East for a distance of 1021.42 feet to a point;
RUNNING THENCE South 81 degrees 28 minutes 24 seconds East for a distance of 252.16 feet to a point;
RUNNING THENCE South 82 degrees 00 minutes 04 seconds East for a distance of 1412.33 feet to a point;
RUNNING THENCE South 80 degrees 22 minutes 44 seconds East for a distance of 672.24 feet to a point;

RUNNING THENCE South 67 degrees 14 minutes 47 seconds East for a distance of 64.62 feet to a point;
RUNNING THENCE South 80 degrees 29 minutes 04 seconds East for a distance of 197.25 feet to a point;
RUNNING THENCE South 82 degrees 10 minutes 04 seconds East for a distance of 304.50 feet to a point;
RUNNING THENCE South 77 degrees 33 minutes 04 seconds East for a distance of 132.45 feet to a point;
RUNNING THENCE South 79 degrees 42 minutes 54 seconds East for a distance of 137.37 feet to a point;
RUNNING THENCE South 10 degrees 08 minutes 16 seconds West for a distance of 90.14 feet to a point;
RUNNING THENCE South 04 degrees 51 minutes 06 seconds West for a distance of 55.80 feet to a point;
RUNNING THENCE South 00 degrees 28 minutes 26 seconds West for a distance of 111.28 feet to a point;
RUNNING THENCE South 10 degrees 14 minutes 36 seconds West for a distance of 61.61 feet to a point;
RUNNING THENCE South 03 degrees 17 minutes 54 seconds East for a distance of 150.27 feet to a point;
RUNNING THENCE South 02 degrees 59 minutes 06 seconds West for a distance of 173.80 feet to a point;
RUNNING THENCE South 03 degrees 37 minutes 36 seconds West for a distance of 721.31 feet to a point;
RUNNING THENCE South 03 degrees 04 minutes 56 seconds West for a distance of 165.70 feet to a point;
RUNNING THENCE South 00 degrees 07 minutes 04 seconds East for a distance of 213.78 feet to a point;
RUNNING THENCE South 03 degrees 48 minutes 06 seconds West for a distance of 402.02 feet to a point;
RUNNING THENCE South 00 degrees 59 minutes 36 seconds West for a distance of 101.55 feet to a point;
RUNNING THENCE South 03 degrees 22 minutes 06 seconds West for a distance of 662.37 feet to a point;
RUNNING THENCE South 83 degrees 12 minutes 13 seconds West for a distance of 409.18 feet to a point;
RUNNING THENCE South 82 degrees 48 minutes 46 seconds West for a distance of 278.91 feet to a point;
RUNNING THENCE South 82 degrees 45 minutes 48 seconds West for a distance of 435.92 feet to a point;
RUNNING THENCE South 82 degrees 52 minutes 58 seconds West for a distance of 827.95 feet to the point and place of BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 85,361,629.47 sq. ft.; 1339.798 acres more or less.

Extension

It is proposed that such extended district shall comprise an area lying entirely within the Town of Smithtown, known as the Hamlet of Hauppauge, such area being more particularly bounded

firefighters and in turn to avoid strikes by employees who provide critical public safety services; and

WHEREAS, binding arbitration for compensatory issues was thereafter extended to State Police and State Correction Officers and deputy sheriffs; and

WHEREAS, binding arbitration was extended to Suffolk County Correction Officers in 2005; and

WHEREAS, similar to State Police, local police officers, deputy sheriffs, and correction officers, Park Police Officers face inherent dangers on a daily basis while performing analogous public safety services; and

WHEREAS, it is logical to extend the binding arbitration law to include Suffolk County Park Police Officers in order to ensure orderly continuous protection of the public during protracted county contract negotiations; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the State of New York to enact Senate Bill S.4690 and Assembly Bill A.8342 to amend the Civil Service Law by extending the Binding Arbitration Law provisions to Suffolk County Park Police Officers; 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: March 18, 2008

S:\memres\2008\hr-arbitration-park-po,ice

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

Home Rule Message No. 10 - 2008

Laid on Table 3/4/2008

Introduced by Presiding Officer Lindsay and Legislators Losquadro, Eddington, Browning

HOME RULE MESSAGE REQUESTING NEW YORK STATE LEGISLATURE TO AMEND NEW YORK STATE RETIREMENT AND SOCIAL SECURITY LAW TO PROVIDE SUFFOLK COUNTY PARK POLICE OFFICERS WITH OPTIONAL 20-YEAR RETIREMENT PLAN (SENATE BILL S.4689-A AND ASSEMBLY BILL A.08341)

WHEREAS, in 1991, legislation was enacted which classified Suffolk County Park Rangers as Police Officers; and

WHEREAS, Suffolk County Park Police Officers take competitive examinations, receive psychological testing, attend the Suffolk County Police Academy, and are certified by

the Municipal Police Training Council (“MPTL”) as having completed police officer basic training; and

WHEREAS, Suffolk County Park Police Officers patrol the County’s sprawling parks system which is visited by tens of thousands of people each year; and

WHEREAS, like other State and local police officers, park police officers enforce all the laws of the State of New York, apprehending criminals, enforcing vehicle and traffic laws, providing crowd and traffic control, and ensuring the general safety of the public; and

WHEREAS, almost all MPTL certified police officers in the County and the State receive an optional 20-year retirement program, but Suffolk’s Park Police do not; and

WHEREAS, a 20-year retirement plan would help Suffolk County attract and retain the best and brightest candidates to the ranks of Park Police, and also bring Suffolk County Park Police Officers into conformity with other law enforcement agencies; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the New York State Legislature to enact Senate Bill S.4689-A and Assembly Bill A.08341 for the purpose of amending the NEW YORK STATE RETIREMENT AND SOCIAL SECURITY LAW by adding a new Article 14-C to allow Suffolk County Park Police Officers to retire upon completion of 20 years of service or upon attaining the age of sixty-two (62) years, with an allowance of one-fortieth of final average salary for each of the first twenty (20) years of service and an additional allowance of one-sixtieth of final average salary for each year in excess of 20 but not more than 15 years, if Suffolk County elects to provide this benefit; 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: March 18, 2008

s:\memres-home rule park police retirement

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

Home Rule Message No. 11 - 2008

LOT 3/4/08

Introduced by Legislators Eddington, Romaine, Nowick

HOME RULE MESSAGE REQUESTING NEW YORK STATE LEGISLATURE TO AUTHORIZE THE SUFFOLK COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS TO MAKE INSPECTIONS AND IMPOSE FINES (ASSEMBLY BILL A.6991 AND SENATE BILL S.689)

WHEREAS, binding arbitration for firefighters and police was initially adopted in 1974 to provide a fair and timely method for resolving contractual disputes involving police and firefighters and in turn to avoid strikes by employees who provide critical public safety services; and

WHEREAS, binding arbitration for compensatory issues was thereafter extended to State Police and State Correction Officers and deputy sheriffs; and

WHEREAS, binding arbitration was extended to Suffolk County Correction Officers in 2005; and

WHEREAS, Suffolk County Probation Officers, like Correction Officers, are classified as "Peace Officers"; and

WHEREAS, Probation Officers undergo intensive public safety/ rehabilitation training, including the use of firearms; and

WHEREAS, Suffolk County Probation Officers supervise approximately 14,000 felony/misdemeanor offenders in the community; and

WHEREAS, Probation Officers execute felony and misdemeanor arrest warrants, conduct warrantless searches for weapons and narcotics, confiscate contraband and make summary arrests; and

WHEREAS, similar to State Police, local police officers, deputy sheriffs, and correction officers, Probation Officers face inherent dangers on a daily basis while performing analogous public safety services; and

WHEREAS, it is logical to extend the binding arbitration law to include Suffolk County Probation Officers in order to ensure orderly continuous protection of the public during protracted county contract negotiations; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the State of New York to enact Senate Bill S.6044 and Assembly Bill A.9394 to amend the Civil Service Law by extending the Binding Arbitration Law provisions to Suffolk County Probation Officers; 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: March 18, 2008

S:\memres\2008\hr-arbitration-probation-officers

Legislator Horsley made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-0-1. Legislator D'Amaro was recused.

Introduced by Legislator Horsley as Chairman of the Economic Development, Higher Education and Energy Committee and Legislator Romaine
LOT 3/18/08

PROCEDURAL RESOLUTION NO. 5 –2008, AUTHORIZING CONTINUED FUNDING IN CONNECTION WITH ENFORCEMENT OF LIPA SETTLEMENT AGREEMENT AGAINST LIPA OVERCHARGE OF SUFFOLK RATEPAYERS

WHEREAS, Procedural Motions No. 8-2002 and 7-2005 authorized the retention of Reilly, Like, and Tenety, 179 Little East Neck Road, North Babylon, NY 11702, to represent the County of Suffolk to seek full recovery of any and all overpayments by Suffolk County consumers of the LIPA Bill Credit Rate Differential for the period from on or about July 1, 1998 to the date on which such overpayments terminate; and

WHEREAS, in order to prosecute the lawsuit seeking recovery, Reilly, Like, and Tenety recommended the retention of Hudson River Energy Group, 120 Washington Avenue, Albany, NY 12210, as forensic accountants; and

WHEREAS, the County Legislature contracted directly with Hudson River Energy Group in the amount of \$50,000.00, which contract expired on December 31, 2005; and

WHEREAS, Resolution 6-2006 authorized continued funding for Hudson River Energy Group in the amount of \$62,500.00 to extend their services; and

WHEREAS, Special Counsel advises that additional funding is required for Hudson River Energy Group to act as a consultant as the County's case against LIPA enters a final phase; now, therefore, be it

1st RESOLVED, that this Legislature hereby authorizes the Presiding Officer to execute such agreements with Hudson River Energy Group to carry out their work in an amount not to exceed Forty-Five Thousand Dollars and 00/100 (\$45,000.00) of County Legislative funds, said amount to be paid from the Budget Review Office Fees for Services: Non-Employees (001-LEG-1025-4560) appropriation; and be it further

2nd RESOLVED, that all other terms and conditions of Procedural Motions No. 8-2002 and 7-2005 shall remain in full force and effect.

DATED: Adopted March 18, 2008

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

s:\procedural motions\extend-hudson-river 2008

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

Introduced by Legislator Schneiderman

Laid on Table 3/18/2008

**MOTION NO. 6-2008, PROCEDURAL
RESOLUTION ACCEPTING THE SUFFOLK
COUNTY WORKFORCE HOUSING NEEDS
ASSESSMENT AND RESPONSES FINAL
REPORT**

WHEREAS, Procedural Motion No. 2-2005 authorized the retention of the Center for Urban Policy Research (CUPR) at Rutgers University for the purpose of conducting a Housing Needs Assessment Study for Suffolk County; and

WHEREAS, the CUPR issued its final report dated March 1, 2008 entitled "Suffolk County Workforce Housing Needs Assessment and Responses"; now, therefore, be it

RESOLVED, that this Legislature hereby accepts the final report prepared by the Center for Urban Policy Research entitled "Suffolk County Workforce Housing Needs Assessment and Responses".

DATED: Adopted March 18, 2008

**ADJOURNED 11:53PM
TIM LAUBE, CLERK OF THE LEGISLATURE**