

**SEVENTEENTH DAY**

**REGULAR MEETING**

**October 14, 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 9:37 a. m. by Presiding Officer William Lindsay. The Clerk called the roll and the following were found present: Deputy Presiding Officer Viloría-Fisher, Legislators Schneiderman, Browning, Beedenbender, Losquadro, Eddington, Montano, Barraga, Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro and Cooper.

Legislator Romaine arrived at 9:38 a.m.

Legislator Alden arrived at 10 a.m.

Pledge of Allegiance.

Statements and Presentations  
Public Portion

-----  
***A BRIEF RECESS WAS TAKEN FROM 9:57 A.M. TO 10:31 A.M.***

The Clerk called the roll at 11 a.m. and the following were found present: Presiding Officer Lindsay, Deputy Presiding Officer Viloría-Fisher, Legislators Romaine, Schneiderman, Browning, Beedenbender, Losquadro, Eddington, Montano, Alden, Barraga, Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro and Cooper.

***AN EXECUTIVE SESSION WAS HELD FROM 12:13 P.M. TO 12:34 P.M.***

***THE MEETING WAS RECESSED AT 12:35 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 Romaine, Schneiderman, Browning, Beedenbender, Losquadro, Eddington, Alden, Barraga, Kennedy, Nowick, Horsley, Gregory, Stern and D'Amaro.

Legislator Montano arrived at 2:40 p.m.

Legislator Cooper was not present.

***A BRIEF RECESS WAS TAKEN FROM 4:35 P.M. TO 5:27 P.M.***

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

Legislator Cooper was not present.

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro Res. No. 1825-2008

Laid on Table 9/16/2008

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

RESOLUTION NO. 795 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE NO. 304

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

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

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

**2<sup>nd</sup>** **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> |
|---------------------------|-------------|---------------------|----------------------|--------------------------------------|
| 0100-068.00-01.00-046.019 | 2007/08     | \$ 5,031.49         | 0                    | \$ 5,031.49                          |
| 0100-083.00-04.00-096.000 | 2007/08     | \$22,853.12         | 0                    | \$22,853.12                          |

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008  
-----

**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro Res. No. 1826-2008

Laid on Table 9/16/2008

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

RESOLUTION NO. 796 -2008, TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGEBACKS ON CORRECTION OR ERRORS/COUNTY TREASURER BY: COUNTY LEGISLATURE NO. 305

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

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

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

**2<sup>nd</sup> 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> |
|--|-------------|---------------------|----------------------|--------------------------------------|
| 0200-275.00-02.00-001.000<br>(Item #8012203) | 2007/08     | \$75,189.90         | 0                    | \$75,189.90                          |
| 0500-120.00-03.00-062.000                    | 1996/97     | \$11,870.36         | 0                    | \$11,870.36                          |

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.

Intro. Res. No. 1836-2008  
 Introduced by Presiding Officer Lindsay

Laid on Table 9/16/2008

**RESOLUTION NO. 797 –2008, AMENDING THE 2008 OPERATING BUDGET TO ACCEPT AND APPROPRIATE 100% STATE GRANT FUNDS FROM THE NEW YORK STATE BOARD OF ELECTIONS TO THE SUFFOLK COUNTY BOARD OF ELECTIONS FOR VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES – POLLING PLACE ACCESS IMPROVEMENT**

**WHEREAS**, the New York State Board of Elections has awarded 100% grant funds to the Suffolk County Board of Elections for polling place access improvements that allow for increased access to voting by individuals with disabilities in the amount of \$622,997; and

**WHEREAS**, \$388,702 is awarded for voting access for individuals with disabilities in contract C002689; and

**WHEREAS**, \$186,739 is awarded for voting access for individuals with disabilities in contract C002631; and

**WHEREAS**, \$47,556 is awarded for voting access for individuals with disabilities in contract T002814; and

**WHEREAS**, the Help America Vote Act of 2002 (HAVA) was implemented to increase voting accessibility for individuals with disabilities; and

**WHEREAS**, funds will be used to purchase equipment for polling sites, which will allow for greater accessibility for persons with disabilities; and

**WHEREAS**, funds will be used to purchase 800 privacy booths for HAVA compliant voting machines; and

**WHEREAS**, these funds are 100% State funded; and

**WHEREAS**, Section 4-31(G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the 2008 Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate the following funds and authorizations:

| <u>FD</u> | <u>AGY</u> | <u>REV CODE</u> | <u>REVENUE NAME</u>   | <u>AMOUNT</u> |
|-----------|------------|-----------------|-----------------------|---------------|
| 001       | BOE        | 3070            | STATE AID: BOE - HAVA | \$622,997     |

APPROPRIATIONS:

| <u>FD</u> | <u>AGY</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>UNIT &amp; OBJECT NAME</u>                          | <u>AMOUNT</u> |
|-----------|------------|-------------|------------|------------|--|---------------|
| 001       | BOE        | 1455        | 0000       | 3500       | BOE-VOTING ACCESS IND W<br>DSBLTS- Other: Unclassified | \$622,997     |

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the monies appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding equipment purchases for making polling sites more accessible to persons with disabilities; and be it further

**3<sup>rd</sup>** **RESOLVED**, that any unexpended funds be reappropriated in the 2009 Operating Budget, and will be fully expended by March 31, 2009 in conformance with the terms of the grant award; and be it further

**4<sup>th</sup>** **RESOLVED**, that the Commissioners of the Suffolk County Board of Elections are authorized and directed to execute related agreements.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro. Res. No. 1818-2008  
Introduced by the Presiding Officer

Laid on Table 9/16/08

**RESOLUTION NO. 798 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED DEPARTMENT OF PUBLIC WORKS ENGINEERING ASSISTANCE TO ADDRESS PROCESS AND CAPACITY IMPROVEMENTS TO SEWER DISTRICT NO. 20 – WILLIAM FLOYD, TOWN OF BROOKHAVEN (CP 8147)**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Department of Public Works Engineering Assistance to Address Process and Capacity Improvements to Sewer District No. 20 – William Floyd, Town of Brookhaven CP 8147 ", pursuant to Section 6 of Local Law No. 22-1985 which

project involves the engineering studies needed to evaluate the existing treatment process and the likely addition to equalization facilities; and

**WHEREAS**, at its August 20, 2008 meeting, the CEQ reviewed the information submitted by the Suffolk County Department of Public Works in connection with this project; and

**WHEREAS**, the CEQ recommended that the above activity be considered a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(20) and (21) and Chapter 279 of the Suffolk County Code; and

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

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

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Department of Public Works Engineering Assistance to Address Process and Capacity Improvements to Sewer District No. 20 – William Floyd, Town of Brookhaven CP 8147, constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(20) and (21) and Chapter 279 of the Suffolk County Code, which project involves the engineering studies needed to evaluate the existing treatment process and the likely addition to equalization facilities; and be it further

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro. Res. No. 1819-2008  
Introduced by the Presiding Officer

Laid on Table 9/16/2008

**RESOLUTION NO. 799 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED DEPARTMENT OF PUBLIC WORKS ENGINEERING ASSISTANCE TO ADDRESS ODOR RELATED ISSUES AT SEWER DISTRICT NO. 5 – STRATHMORE HUNTINGTON, TOWN OF HUNTINGTON**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Department of Public Works Engineering Assistance to Address Odor Related Issues at Sewer District No. 5 – Strathmore Huntington, Town of Huntington", pursuant to Section 6 of Local Law No. 22-1985 which project involves the engineering studies needed to evaluate the existing open treatment tanks and structural and process modifications to reduce the potential for odors; and

**WHEREAS**, at its August 20, 2008 meeting, the CEQ reviewed the information submitted by the Suffolk County Department of Public Works in connection with this project; and

**WHEREAS**, the CEQ recommended that the above activity be considered a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(20) and (21) and Chapter 279 of the Suffolk County Code; and

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

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

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Department of Public Works Engineering Assistance to Address Odor Related Issues at Sewer District No. 5 – Strathmore Huntington, Town of Huntington constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(20) and (21) and Chapter 279 of the Suffolk County Code, which project involves the engineering studies needed to evaluate the existing open treatment tanks and structural and process modifications to reduce the potential for odors; and be it further

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

**3rd RESOLVED**, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is

hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro. Res. No. 1820-2008  
Introduced by the Presiding Officer

Laid on Table 9/16/2008

**RESOLUTION NO. 800 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED DEPARTMENT OF PUBLIC WORKS SEWER DISTRICT NO. 13 WINDWATCH STP EXPANSION, TOWN OF ISLIP**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Department of Public Works Sewer District No. 13 Windwatch STP Expansion, Town of Islip", pursuant to Section 6 of Local Law No. 22-1985 which project involves the expansion of the existing sewage treatment plant for use by adjacent communities. Two of the adjacent communities have existing wastewater treatment facilities that are in poor condition and the subject of consent orders and would connect to the expanded facility. Additional flow from proposed adjacent developments will result in the facility being increased from its present permitted capacity of 400,000 gallons per day to an ultimate capacity of 750,000 gallons per day. The expansion involves additional building to enclose treatment facilities along with the appropriate number of leaching pools for the treated effluent; and

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

**WHEREAS**, at its August 20, 2008 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

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

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

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

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Department of Public Works Sewer District No. 13 Windwatch STP Expansion, Town of Islip constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and the Suffolk County Code;
- 3.) The parcel does not appear to suffer from any severe environmental development constraints (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 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

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro. Res. No. 1821-2008  
Introduced by the Presiding Officer

Laid on Table 9/16/2008

**RESOLUTION NO. 801 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE WARNER DUCK FARM PROPERTY, TOWN OF RIVERHEAD**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Warner Duck Farm Property, Town of Riverhead", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of approximately 13.5 acres of land by Suffolk County for open space preservation purposes; and

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

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

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

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

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

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

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

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The proposed use of the subject parcel is passive recreation;
- 3.) The Suffolk County Division of Real Property Acquisition and Management will have all debris and dilapidated structures on the site removed prior to transfer of the property to the Parks Department;
- 4.) The existing barn on the site will be evaluated as to its historic significance and the Department of Parks, Recreation and Conservation will present the Department's interest in retaining or removing the structure; and
- 5.) The Division of Real Property will present the various removal options to the CEQ if it is determined that the barn should be removed prior to the transfer of the property to the Parks Department;

and be it further

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

**RESOLUTION NO. 802 -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF A CONSERVATION EASEMENT KNOWN AS THE LAUREL LAKE COUNTY PARK ADDITION – JACOBY LTD FAMILY PARTNERSHIP PROPERTY – TOWN OF SOUTHOLD**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of a Conservation Easement Known as the Laurel Lake County Park Addition – Jacoby Ltd Family Partnership Property, Town of Southold", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition by Suffolk County of a conservation easement comprising of 7.89 acres for open space preservation purposes; and

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

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

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

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

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

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Acquisition of a Conservation Easement Known as the Laurel Lake County Park Addition – Jacoby Ltd Family Partnership Property, Town of Southold constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The property is to remain in its natural state for passive use and habitat management purposes as set forth in the Conservation Easement; and

- 3.) A future unpaved walking trail around the perimeter of the property will be permitted with the agreement of the property owner, the Town of Southold and the County of Suffolk as set forth in the Conservation Easement;

and be it further

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro Res. No. 1884-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 803 -2008, AMENDING THE 2008 ADOPTED OPERATING BUDGET TO ACCEPT AND APPROPRIATE 100% ADDITIONAL STATE AID FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH TO VARIOUS CONTRACT AGENCIES FOR A COST OF LIVING ADJUSTMENT (COLA) AND FOR PERSONALIZED RECOVERY ORIENTED SERVICES (PROS) REVENUE SHORTFALLS**

**WHEREAS**, the 2008-2009 New York State Enacted Budget included a 3.2% Cost of Living Adjustment (COLA) for certain programs, effective April 1, 2008; and

**WHEREAS**, the 2008-2009 New York State Enacted Budget also includes funding for Family Service League, Federation of Organizations and Pederson Krag Center for revenue shortfalls incurred during the first year of implementation of Personalized Recovery Oriented Services (PROS); and

**WHEREAS**, this unallocated 100% additional State aid is not currently included in the 2008 Adopted Operating Budget; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$501,711 in additional State aid as follows:

REVENUES:

001-3493 Community Support Services \$501,632

ORGANIZATIONS

Department of Health Services (HSV)  
Division of Community Mental Hygiene Services  
001-HSV-4330-4980

| <u>XORG</u> | <u>OBJECT NAME</u>                  | <u>2008<br/>Modified<br/>Adopted<br/>Budget</u> | <u>Increase/<br/>Decrease</u> | <u>2008<br/>Modified<br/>Adopted<br/>Budget</u> |
|-------------|-------------------------------------|---|-------------------------------|---|
| ADK2        | Clubhouse Drop in                   | 22,597  | 259                           | 22,856  |
| AGZ1        | Family Svc League Capt              | 32,900  | 698                           | 33,598  |
| AHH1        | Family Svc LeagueParent to Parent   | 89,550  | 1,799                         | 91,349  |
| AHH2        | FSL Coord Child Serv Initiative     | 35,222  | 845                           | 36,067  |
| AHM1        | Federation of Organizations         | 463,159   | 11,237                        | 474,396   |
| AHN1        | Fed Multi Cultural Conf.            | 8,412   | 202                           | 8,614   |
| AHO1        | Federation Homeless Mentally ill    | 364,546   | 6,820                         | 371,366   |
| AHP2        | Federation of Organizations         | 1,104,158                                       | 16,110                        | 1,120,268                                       |
| AIM1        | HALI                                | 102,002   | 2,448                         | 104,450   |
| AIN1        | HALI Advocacy Program               | 194,653   | 4,672                         | 199,325   |
| AJS1        | F.E.G.S.                            | 93,392  | 2,241                         | 95,633  |
| ALG3        | Mental Health Assoc Child & Youth   | 37,662  | 515                           | 38,177  |
| ALG4        | Mental Health assoc. Anti stigma    | 5,380   | 41                            | 5,421   |
| ALG5        | Mental health Assoc. Suffolk county | 24,248  | 332                           | 24,580  |
| ANL2        | Pederson Krag supp case mgt.        | 320,991   | 7,704                         | 328,695   |
| APK1        | Sayville Proj Supp. Case mgt.       | 320,991   | 7,704                         | 328,695   |
| APK2        | Sayville Proj Drop in               | 45,193  | 519                           | 45,712  |
| ASR1        | Suny Sayville Psychosocial          | 298,419   | 4,104                         | 302,523   |
| CAB1        | FEGS CSS                            | 30,498  | 732                           | 31,230  |
| CAD1        | FSL Therapeutic Recreation          | 77,787  | 1,064                         | 78,851  |
| DDD1        | Mental Health Assoc CSS             | 80,836  | 1,065                         | 81,901  |
| GBD1        | Federation Represent Payee          | 124,362   | 1,304                         | 125,666   |
| GBE2        | FEGS Psychosocial                   | 90,389  | 1,035                         | 91,424  |
| GBF1        | Mental Health Assoc Advocacy        | 86,082  | 916                           | 86,998  |
| GBF2        | Mental Health Assoc Empowerment     | 32,281  | 333                           | 32,614  |
| GBG1        | Federation Advocacy                 | 176,631   | 1,860                         | 178,491   |
| GBG2        | Federation Respite Care             | 32,916  | 457                           | 33,373  |
| GBG3        | Federation Drop in                  | 112,984   | 1,289                         | 114,273   |
| GBQ1        | Adelante Drop in                    | 65,260  | 519                           | 65,779  |

|      |   |         |          |         |
|------|---|---------|----------|---------|
| GCY1 | Federation Respite Housing                        | 38,905  | 526      | 39,431  |
| GGF1 | Pederson Krag Mica TFIP                           | 453,703 | 5,256    | 458,959 |
| GGG1 | Pederson Krag Fam Supp Respite                    | 240,013 | 3,527    | 243,540 |
| GGH1 | Pederson Krag C&Y Training                        | 11,435  | 97       | 11,532  |
| GGP1 | FEGS Psych Rehab Spec Employ                      | 56,233  | 1,350    | 57,583  |
| GGQ1 | Adelante Special Employment                       | 52,583  | 1,262    | 53,845  |
| GGR1 | FREE  | 157,747 | 3,820    | 161,567 |
| GJP1 | Federation of Organizations                       | 709,453 | 17,862   | 727,315 |
| GKQ1 | FEGS Transition Mgmt                              | 470,150 | 11,327   | 481,477 |
| GKU1 | Pederson Krag Clinic (AOT)                        | 14,655  | 201      | 14,856  |
| GKX1 | FEGS DSS Project                                  | 42,162  | 1,012    | 43,174  |
| GNR1 | Federation of Org Supp case mgt.                  | 722,228 | 17,334   | 739,562 |
| GNS1 | Clubhouse Supp case mgt.                          | 320,990 | 7,705    | 328,695 |
| GNT1 | Adelante Psychosocial Club                        | 51,235  | 674      | 51,909  |
| GPA1 | Federation Peer Bridger Prog.                     | 172,165 | 1,832    | 173,997 |
| GPB1 | Phoenix House Residential Prog                    | 109,944 | 2,639    | 112,583 |
| GPC1 | HALI Peer Advocacy                                | 174,697 | 6,516    | 181,213 |
| GPF1 | HALI Pre-arrest Forensic Prog                     | 113,102 | 2,714    | 115,816 |
| GPJ1 | Family Service League Supportive case mgt. (kids) | 270,135 | 6,483    | 276,618 |
| GPM1 | Pederson Krag SPOA                                | 158,245 | 3,584    | 161,829 |
| GST1 | Pederson Krag School Support                      | 470,850 | 11,373   | 482,223 |
| GSV1 | Fed of Org-Single Point of Entry                  | 410,022 | 9,170    | 419,192 |
| GTL1 | Fed of Org Client Svc. Dollar Prog.               | 56,952  | 1,367    | 58,319  |
| GUR1 | Fed Org Transportation CSS                        | 287,060 | 6,889    | 293,949 |
| GUT1 | Family Svc League Supp. Case mgt                  | 561,733 | 13,482   | 575,215 |
| GUU1 | Pederson Krag C&F Emergny care                    | 256,375 | 6,193    | 262,568 |
| GZB1 | FEGS Family Support                               | 115,700 | 2,407    | 118,107 |
| GZD1 | Suffolk Commun. Council SPA                       | 15,569  | 374      | 15,943  |
| GZG1 | HALI Community Support Svcs                       | 7,277   | 174      | 7,451   |
| GZI1 | Fed of Org Adult Home Peer Svc                    | 203,160 | 4,876    | 208,036 |
| HAL1 | HALI Training Conf Resource Ctr                   | 26,901  | 646      | 27,547  |
| HAL2 | HALI Psychosoc Drop in Ctr                        | 67,790  | 1,627    | 69,417  |
| HEV1 | Fam.Serv.League Adult Home SCM                    | 76,185  | 1,828    | 78,013  |
| HEW1 | Clubhouse Adult Home Case Mgmt                    | 76,185  | 1,828    | 78,013  |
| HYO1 | Nassau Suffolk Law Services                       | 210,328 | 2,770    | 213,098 |
| HYP1 | Sayville Project Adult Home CM                    | 50,790  | 1,219    | 52,009  |
| JAO1 | Clubhouse PROS Ronkonkoma                         | 134,883 | 3,237    | 138,120 |
| JAP1 | Clubhouse PROS Riverhead                          | 58,449  | 1,403    | 59,852  |
| JAQ1 | FEGS PROS Copaigue                                | 383,619 | 2,967    | 386,586 |
| JAR1 | FSL PROS Huntington                               | 155,904 | 19,884   | 175,788 |
| JAS1 | FSL PROS Hauppauge                                | 168,494 | - 11,596 | 156,898 |
| JAT1 | Federation PROS Babylon                           | 44,961  | 50,779   | 95,740  |
| JAU1 | Federation PROS Patchogue                         | 49,457  | 50,888   | 100,345 |
| JAV1 | HALI PROS Central Islip                           | 264,117 | 2,374    | 266,491 |
| JAW1 | Maryhaven PROS Riverhead                          | 57,100  | 1,370    | 58,470  |
| JAX1 | Maryhaven PROS Yaphank                            | 71,752  | 863      | 72,615  |
| JAY1 | Pederson Krag PROS Coram                          | 85,427  | 69,050   | 154,477 |
| JAZ1 | Pederson Krag PROS Smithtown                      | 19,783  | 56,475   | 76,258  |
| JDO1 | Family Svc League-Clinic Case Mgt                 | 80,250  | 1,926    | 82,176  |

|      |                            |         |       |         |
|------|----------------------------|---------|-------|---------|
| JDP1 | Clubhouse-Clinic Case Mgmt | 80,250  | 1,926 | 82,176  |
| JDN1 | CONCERN                    | 522,150 | 8,409 | 530,559 |
| PKP1 | Pederson Krag Drop in      | 67,562  | 909   | 68,471  |

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Executive be and hereby is authorized to execute a contract with each of the above-named provider agencies; and be it further

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro Res. No. 1885-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 804 –2008,  
AMENDING THE 2008 ADOPTED OPERATING BUDGET TO  
ACCEPT AND APPROPRIATE 100% ADDITIONAL STATE AID  
FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH  
TO PEDERSON KRAG CENTER**

**WHEREAS**, the New York State Office of Mental Health (NYSOMH) has allocated \$308,067 to the Pederson Krag Center in the most recent State Aid Letter dated August 21, 2008; and

**WHEREAS**, the NYSOMH has approved reimbursement to Pederson Krag Center for installation of a sprinkler system at a new site for implementation of Personalized Recovery Oriented Services (PROS); and

**WHEREAS**, this additional funding is not currently included in the 2008 Suffolk County Operating Budget; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$308,067 in additional State aid as follows:

REVENUES:

001-3493 Community Support Services  
\$308,067

ORGANIZATIONS

Department of Health Services (HSV)  
Division of Community Mental Hygiene Services  
001-HSV-4330-4980

|             |                     | 2008<br>Modified | Increase/<br>Decrease | 2008<br>Budget |
|-------------|---------------------|------------------|-----------------------|----------------|
| <u>XORG</u> | <u>OBJECT NAME</u>  | <u>Budget</u>    | <u>Decrease</u>       | <u>Budget</u>  |
| JAY1        | PEDERSON KRAG-CORAM | \$85,427         | +308,067              |                |
|             | \$393,494           |                  |                       |                |

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Executive be and hereby is authorized to execute a contract with Pederson Krag Center; and be it further

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro. Res. No. 1844-2008  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/16/2008

**RESOLUTION NO. 805 -2008, ACCEPTING AND APPROPRIATING ADDITIONAL FUNDS FOR A 100% STATE FUNDED GRANT FOR A SUMMER YOUTH EMPLOYMENT PROGRAM**

**WHEREAS**, the New York State Department of Temporary and Disability Assistance (OTDA) has awarded a grant in the amount of \$969,253 to the Suffolk County Department of Labor to fund a Summer Youth Employment Program; and

**WHEREAS**, this grant is funded by surplus funds from the Temporary Assistance to Needy Families (TANF) program, for the express purpose of providing a full wage subsidy paid Summer Youth Employment program; and

**WHEREAS**, the allowable activities under this TANF Grant include work subsidies to employers; education and training; supportive services; transportation for employed persons for the purpose of attending work or training; counseling and employment related services; and the purchase of tools, uniforms, or clothing necessary to look for/accept work; and

**WHEREAS**, funds were included in the Suffolk County Operating Budget in the amount of \$931,618 including interfund transfers; and

**WHEREAS**, additional funds were awarded in the amount of \$37,635; and

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

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

REVENUES:

|   |          |
|---|----------|
| 320- LAB - 3790 State Aid: Various Labor Programs | \$37,635 |
|---|----------|

ORGANIZATIONS:

Department of Labor (LAB)  
Summer TANF  
320-6600

|                                  |               |
|----------------------------------|---------------|
| <u>1000 – Permanent Salaries</u> | <u>34,960</u> |
| 1112 – Summer Program            | 34,960        |
| <br>                             |               |
| <u>8000 – Employee Benefits</u>  | <u>2,675</u>  |
| 8330 - Social Security           | 2,675         |

and be it further

**2<sup>nd</sup> RESOLVED**, that this resolution does not authorize the lease of any additional vehicles; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Executive is duly authorized to designate the Department of Labor as the grant recipient and fiscal agent for the Summer TANF Funds; and be it further

**4<sup>th</sup>**                **RESOLVED**, that the Reporting Category for the County Integrated Financial Management System (IFMS) is 6600.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro Res. No. 1827-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 806 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT – ESTATE OF RUTH BERKNOPF, BY KASRIEL B. KASTEL, AS ADMINISTRATOR CTA (SCTM NOS. 0200-850.00-06.00-017.000, 0200-879.00-03.00-027.000, 0200-980.40-02.00-039.000)**

**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 850.00, Block 06.00, Lot 017.000, and District 0200, Section 879.00, Block 03.00, Lot 027.000, and District 0200, Section 980.40, Block 02.00, Lot 039.000, and acquired by tax deed on August 16, 2004, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 2, 2004, in Liber 12341, at Page 445, and otherwise known as and by;

PARCEL I – 0200-850.00-06.00-017.000, Town of Brookhaven, County of Suffolk and State of New York, known and designated as lot numbers 201 and 202 as shown on a certain map entitled Map of “Mastic Acres, Unit Eight” and filed in the Office of the Clerk of the County of Suffolk on September 18, 1946 as Map No. 1501; and

PARCEL II – 0200-879.00-03.00-027.000, Town of Brookhaven, County of Suffolk and State of New York, known and designated as lot numbers 341 and 342 as shown on a certain map

entitled Map of "Mastic Acres, Unit Eight" and filed in the Office of the Clerk of the County of Suffolk on September 18, 1946 as Map No. 1501; and

PARCEL III – 0200-980.40-02.00-039.000, Town of Brookhaven, County of Suffolk and State of New York, known and designated as Lot No. 261 as shown on a certain map entitled Map of "Shirley-Long Island Unit E" and filed in the Office of the Clerk of the County of Suffolk on March 27, 1951, as Map No. 1827; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on August 16, 2004, from John C. Cochran, the County Treasurer of Suffolk County, New York, and recorded on September 2, 2004 in Liber 12341 at Page 445.

**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**, KASRIEL B. KASTEL, as Administrator CTA of the Estate of Ruth Bernknopf, has made application of said above described parcels and LUBAVITCH YOUTH ORGANIZATION has paid the application fee and \$17,210.57, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; now, therefore be it

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ESTATE OF RUTH BERNKNOPF, by Kasriel B. Kastel, as Administrator CTA, 770 Eastern Parkway, Brooklyn, New York 11213, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro Res. No. 1829-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 807 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT – SAUL BONILLA (SCTM NO. 0500-094.00-03.00-134.001)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 094.00, Block 03.00, Lot 134.001, and acquired by tax deed on July 10, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2006, in Liber 12459, at Page 600, and otherwise known as and by Town of Islip, known as Suffolk County Tax Map Number: District 0500, Section 094.00, Block 03.00, Lot 134.001; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 10, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2006 in Liber 12459 at Page 600.

**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**, HSBC MORTGAGE SERVICES, as Mortgagee, has made application of said above described parcel and HSBC MORTGAGE SERVICES, as Mortgagee, has paid the application fee and \$749.95, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge

a Quitclaim Deed to SAUL BONILLA, 11 Brevoort Place, Brentwood, New York 11717, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro Res. No. 1830-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 808 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REALPROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT – JOHN MANNINO AND CATERINA MANNINO, HIS WIFE (SCTM NO. 0500-255.00-01.00-025.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 255.00, Block 01.00, Lot 025.000, and acquired by tax deed on July 2, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 13, 2007, in Liber 12513, at Page 418, and otherwise known as and by Town of Islip, Suffolk County Tax Map Number: District 0500, Section 255.00, Block 01.00, Lot 025.000; and

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

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

**WHEREAS**, CATERINA MANNINO has made application of said above described parcel and CATERINA MANNINO has paid the application fee and \$56,565.71, as

payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to JOHN MANNINO and CATERINA MANNINO, his wife, 740 Sycamore Avenue, Bohemia, New York 11716, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro Res. No. 1831-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 809 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT – WARTHOG, INC. (SCTM NO. 0100-112.00-01.00-046.000)**

**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 112.00, Block 01.00, Lot 046.000, and acquired

by tax deed on May 14, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 15, 2007, in Liber 12505, at Page 268, and otherwise known as and by Town of Babylon, Filed Map 700 Sec. 5 Lots 2645-2647 Inc. and E. Pt. 2648; and

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

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

**WHEREAS**, WARTHOG, INC., by Anton J. Borovina, has made application of said above described parcel and WARTHOG, INC., by Anton J. Borovina, has paid the application fee and \$47,150.22, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to WARTHOG, INC., c/o Anton J. Borovina, Borovina & Marullo PLLC, Attorneys at Law, 445 Broadhollow Road, Suite 334, Melville, New York 11747, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro. Res. No. 1834-2008  
Introduced by Presiding Officer Lindsay

Laid on Table 9/16/2008

**RESOLUTION NO. 810 -2008, APPROVING  
PAYMENT TO GENERAL CODE PUBLISHERS FOR  
ADMINISTRATIVE CODE PAGES**

**WHEREAS**, General Code Publishers Corp. has provided Supplement No. 81 to update the Suffolk County Administrative Code totaling \$8605.56; and

**WHEREAS**, Resolution No. 461-1986 established a schedule of fees for entities and/or individuals requesting such Administrative Code and pages from the County Legislature and Resolution No. 189-1991 amended said fee schedule; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the payment of \$8605.56 for the provisions of such pages is hereby approved.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro. Res. No. 1837-2008  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/16/2008

**RESOLUTION NO. 811 -2008, AUTHORIZING  
THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976,  
OF REAL PROPERTY ACQUIRED UNDER SECTION 46  
OF THE SUFFOLK COUNTY TAX ACT – CARLO J.  
LAROSE – (SCTM NO. 0100-172.00-03.00-003.000)**

**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 172.00, Block 03.00, Lot 003.000, and acquired by tax deed on June 22, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk

County, New York, and recorded on June 28, 2006, in Liber 12457, at Page 34, and otherwise known as and by Town of Babylon, Filed Map 287 Sh. 2 Blk 12 Lots 3 & 4; 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 22, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on June 28, 2006 in Liber 12457 at Page 34.

**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**, CARLO J. LAROSE has made application of said above described parcel and CARLO J. LAROSE has paid the application fee and HUBERT GERISMA, for Carlo J. Larose, has paid \$1,930.02, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; now, therefore be it

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to CARLO J. LAROSE, 82 Tyrconnell Street, Amityville, New York 11701, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro. Res. No. 1838-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 812 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT ESTATE OF ROBERT GRAULICH BY ROSE GRAULICH, AS ADMINISTRATOR (SCTM NO. 0504-012.00-01.00-026.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Islandia, 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 0504, Section 012.00, Block 01.00, Lot 026.000, and acquired by tax deed on October 16, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 30, 2007, in Liber 12528, at Page 294, and otherwise known as and by Incorporated Village of Islandia, Town of Islip, known as Suffolk County Tax Map Number: District 0504, Section 012.00, Block 01.00, Lot 026.000; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on October 16, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 30, 2007 in Liber 12528 at Page 294.

**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**, ROSE GRAULICH has made application of said above described parcel and ROSE GRAULICH has paid the application fee and \$10,300.92, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; now, therefore be it

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ESTATE OF ROBERT GRAULICH by Rose Graulich, as Administrator, 140 2<sup>nd</sup> Avenue, Brentwood, New York 11717, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

**Legislator Nowick made motion for the following resolution, seconded by Legislator Barraga. The resolution was passed 16-0-0-2-0. Presiding Officer Lindsay and Legislator Cooper were not present.**

Intro. Res. No. 1842-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 813 -2008, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT ESTATE OF SID FARBER a/k/a SIDNEY FARBER BY NADIA FARBER, AS ADMINISTRATOR (SCTM NO. 0200-973.90-01.00-027.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 973.90, Block 01.00, Lot 027.000, and acquired by tax deed on May 15, 1985, from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on May 15, 1985, in Liber 9791, at Page 20, and otherwise known as and by Town of Brookhaven, County of Suffolk, State of New York, known and designated as Lots 50 to 59 inclusive, Block 79, on a certain map entitled, "Map of New York and Brooklyn Suburban Investment Company, Map #3" filed in the Office of the Clerk of Suffolk County on June 9, 1890 as Map No. 444; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on May 15, 1985, from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on May 15, 1985 in Liber 9791 at Page 20.

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

**WHEREAS**, NADIA FARBER, as Administrator of the Estate of Sid Farber a/k/a Sidney Farber, has made application of said above described parcel and NADIA FARBER, as Administrator of the Estate of Sid Farber a/k/a Sidney Farber, has paid the application fee and \$32,075.19, as payment of taxes, penalties, interest, recording fees, and any other charges due

the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; now, therefore be it

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

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ESTATE OF SID FARBER a/k/a SIDNEY FARBER by Nadia Farber, as Administrator, 10 Farber Drive, Suite 50, Bellport, New York 11713, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Legislator Beedenbender made motion for the following resolution, seconded by Legislator D’Amaro. The resolution was passed 16-1-0-1-0. Legislator Alden voted no. Presiding Officer Lindsay was not present.**

Intro. Res. No. 1793-2008

Laid on Table 8/19/2008

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

**RESOLUTION NO. 814 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF EQUIPMENT FOR HEALTH CENTERS (CP 4055)**

**WHEREAS**, the Commissioner of Health Services has requested the appropriation of funds in connection with the purchase of equipment for Health Centers; and



Total \$6,516,541 \$242,200 \$242,200

and be it further

4<sup>th</sup> **RESOLVED**, that the proceeds of \$242,200 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

| <u>Project Number</u>                       | <u>J.C.</u> | <u>Project Title</u>                        | <u>Amount</u> |
|---|-------------|---|---------------|
| 525-CAP-4055.528<br>(Fund 001-Debt Service) | 40          | Purchase of Equipment for<br>Health Centers | \$242,200     |

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

-----

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

Intro. Res. No. 1793A-2008

**BOND RESOLUTION NO. 815-2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$242,200 BONDS TO FINANCE THE COST OF THE PURCHASE OF A NEW DIGITAL MAMMOGRAPHY UNIT AT THE BRENTWOOD FAMILY HEALTH CENTER (CP 4055.528)**

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 \$242,200 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the purchase of a new digital mammography unit at the Brentwood Family Health Center, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$242,200. The plan of financing includes the

issuance of \$242,200 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. 32 of the Law, is five (5) years.

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

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

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

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

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

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

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

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

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

Intro. Res. No. 1835-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer Lindsay

**RESOLUTION NO. 816 -2008, AMENDING THE 2008 OPERATING BUDGET TO ACCEPT AND APPROPRIATE 95% STATE GRANT FUNDS FROM THE NEW YORK STATE BOARD OF ELECTIONS TO THE SUFFOLK COUNTY BOARD OF ELECTIONS FOR VOTER EDUCATION / POLL WORKER TRAINING AND AUTHORIZING AN INCREASE IN THE FLEET OF THE SUFFOLK COUNTY BOARD OF ELECTIONS FOR TRANSPORTING VOTING MACHINES AND PERSONNEL TO AND FROM VARIOUS SEMINARS AND COMMUNITY EVENTS**

**WHEREAS**, the New York State Board of Elections has awarded State grant funds to the Suffolk County Board of Elections for poll worker training and voter outreach education in the amount of \$738,534.75; and

**WHEREAS**, a 5% match of \$38,870.25 is required and these funds have been included in the Board of Elections' 2008 Suffolk County Operating Budget; and

**WHEREAS**, these funds are being used to help Suffolk County comply with the Help America Vote Act of 2002 (HAVA); and

**WHEREAS**, funds will be used for the purchase of 366 Ask Ed Problem Solvers to assist poll workers in looking up voter information, answering questions, and troubleshooting voting machines; and

**WHEREAS**, four vans are needed to transport poll workers to and from seminars and community events; and

**WHEREAS**, two box trucks are needed to transport voting machines to and from seminars and community events; and

**WHEREAS**, the purchase of said vehicles will increase the fleet of the Suffolk County Board of Elections by six vehicles; 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

**WHEREAS**, Section 4-31(G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County Legislature hereby authorizes the fleet of the Suffolk County Board of Elections be increased by six (6) vehicles, approved pursuant to Chapter 186-2(b)(6) of the SUFFOLK COUNTY CODE, and in accordance with or exceeding the County Vehicle Standard, for use by the Suffolk County Board of Elections; and be it further

**2<sup>nd</sup> RESOLVED**, that the 2008 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to accept, appropriate, and transfer the following funds and authorizations:

REVENUES:

| <u>FD</u> | <u>AGY</u> | <u>REV CODE</u> | <u>REVENUE NAME</u>   | <u>AMOUNT</u>  |
|-----------|------------|-----------------|-----------------------|----------------|
| 001       | BOE        | 3070            | STATE AID: BOE – HAVA | + \$738,534.75 |

APPROPRIATIONS:

| <u>FD</u> | <u>AG</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>UNIT &amp; OBJECT NAME</u>                      | <u>AMOUNT</u>   |
|-----------|-----------|-------------|------------|------------|--|-----------------|
|           | <u>Y</u>  |             |            |            |  |                 |
| 001       | BOE       | 1450        | 0000       | 4510       | Election Inspectors                                | ( \$38,870.25 ) |
| 001       | BOE       | 1456        | 0000       | 2020       | BOE-VOTER ED POLL WKER TRAIING-<br>Office Machines | + \$515,850.20  |
| 001       | BOE       | 1456        | 0000       | 2030       | BOE-VOTER ED POLL WKER TRAIING-                    | + \$ 33,586     |

|     |     |      |      |      |   |                |
|-----|-----|------|------|------|---|----------------|
|     |     |      |      |      | Purchase of Automobiles                                 |                |
| 001 | BOE | 1456 | 0000 | 2040 | BOE-VOTER ED POLL WKER TRAING- Trucks, Trailers & Jeeps | + \$194,466    |
| 001 | BOE | 1456 | 0000 | 3500 | BOE-VOTER ED POLL WKER TRAING- Other: Unclassified      | + \$ 33,502.80 |

and be it further

**3<sup>rd</sup>** **RESOLVED**, that the monies appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding vehicle and equipment purchases associated with poll worker training and voter education; and be it further

**4<sup>th</sup>** **RESOLVED**, that any unexpended funds be reappropriated in the 2009 Operating Budget, and will be fully expended by March 31, 2009 in conformance with the terms of the grant award; and be it further

**5<sup>th</sup>** **RESOLVED**, that the Commissioners of the Suffolk County Board of Elections are authorized and directed to execute related agreements.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

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

Intro. Res. No. 1847-2008  
Introduced by Legislator Kennedy

Laid on Table 9/16/2008

**RESOLUTION NO. 817 –2008, AMENDING THE 2008 OPERATING BUDGET TO PROVIDE FUNDING FOR THE SMITHTOWN ALUMNI ASSOCIATION**

**WHEREAS**, The Smithtown Alumni Association is a not for profit organization that promotes education through the establishment and sponsorship of an Alumni Directory, the formation of a Hall of Fame for outstanding students and teachers, and a scholarship fund for deserving students; and

**WHEREAS** it is the desire of this Legislature to assist the Smithtown Alumni Association in its efforts to promote education by providing funding in 2008; and

**WHEREAS**, Section 4-31(G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the 2008 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

**APPROPRIATIONS:**

**FROM:**

| <u>FD</u> | <u>AGY</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>ACTIVITY NAME</u>             | <u>AMOUNT</u> |
|-----------|------------|-------------|------------|------------|----------------------------------|---------------|
| 001       | EXE        | 7320        | JCM1       | 4980       | Smithtown Educational Foundation | -\$5,000      |

**TO:**

| <u>FD</u> | <u>AGY</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>ACTIVITY NAME</u>          | <u>AMOUNT</u> |
|-----------|------------|-------------|------------|------------|-------------------------------|---------------|
| 001       | EXE        | 7320        | XXXX       | 4980       | Smithtown Alumni Assoc., Inc. | +\$5,000      |

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Executive's Budget Office is authorized to assign an activity (pseudo) code for the Smithtown Alumni Association Inc.; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding the Smithtown Alumni Association Inc.

DATED: October 14, 2008

**\*\*VETOED BY COUNTY EXECUTIVE ON OCTOBER 30, 2008\*\***

**\*\*VETO SUSTAINED FAILED FOR LACK OF MOTION NOVEMBER 5, 2008\*\***

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

Intro. Res. No. 1860-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 818 -2008, AUTHORIZING THE COUNTY COMPTROLLER AND COUNTY TREASURER TO CLOSE CERTAIN CAPITAL PROJECTS THAT HAVE SUNSET UNDER LOCAL LAW NO. 15-2002, SUFFOLK COUNTY, NEW YORK A CHARTER LAW ESTABLISHING COMMON SENSE CAPITAL PROJECT SUNSET POLICY FOR SUFFOLK COUNTY**

**WHEREAS**, pursuant to LOCAL LAW NO. 15-2002, SUFFOLK COUNTY, NEW YORK A CHARTER LAW ESTABLISHING COMMON SENSE CAPITAL PROJECT SUNSET POLICY FOR SUFFOLK COUNTY, any capital project authorized and made a part of the County Capital Budget and Program shall automatically expire on December 31 of the fifth (5th) fiscal year of its existence unless:

- 1.) funds have been expended from the appropriation of serial bond proceeds, bond anticipation notes, revenue anticipation notes, Federal aid, State aid, general fund transfers, sewer escrow funds, or capital notes, for any component part of the general capital project during that period of time; or
- 2.) the duration of the project has been extended by duly enacted legislation of the County of Suffolk re-authorizing such project prior to its expiration date; and

**WHEREAS**, pursuant to LOCAL LAW NO. 15-2002, SUFFOLK COUNTY, NEW YORK A CHARTER LAW ESTABLISHING COMMON SENSE CAPITAL PROJECT SUNSET POLICY FOR SUFFOLK COUNTY, the capital project identified on the attached "Addendum A" have expired and can no longer be utilized for the intended purpose or extended; and

**WHEREAS**, by closing these capital projects it will reduce the County's outstanding Bond Authorization, allow for the available cash balances to be transferred to offset current debt service costs and minimize the County's tracking and monitoring requirements; and

**WHEREAS**, it is in the best interest of the County of Suffolk to close the capital projects listed on "Addendum A" that have expired under LOCAL LAW NO. 15-2002, SUFFOLK COUNTY, NEW YORK A CHARTER LAW ESTABLISHING COMMON SENSE CAPITAL PROJECT SUNSET POLICY FOR SUFFOLK COUNTY; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County Comptroller and County Treasurer be and hereby are authorized to close the capital projects listed on "Addendum A" and credit the appropriate revenue account no later than December 31, 2008; and be it further

**2<sup>nd</sup>** **RESOLVED**, that any unissued serial bond or capital note authorization remaining after the project is closed can be liquidated by the County Comptroller and the County Treasurer; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are authorized to transfer positive and/or negative cash balances to close these projects and establish the Interfund Transfer accounting lines required to effectuate the transfer from the Capital Fund(s); and be it further

**4<sup>th</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to net the positive and negative cash as a result of the capital projects being closed and accept the remaining funds into the appropriate operating fund under revenue code 2954 Unused Capital Fund Authorization for the purpose of offsetting current debt service costs; and be it further

**5<sup>th</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II

action pursuant to Section 617.5(c)(20), (21), and/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

DATE: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

## Attachment A

| OPERATING FUND | CAPITAL FUND | PROJECT NUMBER | CLS | PROJECT DESCRIPTION                    | TOTAL APPROPRIATED | EXPENDED | UNCOMMITTED |
|----------------|--------------|----------------|-----|--|--------------------|----------|-------------|
| 001            | 525          | 1109.1<br>14   |     | PL REN/AD FOREN<br>MED/LGL             | \$279,000          | \$0      | \$279,000   |
| 001            | 525          | 3008.1<br>10   |     | JAIL UTILIZATION STUDY                 | \$150,000          | \$0      | \$150,000   |
| 001            | 525          | 3011.1<br>11   |     | PL SECURITY BOOTHS<br>AT COR FAC       | \$10,000           | \$0      | \$10,000    |
| 001            | 525          | 3035.5<br>12   |     | SEC EQUIP<br>CORRECTIONAL FAC<br>RVHD  | \$750,000          | \$0      | \$750,000   |
| 001            | 525          | 3117.1<br>10   |     | HELICOPTER NEEDS<br>ANALYSIS           | \$25,000           | \$0      | \$25,000    |
| 001            | 525          | 3226.5<br>10   |     | PUR COMM EQP FOR<br>AMER RED CROSS     | \$5,000            | \$0      | \$5,000     |
| 001            | 525          | 3414.1<br>10   |     | PL CONS NEW ARSON<br>TRAINING FACILITY | \$7,000            | \$0      | \$7,000     |
| 001            | 525          | 3414.3<br>10   |     | PL CONS NEW ARSON<br>TRAINING FACILITY | \$65,000           | \$0      | \$65,000    |
| 001            | 525          | 4076.5<br>12   |     | REPL OF<br>MAMMAGRAPHY VAN             | \$300,000          | \$0      | \$300,000   |
| 001            | 525          | 5035.2<br>10   |     | LA CR43 NRTHVL<br>TP(ELTN-SND)RV       | \$50,000           | \$0      | \$50,000    |
| 001            | 525          | 5093.2<br>13   |     | LA CR 95 LITTLE E NECK<br>RD BABYL     | \$20,000           | \$0      | \$20,000    |
| 001            | 525          | 5172.1<br>12   |     | PL CR67 MTR PK CR17<br>CRLTN-EX57      | \$550,000          | \$0      | \$550,000   |
| 001            | 525          | 5535.2<br>10   |     | ACQ PR REC CR93<br>OCEAN @ ROSEVL      | \$80,000           | \$0      | \$80,000    |
| 001            | 525          | 5550.1<br>10   |     | TR STDY CR80 MNTK<br>HWY-S HAMPT       | \$50,000           | \$0      | \$50,000    |
| 001            | 525          | 5550.2<br>10   |     | LA IMP CR80 MNTK HWY,<br>SOUTHAMP      | \$25,000           | \$0      | \$25,000    |
| 001            | 525          | 5660.2<br>11   |     | C SH ROW ACQ PARK<br>FAC RONK RR       | \$92,000           | \$0      | \$92,000    |
| 001            | 525          | 5702.1<br>11   |     | PL & DESIGN REN & CON<br>FAC AIRP      | \$34,010           | \$0      | \$34,010    |
| 001            | 525          | 5732.5<br>10   |     | REPL EQP: LANDNG<br>COUNTR AIRPT       | \$100,000          | \$0      | \$100,000   |
| 001            | 525          | 6504.1<br>10   |     | MARKET STDY-HOTEL<br>ROOMS IN SC       | \$25,000           | \$0      | \$25,000    |
| 001            | 525          | 7148.4<br>10   |     | IMP TO BAY VILLAGE<br>PARK AMTYVL      | \$48,125           | \$0      | \$48,125    |

|     |     |              |  |                                   |                    |            |                    |
|-----|-----|--------------|--|-----------------------------------|--------------------|------------|--------------------|
| 001 | 525 | 7178.4<br>10 |  | IMP TO THE WEDGE                  | \$100,000          | \$0        | \$100,000          |
| 001 | 525 | 7452.1<br>10 |  | REPL OF GOTO<br>PROJECTOR VANDERB | \$100,000          | \$0        | \$100,000          |
| 001 | 525 | 7510.1<br>18 |  | HIS ST RPT PL&ENG STY<br>HORAN/TP | \$30,000           | \$0        | \$30,000           |
|     |     |              |  |                                   | <b>\$2,895,135</b> | <b>\$0</b> | <b>\$2,895,135</b> |

-----

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

Intro. Res. No. 1872-2008  
Introduced by Legislator Browning

Laid on Table 9/16/2008

**RESOLUTION NO. 819 –2008, AMENDING  
THE 2008 OPERATING BUDGET TO PROVIDE FUNDING FOR  
THE LONG ISLAND 2 DAY WALK TO FIGHT BREAST  
CANCER**

**WHEREAS**, the Long Island 2 Day Walk To Fight Breast Cancer is a not for profit organization dedicated to helping Long Islanders who are fighting breast cancer through assisting with medical, transportation, prosthetics, wigs, physical therapy, and child care needs; and

**WHEREAS**, it is the desire of this Legislature to support the Long Island 2 Day Walk To Fight Breast Cancer in its efforts; and

**WHEREAS**, Section 4-31(G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the 2008 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

**APPROPRIATIONS:**

**FROM:**

| <u>FD</u> | <u>AGY</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>UNIT/ACTIVITY &amp; OBJECT<br/>NAME</u> | <u>AMOUNT</u> |
|-----------|------------|-------------|------------|------------|--|---------------|
| 001       | FRE        | 3400        | HCU1       | 4980       | Bellport Fire Department                   | -\$5,000      |

**TO:**

| <u>FD</u> | <u>AGY</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>UNIT/ACTIVITY &amp; OBJECT<br/>NAME</u> | <u>AMOUNT</u> |
|-----------|------------|-------------|------------|------------|--|---------------|
| 001       | PKS        | 7110        | XXXX       | 4980       | L.I. 2 Day Walk Breast Cancer              | +\$5,000      |

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Executive's Budget Office is authorized to assign an activity (pseudo) code for the L.I. 2 Day Walk Breast Cancer; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding the Long Island 2 Day Walk To Fight Breast Cancer.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

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

Intro. Res. No. 1851-2008  
Introduced by Presiding Officer Lindsay

Laid on Table 9/16/2008

**RESOLUTION NO. 820 -2008, AUTHORIZING  
AN ENERGY AUDIT OF THE WILLIAM H. ROGERS  
LEGISLATURE BUILDING**

**WHEREAS**, Suffolk County's fiscal difficulties are exacerbated by rising energy costs; and

**WHEREAS**, modest investments in energy conservation and efficiency at County facilities can yield significant cost savings; and

**WHEREAS**, reduced energy consumption also benefits the environment; and

**WHEREAS**, by leading in the area of energy conservation and efficiency, the Suffolk County Legislature can encourage similar efforts in the public and private sectors; now, therefore be it

**1st**           **RESOLVED**, that the Presiding Officer of the Suffolk County Legislature is hereby authorized and empowered to execute a contract with a consultant to conduct an energy assessment and optimization of the William H. Rogers Legislature Building, Hauppauge; and be it further

**2nd**           **RESOLVED**, that the consultant shall assess the building's existing systems and recommend how the operation of these systems can be optimized to achieve energy efficiencies; and be it further

**3rd**           **RESOLVED**, that the consultant shall recommend modifications to the existing systems that may be necessary to maximize energy efficiencies and also identify the costs and rate of return on investment associated with such modifications; and be it further

**4th**           **RESOLVED**, that the Office of Budget Review shall take all actions necessary to identify a consultant to perform this energy audit, consistent with the County's procurement laws; and be it further

**5th**           **RESOLVED**, that the Office of Budget Review will manage the consultant's work in conjunction with the Department of Public Works; and be it further

**6th**           **RESOLVED**, that the Department of Public Works is hereby directed to cooperate in the management of this study; and be it further

**7th**           **RESOLVED**, that the cost of this energy audit shall not exceed \$10,000 to be paid from 001-1025-456-fees for service.

**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: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

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

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

**RESOLUTION NO. 821 -2008, ALLOCATING AND APPROPRIATING (PHASE VIII) IN CONNECTION WITH THE DOWNTOWN REVITALIZATION PROGRAM (CP 6412)**

**WHEREAS**, the Suffolk County Downtown Citizens Advisory Panel has solicited applications requesting funding through Phase VIII of the Suffolk County Downtown Revitalization Program (CP 6412); and

**WHEREAS**, the Panel evaluated the applications and ranked the submitted projects according to a merit based scoring system which includes points for: Leveraging of Additional Funds; Smart Growth Compatibility/Environmental Benefits; Economic Benefits, Local Community and Government Support; Reasonable Expectation of Completion; and An Integral Part of Overall Downtown Improvement Plan; and

**WHEREAS**, as a result of the panel's systematic, detailed, and objective review and analysis, it hereby recommends that the projects referenced on the attached Exhibit "A" be submitted for approval; and

**WHEREAS**, the 2008 Adopted Capital Program includes sufficient funds for the Phase VIII of the Downtown Revitalization Program under Capital Program Number 6412; 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 \$500,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the allocation of \$500,000 for Phase VIII of the Downtown Revitalization Program (CP 6412) provided in the Adopted 2008 Capital Budget, as set forth on Exhibit "A" attached hereto and made a part hereof, is hereby approved; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-nine (39), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup> RESOLVED**, that the proceeds of \$500,000 in Serial Bonds be and they are hereby appropriated as follows, subject to the condition that no bonds or notes shall be issued for any of the projects set forth on Exhibit "A" unless and until full environmental reviews under the State Environmental Quality Review Act (SEQRA) have been completed by the County of Suffolk or other local municipality as lead agency:

| <u>Project Number</u>                       | <u>JC</u> | <u>Project Title</u>                          | <u>Amount</u> |
|---|-----------|---|---------------|
| 525-CAP-6412.316<br>(Fund 001 Debt Service) | 35        | Downtown Revitalization Program<br>Phase VIII | \$500,000     |

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 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 Cooper was not present.**

Intro. Res. No 1863A-2008

**BOND RESOLUTION NO. 822-2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$500,000 BONDS TO FINANCE THE COST OF THE DOWNTOWN REVITALIZATION PROGRAM - PHASE VIII (CP 6412.316)**

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$500,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the Downtown Revitalization Program - Phase VIII, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000. The plan of financing includes the issuance of \$500,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

Section 3. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the County

for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date if a prior statement of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

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

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

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

Section 7. This bond resolution shall take effect immediately upon approval by the County Executive, and the Clerk of the Legislature is hereby authorized and directed to

publish the foregoing resolution, in summary or in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper(s) of the County.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

-----

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

Intro. Res. No. 1864-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 823 -2008, ALLOCATING AND APPROPRIATING FUNDS IN CONNECTION WITH DOWNTOWN BEAUTIFICATION AND RENEWAL (CP 6418)**

**WHEREAS**, the 2008 Adopted Capital Program includes \$500,000 in CP 6418 Downtown Beautification and Renewal to help local communities in funding capital projects that will beautify and assist in the renewal of their downtown areas; and

**WHEREAS**, in years past the communities receiving funding from this project were determined based upon requests to the County Executive by community groups, town supervisors or village mayors and reflected the joint vision of all for the renewal of the community; and

**WHEREAS**, the Legislature created the Downtown Citizens Advisory Panel to, among other charges, make recommendations as to how the Legislature should allocate the funding adopted through CP 6412 – Downtown Revitalization; and

**WHEREAS**, the Downtown Citizens Advisory Panel has revamped their grant review process to rank submitted projects according to a merit based scoring system which includes points for: Leveraging of Additional Funds; Smart Growth Compatibility/Environmental Benefits; Economic Benefits, Local Community and Government Support; Reasonable Expectation of Completion; and An Integral Part of Overall Downtown Improvement Plan; and

**WHEREAS**, the revamping of this program resulted in Suffolk County receiving a National Association of Counties' 2006 Achievement Award; and

**WHEREAS**, the Suffolk County Downtown Citizens Advisory Panel has solicited applications requesting funding through Phase VIII of the Suffolk County Downtown Revitalization Program (CP 6412); and

**WHEREAS**, because of this success and the professional and unbiased approach of the Citizens Advisory Panel, they have been asked to recommend to the County Executive the communities to which funding should be awarded through CP 6418; and

**WHEREAS**, as a result of the panel's systematic, detailed, and objective review and analysis, the County Executive concurs that the projects referenced on the attached Exhibit "A" be funded through the Downtown Beautification and Renewal Program CP 6418 ; and

**WHEREAS**, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said Downtown Beatification and Renewal under Capital Program Number 6418; 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 \$500,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the allocation of \$500,000 for CP 6418 - Downtown Beautification and Renewal provided in the Adopted 2008 Capital Budget, as set forth on Exhibit "A" attached hereto and made a part hereof, is hereby approved; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-nine (39), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup> RESOLVED**, that the proceeds of \$500,000 in Downtown Beautification Funds be and they are hereby appropriated as follows, subject to the condition that no bonds or notes shall be issued for any of the projects set forth in Exhibit "A" unless and until full environmental reviews under the State Environmental Quality Review Act (SEQRA) have been completed by the County of Suffolk or other local municipality as lead agency:

| <b><u>Project Number</u></b>                | <b><u>JC</u></b> | <b><u>Project Title</u></b>                    | <b><u>Amount</u></b> |
|---|------------------|--|----------------------|
| 525-CAP-6418.316<br>(Fund 001-Debt Service) | 35               | Downtown Beautification and<br>Renewal Program | \$500,000            |

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 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 Cooper was not present.**

Intro. Res. No. 1864A-2008

**BOND RESOLUTION NO. 824 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$500,000 BONDS TO FINANCE THE COST OF THE DOWNTOWN BEAUTIFICATION AND RENEWAL PROGRAM (CP 6418.316)**

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$500,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of the Downtown Beautification and Renewal Program, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000. The plan of financing includes the issuance of \$500,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

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

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

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

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

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

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

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

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

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

-----  
**Legislator Eddington made motion for the following resolution, seconded by Legislator Browning. The resolution was passed 14-1-0-3-0. Legislator Barraga voted no. Presiding Officer Lindsay and Legislators Montano and Cooper were not present.**

Intro. Res. No. 1807-2008  
Introduced by Legislator Browning

Laid on Table 9/16/2008

**RESOLUTION NO. 825 -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 (SCHMITT PROPERTY – TOWN OF BROOKHAVEN)**

**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 land for use as hamlet greens, hamlet parks, pocket parks, active parkland, active recreation, historic and/or cultural parks 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)(i) of the SUFFOLK COUNTY CHARTER, from 31.10% of the sales and compensating use tax proceeds, for the acquisition of such land as athletic fields; now, therefore be it

**1st RESOLVED**, that the parcel(s) listed in Exhibit “A” of this resolution, consisting of approximately 50.3 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 for use as a hamlet green, hamlet park, pocket parks, active parkland, active recreation, historic and/or cultural parks; 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: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

| <u>PARCEL</u> | <u>SUFFOLK COUNTY<br/>TAX MAP NUMBER</u>                       | <u>ACRES</u> | <u>REPUTED OWNER<br/>AND ADDRESS</u>  |
|---------------|--|--------------|---|
| 1             | District: 0200<br>Section 706.00<br>Block 01.00<br>Lot 004.000 | ±50.3        | William J. Schmitt<br>Ferdinand H. Schmitt, Jr.<br>50 Parsnip Pond Road<br>Lake Grove, NY 11755 |

**EXHIBIT "A"**

-----

**Legislator Schneiderman 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 Cooper was not present.**

Intro. Res. No. 1853-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO.**

**826 -2008, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT - FOR THE NORBERTO PROPERTY – TUTHILLS CREEK/PINE LAKE – TOWN OF BROOKHAVEN – (SCTM NO. 0204-003.00-01.00-027.000)**

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

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

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

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

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

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Twenty Four Thousand Five Hundred Dollars (\$24,500.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

| <b><u>PARCEL:</u></b> | <b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b> |         | <b><u>ACRES:</u></b> | <b><u>REPUTED OWNER AND ADDRESS:</u></b> |
|-----------------------|--|---------|----------------------|--|
| No. 1                 | District                                     | 0204    | .40±                 | Frank and Josephine Norberto             |
|                       | Section                                      | 003.00  |                      | 252 Roe Avenue                           |
|                       | Block  | 01.00   |                      | Patchogue, NY 11772                      |
|                       | Lot  | 027.000 |                      |  |

and be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's

purchase price of Twenty Four Thousand Five Hundred Dollars (\$24,500.00), subject to a final survey; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$24,500.00, subject to a final survey, from previously appropriated funds in Capital Project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

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

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

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

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

and be it further

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro. Res. No. 1854-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO.**

**827           -2008, AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) FOR THE NAPLES PROPERTY – TOWN OF RIVERHEAD – (SCTM NO. 0600-099.00-02.00-013.004)**

**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. 369-2007, 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 the Division of Real Property Acquisition and Management to negotiate the acquisition of farmland development rights; now, therefore be it

**1<sup>st</sup>** **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 Two Million Four Hundred Eighty Thousand Four Hundred Dollars (\$2,480,400.00±), at Seventy Eight Thousand Dollars (\$78,000.00) per acre for 31.8± 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<br/>TAX MAP NUMBER:</u> | <u>ACRES:</u> | <u>REPUTED OWNER<br/>AND ADDRESS:</u> |
|----------------|---|---------------|---------------------------------------|
| No. 1          | District      0600                        | 31.8±         | Naples Family Limited Partnership     |
|                | Section       099.00                      |               | c/o James Reynolds, Esq.              |
|                | Block         02.00                       |               | 35 Arkay Drive                        |
|                | Lot            013.004                    |               | Hauppauge, NY 11788                   |

and be it further

**2<sup>nd</sup>**            **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3) 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 Two Million Four Hundred Eighty Thousand Four Hundred Dollars (\$2,480,400.00±), at Seventy Eight Thousand Dollars (\$78,000.00) per acre for 31.8± acres, subject to a final survey; and be it further

**3<sup>rd</sup>**            **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$2,480,400.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

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

5<sup>th</sup> **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5 c (20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing a farmland development rights acquisition as part of the Suffolk County Farmland Preservation Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued in Suffolk County Resolution No. 861-1996.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro. Res. No. 1855-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 828  
-2008, AUTHORIZING THE ACQUISITION OF LAND UNDER  
THE NEW SUFFOLK COUNTY DRINKING WATER  
PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) –  
OPEN SPACE COMPONENT - FOR THE AVAKIAN PROPERTY  
– MILLER PLACE/YAPHANK ROAD NP ADDITION – TOWN OF  
BROOKHAVEN – (SCTM NO. 0200-213.00-04.00-008.000)**

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

year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

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

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

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

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

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price

of Thirty Thousand Dollars (\$30,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

| <u>PARCEL:</u> | <u>SUFFOLK COUNTY</u>  | <u>ACRES:</u> | <u>REPUTED OWNER</u> |
|----------------|------------------------|---------------|----------------------|
| No. 1          | <u>TAX MAP NUMBER:</u> | 0.207±        | <u>AND ADDRESS:</u>  |
|                | District 0200          |               | Edna M. Avakian      |
|                | Section 213.00         |               | 2108 Minoru Drive    |
|                | Block 04.00            |               | Altadena, CA 91001   |
|                | Lot 008.000            |               |                      |

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Thirty Thousand Dollars (\$30,000.00), subject to a final survey; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$30,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

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

**5<sup>th</sup>** **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the

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

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

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

and be it further

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro. Res. No. 1856-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO.  
829 -2008, AUTHORIZING THE ACQUISITION OF LAND  
UNDER THE NEW SUFFOLK COUNTY DRINKING WATER  
PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) –  
OPEN SPACE COMPONENT - FOR THE JEFFERS PROPERTY  
– FORGE RIVER ADDITION – TOWN OF BROOKHAVEN –  
(SCTM NOS. 0200-750.00-03.00-029.002, 0200-750.00-03.00-  
029.003, 0200-750.00-03.00-029.004, 0200-750.00-03.00-  
029.005, 0200-750.00-03.00-029.006, 0200-750.00-03.00-  
036.000 AND 0200-750.00-03.00-039.003)**

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

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

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

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

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

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of One Hundred Ninety Four Thousand Three Hundred Dollars (\$194,300.00±), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

| <b><u>PARCEL:</u></b> | <b><u>SUFFOLK COUNTY<br/>TAX MAP NUMBER:</u></b>              | <b><u>ACRES:</u></b> | <b><u>REPUTED OWNER<br/>AND ADDRESS:</u></b>                                |
|-----------------------|---|----------------------|---|
| No. 1                 | District 0200<br>Section 750.00<br>Block 03.00<br>Lot 029.002 | 1.34±                | James P. and Patricia A. Jeffers<br>409D Bromley Place<br>Wyckoff, NJ 07481 |
| No. 2                 | District 0200<br>Section 750.00<br>Block 03.00<br>Lot 029.003 |                      |   |
| No. 3                 | District 0200<br>Section 750.00<br>Block 03.00<br>Lot 029.004 |                      |   |
| No. 4                 | District 0200<br>Section 750.00<br>Block 03.00<br>Lot 029.005 |                      |   |
| No. 5                 | District 0200<br>Section 750.00<br>Block 03.00<br>Lot 029.006 |                      |   |
| No. 6                 | District 0200   |                      | James P. Jeffers  |

|         |         |                    |
|---------|---------|--------------------|
| Section | 750.00  | 409D Bromley Place |
| Block   | 03.00   | Wyckoff, NJ 07481  |
| Lot     | 036.000 |                    |

|       |          |         |
|-------|----------|---------|
| No. 7 | District | 0200    |
|       | Section  | 750.00  |
|       | Block    | 03.00   |
|       | Lot      | 039.003 |

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of One Hundred Ninety Four Thousand Three Hundred Dollars (\$194,300.00±), subject to a final survey; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$194,300.00±, subject to a final survey, from previously appropriated funds in Capital Project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

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

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

consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County

Executive and the Suffolk County Legislature; and be it further

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

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

and be it further

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

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

Intro. Res. No. 1858-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 830 -2008, AUTHORIZING ACQUISITION (RESIDUAL FEE) OF LAND UNDER THE OLD SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM [C12-5(E)(1)(b)] FOR THE WARNER PROPERTY – PINE BARRENS CORE – TOWN OF RIVERHEAD – (SCTM NO. 0600-118.00-04.00-005.009)**

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

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

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

**WHEREAS**, Resolution No. 264-2002, authorized planning steps for the acquisition of the subject property; and

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the residual fee of the subject property set forth below under Article XII of the SUFFOLK COUNTY CHARTER, Section C12-5(E)(1)(b), as amended and effective as of November 30, 2000, for a total purchase price of Two Hundred Ninety Eight Thousand One Hundred Dollars (\$298,100.00), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

| <b><u>PARCEL:</u></b> | <b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b> | <b><u>ACRES:</u></b> | <b><u>REPUTED OWNER AND ADDRESS:</u></b> |
|-----------------------|--|----------------------|--|
| No. 1                 | District 0600                                | 13.55±               | Olin F. Warner, Jr. and Beverly Warner   |
|                       | Section 118.00                               |                      | 2023 River Road – P.O. Box 269           |
|                       | Block 04.00                                  |                      | Calverton, NY 11933                      |
|                       | Lot 005.009                                  |                      |  |

and be it further

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

Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Old Suffolk County Drinking Water Protection Program, Section C12-5(E)(1)(b) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for a purchase price of Two Hundred Ninety Eight Thousand One Hundred Dollars (\$298,100.00), subject to a final survey; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$298,100.00, subject to a final survey, from previously appropriated funds in MY-475-MS-1940 under the Old Drinking Water Protection Program, Section C12-5(E)(1)(b) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for this acquisition; and be it further

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

**5<sup>th</sup>** **RESOLVED**, that the owner has agreed to remove all debris from the property, at his sole cost and expense, before the County acquires the property; and be it further

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

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

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

- 1. the proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and**
- 2. the proposed use of the subject parcel is passive recreation; and**
- 3. prior to transfer of the subject parcel to the Department of Parks, Recreation and Conservation, the Division of Real Property Acquisition and Management shall remove the barn structure by means approved by CEQ; and, be it further**

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

**Legislator Schneiderman made motion for the following resolution, seconded by Legislative Cooper. The resolution was passed 12-6-0-0-0. Legislators Montano, Alden, Barraga, Kennedy and Nowick voted no.**

Intro. Res. No. 1861-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO.**

**831 -2008, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT - FOR THE CAVETT PROPERTY – AMSTERDAM BEACH ADDITION – TOWN OF EAST HAMPTON – (SCTM NO. 0300-032.00-06.00-001.002)**

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

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

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

**WHEREAS**, the Town of East Hampton ("Town") has approved Resolution No. 2008-1004 on August 14, 2008, authorizing the acquisition of the subject property in partnership with the County of Suffolk and the State of New York; and

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

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

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Eighteen Million Dollars (\$18,000,000.00), which cost is to be shared by the County of Suffolk, the Town of East Hampton, and New York State, with the County of Suffolk's share, totaling Six Million Dollars (\$6,000,000.00), for a one-third (1/3) undivided interest; and the Town's share, totaling Six Million Dollars (\$6,000,000.00), for a one-third (1/3) undivided interest; and New York State's share, totaling Six Million Dollars (\$6,000,000.00), for a one-third (1/3) undivided interest, 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:

|                       |                               |                      |                            |
|-----------------------|-------------------------------|----------------------|----------------------------|
| <b><u>PARCEL:</u></b> | <b>SUFFOLK COUNTY</b>         |                      | <b>REPUTED OWNER</b>       |
|                       | <b><u>TAX MAP NUMBER:</u></b> | <b><u>ACRES:</u></b> | <b><u>AND ADDRESS:</u></b> |

|       |          |         |         |                                  |
|-------|----------|---------|---------|----------------------------------|
| No. 1 | District | 0300    | 76.919± | Richard A. Cavett                |
|       | Section  | 032.00  |         | 109 East 79 <sup>th</sup> Street |
|       | Block    | 06.00   |         | New York, NY 10021               |
|       | Lot      | 001.002 |         |                                  |

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for Six Million Dollars (\$6,000,000.00), subject to a final survey, said amount representing the County's share of the total purchase price; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$6,000,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

**4<sup>th</sup>** **RESOLVED**, that title to this acquisition shall be held by the County of Suffolk, the Town and the State of New York as tenants-in-common, with the County of Suffolk owning a one-third (1/3) undivided interest, the Town owning a one-third (1/3) undivided interest, and the State of New York owning a one-third (1/3) undivided interest; and be it further

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

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

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

and be it further

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

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

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro. Res. No. 1875-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 832 -2008, ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN NASSAU COUNTY AND SUFFOLK COUNTY RELATING TO THE LONG ISLAND REGIONAL PLANNING COUNCIL**

**WHEREAS**, Suffolk County Resolution Nos. 636-2005 and 1097-2007 and Nassau County Ordinance Nos. 129-2007 and 115-2008 created the Long Island Regional Planning Council (hereinafter the "LIRPC") in order to collaborate in facilitating regional planning strategies; and

**WHEREAS**, New York State General Municipal Law Section 239-h(3) provides that the legislative bodies of each County shall adopt, by resolution, an agreement setting forth the terms and conditions of such collaboration; and

**WHEREAS**, Suffolk County Resolution No. 636-2005 empowered and authorized the Suffolk County Executive to enter into an inter-municipal agreement with Nassau County consistent with the terms of Resolution No. 636-2005 and setting forth the terms and conditions under which the Council will operate; and

**WHEREAS**, Suffolk County and Nassau County have negotiated and agreed to the terms of an inter-municipal agreement; now, therefore be it

**1st RESOLVED**, that the "Memorandum of Understanding Between Nassau County and Suffolk County Relating to the Long Island Regional Planning Council," the form of which is annexed hereto, is adopted and, as stated therein, shall continue unless terminated by either party, at any time, for any reason or no reason, upon thirty (30) days written notice to the other party or upon formal dissolution of the LIRPC by way of duly enacted resolutions of the legislative bodies of Nassau County and Suffolk County; 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: October 14, 2008

APPROVED BY:



Regional Planning Council with a background in local government, is hereby approved, pursuant to Resolution No. 636-2005, as amended by Resolution No. 1097-2007, for a term of three years commencing on the effective date of this resolution and to expire in three years or at the end of his term of elective office, whichever is shorter.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

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

Intro. Res. No. 1878-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 834-2008, APPOINTING GRANT HENDRICKS AS A MEMBER OF THE LONG ISLAND REGIONAL PLANNING COUNCIL**

**WHEREAS**, Resolution No. 636-2005, adopted by the County of Suffolk on June 8, 2005 and entitled "Re-organizing and Strengthening the Nassau-Suffolk Regional Planning Board, and Renaming the Board, 'The Long Island Regional Planning Council,'" as amended by Resolution No. 1097-2007, adopted by the County of Suffolk on November 30, 2007, provides for the appointment of six members to be appointed from Suffolk County and six members to be appointed from Nassau County to provide for greater and more diverse citizen input through an expanded Board, greater accountability, and more sharply focused goals and responsibilities; and

**WHEREAS**, Nassau County has adopted an Ordinance, as amended, which is substantially similar to Resolution No. 636-2005, as amended by Resolution No. 1097-2007; and

**WHEREAS**, the members appointed to the Long Island Regional Planning Council by Suffolk County shall include a supervisor of a town within Suffolk County and a mayor of a village within Suffolk County; and

**WHEREAS**, all members appointed should have a background in Engineering, Real Estate Development, Construction, Economic Development, Energy Planning and Analysis, law, local government, Environmental Protection, Health Care Planning, Transportation Planning or Regional Planning, and include members from a broad cross section of interests within the Suffolk County region, but not more than two (2) members shall be from the same type of professional background; and

**WHEREAS**, County Executive Steve Levy has appointed Grant Hendricks, currently residing at 29 Garner Lane, Bay Shore, NY as a member of the Long Island Regional Planning Council; now, therefore be it

**1st RESOLVED**, that the appointment of Grant Hendricks, currently residing at 29 Garner Lane, Bay Shore, NY as a member of the Long Island Regional Planning Council with a background in transportation planning, is hereby approved, pursuant to Resolution No. 636-2005, as amended by Resolution No. 1097-2007, for a term of three years commencing on the effective date of this resolution.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

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

Intro. Res. No. 1771-2008 Laid on Table 8/19/2008  
Introduced by Presiding Officer Lindsay and Legislators Viloría-Fisher, Romaine

**RESOLUTION NO. 835 -2008, DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO ISSUE PUBLIC HEALTH NURSING TASK FORCE RFP**

**WHEREAS**, Resolution No. 176-2006, as amended by Resolution No. 835-2006 and Resolution No. 548-2007, created a Public Health Nursing Task Force to establish criteria for a Request for Proposals (RFP) to be used to choose a consultant to perform a cost/benefit analysis of Suffolk County's Public Health Nursing Program; and

**WHEREAS**, pursuant to the aforementioned resolutions, the Suffolk County Legislature's Office of Budget Review prepared a RFP based on the criteria established by the Public Health Nursing Task Force; and

**WHEREAS**, the Budget Review Office provided the RFP to the Department of Public Works, Purchasing Division, on January 30, 2008, for issuance to potential vendors/consultants; and

**WHEREAS**, the Department of Public Works has not issued the RFP to date; and

**WHEREAS**, the Legislature's stated intent, to conduct a cost/benefit analysis of the Public Health Nursing Program, was first expressed nearly 2 1/2 years ago; and

**WHEREAS**, the Department of Public Works is willfully ignoring a policy adopted by this Legislature; now, therefore be it

**1st RESOLVED**, that the Department of Public Works, Purchasing Division, is hereby directed to issue the Public Health Nursing RFP within 10 days after the effective date of this resolution; and be it further

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

DATED: October 14, 2008

**\*\*VETOED BY COUNTY EXECUTIVE ON OCTOBER 30, 2008\*\***

**\*\*VETO OVERRIDE ADOPTED ON NOVEMBER 5, 2008\*\***

-----

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

Intro Res. No. 1813-2008

Laid on Table 9/16/2008

Introduced by Legislators Beedenbender and Browning

**RESOLUTION NO. 836 -2008, DIRECTING THE DEPARTMENT OF SOCIAL SERVICES TO SEEK CONDEMNATION NOTIFICATION AGREEMENTS**

**WHEREAS**, town governments possess the authority to condemn dwellings that are unfit for human habitation and cause the people living in such housing to vacate the premises; and

**WHEREAS**, the people who reside in such substandard housing, particularly children, may be eligible for, and benefit from, the various services provided by the Suffolk County Department of Social Services; and

**WHEREAS**, the towns have no legal obligation to provide such notification; and

**WHEREAS**, inter-municipal cooperation between Suffolk Department of Social Services (DSS) and the Towns and Villages will benefit families and enable DSS to offer the family emergency housing and other essential services; and

**WHEREAS**, for the purpose of improving such cooperation, the Towns and Villages should notify DSS of those situations where they have found a dwelling uninhabitable, and when appropriate to ensure the safety of a child to make a report to the State Central Registry; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the Commissioner of the Department of Social Services is hereby authorized, empowered and directed to contact each of the Towns and Villages of Suffolk County, and develop protocols to enhance inter-municipal communication, including immediate notification to DSS when the municipality has determined a dwelling to be unfit for habitation; and

**2<sup>nd</sup>** **RESOLVED**, that the Commissioner of Social Services will provide a written report to the Suffolk County Legislature within 120 days of the effective date of this resolution providing a status update of the Department's efforts to reach such agreements with the Towns and Villages of Suffolk County; and be it further

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro. Res. No. 1862-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 837 -2008, AMENDING THE ADOPTED 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE WATER QUALITY MODEL – PHASE IV (CP 8237)**

**WHEREAS**, the Commissioner of Health Services has requested to appropriate funds in connection with the development of the Water Quality Model – Phase IV; and

**WHEREAS**, additional funding is required to continue the development of a Comprehensive Water Resources Management Plan for Suffolk County and also to implement Plan recommendations; and

**WHEREAS**, this Comprehensive Water Resources Management Plan will provide essential guidance in protecting Suffolk County’s vital water supply and surface water resources, while accommodating workforce housing and other initiatives; and

**WHEREAS**, the 2008 Adopted Capital Budget and Program does not include sufficient funds to cover the continuation of this Comprehensive Water Resources Management Plan and under Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; and

**WHEREAS**, Resolution No. 471-1994 as revised by Resolution No. 461-2006 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

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

**1<sup>st</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) 20, 21, and 27 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

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty (60) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup> RESOLVED**, that the 2008 Capital Budget and Program be and is hereby amended as follows:

Project Number: 8235  
Project Title: Peconic Bay Estuary Program

|              | <u>Total<br/>Est'd<br/>Cost</u> | <u>Current<br/>2008<br/>Capital Budget<br/>&amp; Program</u> | <u>Revised<br/>2008<br/>Capital Budget<br/>&amp; Program</u> |
|--------------|---------------------------------|--|--|
| 1. Planning  | \$1,030,000                     | \$135,000B   | \$35,000B  |
| <b>TOTAL</b> | <u>\$1,355,000</u>              | <u>\$150,000</u>   | <u>\$50,000</u>  |

Project Number: 8237  
 Project Title: Water Quality Model

|             | Total<br>Est'd<br><u>Cost</u> | Current<br>2008<br>Capital Budget<br>& Program | Revised<br>2008<br>Capital Budget<br>& Program |
|-------------|-------------------------------|--|--|
| 1. Planning | \$1,650,000                   | \$100,000B                                     | \$200,000B                                     |
| TOTAL       | \$1,650,000                   | \$100,000                                      | \$200,000                                      |

and be it further

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

| <u>Project Number</u>                       | <u>J.C.</u> | <u>Project Title</u>         | <u>Amount</u> |
|---|-------------|------------------------------|---------------|
| 525-CAP-8237.111<br>(Fund 001-Debt Service) | 40          | Water Quality Model Phase IV | \$200,000     |

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
 County Executive of Suffolk County

Date: October 22, 2008

-----

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

Intro. Res. No. 1862A-2008

**BOND RESOLUTION NO. 838 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$200,000 BONDS TO FINANCE A PART OF THE COST OF THE PREPARATION OF PLANS RELATING TO THE WATER QUALITY MODEL PHASE - IV (CP 8237.111)**

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 \$200,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the preparation of plans relating to the Water Quality Model - Phase IV, as authorized in the 2008 Capital Budget and Program, as amended. Said \$200,000 bonds are authorized to be issued to finance a part of the County's obligation pursuant to the "SCWA Credit" established pursuant to the Stipulation of Settlement between the County and the Suffolk County Water Authority dated February 27, 2006 and Resolution No. 156-2008. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000. The plan of financing includes (a) the issuance of \$200,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1123-2004, (b) the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 284-2005, (c) the expenditure of \$100,000 heretofore received from the Suffolk County Water Authority pursuant to the Agreement dated April 22, 2005, (d) the issuance of \$100,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 715-2006, (e) the issuance of \$200,000 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.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 62 of the Law, is five (5) years computed from November 1, 2006, the date of issuance of the first obligations issued therefor pursuant to Bond Resolution No. 1123-2004.

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: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

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

Intro. Res. No. 1811-2008

Laid on Table 9/16/2008

Introduced by Legislators Browning, Montano, Beedenbender, Losquadro, Schneiderman Cooper, Romaine, Kennedy, Nowick, Horsley, Gregory, Stern and D'Amaro

**RESOLUTION NO. 839 -2008, TO ESTABLISH A HEALTH PLAN FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS**

**WHEREAS**, volunteer firefighters and volunteer ambulance workers provide critical services to Suffolk County residents; and

**WHEREAS**, in addition to their time spent on duty, volunteer emergency service workers must meet ever increasing training requirements, especially those who provide advanced life support services; and

**WHEREAS**, these volunteers often spend time away from their families, which places a strain on their professional and personal lives; and

**WHEREAS**, local governments should recognize and reward the critical role emergency services volunteers have in our communities; and

**WHEREAS**, Suffolk County Government can and should help local fire and ambulance companies recruit and retain members by providing extra incentives to these vital volunteers; and

**WHEREAS**, the State of New York has approved a new law which allows volunteer fire and ambulance company volunteers to access the health insurance plans offered by local governments (Chapter 331 of the Laws of the State of New York, 2008); and

**WHEREAS**, authorizing volunteer firefighters and volunteer ambulance workers to access Suffolk County's health plan would allow volunteers to purchase health insurance at a discounted price and there would be no increased cost to the County; and

**WHEREAS**, the County's Self Insured Employee Medical Health Plan ("EMHP") is overseen by a Labor/Management Committee ("Committee"), which is responsible for policy decisions regarding fund expenditures, final decisions on medical payment appeals and all executive decisions affecting this program; and

**WHEREAS**, bringing volunteer firefighters and ambulance workers under the County's self insurance umbrella requires approval of the EMHP Committee; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the Director of Labor Relations ("Director") is hereby authorized, empowered and directed to bring to the Committee a proposal that would allow volunteer firefighters and ambulance workers to purchase their health insurance through the

County's Self Insurance Program in accordance with the recently enacted State legislation; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director shall request that the Committee evaluate the proposal allowing volunteer firefighters and ambulance workers to access the EMHP; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the Director shall also request that the Committee consider, as part of their evaluation, the feasibility offering firefighters and ambulance workers more modest health plan alternatives in order to reduce the potential costs for these volunteers; and be it further

**4<sup>th</sup>** **RESOLVED**, that the Director shall report the Committee's findings to this Legislature and the County Executive within one hundred twenty (120) days after the effective date of this resolution; and be it further

**5<sup>th</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of 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: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro. Res. No. 1840-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 840 -2008, AUTHORIZING  
THE SALE OF COUNTY-OWNED REAL PROPERTY  
PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL  
LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE  
HOUSING PURPOSES**

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

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

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

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

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

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

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

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;
2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;
3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;
6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;
7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee
  - a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and
  - b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and
  - c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and
  - d. the affordable housing unit or units meet local building and zoning codes;
8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or
9. If any subsequent grantee fails to comply with all applicable State, Federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

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

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

**4<sup>th</sup>** **RESOLVED**, that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event, and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of,

and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof; and be it further

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

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----  
**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Nowick. The resolution was passed 16-0-0-2-0. Legislator Schneiderman was not present.**

Intro. Res. No. 1730-2008

Laid on Table 8/5/2008

Introduced by Presiding Officer Lindsay and Legislators Viloría-Fisher, Nowick

**RESOLUTION NO. 841 -2008, APPOINTING ELIZABETH KAHN KAPLAN AS A MEMBER OF THE SUFFOLK COUNTY VANDERBILT MUSEUM COMMISSION (TRUSTEE NO. 15)**

**WHEREAS**, Maria Figalora resigned as a member of the Suffolk County Vanderbilt Museum Commission on March 18, 2008, thereby creating a vacancy; now, therefore be it

**1st RESOLVED**, that **Elizabeth Kahn Kaplan**, residing in St. James, NY, is hereby appointed as a member of the Suffolk County Vanderbilt Museum Commission, as Trustee No. 15, for a term of office to expire December 28, 2010, pursuant to the provisions of §184-7(A) of the SUFFOLK COUNTY CODE; and be it further

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

DATED: October 14, 2008

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND RESOLUTION NO. 266-1987 (SECTION 793-5 OF THE SUFFOLK COUNTY CODE)

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

Intro. Res. No. 1817-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer Lindsay and Legislator Romaine

**RESOLUTION NO. 842 –2008, REAPPOINT MEMBER TO THE SUFFOLK COUNTY BOARD OF TRUSTEES OF PARKS, RECREATION, AND CONSERVATION (GILBERT A. CARDILLO)**

**WHEREAS**, Gilbert A. Cardillo, representing the Town of Riverhead, is currently a member of the Suffolk County Board of Trustees of Parks, Recreation, and Conservation, his membership is set to expire November 30, 2008; now, therefore be it

**1st RESOLVED**, that Gilbert A. Cardillo, currently residing in Riverhead, New York, be reappointed, pursuant to Section 28-1(C) of the SUFFOLK COUNTY CHARTER, as a member of the Suffolk County Board of Trustees of Parks, Recreation, and Conservation as the representative of the Town of Riverhead, for a term of office to expire on November 30, 2013; 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) 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: October 14, 2008

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

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

**Intro. Res. No. 1833-2008**

**Laid on Table 9/16/2008**

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 843 -2008, APPROVING A  
LICENSE AGREEMENT FOR HAZEL BELSEN TO RESIDE AT  
PROSSER PINES COUNTY PARK, MIDDLE ISLAND**

**WHEREAS**, Suffolk County Resolution No. 1250-2002, "Establishing Taxpayer Protection Policy for Use of County Residences," repealed the former statutory policy of charging below-market rent for facilities under the jurisdiction of the County Department of Parks, Recreation, and Conservation for use by County employees; and

**WHEREAS**, Suffolk County Resolution No. 1368-2004, "Revising Taxpayer Protection Policy for Use of County Residences," amended the statute in order to assist the Commissioner of Parks, Recreation, and Conservation in implementing the statute; and

**WHEREAS**, in accordance with Resolution No. 1250-2002, fair market appraisals of the residences and facilities suitable for use as a residence under the jurisdiction of the Department of Parks, Recreation, and Conservation have been completed; and

**WHEREAS**, in accordance with the policies set forth by the aforementioned resolutions, the Commissioner of the Department of Parks, Recreation, and Conservation has recommended that Hazel Belsen, Lock Tender for the Department of Public Works, be approved to enter into a license agreement to reside at Unit 119A at Prosser Pines County Park, Middle Island; now, therefore be it

**1<sup>st</sup> RESOLVED, that the Suffolk County Department of Parks, Recreation, and Conservation is authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to enter into a License Agreement with Hazel Belsen to reside at Unit 119A at Prosser Pines County Park, Middle Island, in accordance with the provisions set forth in Section 723-1 of the SUFFOLK COUNTY CODE; and be it further**

**2<sup>nd</sup> RESOLVED**, that Unit 119A at Prosser Pines County Park and grounds on said premises shall be returned to the County of Suffolk at the conclusion of the License Agreement authorized pursuant to the 1<sup>st</sup> 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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro. Res. No. 1841-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 844 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE AND REPLACEMENT OF HEAVY DUTY AND SPECIALTY EQUIPMENT FOR THE DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES (CP 3421)**

**WHEREAS**, the Commissioner of Fire, Rescue and Emergency Services has requested funds for the purchase of a replacement dump truck for the Suffolk County Fire Training Center on the Yaphank County Complex; and

**WHEREAS**, the Department of Fire, Rescue and Emergency Services is tasked with maintaining the grounds and the live fire training buildings and props at the Fire Training Center; and

**WHEREAS**, the Fire Training Center maintenance work, in significant part, includes the use of a dump truck for the removal of fire debris from training buildings and the training grounds to the local landfill on a daily basis from April 1 through November 30 each year; and

**WHEREAS**, the vehicle currently used for the purposes of removing the fire debris is a twenty year old dump truck which has better than 85,000 miles of usage, is constantly in disrepair and has a cab and dump body that is deteriorated through in several spots on the floors and, in the case of the dump body, sidewalls due to excessive corrosion posing a potential safety hazard; and

**WHEREAS**, the existing dump truck must be replaced due to the aforementioned conditions with a current model year four wheel drive dump truck meeting or exceeding the specifications and functionality of the present vehicle with the additional capabilities of towing the domestic preparedness trailers operated by the department and mitigating snow and ice accumulation during adverse winter weather; and

**WHEREAS**, sufficient funds are not included in the 2008 Capital Budget and Program to cover the costs of said request under Capital Program 3421 and, pursuant to Suffolk County Charter Section C4-13, an offsetting authorization must be provided from another Capital Project; and

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

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$65,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that it is determined that this program with a priority ranking of forty-eight (48) 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

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

**3<sup>rd</sup>** **RESOLVED**, Resolution No. 321-2003 requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicles via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature"; and be it further

**4<sup>th</sup>** **RESOLVED**, as per resolution No. 321-2003, the Legislature hereby approves the purchase of one (1) replacement dump truck and that the County fleet will not be increased; and be it further

**5<sup>th</sup>** **RESOLVED**, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 1800  
Project Title: Secure Authentication System

Current

Revised

|                          |                                 |  |  |
|--------------------------|---------------------------------|--|--|
|                          | <u>Total<br/>Est'd<br/>Cost</u> | <u>2008<br/>Capital<br/>Budget &amp;<br/>Program</u> | <u>2008<br/>Capital<br/>Budget &amp;<br/>Program</u> |
| 5. Furniture & Equipment | <u>\$65,000</u>                 | <u>\$72,000G</u>                                     | <u>\$ 7,000G</u>                                     |
| TOTAL                    | \$ 65,000                       | \$ 72,000  | \$ 7,000   |

Project No.: 3421  
Project Title: Heavy Duty and Specialty Equipment for the Department of Fire, Rescue and Emergency Services

|                          |                                 |  |  |
|--------------------------|---------------------------------|--|--|
|                          | <u>Total<br/>Est'd<br/>Cost</u> | <u>Current<br/>2008<br/>Capital<br/>Budget &amp;<br/>Program</u> | <u>Revised<br/>2008<br/>Capital<br/>Budget &amp;<br/>Program</u> |
| 5. Furniture & Equipment | <u>\$65,000</u>                 | <u>0</u>   | <u>\$65,000B</u>   |
| TOTAL                    | \$65,000                        | 0  | \$65,000   |

and be it further

**6<sup>th</sup>** **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-3421.510<br>(Fund 001 Debt Service) | 29          | Heavy Duty and Specialty<br>Equipment for the Department of<br>Fire, Rescue and Emergency<br>Services | \$65,000      |

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

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

Intro. Res. No. 1841A-2008

**BOND RESOLUTION NO. 845 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$65,000 BONDS TO FINANCE THE COST OF THE PURCHASE AND REPLACEMENT OF HEAVY DUTY AND SPECIALTY EQUIPMENT FOR THE DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES (CP 3421.510)**

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of \$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 the cost of the purchase and replacement of heavy duty and specialty equipment for the Department of Fire, Rescue and Emergency Services, specifically a dump truck, 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 \$65,000. The plan of financing includes the issuance of \$65,000 bonds or bond anticipation notes authorized pursuant to this resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law 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: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

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

Intro. Res. No. 1887-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer Lindsay, and Legislators Browning, Losquadro, Cooper, Eddington, Gregory, Nowick, Romaine, Horsley, Kennedy

**RESOLUTION NO. 846 –2008, TO ESTABLISH A  
POLICY FOR CONTINUED POLICE OFFICER PRESENCE IN  
POLICE ATHLETIC LEAGUE PROGRAMS**

**WHEREAS**, the Suffolk County Police Athletic League (“PAL”) operates sports leagues, mentoring and reach-out programs that serve tens of thousands of youngsters each year; and

**WHEREAS**, four Suffolk County police officers are presently assigned to assist PAL operations; and

**WHEREAS**, this police presence and participation is critical to the continued success of PAL programs; and

**WHEREAS**, PAL volunteers, the PAL Board of Directors and the Suffolk County District Attorney have all called for the continued assignment of sworn Police Officers to PAL; and

**WHEREAS**, the County of Suffolk can and should maintain an active police presence in PAL programs by reassigning police officers who are on light duty to PAL; and

**WHEREAS**, over 50 Suffolk County police officers are presently on light duty; now, therefore be it

**1st RESOLVED**, that the Commissioner of the Suffolk County Police Department is hereby authorized, empowered and directed, pursuant to Article 13 of the SUFFOLK COUNTY CHARTER, to continue to assign at least four sworn Suffolk County police officers to PAL programs; and be it further

**2nd RESOLVED**, that the Suffolk County Police Department is also directed to reassign police officers who are presently performing light duty activities with the Police Athletic League within thirty (30) days of the effective date of this resolution; and be it further

**3rd RESOLVED**, that any diminution of sworn police officer staffing dedicated to PAL below that set forth herein may only be accomplished by a duly enacted resolution of the County of Suffolk; 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: October 14, 2008

**\*\*VETOED BY COUNTY EXECUTIVE ON OCTOBER 30, 2008\*\***

**\*\*VETO OVERRIDE ADOPTED ON NOVEMBER 5, 2008\*\***

-----

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

Intro. Res. No. 1701-2008

Laid on Table 8/5/2008

Introduced by Presiding Officer, on request of the County Executive

|   |     |
|---|-----|
| RESOLUTION NO.  | 847 |
|   | -   |
| 2008, AMENDING THE 2008 OPERATING BUDGET, TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND AND APPROPRIATING FUNDS FOR THE ENGINEERING PHASE OF IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 22 - HAUPPAUGE MUNICIPAL (CP 8171) |     |

**WHEREAS**, the Hauppauge Municipal Wastewater Treatment Plant requires recharge facility improvements; and

**WHEREAS**, planning and environmental assistance is required, in connection with the proposed improvements; and

**WHEREAS**, there are sufficient funds in the 2008 Capital Budget and Program for assistance in improving Suffolk County Sewer District No. 22 – Hauppauge Municipal; and

**WHEREAS**, the Administrative Head of Sewer District No. 22 - Hauppauge Municipal has requested that planning and environmental funds be appropriated to cover costs associated with the improvement 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**, it is proposed that \$200,000 of the Assessment Stabilization Reserve Fund be appropriated for the purpose of implementing the planning and environmental phase of the project; now, therefore be it

**1<sup>st</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty six (66), 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

**2<sup>nd</sup> RESOLVED**, that the Assessment Stabilization Reserve Fund shall provide the sum of \$200,000 for the purpose of implementing the planning and environmental phase of the project; and be it further

**3<sup>rd</sup> RESOLVED**, that the 2008 Adopted Operating Budget be and hereby is amended as follows:

| <u>Interfunds</u>                 | <u>Amount</u> |
|-----------------------------------|---------------|
| 404-IFT-E527-Transfer to Fund 527 | \$200,000     |

and be it further

**4<sup>th</sup> RESOLVED**, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept the interfund transfer, including the cash transfer, and accept the interfund proceeds as follows:

| <u>Revenues:</u>   | <u>Amount</u> |
|--|---------------|
| 527-IFT-R404-Transfer from Fund 404<br>(Ref.527-CAP-IFTR-R404) | \$200,000     |

and be it further

**5<sup>th</sup> RESOLVED**, that funds in the amount of \$200,000 from the Assessment Stabilization Reserve Fund be and they are hereby are appropriated as follows:

| <u>Project No.</u> | <u>Project Title</u>   | <u>Amount</u> |
|--------------------|--|---------------|
| 527-CAP-8171.111   | Improvements to Sewer District 22 - Hauppauge<br>Municipal, Planning, Design and Supervision | \$200,000     |

and be it further

**6<sup>th</sup> RESOLVED**, that the Administrative Head of the Sewer District be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the planning and environmental phase of the recharge facility improvements to SD 22 - Hauppauge Municipal; and be it further

**7<sup>th</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (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: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

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

Intro Res. No. 1882-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 848 -2008, AUTHORIZING EXECUTION OF AGREEMENT BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 2 – TALLMADGE WOODS WITH THE OWNER OF NORTH COUNTRY PLAZA (BR-0920)**

**WHEREAS**, North Country Plaza, is located outside the boundary of Suffolk County Sewer District No. 2 – Tallmadge Woods; and

**WHEREAS**, North Country Plaza, Inc. has petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 2; and

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

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

**WHEREAS**, it will be financially beneficial to Suffolk County Sewer District No. 2 – Tallmadge Woods and Suffolk County, as well as in the environmental interest of all of Suffolk County, for the connection to be made; and

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

**1<sup>st</sup> RESOLVED**, that the Administrative Head of the District be and he hereby is authorized, directed and empowered to enter into contracts and agreements with the developer upon such terms and conditions as he may deem necessary relating to connections to the District of lands adjacent to Suffolk County Sewer District No. 2 – Tallmadge Woods and that they be required to post a surety bond or bonds and deposit cash or securities with the County Treasurer in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

-----

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

Intro. Res. No. 1688-2008  
Introduced by Legislator Eddington

Laid on Table 8/5/2008

**RESOLUTION NO. 849 -2008, ADOPTING LOCAL LAW NO. -2008, A LOCAL LAW TO STRENGTHEN COMPETITIVE PROCUREMENT PROCEDURES AND MAXIMIZE SAVINGS FOR TAXPAYERS**

**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 STRENGTHEN COMPETITIVE PROCUREMENT PROCEDURES AND MAXIMIZE SAVINGS FOR TAXPAYERS**;" 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 STRENGTHEN COMPETITIVE PROCUREMENT PROCEDURES AND MAXIMIZE SAVINGS FOR TAXPAYERS**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk enacted Local Law No. 4-1993 and Local Law No. 5-1993, generally known as the "local preference" laws to give businesses located in Suffolk County and Nassau County a better chance to win contracts for consulting services, construction of public works, and provision of supplies, materials and equipment.

This Legislature further finds that in the case of public works and procurement contracts, Local Law No. 5-1993 (codified in § A4-14 of the SUFFOLK COUNTY ADMINISTRATIVE CODE) authorizes county officials to award a contract to a local business as long as their bid

does not exceed the lowest bid by more than 10%. Local Law No. 4-1993 (codified in § A4-13 of the SUFFOLK COUNTY ADMINISTRATIVE CODE) states that all consulting contracts shall be awarded to a local consultant unless there is no local consultant with the requisite expertise or credentials.

This Legislature also determines that the County of Suffolk enacted these laws to assist Long Island businesses and protect local jobs during an economic downturn. While these goals were and are worthy, Local Law Nos. 4 and 5 of 1993 have had the unintended effect of disqualifying some businesses that have a substantial local presence from competing for County contracts.

This Legislature also finds and determines that the County's local preference laws should be amended to encourage broader competition and obtain greater cost savings for Suffolk County taxpayers.

Therefore, the purpose of this law is to update the County's local preference laws in order to achieve greater cost savings from fuller competition while continuing to promote the use of local businesses and strengthen the local economy.

## **Section 2. Amendments.**

### **I. Section 2 of Local Law No. 4-1993 is hereby amended to read as follows:**

#### **Section 2. Definitions.**

As used in this section the following definitions shall have the meanings indicated:

"CONTRACT" shall mean any claim, account, or demand against or agreement, other than a collective bargaining agreement, upon sufficient consideration, with Suffolk County or any divisions, departments, agencies, or entity thereof, express or implied for the rendering or performance of personal or professional services and shall include extensions, modifications, renewals, or amendments.

"CONSULTING SERVICES" shall mean the expertise, advice, professional services, or any other personal services provided by any individual, association, proprietorship, partnership, corporation, or joint venture by contract with Suffolk County including, but not limited to, design work, planning work, medical, legal, engineering, computer, accounting, or educational services.

"CONSULTANT" shall mean any individual, association, proprietorship, partnership, corporation, or joint venture to be contracted by Suffolk County to provide expertise, advice, professional services, or any other personal services, including, but not limited to, design work, planning work, medical, legal, engineering, computer, accounting, or educational services.

"LOCATED AND DOING BUSINESS WITHIN SUFFOLK COUNTY OR NASSAU COUNTY" shall mean maintaining a place of business and a staffed, operational office at an address within the geographical boundaries of Suffolk County or Nassau County for a period of at least one year from which a majority of the employees performing the contracted for services are assigned. In the case of a joint venture, this term shall be construed to require at least one entity, in the case of a two-party venture, to maintain a place of business within Suffolk or

Nassau County for a period of at least one year, and in the case of a multi-party venture, require a majority of the entities to maintain a place of business within Suffolk or Nassau County.

**II. Section 2 of Local Law No. 5-1993 is hereby amended to read as follows:**

**Section 2. Definitions.**

As used in this section, the following definitions shall have the meanings indicated:

"CONTRACT" shall mean any claim, account, or demand against or agreement, other than a collective bargaining agreement, upon sufficient consideration, with Suffolk County or any divisions, departments, agencies, or entity thereof, express or implied for the rendering or performance of personal or professional services and shall include extensions, modifications, renewals, or amendments.

"LOCATED AND DOING BUSINESS WITHIN SUFFOLK COUNTY OR NASSAU COUNTY" in the case of a contract for the provision of services or the construction of public works, shall mean maintaining a place of business and a staffed, operational office at an address within the geographical boundaries of Suffolk County or Nassau County for a period of at least one year, from which a majority of the employees performing the contracted for services are assigned. In the case of a contract for the purchase of supplies, materials or equipment, means maintaining a place of business and a staffed, operational office at an address within the geographical boundaries of Suffolk County or Nassau County and either i) manufacturing or producing supplies, materials or equipment in Nassau or Suffolk, or ii) keeping a representative inventory of its supplies, materials or equipment within Suffolk County or Nassau County.

**III. Section A4-13(A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:**

A.) All contracts for consulting services shall be awarded by the appropriate officer, board or agency of the County of Suffolk to a consultant that is located and doing business within Suffolk County or Nassau County, anything in Article 5-A of the General Municipal Law to the contrary notwithstanding; except that where there is no local consultant who has the necessary professional expertise or credentials to provide the needed service, or where a local consultant's response to a Request for Proposals (RFP) exceeds the otherwise lowest response by more than 10% the contract may be awarded to a consultant not located and doing business within Suffolk County or Nassau County in accordance with Article 5-A of the General Municipal Law and Chapter 708 of the Suffolk County Code.

**IV. Section A4-14(A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:**

A.) Prior to making any purchase of supplies, materials or equipment or entering into a contract for the provision of services or the construction of public works, the Commissioner of the procuring department, the Purchasing Agent, or the Commissioner of the Department of Public Works, as the case may be, shall provide an opportunity for competition under the applicable state and county laws, rules and regulations. Contracts that are subject to competitive bidding shall be awarded to the lowest responsible bidder, who shall give security for the performance of the contract if so required by the awarding officer. However, the Commissioner of the procuring department, the Purchasing Agent

or the Commissioner of the Department of Public Works, as the case may be, may award such contract to a bidder other than the lowest responsible bidder where such other bidder is located and doing business within Suffolk County or Nassau County and submits a bid not exceeding the otherwise lowest bid by more than ten percent (10%), except as follows:

1.) In those instances in which the supply being purchased by Suffolk County, either directly or through third-party intermediaries, is a medicine, a prescription drug, an over-the-counter drug, a generic drug, a brand-name drug, a pharmaceutical, or any other drug, in which case the contract shall be awarded to the lowest responsible bidder. The County shall, to the maximum extent feasible, join together with public institutions, state or local agencies, other agencies, the Suffolk County Labor/Management Committee for the administration of the Employee Medical Health Plan (EMHP), other municipalities, private for-profit entities, and/or private not-for-profit entities for the purchase of bidding on a large-volume basis for such medicines, prescription drugs, over-the-counter drugs, generic drugs, brand-name drugs, pharmaceuticals, or any other drugs in order to qualify for volume discounts or other favorable price concessions associated with joint purchasing.

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

This law shall apply to all contracts awarded on or after the effective date of this law.

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

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

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

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

### **Section 6. Effective Date.**

This law shall take effect on the thirtieth (30<sup>th</sup>) day immediately subsequent to filing in the Office of the Secretary of State.

DATED: October 14, 2008

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

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

Intro. Res. No. 1806-2008

Laid on Table 8/19/2008

Introduced by Legislators Cooper, Browning, Romaine and Lindsay

**RESOLUTION NO. 850 -2008, ADOPTING LOCAL LAW  
NO. -2008, A CHARTER LAW TO RESTRICT HOLD-OVER  
PERIOD FOR CERTAIN APPOINTED DEPARTMENT HEADS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on August 19, 2008 a proposed local law entitled, "**A CHARTER LAW TO RESTRICT HOLD-OVER PERIOD FOR CERTAIN APPOINTED DEPARTMENT HEADS**"; now, therefore be it

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

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

**A CHARTER LAW TO RESTRICT HOLD-OVER PERIOD FOR  
CERTAIN APPOINTED DEPARTMENT HEADS**

**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 Commissioners in certain crucial county departments are appointed to fixed terms of office pursuant to provisions of state and local law. The County Executive's appointments to these positions -- the Commissioner of the Department of Health Services, the Commissioner of the Department of Social Services, the Personnel Officer in the Department of Human Resources and Civil Service and the Director of the Real Property Tax Service Agency -- are subject to approval by the County Legislature.

This Legislature further finds that pursuant to state law, an appointed official may hold-over and continue to discharge his or her duties after the expiration of their term until a successor is chosen and qualified.

This Legislature further finds that permitting appointed department heads, who may have lost the support and confidence of the County Legislature, to serve in a hold-over capacity long after their term of office has expired is inconsistent with sound public policy.

Further, allowing a lapsed appointee to continue indefinitely in office in the absence of legislative support undermines and weakens the system of checks and balances that is the foundation of our representative form of government.

This Legislature further determines that should a department head fail to attract legislative support for a new term within a reasonable time period, a new candidate should be nominated by the County Executive for consideration by the County Legislature.

Therefore, the purpose of this charter law is to prevent an appointed commissioner or department head from serving indefinitely in a hold-over capacity by requiring the County Executive to offer a new nominee for the post within a reasonable time after the expiration of the official's term.

## **Section 2. Amendment.**

Article 23 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

### **ARTICLE XXIII, General Provisions**

\* \* \* \*

#### **§ C23-17. Hold-Over Status of Certain Appointed Department Heads.**

Any commissioner or department head appointed by the County Executive to a fixed term of office pursuant to any provision of state or local law, whose appointment is subject to legislative approval, may hold-over and continue to discharge the duties of his or her office after the expiration of his or her term in accordance with Section 5 of NEW YORK PUBLIC OFFICERS LAW. If the commissioner or department head serving in a hold-over capacity is not approved for a new term by a duly enacted resolution of the County of Suffolk within one hundred eighty (180) days of the expiration of their term of office, the County Executive shall immediately nominate and appoint a successor and seek to introduce a resolution to approve said appointment in accordance with the provisions of Section C2-11 of the SUFFOLK COUNTY CHARTER.

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

This law shall apply to commissioners and department heads serving in a hold-over capacity on or after the effective date of this law, however, in the case of commissioners or department heads serving in a hold-over capacity on the effective date of this law, the 180 day period for reappointment set forth in this law shall begin to run on the law's effective date.

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

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

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

DATED: October 14, 2008

**\*\*VETOED BY COUNTY EXECUTIVE ON NOVEMBER 14, 2008\*\***

**\*\*VETO OVERRIDE ADOPTED ON NOVEMBER 18, 2008\*\***

-----

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

Intro. Res. No. 1824-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 851 -2008, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT TO  
LOCAL LAW NO. 13-1976 JASON E. COYNE AND  
ADRIENNE C. COYNE (SCTM NO. 0200-420.00-01.00-013.000)**

**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 420.00 Block 01.00 Lot 013.000 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 designated as Lot Nos. 268 and 269 on a certain map

entitled "Map of Laurel Park Plate 1" filed in the Office of the Clerk of the County of Suffolk on May 26, 1906 as Map No. 220; 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**, Jason E. Coyne and Adrienne C. Coyne, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2,523.23. 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 \$2,500.00, 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 \$2,523.23, pursuant to said purchase offer; and

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

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

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

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

the above described property and on the above described terms to said Jason E. Coyne and Adrienne C. Coyne, 122 Forest Road, Centereach, New York 11720.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro Res. No. 1828-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 852 -2008, SALE OF COUNTY-OWNED REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-1976 – GERRI A. TOMAN (SCTM NO. 0200-051.00-04.00-059.000)**

**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 051.00 Block 04.00 Lot 059.000 and acquired by Tax Deed on August 16, 2004 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 2, 2004 in Liber 12341 at Page 445 and described as follows, Town of Brookhaven, known and designated as Lot No. 6894 on a certain map entitled “Map of Sound Beach, Sec. 3B” filed in the Office of the Clerk of the County of Suffolk on June 19, 1929 as Map No. 529; 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**, Gerri A. Toman, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2,500.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$2,500.00, 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 \$2,500.00, pursuant to said purchase offer; and

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

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

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

**3<sup>rd</sup>** **RESOLVED**, that 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 Gerri A. Toman, 12 Meadowbrook Drive, Sound Beach, New York 11789.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

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

Intro. Res. No. 1839-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 853-2008, SALE OF COUNTY-OWNED  
REAL ESTATE PURSUANT TO LOCAL LAW NO. 13-1976  
ROBERT E. RYAN (SCTM NO. 0200-982.00-01.00-054.002)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 982.00 Block 01.00 Lot 054.002 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, 1999 in Liber 11995 at Page 605 and described as follows, Town of Brookhaven, known and designated as part of Lot No. 2526 on a certain map entitled “Map of Mastic Beach”, filed in the Office of the Clerk of the County of Suffolk on September 2, 1930 as Map No. 1005.; 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 E. Ryan, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,010.00. 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 \$1,010.00, pursuant to said purchase offer; and

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

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

reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

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

**3<sup>rd</sup>** **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Robert E. Ryan, 120 Moriches Drive, Mastic Beach, New York 11951.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

-----

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

Intro. Res. No. 1843-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 854 -2008, SALE OF  
COUNTY-OWNED REAL ESTATE PURSUANT TO  
LOCAL LAW NO. 13-1976  
JOSEPH J. DONLON AND SIMONE M. DONLON F/K/A  
SIMONE M. BIEGEL, AS JOINT TENANTS WITH RIGHTS OF  
SURVIVORSHIP (SCTM NO. 0200-798.00-02.00-040.000)**

**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 798.00 Block 02.00 Lot 039.000 and acquired by Tax Deed on August 8, 2005 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 15, 2005 in Liber 12403 at Page 637 and described as follows, Town of Brookhaven, known and designated as Lots 14 & 15 in Block 2 on a certain map entitled "8<sup>th</sup> Map of Lake Ronkonkoma Estates", filed in the office of the Clerk of the County of Suffolk on September 29, 1911 as Map No. 40 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**, Joseph J. Donlon and Simone M. Donlon F/K/A Simone M. Biegel, as Joint Tenants with Rights of Survivorship, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$6,500.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$6,500.00, 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 \$6,500.00, pursuant to said purchase offer; and

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

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

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

thereof. THIS covenant and restriction shall run with the land and shall be binding upon the grantee, its successor and assigns, and upon all persons claiming under them; and be it further

**3<sup>rd</sup>** **RESOLVED**, that 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 Joseph J. Donlon and Simone M. Donlon F/K/A Simone M. Biegel, 87 Johnson Ave., Ronkonkoma, NY 11779.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro. Res. No. 1870-2008  
Introduced by Presiding Officer Lindsay

Laid on Table 9/16/2008

**RESOLUTION NO. 855 -2008, REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD WITH SUFFOLK FEDERAL CREDIT UNION FOR THE INSTALLATION, ADMINISTRATION AND SERVICING OF AUTOMATIC TELLER MACHINES ON COUNTY PROPERTY**

**WHEREAS**, Local Law No. 3-1996 requires the County Legislature to approve any contract in excess of \$20,000 awarded pursuant to an RFP process in which only one party responds to the County's solicitation of proposals; and

**WHEREAS**, the Department of Audit & Control requested an RFP for "the installation, administration and servicing of Automatic Teller Machines (ATM's) on County property" and

**WHEREAS**, the Purchasing Division of the Department of Public Works advertised for these services and provided the RFP to five (5) potential vendors and received only one response from; and

**WHEREAS**, an independent evaluation committee reviewed the proposal from Suffolk Federal Credit Union, and found their quality of work and experience satisfactory, and its cost proposal submission within the industry standards, and has recommended that the Department of Audit & Control enter into a contractual agreement with the provider; and

**WHEREAS**, there are no costs to the 2008 Suffolk County Operating Budget to cover the cost of this contract as the vendor will pay to the County a fee based on foreign transactions. Foreign transactions being defined as non-credit union transactions; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that upon receiving a two-thirds vote of the County Legislature as required by Local Law No. 3-1996 that the Department of Audit & Control enter into a contractual agreement with Suffolk Federal Credit Union for the installation, administration and servicing of ATMs on County Property.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

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

Intro Res. No. 1883-2008

Laid on Table 9/16/2008

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

**RESOLUTION NO. 856 –2008, AMENDING THE 2008 ADOPTED OPERATING BUDGET TO TRANSFER FUNDING FROM CURRENT APPROPRIATIONS TO THE LONG ISLAND HOME D/B/A SOUTH OAKS FOR THE DEVELOPMENT OF A COUNTY-WIDE PREVENTION RESOURCE CENTER**

**WHEREAS**, the approved New York State Budget for Fiscal Year 2008 includes funding in Aid to Localities for the provision of chemical dependence prevention, gambling prevention and treatment programs; and

**WHEREAS**, the New York State Office of Alcoholism and Substance Abuse Services, (OASAS) has allocated \$175,000 in State aid funding with a local match of \$175,000 to The Long Island Home d/b/a South Oaks for the development and implementation of a county-wide Prevention Resource Center; and

**WHEREAS**, this unallocated funding is already included in the 2008 Adopted Operating Budget and needs to be transferred to The Long Island Home d/b/a South Oaks; now, therefore be it

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

ORGANIZATIONS

Department of Health Services (HSV)  
Division of Community Mental Hygiene Services  
001-HSV-4310-4980

From:

001-HSV-4310-4980 Contracted Services -\$350,000

To:

| <u>XORG</u> | <u>OBJECT NAME</u>              | 2008<br>Modified<br><u>Budget</u> | Increase/<br><u>Decrease</u> | 2008<br>Modified<br><u>Budget</u> |
|-------------|---------------------------------|-----------------------------------|------------------------------|-----------------------------------|
| HKC1        | The Long Island Home/South Oaks | \$180,422                         | +\$350,000                   | \$530,422                         |

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the County Executive be and hereby is authorized to execute a contract with The Long Island Home d/b/a South Oaks; and be it further

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 24, 2008

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

Intro. Res. No. 1814-2008 Laid on Table 9/16/2008  
Introduced by Legislators Horsley, Beedenbender, Stern, Romaine, Gregory, Vilorio-Fisher, Cooper, Browning, Schneiderman, and D'Amaro

**RESOLUTION NO. 857 -2008, AMENDING THE 2008 OPERATING BUDGET TO FUND A MIDDLE INCOME HOME ENERGY ASSISTANCE PROGRAM (MI-HEAP) TO PROTECT**

## **RESIDENTS OF SUFFOLK COUNTY AGAINST A COLD WINTER**

**WHEREAS**, the National Energy Assistance Directors' Association (NEADA), which represents State-run low income energy assistance programs, recently predicted that home heating oil costs will hit record levels this winter and that families in the Northeast will be hardest hit; and

**WHEREAS**, home heating oil costs are expected to hit record highs in the Northeast this winter with a single typical household delivery expected to cost more than \$850, a 70% increase from last winter's typical home heating oil delivery of \$500; and

**WHEREAS**, an average household usually requires four home heating oil deliveries from December through March, with the NEADA predicting the national average cost to heat a home with oil this winter at \$2,593, up more than 32% from last winter's national average of \$1,962; and

**WHEREAS**, the NEADA conducted a national survey of utility arrearages and shutoffs and found that millions of elderly households face severe hardships paying arrearages from last winter's heating bills, and the real threat of actual shutoff of service; and

**WHEREAS**, the NEADA survey noted that, as a conservative estimate, at least 1.2 million households have been disconnected from electric and natural gas service, and that the level of shutoffs are likely to go higher as utility companies complete credit and collection procedures; and

**WHEREAS**, the President's proposal for FY 2009 Low Income Home Energy Assistance Program (LIHEAP) funding includes a cut of 22 percent, reducing the block grant from \$1.98 billion to \$1.7 billion and the emergency contingency fund from \$590.3 million to \$300 million, with Federal officials reporting that LIHEAP funding may run out before December; and

**WHEREAS**, over 750,000 lower and middle income New Yorkers, including thousands of senior citizens, and as many as 23,952 Suffolk County residents rely on federal funding to sustain heating throughout the cold winter months; and

**WHEREAS**, the income of many Suffolk County residents may be too high to qualify under the Federal HEAP benefit standards, but still be left struggling to pay their winter heating bills; and

**WHEREAS**, Suffolk County residents must not be left struggling to pay their energy bills to stay warm this winter, therefore, it is in the economic and public health interest of Suffolk County to fund a Middle Income Home Energy Assistance Program (MI-HEAP) to insure the well-being of Suffolk residents this winter in the event Federal funding falls short; and

**WHEREAS**, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that a Middle Income Home Energy Assistance Program (hereinafter referred to as MI-HEAP) is hereby established and shall be administered by the Department of Social Services and shall provide \$500 to eligible households. Middle Income HEAP eligibility shall be based upon the income guidelines established under the Federally funded HEAP increased by thirty-five percent (35%) to determine eligibility for MI-HEAP funds; and be it further

**2<sup>nd</sup>** **RESOLVED**, that all applicants whose income qualifies such applicant for federally funded HEAP shall be funded solely through Federally funded HEAP and that only those applicants who are income ineligible for the Federally funded HEAP by not more than thirty-five percent (35%) shall be funded by MI-HEAP; and be it further

**3<sup>rd</sup>** **RESOLVED**, that all prescribed documentation that is required for the Federally funded HEAP Program shall also apply to MI-HEAP; and be it further

**4<sup>th</sup>** **RESOLVED**, that the MI-HEAP Program shall be administered by the Department of Social Services, which shall promulgate all policies, procedures, terms and conditions establishing eligibility for and implementation of the MI-HEAP Program, including the creation of a flat fee structure of \$500 for each eligible client where applicable; and be it further

**5<sup>th</sup>** **RESOLVED**, that the MI-HEAP Program shall close operations on December 31, 2008 or until the funds that have been authorized are exhausted, whichever occurs first; and be it further

**6<sup>th</sup>** **RESOLVED**, that the 2008 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

**APPROPRIATIONS:**

**FROM:**

| <u>FD</u> | <u>AGY</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>UNIT/ACTIVITY</u>      | <u>AMOUNT</u> |
|-----------|------------|-------------|------------|------------|---------------------------|---------------|
| 001       | PKS        | 7110        | 0000       | 4980       | Parks, Rec & Conservation | -\$175,000    |
| 001       | DSS        | 6005        | 0000       | 4980       | DSS: Administration       | -\$325,000    |

**TO:**

| <u>FD</u> | <u>AGY</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>UNIT/ACTIVITY</u>                    | <u>AMOUNT</u> |
|-----------|------------|-------------|------------|------------|---|---------------|
| 001       | DSS        | 6144        | 0000       | 4690       | Supplemental Heating Assistance Program | +\$500,000    |

and be it further

**7<sup>th</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) 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; and be it further

**8<sup>th</sup>** **RESOLVED**, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding the Middle Income Home Energy Assistance Program (MI-HEAP).

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

-----

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

Introduced by Presiding Officer Lindsay and Legislator Alden

LOT 10/14/08

**PROCEDURAL MOTION 28-2008, APPROVING PARTIAL SETTLEMENT OF MTBE LITIGATION (GETTY PETROLEUM MARKETING, INC., IRVING OIL CORPORATION AND GIANT INDUSTRIES, INC.)**

**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, Getty Petroleum Marketing, Inc., Irving Oil Corporation and Giant Industries, Inc.; and

**WHEREAS**, under these settlements the County of Suffolk will be paid \$20,020.77 (Getty Petroleum Marketing Inc.), \$18,731.24 (Irving Oil Corporation) and \$2,874.75 (Giant Industries, Inc.) 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 Getty Petroleum Marketing, Inc., Irving Oil Corporation and Giant Industries, Inc. 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 October 14, 2008

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

s:\procedural motions\MTBE-getty-irving-oil-giant-industries

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

Introduced by Presiding Officer Lindsay

Laid on Table 10/14/08

**MOTION NO. 29 – 2008, PROCEDURAL RESOLUTION  
AUTHORIZING FUNDING FOR COMMUNITY SUPPORT  
INITIATIVES (PHASE IX)**

**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> |
|--|----------------|---------------|
| AmVets Post #48  | Kennedy        | \$1,500       |
| Association for Technology Dependent Children, Inc.          | Kennedy        | \$2,000       |
| Babylon Citizens Council on the Arts                         | Gregory        | \$2,000       |
| Bohemia Civic Association, Inc.                              | Lindsay        | \$3,000       |
| Canta Libre  | Romaine        | \$1,500       |
| Commack Youth League, Inc.                                   | Kennedy        | \$1,500       |
| Eugene Auer PTA  | Beedenbender   | \$1,000       |
| Fischer-Hewins VFW Post 6249                                 | Losquadro      | \$5,000       |
| Greater Port Jefferson Arts Council, Inc.                    | Losquadro      | \$1,000       |
| Half Hollow Hills PTA Council                                | Stern          | \$3,000       |
| Harrison Hale Community Action Center                        | Browning       | \$5,000       |
| Harrison Hale Community Action Center                        | Eddington      | \$2,000       |
| Holbrook Chamber of Commerce                                 | Lindsay        | \$4,000       |
| Huntington Youth Bureau Youth Development Research Institute | Cooper         | \$5,000       |
| League of Women Voters of Huntington                         | Stern          | \$1,000       |
| Pederson-Krag Center   | Cooper         | \$3,000       |
| Sachem Youth Advisory Group, Inc.                            | Beedenbender   | \$1,500       |
| Southampton Chamber of Commerce                              | Schneiderman   | \$2,000       |
| St. Joseph's Outreach  | Kennedy        | \$4,000       |
| Tecumseh Elementary School PTA                               | Beedenbender   | \$2,000       |
| William F. Taylor VFW Post 9486                              | Lindsay        | \$1,000       |
| William F. Taylor VFW Post 9486                              | Kennedy        | \$1,500       |
| Smithtown American Legion Post 833                           | Kennedy        | \$1,500       |
| Medford Youth Athletic Association                           | Eddington      | \$2,000       |
| Suffolk Obedience Training Club                              | Cooper         | \$1,000       |
| Northport Cow Harbor United Soccer Club                      | Cooper         | \$5,000       |
| Hauppauge Wrestling Club                                     | Kennedy        | \$3,000       |
| Jewish War Veterans Post 488                                 | Stern          | \$1,000       |
| East End Special Players                                     | Schneiderman   | \$2,000       |

|   |              |         |
|---|--------------|---------|
| Economic Opportunity Council of Suffolk, Inc. | Gregory      | \$2,000 |
| Hampton Bays Civic Association, Inc.          | Schneiderman | \$2,000 |
| Island Harvest, Ltd.                          | Montano      | \$1,500 |
| Island Harvest, Ltd.                          | Horsley      | \$6,500 |
| Jewish Association Services for the Aged      | Stern        | \$1,000 |
| Middle Island Caring for Kids                 | Romaine      | \$2,000 |
| Mike James Foundation                         | Gregory      | \$4,000 |
| Music for Montauk                             | Schneiderman | \$2,000 |
| Samoset Middle School PTSA                    | Beedenbender | \$1,500 |
| South Fork Breast Health Coalition            | Schneiderman | \$2,000 |
| South Fork Community Health Initiative        | Schneiderman | \$2,000 |
| Southampton Day Care Center                   | Schneiderman | \$2,000 |
| The Jewish Academy                            | Stern        | \$2,500 |
| The Salvation Army                            | Romaine      | \$3,000 |
| Thea Bowman Residence                         | Gregory      | \$3,000 |

and be it further

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

**DATED: Adopted October 14, 2008**

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

-----

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

Introduced by Presiding Officer Lindsay

LOT 10/14/2008

**PROCEDURAL RESOLUTION NO. 30-2008, AUTHORIZING FUNDING IN CONNECTION WITH ENFORCEMENT OF LIPA SETTLEMENT AGREEMENT AGAINST LIPA OVERCHARGE OF SUFFOLK RATEPAYERS (HODGSON RUSS)**

**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 Hodgson Russ, 677 Broadway, Suite 301, Albany, New York 12207, as an expert consultant; now, therefore, be it

**1st** **RESOLVED**, that this Legislature hereby authorizes the Presiding Officer to execute such agreements with Hodgson Russ to carry out their work in an amount not to exceed Fifteen Thousand Dollars and 00/100 (\$15,000.00) of County Legislative funds, said amount to be paid from the Budget Review Office Fees for Services: Non-Employees (001-LEG-1025-4560) appropriation.

**DATED: Adopted October 14, 2008**

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

s:\procedural motions\pm-hodgsonruss

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

Intro. Res. No. 1873-2008 Laid on Table 9/16/2008  
Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine, D'Amaro

**RESOLUTION NO. 858 -2008, DECLARING NOVEMBER AS  
"HOMELESS AWARENESS MONTH" IN SUFFOLK COUNTY**

**WHEREAS**, homelessness continues to be a serious problem in Suffolk County and across our nation; and

**WHEREAS**, many of the homeless population are employed, however due to the rising cost of housing, fuel, food or extreme circumstances which may have caused financial hardship, they are left to seek government assistance; and

**WHEREAS**, the programs that are available to provide assistance to the homeless and those at risk of becoming homeless through their case workers or referral network may have been negatively impacted by recent state cuts in funding; and

**WHEREAS**, raising the public's awareness of the plight of the homeless, encouraging more citizens to become involved with a local host church, and raising additional funding to assist in the transportation of homeless individuals and families can be accomplished by designating "Homeless Awareness Month" in Suffolk County; and

**WHEREAS**, Suffolk County strives to raise awareness of the effects of homelessness on the population and economy; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the month of November is hereby declared "Homeless Awareness Month" in Suffolk County to raise awareness of the homeless crisis in Suffolk County; and be it further

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 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 Cooper was not present.**

Intro. Res. No. 1953-2008 Laid on Table 10/14/2008  
Introduced by Presiding Officer, on request of the County Executive and  
Legislator Eddington

**RESOLUTION NO. 859 -2008, AMENDING THE 2008  
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING  
FUNDS IN CONNECTION WITH THE REHABILITATION OF  
VARIOUS BRIDGES AND EMBANKMENTS (CP 5850)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with the Rehabilitation of Various Bridges and Embankments (Goose at Grand, Town of Southold, and Woodside at Waverly, Town of Islip; and Woodside at Buckley, Town of Brookhaven; 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 \$600,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (1), (2) and (33) of Title 6 of New York Code of Rules and Regulations (“NYCRR”). Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty-six (46) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

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

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

Project No.: 5566  
 Project Title: CR 4, Commack Road Traffic Flow Improvements at LIE Service Road

|                 | Total<br>Est'd<br><u>Cost</u> | Current<br>2008<br>Capital<br>Budget &<br><u>Program</u> | Revised<br>2008<br>Capital<br>Budget &<br><u>Program</u> |
|-----------------|-------------------------------|--|--|
| 3. Construction | \$500,000                     | \$735,000B   | \$135,000B   |
| Total           | <u>\$1,550,000</u>            | <u>\$200,000O</u><br>\$1,085,000                         | <u>\$200,000O</u><br>\$485,000                           |

Project No.: 5850  
 Project Title: Rehabilitation of Various Bridges and Embankments

|                 | Total<br>Est'd<br><u>Cost</u> | Current<br>2008<br>Capital<br>Budget &<br><u>Program</u> | Revised<br>2008<br>Capital<br>Budget &<br><u>Program</u> |
|-----------------|-------------------------------|--|--|
| 3. Construction | <u>\$6,220,000</u>            | <u>\$525,000B</u>  | <u>\$1,125,000B</u>                                      |
| TOTAL           | \$6,295,000                   | \$600,000  | \$1,200,000  |

and be it further

**5<sup>th</sup>** **RESOLVED**, that the proceeds of \$600,000 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-5850.320<br>(Fund 001-Debt Service) | 50          | Rehabilitation of Various Bridges<br>and Embankments | \$600,000     |

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 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 Cooper was not present.**

Intro. Res. No. 1953A-2008

**BOND RESOLUTION NO. 860 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$600,000 BONDS TO FINANCE THE COST OF THE REHABILITATION OF VARIOUS BRIDGES AND EMBANKMENTS (CP 5850.320)**

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 \$600,000 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 rehabilitation of various bridges and embankments, 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 \$600,000. The plan of financing includes the issuance of \$600,000 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. 10 of the Law, is twenty (20) 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: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

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

Intro. Res. No. 1954-2008

Laid on Table 10/14/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 861 -2008, AMENDING THE 2008 CAPITAL BUDGET PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE OF RECONSTRUCTION OF CR 16, PORTION/HORSEBLOCK ROAD, TOWN OF BROOKHAVEN (CP 5511)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with the County Share of Reconstruction CR16 , Portion/Horseblock Road; and

**WHEREAS**, there are Federal funds available from the Federal Highway Administration for this project, identified as PIN 0755.98, with a share allocation of eighty (80%) percent Federal funds and twenty (20%) percent County funds; and

**WHEREAS**, New York State has subsequently allocated a seven and eighty five hundredths (7.85%) percent share from State Marchiselli funding; and

**WHEREAS**, the County is required to first instance fund the entire cost of the project and subsequently receive reimbursement for the federal and state portions based on actual expenditures; and

**WHEREAS**, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request under Capital Project 5511 and pursuant to the

Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State aid; and

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

**WHEREAS**, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$25,500,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, Resolution No. 67-2002 approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-six (56) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (A) of the Suffolk County Charter to complete the County Share of Reconstruction CR16, Portion/Horseblock Road; and be it further

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

Project No.: 5511  
 Project Title: County Share of Reconstruction CR16, Portion/Horseblock Road

|                 | <u>Total<br/>Est'd<br/>Cost</u> | <u>Current 2008<br/>Capital<br/>Budget &amp;<br/>Program</u> | <u>Revised 2008<br/>Capital<br/>Budget &amp;<br/>Program</u> |
|-----------------|---------------------------------|--|--|
| 3. Construction | \$28,125,000                    | \$2,800,000B<br>\$19,200,000F<br><u>\$2,000,000S</u>         | \$3,100,000B<br>\$20,400,000F<br><u>\$2,000,000S</u>         |
| Total           | \$42,535,000                    | \$24,000,000   | \$25,500,000   |

**5<sup>th</sup>** **RESOLVED**, that the proceeds of \$3,100,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

| <u>Project No.</u>                          | <u>J.C.</u> | <u>Project Title</u>  | <u>Amount</u> |
|---|-------------|---|---------------|
| 525-CAP-5511.312<br>(Fund 001 Debt Service) | 50          | County Share of Reconstruction<br>CR16, Portion/Horseblock Road | \$3,100,000   |

and be it further

**6<sup>th</sup>** **RESOLVED**, that Federal Aid in the amount of \$20,400,000 be and it hereby is appropriated as follows:

| <u>Project No.</u> | <u>J.C.</u> | <u>Project Title</u>  | <u>Amount</u> |
|--------------------|-------------|---|---------------|
| 525-CAP-5511.312   | 50          | County Share of Reconstruction<br>CR16, Portion/Horseblock Road | \$20,400,000  |

and be it further

**7<sup>th</sup>** **RESOLVED**, that State Aid in the amount of \$2,000,000 be and it hereby is appropriated as follows:

| <u>Project No.</u> | <u>J.C.</u> | <u>Project Title</u>  | <u>Amount</u> |
|--------------------|-------------|---|---------------|
| 525-CAP-5511.312   | 50          | County Share of Reconstruction<br>CR16, Portion/Horseblock Road | \$2,000,000   |

**8<sup>th</sup>** **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$3,100,000; and be it further

**9<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal and State funding in the amount of \$22,400,000; and be it further

**10<sup>th</sup>** **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal and State share of \$22,400,000; and be it further

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

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

Intro. Res. No. 1954A-2008

**BOND RESOLUTION NO. 862-2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$25,500,000 BONDS TO FINANCE A PART OF THE COST OF THE RECONSTRUCTION OF CR 16, PORTION/HORSEBLOCK ROAD, TOWN OF BROOKHAVEN (CP 5511.312)**

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 \$25,500,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the reconstruction of CR 16 Portion/Horseblock Road, 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 \$37,380,000. The plan of financing includes (a) the issuance of \$1,000,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 740-2004 (apportioned to reflect \$800,000 Federal Aid, \$150,000 State Aid and \$50,000 County share pursuant to Resolution No. 1398-2004), (b) the issuance of \$9,280,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 317-2007 (with \$7,424,000 expected to be paid from Federal Aid appropriated pursuant to Resolution No. 316-2007, (c) the issuance of \$1,600,000 bonds or bond anticipation notes authorized pursuant Bond Resolution No. 483-2007 (with \$800,000 expected to be paid from Federal Aid appropriated pursuant to Resolution No. 482-2007), (d) the issuance of \$25,500,000 bonds or bond anticipation notes authorized pursuant to this resolution (with \$20,400,000 expected to be paid from Federal Aid and \$2,000,000 expected to be paid from State Aid) and (e) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable. The principal amount of serial bonds to be issued shall be limited to \$3,100,000, the amount of the County share of the cost. The balance of the bonds authorized may be issued only in the form of bond anticipation notes to provide temporary financing for the portion to be paid from Federal and/or State Aid.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years, computed from May 15, 2005, the date of issuance of the first obligations issued for such purpose pursuant to Bond Resolution No. 740-2004.

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: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

-----

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

Intro. Res. No. 1955-2008

Laid on Table 10/14/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 863 -2008, APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR PARTICIPATION IN THE RECONSTRUCTION OF CR 80, MONTAUK HIGHWAY, SHIRLEY/MASTIC, TOWN OF BROOKHAVEN (CP 5516)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with the Reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven; and

**WHEREAS**, there are Federal funds available from the Federal Highway Administration for this project, identified as PIN 0756.68, under the Federal Highway Administration (FHWA) funding, with a share allocation of eighty (80%) percent Federal funds and twenty (20%) percent County funds; and

**WHEREAS**, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the 80% Federal portion; 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 \$16,020,000 in Suffolk County Serial Bonds; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, Resolution No. 876-2004 approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

**2<sup>nd</sup>** **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty two (62) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (A) of the Suffolk County Charter to complete the Reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven; and be it further

**4<sup>th</sup>** **RESOLVED**, that the proceeds of \$3,204,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

| <u>Project No.</u>                           | <u>J.C.</u> | <u>Project Title</u>  | <u>Amount</u> |
|--|-------------|---|---------------|
| 525-CAP- 5516.310<br>(Fund 001 Debt Service) | 50          | County Share of the<br>Reconstruction of CR 80, Montauk<br>Highway, Shirley/Mastic, Town of<br>Brookhaven | \$3,204,000   |

and be it further

**5<sup>th</sup>** **RESOLVED**, that Federal Aid in the amount of 12,816,000 be and it hereby is appropriated as follows:

| <u>Project No.</u> | <u>J.C.</u> | <u>Project Title</u>  | <u>Amount</u> |
|--------------------|-------------|---|---------------|
| 525-CAP-5516.310   | 50          | County Share of the<br>Reconstruction of CR 80, Montauk<br>Highway, Shirley/Mastic, Town of<br>Brookhaven | \$12,816,000  |

**6<sup>th</sup>** **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$3,204,000; and be it further

**7<sup>th</sup>** **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$12,816,000; and be it further

**8<sup>th</sup>** **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$12,816,000; and be it further

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

-----

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

Intro. Res. No. 1955A-2008

**BOND RESOLUTION NO. 864 -2008**

**BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF \$16,020,000 BONDS TO FINANCE A PART OF THE COST OF THE RECONSTRUCTION OF CR 80, MONTAUK HIGHWAY, TOWN OF BROOKHAVEN (CP 5516.310)**

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 \$16,020,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the reconstruction of CR 80, Montauk Highway, Town of Brookhaven, as authorized in the 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 \$22,020,000. The plan of financing includes (a) the issuance of \$400,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 779-2003, with the expectation of \$320,000 in Federal Aid funds (80%) and \$80,000 in County share (20%), (b) the issuance of \$1,000,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 989-2004, with the expectation of \$800,000 in Federal Aid funds (80%), \$150,000 State Marchiselli Aid (15%) (as appropriated in Resolution 608-2006) and \$50,000 in County share (5%), (c) the issuance of \$3,750,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 1525-2006, with the expectation of \$3,000,000 in Federal Aid funds (80%) and \$750,000 in County share (20%), (d) the issuance of \$850,000 bonds or bond anticipation authorized pursuant to Bond Resolution No. 769-2007, with the expectation of \$440,000 in Federal Aid funds (52%) and \$410,000 in County share (48%), (e) the issuance of \$16,020,000 bonds or bond anticipation authorized pursuant to this resolution, with the expectation of \$12,816,000 in Federal Aid funds (80%) and \$3,204,000 in

County share (20%), 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. The Comptroller is directed to limit the principal amount of serial bonds issued pursuant to this resolution to the \$3,204,000 County share, but the full amount of \$16,020,000 may be financed by the issuance of bond anticipation notes.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years, computed from May 15, 2005, the date of issuance of the first bonds or notes issued pursuant to Bond Resolution No. 779-2003.

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

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

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

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

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

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

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

-----  
**Presiding Officer Lindsay made motion for the following resolution, seconded by Legislator Losquadro. The resolution was passed 16-0-0-2-0. Deputy Presiding Officer Viloria-Fisher and Legislator Cooper were not present.**

Intro. Res. No. 1960-2008

Laid on Table 10/14/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 865 -2008, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE, TO THE DEPARTMENT OF HEALTH SERVICES FOR A FORENSIC DNA BACKLOG REDUCTION PROGRAM, FY 2008**

**WHEREAS**, the United States Department of Justice, National Institute of Justice has awarded 100% Federal grant funds to the Department of Health Services for a Forensic DNA Backlog Reduction Program, FY 08 in the amount of \$280,905 for the period 10/01/08 - 03/31/10; and

**WHEREAS**, this grant provides funding for the analysis of DNA from a backlog of unsolved criminal cases; and

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

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

**1<sup>st</sup>** **RESOLVED**, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$280,905 grant funds as follows:

**REVENUES:**

001-4320 General Aid: Crime Control \$ 280,905

**APPROPRIATIONS:**

Department of Health Services (HSV)  
Division of Medical, Legal Investigations and Forensic Sciences  
Forensic DNA Backlog Reduction Program, FY 08  
001-HSV-4734

Personal Services \$ 10,000

1120 Overtime Salaries \$ 10,000

Equipment \$160,777

2020 Office Machines \$ 5,195

2080 Medical, Dental, Lab Equipment \$138,782

2090 Photographic Equipment \$ 16,800

Supplies, Materials & Other \$ 41,378

3370 Medical, Dental, Lab Supplies \$ 41,378

**Fees for Services** \$ 68,750

4560 Fees for Services, Non-Employees \$ 68,750

***and be it further***

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

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

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

-----  
**Legislator Browning made motion for the following resolution, seconded by Legislator Eddington. The resolution was passed 15-0-0-3-0. Deputy Presiding Officer Viloría-Fisher, and Legislators Romaine and Cooper were not present.**

Intro. Res. No. 1969-2008

Laid on Table 10/14/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 866 -2008, AUTHORIZING THE DISBURSEMENT OF FUNDS FROM THE SUFFOLK COUNTY LIVING WAGE CONTINGENCY FUND FOR COLONIAL YOUTH & FAMILY SERVICES, INC., LAZY COW, INC. DBA KIDDIE CARE EARLY LEARNING CENTER, THE COMMUNITY PROGRAMS CENTER OF LONG ISLAND, INC. - PORT JEFFERSON AND RAINBOW CHIMES, INC., DAY CARE PROVIDERS UNDER CONTRACT WITH THE DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, in accordance with Section 347-15, County Transitional Financial Assistance was added to the Suffolk County Code wherein child care providers shall be eligible for upfront financial assistance from the Suffolk County Living Wage Contingency Fund, or any successor fund thereto, in order to meet increased payroll expenses; and

**WHEREAS**, Colonial Youth & Family Services, Inc., and Lazy Cow, Inc. dba Kiddie Care Early Learning Center, The Community Programs Center Of Long Island, Inc. - Port Jefferson And Rainbow Chimes, Inc., day care providers, have submitted an application for Hardship Assistance and other prescribed forms to document the need for financial assistance; and

**WHEREAS**, the providers have concerns about their ability to comply with the Living Wage Law without a financial subsidy; and

**WHEREAS**, the centers provide a needed service to the community; and

**WHEREAS**, the Department of Labor has authorized Hardship Assistance in the amount up to a maximum of \$188,002 be awarded for the period January 1, 2008 to December 31, 2008; and

**WHEREAS**, the Living Wage Hardship funding will be provided to Colonial Youth & Family Services, Inc. (\$2,899), and Lazy Cow, Inc. dba Kiddie Care Early Learning Center (\$77,590), The Community Programs Center Of Long Island, Inc. Port Jefferson (\$48,095) and Rainbow Chimes, Inc., (\$59,418) in the amount up to a maximum of \$188,002; now, therefore be it

**1<sup>st</sup>**           **RESOLVED**, that the County Comptroller be and hereby is authorized, empowered and directed to disburse funds as follows:

FROM:

001-MSC-1998-4770   Suffolk County Living Wage Contingency Fund   \$188,002

TO:

001-DSS-6015-4770   Client Benefits Special Services                                 \$188,002

and be it further

**2<sup>nd</sup>**           **RESOLVED**, that the Commissioner of Social Services is hereby authorized, empowered and directed to disburse the funds to Colonial Youth & Family Services, Inc., and Lazy Cow, Inc. dba Kiddie Care Early Learning Center, The Community Programs Center Of Long Island, Inc., Port Jefferson and Rainbow Chimes, Inc.

DATED: October 14, 2008

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: October 22, 2008

**ADJOURNED 8:38PM**  
**TIM LAUBE, CLERK OF THE LEGISLATURE**





























































































