

**SEVENTH DAY**  
**REGULAR MEETING**

**May 13, 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 9:30 a.m., pursuant to notice duly given.

The meeting was called to order at 9:35 a.m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Mystal; Legislators Browning, Beedenbender, Viloría-Fisher, Eddington, Alden, Barraga, Nowick, Horsley, Stern and D'Amaro.

Statements and Presentations

Public Portion

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**THE MEETING WAS RECESSED AT 12:34 P.M. AND RECONVENED AT 2:35 P.M.**

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

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**Legislator Beedenbender made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 17-0-0-0-0.**

Introduced by Legislators Beedenbender, Horsley Laid on Table 4/29/2008

**MOTION NO. 7-2008, PROCEDURAL  
RESOLUTION DIRECTING THE CLERK  
OF THE LEGISLATURE TO POST  
PUBLIC HEARING INFORMATION**

**WHEREAS**, this Legislature is required to conduct a public hearing before enacting any charter law or local law; and

**WHEREAS**, these public hearings are advertised in the County's two official newspapers; and

**WHEREAS**, greater effort should be made to publicize these public hearings in order to stimulate greater citizen participation; and

**WHEREAS**, posting the topic, date, time and location of public hearings on the Legislature's website is one simple way to better notify the public of these hearings; now, therefore, be it

**RESOLVED**, that the Clerk of the Suffolk County Legislature is hereby authorized, empowered, and directed to post the topic, date, time and location of all Suffolk County Legislature public hearings for local laws and charter laws on the Legislature's website; and be it further

**RESOLVED**, that the Clerk shall post this information within three (3) days after a public hearing is scheduled by the County Legislature; and be it further

**RESOLVED**, that the Clerk's failure to post the public hearing information as required by this motion shall not affect the legal validity of any charter law or local law enacted by the County of Suffolk.

DATED: Adopted May 13, 2008

S:\procedural resolutions\pm-public hearing notices

**Legislator Horsley made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 16-1-0-0-0. Legislator Barraga voted no.**

Introduced by Legislator Horsley as Chairperson of the Economic Development, Higher Education, and Energy Committee and Legislator Vilorio-Fisher, Romaine, LOT 4/29/2008  
Schneiderman, Losquadro, Cooper

**MOTION NO. 10-2008, PROCEDURAL RESOLUTION  
AUTHORIZING ADDITIONAL FUNDING IN  
CONNECTION WITH THE OPPOSITION TO A  
PROPOSED LIQUID NATURAL GAS PROJECT IN THE  
LONG ISLAND SOUND**

**WHEREAS**, Procedural Motion No. 3-2005 was adopted by this Legislature to authorize the Economic Development, Higher Education, and Energy Committee of the County Legislature to interview at least three qualified attorneys to represent the County of Suffolk at the Federal Energy Regulatory Commission (FERC) and other New York State regulatory bodies, agencies or courts, if necessary, in opposition to the proposed Broadwater Energy LNG Project; and

**WHEREAS**, Procedural Resolution 6-2005 retained the law firm of Farrell Fritz, PC and authorized expenditures not to exceed \$100,000.00; and

**WHEREAS**, Procedural Resolution No. 10-2006 authorized an additional \$100,000.00 to oppose Broadwater; and

**WHEREAS**, it is now necessary to allocate additional funds to continue the County's effort in opposition to the proposed Broadwater Project; now, therefore, be it

**1st RESOLVED**, that the 2nd RESOLVED clause of Procedural Motion No. 6-2005 is hereby amended to read as follows:

**2nd RESOLVED**, that this Legislature hereby directs the Presiding Officer to execute such agreements for such litigation, including any necessary expert consultants, as may be necessary to carry out this Resolution in an amount not to exceed [Two Hundred] Three Hundred Thousand Dollars [\$200,000.00] \$300,000.00 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 the Budget Review Office and Presiding Officer shall review and process for payment vouchers forwarded by the law firm and consultants retained for the purpose specified 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) 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: Adopted May 13, 2008**

**EFFECTIVE IMMEDIATELY PURSUANT TO SECTION 2-15(A) AND SECTION 16-1(C) OF THE SUFFOLK COUNTY CHARTER**

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Stern. The resolution was passed 17-0-0-0-0.**

Introduced by Presiding Officer Lindsay

Laid on Table 5/13/2008

**MOTION NO. 12-2008, PROCEDURAL RESOLUTION  
AUTHORIZING FUNDING FOR COMMUNITY SUPPORT  
INITIATIVES (PHASE II)**

**WHEREAS**, funds are included in the 2008 Operating Budget (001-LEG-1012-4981) to supplement county services via non-profit organizations; and

**WHEREAS**, pursuant to Resolution No. 1054-2007, this Legislature is administering these “Community Support Initiatives”; now, therefore be it

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

<u>Agency</u>	<u>Sponsor</u>	<u>Amount</u>
Bellport Chamber of Commerce	Browning	\$2,000
Comsewogue Youth Club, Inc.	Losquadro	\$1,000
Deepwells Farm Historical Society	Nowick	\$2,000
East Islip Historical Society	Alden	\$1,000
Family Counseling Services	Browning	\$1,000
Friends of the Edgewood-Oak Brush Plains Preserve, Inc.	Stern	\$1,000
Friends of the Retired and Senior Volunteer Program of Suffolk County	Losquadro	\$1,000
Friends of the Retired and Senior Volunteer Program of Suffolk County	Alden	\$1,000
Friends of the Retired and Senior Volunteer Program of Suffolk County	Nowick	\$2,000
Friends of the Retired and Senior Volunteer Program of Suffolk County	Viloria-Fisher	\$1,000
Great South Bay Power Squadron	Alden	\$1,000
Greater Patchogue Foundation, Inc.	Eddington	\$1,000
Greater Port Jefferson Arts Council, Inc.	Viloria-Fisher	\$2,000
Greater Port Jefferson Arts Council, Inc.	Losquadro	\$2,000
Historical Society of Greater Port Jefferson	Viloria-Fisher	\$1,000
Interfaith Nutrition Network (Bread and More INN)	Romaine	\$2,000
Interfaith Nutrition Network (Rocky Point Invited Inn)	Losquadro	\$2,000
James Ely Miller Post 833 American Legion	Nowick	\$2,000
Long Island Seaport and Eco Center, Inc.	Losquadro	\$1,000
Long Island Senior Games	Viloria-Fisher	\$1,000
Montauk Historical Society	Schneiderman	\$1,000
M'Yad L'Yad - Helping Hands	Stern	\$1,000
Patchogue Nursery School	Eddington	\$1,000
Suffolk County United Veterans Halfway House Project, Inc.	Beedenbender	\$2,000
Sunrise Little League	Lindsay	\$5,000

The Bridgehampton Child Care and Recreational Center		Schneiderman		\$2,000
The Ministry of Hope a/k/a Hope House Ministries		Losquadro		\$2,000
The Right Start Foundation, Inc.		Beedenbender		\$2,000
The Sunshine Center		Viloria-Fisher		\$1,000
Three Village Garden Club		Viloria-Fisher		\$1,000
Veterans of Foreign Wars of the US Tordik Diederich Duffield Post No. 4927		Beedenbender		\$3,000
Youth Directions and Alternatives Community and Youth Agency, Inc.		Stern		\$1,000

and be it further

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

**DATED: Adopted May 13, 2008**

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

s:\procedural motions\CSI Motion Phase II

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

Introduced by Presiding Officer Lindsay

Laid on Table 5/13/08

**MOTION NO. 13-2008, PROCEDURAL RESOLUTION AMENDING RESOLUTION NO. 8-2008, DESIGNATING DEPOSITORIES PURSUANT TO SECTION 212 OF THE COUNTY LAW**

**WHEREAS**, Resolution No. 8-2008 designated the official depositories to be used by the County of Suffolk; and

**WHEREAS**, the Suffolk County Treasurer has been approached by Signature Bank and Gold Coast Bank requesting to be included in the official depositories of the County of Suffolk; and

**WHEREAS**, by including these additional banking institutions, the County of Suffolk may take advantage of competitive interest rates in order to achieve the maximum interest earning for our public funds; now, therefore, be it

**RESOLVED**, that the 1<sup>st</sup> RESOLVED clause of Resolution No. 8-2008 is hereby amended as follows:

**RESOLVED**, that each of the following banks having and maintaining a principal or branch office or offices in the County of Suffolk, namely, Bank of New York, 1401 Franklin Avenue, Garden City, New York; JP Morgan Chase Bank, 395 North Service Road, Melville, New York; Citibank, 730 Veterans Memorial Highway, Hauppauge, New York; Commerce Bank, 45 Melville Park Road, Melville, New York; Bank of America, 300 Broad Hollow Road, Melville, New York; Capital One, 275 Broad Hollow Road, Melville, New York; State Bank of Long Island, 740 Veterans Memorial Highway, Hauppauge, New York; Suffolk County National Bank, 6 West Second Street, Riverhead, New York; New York Commercial Bank, 1601 Veterans Memorial Highway, Suite 120, Islandia, New York; HSBC Bank, 534 Broad Hollow Road, Melville, New York, Hamptons State Bank, North Sea Road and Windmill Lane, Box 5037, Southampton, New York, Wachovia Bank, 58 South Service Road, Melville, New York, Bridgehampton National Bank, 2200 Montauk Highway, Bridgehampton, New York, Bank of Smithtown, 1 East Main Street, Smithtown, NY 11787, [and] the Madison National Bank, 888 Veterans Memorial Highway, Suite 400, Hauppauge, NY, 11787, Gold Coast Bank, 2929 Expressway Drive North, Suite 101, Islandia, NY 11749, and Signature Bank, 58 South Service Road, Melville, NY 11747, or any successor entity thereto, be and the same are hereby designated and appointed a depository for the deposit of moneys received or under the control of the County Treasurer, pursuant to Section 212 of the NEW YORK COUNTY LAW, provided, however, that the maximum amount to be kept on deposit in any such bank or branches shall not exceed \$750,000,000.00 including interest bearing deposits in any one of said bank or branches, except that such limitation shall not apply to those depositories in which regular county working accounts (checking accounts) are maintained in whatever amounts are required for the regular and necessary conduct of the County's business; and be it further

**RESOLVED**, that this change shall be effective immediately.

DATED: Adopted May 13, 2008

Effective pursuant to Section 212 of the NEW YORK COUNTY LAW.

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**Legislator Kennedy made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 17-0-0-0-0.**

Introduced by Legislator Kennedy

Laid on Table 5/13/2008

**MOTION NO. 14 -2008, PROCEDURAL  
RESOLUTION DESIGNATING  
OFFICIAL NEWSPAPER OF THE  
COUNTY OF SUFFOLK**

**RESOLVED**, that, pursuant to Section 214, Subsection 2 of the County Law of the State of New York, the SMITHTOWN MESSENGER, of 127 East Main Street, Smithtown, New York, 11787, a messenger paper fairly representing the principles of the Republican Party and having a regular and general circulation in the County of Suffolk, be and hereby is designated as one of the official newspapers for the publication of all laws, notices, and other matters required by law to be published for the County of Suffolk from the effective date of this resolution through October 15, 2008, the eligibility for which shall be determined by the date that the request for the legal notice is formally and actually forwarded to the newspaper.

DATED: Adopted May 13, 2008

EFFECTIVE PURSUANT TO SECTION 214 OF THE NEW YORK COUNTY LAW

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-0-0.**

Home Rule Message No. 14-2008  
Introduced by Presiding Officer Lindsay

LOT 5/13/08

**HOME RULE MESSAGE REQUESTING STATE OF NEW  
YORK TO AMEND THE CIVIL SERVICE LAW, IN  
RELATION TO RESOLUTION OF DISPUTES BETWEEN  
A PUBLIC EMPLOYER AND SUFFOLK COUNTY PARK  
POLICE OFFICERS (SENATE BILL S.4690-A)**

**WHEREAS**, Section 209(4)(c) of the New York Civil Service Law provides for mandatory arbitration in the event that an impasse is reached in collective bargaining negotiations between a municipality, such as the County of Suffolk, and employee organizations representing members of any organized fire department, police force, or police department; and

**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**, 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-A 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 David Paterson; to the Majority Leader of the New York State Senate Joseph L. Bruno; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: May 13, 2008

S:\memres\2008\hr-arbitration-park-police-2

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1339-2008 Laid on Table 4/26/2008  
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 290 -2008, TO READJUST,  
COMPROMISE, AND GRANT REFUNDS AND  
CHARGEBACKS ON CORRECTION OR  
ERRORS/COUNTY TREASURER BY: COUNTY  
LEGISLATURE #296

**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

**1<sup>st</sup> 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>Chargeback or Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>
<u>Refund, if paid</u> BROOKHAVEN: 0200-740.00-01.00-005.025 (Item #2511609) \$27,948.42	2007/08	\$27,948.42	\$0.00

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1340-2008 Laid on Table 4/26/2008  
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 291 -2008, TO READJUST,  
COMPROMISE, AND GRANT REFUNDS AND  
CHARGEBACKS ON CORRECTION OR  
ERRORS/COUNTY TREASURER BY: COUNTY  
LEGISLATURE #295

**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

**1<sup>st</sup> 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>Chargeback or Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	
<u>Refund, if paid</u>				
<b>BABYLON:</b>				
0100-165.00-01.00-036.000 6,662.63	2007/08	\$ 7,161.71	\$499.08	\$
0100-057.00-01.00-019.001 2,554.25	2007/08	\$ 2,554.25	\$ 0.00	\$
0100-172.00-02.00-033.000 \$24,743.05	2007/08	\$24,743.05	\$ 0.00	
<b>EAST HAMPTON:</b>				
0300-042.00-01.00-008.000 3,106.12	2007/08	\$ 3,106.12	\$ 0.00	\$

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Viloria-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1383-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 292 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 780-2008)**

**WHEREAS**, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which



A	EAST HAMPTON	07/0 8	N/A	0300 24 11 10	4596.50	1873.58	2722.92
A	HUNTINGTON	07/0 8	N/A	0400 237 3 155	9225.91	4106.61	5119.30
A	HUNTINGTON	07/0 8	N/A	0400 282 3 129	6961.71	3094.90	3866.81
A	HUNTINGTON	07/0 8	N/A	0400 284 2 21	8041.03	3507.79	4533.24
A	HUNTINGTON	07/0 8	N/A	0403 4 4 22	30675.65	24774.83	5900.82
A	HUNTINGTON	07/0 8	N/A	0400 237 1 24	7093.41	2997.98	4095.43
A	HUNTINGTON	07/0 8	N/A	0400 215 2 145	14628.17	11277.05	3351.12
A	HUNTINGTON	07/0 8	N/A	0400 209 2 28	20231.32	15799.76	4431.56
A	HUNTINGTON	07/0 8	N/A	0400 203 2 55	12821.50	5678.90	7142.60
A	HUNTINGTON	07/0 8	N/A	0400 175 3 78	5493.48	1660.79	3832.69
A	HUNTINGTON	07/0 8	N/A	0400 170 2 10.2	13265.41	6367.55	6897.86
A	HUNTINGTON	07/0 8	N/A	0400 156 2 60	6786.34	3394.16	3392.18
A	HUNTINGTON	07/0 8	N/A	0400 154 1 22	6435.73	3517.93	2917.80
A	HUNTINGTON	07/0 8	N/A	0400 95 3 76	5916.48	2795.72	3120.76
A	HUNTINGTON	07/0 8	N/A	0400 267 2 21	260156.8 5	251012.78	9144.07
A	HUNTINGTON	07/0 8	N/A	0400 79 3 4	19246.76	14861.63	4385.13
A	HUNTINGTON	07/0 8	N/A	0402 6 1 16	21560.92	15847.93	5712.99
A	HUNTINGTON	07/0 8	N/A	0400 167 1 22	9308.48	4940.93	4367.55
A	HUNTINGTON	07/0 8	N/A	0400 232 3 77	5653.21	2722.50	2930.71
A	HUNTINGTON	06/0 7	N/A	0400 232 3 77	5419.78	2596.44	2823.34
A	SMITHTOWN	07/0 8	N/A	0800 83 4 29.3	14774.02	9069.71	5704.31
A	SMITHTOWN	07/0 8	N/A	0801 5 1 15.1	37693.37	28784.10	8909.27

A	SOUTHOLD	07/0 8	N/A	1000.053 6 27.2	7910.62	4364.49	3546.13
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\*As Provided and Requested By Town Assessor or Receiver of Taxes

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Viloria-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1384-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 293 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 781-2008)**

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

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

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

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

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

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

RESOLUTION NO.  
2008

CONTROL# 781-

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVE N	07/08	N/A	200 516 6 2	83,635.4 6	67,368.72	16,266.74
A	BROOKHAVE N	07/08	N/A	200 882 4 8.2	8,515.14	603.86	7,911.28
A	BROOKHAVE N	07/08	N/A	200 957 4 34.3	360,555. 07	186,691.64	173,863.43
C	BROOKHAVE N	07/08	N/A	200 98050 7 41	4,573.63	1,566.02	3,007.61
A	BROOKHAVE N	07/08	N/A	200 71 4 34.8	13,606.8 8	10,824032	2,782.56
C	BROOKHAVE N	07/08	N/A	200 33 5 28.1	3,842.53	811.89	3,030.64
C	BROOKHAVE N	07/08	N/A	200 657 1 12.2	3,987.88	490.59	3,497.29
A	BROOKHAVE N	07/08	N/A	200 656 2 7.1	214,988. 26	132,101.22	82,887.04
A	BROOKHAVE	07/08	N/A	204 9 8 15	23,636.2	19,527.82	4,108.46

C	N				8		
	BROOKHAVE	07/08	N/A	200 98050 3	3,370.59	601.52	2,769.07
A	N			28			
	BROOKHAVE	07/08	N/A	200 631 2 6.5	8,587.95	4,499.67	4,088.28
A	N						
	RIVERHEAD	07/08	N/A	600 109 2 1.5	31,236.8	22,337.74	8,902.08
A					2		
	RIVERHEAD	07/08	N/A	600 45 2 14.9	24,812.7	21,326.61	3,486.13
					4		
A	SMITHTOWN	07/08	N/A	800 95 2 2	9,765.34	5,622.69	4,142.65
	SMITHTOWN	07/08	N/A	800 41 6 6.2	11,945.9	4,922.11	7,023.84
C					5		
A	SMITHTOWN	07/08	N/A	800 120 4 2	5,781.77	2,933.59	2,848.18
A	SMITHTOWN	07/08	N/A	800 94 1 47	9,298.51	4,588.03	4,710.48
A	SMITHTOWN	07/08	N/A	800 168 6 7	17,914.6	15,395.71	2,518.96
					7		

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1385-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 294-2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION**

**OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 782-2008)**

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

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

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

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

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

RESOLUTION NO.  
2008

CONTROL# 782-

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVE N	07/08	N/A	200 602 2 4	4766.35	1036.08	3730.27
A	BROOKHAVE N	07/08	N/A	200 725 2 46	14260.14	6741.15	7518.99
A	BROOKHAVE N	06/07	N/A	200 725 2 46	14108.29	6673.66	7434.63
A	BROOKHAVE N	07/08	N/A	200 53 5 25.1	12045.76	8276.23	3769.53
A	BROOKHAVE N	07/08	N/A	204 13 4 34	10905.15	5832.99	5072.16
A	BROOKHAVE N	07/08	N/A	204 13 4 31	5325.78	1268.07	4057.71
A	BROOKHAVE N	07/08	N/A	204 13 4 30	6340.23	1268.07	5072.16
A	BROOKHAVE N	07/08	N/A	204 13 4 29	4057.75	1014.41	3043.34
A	BROOKHAVE N	07/08	N/A	204 13 4 26	6086.57	1014.41	5072.16
A	BROOKHAVE N	07/08	N/A	204 13 4 25	8977.14	3397.78	5579.36
A	BROOKHAVE N	07/08	N/A	204 13 4 24	6086.57	1268.07	4818.50
A	BROOKHAVE N	07/08	N/A	204 13 4 23.3	5287.72	2536.08	2751.64
A	BROOKHAVE N	07/08	N/A	204 13 4 19	8876.31	6340.23	2536.08
A	EASTHAMPT ON	07/08	N/A	300 54 3 6	20209.78	17478.72	2731.06
A	HUNTINGTO N	07/08	N/A	400 33 3 19	10824.80	7044.36	3780.44
A	RIVERHEAD	07/08	N/A	600 20 3 4	13459.90	9327.70	4132.20
A	RIVERHEAD	07/08	N/A	600 100 2 19.7	25909.99	18241.18	7668.81
A	RIVERHEAD	07/08	N/A	600 111 1 15	13065.93	8583.63	4482.30

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0.**

Intro. Res. No. 1386-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 295 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 783-2008)**

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

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

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

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

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

RESOLUTION NO.  
2008

CONTROL# 783-

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

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	07/08	N/A	204 13 4 28	3804.15	1014.41	2789.74
A	BROOKHAVEN	07/08	N/A	200 156 2 13.23	14173.46	2520.88	11652.58
A	BROOKHAVEN	07/08	N/A	200 699 2 12.5	485140.78	307164.97	177975.81
A	BROOKHAVEN	07/08	N/A	200 699 2 2.7	40882.65	25892.38	14990.27
C	EAST HAMPTON	07/08	N/A	300 103 2 27	6149.88	1911.12	4238.76
A	ISLIP	07/08	N/A	500 478 3 65	14547.80	11919.71	2628.09
A	RIVERHEAD	07/08	N/A	600 131 3 31.1	12280.24	63.33	12216.91
A	RIVERHEAD	07/08	N/A	600 128 2 8	219001.71	1371.96	217629.75
A	SMITHTOWN	07/08	N/A	800 48 2 26	6826.19	2422.01	4404.18
A	SMITHTOWN	07/08	N/A	800 29.1 1 80	5428.59	2290.49	3138.10
B	SMITHTOWN	07/08	N/A	800 167 5 4	6373.01	0	6373.01

A	SMITHTOWN	07/0 8	N/A	800 74 4 20	8495.90	3281.18	5214.72
A	SMITHTOWN	07/0 8	N/A	800 32 5 17	4036.51	1220.54	2815.97
A	SMITHTOWN	07/0 8	N/A	800 11 6 3.2	12599.28	507.90	12091.38
A	SMITHTOWN	06/0 7	N/A	800 11 6 3.2	11910.82	478.42	11432.40
A	SOUTHAMPTON	06/0 7	N/A	905 16 2 5	17826.58	14178.51	3648.07
A	SOUTHAMPTON	06/0 7	N/A	900 84 1 11.1	28800.98	13324.31	15476.31
A	SOUTHOLD	07/0 8	N/A	1000 52 2 30	4368.66	1484.52	2884.14

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Viloria-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1387-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 296 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 784-2008)**

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

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

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

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

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

RESOLUTION NO.  
2008

CONTROL# 784-

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

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BABYLON	07/08	N/A	103 18 1 16.7	15568.19	6218.54	9349.65
C	BABYLON	07/08	N/A	100 133 1 55	8020.48	5497.31	2523.17
A	BABYLON	07/08	N/A	100 57 2 11.4	25562.38	23055.94	2506.44
A	BABYLON	07/08	N/A	103 19 4 14	6187.83	2606.11	3581.72
A	BABYLON	07/08	N/A	100 66 1 68	5072.90	1395.78	3677.12
A	BABYLON	07/08	N/A	100 106 1 12	10377.47	4238.95	6138.52

A	BABYLON	07/08	N/A	100 140 2 112	7098.69	3304.76	3793.93
A	BABYLON	07/08	N/A	100 14301 1 79	5966.62	3020.36	2946.26
A	BABYLON	07/08	N/A	100 179 2 21.1	7989.42	4631.94	3357.48
A	BABYLON	07/08	N/A	103 21 4 25	6342.26	3472.64	2869.62
A	BABYLON	07/08	N/A	103 13 4 74	15639.60	10786.63	4852.97
C	BROOKHAVEN	07/08	N/A	200 605 3 3.4	15707.61	8948.34	6759.27
A	HUNTINGTON	07/08	N/A	400 167 1 63	10310.03	4822.46	5487.57
A	ISLIP	07/08	N/A	500 291 2 38	6455.26	3763.07	2692.19
C	ISLIP	07/08	N/A	500 148 1 36	91242.00	83542.78	7699.22
C	SMITHTOWN	07/08	N/A	802 12 1 18.1	17664.74	3269.44	14395.30
A	SMITHTOWN	07/08	N/A	800 131 2 22	62148.41	45075.12	17073.29
A	SMITHTOWN	07/08	N/A	800 122 3 25	5966.71	2642.58	3324.13

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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

Intro. Res. No. 1388-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 297 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 785-2008)**

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

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

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

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

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

RESOLUTION NO.  
2008

CONTROL# 785-

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

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	07/08	N/A	204 6 1 14	36519.53	15977.31	20542.22
A	BROOKHAVEN	07/08	N/A	200 320 1 1.8	16729.77	10663.25	6066.52
A	BROOKHAVEN	07/08	N/A	200 308 2 57.1	91642.81	72828.72	18814.09
A	BROOKHAVEN	07/08	N/A	200 474 6 32.1	85883.81	67776.22	18107.59
A	BROOKHAVEN	07/08	N/A	200 800 2 26.2	45789.05	34259.94	11529.11
A	BROOKHAVEN	07/08	N/A	200 307 3 13.16	60348.29	47603.26	12745.03

A	BROOKHAVEN	07/08	N/A	200 731 1 24.1	467843.93	339640.72	128203.21
A	BROOKHAVEN	07/08	N/A	200 487 2 3.3	685757.44	443735.31	242022.13
A	BROOKHAVEN	07/08	N/A	200 835 1 7	58676.86	44355.87	14320.99
A	BROOKHAVEN	07/08	N/A	200 99 5 6.1	48622.73	35833.45	12789.28
A	BROOKHAVEN	07/08	N/A	200 517 2 2	23859.79	17122.89	6736.90
A	BROOKHAVEN	07/08	N/A	200 207 6 5	43449.12	30957.49	12491.63
A	BROOKHAVEN	07/08	N/A	200 279 1 2	53003.12	26703.87	26299.25
A	BROOKHAVEN	07/08	N/A	200 402 1 18.13	14409.80	5619.82	8789.98
A	BROOKHAVEN	07/08	N/A	200 98140 7 1	19105.87	8188.23	10917.64
A	BROOKHAVEN	07/08	N/A	200 689 3 18	14286.07	10025.32	4260.75
A	BROOKHAVEN	07/08	N/A	200 430 1 57.2	105861.18	61373.07	44488.11
A	BROOKHAVEN	07/08	N/A	200 182 3 1	371354.22	272425.99	98928.23

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1389-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 298 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 786-2008)**

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

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

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

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

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

RESOLUTION NO.  
2008

CONTROL# 786-

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

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	07/08	N/A	204 13 2 23.3	198067.86	135984.62	62083.24
A	BROOKHAVEN	07/08	N/A	204 13 2 19.3	14202.07	9763.91	4438.16
A	BROOKHAVEN	07/08	N/A	200 937 7 2.4	101121.68	72187.15	28934.53
A	BROOKHAVEN	07/08	N/A	200 97760 4 18	22872.41	12691.41	10181.00
A	BROOKHAVEN	07/08	N/A	200 99 2 6.3	74155.22	63164.11	10991.11
A	BROOKHAVEN	07/08	N/A	200 688 1 21	249818.43	150003.85	99814.58

A	BROOKHAVEN	07/08	N/A	200 867 2 9.2	46333.67	16571.10	29762.57
A	BROOKHAVEN	07/08	N/A	204 12 4 16.1	78872.10	60003.64	18868.46
A	BROOKHAVEN	07/08	N/A	200 490 1 2	75048.34	58177.00	16871.34
A	BROOKHAVEN	07/08	N/A	200 253 1 25.1	467612.08	306309.95	161302.13
A	BROOKHAVEN	07/08	N/A	200 688 1 2	33835.49	26567.10	7268.39
A	BROOKHAVEN	07/08	N/A	200 857 3 21	17896.86	8948.43	8948.43
A	BROOKHAVEN	07/08	N/A	201 3 2 14.1	16235.37	12293.43	3941.94
A	BROOKHAVEN	07/08	N/A	203 11 3 3	30818.21	26896.12	3923.09
A	BROOKHAVEN	07/08	N/A	203 15 2 21.1	22237.51	19442.31	2795.20
A	BROOKHAVEN	07/08	N/A	200 187 6 20.1	9128.05	1947.79	7180.26
C	SMITHTOWN	07/08	N/A	800 114 1 16.1	4593.77	438.15	4155.62
C	SOUTHOLD	07/08	N/A	1000 78 5 16	9228.34	6118.79	3109.55
C	SOUTHOLD	07/08	N/A	1000 3 2 11.1	18361.87	2548.18	15813.69

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1390-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 299 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 787-2008)**

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

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

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

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

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

RESOLUTION NO.  
2008

CONTROL# 787-

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

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	HUNTINGTON	07/08	N/A	400 40 6 22.4	19246.76	14670.02	4576.74
A	BROOKHAVEN	07/08	N/A	200 98270 3 16.5	27062.63	24551.57	2511.06
A	BROOKHAVEN	07/08	N/A	200 26 4 10.10	25454.15	21927.84	3617.31
A	BROOKHAVEN	07/08	N/A	208 5 2 5	15439.47	11853.51	3585.96
A	BROOKHAVEN	07/08	N/A	208 5 2 1	17898.67	14312.71	3585.96
A	BROOKHAVEN	07/08	N/A	208 4 4 7.21	18169.34	14737.00	3432.34

A	BROOKHAVEN	07/08	N/A	206 6 1 1.5	12429.07	8552.03	3877.04
A	BROOKHAVEN	07/08	N/A	206 5 6 9	13040.93	9780.71	3260.22
A	BROOKHAVEN	07/08	N/A	205 7 5 12	14953.07	11751.30	3201.77
A	BROOKHAVEN	07/08	N/A	200 509 5 2.28	14228.69	11333.76	2894.93
A	BROOKHAVEN	07/08	N/A	200 539 6 28	4248.34	518.04	3730.30
A	BROOKHAVEN	07/08	N/A	200 907 4 49	3979.35	1111.83	2867.52
A	BROOKHAVEN	07/08	N/A	200 849 1 3	6711.22	2358.23	4352.99
A	BROOKHAVEN	07/08	N/A	200 840 3 24	7004.45	3043.94	3960.51
A	BROOKHAVEN	07/08	N/A	200 469 3 27	5937.14	2227.24	3709.90
A	BROOKHAVEN	07/08	N/A	200 344 7 26	5570.57	1659.90	3910.67
A	BROOKHAVEN	07/08	N/A	200 285 6 29.1	4195.16	1396.18	2798.98
A	BROOKHAVEN	07/08	N/A	200 641 5 14	7158.83	3765.45	3393.38

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1391-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 300 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE (CONTROL # 788-2008)**

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

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

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

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

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

RESOLUTION NO.  
2008

CONTROL# 788-

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

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BABYLON	07/08	N/A	100 176 2 5	15439.28	10933.11	4506.17
A	BROOKHAVEN	07/08	N/A	200 316 9 5	7546.81	4229.02	3317.79
A	BROOKHAVEN	07/08	N/A	200 98320 7 48	4932.49	902.29	4030.20
C	BROOKHAVEN	07/08	N/A	200 98130 5 22	3862.63	818.85	3043.78
C	BROOKHAVEN	07/08	N/A	200 38 1 1	6051.26	1518.82	4532.44
A	BROOKHAVEN	07/08	N/A	200 593 2 5	45987.83	31335.22	14652.61

A	BROOKHAVEN	07/08	N/A	200 329 2 7.1	6226.38	818.45	5407.93
A	BROOKHAVEN	07/08	N/A	200 97750 3 13	20919.93	5494.95	15424.98
A	BROOKHAVEN	06/07	N/A	200 97750 3 13	19322.88	5075.47	14247.41
A	BROOKHAVEN	07/08	N/A	208 4 4 7.49	18154.85	15209.21	2945.64
A	BROOKHAVEN	06/07	N/A	200 597 2 4.3	15752.66	11391.01	4361.65
A	BROOKHAVEN	07/08	N/A	200 26 4 10.15	25711.04	22316.29	3394.29
A	BROOKHAVEN	07/08	N/A	200 97610 3 3.12	85550.08	49878.02	35672.06
A	BROOKHAVEN	07/08	N/A	200 97610 3 1.4	406364.34	234178.02	172186.32
C	BROOKHAVEN	06/07	N/A	200 558 2 13	6377.67	1307.57	5070.10
C	BROOKHAVEN	07/08	N/A	200 558 2 13	6632.02	1362.86	5269.16
A	BROOKHAVEN	07/08	N/A	200 610 2 17.14	8786.27	5743.78	3042.49
C	BROOKHAVEN	07/08	N/A	200 978 1 2.5	24974.10	16785.87	8188.23
A	HUNTINGTON	07/08	N/A	400 43 1 56.1	15296.80	11600.41	3696.39

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 22, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro Res. No. 1399-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 301 -2008, TO  
READJUST, COMPROMISE, AND GRANT  
REFUNDS AND CHARGEBACKS ON  
CORRECTION OR ERRORS/COUNTY  
TREASURER BY: COUNTY LEGISLATURE #297

**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

**1<sup>st</sup> 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>Chargeback or Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>
<u>Refund, if paid</u>			
<b>EAST HAMPTON:</b>			
0300-032.00-06.00-011.002	2007/08	\$26,933.92	\$0.00
\$26,933.92			
0300-032.00-06.00-010.000	2007/08	\$14,123.46	\$0.00
\$14,123.46			
<b>SOUTHAMPTON:</b>			
0904-021.00-01.00-003.000 (ITEM #600217.00)	2005/06	\$17,638.64	\$0.00
\$17,638.64			
<b>BABYLON:</b>			
0100-050.00-01.00-005.018	2005/06	\$85,600.41	\$0.00
\$85,600.41			

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 21, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1428-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 302 -2008, TO READJUST,  
COMPROMISE, AND GRANT REFUNDS AND**

**CHARGE-BACKS ON REAL PROPERTY CORRECTION  
OF ERRORS BY: COUNTY LEGISLATURE (CONTROL #  
790-2008)**

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

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

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

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

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

RESOLUTION NO.  
2008

CONTROL# 790-

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

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

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Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
C	BROOKHAVEN	07/08	N/A	204 13 2 25	58376.88	9729.48	48647.40
A	BROOKHAVEN	07/08	N/A	200 805 1 5.1	29912.40	15333.13	14579.27
A	BROOKHAVEN	07/08	N/A	200 805 1 7.8	26026.61	17774.26	8252.35
A	ISLIP	07/08	N/A	500 284 3 21	8710.82	3509.48	5201.34

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 21, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

**RESOLUTION NO. 303-2008, ACCEPTING AND APPROPRIATING AN AMENDMENT TO THE COLLEGE BUDGET FOR A GRANT AWARD FROM THE SUFFOLK COMMUNITY COLLEGE FOUNDATION, INC. FOR A RAYTHEON/GENERAL MOTORS SERVICE TECHNICAL COLLEGE TRAINING PROGRAM 100% REIMBURSED BY PRIVATE FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE**

**WHEREAS**, the Suffolk Community College Foundation, Inc. has accepted a grant award from Raytheon Professional Services L.L.C. for a 2008 calendar year Raytheon/General Motors Service Technical College Training Program, for the period of January 1, 2008 through December 31, 2008; and

**WHEREAS**, the Foundation has awarded the College the sum of \$188,600 for the period of January 1, 2008 through December 31, 2008, to reimburse the College for the salaries and fringe benefit costs of the faculty necessary to conduct the training program for said performance period; and

**WHEREAS**, the 2007-2008 College Operating Budget provides \$182,778 for the salary and associated fringe benefit costs of the faculty of the Raytheon/General Motors Service Technical College Training Program for the period of January 1, 2008 through December 31, 2008; and

**WHEREAS**, it is necessary to amend the 2007-2008 College budget to provide for an additional \$5,822, bringing the total amount of the award to \$188,600, for the period of January 1, 2008 through December 31, 2008; and

**WHEREAS**, the program will provide the required training needed to meet General Motors standards on a yearly basis; and

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

**WHEREAS**, the Board of Trustees of Suffolk County Community College accepted the grant award from the Suffolk Community College Foundation, Inc., in the amount of \$188,600, on April 17, 2008 by Resolution No. 2008.24; and

**WHEREAS**, the College anticipates spending the increase reflected in the grant award in the amount of \$5,822, in accordance with the terms of said grant before December 31, 2008; now, therefore be it

**1<sup>st</sup> RESOLVED**, that said grant award, in the amount of \$188,600, from the Suffolk Community College Foundation, Inc., for a Raytheon/General Motors Service Technical College Training Program be accepted; and be it further

2<sup>nd</sup> **RESOLVED**, that said 2007-2008 College Operating Budget be amended in the amount of \$5,822, and said amount be appropriated for the operation of the program as follows:

REVENUES:	AMOUNT
Private Aid: Raytheon/GM: 818-GRT-2497-08	\$ 5,822

APPROPRIATIONS:	AMOUNT
Raytheon/GM: 818-GRT-GA24-08	\$ 5,822

Suffolk County Community College  
Raytheon/General Motors Service Technical College Training Program  
818-GRT-GA24-08

1000-Personal Services	\$ 5,408
1100-Permanent Salaries	5,408

8000-Employee Benefits	\$ 414
8330-Social Security	414

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1314-2008  
Introduced by the Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 304-2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE CRAB CREEK – JUDITH C. AND HOWARD C. BRANDENSTEIN PROPERTY, TOWN OF SHELTER ISLAND**

**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 Crab Creek – Judith C. and Howard C.

Brandenstein Property, Town of Shelter Island", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 12.67 acres of land by Suffolk County for open space preservation purposes; and

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

**WHEREAS**, at its March 19, 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 March 19, 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 Crab Creek – Judith C. and Howard C. Brandenstein Property, Town of Shelter Island, 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 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1319-2008  
Introduced by the Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 305-2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED CONSTRUCTION OF AN AIRCRAFT HANGAR AT FRANCIS S. GABRESKI AIRPORT TO IMPLEMENT 365/24/7 MEDEVAC SERVICES, CP #5723, TOWN OF SOUTHAMPTON**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Construction of An Aircraft Hangar at Francis S. Gabreski Airport to Implement 365/24/7 Medevac Services, CP #5723, Town of Southampton", pursuant to Section 6 of Local Law No. 22-1985 which project involves construction of an aircraft hangar to implement 365/24/7 Medevac Services; and

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

**WHEREAS**, at its April 13, 2004, meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works in connection with this project; and

**WHEREAS**, the CEQ recommended that the above activity be considered 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 April 14, 2004, 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 Construction of an Aircraft Hangar at Francis S. Gabreski Airport to Implement 365/24/7 Medevac Services, CP #5723, Town of Southampton, constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7(c) of Title 6 NYCRR, which sets forth thresholds for determining significant adverse impacts on the environment;
- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter or 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 project is in conformance with the Central Pine Barrens Comprehensive Land Use Plan standards within the CGA;
- 5.) Any fuel storage tanks will be in conformance with Article 12 of the Suffolk County Sanitary Code; and
- 6.) The facility will be connected to the airport sewage treatment plant;

and be it further

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 20, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1350-2008  
Introduced by the Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 306-2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED TEMPORARY EAST END LITTLE LEAGUE FIELDS AT GABRESKI AIRPORT, TOWN OF SOUTHAMPTON**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Temporary East End Little League Fields at Gabreski Airport, Town of Southampton", pursuant to Section 6 of Local Law No. 22-1985 which project is in a grass area at the airport and involves installation of three (3) ball fields including temporary chain link fence back stops to be installed and removed at the end of the season; and

**WHEREAS**, at its April 16, 2008 meeting, the CEQ reviewed the information submitted by the Suffolk County Department of Planning in connection with this project; and

**WHEREAS**, the CEQ recommended that the above activity be considered a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(15) and Chapter 279 of the Suffolk County Code, since it involves a temporary use of land having negligible or no permanent impact on the environment; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated April 17, 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 Temporary East End Little League Fields at Gabreski Airport, Town of Southampton constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(15) and Chapter 279 of the Suffolk County Code, which project involves a

temporary use of land having negligible or no permanent impact on the environment; and be it further

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008  
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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Viloria-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1351-2008  
Introduced by the Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 307-2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED RECONSTRUCTION OF AND STORMWATER REMEDIATION TO CR 36, SOUTH COUNTRY ROAD, AT PATCHOGUE AND BELLPORT BAYS, TOWN OF BROOKHAVEN**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Reconstruction of and Stormwater Remediation to CR 36, South Country Road, at Patchogue and Bellport Bays, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves reconstruction of the roadway as well as installing structural stormwater treatment units and infiltration (leaching) basins at several locations that discharge highway stormwater runoff from County Road 36, South Country Road into Patchogue and Bellport Bays; and

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

**WHEREAS**, at its April 16, 2008 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

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

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated April 16, 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 Reconstruction of and Stormwater Remediation to CR 36, South Country Road, at Patchogue and Bellport Bays, Town of Brookhaven constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in 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 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 project is necessary to comply with the Suffolk County policy limiting direct discharge of stormwater runoff to surface water; and
- 4.) The action is in conformance with the Long Island South Shore Estuary Reserve Comprehensive Master Plan and the NYSDEC Stormwater Remediation Manual;

and be it further

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1352-2008  
Introduced by the Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 308 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE LAKE RONKONKOMA COUNTY PARK ADDITION – CASAGA BUILDERS, AS CONTRACT VENDEE OF THE STRUM STREET, CORP. PROPERTY, TOWN OF SMITHTOWN**

**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 Lake Ronkonkoma County Park Addition – Casaga Builders, as Contract Vendee of the Strum Street, Corp. Property, Town of Smithtown", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 0.36 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 April 16, 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 April 16, 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 Lake Ronkonkoma County Park Addition – Casaga Builders, as Contract Vendee of the Strum Street, Corp. Property, Town of Smithtown constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The proposed use of the subject parcel 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1353-2008  
Introduced by the Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 309 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE NISSEQUOGUE RIVER ADDITION – DECARMINE PROPERTY, TOWN OF SMITHTOWN**

**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 Nissequogue River Addition – Decarmine Property, Town of Smithtown", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 4.92 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 April 16, 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 April 16, 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 Nissequogue River Addition – Decarmine Property, Town of Smithtown constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The proposed use of the subject parcel 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1354-2008  
Introduced by the Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 310-2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE LECKY AND RANDALL PROPERTY IN THE VILLAGE OF HEAD OF THE HARBOR, TOWN OF SMITHTOWN**

**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 Lecky and Randall Property in the Village of Head of the Harbor, Town of Smithtown", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 2.2 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 April 16, 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 April 16, 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 Lecky and Randall Property in the Village of Head of the Harbor, Town of Smithtown constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The proposed use of the subject parcel 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0.**

Intro. Res. No. 1355-2008  
Introduced by the Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 311 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE LECKY, RANDALL AND LEIGHTON PROPERTY IN THE VILLAGE OF HEAD OF THE HARBOR, TOWN OF SMITHTOWN**

**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 Lecky, Randall and Leighton Property in the Village of Head of the Harbor, Town of Smithtown", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 12.25 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 April 16, 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 April 16, 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 Lecky, Randall and Leighton Property in the Village of Head of the Harbor, 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:

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

and be it further

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1356-2008  
Introduced by the Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 312 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACCEPTANCE OF A DONATION OF PROPERTY TO SUFFOLK COUNTY PARKS TO SATISFY A SCDHS TRANSFER OF DEVELOPMENT RIGHTS REQUIREMENTS (FILE # C02-05-0059), TOWN OF BROOKHAVEN**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acceptance of a Donation of Property to Suffolk County Parks to Satisfy a SCDHS Transfer of Development Rights Requirements (File # C02-05-0059), Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acceptance of a donation of 0.14 acres of land to Suffolk County Parks to satisfy a SCDHS transfer of development rights requirements (File # C02-05-0059); 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 April 16, 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 April 16, 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 Acceptance of a Donation of Property to Suffolk County Parks to Satisfy a SCDHS Transfer of Development Rights Requirements (File # C02-05-0059), Town of Brookhaven constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in 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 property will be open space under the jurisdiction of the Suffolk County Department of Parks, Recreation and Conservation; and
- 3.) The site will only be used for passive recreational purposes;

and be it further

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1368-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 313 -2008, ACCEPTING AND APPROPRIATING 100% ADDITIONAL FEDERAL GRANT FUNDS PASSED THROUGH THE NEW YORK STATE DEPARTMENT OF HEALTH TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE FAMILY PLANNING PROGRAM**

**WHEREAS**, the New York State Department of Health Services has awarded 100% additional Federal grant funds to the Department of Health Services, Division of Patient Care Services for the Family Planning Program in the amount of \$1,496,322 for the period 01/01/08-12/31/08; and

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

**WHEREAS**, this 100% additional Federal Aid in the amount of \$131,310 needs to be appropriated for the existing Family Planning Program administered by Suffolk County Division of Patient Care Services; and

**WHEREAS**, these additional funds were not included in the 2008 Suffolk County Operating Budget; and

**WHEREAS**, these additional funds are 100% Federal funded; now, therefore be it

1<sup>st</sup> **RESOLVED**, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$131,310 in additional grant funds as follows:

REVENUES:

Amount  
001-4435 Family & Health Planning Services  
\$131,310

APPROPRIATIONS:

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

<u>Equipment</u>	<u>\$22,560</u>
2010 Furniture	\$2,537
2020 Office Machines	\$13,413
2080 Medical, Dental, Lab Equip	\$5,310
2440 Instructional Equipment	\$1,300
<u>Supplies, Materials &amp; Other</u>	<u>\$103,372</u>
3010 Office Supplies	\$1,554
3070 Memberships and Subscriptions	\$607
3100 Instructional Supplies	\$39,352
3160 Computer Software	\$9,793
3370 Medical, Dental & Laboratory Supplies	\$52,066
<u>Travel</u>	<u>\$5,378</u>
4330 Travel: Employee Contracts	\$158
4340 Travel: Other	\$2,100
4360 Employee Training Travel	\$3,120

and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1414-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 314 –2008, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS PASSED THROUGH LONG ISLAND’S UNITED WAY TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE RYAN WHITE PART A, MINORITY AIDS INITIATIVE**

**WHEREAS**, 100% Federal grant funds being passed through Long Island United Way to the Department of Health Services, Division of Patient Care Services for the Ryan White Part A, Minority AIDS Initiative grant in the amount of \$49,037 for the period 08/01/07-07/31/08; and

**WHEREAS**, these grant funds provide medical case management services to HIV positive individuals; and

**WHEREAS**, a portion of these funds, \$43,162, has already been included in the 2008 Adopted Operating Budget through a contractual agreement with Southside Hospital; and

**WHEREAS**, \$5,875 is not included in the 2008 Adopted Operating Budget and needs to be appropriated; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$5,875 in grant funds as follows:

REVENUES:

<u>AMOUNT</u>	
001-4401 Public Health	\$5,875

APPROPRIATIONS

Department of Health Services (HSV)  
Division of Patient Care Services  
Ryan White Part A, Minority AIDS Initiative  
001-HSV-4110

<u>Supplies, Materials &amp; Other</u>	<u>\$5,875</u>
3500 Other: Unclassified	\$5,875

and be it further

**2<sup>nd</sup> RESOLVED**, that the funding and the expenditures that may be incurred run concurrent to the budget period as specified in the award letter; and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro Res. No. 1381 - 2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 315 -2008, ACCEPTING AND APPROPRIATING SUPPLEMENTAL DISLOCATED WORKER FUNDS FROM THE NEW YORK STATE DEPARTMENT OF LABOR FOR THE WORKFORCE INVESTMENT ACT (WIA) PROGRAM

WHEREAS, the New York State Department of Labor has awarded additional funds for the Workforce Investment Act (WIA) Program to the Suffolk County Department of Labor in the amount of \$748,287; and

WHEREAS, the additional funds were awarded in the "Supplemental Dislocated Worker" category to integrate employment and training services into a comprehensive workforce delivery system for impacted workers; and

WHEREAS, these additional funds have not been included in the 2008 Adopted Operating Budget; and

WHEREAS, it is in the best interest of the County to accept this 100% funded grant; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County Comptroller and the County Treasurer be and they are hereby authorized to accept and appropriate the following funds:

<b><u>REVENUES:</u></b>	<b><u>AMOUNT</u></b>
320-4790 Federal Aid	\$748,287

**ORGANIZATIONS:**

\$748,287

Department of Labor (LAB)  
Workforce Investment Act  
320-6300

**4000-CONTRACTUAL EXPENSES**

**748,287**

4980-Contracted Agencies

748,287

**and be it further**

2<sup>nd</sup> RESOLVED, that the Reporting Category for the Integrated Financial Management System (IFMS) is 6300.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Viloria-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1421-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 316 -2008, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO THE SUFFOLK COUNTY PROBATION DEPARTMENT AND THE SHERIFF'S OFFICE**

**WHEREAS**, Suffolk County has received Federal Edward Byrne Memorial Justice Assistance Grant funds in the amount of \$302,711 from the U.S. Department of Justice; and

**WHEREAS**, the Probation Department has requested \$120,052 to provide prevention and intervention strategies through a collaborative approach between Suffolk County Probation, the CJCC, and S.T.R.O.N.G. Youth, Inc. The program participants will go through a series of workshops and training seminars addressing decision making, violence prevention, leadership development, the importance of education, job skills, interviewing skills, and other related topics; and

**WHEREAS**, the Probation Department has requested \$70,059 to enhance the current services for the Farmingville Dual Recovery Program by providing short term case management services, transportation stipends, and employment information and resources; and

**WHEREAS**, the Sheriff's Office has requested \$69,300 of said grant funding to enhance the capabilities of the Dive Team with a 21foot fiberglass boat, motor, and trailer. The Marine Unit/Dive Team is an integral part of the group of multi-jurisdictional law enforcement agencies [and the only police agency] that regularly patrols the waters of the East End Towns. This loose task force works to address crime and safety on the water. This craft would enable the Dive Team to quickly deploy at incidents occurring close to shore. The smaller vessel would be able to work in tandem with the present 27 foot rescue/patrol craft to conduct grid method searches and other operations; and

**WHEREAS**, the Sheriff's Office has requested \$43,300 of said grant funding to enhance the life skills building programs available to inmates in an effort for aid in their successful reentry into the community. The Sheriff's Office, in collaboration with the Eastern Suffolk BOCES Jail Education Program, Suffolk County Economic Opportunity Council, Departments of Labor, Health, and Social Services, Cornell University Cooperative Extension, and local employers and labor unions, will add to existing vocational education, job skills, anger management, substance abuse rehabilitation and literacy services within the correctional facilities; and

**WHEREAS**, the grant award period is October 1, 2007 through September 30, 2011; and

**WHEREAS**, on, June 25, 2007 the County's Criminal Justice Coordinating Council provided the required public notice on all funding requests under said grant and after such notice it was the recommendation of the Council to approve all such funding requests; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County Executive is authorized to execute any Agreement with the U.S. Department of Justice, as necessary, to secure said grant funds; and be it further

**2<sup>nd</sup>** **RESOLVED**, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue the employment of individuals filling the positions created by this resolution at the conclusion of the grant funding provided for such position created by said grant; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate said unbudgeted grant funds in the amount of \$302,711 as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
001-4320-Federal Aid: Crime Control	\$302,711

APPROPRIATIONS:

Suffolk County Probation Department  
Criminal Justice Coordinating Council

001-PRO-4980

<u>3000-Supplies, Materials, Other</u>	<u>\$ 20,397</u>
3500-Other Unclassified Supplies	\$ 20,397
<u>4000-Contractual Expenses</u>	<u>\$169,714</u>
4980-Contracted Agencies	\$120,052
4560-Fees for Services: Non-Employee	\$ 49,662

Suffolk County Sheriff's Office  
Jail Reentry Program  
001-SHF-3159

<u>2000-Equipment</u>	<u>\$ 18,000</u>
2060-Garage, Shop, Building Equipment	\$ 18,000
<u>3000-Supplies, Materials, Other</u>	<u>\$ 5,500</u>
3500-Other Unclassified Supplies	\$ 5,500
<u>4000-Contractual Expenses</u>	<u>\$ 19,800</u>
4980-Contracted Agencies	\$ 19,800

Suffolk County Sheriff's Office  
Law Enforcement Diver Program  
001-SHF-3159

<u>2000-Equipment</u>	<u>\$ 64,300</u>
2130-Boats and Marine	\$ 64,300
<u>4000-Travel</u>	<u>\$ 5,000</u>
4360-Employee Training Travel	\$ 5,000

and be it further

**4<sup>th</sup>** **RESOLVED**, that the County Executive be and hereby is authorized to execute related agreements.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

*Intro. Res. No. 1429-2008*

*Laid on Table 4/29/2008*

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 317 -2008, ACCEPTING  
AND APPROPRIATING 100% ADDITIONAL  
FEDERAL PASS-THROUGH GRANT FUNDS  
FROM THE NYS DIVISION OF CRIMINAL  
JUSTICE SERVICES TO THE SUFFOLK  
COUNTY POLICE DEPARTMENT FOR THE  
S.T.O.P. VIOLENCE AGAINST WOMEN  
PROGRAM**

**WHEREAS**, the New York State Division of Criminal Justice Services has awarded to Suffolk County \$120,000 of Federal funds under the S.T.O.P. Violence Against Women Formula Grant Program for the period 8/1/07 – 7/31/08; and

**WHEREAS**, the funds will allow the continuation of existing services and will enhance the collaborative project between Suffolk County and community based organizations, addressing sexual assault and domestic violence against women through a coordinated effort; and

**WHEREAS**, the S.T.O.P. Violence Against Women Program will utilize these Federal funds to continue specialized units in the Police and in the Probation Departments and to provide victim services through contracts with the Victims Information Bureau of Suffolk County, Retreat, and the Suffolk County Coalition Against Domestic Violence; and

**WHEREAS**, this program plan includes \$10,000.00 in funding for the Suffolk County Police Department to purchase additional panic alarm kits that can be installed in the homes of victims of domestic violence and sexual assault; and

**WHEREAS**, \$10,000 of the \$120,000 has not been included in the 2008 Operating Budget to implement this initiative; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds as follows:

**REVENUES:**

**AMOUNT**

001-4320-Federal Aid: Criminal Justice Programs  
\$10,000

**ORGANIZATIONS:**

Suffolk County Police Department (POL)  
STOP Violence Against Women

2000 Equipment  
\$10,000

2090-Radio & Communication  
10,000

and be it further

**2<sup>nd</sup> RESOLVED**, that the County Executive be and hereby is authorized to execute related agreements; and be it further

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1426-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 318 -2008, ACCEPTING AND APPROPRIATING A FEDERAL GRANT IN THE AMOUNT OF \$7,000.00 FROM THE U.S. DEPARTMENT OF LABOR, VETERANS' EMPLOYMENT AND TRAINING SERVICE IN SUPPORT OF THE SUFFOLK COUNTY VETERANS SERVICE AGENCY'S VETERANS STAND DOWN**

**WHEREAS**, the U.S. Department Of Labor Veterans' Employment And Training Service has awarded \$7,000.00 in federal funds to the Suffolk County Veterans Service Agency to provide enhanced employment and training opportunities and/or to promote self-sustainment for homeless veterans; and

**WHEREAS**, these funds will be used in support of the Suffolk County Veterans Service Agency's Veterans Stand Down to be held on April 11, 2008; and

**WHEREAS**, the agreement period of this program will be April 11, 2008 through April 12, 2008; and

**WHEREAS**, said grant funds totaling \$ 7,000.00 have not been included in the 2008 Suffolk County Operating Budget; now, therefore be it



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

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

**Resolution No. 103-2008**

In the 2nd RESOLVED paragraph change the Project No.:

**FROM:**

525-CAP-3013.511

**TO:**

525-CAP-3013.510

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1321-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 320 –2008, AUTHORIZING  
CERTAIN TECHNICAL CORRECTION TO ADOPTED  
RESOLUTION NO. 105-2008**

**WHEREAS**, the County Legislature has adopted and the County Executive has signed Resolution No. 105-2008; and

**WHEREAS**, this resolution when adopted contained a technical errors;  
and

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

**1<sup>st</sup> RESOLVED**, that the Clerk of the Legislature shall make the following technical corrections:

**Resolution No. 105-2008**

In the 3<sup>rd</sup> RESOLVED paragraph change the Project No.:

**FROM:**

525-CAP-3014.512

**TO:**

525-CAP-3014.513

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1322-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 321 -2008, AUTHORIZING  
CERTAIN TECHNICAL CORRECTION TO ADOPTED  
RESOLUTION NO. 606-2006**

**WHEREAS**, the County Legislature has adopted and the County Executive has signed Resolution No. 606-2006; and

**WHEREAS**, this resolution when adopted contained a technical errors;  
and

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

**1<sup>st</sup> RESOLVED**, that the Clerk of the Legislature shall make the following technical correction:

**Resolution No. 606-2006**

In the 4<sup>th</sup> RESOLVED paragraph change the Project Number

**FROM:**

525-CAP-5168.111

**TO:**

525-CAP-5168.113

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by Legislator Viloria-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1329-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 322 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT MARY DEBORAH LO CURTO a/k/a MARY DEBORAH LOCURTO (SCTM NO. 0900-148.00-01.00-016.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0900, Section 148.00, Block 01.00, Lot 016.000, and acquired by tax deed on May 1, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 3, 2007, in Liber 12503, at Page 808, and otherwise known as and by Town of Southampton, Suffolk County Tax Map Number: 0900-148.00-01.00-016.000; 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 May 1, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 3, 2007 in Liber 12503 at Page 808.

**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**, MARY DEBORAH LO CURTO a/k/a MARY DEBORAH LOCURTO has made application of said above described parcel and MARY DEBORAH LO CURTO a/k/a MARY DEBORAH LOCURTO has paid the application fee and \$21,875.06, 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

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to MARY DEBORAH LO CURTO a/k/a MARY DEBORAH LOCURTO, 61 Maple Avenue, Apt. 2A, Hastings on Hudson, New York 10706, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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

Intro. Res. No. 1330-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 323 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT JOSE L. AMAYA (SCTM NO. 0100-083.00-02.00-052.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 083.00, Block 02.00, Lot 052.000, and acquired by tax deed on July 3, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 12, 2007, in Liber 12513, at Page 391, and otherwise known as and by Town of Babylon, Lot Nos. 63 & 64, Block 41, Map of Colonial Springs Filed: March 16, 1926 Map No: 223; 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 3, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 12, 2007 in Liber 12513 at Page 391.

**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**, JOSE L. AMAYA has made application of said above described parcel and JOSE L. AMAYA, Fifth Avenue Abstract Inc. for Jose L. Amaya, has paid the application fee and \$1,355.90, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2007; now, therefore be it

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to JOSE L. AMAYA, 34 Spruce Street, Wyandanch, New York 11798, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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

Intro. Res. No. 1332-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 324 -2008, AUTHORIZING THE  
SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL  
PROPERTY ACQUIRED UNDER SECTION 46 OF THE  
SUFFOLK COUNTY TAX ACT KARALYN KARCHER  
(SCTM NO. 0200-441.00-03.00-015.000)**

**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 441.00, Block 03.00,  
Lot 015.000, 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 and designated as Lot Nos. 43, 45, 47  
in Block 9 on a certain map entitled, "Map of Ronkonkoma Park", and filed in the Suffolk  
County Clerk's Office on May 14, 1908, as Map No. 357; 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**, KARALYN KARCHER has made application of said above  
described parcel and KARALYN KARCHER has paid the application fee and \$725.61,  
as payment of taxes, penalties, interest, recording fees, and any other charges due the  
County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008;  
now, therefore be it

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to KARALYN KARCHER, 71 Coates Avenue North, Holbrook, New York 11741, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-1-0-0-0. Legislator Alden voted no.**

Intro. Res. No. 1267-2008

Laid on the Table 3/18/2008

Introduced by Presiding Officer, on request of County Executive

**RESOLUTION NO. 327 -2008, APPROPRIATING FUNDS IN CONNECTION WITH THE REPLACEMENT OF PUBLIC WORKS FLEET MAINTENANCE EQUIPMENT (CP 1769)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the Replacement of Public Works Fleet Maintenance 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

**1<sup>st</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (25) (C) (2), (11), (20), (21), (25) 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

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of twenty-three (23) 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

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

**4<sup>th</sup>** **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-1769.513 (Fund 016-Debt Service)	50	Replacement of Public Works Fleet Maintenance Equipment	\$100,000

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-1-0-0-0. Legislator Alden voted no.**

Intro. Res. No. 1267A-2008

**BOND RESOLUTION NO. 328 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK,  
NEW YORK, AUTHORIZING THE ISSUANCE OF  
\$100,000 BONDS TO FINANCE A PART OF THE COST  
OF THE REPLACEMENT OF PUBLIC WORKS FLEET  
MAINTENANCE EQUIPMENT (CP 1769.513)**

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 a part of the cost of the replacement of Public Works fleet maintenance 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 \$175,000. The plan of financing includes (a) the issuance of \$75,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 1527-2006, (b) the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to this resolution, and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

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

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

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

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

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

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

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

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Montano made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1310-2008

Laid on Table 3/18/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 329 -2008, ADOPTING LOCAL  
LAW NO. 14 -2008, A LOCAL LAW TO REQUIRE CASH  
DEPOSITS TO BE MADE IN ACCOUNTS  
AT AUTHORIZED BANKS OR TRUST COMPANIES**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2008, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE CASH DEPOSITS TO BE MADE IN ACCOUNTS AT AUTHORIZED BANKS OR TRUST COMPANIES;**" 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. 14 -2008, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REQUIRE CASH DEPOSITS TO BE MADE IN  
ACCOUNTS AT AUTHORIZED BANKS OR TRUST COMPANIES**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds that the Suffolk County Comptroller recently issued a report on his examination of Suffolk County Departmental Bank Accounts as of December 31, 2003 where he indicated that the requirement that County Departments maintain petty cash checking accounts with the Suffolk County Federal Credit Union may not be permissible under State Law.

This Legislature hereby finds and determines that New York State Law requires that all municipal fund deposits be made to a bank or trust company, and that municipal deposits at credit unions are not authorized.

This Legislature also finds that bank or trust company depositories for Suffolk County funds are authorized by resolution of the Suffolk County Legislature.

This Legislature further finds that certain language currently contained in the definition section of Section A15-8 of the SUFFOLK COUNTY ADMINISTRATIVE CODE does not clearly set forth that Suffolk County is only authorized to deposit funds in a bank or trust company.

Therefore, the purpose of this law is clarify the SUFFOLK COUNTY ADMINISTRATIVE CODE to require that County cash deposits be made only in authorized banks or trust companies.

**Section 2. Amendment.**

Article XV of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

ARTICLE XV  
**Department of Finance and Taxation**

\*\*\*\*

**§ A15-8. Deposit of Department proceeds.**

Section 2. Definitions.

[DEPOSITARY] DEPOSITORY – A bank or [,] trust company [, private banker or banking institution] that accepts deposits, grants loans or engages in the extension of credit.

\*\*\*\*

- A. The head of each department or agency of the County of Suffolk, or his or her designee, shall deposit into depository interest-bearing savings or checking accounts accruing interest at current market rates all proceeds received by such departments, except as otherwise required by law, and except the special services (budget sub-object 477) account of the District Attorney's Office and the County Police Department, in a countywide system of interest-bearing depository [bank] accounts to be established in the name of the County Department of Finance and Taxation, or any successor department thereto, said deposit to be made either on the day of receipt of such proceeds or no later than 24 hours after receipt of such proceeds. Said deposit shall be remitted to the County Department of Finance and Taxation, or any successor department thereto, no later than 30 days after receipt of same by any such department or agency. The unified countywide system of interest-bearing depository [bank] accounts (Super Account with subcomponents) shall be established and fully implemented no later than July 1, 1997.

\*\*\*\*

- F. The County Department of Finance and Taxation, or any successor department thereto, shall immediately contact all county departments which regularly maintain depository [bank] balances in excess of \$100,000 and inform them that:
- (1) Any deposits in excess of said amount are required to be secured by a pledge of collateral, letter of credit or surety bond; and
  - (2) They are now required to have written security agreements and custodial agreements with the bank or trust company pledging such collateral.

\*\*\*\*

**Section 3. Applicability.**

This law shall apply to all actions taken immediately upon filing of this law in the Office of the Secretary of State.

**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 effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environment 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/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 denotes deletion of existing language

\_\_\_ Underlining denotes addition of new language

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

After a public hearing duly held on May 27, 2008  
Filed with the Secretary of State on June 23, 2008

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

Intro. Res. No. 1323-2008  
Introduced by Presiding Officer

Laid on Table 4/29/2008

**RESOLUTION NO. 330 –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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 15-1-1-0-0. Legislator Alden voted no. Legislator Barraga abstained.**

Intro. Res. No. 1401-2008  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 4/29/2008

**RESOLUTION NO. 331 -2008, AMENDING THE  
2008 OPERATING BUDGET AND APPROPRIATING  
FUNDS IN CONNECTION WITH BONDING  
SETTLEMENTS FOR GENERAL LIABILITY CASE**

**WHEREAS**, a General Liability case was approved for settlement by the Ways and Means Committee for a total amount of \$1,475,000; and

**WHEREAS**, the Order Approving Settlement Pursuant to General Municipal Law Section 6-n, is expected to be signed by June 17, 2008 providing for payment in 90 days; and

**WHEREAS**, the Ordered Settlement is a mandated expense that must be paid by the County; and

**WHEREAS**, sufficient funds for this General Liability settlement are not available in the 2008 Operating Budget; and

**WHEREAS**, the County Legislature, by Resolution of even date herewith, has authorized the issuance of \$1,475,000 in Suffolk County Serial Bonds to cover the cost of said settlements; now, therefore be it

**1<sup>st</sup> RESOLVED**, that this settlement in the amount of \$1,475,000 be bonded and paid under the authority of the Division of Risk Management, County Department of Civil Service, in conjunction with the County Department of Audit and Control and the County Executive's Budget Office; and be it further

**2<sup>nd</sup> RESOLVED**, that the proceeds of One Million Four Hundred Seventy-Five Thousand (\$1,475,000) Dollars in Suffolk County Serial Bonds be and are hereby appropriated as follows:

<u>REVENUES:</u>	<u>Amount</u>
038-2780 Proceeds: Debt	\$1,475,000
Miscellaneous General Liability Insurance 038-MS-1914	
8505 – Settlements	\$1,475,000

DATED: May 13, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Legislator Barraga made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1250-2008

Laid on Table 3/18/2008

Introduced by Legislators Barraga, Vilorio-Fisher, Kennedy, Romaine, Lindsay, Browning, Nowick

**RESOLUTION NO. 332 -2008, ADOPTING LOCAL LAW NO. 15 -2008, A LOCAL LAW REQUIRING PLACEMENT OF CONSUMER DEPOSITS IN ESCROW**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 18, 2008, a proposed local law entitled, "**A LOCAL LAW REQUIRING PLACEMENT OF CONSUMER DEPOSITS IN ESCROW**;" now, therefore be it

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

**LOCAL LAW NO. 15 -2008, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW REQUIRING PLACEMENT OF CONSUMER DEPOSITS IN ESCROW**

**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 consumers purchasing home furnishings are often required to leave a substantial deposit with the seller pending delivery of the purchased items.

This Legislature further finds that consumers sometimes lose their deposit when the home furnishings business they have dealt with goes out of business, becomes insolvent or simply disappears.

This Legislature also determines it is necessary to enact stronger measures to protect consumers and prevent the loss of deposits to unscrupulous retailers.

This Legislature also finds and determines that requiring retailers of home furnishings to hold down payments/deposits in escrow pending delivery of the purchased items will serve to protect the interests of Suffolk County consumers.

Therefore, the purpose of this law is to require the sellers of home furnishings to hold deposits in escrow pending the delivery of the ordered items to the affected consumer.

**Section 2. Amendments.**

Chapter 345, Article IX of the SUFFOLK COUNTY CODE, is hereby amended as follows:

**Article IX, Home Furnishings.**

\* \* \* \*

**§ 345-101. Definitions.**

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

CARPETS -- All carpets (fiber, sheet vinyl and linoleum), wall-to-wall and the like, which require installation and area rugs/carpets which are custom-made to order. It shall not be intended to mean pre-made area rugs/carpets that are delivered from available stock.

CONSUMER - a natural person who is solicited to purchase or who purchases home furnishings.

DIRECTOR -- The Director of the Office of Consumer Affairs.

FURNITURE -- Chairs, tables, cabinets (excluding kitchen cabinets), desks, sofas, bedding, chests and other articles of personal property similarly used to furnish a home. The term does not include lamps and lighting fixtures.

HOME FURNISHINGS -- Furniture and carpets.

OFFICE -- The Suffolk County Executive's Office of Consumer Affairs.

SELLER -- Any person, partnership, corporation or association engaged in the selling of home furnishings.

\* \* \* \*

**§345-107. Escrow Requirement**

- A.) All monies paid by a consumer to a seller as a deposit for the purchase of home furnishings, shall continue to be the money of the person making such deposit, and shall be a trust fund in the possession of the seller and shall be deposited by the seller within five (5) business days thereafter by the recipient in an escrow account in a bank, trust company, savings bank or state or federal savings and loan association. The seller shall notify the consumer, in writing, of the name and address of the bank, trust company, savings bank or state or federal savings and loan association within ten (10) business days and the amount deposited.
  
- B.) All monies so deposited shall not be mingled with other funds or become an asset of the seller, excepting, however, that such trust funds may be deposited with other funds that have been paid to the seller as a deposit for the purchase of home furnishings.

C.) All monies shall be held in trust until they are repaid to the consumer or until they are fully applied to the purchase price at the time the subject home furnishings are delivered to the consumer.

**§ 345-10[7]8. Penalties for offenses; suspension or revocation of licenses.**

\* \* \* \*

**§ 345-10[8]9. Prohibited acts.**

The following acts shall be prohibited:

\* \* \* \*

G.) Failing to place a consumer's deposit in escrow as required by this Article.

**§ 345-1[09]10. Powers and duties of Director.**

\* \* \* \*

**§ 345-11[0]1. Advisory Board.**

\* \* \* \*

**§ 345-11[1]2. Penalties for unlicensed operation.**

\* \* \* \*

**§ 345-11[2]3. Injunctive relief.**

\* \* \* \*

**§ 345-11[3]4. Review of administrative determinations.**

\* \* \* \*

**Section 3. Recovery of Damages by Injured Party.**

Any individual injured in whole or in part as a result of a violation of any of the provisions of this law may bring an action for recovery of damages in an amount not to exceed three times the actual damages, or \$500, whichever is greater, plus reasonable attorney's fees, provided that the remedy shall be in addition to and shall not remove or diminish any action that an individual may have under common law or any local, state, or federal law or regulation.

**Section 4. Applicability.**

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

**Section 5. Severability.**

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

**Section 6. SEQRA Determination.**

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

**Section 7. Effective Date.**

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

After a public hearing duly held on May 27, 2008  
Filed with the Secretary of State on June 23, 2008

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**Legislator Beedenbender made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 12-3-2-0-0.**

**Legislators Vilorio-Fisher, Barraga and Cooper voted no. Legislators Browning and Montano abstained.**

Intro. Res. No. 1105-2008

Laid on Table 2/5/2008

Introduced by Legislators Beedenbender and Eddington

**RESOLUTION NO. 333 -2008, ADOPTING LOCAL LAW NO. 16 -2008, A LOCAL LAW TO PROMOTE FAIR BUSINESS PRACTICES BY STRENGTHENING REQUIREMENTS FOR OCCUPATIONAL LICENSES**

**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 PROMOTE FAIR BUSINESS PRACTICES BY STRENGTHENING REQUIREMENTS FOR OCCUPATIONAL LICENSES**"; now, therefore, be it

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

**LOCAL LAW NO. 16 -2008, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO PROMOTE FAIR BUSINESS PRACTICES BY STRENGTHENING REQUIREMENTS FOR OCCUPATIONAL LICENSES**

**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 federal law requires businesses to verify that their employees are legally eligible to be employed in the United States. However, this law (known popularly as the "Simpson-Mazzoli" law) has never been effectively enforced and many employers continue to ignore its requirements.

This Legislature further finds that some employers also fail to pay taxes (Social Security, Medicare, unemployment taxes) that are designed to provide a financial safety net for their employees.

This Legislature also finds and determines that employers who fail to comply with applicable federal, state and local laws gain an unfair financial advantage over employers who play by the rules and who necessarily incur additional costs when they properly hire employees, obtain insurance and pay taxes.

This Legislature also finds that the County of Suffolk adopted Local Law No. 52-2006 to require companies doing business with the County to certify their compliance with federal law with respect to the lawful hiring of employees.

This Legislature further finds that the County of Suffolk, through its Office of Consumer Affairs, presently licenses and regulates a number of occupations to

ensure that the County's residents and consumers are served by reputable businesses and protected from unscrupulous operators.

This Legislature also determines that the County's licensees should comply with all applicable laws and regulations including those relating to the proper hiring of employees and payment of payroll taxes.

This Legislature further determines that there exists a Compliance Unit within the Suffolk County Department of Labor that currently investigates similar violations.

Therefore, the purpose of this law is to provide a means of supplementing enforcement of federal and state laws, by providing an enforcement mechanism at the County level against non-compliant occupational license holders in order to ensure that all applicants for occupational licenses affirm that their employees are legally eligible to be employed in the United States and that all necessary payroll taxes are being paid.

**Section 2. Amendments.**

I. Chapter 275 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 275, Electricians and Plumbers**

\* \* \* \*

**§ 275-3. Application procedure; qualifications; examinations.**

\* \* \* \*

B. Qualifications of applicant.

\* \* \* \*

(4) All applications shall include a representation by the applicant that they are in compliance with Title 8 U.S.C. Section 1324a, with respect to the hiring of employees. If such representation is not made, a license will not be issued. An applicant shall be obligated to continue to comply with the requirements of Title 8 U.S.C. Section 1324a, during the term of their license and their failure to so comply, as determined by the Director after an investigation by the Suffolk County Department of Labor or based upon a finding of a federal court, agency or administrative law judge under the procedures set forth in Title 8 U.S.C. §1324a, shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of an application for the renewal of a license, in accordance with the applicable provisions of this Chapter. Any determination made hereunder by the County of Suffolk shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

(5) All applications shall include a representation by the applicant that they are making all required payroll tax payments for their

employees including Social Security taxes, Medicare taxes, and state and federal unemployment taxes. If such representation is not made, a license will not be issued. The applicant's failure to make required payroll tax payments during the term of their license, as determined by the Director after an investigation by the Suffolk County Department of Labor or based upon a finding of a federal or state court, administrative law judge, hearing officer, agency of competent jurisdiction, shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of an application for the renewal of a license, in accordance with the applicable provisions of this Chapter. Any determination made hereunder by the County of Suffolk shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

\* \* \* \*

**§ 275-15. Fines; suspension or revocation of licenses.**

The Director shall have the power to impose a fine not to exceed \$750 for a first violation and \$1,500 for any subsequent violation upon a licensee or to suspend or revoke a license or to deny an application for the renewal of a license for any one or more of the following causes:

\* \* \* \*

E. Discrimination against any employee or applicant for employment with respect to the recruiting, hiring or discharge of such employee or applicant for employment, because of race, creed, color, national origin, sex, age, gender, disability, sexual orientation, military status, or marital status, or in the case of a citizen or national of the United States or an alien who is lawfully admitted for permanent or temporary residence, or a refugee or an individual who is granted asylum, because of such individual's citizenship status.

\* \* \* \*

II. Chapter 345 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 345 LICENSED OCCUPATIONS  
ARTICLE I, Provisions Applicable to All Licenses**

\* \* \* \*

**§ 345-5. Application Procedure; information required; qualifications; issuance of license.**

\* \* \* \*

K. All license applications shall include a representation by the applicant that they are in compliance with Title 8 U.S.C. Section 1324a, with respect to the hiring of employees. If such representation is not made, a license shall not be issued. An applicant shall be obligated to continue to comply with the requirements of Title 8 U.S.C. Section 1324a, during the term of their license and their failure to so comply, as determined by the Director after an investigation by the Suffolk County Department of Labor or based upon a finding of a federal court, agency or administrative law judge under the procedures set forth in Title 8 U.S.C. Section 1324a, shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of an application for the renewal of a license, in accordance with the applicable provisions of this Chapter.

L. All applications shall include a representation by the applicant that they are making all required payroll tax payments for their employees including Social Security taxes, Medicare taxes, and state and federal unemployment taxes. If such representation is not made, a license will not be issued. The applicant's failure to make required payroll tax payments during the term of their license, as determined by the Director after an investigation by the Suffolk County Department of Labor or based upon a finding of a federal or state court, administrative law judge, hearing officer, or agency of competent jurisdiction shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of an application for the renewal of a license, in accordance with the applicable provisions of this Chapter.

\* \* \* \*

#### **§ 345-10. Prohibited acts.**

The following acts are prohibited:

\* \* \* \*

J. Discrimination against any employee or applicant for employment with respect to the recruiting, hiring or discharge of such employee or applicant for employment, because of race, creed, color, national origin, sex, age, gender, disability, sexual orientation, military status, or marital status, or in the case of a citizen or national of the United States or an alien who is lawfully admitted for permanent or temporary residence, or a refugee or an individual who is granted asylum, because of such individual's citizenship status.

Section 3. Affirmative Defense.

It shall be an affirmative defense in any hearing or proceeding brought under this law alleging a violation of Title 8 U.S.C. § 1324a, that an applicant or licensee has complied in good faith with the requirements therein.

#### **Section 4. Investigations.**

The Department of Labor is hereby authorized and empowered to investigate alleged violations of this law related to illegal hiring and non-payment of payroll taxes upon the request of the Director of the Office of Consumer Affairs. Authorized employees of the Department of Labor shall be entitled to request and review records maintained by licensees which demonstrate their compliance with this law. Upon the completion of an investigation, the Department of Labor shall forward its findings to the Director of Consumer Affairs.

#### **Section 5. Promulgation of Rules and Regulations.**

A. The Suffolk County Office of Consumer Affairs is hereby authorized, empowered and directed to promulgate such rules and regulations as it deems necessary for the implementation and enforcement of the provisions of this law. Such rules and regulations shall establish that the Office of Consumer Affairs shall refer all complaints of unlawful discrimination and unlawful discriminatory practices to the Suffolk County Human Rights Commission.

B. The Suffolk County Department of Labor is hereby authorized, empowered and directed to promulgate such rules and regulations as it deems necessary to carry out the investigations described in Section 4 of this law.

#### **Section 6. Applicability.**

This law shall apply to all applications for licenses and license renewals submitted to the Office of Consumer Affairs on and after the effective date of this law.

#### **Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of 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 8. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/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 9. Effective Date.**

This law shall take effect 120 days after its filing in the Office of the Secretary of State.

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

After a public hearing duly held on May 27, 2008  
Filed with the Secretary of State on June 23, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1436-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer Lindsay and Legislators Browning, Kennedy, Romaine

**RESOLUTION NO. 334 -2008, AUTHORIZING A  
REQUEST FOR PROPOSALS TO IDENTIFY  
MANAGEMENT CONSULTANT FOR JOHN J. FOLEY  
SKILLED NURSING FACILITY**

**WHEREAS**, the John J. Foley Skilled Nursing Facility provides a wide range of services to hundreds of Suffolk County residents, including long-term care, short-term rehabilitation and adult day care; and

**WHEREAS**, the County's General Fund subsidizes the Foley Facility's operations, with the County transferring in excess of \$10 million to Foley in each of the past several years; and

**WHEREAS**, as a result of the Foley Facility's operating deficit, the County Executive has proposed that the County sell the Foley Facility to a private operator; and

**WHEREAS**, before the Foley Facility is offered for sale, this Legislature believes that a good faith effort should be made to improve the management of the Facility; and

**WHEREAS**, effective, new management could increase efficiencies, reduce costs, improve collection of receivables and identify grants and other revenues that would reduce the amount that the County of Suffolk must transfer to the Foley Facility; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the Commissioner of the Department of Health Service is hereby authorized, empowered and directed to prepare and issue a Request for Proposals (RFP) to secure new management consulting services for the John J. Foley Skilled Nursing Facility; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the RFP issued by the Department of Health Services shall seek to identify a consultant or consultants capable of providing management at Foley that will increase efficiencies, reduce costs, improve collection of receivables and identify grants and other revenues and identify employee contractual modifications that will increase productivity and reduce operating expenses; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the Department of Health Services shall issue this RFP within ninety (90) days of the effective date of this resolution; and be it further

**4<sup>th</sup>** **RESOLVED**, that the RFP committee, shall consist of the Commissioner of the Department of Health Services or his or her designee, a designee of the Presiding Officer of the Suffolk County Legislature and a designee of the County Executive; and be it further

**5<sup>th</sup>** **RESOLVED**, that this RFP committee shall review all responses and make findings and recommendations; and be it further

**6<sup>th</sup>** **RESOLVED**, that the Department of Health Services shall present the findings and recommendations of the RFP committee to this Legislature for further action within one hundred eighty (180) days of the effective date of this resolution; and be it further

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

hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: May 13, 2008

**\*\*VETOED BY THE COUNTY EXECUTIVE ON MAY 29, 2008\*\***

**\*\*VETO OVERRIDE ADOPTED ON JUNE 10, 2008\*\***

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**Legislator Viloría-Fisher made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-0-0-1-0.**

Intro. Res. No. 1184-2008

Laid on Table 3/4/2008

Introduced by Legislator Viloría-Fisher

**RESOLUTION NO. 335 -2008, ADOPTING LOCAL LAW NO. 21 -2008, A LOCAL LAW TO PREVENT LITTER BY RESTRICTING THE DISTRIBUTION OF PLASTIC ENCASED ADVERTISING MATTER**

**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 TO PREVENT LITTER BY RESTRICTING THE DISTRIBUTION OF PLASTIC ENCASED ADVERTISING MATTER**"; now, therefore be it

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

**LOCAL LAW NO. 21 -2008, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO PREVENT LITTER BY RESTRICTING THE DISTRIBUTION OF PLASTIC ENCASED ADVERTISING MATTER**

**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 certain individuals and businesses deliver advertising handbills, circulars, flyers and other unsolicited print materials in plastic bags onto the streets, driveway and lawns of our Suffolk County communities.

This Legislature further finds that many Suffolk County residents complain about the proliferation of unsolicited advertising materials that are thrown onto their property, usually wrapped in plastic bags. The circulars and the plastic bags often end up as litter causing visual blight and damage to wildlife and the environment.

This Legislature also finds and determines that reasonable restriction, barring persons from simply throwing print materials onto streets, driveways and lawns will help prevent litter, protect the environment and safeguard wildlife.

Therefore the purpose of this local law is to prohibit persons from throwing, casting or dropping unsolicited advertising handbills, circulars, flyers and brochures, wrapped in plastic, onto the streets, lawns and driveways of Suffolk County.

## **Section 2. Definitions.**

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

ADVERTISING MATTER - any unsolicited handbill, circular, flyer, brochure or other printed advertising matter in a plastic bag.

PERSON – any natural person, corporation, partnership, joint venture, proprietorship or other entity or business organization of any kind.

## **Section 3. Prohibition.**

It shall be unlawful for any person to throw, cast, drop or distribute or permit to be thrown, cast, dropped or distributed, any advertising matter, wrapped in plastic, in or upon any front yard, courtyard, lawn or driveway of any residential dwelling in Suffolk County or upon any street in Suffolk County. This prohibition shall not be construed to regulate the delivery or such matter by the United States Postal Service or the distribution of newspapers or other non-commercial matter. Further, nothing contained herein shall be deemed to prohibit the distribution of advertising matter by hand delivery or by affixing or placing the advertising matter on or in close proximity to a residential dwelling in a manner that will prevent the matter from being scattered or dismantled.

## **Section 4. Penalties.**

Any person found to be in violation of this law shall be guilty of a violation and shall be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment of fifteen (15) days, or both for each offense.

## **Section 5. Effect of Other Laws, Regulations.**

This law will have no effect in any town or village located within the County of Suffolk which has enacted an ordinance, resolution or law regulating the distribution of printed advertising matter within their jurisdiction.

## **Section 6. Applicability.**

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

## **Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of 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 8. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/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 9. Effective Date.**

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

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

DATED: May 13, 2008

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

CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED JUNE 12,

2008

After a public hearing duly held on May 27, 2008  
Filed with the Secretary of State on June 23, 2008

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**Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-0-1-1-0. Legislator Alden abstained. Legislator Montano was not present.**

Intro. Res. No. 1256-2008

Laid on Table 3/18/2008

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

**RESOLUTION NO. 336 -2008, AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – OPEN SPACE PRESERVATION PROGRAM - FOR THE OSTLER PROPERTY – FORGE RIVER ADDITION - TOWN OF BROOKHAVEN – (SCTM NO. 0200-713.00-03.00-001.000)**

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

**WHEREAS**, Resolution No. 83-2008 appropriated \$8,833,000.00 for acquisitions under the Suffolk County Multifaceted Land Preservation Program; 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/or 877-2005 – Master Lists I and/or II Reports, respectively; and

**WHEREAS**, the following property(s), as described in the 1<sup>st</sup> 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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Six Hundred Thirty Five Thousand Dollars (\$635,000.00±), at \$127,000.00 per acre for 5.00± acres, subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	5.00±	<u>REPUTED OWNER ACRES: AND ADDRESS:</u>
No. 1	District 0200		R. Mark Ostler
	Section 713.00		546 Weeks Avenue
	Block 03.00		Manorville, NY 11949
	Lot 001.000		

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Six Hundred Thirty Five Thousand Dollars (\$635,000.00±), subject to a final survey; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$635,000.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

**4<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or 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

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

**6<sup>th</sup>** **RESOLVED**, that 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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Legislator Schneiderman made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.

Intro. Res. No. 1273-2008

Laid on Table 3/18/2008

Introduced by Legislators Schneiderman, Romaine and Alden

**RESOLUTION NO. 337 -2008, ADOPTING LOCAL LAW NO. 17 -2008, A CHARTER LAW TO REQUIRE EMPLOYEE JOB DESCRIPTION DISCLOSURE FOR PROPOSED ALLOCATIONS OF WATER QUALITY PROTECTION FUNDS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 18, 2008 a proposed local law entitled, "**A CHARTER LAW TO REQUIRE EMPLOYEE JOB DESCRIPTION DISCLOSURE FOR PROPOSED ALLOCATIONS OF WATER QUALITY PROTECTION FUNDS**"; now, therefore be it

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

**LOCAL LAW NO. 17 -2008, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO REQUIRE EMPLOYEE JOB DESCRIPTION DISCLOSURE FOR PROPOSED ALLOCATIONS OF WATER QUALITY PROTECTION FUNDS**

**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 11.75% of the revenues generated under the Suffolk County Drinking Water Protection Program (Article 12 of the SUFFOLK COUNTY CHARTER) are dedicated to the Water Quality Protection and Restoration Program and Land Stewardship Initiatives.

This Legislature also finds that the Water Quality Protection and Restoration Program was originally created to fund projects for non-point source abatement and control, agricultural non-point source abatement and control, aquatic habitat restoration and pollution prevention.

This Legislature further determines that Water Quality Protection and Restoration monies, which are also known as Fund 477 monies, have increasingly been used to pay employee salaries with less funds being directed to programmatic expenses and, in certain instances, employees paid from the Water Quality Program do no work on water quality projects.

This Legislature also determines that in order to ensure that employee salaries funded through this program are contained and that adequate Fund 477 monies are available for important water quality projects, the County Executive's proposed operating budget should include more detailed information about the use of Fund 477 monies for employee salaries.

Therefore, the purpose of this law is to require the County Executive to include in the proposed operating budget, detailed information about the positions in the budget that are funded with Water Quality Protection/Land Stewardship monies.

### **Section 2. Amendment.**

§C4-6 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

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

\* \* \*

- K. The proposed expense budget for any fiscal year shall include, as an appendix, a listing of all positions of employment that are funded with revenues generated by the Water Quality Protection and Restoration Program and Land Stewardship Initiatives, pursuant to § C12-2(B) of the SUFFOLK COUNTY CHARTER. Such listing shall describe the duties of each position of employment so funded and the percentage of each such employee's work schedule that will be dedicated to duly approved water quality protection and restoration projects and land stewardship initiatives.

### **Section 3. Applicability.**

This law shall apply to all operating budgets prepared on or after the effective date of this law.

### **Section 4. Severability.**

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

### **Section 5. SEQRA Determination.**

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

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

**Section 6. Effective Date.**

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

After a public hearing duly held on May 27, 2008  
Filed with the Secretary of State on June 23, 2008

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**Legislator Cooper made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.**

Intro. Res. No. 1286-2008 Laid on Table 3/18/2008  
Introduced by Presiding Officer Lindsay and Legislators Cooper, Schneiderman

**RESOLUTION NO. 338 -2008, APPOINT MEMBER  
TO THE WATER QUALITY PROTECTION AND  
RESTORATION PROGRAM AND LAND  
STEWARDSHIP REVIEW COMMITTEE (KEVIN  
McDONALD)**

**WHEREAS**, 11.75% of revenues generated under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, is dedicated to water quality protection and restoration projects and land stewardship initiatives; and

**WHEREAS**, Local Law No. 24-2007 created a Water Quality Protection and Restoration Program and Land Stewardship Review Committee ("Committee") to solicit and review all projects submitted for funding with this component of the Drinking Water Protection Program; and

**WHEREAS**, one representative to this committee is to be appointed from among the Citizens Advisory Committee Chairs of the South Shore Estuary Preserve, the Long Island Sound Estuary and the Peconic Estuary Program; and

**WHEREAS**, Kevin McDonald is the Chairman of the Peconic Estuary Citizens Advisory Committee; now, therefore be it

**1st RESOLVED**, that **Kevin McDonald** residing in Hampton Bays, NY, is hereby appointed to the Water Quality Protection and Restoration Program and Land Stewardship Review Committee representing the Peconic Estuary Program to serve at the pleasure of the Suffolk County Legislature; and be it further

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

DATED: May 13, 2008

EFFECTIVE PURSUANT TO §2-15(A) OF THE SUFFOLK COUNTY CHARTER AND LOCAL LAW NO. 24-2007

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**Legislator Viloría-Fisher made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.**

Intro. Res. No. 1300-2008  
Introduced by Legislator Viloría-Fisher

Laid on Table 3/18/2008

**RESOLUTION NO. 339 -2008, ADOPTING LOCAL LAW NO. 18 -2008, A LOCAL LAW TO EXPAND THE MEMBERSHIP OF THE WATER AND LAND INVASIVES ADVISORY BOARD**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 18, 2008, a proposed local law entitled, "**A**

**LOCAL LAW TO EXPAND THE MEMBERSHIP OF THE WATER AND LAND INVASIVES ADVISORY BOARD"; now, therefore be it**

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

**LOCAL LAW NO. 18 -2008, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO EXPAND THE MEMBERSHIP OF THE WATER AND LAND INVASIVES ADVISORY BOARD**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk enacted Local Law No. 22-2007 (codified at Chapter 278, Article II, of the SUFFOLK COUNTY CODE) to prohibit the sale and distribution of invasive species within the County and to create the Suffolk County Water and Land Invasives Advisory Board ("Advisory Board").

This Legislature also finds that the nine member Advisory Board advises the Suffolk County Legislature and the Commissioner of the Department of Environment and Energy on matters relating to invasive species and recommends appropriate revisions to the "Do Not Sell" list established by Local Law No. 22-2007.

This Legislature further determines that the Advisory Board would be strengthened by adding the expertise of the Suffolk County Soil and Water Conservation to its membership.

Therefore, the purpose of this local law is to expand the membership of the Advisory Board to include a representative of the Suffolk Soil and Water Conservation District.

**Section 2. Amendments.**

Chapter 278A of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 278A Environmental Protection**

\* \* \* \*

**Article II, Invasive Nonnative Plants**

\* \* \* \*

**§278A-12. Creation of Suffolk County Water and Land Invasives Advisory Board.**

A. There is hereby created a Suffolk County Water and Land Invasives Advisory Board, which shall consist of the following ten [nine] members:

\* \* \* \*

(10) A representative of the Suffolk County Soil and Water Conservation District.

\* \* \* \*

D. The members of the Suffolk County Water and Land Invasives Advisory Board shall serve without compensation, and members number 6 through ~~[9]~~ 10 listed in Subsection A, above, shall be appointed to serve initial terms ending on December 31, 2008, and shall be appointed to serve a term of two years thereafter.

E. ~~[Five]~~ Six members of the Suffolk County Water and Land Invasives Advisory Board shall constitute a quorum for the purposes of conducting the business of the Board.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law except that the increase in the quorum requirement for five to six members shall not be applicable until the first representative of the Suffolk County Soil and Water Conservation District is selected and seated as a member.

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6 Effective Date.**

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

After a public hearing duly held on May 27, 2008  
Filed with the Secretary of State on June 23, 2008

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**Legislator Horsley made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.**

Intro. Res. No. 1408-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive and Legislator Mystal

**RESOLUTION NO. 340 -2008, AUTHORIZING ACQUISITION OF LAND UNDER THE OLD SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM [C12-5(E)(1)(a)] FOR THE RED ENTERPRISES, LTD PROPERTY – CARLLS RIVER WATERSHED ADDITION - TOWN OF BABYLON - (SCTM NO. 0100-083.00-01.00-140.000)**

**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. 877-2005, authorized planning steps for the acquisition of the subject property; and

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under 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 Fifteen Thousand Dollars (\$15,000.00), 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	0.09±	Red Enterprises, Ltd.
	Section 083.00		P.O. Box 486
	Block 01.00		Mt. Sinai, NY 11766
	Lot 140.000		

and be it further

**2<sup>nd</sup> 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 Fifteen Thousand Dollars (\$15,000.00), subject to a final survey; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$15,000.00, subject to a final survey, from previously appropriated funds in MY-176-LAW-GDHI 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

**4<sup>th</sup> 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

**5<sup>th</sup> 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

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

**8<sup>th</sup> RESOLVED**, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby

directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Romaine made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 15-0-1-1-0. Legislator Alden abstained. Legislator Montano was not present.**

Intro. Res. No. 1409-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

**RESOLUTION NO. 341 -2008, AUTHORIZING  
ACQUISITION OF LAND UNDER THE SUFFOLK  
COUNTY ENVIRONMENTAL LEGACY FUND FOR  
OPEN SPACE PRESERVATION FOR THE  
BRANDENSTEIN PROPERTY – CRAB CREEK -  
TOWN OF SHELTER ISLAND – (SCTM NO. 0700-  
021.00-01.00-001.000 p/o)**

**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**, Resolution No. 86-2008 appropriated \$15,000,000.00 for acquisitions under the Suffolk County Environmental Legacy Fund; and

**WHEREAS**, Resolution No. 796-2006 authorized planning steps for acquisition of the subject property; and

**WHEREAS**, the Town of Shelter Island (“Town”) has approved Resolution No. 375-2007 on August 27, 2007, authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

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

**1<sup>st</sup>** **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Environmental Legacy Fund pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq.), for a total purchase price of Five Million Dollars (\$5,000,000.00), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for a fifty percent (50%) undivided interest; and the Town's share, totaling Two Million Five Hundred Thousand Dollars (\$2,500,000.00), 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</u>	<u>REPUTED OWNER</u>
	<u>TAX MAP NUMBER:</u>	<u>ACRES:</u> <u>AND ADDRESS:</u>
No. 1	District      0700	12.667+/-      Judith C. Brandenstein and
	Section 021.00	Howard C. Brandenstein
	Block      01.00	12 Brander Pkwy.,
	Lot      001.000 p/o	P.O. Box 3029
		Shelter Island, NY 11965-3029

and be it further

**2<sup>nd</sup>** **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 Two Million Five Hundred Thousand Dollars (\$2,500,000.00), subject to a final survey; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$2,500,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8731, Suffolk County Environmental Legacy Fund, for this acquisition; and be it further

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

**5<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or 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

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

**7<sup>th</sup>** **RESOLVED**, that the 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

**8<sup>th</sup>** **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

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be for passive recreational purposes; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact that the proposed acquisition and preservation of the site would have; and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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Legislator Cooper made motion for the following resolution, seconded by Legislator Stern. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.

Intro. Res. No. 1367-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 343 –2008, AMENDING THE  
2008 ADOPTED OPERATING BUDGET TO  
REALLOCATE FUNDING WITHIN THE SUFFOLK  
COUNTY DEPARTMENT OF HEALTH SERVICES,  
DIVISION OF PATIENT CARE SERVICES FOR THE  
PATIENT NAVIGATOR PROGRAM**

**WHEREAS**, the New York State Department of Health (NYSDOH) Cancer Services Program has reassigned its contract for the Healthy Women Partnership (HWP) of Suffolk County, which includes the Patient Navigator Program, to both the Peconic Bay Medical Center and Good Samaritan Hospital; and

**WHEREAS**, the Suffolk County Department of Health Services, Division of Patient Care Services has an executed contract with the Peconic Bay Medical Center for patient navigation services to clients screened through the Healthy Women Partnership Program at County Health Centers; and

**WHEREAS**, this contract is authorized through December 31, 2008; and

**WHEREAS**, this patient navigation service is an essential component for the success of the Healthy Women Partnership of Suffolk County; and

**WHEREAS**, this program provides Suffolk County Health Center clients with breast, cervical and colorectal cancer screening and diagnostic options; and

**WHEREAS**, the Peconic Bay Medical Center was the sole provider of services from 1/1/08-3/31/08; and

**WHEREAS**, as of 4/1/08 Good Samaritan Hospital will also be a provider under this program; and

**WHEREAS**, all the funds for this program were included in the 2008 Adopted Operating Budget under Peconic Bay Medical Center and funds need to be transferred to Good Samaritan Hospital; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County 2008 Adopted Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to reallocate \$46,638 of funding as follows:

FROM:

Department of Health Services  
Division of Patient Care Services  
001-HSV-4100-4980

<u>XORG</u>	<u>OBJECT NAME</u>	2008 Adopted Modified <u>Budget</u>	Increase/ <u>Decrease</u>	2008 <u>Budget</u>
JAL1	Peconic Bay Medical Center	\$110,989	-\$46,638	\$64,351

TO:

Department of Health Services  
Division of Patient Care Services  
001-HSV-4100-4980

<u>XORG</u>	<u>OBJECT NAME</u>	2008 Adopted Modified <u>Budget</u>	Increase/ <u>Decrease</u>	2008 <u>Budget</u>
XXXX	Good Samaritan Hospital	\$0	+\$46,638	\$46,638

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Executive be and hereby is authorized to execute a contract with Good Samaritan Hospital and Peconic Bay Medical Center; and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1327-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 345 –2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BABYLON FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0100-058.00-02.00-014.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 058.00, Block 02.00, Lot 014.000, and acquired by tax deed on July 10, 2003, from Diane M. Stuke, the Deputy County Treasurer of Suffolk County, New York, and recorded on July 11, 2003, in Liber 12260, CP 584 and otherwise known as and by Town of Babylon, known and designated as Lot Nos. 60 to 63 inclusive, Block 21, as shown on a certain map entitled "Map of Colonial Springs," and filed in the Suffolk County Clerk's Office on March 16, 1926 as Map No. 223; and

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

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

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

**WHEREAS**, the transfer of this parcel is pursuant to and in accordance with Local Law 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

**1<sup>st</sup>** **RESOLVED**, the subject parcel shall be conveyed to the Town of Babylon, Suffolk County, New York for affordable housing use, together with the following restrictive covenants that will run with the land so conveyed 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 PMSA 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

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

**3<sup>rd</sup>** **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

**4<sup>th</sup>** **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

**5<sup>th</sup>** **RESOLVED**, the conveyance of the parcel described to the Town of Babylon 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

**6<sup>th</sup>** **RESOLVED**, that the Director of the Division 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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-0-0-1-0. Presiding Officer Lindsay was not present.

Intro. Res. No. 1328-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 346 –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. 0200-545.00-03.00-006.000)**

**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 545.00, Block 03.00, Lot 006.000, and acquired by tax deed on September 30, 1993, from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on October 25, 1993, in Liber 11649, CP 338 and otherwise known as and by Town of Brookhaven, known and designated as Lot Nos. 6 to 10 inclusive, Block F, Section 1, as shown on a certain map entitled "Map of Gordon Heights", and filed in the Suffolk County Clerk's Office on September 6, 1927 as Map No. 643; 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

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

unit or a. the dates of completion and occupancy for any affordable housing 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

units c. the total purchase or rental price of the affordable housing unit or sold or otherwise transferred; and

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

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

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

**3<sup>rd</sup>** **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

**4<sup>th</sup>** **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

**5<sup>th</sup>** **RESOLVED**, the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One 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

**6<sup>th</sup>** **RESOLVED**, that the Director of the Division 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

**7<sup>th</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this resolution is a Type II action, constituting a Legislative decision in connection with routine or continuing agency administration and management, not including new programs or a major re-ordering of priorities (NYCRR Section 617.5(c)(20) and (27)). As

a Type II action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)).

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Browning made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 16-0-0-1-0. Legislator Cooper was not present.**

Intro. Res. No. 1382-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 347 –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. 0200-498.00-03.00-020.000)**

**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 498.00, Block 03.00, Lot 020.000, and acquired by tax deed on July 6, 2001, from Joseph Sawicki, Jr., the Chief Deputy County Treasurer of Suffolk County, New York, and recorded on July 12, 2001, in Liber 12129, CP 300 and otherwise known as and by Town of Brookhaven, known and designated as District 0200, Section 498.00, Block 03.00, Lot 020.000;

**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

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

- unit or
- a. the dates of completion and occupancy for any affordable housing 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

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

**3<sup>rd</sup>** **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

**4<sup>th</sup>** **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

**5<sup>th</sup>** **RESOLVED**, the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One 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

**6<sup>th</sup>** **RESOLVED**, that the 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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Stern. The resolution was passed 15-0-0-2-0. Presiding Officer Lindsay and Legislator Barraga was not present.**

Intro. Res. No. 1249-2008  
Introduced by Legislator Browning

Laid on Table 3/18/2008

RESOLUTION NO. 348 -2008, AUTHORIZING USE OF  
SMITH POINT COUNTY PARK PROPERTY BY MASTIC  
BEACH AMBULANCE COMPANY FOR "HELP US SAVE YOU  
PROGRAM"

**WHEREAS**, the Mastic Beach Ambulance Company responds to 300 calls per year at the Smith Point County Park and over 2,000 calls throughout the community of Mastic Beach; and

**WHEREAS**, the Mastic Beach Ambulance Company would like to use the tollbooth entrances and exits at Smith Point County Park for the purpose of posting signs that ask the public "Help Us Save You"; and

**WHEREAS**, this Legislature authorized the Mastic Beach Ambulance Company to use the Smith Point County Park for this same purpose in 2007; and

**WHEREAS**, the sign would be posted during the 2008 Labor Day holiday, from August 30, 2008 through September 1, 2008, from 9:00 a.m. through 4:00 p.m. each day; and

**WHEREAS**, the County of Suffolk shall receive consideration in the total amount of Ten and 00/100 Dollars (\$10.00), per diem, payment of which shall be guaranteed by the Mastic Beach Ambulance Company; and

**WHEREAS**, a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured has been provided by the Mastic Beach Ambulance Company; and

**WHEREAS**, the use of County property to help raise money would promote and protect the public health, safety, and general welfare of the residents of Suffolk County; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the use of County-owned property, i.e. the tollbooth at Smith Point County Park by the Mastic Beach Ambulance Company, in consideration of the payment of Ten and 00/100 Dollars (\$10.00), per diem, for the purpose of posting signs that ask the public "Help Us Save You" during the 2008 Labor Day Holiday from August 30, 2008 through September 1, 2008, from 9:00 a.m. through 4:00 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 in the County Department of Human Resources, Personnel, and Civil Service; and be it further

**2<sup>nd</sup>** **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 Mastic Beach Ambulance Company at the Smith Point County Park in Brookhaven; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the Mastic Beach Ambulance Company 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 and require these vendors to display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

**4<sup>th</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of

land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Stern made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 15-0-0-2-0. Legislators Barraga and Cooper were not present.**

**Intro. Res. No. 1312-2008**

**Laid on Table 4/29/2008**

Introduced by Presiding Officer Lindsay

**RESOLUTION NO. 349 -2008, AUTHORIZING USE OF LONG ISLAND MARITIME MUSEUM PROPERTY BY FRIENDS OF BRADSTOCK FOR A MUSIC AND ARTS FESTIVAL FUNDRAISER**

**WHEREAS**, the Friends of Bradstock is a not-for-profit organization; and

**WHEREAS**, the Friends of Bradstock would like to use the Long Island Maritime Museum in the County Park in West Sayville for the purpose of hosting their annual Music and Arts Festival Fundraiser, the proceeds of which go to local not-for-profits organizations throughout the County of Suffolk based on need and amount of funds raised; and

**WHEREAS**, the festival will be held on the grounds of the Long Island Maritime Museum on Sunday, August 31, 2008 between the hours of 10:00 a.m. to 10:00 p.m.; and

**WHEREAS**, the County of Suffolk shall receive consideration in the total amount of Five Hundred Dollars (\$500.00), payment of which shall be guaranteed by Friends of Bradstock; and

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

**WHEREAS**, the use of County property for such a fundraiser to support local not-for-profit organizations promotes the general welfare of the residents of Suffolk County; now, therefore be it

**1st RESOLVED**, that the use of County-owned property, i.e. the Long Island Maritime Museum in the County Park in West Sayville, in consideration of the payment of Five Hundred Dollars (\$500.00), for the purpose of hosting a Music and Arts Festival Fundraiser on August 31, 2008 between the hours of 10:00 a.m. and 10:00 p.m., is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured by the County of Suffolk from the entity Friends of Bradstock, 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 before this event shall be permitted to occur, the Friends of Bradstock 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 the support of local not-for-profit organizations throughout the County of Suffolk by the Friends of Bradstock at the Long Island Maritime Museum in the County Park in West Sayville; and be it further

**4th RESOLVED**, that the Friends of Bradstock 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 and require these vendors to display such certificate 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

**Date: May 28, 2008**

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**Legislator Stern made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 15-0-0-2-0. Legislators Barraga and Cooper were not present.**

Intro. Res. No. 1335-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 350 -2008, AUTHORIZING USE OF CEDAR POINT COUNTY PARK BY THE NATIONAL MULTIPLE SCLEROSIS SOCIETY-LONG ISLAND CHAPTER FOR ITS MS150 TWIN FORKS BIKE TOUR FUNDRAISER**

**WHEREAS**, the National Multiple Sclerosis Society-Long Island Chapter is a 501(c)(3) nonprofit organization having its principal place of business at 40 Marcus Drive, Suite 100, Melville, New York; and

**WHEREAS**, the National Multiple Sclerosis Society-Long Island Chapter would like to use Cedar Point County Park as a rest point for the first day of its MS150 Twin Forks Bike Tour Fundraiser; and

**WHEREAS**, the first day of the MS150 Twin Forks Bike Tour Fundraiser is scheduled for September 13, 2008; and

**WHEREAS**, a Certificate of Insurance with accompanying declaration page naming Suffolk County as an additional insured has been provided by National Multiple Sclerosis Society-Long Island Chapter; now, therefore be it

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

**2<sup>nd</sup>** **RESOLVED**, that the use of Cedar Point County Park by National Multiple Sclerosis Society-Long Island Chapter for the purpose its fundraiser on Saturday, September 13, 2008, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance

with accompanying declaration page by the County of Suffolk from National Multiple Sclerosis Society-Long Island Chapter and the payment of Two Hundred Fifty Dollars (\$250.00) event fee, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4 (A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at Cedar Point County Park by National Multiple Sclerosis Society-Long Island Chapter.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Browning made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 16-0-0-1-0. Legislator Cooper was not present.**

Intro. Res. No. 1336-2008 Laid on Table 4/29/2008  
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 351 -2008, AUTHORIZING USE OF  
MESCHUTT COUNTY PARK BY THE SUFFOLK  
BICYCLE RIDERS ASSOCIATION FOR ITS BICYCLE  
RALLY FUNDRAISER**

**WHEREAS**, the Suffolk County Bicycle Riders Association would like to hold its Bicycle Rally Fundraiser at Meschutt County Park in the Town of Southampton; and

**WHEREAS**, the Bicycle Rally Fundraiser is scheduled to be held on June 1, 2008; and

**WHEREAS**, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by Suffolk County Bicycle Riders Association; now, therefore be it

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

**2<sup>nd</sup>**           **RESOLVED**, that the use of Meschutt County Park by the Suffolk County Bicycle Riders Association for the purpose of hosting a fundraiser on Sunday, June 1, 2008, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from Suffolk County Bicycle Riders Association and the payment of the One Hundred and Twenty-Five Dollars (\$125.00) event fee, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Stern made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 16-0-0-1-0. Legislator Cooper was not present.**

Intro. Res. No. 1337-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 352 -2008, AUTHORIZING USE  
OF INDIAN ISLAND COUNTY PARK BY BIRTHRIGHT  
OF PECONIC, INC. FOR ITS WALKATHON  
FUNDRAISER**

**WHEREAS**, Birthright of Peconic, Inc. is a 501(c)(3) nonprofit organization having its principal place of business at 99 West Montauk Highway, Hampton Bays, New York; and

**WHEREAS**, Birthright of Peconic would like to hold its Walkathon Fundraiser at Indian Island County Park in the Town of Riverhead; and

**WHEREAS**, the Birthright of Peconic Walkathon is scheduled to be held on October 11, 2008; and

**WHEREAS**, Indian Island County Park will be used as the beginning and ending point of the walk route; and

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

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

**2<sup>nd</sup>** **RESOLVED**, that the use of Indian Island County Park by Birthright of Peconic for the purpose of hosting a fundraiser on Saturday, October 11, 2008, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from Birthright of Peconic and the payment of One Hundred Twenty-five Dollars (\$125.00) event fee, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Horsley made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 16-0-0-1-0. Legislator Cooper was not present.**

Intro. Res. No. 1338-2008

Laid on Table 4/29/2008

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

**RESOLUTION NO. 353-2008, AUTHORIZING USE OF INDIAN ISLAND COUNTY PARK BY AMERICAN DIABETES ASSOCIATION FOR ITS TOUR DE CURE FUNDRAISER**

**WHEREAS**, American Diabetes Association, Inc. is a national 501(c)(3) nonprofit organization having its principal place of business at 1701 N. Beauregard Street, Alexandria, Virginia; and

**WHEREAS**, the American Diabetes Association would like to hold its "Tour De Cure" Cycling Event Fundraiser on Long Island for the 17<sup>th</sup> time; and

**WHEREAS**, the American Diabetes Association has requested to begin and end this year's Tour De Cure Fundraiser at Indian Island County Park; and

**WHEREAS**, the Tour De Cure Fundraiser, is scheduled to be held on June 14, 2008; and

**WHEREAS**, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by American Diabetes Association; now, therefore be it

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

**2<sup>nd</sup>** **RESOLVED**, that the use of Indian Island County Park by American Diabetes Association for the purpose of hosting a fundraiser on Saturday, June 14, 2008, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE

COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from American Diabetes Association and the payment of the Five Hundred Dollars (\$500.00) event fee, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 14-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Cooper was not present.**

Intro. Res. No. 1360-2008  
Introduced by Legislators Horsley and Romaine

Laid on Table 4/29/2008

**RESOLUTION NO. 354 -2008, AMENDING  
RESOLUTION NO. 654-2007, EXEMPTING DEPLOYED  
OR MOBILIZED MILITARY PERSONNEL FROM PAYING  
COUNTY PARKS DAILY FEES**

**WHEREAS**, Resolution No. 654-2007, authorized the Suffolk County Department of Parks, Recreation, and Conservation to extend to deployed or mobilized (for other than required two week duty) active duty military personnel an exemption from paying County parks daily fees; and

**WHEREAS**, active duty military personnel stationed in Suffolk County are issued Orders of Assignment; and

**WHEREAS**, the County Department of Parks, Recreation, and Conservation requests that Orders of Assignment be required as proof of eligibility under this program; now, therefore be it

**1st**               **RESOLVED**, that the 2<sup>nd</sup> **RESOLVED** clause of Resolution No. 654-2007 is hereby amended to read as follows:

**2<sup>nd</sup>**       **RESOLVED**, that the eligibility under this program for exemption from such fees shall be conditioned upon submission of [mobilization and/or deployment orders] orders of assignment and a military identification card and submission of proof that the deployed or mobilized active duty military personnel are stationed in, or are, Suffolk County residents; and be it further

and be it further

**2nd**               **RESOLVED**, that all other terms and conditions of Resolution No. 654-2007, as amended, shall remain in full force and effect; and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 14-1-1-1-0. Legislator Barraga voted no. Legislator Alden abstained. Legislator Cooper was not present.**

Intro. Res. No. 1379-2008

-Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 356 -2008    APPROPRIATING FUNDS IN CONNECTION WITH RESTORATION OF FACADES AT THE SUFFOLK COUNTY VANDERBILT MUSEUM (CP 7441)**

**WHEREAS**, the Deputy Director of the Suffolk County Vanderbilt Museum has requested construction funds to restore damaged, unstable and unsafe building facades at museum facilities; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter called "SEQRA"), CEQ Resolution No. 38-94 recommended the activity as a Type II action pursuant to the provisions of Title 6 NYCRR, Part 617.13 (d) and (1); 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**, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said request; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$1,100,000 in Suffolk County Serial Bonds; now therefore be it

**1<sup>st</sup>** **RESOLVED**, that this Legislature, being the lead agency under SEQRA , and Chapter 279 of the Suffolk County Code, pursuant to Resolution No. 721-1994, determined that this action constitutes a Type II action, pursuant to Title 6 NYCRR, Part 617.13 (d) and (1), and determines that implementation of this action will not have a significant impact on the environment for the following reasons:

1. The action involves replacement and rehabilitation involving no substantial changes to an existing structure.

and be it further

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

**3<sup>rd</sup>** **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to complete restoration of damaged, unstable and unsafe building facades at the Suffolk County Vanderbilt Museum; and be it further

**4<sup>th</sup>** **RESOLVED**, that the proceeds of \$1,100,000 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-7441.110 (Fund 001-Debt Service)	Planning for Restoration of Facades at the Suffolk County Vanderbilt Museum	\$100,000
525-CAP-7441.310 (Fund 001-Debt Service)	Construction for Restoration of Facades at the Suffolk County Vanderbilt Museum	\$1,000,000

DATED: May 13, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 15-1-1-0-0. Presiding Officer Lindsay voted no. Legislator Eddington abstained.**

Intro. Res. No. 1046-2008

Laid on Table 2/5/2008

Introduced by Legislators Schneiderman and Cooper

**RESOLUTION NO. 358 -2008, ADOPTING LOCAL LAW  
NO. 19 -2008, A LOCAL LAW TO PROHIBIT TEXT  
MESSAGING WHILE DRIVING**

**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 TEXT MESSAGING WHILE DRIVING**"; now, therefore be it

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

**LOCAL LAW NO. 19 -2008, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO PROHIBIT TEXT MESSAGING WHILE DRIVING**

**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 according to CTIA, an international organization representing all sectors of wireless communications, including cellular, personal communication services, and enhanced specialization mobile radio, United States subscribers sent close to 65 billion text messages through the first half of 2006.

This Legislature further finds and determines that drivers sending text messages while driving are responsible for motor vehicle accidents throughout the country.

This Legislature also finds that reports indicate that thirty-two percent of young drivers text message while driving.

This Legislature finds that a recent national survey by Virginia Tech showed that distracted drivers are to blame for eight out of every ten accidents.

This Legislature also determines that text messaging while driving inevitably decreases safety on the road, affecting driver reaction time and attention to the surrounding environment.

Therefore, the purpose of this law is to prohibit text messaging while driving.

## **Section 2. Definitions.**

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

“TEXT MESSAGE” – also referred to as Short Messaging Service (SMS), which allows users to send or receive short text messages on wireless handsets. For the purpose of this law, an e-mail shall be considered a “text message”.

“USE” – activating, deactivating or initiating functions or keys on a wireless handset.

“VOICE RECOGNITION” – the capability by which wireless handsets can be activated and controlled by voice commands.

“WIRELESS HANDSET” – a portable computing device, including cellular telephones and personal digital assistants (PDA's), capable of transmitting data in the form of e-mail and/or text message.

## **Section 3. Prohibitions.**

A.) Pursuant to Article 9, Section 2(c)(10) of the NEW YORK CONSTITUTION, and in order to protect the health, safety, and well-being of persons within the County, no person shall use a wireless handset to compose or send text messages while operating a motor vehicle on any public street or public highway within the County of Suffolk, while the motor vehicle is in motion on such public street or public highway.

B.) The prohibition contained in paragraph A above shall not apply to text messages composed via any voice recognition technology.

## **Section 4. Penalties.**

A.) Any violation of any provision of Section 3 of this law shall constitute an offense and be punishable by a fine not to exceed \$150.00 for each violation. Each such violation shall constitute a separate and distinct offense.

B.) This law shall be enforced by the Suffolk County Police Department and sworn officers of an authorized Police Department or force of a town or village within the geographic boundaries of Huntington, Islip, Babylon, Smithtown, and Brookhaven.

C.) This law shall be enforced by the County Sheriff's Department and sworn officers of an authorized Police Department or force of a town or village within the geographic boundaries of the Towns of Shelter Island, Riverhead, Southold, Southampton, and East Hampton. This law may be enforced anywhere within the geographic boundaries of the County of Suffolk by a police officer as defined in Section 1-20(34) of the NEW YORK CRIMINAL PROCEDURE LAW.

#### **Section 5. Applicability.**

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

#### **Section 6. Reverse Pre-emption.**

This law shall be null and void on the day that Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, 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, or pertinent preempting State or Federal regulations have been enacted for the purposes of triggering the provisions of this section.

#### **Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of 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 8. SEQRA Determination.**

This Legislature, being the State Environmental Quality review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(21) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. 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 9. Effective Date.**

This law shall take effect ninety (90) days after its filing in the Office of the Secretary of State.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

After a public hearing duly held on May 27, 2008  
Filed with the Secretary of State on June 23, 2008

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**Legislator Schneiderman made motion for the following resolution, seconded by Legislator Romaine. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1151-2008  
Introduced by Legislator Schneiderman

Laid on Table 3/4/2008

**RESOLUTION NO. 359 -2008, APPOINT MEMBER TO SUFFOLK COUNTY CITIZENS CORPS COUNCIL (EDMUND MOORE)**

**WHEREAS**, Resolution No. 1283-2004 created a Suffolk County Citizens Corps Council to develop and coordinate volunteer programs to assist emergency responders; now, therefore be it

**1st RESOLVED**, that Edmund Moore from Hampton Bays is hereby appointed to serve as a member of the Suffolk County Citizens Corps Council for a one year term of office, effective immediately; and be it further

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

DATED: May 13, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND RESOLUTION NO. 1283-2004

Legislator Horsley made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-0-0.

Intro. Res. No. 1361-2008  
Introduced by Legislators Horsley and Nowick

Laid on Table 4/29/2008

**RESOLUTION NO. 360 -2008, ADOPTING AN “IN CASE OF EMERGENCY” (ICE) PUBLIC EDUCATION PROGRAM TO ASSIST FIRST RESPONDERS IN EMERGENCY RESPONSE SITUATIONS**

**WHEREAS**, In Case of Emergency (ICE), is a program that enables first responders, such as paramedics, firefighters and police officers, to identify victims and contact next of kin to obtain important medical information; and

**WHEREAS**, an ICE number is a listing an individual makes in his or her cell phone address book, wherein the letters I-C-E are placed next to the name or names of people the cell phone user would like contacted if an emergency occurs; and

**WHEREAS**, emergency workers often waste valuable time searching for contact person information when a person becomes incapacitated in an emergency situation; and

**WHEREAS**, with an ICE listing, they will know where to look for emergency contact information; and

**WHEREAS**, a study provided by a major European wireless provider found that more than 75% of people who carry cell phones do not have any information on who should be contacted in emergencies; and

**WHEREAS**, U.S. law enforcement and public health officials in Utah, Texas, Florida, and California are already promoting the “In Case of Emergency (ICE)” concept; and

**WHEREAS**, the County of Suffolk wishes to encourage people to enter emergency contacts in their cell phone address book under the “ICE” in order to facilitate the efficiency of first responder response time; now, therefore be it

**1st RESOLVED**, that the Department of Fire, Rescue and Emergency Services (FRES) is hereby authorized, empowered, and directed to develop, within existing appropriations, a program to promote the use of “In Case of Emergency (ICE)” telephone numbers on mobile telephones; and be it further

**2nd RESOLVED**, that the program developed by FRES shall include educating local law enforcement agencies, emergency responders, medical personnel and the public of the existence of the ICE program; 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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

Intro. Res. No. 1365-2008

Laid on Table 4/29/2008

Introduced by Legislators Eddington, Losquadro, and Browning

**RESOLUTION NO. 361 –2008, TO ESTABLISH TRAINING REQUIREMENT POLICY FOR PROBATION OFFICERS IN SUFFOLK COUNTY**

**WHEREAS**, Suffolk County Probation Officers are tasked with duties and responsibilities similar to sworn police officers, deputy sheriffs, and correction officers; and

**WHEREAS**, probation officers are required to complete Peace Officer training in order to carry a weapon; and

**WHEREAS**, probation officers are dealing every day with convicted criminals, many of whom pose a danger to society; and

**WHEREAS**, it is imperative that a policy be established whereby probation officers are properly trained within a reasonable timeframe; and

**WHEREAS**, training programs are available in-house and a schedule should be in place to complete this training of probation officers within 120 days of their hiring; now, therefore be it

**1st RESOLVED**, that it shall be the policy of Suffolk County to conduct a probation officer's Basic Peace Officer training within 30 days of his or her hiring; and be it further

**2nd RESOLVED**, that it shall be the policy of Suffolk County that, within 120 days of the hiring of a probation officer, said officer shall be trained in the following areas:

- 1.) deadly physical force;
- 2.) firearms long course;
- 3.) ASP baton;

- 4.) Oleoresin Capsicum (O.C.) spray;
- 5.) defensive tactics;
- 6.) Handcuffing and arrest/custody procedures; and
- 7.) Fundamentals of probation

and be it further

**3rd** **RESOLVED**, that the Director of Probation shall promulgate any rules and regulations necessary to implement the provisions of this resolution; and be it further

**4th** **RESOLVED**, that the Director of Probation shall issue a quarterly written report to the Chairman of the Public Safety Committee of the Suffolk County Legislature, the County Executive, and all members of the Suffolk County Legislature as to the status of the training for newly hired probation officers; 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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

Intro. Res. No. 1366-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of County Executive

**RESOLUTION NO. 362 -2008, ACCEPTING AND APPROPRIATING 97% FEDERAL FUNDS AWARDED TO THE NEW YORK STATE UNIFIED COURT SYSTEM FOR A CONTRACT WITH THE SUFFOLK COUNTY DEPARTMENT OF PROBATION TO PROVIDE SERVICES TO THE SUFFOLK COUNTY SEX OFFENSE COURT AND SEX OFFENDER**

**MANAGEMENT SYSTEM AND AUTHORIZING THE COUNTY  
EXECUTIVE TO EXECUTE GRANT RELATED AGREEMENTS**

*WHEREAS, the New York State Unified Court System-10<sup>th</sup> Judicial District in Suffolk County has received a Sex Offense Court and Sex Offender Management grant in the amount of \$249,862 from the U.S. Department of Justice; and*

**WHEREAS**, the Sex Offense Court and Sex Offender Management program is a collaborative initiative between the New York State Unified Court System, The Center for Court Innovation, the Suffolk County District Attorney, Suffolk County Probation Department, and Parents for Megan's Law; and

**WHEREAS**, the Sex Offense Court and Sex Offender Management program includes greater inter-agency collaboration, victim advocacy and treatment, specialized sex offender assessment, intensive surveillance supervision, sex offender-specific treatment and compliance monitoring; and

**WHEREAS**, due to project start up delays, the U.S. Department of Justice has approved an extension of the initial grant period from June 1, 2006 to May 31, 2008 through May 31, 2009; and

**WHEREAS**, the NYS Unified Court System-10<sup>th</sup> Judicial District in Suffolk County will provide \$77,531.00 of the federal grant funds to the Suffolk County Probation Department for the salary and fringe benefit expenses of a Court Liaison/Probation Officer and for contractual expenses to retain the services of Applied Science Polygraph, Inc., a clinical polygraph expert to provide services under this Sex Offense Court and Sex Offender Management Program; and

**WHEREAS**, the Suffolk County Probation Department Court Liaison/Probation Officer will conduct pre-sentence investigations of the sexual offender population and prepare recommendations to the court, provide victims with appropriate referrals and participate in Sex Offense Court team meetings; and

**WHEREAS**, Probation Sex Offender Unit staff will also participate in collaborative efforts to serve as the intermediary between the Probation Department and Sex Offense Court and Sex Offender Management System Steering Committee, develop theoretical and applied models for sex offender management, identify gaps in service or supervision of the sex offender and develop strategies to address these gaps and assist in the research and evaluation of sex offense cases; and

**WHEREAS**, said funds have not been included in the 2008 Suffolk County Operating Budget; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County Executive is authorized to execute any Agreement with the NYS Unified Court System-10<sup>th</sup> Judicial District in Suffolk County; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate said unbudgeted funds in the amount of

\$77,531.00 as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
<i>001- 4089 -Federal Aid: Other</i>	<i>\$77,531.00</i>

APPROPRIATIONS:	AMOUNT
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Suffolk County Probation Department

Sexual Offender Unit

001-PRO-3169

<u>1000 Personal Service</u>	<u>\$45,571</u>
1100-Permanent Salaries	\$45,571

<u>4000-Contractual Expenses</u>	<u>\$19,200</u>
4980-XXXX-Contracted Agencies	\$19,200

Employee Benefits (EMP)  
Retirement  
001-9010

<b>Employee Benefits</b>	<b>\$4,129</b>
8280-State Retirement	\$4,129

Employee Benefits (EMP)  
Social Security  
001-9030

<b>Employee Benefits</b>	<b>\$3,486</b>
8330-Social Security	\$3,486

Employee Benefits (EMP)  
Benefit Fund Contribution  
001-9080

<b>Employee Benefits</b>	<b>\$1,381</b>
8380-Benefit Fund Contribution	\$1,381

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

<b>Interfund Transfer</b>	<b>\$3,764</b>
9600-Transfer to Funds	\$3,764

and be it further

**3<sup>rd</sup>** **RESOLVED**, that the following inter-fund revenues for Self Health Insurance be accepted and appropriated as follows:

<u>REVENUES:</u>	<u>Amount</u>
039-IFT-R0001 Transfer from General Fund	\$ 3,764

**ORGANIZATION:**

***Employee Benefits***  
Self Health Insurance  
039-EMP-9060

<u>8000-Employee Benefits</u>	<u>\$3,764</u>
8360-Health Insurance	\$3,764

and be it further

**4<sup>th</sup>** **RESOLVED**, that the following position be and it hereby is created as follows:

Fund		Spec.			
<u>Created</u>	<u>JC</u>	<u>No.</u>	<u>Position Title</u>	<u>Grade</u>	<u>No.</u>
001-3169-0100	c-16	6511	Probation Officer	21	1

and be it further

**5<sup>th</sup>** **RESOLVED**, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue the employment of the individuals filling the positions created by this Resolution at the conclusion of the grant funding provided for such position created by said grant; and be it further

**6<sup>th</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Eddington made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 17-0-0-0-0.**

Intro Res. No. 1370-2008

Laid on Table 4/29/2008

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

**RESOLUTION NO. 363 -2008, APPROVING THE APPOINTMENT OF CHRISTOPHER DELVECCHIO, AS A MEMBER OF THE SUFFOLK COUNTY FIRE, RESCUE AND EMERGENCY SERVICES COMMISSION**

**RESOLVED**, that the appointment of Christopher DelVecchio, 33 Tonopan Street, Mastic, NY 11950, as a representative of the Suffolk County Volunteer Firemen's Association, Inc., on the Suffolk County Fire, Rescue and Emergency Services Commission, for the term of office beginning immediately and expiring December 31, 2010, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provision of C-11.4 of the Suffolk County Charter, Article XI.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1406-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 364 -2008, APPROVING THE REAPPOINTMENT OF RABBI STEVEN A. MOSS AS CHAIR OF THE SUFFOLK COUNTY HUMAN RIGHTS COMMISSION.**

**WHEREAS**, the term of office as Chair of the Suffolk County Human Rights Commission expired on May 31, 2008, now, therefore be it

**1<sup>st</sup> RESOLVED**, that the reappointment of Rabbi Steven A. Moss of 204G Springmeadow Drive, Holbrook, NY 11741, as the Chair of the Suffolk County Human Rights Commission, for a term of office expiring May 31, 2009, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of Chapter 89-4A of the Suffolk County Code.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1407-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 365 -2008, APPROVING THE REAPPOINTMENT OF RABBI STEVEN A. MOSS AS A MEMBER OF THE SUFFOLK COUNTY HUMAN RIGHTS COMMISSION**

**WHEREAS**, the term of office of Rabbi Steven A. Moss expired on May 31, 2008, now, therefore be it

**1<sup>st</sup> RESOLVED**, that the reappointment of Rabbi Steven A. Moss of 204G Springmeadow Drive, Holbrook, NY 11741, to the position of Commissioner #6, as a member of the Suffolk County Human Rights Commission, for a term of office expiring May 31, 2011, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of Chapter 89-4A of the Suffolk County Code.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Romaine made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1423-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 366 -2008, AMENDING RESOLUTION NO. 48-2008**

**WHEREAS, Resolution No. 48-2008 accepted and appropriated 100% federal pass-through grant funds from the NYS Office of Homeland Security in the amount of \$2,000,000 for the "Urban Area Security Initiative Program (UASI) FY2007" administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements; and**

**WHEREAS, the UASI FY2007 grant has been modified to fund two (2) full-time Planning Aide positions in the Department of Fire, Rescue & Emergency Services, including fringe benefit costs, for the period July 1, 2008 through June 30, 2010; and**

**WHEREAS, the positions do not exist in the 2008 Operating Budget; and**

**WHEREAS, the Department of FRES requests said positions be created effective July 1, 2008 in 001-FRE-3417 as position number 0300-0008 and 0300-0009; now, therefore be it**

**<sup>1st</sup> RESOLVED, the County Comptroller and the County Treasurer be and they hereby are authorized to modify the 2008 Operating Budget to re-appropriate said grant funds as follows:**

FROM:

**Suffolk County Department of Fire, Rescue & Emergency Svcs  
001-FRE-3417**

**2090 – Radio & Communications Equipment** **-\$224,085**

TO:

**Suffolk County Department of Fire, Rescue & Emergency Svcs  
001-FRE-3417**

**1100 – Permanent Salaries** **+\$167,840**

**Employee Benefits  
Social Security  
001-EMP-9030**

**8330 – Social Security** **+12,840**

**Employee Benefits  
Retirement  
001-EMP-9010**

**8280 – Retirement** **+\$15,206**

**Employee Benefits  
Welfare Fund  
001-EMP-9080**

**8380 – Welfare Fund Contribution** **+\$5,524**

**Interfund Transfer  
Transfer to Employee Medical Health Plan  
001-IFT-E039**

**9600–Transfer of Funds** **+\$22,675**

**and be it further**

2<sup>nd</sup> RESOLVED, that the following interfund revenues for Employee Medical Health Plan be accepted and appropriated as follows:

**REVENUES:**

039-IFT-R0001 Transfer from General Fund +\$22,675

**ORGANIZATION:**

Employee Benefits  
Major Medical Claim  
039-EMP-9060

8360–Health Insurance +\$22,675

3<sup>rd</sup> RESOLVED, that the following positions be and they hereby are created in the Department of Fire, Rescue and Emergency Services:

**Department of Fire, Rescue & Emergency Services**

<u>Position No.</u>	<u>Spec No.</u>	<u>Position Title</u>	<u>JC</u>	<u>Grade</u>	<u>No. Created</u>
3417-0300-0008/9	1510	Planning Aide		C 17	2

4<sup>th</sup> RESOLVED, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue the employment of the individuals filling the positions created by this Resolution at the conclusion of the grant funding provided for such positions created by said grant; and be it further

5<sup>th</sup> RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Beedenbender made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1424-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 367 –2008, AMENDING RESOLUTION NO. 76-2007**

**WHEREAS, Resolution No. 76-2007 accepted and appropriated funds from New York State in the amount of \$425,810.70 for a Disaster Planning and Preparedness Program to be administered by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements; and,**

**WHEREAS, Suffolk County Dept of FRES has revised its Disaster Planning and Preparedness Program and thereby necessitating re-appropriation of funds for one (1) full-time Clerk Typist in its Emergency Management Office, including fringe benefit costs, for the period July 1, 2008 through June 30, 2010; and**

**WHEREAS, the position does not exist in the 2008 Operating Budget; and**

**WHEREAS, The Department of FRES requests said position be created effective July 1, 2008 in 001-FRE-3409 as position number 0200-0001; and**

**WHEREAS, Resolution No. 76-2007 created four (4) part-time Resource Management Officers and the Dept of FRES would like continue funding these positions, including fringe benefits, through December 31, 2008; now, therefore be it**

**1<sup>st</sup> RESOLVED, the County Comptroller and the County Treasurer be and they hereby are authorized to modify the 2008 Operating Budget to re-appropriate said funds as follows:**

FROM:

**Suffolk County Dept of Fire, Rescue & Emergency Services  
Domestic Preparedness Support  
001-FRE-3409**

<b>3250 – Building Materials</b>	<b>-\$56,547</b>
<b>4560 – Fees for Services-Non Employees</b>	<b>-\$84,144</b>

TO:

**Suffolk County Dept of Fire, Rescue & Emergency Services  
Domestic Preparedness Support  
001-FRE-3409**

<b>1100 – Permanent Salaries</b>	<b>+\$113,605</b>
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**Employee Benefits  
Social Security  
001-EMP-9030**

<b>8330 – Social Security</b>	<b>+\$7,029</b>
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**Employee Benefits  
Retirement  
001-EMP-9010**

<b>8280 – Retirement</b>	<b>+\$5,957</b>
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**Employee Benefits  
Welfare Fund  
001-EMP-9080**

<b>8380 – Welfare Fund</b>	<b>+\$2,762</b>
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**Interfund Transfer  
Transfer to Employee Medical Health Plan  
001-IFT-E039**

**9600 Transfer of Funds**

**+\$11,338**

**and be it further**

**2<sup>nd</sup> RESOLVED, that the following interfund revenues for Employee Medical Health Plan be accepted and appropriated as follows:**

**REVENUES:**

**039-IFT-R0001 Transfer from General Fund**

**+\$11,338**

**ORGANIZATION:**

**Employee Benefits  
Major Medical Claim  
039-EMP-9060**

**8360 – Health Insurance**

**+\$11,338**

**and be it further**

**3<sup>rd</sup> RESOLVED, that the following position be and is hereby created in the Department of Fire, Rescue & Emergency Services as follows:**

**Department of Fire, Rescue & Emergency Services  
001-FRE-3409**

<u>Position No.</u>	<u>Spec No.</u>	<u>Position Title</u>	<u>JC</u>	<u>Grade</u>	<u>No. Created</u>
3409-0200-0001	0021	Clerk Typist	C	9	1

**and be it further**

**4<sup>th</sup> RESOLVED, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue the employment of the individuals filling the positions created by this Resolution at the conclusion of the grant funding provided for such positions created; and be it further**

**5<sup>th</sup> RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator D'Amato. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.

Intro. Res. No. 1313-2008  
Introduced by Presiding Officer Lindsay

Laid on Table 4/29/2008

**RESOLUTION NO. 368 -2008, AUTHORIZING TRANSFER OF TWO (2) SURPLUS COUNTY COMPUTERS, TWO (2) SURPLUS COUNTY MONITORS AND TWO (2) SURPLUS COUNTY KEYBOARDS TO GLORY TO GOD CHURCH**

**WHEREAS**, the Suffolk County Board of Elections has submitted to the Purchasing Department a list of surplus computer systems and hardware which have been declared surplus; and

**WHEREAS**, this equipment has been taken out of service because of obsolescent technology; and

**WHEREAS**, Glory to God Church has requested the donation of these computer systems and hardware from the County; and

**WHEREAS**, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Board of Elections is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following organization, for use within its facilities for nominal consideration:

**TO:**  
Glory to God Church

**COMPUTER SERIAL NO:**  
1008865

400 Wyandanch Avenue  
West Babylon, NY 11704

1009571

Contact: Lucia Anglade  
Telephone: 631-491-1692

**MONITOR:**  
2 – Monitor EV700

**KEYBOARD DESCRIPTION:**  
2 – Gateway

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed organization for nominal consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.**

Intro. Res. No. 1318-2008  
Introduced by Legislators Browning and Horsley

Laid on Table 4/29/2008

**RESOLUTION NO. 369 –2008, DIRECTING THE SUFFOLK COUNTY SEWER AGENCY TO PREPARE REPORTS AND MAKE RECOMMENDATIONS NECESSARY TO FORM A SEWER DISTRICT AT MASTIC/MASTIC BEACH/SHIRLEY**

**WHEREAS**, the creation of a sewer district in Mastic, Mastic Beach and Shirley has the potential to increase business investment, increase workforce housing opportunities and provide greater environmental protection in these communities; and

**WHEREAS**, the Montauk Highway Business District in Mastic/Shirley, the Neighborhood Road Business District in Mastic Beach and the Mastic Road Business District in Mastic Beach and Mastic would benefit from the creation of a sewer district; and

**WHEREAS**, the presence of sewers would allow for greater building density and the creation of affordable, workforce housing in these communities; and

**WHEREAS**, the prevalence of cesspools and septic tanks in the Mastic, Mastic Beach and Shirley communities has contributed to the depletion of oxygen and the increased levels of nitrogen in the Forge River; and

**WHEREAS**, cesspools and septic tanks also threaten the extensive wetland areas in the Mastic, Mastic Beach and Shirley communities; and

**WHEREAS**, the Suffolk County Sewer Agency has entered heretofore and will hereafter enter into agreements with various subdividers, developers and sponsors to make provisions for sewage collection and disposal facilities in and about subdivisions, condominiums, commercial, industrial and other areas, as well as the formation of districts to implement such intentions; and

**WHEREAS**, it has previously been determined to be in the best interest of all residents of the County of Suffolk for small sewage treatment facilities to be incorporated into the oversight of the Suffolk County Department of Public Works to ensure the quality of ground water and the health and comfort of surrounding communities; and

**WHEREAS**, the Suffolk County Sewer Agency should study and make recommendations necessary for the formation of a County Sewer District in the Mastic, Mastic Beach and Shirley communities; now, therefore be it

**1st RESOLVED**, that the Suffolk County Sewer Agency, with the assistance of the Suffolk County Department of Public Works, be, and is hereby authorized, empowered and directed within the limitations of their budget, to undertake the preparation of appropriate reports and make recommendations necessary to initiate the process which may ultimately result in the formation of a County Sewer District in and about the Mastic, Mastic Beach and Shirley communities; and be it further

**2nd RESOLVED**, that the boundaries of the subject sewer district shall encompass the William Floyd Parkway from Montauk Highway south to the Neighborhood Road Business District, and as far east as the Forge River; and be it further

**3rd RESOLVED**, that the Suffolk County Sewer Agency shall, within thirty (30) days of the effective date of this resolution, provide members of the Suffolk County Legislature with its written schedule/timeline for the subject sewer district study; and be it further



Intro. Res. No. 1348-2008 when adopted, and without prejudice to a petition for modification of such rates as may be made in future it is; now, therefore be it

**1<sup>st</sup>**                **RESOLVED**, that:

Consideration of the application of North Ferry Co., Inc. for the purposes of publication of the notice required by the Suffolk County Legislature the Public Hearing on this application shall be held at the Regular Meeting of the Suffolk County Legislature at that time set aside for Public Hearings on the first Regular Meeting date established for the Suffolk County Legislature on June 10, 2008 at 2:30 p.m., Hauppauge, New York; and be it further

**2<sup>nd</sup>**                **RESOLVED**, that pending the consideration of this application and the Public Hearing, the application be and it hereby is referred to the Public Works and Transportation Committee for their consideration and recommendation to the Suffolk County Legislature.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-2-0-0-0. Legislators Alden and Barraga voted no.**

Intro. Res. No. 1372-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 371                -2008, AMENDING THE 2008  
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING  
FUNDS IN CONNECTION WITH STRENGTHENING AND  
IMPROVING COUNTY ROADS (CP 5014)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with Strengthening and Improving CR 16, Horseblock Road, from CR 80, Montauk Highway to CR 21, Rocky Point-Yaphank Road and CR 21, Rocky Point-Yaphank Road, from CR 16, Horseblock Road to Main Street, Yaphank, Town of Brookhaven; and

**WHEREAS**, the professional engineering services associated with the planning, design and construction of this project have been and will be performed by the staff of the Department of Public Works; and

**WHEREAS**, 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**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$1,000,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, Resolution No. 1171-1995 approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty-one (41) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup>** **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 Strengthening and Improving County Roads, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

**4<sup>th</sup>** **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5548  
 Project Title: Reconstruction of CR 83, Patchogue-Mt. Sinai Road

	<u>Total Est'd Cost</u>	Current 2008 Capital Budget & <u>Program</u>	Revised 2008 Capital Budget & <u>Program</u>
3. Construction	<u>\$1,600,000</u>	<u>\$400,000B</u>	<u>\$ 0</u>
TOTAL	\$2,550,000	\$400,000	\$ 0

Project No.: 5515  
 Project Title: Reconstruction of CR 46, William Floyd Parkway

	<u>Total Est'd Cost</u>	Current 2008 Capital Budget & <u>Program</u>	Revised 2008 Capital Budget & <u>Program</u>
2. Land Acquisition.	<u>\$170,000</u>	<u>\$750,000B</u>	<u>\$150,000B</u>

TOTAL	\$9,920,000	\$750,000	\$150,000
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Project No.: 5014  
 Project Title: Strengthening & Improving County Roads

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget &amp; Program</u>	<u>Revised 2008 Capital Budget &amp; Program</u>
3. Construction	<u>\$60,015,000</u>	<u>\$5,500,000B</u>	<u>\$6,500,000B</u>
TOTAL	\$60,015,000	\$5,500,000	\$6,500,000

and be it further

**5<sup>th</sup>** **RESOLVED**, that the proceeds of \$1,000,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP- 5014.347 (Fund 001-Debt Service)	50	Strengthening and Improving County Roads	\$1,000,000

DATED: May 13, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,  
 RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 14-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Cooper was not present.**

Intro. Res. No. 1373-2008 Laid on Table 4/29/2008  
 Introduced by Presiding Officer, on request of the County Executive and Viloría-Fisher

**RESOLUTION NO. 373 -2008, APPROPRIATING FUNDS IN CONNECTION WITH THE DREDGING OF COUNTY WATERS (CP 5200)**

**WHEREAS**, the Commissioner of Public Works has requested funds for engineering in connection with Dredging of County Waters; 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 \$50,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to 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

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

**3<sup>rd</sup>** **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 Dredging of County Waters, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

**4<sup>th</sup>** **RESOLVED**, that the proceeds of \$50,000 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- 5200.114 (Fund 001-Debt Service)	50	Dredging of County Waters	\$50,000

DATED: May 13, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Beedenbender. The resolution was passed 15-2-0-0-0. Legislators Alden and Barraga voted no.**

Intro. Res. No. 1374-2008  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 4/29/2008

**RESOLUTION NO. 375 -2008, APPROPRIATING FUNDS IN CONNECTION WITH A COUNTY WIDE HIGHWAY CAPACITY STUDY (CP 5502)**

**WHEREAS**, the Commissioner of Public Works has requested funds for engineering in connection with a County Wide Highway Capacity Study; 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 \$300,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (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

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-six (36) 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

**3<sup>rd</sup>** **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete a County Wide Highway Capacity Study, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

**4<sup>th</sup>** **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 5502.110 (Fund 001-Debt Service)	50	County Wide Highway Capacity Study	\$300,000

DATED: May 13, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Stern. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1375-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 377 –2008, AMENDING THE 2008 OPERATING BUDGET TO TRANSFER UNEXPENDED FUNDS FROM FUND 477 WATER QUALITY PROTECTION PROGRAM FUND BALANCE-WATER QUALITY PROTECTION COMPONENT FROM THE PROGRAM ENDING NOVEMBER 30, 2007, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH STORMWATER REMEDIATION TO GREEN CREEK AT COUNTY ROAD 85, MONTAUK HIGHWAY**

**WHEREAS**, there are sufficient unexpended funds within the reserved fund balance of Fund 477 Water Quality Protection component for the program ending November 30, 2007 for the purpose of Water Quality Protection; and

**WHEREAS**, the Commissioner of Public Works has requested funds for the improvements at multiple County roads; 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**, there are available Fund 477 funds within the Reserved Fund Balance for Water Quality related projects to support the appropriation of this project within the 2008 Capital Budget and Program; now, therefore be it

**1<sup>st</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, has found and determined that the project proposed pursuant to this resolution constitutes a Type II action as stated in SEQRA Resolution No. 1337-2007, and pursuant to Section 617.5 (c) (20), (21) and (27) of Title 6 of the NYCRR and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and Legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-three (73) 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

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

4<sup>th</sup> **RESOLVED**, that the Adopted 2008 Operating Budget be and hereby is amended and that the following funds from the Fund 477 Fund Balance be and hereby are appropriated as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$700,000.00

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Org</u>	<u>Description</u>	<u>Amount</u>
IFT		R477	E525	Transfer from Water Quality Protection	\$700,000

and be it further

6<sup>th</sup> **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8240  
 Project Title: Storm Water Remediation at various County Roads

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget &amp; Program</u>	<u>Revised 2008 Capital Budget &amp; Program</u>
3. Construction			\$700,000 \$0 \$700,000W
TOTAL	\$700,000	\$0	\$700,000

and be it further

7<sup>th</sup> **RESOLVED**, that the transfer in the amount of \$700,000 be and hereby is appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8240.319	50	Storm Water Remediation to Green Creek @ CR 85, Montauk	\$700,000

Highway

and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Kennedy made motion for the following resolution, seconded by Legislator Montano. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1378-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 378 -2008, A RESOLUTION MAKING CERTAIN ADDITIONAL FINDINGS AND DETERMINATIONS IN RELATION TO A PROPOSAL TO INCREASE AND IMPROVE FACILITIES FOR SEWER DISTRICT NO. 18 – HAUPPAUGE INDUSTRIAL (CP 8126)**

**WHEREAS**, pursuant to Resolution No. 1010-2005, which was adopted on September 27, 2005 and signed by the County Executive on September 30, 2005, the Suffolk County Legislature, upon evidence given at public hearings held on June 28, 2005 and reopened on August 9, 2005, and upon maps and plans filed with the County Legislature, found and determined that it was in the public interest to increase and improve the facilities of Suffolk County Sewer District No. 18 - Hauppauge Industrial and to extend such district at a maximum estimated cost of \$65,000,000, to be obtained through debt obligations, substantially in accordance with the maps and plans filed at that time with the County Legislature; and

**WHEREAS**, in the course of the two intervening years since the original report, map, and plan were filed with the County Legislature, the total cost of the improvement, increase and extension of Suffolk County Sewer District No. 18 - Hauppauge Industrial has increased from \$65,000,000 to \$70,000,000, as reflected in the revised "Report, Map, and Recommendations for Proposed Extension and Improvement of Suffolk County Sewer District No. 18, Hauppauge Industrial – Rev. October 2007", which has been duly filed with the County Legislature; and

**WHEREAS**, in order to seek public comment and input on the revised "Report, Map, and Recommendations for the Proposed Extension and Improvement of the Suffolk

County Sewer District No. 18 - Hauppauge Industrial – Rev. October 2007” and in order for the public to comment and present input on the proposed “increase and improvement of facilities” portion of this project, the County Legislature duly adopted Resolution No. 1041-2007, which called for another public hearing in regard to the increase and improvement of facilities for Suffolk County Sewer District No. 18 Hauppauge Industrial to be held in Riverhead on November 20, 2007 at 2:30 p.m., Prevailing Time; and

**WHEREAS**, while the public hearing was held on November 20, 2007 at 2:30 p.m., Prevailing Time following which the Legislature duly enacted Resolution No. 1279-2007, finding that the increase and improvement of facilities for Suffolk County Sewer District No. 18 Hauppauge - Industrial was in the public interest, it was subsequently discovered that the Notice of the Public Hearing required by Resolution No. 1041-2007 was improperly published; and

**WHEREAS**, in order to correct improper publication the Legislature repealed Resolution No. 1041-2007 in its entirety and enacted Resolution No. 214-2008 calling for a new public hearing and new Notice of Public Hearing regarding the proposed increase and improvement of facilities for Suffolk County Sewer District No. 18 - Hauppauge Industrial 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; and

**WHEREAS**, pursuant to Resolution No. 214-2008, the Clerk of the Legislature did duly cause a Notice of Public Hearing to be published at least once in each of the official newspapers of the County, all in the manner and within the time provided by law and proof thereof has been presented to the County Legislature; and

**WHEREAS**, said public hearing was held in Hauppauge, New York in said County on April 29, 2008 at 2:30 p.m., Prevailing Time; and

**WHEREAS**, said County Legislature has duly considered the revised map and plan and estimate of cost for the increase and improvement of facilities for Suffolk County Sewer District No. 18 - Hauppauge Industrial submitted and evidence given at the public hearings held on June 28, 2005, November 20, 2007, and April 29, 2008 respectively; now therefore be it

**1<sup>st</sup> RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. Upon evidence given at the aforesaid public hearings and after due consideration of the revised maps, plans, reports, recommendations, and data filed with the County Legislature, it is hereby found and determined that it is in the public interest to increase and improve the facilities at Suffolk County Sewer District No. 18 - Hauppauge Industrial, that the proposed facilities are adequate and appropriate, and will not constitute an undue burden on the property which will bear the cost thereof;

Section 2. Upon evidence given at the aforesaid public hearings and after due consideration of the revised maps, plans, reports, recommendations, and data filed with the County Legislature, the Legislature further finds and determines that it is in the public interest to increase the original amount authorized for entire project, including the increase and improvement of facilities and the extension of boundaries for Suffolk County Sewer District No. 18 - Hauppauge Industrial, from \$65,000,000 to \$70,000,000;

Section 3. Upon evidence given at the aforesaid public hearings and after due consideration of the revised maps, plans, reports, recommendations, and data filed with the County Legislature, it further finds and determines that it is in the public interest to increase and improve the facilities at Suffolk County Sewer District No. 18 - Hauppauge Industrial at a maximum cost of \$35,000,000 which represents that portion of the aforementioned \$70,000,000 which will be attributable to the increase and improvement of facilities of said sewer district, substantially in accordance with the revised map and plan;

Section 4. Upon evidence given at the aforesaid public hearings and after due consideration of the revised maps, plans, reports, recommendations, and data filed with the County Legislature, it is found and determined that all property and property owners within the existing Suffolk County Sewer District No. 18 and the proposed extension of Suffolk County Sewer District No. 18 - Hauppauge Industrial, will be benefited by such increase and improvement of facilities and that no benefited property has been excluded;

Section 5. Suffolk County Sewer District No. 18 - Hauppauge Industrial, as extended, shall comprise all that certain plot, piece or parcel of land, with improvements erected thereon situate, lying and being at Hauppauge, Town of Smithtown, County of Suffolk and State of New York, being 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.

Section 6. As evidenced by certification from the Suffolk County Board of Elections duly filed with the County Legislature, there are no qualified electors who are residents in the existing district or in the proposed district extension, thus a permissive referendum on the proposed increase and improvement to Suffolk County Sewer District No. 18 - Hauppauge Industrial is unnecessary.

Section 7. As evidenced by Resolution No. 716-2004, the County Legislature acting as the State Environmental Quality Review Act (SEQRA) lead agency determined that the Proposed Improvement and Expansion of Sewer District No. 18 - Hauppauge Industrial, constituted a Type I action pursuant to the provisions of Title 6 NYCRR Part 617.6(b)(6)(i) and Chapter 279 of the Suffolk County Code, which project will not have a significant effect on the environment, thus no further SEQRA action is necessary.

**2<sup>nd</sup> RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. The Application for New York State Comptroller Consent for the expenditure of debt for the project, including both the increase and improvement of facilities portion of the

project and the extension of boundaries portion of the project, is attached to this Resolution as Exhibit A. The Application includes the Report, Map, and Recommendations for the Proposed Extension and Improvement of the Suffolk County Sewer District No. 18 - Hauppauge Industrial dated August 2006 and revised in October 2007 ("Application"). Said Application was prepared at the direction of the Legislature and has duly been submitted to the Office of the State Comptroller.

Section 2. The Legislature, upon information and belief, believes the contents of the Application to be accurate.

Section 3. The Suffolk County Executive or his designee is hereby authorized and empowered to prepare, execute, verify, and submit any additional information regarding the Application or to amend the existing Application that the County has previously filed regarding obtaining the approval of the expenditure of debt funds for increase and improvement of facilities for Suffolk County Sewer District No. 18 - Hauppauge Industrial from the New York State Department of Audit and Control consistent with Article 5A of the New York County Law.

**3<sup>rd</sup> RESOLVED**, that all other provisions of Resolution No. 1010-2005 and Resolution No. 1279-2007 are hereby affirmed, ratified and remain in full force and effect.

**4<sup>th</sup> RESOLVED**, 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.

**5<sup>th</sup> RESOLVED**, that this resolution shall take effect immediately.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 16, 2008

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**Legislator Stern made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 14-3-0-0-0. Legislators Alden, Barraga, and Kennedy voted no.**

Intro. Res. No 1392-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 379 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RECONSTRUCTION AND IMPROVEMENTS AT THE BOMARC RECORDS STORAGE FACILITY (CP 1705)**

**WHEREAS**, the Commissioner of Public Works has requested funds for improvements to provide additional storage capacity at the BOMARC Records Storage Facility (C-0209); 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, has established a priority ranking system as the basis for funding Capital Projects such as this project; and

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

**1<sup>st</sup> RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 169-2002 classified the action contemplated by this as a Type II Action; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-one (51) 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

**3<sup>rd</sup> 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

**4<sup>th</sup> RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 1705

Project Title: Reconstruction and Improvements At The Bomarc Records Storage Facility

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning, Design, and Supervision	\$300,000	\$100,000 B	\$20,000 B
3. Construction	\$2,550,000	\$150,000 B	\$80,000 B
5. Furniture & Equipment	<u>\$750,000</u>	<u>\$250,000 B</u>	<u>\$400,000 B</u>
<b>TOTAL</b>	<b>\$3,600,000</b>	<b>\$500,000</b>	<b>\$500,000</b>

and be it further

**5<sup>th</sup>** **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-1705.113 (Fund 001-Debt Service)	20	Planning for Reconstruction and Improvements At The Bomarc Records Storage Facility	\$20,000
525-CAP-1705.313 (Fund 001-Debt Service)	20	Reconstruction and Improvements At The Bomarc Records Storage Facility	\$80,000
525-CAP-1705.511 (Fund 001-Debt Service)	20	Reconstruction and Improvements At The Bomarc Records Storage Facility	\$400,000

DATED: May 13, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Legislator Stern made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 14-2-1-0-0. Legislators Barraga and Kennedy voted no. Legislator Alden abstained.**

Intro. Res. No 1393-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 381 -2008, APPROPRIATING FUNDS IN CONNECTION WITH RENOVATIONS TO SURROGATE’S COURT (CP 1133)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the renovation of the Surrogate’s Court facility; 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 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$1,240,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, the Central Pine Barrens Joint Planning and Policy Commission, as SEQRA lead agency, on September 21,2005 issued a Negative Declaration for all proposed development at the Riverhead County Center as contained the Final Resolution on the Compatible Growth Area Development of Regional Significance Hardship Application; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-one (51) is eligible for approval in accordance with the provisions of Resolution No. 461-2006; and be it further

**3<sup>rd</sup>** **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

**4<sup>th</sup>** **RESOLVED**, that the proceeds of \$1,240,000 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-1133.310 (Fund 001-Debt Service)	20	Renovations to Surrogate's Court	\$1,240,000

DATED: May 13, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 17-0-0-0-0.**

Intro. Res. No 1395-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 383 -2008, APPROPRIATING FUNDS IN CONNECTION WITH REMOVAL OF TOXIC AND HAZARDOUS BUILDING MATERIALS AND COMPONENTS AT VARIOUS COUNTY FACILITIES (CP 1732)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the Removal of Toxic and Hazardous Building Materials and Components at Various County Facilities; 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 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$325,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 256-2005 classified the action contemplated by this as a Type II action; and be it further

**2<sup>nd</sup> 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

**3<sup>rd</sup> 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

**4<sup>th</sup> RESOLVED**, that the proceeds of \$325,000 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-1732.121 (Fund 001-Debt Service)	20	Planning for Removal of Toxic and Hazardous Building Materials & Components at Various County Facilities	\$25,000
525-CAP-1732.327 (Fund 001-Debt Service)	20	Removal of Toxic and Hazardous Building Materials & Components at Various County Facilities	\$300,000

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 13-2-2-0-0. Legislators Losquadro and Barraga voted no. Legislators Romaine and Montano abstained.**

Intro. Res. No. 1395A-2008

**BOND RESOLUTION NO. 384 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$325,000 BONDS TO FINANCE A PART OF THE COST OF THE REMOVAL OF TOXIC AND HAZARDOUS BUILDING MATERIALS AND COMPONENTS AT VARIOUS COUNTY FACILITIES (CP 1732.121 and .327)**

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 \$325,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the removal of toxic and hazardous building materials and components at various County facilities, 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 \$787,500. The plan of financing includes (a) the issuance of \$275,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 446-2005 (\$75,000 for planning and \$200,000 for removal), (b) the issuance of \$187,500 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 667-2007 (\$12,500 for planning and \$175,000 for removal), (c) the issuance of \$325,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$25,000 for planning and \$300,000 for removal) 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. 12(a)(2) of the Law of the Law, is fifteen (15) years, computed from May 15, 2006, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 446-2005.

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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 16-1-0-0-0. Legislator Alden voted no.**

Intro. Res. No 1396-2008  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 4/29/2008

**RESOLUTION NO. 385 -2008, APPROPRIATING FUNDS IN CONNECTION WITH REPLACEMENT OF MAJOR BUILDINGS OPERATIONS EQUIPMENT AT VARIOUS COUNTY FACILITIES (CP 1737)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the Replacement of Major Buildings Operations Equipment at Various County Facilities; 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 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$400,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 255-2005 classified the action contemplated by this as a Type II action; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-five (55) 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

**3<sup>rd</sup> 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

**4<sup>th</sup> 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-1737.325 (Fund 001-Debt Service)	20	Replacement of Major Buildings Operations Equipment at Various County Facilities	\$400,000

DATED: May 13, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 15-2-0-0-0. Legislators Alden and Barraga voted no.

Intro. Res. No 1398-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 387 -2008, APPROPRIATING FUNDS IN CONNECTION WITH RIVERHEAD COUNTY CENTER POWER PLANT UPGRADE (CP 1715)**

**WHEREAS**, the Commissioner of Public Works has requested funds for Upgrades to the Riverhead Power Plant; 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 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$300,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 258-2005 classified the action contemplated by this as a Type II action; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-seven (67) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup>** **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

**4<sup>th</sup>** **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-1715.314 (Fund 001-Debt Service)	20	Riverhead County Center Power Plant Upgrade	\$300,000

DATED: May 13, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 14-1-0-2-0. Legislator Alden voted no. Legislators Beedenbender and Barraga were not present.**

Intro. Res. No. 1412-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 389 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH SAFETY IMPROVEMENTS AT VARIOUS LOCATIONS (CP 3301)**

**WHEREAS**, the Commissioner of Public Works has requested funds for engineering in connection with Safety Improvements at Various Locations; 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 C4-13, 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**, 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

**1<sup>st</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (2), (11), (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

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-three (53) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup>** **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 at Various Locations, pursuant to Section C8-2 of the Suffolk County Charter; and be it further

**4<sup>th</sup>** **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5375

Project Title: Bulkheading at Various Locations

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget &amp; Program</u>	<u>Revised 2008 Capital Budget &amp; Program</u>
3. Construction	<u>\$2,190,000</u>	<u>\$405,000B</u>	<u>\$205,000B</u>
TOTAL	\$2,190,000	\$405,000	\$205,000

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

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget &amp; Program</u>	<u>Revised 2008 Capital Budget &amp; Program</u>
1. Planning, Design & Supervision	<u>\$1,192,000</u>	<u>\$150,000B</u>	<u>\$350,000B</u>
TOTAL	\$13,867,000	\$150,000	\$350,000

and be it further

**5<sup>th</sup>** **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>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3301.124 (Fund 001-Debt Service)	50	Safety Improvements at Various Locations	\$200,000

DATED: May 13, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,  
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Legislator Kennedy made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 16-0-0-1-0. Legislator Cooper was not present.**

Intro. Res. No. 1415-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 391 -2008, A RESOLUTION MAKING  
CERTAIN ADDITIONAL FINDINGS AND DETERMINATIONS IN**

**RELATION TO A PROPOSAL TO EXTEND SEWER DISTRICT  
NO. 18 – HAUPPAUGE INDUSTRIAL (CP 8126)**

**WHEREAS**, pursuant to Resolution No. 1010-2005, which was adopted on September 27, 2005 and signed by the County Executive on September 30, 2005, the Suffolk County Legislature, upon evidence given at public hearings held on June 28, 2005 and reopened on August 9, 2005, and upon maps and plans filed with the County Legislature, found and determined that it was in the public interest to increase and improve the facilities of Suffolk County Sewer District No. 18 - Hauppauge Industrial and to extend such district at a maximum estimated cost of \$65,000,000, to be obtained through debt obligations, substantially in accordance with the maps and plans filed at that time with the County Legislature; and

**WHEREAS**, in the course of the two intervening years since the original report, map, and plan were filed with the County Legislature, the total cost of the improvement, increase and extension of Suffolk County Sewer District No. 18 – Hauppauge Industrial has increased from \$65,000,000 to \$70,000,000, as reflected in the revised “Report, Map, and Recommendations for Proposed Extension and Improvement of Suffolk County Sewer District No. 18 - Hauppauge Industrial – Rev. October 2007”, which has been duly filed with the County Legislature; and

**WHEREAS**, in order to seek public comment and input on the revised “Report, Map, and Recommendations for the Proposed Extension and Improvement of the Suffolk County Sewer District No. 18 - Hauppauge Industrial – Rev. October 2007” and in order for the public to comment and present input on the proposed “extension of boundaries” portion of this project, the County Legislature duly adopted Resolution No. 1040-2007, which called for another public hearing in regard to the extension of boundaries for Suffolk County Sewer District No. 18 - Hauppauge Industrial to be held in Riverhead on November 20, 2007 at 2:30 p.m., Prevailing Time; and

**WHEREAS**, while the public hearing was held on November 20, 2007 at 2:30 p.m., Prevailing Time following which the Legislature duly enacted Resolution No. 1278-2007, finding that the extension of boundaries of Suffolk County Sewer District No. 18 Hauppauge - Industrial was in the public interest, it was subsequently discovered that the Notice of the Public Hearing required by Resolution No. 1040-2007 was improperly published; and

**WHEREAS**, in order to correct improper publication the Legislature repealed Resolution No. 1040-2007 in its entirety and enacted Resolution No. 215-2008 calling for a new public hearing and new Notice of Public Hearing regarding the proposed extension of boundaries for Suffolk County Sewer District No. 18 - Hauppauge Industrial 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; and

**WHEREAS**, pursuant to Resolution No. 215-2008, the Clerk of the Legislature did duly cause a Notice of Public Hearing to be published at least once in each of the official newspapers of the County, all in the manner and within the time provided by law and proof thereof has been presented to the County Legislature; and

**WHEREAS**, said public hearing was held in Hauppauge, New York in said County on April 29, 2008 at 2:30 p.m., Prevailing Time; and

**WHEREAS**, said County Legislature has duly considered the revised map and plan and estimate of cost of the proposed extension of boundaries of Suffolk County Sewer District No. 18 - Hauppauge Industrial submitted and evidence given at the public hearings held on June 28, 2005, November 20, 2007, and April 29, 2008 respectively; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. Upon evidence given at the aforesaid public hearings and after due consideration of the revised maps, plans, reports, recommendations, and data filed with the County Legislature, it is hereby found and determined that it is in the public interest to extend the boundaries of Suffolk County Sewer District No. 18 - Hauppauge Industrial, that the proposed facilities for use in the extended boundaries are adequate and appropriate, and will not constitute an undue burden on the property which will bear the cost thereof;

Section 2. Upon evidence given at the aforesaid public hearings and after due consideration of the revised maps, plans, reports, recommendations, and data filed with the County Legislature, the Legislature further finds and determines that it is in the public interest to increase the original amount authorized for entire project, including the increase and improvement of facilities and the extension of boundaries for Suffolk County Sewer District No. 18 - Hauppauge Industrial, from \$65,000,000 to \$70,000,000;

Section 3. Upon evidence given at the aforesaid public hearings and after due consideration of the revised maps, plans, reports, recommendations, and data filed with the County Legislature, it is further found and determined that it is in the public interest to extend the boundaries of Suffolk County Sewer District No. 18 - Hauppauge Industrial at a maximum cost of \$35,000,000, which represents that portion of the aforementioned \$70,000,000 which will be attributable to the extension of said sewer district, substantially in accordance with the revised map and plan;

Section 4. Upon evidence given at the aforesaid public hearings and after due consideration of the revised maps, plans, reports, recommendations, and data filed with the County Legislature, it is found and determined that all property and property owners within both the existing district and the proposed extension of Suffolk County Sewer District No. 18 - Hauppauge Industrial will be benefited by such extension of boundaries and that no benefited property has been excluded.

Section 5. Suffolk County Sewer District No. 18 - Hauppauge Industrial, as extended, shall comprise all that certain plot, piece or parcel of land, with improvements erected thereon situate, lying and being at Hauppauge, Town of Smithtown, County of Suffolk and State of New York, being 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.

Section 6. As evidenced by certification from the Suffolk County Board of Elections duly filed with the County Legislature, there are no qualified electors who are residents in the existing district or in the proposed district extension, thus a permissive referendum on the proposed increase and improvement to Suffolk County Sewer District No. 18 - Hauppauge Industrial is unnecessary.

Section 7. As evidenced by Resolution No. 716-2004, the County Legislature acting as the State Environmental Quality Review Act (SEQRA) lead agency determined that the Proposed Improvement and Expansion of Sewer District No. 18 - Hauppauge Industrial, constituted a Type I action pursuant to the provisions of Title 6 NYCRR Part 617.6(b)(6)(i) and Chapter 279 of the Suffolk County Code, which project will not have a significant effect on the environment, thus no further SEQRA action is necessary.

**2<sup>nd</sup>** **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. The Application for New York State Comptroller Consent for the expenditure of debt for the project, including both the increase and improvement of facilities portion of the project and the extension of boundaries portion of the project, is attached to this Resolution as Exhibit A. The Application includes the Report, Map, and Recommendations for the Proposed Extension and Improvement of the Suffolk County Sewer District No. 18, Hauppauge Industrial dated August 2006 and revised in October 2007 ("Application"). Said Application was prepared at the direction of the Legislature and has duly been submitted to the Office of the State Comptroller.

Section 2. The Legislature, upon information and belief, believes the contents of the Application to be accurate.

Section 3. The Suffolk County Executive or his designee is hereby authorized and empowered to prepare, execute, verify, and submit any additional information regarding the Application or to amend the existing Application that the County has previously filed regarding obtaining the approval for the expenditure of debt funds for the extension of boundaries for Suffolk County Sewer District No. 18 - Hauppauge Industrial from the New York State Department of Audit and Control consistent with Article 5A of the New York County Law.

and be it further

**3<sup>rd</sup>** **RESOLVED**, that all other provisions of Resolution No. 1010-2005 and Resolution No. 1278-2007 are hereby affirmed, ratified and remain in full force and effect.

**4<sup>th</sup>** **RESOLVED**, 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.

**5<sup>th</sup>** **RESOLVED**, that this resolution shall take effect immediately.

\_\_\_ Underlining denotes addition of new language

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 16, 2008

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**Legislator Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 15-1-0-1-0. Legislator Barraga voted no. Legislator Montano was not present.**

Intro. Res. No. 1425-2008  
Introduced by Legislator Viloría-Fisher

Laid on Table 4/29/2008

**RESOLUTION NO. 392 –2008, AMENDING RESOLUTION NO. 687-2007, CREATING THE SUFFOLK MUNICIPAL ACADEMIC REGIONAL TRANSIT (SMART) TRANSPORTATION TASK FORCE**

**WHEREAS**, Resolution No. 687-2007 created the Suffolk Municipal Academic Regional Transit (SMART) Transportation Task Force to investigate the mass transportation between institutions of higher education in Suffolk County; and

**WHEREAS**, a written report of the findings of the Task Force is to be submitted to each member of the Legislature by July 12, 2008; and

**WHEREAS**, the Task Force requires additional time to complete their report; now, therefore be it

**1st** **RESOLVED**, that the 14th RESOLVED CLAUSE of Resolution No. 687-2007 is hereby amended to read as follows:

**14th RESOLVED**, that this Task Force shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive no later than [one year subsequent to the effective date of this

Resolution] October 31, 2008 for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

and be it further

**2nd** **RESOLVED**, that the provisions of Resolution No. 687-2007 shall remain in full force and effect; and be it further

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Romaine made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.**

Intro. Res. No. 1251-2008  
Introduced by Legislator Romaine

Laid on Table 3/18/2008

**RESOLUTION NO. 393 -2008, ADOPTING LOCAL LAW NO. 20 -2008, A LOCAL LAW FURTHER STRENGTHENING PROTECTIONS FOR RESIDENTS OF PLANNED RETIREMENT COMMUNITIES**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 18, 2008, a proposed local law entitled, "**A LOCAL LAW FURTHER STRENGTHENING PROTECTIONS FOR RESIDENTS OF PLANNED RETIREMENT COMMUNITIES**;" now, therefore be it

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

**LOCAL LAW NO. 20 -2008, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW FURTHER STRENGTHENING PROTECTIONS FOR RESIDENTS OF PLANNED RETIREMENT COMMUNITIES**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Local Law No. 1-2007 (codified at Chapter 383 of the SUFFOLK COUNTY CODE) was enacted by the County of Suffolk to extend to residents of planned retirement communities protections similar to those afforded mobile homeowners and multiple dwelling tenants under New York State Law.

This Legislature further finds that the owner/operator of a planned retirement community, MHC Greenwood Village, LLP, has brought a legal challenge against this law. A New York State Supreme Court justice has upheld Local Law No. 1-2007 but enforcement of the law has been stayed pending an appeal to the Appellate Division, Second Department.

This Legislature also finds that while the enforcement of Local Law No. 1-2007 has been stayed, the owner/operator of Greenwood Village has distributed forms in the community by which homeowners would waive their rights under the local law.

This Legislature further finds and determines that Greenwood Village's attempt to obtain waivers from senior citizen homeowners is just another example of the unfair and unconscionable negotiating advantage presently enjoyed by planned retirement communities.

This Legislature also determines that allowing planned retirement communities to "request" such waivers from homeowners is contrary to sound public policy.

Therefore, the purpose of this law is to amend Local Law No. 1-2007 and establish that the rights provided under the law may not be waived.

**Section 2. Amendments.**

Chapter 383 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 383, Planned Retirements Communities**

\* \* \* \*

**§383-9. Retaliation for lawful activities or waiver of rights prohibited.**

- A.** No planned retirement community owner or operator may threaten reprisal, overtly or covertly, against any of the said homeowners or tenants as a result of their lawful pursuits and activities.
- B.** No planned retirement community owner or operator may request or demand that a homeowner or tenant waive their rights under this chapter. Any waiver by a homeowner or tenant of their rights under this chapter shall be deemed null and void as contrary to public policy.

\* \* \* \*

**Section 3. Applicability.**

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

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

After a public hearing duly held on May 27, 2008  
Filed with the Secretary of State on June 23, 2008

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Legislator Stern made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.

Intro. Res. No. 1341-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 394 -2008, APPROVING THE APPOINTMENT OF CHRISTINE CASTIGLIA-RUBINSTEIN AS A MEMBER OF THE SENIOR CITIZENS ADVISORY BOARD**

**WHEREAS**, the term of office of Helen C. Brion expired on July 26, 2006, and has since resigned; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the appointment of Christine Castiglia-Rubinstein, residing at 31 Brookside Drive, Smithtown, NY 11787, as a member of the Senior Citizens Advisory Board to replace Helen C. Brion, for a term of office expiring July 27, 2009, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provisions of 158-2(B) of the SUFFOLK COUNTY CODE.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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Legislator Viloría-Fisher made motion for the following resolution, seconded by Presiding Officer Lindsay. The resolution was passed 16-0-0-1-0. Legislator Montano was not present.

Intro. Res. No. 1311-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer Lindsay

**RESOLUTION NO. 395 -2008, APPROVING PAYMENT TO GENERAL CODE PUBLISHERS FOR ADMINISTRATIVE CODE PAGES**

**WHEREAS**, General Code Publishers Corp. has provided Supplement No. 80 to update the Suffolk County Administrative Code totaling \$5913.37; and

**WHEREAS**, Resolution No. 461-1986 established a schedule of fees for entities and/or individuals requesting such Administrative Code and pages from the County Legislature and Resolution No. 189-1991 amended said fee schedule; now, therefore be it

**RESOLVED**, that the payment of \$5913.37 for the provisions of such pages is hereby approved.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 15-0-0-2-0. Legislators Beedenbender and Montano were not present.**

Intro. Res. No. 1325-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 396 -2008, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT TO  
LOCAL LAW 13-1976 THOMAS J. DUNN AND LINDA S.  
DUNN, as TENANTS BY ENTIRETY (SCTM NO. 0200-787.00-  
06.00-034.000)**

**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 787.00 Block 06.00 Lot 034.000 and acquired by Tax Deed on August 16, 2004 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 2, 2004 in Liber 12341 at Page 445, and otherwise known as and by Town of Brookhaven as lots 17 and 18, inclusive, in Block No. 19, as shown on the "Map of Lakeview Park, Plate A", as Map No. 653; and

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

**WHEREAS**, Thomas J. Dunn and Linda S. Dunn, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$15,000.00. 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 \$15,000.00, which property is surplus to the needs of the County of Suffolk; and

**WHEREAS**, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$15,000.00, 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

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

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

**3<sup>rd</sup>** **RESOLVED**, that the Director, 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 THOMAS J. DUNN AND LINDA S. DUNN, 93 Franklin Ave., Mastic, NY 11950.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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Legislator Horsley made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 15-0-0-2-0. Legislators Beedenbender and Montano were not present.

Intro. Res. No. 1326-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 397 -2008, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TOWN OF BABYLON (SCTM NO. 0100-056.00-03.00-059.000)**

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

**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 056.00, Block 03.00, Lot 059.000, and acquired by Tax Deed on February 19, 1988 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and which deed was memorialized on February 22, 1988 under the Land Title Registration Law on Certificate of Title Number 1374 as Document Number 350543 and otherwise known as and by Town of Babylon, known and designated as Lots 1 to 4 inclusive Block 5 as shown on a certain map entitled "Map of Wyandanch Springs Park" as Map No. 28/44; and

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

**WHEREAS**, the Town of Babylon has requested that the County of Suffolk convey to the town the parcel described in Exhibit A annexed hereto; and

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

**1<sup>st</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, or designee is hereby authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the terms and conditions provided herein to said Town of Babylon for the sum of \$7,138.10 plus the pro rata share of the current tax adjustment due at closing; and be it further

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

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator D’Amaro made motion for the following resolution, seconded by Legislator Stern. The resolution was passed 15-0-0-2-0. Legislators Beedenbender and Montano were not present.**

Intro. Res. No. 1333-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 398 -2008, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT TO  
LOCAL LAW 13-1976 VALERIE A. TROCCHIO (SCTM NO.  
0500-083.00-03.00-058.002)**

**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 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 083.00, Block 03.00, Lot 058.002 and acquired by Tax Deed CTF 1207 on June 4, 2001 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 7, 2001 in Liber 12122 at Page 810 and described as follows, Town of Islip, and the Easterly 30 feet of Lot 152, as shown on the Map of Lake Hills Acreage, Unit K, filed in the office of the Suffolk County Clerk on April 3, 1944, as Map Number 1403; 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**, Valerie A. Trocchio, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$3,600.00. 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 \$3,600.00, 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

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

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

**3<sup>rd</sup>**            **RESOLVED**, that Director of the Division of Real Property Acquisition and Management 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 Valerie A. Trocchio, 344 Thrift Street, Lake Ronkonkoma, NY 11779.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Legislator Alden made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-0-0-1-0. Legislator Beedenbender was not present.**

Intro. Res. No. 1334-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 399    -2008, SALE OF COUNTY-OWNED  
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976  
DOWLING COLLEGE (SCTM NO. 0500-325.00-03.00-006.000)**

**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 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 325.00 Block 03.00 Lot 006.000 and acquired by Tax Deed on December 28, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on January 4, 2000 in Liber 12011 at Page 409 and described as follows, Town of Islip, described as Town of Islip on Lot Nos. 84 & 85 on Map of Idle Hour and filed in the County Clerk's Office of Suffolk County on April 6, 1926 as Map No. 654; 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**, DOWLING COLLEGE, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$19,500.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$19,500.00, 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 \$19,500.00, pursuant to said purchase offer; and

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

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

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

**3<sup>rd</sup>** **RESOLVED**, that Director of the Division of Real Property Acquisition and Management 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 DOWLING COLLEGE, 150 Idle Hour Blvd., Oakdale, NY 11769.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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Legislator D'Amaro made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 17-0-0-0-0.

**Intro. Res. No. 1404-2008**

**Laid on Table 4/29/2008**

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 400 -2008, AUTHORIZING THE  
ISSUANCE OF A CERTIFICATE OF ABANDONMENT  
OF THE INTEREST OF THE COUNTY OF SUFFOLK  
IN PROPERTY DESIGNATED AS TOWN OF BABYLON  
(SCTM NO. 0100-058.00-01.00-044.000) PURSUANT TO  
SECTION 40-D OF THE SUFFOLK COUNTY TAX ACT**

**WHEREAS**, a parcel of property lying, situate and being in the Town of Babylon, designated as Suffolk County Tax Map Number 0100-058.00-01.00-044.000 known as Suffolk County Tax Map Number: District 0100, Section 058.00, Block 01.00, Lot 044.000, formerly assessed to NDN Enterprises Ltd.; and

**WHEREAS**, the County of Suffolk acquired said property designated as Suffolk County Tax Map Number 0100-058.00-01.00-044.000 , by tax deed dated June 22, 2006, and recorded on June 28, 2006 in the Suffolk County Clerk's Office in Liber 12457 at page 34 for unpaid 2003/2004 taxes; and

**WHEREAS**, it has been determined that due to timely tax payment being misapplied, property should not have been taken; now, therefore be it

**1<sup>st</sup> RESOLVED**, that pursuant to Section 40-C of the Suffolk County Tax Act, after receiving payment in full of all monies due to the County of Suffolk, including but not limited to, accrued taxes, penalties and interest as calculated by the Treasurer of the County of Suffolk, payment has been made to the Division of Real Property Acquisition and Management, the tax deed to Suffolk County will be canceled pursuant to section 40-D of the Suffolk County Tax Act. The Director of the Division of Real Property Acquisition and Management and/or his designee is authorized to file a certificate of abandonment of Claim of Title, which Suffolk County holds pursuant to said tax deed.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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Legislator Kennedy made motion for the following resolution, seconded by Legislator D'Amaro. The resolution was passed 17-0-0-0-0.

**RESOLUTION NO. 401 -2008, AUTHORIZING USE OF H. LEE DENNISON EXECUTIVE OFFICE BUILDING PROPERTY BY COOLEY'S ANEMIA FOUNDATION**

**WHEREAS**, Cooley's Anemia is a fatal genetic blood disorder affecting newborns, which requires blood transfusions every two weeks for approximately the first 18 months of a baby's life; and

**WHEREAS**, until recently, children born with Cooley's Anemia rarely lived beyond the first decade of life; and

**WHEREAS**, the Suffolk County Cooley's Anemia Foundation wishes to hold a Motorcycle Rally that will raise funds for research, patient services and community education; and

**WHEREAS**, this Motorcycle Rally to be held on Sunday, June 15, 2008, will commence in Nassau County and end at the H. Lee Dennison Building; and

**WHEREAS**, the H. Lee Dennison Building's north parking lot will be used to hold a barbecue for the riders; and

**WHEREAS**, the County of Suffolk shall receive consideration in the total amount of One Hundred and Twenty Five Dollars (\$125.00), payment of which shall be guaranteed by the Suffolk County Cooley's Anemia Foundation; and

**WHEREAS**, a Certificate of Insurance and the accompanying declaration page naming Suffolk County as an additional insured will be provided by the Suffolk County Cooley's Anemia Foundation; and

**WHEREAS**, the use of County property for a Motorcycle Rally to support the Suffolk County Cooley's Anemia Foundation will raise funds to provide research, patient services and community education to help patients born with this disease live a longer and healthier life; now, therefore be it

**1st RESOLVED**, that the use of County-owned property, i.e. the north parking area of the H. Lee Dennison Executive Office Building for the Motorcycle Rally and barbecue described herein from the hours 9:00 a.m. to 5:00 p.m., in consideration of the payment of One Hundred and Twenty Five Dollars (\$125.00), is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance and the accompanying declaration page naming Suffolk County as an additional insured by the County of Suffolk from the Suffolk County Cooley's Anemia Foundation, 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 Suffolk 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 Motorcycle Rally at the H. Lee Dennison Executive Office Building; and be it further

**3rd RESOLVED**, that the Suffolk County Cooley's Anemia Foundation 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 and require these vendors to display such certificate 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: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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

Intro. Res. No. 1427-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer Lindsay

**RESOLUTION NO. 402 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF OPTICAL SCANNER HAVA VOTING MACHINES FOR THE BOARD OF ELECTIONS (CP 1451)**

**WHEREAS**, the Commissioners of the Board of Elections have requested funds for the purchase of 400 optical scanner HAVA voting machines; and

**WHEREAS**, there are Federal funds available for this project with a share allocation of ninety-five percent (95%) Federal funds and five percent (5%) County funds; and

**WHEREAS**, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request under Capital Project and pursuant to the Suffolk

County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State Aid; and

**WHEREAS**, the Optical Scanner HAVA Voting Machines will be acquired by the New York State Office of General Services for the County and the fund appropriated herein represent the County’s 5% Local share for said acquisition; 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 \$572,452 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (2), (11), (20), (21), (25) 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

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

**3<sup>rd</sup>** **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 1451  
 Project Title: Purchase of Optical Scanner HAVA Voting Machines for the Board of Elections

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget &amp; Program</u>	<u>Revised 2008 Capital Budget &amp; Program</u>
5. Furniture & Equipment	<u>\$572,452</u>	<u>\$0</u>	<u>\$572,452B</u>
TOTAL	\$572,452	\$0	\$572,452

and be it further

**4<sup>th</sup>** **RESOLVED**, that the proceeds of \$572,452 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
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525-CAP-1451.512  
(Fund 001-Debt Service)

6 Purchase Of Optical Scanner  
HAVA Voting Machines For The  
Board Of Elections

\$572,452

DATED: May 13, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,  
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Legislator Losquadro made motion for the following resolution, seconded by  
Legislator Vilorio-Fisher. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1427A-2008

**BOND RESOLUTION NO. 403 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW  
YORK, AUTHORIZING THE ISSUANCE OF \$572,452 BONDS  
TO FINANCE THE COST OF THE PURCHASE OF OPTICAL  
SCANNER HAVA VOTING MACHINES FOR THE BOARD OF  
ELECTIONS (CP 1451.512)**

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 \$572,452 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the purchase of optical scanner HAVA voting machines for the Board of Elections, 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 \$572,452. The plan of financing includes the issuance of \$572,452 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. 31 of the Law, is ten (10) years.

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

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

DATED: May 13, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,  
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 29, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Beedenbender. The resolution was passed 17-0-0-0-0.**

Intro. Res. No. 1430-2008  
Introduced by Presiding Officer Lindsay

Laid on Table 4/29/2008

**RESOLUTION NO. 404 –2008, AUTHORIZING A CONTRACT WITH GENERAL CODE PUBLISHERS TO UPDATE THE SUFFOLK COUNTY CODE**

**WHEREAS**, General Code Publishers Corp. codifies and prints Suffolk County's Charter, Administrative Code, Administrative Local Laws, Regulatory Local Laws and other resolutions, rules and regulations, known collectively as the Suffolk County Code; and

**WHEREAS**, a review, analysis and updating of the Suffolk County Code has not been conducted for many years; and

**WHEREAS**, General Code Publishers has proposed that they perform a complete editorial analysis of the Code prior to reformatting and republishing the Code; and

**WHEREAS**, it is envisioned that at the end of this process, many chapters of the Code will be reorganized and consolidated, the Sanitary Code will be brought up to date, an index will be added and many outdated resolutions and laws will be eliminated; and

**WHEREAS**, when the editorial analysis is complete, General Code Publishers will deliver to the County fifteen (15) 8 ½ x 11 2-volume Code Books, an updated PC-Code Book and E-Code and the Code on disc; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the Presiding Officer and the Clerk of the Suffolk County Legislature are hereby authorized, empowered and directed to enter into a contract with General Code Publishers Corp. for the delivery of the services described in this resolution, for a sum not to exceed \$43,750.00.

DATED: May 13, 2008

EFFECTIVE IMMEDIATELY PURSUANT TO THE CHARTER.

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

Intro. Res. No. 1377-2008

Laid on Table 4/29/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 405 -2008, CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE PLANNING OF THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 – SOUTHWEST (OUTFALL) (CP 8108)**

**WHEREAS**, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York has established a County sewer district designated and known as Suffolk County Sewer District No. 3 – Southwest; and

**WHEREAS**, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to the proposed planning for an increase and improvement of the facilities and implementing a response plan of said sewer district; and

**WHEREAS**, the Administrative Head of the Sewer District has requested that funds be appropriated to cover the planning and response plan costs associated with the improvement project related to the outfall pipe; and

**WHEREAS**, it is now desired to call a public hearing thereon; pursuant to Section 254 of County Law; now, therefore be it

**1st RESOLVED**, this Legislature, being the lead agency under the State Environmental 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 State Code of Rules and Regulations (“NYCRR”), the Legislature has no further responsibilities under SEQRA; 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 10 day of June 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 June 10, 2008 at 2:30 PM, Prevailing Time, for the purpose of conducting a public hearing upon a proposal to plan the increase and improve the outfall facilities of County Sewer District No. 3 – Southwest in and about the within the Town of Babylon, 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 provide the planning to evaluate the integrity and life expectancy of the sewage outfall that crosses the Great South Bay between the Bergen Point Wastewater Treatment Facility and the barrier beach in the vicinity of Cedar Island. The project will also develop a response plan in the event that rehabilitation or replacement of segments of pipe is necessary at sometime in the future. The cost opinion associated with the planning phase and response plan is \$5.4 million. The planning steps and response plan are more fully described and defined in the aforementioned maps, plans, report, and recommendations. It will consist of planning, permitting, environmental review, and the interim plan for response, all related to the outfall facility.

The existing district is billed on assessed value, a per parcel charge and a user fee. It is proposed that the project will be implemented during 2008 and the serial bonds of \$5.4 million associated with this planning phase of the project will be issued during 2009 and 2011. It is indicated in the map, plan and report, that serial bonds will result in a maximum annual cost of \$426,560 based on 4% financing over a 20 year period. The available full value of the Towns of Islip and Babylon along with the average full value of a typical property within each Town results in an increase in the rate of \$0.0116552 per \$1,000 of full value. This increased rate amounts to a value of \$5.48 per year in Babylon and \$5.91 per year in Islip.

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, where the same may be examined during regular business hours.

Section 3. This resolution shall take effect immediately.

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Vilorio-Fisher. The resolution was passed 14-1-2-0-0. Legislator Alden voted no. Legislators Schneiderman and Barraga abstained.

Intro. Res. No. 1417-2008  
4/29/2008

Laid on Table

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 406 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RELOCATION OF THREE MODULAR BUILDINGS ON COUNTY PROPERTY (CP 3026)**

**WHEREAS**, the Commissioner of Public Works has requested funds for the relocation of three modular buildings recently awarded to, and purchased by, Suffolk County from the Sachem School District; and

**WHEREAS**, these modular buildings have been identified to support projects at the Criminal Courts building in Riverhead, the North County Complex in Hauppauge, and at other locations; and

**WHEREAS**, the buildings must be removed by the County from their existing foundations, relocated and installed on County property and connected to the utilities as required at an associated cost of \$175,000; and

**WHEREAS**, sufficient funds are not included in the 2008 Capital Budget and Program to cover the costs of said request under Capital Program 3026 and, pursuant to Suffolk County Charter Section C4-13, an offsetting authorization must be provided from another Capital Project; and

**WHEREAS**, Resolution No. 471-1994, as revised by Resolution No. 461-2006, has established a priority ranking system, implemented in the 2008 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 \$175,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **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 Article 8 of the New York Environmental Conservation Law and Section 617.5(c), (15) and (27) of the New York Code of Rules and Regulations since this action involves minor temporary use of land having negligible or no permanent impact on the environment; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is determined that this program with a priority ranking of forty-four (44) 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

**3<sup>rd</sup>** **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

**4<sup>th</sup>** **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5561  
 Project Title: Reconstruction of CR 59, Long Lane, Town of East Hampton

	Revised	Total Est'd Cost	Current 2008 Capital Budget & Program	2008 Capital Budget & Program
3. Construction	<u>\$525,000B</u>		<u>\$700,000</u>	<u>\$700,000B</u>
TOTAL		\$750,000	\$700,000	\$525,000

Project No.: 3026  
 Project Title: Relocation of Three Modular Buildings on County Property

	Total Est'd Cost	Current Revised 2008 Capital Budget & Program	2008 Capital Budget & Program
3. Construction	<u>\$425,000</u>	<u>0</u>	<u>\$175,000B</u>
TOTAL	\$425,000	0	\$175,000

and be it further

**5<sup>th</sup>** **RESOLVED**, that the proceeds of \$175,000 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-3026.311 (Fund 001-Debt Service)	20	Relocation of Three Modular Buildings on County Property	\$175,000

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 28, 2008

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**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Viloría-Fisher. The resolution was passed 13-1-3-0-0. Legislator Barraga voted no. Legislators Romaine, Schneiderman and Alden abstained.**

Intro. Res. No. 1417A -2008

**BOND RESOLUTION NO. 407 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK,  
NEW YORK, AUTHORIZING THE ISSUANCE OF  
\$175,000 BONDS TO FINANCE THE COST OF THE  
RELOCATION OF THREE MODULAR BUILDINGS ON  
COUNTY PROPERTY (CP 3026.311)**

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$175,000 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 relocation of three modular buildings on County property, 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 \$175,000. The plan of financing includes the issuance of \$175,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

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

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

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

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

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

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

DATED: May 13, 2008

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: May 28, 2008

**MEETING ADJOURNED 9:51PM  
TIM LAUBE, CLERK OF THE LEGISLATURE**