

FOURTEENTH DAY

REGULAR MEETING

August 5, 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 9:32 a. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Legislators Romaine, Schneiderman, Browning, Beedenbender, Losquadro, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, Horsley, Stern and Cooper and Legislator-Elect Gregory.

Deputy Presiding Officer Viloría-Fisher arrived at 9:35 a.m.
Legislator D'Amaro arrived at 10:00 a.m.

Pledge of Allegiance.

Oath of Office administered to Legislator DuWayne Gregory by Judy Pascale, Suffolk County Clerk.

Statements and Presentations
Public Portion

AN EXECUTIVE SESSION WAS HELD FROM 12:00 P.M. TO 12:19 P.M.

THE MEETING WAS RECESSED AT 12:20 P.M. AND RECONVENED AT 2:37 P.M.

The Clerk called the roll and the following were found present: Presiding Officer Lindsay and Legislators Romaine, Schneiderman, Browning, Losquadro, Eddington, Alden, Barraga, Kennedy, Nowick, Horsley, Gregory, Stern and D'Amaro.

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

S.C.C.B.A. No. 1-2008

Laid on Table 8/5/2008

Introduced by Presiding Officer Lindsay and Legislators Horsley, Kennedy, Montano and Stern

RESOLUTION NO. 574 -2008, AMENDING THE SUFFOLK COMMUNITY COLLEGE RECOMMENDED OPERATING BUDGET 2008-2009 AND INCORPORATING DISTINGUISHED BUDGET PRESENTATION CRITERIA AS RECOMMENDED BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) FOR A MORE TRANSPARENT OPERATING BUDGET

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

WHEREAS, the County Executive instructed the College to submit a 2008-2009 operating budget request with no increase in the County contribution; and

WHEREAS, the Board of Trustees of Suffolk County Community College adopted Resolution No. 2008.27 on April 17, 2008 approving the College's 2008-2009 Operating Budget request for submission to the County Executive which included a zero percent increase in the County contribution; and

WHEREAS, on June 17, 2008 the County Executive submitted the Suffolk Community College Recommended Budget 2008-2009 to the Suffolk County Legislature for review and approval; and

WHEREAS, the Suffolk Community College Recommended Budget 2008-2009 complies with Local Law Nos. 21-1983, 38-1989 and 29-1995; and

WHEREAS, the Suffolk County Legislature held two public hearings on June 24, 2008 and July 28, 2008 on the Suffolk Community College Recommended Budget 2008-2009; and

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

WHEREAS, any decrease in the County contribution, maintenance of effort, below the previous academic year is inconsistent with the State Legislature's conditions for aid to local community colleges; and

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

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

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

WHEREAS, the Budget Review Office of the Suffolk County Legislature has issued its Review of the 2008-2009 Suffolk County Community College Operating Budget dated July 24, 2008, which makes recommendations to amend the Suffolk Community College Recommended Budget 2008-2009; and

WHEREAS, it is the desire of the Suffolk County Legislature to incorporate distinguished budget presentation criteria recommended by the Government Finance Officers Association

(GFOA) to provide for a more transparent Adopted 2008-2009 College Operating Budget presentation by illustrating the relationship between the College budget and the County General Fund, the relationship between College expenditures and revenues in the budget document and the summary of audit adjustments that reconciled the College's fund balance to the College's audited financial records, and

WHEREAS, it is the desire of the Suffolk County Legislature to include appropriations for the College to continue the successful Welfare-to-Work Mentoring Education Program that has a 92.6% successful completion rate resulting in the transition of Public Assistance recipients from welfare to work; and

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

1st **RESOLVED**, that the County Comptroller and County Executive shall post all revenue increases, revenue decreases, appropriation increases, or appropriation decreases contained in this Resolution directly to the pertinent line item, organization or object, or revenue account in the Suffolk Community College Adopted Budget 2008-2009; shall place and post all appropriation and revenue changes or adjustments contained in this Resolution pertaining to fiscal year 2007-2008 for the purpose of calculating the effect on the 2007-2008 fund balances for Suffolk County Community College; and shall place, post, and make all appropriation, revenue, personnel, and programmatic changes or adjustments contained in this Resolution in the pertinent line item, organization, object and sub-object for fiscal years 2007-2008 and/or 2008-2009 all as set forth herein, not to be construed as amending the Suffolk Community College Adopted Budget 2007-2008 because the 2007-2008 Estimated Column contained in the Suffolk Community College Recommended Budget 2008-2009 shall be construed as informational in nature for the purpose of calculating the 2007-2008 fund balances for Suffolk County Community College; and be it further

2nd **RESOLVED**, that any Budget Amendment Resolution enacted subsequent to adoption of this Resolution, containing budgetary adjustments that are consistent with either an appropriation decrease, appropriation increase, revenue increase, or revenue decrease provided for in this Resolution, shall be treated as an adjustment to be calculated cumulatively from the adopted figures contained in this Resolution, and those items not amended by this or any other resolution be posted as "adopted"; and be it further

3rd **RESOLVED**, that all Whereas clauses and all Resolved clauses denominated 1st through 11th inclusive, contained on pages 1 through 5 (inclusive) of the Suffolk Community College Recommended Budget 2008-2009 are hereby stricken and are not adopted and not approved, and shall not appear in the printed 2008-2009 Suffolk Community College Adopted Budget; and be it further

4th **RESOLVED**, that "Schedule A" which summarizes the relationship between the College Operating Budget and the County General Fund is hereby incorporated into the 2008-2009 Suffolk Community College Adopted Budget to include information as directed in the 8th and 9th RESOLVED CLAUSES and to be included in the printed 2008-2009 Suffolk Community College Adopted Budget, immediately prior to the "Status of Funds" page; and be it further

5th **RESOLVED**, that all subsequent College Operating Budgets to the 2008-2009 Suffolk Community College Adopted Budget are hereby required to include an updated summary of the relationship between the College Budget and the County General Fund as illustrated in Schedule A, and be it further

6th **RESOLVED**, that “Schedule B” which summarizes the relationship between the various College expenditures and revenues is hereby incorporated into the 2008-2009 Suffolk Community College Adopted Budget to include information as directed in the 8th and 9th RESOLVED CLAUSES and to be included in the printed 2008-2009 Suffolk Community College Adopted Budget, immediately prior to the “Status of Funds” page; and be it further

7th **RESOLVED**, that all College Operating Budgets subsequent to the 2008-2009 Suffolk Community College Adopted Operating Budget are hereby required to include an updated summary of the various College expenditures and revenues as illustrated in Schedule B, and be it further

8th **RESOLVED**, that the County Executive shall include the following additional columns, “2008-2009 Adopted” and “2007-2008 Estimated”, in Schedule A and in Schedule B that reflects the sum total of all revenue increases, revenue decreases, appropriation increases, or appropriation decreases ultimately adopted in the 2008-2009 Suffolk Community College Adopted Budget, and be it further

9th **RESOLVED**, that the County Executive shall include the following additional column “2006-2007 Actual” in Schedule A and in Schedule B that reflects the actual sum total of all revenue and expenditures for the academic year 2006-2007 in the 2008-2009 Suffolk Community College Adopted Budget and be it further;

10th **RESOLVED**, that “Schedule C” which summarizes adjustments that reconciled the College’s fund balance to the College's audited financial records is hereby incorporated into the 2008-2009 Suffolk Community College Adopted Budget and to be included in the printed 2008-2009 Suffolk Community College Adopted Budget, immediately prior to the “Status of Funds” page; and be it further

11th **RESOLVED**, that the \$60,000 provided in this adopted budget specifically for the Nursing Incentive Program shall not be utilized as an offset for any other purpose without a duly enacted Resolution of the County of Suffolk pursuant to Section 3(b) of the Plan “C” Agreement between the County of Suffolk and the Suffolk County Community College, as authorized by Section 6304(6) of the NEW YORK STATE EDUCATION LAW and Suffolk County Resolution Nos. 847-1989, 716-1994, and 785-1995; and be it further

12th **RESOLVED**, that the \$29,500 provided in this adopted budget specifically for the Welfare to Work Program Mentoring Education Program (\$25,000 in 818-2210-1160, Part Time Instructors, Day; \$2,000 in 818-2210-3100, Instructional Supplies; and \$2,500 in 818-8000-8330, Social Security) shall not be utilized as an offset for any other purpose without a duly enacted Resolution of the County of Suffolk pursuant to Section 3(b) of the Plan “C” Agreement between the County of Suffolk and the Suffolk County Community College, as authorized by Section 6304(6) of the NEW YORK STATE EDUCATION LAW and Suffolk County Resolution Nos. 847-1989, 716-1994, and 785-1995; and be it further

13th **RESOLVED**, that the description for revenue code 818-2815 hereby be changed from “Transfer from General Fund – Misc” to “Welfare to Work Mentoring Education Program” and be it further;

14th **RESOLVED**, that the \$100,000 provided in this adopted budget specifically for the County Technical Training (\$92,000 in 818-2210-1160 Part Time Instructors, Day and \$8,000 in 818-8000-8330 Social Security) shall not be utilized as an offset for any other purpose without a duly enacted Resolution of the County of Suffolk pursuant to Section 3(b) of the Plan “C” Agreement between the County of Suffolk and the Suffolk County Community College, as authorized by Section 6304(6) of the

NEW YORK STATE EDUCATION LAW and Suffolk County Resolution Nos. 847-1989, 716-1994, and 785-1995; and be it further

15th **RESOLVED**, the Suffolk Community College Recommended Budget 2008-2009 and it hereby is amended pursuant to Section 3(b) of the Plan “C” Agreement between the County of Suffolk and the Suffolk County Community College, as authorized by Section 6304(6) of the NEW STATE YORK EDUCATION LAW and Suffolk County Resolution Nos. 847-1989, 716-1994 and 785-1995 as follows:

APPROPRIATIONS

FD	AGY	UNIT	UNIT NAME	OBJ	OBJECT DESCRIPTION	2008-2009 RECOMMENDED	2008-2009 ADOPTED	DIFFERENCE
818	SCC	2210	Instruction	1160	PART-TIME INSTRUCTORS, DAY	\$6,984,792	\$7,101,792	\$117,000
818	SCC	2210	Instruction	3100	INSTRUCTIONAL SUPPLIES	\$502,189	\$504,189	\$2,000
818	SCC	2260	Plant Maintenance & Operation	3050	FUEL FOR HEATING	\$475,773	\$512,673	\$36,900
818	SCC	8000	Employee Benefits	8330	SOCIAL SECURITY	\$7,623,427	\$7,633,927	\$10,500
								\$166,400

REVENUE

FD	REV CODE	REVENUE	2008-2009 RECOMMENDED	2008-2009 ADOPTED	DIFFERENCE
818	1415	County Technical Training	\$0	\$100,000	\$100,000
818	2810	Suffolk County Contribution	\$34,131,342	\$34,197,742	\$66,400
					\$166,400

COUNTY CONTRIBUTION SHOWN FOR ILLUSTRATIVE PURPOSES PURSUANT TO RESOLUTION NO. 30-1997

FD	REV CODE	REVENUE	2008-2009 RECOMMENDED	2008-2009 ADOPTED	DIFFERENCE
818	1001	Real Property Taxes	\$4,405,215	\$4,405,215	\$0
818	2810	Suffolk County Contribution	\$34,131,342	\$34,197,742	\$66,400
		Contribution to Community College Fd.			
		TOTAL	\$38,536,557	\$38,602,957	\$66,400

DATED: August 5, 2008

****LINE ITEM VETOED BY COUNTY EXECUTIVE ON AUGUST 14, 2008****
THE FOLLOWING CLAUSES ARE HEREBY VETOED:

- Resolved Clause Number 3;
- Resolved Clause Number 4
- Resolved Clause Number 5;
- Resolved Clause Number 6;
- Resolved Clause Number 7;
- Resolved Clause Number 8;
- Resolved Clause Number 9;
- Resolved Clause Number 10; and
- Resolved Clause Number 13

RESOLVED CLAUSES NUMBERS 1, 2, 11, 12, 14, 15 HAVE BEEN POCKET APPROVED.

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED AUGUST 14, 2008.

****VETO OVERRIDE ADOPTED ON AUGUST 19, 2008****

Note: This resolution amends the Suffolk County Community College Recommended Budget 2008-2009 to provide the same County contribution as was adopted in the 2007-2008 College Budget, \$38,602,957. This resolution does not change the Recommended mandated or the non-mandated College real property tax. Expenditure increases of \$129,500 in 2008-2009 include \$29,500 for the Welfare to Work Mentoring Education Program, \$100,000 for County Technical Training and \$36,900 for Fuel for Heating. Ten votes are required for adoption.

Schedule A

Relationship between the College Budget and the County General Fund Budget			
		2007/2008 Adopted	2008/2009 Recommended
1.	Suffolk County Contribution (818-2810 = 001-2495)	\$34,131,342	\$34,131,342
2.	Transfer from General Fund (818-2812 = 001-E818)	\$5,427,383	\$5,605,571
3.	818-1001-Real Property Taxes	\$5,250,467	\$5,250,467
3.a.	Non-mandated College Tax Levy	\$4,471,615	\$4,405,215
3.b.	Mandated College Tax Levy	\$778,852	\$845,252
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4.	County Contribution (818-Contribution to Community College Fd)	\$38,602,957	\$38,536,557
1.	818-2810-Suffolk County Contribution (=001-2495)	\$34,131,342	\$34,131,342
3.a.	NonMandated College Tax Levy	\$4,471,615	\$4,405,215
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5.	Revenue Sources for Mandated County Expenses and Incentive Payments	\$6,206,235	\$6,450,823
2.	Transfer from General Fund (818-2812 = 001-E818)	\$5,427,383	\$5,605,571
3.b.	Mandated College Tax Levy	\$778,852	\$845,252
5.	Appropriations Paid from the above Revenue Sources	\$6,206,235	\$6,450,823
	818-Debt Service	\$6,114,635	\$6,359,223
	Out-of-County Tuition: County Incentive Payment	\$31,600	\$31,600
	Nurses Tuition Reimbursement Program & Other Contracts	\$60,000	\$60,000

Schedule B

Relationships between Various Expenditures and Revenues in the College Budget Document Suffolk Community College Recommended Budget 2008 - 2009
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	2008/2009 Recommended	Relationship	Page Number in Budget Document
1000-Personal Services	\$104,654,150	(1)	p. 17
2000-Equipment	\$2,619,465	(2)	pp. 17-18
3000-Supplies Materials & Other Expenses	\$9,664,137	(3)	pp. 18-19
4000-Contractual Expenses	\$11,732,605	(4)	p. 19
8000-Employee Benefits	\$37,512,846	(5)	p. 19
9000-Interfund Transfers	\$2,556,767	(6)	p. 20
Total College Expenditures (excluding grants)	\$168,739,970	(7)=(1)+...+(6)	p. 17
Grants	\$2,811,934	(8)	p. 17
Grand Total College Expenditures	\$171,551,904	(9)=(7)+(8)	pp. 10, 17
Offsets to Expenses / Offset Revenue	\$17,259,860	(10)	pp. 10, 12
Net Operating Costs	\$154,292,044	(11)=(9)-(10)	pp. 9, 10
County Share ¹	\$40,030,540	(12)	p. 12
State Share	\$47,575,455	(13)	p. 12
Student Share	\$65,156,783	(14)	p. 12
Offset Revenue	\$17,259,860	(15)	pp. 12-16
Revenues: Total	\$170,022,638	(16)=(12)+...+(15)	p. 12
<i>plus</i> Fund Balance, September 1	\$2,529,266	(17)	p. 9
<i>minus</i> Transfer to Suffolk Community College Reserve Fund	\$1,000,000	(18)	p. 9
Total Gross Operating Costs	\$171,551,904	(19)=(16)+(17)-(18)	pp. 10, 17
Debt Service Obligation / Total Cost of Debt ²	\$6,359,223		pp. 7, 8

1. The \$40,030,540 recommended "County Share", which is broken down into its various revenue components, can be found on page 12 of the 2008-2009 recommended college budget. This is the same as "Revenue" under the County Share portion of the status-of-funds presentation on page 9 of the recommended college budget. As shown on page 9, this "Revenue" excludes local funding associated with the \$2,529,266 fund balance surplus used to offset expenses and the \$1,000,000 Transfer to Suffolk Community College Reserve Fund.

2. College debt service is not counted in total College expenditures. The reason is that Section 6304 of Article 126 of the New York State Education Law mandates that the local sponsor of a county community college be responsible for the payment of all capital costs.

Schedule C

	2006-2007 Actual			
	College Discretionary Operating Budget		College Reserve Fund (p. 11)	Combined College Operating & Reserve Budgets
	2006-07 Actual (Executive's recommended budget, p. 9)	2006-07 Actual (BRO Revised Presentation)		
		(1)	(2)	(3)=(1)+(2)
Fund Balance Sept. 1, 2006	\$3,390,746	\$777,912	\$2,912,460	\$3,690,372
Plus Audit Adjustment #1		\$2,612,834		\$2,612,834
<i>Equals</i> Adjusted Fund Balance Sept. 1, 2006		\$3,390,746		\$6,303,206
<i>Plus</i> Revenue	\$138,442,465	\$138,442,465		\$138,442,465
Plus Audit Adjustment #2	-\$297,623	-\$297,623		-\$297,623
<i>Equals</i> Total Funds Available	\$141,535,588	\$141,535,588	\$2,912,460	\$144,448,048
<i>Less</i> Expenditures	\$138,743,341	\$138,743,341		\$138,743,341
<i>Equals</i> Fund Balance, Aug. 31, 2007	\$2,792,247	\$2,792,247	\$2,912,460	\$5,704,707

Note on Audit Adjustment #1:	
College fund balance reported to the State	\$6,002,330
<i>Equals</i> Balance Sept. 1, 2006 (as shown in the 2007-2008 adopted College budget)	\$777,912
Plus Audit Adjustment #1	\$2,612,834

Note on Audit Adjustment #2:	
Audit Adjustment #2	\$297,623
<i>Equals</i> Increase in the reserve for uncollectible student receivables	\$412,799
<i>Less</i> Difference between what the College reported as their fund balance on the State report and what their trial balance indicated to the County's Independent Auditor (Ernst & Young)	\$115,176

Net Audit Adjustment (as noted in the narrative on the recommended College budget)	\$2,315,211
<i>Equals</i> Audit Adjustment #1	\$2,612,834
<i>Less</i> Audit Adjustment #2	\$297,623

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

Intro. Res. No. 1588-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 575 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE #300

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

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

1st RESOLVED, that the taxes for the properties represented by the item numbers or tax map numbers as shown for the year or years specified be readjusted or refunded in full or in part in the amount set opposite each such parcel as hereinafter indicated; and

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
BROOKHAVEN:				
0200-291.00-01.00-014.001 Item #8735740	2007/08	\$5,479.29	\$0.00	\$5,479.29
0200-217.00-01.00-068.000 Item #2003522	2007/08	\$3,829.55	\$0.00	\$3,829.55

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1610-2008 Laid on Table 6/24/2008
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 576 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-

**BACKS ON REAL PROPERTY CORRECTION OF ERRORS
BY: COUNTY LEGISLATURE (CONTROL NO. 791-2008)**

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; now, therefore be it

1st **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

2nd **RESOLVED**, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

RESOLUTION NO.

CONTROL# 791-2008

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	203 19 1 6	41730.25	31039.88	10690.37
A	HUNTINGTON	07/08	N/A	400 146 2 50	10747.10	6038.16	4708.94
A	HUNTINGTON	07/08	N/A	400 177 2 51.17	48417.60	42139.88	6277.72
C	RIVERHEAD	07/08	N/A	600 99 1 10	8226.20	5150.60	3075.60
A	SMITHTOWN	07/08	N/A	800 117 4 28	4504.29	843.23	3661.06

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1602-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 577 -2008, ACCEPTING AND APPROPRIATING A GRANT AWARD FROM THE UNITED STATES DEPARTMENT OF LABOR – EMPLOYMENT TRAINING ADMINISTRATION (DOL-ETA) FOR A COMMUNITY -BASED JOB TRAINING GRANTS INITIATIVE: TEAM 100% REIMBURSED BY FEDERAL FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, Suffolk County Community College has received a grant award from the United States Department of Labor – Employment Training Administration (DOL-ETA), in the amount of \$1,668,270, including indirect costs, for a Community-Based Job Training Grants Initiative -TEAM: Technical Education in Advanced Manufacturing, for the period of April 1, 2008 through March 31, 2011; and

WHEREAS, the program provides for training in job skills shortage areas such as welding and CNC machining skills, incorporating competencies such as communication and problem-solving, resulting in industry certification; and

WHEREAS, no matching funds are required; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the grant award on April 17, 2008 by Resolution No. 2008.25; and

WHEREAS, the College anticipates spending the \$1,668,270, including indirect costs, in accordance with the terms of said grant award by March 31, 2011; now, therefore be it

1st RESOLVED, that said grant award, in the amount of \$1,668,270, including \$83,414 in indirect costs, from the United States Department of Labor – Employment Training Administration (DOL-ETA), for a three-year program, for a Community-Based Job Training Grants Initiative – TEAM: Technical Education in Advanced Manufacturing, be accepted and appropriated for the operation of the program as follows:

REVENUES:	AMOUNT
Federal Aid: Community Based Job Training: TEAM : 818-GRT-4239-08	\$ 1,668,270

APPROPRIATIONS:	AMOUNT
Community Based Job Training: TEAM: 818-GRT-GT45-08	\$ 1,584,856

Suffolk County Community College
Community Based Job Training: TEAM
818-GRT-GT45-08

1000-Personal Services	\$ 947,645
1100-Permanent Salaries	544,000
1130-Temporary Salaries	31,365
1170-Part-Time Instructor - Evening	332,280
1560-Full-Time Overload – Day	40,000
2000-Equipment	\$ 162,624
2440-Instructional Equipment	162,624
3000-Supplies and Materials	\$ 105,736
3010-Office Supplies	1,500
3040-Outside Printing	15,000
3100-Instructional Supplies	46,611
3500-Unclassified Supplies	42,625
4300-Travel	\$ 41,400
4330-Travel, Employee Contracts	2,400
4340-Travel, Other	39,000
4500-Contracted Services	\$ 129,227
4560-Fees for Services, Non-Employees	129,227
8000-Employee Benefits	\$ 198,224
8160-TIAA/CREF Retirement	73,302
8300-Workers' Comp	2,970
8330-Social Security	72,495
8350-Unemployment Insurance	2,641

8360-Health Insurance	32,401
8380-Benefit Fund Contribution	14,415

and be it further

2nd RESOLVED, that the following positions be created for the entire period of the grant:

Budget Line No.	Title	Spec No.	Job Classification	Bargaining Unit	Grade
2845-3001-0010	Project Director	9094	Exempt	21	33
2845-3001-0015	Training Coordinator	9179	Guild	4	Cat. IV
2845-3001-0020	Professional Assistant 1	9101	Faculty	3	Step 4

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1641-2008 Laid on Table 6/24/2008
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 578-2008, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$6,000 FROM THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE (GTSC FFY2008) CHILD PASSENGER SAFETY PROGRAM TO SUPPORT A PARK POLICE TRAFFIC SAFETY INTIATIVE

WHEREAS, the New York State Governor's Traffic Safety Committee has made \$6,000 in funds available to Suffolk County for the Child Passenger Safety Program (GTSC FFY2008) to be administered by the Suffolk County Park Police; and

WHEREAS, child safety seats reduce the risk of fatal injury by 71% when used correctly, however, misuse reduces effectiveness and more than 90% of child safety seats are used improperly; and

WHEREAS, the Park Police will address this issue by participating in the New York State Child Passenger Safety Program; and

WHEREAS, the operational period of the program is from October 1, 2007 through September 30, 2008; and

WHEREAS, said grant funds have not been included in the 2008 Suffolk County Operating Budget; now, therefore be it

1st **RESOLVED**, that the County Executive and Park Police are authorized to execute any Agreement with the State of New York, as necessary, to secure said grant funds; and be it further

2nd **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 \$6,000 as follows:

<u>REVENUE:</u>	<u>AMOUNT</u>
001-7310-3820 – Youth Programs	\$6,000

APPROPRIATION:

Suffolk County Park Police
Child Passenger Safety Program
001-PKS-7310-3500

<u>3000-Supplies, Materials & Other Expenses</u>	<u>\$6,000</u>
3500-Other: Unclassified	

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1594-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 6/18/2008

**RESOLUTION NO. 579 -2008, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
316-2008**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 316-2008; 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

1st RESOLVED, that the Clerk of the Legislature shall make the following technical correction:

Resolution No. 316-2008

In the 3rd RESOLVED paragraph change the Appropriation No.

FROM:

001-PRO-4980

TO:

001-PRO-3199

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1611-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 580 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT FOUR C's CUSTOM BUILDERS, INC. (SCTM NO. 0200-033.00-09.00-036.000)

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 033.00, Block 09.00, Lot 036.000, and acquired by tax deed on August 15, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007, in Liber 12520, at Page 725, and

otherwise known as and by Town of Brookhaven, Lot No's. 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, as designated and delineated on the map entitled, "Map of North Shore Beach, Section 'B', Rocky Point, Suffolk County, Long Island, New York" and filed in the Suffolk County Clerk's Office, the 11th day of June, 1928, Map No. 1015; 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 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, FOUR C's CUSTOM BUILDERS, INC., by Richard V. Capito, as President, has made application of said above described parcel and FOUR C's CUSTOM BUILDERS, INC., by Richard V. Capito, as President, has paid the application fee and \$3,743.55, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; now, therefore be it

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

2nd **RESOLVED**, that 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 FOUR C's CUSTOM BUILDERS, INC., 165 Crystal Brook Hollow Road, Mt. Sinai, New York 11766, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

RESOLUTION NO. 581 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT CARLTON M. SELLET, as to 50%, and ESTATE OF MAURICE L. SELLET, as to 50%, by Carlton M. Sellet, as Administrator (SCTM NO. 0100-069.00-02.00-037.000)

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 069.00, Block 02.00, Lot 037.000, and acquired by tax deed on May 14, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 15, 2007, in Liber 12505, at Page 268, and otherwise known as and by Town of Babylon, Filed Map 140, Block F, Lots 48-50 Inc.; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on May 14, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 15, 2007 in Liber 12505 at Page 268.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, CARLTON M. SELLET, has made application of said above described parcel and CARLTON M. SELLET, has paid the application fee and will be paying \$36,548.14 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; now, therefore be it

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

2nd **RESOLVED**, that 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 CARLTON M. SELLET, as to 50%, and ESTATE OF MAURICE L. SELLET, as to 50%, by Carlton M. Sellet, as Administrator, 184 Dixon Street, Amityville, New

York 11701, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1616-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 582 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT BARBARA SUKOWA (SCTM NO. 0500-497.00-03.00-047.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 497.00, Block 03.00, Lot 047.000, and acquired by tax deed on July 2, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 13, 2007, in Liber 12513, at Page 418, and otherwise known as and by Town of Islip, Suffolk County Tax Map Number: District 0500, Section 497.00, Block 03.00, Lot 047.000; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 2, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 13, 2007 in Liber 12513 at Page 418.

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

WHEREAS, BARBARA SUKOWA has made application of said above described parcel and BARBARA SUKOWA has paid the application fee, and ROBERTO LONGO for Barbara Sukowa has paid \$6,739.05, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; now, therefore be it

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

2nd **RESOLVED**, that 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 BARBARA SUKOWA, 205 Rugby Road, Brooklyn, New York 11226, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1617-2008

Laid on Table 6/24/2008

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

RESOLUTION NO. 583 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT JERRY KAPPATOS (SCTM NO. 0200-983.40-09.00-042.000)

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 983.40, Block 09.00, Lot 042.000, and acquired by tax deed on August 4, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 18, 2006, in Liber 12465, at Page 374, and otherwise known as and by Town of Brookhaven, Lot Nos. 11575 to 11579 Inc. on a certain map entitled, "Fourth Map of Mastic Beach, Suffolk County, Long Island, New York" and filed in the Suffolk County Clerk's Office on July 26th, 1927, File No. 653; 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 4, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 18, 2006 in Liber 12465 at Page 374.

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, JERRY KAPPATOS has made application of said above described parcel and JERRY KAPPATOS has paid the application fee and \$1,811.70, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; now, therefore be it

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

2nd **RESOLVED**, that 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 JERRY KAPPATOS, 15 Doone Drive, Syosset, New York 11791, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1618-2008

Laid on Table 6/24/2008

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

RESOLUTION NO. 584 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT ARSILIO DONOFRIO a/k/a ERSILIO DONOFRIO and VELIA DONOFRIO, his wife (SCTM NO. 0200-402.00-01.00-017.001)

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

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

District 0200, Section 402.00, Block 01.00, Lot 017.001, and acquired by tax deed on October 18, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 30, 2007, in Liber 12528, at Page 281, and otherwise known as and by Town of Brookhaven, Suffolk County Tax Map Number: District 0200, Section 402.00, Block 01.00, Lot 017.001; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on October 18, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 30, 2007 in Liber 12528 at Page 281.

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, ARSILIO DONOFRIO a/k/a ERSILIO DONOFRIO and VELIA DONOFRIO, his wife, have made application of said above described parcel and ARSILIO DONOFRIO a/k/a ERSILIO DONOFRIO and VELIA DONOFRIO, his wife, have paid the application fee and \$86,078.53, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; now, therefore be it

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

2nd **RESOLVED**, that 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 ARSILIO DONOFRIO a/k/a ERSILIO DONOFRIO and VELIA DONOFRIO, his wife, 586 Middle Country Road, Middle Island, New York 11953, to transfer the interest of Suffolk County in the above described property and on the above described terms.
DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1643-2008 Laid on Table 6/24/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. 585 -2008, AUTHORIZING CERTAIN TECHNICAL CORRECTIONS TO RESOLUTION NO. 238-2008, AUTHORIZING THE ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – OPEN SPACE PRESERVATION PROGRAM - FOR THE WETZEL PROPERTY – MASTIC/SHIRLEY CONSERVATION AREA PHASE I, TOWN OF BROOKHAVEN (SCTM NO. 0200-982.10-06.00-005.000)

WHEREAS,
Resolution No. 238-2008, when, adopted, contained technical errors; and

WHEREAS, it is the desire of the County to amend Resolution No. 238-2008 to correct these errors; now therefore be it

1st **RESOLVED**,
that the 5th WHEREAS clause of Resolution No. 238-2008 is hereby amended as follows:

WHEREAS, Resolution No. 277-2007 [83-2008] appropriated \$11,833,000.00 [\$8,833,000.00] for acquisitions under the Suffolk County Multifaceted Land Preservation Program; and

and be it further

2nd **RESOLVED**,
that the 3rd RESOLVED clause of Resolution No. 238-2008 is hereby amended as follows:

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$35,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525CAP-7177.227 [525-CAP-7177], Suffolk County Multifaceted Land Preservation Program, for this acquisition; and be it further

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 6 NYCRR Section 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.

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1634-2008
Introduced by Legislator Montano

Laid on Table 6/24/2008

**RESOLUTION NO. 586 -2008, TO AMEND ADOPTED
RESOLUTION NO. 732-2007, TO EXTEND THE DEADLINE FOR
THE SUFFOLK COUNTY BUDGET REFORM COMMISSION**

WHEREAS, Resolution No. 732-2007 established the Suffolk County Budget Reform Commission for the purposes of identifying policy options to be incorporated into a plan for joint consideration by the Executive and Legislative branches to decrease the County's dependency on fund balance; and

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

1st RESOLVED, that the 14th RESOLVED clause of Resolution No. 732-2007 is hereby amended to read as follows:

* * * *

14th RESOLVED, that this Commission shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive [no later than one year subsequent to the effective date of this Resolution] August 31, 2009 for consideration, review, and appropriate action, if necessary, by the entire County Legislature

* * * *

and be it further

2nd RESOLVED, that all other terms and conditions of Resolution No. 732-2007 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) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Stern. The resolution was passed 14-2-2-0-0. Legislators Romaine and Montano voted no. Legislators Schneiderman and Alden abstained.

Intro. Res. No. 1576-2008
Introduced by Presiding Officer Lindsay

Laid on Table 6/10/2008

**RESOLUTION NO. 587 -2008, ADOPTING LOCAL LAW
NO. 32 -2008, A LOCAL LAW TO INCREASE THE
APPLICATION FEE FOR OCCUPATIONAL LICENSES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 10, 2008, a proposed local law entitled, "**A LOCAL LAW TO INCREASE THE APPLICATION FEE FOR OCCUPATIONAL LICENSES**" now, therefore, be it

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

LOCAL LAW NO. 32 -2008, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO INCREASE THE APPLICATION FEE 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 the Suffolk County Office of Consumer Affairs is responsible for licensing numerous occupations in Suffolk County, including, plumbers, electricians, home improvement contractors, painters, home furnishings dealers, tax grievance consultants, and precious metal dealers.

This Legislature also finds that the Office of Consumer Affairs expends many man hours administering and reviewing applications for occupational licenses. As part of their review process, Consumer Affairs must conduct background checks for criminal convictions, child support judgments, and prior work experience. Consumer Affairs must also verify that applicants are financially responsible and possess all necessary insurance.

This Legislature further finds that for certain occupations, the Office of Consumer Affairs must develop, administer, and grade written and practical tests.

This Legislature also determines that the actual costs incurred by the County to review applications for occupational licenses far exceeds the current \$25 application fee.

Therefore, the purpose of this local law is to increase the application fee for all occupational licenses from \$25 to \$200 to reflect the costs incurred by the County of Suffolk in administering occupational licenses.

Section 2. Amendments.

I. Chapter 239, Article I, of the SUFFOLK COUNTY CODE is hereby amended as follows:

ARTICLE I, Pet Cemeteries and Crematoriums.

* * * *

§ 239-3. Licensing requirements; operating restrictions.

* * * *

B. Application for license; qualifications; issuance of license:

- (1) All applications for licenses shall be submitted, in writing, on forms furnished by the lead agency and shall be accompanied by a nonrefundable application fee in the amount of [~~\$25~~] \$200. The fee for a license shall be \$200 per annum. It may be renewed biennially for \$400. No application fee shall be imposed on nonprofit or not-for-profit corporations or organizations.

* * * *

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

Chapter 275, ELECTRICIANS AND PLUMBERS

* * * *

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

- A.) Application for certificates of competency and licenses. All applications for certificates of competency and licenses shall be submitted on forms furnished by the Office of Consumer Affairs, or its successor, and shall be accompanied by the required fee of [~~\$25~~] \$200. Each application shall set forth the name, residence address and business address of the applicant and such information and supporting data concerning his or her qualifications as may be required.

* * * *

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

Chapter 345, LICENSED OCCUPATIONS

* * * *

ARTICLE II, Home Improvement Contractors

* * * *

§ 345-19. Fees.

- A. An application fee of [~~\$25~~] \$200 shall accompany each application for a home improvement contracting license.

* * * *

ARTICLE III, Home Appliance Repair Businesses

* * * *

§ 345-31. Fees.

- A. An application fee of [~~\$25~~] \$200 shall accompany each application for an appliance repair business.

* * * *

ARTICLE IV, Precious Metal Exchanges

* * * *

§ 345-37. Fees.

- A. An application fee of [~~\$25~~] \$200 shall accompany each application for a precious metal exchange license. The fee for precious metal exchange license shall be \$200 per annum. It may be renewed biennially for a fee of \$400.

* * * *

ARTICLE V, Dealers in Secondhand Articles

* * * *

§ 345-49. Fees.

- A. An application fee of [~~\$25~~] \$200 shall accompany each application for a dealer in secondhand articles license.

* * * *

ARTICLE VI, Charitable Solicitations

* * * *

§ 345-60. Term of licenses; renewal and conditions.

- A. All licenses, except temporary licenses, shall be for periods of two years from the date of issuance thereof at the discretion of the office and shall expire on the last

day of the 24th month of such issuance. Subsequent renewals shall be for periods of two years. The initial application fee shall be [~~\$25~~] \$200. The fee for a charitable solicitation license shall be \$200 per annum and the biennial renewal fee shall be \$400.

* * * *

ARTICLE VII, Septic Industry Businesses

* * * *

§ 345-74. Application procedure: information required; qualifications; issuance of license.

- A. All applications for licenses shall be submitted in writing, on forms furnished by the Office, and shall be accompanied by a nonrefundable application fee of [~~\$25~~] \$200.

* * * *

ARTICLE VIII, Commercial and Industrial Painting Businesses

* * * *

§ 345-89. Application procedure; information required; qualifications; issuance of license.

- A. All applications for licenses shall be submitted in writing, on forms furnished by the Office, and shall be accompanied by a nonrefundable application fee of [~~\$25~~] \$200.

* * * *

ARTICLE IX, Home Furnishings

* * * *

§ 345-103. Application procedure, information required and qualifications.

- A. All applications for licenses shall be submitted in writing on forms furnished by the Office and shall be accompanied by a nonrefundable application fee of [~~\$25~~] \$200.

* * * *

- IV. Chapter 460 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 460, TAX GRIEVANCE CONSULTANTS

* * * *

§ 460-6. Term of license; renewal and conditions.

- A. All licenses, except temporary licenses, shall be for a period of two years from the date of issuance thereof at the discretion of the Office and shall expire on the last day of the 24th month after such issuance. Subsequent renewals shall be for periods of two years. Fees payable upon renewal shall be in the amount of \$400. The initial application fee shall be [~~\$25~~] \$200. The fee for a tax grievance consultant license shall be \$200 per annum. The biennial renewal fee shall be \$400.

* * * *

- V. **Chapter 483 of the SUFFOLK COUNTY CODE is hereby amended as follows:**

Chapter 483, VIDEOCASSETTE RECORDERS, REPAIR OF

* * * *

§ 483-5. Fees.

- A. A nonrefundable application fee of [~~\$25~~] \$200 shall accompany each registration application.

* * * *

Section 3. Applicability.

This law shall apply to all applications received by the Office of Consumer Affairs 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 sixty (60) days subsequent to its filing in the Office of the Secretary of State.

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 22, 2008
After a public hearing duly held on August 19, 2008
Filed with the Secretary of State on September 11, 2008

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

Intro. Res. No. 1577-2008
Introduced by Legislators Lindsay and Alden

Laid on Table 6/10/2008

RESOLUTION NO. 588 -2008, ADOPTING LOCAL LAW NO. 37 -2008, A LOCAL LAW AUTHORIZING A PROGRAM TO WAIVE ITEM PRICING REQUIREMENTS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 10, 2008, a proposed local law entitled, "**A LOCAL LAW AUTHORIZING A PROGRAM TO WAIVE ITEM PRICING**;" now, therefore be it

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

LOCAL LAW NO. 37 -2008, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AUTHORIZING A PROGRAM TO WAIVE ITEM PRICING REQUIREMENTS

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that pursuant to local law, retail stores in Suffolk County are required to item price certain products, including food, paper goods, detergents, soaps, non-prescription drugs, health and beauty aids.

This Legislature also finds that Nassau County has enacted laws that allow retailers to seek a waiver from item pricing requirements while instituting new safeguards that protect the right of consumers to obtain clear, accurate pricing information and insure that consumers pay the correct price for goods at checkout.

This Legislature further determines that a properly implemented item price waiver program will allow local businesses to reduce operating expenses and produce savings that can be passed on to consumers.

Therefore, the purpose of this local law is to create a new program that will allow retail stores to seek a waiver from item pricing requirements, protect consumers' right to obtain pricing information and produce economic benefits that will benefit Suffolk County businesses and consumers.

Section 2. Amendments.

Chapter 328 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 328, ITEM PRICING

§ 328.1-Definitions.

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

[COMMISSIONER -- The Commissioner of the County Department of Labor or the Director of the Division of Consumer Affairs.]

COMPUTER-ASSISTED CHECKOUT SYSTEM -- Any electronic device, computer system or machine which determines the selling price of a stock-keeping item by interpreting its universal product code or by use of its price look-up function.

COUNTY -- The County of Suffolk.

[DEPARTMENT -- The Suffolk County Department of Labor, Division of Consumer Affairs.]

DIRECTOR -- The Director of the Office of [the Citizens] Consumer Affairs.

[INSPECTOR -- The Director of Weights and Measures or his or her agent, duly authorized to enforce the provisions of this chapter.]

ITEM PRICE -- The tag, stamp or mark affixed to a stock-keeping item which sets forth, in Arabic numerals, the retail price.

OFFICE -- The Suffolk County Office of [Citizen] Consumer Affairs.

* * * *

§ 328-4. Pricing accuracy.

* * * *

- B. In a store with a laser-scanning or other computer-assisted checkout system, [the Inspector] a representative of the Office shall be permitted to compare the item, shelf, sale or advertised price of any one (1) stock-keeping item within a stock-keeping unit sold in the store with the programmed computer price.

§ 328-5. Enforcement.

- A. The provisions of this Chapter shall be enforced by the Office. Upon presentation of appropriate credentials, a representative of the Office [or the Inspector] shall have the right to enter upon the premises of any retail store to make an inspection and to determine compliance with the provisions of this Chapter.
- B. Upon presentation of the appropriate credentials, a representative of the Office [or an Inspector] may compare the item, shelf or sale advertised price with the programmed computer price of stock-keeping items.

* * * *

§ 328-7. Laser scanner accuracy inspection procedure.

For any inspection pursuant to § 328-4 of this Chapter, the store representative shall afford [the Inspector] a representative of the Office access to the test mode of the checkout system in use at that store or to a comparable function of said system and to the retail price information contained in a price look-up function.

§ 328-8. Stop-removal order.

- A. The [Inspector] Director shall have the authority to issue a stop-removal order with respect to any stock-keeping unit being used, handled or offered for sale in violation of §§ 328-2, 328-3 and 328-4 of this Chapter.

* * * *

§328-9. Waiver for Item Pricing

- A. Every retail store which uses a computer-assisted checkout system and which would otherwise be required to item price as provided in § 328-2 of this Code may make an application, in writing, to the Director for a waiver of said item pricing requirement. A separate application shall be required for each store. Each application shall be subject to a non-refundable waiver fee based upon the gross square footage of each store as set according to the following schedule:

Gross Store Size

Waiver Fee

<u>Under 3,000 sq. ft.</u>	<u>\$500.00</u>
<u>Between 3,001 and 10,000 sq. ft.</u>	<u>\$1,000.00</u>
<u>Between 10,001 and 30,000 sq. ft.</u>	<u>\$3,000.00</u>
<u>Between 30,001 and 90,000 sq. ft.</u>	<u>\$5,000.00</u>
<u>Over 90,000 sq. ft.</u>	<u>\$15,000.00</u>

- B. Upon receipt of an application and fee as provided in subsection (A) of this section, the Director shall cause to be conducted a scanner accuracy inspection of the store for which the application has been submitted. This inspection shall be in the manner prescribed by the Director. At stores with a gross size in excess of 10,000 square feet, a minimum of one hundred stock keeping units shall be checked at inspection. At stores with a gross size of 10,000 square feet or less, a minimum of fifty stock keeping units shall be checked. If the number of stock keeping units found to be in violation does not exceed two percent of all those stock keeping units inspected, the Director shall grant to the applicant a one year revocable waiver from the item pricing requirement. Any store with a current waiver shall be exempt from the requirements of § 328-2 of this Code.
- C. In the event that total violations in excess of two percent are discovered in the inspection process, the Director shall not grant a waiver to the applicant. Such a store may, within five business days of being notified of the failure, request a second inspection. If the number of stock keeping units found to be in violation during this second inspection does not exceed two percent of those stock keeping units inspected, the Director shall grant to the applicant a one year revocable waiver for the item pricing requirement.
- D. Stores which fail the scanner accuracy inspection(s) must be in compliance with the requirements of this Chapter within thirty days from the final date of failure. These stores may reapply for a waiver from item pricing requirements in accordance with subsection (A) of this section.
- E. Waivers from item pricing shall be valid for a period of one year from the date of issuance, except as set forth in subsection (F) of this section, and shall expire on the last day of the twelfth month of such issuance. Stores must reapply annually for renewal at the rates established in subsection (A) of this section. The waiver fee and inspection shall be required for each annual renewal application, as required for an original waiver application.
- F. In the event that the Director is unable to conduct an inspection pursuant to subsection (B) of this section within ninety days of receipt of a complete waiver application and proper waiver fee, the Director shall grant a temporary waiver pending completion of the inspection. The Director shall cause said inspection to be completed as soon as practicable. If, upon completion, the inspection detects a violation rate of less than two percent, the Director shall issue a regular waiver with an expiration date of one year from the date of the temporary waiver. If the inspection detects a violation rate in excess of two percent, the temporary waiver shall be immediately revoked and the provisions of subsection (D) shall apply.
- G. As a condition of the waiver from item pricing pursuant to this section, each store which accepts a waiver must agree to meet the following requirements, and no

regular or temporary waiver shall be granted to a store which has not agreed to these requirements in writing:

- (i) The store shall designate and make available price check scanners to enable consumers to confirm the price of stock keeping items. These price check scanners shall be in locations convenient to consumers with signs of sufficient sized lettering to identify the units to the consumers. Stores will submit their proposed sign and device locations to the Director for approval; and
- (ii) The store shall not charge any customer a price for any stock keeping items which exceeds the item, shelf, sale, or advertised price, whichever is less; and
- (iii) The store shall make prompt payment to consumers who have been overcharged and shall correct all pricing errors identified by consumers.

H. The Director may revoke a waiver from item pricing for any of the following reasons:

- (i) Failure to comply with any provisions of this Chapter;
- (ii) Deliberate overcharging of any consumer;
- (iii) Material misrepresentation in the application for a waiver.

§ 328-[9]10. Penalties for offenses.

* * * *

§ 328-[10]11. Settlement or compromise.

* * * *

§ 328-[11]12. Hearing.

* * * *

§ 328-[12]13. Rules and regulations.

* * * *

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 sixty (60) 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: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 3, 2008
After a public hearing duly held on August 19, 2008
Filed with the Secretary of State on September 16, 2008

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

Intro. Res. No. 1589-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 589 -2008, APPROVING THE REAPPOINTMENT OF DANIEL J. MEEHAN AS A MEMBER OF THE SUFFOLK COUNTY PLUMBING LICENSING BOARD

WHEREAS, the term of office of Daniel J. Meehan, expired on December 31, 2007; now, therefore be it

1st RESOLVED, that the reappointment of Daniel J. Meehan of 69 Bobann Drive, Nesconset, New York 11767 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2010, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1590-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 590 -2008, APPROVING THE REAPPOINTMENT OF ANGELINA M. MARKETTA AS A MEMBER OF THE SUFFOLK COUNTY HOME IMPROVEMENT CONTRACTORS LICENSING BOARD

WHEREAS, the term of office of Angelina M. Marketta, expired on December 31, 2007; now, therefore be it

1st RESOLVED, that the reappointment of Angelina M. Marketta of 17 West Drive, Kings Park, New York 11754 as a member of the Suffolk County Home Improvement Contractors Licensing Board, for a term of office expiring December 31, 2010, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 345 Section 345-25.A.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1591-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 6/24/2008

RESOLUTION NO. 591 -2008, APPROVING THE REAPPOINTMENT OF CHRISTIAN B. LISTER AS A MEMBER OF THE SUFFOLK COUNTY PLUMBING LICENSING BOARD

WHEREAS, the term of office of Christian B. Lister, expired on December 31, 2007; now, therefore be it

1st RESOLVED, that the reappointment of Christian B. Lister of 26 Bayview Lane, Amityville, New York 11701 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2010, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1592-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 6/24/2008

RESOLUTION NO. 592 -2008, APPROVING THE REAPPOINTMENT OF EDWARD NIELSEN III AS A MEMBER OF THE SUFFOLK COUNTY HOME APPLIANCE REPAIR LICENSING BOARD

WHEREAS, the term of office of Edward Nielsen III, expired on December 31, 2007; now, therefore be it

1st RESOLVED, that the reappointment of Edward Nielsen III of 10 Ingram Court, Smithtown, New York 11787 as a member of the Suffolk County Home Appliance Repair Licensing Board, for a term of office expiring December 31, 2010, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 345 Section 345-27.A.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1593-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 593 -2008, APPROVING THE
REAPPOINTMENT OF FRANK DIFAZIO AS A MEMBER OF
THE SUFFOLK COUNTY ELECTRICAL LICENSING BOARD**

WHEREAS, the term of office of Frank DiFazio, expired on December 31, 2007;
now, therefore be it

1st RESOLVED, that the reappointment of Frank DiFazio of 81 St. Marks Lane,
Islip, New York 11751 as a member of the Suffolk County Electrical Licensing Board, for a term
of office expiring December 31, 2010, is hereby approved; said reappointment having been
made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275
Section 275-6.A.(1).

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1619-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 594 -2008, APPROVING THE
APPOINTMENT OF ROBERT J. RITTER AS A MEMBER OF
THE SUFFOLK COUNTY HOME IMPROVEMENT
CONTRACTORS LICENSING BOARD**

WHEREAS, the term of office of Gary Lobato, expired upon retirement; now, therefore
be it

1st RESOLVED, that the appointment of Robert J. Ritter, of 911 Court North Drive, Melville, New York 11747, as a member of the Suffolk County Home Improvement Contractors Licensing Board, for a term of office expiring June 4, 2010, be and the same hereby is approved; said reappointment having been made by the County Executive pursuant to the provisions of Local Law No. 25-1982.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1622-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 595 -2008, ACCEPTING AND APPROPRIATING A GRANT AWARD FROM THE STATE UNIVERSITY OF NEW YORK FOR A COMMUNITY COLLEGE WORKFORCE DEVELOPMENT TRAINING GRANTS PROGRAM FOR NANA'S HOUSE, INC. 91% REIMBURSED BY STATE FUNDS AT SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, Suffolk County Community College has received a grant award from the State University of New York, in the amount of \$4,800, including indirect costs, for a Community College Workforce Development Training Grants Program for NANA's House, Inc. for the period of April 29, 2008 through August 22, 2008; and

WHEREAS, a cash match in the amount of \$480 provided by NANA's House, Inc. will increase the program total to \$5,280, including indirect costs; and

WHEREAS, the program will provide funds for the Case Management staff of NANA's House, Inc. with improved Communication Skills, Stress Management, and Diversity Awareness training which would better enable them to respond to the needs of families residing at their shelters; and

WHEREAS, the Board of Trustees of Suffolk County Community College accepted the grant on May 15, 2008 by Resolution No. 2008.36; and

WHEREAS, the College anticipates spending the \$5,280, including indirect costs, in accordance with the terms of said grant award before August 22, 2008; now, therefore be it

1st **RESOLVED**, that said grant award from the State University of New York, for a Community College Workforce Development Training Grants Program for NANA's House, Inc., in the amount of \$4,800, including \$480 in indirect costs, be accepted; and be it further

2nd **RESOLVED**, that a cash match from NANA's House, Inc. in the amount of \$480 be accepted for the operation of the Community College Workforce Development Training Grants Program for NANA's House, Inc.; and be it further

3rd **RESOLVED**, that said program, in the amount of \$5,280, including \$480 in indirect costs, be appropriated for the operation of the project as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
State Aid: WDT-NANA's House, Inc.: 818-GRT-3299-08	\$ 4,800
Private Aid: WDT: NANA's House, Inc.: 818-GRT-2564-08	\$ 480
<u>APPROPRIATIONS:</u>	<u>AMOUNT</u>
WDT: NANA's House, Inc.: 818-GRT-GT46-08	\$ 4,800

Suffolk County Community College
Workforce Development Training: NANA's House, Inc.
818-GRT-GT46-08

<u>1000-Personal Services</u>	<u>\$ 4,434</u>
1160-Part-Time Instructors-Day	4,434
<u>8000-Employee Benefits</u>	<u>\$ 366</u>
8330-Social Security	339
8350-Unemployment Insurance	27

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

RESOLUTION NO. 596 –2008, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM, AS AMENDED BY LOCAL LAW NO. 24-2007 (RND LLC PROPERTY – TOWN OF ISLIP) (SCTM NO. 0500-089.00-04.00-001.000 and 002.000)

WHEREAS, the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, authorizes the use of 31.10% of sales and compensating use tax proceeds generated each year for specific environmental protection, including the acquisition of open space in accordance with specific criteria set forth therein; and

WHEREAS, the parcels listed in Exhibit “A” of this resolution meet the criteria for acquisition as open space under the Drinking Water Protection Program; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1)(g) of the SUFFOLK COUNTY CHARTER, from 31.10% of the sales and compensating use tax proceeds, for the acquisition of such land as open space; now, therefore be it

1st RESOLVED, that the parcels listed in Exhibit "A" of this resolution, consisting of approximately 3.5± acres, are hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER; and be it further

2nd RESOLVED, that the parcels listed in Exhibit “A” meet the criteria required by the Suffolk County Drinking Water Protection Program; and be it further

3rd RESOLVED, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s); and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

5th RESOLVED, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

6th RESOLVED, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

7th **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel(s); and be it further

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0500 Section 089.00 Block 04.00 Lot 001.000	.88±	RND LLC P.O. Box 502 Bohemia, NY 11716
2	District: 0500 Section 089.00 Block 04.00 Lot 002.000	2.5±	RND LLC P.O. Box 502 Bohemia, NY 11716

EXHIBIT "A"

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

Intro. Res. No. 1554-2008

Laid on Table 6/10/2008

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

RESOLUTION NO. 597 -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH SUFFOLK COUNTY FARM NITROGEN LEACHING REDUCTION/IRRIGATION UPGRADE (CP 8710)

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program component of Local Law No. 35 of 1999 required that 11.25% of the total revenues generated be used for Water Quality Protection Programs; and

WHEREAS, Suffolk County Water Quality Protection and Restoration Program component Local Law No. 35 of 1999 expired on November 30, 2007 and has been replaced by Local Law No. 24-2007, A Charter Law Extending and Accelerating the ¼% Drinking Water Protection Program for Environmental Protection, effective December 1, 2007; and

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program component of Local Law No. 35 of 1999 still has sufficient funds within the reserved fund balance of Fund 477 for the purpose of Water Quality Protection and Restoration, required to meet the 11.25% criteria established for this program; and

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

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 461-2006, has established a priority ranking system, implemented in the 2008 Adopted Capital Budget and Program, as the basis for funding capital projects such as this project; and

WHEREAS, there are available Fund 477 funds within the Reserved Fund Balance for Water Quality related projects to support the appropriation of this project within the 2008 Capital Budget and Program; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Section 617.5 (c) (3), (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 farming practices, continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate

SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-six (76) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

4th **RESOLVED**, that the Adopted 2008 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$44,000

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Water Quality Protection	\$44,000
(Ref.525-CAP-IFTR-R477)					

and be it further

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

Project No.:	8710			
Project Title:	Water Quality Protection			
		<u>Total</u>	<u>Current</u>	<u>Revised</u>
		<u>Est'd</u>	<u>2008</u>	<u>2008</u>
		<u>Cost</u>	<u>Capital</u>	<u>Capital</u>
			<u>Budget &</u>	<u>Budget &</u>
			<u>Program</u>	<u>Program</u>
3. Construction	\$764,000	\$0		\$44,000 W
TOTAL	\$7,483,892	\$0		\$44,000

and be it further

7th **RESOLVED**, that the transfer in the amount of \$44,000 be and hereby is appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8710.319	50	Construction for Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade	\$44,000

and be it further

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1596-2008 Laid on Table 6/24/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

RESOLUTION NO. 598 -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH THE PREPARATION OF STANDARD OPERATING PROCEDURES FOR PETROLEUM AND CHEMICAL STORAGE TANKS AND LEAK DETECTION SYSTEMS MANAGED BY SUFFOLK COUNTY (CP 8710)

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program component of Local Law No. 35-1999 required that 11.25% of the total revenues generated be used for Water Quality Protection programs; and

WHEREAS, Suffolk County Water Quality Protection and Restoration Program component Local Law No. 35-1999 expired on November 30, 2007 and has been replaced by Local Law No. 24-2007, A Charter Law Extending and Accelerating the ¼% Drinking Water Protection Program for Environmental Protection, effective December 1, 2007; and

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program component of Local Law No. 35-1999 still has sufficient funds within the reserved fund balance of Fund 477 for the purpose of Water Quality Protection and Restoration, required to meet the 11.25% criteria established for this program; and

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to, Article XII of the SUFFOLK COUNTY CHARTER has recommended funding this program as an appropriate use of Suffolk County Water Quality Protection and Restoration Program funds; and

WHEREAS, the Suffolk County Department of Public Works has requested funding for a project that provides for the Preparation of Standard Operating Procedures for Petroleum and Chemical Storage Tanks and Leak Detection Systems Managed by Suffolk County in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

WHEREAS, this project is recommended as part of the Long Island Estuary Programs; and

WHEREAS, this project is expected to result in the decreased probability of petroleum and chemical contamination in Suffolk County groundwater; and

WHEREAS, funding is requested for this project through the Suffolk County Water Quality Protection and Restoration Program; 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, 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

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Section 617.5 (c) (18), (20) 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 promulgation of regulations, rules, administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-six (76) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

4th **RESOLVED**, that the Adopted 2008 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$70,000.00

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Water Quality Protection	\$70,000.00

(Ref. 525-CAP-IFTR-R477)

and be it further

6th **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8710
Project Title: Water Quality Protection

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
1. Planning	\$70,000.00	\$0	\$70,000.00
TOTAL	\$70,000.00	\$0	\$70,000.00

and be it further

7th **RESOLVED**, that the transfer in the amount of \$70,000.00 be and hereby is appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8710.125	20	Preparation of Standard Operating Procedures for Petroleum and Chemical Storage Tanks and Leak Detection Systems Managed by Suffolk County	\$70,000.00

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

Legislator Romaine made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 16-1-1-0-0. Legislator Barraga voted no. Legislator Alden abstained.

Intro. Res. No. 1607-2008

Laid on Table 6/24/2008

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

**RESOLUTION NO. 599
-2008, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT - FOR THE LEWIN ESTATE PROPERTY – BROAD COVE, TOWN OF RIVERHEAD (SCTM NO. 0600-086.00-01.00-034.000)**

WHEREAS, Local Law No. 24-2007, “A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection,” Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

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

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of 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 II Reports, respectively; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Two Hundred Thirty Thousand Dollars (\$230,000.00), 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 0600 Section 086.00 Block 01.00 Lot 034.000	0.61±	Estate of Richard C. Lewin c/o Richard H. Lewin, Executor 20 Montauk Avenue E. Moriches, NY 11940

and be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Two Hundred Thirty Thousand Dollars (\$230,000.00), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$230,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

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

7th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

6th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to 6 NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA determination of non-significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1609-2008

Laid on Table 6/24/2008

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

**RESOLUTION NO.
600 -2008, AUTHORIZING THE ACQUISITION OF
LAND UNDER THE NEW SUFFOLK COUNTY DRINKING
WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1,
2007) – OPEN SPACE COMPONENT - FOR THE PODOLSKY
PROPERTY – MILLER PLACE/YAPHANK ROAD NP
ADDITION, TOWN OF BROOKHAVEN (SCTM NO. 0200-189.00-
03.00-003.000)**

WHEREAS, Local Law No. 24-2007, “A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection,” Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

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

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

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

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Ten Thousand Dollars (\$10,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 189.00 Block 03.00 Lot 003.000	4,000± s.f.	Stuart Podolsky 2 Andrew Street Pt. Jefferson Station, NY 11776

and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Ten Thousand Dollars (\$10,000.00), subject to a final survey; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$10,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, 2000, for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of

Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th **RESOLVED**, pursuant to Section C12-2(A)(2)(c), that this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

c.) any tract of land located fully or partially within the statutorily designated Special Groundwater Protection Area:

7th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

8th **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: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-1-1-0-0. Legislator Barraga voted no. Legislator Alden abstained.

Intro. Res. No. 1623-2008 Laid on Table 6/24/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

**RESOLUTION NO.
601**

2008, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT - FOR THE MEADOW PROPERTY – FORGE RIVER WATERSHED, TOWN OF BROOKHAVEN (SCTM NOS. 0200-787.00-08.00-024.000 AND 0200-787.00-08.00-025.000)

WHEREAS, Local Law No. 24-2007, “A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection,” Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

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

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; 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 II Reports, respectively; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Seventy Five Thousand Dollars (\$75,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 787.00 Block 08.00 Lot 024.000	0.183±	Cindy Berman Meadow 43 Adam Road West Massapequa, NY 11758
No. 2	District 0200 Section 787.00 Block 08.00 Lot 025.000		

and be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Seventy Five Thousand Dollars (\$75,000.00), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$75,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the

Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

b.) lands within the watershed of the coastal stream, as determined by a reasonable planning or hydrological study; and be it further

7th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

8th **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: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

Legislator Nowick made motion for the following resolution, seconded by Legislator Kennedy. The resolution was passed 16-1-1-0-0. Legislator Barraga voted no. Legislator Alden abstained.

Intro. Res. No. 1624-2008

Laid on Table 6/24/2008

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

Nowick

**RESOLUTION NO.
602**

2008, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT - FOR THE DECARMINE PROPERTY – NISSEQUOGUE RIVER ADDITION, TOWN OF SMITHTOWN (SCTM NOS. 0800-075.00-05.00-038.000 AND 0800-075.00-05.00-039.000)

WHEREAS, Local Law No. 24-2007, “A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection,” Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 944-2006, authorized planning steps for the acquisition of said property; and

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

1st **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Eight Hundred Thousand Dollars (\$800,000.00), 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 0800 Section 075.00 Block 05.00 Lot 038.000	4.92±	Jayne Tyler DeCarmine and India DeCarmine D'Addezio 170 Route 111 P.O. Box 281 Smithtown, NY 11787
No. 2	District 0800 Section 075.00 Block 05.00 Lot 039.00		

and be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Eight Hundred Thousand Dollars (\$800,000.00), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$800,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering

reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and One (1) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

b.) freshwater/tidal wetlands and buffer lands for same; and be it further

7th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

8th **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

9th **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant

effect on the environment, as demonstrated in the Environmental Assessment Form; and

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

10th **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-1-1-1-0. Legislator Barraga voted no. Legislator Alden abstained. Legislator Montano was not present.

Intro. Res. No. 1625-2008

Laid on Table 6/24/2008

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

**RESOLUTION NO.
603 -2008, AUTHORIZING THE ACQUISITION OF
LAND UNDER THE NEW SUFFOLK COUNTY DRINKING
WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1,
2007) – OPEN SPACE COMPONENT - FOR THE SCHNAARS
PROPERTY – MASTIC/SHIRLEY CONSERVATION AREA II,
TOWN OF BROOKHAVEN (SCTM NO. 0200-983.50-01.00-
027.000)**

WHEREAS, Local Law No. 24-2007, “A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection,” Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

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

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; 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 II Reports, respectively; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Thirteen Thousand Dollars (\$13,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200	.139±	Gerard Schnaars
	Section 983.50		532 Serernity Place
	Block 01.00		Lake Mary, FL 32746
	Lot 027.000		

and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Thirteen Thousand Dollars (\$13,000.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$13,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including,

but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

c.) freshwater/tidal wetlands and buffer lands for same; and be it further

7th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

8th **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: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

Legislator Eddington made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 15-1-1-1-0. Legislator Barraga voted no. Legislator Alden abstained. Legislator Montano was not present.

Intro. Res. No. 1626-2008

Laid on Table 6/24/2008

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

RESOLUTION NO.

604

-2008, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT – FOR THE EMERY PROPERTY – TUTHILLS CREEK/PINE LAKE, TOWN OF BROOKHAVEN (SCTM NO. 0204-003.00-01.00-020.000)

WHEREAS, Local Law No. 24-2007, “A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection,” Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

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

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; 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 II Reports, respectively; and

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

1st **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Five Thousand Four Hundred Dollars (\$5,400.00), 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 0204 Section 003.00 Block 01.00 Lot 020.000	.10±	Christopher Emery 6 Shen Court Setauket, NY 11733

and be it further

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

Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Five Thousand Four Hundred Dollars (\$5,400.00), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$5,400.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

5th **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

d.) freshwater/tidal wetlands and buffer lands for same; and be it further

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

WHEREAS, the Department of Public Works has requested transferring funds from engineering services to equipment and construction costs; now, therefore be it

1st **RESOLVED**, that the 6th Resolved of Resolution No. 539-2007 is hereby amended as follows:

Project: 8710
 Project Title: Water Quality Protection-Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade

	<u>Total Est'd Cost</u>	<u>Current 2007 Capital Budget And Program</u>	<u>Revised 2007 Capital Budget And Program</u>
1. Planning & Design	<u>\$1,227,000</u> [\$1,237,000]	<u>\$0</u>	<u>\$0</u> [\$10,000]
5. Equipment	<u>\$87,000</u> [\$77,000]	<u>\$0</u>	<u>\$87,000</u> W [\$77,000]
Total	<u>\$6,283,160</u>	<u>\$0</u>	<u>\$87,000</u>

and be it further

2nd **RESOLVED**, that the 7th Resolved of Resolution No. 539-2007 is hereby amended as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8710.115	50	Engineering for Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade	<u>\$0</u> [\$10,000]
525-CAP-8710.510	50	Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade	<u>\$87,000</u> [\$77,000]

3rd **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to amend this capital project and effectuate the transfer between the capital project lines, including the associated cash transfers to finance this capital project.

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1642-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 606 -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH MANAGING GRASSLAND ON SUFFOLK COUNTY PARKLAND (THEODORE ROOSEVELT, PINE MEADOWS, FOX LAIR, AND POXABOGUE POND PRESERVE) (CP 8713)

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

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to Article XII of the SUFFOLK COUNTY CHARTER, has recommended funding this program as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiatives funds; and

WHEREAS, the Suffolk County Department of Parks, Recreation and Conservation has requested funding for a project that restores and maintains critically endangered habitats in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

WHEREAS, grassland habitats are the most rapidly declining habitat in the northeast of the United States; and

WHEREAS, the Suffolk County Department of Parks, Recreation and Conservation is responsible for the management of a significant amount of grassland acreage; and

WHEREAS, the project is in accordance with the recommendations of several management plans, including the Restoration and Management of Maritime Grassland and Savanna in T. Roosevelt County Park and Montauk Point State Park: A Plan for 2002 - 2012, and the 2001 USDA Wildlife Habitat Incentives Program Plan for Pine Meadows, among others; and

WHEREAS, this project is expected to result in environmental stewardship of 120 acres of grassland habitats within four (4) different County parks: Theodore Roosevelt County Park, Pine Meadows County Park, Fox Lair County Park, and Poxabogue Pond Reserve; and

WHEREAS, funding is requested for this project through the Suffolk County Water Quality Protection and Restoration Program; 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, 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

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II Action, pursuant to Section 617.5 (c) (6),(20) 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 promulgation of regulations, rules, administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-two (72) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

4th **RESOLVED**, that the Adopted 2008 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$264,000

and be it further

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

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT (Ref. 525 -CAP-IFTR-R477)	525	R477	E525	Transfer from Water Quality Protection	\$264,000

and be it further

6th **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8713

Project Title: Land Stewardship-managing grassland on Suffolk County Parkland

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
4. Site Improvements	\$264,000	\$0	\$264,000W
TOTAL	\$264,000	\$0	\$264,000

and be it further

7th **RESOLVED**, that the transfer in the amount of \$264,000 be and hereby is appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8713.410	50	Managing Grassland on Suffolk County Parkland	\$264,000

and be it further

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1652-2008

Laid on Table 6/24/2008

Introduced by Legislators Schneiderman, Browning, Losquadro and Romaine

RESOLUTION NO. 607 -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING

**THE 2008 CAPITAL BUDGET AND PROGRAM, AND
APPROPRIATING FUNDS IN CONNECTION WITH PLANNING
FOR THE BAY TO SOUND INTEGRATED TRAILS INITIATIVE –
LAND STEWARDSHIP PROJECT (CP 8713)**

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

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to, Article XII of the SUFFOLK COUNTY CHARTER has recommended funding this program as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiative funds; and

WHEREAS, the Suffolk County Department of Parks, Recreation and Conservation has requested funding for planning for a project that implements the Bay to Sound Integrated Trails Initiative in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

WHEREAS, the project proposes to create a trail network linking 325-plus acres of Suffolk County, Southold Town and Greenport Village already preserved but largely unconnected land. The project proposes creation of just over two miles of trails, including approximately 1,250 linear feet of elevated boardwalk. Comprehensive assessment, detailed management plans, public education, volunteer labor, matching funds and inter-municipal cooperation will be combined to ensure the long-term protection of the resource; and

WHEREAS, funding for this project is requested through the Suffolk County Water Quality Protection and Restoration Program; 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, 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

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this project constitutes a Type II action, pursuant to Section 617.5 (c) (20), (21) and (27) of Title 6 of the NYCRR and within the meaning of Section 8-0109 (2) of the New York Environmental conservation Law as promulgation of regulations, rules, policies, procedures, and Legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-three (53) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

4th **RESOLVED**, that the Adopted 2008 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$35,000

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT (Ref. 525-CAP-IFTR-R477)	525	R477	E525	Transfer from Water Quality Protection	\$35,000

and be it further

6th **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8713
Project Title: Land Stewardship Project

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
1. Planning	\$35,000	\$0	\$35,000W
TOTAL	\$35,000	\$0	\$35,000

and be it further

7th **RESOLVED**, that the transfer in the amount of \$35,000 be and hereby is appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8713.110	Planning for the Bay to Sound Integrated Trails Initiative - Land Stewardship Project	\$35,000

and be it further

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1653-2008

Laid on Table 6/24/2008

Introduced by Legislators Viloría-Fisher, Browning, Losquadro, Schneiderman and Romaine

RESOLUTION NO. 608 -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH A LONG ISLAND NATIVE GRASS INITIATIVE-LAND STEWARDSHIP PROJECT (CP 8713)

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

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to Article XII of the SUFFOLK COUNTY CHARTER, has recommended funding this program as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiative funds; and

WHEREAS, the Suffolk County Soil and Water Conservation District has requested funding for a project that creates a source of Long Island native genotyped warm season grass seed in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

WHEREAS, this project is expected to result in a species protection best management practices plan to identify criteria and actions needed to maintain stable, well distributed populations of Suffolk County's native species of plant, animal and natural communities; and

WHEREAS, funding is requested for this project through the Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiatives; 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, 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

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II Action, pursuant to Section 617.5 (c) (20), 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 promulgation of regulations, rules, administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-four (64) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

4th **RESOLVED**, that the Adopted 2008 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$ 22,700

and be it further

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

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT (Ref. 525-CAP-IFTR-R477)	525	R477	E525	Transfer from Water Quality Protection	\$22,700

and be it further

6th **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8713
 Project Title: Land Stewardship Project

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
1. Planning	\$22,700	\$0	\$22,700W
TOTAL	\$22,700	\$0	\$22,700

and be it further

7th **RESOLVED**, that the transfer in the amount of \$22,700 be and hereby is appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8713.111	Long Island Native Grass Initiative – Land Stewardship Project	\$22,700

and be it further

8th **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; and be it further

9th **RESOLVED**, that the County Executive is hereby authorized to enter into a Memorandum of Agreement with the Soil and Water Conservation District to conduct the Long Island Native Grass Initiative – Land Stewardship Project (CP 8713).

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1654-2008

Laid on Table 6/24/2008

Introduced by Legislators Viloría-Fisher, Browning, Losquadro, Schneiderman, Romaine and Cooper

RESOLUTION NO. 609 -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH REMOVAL AND DISPOSAL OF OBSOLETE UNDERGROUND PETROLEUM STORAGE TANKS IN SUFFOLK COUNTY (CP 8710)

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program component of Local Law No. 35 of 1999 required that 11.25% of the total revenues generated be used for Water Quality Protection Programs; and

WHEREAS, Suffolk County Water Quality Protection and Restoration Program component Local Law No. 35 of 1999 expired on November 30, 2007 and has been replaced by Local Law No. 24-2007, A Charter Law Extending and Accelerating the ¼% Drinking Water Protection Program for Environmental Protection, effective December 1, 2007; and

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program component of Local Law No. 35 of 1999 still has sufficient funds within the reserved fund balance of Fund 477 for the purpose of Water Quality Protection and Restoration, required to meet the 11.25% criteria established for this program; and

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to Article XII of the SUFFOLK COUNTY CHARTER has recommended funding this program as an appropriate use of Suffolk County Water Quality Protection and Restoration Program; and

WHEREAS, the Suffolk County Department of Public Works has requested funding for a project that provides for the removal and disposal of five (5) obsolete underground storage tanks, four (4) high-priority single wall fiberglass and steel tanks DOH Ref# 02712 located at Firematics Training Center, Yaphank and one (1) #2 fuel oil tank located at the Vanderbilt Museum, Centerport in Suffolk County in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

WHEREAS, this project is expected to result in the decreased probability of petroleum contamination in Suffolk County groundwater; and

WHEREAS, funding is requested for this project through the Suffolk County Water Quality Protection and Restoration Program; 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, there are available Fund 477 funds within the Reserved Fund Balance for Water Quality and Land Stewardship related projects to support the appropriation of this project; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II Action, pursuant to Section

617.5 (c) (1),(2), (20) 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 promulgation of regulations, rules, administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy-six (76) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

4th **RESOLVED**, that the Adopted 2008 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

<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	\$111,000

and be it further

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

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R477	E525	Transfer from Water Quality Protection	\$111,000

and be it further

6th **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8710
 Project Title: Suffolk County Water Quality Protection

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Program and Budget</u>	<u>Revised 2008 Capital Program and Budget</u>
3. Construction	\$831,000	\$0	\$111,000
TOTAL	\$7,550,892	\$0	\$111,000

and be it further

7th **RESOLVED**, that the interfund revenues in the amount of \$111,000 be and hereby is appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP- 8710.318	20	Removal and Disposal of Obsolete Underground Storage Tanks in Suffolk County	\$111,000

and be it further

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1655-2008

Laid on Table 6/24/2008

Introduced by Legislators Schneiderman, Viloría-Fisher, Browning, Losquadro, Romaine and Alden

RESOLUTION NO. 610 -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH SURVEY OF SHELLFISH AQUACULTURE LEASES IN PECONIC BAY AND GARDINERS BAY (CP 7180)

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program component of Local Law No. 35 of 1999 required that 11.25% of the total revenues generated be used for Water Quality Protection Programs; and

WHEREAS, Suffolk County Water Quality Protection and Restoration Program component Local Law No. 35 of 1999 expired on November 30, 2007 and has been replaced by Local Law No. 24-2007, A Charter Law Extending and Accelerating the ¼% Drinking Water Protection Program for Environmental Protection, effective December 1, 2007; and

WHEREAS, the Suffolk County Water Quality Protection and Restoration Program component of Local Law No. 35 of 1999 still has sufficient funds within the reserved

fund balance of Fund 477 for the purpose of Water Quality Protection and Restoration, required to meet the 11.25% criteria established for this program; and

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to Article XII of the SUFFOLK COUNTY CHARTER, has recommended funding this program as an appropriate use of Suffolk County Water Quality Protection and Restoration Program funds; and

WHEREAS, the Suffolk County Department of Planning has requested funding for a project that will contribute to aquatic habitat restoration and management of underwater lands in Peconic Bay and Gardiners Bay subject to Suffolk County Shellfish Aquaculture Leasing Authority in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

WHEREAS, the project will undertake activities that are required to implement the Suffolk County Shellfish Aquaculture Lease Program, which include use of professional land survey expertise to locate shellfish cultivation lease boundaries on the water, install appropriate marker buoys and prepare survey maps showing the boundaries of such leases; and

WHEREAS, the conduct of lease boundary surveys by licensed professionals has been recommended by the Suffolk County Department of Law, and will enable the County to effectively administer the lease program using current technology, and ease the transition of shellfish farmers into the program; and

WHEREAS, this project will contribute to the establishment of shellfish farms, which will increase shellfish populations in the bays, that will in turn exert a positive influence on water quality and augment the spawning potential of native shellfish populations; and

WHEREAS, funding is requested for this project through the Suffolk County Water Quality Protection and Restoration Program; 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, there are available Fund 477 funds within the Reserved Fund Balance for Water Quality related projects to support the appropriation of this project; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II action pursuant to Part 617.5 (c) (18),(20),(21) and (27) of Title 6 of the NYCRR and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and Legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-eight (68) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

4th **RESOLVED**, that the Adopted 2008 Operating Budget be and hereby is amended and that the interfund transfer be and hereby is appropriated from Fund 477 Reserve Fund Balance as follows:

EXPENDITURES:

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$181,400

and be it further

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

REVENUES:

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT (Ref.525-CAP-IFTR-R477)	525	R477	E525	Transfer from Water Quality Protection	\$181,400

and be it further

6th **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 7180
Project Title: Aquaculture Leasing Program

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Program and Budget</u>	<u>Revised 2008 Capital Program and Budget</u>
1. Planning/Engineering	\$181,400	\$0	\$ 181,400 W
TOTAL	\$181,400	\$0	\$ 181,400

and be it further

7th **RESOLVED**, that the interfund revenues in the amount of \$181,400 be and hereby is appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7180.111	Survey of Shellfish Aquaculture Leases in Peconic Bay and Gardiners Bay	\$181,400

and be it further

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1503-2008

Laid on Table 6/10/2008

Introduced by Legislators Losquadro, Romaine and Browning

**RESOLUTION NO. 611 -2008, ADOPTING LOCAL
LAW NO. 31 -2008, A LOCAL LAW TO REDUCE
PAPERWORK REQUIREMENTS FOR VOLUNTEER NOT-FOR-
PROFIT ORGANIZATIONS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 10, 2008, a proposed local law entitled, "**A LOCAL LAW TO REDUCE PAPERWORK REQUIREMENTS FOR VOLUNTEER NOT-FOR-PROFIT ORGANIZATIONS;**" now, therefore be it

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

LOCAL LAW NO. 31 -2008, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REDUCE PAPERWORK REQUIREMENTS FOR
VOLUNTEER NOT-FOR-PROFIT ORGANIZATIONS**

**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. 12-2001 to require contractors doing business with the County of Suffolk to pay their employees a “living wage”.

This Legislature also finds that the County of Suffolk enacted Local Law No. 52-2006 to require County contractors to verify that their employees are legally eligible to be employed in the United States.

This Legislature determines that Local Law No. 12-2001 and Local Law No. 52-2006 have been implemented by County departments and agencies so as to require that not-for-profit organizations that have no employees must complete living wage and lawful hiring paperwork each and every time they execute a contract with the County of Suffolk.

This Legislature further finds and determines that Local Law No. 12-2001 and Local Law No. 52-2006 were not intended to have any effect or impact on not-for-profit organizations that are completely staffed by volunteers.

Therefore, the purpose of this local law is to clarify the applicability of the Living Wage and Lawful Hiring Laws to volunteer, not-for-profit corporations and reduce the paperwork requirements imposed by the County on these community groups.

Section 2. Amendments.

I. Article 234 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 234, BUSINESS PRACTICES

ARTICLE I, Lawful Hiring of Employees

* * * * *

§ 234-7. Applicability.

* * * * *

C. The Department of Labor shall not require not-for-profit corporations which have no employees to submit affidavits as described in Section 234-3 of this chapter; rather not-for-profit corporations shall certify on a form established by the Department of Labor that the corporation has no employees. A not-for-profit corporation must submit this form only once annually even if that corporation is the recipient of compensation under multiple contracts. If a not-for-profit corporation submits this form and thereafter hires an employee during the calendar year, the not-for-profit corporation must immediately notify the Department of Labor or the awarding agency and thereafter comply with all applicable provisions of this article.

* * * * *

II. Article 347 of the SUFFOLK COUNTY CODE is hereby amended as follows:

* * * * *

Chapter 347, LIVING WAGE

* * * * *

§ 347-4. Recordkeeping.

* * * * *

D. The Department of Labor shall not require not-for-profit corporations which have no employees to submit the Certification of Compliance described in Section 347-7 of this chapter; rather not-for-profit corporations shall certify on a form established by the Department of Labor that the corporation has no employees. A not-for-profit corporation must submit this form only once annually even if that corporation is the recipient of compensation under multiple contracts. If a not-for-profit corporation submits this form and thereafter hires an employee during the calendar year, the not-for-profit corporation must immediately notify the Department of Labor or the awarding agency and thereafter comply with all applicable provisions of this article.

* * * * *

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 on January 1, 2009.

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 22, 2008
After a public hearing duly held on August 19, 2008
Filed with the Secretary of State on September 11, 2008

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

Intro. Res. No. 1357-2008
Introduced by Legislator Viloría-Fisher

Laid on Table 4/29/2008

RESOLUTION NO. 612 -2008, ADOPTING LOCAL LAW NO. 30 -2008, A LOCAL LAW TO PROTECT THE COUNTY'S HISTORIC AND CULTURALLY SIGNIFICANT PROPERTIES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 29, 2008, a proposed local law entitled, "**A LOCAL LAW TO PROTECT THE COUNTY'S HISTORIC AND CULTURALLY SIGNIFICANT PROPERTIES**;" now, therefore be it

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

LOCAL LAW NO. 30 -2008, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROTECT THE COUNTY'S HISTORIC AND CULTURALLY SIGNIFICANT PROPERTIES

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 has traditionally permitted County employees and other persons to reside in buildings under the jurisdiction of the Department of Parks, Recreation and Conservation ("Department").

This Legislature further finds that in some instances, persons were permitted to live in County facilities and pay rent far below fair market value. As a result, the County enacted Resolution No. 1250-2002 which required all tenants and licensees residing in County park

facilities to pay rent based on the fair market value of the residence as determined by the Division of Real Estate.

This Legislature also finds that many of the buildings under the jurisdiction of the Department are old, historic and, often, isolated from population centers. When these buildings are vacant, they are a magnet for vandals. Unfortunately, several vacant county-owned buildings, including the historic Scully Estate in Islip, have been seriously vandalized and damaged.

This Legislature also finds that as a result of the fair market value policy imposed by Resolution No. 1250-2002, the rental prices charged for County-owned facilities spiked and the number of vacant Parks buildings increased. As a result, the County's substantial investment in historic and culturally significant buildings is threatened.

This Legislature further determines that Resolution No. 1250-2002, while well intentioned, has produced unintended negative consequences that must be addressed.

This Legislature finds that the process established by Resolution No. 1250-2002 is too rigid and that a new, more flexible and common sense approach must be adopted to insure that the County's historic and cultural heritage is preserved while providing for a reasonable level of rental revenue.

Therefore, the purpose of this law is to establish a new process to govern the rental of properties under the jurisdiction of the Department of Parks, Recreation and Conservation.

Section 2. Repeals.

Chapter 723 of the SUFFOLK COUNTY CODE, Resolution No. 1250-2002 and Resolution No. 1368-2004 are hereby repealed in their entirety.

Section 3. Definitions.

The following terms shall have the meanings indicated:

COMMISSIONER – the Commissioner of the Department of Parks, Recreation and Conservation.

DEPARTMENT – the Department of Parks, Recreation and Conservation.

PARKS FACILITIES – buildings or structures under the jurisdiction of the Department of Parks, Recreation and Conservation that are suitable for residential use.

Section 4. Residence authorized.

A. The Department is hereby authorized to lease or license parks facilities under its jurisdiction, subject to the requirements of this local law and the approval of the Suffolk County Legislature, to the following persons, and in the order of priority as follows:

1. a current full time employee as a Suffolk County Park Police Officer;

2. a current full time employee of the Suffolk County Department of Parks, Recreation and Conservation;
 3. a current fulltime Suffolk County Law Enforcement Officer;
 4. a current fulltime employee of the County of Suffolk;
 5. a former full time Suffolk County Law Enforcement Officer.
 6. a resident of the County of Suffolk.
- B. If a tenant retires from County employment, leaves County employment because of a disability, or changes from full time to part time County employment, the tenant may continue to occupy the park facility provided that he or she meets all other conditions set forth herein.
- C. The number and location of park facilities suitable to be leased or licensed shall be determined jointly by the Commissioner and the Suffolk County Parks Trustees. Once a list is established, park facilities may be added upon a joint determination of the Commissioner and the Suffolk County Parks Trustees. A parks facility may be removed from the list if it is determined by the Commissioner and the Parks Trustees that it is required for another park purpose such as administrative or operational space, museum use, or environmental stewardship program management.

Section 5. Parks Housing Rental Board Established; Board Responsibilities.

- A. There is hereby established a Parks Housing Rental Board (“Board”), which shall be comprised of the following members:
1. The Commissioner of the Department of Parks, Recreation and Conservation, or his or her designee, who shall serve as the Chairperson.
 2. The Commissioner of the Department of Public Works, or his or her designee.
 3. The Director of the Historic Trust properties.
 4. The Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, his or her designee.
 5. The Chairman of the Council on Environmental Quality Historic Trust Committee, or his or her designee.
 6. The Chairman of the Suffolk County Legislature’s Parks and Recreation Committee or his or her designee.
 7. The Presiding Officer of the Suffolk County Legislature, or his or her designee.
 8. The Minority Leader of the Suffolk County Legislature, or his or her designee.

9. A representative of the Suffolk County Parks Trustees.

Section 6. Rental Procedure Established.

- A. A listing of all parks facilities available for lease or license shall be distributed by the Department on a periodic basis to all County employees via "All Employees Memorandum" (included with County paychecks) and the Suffolk County Intranet. The Department shall provide applications for occupancy upon request.
- B. The Division of Real Property Acquisition and Management's Appraisal Review Unit shall prepare and recommend to the Parks Housing Rental Board updated appraisals to establish current rental value for all parks facilities that are available for license by the Department. Said appraisals will include/consider the following:
 1. A full interior inspection of the parks facility.
 2. The current market for residential and commercial real estate on Long Island.
 3. The lack of insulation and other energy-efficient features within the parks facility and any restrictions which prevent installation of energy efficient features.
 4. Rental value and marketability of oil-heated parks facilities.
 5. External factors, i.e., isolation, risk of vandalism, diminished privacy, that affect the rental value of the facility.
- C. The Board may recommend to the Commissioner a rental value for a parks facility that is below the appraised fair market value based on one or more of the following factors:
 1. the historic significance and vulnerability of the subject facility.
 2. the prospective tenant's familiarity with historic properties.
 3. the level of security the facility requires.
 4. The routine maintenance the prospective tenant will provide.
- D. The Commissioner shall review the recommendations of the Parks Housing Rental Board and submit recommendations of applications and rental charges/license fees for approval to the Suffolk County Legislature. The Commissioner may recommend, and the Legislature may adopt, rental charges/license fees below the appraised fair market value, based on the recommendation of the Parks Housing Rental Board.
- E. The Division of Real Property Acquisition and Management's Appraisal Review Unit shall update the appraisal for any rental of parks facilities upon the expiration of the lease/license of said facility.

Section 7. Payment of Utilities.

- A.) Tenants or licensees living in parks facilities equipped with individual meters shall apply to the appropriate utility company for individual service to be paid for directly by the tenant or licensee to the utility company.
- B.) Tenants or licensees living in parks facilities which are not equipped with individual meters shall pay a rate to be negotiated annually between the tenant and the Commissioner and which negotiated rate shall include, at a minimum, automatic increases in rent or license fees equivalent to the percentage increase in LIPA (or successor entity) rates calculated on at least an annual basis, and based on standard square-foot form and increased annually.
- C.) Any tenant or licensee using or occupying such parks facilities shall be responsible for the payment of all of their own utility charges (heat, gas, oil, telephone, water, electricity, etc.) and shall provide evidence of renter's insurance to the County Department of Parks, Recreation, and Conservation. In addition, tenants shall pay for each non-structural repair to their unit.
- D.) Lease agreements and license agreements entered into pursuant to authorization under this resolution shall list each person residing in the facility and each such agreement shall be revised to list new children and/or spouses, as the case arises. Failure to disclose such information shall be a ground for eviction under the lease or license agreement.

Section 8. Applicability.

This law shall apply to all leases, lease renewals, lease modifications, licenses, license renewals, and license modifications, affecting parks facilities, entered into by the County of Suffolk on or after the effective date of this law.

Section 9. 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 10. 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 11. 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: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 22, 2008

After a public hearing duly held on August 19, 2008
Filed with the Secretary of State on September 11, 2008

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

Intro. Res. No. 1597-2008 Laid on Table 6/24/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Cooper

RESOLUTION NO. 613 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RECONSTRUCTION OF SPILLWAYS (CP 7099)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for planning and reconstruction of spillways at Hubbard County Park, Blydenburgh County Park, Fuch's Pond, and other locations; and

WHEREAS, there are not sufficient funds within the 2008 Capital Budget and Program to cover the cost of planning for said work under Capital Program Number 7099; 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

1st **RESOLVED**, that this Legislature, being 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 under the provisions of Title 6 NYCRR Part 617.5 (c), (2), "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes," and the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-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

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

Project No. 7099
Project Title: Reconstruction of Spillways

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Program and Budget</u>	<u>Revised 2008 Capital Program and Budget</u>
1. Planning	\$110,000	\$20,000B	\$60,000B
3. Construction	<u>\$635,000</u>	<u>\$180,000B</u>	<u>\$140,000B</u>
TOTAL	\$745,000	\$200,000	\$200,000

and be it further

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

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7099.112 (Fund 001-Debt Service)	26	Reconstruction of Spillways in County Parks -- Planning	\$60,000
525-CAP-7099.312 (Fund 001-Debt Service)	26	Reconstruction of Spillways in County Parks -- Construction	\$140,000

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1597A-2008

BOND RESOLUTION NO. 614 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$200,000 BONDS TO FINANCE A PART OF THE COST OF THE RECONSTRUCTION OF SPILLWAYS AT VARIOUS PARKS (CP 7099.112 AND .312)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$200,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the reconstruction of spillways at various parks, 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 \$340,000. The plan of financing includes (a) the issuance of \$140,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1398-2007, (b) the issuance of \$200,000 bonds or bond anticipation notes (\$60,000 for planning and \$140,000 for construction) 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. 19 (c) of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1598-2008 Laid on Table 6/24/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Cooper

RESOLUTION NO. 615 -2008, APPROPRIATING FUNDS IN CONNECTION WITH RESTORATION OF WEST NECK FARM, HUNTINGTON (CP 7096)

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

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said improvements under Capital Program Number 7096; 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 \$500,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution No. 427-1997 determined that these actions constitute a Type I action pursuant to the provisions of Title 6 of the New York Code of Rules and Regulations (NYCRR), Part 617 and Suffolk County Local Law No. 22-1985 and will not have a significant effect on the environment for the following reasons:

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

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

3rd **RESOLVED**, that the proceeds of \$500,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7096.315 (Fund 001-Debt Service)	26	Restoration of West Neck Farm, Huntington Construction-Restoration of Boathouse and Maintenance of Dock	\$500,000

DATED: August 5, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED AUGUST 21, 2008

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

Intro. Res. No. 1598A-2008

BOND RESOLUTION NO. 616 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$500,000 BONDS TO FINANCE A PART OF THE COST OF THE RESTORATION OF WEST NECK FARM (CP 7096.315)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$500,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the restoration of West Neck Farm, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,400,000. The plan of financing includes (a) the issuance of \$100,000 bonds or

bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 673-2006, (b) the issuance of \$700,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1032-2006 (\$50,000 for planning and \$650,000 for construction), (c) the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 649-2007, (d) the issuance of \$500,000 bonds or bond anticipation notes authorized pursuant to this resolution and (e) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12 (a) (3) of the Law, is ten (10) years, computed from November 1, 2006, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 673-2006.

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

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

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

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

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

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

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

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

DATED: August 5, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED AUGUST 21, 2008

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

Intro. Res. No. 1638-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 617 -2008, APPROVING THE PURCHASE OF VEHICLES AND APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF HEAVY DUTY EQUIPMENT FOR COUNTY PARKS (CP 7011)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for the Purchase of Heavy Duty Equipment for County Parks; and

WHEREAS, Local Law No. 20-2003 requires that no vehicle shall be purchased or leased unless “explicit approval for the acquisition of such vehicles, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature”; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of purchasing heavy duty equipment under Capital Project 7011; 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 \$350,000 in Suffolk County Serial Bonds; now, therefore be it

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

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty eight (38) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the purchase of three (3) 4WD landscape dump trucks, one (1) 4WD lifeguard specialty truck, one (1) front end loader/tractor, one (1) boom trailer, and one (1) large rotary mower as cost detailed on attached Addendum 1 is hereby approved, pursuant to Section 186-2(B)(6) of the SUFFOLK COUNTY CODE, and in accordance with County vehicle standard; and be it further

4th **RESOLVED**, that the proceeds of the \$350,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7011.525 (Fund 001-Debt Service)	60	Heavy Duty Equipment for County Parks	\$350,000

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1638A-2008

BOND RESOLUTION NO. 618 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$350,000 BONDS TO FINANCE THE COST OF THE PURCHASE OF HEAVY DUTY EQUIPMENT FOR COUNTY PARKS (CP 7011.525)

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 \$350,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the purchase of heavy duty equipment for County parks, 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 \$350,000. The plan of financing includes the issuance of \$350,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

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

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes

issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

Legislator Eddington made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 16-1-1-0-0. Legislator Barraga voted no. Legislator Alden abstained.

Intro. Res. No. 1639-2008

Laid on Table 6/24/2008

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

**RESOLUTION NO. 619-2008, APPROPRIATING FUNDS
IN CONNECTION WITH RESTORATION OF SMITH POINT
COUNTY PARK (CP 7162)**

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for construction as per the Master Plan at Smith Point County Park; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of construction under Capital Program Number 7162; 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

1st RESOLVED, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution No. 656-1997 determined that these actions constitute a Type I action pursuant to the provisions of Title 6 of the New York Code of Rules and Regulations (NYCRR), Part 617.4 (b) (1), (6), and (10) and Chapter 279 of the Suffolk County Code, since it involves adoption of a municipality's Comprehensive Resource Management Plan for Smith Point County Park, which involves activities other than construction of residential facilities that include the physical alteration of more than 2.5 acres within publicly operated park land which will not have a significant effect on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;
- 2.) All significant habitats including wetlands, dunes and bird breeding areas within the park will be protected;
- 3.) All necessary DEC permits will be obtained; and
- 4.) The Master Plan will enhance recreational activities; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of thirty-eight (38) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the proceeds of \$1,000,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7162.318 (Fund 001-Debt Service)	Restoration of Smith Point County Park - Construction	\$1,000,000

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1639A-2008

BOND RESOLUTION NO. 620-2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS TO FINANCE A PART OF THE COST OF THE RESTORATION OF SMITH POINT COUNTY PARK (CP 7162.318)

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 \$1,000,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the restoration of Smith Point County Park, 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 \$2,000,000. The plan of financing includes (a) the issuance of \$1,000,000 bonds or bond anticipation notes (\$150,000 for planning and \$850,000 for construction) heretofore authorized pursuant to Bond Resolution No. 1272-2007, (b) the issuance of \$1,000,000 bonds or bond anticipation notes authorized pursuant to this resolution and (c) the levy and collection

of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 19 (c) of the Law, is fifteen (15) years computed from May 15, 2008, the date of issuance of the first obligations issued pursuant to Bond Resolution Number 1272-2007.

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

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

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

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

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

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

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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro Res. No. 1620-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 6/24/2008

RESOLUTION NO. 621 -2008, APPROVING THE APPOINTMENT OF PHILIP PETER GARYPIE, JR., AS A MEMBER OF THE SUFFOLK COUNTY FIRE, RESCUE AND EMERGENCY SERVICES COMMISSION

1st RESOLVED, that the appointment of Philip Peter Garypie, Jr., 83 Harrison Street, Sag Harbor, NY 11963, as a representative of the East Hampton Town Chiefs' Association, 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: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1630-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 622 -2008, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$99,000.00 IN FEDERAL PASS-THROUGH FUNDS, AND \$100,000.00 IN STATE FUNDING, FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE SUFFOLK COUNTY POLICE DEPARTMENT'S FIRST PRECINCT GANG TASK FORCE 2008 WITH 95% SUPPORT

WHEREAS, the New York State Department of Criminal Justice Services has made \$99,000.00 in Federal pass-through monies from the 2006 Edward Byrne Memorial Formula Grant Program and \$100,000.00 in State funds available to Suffolk County to continue an integrated program to prevent, deter and reduce gang-related crime in the area served by the Suffolk County Police Department's First Precinct; and

WHEREAS, the operational period of the Program will be from September 1, 2008, through August 31, 2009; and

WHEREAS, the monies for the permanent salaries and fringe benefit match are included in the 2008 Suffolk County Operating Budget; and

WHEREAS, said grant funds have not been included in the 2008 Suffolk County Operating Budget; now, therefore be it

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

<u>REVENUES:</u>	<u>AMOUNT</u>
115-4335 – Federal Aid: 1 st Precinct Gang Task Force 2008	\$99,000
115-3366 – State Aid: 1 st Precinct Gang Task Force 2008	\$100,000

ORGANIZATIONS:

Police Department (POL)
1st Precinct Gang Task Force 2008
115-POL-3273

<u>1000 – Personal Services</u>	<u>\$159,544</u>
1120 – Overtime Salaries	159,544

<u>4300 – Travel</u>	<u>\$2,647</u>
4310 - Employee Miscellaneous Expense	2,015
4330 – Travel Employee Contracts	632

<u>4500 – Fees for Services</u>	<u>\$8,800</u>
4560 – Fees for Services, Non-Employees	8,800

Employee Benefits
Retirement
115-EMP-9010

<u>8000 – Employee Benefits</u>	<u>\$25,692</u>
8280 – Employee Retirement System	25,692

Employee Benefits
Social Security
115-EMP-9030

<u>8000 – Employee Benefits</u>	<u>\$ 2,317</u>
8330 – Social Security	2,317

and be it further

2nd **RESOLVED**, County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1631-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 623 -2008, AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE SUFFOLK COUNTY WATER AUTHORITY IN CONNECTION WITH THE HOMELAND SECURITY BUFFER ZONE PROTECTION PROGRAM

WHEREAS, Resolution No. 1084-2007 accepted and appropriated a grant from the New York State Office of Homeland Security in the amount of \$189,000 in federal pass-through funds under the Buffer Zone Protection Program, to be administered by the Suffolk County Police Department for improvements to be made to a critical infrastructure/key resource site owned and operated by the Suffolk County Water Authority; and

WHEREAS, the Buffer Zone Protection Program is designed to reduce vulnerabilities of critical infrastructure/key resource sites by extending the protected area around a site into the surrounding community and supporting the prevention and preparedness efforts of local first responders; and

WHEREAS, it is in the interest of both Suffolk County and the Suffolk County Water Authority to protect the public health, safety and welfare by improving security in and around critical infrastructure sites; and

WHEREAS, it is necessary and appropriate for Suffolk County and the Suffolk County Water Authority to enter into an agreement to formalize their respective rights and obligations relative to the activities to be undertaken with the funds provided under the grant; now, therefore be it

1st RESOLVED, that the County Executive or his designee is hereby authorized to enter into a Memorandum of Agreement with the Suffolk County Water Authority, in substantially the form annexed hereto; and be it further

2nd RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Section 617.5 (c) (20) of Title 6 of the New York Code of Rules and Regulations ("NYCRR"), in that the resolution pertains to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; since this resolution is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1595-2008

Laid on Table 6/24/2008

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

**RESOLUTION NO. 624 -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 County Roads; 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 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 \$300,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, Resolution No. 758-1989 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

2nd 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

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the Strengthening and Improving County Roads, pursuant to Section C8-2 of the Suffolk County Charter; and be it further

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

Project No.: 5037
 Project Title: Application and Removal of Lane Markings

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	<u>\$2,260,000</u>	<u>\$300,000G</u>	<u>\$ 0</u>
TOTAL	\$2,260,000	\$300,000	\$ 0

Project No.: 5014
 Project Title: Strengthening and Improving County Roads

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	<u>\$60,315,000</u>	<u>\$6,500,000B</u>	<u>\$6,800,000B</u>
TOTAL	\$60,315,000	\$6,500,000	\$6,800,000

and be it further

5th **RESOLVED**, that the proceeds of \$300,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5014.345 (Fund 001-Debt Service)	50	Strengthening and Improving County Roads-Construction	\$300,000

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
 County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1595A-2008

BOND RESOLUTION NO. 625 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$300,000 BONDS TO FINANCE A PART OF THE COST OF STRENGTHENING AND IMPROVING COUNTY ROADS (CP 5014.345)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$300,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of strengthening and improving County roads, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,800,000. The plan of financing includes (a) the issuance of \$5,500,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 116-2008, (b) the issuance of \$300,000 bonds or bond anticipation notes authorized pursuant to this resolution and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

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

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in

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

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

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

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

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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1601-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 626 -2008, AMENDING
THE 2008 CAPITAL BUDGET AND PROGRAM AND
APPROPRIATING FUNDS IN CONNECTION WITH THE
COUNTY SHARE FOR PARTICIPATION IN THE
TRANSPORTATION PLANNING STUDY OF THE HAUPPAUGE
INDUSTRIAL PARK (CP 5653)**

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with the Transportation Planning Study of the Hauppauge Industrial Park; and

WHEREAS, there are Federal funds available from the Federal Highway Administration for this project, identified as PIN 0758.92, with a share allocation of eighty percent (80%) Federal funds and twenty percent (20%) County funds; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal portion; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request under Capital Project 5653 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, 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 \$385,262 in Suffolk County Serial Bonds; now, therefore be it

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

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-eight (58) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 of the Suffolk County Charter to complete the Transportation Planning Study of the Hauppauge Industrial Park; and be it further

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

Project No.: 5653
 Project Title: Transportation Planning Study of the Hauppauge Industrial Park

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
1. Planning	\$642,849	\$ 0 <u>\$ 0</u>	\$ 77,052B <u>\$308,210F</u>
TOTAL	\$642,849	\$ 0	\$385,262

and be it further

5th **RESOLVED**, that the proceeds of \$77,052 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-5653.110 (Fund 001 Debt Service)	50	Transportation Planning Study of the Hauppauge Industrial Park	\$77,052

and be it further

6th **RESOLVED**, that Federal Aid in the amount of \$308,210 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5653.110	50	Transportation Planning Study of the Hauppauge Industrial Park	\$308,210

and be it further

7th **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$77,052; and be it further

8th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$308,210; and be it further

9th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$308,210; and be it further

10th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1601A-2008

BOND RESOLUTION NO. 627 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$385,262 BONDS TO FINANCE A PART OF THE COST OF THE TRANSPORTATION PLANNING STUDY FOR THE HAUPPAUGE INDUSTRIAL PARK (CP 5653.110)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$385,262 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 transportation planning study for the Hauppauge Industrial Park, 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 \$642,849. The plan of financing includes (a) the issuance of up to

\$257,587 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 312-2007, (b) the issuance of up to \$385,262 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. It is expected that Federal Aid funds in the amount of \$206,070 (80%) will be received in connection with this project (as described in Resolution No. 311-2007) and that additional Federal Aid funds in the amount of \$308,210 (80%) will be received in connection with this project (as described in a resolution to be adopted following adoption of this resolution) and such Federal Aid funds are authorized to be expended to pay a part of the cost thereof. The principal amount of long-term serial bonds issued by the County pursuant to this resolution shall not exceed the County's share of \$77,052 (20%), but bond anticipation notes are authorized to be issued by the County to provide temporary financing for the \$308,210 Federal share.

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

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

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

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

credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

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

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

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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1628-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 628-2008, AUTHORIZING EXECUTION OF AGREEMENT BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST WITH THE OWNER OF 110 SAND COMPANY (HU-1040)

WHEREAS, 110 Sand Company is located outside the boundary of Suffolk County Sewer District No. 3 - Southwest; and

WHEREAS, by Resolution No. 1592-2004, 110 Sand Company had previously petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 3; and had been approved to discharge 70,000 gallons per day; and

WHEREAS, it is now requesting to increase the daily discharge by 30,000 gallons per day for a total discharge of 100,000 gallons per day; and

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

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

WHEREAS, the proposed connection has received the approval of the Suffolk County Sewer Agency (Resolution No. 10-2008) with a connection fee of \$30.00 per gallon per day of sewage capacity; with a daily flow of 30,000 gallons, for an additional connection fee of \$900,000; and

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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro Res. No. 1629-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 629 -2008, AUTHORIZING THE EXECUTION OF AN AGREEMENT BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST WITH DURYEY RESIDENTIAL DEVELOPMENT (HU-1521)

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

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

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

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

WHEREAS, the proposed connection has received the approval of the Suffolk County Sewer Agency (Resolution No. 7-2007 and Resolution No. 11-2008) with a connection fee of \$15.00 per gallon per day of sewage capacity with a daily flow of 5,463 gallons, for a total connection fee of \$81,945.00 and

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

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

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

and deposit cash or securities with the County Treasurer in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1637-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 630 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM BY ACCEPTING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$25,000 FROM KEYSpan CORP. IN CONNECTION WITH THE DESIGN AND INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM AT SUFFOLK COUNTY ENVIRONMENTAL AND INTERPRETIVE CENTER AT THE HISTORIC SCULLY ESTATE (CP 7512)

WHEREAS, the Commissioner of Public Works has requested the acceptance and appropriation of grant funds, to partially offset the costs of a solar photovoltaic system at the Suffolk County Environmental and Interpretive Center which is to be installed as part of the Renovations to Historic Scully Estate in Islip; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said request; and

WHEREAS, KeySpan, an investor-held utility, has awarded the County a grant for its use of innovative technology at the Suffolk County Environmental and Interpretive Center which is to be installed as part of the renovations to Historic Scully Estate in Islip; and

WHEREAS, the KeySpan funds are provided for in accordance with the attached award letter between KeySpan and the County of Suffolk; and

WHEREAS, KeySpan will make available to the County a maximum of \$25,000, in grant funds for this project; and

WHEREAS, the County must in the first instance fund the cost of the project and subsequently will be reimbursed by KeySpan in accordance with the schedule set forth in the contract; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006 established 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 acceptance of \$25,000 of KeySpan, an investor-held utility, grant funds; now, therefore be it

1st **RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), hereby finds and determines that this resolution constitutes a Type II action pursuant to 6 NYCRR Sections 617.5 (c) (20), (25), and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions regarding the design, purchase and installation of equipment in an existing County facility which will mainly result in a beneficial impact. Since this resolution is a Type II Action, the Legislature has no further responsibilities; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-eight (38) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

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

4th **RESOLVED**, that the County Treasurer and the County Comptroller are authorized to accept the KeySpan funds in connection with this project; and be it further

5th **RESOLVED**, that the County Executive and/or his designee are authorized to accept the grant on behalf of the County of Suffolk, and to take all necessary actions, and to execute all necessary agreements to effectuate this grant; and be it further

6th **RESOLVED**, the 2008 Capital Budget and Program be amended as follows:

Project No.: CP 7512
 Project Title: Renovations to Historic Scully Estate

	<u>Total Est'd. Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	\$1,525,000	\$100,000B	\$75,000B \$25,000O
TOTAL	\$1,525,000	\$100,000	\$100,000

and be it further

7th **RESOLVED**, that the proceeds of \$25,000 in a grant from KeySpan be and is hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP- 7512.311	20	Renovations to Historic Scully Estate - Keyspan Grant	\$25,000

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1640-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 631 -2008, AMENDING RESOLUTION NO. 859-2007 WHICH APPROPRIATED FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR PARTICIPATION IN THE RECONSTRUCTION OF CR 57, BAY SHORE ROAD, FROM NYS RTE. 27 TO NYS RTE. 231, TOWNS OF BABYLON AND ISLIP (CP 5523)

WHEREAS, Resolution No. 859-2007 appropriated \$2,200,000 for land acquisition under Capital Project No. 5523.211 and stated that federal funds were available from the Federal Highway Administration for this project with a share allocation of eighty percent (80%) Federal funds and twenty percent (20%) County funds; and

WHEREAS, Resolution No. 859-2007 apportioned the \$2,200,000 appropriated at \$1,760,000 Federal funds and \$440,000 County funds; and

WHEREAS, the total grant amount should have been \$1,800,000 with \$1,440,000 in Federal Aid and \$360,000 in County funds; and

WHEREAS, Resolution No. 859-2007 needs to be amended to reflect the correct amounts; now, therefore be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 410 of 2005 classified the action contemplated by this as an Unlisted Action which will not have a significant effect on the environment; and be it further

2nd **RESOLVED**, that the 6th WHEREAS clause of Resolution No. 859 of 2007 is hereby amended as follows:

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$1,800,000 [\$2,200,000] in Suffolk County Serial Bonds;

and be it further

3rd **RESOLVED**, that the 4th RESOLVED clause of Resolution No. 859-2007 is hereby amended as follows:

4th **RESOLVED**, that the 2007 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5523
Project Title: Reconstruction of CR 57, Bay Shore Road

	<u>Total Est'd Cost</u>	<u>Current 2007 Capital Budget & Program</u>	<u>Revised 2007 Capital Budget & Program</u>
2. Land Acquisition	<u>\$1,850,000</u> [\$2,250,000]	\$360,000B \$1,440,000B	<u>\$ 360,000B</u> [\$440,000B] <u>\$1,440,000F</u> [\$1,760,000F]
TOTAL	<u>\$20,850,000</u> [\$21,250,000]	\$1,800,000	<u>\$1,800,000</u> [\$2,200,000]

and be it further

4th **RESOLVED**, that the 5th RESOLVED clause of Resolution No. 859-2007 is hereby amended as follows:

5th **RESOLVED**, that the proceeds of \$360,000 [\$440,000] 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-5523.211 (Fund 001-Debt Service)	50	Reconstruction of CR 57, Bay Shore Road—Land Acquisition	<u>\$360,000</u> [\$440,000]

and be it further

5th **RESOLVED**, that the 6th RESOLVED clause of Resolution No. 859-007 is hereby amended as follows:

6th RESOLVED, that Federal Aid in the amount of \$1,440,000 [1,760,000] be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
Ref-525-5523.211	50	Reconstruction of CR 57, Bay Shore Road	<u>\$1,440,000</u> [\$1,760,000]

and be it further

6th **RESOLVED**, that the 7th, 8th and 9th RESOLVED clauses of Resolution No. 859-2007 are hereby amended as follows:

7th **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$360,000 [\$440,000]; and be it further

8th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$1,440,000 [\$1,760,000]; and be it further

9th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$1,440,000 [\$1,760,000]; and be it further

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1640A-2008

BOND RESOLUTION NO. 632-2008

AMENDING BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AMENDING BOND RESOLUTION NO. 860-2007, AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE A PART OF THE COST OF THE RECONSTRUCTION OF CR 57, BAY SHORE ROAD, TOWNS OF BABYLON AND ISLIP (CP 5523.211)

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

Section A. Bond Resolution No. 860-2007 is hereby amended to read as follows:

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,800,000 BONDS TO FINANCE A PART OF THE COST OF THE RECONSTRUCTION OF CR 57, BAY SHORE ROAD, TOWNS OF BABYLON AND ISLIP (CP 5523.211)

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$1,800,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the reconstruction of CR 57, Bay Shore Road, Towns of Babylon and Islip, 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 \$4,200,000. The plan of financing includes (a) the issuance of up to \$900,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 753-2003 (the bond issuance being limited to the County share of 5% or \$45,000 pursuant to Resolution No. 418-2004), with the expectation that Federal grant funds in the amount of 80% or \$720,000 and State Marchiselli aid in the amount of 15% or \$135,000 shall be received, (b) the issuance of \$1,500,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 194-2006 (the bond issuance being limited to the County share of 7% or \$105,000 pursuant to Resolution No. 467-2007), with the expectation that Federal grant funds in the amount of 80% or \$1,200,000 and New York State Marchiselli Aid in the amount of 13% or \$195,000 shall be received, (c) the issuance of \$1,800,000 bonds or bond anticipation notes authorized pursuant to this resolution (the bond issuance being limited to the County share of 20% or \$360,000), with the expectation that Federal grant funds in the amount of 80% or \$1,440,000 shall be received, 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. It is expected that Federal/State Aid shall be received to pay a part of the cost of the project and any such aid is authorized to be expended for such purpose.

Section 2. (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 of the Law, is fifteen (15) years, computed from May 1, 2004, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 753-2003.

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

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

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

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

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

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

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

* * *

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1646-2008
Introduced by Legislator Lindsay

Laid on Table 6/24/2008

RESOLUTION NO. 633-2008, AUTHORIZING TRANSFER OF TWO (2) SURPLUS COUNTY LASERJET PRINTERS TO EVERY CHILD'S DREAM

WHEREAS, the Suffolk County Department of Public Works has submitted 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, Every Child's Dream has requested the donation of two Laserjet printers; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Public Works is hereby authorized, empowered and directed, to transfer the following surplus equipment to the following organization for use within its facilities for nominal consideration:

TO:
Every Child's Dream
400 Townline Road
Hauppauge, NY 11788

MANUFACTURE SERIAL NO.:
USLND19761
USNC115269

Contact: Charles Russo
Telephone No.: 631-265-7000

2nd 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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1648-2008
Introduced by Legislator D’Amaro

Laid on Table 6/24/2008

RESOLUTION NO. 634 -2008, AUTHORIZING TRANSFER OF ONE (1) SURPLUS COUNTY COMPUTER, TWO (2) SURPLUS COUNTY MONITORS AND TWO (2) SURPLUS COUNTY PRINTERS TO SPLASHES OF HOPE

WHEREAS, the Suffolk County Department of Public Works has submitted 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, Splashes of Hope 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

1st **RESOLVED**, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following organization, for use within its facilities for nominal consideration:

TO:
Splashes of Hope
PO Box 537
Huntington, NY 11743

Contact: Heather Buggee
Telephone: 631-424-8230

MANUF. SERIAL NO:
Computer - 85Z0T01

Monitor – 205MX22735
Monitor – 205MX22741

Printer – JPBDM60232
Printer – 41-ZY749

and be it further

2nd **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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1649-2008
Introduced by Legislator Montano

Laid on Table 6/24/2008

**RESOLUTION NO. 635 -2008, AUTHORIZING
TRANSFER OF TWO (2) SURPLUS COUNTY LAPTOPS TO
NASSAU\SUFFOLK HISPANIC TASK FORCE, INC.**

WHEREAS, the Suffolk County Department of Public Works has submitted 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, Nassau\Suffolk Hispanic Task force, Inc. has requested the donation of two (2) Laptops from the County; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following organization, for use within its facilities for nominal consideration:

TO:
Nassau\Suffolk Hispanic Task Force, Inc.
10 First Street
Brentwood, NY 11717

MANUF. SERIAL NO:
7G680A00H1
8T4R501

Contact: Ruth Gaines
Telephone: 631-348-0409

and be it further

2nd 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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1632A-2008

BOND RESOLUTION NO. 636-2008

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW
YORK, AUTHORIZING THE ISSUANCE OF \$500,000 BONDS
TO FINANCE A PART OF THE COST OF CONSTRUCTION OF
THE EAST END VETERANS CLINIC AT THE RIVERHEAD
COUNTY CENTER (CP 1604.310)**

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$500,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of construction of the East End Veterans Clinic at the Riverhead County Center, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000. The plan of financing includes (a) the expenditure of \$500,000 to be received from the Dormitory Authority of the State of New York under the Community Enhancement Facilities Assistance Program (CEFAP), (b) the issuance of \$500,000 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. 12(a)(2) of the Law of the Law, is fifteen (15) years.

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County

for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior statement of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

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

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

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

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1600-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 637 -2008, APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION AND IMPLEMENTATION OF A DISTRICT ATTORNEY CASE MANGEMENT SYSTEM (CP 1136)

WHEREAS, the Director of Information Technology has requested funds for the acquisition and implementation of a District Attorney Case Management System; 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 \$1,500,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) (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

2nd **RESOLVED**, that it is determined that this program 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

3rd **RESOLVED**, that the proceeds of \$1,500,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1136.110 (Fund 001 Debt Service)	District Attorney Case Management System – Acquisition, Software, Design, Application Development and Implementation	\$1,200,000
525-CAP-1136.510 (Fund 001 Debt Service)	District Attorney Case Management System-Equipment	\$300,000

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

Legislator Cooper made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 17-1-0-0-0. Legislator Barraga voted no.

Intro. Res. No. 1600A-2008

BOND RESOLUTION NO. 638 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS TO FINANCE THE COST OF THE ACQUISITION AND IMPLEMENTATION OF A DISTRICT ATTORNEY CASE MANAGEMENT SYSTEM (CP 1136.110 and .510)

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

Section 1. The County of Suffolk, New York (herein called the “County”), is hereby authorized to issue bonds in the principal amount of \$1,500,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the “Law”), the Suffolk County Charter and other applicable laws, to

finance the cost of the acquisition and implementation of a District Attorney case management system, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,500,000. The plan of financing includes the issuance of \$1,500,000 bonds or bond anticipation notes (\$1,200,000 for acquisition, software, design, application development and implementation and \$300,000 for equipment and hardware) 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: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1606-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 639 -2008, AUTHORIZING
THE EXTENSION OF THE LEASE OF PREMISES
LOCATED AT 250 EXECUTIVE DRIVE, EDGEWOOD,
NY FOR USE BY THE DEPARTMENT OF PROBATION**

WHEREAS, the Department of Probation currently uses and occupies office space at 250 Executive Drive in Edgewood, NY pursuant to a Lease Agreement with the landlord, Heartland Rental Property Partners, which expired December 18, 2007; and

WHEREAS, the Department desires to continue the use of the leased premises for ten (10) years, with an annual rent of \$225,000 in the first year of the extension period and an annual escalation of three percent (3%) thereafter; and

WHEREAS, the landlord has expressed its willingness to facilitate the uninterrupted and continued operation of this base of this Department location by agreeing to extend the lease through December 18, 2017; and

WHEREAS, the Space Management Steering Committee recommended the approval of this Lease at its meeting on November 21, 2007; and

WHEREAS, sufficient funds are included in the 2008 Operating Budget for lease payments to be made in connection with the premises; now, therefore be it

1st **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.59(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 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. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this law; and be it further

2nd **RESOLVED**, that the County Executive be and hereby is authorized to execute a ten (10) year Lease Extension, in accordance with the terms and conditions of this resolution and in substantial conformance with the form annexed.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1613-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 640 -2008, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW, TOWN OF BROOKHAVEN (SCTM NO. 0200-339.00-05.00-040.002)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 339.00, Block 05.00 Lot 040.002 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 described as follows, Town of Brookhaven, and otherwise known as and by Town of Brookhaven, as shown on a certain map entitled "Map of Strathmore", Section "1" and filed in the Suffolk County Clerk's Office on May 19, 1986 as Map No. 8113; and

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

WHEREAS, the Town of Brookhaven has requested that the County of Suffolk convey 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

1st **RESOLVED**, that Christopher E. Kent, 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 Brookhaven for the sum of \$230.53 plus the pro rata share of the current tax adjustment due at closing; and be it further

2nd **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Drainage purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcel for other than Drainage 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 Drainage purposes; and be it further

3rd **RESOLVED**, that said quitclaim deed tendered by Christopher E. Kent, 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

4th **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: August 5, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(F) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED AUGUST 21, 2008

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

Intro. Res. No. 1615-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 641-2008, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO SECTION 72-H OF THE
GENERAL MUNICIPAL LAW, TOWN OF BROOKHAVEN
(SCTM NO. 0200-930.00-06.00-011.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 930.00, Block 06.00 Lot 011.000 and acquired by Tax Deed on April 21, 1982 from Jean H Tuthill, the County Treasurer of Suffolk County, New York, and recorded on April 21, 1982 in Liber 9171 at Page 219 and described as follows, Town of Brookhaven, known and designated as Lots 11 & 12 in Block 13 as shown on a certain map entitled "Map of New York and Brooklyn Suburban Investment Company, Map 1, and filed in the Suffolk County Clerk's Office on June 28, 1889 as Map No. 436; and

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

WHEREAS, the Town of Brookhaven has requested that the County of Suffolk convey 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

1st 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 Brookhaven for the sum of \$1,196.52 plus the pro rata share of the current tax adjustment due at closing; and be it further

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

3rd **RESOLVED**, that said quitclaim deed tendered by 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

4th **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: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No. 1621-2008
Introduced by Legislators Horsley and Browning

Laid on Table 6/24/2008

RESOLUTION NO. 642 -2008, DIRECTING THE COUNTY ATTORNEY TO DETERMINE THE FEASIBILITY OF TAKING LEGAL ACTION AGAINST SUB-PRIME MORTGAGE LENDERS

WHEREAS, over the course of several years, financial institutions routinely made money available to unqualified borrowers who had no realistic means of keeping up with their loan payments over the long term; and

WHEREAS, a rash of defaults inevitably followed, and the ensuing foreclosures have left homes abandoned, and boarded up, transforming them into eyesores, possible fire hazards, targets for both looters and criminals, and thereby directly affecting the surrounding properties, deeply depleting the Suffolk County tax base and resulting in tangible costs such as increased fire and police expenditures associated with vacant properties, and/or potential demolition costs; and

WHEREAS, falling home values have resulted in property tax delinquencies and real property tax deficits: a 2.3% or \$1.2 million real property tax decline in 2005, a 5.9% or \$3 million real property tax decline in 2006, and most recently a 35.7% or \$18 million real property tax decline; and

WHEREAS, the number of homes on the path to foreclosure, or in lis pendens, increased 34.9% up to 5,819 in 2006, and most recently dramatically increased 51.8% up to 8,832 in 2007; and

WHEREAS, the number of homes in foreclosure increased 16.5% in 2006 up to 1,175, and most recently increased 26.7% in 2007 with up to 1,489 homes now in foreclosure; and

WHEREAS, the responsibility for the financial detriment inflicted upon Suffolk County and resident taxpayers rests chiefly with sub prime's "securitizers" - investment banking firms from Wall Street and elsewhere that actually provided the cash used to make loans, regardless of the lender or broker nominally involved in the transactions; and

WHEREAS, the "securitizers" accomplished this largely by buying the sub prime mortgages procured from borrowers - lenders would make sub prime loans with proceeds received from the sale of mortgages from earlier deals and through this cycle, Wall Street financed the sub prime boom that took place in Suffolk County and around the country; and

WHEREAS, it is in the best interests of the taxpayers and residents of Suffolk County that the County of Suffolk determine whether legal action may be feasible to recover such costs incurred by the County as a result of the sub-prime mortgage crisis; and

WHEREAS, several municipalities around the country, Cleveland, Ohio, Baltimore Maryland, Buffalo, New York, have filed lawsuits against lenders for damages resulting from the foreclosure of sub-prime mortgages; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Law is hereby authorized, empowered, and directed to study the feasibility of instituting legal action in any judicial and/or administrative forum to recover taxpayer funds that have been expended as a result of the sub prime mortgage failure; and be it further

2nd RESOLVED, that the County Attorney is directed to report his/her findings regarding the feasibility of such legal action to this Legislature within 60 days of the effective date of this resolution; and be it further

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

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 14, 2008

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

Intro. Res. No.1737-2008 Laid on Table 8/5/2008
Introduced by Presiding Officer, on request of the County Executive and Legislators Browning, Stern

RESOLUTION NO. 643 -2008, ACCEPTING AND APPROPRIATING 100% REIMBURSABLE FUNDS FOR THE NEW END OF LIFE CARE PROGRAM

WHEREAS, the State has made available to Suffolk County funding for the End of Life Care Program in the amount of \$50,000; and

WHEREAS, this grant will be utilized to conduct an End of Life Care-Community Demonstration Program; and

WHEREAS, this community-based supportive care program will be provided to functionally impaired Suffolk County residents aged 60 years of age or older, who have been diagnosed with a serious illness that has reached a terminal stage; and

WHEREAS, said program is to run from June 1, 2008 through May 31, 2009; and

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

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

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

<u>REVENUES:</u>	<u>AMOUNT</u>
001-3772 State Aid: Programs for Aging	
	\$50,00
	0

ORGANIZATIONS:

County Executive
Human Services: Office for the Aging
001-EXE-6808

Contracted Services

4980 - Contracted Services	<u>\$50,000</u>
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xxxx	\$50,000
	Federation Employment and Guidance Service, Inc.
	(d/b/a FECS or FECS Health and Human Services System)

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 7, 2008

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

Intro. Reso. No. 1740-2008 Laid on Table 8/5/2008
Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine, Schneiderman, Horsley, Gregory, Cooper

**RESOLUTION NO. 644 -2008, TO ESTABLISH ELIGIBILITY
BY THE TOWNS OF EAST HAMPTON AND SHELTER ISLAND
AND THE VILLAGES OF AMITYVILLE, ASHAROKEN,
NORTHPORT AND WESTHAMPTON BEACH FOR PUBLIC
SAFETY REVENUE-SHARING FUNDS**

WHEREAS, Resolution No. 1194-1995, "Requiring Accounting by Municipalities for County Public Safety Revenue-Sharing funds", adopted by the County Legislature on December 18, 1995, and Resolution No. 688-2000, "Directing County Budget Office to Implement Accounting Requirement by Municipalities for Public Safety Revenue Sharing Funds", adopted by the County Legislature on August 31, 2000, required that a municipality receiving County sales tax moneys verify no later than March 31 of each year how the prior year's funds were used for public-safety purposes; and

WHEREAS, the Town of East Hampton did not meet the filing deadline for fiscal year 2006, and the Town of Shelter Island and the Villages of Amityville, Asharoken, Northport and Westhampton Beach did not meet the filing deadline for fiscal year 2007; and

WHEREAS, the aforementioned municipalities are filing such verifications herewith; now, therefore be it

1st **RESOLVED**, that the 2006 Town of East Hampton verification of the use of County sales tax moneys as required by legislative Resolution Nos. 1194-1995 and 688-2000 to be filed by March 31 of each year, which verification is filed simultaneously herewith is hereby deemed timely filed; and be it further

2nd **RESOLVED**, that the 2007 Town of Shelter Island and the Villages of Amityville, Asharoken, Northport and Westhampton Beach verifications of the use of County sales tax moneys as required by legislative Resolution Nos. 1194-1995 and 688-2000 to be filed by March 31 of each year, which verification is filed simultaneously herewith is hereby deemed timely filed; 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: August 5, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: August 7, 2008

Legislator Eddington made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 17-0-0-1-0. Legislator Cooper was not present.

Intro. Res. No. 1599-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 645 -2008, AUTHORIZING AN AGREEMENT WITH THE COUNTY OF ONEIDA FOR SERVICES PROVIDED AT THE CENTRAL NEW YORK PSYCHIATRIC CENTER FORENSIC UNIT

WHEREAS, the Central New York Psychiatric Center Forensic Unit provides services at the Central New York Psychiatric Center in the County of Oneida; and

WHEREAS, said Forensic Unit has the capability of providing services for the Sheriffs' Departments of surrounding counties which may have inadequate facilities for treating mentally ill inmates; and

WHEREAS, the County of Suffolk has need, from time to time, to have its prisoners treated at the Central New York Psychiatric Center in Oneida County; and

WHEREAS, the Oneida County Sheriff is able to provide security services at the Central New York Psychiatric Center; and

WHEREAS, it is necessary to enter into an agreement with Oneida County to have its Sheriff provide correction officers to guard Suffolk County prisoners who are housed at Central New York Psychiatric Center due to their need for psychiatric care; now, therefore be it

1st RESOLVED, that the County Executive, or his designee, and the County Sheriff, or his designee, are authorized to execute an agreement with the County of Oneida, in substantially the form annexed; and be it further

2nd RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution pertains to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; since this resolution is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: August 5, 2008

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: August 14, 2008

**ADJOURNED 3:45PM
TIM LAUBE, CLERK OF THE LEGISLATURE**

