

SIXTEENTH DAY
REGULAR MEETING
September 16, 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 9:24 a. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Viloría-Fisher, Legislators Romaine, Schneiderman, Browning, Beedenbender, Losquadro, Eddington, Barraga, Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro and Cooper.

Legislator Montano was absent.

Pledge of Allegiance.

Statements and Presentations
Public Portion

THE MEETING WAS RECESSED AT 12:32 P.M. AND RECONVENED AT 2:36 P.M.

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

Legislator Romaine arrived at 2:37 p.m.
Legislator Kennedy arrived at 2:41 p.m.
Legislator Cooper arrived at 2:42 p.m.

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

Intro. Res. No. 1767-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 731 -2008, TO
READJUST, COMPROMISE, AND GRANT REFUNDS
AND CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE NO. 302

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

2nd **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>
BABYLON				
0100-208.00-03.00-040.000	2005/06	\$29,695.59	\$0.00	\$29,695.59

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro Res. No. 1768-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 732 -2008, TO READJUST,
COMPROMISE, AND GRANT REFUNDS AND
CHARGEBACKS ON CORRECTION OR
ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE NO. 303

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

2nd **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>
0200-214.00-02.00-003.001 Item No. 1734761	2007/08	\$11,481.01	0	\$11,481.01

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro Res. No. 1789-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 733 -2008, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$123,000 IN FEDERAL PASS-THROUGH FUNDS FROM THE NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR THE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM FY 07 (LETPP FY07) BOMB SQUAD PROGRAM WITH 100% SUPPORT

WHEREAS, the New York State Office of Homeland Security has made \$123,000 in Federal pass-through funds from the 2007 State Homeland Security Grant Program available to Suffolk County for the LETPP FY07 Bomb Squad Program to be administered by the Suffolk County Police Department; and

WHEREAS, this program is designed to assist law enforcement in the detection, prevention, deterrence, and response to terrorist attacks; and

WHEREAS, the operational period of the program will be from July 1, 2007 through June 30, 2010; and

WHEREAS, said grant funds have not been included in the 2008 Suffolk County Operating Budget; and

WHEREAS, the LETPP FY07 Bomb Squad grant includes funding for the purchase of a Specialized Mission Vehicle for use by the Suffolk County Police Department Emergency Service Section; and

WHEREAS, the purchase of said Specialized Vehicle will increase the fleet of the Suffolk County Police Department by one (1) vehicle; and

WHEREAS, Chapter 186 of the Suffolk County Code requires that no vehicle shall be purchased or leased unless explicit approval for the acquisition of such vehicle, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature; and 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>REVENUE:</u>	<u>AMOUNT</u>
001-4336– Federal Aid: LETPP FY07 Bomb Squad	\$123,000

ORGANIZATIONS:

Police Department (POL)
LETTP FY07 Bomb Squad
001-POL-3274

<u>2000 – Equipment</u>	<u>\$123,000</u>
2040 – Trucks, Trailers & Jeeps	36,854
2090 – Radio & Communication	4,762
2500 – Other Equipment, Not Otherwise	81,384

and be it further

2nd RESOLVED, that the Suffolk County Legislature hereby authorizes the fleet of the Suffolk County Police Department be increased by one (1) Chemical, Biological, Radiation, Nuclear, Explosives (CBRNE) unmarked specialized mission vehicle, hereby approved pursuant to Chapter 186-2 (b) (6) of the SUFFOLK COUNTY CODE, and in accordance with or

exceeding the county vehicle standard, for use by the Emergency Service Section of the Suffolk County Police Department; and be it further

3rd **RESOLVED**, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the New York State Office of Homeland Security.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1751-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 734 -2008, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
459-2008**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 459-2008; and

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

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

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

Resolution No. 459-2008

In the Title paragraph change the CP Number:

FROM:

CP 1616.310

TO:

CP 1616.312

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1752-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 735 -2008, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
559-2008**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 559-2008; 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. 559-2008

In the Title paragraph change the CP Number:

FROM:

CP 5118.314

TO:

CP 5118.212

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1753-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 736 -2008, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
229-2008**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 229-2008; and

WHEREAS, this resolution when adopted contained 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. 229-2008

In the 4th RESOLVED paragraph change the Code in the Revised 2008 Capital Budget and Program column:

FROM:

\$20,000 G

TO:

\$20,000 T

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No.1754-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 737 -2008, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
456-2008**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 456-2008; and

WHEREAS, this resolution when adopted contained 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 corrections:

Resolution No. 456-2008

In the 5th RESOLVED paragraph change the Project Number:

FROM:

Project No.
525-CAP-5194.312

TO:

Project No.
525-CAP-5194.311

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No.1755-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 738 -2008, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
457-2008**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 457-2008; and

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

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

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

Resolution No. 457-2008

In the Title paragraph change the CP Number:

FROM:

CP 5194.312

TO:

CP 5194.311

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1756-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 739 -2008, AUTHORIZING CERTAIN TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO. 458-2008

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 458-2008; and

WHEREAS, this resolution when adopted contained 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. 458-2008

In the 5th RESOLVED paragraph change the Project No.:

FROM:

525-CAP-1616.310

TO:

525-CAP-1616.312

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

**RESOLUTION NO. 740 -2008, AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL
PROPERTY ACQUIRED UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT GREENMEADOW HOLDINGS
LLC (SCTM NO. 0100-095.00-01.00-011.000)**

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 095.00, Block 01.00, Lot 011.000, and acquired by tax deed on November 2, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on November 7, 2007, in Liber 12529, at Page 276, and otherwise known as and by Town of Babylon, N-Sobel; E-Dempsey & Ors.S; S-Dempsey & Bway: W-Bway; 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 November 2, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on November 7, 2007 in Liber 12529 at Page 276.

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, GREENMEADOW HOLDINGS LLC, by Charles J. Bocklet III, as Member/Manager, has made application of said above described parcel and GREENMEADOW HOLDINGS LLC, by Charles J. Bocklet III, as Member/Manager has paid the application fee and \$107,079.18, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

2nd RESOLVED, that 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 GREENMEADOW HOLDINGS LLC, c/o Charles J. Bocklet III, 50 Green Avenue, Rye, New York 10580, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1759-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 741 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT MALIK YOUSAF and FARRUKH BAIG (SCTM NO. 0500-272.00-01.00-030.000)

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 272.00, Block 01.00, Lot 030.000, and acquired by tax deed on April 28, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 9, 2008, in Liber 12550, at Page 472, and otherwise known as and by Town of Islip, Suffolk County Tax Map Number: District 0500, Section 272.00, Block 01.00, Lot 030.000; 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 April 28, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 9, 2008 in Liber 12550 at Page 472.

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, FARRUKH BAIG has made application of said above described parcel and FARRUKH BAIG has paid the application fee and \$11,841.29, as payment of taxes,

penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 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 MALIK YOUSAF and FARRUKH BAIG, 8 Hessian Court, South Setauket, New York 11720, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1763-2008

Laid on Table 8/19/2008

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

RESOLUTION NO. 742 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT ANTONIO CIATTO and DOMENICA MARIA CIATTO, his wife (SCTM NO. 0200-978.80-01.00-054.000)

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 978.80, Block 01.00, Lot 054.000, and acquired by tax deed on June 2, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on June 9, 2008, in Liber 12553, at Page 960, and otherwise known as and by Town of Brookhaven, County of Suffolk and State of New York, known and designated as Lot Number 106 on a certain map entitled, "Map of Shirley, Long Island, Unit O", and filed in the Office of the Clerk of the County of Suffolk on September 25, 1956 as Map No. 2631; 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 June 2, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on June 9, 2008 in Liber 12553 at Page 960.

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, ANTONIO CIATTO has made application of said above described parcel and ANTONIO CIATTO has paid the application fee and \$22,233.37, 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 ANTONIO CIATTO and DOMENICA MARIA CIATTO, his wife, 50 Chanel Drive East, Shirley, New York 11967, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1764-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 743 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT JAMES W. MICKERT, JANE M. GARDINER and SUSAN E. MOYLAN, ALL AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP (SCTM No. 0200-787.00-05.00-017.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 787.00, Block 05.00, Lot 017.000, and acquired by tax deed on September 26, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 5, 2007, in Liber 12525, at Page 180, and otherwise known as and by Town of Brookhaven, known and designated as Lots 26 through 30, inclusive, Block 16, as shown on a certain map entitled, "Map of Lakeview Park, Plate A" and filed in the Office of the Clerk of the County of Suffolk on March 29, 1911 as and by Map 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 September 26, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 5, 2007 in Liber 12525 at Page 180.

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, JANE M. GARDINER has made application of said above described parcel and JANE M. GARDINER has paid the application fee and \$44,425.76, 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 JAMES W. MICKERT, JANE M. GARDINER and SUSAN E. MOYLAN, All as Joint Tenants with Right of Survivorship, c/o Jane M. Gardiner, 74 Dana Avenue, Mastic, New York 11950, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1656-2008
Introduced by Presiding Officer Lindsay

Laid on Table 8/5/2008

**RESOLUTION NO. 744 -2008, ADOPTING LOCAL
LAW NO. 40 -2008, A CHARTER LAW TO IMPROVE THE
CAPITAL BUDGET PROCESS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 5, 2008 a proposed local law entitled, "**A CHARTER LAW TO IMPROVE THE CAPITAL BUDGET PROCESS**"; now, therefore be it

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

LOCAL LAW NO. 40 -2008, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO IMPROVE THE CAPITAL BUDGET
PROCESS**

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 Article IV of the Suffolk County Charter describes the procedure for the adoption of a capital budget and program by the County of Suffolk.

This Legislature further finds that the 2008 capital budget process revealed a significant flaw in the current capital budget timeline; in order to complete the adoption of the capital budget and program in accordance with the Charter, the County Legislature had to hold two special meetings to consider the override of County Executive vetoes.

This Legislature also determines that the County of Suffolk should adopt a capital budget and program in an orderly fashion and within the framework of the County Legislature's regular meeting schedule.

This Legislature finds and determines that avoiding unnecessary special meetings will result in greater efficiency and cost savings.

Therefore, the purpose of this local law is to amend the timeline for the veto and override of capital budget amendments and, thereby, improve the county's capital budgeting process.

Section 2. Amendment.

Article IV of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

ARTICLE IV County Budget and Capital Program

* * * *

C4-20. Approval of capital program by County Executive.

- A. The County Executive may approve of the capital program, as submitted, or may disapprove of one or more amendments made by the County Legislature to the proposed capital program and otherwise approve the capital program. If he approves the capital program as submitted, it shall become effective immediately upon his approval. If he disapproves of one or more amendments and otherwise approves the capital program, he shall return the disapproved amendments to the County Legislature for reconsideration no later than 10 days after the submission of such budget amendment resolutions to the Office of the County Executive, and the capital program that he otherwise approves shall become effective immediately upon his approval.

* * * *

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

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

DATED: September 16, 2008

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

RETURNED BY THE COUNTY EXECUTIVE UNSIGNED OCTOBER 17, 2008

After a public hearing duly held on September 30, 2008
Filed with the Secretary of State on October 30, 2008

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1657-2008
Introduced by Presiding Officer Lindsay

Laid on Table 8/5/2008

**RESOLUTION NO. 745 -2008, ADOPTING LOCAL LAW
NO. -2008, A LOCAL LAW TO REQUIRE THE LICENSING
OF SIGN HANGERS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 5, 2008, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE THE LICENSING OF SIGN HANGERS IN SUFFOLK COUNTY**;" now, therefore be it

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

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

**A LOCAL LAW TO REQUIRE THE LICENSING OF SIGN HANGERS
IN SUFFOLK COUNTY**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that persons who erect and hang signs are presently not required to be licensed in the County of Suffolk.

This Legislature also finds that persons installing signs should possess certain qualifications including the ability to read plans and specifications relating to sign construction and hanging, including supports and framework, and should possess knowledge of the problems and practices of sign construction.

This Legislature also determines that sign hangers should be aware of the risks involved in their profession and capable of taking the precautions necessary to protect workers and the general public.

This Legislature also finds that the absence of minimum qualification standards for sign hangers compromises public safety and increases the risk of personal injury and property damage.

Therefore, the purpose of this local law is to require that persons erecting signs in Suffolk County be licensed by the Office of Consumer Affairs to protect and promote the public health and safety.

Section 2. Amendments.

Chapter 345 of the SUFFOLK COUNTY CODE is hereby amended by the addition of a new Article X, which shall read as follows:

**ARTICLE X
SIGN HANGERS**

§ 345-114. Definitions.

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

- A. “DISPLAY SIGN” -- a sign, sign screen, billboard or advertising device of any kind that exceeds 75 square feet in area or 25 pounds in weight.
- B. “SIGN HANGING” -- installing, building, erecting, hanging, suspending, hoisting, lowering, attaching, or removing any kind of display sign on, upon or from any structure or any exterior walls or roof of any structure.
- C. “STRUCTURE” -- any stationary combination of materials built or erected including, but not limited to, a building, bridge, framework, billboard, railroad trestle, awning or other object that has been put together from different parts.

§ 345-115. License Required.

It is unlawful for any person to engage in any business as a sign hanging contractor without obtaining a license therefor from the Office in accordance with and subject to the provisions of this Article and Article I of this Chapter.

§ 345-116. Licensing Board.

- A. Board. The County Executive, with the approval of the legislative body, shall appoint a five member Sign Hanging Licensing Board to serve for a three year term. Said Board shall determine the fitness of applicants for a sign hanging license and shall investigate and report on all proposed suspensions or revocations of licenses as hereinafter provided. Said Board shall be composed of individuals having a personal knowledge and interest in sign hanging, such as representatives of labor, management, trade or professional associations, and appropriate representatives of government. A Licensing Director shall be appointed by the Director and shall serve as secretary of the Board. The Director shall serve as a nonvoting ex-officio member of such Board.
- B. For the initial appointment only, three members of the Board shall be appointed for three-year terms, one member for a two-year term, and one member for a one-year term. All appointments thereafter shall be for a three year term.
- C. Compensation. Each member of the Board shall be compensated at the rate of \$100 for each official meeting attended of said Board but not more than \$1,500 in any calendar year.
- D. Powers and duties. The Licensing Board shall have the following powers and duties:
 - 1. To hold meetings at regular times and places for the efficient discharge of the responsibilities and duties of the Board.
 - 2. To make rules for the conduct of its meetings and to keep a minute book of its proceedings, including a record of its examinations and other official actions.

3. To examine the qualifications and fitness of applicants applying for licenses under this article.
4. To develop oral, written and/or practical examinations in order to judge the qualifications of an applicant.
5. To authorize the Director to issue a Sign Hanging License.
6. To conduct meetings and, after a hearing at which all interested parties are afforded a sufficient opportunity to be heard, submit recommendations to the Director relating to the suspension or revocation of a Sign Hanging License for cause.
7. To keep records of licenses issued, suspended or revoked and to make such records available for public inspection.
8. To prepare a manual of rules and regulations for the conduct of examinations and to furnish copies thereof to persons desiring same.
9. To formulate and recommend to the Director a code of rules for adoption or amendment governing sign hanging, including the materials, workmanship and manner of executing such work. Before making such recommendation, the Board shall confer and meet with the representatives of the sign hanging industry and hold a hearing on the proposed rules. Reasonable prior notice of the time and place of such hearing shall be given by publication in the official newspapers of the County.
10. To formulate and recommend to the Director, for adoption or amendment, rules and standards for the issuance, suspension and revocation of licenses, including the conditions for the issuance of same, the type of examination required, the terms and fees and the conditions upon the circumstances under which the same may be revoked or suspended.

§345-117. Fees.

- A.) An application fee of \$200 shall accompany each application for a sign hanging license.
- B.) The fee for a sign hanging license or renewal thereof shall be \$200 per annum.

§345-118. Temporary license pending issuance of permanent license.

- A.) The Office shall issue a temporary license to any applicant for a sign hanging license if the Office has not, within 30 days after receipt of the application for such license, approved or disapproved the application.
- B.) The temporary license shall be for a period of 90 days. If within such ninety-day period, the Office shall have failed to approve or disapprove the application, the Office shall then issue a regular license to the applicant. If the application is approved during the term of the temporary license, the Office shall issue a regular license to the applicant.
- C.) The fee for a temporary license shall be \$50 per annum. The fee for a regular license issued to replace a temporary license shall be \$150 for the first full year.

- D.) A regular license issued pursuant to the provisions of Subsection B shall expire on the last day of the 24th month following the issuance of the temporary license.

§345-119. Exempted Operations.

No license shall be required of an employee who performs labor or services for a licensed sign hanging contractor for wages or salary.

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 ninety (90) days immediately subsequent to filing in the Office of the Secretary of State.

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

DATED: September 16, 2008

VETOED BY COUNTY EXECUTIVE ON OCTOBER 15, 2008
VETO OVERRIDE ADOPTED ON NOVEMBER 18, 2008

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

Intro. Res. No. 1708-2008

Laid on Table 8/5/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 747 -2008, ADOPTING LOCAL LAW NO. 39 -2008, A LOCAL LAW AMENDING THE SUFFOLK COUNTY EMPIRE ZONE BOUNDARIES TO INCLUDE NANZ CUSTOM HARDWARE, INC., (SCTM NO. 0100-067.00-01.00-024.091)

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on August 5, 2008, a proposed local law entitled, "**A LOCAL LAW AMENDING THE SUFFOLK COUNTY EMPIRE ZONE BOUNDARIES TO INCLUDE NANZ CUSTOM HARDWARE, INC., (SCTM NO. 0100-067.00-01.00-024.091)**;" and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. 39 -2008, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AMENDING THE SUFFOLK COUNTY EMPIRE ZONE BOUNDARIES TO INCLUDE NANZ CUSTOM HARDWARE, INC., (SCTM NO. 0100-067.00-01.00-024.091).

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

Section 1. Legislative Intent.

This Legislature finds and determines that pursuant to Local Law No. 14-2003, this Legislature authorized the designation of an Empire Zone; that Local Law No. 15-2003 established Empire Zone boundaries; and that a new local law is required to submit to New York State a request to revise the zone boundaries to include Nanz Custom Hardware, Inc., located at premises described as SCTM No. 0100-067.00-01.00-024.091.

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

This Legislature further finds and determines that Nanz Custom Hardware, Inc., a manufacturer of high end door hardware located at 105 Jefryn Boulevard East, Babylon, New York meets the criteria of Section 957(d) of the NEW YORK GENERAL MUNICIPAL LAW for a Regionally Significant Project and has requested consideration for such designation by the Suffolk County Empire Zone - Zone Administrative Board.

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

Section 2. Application.

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

Section 3. Request for Consideration.

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

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

Section 4. Designation of Revised Empire Zone Boundaries.

The boundary of the Empire Zone, designated in Local Law No. 14-2003 and Local Law No. 15-2003, as adopted, shall be amended to include SCTM No. 0100-067.00-01.00-024.091.

Section 5. Real Property Tax Exemption.

A.) The property included in the revised boundaries as described and designated by this Law is hereby granted an exemption from the taxes and special ad valorem levies by the County of Suffolk and the exemption shall be granted for the period and to the extent provided for in Section 485-e of the New York Real Property Tax Law. This exemption shall be for a term of (10) years, notwithstanding that the designation of the Empire Zone may expire prior to the end of such ten (10) year term.

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

Section 6. Applicability.

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

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or

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

Section 8. SEQRA Determination.

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

Section 9. Effective Date.

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: October 2, 2008

After a public hearing duly held on September 30, 2008
Filed with the Secretary of State on October 15, 2008

Legislator Eddington made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1711-2008
Introduced by Legislator Eddington

Laid on Table 8/5/2008

**RESOLUTION NO. 748 -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 –
MEDFORD GARDENS PROPERTY – TOWN OF BROOKHAVEN
– (SCTM NO. 0200-631.00-03.00-002.001)**

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 parcel(s) listed in Exhibit “A” of this resolution meets the criteria for acquisition 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 parcel(s) listed in Exhibit "A" of this resolution, consisting of approximately 55.3 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 parcel(s) 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: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0200 Section 631.00 Block 03.00 Lot 002.001	55.3	Medford Gardens 1 LLC 101 North Wellwood Avenue Suite 12 Lindenhurst, NY 11757

EXHIBIT "A"

Legislator Losquadro made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 16-1-0-1-0.
Legislator Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1760-2008

Laid on Table 8/19/2008

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

**RESOLUTION NO. 749 -2008, APPROVING
PLANNING STEPS FOR THE ACQUISITION OF FARMLAND
DEVELOPMENT RIGHTS – JULY 2008 (SCTM NOS. 0600-
045.00-01.00-013.003 AND 0600-136.00-01.00-002.000 p/o)**

WHEREAS, the Environmental Legacy Program was approved under the adopted 2007-2009 Capital Program allocating fifty million dollars for the acquisition of environmentally sensitive lands, active recreation sites, historic properties, and farmland development rights where there is a partner who will provide a 50% matching contribution; and

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 603-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection," authorizes the use of 31.10 per cent of sales and compensating use tax proceeds generated each year for Specific Environmental Protection including acquisition of open space; environmentally sensitive lands; farmland development rights; hamlet parks; active recreational parks; or historic/cultural parks, as determined by duly enacted Resolutions of the County of Suffolk; and

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

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

2nd **RESOLVED**, that such acquisition(s) is (are) to be made in accordance with the procedures set forth in Chapter 8 of the SUFFOLK COUNTY CODE which provided that they be consummated in accordance with provisions of General Municipal Law Section 247 and the recommendation(s) of the Suffolk County Farmland Committee; and be it further

I.) ENVIRONMENTAL LEGACY PROGRAM

3rd **RESOLVED**, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition of farmland development rights via duly enacted resolutions of the County of Suffolk, is (are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County Environmental Legacy Program, approved under the ADOPTED 2007-2009 CAPITAL PROGRAM:

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

and be it further

4th RESOLVED, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

5th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

6th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C), of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the farmland development rights of the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

7th 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 the Suffolk County Environmental Legacy Program, 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

8th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(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

II.) MULTIFACETED LAND PRESERVATION PROGRAM – FARMLAND DEVELOPMENT RIGHTS

9th RESOLVED, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition of farmland development rights via duly enacted resolutions of the County of Suffolk, is (are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County Multifaceted Land Preservation Program, according to the provisions of the 5th RESOLVED clause of Resolution No. 459-2001, and pursuant to Chapter 8 of the SUFFOLK COUNTY CODE:

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

and be it further

10th RESOLVED, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

11th RESOLVED, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

12th RESOLVED, that the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy, and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the farmland development rights of the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

13th 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 the provisions of the 5th RESOLVED clause of Resolution No. 459-2001, 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

14th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(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

III.) NEW DRINKING WATER PROTECTION PROGRAM (AS AMENDED BY LOCAL LAW NO. 24-2007, EFFECTIVE DECEMBER 1, 2007) – FARMLAND DEVELOPMENT RIGHTS

15th RESOLVED, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition of farmland development rights via duly enacted resolutions of the County of Suffolk, is(are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County New Drinking Water Protection Program, Farmland component, Section C12-(A) (1)(f) of the SUFFOLK COUNTY CHARTER:

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

Block
Lot

HERETO AND MADE A PART HEREOF

and be it further

16th **RESOLVED**, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

17th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

18th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the farmland development rights of the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

19th **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 Section C12-(A) (1)(f) 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

20th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

APPENDIX A

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 01	District 0600 Section 045.00 Block 01.00 Lot 013.003	5.5	Peter & Doreen Haarmann 805 Grand Blvd. Westbury, NY 11590
No. 02	District 0600 Section 136.00 Block 01.00 Lot 002.000 p/o	85.0	Calverton Properties, Inc. 3 Bardwell Ln. Huntington, NY 11743

TOTAL ACRES

90.5

**Legislator Romaine made motion for the following resolution, seconded by
Legislator Losquadro. The resolution was passed 16-1-0-1-0. Legislator Barraga
voted no. Legislator Montano was not present.**

Intro Res. No. 1780-2008

Laid on Table 8/19/2008

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

**RESOLUTION NO.
750 -2008, AUTHORIZING THE ACQUISITION OF
FARMLAND DEVELOPMENT RIGHTS UNDER THE NEW
SUFFOLK COUNTY DRINKING WATER PROTECTION
PROGRAM (EFFECTIVE DECEMBER 1, 2007) FOR THE
TERRY GIRLS REALTY, INC. PROPERTY – TOWN OF
RIVERHEAD – (SCTM NO. 0600-066.00-02.00-017.000)**

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. 1020-2006, authorized planning steps for the acquisition of farmland development rights of the subject property; and

WHEREAS, pursuant thereto, said acquisition is to be made in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code which provides that the same shall be consummated in accordance with provisions of General Municipal Law Section 247 and the recommendation of the Suffolk County Farmland Committee; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the farmland development rights of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, for a total purchase price of One Million Two Hundred Thirty One Thousand Nine Hundred Twenty Dollars (\$1,231,920.00±), at Eighty Seven Thousand Dollars (\$87,000.00) per acre, for 14.16± acres, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments for inclusion in the Suffolk County Farmland Development Rights Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
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No. 1	District Section Block Lot	0600 066.00 02.00 017.000	14.16±	Terry Girls Realty, Inc. a New York Corporation 486 Main Road, Box 2824 Acquebogue, NY 11931
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and be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of One Million Two Hundred Thirty One Thousand Nine Hundred Twenty Dollars (\$1,231,920.00±), at Eighty Seven Thousand Dollars (\$87,000.00) per acre for 14.16± acres, subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$1,231,920.00±, 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 December 1, 2007, farmland component, Section C12-2(A)(1)(f) 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 this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5 c (20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of farmland development rights as part of the Suffolk County Farmland Preservation

Program which will mainly result in a beneficial impact and for which SEQRA determination of non-significance has already been issued.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Romaine made motion for the following resolution, seconded by Legislator Schneiderman. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1792-2008
Introduced by Legislator Romaine

Laid on Table 8/19/2008

RESOLUTION NO. 751 -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 – HUBBARD PROPERTY – TOWN OF RIVERHEAD – (SCTM NO. 0600-112.00-02.00-001.001)

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 parcel listed in Exhibit “A” of this resolution meets the criteria for acquisition 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 parcel listed in Exhibit “A” of this resolution, consisting of approximately 9.7 acres, is 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 parcel listed in Exhibit "A" meets 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; 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 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 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; 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: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0600 Section 112.00 Block 02.00 Lot 001.001	9.7	William G. Hubbard County Road 105 Aquebogue, NY 11901

EXHIBIT "A"

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

Intro. Res. No. 1800-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 752 -2008, TO APPOINT
MEMBER OF COUNTY PLANNING COMMISSION
(VINCENT TALDONE)**

WHEREAS, Section 14-2(A) of the SUFFOLK COUNTY CHARTER provides for the appointment of fifteen (15) members of the Suffolk County Planning Commission, one member from each of the ten (10) towns in Suffolk County, one member from an incorporated village of under 5,000 population, one member from an incorporated village of over 5,000 population, and three members from the County at large; and

WHEREAS, the term of office of the member from the Town of Riverhead, Jesse R. Goodale III, remains vacant due to his resignation; and

WHEREAS, Steve Levy, the County Executive of Suffolk has appointed Vincent Taldone, currently residing at 135 North Parkway, Riverhead, NY 11901, as a member of the County Planning Commission; now, therefore be it

1st **RESOLVED**, that Vincent Taldone, currently residing at 135 North Parkway, Riverhead, NY 11901, is hereby appointed as a member of the Suffolk County Planning Commission to complete the term of Mr. Goodale, said term to expire December 31, 2010, pursuant to Section 14-2(A) of the SUFFOLK COUNTY CHARTER.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1801-2008

Laid on Table 8/19/2008

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

**RESOLUTION NO. 753 -2008, TO APPOINT
MEMBER OF COUNTY PLANNING COMMISSION
(JOSHUA Y. HORTON)**

WHEREAS, Section 14-2(A) of the SUFFOLK COUNTY CHARTER provides for the appointment of fifteen (15) members of the Suffolk County Planning Commission, one member from each of the ten (10) towns in Suffolk County, one member from an incorporated village of under 5,000 population, one member from an incorporated village of over 5,000 population, and three members from the County at large; and

WHEREAS, the term of office of one of the members at large, Mary Daum, remains vacant due to her resignation; and

WHEREAS, Steve Levy, the County Executive of Suffolk has appointed Joshua Y. Horton, currently residing at 210 5th Street, P.O. Box 538, Greenport, NY 11944, as a member of the County Planning Commission; now, therefore be it

1st **RESOLVED**, that Joshua Y. Horton, currently residing at 210 5th Street, P.O. Box 538, Greenport, NY 11944, is hereby appointed as a member of the Suffolk County Planning Commission at large for a four-(4)-year term, said term to expire December 31, 2011, pursuant to Section 14-2(A) of the SUFFOLK COUNTY CHARTER.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1757-2008

Laid on Table 8/19/2008

Introduced by Legislators Browning, Alden and Kennedy

RESOLUTION NO. 754 -2008, AUTHORIZING THE USE OF SMITH POINT COUNTY PARK PROPERTY, CATHEDRAL PINES COUNTY PARK, SOUTHAVEN COUNTY PARK, AND SMITH POINT MARINA BY THE LONG ISLAND 2 DAY WALK TO FIGHT BREAST CANCER, INC., FOR BREAST CANCER WALK

WHEREAS, The Long Island 2 Day Walk to Fight Breast Cancer, Inc., is a not-for-profit corporation dedicated to finding a cure for breast cancer; and

WHEREAS, The Long Island 2 Day Walk to Fight Breast Cancer, Inc., would like to use the Smith Point County Park, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina for the purpose of hosting a walkathon to raise funds for breast cancer outreach and educational efforts, as well as to help local organizations with their fight against breast cancer; and

WHEREAS, the walkathon would be held on Friday, June 5, 2009, Saturday, June 6, 2009, and Sunday, June 7, 2009; and

WHEREAS, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by The Long Island 2 Day Walk to Fight Breast Cancer, Inc.; and

WHEREAS, the use of County property for a walkathon would promote and protect the public health and general welfare of the residents of Suffolk County; now, therefore be it

1st RESOLVED, that the use of County-owned property, i.e. the Smith Point County Park in Shirley, in consideration of the payment of Fifty and 00/100 Dollars (\$50.00) per diem, for the purpose of a walkathon to fight breast cancer on Friday, June 5, 2009 from 12:00 noon through the next day, Saturday, June 6, 2009 to 6:00 p.m., and on Sunday, June 7, 2009 from 2:00 p.m. to 5:00 p.m., the proceeds of which shall be allocated directly to breast cancer organizations to fund breast cancer outreach and educational activities, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from The Long Island 2 Day Walk to Fight Breast Cancer, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel and Civil Service; and be it further

2nd RESOLVED, that the use of County-owned property, i.e. the Cathedral Pines County Park in Middle Island, in consideration of the payment of Fifty and 00/100 Dollars (\$50.00) per diem, for the purpose of a walkathon to fight breast cancer on Friday, June 5, 2009 from 12:00 noon through

Sunday, June 7, 2009 12:00 noon, the proceeds of which shall be allocated directly to breast cancer organizations to fund breast cancer outreach and educational activities, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from The Long Island 2 Day Walk to Fight Breast Cancer, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel and Civil Service; and be it further

3rd **RESOLVED**, that the use of County-owned property, i.e. the Southaven Park in Shirley, in consideration of the payment of Fifty and 00/100 Dollars (\$50.00) per diem, for the purpose of a walkathon to fight breast cancer on Friday, June 5, 2009 from 12:00 noon through the next day, Saturday, June 6, 2009 to 6:00 p.m., and on Sunday, June 7, 2009 from 2:00 p.m. to 5:00 p.m., the proceeds of which shall be allocated directly to breast cancer organizations to fund breast cancer outreach and educational activities, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from The Long Island 2 Day Walk to Fight Breast Cancer, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

4th **RESOLVED**, that the use of County-owned property, i.e. the Smith Point Marina in Shirley, in consideration of the payment of Fifty and 00/100 Dollars (\$50.00) per diem, for the purpose of a walkathon to fight breast cancer on Sunday, June 7, 2009 from 11:00 a.m. to 2:00 p.m., the proceeds of which shall be allocated directly to breast cancer organizations to fund breast cancer outreach and educational activities, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from The Long Island 2 Day Walk to Fight Breast Cancer, Inc., and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

5th **RESOLVED**, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fund drive for support of the public-safety services provided by The Long Island 2 Day Walk to Fight Breast Cancer, Inc., at Smith Point County Park in Shirley, Cathedral Pines County Park in Middle Island, Southaven Park in Shirley, and Smith Point Marina by The Long Island 2 Day Walk to Fight Breast Cancer, Inc.; and be it further

6th **RESOLVED**, that The Long Island 2 Day Walk to Fight Breast Cancer, Inc., shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

7th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of

priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Kennedy made motion for the following resolution, seconded by Deputy Presiding Officer Viloría-Fisher. The resolution was passed 14-3-0-1-0. Legislators Alden, Barraga and D’Amaro voted no. Legislator Montano was not present.

Intro Res. No. 1781-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 755 -2008, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS AND LIGHTING AT COUNTY PARKS (CP 7079)

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

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said site improvements under Capital Program Number 7079; 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 \$150,000 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. 514-1996 determined that this action constitutes a Type II action pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, since it involves construction, expansion, or replacement of minor appurtenances or repaving that is accessory to an existing facility that does not change the land use or density; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-two (32), 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 \$150,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7079.423 (Fund 001-Debt Service)	60	Improvements and Lighting at County Parks -- Site Improvements	\$150,000

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Kennedy made motion for the following resolution, seconded by Deputy Presiding Officer Viloria-Fisher. The resolution was passed 14-3-0-1-0. Legislators Alden, Barraga and D’Amaro voted no. Legislator Montano was not present.

Intro. Res. No. 1781A-2008

BOND RESOLUTION NO. 756 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$150,000 BONDS TO FINANCE THE COST OF IMPROVEMENTS AND LIGHTING AT COUNTY PARKS (CP 7079.423)

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

Section 1. The County of Suffolk, New York (herein called the “County”), is hereby authorized to issue bonds in the principal amount of \$150,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the “Law”), the Suffolk County Charter and other applicable laws, to finance the cost of improvements and lighting at 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 \$150,000. The plan of financing includes the issuance of \$150,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the

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

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

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

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

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

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

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

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

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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 15-1-0-2-0. Legislator Barraga voted no. Legislators Montano and Stern were not present.

Intro. Res. No. 1787-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 757 -2008, APPROPRIATING FUNDS IN CONNECTION WITH THE REMOVAL OF TOXIC AND HAZARDOUS MATERIALS IN COUNTY PARKS (CP 7185)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested construction funds for the removal of toxic materials in County parks; and

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

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

WHEREAS, removal of all toxic materials discovered in County parks will be in accordance with all Federal and OSHA standards; and

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

1st **RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty-four (44) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd **RESOLVED**, that the Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Part 617.5 (c):

(1) maintenance or repair involving no substantial changes in an existing structure or facility; and

(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, unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part; and

(20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may effect the environment; and therefore SEQRA is complete; and be it further

3rd **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>
CAP-525-7185.312 (Fund 001-Debt Service)	26	Removal of Toxic and Hazardous Materials in County Parks	\$200,000

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Deputy Presiding Officer Vilorio-Fisher made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro.Res. No. 1787A-2008

BOND RESOLUTION NO. 758 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$200,000 BONDS TO FINANCE THE COST OF THE REMOVAL OF TOXIC MATERIALS IN COUNTY PARKS (CP 7185.312)

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 the cost of the removal of toxic material in County parks, as authorized in the 2007 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000. The plan of financing includes the issuance of \$200,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law of the Law, is five (5) years.

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

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County

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

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

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

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

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

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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Horsley made motion for the following resolution, seconded by Legislator Gregory. The resolution was passed 15-0-0-3-0. Legislators Browning, Montano and Stern were not present.

Intro Res. No. 1788-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 759 -2008, AUTHORIZING LICENSE AGREEMENT WITH BABYLON TOWN HISTORICAL SOCIETY FOR VAN BOURGONDIEH PROPERTY, WEST BABYLON

WHEREAS, the Babylon Town Historical Society, a not-for-profit organization having its principal office at 80 Duke Street, Deer Park, New York, desires to enter into a license agreement with the County to act as a custodian of the Van Bourgondien House and surrounding 1.56 acres of fenced land; and

WHEREAS, the Babylon Town Historical Society will act as custodian pursuant to the Historic Trust Manual, Revised Edition, 1975, as published by the Suffolk County Council on Environmental Quality, and

WHEREAS, the Suffolk County Legislature, by Resolution No. 1394-2007, has dedicated the Van Bourgondien House and surrounding 1.56 acres of fenced land into the Suffolk County Historic Trust, and

WHEREAS, the Suffolk County Council on Environmental Quality, by Resolution No. 92-2007, approved the Babylon Town Historical Society as custodian of the Van Bourgondien House and recommended that the County enter into a custodial license agreement with the organization; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Parks, Recreation, Conservation is authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to enter into a Custodial License Agreement for five (5) years with two five-year option periods with the Babylon Town Historical Society for the non-exclusive use of the premises for the purpose of restoring, maintaining, and managing the Van Bourgondien House and surrounding 1.56 acres of fenced land; and be it further

2nd RESOLVED, that the Van Bourgondien House and surrounding 1.56 acres of fenced land shall be returned to the County of Suffolk at the conclusion of any agreements authorized pursuant to the 1st RESOLVED clause of this resolution in a physical condition that is substantially the same condition as on the effective date of any such agreement, or better, subject to reasonable use, wear, tear, and natural deterioration, between the date thereof and the conclusion of any such use agreements; and be it further

3rd RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant

to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 13-1-1-3-0. Legislator Barraga voted no. Legislator Alden abstained. Legislators Browning, Montano and Stern were not present.

Intro. Res. No. 1799-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 760 -2008, APPROPRIATING FUNDS IN CONNECTION WITH ENERGY SAVINGS AND PARKS COMPLIANCE PLAN (CP 7188)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for planning and construction associated with an energy savings project at Southaven County Park and other buildings in the County Parks system; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said planning and construction under Capital Program Number 7188; and

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

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

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5

(C) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), and the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty-nine (49), 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 \$100,000 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-7188.110 (Fund 001-Debt Service)	26	Energy Savings/Parks Compliance Plan – Planning	\$10,000
525-CAP-7188.310 (Fund 001-Debt Service)	26	Energy Savings/Parks Compliance Plan – Construction	\$90,000

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Deputy Presiding Officer Vioria-Fisher made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1799A-2008

BOND RESOLUTION NO. 761 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$100,000 BONDS TO FINANCE A PART OF THE COST OF CONSTRUCTION OF ENERGY SAVING IMPROVEMENTS AT VARIOUS PARK FACILITIES (CP 7188.110 and .310)

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

Section 1. The County of Suffolk, New York (herein called the “County”), is hereby authorized to issue bonds in the principal amount of \$100,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the “Law”), the Suffolk County Charter and other applicable laws, to

finance a part of the cost of the construction of energy saving improvements at various park facilities, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000. The plan of financing includes (a) the issuance of \$100,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1166-2007 (\$10,000 for planning and \$90,000 for construction), (b) the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to this resolution (\$10,000 for planning and \$90,000 for construction) and (c) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

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

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

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

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

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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Stern made motion for the following resolution, seconded by Legislator Cooper. The resolution was passed 16-1-0-1-0. Legislator Eddington voted no. Legislator Montano was not present.

Intro. Res. No. 1582-2008

Laid on Table 6/10/2008

Introduced by Legislators Stern, Horsley, Schneiderman, Nowick and Gregory

**RESOLUTION NO. 762 -2008, ESTABLISHING A
PHARMACEUTICAL DISPOSAL PROGRAM IN SUFFOLK
COUNTY**

WHEREAS, there is growing concern across the country that expired or otherwise unwanted pharmaceuticals, improperly discharged into sewage disposal systems and the solid waste stream, have the potential to harm the environment, endangering wildlife and contaminating water supplies; and

WHEREAS, municipalities around the nation are now exploring ways to remove old pharmaceuticals from the waste stream so they may be disposed of safely; and

WHEREAS, the County of San Mateo in California has created a pharmaceutical disposal program that allows residents to bring their old pharmaceuticals, including medicines defined as controlled substances, to central law enforcement locations; and

WHEREAS, in addition to protecting the environment, a pharmaceutical disposal program helps senior citizens avoid potentially dangerous medical dosage errors and reduces unintended recreational drug use by teenagers and young adults; and

WHEREAS, Suffolk County has traditionally enacted innovative measures to protect its environment and creating a pharmaceutical disposal program would be consistent with that tradition; now, therefore be it

1st **RESOLVED**, that the County of Suffolk hereby establishes a Pharmaceutical Disposal Program; and be it further

2nd **RESOLVED**, that the Suffolk County Police Department and the Suffolk County Department of Public Works are hereby authorized, empowered and directed to take all steps necessary to implement this program; and be it further

3rd **RESOLVED**, that the Police Department and the Department of Public Works shall seek the cooperation of the Suffolk County Sheriff in implementing this program; and be it further

4th **RESOLVED**, that the Suffolk County Pharmaceutical Disposal Program will include medicines defined as controlled substances; and be it further

5th **RESOLVED**, that the Police Department and the Department of Public Works shall agree on the number and location of the disposal receptacles to be managed by and/or controlled by the Police Department and the Sheriff; and be it further

6th **RESOLVED**, that the Pharmaceutical Disposal Program will allow Suffolk County residents to place their unwanted pharmaceuticals in receptacles at locations controlled by the Police Department and the Sheriff; and be it further

7th **RESOLVED**, that the Police Department, Sheriff and the Department of Public Works will develop a plan for the transporting of discarded pharmaceuticals to a central location for pickup; and be it further

8th **RESOLVED**, that the Department of Public Works shall issue a Request for Proposals (RFP) to identify a waste disposal contractor who will pickup and dispose of the discarded pharmaceuticals in the appropriate manner; and be it further

9th **RESOLVED**, that the Police Department and the Department of Public Works are authorized, empowered and directed to communicate with the ten (10) town governments of Suffolk County to determine if the County's Pharmaceutical Disposal Program can coordinate with the towns to arrange for the disposal of pharmaceuticals collected by the County; and be it further

10th **RESOLVED**, that the Police Department and the Department of Public Works shall submit to the members of the Suffolk County Legislature and the Suffolk County Executive their plan to implement the Pharmaceutical Disposal Program within one hundred eighty (180) days of the effective date of this resolution; and be it further

11th **RESOLVED**, that the Police Department, the Sheriff and the Department of Public Works will include in their report a request for any additional appropriations that may be necessary to implement this program; and be it further

12th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1627-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 763 -2008, APPROVING A
CONSTRUCTION AGREEMENT BETWEEN SUFFOLK
COUNTY SEWER DISTRICT NO. 13 – WINDWATCH AND
MOTOR PARKWAY ASSOCIATES FOR THE EXPANSION OF
THE SEWAGE TREATMENT PLANT BY 350,000 GPD**

WHEREAS, the Motor Parkway Associates is the owner of a proposed development known as Islandia Hotel, located in the vicinity of Suffolk County Sewer District No. 13 – Windwatch, has proposed to connect to the District’s sewage treatment plant; and

WHEREAS, Motor Parkway Associates has offered to enter upon the sewage treatment plant site and enlarge the plant by 350,000 gallons per day at its cost and therefore, at no expense to the ratepayers of the district; and

WHEREAS, the proposed work at the District's sewage treatment plant will accommodate the flow needs of Spring Meadow and Townhouse Village, two homeowners' associations whose existing sewage treatment plants are in need of costly improvements to bring their sewage treatment plants into compliance; and

WHEREAS, all work is to be performed through Motor Parkway Associates with the understanding that permission is granted to perform this work on District property; and

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) recommended that this resolution be classified as an unlisted action under the provisions of 6 N.Y.C.R.R. Part 617 and Suffolk County Code Chapter 279, and that a determination be made that the project will not have significant adverse impacts on the environment (CEQ Res. No. 28-08); and

WHEREAS, this Legislature has independently considered the Environmental Assessment Form and any written or oral testimony or exhibits submitted concerning the proposed resolution; and

WHEREAS, the proposed construction has been approved by the Suffolk County Sewer Agency (Resolution No. 9-2008); 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 a contract with Motor Parkway Associates to construct the necessary improvements to the Suffolk County Sewer District No. 13 – Windwatch Sewage Treatment Plant and that Motor Parkway Associates be required to post letters of credit, or other securities with the County Treasurer in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts.

2nd RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act, N.Y. Env'tl. Conserv. Law Art. 8 (SEQRA) and Suffolk County Code Chapter 279, hereby determines that this resolution constitutes an unlisted action, pursuant to 6 N.Y.C.R.R. §617.2(ak), and be it further

3rd RESOLVED, that this Legislature finds and determines that implementation of this action will not have a significant impact on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in 6 N.Y.C.R.R. §617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
2. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the New York State Environmental Conservation Law or the Suffolk County Charter and Code;
3. The parcel does not appear to suffer from any severe environmental development constraints (e.g. limiting soil properties, no high groundwater and no unmanageable slopes);

4. The proposed expanded facility is using 4.58 acreage that is already disturbed and within the sewage treatment plant area;
5. Two adjacent small sewage treatment facilities managed by homeowner associations do not meet Department of Health standards and need extensive improvements;
6. The proposed larger, centrally located sewage treatment plant will be more efficient and maintained by Suffolk County instead of five (5) smaller facilities, four (4) of which will be privately maintained; and
7. Effluent is expected to have no impact on the groundwater;

and, be it further

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Kennedy made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 16-1-0-1-0. Legislator Barraga voted no. Legislator Montano was not present.

Intro Res. No. 1782-2008

Laid on Table 8/19/2008

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

RESOLUTION NO. 764 -2008, APPROPRIATING FUNDS IN CONNECTION WITH THE BRIDGE REPLACEMENT ON CR 67, MOTOR PARKWAY AT LIE EXIT 55, TOWN OF ISLIP (CP 5172)

WHEREAS, the Commissioner of Public Works has requested funds for land acquisition in connection with the Bridge Replacement on CR 67, Motor Parkway at LIE Exit 55; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said request; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, has established a priority ranking system, 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 \$65,000 in Suffolk County Serial Bonds; now, therefore be it

1st **RESOLVED**, Resolution No. 904 of 2003 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-four (54) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

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 Bridge Replacement on CR 67, Motor Parkway at LIE Exit 55, pursuant to Section C8-2 of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the proceeds of \$65,000 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- 5172.211 Fund 001-Debt Service	50	Bridge Replacement on CR 67, Motor Parkway at LIE Exit 55	\$65,000

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Kennedy made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1782A-2008

BOND RESOLUTION NO. 765 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$65,000 BONDS TO FINANCE A PART OF THE COST OF THE ACQUISITION OF LAND FOR THE RECONSTRUCTION OF CR 67, MOTOR PARKWAY, AT LIE EXIT 55, TOWN OF ISLIP (CP 5172.211)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$65,000 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 acquisition of land for the reconstruction of CR 67, Motor Parkway, at LIE Exit 55, Town of 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 \$2,544,600. The plan of financing includes (a) the issuance of \$15,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1305-1996, (b) the issuance of \$1,685,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 777-2000, (c) the issuance of \$50,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1093-2005, (d) the issuance of \$729,600 bonds or bond anticipation notes authorized pursuant to authorized pursuant to Bond Resolution No. 1173-2007 (the bond issuance being limited to the County share of 5% or \$36,480), (e) the issuance of \$65,000 bonds or bond anticipation notes authorized pursuant to this resolution and (f) 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. 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 November 15, 1997, the date of issuance of the first obligations issued for such purpose pursuant to Bond Resolution No. 1305-1996.

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

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

any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Eddington made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 15-2-0-1-0. Legislators Barraga and D'Amaro voted no. Legislator Montano was not present.

Intro. Res. No. 1784-2008 Laid on Table 8/19/2008
Introduced by Presiding Officer, on request of the County Executive and Legislators Eddington, Horsley, Browning

RESOLUTION NO. 766 -2008, APPROPRIATING FUNDS IN CONNECTION WITH THE DREDGING OF COUNTY WATERS (CP 5200)

WHEREAS, the Commissioner of Public Works has requested funds for site improvements in connection with the dredging of County waters; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said request; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$1,050,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that the New York State Department of Environment Conservation ("DEC") is the lead agency for this project under SEQRA; and be it further

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

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

4th RESOLVED, that the proceeds of \$1,050,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP- 5200.441 (Fund 001-Debt Service)	50	Dredging of County Waters	\$1,050,000

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: September 26, 2008

Legislator Eddington made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 15-2-0-1-0. Legislators Barraga and D’Amaro voted no. Legislator Montano was not present.

Intro. Res. No. 1784A-2008

BOND RESOLUTION NO. 767 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,050,000 BONDS TO FINANCE THE COST OF DREDGING OF COUNTY WATERS (CP 5200.441)

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 \$1,050,000 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 dredging County waters, 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 \$1,050,000. The plan of financing includes the issuance of \$1,050,000 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. This bond resolution is being adopted subject to the condition that no bonds or notes shall be issued for the work to be done on the project unless and until final approval has been received from the New York State Department of Environmental Conservation (“DEC”) and the necessary DEC permit has been issued, including full environmental review by the DEC as lead agency for purposes of the New York State Environmental Quality Review Act (“SEQRA”).

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. 22 of the Law, is five (5) years.

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

respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

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

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

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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Eddington made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro Res. No. 1785-2008

Laid on Table 8/19/2008

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

RESOLUTION NO. 768 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO CR 80, MONTAUK HIGHWAY, BETWEEN NYS 112 AND CR 101, PATCHOGUE-YAPHANK ROAD/SILLS ROAD, TOWN OF BROOKHAVEN (CP 5534)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with improvements to CR 80, Montauk Highway; 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 \$90,000 in Suffolk County Serial Bonds; now, therefore be it

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

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

3rd **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the Improvements to CR 80, Montauk Highway, pursuant to Section C8-2 (A) 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.: 5371
Project Title: Reconstruction of Culverts

	Total Est'd <u>Cost</u>	Current 2008 Capital Budget & <u>Program</u>	Revised 2008 Capital Budget & <u>Program</u>
3. Construction	<u>\$3,835,000</u>	<u>\$215,000B</u>	<u>\$165,000B</u>
TOTAL	\$4,150,000	\$215,000	\$165,000

Project No.: 5561
Project Title: Reconstruction of CR 59, Long Lane, Town of East Hampton

	Total Est'd <u>Cost</u>	Current 2008 Capital Budget & <u>Program</u>	Revised 2008 Capital Budget & <u>Program</u>
3. Construction	<u>\$210,000</u>	<u>\$250,000B</u>	<u>\$210,000B</u>
TOTAL	\$260,000	\$250,000	\$210,000

Project No.: 5534
Project Title: Improvements to CR 80, Montauk Highway, Town of Brookhaven

	Total Est'd <u>Cost</u>	Current 2008 Capital Budget & <u>Program</u>	Revised 2008 Capital Budget & <u>Program</u>
1. Planning, Design & Supervision	<u>\$790,000</u>	<u>\$ 0</u>	<u>\$90,000B</u>
TOTAL	\$8,895,000	\$ 0	\$90,000

and be it further

5th **RESOLVED**, that the proceeds of \$90,000 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-CP 5534.111	50	Improvements to CR 80, Montauk	\$90,000

(Fund 001-Debt Service)

Highway, from NYS 112 to CR 101,
Patchogue-Yaphank Road/Sills
Road, Town of Brookhaven
Engineering, Planning & Design

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1785A-2008

BOND RESOLUTION NO. 769 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$90,000 BONDS TO FINANCE A PART OF THE COST OF IMPROVEMENTS TO CR 80, MONTAUK HIGHWAY, BETWEEN NYS 112 AND CR 101, TOWN OF BROOKHAVEN (CP 5534.111)

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 \$90,000 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 improvements to CR 80, Montauk Highway, between NYS 112 and CR 101, Town of Brookhaven, 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 \$8,890,000. The plan of financing includes (a) the issuance of \$300,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 116-1998, (b) the issuance of \$25,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution Number 1122-2000, (c) the issuance of \$1,600,000 bonds or bond anticipation notes (\$200,000 for planning and \$1,400,000 for land acquisition) heretofore authorized pursuant to Bond Resolution No. 1053-2002, (d) the issuance of \$3,550,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 747-2003, (e) the issuance of \$2,400,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 712-2005, (f) the issuance of \$200,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond

Resolution No. 917-2005, (g) the issuance of \$250,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1439-2006, (h) the issuance of \$100,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1506-2006, (i) the issuance of \$275,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 866-2007, (j) the issuance of \$100,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1427-2007, (k) the issuance of \$90,000 bonds or bond anticipation notes authorized pursuant to this resolution and (l) 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, computed from December 1, 1998, the date of issuance of the first obligations issued therefor pursuant to Bond Resolution No. 116-1998.

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

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

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

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

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

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

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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Beedenbender made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1798-2008
Introduced by Legislator Beedenbender

Laid on Table 8/19/2008

RESOLUTION NO. 770 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH SAFETY IMPROVEMENTS AT VARIOUS INTERSECTIONS FOR A TRAFFIC STUDY ON CR 97 AT THE INTERSECTIONS OF HAMMOND ROAD AND HAWKINS AVENUE (CP 3301)

WHEREAS, Suffolk County is currently conducting a construction project to ease congestion on Nicolls Road from the LIE to Middle Country Road; and

WHEREAS, Nicolls Road has become a major north/south artery in Suffolk County; and

WHEREAS, the Town of Brookhaven has recently begun a project to redesign and redevelop Centereach pools, a Town park located on CR 97 between Hammond Road and Hawkins Avenue just north of the current project area; and

WHEREAS, additional development of recreational facilities and ball fields is currently underway just north of Hawkins Avenue; and

WHEREAS, the Town of Brookhaven recently began a traffic study of the town roads in this area to mitigate current traffic concerns and address future demand associated with the redevelopment of the park areas; and

WHEREAS, the Town roads in this area are so closely intertwined with CR 97 that any solution to the traffic and safety problem cannot be accomplished without a mutually agreed upon Town/County solution; and

WHEREAS, performing this study now will create synergies with the Town of Brookhaven, and provide mitigation and reconstruction options in concert with the Town's proposals; and

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

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998, Resolution No. 209-2000, and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-three (53) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

2nd RESOLVED, that the 2008 Capital Budget and Program be and is hereby amended as follows:

Project Number: 1755

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

<u>Cost Elements</u>	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	\$1,815,000	\$1,965,000 B	\$1,815,000 B
TOTAL	\$1,815,000	\$1,965,000	\$1,815,000

Project Number: 3301

Project Title: Safety Improvements at Various Intersections

<u>Cost Elements</u>	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning	\$1,342,000	\$350,000 B	\$500,000 B
TOTAL	\$14,517,000	\$2,860,000	\$3,010,000

and be it further

3rd RESOLVED, that the proceeds of \$150,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-3301.126	50	Safety Improvements on CR 97, Intersection with Hammond Road and Hawkins Avenue	\$150,000

and be it further

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

5th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy

County Executive of Suffolk County

Date: September 26, 2008

Legislator Beedenbender made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1798A-2008

BOND RESOLUTION NO. 771 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$150,000 BONDS TO FINANCE THE COST OF PLANNING FOR SAFETY IMPROVEMENTS ON CR 97 AT THE INTERSECTIONS OF HAMMOND ROAD AND HAWKINS AVENUE (CP 3301.126)

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$150,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of planning for safety improvements on CR 97 at the intersections of Hammond Road and Hawkins Avenue, 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 \$150,000. The plan of financing includes the issuance of \$150,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

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

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

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

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

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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Losquadro made motion for the following resolution, seconded by Legislator Kennedy. The resolution was passed 14-3-0-1-0. Legislators Alden, Barraga and D'Amato voted no. Legislator Montano was not present.

Intro. Res. No. 1802-2008

Laid on Table 8/19/2008

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

RESOLUTION NO. 772 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH PREPARING A SEWERING FEASIBILITY STUDY FOR THE ROCKY POINT BUSINESS DISTRICT (CP 8187)

WHEREAS, the Rocky Point Business District along New York State Route 25A would benefit from the creation of a sewer district; and

WHEREAS, the creation of a sewer district in Rocky Point has the potential to increase business investment, increase workforce housing opportunities and provide greater environmental protection in this community; and

WHEREAS, the presence of sewers would allow for greater building density and the creation of affordable, workforce housing in these communities; 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, that this 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**, 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

2nd **RESOLVED**, that the 2008 Capital Budget and Program be and is hereby amended as follows:

Project No.: 5168

Project Title: Reconstruction of Portions of CR 11 Pulaski Road - Huntington

<u>Cost Element</u>	<u>Total Est'd Cost</u>	<u>Current Revised</u>	
		<u>2008 Capital Budget & Program</u>	<u>2008 Capital Budget & Program</u>
3. Construction	\$ 250,000	\$ 550,000 B	\$250,000 B
TOTAL		\$1,300,000	\$1,050,000 \$750,000

Project No.: 8187
Project Title: Rocky Point Business District Sewer Feasibility Study

<u>Cost Element</u>	<u>Total Est'd Cost</u>	<u>Current Revised</u>	
		<u>2008 Capital Budget & Program</u>	<u>2008 Capital Budget & Program</u>
1. Planning, Design and Supervision	\$300,000	\$ 0	\$300,000 B
TOTAL	\$300,000	\$ 0	\$300,000

and be it further

3rd **RESOLVED**, that the proceeds of \$300,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8187.110 (Fund 001-Debt Service)	80	Rocky Point Business District Sewer Feasibility Study	\$300,000

and be it further

4th **RESOLVED**, that the Administrative Head of the Sewer Districts be and hereby is authorized, directed and empowered to issue an RFP and enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to consultant assistance for the planning of this project; and be it further

5th **RESOLVED**, that should this Sewer Feasibility Study result in the creation of a new sewer district for the Rocky Point Business District operated by Suffolk County, a local municipality, an association or a private developer that the cost associated with this Sewer Feasibility Study, both principal and interest incurred on the serial bonds, will be repaid to the Suffolk County General Fund 001 by the new Sewer District; and be it further

6th **RESOLVED**, that in accordance with applicable provisions of law the expenditures which are attributable to the establishment of a district, shall be apportioned against the users of such district and reimbursed to the County for the costs herein; and be it further

7th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (21) and (27) of Title 6 of New York Code of Rules and Regulations (“NYCRR”), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Losquadro made motion for the following resolution, seconded by Legislator Kennedy. The resolution was passed 14-3-0-1-0. Legislators Alden, Barraga and D’Amaro voted no. Legislator Montano was not present.

Intro. Res. No. 1802A-2008

BOND RESOLUTION NO. 773 -2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$300,000 BONDS TO FINANCE THE COST OF A SEWERING FEASIBILITY STUDY FOR THE ROCKY POINT BUSINESS DISTRICT (CP 8187.110)

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 \$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 the cost of a sewerage feasibility study for the Rocky Point Business District, 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 \$300,000. The plan of financing includes the issuance of \$300,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

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

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

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

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

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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Kennedy made motion for the following resolution, seconded by Legislator Alden. The resolution was passed 17-0-0-1-0. Legislator Eddington voted no. Legislator Montano was not present.

Intro. Res. No. 1804-2008
Introduced by Legislator Montano

Laid on Table 8/19/2008

RESOLUTION NO. 774 -2008, AUTHORIZING TRANSFER OF EIGHT (8) SURPLUS COUNTY COMPUTERS WITH MONITORS TO THE ANTIQUITY MASONIC HISTORICAL SOCIETY

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, the Antiquity Masonic Historical Society has requested the donation of eight (8) computers with monitors 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 computer and monitor equipment to the following organization, for use within its facilities for nominal consideration:

TO:
Antiquity Masonic Historical Society
1900 Brentwood Road
Brentwood, NY 11717

Contact: Lou Brousseau
Telephone: 631-821-0369

MANUF. SERIAL NO:
4UMFX01
CB4Q501
BC2VS01
8C2VS01
GHF9R21
HGHWM71
HQY6V31
DG44R21

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: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1685-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 8/5/2008

RESOLUTION NO. 776 -2008, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-1976 EDWARD S. FUSCO and PATRICIA FUSCO, HUSBAND AND WIFE, (SCTM NO. 0200-984.40-02.00-020.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 984.40 Block 002.00 Lot 020.000 and acquired by Tax Deed on January 30, 2001 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on February 13, 2001 in Liber 12102 at Page 255 and described as follows, Town of Brookhaven, known and designate as Lot No. 251 on a certain map entitled "Map of Mastic Acres, Section 21" filed in the Office of the Clerk of the County of Suffolk on February 13, 1948 as Map No. 1608; and

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

WHEREAS, Edward S. Fusco and Patricia Fusco, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$10,100.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$8,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$10,100.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them; and be it further

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Quitclaim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Edward S. Fusco and Patricia Fusco, 45 Kent Drive, Shirley, New York 11967.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1761-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 777 -2008, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-
1976 WINDSOR VILLAGE APARTMENTS CO., LLC (SCTM NO.
0101-005.00-02.00-039.001)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 0101 Section 005.00 Block 02.00 Lot 039.001 and acquired by Tax Deed on May 14, 1996 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 5, 1996 in Liber 11777 at Page 27 and described as follows, Town of

Babylon, known and designated as the South part of Lot 11 in Block No. 1 on a certain map entitled "Map of Amityville Land and Improvement", filed in the Office of the Clerk of the County of Suffolk on November 21, 1891; and

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

WHEREAS, Windsor Village Apartments Co., LLC, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$2,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$2,000.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Windsor Village Apartments Co., LLC, P.O. Box 356, Syosset, New York 11791.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1762-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 778 -2008, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO
LOCAL LAW NO. 13-1976 MICHAEL HEAGERTY AND
MARY HEAGERTY, HUSBAND AND WIFE (SCTM NO. 0403-
010.00-01.00-027.003)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0403 Section 010.00 Block 01.00 Lot 027.003 and acquired by Tax Deed on March 23, 1992 from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on March 23, 1992 in Liber 11438 at Page 253 and described as follows, being and intended to be that parcel of land carried on the tax rolls of the Town of Huntington under SCTM No. 0403-010.00-01.00-027.003; and

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

WHEREAS, Michael Heagerty and Mary Heagerty, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$1,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$1,000.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Quit Claim, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Michael Heagerty and Mary Heagerty, 33 School Lane, Huntington, New York 11743.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

**RESOLUTION NO. 779 -2008, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-
1976 MICHAEL AND KIMBERLY ROSMAN (SCTM NO. 0200-
213.00-08.00-036.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 213.00 Block 08.00 Lot 036.000 and acquired by Tax Deed on August 17, 1998 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 14, 1998 in Liber 11916 at Page 755 and described as follows, Town of Brookhaven, known and designated as part of lot 179 on a certain map entitled "Map of Property of Ronald K. Brown", filed in the Office of the Clerk of the County of Suffolk on October 25, 1910 as Map No. 505; and

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

WHEREAS, Michael and Kimberly Rosman, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$6,300.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$6,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$6,300.00, pursuant to said purchase offer; and

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

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee’s adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Quit Claim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Michael and Kimberly Rosman, 338 Oakland Avenue, Miller Place, New York 11764.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1766-2008

Laid on Table 8/19/2008

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

RESOLUTION NO. 780 -2008, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW – TOWN OF BROOKHAVEN – (SCTM NO. 0200-389.00-05.00-002.000 et al)

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcels that are surplus to the needs of the County of Suffolk; and (see attached Exhibit “A”)

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 these parcels to it (see annexed resolution - Exhibit "B"); and

WHEREAS, the Suffolk County Department of Planning has approved the proposed transfer and use of these parcels; now, therefore be it

1st **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, or his Deputy, hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the properties as described in Exhibit "A" annexed hereto and on the terms and conditions as hereinafter described to said Town of Brookhaven for the sum of \$22,829.50; and be it further

2nd **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for municipal 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 parcels for other than municipal purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcels without said parcels being used thereafter for municipal purposes; and be it further

3rd **RESOLVED**, that said quitclaim deed issued 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: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro Res. No. 1772-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 781 -2008, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO
LOCAL LAW NO. 13-1976 CHARLES NEWBY AND CAITLIN
NEWBY, TENANTS BY ENTIRETY (SCTM NO. 0200-117.00-
02.00-016.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 117.00 Block 02.00 Lot 016.000 and acquired by Tax Deed on September 27, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on October 19, 1909 in Liber 11995 at Page 605 and described as follows, Town of Brookhaven, being and intended to be that parcel of land carried on the tax rolls of the Town of Brookhaven under SCTM No. 0200-117.00-02.00-016.000 ; and

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

WHEREAS, Charles Newby and Caitlin Newby, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$13,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$13,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$13,000.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them; and be it further

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Quitclaim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Charles Newby and Caitlin Newby, 685 Mount Sinai Coram Road, Mount Sinai, New York 11766.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro Res. No. 1773-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 782 -2008, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO**

LOCAL LAW NO. 13-1976 MARIA BUSTAMANTE (SCTM NO. 0500-269.00-01.00-010.001)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 269.00 Block 01.00 Lot 010.001 and acquired by Tax Deed on July 25, 1996 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 5, 1996 in Liber 11785 at Page 839 and described as follows, Town of Islip, known and designated as part of Kentucky Avenue on a certain map entitled "Map of Oakdale Park, Section 3" filed in the Office of the Clerk of the County of Suffolk on December 12, 1903 as Map No. 480; and

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

WHEREAS, Maria Bustamante, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$6,320.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$5,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$6,320.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot.

There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Maria Bustamante, 151 No. 4th Street, Lindenhurst, New York 11757.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1774-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 783 -2008, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-1976 – ROBERT AHERN AND CHRISTINA AHERN (SCTM NO. 0200-244.00-01.00-023.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 244.00 Block 01.00 Lot 023.000 and acquired by Tax Deed on February 17, 1978 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on February 17, 1978 in Liber 8390 at Page 186 and described as follows, Town of Brookhaven, known and designated as part of Lot Nos. 211 & 212 on a certain map entitled “Map of Lake Panamoka, Section 1”, filed in the Office of the Clerk of the County of Suffolk on February 24, 1940 as Map No. 1304. ; and

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

WHEREAS, Robert Ahern and Christina Ahern, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$1,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$1,000.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Robert Ahern and Christina Ahern, 42 Panamoka Trail, Ridge, New York 11961.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1775-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 784 -2008, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-1976 ROBERT AUDIRSCH (SCTM NO. 0100-083.00-01.00-070.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100 Section 083.00 Block 01.00 Lot 070.000 and acquired by Tax Deed on July 10, 2003 from Diane M. Stuke, the Deputy County Treasurer of Suffolk County, New York, and recorded on July 11, 2003 in Liber 12260 at Page 984 and described as follows, Town of Babylon, known and designated as Lot Nos. 23 & 24 in Block 46, on a certain map entitled “Map of Colonial Springs”, filed in the Office of the Clerk of the County of Suffolk as Map No 223 ; and

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

WHEREAS, Robert Audirsch, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$8,250.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$8,250.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$8,250.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Robert Audirsch, 55 Tulip Avenue, P.O. Box 531, Floral Park, New York 11002 .

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1776-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 785 -2008, SALE OF
COUNTY-OWNED REAL ESTATE PURSUANT TO
LOCAL LAW NO. 13-1976 CALOGERO COMAINNI and ENZA
COMAINNI, TENANTS BY ENTIRETY (SCTM NO. 0200-979.70-
06.00-027.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 979.70 Block 06.00 Lot 027.000 and acquired by Tax Deed on July 21, 1997 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 6, 1997 in Liber 11844 at Page 842 and described as follows, Town of Brookhaven, known and designated as Lot No. 151 on a certain map entitled "Map of East Patchogue Park, Section 1", filed in the Office of the Clerk of the County of Suffolk as Map No. 225; and

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

WHEREAS, Calogero Comainni and Enza Comainni, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$1,200.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$2,000.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Calogero Comainni and Enza Comainni, Tenants by Entirety, 110 Hagerman Avenue, East Patchogue, New York 11772.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro Res. No. 1777-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 786 -2008, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-1976 BELFORD PROPERTIES, INC. – (SCTM NO. 0500-368.00-01.00-016.001)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 368.00 Block 01.00 Lot 016.001 and acquired by Tax Deed on December 14, 2000 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on December 21, 2000 in Liber 11338 at Page 369 and described as

follows, Town of Islip, known and designated as part of Railroad Place on a certain map entitled "Map of Penataquit Park No. 1" filed in the Office of the Clerk of the County of Suffolk on January 4, 1908 as Map No. 550; and

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

WHEREAS, BELFORD PROPERTIES, INC., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$4,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$2,700.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$4,000.00, pursuant to said purchase offer; and

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

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

2nd **RESOLVED**, that the deed shall include the following language: AND the premises described herein shall not be independently improved by the erection of any structure, and can be merged with grantee's adjoining parcel if applicable so as to form one single lot. There can be no further subdivision of the merged parcel unless it is consistent with local town and/or village zoning codes and standards of the Suffolk County Department of Health Services, applicable at the time application is made. This restrictive covenant shall be enforceable by the County of Suffolk by injunctive relief or by any other remedy, in equity, or at law. The failure of the County of Suffolk or any agency thereof to enforce this covenant, shall not be deemed to impose any liability whatsoever upon the County of Suffolk or any officer, employee or agent thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them.

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in

the above described property and on the above described terms to said BELFORD PROPERTIES, INC., 4 Belford Avenue, Bay Shore, New York 11706.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator D’Amaro made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-1-0-1-0. Legislator Alden voted no. Legislator Montano was not present.

Intro. Res. No. 1794-2008 Laid on Table 8/19/2008
Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. 787 -2008, AUTHORIZING CERTAIN TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO. 336-2008 AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – OPEN SPACE PRESERVATION PROGRAM OSTLER PROPERTY - FORGE RIVER ADDITION – TOWN OF BROOKHAVEN – (SCTM NO. 0200-713.00-03.00-001.000)

WHEREAS, Resolution No. 336-2008, when adopted, contained a technical error; and

WHEREAS, it is the desire of the County to Amend Resolution No. 336-2008 to correct these errors; now, therefore be it

1st RESOLVED, that the 2nd WHEREAS clause of Resolution No. 336-2008 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 be it further

2nd RESOLVED, that the 3rd RESOLVED clause of Resolution No. 336-2008 is hereby amended as follows:

3RD RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$635,000.00, subject to a final survey, from previously

appropriated funds in Capital Project 525-CAP-7177.227 [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: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Eddington made motion for the following resolution, seconded by Legislator Beedenbender. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1795-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 788 -2008, AUTHORIZING CERTAIN TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO. 234-2008 AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – OPEN SPACE PRESERVATION PROGRAM FOR THE VERRICO PROPERTY – PATCHOGUE RIVER WETLANDS ADDITION – TOWN OF BROOKHAVEN – (SCTM NO. 0200-865.00-03.00-053.000)

WHEREAS, Resolution No. 234-2008, when adopted, contained a technical error; and

WHEREAS, it is the desire of the County to Amend Resolution No. 234-2008 to correct these errors; now, therefore, be it

1st RESOLVED, that the 2nd WHEREAS clause of Resolution No. 234-2008 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 be it further

2nd RESOLVED, that the 3rd RESOLVED clause of Resolution No. 234-2008 is hereby amended as follows:

3RD RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$92,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-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: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1796-2008

Laid on Table 8/19/2008

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

RESOLUTION NO. 789 -2008 AUTHORIZING CERTAIN TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO. 233-2008 AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – OPEN SPACE PRESERVATION PROGRAM FOR THE RODICK REALTY CORP. PROPERTY – MASTIC/SHIRLEY CONSERVATION AREA II – TOWN OF BROOKHAVEN – (SCTM NOS. 0200-983.40-06.00-034.000 AND 0200-983.40-06.00-035.000)

WHEREAS, Resolution No. 233-2008, when adopted, contained a technical error; and

WHEREAS, it is the desire of the County to Amend Resolution No. 233-2008 to correct these errors; now, therefore be it

1st RESOLVED, that the 2nd WHEREAS clause of Resolution No. 233-2008 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 be it further

2nd RESOLVED, that the 3rd RESOLVED clause of Resolution No. 233-2008 is hereby amended as follows:

3RD RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$40,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-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: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Losquadro made motion for the following resolution, seconded by Legislator Beedenbender. The resolution was passed 15-2-0-1-0. Legislators Alden and Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1797-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 790 -2008, AUTHORIZING CERTAIN TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO. 232-2008 AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM – OPEN SPACE PRESERVATION PROGRAM FOR THE KARRAS PROPERTY – MILLER PLACE/YAPHANK ROAD NP ADDITION – TOWN OF BROOKHAVEN – (SCTM NO. 0200-188.00-05.00-006.000)

WHEREAS, Resolution No. 232-2008, when adopted, contained a technical error; and

WHEREAS, it is the desire of the County to Amend Resolution No. 232-2008 to correct these errors; now, therefore be it

1st RESOLVED, that the 2nd WHEREAS clause of Resolution No. 232-2008 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 be it further

2nd RESOLVED, that the 3rd RESOLVED clause of Resolution No. 232-2008 is hereby amended as follows:

3RD RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$10,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-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: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Introduced by Presiding Officer Lindsay and Legislator Alden

LOT 9/16/08

PROCEDURAL MOTION 25 - 2008, APPROVING PARTIAL SETTLEMENT OF MTBE LITIGATION (TOTAL PETROCHEMICALS USA, INC. AND CROWN CENTRAL PETROLEUM CORP.)

WHEREAS, Procedural Motion No. 4-2001, authorized the retention of a law firm to take legal action against oil companies, refineries and other responsible parties to compel the clean up of Methyl Tertiary Butyl Ether ("MTBE") contamination of Suffolk County water supplies or recover reimbursement for damages/costs associated with the MTBE contamination; and

WHEREAS, Weitz and Luxenberg, 180 Maiden Lane, New York, NY, was selected to bring the appropriate legal actions on behalf of the County of Suffolk pursuant to Procedural Motion No. 6-2001; and

WHEREAS, Procedural Motion No. 9-2006 authorized the retention of Baron and Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas, as co-counsel in the MTBE litigation; and

WHEREAS, Weitz and Luxenberg initiated an action on behalf of the County of Suffolk in federal district court against numerous oil companies and refineries claiming damages arising from the contamination of water supplies by MTBE and Tertiary Butyl Alcohol (“TBA”); and

WHEREAS, the County’s case is part of the Multi-District Litigation caption, *In re Methyl Tertiary Butyl Ethel (MTBE) Products Liability Litigation*, Master File No., 1:00-1898, MDL1358 (SAS), M21-88 (S.D.N.Y.); and

WHEREAS, outside counsel recommended and this Legislature authorized, by Procedural Motion No. 4-2008, the partial settlement of the County’s MTBE claims against the defendants representing approximately 70% of the total gasoline refining markets of named defendants in this case; and

WHEREAS, outside Counsel recommended and this Legislature authorized, by Procedural Motion No. 17-2008, the partial settlement of the County’s MTBE claims against Lyondell Chemical Corp.; and

WHEREAS, outside Counsel recommended and this Legislature authorized, by Procedural Motion No. 22-2008, the partial settlement of the County’s MTBE claims against defendant Exxon Mobil; and

WHEREAS, outside counsel has now recommended that the County of Suffolk settle its MTBE claim against additional defendants, TOTAL Petrochemicals USA, Inc. and Crown Central Petroleum Corporation; and

WHEREAS, under these settlements the County of Suffolk will be paid \$3,429.06 (TOTAL Petrochemicals USA, Inc.) and \$4,274.57 (Crown Central Petroleum Corp.) from which attorney’s fees and expenses will be paid; now, therefore be it

1st RESOLVED, that a partial settlement of the County’s MTBE claim, *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*, against TOTAL Petrochemicals USA, Inc. and Crown Central Petroleum Corp. as described herein, is approved; and be it further

2nd RESOLVED, that the Presiding Officer of the Suffolk County Legislature and Counsel to the Suffolk County Legislature are hereby authorized to execute such documents as may be necessary to effectuate such settlement.

DATED: Adopted September 16, 2008

EFFECTIVE IMMEDIATELY PURSUANT TO §A2-15(A) OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

s:\procedural motions\MTBE-total-petrochemicals-crown

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

PROCEDURAL RESOLUTION NO. 26-2008, AUTHORIZING CONTINUED FUNDING IN CONNECTION WITH ENFORCEMENT OF LIPA SETTLEMENT AGREEMENT AGAINST LIPA OVERCHARGE OF SUFFOLK RATEPAYERS

WHEREAS, Procedural Motions Nos. 8-2002 and 7-2005 authorized the retention of Reilly, Like, and Tenety, 179 Little East Neck Road, North Babylon, NY 11702, to represent the County of Suffolk to seek full recovery of any and all overpayments by Suffolk County consumers of the LIPA Bill Credit Rate Differential for the period from on or about July 1, 1998 to the date on which such overpayments terminate; and

WHEREAS, in order to prosecute the lawsuit seeking recovery, Reilly, Like, and Tenety recommended the retention of Hudson River Energy Group, 120 Washington Avenue, Albany, NY 12210, as forensic accountants; and

WHEREAS, the County Legislature contracted directly with Hudson River Energy Group in the amount of \$50,000.00, which contract expired on December 31, 2005; and

WHEREAS, Resolution No. 6-2006 authorized continued funding for Hudson River Energy Group in the amount of \$62,500.00 to extend their services; and

WHEREAS, Resolution No. 5-2008 authorized continued funding for Hudson River Energy Group in the amount the \$45,000.00 to extend their services; and

WHEREAS, Special Counsel advises that additional funding is required for Hudson River Energy Group to act as a consultant as the County's case against LIPA enters a final phase; now, therefore, be it

1st RESOLVED, that this Legislature hereby authorizes the Presiding Officer to execute such agreements with Hudson River Energy Group to carry out their work in an amount not to exceed Twenty-Eight Thousand, Five Hundred Dollars and 00/100 (\$28,500.00) of County Legislative funds, said amount to be paid from the Budget Review Office Fees for Services: Non-Employees (001-LEG-1025-4560) appropriation; and be it further

2nd RESOLVED, that all other terms and conditions of Procedural Motions Nos. 8-2002 and 7-2005 shall remain in full force and effect.

DATED: Adopted September 16, 2008

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

s:\procedural motions\further-extend-hudson-river-2008

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

Introduced by Presiding Officer Lindsay

Laid on Table 9/16/08

**MOTION NO. 27 – 2008, PROCEDURAL RESOLUTION
AUTHORIZING FUNDING FOR COMMUNITY SUPPORT
INITIATIVES (PHASE VIII)**

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

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

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

<u>AGENCY</u>	<u>SPONSOR</u>	<u>AMOUNT</u>
Airmid Theatre Company	Horsley	\$1,000
Bayport Bluepoint Youth Lacrosse	Lindsay	\$3,000
Brentwood Public Library	Montano	\$5,000
Canine Companions for Independence	Alden	\$1,000
Central Islip Public Library	Montano	\$5,000
Christ the King Parish Outreach	Kennedy	\$2,000
Community Food Council	Cooper	\$1,000
Deer Park Lion's Club	D'Amaro	\$1,500
EAC, Inc.	Montano	\$2,000
Environmental Centers Setauket/Smithtown Sweetbriar Nature Center	Kennedy	\$2,000
Fundacion Hispanoamericana, Inc.	Montano	\$2,000
Girl Scouts of Suffolk County, Inc.	Kennedy	\$1,000
Hawkins Path PTA	Beedenbender	\$1,500
Holbrook Chamber of Commerce	Lindsay	\$1,000
Holbrook Road PTA	Beedenbender	\$2,000
Huntington Freedom Center	D'Amaro	\$1,000
Huntington Village Lacrosse	Cooper	\$1,000
IRIE, Inc.	Romaine	\$2,500
Jericho Elementary School PTA	Beedenbender	\$1,000
Knights of Columbus Council 4428	Stern	\$1,000
LI Housing Partnership	Viloria-Fisher	\$1,000
LI Museum of American Art, History and Carriages	Viloria-Fisher	\$1,000
Long Island Blue Jays Jr. Drum and Bugle Corps, Inc.	Lindsay	\$1,000
Long Island Gay and Lesbian Youth,	Gregory	\$10,000

<u>AGENCY</u>	<u>SPONSOR</u>	<u>AMOUNT</u>
Inc.		
Long Island Maritime Museum	Lindsay	\$5,000
Mastic Beach Property Owners Association, Inc.	Browning	\$6,000
Mentoring Partnership of Long Island	Cooper	\$1,000
Nesconset Athletic Association	Kennedy	\$3,000
New York Chariots of Fire	Cooper	\$1,000
North Babylon Youth League	D'Amaro	\$2,000
NYSARC, Inc. -- Suffolk Chapter	Alden	\$1,000
OLA of Easter Long Island, Inc.	Schneiderman	\$1,000
Oxhead Road Elementary School PTA	Beedenbender	\$1,600
Parish of the Holy Cross	Kennedy	\$1,500
Sachem Teen Center	Kennedy	\$1,500
Senior Net Learning Center	Cooper	\$2,000
Springs Community Presbyterian Church	Schneiderman	\$2,000
St. Johnland Nursing Center	Nowick	\$4,000
St. Louis de Montfort RCC Outreach	Losquadro	\$2,000
St. Mary's Episcopal Church	Kennedy	\$1,500
St. Patrick Parish Outreach	Kennedy	\$2,000
St. Thomas More Parish Outreach	Kennedy	\$1,500
Suffolk Cooperative Library System	Kennedy	\$1,000
Suffolk County United Veterans Halfway House Project, Inc.	Alden	\$1,000
Suffolk Obedience Training Club, Inc.	Stern	\$1,000
Suffolk Obedience Training Club, Inc.	D'Amaro	\$1,000
The Right Start Foundation	Gregory	\$2,000
The Young Mens Christian Association of LI	Cooper	\$1,500
Unity Drive PTA	Beedenbender	\$1,000
Walt Whitman Birthplace Association	D'Amaro	\$1,000
Westhampton Cultural Consortium, Inc. (Youth Alliance)	Schneiderman	\$2,000
Westhampton Cultural Consortium, Inc.	Schneiderman	\$2,000
Wildcat Athletic Club	Losquadro	\$1,500

and be it further

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

DATED: Adopted September 16, 2008

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

COUNTY CHARTER

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

Intro. Res. No. 1871-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 746 -2008, CONFIRMING
APPOINTMENT OF COUNTY COMMISSIONER OF
INFORMATION TECHNOLOGY (GARY QUINN)**

WHEREAS, the Suffolk County Legislature adopted Resolution No. 138-2006 (I.R. 1064-2006), a "Charter Law Creating a County Department of Information Technology" on February 7, 2006; and

WHEREAS, the Commissioner of the County Department of Information Technology is appointed by the County Executive of Suffolk County to head the Suffolk County Department of Information Technology, subject to the approval of the County Legislature, under Section 20-2(A) of the SUFFOLK COUNTY CHARTER; and

WHEREAS, Steve Levy, the County Executive of Suffolk County, after due consideration, has appointed Gary Quinn, currently residing at 2 Pheasant Run, Old Field, New York 11733, as Commissioner of the Suffolk County Department of Information Technology; now, therefore be it

1st **RESOLVED** that the appointment of Gary Quinn, currently residing at 2 Pheasant Run, Old Field, New York 11733, as Commissioner of the Suffolk County Department of Information Technology, is hereby approved, pursuant to Section 20-2(A) of the SUFFOLK COUNTY CHARTER, to serve at the pleasure of the County Executive of Suffolk County, effective immediately; and be it further

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

Legislator Beedenbender made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-0-1-1-0. Legislator Browning abstained. Legislator Montano was not present.

Intro. Res. No. 1880-2008

Laid on Table 9/16/2008

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

RESOLUTION NO 775 - 2008, AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION AND TO EXECUTE A REVISED AIRPORT JOINT USE AGREEMENT WITH THE NEW YORK AIR NATIONAL GUARD

WHEREAS, the County of Suffolk owns and operates Francis S. Gabreski Airport, a general aviation airport in Westhampton Beach, New York; and

WHEREAS, through Resolution No. 250-2005 the County entered into an Airport Joint Use Agreement (AJUA) with the New York Air National Guard which in part held the Air National Guard 106th Rescue Wing responsible for providing air traffic control services; and

WHEREAS, the Federal Aviation Administration has offered to accept Suffolk County into the FAA Air Traffic Control Tower Program whereby the FAA will provide the funding for air traffic control services; and

WHEREAS, by participating in the FAA Air Traffic Control Tower Program, the County addresses one of the major issues that surfaced during the last BRAC (Base Relocation and Closure) review, the Federal cost of operating and maintaining the 106th Rescue Wing at Gabreski Airport. The County's participation will reduce the 106th's overhead costs by \$680,000 annually and at no additional cost to the County; and

WHEREAS, as a result of Suffolk County's participation in the FAA program the Airport Joint Use Agreement with the New York Air National Guard needs to be amended to reflect this change; now, therefore be it

1st RESOLVED, that the County Legislature hereby authorizes the County Executive or his designee to negotiate and execute an amendment to the Airport Joint Use Agreement upon such terms and conditions which are mutually acceptable, so as to allow the County, as Airport Sponsor, to enter into the FAA Airport Traffic Control Tower Program; and be it further

2nd RESOLVED, that the County Legislature hereby authorizes the County Executive or his designee to execute an Agreement with the Federal Aviation Administration on behalf of the County of Suffolk providing for the municipality's participation in the FAA Airport Traffic Control Tower Operating Agreement.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 17, 2008

Deputy Presiding Officer Viloría-Fisher made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 16-1-0-1-0. Legislator Barraga voted no. Legislator Montano was not present.

Intro. Res. No. 1651-2008

Laid on Table 6/24/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 791-2008, ESTABLISHING A TRUTH AND ACCURACY POLICY TO REFLECT THE IMPACT OF NEW YORK STATE EQUALIZATION ON SUFFOLK COUNTY REAL PROPERTY TAX BILLING

WHEREAS, Resolution No. 256-1998, *Establishing A Truth And Accuracy In Property Tax Billing Policy*, provided for reformatting of the tax bill to separately state and set forth the tax due for the County General Fund and the Police District Fund; and

WHEREAS, Local Law No. 11-1999, "A Local Law to Implement County's Truth and Accuracy in Property Tax Billing Policy," requires all ten (10) Suffolk County towns to comply with Resolution No. 256-1998, otherwise be subject to financial penalties; and

WHEREAS, a stipulation of settlement ("Stipulation") was executed by the ten (10) towns of Suffolk County and so-ordered by the Court on November 11, 1999, requiring compliance by the ten (10) towns with the Stipulation and Local Law No. 11-1999; and

WHEREAS, Article 12 of the New York State Real Property Tax Law requires the New York State Office of Real Property Services (ORPS) to establish a State Equalization Rate (Equalization Rate) for each County to determine the full valuation of taxable real property therein which is used to apportion taxes; and

WHEREAS, because of the diverse real estate market in Suffolk County, some towns experience changes to the County portion of the tax bill due to the Equalization Rate set by ORPS, not in conformance with the actual change from the previous year; and

WHEREAS, the existing format of the tax bills printed by the towns of Suffolk County does not set forth the percentage change of the General Fund or the Police District Fund before adjustment by the Equalization Rate; and

WHEREAS, the result of not showing the percent change of the aforesaid funds before adjustment by the Equalization Rate renders the taxpayer incapable of discerning the actual change of the Suffolk County budget; and

WHEREAS, it would be in the taxpayers' best interest if the tax bill sent to real property owners by the Receivers of Taxes of the ten (10) Suffolk County towns set forth on separate lines the percent change to the General Fund and the Police District Fund before adjustment by the Equalization Rate; now, therefore, be it

1st RESOLVED, that the first RESOLVED clause of Resolution No. 256-1998 is hereby amended to read as follows:

RESOLVED, that, pursuant to Sections 11 and 21 of the SUFFOLK COUNTY TAX ACT, the real property tax bills to be prepared by the Receiver of Taxes of the ten (10) towns of Suffolk County shall be reformatted as follows: Commencing with the tax bill for the tax year 2008-2009 [1998-1999], and then in all tax years thereafter, the tax bill shall set forth on a separate line attributable to the Town Portion of the tax bill the amount of taxes due for any Tax Certiorari Award, Settlement, or Judgment, or for any Erroneous Town Assessment. The said separate Town line shall read as follows: Erroneous Town Tax Assessments. If an additional line is not available, then the amount of such taxes due shall be included as part of the Town General Fund tax line. Commencing with the tax bill for tax year 2008-2009 [1998-1999], and then in all tax years thereafter, the County portion of the tax bill shall be divided into two separate lines that shall read, where applicable: [one for the General Fund and one for the Police District Fund, where applicable.]

"General Fund, ——% change from prior year":

"Police District Fund, ——% change from prior year."

The "General Fund" and "Police District Fund" lines must appear on the front portion of the tax bill, and the related percent change or changes appearing on the front portion of the tax bill must not reflect the Equalization Rate or changes in the full equalized value of property. The following explanation shall appear on the back portion of the tax bill: "With respect to the County portion of the tax bill, any deviation from percentages listed is due to State adjustments and changes in the full equalized value of property." Simultaneous with sending out the tax warrant to each of the ten (10) Suffolk County Town Receivers of Taxes, the Clerk of the Legislature is directed to send out letters to such towns that provide the appropriate Countywide "percent change from prior year," along with the calculations used to arrive at the percentage provided for each County tax line. Such "percent change from prior year" shall include the Countywide percent change for each County tax line that appears on each town tax bill. The Receivers of Taxes shall utilize such percent changes provided by the County for the County tax lines appearing on the front of each town tax bill accordingly. Under no circumstances shall the amounts shown on the tax warrant as Erroneous Assessment, Tax Certiorari, and/or Tax Refund be

included under the category Suffolk County, County, County of Suffolk, etc.;

and be it further

and be it further

2nd **RESOLVED**, that this Resolution shall apply to all payments, assistance, or transfers occurring on or after the effective date of this Resolution; and be it further

3rd **RESOLVED**, that failure of a public official to comply with the 1st RESOLVED Clause of this Resolution shall be deemed malfeasance in office; and be it further

4th **RESOLVED**, 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; and be it further

5th **RESOLVED**, that this resolution shall take effect immediately.

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 17, 2008

Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 10-7-0-1-0. Legislator Montano was not present.

Intro. Res. No. 1736-2008

Laid on Table 8/5/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 792 -2008, ADOPTING LOCAL LAW
NO. 38 -2008, A LOCAL LAW TO ENHANCE THE COUNTY’S
TRUTH AND ACCURACY IN PROPERTY TAX BILLING
POLICY**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on August 5, 2008, a proposed local law entitled, **“A LOCAL LAW TO ENHANCE THE COUNTY’S TRUTH AND ACCURACY IN PROPERTY TAX BILLING POLICY;”** and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. 38 -2008, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ENHANCE THE COUNTY’S TRUTH AND ACCURACY IN PROPERTY TAX BILLING POLICY

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Resolution No. 256-1998, “Establishing a Truth and Accuracy in Property Tax Billing Policy,” was adopted for the purpose of establishing clear and accurate lines of real property tax accountability subject to the penalty of ineligibility for County assistance or compensation in the event of willful violation by any of the Suffolk towns.

This Legislature further finds that Article 12 of the New York State Real Property Law requires the State of New York, Office of Real Property Services, to establish a State Equalization Rate, and this rate often increases the County taxes appearing on the real property tax bills sent out by the towns of Suffolk County.

This Legislature also finds that, as a result of the passage of this state law, and other state laws that may affect the County taxes appearing on real property tax bills, the County of Suffolk needs the flexibility to require the Town Receivers of Taxes to modify tax lines already existing on the tax bills and establish additional tax lines on the tax bills, subject to the aforementioned financial penalty.

Therefore, the purpose of this law is to afford the County the ability to more accurately and truthfully report real property tax information to the taxpayers of this County, and to continue to furnish the County with a mechanism to require compliance by the Suffolk towns with such reporting.

Section 2. Amendment.

Article II, Chapter 176, of the SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS is hereby amended to read as follows:

ARTICLE II, PROPERTY TAX BILLING

* * * *

§ 176-6. Requirement.

- A.) In the event that the Legislative Office of Budget Review, in consultation with the Legislature's Counsel, certifies that tax bills are printed, and/or mailed by the Town Receivers of Taxes in a format that does not comply with Suffolk County Resolution No. 256-1998, "Establishing a Truth and Accuracy in Property Tax Billing Policy," or any amendments thereto, then the County Department of Audit and Control and the County Department of Finance and Taxation are hereby authorized, empowered, and directed to decline to process for payment or actually pay any form of county financial assistance or county compensation that is 100% county-funded (including sewer tax stabilization monies authorized by Resolution No. 1100-98, "A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection, and County Taxpayers") to a town within the County of Suffolk, including but not limited to payments under §C4-6J of the Suffolk County Charter.
- B.) In the event that any town willfully violates the provisions of Resolution No. 256-1998 or any amendments thereto by knowingly refusing to provide the separate tax bill lines, then such town shall be ineligible for receipt of any form of financial aid or assistance from the County of Suffolk, including sewer tax stabilization monies authorized by Resolution No. 1100-98, "A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection, and County Taxpayers," any program of county assistance or compensation for the printing of such tax bills, and transfers of real property or personal property to a town within the County of Suffolk, for as long as such town is out of compliance with Resolution No. 256-1998 or any amendments thereto. Funding for the printing of real property tax bills shall not be paid unless the County Department of Law has first approved the actual formatting of tax bills by the pertinent town taxing jurisdiction as being in compliance with Resolution No. 256-1998, or any amendments thereto, and only if the Legislative Office of Budget Review, in consultation with the Legislature's Counsel, certifies that tax bills are printed, and/or mailed by the Town Receivers of Taxes in a format that is in compliance with Suffolk County Resolution No. 256-1998 or any amendments thereto.

* * * *

Section 3. Applicability.

This law shall apply to all payments for tax bill preparation occurring on or after August 5, 2008 on the part of the County Treasurer, the County Comptroller and/or the County's Department of Public Works, as the case may be, and to all other payments, assistance, or transfers occurring on or after the effective date of this law.

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 22, 2008
After a public hearing duly held on September 22, 2008
Filed with the Secretary of State on September 25, 2008

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

Legislator Montano was not present.

Intro Res. No. 1783-2008

Laid on Table 8/19/2008

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

RESOLUTION NO. 793 -2008, AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF ISLIP IN CONNECTION WITH IMPROVEMENTS TO LIGHTING AND PAVING ON CR 100, SUFFOLK AVENUE, TOWN OF ISLIP (CP 5185.310/5185.510)

WHEREAS, Resolution No. 935-2006 appropriated \$200,000 for improvements to lighting and paving on CR 100, Suffolk Avenue in the Town of Islip; and

WHEREAS, the Suffolk County Department of Public Works has determined that this project would be more appropriately administered by the Town of Islip; and

WHEREAS, the Town of Islip will assume responsibility for project planning, administration and construction; now, therefore be it

1st RESOLVED, that the County Legislature hereby authorizes the County Executive, or his designee, subject to the approval of the County Attorney, to execute an intermunicipal agreement with the Town of Islip for the transfer of funding to the Town of Islip for said project, and to execute any and all contract documents related to this project, on behalf of the County of Suffolk providing for Suffolk County's participation in the above referenced project; and be it further

2nd RESOLVED, that the intermunicipal agreement and all other contract documents shall be subject to the approval of the County Attorney.

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

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

Intro. Res. No. 1881-2008

Laid on Table 9/16/2008

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

RESOLUTION NO. 794 -2008, AMEND RESOLUTION NO. 444-2008, AUTHORIZING ESTEE LAUDER BREAST

**CANCER AWARENESS PROGRAM AT H. LEE DENNISON
EXECUTIVE OFFICE BUILDING AND COHALAN COURT
COMPLEX**

WHEREAS, Resolution No. 444-2008 authorized the Suffolk County Department of Public Works to illuminate the H. Lee Dennison Executive Office Building and the Cohalan Court Complex with a pink glow on October 1, 2008 in support of the Breast Cancer Research Foundation's Illumination Project; and

WHEREAS, the Breast Cancer Research Foundation has requested that the date for this illumination be moved to October 2, 2008; now, therefore be it

1st **RESOLVED**, that that 1st RESOLVED clause of Resolution No. 444-2008 is hereby amended to read as follows:

1st **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to illuminate the north side of the H. Lee Dennison Executive Office Building facing Veterans Memorial Highway and the Cohalan Court Complex at the south east corner of Carleton Avenue, Central Islip at 7:00 p.m., with a pink glow, on the night of ~~[Wednesday]~~ Thursday, October ~~[1]~~ 2, 2008 in support of The Breast Cancer Research Foundation's illumination project; and be it further

and be it further

2nd **RESOLVED**, that all other terms and conditions of Resolution No. 444-2008 shall remain in full force and effect.

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

DATED: September 16, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: September 26, 2008

**ADJOURNED 6:37PM
TIM LAUBE, CLERK OF THE LEGISLATURE**