

L A I D O N T H E T A B L E J U N E 1 0 , 2 0 0 8

LADS REPORT PREPARED BY:

Michele Gerardi

1482. Authorizing use of property at Gabreski Airport by the Kiwanis Club of Greater Westhampton. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION, & ENERGY
1483. Sale of County-owned real estate pursuant to Local Law 13-1976 James A. Smith Sr., (SCTM No. 0500-292.00-02.00-127.000). (Co. Exec.) WAYS & MEANS
1484. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Victor Flores (SCTM No. 0200-467.00-02.00-026.000). (Co. Exec.) WAYS & MEANS
1485. Apportioning Mortgage Tax by: County Treasurer. (Co. Exec.) BUDGET & FINANCE
1486. To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature No. 299. (Co. Exec.) BUDGET & FINANCE
1487. Sale of County-owned real estate pursuant to Local Law 13-1976 Assembly of God Church of Bay Shore (SCTM No. 0500-313.00-01.00-109.000). (Co. Exec.) WAYS & MEANS
1488. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Charles Woodyly, Jr. and Marva Woodyly, his wife (SCTM No. 0200-453.00-03.00-023.000). (Co. Exec.) WAYS & MEANS
1489. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Chun Luen Kwok and Li Hsiu Chin Kwok, his wife (SCTM No. 0400-143.00-02.00-112.000). (Co. Exec.) WAYS & MEANS
1490. Authorizing use of the Long Island Maritime Museum by the Cystic Fibrosis Foundation for their "Annual Run/Walk and Barbecue" fundraiser. (Co. Exec.) PARKS & RECREATION
1491. Authorizing use of Southaven County Park by Contractors for Kids for their picnic and barbecue fundraiser. (Co. Exec.) PARKS & RECREATION
1492. Establishing an Energy Efficient Work Schedule Pilot Program (Operation Sunshine). (Horsley) LABOR, WORKFORCE, & AFFORDABLE HOUSING
1493. Authorizing public hearing for approval of ferry rates for Davis Park Ferry Co. (Pres. Off.) PUBLIC WORKS & TRANSPORTATION
1494. Approving rates established for Davis Park Ferry Co. (Pres. Off.) PUBLIC WORKS & TRANSPORTATION

1495. Authoring certain technical corrections to the 2008 Adopted Operating Budget for the Babylon Citizens Council on the Arts. (Horsley) WAYS & MEANS
1496. Directing a study for a targeted facility Energy Efficient Operations Pilot Program (Operation Shut Program). (Horsley) PUBLIC WORKS & TRANSPORTATION
1497. Amending membership of the Suffolk County Welfare to Work Commission. (Viloria-Fisher) HEALTH & HUMAN SERVICES
1498. Reappointing Joseph Gergela as a member of the Suffolk County Soil and Water Conservation District. (Losquadro) ENVIRONMENT, PLANNING & AGRICULTURE
1499. Adopting Local Law No. -2008, A Local Law to require that Probation Department employees use County vehicles while conducting County business. (Losquadro) PUBLIC SAFETY
1500. To amend the Leadership in Energy and Environment Design (LEED) Program. (Viloria-Fisher) PUBLIC WORKS & TRANSPORTATION
1501. Authorizing certain technical correction to Adopted Resolution No. 271-2008. (Co. Exec.) WAYS & MEANS
1502. Authorizing use of Cedar Beach County Park by Event Power for its Mighty North Fork Triathlon fundraiser. (Co. Exec.) PARKS & RECREATION
1503. Adopting Local Law No. -2008, A Local Law to reduce paperwork requirements for volunteer not-for-profit organizations. (Losquadro) LABOR, WORKFORCE, & AFFORDABLE HOUSING
1504. Authorizing public hearing for approval of rates for Fire Island Ferries, Incorporated. (Pres. Off.) PUBLIC WORKS & TRANSPORTATION
1505. Authorization of alteration of rates for Fire Island Ferries, Incorporated. (Pres. Off.) PUBLIC WORKS & TRANSPORTATION
1506. Adopting Local Law No. -2008, A Local Law to prohibit deceptively colored handguns. (Eddington) PUBLIC SAFETY
1507. Transferring and appropriating living wage contingency funds to the Federation of Organizations for the NYS Mentally Disabled, Inc., Respite Fee Subsidy. (Co. Exec.) LABOR, WORKFORCE, & AFFORDABLE HOUSING
1508. Accepting and appropriating 100% Federal grant funds passed through the New York State Department of Health to the Suffolk County Department of Health Services for the WIC Nutrition Program. (Co. Exec.) HEALTH & HUMAN SERVICES
1509. Accepting and appropriating 100% Federal grant funds passed through the New York State Department of Health to the Suffolk County Department of Health Services for the Childhood Lead Poisoning Prevention Program. (Co. Exec.) HEALTH & HUMAN SERVICES

1510. Amending the 2008 Adopted Operating Budget to accept and appropriate 100% additional State Aid from the New York State Office of Mental Health for a Cost Of Living Adjustment (COLA) to various contract agencies. (Co. Exec.) HEALTH & HUMAN SERVICES
1511. Amending the 2008 Adopted Operating Budget to accept and appropriate 100% additional State Aid from the New York State Office of Mental Health. (Co. Exec.) HEALTH & HUMAN SERVICES
1512. Sale of County-owned real estate pursuant to Local Law 13-1976 Madalon A. Mathys (SCTM No. 0902-001.00-01.00-009.016). (Co. Exec.) WAYS & MEANS
1513. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (SCTM No. 0200-227.00-07.00-022.000). (Co. Exec.) WAYS & MEANS
1514. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Matthew Pradeep Francis, an unmarried man (SCTM No. 0200-825.00-01.00-026.003). (Co. Exec.) WAYS & MEANS
1515. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Estate of Vivain Rohrbach a/k/a Vivian Rohrbach a/k/a Vivian A. Rohrbach a/k/a Vivian Agnes Rohrbach, by Robert Rohrbach, as Administrator (SCTM No. 0200-981.00-04.00-011.000). (Co. Exec.) WAYS & MEANS
1516. Authorizing the County Executive to enter into a license agreement with Deer Park Enterprise to provide access to the Tanger Outlet Center at the Arches in Deer Park, New York to provide bus service. (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1517. Authorizing the County Executive to enter into a license agreement with Deer Park Enterprise to accommodate overflow parking from the Tanger Outlet Center at the Arches in Deer Park, New York. (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1518. Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Smithtown (SCTM No. 0800-040.00-01.00-011.000) pursuant to Section 40-D of the Suffolk County Tax Act. (Co. Exec.) WAYS & MEANS
1519. Approving the appointment of Mark J. Epstein as a member of the Suffolk County Human Rights Commission. (Co. Exec.) PUBLIC SAFETY
1520. Approving the reappointment of Leonard Borger as a member of the Suffolk County Home Appliance Repair Licensing Board. (Co. Exec.) CONSUMER PROTECTION
1521. Approving the reappointment of William Garthe as a member of the Suffolk County Home Improvement Contractors Licensing Board. (Co. Exec.) CONSUMER PROTECTION

1522. Approving the reappointment of Michael Daly as a member of the Suffolk County Electrical Licensing Board. (Co. Exec.) CONSUMER PROTECTION
1523. Approving the reappointment of Robert J. Kohlmeyer as a member of the Suffolk County Electrical Licensing Board. (Co. Exec.) CONSUMER PROTECTION
1524. Approving the reappointment of Lee Eysman as a member of the Suffolk County Electrical Licensing Board. (Co. Exec.) CONSUMER PROTECTION
1525. Amending the 2008 Operating Budget and 2008 Capital Budget and Program by accepting up to 75% grant funds in the amount of \$3,953,349 from the New York State Department of Agriculture and Markets (Grant C800654) to the Suffolk County Purchase of Development Right Program for the Acquisition of Development Rights. (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1526. Confirming the appointment of the Suffolk County Commissioner of Economic Development and Workforce Housing (Patrick Heaney). (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION, & ENERGY
1527. Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] for the McDonnell property – Pine Barrens Core - Town of Brookhaven (SCTM No. 0200-511.00-05.00-077.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1528. Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program – open space preservation – for the Lecky and Randall property – Stony Brook Harbor Headwaters – Town of Smithtown – (SCTM No. 0801-006.00-02.00-023.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1529. Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] and the Suffolk County Multifaceted Land Preservation Program for the Lecky, Randall and Leighton property – Stony Brook Harbor Headwaters – Town of Smithtown – (SCTM No. 0801-004.00-02.00-006.001 p/o). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1530. Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program – open space preservation – for the Ruth Allan, LLC property – Forge River addition – Town of Brookhaven – (SCTM No. 0200-750.00-03.00-004.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1531. Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Sieminski property – Town of Riverhead – (SCTM Nos. 0600-069.00-02.00-016.004 p/o, 0600-069.00-02.00-018.000 p/o and 0600-094.00-01.00-005.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1532. Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Chandler Estates addition) – Town of Brookhaven – (SCTM No. 0200-046.00-03.00-023.000). (Losquadro) ENVIRONMENT, PLANNING & AGRICULTURE

1533. Authorizing participation in the Audubon Cooperative Sanctuary Program for golf courses. (Cooper) PARKS & RECREATION
1534. Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (RND LLC property) – Town of Islip – (SCTM Nos. 0500-089.00-04.00-001.000 and 002.000). (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE
1535. Amending the 2008 Capital Budget and Program and appropriating funds in connection with the purchase and installation of playground equipment in Smith Point County Park (CP 7162). (Eddington) PARKS & RECREATION
1536. Appropriating funds in connection with construction of sidewalks on various County roads (CP 5497). (Schneiderman) PUBLIC WORKS & TRANSPORTATION
1537. Authorizing the County Comptroller and County Treasurer to close certain Capital Projects and transfer funds. (Beedenbender) BUDGET & FINANCE
1538. Adopting Local Law No. -2008, A Local Law to establish E-Verify requirements for occupational licenses. (Cooper) CONSUMER PROTECTION
1539. Filling vacancy in the 15th Legislative District. (Co. Exec.) WAYS & MEANS
1540. Amending the Adopted 2008 Capital Budget and Program and appropriating funds for the provision of an Electronic Medical Record System at the Jail Medical Unit in both Riverhead and Yaphank Correctional Facilities (New CP 3024). (Co. Exec.) HEALTH & HUMAN SERVICES
1541. Amending the 2008 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction/widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon (CP 5851). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1542. Amending the 2008 Capital Budget and Program and appropriating funds in connection with improvements to CR 7, Wicks Road, Town of Islip (CP 5539). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1543. Approving maps and authorizing the acquisition of lands together with Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties for the reconstruction of the intersection at C.R. 19, Patchogue-Holbrook Road and C.R. 90, Furrows Road, Town of Islip, Suffolk County, New York (CP 5128). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1544. Amending the Adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program, and appropriating funds in connection with planning for the Bay to Sound Integrated Trails Initiative – Land Stewardship Project (CP 8713). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE

1545. Amending the Adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program, and appropriating funds in connection with a Long Island Native Grass Initiative-Land Stewardship Project (CP 8713). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1546. Accepting and appropriating a grant in the amount of \$300,000.00 from the United States Department of Justice, Office of Justice Programs, for the Suffolk County Police Department SMART (Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking) 07 Program with 86% support. (Co. Exec.) PUBLIC SAFETY
1547. Authorizing the extension of the lease of premises located at 395 Oser Avenue, Hauppauge, NY for use by the Departments of Labor, Probation and Social Services. (Co. Exec.) WAYS & MEANS
1548. Authorizing the purchase of paratransit vans on behalf of the Disabled American Veterans Transportation Network and amending the 2008 Capital Budget and Program and accepting and appropriating Federal and State Aid and other funds (CP 5658). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1549. Authorizing the purchase of paratransit vans on behalf of the Town of Brookhaven and amending the 2008 Capital Budget and Program and accepting and appropriating Federal and State Aid and other funds (CP 5658). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1550. Authorizing the purchase of up to 33 paratransit vans for Suffolk Transit and accepting and appropriating Federal Aid and State Aid and County funds (CP 5658). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1551. Authorizing execution of a Memorandum of Agreement with the County of Nassau for use of the Suffolk County Police Department Article Tracking System. (Co. Exec.) PUBLIC SAFETY
1552. Accepting and appropriating 100% Federal grant funds passes through the New York State Department of Health to the Suffolk County Department of Health Services for the Beach Act Sanitary Survey Project. (Co. Exec.) HEALTH & HUMAN SERVICES
1553. To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control #791-2008). (Co. Exec.) BUDGET & FINANCE
1554. Amending the Adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program, and appropriating funds in connection with Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade (CP 8710). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE

1555. Amending the 2008 Capital Budget and Program to reflect the establishment of New Capital Project Number 7128 "Improvements to Hubbard County Park" and accepting and appropriating funds for a 100% State Funded Community Enhancement Facilities Assistance Program grant. (Co. Exec.) PARKS & RECREATION
1556. Amending the 2008 Capital Budget and Program to reflect the establishment of New Capital Project Number 5380 "Beach Erosion and Coastline Protection" and accepting and appropriating 75 percent Federal Aid funds from the United States Department of Homeland Security/Federal Emergency Management Agency's Public Assistance Program and the 25 percent matching funds from New York State Emergency Management Office. (Co. Exec.) PARKS & RECREATION
1557. Amending the Adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program, and appropriating funds in connection with removal and disposal of obsolete underground petroleum storage tanks in Suffolk County (CP 8710). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1558. Amending the Adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program, and appropriating funds in connection with survey of shellfish aquaculture leases in Peconic Bay and Gardiners Bay (CP 7180). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1559. Authorizing the County Comptroller and County Treasurer to close certain Capital Projects and transfer funds. (Co. Exec.) BUDGET & FINANCE
1560. Accepting and appropriating 100% State grant funds from the Dormitory Authority of the State of New York to the Department of Health Services, John J. Foley Skilled Nursing Facility for the Community Enhancement Facilities Assistance Program. (Co. Exec.) HEALTH & HUMAN SERVICES
1561. Directing the Suffolk County Department of Social Services to ensure satisfactory housing accommodations for all public assistance recipients. (Co. Exec.) HEALTH & HUMAN SERVICES
1562. Amending the Rules of the Legislature of the County of Suffolk – Rule 6(C). (Pres. Off.) WAYS & MEANS
1563. Amending the Rules of the Legislature of the County of Suffolk – Rule 6(B). (Pres. Off.) WAYS & MEANS
1564. Making a SEQRA determination in connection with the review of DGEIS comments and preparation of a FGEIS on the proposed Shellfish Aquaculture Lease Program in the Peconic Bay and Gardiners Bay. (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE
1565. Directing the Department of Parks, Recreation and Conservation to install cigarette butt receptacles at County parks and beaches. (Cooper) PARKS & RECREATION
1566. Amending the Rules of the Legislature – Rule 3. (Montano) WAYS & MEANS

1567. Amending the Rules of the Legislature – Rule 6. (Montano) WAYS & MEANS
1568. Appointing Elizabeth Custodio as a member of the Suffolk County Industrial Development Agency (IDA). (Viloria-Fisher) ECONOMIC DEVELOPMENT, HIGHER EDUCATION, & ENERGY
1569. Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (St. Joseph's property) – Town of Islip – (SCTM No. 0500-160.00-02.00-072.002 p/o). (Montano) ENVIRONMENT, PLANNING & AGRICULTURE
1570. Adopting Local Law No. -2008, A Local Law to require companies doing business with the County to certify utilization of the Social Security Number Verification Service (SSNVS) to verify employees' Social Security Numbers. (Co. Exec.) WAYS & MEANS
1571. Adopting Local Law No. -2008, A Local Law to require occupational licensees to utilize the Social Security Number Verification Service (SSNVS). (Co. Exec.) CONSUMER PROTECTION
1572. Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the South Bay Street property, Incorporated Village of Lindenhurst, Town of Babylon. (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE
1573. Making a SEQRA determination in connection with the proposed Bergen Point Outfall, Planning and Response Plan. (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE

Amended Copy as of 5/30/08

**RESOLUTION NO. - 2008 AUTHORIZING USE OF PROPERTY AT
GABRESKI AIRPORT BY THE KIWANIS CLUB OF GREATER WESTHAMPTON**

WHEREAS, the Kiwanis Club of Greater Westhampton is a not for profit organization; and

WHEREAS, the Kiwanis Club of Greater Westhampton will host its annual fundraising carnival August 14, 2008 through August 17, 2008; and

WHEREAS, the Kiwanis Club of Greater Westhampton has submitted to Gabreski Airport a request to utilize property for the purposes of this event; and

WHEREAS, the Department of Economic Development and Workforce Housing and the Airport Conservation and Assessment Panel (ACAP) have reviewed this application and recommend the Legislature approve this request with a fee of \$400 per day, now, therefore be it

1st RESOLVED, that the County Executive or his designee, be and hereby is authorized to execute a license agreement for the use of the above described property between the Kiwanis Club of Greater Westhampton and the County of Suffolk, in substantial accordance with the agreement annexed; and be it further

2nd 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") S617.5 (c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment.

DATED:

APPROVED BY:

Steve Levy
County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1482

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
AUTHORIZING USE OF PROPERTY AT GABRESKI AIRPORT BY THE KIWANIS CLUB OF GREATER WESTHAMPTON		
3. Purpose of Proposed Legislation		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Revenue of \$1,600
Library District	Fire District <input type="checkbox"/>	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
8. Proposed Source of Funding		
9. Timing of Impact		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date

April 15, 2008

1482

Suffolk County Legislature
Hauppauge, NY

Re: ACAP report on Kiwanis Club of Greater Westhampton

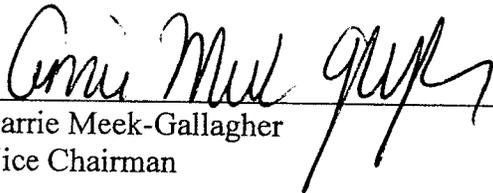
Dear Legislature:

Following please find the Airport Conservation and Assessment Panel's report on the Kiwanis Club of Greater Westhampton license agreement. The majority opinion of the panel is reflected within.

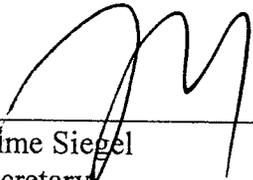
Respectfully submitted:



Beecher Halsey
Chairman



Carrie Meek-Gallagher
Vice Chairman



Jaime Siegel
Secretary

Kiwanis Club of Greater Westhampton:**Background:**

On May 9, 2006, Suffolk County Executive Order No. 26-2006 created the Airport Conservation and Assessment Panel (ACAP). The panel is charged with evaluating applications for leases, lease renewals, extensions and modifications, licenses, and issuing recommendations to the County Legislature, the CEQ and County Executive on the environmental, economic and community impacts of a lease or license application at Gabreski Airport and to report it's advisory findings and recommendations to the above parties.

The scope of the ACAP review shall be limited to assessing applications and proposals for the environmental compatibility and economic benefit to the people of the County of Suffolk and are in the public interest as a support, advance, or enhancement of a specifically articulated public policy objective.

A meeting of ACAP was held at 10:00AM on April 15, 2008 to review the Kiwanis Club of Greater Westhampton Beach application submitted on April 7, 2008.

Summary of SEQRA Recommendations/ACAP Findings:

Based on our assessment of the rules governing the implementation of SEQRA, we find the subject application to be a Type II action, pursuant to volume 6 of New York Code of Rules and Regulations ("NYCRR") S617.5 (c)(15), (20), and (27).

A Negative Declaration is recommended.

Recommendations:

There is no objection to the approval of this application.

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LICENSE AGREEMENT

Made this ____ day of _____, 2008 between KIWANIS CLUB OF GREATER WESTHAMPTON (hereinafter the Kiwanis Club), a non-profit organization, whose address is PO Box 146, Westhampton, New York 11977, and the COUNTY OF SUFFOLK, a municipal corporation whose address is County Center, Riverhead, New York (hereinafter the County).

WITNESSETH:

1. **DESCRIPTION.** County hereby grants to the Kiwanis Club a License for the use of property known as 4+ acres of land and adjacent parking at Francis S. Gabreski Airport, Westhampton Beach, New York (hereinafter "Premises") depicted on the map attached hereto as **Exhibit A.**
2. **TERM.** Four (4) days, commencing August 14, 2008 and ending August 17, 2008.
3. **PURPOSE.** The parties hereto acknowledge that County is a municipal corporation and is entering into and executing this License agreement by virtue of the authority of Resolution No. _____-2008 of the Suffolk County Legislature, for the purpose and intent of operating a carnival and fireworks display. The resolution is incorporated herein by reference. The Kiwanis Club has examined the same is fully aware of the intended purpose thereof, and that the Kiwanis Club's use of the Premises shall be for the sole purpose of a carnival and fireworks display and for no other purpose. The grant of this License shall not be deemed to preclude the use of Francis S. Airport by the public, by County itself or by any tenant of the County of Suffolk located at Francis S. Gabreski Airport.

It is expressly understood and agreed that this License is a limited license to use the Premises. It is not a Lease; no interest in real estate, real property or personalty and no right of exclusive possession and control is granted herewith to the Kiwanis Club. The Kiwanis Club's right to occupy the Premises shall continue only so long as the Kiwanis Club shall comply strictly and promptly with each and all of the undertakings, provisions, covenants, agreements, stipulations, and conditions contained herein.

This License permits the Kiwanis Club to enter, use and occupy the Premises consistent with the terms herein, until such time that the License expires or its early termination as hereinafter provided. the Kiwanis Club further agrees to provide all documentation required under this License on or before execution of this License.

4. **RENTAL AND SECURITY.** A rental fee of \$400.00 a day, for four (4) days, for a total of \$1600.00, shall be paid, in advance, to County at the Airport Management Office, located at Francis S. Gabreski Airport, Westhampton Beach, New York. In addition, the Kiwanis Club further agrees to provide the sum of \$750.00 payable in advance, as security for the clean-up of the Premises, if and as necessary, and the performance by the Kiwanis Club of all other of its obligations under this Agreement. The security, less any monies due the County there from by reason of violation of the terms of this Agreement by the Kiwanis Club, shall be returned to the Kiwanis Club upon a determination by Airport Management that the Premises has been restored to its original condition.

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All payments shall be in the form of a Certified Business Check, made payable to the Suffolk County Treasurer's Office.

5. **DUTIES.** A) On or before **July 14, 2008** the Kiwanis Club shall submit to Airport Management a "Site Plan" indicating the Carnival layout, traffic flows, and parking, in addition to details relating to sanitary arrangements, and post event park clean-up plans, all of which shall be subject to approval by Airport Management.

B) It is expressly understood and agreed that the Premises is and shall be the sole property of the County at all times during the period of this License.

C) The Kiwanis Club acknowledges that this License is for use of the Premises in "as is" condition and it is the sole obligation of the Kiwanis Club to suit the License area to its needs, as identified in the site plan, at its sole cost and expense. Any alterations, modifications, or improvements to the Premises must be included in the site plan approved by Airport Management.

D) The Kiwanis Club shall commit no act of waste and shall take good care of the Premises, and shall, in the use and occupancy of the Premises: (a) conform to all laws, orders and regulations of the federal, state and municipal governments, or any of their departments, (b) conform to all applicable federal, state and local laws and regulations regulating toxic waste and discharge, including, but not limited to, Articles VII and XII of the Suffolk County Sanitary Code, and (c) shall conform to the regulations of the New York Board of Fire Underwriters, provided they are applicable by reason of the use of the Premises by the Kiwanis Club.

E) The Kiwanis Club shall comply at its own cost and expense, with all federal, state, County and town statutes, local laws, ordinances, rules or regulations, now or hereinafter in force, which may be applicable to the operation of a carnival and fireworks display, including obtaining and paying for all licenses and charges and taxes (whether real property or otherwise) assessed under state, federal, County or local statutes or ordinances, insofar as they are applicable thereto. Copies of any and all permits, approvals or the like shall be submitted to Airport Management at least five (5) days prior to the commencement of the event.

F) The Kiwanis Club, at its expense, will provide for the placement, removal and frequent emptying of trash receptacles adequate in number for the anticipated daily attendance and shall surrender the premises in a clean condition, similar to that when occupation commenced, reasonable wear excepted.

G) The County shall not be responsible for providing any personnel for the conduct of this event.

H) The Kiwanis Club hereby expressly waives any and all claims for compensation for any and all loss or damage sustained by the Kiwanis Club resulting from fire, water, storm, tornadoes, civil commotion, riots, acts of God or other disasters. The Kiwanis Club expressly waives all rights, claims and demands and forever releases and discharges the people of the State of New York, the County of Suffolk, the Suffolk County Department of Economic Development and Workforce Housing and their officers, employees, and agents from any and all demands, claims, actions and causes of action

arising from any of the enumerated causes whatsoever. In the event of inclement weather, the Kiwanis Club expressly waives the right to request a rescheduling of events.

I) Alcoholic Beverages. The sale and/or consumption of alcoholic beverages of any kind are prohibited.

6. ALTERATIONS. The Kiwanis Club shall not make any "Alterations," meaning any alterations, installations, improvements, additions, renovations or physical changes to the Premises or any part or portion thereof or in any areas in the vicinity of the Premises, without the prior written consent of the County.

7. NO ASSIGNMENT. The License hereby granted shall not be transferred, assigned, conveyed, sublet, subcontracted or otherwise given to another, or any right, or interest therein.

8. PARKING PLACES. During the term of this Agreement, parking shall be in the area as depicted on the map attached hereto as Exhibit A and in accordance with the Site Plan described in Section 5. Any traffic control personnel shall be provided by the Kiwanis Club and shall wear identification so as to be readily visible to police personnel. Traffic control personnel shall be responsible for directing traffic and the parking of automobiles within Francis S. Gabreski Airport.

9. UTILITIES. A) The Kiwanis Club shall assume and be responsible to pay for all utilities' services, including connections thereto, used by it with respect to its operations granted by this Agreement, including water, electricity and fuel. The Kiwanis Club shall not use any existing utility services at the Premises without the express consent of Airport Management.

B) The County shall have no liability to the Kiwanis Club for any loss, damage or expense sustained or incurred by reason of any change, failure, inadequacy, unsuitability or defect in the supply or character of the utilities to the Premises for this event.

10. IDEMNITY AND INSURANCE. A) The Kiwanis Club assumes all risks in the operation of this License and shall defend, indemnify and hold harmless the County, its officials, employees, servants, and agents from and against all liabilities, fines, penalties, actions, demands, losses, claims, costs, judgments, damages, liens, encumbrances, costs, and expenses, including attorneys' fees, arising out of the acts or omissions or negligence of the Kiwanis Club, its owners, agents, employees or servants in connection with the services described or referred to in this License, which responsibility shall not be limited to the insurance coverage herein provided for.

B) The Kiwanis Club agrees not to use, suffer or permit any person to use in any manner whatsoever the Premises or any part thereof for any illegal purpose, or for any purpose in violation of any Federal, State, County or Municipal Law, ordinance, rule, order or regulation or of any rule or regulation of Francis S. Gabreski Airport now in effect or hereinafter enacted, amended or adopted, and will protect, defend, indemnify and forever save and keep harmless the County, Airport Management and its officers, employees, agents and servants from and against any damage, penalty, fine, judgment, expense or charge suffered, imposed, assessed or incurred for any violation or breach of any law, ordinance, rule, order or regulation occasioned by any act, neglect or omission of the Kiwanis Club or any of its employees, servants or agents in connection with the Premises;

and in the event of any such violation or in case the County or its representatives shall deem any conduct on the part of the Kiwanis Club, its employees, servants or agents to be objectionable or improper, the County shall have the right and power, and is hereby authorized by the Kiwanis Club, to at once declare this License terminated without notice to the Kiwanis Club.

C) The Kiwanis Club hereby represents and warrants that the Kiwanis Club, will not infringe upon any copyrighted work or material in accordance with the Federal Copyright Act during the term of this License. Furthermore, the Kiwanis Club agrees that it shall protect, indemnify and hold harmless the County and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorney's fees, arising out of the acts or omissions or the negligence of the Kiwanis Club in connection with the services described or referred to in this License. The Kiwanis Club shall defend the County and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or, at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of the Kiwanis Club, its officers, officials, employees, subcontractors, lessees, licensees, invitees or agents, if any, in connection with the services described or referred to in this License.

11. **INSURANCE.** A) No later than **July 14, 2008** the Kiwanis Club or its carnival operator, agrees to procure, and pay the entire premium for and maintain throughout the term of this License insurance coverage in amounts and types specified by the County and as may be mandated and increased from time to time. Unless otherwise specified by the County and agreed to by the Kiwanis Club, in writing, such insurance shall be as follows:

(i) **COMMERCIAL GENERAL LIABILITY INSURANCE**
including contractual coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage.

(ii) **WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY INSURANCE** in compliance with all applicable New York State laws and regulations and **DISABILITY BENEFITS INSURANCE** if required by law and shall have furnished to the Department of Public Works Property Manager prior to execution of this License the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law §108, this License shall be void and of no effect unless the Kiwanis Club shall provide and maintain coverage during the term of this License for the benefit of such employees required to be covered by the provisions of the Workers' Compensation Law.

B) The Fireworks provider shall provide the same insurance with the exception that the Commercial General Liability Insurance shall be in an amount not less than Three Million Dollars (\$3,000,000) Combined Single Limit per occurrence for bodily injury and property damage.

C) All policies required under this Section 11 shall be issued by insurance companies duly licensed by the State of New York and acceptable to the COUNTY, with an A.M. Best rating of A- or better.

D) Prior to the commencement of this License, the Kiwanis Club shall furnish the County with Declaration Pages for each such policy of insurance, and, upon request, a true and certified original copy of each such policy, and evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, the County of Suffolk shall be named as an additional insured and the Kiwanis Club shall furnish a Declaration Page, endorsement page and certificate of insurance evidencing the County's status as an additional insured on said policy. The Kiwanis Club shall thereafter provide to the County, for the duration of the License, updated Declaration pages, endorsement pages and certificates of insurance on a yearly basis as the insurance coverage periods expire.

E) All such Declaration Pages, certificates, and other evidence of insurance shall provide for the County of Suffolk to be notified in writing thirty (30) days prior to any cancellation, nonrenewal, or material change in said policy. Such certificates, policies or other evidence of insurance and notices shall be mailed to Airport Management, Suffolk County Department of Economic Development and Workforce Housing, Aviation Division, Francis S. Gabreski Airport, Westhampton Beach, New York, 11978, and the Suffolk County Risk Management and Benefit Division, H. Lee Dennison Building, Hauppauge, New York 11788 or such other address of which the County shall have given the Kiwanis Club notice in writing.

12. **NEGATIVE COVENANTS.** The Kiwanis Club shall commit no act of waste and shall not use, occupy, maintain or operate the Premises, nor suffer or permit the Premises or any part thereof to be used, occupied, maintained or operated, nor bring into or keep at the Premises, nor suffer or permit anything to be brought into or kept therein, which would in any way (a) violate any term, covenant or condition of this License, b) violate any restrictive covenant, operating covenant, encumbrance or easement affecting the Premises, (c) make void or voidable any insurance policy then in force with respect to the Premises or make any such insurance unobtainable or increase the rate of any insurance with respect to the Premises, (d) cause physical damage to the Premises or any part thereof, (e) permit the excess accumulation of waste or refuse at the Premises, (f) constitute a public or private nuisance, (g) not conform to all applicable federal, state and local laws and regulations.
13. **INSPECTION OF PREMISES.** It is agreed that Airport Management, any authorized representatives of Airport Management, or the authorized representatives of any other County department may inspect the Premises at any time.
14. **GENERAL PROVISIONS.** A) The Kiwanis Club shall furnish to Airport Management no later than July 14, 2008 a copy of the Town of Southampton Permit, Fire Marshall Permit, USDOT FAA letter of acknowledgment and any other required permits, licenses, waivers, etc. prior to the event. In addition, the Kiwanis Club agrees that the Fire Marshall will make an on-site inspection immediately prior to the event to give a final approval or disapproval for the firework display.

B) The Kiwanis Club is responsible for coordinating with the Police Department, local Fire Departments, and emergency medical services concerning their arrangements for the events.

15. **NO COUNTY LIABILITY FOR THE KIWANIS CLUB'S FAILURE.** Failure of the Kiwanis Club to perform any or all of its obligations hereunder shall not give rise to any liability on the part of the County or any of the County's departments, officers, officials, bureaus, agencies, employees, agents or representatives.

16. **TERMINATION/DEFAULT.** *Termination without cause:* (A) Unless otherwise provided herein, either party may terminate this License without cause at any time prior to the commencement of the term, upon ten (10) days written notice to the other.

B) *Termination by the County for Cause:* The County may terminate this License upon twenty-four (24) hours written notice, based upon the following events: (i) a failure on the part of the Kiwanis Club to pay the rental fee pursuant to the provisions of Section 4 of this License; (ii) a failure to maintain the amounts and types of insurance required by this License; and (iii) an emergency or other condition involving possible loss of life, threat to health and safety, destruction of property or other condition deemed to be an emergency, in the sole discretion of Airport Management. In any such event, no notice to cure or notice of intent to terminate shall be required. Failure to comply with health and fire safety standards shall be governed by this subparagraph.

C) In the event this License is terminated prior to the expiration date set forth under Section 2, for any reason, this License shall expire as fully and completely as if such earlier date was the date herein originally fixed for the expiration of the term; and the Kiwanis Club shall, as of such earlier termination date, quit and surrender the Premises to Airport Management. It is further agreed that, upon termination the Kiwanis Club shall remove all its equipment and property within forty-eight (48) hours. Any equipment or property of the Kiwanis Club not so removed shall be deemed to have been abandoned and either may be retained by the County as its property or may be stored or disposed of as the County may see fit, without insurance or liability for any damage which may occur to such property. If such property not so removed shall be sold, the County may receive and retain the proceeds of such sale and apply the same, at the County's option, against the reasonable expenses of the sale, moving and storage, arrears of rent and any damages to which the County may be entitled. Any excess proceeds shall be the property of the County.

17. **CAPACITY TO CONTRACT.** The Kiwanis Club warrants that its entry into this License was duly considered and authorized by its organizational body and pursuant to its by-laws and/or internal procedures.

18. **ARREARS TO COUNTY.** The Kiwanis Club warrants that it is not in arrears to the County upon debt or contract and are not in default as surety, contractor or otherwise on any obligation to or contract with the County of Suffolk.

19. **FIRE, FLOOD OR STRIKE.** Neither party shall be liable for failure to perform its part of this License when such failure is due to fire, flood, strikes or similar labor disturbances, industrial disturbances, wars, riots, insurrection, Acts of God and/or other causes beyond the control of the parties.

20. **HAZARDOUS SUBSTANCES AND WASTE.** The Kiwanis Club shall not generate, treat, release, store, discharge, dispose of, transport, recycle, use, reuse, or handle hazardous substances or waste on the Premises. As used herein, "hazardous substances or waste" shall include, but not be limited to, any flammable explosives, gasoline, petroleum products, polychlorinated biphenyl, radioactive materials, hazardous wastes, hazardous or toxic substances, or related or similar materials, asbestos or any material containing asbestos, or any other substance or material as defined by any federal, state or local environmental law, ordinance, rule, or regulation including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Section 9601, et. seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C. Section 5101, et. seq.), the Solid Waste Disposal Act, as amended (42 U.S.C. Section 6901, et. seq.), and the regulations adopted and publications promulgated pursuant thereto.
21. **LAWFUL HIRING OF EMPLOYEES LAW IN CONNECTION WITH CONTRACTS FOR CONSTRUCTION OR FUTURE CONSTRUCTION.** This Agreement is subject to the Lawful Hiring of Employees Law of the County of Suffolk, Suffolk County Code Chapter 234, as more fully set forth in the Exhibit entitled "Suffolk County Legislative Requirements." In accordance with this law, Contractor or employer, as the case may be, and any subcontractor or owner, as the case may be, agree to maintain the documentation mandated to be kept by this law on the Construction Site at all times. Contractor or employer, as the case may be, and any subcontractor or owner, as the case may be, further agree that employee sign-in sheets and register/log books shall be kept on the Construction Site at all times during working hours and all covered employees, as defined in the law, shall be required to sign such sign in sheets/register/log books to indicate their presence on the Construction Site during such working hours.
22. **DISCLOSURE AFFIDAVIT.** The Kiwanis Club shall provide proof of not-for-profit and tax exempt status to Airport Management prior to the execution of this License Agreement. As a not-for-profit entity, the Kiwanis Club is exempt from the requirements of section A5-7 of the Suffolk County Administrative Code. The Disclosure Form is attached hereto as **Exhibit B**.
23. **NOT A CO-PARTNERSHIP OR JOINT VENTURE.** Nothing herein contained shall create or be construed as creating a co-partnership between the County and the Kiwanis Club or to constitute the Kiwanis Club or the Kiwanis Club's employees as agents or employees of the County.
24. **COUNTY REPRESENTATIVES.** It is expressly understood and agreed by and between the parties hereto that the officers, officials, employees and agents of the County and Airport Management are acting in a representative capacity for the County of Suffolk and not for their own benefit, and that neither the Kiwanis Club nor any of its guests or invitees shall have any claim against them or any of them as individuals in any event whatsoever.
25. **NO IMPLIED WAIVER.** No failure or delay by either party in enforcing any right or remedy under this License shall be construed as a waiver of any future or other exercise of such right or remedy.
26. **GOVERNING LAW.** This License shall be construed and interpreted in accordance with the laws of the State of New York, and without regard to its conflict of laws provisions.

Venues shall be designated as Suffolk County, New York or the United States District Court for the Eastern District of New York.

- 27. **COOPERATION ON CLAIMS.** Each of the parties hereto agrees to render diligently to the other party, without additional compensation, any and all cooperation, that may be required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives in connection with this License.
- 28. **NO REPRESENTATIONS.** Neither party has made any representations or promises, except as contained herein, or in some further writing signed by the parties, making such representation or promise.
- 29. **SUFFOLK COUNTY LEGISLATIVE REQUIREMENTS:** The Parties agree to be bound by the terms of the Suffolk County Legislative Requirements, annexed hereto as "Appendix A," and made a part hereof.
- 30. **COUNTERPARTS.** This License may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original; and all such counterparts shall together constitute but one and the same Agreement.
- 31. **NO CREDIT.** The Kiwanis Club agrees that this License shall not be pledged, hypothecated, or put up as security for a loan, credit or for any reason whatsoever.
- 32. **CERTIFICATION.** The parties to this License hereby certify that, other than the funds provided in this License and other valid agreements with the County, there is no known relationship within the third degree of consanguinity, life partner, or business, commercial, economic, or financial relationship between the parties, the signatories to this License, and any partners, members, directors, or shareholders of more than five per cent (5%) of any party to this License.

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IN WITNESS WHEREOF, the parties hereto have caused this License to be executed and delivered as of the date first set forth above.

COUNTY OF SUFFOLK

KIWANIS CLUB OF GREATER WESTHAMPTON

By: _____
JEFFREY W. SZABO
Deputy County Executive

By: Jeff Pastor
JEFF PASTOR
Co-Chairperson

Date: _____

Date: 5/7/08

DEPARTMENT OF ECONOMIC DEVELOPMENT AND WORKFORCE HOUSING

By: _____
CAROLYN FAHEY
Intergovernmental Relations Coordinator

Date: _____

REVIEWED AS TO LEGALITY

CHRISTINE MALAFI, ESQ.,
Suffolk County Attorney

By: _____
BASIA DEREN BRADDISH
Assistant County Attorney

Date: _____

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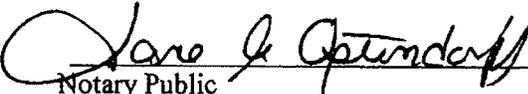
ACKNOWLEDGEMENT

STATE OF NEW YORK}

SS:

COUNTY OF SUFFOLK}

On the 7th day of May in the year 2008 before me, the undersigned, personally appeared Jeff Pastor, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

Jane A. Ostendorff
Notary Public, State of New York
No. 01056010003
Qualified In Suffolk County
Commission Expires April 17, 2010

STATE OF NEW YORK}

SS:

COUNTY OF SUFFOLK}

On the ___ day of _____ in the year 2008 before me, the undersigned, personally appeared JEFFREY W. SZABO, *Deputy County Executive*, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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Appendix A

Suffolk County Legislative Requirements

1. Contractor's/Vendor's Public Disclosure Statement

The Contractor represents and warrants that it has filed with the Comptroller of Suffolk County the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the said Comptroller on or before the 31st day of January in each year of this Agreement's duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of this Agreement, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Agreement.

Required Form: Suffolk County Form SCEX 22; entitled "Contractor's/Vendor's Public Disclosure Statement"

2. Living Wage Law

This Agreement is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

The Contractor represents and warrants that it has read and shall comply with the requirements of Suffolk County Code Chapter 347, Suffolk County Local Law No. 12-2001, the Living Wage Law.

Required Forms: Suffolk County Living Wage Form LW-1; entitled "Suffolk County Department of Labor – Living Wage Unit Notice of Application for County Compensation (Contract)"

Suffolk County Living Wage Form LW-38;
entitled "Suffolk County Department of Labor – Living Wage
Unit Living Wage Certification/Declaration – Subject To Audit"

3. Use of County Resources to Interfere with Collective Bargaining Activities Local Law No. 26-2003

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The Contractor represents and warrants that it has read and is familiar with the requirements of Chapter 466, Article 1 of the Suffolk County Local Laws, "Use of County Resources to Interfere with Collective Bargaining Activities". County Contractors (as defined) shall comply with all requirements of Local Law No. 26-2003 including the following prohibitions:

- a. The Contractor shall not use County funds to assist, promote, or deter union organizing.
- b. No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.
- c. The County of Suffolk shall not use County funds to assist, promote, or deter union organizing.
- d. No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.

If Contractor services are performed on County property the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, nonintimidation agreement and a majority authorization card agreement.

If Contractor services are for the provision of human services and such services are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Local Law No. 26-2003, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

Required Form: Suffolk County Labor Law Form DOL-LO1; entitled "Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration – Subject to Audit"

4. Lawful Hiring of Employees Law

This Agreement is subject to the Lawful Hiring of Employees Law of the County of Suffolk (Local Law 52-2006). It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the contract, and whenever a new contractor or subcontractor is hired under the terms of the contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of this agreement.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate this Agreement for violations of this Law and to seek other remedies available under the law.

The Contractor represents and warrants that it has read, is in compliance with, and shall comply with the requirements of Suffolk County Code Chapter 234, Suffolk County Local Law No. 52-2006, the Lawful Hiring of Employees Law.

Required Forms: Suffolk County Lawful Hiring of Employees Law Form LHE-1; entitled "Suffolk County Department of Labor --"Notice Of Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees"

"Affidavit Of Compliance With The Requirements Of 8 U.S.C. Section 1324a With Respect To Lawful Hiring Of Employees"
Form LHE-2.

5. **Gratuities**

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of

this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

6. Prohibition Against Contracting with Corporations that Reincorporate Overseas

The Contractor represents that it is in compliance with Suffolk County Administrative Code Article IV, §§A4-13 and A4-14, found in Suffolk County Local Law No. 20-2004, entitled "A Local Law To Amend Local Law No. 5-1993, To Prohibit The County of Suffolk From Contracting With Corporations That Reincorporate Overseas." Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

7. Child Sexual Abuse Reporting Policy

The Contractor agrees to comply with Chapter 577, Article IV, of the Suffolk County Code, entitled "Child Sexual Abuse Reporting Policy", as now in effect or amended hereafter or of any other Suffolk County Local Law that may become applicable during the term of this Agreement with regard to child sexual abuse reporting policy.

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8. Non Responsible Bidder

The Contractor represents and warrants that it has read and is familiar with the provisions of Suffolk County Code Chapter 143, Article II, §§143-5 through 143-9. Upon signing this Agreement the Contractor certifies that he, she, it, or they have not been convicted of a criminal offense within the last ten (10) years. The term "conviction" shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under the provision of Section 143-5 of the Suffolk County Code under "Nonresponsible Bidder."

9. Use of Funds in Prosecution of Civil Actions Prohibited

Pursuant to the Suffolk County Code Section §590-3, the Contractor represents that it shall not use any of the moneys received under this Agreement, either directly or indirectly, in connection with the prosecution of any civil action against the County of Suffolk or any of its programs, funded by the County, in part or in whole, in any jurisdiction or any judicial or administrative forum.

10. Suffolk County Local Laws

Suffolk County Local Laws, Rules and Regulations can be found on the Suffolk County web site at [www.co.suffolk](http://www.co.suffolk.ny.us)<<http://www.co.suffolk.ny.us>>. Click on "Laws of Suffolk County" under "Suffolk County Links."

End of Text for Appendix A



Gen A1

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MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Office of the County Executive

FROM: Carolyn E. Fahey, Intergovernmental Relations Coordinator
Department of Economic Development & Workforce Housing

DATE: May 7, 2008

SUBJECT: Resolution Authorizing the Use of Airport Property by
the Kiwanis Club of Greater Westhampton

The Department of Economic Development and Workforce Housing, requests the submittal of the attached resolution, authorizing the use of property at Francis S. Gabreski Airport by the Kiwanis Club of Greater Westhampton. The Airport Conservation and Assessment Panel (ACAP) has reviewed the application and recommends its submission to the Legislature. A copy of ACAP's review is attached.

The use is for five (5) days commencing August 14, 2008 through August 17, 2008. A fee of \$400 per day has been established consistent with fees charged to the organization for use of the property.

Attached please find the draft resolution, the signed License Agreement, ACAP's comments and the required SCIN 175a and 175b. Electronic copies have been filed.

Thank you.

CEF/kmb
Attachments

cc: Jim Morgo, Chief Deputy County Executive
✓ Brendan Chamberlain, County Executive Assistant
Tony Ceglie, Francis S. Gabreski Airport Manager



Steve Levy
Suffolk County Executive

Jim M. Morgo
Commissioner

BETTER FOR BUSINESS...BETTER FOR LIFE

Introductory Resolution No. 1483-08

Laid on Table

6/10/08

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2008, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976
JAMES A. SMITH SR., 80 Madison Ave., Bayshore, N.Y. 11706
(SCTM NO. 0500-292.00-02.00-127.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 292.00 Block 02.00 Lot 127.000 and acquired by Tax Deed on July 15, 1998 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 22, 1998 in Liber 11906 at Page 324 and otherwise known as and by Town of Islip as lots 2954 and 2955 inclusive, as shown on the "Map of Oakdale Park", section 5 filed with the Suffolk County Clerk on December 21, 1908, as Map No. 315,

WHEREAS, in accordance with Local Law 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

WHEREAS, James A. Smith Sr., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$8,500.00. 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 \$8,500.00, 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 \$8,500.00, 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, be it therefore,

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

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

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said JAMES A. SMITH SR., 80 Madison Ave., Bayshore, NY 11706.

DATED:

APPROVED BY

County Executive of Suffolk County

Date of Approval:

1483

SUFFOLK COUNTY, NEW YORK
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT
H. Lee Dennison Building
100 Veterans Memorial Highway - 2nd Floor
Post Office Box 6100
Hauppauge, New York 11788

SUMMARY STATEMENT

DIRECT SALE:

Suffolk County Local Law 13-1976
Tax Map No. 0500-292.00-02.00-127.000

ADJOINING OWNER	BID	BID	BID
James A. Smith Sr. 80 Madison Ave. Bayshore, NY 11706 0500-292.00-02.00-130.000	\$8,500.00		
Claudine Meredith 220 Montana Ave. Bayshore, NY 11706 0500-292.00-02.00-126.000	\$0		

SIZE OF PARCEL: 50x100/ 5,000 s.f.

APPRAISED VALUE: \$8,500.00

COMMENT: Direct Sale to Adjacent Owner

Wayne R. Thompson
Property Manager
(631) 853-5971

1483

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law X Charter Law _____

2. Title of Proposed Legislation

Local Law 13-1976 authorizing the Direct Sale of County owned Real Estate

3. Purpose of Proposed Legislation

Convey County owned parcel to adjacent owner

4. Will the Proposed Legislation have a fiscal impact? Yes X No _____

5. If the answer to Item 4 is "yes", on what will it impact?

X County _____ Town _____ Economic Impact

_____ Village _____ School District Other (Specify):

_____ Library District _____ Fire District

6. If the answer to item 4 is "yes", Provide detailed explanation of Impact

Income from sale

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

Unknown

8. Proposed Source of Funding

None

9. Timing of Impact

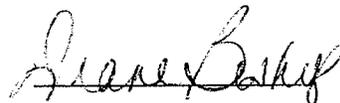
2008

10. Name & Title of Preparer

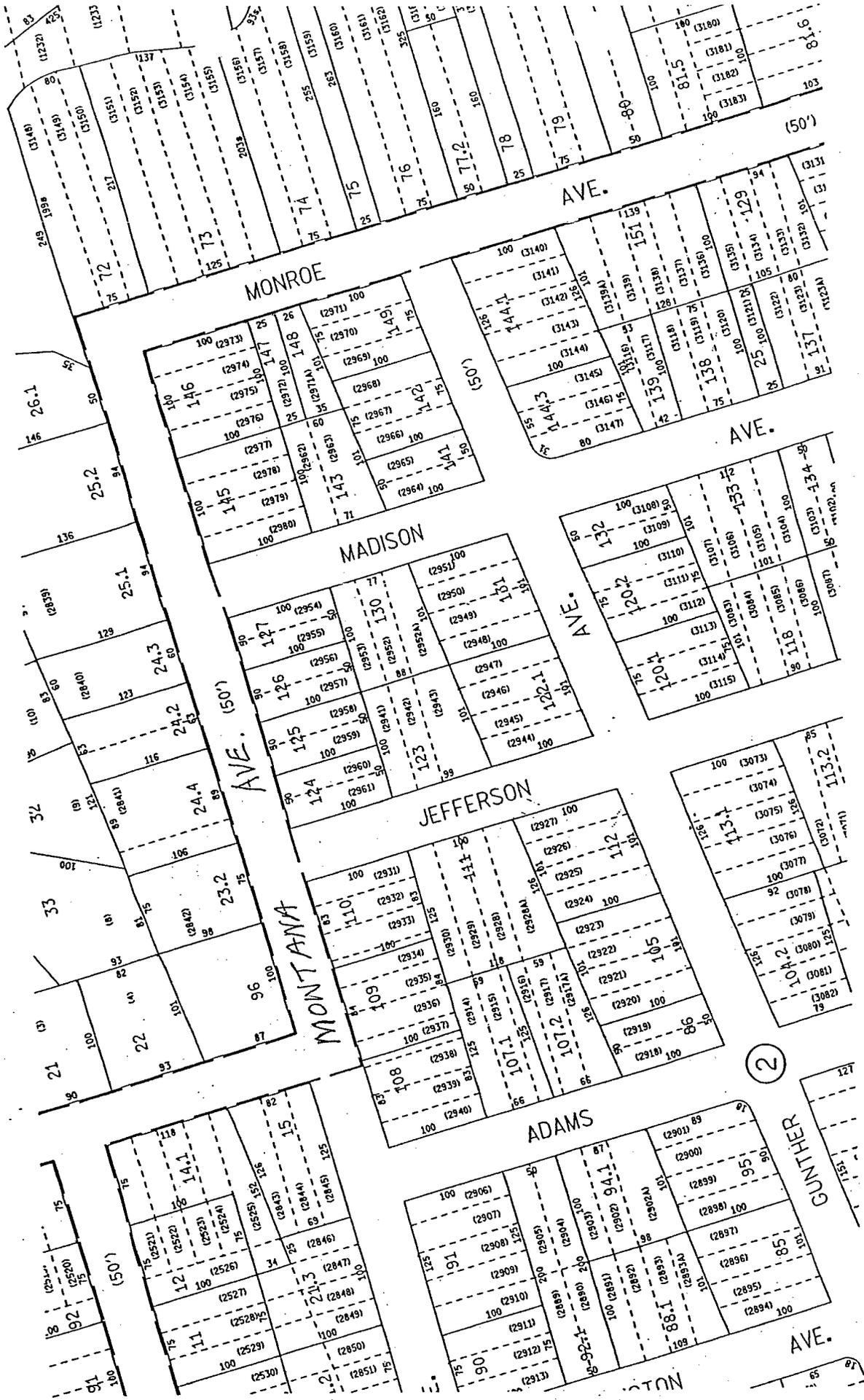
Signature of Preparer

Date

Diane Bishop- LMS III



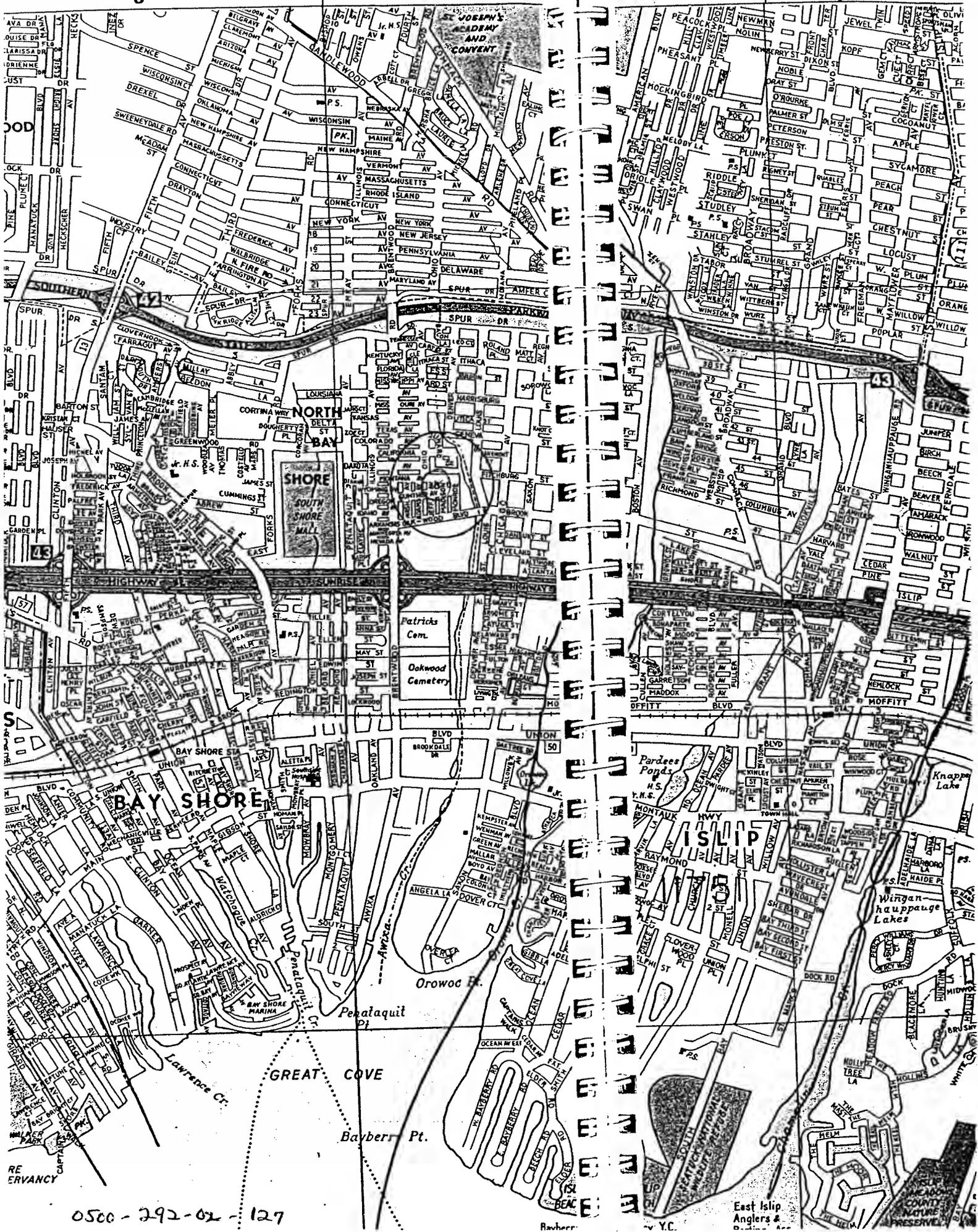
4-9-08



1483

TM # 0500-292.00-02.00-127.000

1483



RE
ERVANCY

0500-292-02-127

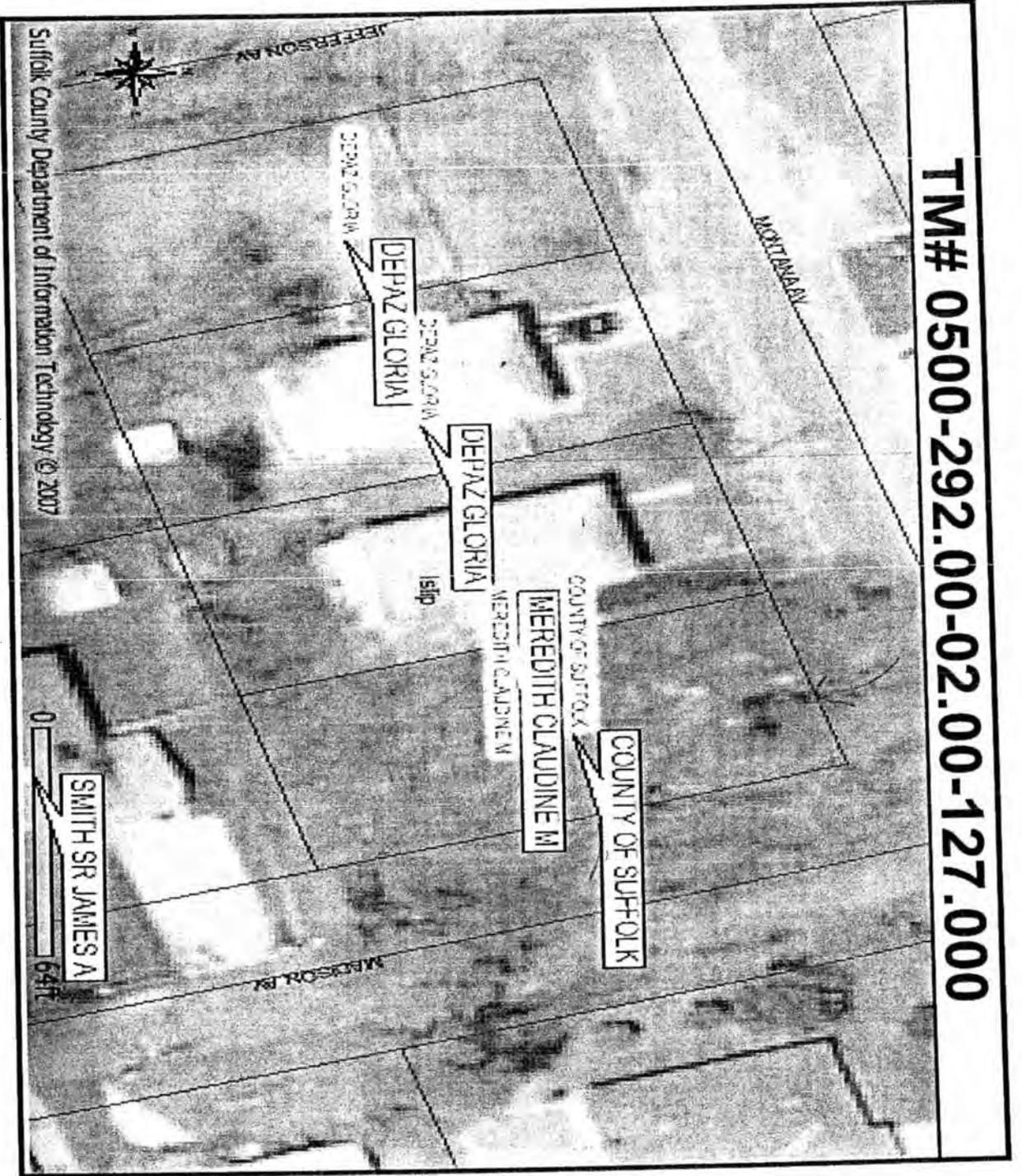
East Islip
Anglers &
...

Ravens

N.Y.C.

1483

TM# 0500-292.00-02.00-127.000



Suffolk County Department of Information Technology © 2007

Gen A2

COUNTY OF SUFFOLK

MAY 08 2008

1483



CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

May 7, 2008

Ben Zwirn
Deputy County Executive
Intergovernmental Relations
H. Lee Dennison Bldg. 11th Flr.
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Re: Tax Map Number: 0500-292.00-02.00-127.000

Dear Mr. Zwirn:

Enclosed herewith are the original and one copy of the proposed resolution with documentation pursuant to:

Local Law 13-1976 - Authorizing the Direct Sale of County Owned Real Estate

I would appreciate your placing this on the legislative agenda.

Very truly yours,

Christopher E. Kent
Director of the Division of Real Property
Acquisition and Management

CEK:WRT:slb
Resolution + 1 copy
Summary Statement
Tax Map & Aerial Map
Hagstrom Map
Sponsor's Memo

Copy to: Brendan Chamberlain, County Executive Assistant (2 hard copies)
Thomas A. Isles, Director of Planning
CE Reso Review, via e-mail

COUNTY OF SUFFOLK



1483

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

INTER-OFFICE COMMUNICATION
COUNTY OF SUFFOLK

TO: Christopher E. Kent
Director of Real Property Acquisition and Management

FROM: Auction/Sales Unit

DATE: April 9, 2008

SUBJECT: SALE BY DIRECT SALE OF TAX ACQUIRED REAL PROPERTY
PURSUANT TO LOCAL LAW 13-1976
Tax Map No.: 0500-292.00-02.00-127.000

Attached are the following documents for your review and approval:

- Transmittal Letter
- Resolution Pursuant to Local Law 13-1976
- Summary Statement For Direct Sale
- Sponsor's Memo For County Legislation

REVIEWED AND APPROVED BY:

Diane Bishop

Diane Bishop
Agent

Date: 4-9-08

APPROVED AND RECOMMENDED BY:

Wayne R. Thompson

Wayne R. Thompson
Property Manager

Date: 4/10/08

Note: Resolution package and file to be returned to agent.

Introductory Resolution No. 1484-08 Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-1976, OF REAL
PROPERTY ACQUIRED UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT
VICTOR FLORES
0200-467.00-02.00-026.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 467.00, Block 02.00, Lot 026.000, and acquired by tax deed on August 15, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007, in Liber 12520, at Page 725, and otherwise known as and by Town of Brookhaven, County of Suffolk, State of New York, known and designated as and by Lot Number 65 in Block 13 on a certain map entitled, "Map of Ronkonkoma Park, which was filed in the Office of the Clerk of the County of Suffolk on May 14, 1908 as and by Map Number 357; and

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

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

WHEREAS, VICTOR FLORES has made application of said above described parcel and VICTOR FLORES has paid the application fee and \$509.24, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to VICTOR FLORES, 12 Spruce Street, Centereach, New York 11720, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.1

1484

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

April 24, 2008

Tax Map No.: 0200-467.00-02.00-026.000
Name of Last Legal Fee Owner: VICTOR FLORES

TREASURER'S COMPUTATION..... \$396.97
Taxes.....2007/2008..... \$112.27
Recording Fees collected for County Clerk. . N/A
License Fee..... N/A
Repairs..... N/A
Interest..... N/A
Miscellaneous Expenses..... N/A

TOTAL..... \$509.24

Monies Received..... \$509.24

RESOLUTION AMOUNT..... \$509.24

APPROVED:

Karen A. Plater 4/29/08

Accounting
LB:sc

PREPARED BY:

Lori Bertone

Lori Bertone
Redemption Unit
(631) 853-5932

1484

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0200-467.00-02.00-026.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee, to execute and acknowledge a Quitclaim Deed to transfer the interest of Suffolk County acquired under Section 46 of the Suffolk County Tax Act

3. Purpose of Proposed Legislation

Convey County owned parcel to prior owner

4. Will the Proposed Legislation have a fiscal impact? Yes X No

5. If the answer to Item 4 is "yes", on what will it impact?
(circle appropriate category)

- County Town Economic Impact
- Village School District Other (Specify):
- Library District Fire District

6. If the answer to item 4 is "yes", provide detailed explanation of Impact

The County will recoup the amount of taxes paid on the property taken by the tax deed.

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2008

10. Typed Name & Title of Preparer Signature of Preparer Date

Lori Bertone Lori Bertone 4/25/08

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0200	467.00	02.00	026.000

1484

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2004/05	91.66
2005/06	157.28
2006/07	105.85

2007/08 PROPERTY TAXES \$112.27 NOT INCLUDED IN COMPUTATION

TOTAL: 354.79

B. INTEREST DUE	23.28
C. TOTAL	378.07
D. 5% LINE C	18.90
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE

\$396.97
07/08 112.27

\$ 509.24
4/10/08
EF

CERTIFICATION BY COUNTY TREASURER

I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York.

08-Apr-08



Diane M. Stuke
Deputy County Treasurer

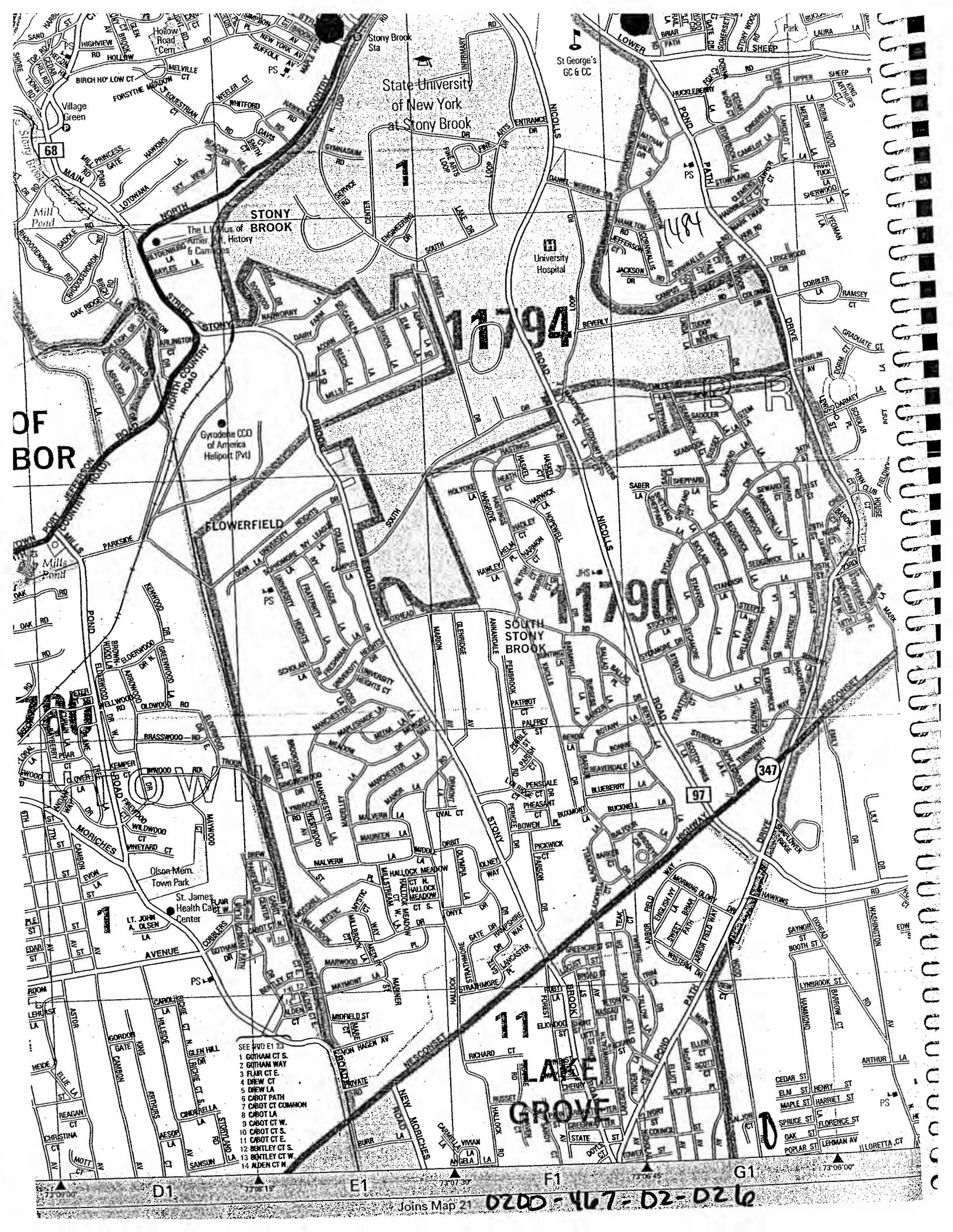
**Interest and penalty computed to
and including 10/05/08

03-11-00
06-02-99
03-02-00
07-13-00
09-13-00
04-02-01
01-11-02
05-25-02
04-23-02
09-06-02
11-21-02
04-22-04
03-09-06
05-24-06
10-18-06
12-19-06



L D Z C M T	Property or M Line	Subdivision Lot No.	132	Block Unit	---	School District Line	---	Hydrant District Line	---	UNLESS DRAWN OTHERWISE ARE WITHIN THE FOR
	Detritus Common Owner	Subdivision Block/Block No.	(21)	Block No.	(2)	Fire District Line	---	Refuge District Line	---	
	Subdivision Lot Line	Deed Dimension	42	County Line	---	Water District Line	---	Historical District Line	---	FIRE
	Stream / Shore	Scaled Dimension	42	Town Line	---	Light District Line	---	Ambulance District Line	---	LIGHT
	Parcel No.	Dred Area	12.1 A(c) or 12.1A	Village Line	---	Park District Line	---	Backwater District Line	---	PARK
		Calculated Area	12.1 A(c)			Sewer District Line	---			AMBULANCE

200-467-2-26



OF
BOR

11794

11794

11790

LAKE
GROVE

- SEE PWD E1 23
- 1 GOTHAM CT S.
 - 2 GOTHAM WAY
 - 3 FLARK CT E
 - 4 DREW CT
 - 5 DREW LA
 - 6 CABOT PATH
 - 7 CABOT CT COMMON
 - 8 CABOT LA
 - 9 CABOT CT W.
 - 10 CABOT CT S.
 - 11 CABOT CT E.
 - 12 BENTLEY CT S.
 - 13 BENTLEY CT W.
 - 14 ALDEN CT N.

D1

E1

F1

G1

Joins Map 21

0200-467-02-026

73°07'15"

73°07'30"

73°07'45"

73°06'00"

COUNTY OF SUFFOLK

Gen A3



MAY 08 2008

1484

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

May 6, 2008

Ben Zwirn
Deputy County Executive for
Intergovernmental Relations
H. Lee Dennison Bldg. - 11th Floor
Hauppauge, New York 11788-0099

Re: Tax Map No. 0200-467.00-02.00-026.000
VICTOR FLORES

Dear Mr. Zwirn:

Enclosed herewith for your approval is original and one (1) copy of the proposed resolution with documentation pursuant to:

Local Law 16-1976, as amended - Authorizing the redemption of real property.

I would appreciate your placing this on the legislative agenda as soon as possible after your examination.

Very truly yours,

Christopher E. Kent
Director of Division of Real Property
Acquisition and Management

CEK:sc

Enclosures
Resolution + one copy
Closing Statement
Legislative Memorandum
Treasurer's Computation

Copy of Resolution to:
Ben Zwirn, Deputy County Executive for I. R. (original plus 1 hard copy)
Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain and Tom Vaughn, Intergovernmental Relations
Steve Forst, Budget Office (hard copy)
C.E. Reso. Review (electronic copy)

Copy of letter to:
Carrie Meek Gallagher, Commissioner, Dept. of Environment and Energy
Connie Corso, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

53

Intro. Res. No. 1485-08

Laid on Table 6/10/08

Introduced by the Presiding Officer at the request of the County Executive

RESOLUTION NO. -2008, APPORTIONING
MORTGAGE TAX BY: COUNTY TREASURER

RESOLVED, that the joint reports of the Recording Officer and the County Treasurer as filed with this Legislature on May 9, 2008 relative to the distribution of mortgage taxes for the six month period ending March 31, 2008, be accepted and that the amounts specified therein be fixed and determined as the amounts due the Towns and Villages respectively; and be it further

RESOLVED, that the Presiding Officer and Clerk of this Legislature be authorized to execute and deliver to the County Treasurer a warrant of this Legislature directing him to make the payments therein specified in the report in accordance with the provisions of Section 261 of the Tax Law.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

OFFICE OF THE COUNTY LEGISLATURE
Riverhead, New York

TO THE TREASURER OF SUFFOLK COUNTY:

Pursuant to the authority conferred by Section 261 of the New York State Tax Law and a resolution adopted this day relative to the distribution of mortgage taxes to the several tax districts of this County for the six-month period ending March 31, 2008, the County Legislature of this County this day assembled hereby directs you to pay the Supervisors of the several Towns and to the Treasurers of the several Villages, as herein after specified, such sums as are listed in the schedule following:

To the Supervisors of the Towns of:

Babylon	\$3,689,276.84
Brookhaven	8,929,781.83
East Hampton	2,277,976.54
Huntington	5,241,112.48
Islip	6,733,762.23
Riverhead	1,047,625.76
Shelter Island	257,403.54
Smithtown	2,746,932.78
Southampton	4,571,216.80
Southold	849,151.45
Total Towns:	<u>\$36,344,240.25</u>

To the Treasurers of the Villages of:

Amityville	\$118,037.72
Babylon	149,261.28
Lindenhurst	239,575.04
Belle Terre	24,866.40
Bellport	40,300.72
Lake Grove	137,860.85
Old Field	36,994.73
Patchogue	95,568.91
Poquott	18,149.61
Port Jefferson	233,925.19
Shoreham	9,908.45
East Hampton	271,019.32
Sag Harbor	28,924.26

Asharoken	21,885.89
Huntington Bay	34,752.18
Lloyd Harbor	115,416.85
Northport	89,948.43
Brightwaters	47,418.07
Islandia	103,983.09
Ocean Beach	33,255.95
Saltaire	37,436.42
Dering Harbor	4,939.93
Head of the Harbor	35,989.75
Nissequogue	43,640.39
Village of the Branch	31,354.21
North Haven	73,556.53
Quogue	180,039.18
Sagaponack	173,337.55
Sag Harbor	61,933.85
Southampton	510,625.77
Westhampton Beach	161,011.86
Westhampton Dunes	30,638.47
Greenport	19,225.87

Total Villages:	<u>\$3,214,782.72</u>
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Grand Total:	<u><u>\$39,559,022.97</u></u>
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Presiding Officer, County Legislature

Clerk, County Legislature



1485 Gen A4

MAY 14 2008

SUFFOLK COUNTY TREASURER

330 CENTER DRIVE RIVERHEAD, N.Y. 11901-3311

Telephone: (631) 852-1500 FAX (631) 852-1507

ANGIE M. CARPENTER
COUNTY TREASURER

DOUGLAS W. SUTHERLAND
CHIEF DEPUTY TREASURER

DIANE M. STUKE
DEPUTY TREASURER

TO: Ben Zwirn, Asst. Deputy County Executive

FROM: Honorable Angie M. Carpenter
County Treasurer

DATE: May 9, 2008

I would be most appreciative if you could make the necessary arrangements to lay on the table the resolution for distribution of mortgage taxes for the six-month period ending March 31, 2008.

The resolution and appropriate distributions are attached.

AMC:kr
Att.

1485

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
ResolutionXXX Local Law Charter Law

2. Title of Proposed Legislation

Distribution of Mortgage Tax Proceeds

3. Purpose of Proposed Legislation
To authorize distributions of Mortgage Tax proceeds to Towns and Villages.

4. Will the Proposed Legislation Have a Fiscal Impact? YES **NO x**

5. If the answer to item 4 is "yes," on what will it impact? (Circle appropriate category)
County **Town** Economic Impact
Village School District Other (Specify):
Library District Fire District

6. If the answer to item 5 is "yes," Provide Detailed Explanation of Impact

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

N/A

8. Proposed Source of Funding
N/A

9. Timing of Impact
N/A

10. Typed Name & Title of Preparer 11. Signature of Preparer 12. Date

Angie M. Carpenter
County Treasurer

May 8, 2008

Angie M. Carpenter
5/12/08

Intro Res. No. 1486-08 Laid on Table 6/10/08
Introduced by Presiding Officer on the Request of the County Executive

RESOLUTION NO. TO READJUST, COMPROMISE, AND
GRANT REFUNDS AND CHARGEBACKS ON CORRECTION
OR ERRORS/COUNTY TREASURER BY: COUNTY
LEGISLATURE #299

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
0500-173.00-01.00-023.002	2007/08	\$18,045.00	0	\$18,045.00
0500-217.00-01.00-007.001	2007/08	\$15,999.00	0	\$15,999.00

Dated:

Approved By:

Suffolk County Executive

Date of Approval:

1486

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
ResolutionXXX Local Law Charter Law

2. Title of Proposed Legislation
To readjust, compromise and grant refunds and charge backs on Correction of Errors/County Treasurer By: County Treasurer

3. Purpose of Proposed Legislation
To cancel or adjust taxes and make refunds and charge backs due to erroneous or improper assessments.

4. Will the Proposed Legislation Have a Fiscal Impact? **YES XXX** NO

5. If the answer to item 5 is "yes," on what will it impact? (Circle appropriate category)
County **Town** Economic Impact
Village School District Other (Specify):
Library District Fire District

6. If the answer to item 5 is "yes," Provide Detailed Explanation of Impact
In the case of refunds, the County will initially refund the amount of the incorrect tax. Approximately 81% of the refunded amount will be charged back to the Town to be added to the subsequent year's tax warrant. The remainder will be a County charge. If the original tax is unpaid, the same procedure would apply, however, no County monies would be refunded and it will be charged back to the Town within twelve to eighteen months.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.
Unknown

8. Proposed Source of Funding
To be refunded from the County General Fund

9. Timing of Impact
Variable

10. Typed Name & Title of Preparer 11. Signature of Preparer 12. Date

Angie M. Carpenter *Angie M. Carpenter* May 7, 2008
County Treasurer

**Additional back-up material regarding I.R. 1486 is on file in the
Legislative Clerk's Office, Hauppauge.**

**Additional back-up material regarding I.R. 1486 is on file in the
Legislative Clerk's Office, Hauppauge.**

Introductory Resolution No. 1487-08

Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2008, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976
ASSEMBLY OF GOD CHURCH OF BAY SHORE
(SCTM NO. 0500-313.00-01.00-109.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 313.00 Block 01.00 Lot 109.000 and acquired by Tax Deed on July 14, 2004 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 19, 2004 in Liber 12331 at Page 567 and described as follows, known as designated as part of Lot No. 122 on a certain map entitled "Map of Bayfair, Sheet 1", filed in the office of the Clerk of the county of Suffolk on September 30, 1948 as Map No. 1652 ; and

WHEREAS, in accordance with Local Law 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

WHEREAS, ASSEMBLY OF GOD CHURCH OF BAY SHORE, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$3,500.00. 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 \$3,500.00, 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 \$3,500.00, 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, be it therefore,

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

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

3rd **RESOLVED**, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said ASSEMBLY OF GOD CHURCH OF BAY SHORE, 211 Bay Shore Road, Bay Shore, NY 11706.

DATED:

APPROVED BY

County Executive of Suffolk County

Date of Approval:

1487

SUFFOLK COUNTY, NEW YORK
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT
H. Lee Dennison Building
100 Veterans Memorial Highway - 2nd Floor
Post Office Box 6100
Hauppauge, New York 11788

SUMMARY STATEMENT

DIRECT SALE:
Suffolk County Local Law 13-1976
Tax Map No. 0500-313.00-01.00-109.000

ADJOINING OWNER	BID	BID	BID
Assembly of God Church of Bay Shore 211 Bay Shore Rd. Bay Shore, NY 11706 0500-313.00-01.00-110.001 & 066.000	\$3,500.00		

SIZE OF PARCEL: 86' x 60' x 68'
APPRAISED VALUE: \$3,500.00
COMMENT: Direct Sale to Adjacent Owner

Wayne R. Thompson
Property Manager
(631) 853-5971

1487

1. Type of Legislation

Resolution X Local Law X Charter Law _____

2. Title of Proposed Legislation

Local Law 13-1976 authorizing the Direct Sale of County owned Real Estate

3. Purpose of Proposed Legislation

Convey County owned parcel to adjacent owner

4. Will the Proposed Legislation have a fiscal impact? Yes X No _____

5. If the answer to Item 4 is "yes", on what will it impact?

X County _____ Town _____ Economic Impact
_____ Village _____ School District Other (Specify):
_____ Library District _____ Fire District

6. If the answer to item 4 is "yes", Provide detailed explanation of Impact

Income from sale

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

Unknown

8. Proposed Source of Funding

None

9. Timing of Impact

2008

10. Name & Title of Preparer

Signature of Preparer

Date

Diane Bishop
LMS III

Diane Bishop

5/8/08

FOR DIRECT SALE RESOLUTION

Diane Bishop

1487

NAME: Assembly of God Church of Bay Shore

SCTM- 0500-313.00-01.00-109.000

TOWN: Islip

ACQUIRED: 7/14/04

BY: John C. Cochrane, County Treasurer

RECORDED: 7/19/04

LIBER: 12331

PAGE: 567

DESCRIPTION: Part of Lot No. 122 on a certain map entitled "Map of Bayfair, Sheet 1", filed in the office of the Clerk of the County of Suffolk on September 30, 1948 as Map No. 1652

OFFER REC'D IN AMOUNT OF: \$3,500.00 APPRAISED VALUE: \$3,500.00 DEPOSITED: \$3,500.00

ADJOINING OWNER(S):

(1)

Assembly of God Church of Bay Shore
211 Bay Shore Rd.
Bay Shore, NY 11706

BID: \$3,500.000

TM# 0500-313.00-01.00-110.001 & 066.000

(2)

BID:

TM#

(3)

BID:

TM#

(4)

BID:

TM#

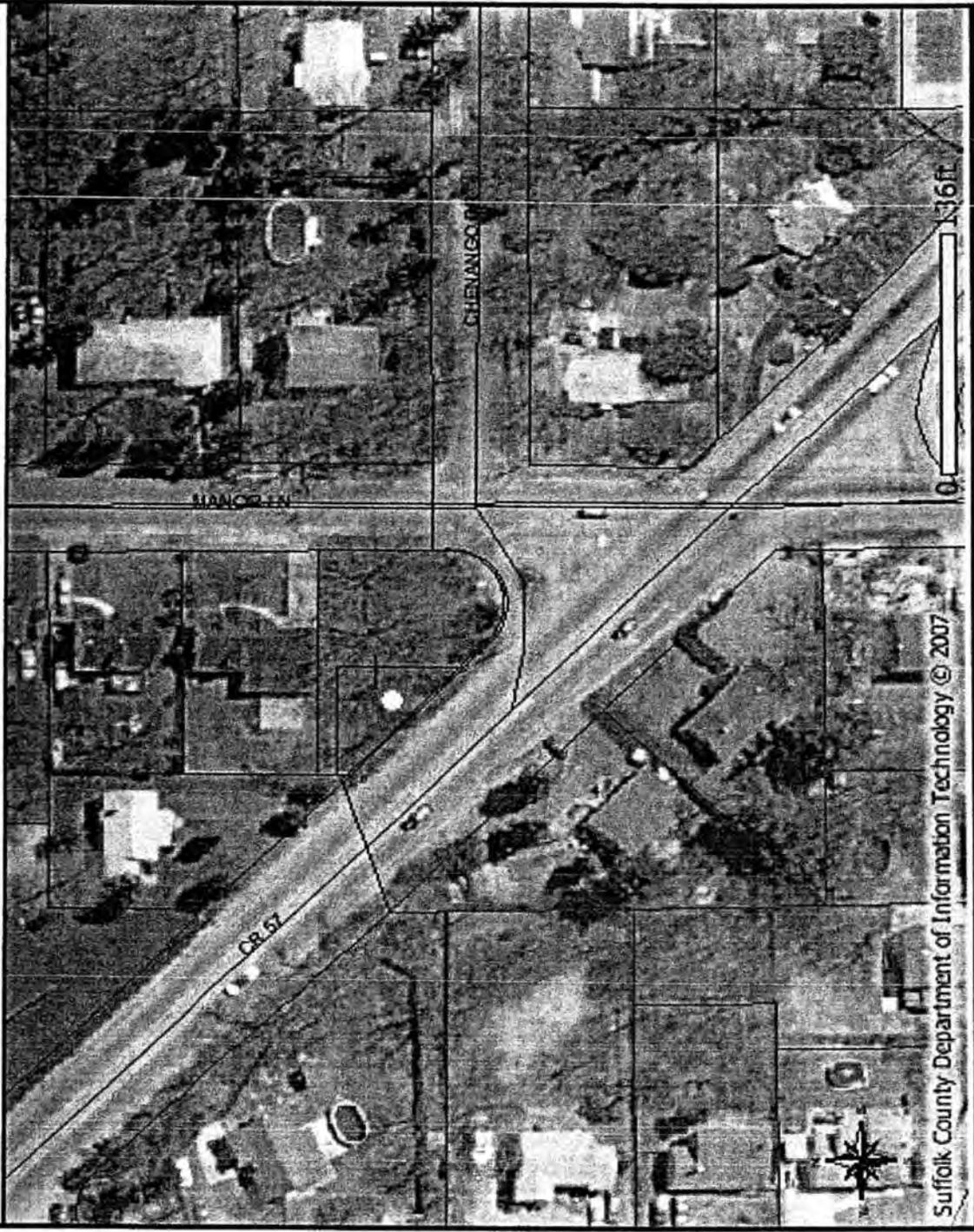
SIZE OF THE PROPERTY: 86' x 60' x 68'

ANTICIPATED VALUE: \$3,500.000

DEED TYPE: Bargain & Sale

IMPECT TO LEGISLATION: YES COUNTY

TM# 0500-313.00-01.00-109.000



Suffolk County Department of Information Technology © 2007

1487

COUNTY OF SUFFOLK

C. 76
MAY 09 2008



(487)

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

May 8, 2008

Ben Zwirn
Deputy County Executive
Intergovernmental Relations
H. Lee Dennison Bldg. 11th Flr.
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Re: Tax Map Number: 0500-313.00-01.00-109.000

Dear Mr. Zwirn:

Enclosed herewith are the original and one copy of the proposed resolution with documentation pursuant to:

Local Law 13-1976 - Authorizing the Direct Sale of County Owned Real Estate

I would appreciate your placing this on the legislative agenda.

Very truly yours,

Christopher E. Kent
Director of the Division of Real Property
Acquisition and Management

CEK:WRT:slb
Resolution + 1 copy
Summary Statement
Tax Map & Aerial Map
Hagstrom Map
Sponsor's Memo

Copy to: Brendan Chamberlain, County Executive Assistant (2 hard copies)
Thomas A. Isles, Director of Planning
CE Reso Review, via e-mail

Introductory Resolution No. 1488-08 Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-1976, OF REAL
PROPERTY ACQUIRED UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT
CHARLES WOODLY, JR. and MARVA WOODLY, his wife
0200-453.00-03.00-023.000

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 453.00, Block 03.00, Lot 023.000, and acquired by tax deed on August 15, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007, in Liber 12520, at Page 725, and otherwise known as and by Town of Brookhaven, Lot 74, Map of Gordon Heights, Section 9, Filed October 4, 1945 Map No. 1450; and

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

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

WHEREAS, CHARLES WOODLY, JR. has made application of said above described parcel and CHARLES WOODLY, JR. has paid the application fee and \$3,100.00, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

2nd - **RESOLVED**, that 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 CHARLES WOODLY, JR. and MARVA WOODLY, his wife, 217 Swezey Lane, Middle Island, New York 11953, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.1

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1488

April 28, 2008

Tax Map No.: 0200-453.00-03.00-023.000

Name of Last Legal Fee Owner: CHARLES WOODLY, JR. and MARVA WOODLY, his wife

TREASURER'S COMPUTATION..... \$2,455.42

Taxes.....2007/2008..... \$ 644.48

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... \$3,099.90

Monies Received..... \$3,100.00 – overpayment of \$.10

RESOLUTION AMOUNT..... \$3,099.90

APPROVED:

Karen A. Blater 4/29/08
Accounting

LB:sc

PREPARED BY:

Lori Bertone

Lori Bertone
Redemption Unit
(631) 853-5932

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1488

1. Type of Legislation

Resolution X
Tax Map Number 0200-453.00-03.00-023.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee, to execute and acknowledge a Quitclaim Deed to transfer the interest of Suffolk County acquired under Section 46 of the Suffolk County Tax Act

3. Purpose of Proposed Legislation

Convey County owned parcel to prior owner

4. Will the Proposed Legislation have a fiscal impact? Yes X No

5. If the answer to Item 4 is "yes", on what will it impact?
(circle appropriate category)

<u>County</u>	Town	Economic Impact
Village	School District Other (Specify):	
Library District	Fire District	

6. If the answer to item 4 is "yes", provide detailed explanation of Impact

The County will recoup the amount of taxes paid on the property taken by the tax deed.

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2008

10. Typed Name & Title of Preparer Signature of Preparer Date

Lori Bertone  4/28/08

COMPUTATION BY SUFFOLK COUNTY TREASURER

1488

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0200	453.00	03.00	023.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2004/05	772.29
2005/06	811.02
2006/07	626.89

2007/08 PROPERTY TAXES \$644.48 NOT INCLUDED IN COMPUTATION

TOTAL: 2210.20

B. INTEREST DUE	128.30
C. TOTAL	2338.50
D. 5% LINE C	116.92
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE

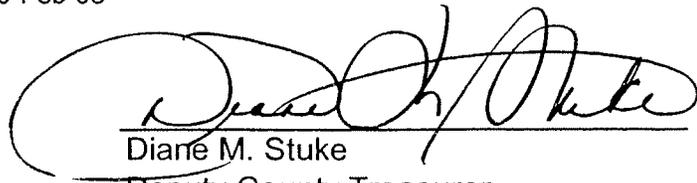
	\$2,455.42
07/08	644.48
	<u>3,099.90</u> ✕

CERTIFICATION BY COUNTY TREASURER

I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York.

20-Feb-08



Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 08/18/08

Revisions
 02-20-97
 02-01-03
 04-22-04
 09-09-04
 02-13-04
 09-01-05
 08-09-06

1488

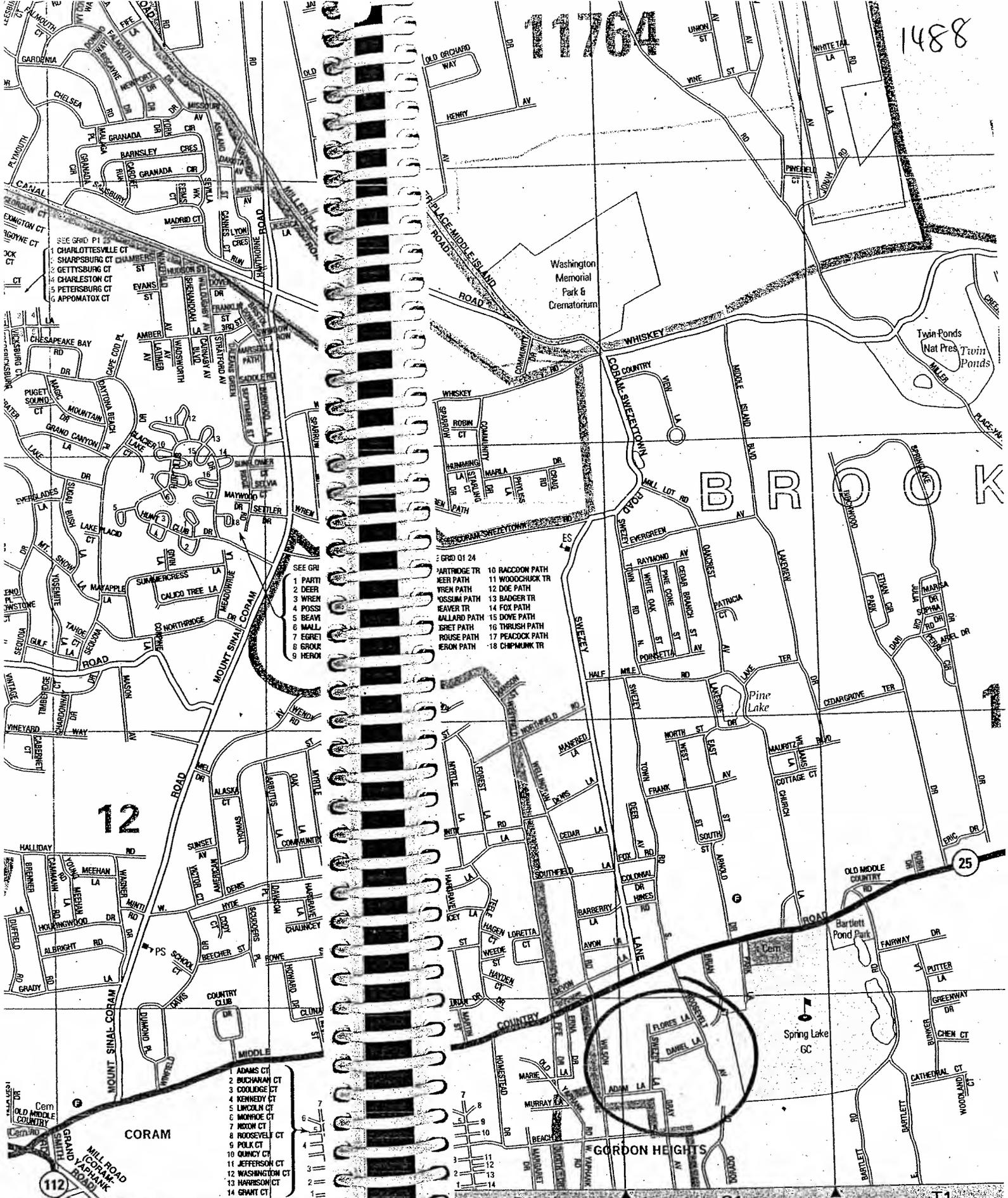


0200-453-3-23

Property or W Line Dashed Common Owner Subdivision Lot Line Division	Subdivision Lot No. Subdivision Block/Blk No. (21) David Shorbas Estate Shorbas Same Area as 18.1 A-1 of 18.1 A-1 18.1 A-1	Block Lett Block No. (2) County Line Town Line Range Line	School District Line - SCH Fire District Line - F Water District Line - W Light District Line - L Park District Line - P Recreation District Line - R	Hydrant District Line - H Refuse District Line - R Historical District Line - HST Ambulance District Line - A Postmaster District Line - PM	UNLESS DRAWN OTHERWISE WITHIN THE SCHOOL 12 FIRE 13/14 LIGHT 15 PARK AMBULANCE
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11764

1488



12

- SEE GRID P1
- 1 CHARLOTTEVILLE CT
 - 2 SHARPSBURG CT
 - 3 GETTYSBURG CT
 - 4 CHARLESTON CT
 - 5 PETERSBURG CT
 - 6 APPOMATOX CT
- SEE GRID Q1
- 1 PARTI
 - 2 DEER
 - 3 WREN
 - 4 POSS
 - 5 BEAVI
 - 6 MALL
 - 7 EGRET
 - 8 GROU
 - 9 HERON
- SEE GRID Q2
- 10 RACCOON PATH
 - 11 WOODCHUCK TR
 - 12 DOE PATH
 - 13 BADGER TR
 - 14 FOX PATH
 - 15 DOVE PATH
 - 16 THRUSH PATH
 - 17 PEACOCK PATH
 - 18 CHIPMUNK TR
- ADAMS CT
- 1 BUCHANAN CT
 - 2 COOLIDGE CT
 - 3 KENNEDY CT
 - 4 LINCOLN CT
 - 5 MONROE CT
 - 6 MEXON CT
 - 7 ROOSEVELT CT
 - 8 POLK CT
 - 9 QUINCY CT
 - 10 JEFFERSON CT
 - 11 WASHINGTON CT
 - 12 HARRISON CT
 - 13 GRANT CT

R1 S1 T1

0200-453-03-023

Joins Ma

COUNTY OF SUFFOLK

Geo A7



1488

MAY 08 2008

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

May 6, 2008

Ben Zwirn
Deputy County Executive for
Intergovernmental Relations
H. Lee Dennison Bldg. - 11th Floor
Hauppauge, New York 11788-0099

Re: Tax Map No. 0200-453.00-03.00-023.000
CHARLES WOODLY, JR. and MARVA WOODLY, his wife

Dear Mr. Zwirn:

Enclosed herewith for your approval is original and one (1) copy of the proposed resolution with documentation pursuant to:

Local Law 16-1976, as amended - Authorizing the redemption of real property.

I would appreciate your placing this on the legislative agenda as soon as possible after your examination.

Very truly yours,

Christopher E. Kent
Director of Division of Real Property
Acquisition and Management

CEK:sc

Enclosures
Resolution + one copy
Closing Statement
Legislative Memorandum
Treasurer's Computation

Copy of Resolution to:
Ben Zwirn, Deputy County Executive for I. R. (original plus 1 hard copy)
Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain and Tom Vaughn, Intergovernmental Relations
Steve Forst, Budget Office (hard copy)
C.E. Reso. Review (electronic copy)

Copy of letter to:
Carrie Meek Gallagher, Commissioner, Dept. of Environment and Energy
Connie Corso, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

53

Introductory Resolution No. 1489-08 Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-1976, OF REAL
PROPERTY ACQUIRED UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT
CHUN LUEN KWOK and LI HSIU CHIN KWOK, his wife
0400-143.00-02.00-112.000

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 Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400, Section 143.00, Block 02.00, Lot 112.000, and acquired by tax deed on April 15, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 17, 2008, in Liber 12547, at Page 966, and otherwise known as and by Town of Huntington, Suffolk County Tax Map Number: District 0400, Section 143.00, Block 02.00, Lot 112.000; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on April 15, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 17, 2008 in Liber 12547 at Page 966.

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

WHEREAS, CHUN LUEN KWOK has made application of said above described parcel and CHUN LUEN KWOK has paid the application fee and \$10,065.06, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to CHUN LUEN KWOK and LI HSIU CHIN KWOK, his wife, 13 5th Avenue, Huntington Station, New York 11746, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.I

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

148^a

May 14, 2008

Tax Map No.: 0400-143.00-02.00-112.000

Name of Last Legal Fee Owner: CHUN LUEN KWOK and LI HSIU CHIN KWOK, his wife

TREASURER'S COMPUTATION.....\$6,225.62

Taxes.....2007/2008.....\$3,839.44

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... \$10,065.06

Monies Received..... \$10,065.06

RESOLUTION AMOUNT..... \$10,065.06

APPROVED:

Karen A. Slater 5/14/08

Accounting
CO:sc

PREPARED BY:

Cathy O'Neal
Cathy O'Neal
Redemption Unit
(631) 853-5937

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1489

1. Type of Legislation

Resolution X
Tax Map Number 0400-143.00-02.00-112.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee, to execute and acknowledge a Quitclaim Deed to transfer the interest of Suffolk County acquired under Section 46 of the Suffolk County Tax Act

3. Purpose of Proposed Legislation

Convey County owned parcel to prior owner

4. Will the Proposed Legislation have a fiscal impact? Yes X No _____

5. If the answer to Item 4 is "yes", on what will it impact?
(circle appropriate category)

- | | | |
|------------------|-----------------|------------------|
| <u>County</u> | Town | Economic Impact |
| Village | School District | Other (Specify): |
| Library District | Fire District | |

6. If the answer to item 4 is "yes", provide detailed explanation of Impact

The County will recoup the amount of taxes paid on the property taken by the tax deed.

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2008

10. Typed Name & Title of Preparer Signature of Preparer Date

Cathy O'Neal Cathy O'Neal 5/14/08

COMPUTATION - SUFFOLK COUNTY TREASURER

1489

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0400	143.00	02.00	112.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2003/04 5737.92

2004/05 THROUGH 2006/07 TAXES PAID BY INDIVIDUAL
2007/08 (2ND HALF ONLY) TAXES \$3839.44, NOT INCLUDED IN COMPUTATION

TOTAL: 5737.92

- B. INTEREST DUE
- C. TOTAL
- D. 5% LINE C
- E. FEE
- F. MISC
- G. MISC

191.24
5929.16
296.46

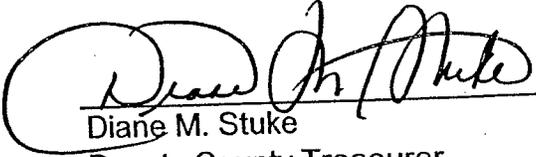
H. TOTAL DUE

\$6,225.62

CERTIFICATION BY COUNTY TREASURER

I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

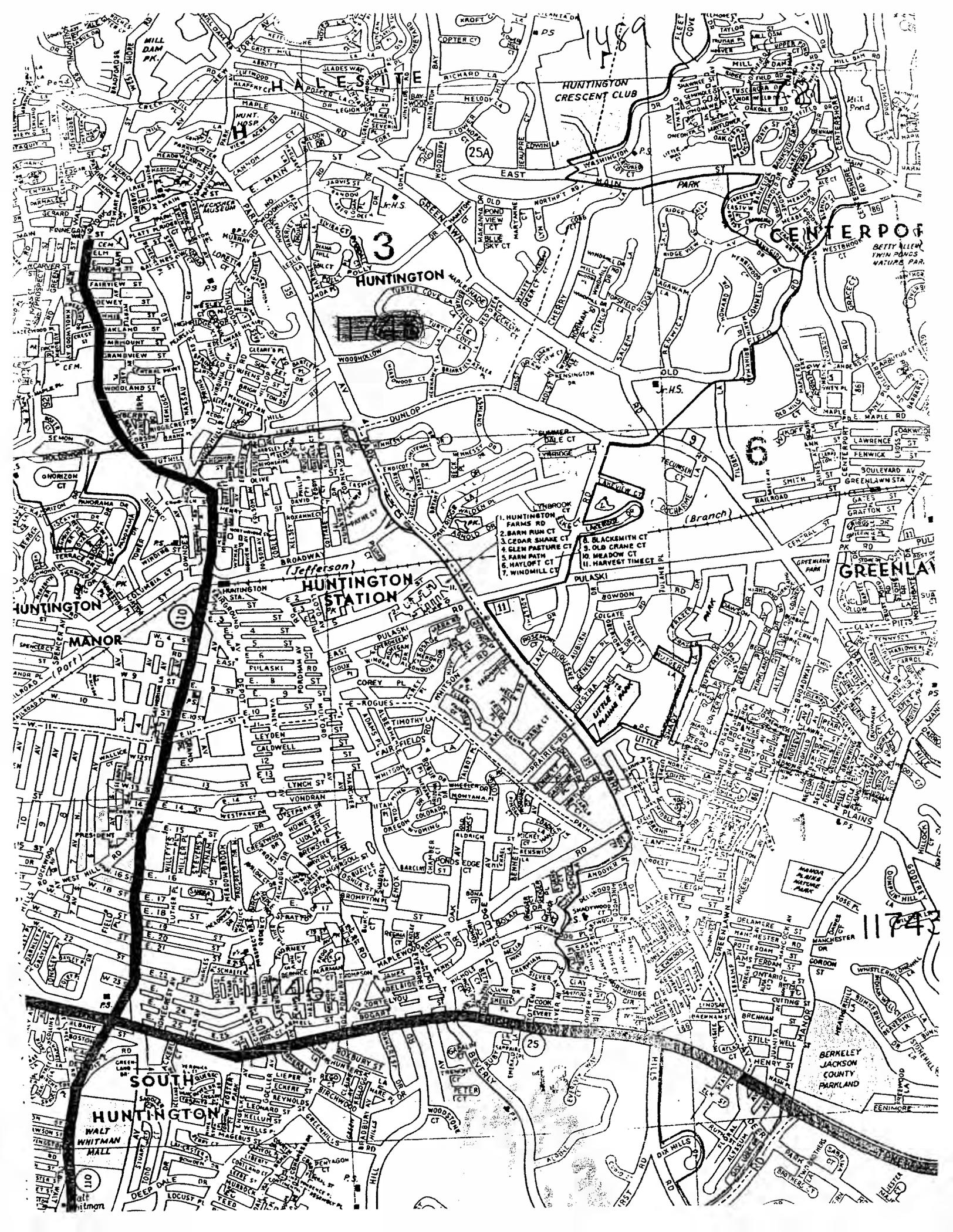
IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 08-May-08



 Diane M. Stuke
 Deputy County Treasurer

**Interest and penalty computed to and including 11/04/08

dz



489

3

6

11

11743

HUNTINGTON CRESCENT CLUB

CENTER OF
BETTY ALLEN
TWIN POND
NATURE PARK

HUNTINGTON

HUNTINGTON STATION

HUNTINGTON MANOR

GREENLAW

SOUTH HUNTINGTON

HUNTINGTON
WALT WHITMAN MALL

BERKELEY COUNTY
JACKSON
PARKLAND

1. HUNTINGTON FARMS RD
2. BARN RUN CT
3. CEDAR SHAKE CT
4. GLEN PASTURE CT
5. FARM PATH
6. HAYLOFT CT
7. WINDMILL CT
8. BLACKSMITH CT
9. OLD CRANE CT
10. MEADOW CT
11. HARVEST TIME CT

(Jefferson)

(Branch)

110

25

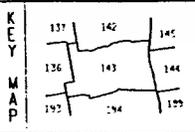


NOTE: FIELD MAP LOT NUMBER PRECEDED AND FOLLOWED BY A DASH, BELONG TO MAP OF THE PROPERTY OWNED AND DEVELOPED BY JAMES M. WEITSMAN, F.M. NO. 558

NOTICE
 MAINTENANCE, ALTERATION, GALL OR DESTRUCTION OF ANY PORTION OF THE CHIEFLY COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE REAL PROPERTY TAX SERVICE AGENCY.



COUNTY OF SUFFOLK ©
 Real Property Tax Service Agency
 County Center Riverhead, N.Y. 11901
 SCALE IN FEET: 1" = 100'



TOWN OF HUNTINGTON
 VILLAGE OF
 DISTRICT NO 0400

SECTION NO
 143
 PROPERTY MAP

COUNTY OF SUFFOLK

Gen A8



MAY 19 2008

1489

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

May 15, 2008

Ben Zwirn
Deputy County Executive
H. Lee Dennison Bldg. - 12th Floor
Hauppauge, New York 11788-0099

Re: Tax Map No. 0400-143.00-02.00-112.000
CHUN LUEN KWOK and LI HSIU CHIN KWOK, his wife

Dear Mr. Zwirn:

Enclosed herewith for your approval is original and one (1) copy of the proposed resolution with documentation pursuant to:

Local Law 16-1976, as amended - Authorizing the redemption of real property.

I would appreciate your placing this on the legislative agenda as soon as possible after your examination.

Very truly yours,

Christopher E. Kent
Christopher E. Kent
Director of Division of Real Property
Acquisition and Management

CEK:sc

Enclosures
Resolution + one copy
Closing Statement
Legislative Memorandum
Treasurer's Computation

Copy of Resolution to:
Ben Zwirn, Deputy County Executive (original plus 1 hard copy)
Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain and Tom Vaughn, Intergovernmental Relations
Steve Forst, Budget Office (hard copy)
C.E. Reso. Review (electronic copy)

Copy of letter to:
Carrie Meek Gallagher, Commissioner, Dept. of Environment and Energy
Connie Corso, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

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1490

Intro. Res. No. -2008

Laid on Table 6/10/2008

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, AUTHORIZING USE OF THE LONG ISLAND MARITIME MUSEUM BY THE CYSTIC FIBROSIS FOUNDATION FOR THEIR "ANNUAL RUN / WALK AND BARBECUE" FUNDRAISER

WHEREAS, Cystic Fibrosis Foundation – Greater New York Chapter is a 501(c)(3) nonprofit organization having its principal place of business at 205 East 42nd Street, Suite 1821, New York, New York; and

WHEREAS, the Cystic Fibrosis Foundation would like to use the Long Island Maritime Museum in the County Park in West Sayville for the purpose of hosting their Annual Run / Walk and Barbecue Fundraiser to raise money for the Foundation; and

WHEREAS, the fundraiser will be held on the grounds of the Long Island Maritime Museum on Sunday, July 27, 2008; and

WHEREAS, a Certificate of Insurance with accompanying declaration page naming Suffolk County as an additional insured has been provided by the Cystic Fibrosis Foundation; now therefore, be it

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

2nd RESOLVED, that the use of Long Island Maritime Museum by the Cystic Fibrosis Foundation for the purpose of hosting a fundraiser on Sunday, July 27, 2008, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from the Cystic Fibrosis Foundation and the payment of the Five Hundred Dollar (\$500.00) event fee, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at the Long Island Maritime Museum by the Cystic Fibrosis Foundation.

DATED:

APPROVED BY:

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1490

<p>1. Type of Legislation</p> <p>Resolution <u>X</u> Local Law _____ Charter Law _____</p>		
<p>2. Title of Proposed Legislation</p> <p>AUTHORIZING USE OF THE LONG ISLAND MARITIME MUSEUM BY THE CYSTIC FIBROSIS FOUNDATION FOR THEIR "ANNUAL RUN / WALK AND BARBECUE" FUNDRAISER</p>		
<p>3. Purpose of Proposed Legislation</p> <p>Authorize use of County Parkland for fundraising event.</p>		
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <u>X</u> _____</p>		
<p>5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)</p> <p>County Town Economic Impact</p> <p>Village School District Other (Specify):</p> <p>Library District Fire District</p>		
<p>6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact</p> <p>N/A</p>		
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p>N/A</p>		
<p>8. Proposed Source of Funding</p> <p>N/A</p>		
<p>9. Timing Impact</p> <p>N/A</p>		
<p>10. Typed Name & Title of Preparer</p> <p>Tom Hroncich Parks Foundation Director Dept. of Parks, Recreation & Conservation</p>	<p>11. Signature of Preparer</p>	<p>12. Date</p>



1490

April 22, 2008

Long Island Maritime Museum

Dear Ms. Lori Hala:

The Annual Sayville Run/Walk & Barbeque benefiting the Cystic Fibrosis Foundation was established eleven years ago to raise money and awareness leading to a cure for cystic fibrosis. CF is a life threatening genetic disease that affects over 30,000 children and young adults in the United States.

The Sayville Run/Walk provides an opportunity for serious runners as well as those who are interested in a relaxing walk to support a worthy cause. The 4-mile route, starting and finishing at the Long Island Maritime Museum in West Sayville, winding along the Great South Bay through South Sayville, is a USATF certified course. After the Run/Walk, we would like to host a family barbecue, complete with live entertainment and catered food donated by Panera Bread and Lovin' Oven for participants, family members and all others interested in joining the fight for a cure.

For the past ten years, the people of Sayville and the surrounding Long Island area have united to help find a cure for cystic fibrosis. This run allows them, each year, to come together and run for a unified cause!

Thank you so much for your support in the past and we look forward to working with you again.

Warm regards

A handwritten signature in black ink that reads 'John P. Cruitt'.

John Patrick Cruitt
Senior Executive Director

1490



LONG ISLAND MARITIME MUSEUM APPLICATION FOR USE OF FACILITIES



Please read and complete entire application.

APPLICANT'S NAME Cystic Fibrosis Foundation

ORGANIZATION NAME (if applicable) _____

ADDRESS 205 East 42nd Street, Ste 1821 - NY NY - 10017

CONTACT NAME Kerri Klein

PHONE NUMBER 516 827-1290 212 986-8783 CELL # _____

REQUEST USE OF (CHECK ALL THAT APPLY)

- ENTIRE GROUNDS (Up to 100 people)\$300.00
- ENTIRE GROUNDS (100-250 people)..... 500.00
- ENTIRE GROUNDS (250+ people)..... 2.00 per pers n
- ELWARD SMITH III LIBRARY & GARDEN AREA..... 250.00
- ELWARD SMITH III LIBRARY & MAIN GALLERY..... 250.00
- ELWARD SMITH III ONLY..... 150.00
- STAFF FEE FOR AFTER-HOURS EVENT..... 10.00 per hour

A maximum of two (2) hours is allowed for wedding ceremonies. Five (5) hours for reception or party. Seven (7) hours for a combined wedding ceremony and reception. All events must end no later than 10:00 p.m. A one (1) hour period for a wedding rehearsal is included in the wedding fee schedule, but must be scheduled with the Museum Director. Fees also include a three (3) hour set up period for catering, decorating and other preparations immediately preceding the event.

TYPE OF EVENT Run/Walk w/ BBQ to follow (Please be specific)

Will Food/Beverages be provided? YES NO _____

Is event open to the general public? YES NO _____

If event is open to public **AND** food/beverages are being provided, the attached **SUFFOLK COUNTY HEALTH SERVICES ORGANIZER'S APPLICATION FOR TEMPORARY PERMIT** *must* be filed. Non-compliance with Health Services regulations may result in event being shut down.

DATE(S) REQUESTED July 27, 2008 ALTERNATE DATE(S) _____

EVENT START TIME 5 pm (AM) (PM) ESTIMATED ATTENDANCE 250

ARRIVAL TIME 12 noon DEPARTURE TIME 9 pm
(PREMISES MUST BE VACATED BY 10 PM)

Is event being catered? YES NO _____ Name of Caterer _____

Will alcoholic beverages be provided? YES NO _____ (If YES, the Hold Harmless Agreement attached must be signed, notarized & returned to museum).

Will alcoholic beverages be sold? YES _____ NO (If YES, the Special Event Permit attached must be filed with the NYS Liquor Authority to obtain a temporary liquor license).

Is this a Fundraiser? YES NO _____ Groups wishing to hold fundraisers on Suffolk County Park property must contact the Parks Permit Department at 854-4951 a **minimum of three months** prior to event for permission as Suffolk County Legislative approval is required.

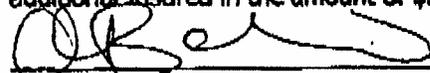
1490

TENTS (Excludes Museum tent)

Additional Tent(s) _____ Canopy _____ Arch _____ (Suffolk County Fire Marshall Inspection may be required, see attached)

VENDORS: YES _____ **NO** _____ List all _____

 Names of vendors (amusement/entertainment, etc.) at event must be listed above. Attach separate list if necessary. Vendor(s) chosen must provide a certificate of Insurance naming SUFFOLK COUNTY as an additional insured in the amount of \$2,000,000 per occurrence Comprehensive General Liability.


Applicant Signature

Angela Bolina
Office Services Coordinator
Please Print _____ Date _____

OFFICE USE ONLY

SCHEDULE OF PAYMENTS AND DEPOSITS

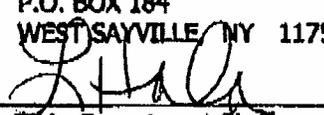
ENTIRE GROUNDS (Up to 100 people)	\$300.00	Date Received _____
ENTIRE GROUNDS (100 - 250 people)	500.00	Date Received _____
ENTIRE GROUNDS (250+ people) - PER PERSON	2.00	Date Received _____
ELWARD SMITH III LIBRARY & GARDEN AREA	250.00	Date Received _____
ELWARD SMITH III LIBRARY & MAIN GALLERY	250.00	Date Received _____
ELWARD SMITH III LIBRARY ONLY	150.00	Date Received _____
STAFF FEE FOR AFTER HOURS EVENT - PER HOUR	10.00	Date Received _____
SUB TOTAL \$ _____		
GARBAGE SECURITY DEPOSIT - Group Size	\$ _____	Date Received _____
SUB TOTAL \$ _____		
LESS DEPOSIT TO GUARANTEE RESERVATION - \$100.00		Date Received _____
TOTAL DUE \$ _____		

Deposit must accompany application. Upon approval, the Director will sign the application for the Museum and return a copy to you.

ALL CHECKS ARE TO BE MADE PAYABLE TO: **LONG ISLAND MARITIME MUSEUM**

MAIL TO: LONG ISLAND MARITIME MUSEUM
P.O. BOX 184
WEST SAYVILLE, NY 11751

Maritime Museum Staff
Phone: 631-854-4974
Approval Date _____

 5/8/08
Parks Department Staff
Phone: 631-854-4951
Approval Date _____

Ready for Payment
NYMM

PO# _____

Addendum PO# _____

Vendor ID# _____

 4-22-08
EO Signature _____ Date _____

CYSTIC FIBROSIS FOUNDATION, BETHESDA, MD 20814

1490

1089912

ACCOUNT NO

INVOICE NO	INVOICE DATE	DESCRIPTION	INVOICE AMOUNT	AMOUNT PAID
042208	4/30/2008	NYAC	\$500.00	\$500.00
			\$500.00	\$500.00

CYSTIC FIBROSIS FOUNDATION

CHECK NO. 1089912



6931 ARLINGTON RD.
BETHESDA, MD 20814

VENDOR NO.	DATE	CHECK AMOUNT	84-79
810177	4/30/2008	\$*****500.00	811 <input checked="" type="checkbox"/>

PAY Five Hundred Dollars and 00 Cents*****

TO THE ORDER OF LONG ISLAND MARITIME MUSEUM
P.O. BOX 184
WEST SAYVILLE NY 11751
US

CDA NUMBER 200826034

TWO SIGNATURES REQUIRED IF \$10.00 OR OVER

Robert J. ...

MP
MP

SunTrust
Sun Trust Bank

⑈01089912⑈ ⑈061100790⑈ 200826034⑈

Details on back.
Security Features Included.

SUFFOLK COUNTY DEPARTMENT OF PARKS

1490

THE "HOLD HARMLESS" AGREEMENT BELOW MUST BE SIGNED AND NOTARIZED TO REQUEST PERMISSION TO CONSUME ALCOHOLIC BEVERAGES (IN PICNIC AREAS ONLY).

HOLD HARMLESS AGREEMENT

THE APPLICANT/ORGANIZATION AGREES TO INDEMNIFY AND SAVE HARMLESS THE COUNTY OF SUFFOLK, ITS OFFICIALS, EMPLOYEES AND AGENTS FROM SUITS, ACTION, DAMAGES AND COST OF EVERY NATURE AND DESCRIPTION RESULTING FROM THE ACTIONS OF THE APPLICANT/ORGANIZATION.

THE APPLICANT/ORGANIZATION AGREES TO INDEMNIFY AND SAVE HARMLESS THE COUNTY OF SUFFOLK FROM ANY LIABILITY OR ACTION ARISING FROM ANY PROPERTY OWNED BY OR IN THE CARE, CUSTODY AND CONTROL OF THE APPLICANT.

4/29/08
DATE

[Signature]
PRINCIPAL OR AUTHORIZED REPRESENTATIVE
(APPLICANT/ORGANIZATION)

ALCOHOL FIBROSIS FEDERATION
GROUP/ORGANIZATION NAME

NOTARY M. Jensen

DATE 4/29/08

My Commission Expires 8/9/2011

1490

ACORD CERTIFICATE OF LIABILITY INSURANCE		OP ID AR CYSTI-1	DATE (MM/DD/YYYY) 04/30/08
PRODUCER MacIntyre Fay & Thayer Ins Agy 77 Accord Park Drive Unit B-1 Norwell MA 02061 Phone: 781-261-2000 Fax: 781-261-2099		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Cystic Fibrosis Foundation 6931 Arlington Road Bethesda MD 20814		INSURERS AFFORDING COVERAGE	NAIC #
		INSURER A: CNA Insurance Co.	
		INSURER B: Kearse Indemnity Insurance	
		INSURER C:	
		INSURER D:	
		INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADDT	LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X			GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	C 1057198720	01/01/08	01/01/09	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$300,000 MED EXP (Any one person) \$15,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A				AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	C 2083490085	01/01/08	01/01/09	COMBINED SINGLE LIMIT (EA ACCIDENT) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
				GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$
B				EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$0	71G1000043-071	01/01/08	01/01/09	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000
A				WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC 1064080922 ADD'L INF. DOES NOT APPLY	01/01/08	01/01/09	<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
				OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 The Certificate Holder is named as Additional Insured, ATIMA, for General Liability, per written contract or agreement, as respects to the location of the fund raising event being held July 27, 2008, "Sayville Run". (Ctr. NY-Westchester Chapter)

CERTIFICATE HOLDER SUFFCOU County of Suffolk P.O. Box 84 West Sayville NY 11751	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
----------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

1490

Internal Revenue Service

Date: October 25, 2007

CYSTIC FIBROSIS FOUNDATION HEADQUARTERS
6931 ARLINGTON RD STE 200
BETHESDA MD 20814-5269

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
Miss Csinsi 17-56980
Customer Service Representative
Toll Free Telephone Number:
877-829-5500
Federal Identification Number:
13-1930701
Group Exemption Number:
1393

Dear Sir or Madam:

This is in response to your request of October 25, 2007, regarding your organization's tax-exempt status.

In November 1957 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

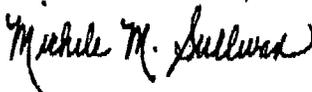
Our records indicate that your organization is also classified as a public charity under sections 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.

Based on the information supplied, we recognized the subordinates named on the list your organization submitted as exempt from federal income tax under section 501(c)(3) of the Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Michele M. Sullivan, Oper. Mgr.
Accounts Management Operations 1

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOHN W. PAVACIC
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: BEN ZWIRN, Deputy County Executive

FROM: JOHN W. PAVACIC, Commissioner 

CC: JIM MORGO, Chief Deputy County Executive

DATE: May 9, 2008

RE: **INTRODUCTORY RESOLUTION AUTHORIZING USE OF THE
LONG ISLAND MARITIME MUSEUM BY THE CYSTIC
FIBROSIS FOUNDATION FOR THEIR "ANNUAL RUN / WALK
AND BARBECUE" FUNDRAISER**

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Cystic Fibrosis Foundation Fundraising Event.doc."

Should you require anything further, please contact my office at 4-4984.

Enclosures

1491

Intro. Res. No. -2008

Laid on Table 4/10/2008

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, AUTHORIZING USE OF SOUTHAVEN COUNTY PARK BY CONTRACTORS FOR KIDS FOR THEIR PICNIC AND BARBECUE FUNDRAISER

WHEREAS, Contractors for Kids, Inc. is a not-for-profit organization; and

WHEREAS, Contractors for Kids would like to use Southaven County Park for the purpose of hosting their Picnic and Barbecue Fundraiser to raise money for the organization; and

WHEREAS, the fundraiser will be held on the grounds of Southaven County Park on Saturday, September 13, 2008; and

WHEREAS, a Certificate of Insurance with accompanying declaration page naming Suffolk County as an additional insured will be provided by the Contractors for Kids; now therefore, be it

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

2nd RESOLVED, that the use of Southaven County Park by Contractors for Kids, Inc. for the purpose of hosting a fundraiser on Saturday, September 13, 2008, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from the Contractors for Kids, Inc. and the payment of the Five Hundred Dollars (\$500.00) event fee, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at the Southaven County Park by Contractors for Kids, Inc.

DATED:

APPROVED BY:

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1491

<p>1. Type of Legislation</p> <p>Resolution <u>X</u> Local Law _____ Charter Law _____</p>											
<p>2. Title of Proposed Legislation</p> <p>AUTHORIZING USE OF SOUTHAVEN COUNTY PARK BY CONTRACTORS FOR KIDS FOR THEIR PICNIC AND BARBECUE FUNDRAISER</p>											
<p>3. Purpose of Proposed Legislation</p> <p>Authorize use of County Parkland for fundraising event.</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No _____</p>											
<p>5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; padding: 2px;">County</td> <td style="padding: 2px;">Town</td> <td style="padding: 2px;">Economic Impact</td> </tr> <tr> <td style="padding: 2px;">Village</td> <td style="padding: 2px;">School District</td> <td style="padding: 2px;">Other (Specify):</td> </tr> <tr> <td style="padding: 2px;">Library District</td> <td style="padding: 2px;">Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
<p>6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact</p> <p>There is a fee of \$500.00 collected by the County for use of the Park.</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p>N/A</p>											
<p>8. Proposed Source of Funding</p> <p>N/A</p>											
<p>9. Timing Impact</p> <p>N/A</p>											
<p>10. Typed Name & Title of Preparer</p> <p>Tom Hroncich Parks Foundation Director Dept. of Parks, Recreation & Conservation</p>	<p>11. Signature of Preparer</p>	<p>12. Date</p>									

1491



CONTRACTORS FOR KIDS

Board of Directors

John Badilla
Kreitzman & Kreitzman

Troy Caruso
Diversified Construction

Steve DeLuca
Suffolk County National Bank

Carol Donato
Stalco Construction

John M. Grillo
John A. Grillo Architect

Kevin Harney
Stalco Construction

William Iffe
Office of William B. Iffe

Steve Kazanecki
SJK Construction

Alan Nahmias
Stalco Construction

Mark Soriano
Jo Mark Installations

Lou Spina
Atlynx Surety

Frank Strcich
Omni Risk Management

Advisory Board Members

Mike Costa
Armao, Costa, Ricciardi CPAs P.C.

Nick Fanti
Plumbco

Dr. Beth Gottlieb
Schneiders Children's Hospital

Nancy Mariano
Friends of Karen

Allison Ray
Shoreline Irrigation Systems

February 7, 2008

Suffolk County Parks
Attn: Permit Dept.
P. O. Box 144
West Sayville, NY 11796

To whom it may concern:

We are processing our application to hold a Family Fun Day and Picnic On September 13, 2008 at South Haven County Park, Upper Level, from 11:00am to 6:00pm. The event will include food, non-alcoholic beverages, games, raffles and door prizes. Anticipated number of attendees will be approximately 1,500.

All proceeds will go to Contractor's For Kids, an authorized 501c(3) organization which assists children and their families overcome obstacles that have unfortunately changed or impacted their lives through sickness, injury or death.

If you require any additional information, please do not hesitate to let me know. Thank you for your assistance.

Sincerely yours,

Debbie O'Rourke

Encls.

We Will Be There

www.contractorsforkids.org 1-888-208-KIDS P.O. Box 252 Holbrook, NY 11741



1491

APPLICATION FOR PARKLAND GROUP PERMIT

Permit Requested (Check One)

YOUTH GROUP CAMPING _____ GROUP PICNIC _____ ADULT (FAMILY) CAMPING CLUB _____
 SPECIAL GROUP EVENT _____ (Specify Below) GENERAL GROUP _____ (HIKE/FIELD TRIP)

Fundraiser
 (Horse/Dog Event, Fundraiser, Other)

PARK(S) Requested

DATE(S) Requested

1st Choice Southaven County Park ^{Upper level} 1st Choice September 13, 2008
 2nd Choice _____ 2nd Choice _____

Name of Group/Organization Co-ordinator for Kids
 Address P.O. Box 252 Holbrook Zip Code 11741

Applicant Name Deborah O'Rourke Phone 631-117-9150 Cell # 631-220-2940
 Address 22 Colt Court Applicant Signature [Signature]

Town Panhookoma State NY Zip 11779 Today's Date 11/2/08

Arrival Time 7 a.m./p.m. Departure Time 7 pm (Parks Close at Dusk)

Estimated # Attending 1,200 # Cars/Vans _____ # Buses _____

ADULT (FAMILY) CAMPING CLUBS: Total # of Units _____ (7 unit minimum non-holiday weekends, 10 unit minimum holiday weekends)

SPECIAL EVENTS & PICNICS

Will Food/Beverages be provided? YES NO _____
 Is event open to the general public? YES NO _____

If event is open to public **AND** food/beverages are being provided a **SUFFOLK COUNTY HEALTH SERVICES ORGANIZER'S APPLICATION FOR TEMPORARY PERMIT** must be filed. Non-compliance with Health Services regulations may result in event being shut down.

Is event being catered? YES NO _____ Name of Caterer Andrews
 Will alcoholic beverages be provided? YES _____ NO (If YES the Hold Harmless Agreement attached must be Signed & notarized).

Will alcoholic beverages be sold? YES _____ NO (If YES a Special Event Permit must be filed with the NYS Liquor Authority to obtain a temporary liquor license).

Is this a **Fundraiser**? YES NO _____ Groups wishing to hold fundraisers on Suffolk County Park property must contact the Parks Permit Department at 854-4951 a **minimum of three months prior** to event for permission as Suffolk County Legislative approval is required.

TENTS - Suffolk County Fire Marshall inspection may be required contact Permit Dept. at 854-4951 for information.

VENDORS? YES _____ NO _____ List all _____
 Names of vendors (amusement/entertainment, etc.) at event must be listed above. Attach separate sheet if necessary. Vendor(s) chosen must provide a certificate of insurance naming SUFFOLK COUNTY as an additional insured in the amount of **\$2,000,000** per occurrence Comprehensive General Liability.

SPECIAL REQUESTS/COMMENTS:

Office Use Only

DATE(S) APPROVED 9/13/08 AREA ASSIGNED Upper level Picnic
 Youth _____ Adult _____

PARK APPROVED Southaven County Park

Received of Contractors for Parks Amount \$ 500.00 Cash _____ MO _____ Credit _____
 Alcohol Permit Approved _____ (Staff Initials) Transaction # 15377 Check 1509

SPECIAL INSTRUCTIONS _____

PERMIT # **29368**
 43-0201..03/07

PARKS DEPT. APPROVAL [Signature]

1491

DUPLICATE RECEIPT

West Sayville Administration
Montauk Highway
West Sayville, NY
(631) 854-4949

Sales Receipt

Transaction #: 15377
Date: 1/11/2008 Time: 11:37:23 AM
Cashier: Lori Register #: 3

Reference: SOUTHAVEN
CONTRACTORS FOR KIDS, INC. CK 1509, 9/13

Item	Description	Amount
SE_Fund	Fund Raisers	\$500.00
Sub Total		\$500.00
Total		\$500.00
Check Tendered		\$500.00
Change Due		\$0.00



* 1 5 3 7 7 *

Thank you.

We hope you'll come back soon!
West Sayville Administration
<http://www.suffolkcountyny.gov/parks>

DUPLICATE RECEIPT

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

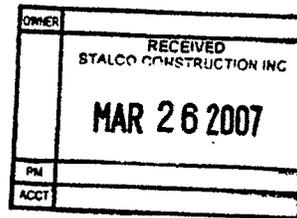
DEPARTMENT OF THE TREASURY

1491

Date: MAR 26 2007

CONTRACTORS FOR KIDS INC
44 JEFFRYN BLVD W
DEER PARK, NY 11729

Employer Identification Number:
20-1189521
DLN:
17053177049026
Contact Person:
DONNA ELLIOT-MOORE ID# 50304
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
June 14, 2006
Contribution Deductibility:
Yes
Advance Ruling Ending Date:
December 31, 2010



Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (DO/CG)

CONTRACTORS FOR KIDS INC

Sincerely,

Lois G. Lerner

1491

Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)
Statute Extension

Letter 1045 (DO/CC)



149

New York State Department of Taxation and Finance

Exempt Organization Certificate

ST-119

(8/02)

The organization named below is exempt from payment of the New York State and local sales and use tax.

The number shown on this certificate must be entered on any Form ST-119.1, *Exempt Organization Exempt Purchase Certificate*, presented to a vendor. If this certificate is lost or destroyed, you may obtain a replacement by notifying the Exempt Organizations Unit.

This certificate will remain in effect unless it is revoked or canceled. Misuse of the authority granted under this certificate will result in the revocation of exempt status and subject the organization to substantial civil and criminal penalties.

CONTRACTORS FOR KIDS INC

44 W JEFFERSON BLVD UNIT W
DEER PARK, NY 11729

Certificate number	EX 242686
Date issued	April 25, 2007

This certificate may not be altered, changed, lent, or transferred to another organization or person.

1491



CONTRACTORS FOR KIDS

April 7, 2008

Board of Directors

John Badilla
Kreitzman & Kreitzman

Troy Caruso
Diversified Construction

Steve DeLuca
Suffolk County National Bank

Carol Donato
Staico Construction

John M. Grillo
John A. Grillo Architect

Kevin Harney
Staico Construction

William Ifo
Levi Office of William B. Ifo

Steve Kazanocki
Deep Blue Construction

Alan Nahmias
Staico Construction

Mark Soriano
Jo Mark Installations

Lou Spina
Alynn Surety

Frank Strich
Omni Risk Management

Advisory Board Members

Mike Costa
Armao, Costa, Ricciarri CPAs P.C.

Ray Doyle
General, NY National Guard (Ret.)

Dr. Beth Gottlieb
Schneiders Children's Hospital

Arlson Ray
Shoreline Irrigation Systems

Maria Saivo
Omni Risk Management

Lori Hala, Administrator I
County of Suffolk
P. O. Box 144
Sayville, NY 11796

Dear Lori,

Enclosed please find information relating to the renewal of our insurance in June. If you have any questions, you can call me or Omni Risk Management directly.

Thank you for your invaluable assistance with our request.

Sincerely yours,

Debbie O'Rourke

Post-it® Fax Note	7671	Date	4-6	# of pages	4
To	Lori	From	Carol		
Co./Dept.		Co.			
Phone #		Phone #	631-617-5750		
Fax #	854-4769	Fax #			

We Will Be There

www.contractorsforkids.org 1-888-208-KIDS 1316 Motor Parkway Islandia, NY 11749

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID RA
CONTR-2

DATE (MM/DD/YYYY)
06/29/07

<p>PRODUCER</p> <p>hn Petschauer, Inc. 66-10 Forest Ave. Ridgewood NY 11385 Phone: 718-386-5050 Fax: 718-381-3286</p>	<p>INSURED</p> <p>Contractors for Kids, Inc. 44 Jeffryn Blvd. Deer Park NY 11729</p>
<p>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.</p>	
<p>INSURERS AFFORDING COVERAGE 1491 NAIC #</p>	
<p>INSURER A: U.S. Liability Insurance Co.</p>	
<p>INSURER B: Mount Vernon Fire Ins. Co.</p>	
<p>INSURER C:</p>	
<p>INSURER D:</p>	
<p>INSURER E:</p>	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

2M

INSR LTR	ADDL INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	<p>GENERAL LIABILITY</p> <p><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY</p> <p>CLAIMS MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/></p> <p>GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/></p>	NPP3000023	01/19/07	01/19/08	<p>EACH OCCURRENCE \$ 1000000</p> <p>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50000</p> <p>MED EXP (Any one person) \$ 5000</p> <p>PERSONAL & ADV INJURY \$</p> <p>GENERAL AGGREGATE \$ 1000000</p> <p>PRODUCTS - COMP/OP AGG \$</p>
		<p>AUTOMOBILE LIABILITY</p> <p>ANY AUTO</p> <p>ALL OWNED AUTOS</p> <p>SCHEDULED AUTOS</p> <p>HIRE AUTOS</p> <p>NON-OWNED AUTOS</p>				<p>COMBINED SINGLE LIMIT (Ea accident) \$</p> <p>BODILY INJURY (Per person) \$</p> <p>BODILY INJURY (Per accident) \$</p> <p>PROPERTY DAMAGE (Per accident) \$</p>
		<p>GARAGE LIABILITY</p> <p>ANY AUTO</p>				<p>AUTO ONLY - EA ACCIDENT \$</p> <p>OTHER THAN AUTO ONLY: EA ACC \$</p> <p>AGG \$</p>
B		<p>EXCESS/UMBRELLA LIABILITY</p> <p><input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE</p> <p>DEDUCTIBLE</p> <p><input checked="" type="checkbox"/> RETENTION \$ 10,000</p>	CUP2112266	06/01/07	06/01/08	<p>EACH OCCURRENCE \$ 1,000,000</p> <p>AGGREGATE \$ 1,000,000</p> <p>\$</p> <p>\$</p> <p>/ / /</p>
		<p>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</p> <p>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?</p> <p>If yes, describe under SPECIAL PROVISIONS below</p> <p>OTHER</p>				<p>WC STATUTORY LIMITS OTH-ER</p> <p>E.L. EACH ACCIDENT \$</p> <p>E.L. DISEASE - EA EMPLOYEE \$</p> <p>E.L. DISEASE - POLICY LIMIT \$</p>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Certificate holder is included as additional insured

CERTIFICATE HOLDER

SUFFWS1

Suffolk County
P.O. Box 114
West Sayville NY 11796

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION

DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL

30 DAYS WRITTEN

NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL

IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR

REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Curtis Petschauer



1491

April 4, 2008

Suffolk County
P.O. Box 114
West Sayville, NY 11796

Ref: Contractors for Kids, Inc. Event @ Southaven County Pcrk on 09/13/2008

To whom it may Concern:

Please review the attached sample certificate of insurance for the above referenced insured. The original certificate of insurance will be issued accordingly as soon as the umbrella renewal coverage effective 06/01/2008 renews.

Please review and should you have any questions, or need anything further from me please do not hesitate to contact me at (631) 434-1000 ext. 108.

Best Regards,

Christine L. Schuller
Commercial Account Executive
Telephone 631-434-1000 ext. 108
Fax 631-434-7605

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/04/2008

PRODUCER (631)434-1000 FAX (631)434-7605
Omni Risk Management, Inc.
West Main St.
Suite 100
Smithtown, NY 11787

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED Contractors for Kids, Inc.
1316 Motor Parkway
Islandia, NY 11749

INSURERS AFFORDING COVERAGE	1491	NAIC #
INSURER A:	United States Liability Insura	
INSURER B:	Mt. Vernon Fire Ins Company	
INSURER C:		
INSURER D:		
INSURER E:		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	NPP3000023 BOP	01/19/2008	01/19/2009	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				PERSONAL & ADV INJURY \$ 1,000,000
	<input type="checkbox"/> POL CY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LCC				GENERAL AGGREGATE \$ 2,000,000
	AUTOMOBILE LIABILITY				PRODUCTS - COMP/OP AGG \$ 1,000,000
	<input type="checkbox"/> ANY AUTO				COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per person) \$
	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per acc dent) \$
	<input type="checkbox"/> HIRED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> NON-OWNED AUTOS				AUTO ONLY - EA ACCIDENT \$
	GARAGE LIABILITY				OTHER THAN EA ACC \$
	<input type="checkbox"/> ANY AUTO				AUTO ONLY: AGG \$
B	EXCESS/UMBRELLA LIABILITY	CUR2112266	06/01/2008	06/01/2009	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$ 1,000,000
	<input type="checkbox"/> DEDUCTIBLE				
	<input checked="" type="checkbox"/> RETENT ON \$ 10,000				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$
	OTHER				E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Picnic @ Southaven County Park on September 13, 2008
Certificate holder is included as additional insured

CERTIFICATE HOLDER

Suffolk County
P.O. Box 114
West Sayville, NY 11796

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Robert Mastrantonio/CS

Robert Mastrantonio

IMPORTANT

1491

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOHN W. PAVACIC
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: BEN ZWIRN, Deputy County Executive

FROM: JOHN W. PAVACIC, Commissioner 

CC: JIM MORGO, Chief Deputy County Executive

DATE: May 9, 2008

RE: **INTRODUCTORY RESOLUTION AUTHORIZING USE OF
SOUTHAVEN COUNTY PARK BY CONTRACTORS FOR KIDS
FOR THEIR PICNIC AND BARBECUE FUNDRAISER**

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Contractors for Kids Fundraising Event.doc."

Should you require anything further, please contact my office at 4-4984.

Enclosures

Gen A10

1491

UPDATED VERSION AS OF 6/2/2008

Intro. Res. No. 1492-2008

Laid on Table 6/10/2008

Introduced by Legislator Horsley

**RESOLUTION NO. -2008, ESTABLISHING AN ENERGY
EFFICIENT WORK SCHEDULE PILOT PROGRAM
(OPERATION SUNSHINE)**

WHEREAS, the price of gasoline is approaching, and in certain cases has surpassed, \$4.00 per gallon, the price of diesel gasoline has surpassed \$5.00, and the price of crude oil has surpassed \$130 per gallon; and

WHEREAS, conservative estimates place U.S. employment at 133,000,000, of which 80% drive alone to work resulting in 106,400,000 single driver commuter cars each day; and

WHEREAS, the average U.S. round trip results in 32 miles traveled to and from work each day, with an average of 21 miles per gallon, and with each barrel of crude oil producing, on average, 19.5 gallons of gas, resulting in 8.3 million barrels of oil consumed by U.S. commuters each day; and

WHEREAS, limiting the number of times a County employee must drive to and from work would reduce gasoline consumption, cut expenses for County employees and reduce emissions that are harmful to the environment; and

WHEREAS, this Legislature has in the past expressed support for the concept of fuel efficiency, energy conservation, and flexible work hours for County employees; and

WHEREAS, it would be prudent to implement a pilot program to study the efficacy of a four day work week during the upcoming summer months when gasoline prices are expected to go even higher; and

WHEREAS, immediate implementation of a voluntary furlough program during the summer months would also help reduce gasoline consumption and reduce County expenses; now, therefore be it

FLEX TIME PILOT PROGRAM

1st RESOLVED, that the Director of Labor Relations is hereby authorized, empowered, and directed to work in conjunction with all County departments and agencies to implement a flex time pilot program that will run from July 1, 2008 to September 30, 2008; and be it further

2nd RESOLVED, that eligibility for this pilot program will be limited to full time exempt employees; and be it further

3rd RESOLVED, that under this program eligible employees will submit to their department head a request for a flexible work schedule, by which he or she will work their normal full-time number of hours in four (4) days per week; and be it further

4th **RESOLVED**, that to the extent practicable and without adversely affecting the delivery of essential services to the residents of Suffolk County, all County departments and agencies shall permit employees to work a four (4) day schedule during the duration of the pilot program; and be it further

5th **RESOLVED**, that the County of Suffolk shall not be required to pay overtime for the ninth and tenth hours worked by an employee pursuant to their flexible schedule; and be it further

6th **RESOLVED**, that participating employees shall be required to submit with their time sheets a statement of driving saved as a result of their participation in the program; and be it further

7th **RESOLVED**, that the Director of Labor Relations shall submit to the County Executive and all County Legislators a written report describing the results of the pilot program within one hundred twenty (120) days of the program's end; and be it further

VOLUNTARY FURLOUGH PROGRAM

8th **RESOLVED**, that the Director of Labor Relations is hereby authorized, empowered and directed to work in conjunction with all County departments and agencies to implement a voluntary furlough program that will run from July 1, 2008 to September 30, 2008 and be it further

9th **RESOLVED**, that eligibility to participate in the voluntary furlough program will be limited to full time exempt employees; and be it further

10th **RESOLVED**, that pursuant to this furlough program, employees will submit to their department head a request to take time off from work without pay and without using accrued vacation or sick time; and be it further

11th **RESOLVED**, that to the extent practicable and without adversely affecting the delivery of essential services to the residents of Suffolk County, all County departments and agencies shall permit employees to participate in this voluntary furlough program; and be it further

12th **RESOLVED**, that participating employees shall be required to submit with their time sheets a statement of driving saved as a result of their participation in the program; and be it further

13th **RESOLVED**, that the Director of Labor Relations shall submit to the County Executive and all County Legislators a written report describing the results of the pilot program within one hundred twenty (120) days of the program's end; and be it further

14th **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:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-work-schedule-pilot-program

Intro. Res. No.: 1493-2008

Laid on Table 6/10/08

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

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

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

RESOLVED:

FIRST: That a Public Hearing on the Petition of Davis Park Ferry Co., shall be held at the Regular Meeting of the Suffolk County Legislature at 2:30 p.m., on the 5th day of August 2008 at Hauppauge, New York; and it is further

RESOLVED:

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

Intro. Res. No.: ¹⁴⁹⁴ -2008 Laid on Table ^{6/10/08}
Introduced by Presiding Officer pursuant to Rule 3(A)(14) of the Suffolk County
Legislature

RESOLUTION NO. -2008
APPROVING RATES ESTABLISHED
FOR DAVIS PARK FERRY CO.

WHEREAS, Davis Park Ferry Co., has applied to the Suffolk County Legislature, by a Petition dated and verified January 4, 2008, pursuant to Article 8 of the New York Navigation Law, Section 71 of the New York Transportation Corporations Law, and Local Law No 7 of 1982 of Suffolk County for the approval of its passenger and freight rates; and

WHEREAS, the Office of the Legislature Budget Review has submitted its recommendations on said application to the Legislature; and

WHEREAS, the Public Works & Transportation Committee of this Legislature has reported its recommendations on the application to the Legislature as a whole;

NOW THEREFORE, be it

RESOLVED:

FIRST: That the Petition of Davis Park Ferry Co., dated and verified January 4, 2008 is approved as follows:

SERVICE DESCRIPTION
FERRY SERVICE SCHEDULE

See attached following pages

RATE SCHEDULES

See attached following pages

And be it further

RESOLVED:

SECOND: That said rates shall take effect immediately.

And it be further

RESOLVED:

THIRD: That petitioner's application for a Cost of Living Adjustment provision is granted in the form as follows:

And it be further

RESOLVED:

FOURTH: That this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5 (c)(20) and (27), of Title 6 of the New York Code of Rules and Regulations (6NYCRR) and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, 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.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval _____

Exhibit B

Passenger Rates

	Old Rate	New Rate	% Increase
Adult One Way	\$7.00	\$8.50	22%
Child One Way	\$4.50	\$5.75	28%
Senior One Way	\$6.25	\$8.00	28%
Adult Round Trip	N/A	\$16.00	N/A
Child Round Trip	N/A	\$10.50	N/A
Senior Round Trip	N/A	\$15.00	N/A
Dog (Round Trip Only)	\$4.50	\$5.25	16 ¼%
20 Trip Book of Tickets	\$122.00	\$140.00	15%
40 Trip Card	\$195.50	\$238.00	21 ¾%
Water Taxi (during ferry Hours)	\$130.00	\$180.00	33%
Water Taxi (after ferry Hours)	\$150.00	\$200.00	38%

Specials

Following July 4th until Thursday before Labor Day.

Family Day – Up to 2 children ride ½ price with 1 parent paying full round trip fare (no tickets, cards, or coupons) (Tuesday)

Ladies Day (Wednesday) \$14.00 Same day round trip

Teenage Day (Thursday) \$14.00 Same day round trip

Freight Rates

Amusements

Item	Old Rate	New Rate	% Increase
Bowling Game	\$17.75	\$20.40	15%
Cigarette Machine	\$10.50	\$12.00	14 ¼%
Football Game	\$14.25	\$16.35	15%
Juke Box	\$15.00	\$17.25	15%
Pinball Machine	\$17.75	\$20.40	15%
Video Game	\$14.25	\$16.35	15%
Pool Table	\$22.75	\$26.15	15%

Appliances

Item	Old Rate	New Rate	% Increase
Dishwasher	\$9.00	\$10.35	15%
Dryer	\$9.00	\$10.35	15%
Freezer, residential	\$23.25	\$26.75	15%
Freezer, commercial	\$34.30	\$39.45	15%
Microwave Oven	\$4.50	\$5.15	14 ¼%
Range 4 Burner Stove	\$13.75	\$15.75	14 ½%
Range Top	\$3.45	\$3.95	14 ½%
Refrigerator, residential	\$21.00	\$24.15	15%
Refrigerator, commercial	\$32.95	\$37.90	15%
Soda Machine	\$26.50	\$30.35	14 ½%
Stove: Coal/Wood	\$12.65 min.	\$14.55 min.	15%
	\$0.05 p/gal	\$0.06 p/gal	15%
Trash Compactor	\$6.60	\$7.60	15.1%
Washing Machine	\$13.25	15.25	15.1%

Building Supplies

Item	Old Rate	New Rate	% Increase
Asphalt Tub	\$2.65	\$3.05	15%
Bricks, p/brick	\$0.12	\$0.14	15%
Cement, bag 90 lbs	\$3.50	\$4.00	14 ¼%
Cement block, 8"std/4" solid	\$0.50	\$0.60	20%
Cement block, 12' std.	\$0.60	\$0.70	16 ¾%
Cement covers, 5x2'	\$13.00	\$14.95	15%
Cement covers, 2' round	\$7.00	\$8.05	15%
Cement mixer	\$7.90	\$9.10	15.1%

Item	Old Rate	New Rate	% Increase
Doors			
Combo & Exterior	\$4.50	\$5.15	14 ¼%
Interior & Louvre	\$3.00	\$3.45	15%
Jalousie w/glass	\$4.50	\$5.15	14 ¼%
Pre-hung & Shower	\$4.50	\$5.15	14 ¼%
Sliding glass set, 6'	\$11.50	\$13.20	14 ¾%
Sliding glass set, 8'	\$17.00	\$19.55	15%
Door frame, set	\$9.50	\$10.95	15.2%
Door jambs, set	\$0.85	\$1.00	17%
Flagstone, per piece, bulk	\$0.65	\$0.75	15%
Felt, roll	\$1.00	\$1.15	15%
Fiberglass panel, 2'x8'	\$0.75	\$0.90	19%
Flue Pipe, 8"x8"	\$0.85	\$1.00	17%
Flue Pipe, 12' piece	\$1.25	\$1.45	15 ¾%
Formica, 4'x8' or roll	\$3.00	\$3.45	15%
Glass minimum per piece	\$3.00	\$3.45	15%
Gravel, sand 50 lb bag	\$2.00	\$2.30	15%
Homosote, 4'x8' sheet	\$0.85	\$1.00	17%
Insulation, bundle	\$1.75	\$2.00	14 ¼%
Ladder, step	\$1.25	\$1.45	15 ¾%
Ladder, 20' extension	\$2.25	\$2.60	15 ¾%
Ladder, 40' extension	\$4.50	\$5.15	14 ¼%
Lath, 2'x8' wire	\$4.00	\$4.60	15%
Leader or gutter, 10' piece	\$0.75	\$0.90	19%
Leader or gutter, 20' piece	\$0.75	\$0.90	19%
Masonite, 4'x8' panel	\$1.10	\$1.25	14 ½%
Molding, bundle, per foot	\$0.25	\$0.30	20%
Nails, 50# box	\$1.25	\$1.45	15 ¾%
Poles, CCA			
6"x8'	\$3.25	\$3.75	15 ½%
6"x20'	\$5.75	\$6.65	15 ¾%
6"x25'	\$7.75	\$8.95	15 ½%
8"x20'	\$8.50	\$9.75	14 ¾%
8"x25'	\$10.75	\$12.30	14 ½%
10"x20'	\$12.50	\$14.40	15 ¼%
Over 20 feet add p/ft.	\$0.85	\$1.00	17%
R.R. ties, creosote	\$3.25	\$3.75	15 ½%
Landscape ties, CCA	\$2.00	\$2.30	15%
Roof deck, 2'x8' panel	\$0.85	\$1.00	17%
Roofing, shingles per bundle	\$3.50	\$4.00	14 ½%
Roofing, roll or split sheet	\$1.10	\$1.25	14 ½%
Scaffold, w/return	\$8.75	\$10.10	15 ½%
Screens	\$0.85	\$1.00	17%

Item	Old Rate	New Rate	% Increase
Sheetrock:			
½" 4'x8' sheet	\$1.10	\$1.25	14 ½%
½" 4'x10'	\$1.15	\$1.35	17 ½%
½" 4'x12'	\$1.25	\$1.45	15 ¾%
Shingles, wood p/bundle	\$1.50	\$1.75	16 ¾%
Siding break w/return	\$8.50	\$9.75	14 ¾%
Skylight	\$3.25	\$3.75	15 ½%
Slate, per piece, bulk	\$0.60	\$0.70	16%
Siding, bundle	\$1.25	\$1.45	15 ¾%
Snow fence, 50' roll	\$2.75	\$3.15	14 ¾%
Snow fence posts, bdl. of 10	\$1.50	\$1.75	16 ¾%
Split Rail Fence, per piece	\$0.70	\$0.80	15%
Stockade Fence, 6' x 8' section	\$3.50	\$4.00	14 ½%
Stockade Fence Post, each	\$0.60	\$0.70	16 ¾%
Styrofoam, 2' x 8' sheet	\$0.50	\$0.60	20%
Tar kettle w/return	\$35.00	\$40.25	15 %
Tar	\$1.50	\$1.75	16 ¾%
Tar Roofing 5gal. pail	\$1.10	\$1.25	14 ½%
Tile, ceiling, box	\$1.25	\$1.45	15 ¾%
Tile, floor, box	\$1.50	\$1.75	16 ¾%
Tile, ceramic, box	\$1.50	\$1.75	16 ¾%
Wonderboard	\$3.00	\$3.45	15%

Bulk Shipments: Liquids, Gas, Etc.

(Price includes return of empties)

Item	Old Rate	New Rate	% Increase
Bulk liquid per gallon	\$0.30	\$0.35	16 ¾%
55-gal. drum w/gas, oil or kerosene	\$15.30	\$17.60	15%
Gas, oil, or kerosene p/gal	\$0.30	\$0.35	16 ¾%
Gas tank, 6 gallon	\$1.75	\$2.00	14 ¼%
Gas, 5 gal. container	\$1.50	\$1.75	16 ¾%
Gas cylinder, lg. (Chlorine, etc)	\$4.60	\$5.30	15 ¼%
Gas cylinder, sm. (Co2, etc)	\$3.50	\$4.00	14 ½%
Propane cylinder, 100 lb.	\$5.00	\$5.75	15%
Propane cylinder, 25 lb	\$1.25	\$1.45	15 ¾%
Freight Boat – minimum charge (unscheduled)	\$250.00	\$287.50	15%
Barge minimum charge	\$500.00	\$575.00	15%

Item	<i>Furniture</i>		
	Old Rate	New Rate	% Increase
Beds & Bedding			
Bed end	\$1.50	\$1.75	16 ³ / ₄ %
Bed Frame	\$1.50	\$1.75	16 ³ / ₄ %
Bed, Folding	\$2.50	\$2.90	16%
Mattress or box springs			
Single	\$3.25	\$3.75	15 ¹ / ₂ %
Double	\$5.00	\$5.75	15%
Queen	\$6.50	\$7.50	15 ¹ / ₂ %
King	\$8.75	\$10.10	15 ¹ / ₂ %
Chair, folding	\$0.90	\$1.05	17%
Chair	\$1.50	\$1.75	16 ³ / ₄ %
Chaise, aluminum	\$1.30	\$1.50	15 ¹ / ₂ %
Chaise, redwood	\$2.30	\$2.65	15 ¹ / ₄ %
Cabinets, kitchen, per foot:			
Lower Units	\$3.50	\$4.00	14 ¹ / ₄ %
Upper Units	\$2.50	\$2.90	16%
Dresser	\$3.00	\$3.45	15%
Hi-riser	\$11.50	\$13.25	15 ¹ / ₄ %
Hutch	\$8.75	\$10.10	15 ¹ / ₂ %
Lamp, floor style	\$2.25	\$2.60	15 ³ / ₄ %
Lamp, table style	\$1.50	\$1.75	16 ³ / ₄ %
Love Seat	\$4.75	\$5.45	14 ³ / ₄ %
Piano	\$26.20	\$30.00	14 ³ / ₄ %
Play Pen	\$1.50	\$1.75	16 ³ / ₄ %
Recliner	\$5.00	\$5.75	15%
Rocker	\$1.75	\$2.00	14 ¹ / ₄ %
Rug or padding, roll	\$2.50	\$2.90	16%
Sofa	\$5.00	\$5.75	15%
Sofa, convertible	\$26.00	\$29.90	15%
Table, cocktail	\$1.75	\$2.00	14 ¹ / ₄ %
Table, dining	\$4.25	\$4.90	15 ¹ / ₂ %
Table, end	\$1.50	\$1.75	16 ³ / ₄ %
Table, picnic	\$5.00	\$5.75	15%
TV Set, cabinet	\$5.75	\$6.60	15%
TV Set, console	\$8.75	\$10.10	15 ¹ / ₂ %
TV Set, portable	\$4.25	\$4.90	15 ¹ / ₂ %
Stereo component, per piece	\$1.50	\$1.75	16 ³ / ₄ %

Garden Supplies & Tools

Item	Old Rate	New Rate	% Increase
Bush 25lb.	\$2.00	\$2.30	15%
Chainsaw	\$1.50	\$1.75	16 ¾%
Fertilizer:			
25 lb. bag	\$1.15	\$1.35	17 ½%
40-50 lb. bag	\$2.00	\$2.30	15%
75-80 lb. bag	\$3.25	\$3.75	15 ½%
100 lb. bag	\$4.00	\$4.60	15%
Flat of plants or flowers	\$0.85	\$1.00	17%
Hay, bale	\$1.75	\$2.00	14 ¼%
Mower	\$3.25	\$3.75	15 ½%
Peat moss, 2 c.f. bale	\$1.10	\$1.25	14 ½%
Peat moss, 4 c.f. bale	\$1.50	\$1.75	16 ¾%
Peat moss, 6 c.f. bale	\$1.75	\$2.00	14 ¼%
Pine bark (chips), bag	\$1.50	\$1.75	16 ¾%
Plant, single small container	\$1.10	\$1.25	14 ½%
Rota-tiller	\$4.50	\$5.15	14 ¼%
Sprayer	\$4.50	\$5.15	14 ¼%
Table Saw	\$8.75	\$10.10	15 ½%
Tree, add \$2.00 p/ft over 3 ft.	\$3.00	\$3.45	15%

Groceries, Food, & Restaurant Supplies

Item	Old Rate	New Rate	% Increase
Beer, case of cans	\$0.75	\$0.85	14 ½%
Beer, case of bottles	\$0.75	\$0.85	14 ½%
Beer & Soda empties, p/case	\$0.75	\$0.85	14 ½%
Beer, ¼ keg w/return	\$3.75	\$4.30	14 ¾%
Beer ½ keg w/return	\$5.00	\$5.75	15%
Bread or cake, box or bag	\$0.75	\$0.85	14 ½%
Cigarettes, single case	\$1.60	\$1.85	15 ¾%
Cigarettes, double case	\$2.75	\$3.15	14 ¾%
Cones, carton	\$0.75	\$0.85	14 ½%
Cookies, carton	\$1.60	\$1.85	15 ¾%
Dairy products, per piece, bulk	\$0.65	\$0.75	15 ½%
Deli products, per piece, bulk	\$0.65	\$0.75	15 ½%
Eggs, case	\$1.20	\$1.40	16 ¾%
Fish, crate or box	\$2.65	\$3.05	15 ¼%
Fish, carton, bag or bushel	\$1.20	\$1.40	16 ¾%
Frozen food, p/carton, bulk	\$0.45	\$0.50	13%
Ice Cream, lg. carton	\$4.00	\$4.60	15%
Ice Cream, sm. Carton	\$2.00	\$2.30	15%

Item	Old Rate	New Rate	% Increase
Liquor, case	\$2.00	\$2.30	15%
Meat, p/100 lb. bulk	\$3.60	\$4.15	15 ½%
Meat, lg. carton, crate or box	\$1.30	\$1.50	15 ½%
Meat, sm. carton	\$0.80	\$0.90	13 ½%
Milk, case w/return	\$0.80	\$0.90	13 ½%
Newspapers, magazines p/bundle	\$0.80	\$0.90	13 ½%
Paper logs, kindling, p/bundle	\$0.80	\$0.90	13 ½%
Soda, case of cans	\$0.70	\$0.80	15%
Soda, case of bottles	\$0.80	\$0.90	13 ½%
Soda, empties per case (24)	\$0.35	\$0.40	15%
Soda Syrup, 4 gal. carton	\$1.20	\$1.40	16 ¾%
Soda syrup, cylinder w/return	\$3.25	\$3.75	15 ½%
Supplies, p/carton 25 lbs or less	\$0.75	\$0.85	14 ½%
Supplies, 25 lbs & over p/lb	\$0.05	\$0.06	20%
Vegetables & produce carton/crate	\$0.80	\$0.90	13 ½%
Water, 5gal. bottle w/return	\$3.10	\$3.55	14 ¾%

Hardware

Item	Old Rate	New Rate	% Increase
Hardware, package or carton	\$1.10	\$1.25	14 ½%
Paint, case	\$1.50	\$1.75	16 ¾%
Paint, gallon can	\$1.50	\$1.75	16 ¾%
Paint, 5 gal. pail	\$1.50	\$1.75	16 ¾%

Windows

Item	Old Rate	New Rate	% Increase
Single Unit	\$3.00	\$3.45	15%
Mullion	\$4.50	\$5.15	14 ¼%
Triple or picture	\$8.75	\$10.10	15 ½%
Bay or Bow	\$10.00	\$11.50	15%

Miscellaneous

Item	Old Rate	New Rate	% Increase
Air conditioner	\$2.50	\$2.90	16%
Battery, std. size	\$1.75	\$2.00	14 ¼%
Bicycle	\$3.00	\$3.45	15%
Boats, p/ft.	\$1.75	\$2.00	14 ¼%
Boat Trailer	\$13.00	\$14.95	15%
Cash Register	\$3.25	\$3.75	15 ½%
Carts – Garden	\$4.00	\$4.75	18 ¾%
Carts – Shopping	\$1.25	\$1.50	20%

Carton, not exceeding 25 lbs.	\$0.75	\$0.85	14 ¼%
Carton, over 25 lbs. p/lb.	\$0.05	\$0.06	20%
Item	Old Rate	New Rate	% Increase
Coal, per bag, 50 lbs.	\$1.85	\$2.10	14%
Copy machine	\$5.90	\$6.75	14 ½%
Dry Cleaning, box or bundle	\$1.30	\$1.50	15 ½%
Garbage can – empty	\$1.30	\$1.50	15 ½ %
Laundry – bag or bundle w/return	\$2.00	\$2.30	15%
Motor, outboard 1hp. -10 hp.	\$2.30	\$2.65	15 ¼%
Sunfish Sailboat	\$26.30	\$30.25	15%
Surfboard	\$3.00	\$3.45	15%
Tricycle, small	\$1.50	\$1.75	16 ¾%
Wagon – empty	\$1.25	\$1.50	20%
Wagon – Loaded	\$2.50	\$3.00	20%
Windsurfer	\$14.50	\$16.75	15 ½%
Windsurfer w/mast, boom, & sail	\$20.00	\$23.00	15%
Firewood, cord 4'X32"X8'	\$62.50	\$72.00	15 ¼%

Passenger Luggage

Item	Old Rate	New Rate	% Increase
Box, bag, suitcase (25 lbs. or less)	\$0.75	\$0.85	14 ½%
Box, bag, suitcase 25 lbs. or more p/lb.	\$0.05	\$0.06	20%
Wagon	\$2.50	\$3.00	20%
Shopping Cart	\$1.25	\$1.50	20%
Garden Cart	\$4.00	\$4.50	18 ¾%
Hand Truck	\$2.50	\$3.00	20%

Plumbing Supplies

Item	Old Rate	New Rate	% Increase
Basin	\$1.50	\$1.75	16 ¾%
Cast Iron Fittings	\$0.85	\$1.00	17%
Closet set	\$4.25	\$4.90	15 ½%
Pipe:			
Steel 6' length	\$1.50	\$1.75	16 ¾%
Steel 8' length	\$1.75	\$2.00	14 ¼%
Steel 10' length	\$2.25	\$2.60	15 ¾%
Copper 20' length	\$1.25	\$1.45	15 ¾%
Copper 10' length	\$0.75	\$0.85	14%
PVC 10' length	\$0.40	\$0.45	13%
PVC 20' length	\$0.80	\$0.90	13%
Shower, enclosure	\$4.25	\$4.90	15 ½%
Shower, base	\$5.00	\$5.75	15%
Shower, stall, fiberglass	\$20.25	\$23.30	15%
Shower, tub size, fiberglass	\$38.00	43.70	15%

Sink	\$1.50	\$1.75	16 ¾%
Toilet	\$4.25	\$4.90	15 ½%
Item	Old Rate	New Rate	% Increase
Tub, cast iron	\$17.50	\$20.00	14 ½%
Tub, fiberglass	\$7.25	\$8.35	15 ¼%
Water Heater, electric or gas Per gallon capacity	\$0.15	\$0.17	15%

Refuse

Shipping of Container only, does not include dumping fees

Item	Old Rate	New Rate	% Increase
30 yard container	\$362.80	\$417.20	15%
20 yard container	\$241.90	\$278.15	15%
10 yard container	\$181.40	\$208.60	15%

Vehicles

Item	Old Rate	New Rate	% Increase
Cushman type scooter	\$25.25	\$29.00	15%
Small trucks, passenger	\$61.50	\$70.70	15%
Truck ¾ ton max. capacity	\$69.00	\$79.35	15%

Vehicles not in operating condition add 50%

Lumber price p/linear ft – New Rates 27% Higher

1 x 2	CCA \$0.0191	FIR \$0.0177	CEDAR \$0.0107	PINE \$0.0177
1 x 4	\$0.0383	\$0.0339	\$0.0215	\$0.0339
1 x 6	\$0.0576	\$0.0534	\$0.0322	\$0.0534
5/4 x 4	\$0.0499	\$0.0463	\$0.0279	\$0.0463
5/4 x 6	\$0.0720	\$0.0669	\$0.0403	\$0.0669
5/4 x 8	\$0.0960	\$0.0891	\$0.0538	\$0.0891
2 x 4	\$0.0768	\$0.0712	\$0.0427	\$0.0712
2 x 6	\$0.1154	\$0.1069	\$0.0645	\$0.1069
2 x 8	\$0.1536	\$0.1424	\$0.0861	\$0.1424
2 x 10	\$0.1921	\$0.1781	\$0.1073	\$0.1781
2 x 12	\$0.2261	\$0.2138	\$0.1290	\$0.2138
3 x 6	\$0.1921	\$0.1781	\$0.1073	\$0.1781
3 x 8	\$0.2306	\$0.2138	\$0.1290	\$0.2138
4 x 4	\$0.1532	\$0.1422	\$0.0857	-----
6 x 6	\$0.3460	\$0.3044	-----	-----
8 x 8	\$0.6150	\$0.5699	-----	-----

***Lumber – Miscellaneous
Plywood Price per Sheet***

Item	Old Rate	New Rate	% Increase
¼	\$0.50	\$0.60	20%
3/8	\$0.80	\$0.90	13 ½%
1/2	\$1.10	\$1.25	14 ½%
5/8	\$1.25	\$1.45	15 ¾%
¾	\$1.65	\$1.90	15 ¼%

1495

Intro. Res. No. -2008
Introduced by Legislator Horsley

Laid on Table 6/10/2008

**RESOLUTION NO. -2008, AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO THE 2008 ADOPTED
OPERATING BUDGET FOR THE BABYLON CITIZENS
COUNCIL ON THE ARTS**

WHEREAS, the 2008 Operating Budget when adopted contained technical errors to certain contract agencies; and

WHEREAS, the Adopted 2008 Operating Budget included \$10,000 for the Babylon Arts Council and the correct name of this contract agency is the Babylon Citizens Council on the Arts; and

WHEREAS, these two entities are one in the same and legally known as the Babylon Citizens Council on the Arts; and

WHEREAS, the intent of this Legislature is to provide the Babylon Citizens Council on the Arts with a total of \$30,000 through the Department of Economic Development & Workforce Housing; and

WHEREAS, the Babylon Citizens Council on the Arts serves the residents of Suffolk County by promoting artistic, cultural, and educational programs on the arts; and

WHEREAS, these programs on the arts attract visitors to downtown areas in Suffolk County as well as parks thereby stimulating the local economy; and

WHEREAS, the County Legislature desires to make technical corrections to the 2008 Adopted Operating Budget to assist in funding the Babylon Citizens Council on the Arts for programs that are offered to the public; now, therefore be it

1st RESOLVED, that the Clerk of the Legislature shall make the following technical corrections to the 2008 Adopted Operating Budget;

APPROPRIATIONS:

FROM:

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY & OBJECT NAME</u>	<u>AMOUNT</u>
001	PKS	7110	GTN1	4980	BABYLON ARTS COUNCIL	-\$10,000

TO:

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY & OBJECT NAME</u>	<u>AMOUNT</u>
001	ECD	6410	JBX1	4980	BABYLON CITIZENS COUNCIL ON THE ARTS	+\$10,000

and be it further

2nd RESOLVED, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding the Babylon Citizens Council on the Arts.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

T:\BROW\IR 2008 OB Technical Corrections Babylon Citizens Council on Arts.doc

1496
Intro. Res. No. -2008
Introduced by Legislator Horsley

Laid on Table 6/10/08

**RESOLUTION NO. -2008, DIRECTING A STUDY FOR A
TARGETED FACILITY ENERGY EFFICIENT OPERATIONS
PILOT PROGRAM (OPERATION SHUT DOWN)**

WHEREAS, Suffolk County's expenditures for energy required for operations have increased more than 70% over the past ten years; and

WHEREAS, actual General Fund expenditures attributable to electricity, natural gas, and fuel oil used at County buildings increased by more than \$8.2 million (62%), from \$13.1 million in 2002 to more than \$21.3 million in 2007; and

WHEREAS, the fiscal impact of continued energy use, notwithstanding energy efficiency improvements, is substantial as the average annual impact of primary funds for energy use in County buildings was approximately \$28.6 million in 2007; and

WHEREAS, reducing the operating hours of targeted facilities would provide the most significant and most immediate reduction in energy use and expenses; and

WHEREAS, the Suffolk County Legislature's Office of Budget Review has recommended that the Department of Public Works conduct an analysis and recommend County buildings and operations that would be able to participate in a four day work week pilot program; and

WHEREAS, due to LIPA billing time periods, the Budget Review Office states that the pilot programs savings would be greatest if implemented during the time period May 1st through September 1st; and

WHEREAS, arranging a "closed" day in proximity to a weekend would enable the County to "shut down" targeted buildings for that portion of the week, which could result in significant energy and other operating savings; and

WHEREAS, this Legislature has in the past expressed support for energy efficiency managerial and operating concepts; now therefore be it

1st RESOLVED, that the Commissioner of the Department of Public Works is hereby authorized, empowered, and directed to conduct an analysis and recommend County buildings and operations that could participate in a four day work week pilot program without affecting essential employees and facilities; and be it further

2nd RESOLVED, that all County departments and agencies shall cooperate with the Department of Public Works as it conducts this study; and be it further

3rd RESOLVED, that the Department shall provide to the County Executive and all County Legislators a written report of its findings and recommendations within one hundred eighty (180) days of the effective date of this resolution so a pilot program might be implemented beginning in May, 2009; 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:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\targeted-energy-efficient-operations-pilot-program

1497
Intro. Res. No. -2008
Introduced by Legislator Vilorio- Fisher and Presiding Officer Lindsay

Laid on Table 6/10/08

**RESOLUTION NO. -2008, AMENDING MEMBERSHIP
OF THE SUFFOLK COUNTY WELFARE TO WORK
COMMISSION**

WHEREAS, Resolution No. 181-2003, authorized an independent Suffolk County Welfare to Work Commission to evaluate and make recommendations of federal, state and county policies and procedures designed to move people from welfare to work; and

WHEREAS, the Welfare to Work Commission has requested several changes to its membership to allow it to work more effectively; now, therefore be it

1st RESOLVED, that § 860-21 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

§ 860-21. Membership.

This Commission shall consist of the following [18] 21 members:

- A. The Presiding Officer of the County Legislature, or her or his designee;
- B. The Suffolk County Commissioner of Social Services or her or his designee;
- C. The Chair[man]person of the Health and Human Services Committee of the Suffolk County Legislature, or any successor committee thereto, or her or his designee, who shall serve as Chairman of the Commission;
- D. One representative from Catholic Charities;
- E. One representative from Nassau/Suffolk Law Services;
- F. A representative from Long Island Cares;
- G. One representative from the Suffolk County Community College, selected by the Board of Trustees of the College;
- H. A mental health professional to be selected by the Presiding Officer of the Suffolk County Legislature;
- I. A representative from the Workforce Investment Board (WIB);
- J. A representative from the Suffolk County Department of Labor;
- K. A representative from the child-care community to be selected by the Chair[woman]person of the Health and Human Services Committee of the Suffolk County Legislature;
- L. A representative from Gerald Ryan Outreach;

- M. A representative from Long Island Council of Churches;
- N. A representative from FECS;
- O. A representative from EOC;
- P. A representative from The Inn;
- Q. [A high school teacher to be selected by the Suffolk County School Superintendents' Association; and] A representative of the Family Service League
- R. A representative from BOCES[.];
- S. A representative of the Suffolk County Association of Municipal Employees Association;
- T. A representative of the Empire Justice Center (Long Island Office); and
- U. A representative of the Wyandanch Homes and Property Development Corporation (WHPDC).

* * * *

and be it further

2nd **RESOLVED**, that § 860-25 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

§ 860-25 Quorum.

[Ten] Eleven members of the Commission shall constitute a quorum to transact the business of the Commission at both regular and special meetings.

* * * *

and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

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

s:\res\amend-welfare-to-work-commission

1498
Intro. Res. No. -2008
Introduced by Legislator Losquadro

Laid on the Table 6/10/08

**RESOLUTION NO. - 2008, REAPPOINTING JOSEPH
GERGELA AS A MEMBER OF THE SUFFOLK COUNTY
SOIL AND WATER CONSERVATION DISTRICT**

WHEREAS, the Suffolk County Board of Supervisors established a Soil and Water Conservation District by Resolution No. 245-1964; and

WHEREAS, the term of office of Joseph Gergela as a member of the Soil and Water Conservation District expired on June 30, 2005 and is in a holdover status; now, therefore, be it

1st RESOLVED, that **Joseph Gergela**, residing at P. O. Box 341, 59 Red Bridge, Center Moriches, NY, 11934, be and he hereby is re-appointed as a member of the Soil and Water Conservation District for a term to expire on June 30, 2011, said appointment having been made pursuant to the provisions of Section 6 of the NEW YORK SOIL AND WATER CONSERVATION DISTRICTS LAW.

DATED:

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

JOSEPH M. GERGELA III

16 Ricky Road, Manorville, NY 11949
631.878.2898

1498

Professional Background

Executive Director, Long Island Farm Bureau, Calverton, New York.....1988-Present

- NYS Registered Lobbyist, representing 7,200 farmers, fishermen and agribusinesses at local, county, state and federal levels of government
- Administrator of finances
- Director of Personnel and Public Relations
- Organize and plan service program development
- Control and report company activity to Board of Directors

County Executive Director, USDA/ASCS.....1986 – 1988

- Administration of government farm programs, including Production Adjustment, Price Support, Conservation, and Emergency Programs Management of budget, personnel, and office funds
- Chairman of Food and Agriculture Council (FAC), formerly L.I. Emergency Board, serving all of Long Island emergency programs

Farm Owner/Operator/Manager, Gergela Farms, Riverhead, NY.....1975 – 1986

- Operated 200 acre vegetable farm
- Full knowledge of growing, harvesting, packaging, and marketing farm commodity
- Proficient in effective and safe handling, use, and application of pesticides and fertilizers

Affiliations

- Suffolk County Executive Economic Development Advisory Committee, 2004
- Suffolk County Community College Foundation Board of Directors, 2002 to Present
- Vytra Health Care Board of Directors, 2001 to Present
- Long Island Market Authority, 2001 – Present
- Central Suffolk Hospital Board of Directors, 2001 to Present
- National Association of Conservation Districts, Board of Directors, 1999 – October 2004
- NYS Association of Soil & Water Conservation Districts, 1997; President, 1999 - Present
- NYS Leadership Institute (LEAD NY), Cornell University, 1996 – Present; Finance Chair, 1998
- Suffolk County Soil & Water Conservation District, Board of Directors, 1996 – Present
- NYS Agricultural Society, Board of Directors, 1996 – Present
- East End Economic & Environmental Institute, President and Treasurer, 1995 – Present

6/4/2008

- Riverhead Chamber of Commerce, President, 1994; Executive Board 1995, 1996
- Business Round Table of Eastern Long Island, Vice-President, 1994; Board of Directors 1995
- Suffolk County Community College, President's Roundtable, 1994 to Present
- Riverhead Town Economic Development Task Force, 1994
- NYS Farmland Preservation Committee, 1994 to Present
- Long Island Pine Barrens Advisory Board, 1992 to Present
- Southampton Town Agricultural Advisory Board, 1991 to Present
- Riverhead Town Agricultural Advisory Board, 1998 to Present
- Long Island Regional Planning Board Advisory Committee: Calverton Redevelopment Committee, 1991; Open Space Programs, 1998
- Long Island Association Economic Development Committee, 1990 to Present
- Cornell Cooperative Extension Advisory Committee, 1986

Accomplishments

1996 – Contributed to the drafting and passage of the Breast Cancer Pesticide Registry legislation in New York State

1992 – Developed agricultural assessment program for farm and non-farm landowners to receive reduced assessment on farmland in exchange for commitment to leave land in agriculture or open space; passed into Southampton Town Law via enabling state legislation

1992 – Participated in drafting the Farmland Agriculture Protection Act of 1992; Governor's Program Bill passed into New York State Law

1992 – Drafted bill amending New York State Building Code to classify temporary greenhouses as agricultural equipment

1993 - One of four major contributors in drafting and passing Long Island Pine Barrens Protection Act – Long Island Farm Bureau, Long Island Builders, Long Island Association, and Long Island Pine Barrens Society – in addition to Senator Kenneth LaValle and Assemblyman Thomas DiNapoli

1993 – Authored Agricultural Section of “Blueprint for Our Future – Creating Jobs, Preserving the Environment”, a report to then-Governor Mario Cuomo by the East End Economics and Environmental Task Force of Long Island, New York, published by Newmarket Press, 1993

1994 – Drafted 2 bills passed by the New York State Legislature:

- 1) Land of less than 10 acres will receive agricultural assessment
- 2) Horse boarding will qualify for reduced assessment

1996- Testified United States Senate Agriculture Committee for creation of Federal Farmland Protection Program in 1996 Farm Bill

1998 – Participation in drafting and passing of Peconic Region Community Preservation Fund legislation to provide 2% Real Estate Transfer Tax – proceeds for Farmland Preservation and important environmental lands

1999 – Participation and drafting state legislation to create the Long Island Marketing Authority

2000 – Participation and drafting state legislation to indemnify liability for Soil and Water Conservation District employees and Directors

2000 – Obtained full reimbursement of state funding for Soil and Water Conservation Districts

2001 – Traveled to the Ukraine for Citizens Network for Foreign Affairs (CNFA) to develop a strategic plan for

the Ukrainian Private Farmers Association

2001 - Appointed to Central Suffolk Hospital Board of Directors

2001 - Appointed to Vytra Board of Directors

2002 - Appointed to Suffolk County Community College Board of Directors

2002 - Participated in preservation of Keyspan property in Jamesport, 225 acres State Parkland, 300 acres preserved farmland

2005 – Provided testimony to the United States House of Representatives Resources Committee on the Listing of the Eastern Oyster to the Endangered Species list and ultimately the petition for the listing was withdrawn by the petitioner.

Awards

- Long Island Farm Bureau “Service Award”, Senator Hillary Rodham Clinton and N.Y.S. Agriculture & Markets Commissioner Nathan Rudgers in attendance, August 2005
- NY State League of Conservation Voters “Preserving Long Island” Award, October, 2004
- Environmental Coalition of the year, Keyspan property preserved in Jamesport, Times-Review Newspapers, 2002
- Long Island Wine Council – “Emiratus” Award, 2002
- “Distinguished Service Award”, NY State Association of Conservation Districts, 2000
- Public Relations Professionals of Long Island’s “Long Island Achievement Award”, 1999
- Long Island Business News “Top 100 Influentials of Long Island”, 1993 through 2000
- “Person of the Year” Award, Times-Review Newspapers, 1991
- USDA “Outstanding Service to Agriculture” Award, 1987
- Cornell Cooperative Extension of Suffolk County “Friend of Extension”, 1997
- Outstanding Alumni, Suffolk County Community College, 1995
- Outstanding Alumni, SUNY Stony Brook, 1995

*References available upon request.

Updated 11/29/04

1499
Intro. Res. No. -2008
Introduced by Legislator Losquadro

Laid on Table 6/10/08

**RESOLUTION NO. -2008, ADOPTING LOCAL LAW
NO. -2008, A LOCAL LAW TO REQUIRE THAT
PROBATION DEPARTMENT EMPLOYEES USE
COUNTY VEHICLES WHILE CONDUCTING COUNTY
BUSINESS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2008, a proposed local law entitled, "A LOCAL LAW TO REQUIRE THAT PROBATION DEPARTMENT EMPLOYEES USE COUNTY VEHICLES WHILE CONDUCTING COUNTY BUSINESS" now, therefore, be it

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

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

**A LOCAL LAW TO REQUIRE THAT PROBATION DEPARTMENT
EMPLOYEES USE COUNTY VEHICLES WHILE CONDUCTING
COUNTY BUSINESS**

**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 practice of allowing public employees to use their private vehicles while on County business raises liability and insurance issues and is bad public policy.

This Legislature also finds and determines that accidents which may occur when County employees use private vehicles on County business create legal issues that may act to detriment of County taxpayers.

This Legislature further finds that with judicious deployment of existing vehicles and adequate supervision, County vehicles can be used for almost all County business, thereby protecting County employees and members of the public.

Therefore, the purpose of this law is to establish a vehicle use policy requiring that Suffolk County Department of Probation employees only use County vehicles to conduct County business.

Section 2. Amendments.

Chapter 186 of the SUFFOLK COUNTY CODE is hereby amended by the addition of a new article to read as follows:

**Chapter 186
VEHICLES, COUNTY-OWNED**

* * * *

ARTICLE II, USE POLICY FOR DEPARTMENT OF PROBATION

§ 186-4. County-owned vehicles to be used for County business.

- A. All employees of the Department of Probation shall utilize a County-owned or County-leased vehicle to conduct County business, when, while acting within the scope of their employment, the employee's duties require him or her to travel any distance from their actual permanent work site. An employee of the Department of Probation shall not be permitted to utilize a personal vehicle to conduct County business.
- B. The Director of the Department of Probation shall provide for the assignment of individual vehicles or the creation of a car-pool. When the circumstances so warrant, an employee may be permitted to take a vehicle home on an overnight basis, provided that the vehicle will be needed to conduct after-hours or before-hours activities that are specifically related to County business.
- C. No employee shall drive any individual who is not an employee of the County from or to any location, unless they are doing so in a County-owned or County-leased vehicle, and only when, in the normal course of their employment, the employee's duties require the transportation of individuals not employed by the County.

§ 186-5. Indemnification

- A. Nothing contained in this Article is intended as, nor shall be construed as limiting or amending the duty of the County to indemnify and hold harmless County employees, pursuant to Chapter 35 of the Suffolk County Code.
- B. Any Probation Department employee who drives a personal vehicle to conduct County business in violation of this Article, and who, due to any act or omission, becomes involved in any civil proceeding or action in any state or federal court or administrative agency arising out of the alleged act or omission, shall receive the benefit of representation by the County to the extent permitted by Chapter 35 of the Suffolk County Code.
- C. In the event a Probation Department employee drives a personal vehicle to conduct County business in violation of this Article, and who, due to any act or omission, becomes involved in any civil proceeding or action in any state or federal court or administrative agency arising out of such conduct, a committee shall be convened consisting of the Presiding Officer, the County Attorney, the Majority Leader and the Minority Leader, or their designees. Said committee shall seek to determine the causes underlying why the County employee was utilizing a personal vehicle to conduct County business, and shall make recommendations to the Legislature or the County Executive on ways to better effectuate the terms of this Article so as to minimize further violations. The Presiding Officer shall notify the other members of this committee no more than ten (10) business days prior to the date upon which they will be scheduled to convene, which date shall be no more than thirty (30) days after the commencement of any civil action or proceeding arising out of the alleged act or omission of the County employee.

D. The use by any Probation Department employee of a personal vehicle to conduct County business shall not be construed as a presumption that the employee was acting outside of the scope of employment.

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

This law shall take effect on the one hundred eightieth (180th) day immediately subsequent to filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language.

___ Underlining denotes addition of new language.

DATED:

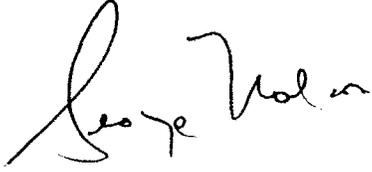
APPROVED BY:

County Executive of Suffolk County

Date:

1499

This local law would become effective on the 180th day after its filing in the Office of the Secretary of State.

A handwritten signature in black ink, appearing to read "George M. Nolan". The signature is fluid and cursive, with the first name "George" written in a larger, more prominent script than the last name "Nolan".

GEORGE M. NOLAN
Counsel to the Legislature

GN:mjk

s:\r28\28-county-vehicle-policy-probation

1500
Intro. Res. No. -2008
Introduced by Legislator Vilorio-Fisher

Laid on Table 6/10/08

**RESOLUTION NO. -2008, TO AMEND THE
LEADERSHIP IN ENERGY AND ENVIRONMENT DESIGN
(LEED) PROGRAM**

WHEREAS, Resolution No. 126-2006 implemented the Leadership in Energy and Environment Design (LEED) Program for County construction projects; and

WHEREAS, the LEED program sets standards for environmental and economic performance of commercial buildings, using established and/or advanced building principles, practices, materials and standards; and

WHEREAS, pursuant to Resolution No. 126-2006, the Suffolk County Department of Public Works was directed to apply the principles of the LEED Building Rating System 2.1 when planning the construction or renovation of County buildings with a construction cost of \$1,000,000.00 or more; and

WHEREAS, the Suffolk County Office of Budget Review has recommended that the County of Suffolk amend Resolution No. 126-2006 to require the Department of Public Works to apply the principles of the LEED Building Rating System 2.2 for new building projects and major renovations; and

WHEREAS, adhering to the higher standards of the LEED Building Rating System 2.2 will enable the County of Suffolk to take advantage of incentives offered by the Long Island Power Authority (LIPA); now, therefore be it

1st RESOLVED, that the 1st RESOLVED clause of Resolution No. 126-2006 is hereby amended as follows:

1st RESOLVED, that the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section C8-2(W) of the SUFFOLK COUNTY CHARTER, to apply the principles of the LEED Building Rating System [2.1] 2.2, as a standard that meets environmental and economic performance of commercial buildings, using established and/or advanced building principles, practices, materials and standards, for:

- a.) planning of new construction project occurring on or after the effective date of this Resolution, with a construction cost of \$1,000,000.00 or more; [or]
- b.) planning of renovation of an existing County building occurring on or after the effective date of this Resolution, which requires the expenditure of \$1,000,000.00 or more; or
- c.) planning of new construction or renovation "built to suit" for long term lease by the County of Suffolk occurring on or after the effective date of this resolution; and be it further

and be it further

2nd **RESOLVED**, that the 6th **RESOLVED** clause of Resolution No. 126-2006 is hereby amended as follows:

6th **RESOLVED**, that the Suffolk County Council of Environmental Quality (CEQ) shall consider the LEED Building Rating System [2.1] 2.2 set forth in Exhibit "A", attached hereto and made a part hereof, in its review of County action under SEQRA and Section 279 of the SUFFOLK COUNTY CODE; and be it further

and be it further

3rd **RESOLVED**, that all other provisions of Resolution No. 126-2006 shall remain in full force and effect; 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:

APPROVED BY:

County Executive of Suffolk County

Date:

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

s:\res\r-amend-leadership-energy-environment-lead

1501
Intro. Res. No. -2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 6/10/08

**RESOLUTION NO. -2008, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
271-2008**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 271-2008; and

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

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

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

Resolution No. 271-2008

In the 3rd RESOLVED paragraph change the Section

FROM:

Section C8-2 (X)

TO:

Section C8-2 (F)

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, AUTHORIZING USE OF CEDAR BEACH COUNTY PARK BY EVENT POWER FOR ITS MIGHTY NORTH FORK TRIATHLON FUNDRAISER

WHEREAS, an unincorporated entity known as "Event Power" hosts the Mighty North Fork Triathlon event which is sanctioned by USA Triathlon, Inc., a nonprofit corporation having its principal place of business in Colorado Springs, CO; and

WHEREAS, Event Power would like to use Cedar Beach County Park in Southold for the purpose of hosting their Mighty North Fork Triathlon on Sunday, July 13, 2008; and

WHEREAS, Event Power has stated that a portion of the proceeds raised at the Triathlon will be donated to local organizations, including Rick Shalvoy's Row for a Cure, Cornell Marine Science, CAST (Community Action of Southold Town), and the Southold Fire Department; and

WHEREAS, a Certificate of Insurance with accompanying declaration page naming Suffolk County as an additional insured has been provided by USA Triathlon, Inc.; now therefore, be it

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

2nd RESOLVED, that the use of Cedar Beach County Park by Event Power for the purpose of hosting a fundraiser on Sunday, July 13, 2008, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from USA Triathlon, Inc. and the payment of the Five Hundred Dollars (\$500.00) event fee, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at Cedar Beach County Park by Event Power.

DATED:

APPROVED BY:

Date of Approval:

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOHN W. PAVACIC
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: BEN ZWIRN, Deputy County Executive

FROM: JOHN W. PAVACIC, Commissioner 

CC: JIM MORGO, Chief Deputy County Executive

DATE: MAY 9, 2008

RE: INTRODUCTORY RESOLUTION AUTHORIZING USE OF THE
CEDAR BEACH COUNTY PARK BY EVENT POWER FOR ITS
MIGHTY NORTH FORK TRIATHLON FUNDRAISER

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Event Power Fundraising Event.doc."

Should you require anything further, please contact my office at 4-4984.

Enclosures

1502
Ben AID
ML#
08-354
e copy
incl.

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1502

<p>1. Type of Legislation</p> <p>Resolution <u>X</u> Local Law _____ Charter Law _____</p>											
<p>2. Title of Proposed Legislation</p> <p style="text-align: center;">AUTHORIZING USE OF THE CEDAR BEACH COUNTY PARK BY EVENT POWER FOR ITS MIGHTY NORTH FORK TRIATHLON FUNDRAISER</p>											
<p>3. Purpose of Proposed Legislation</p> <p>Authorize use of County Parkland for fundraising event.</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No _____</p>											
<p>5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)</p> <table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; padding: 2px;">County</td> <td style="padding: 2px;">Town</td> <td style="padding: 2px;">Economic Impact</td> </tr> <tr> <td style="padding: 2px;">Village</td> <td style="padding: 2px;">School District</td> <td style="padding: 2px;">Other (Specify):</td> </tr> <tr> <td style="padding: 2px;">Library District</td> <td style="padding: 2px;">Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
<p>6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact</p> <p>There is a fee of \$500.00 collected by the County for use of the Park.</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p>N/A</p>											
<p>8. Proposed Source of Funding</p> <p>N/A</p>											
<p>9. Timing Impact</p> <p>N/A</p>											
<p>10. Typed Name & Title of Preparer</p> <p>Tom Hroncich Parks Foundation Director Dept. of Parks, Recreation & Conservation</p>	<p>11. Signature of Preparer</p>	<p>12. Date</p>									

Event Power
P.O. Box 1626
Southampton, NY 11969

1502

January 28, 2008

Suffolk County Department of Parks
P.O. Box 144
West Sayville, NY 11796

Dear Ms. Lori Halo,

The Mighty North Fork Triathlon is an annual event produced by Event Power which has taken place for the past nine years. The purpose of this event is to encourage athletes to participate in an endurance event that promotes physical well being in a self competitive atmosphere. There are many triathletes in the tri-state area and many from Long Island who enjoy having a race close to their home. Event Power donates a portion of the proceeds to beneficiaries of the event. Beneficiaries include Rick Shalvoy's Row for a Cure (Breast Cancer Cure Research), Cornell Marine Science, CAST (Community Action of Southold Town) and the Southold Fire Department.

We would like to have this year's event on July 13th, 2008. In the past, Event Power has set up the event the day before the race, July 12th, and has a small youth event to encourage children to become physically active and to get involved in the sport of triathlon. The sprint triathlon starts at 6:50 AM on the 13th of July and takes no more than two and a half hours for the last finisher to complete the designated swim, bike and run segments. After the race we have an awards ceremony for the athletes. After the awards ceremony we clean up the beach and roads that the course was on. This event helps to raise money for organizations in Suffolk County and is an event that has many athletes from Suffolk County participating.

In the past, this event has been a success and we hope to have the Mighty North Fork Triathlon again this year. It attracts people to Southold, and encourages people of the town to become involved in this event. We hope that with your help we are able to continue the Mighty North Fork and have the 10th annual event.

If you have any further questions regarding this event please contact me at eventpower@aol.com or 631.283.7400. Thank you.

Sincerely,



Victoria Belegrios



Suffolk County Department of Parks, Recreation & Conservation
 Mail Application to: P.O. Box 144, West Sayville, NY 11796
 Phone: 631-854-4951
 www.suffolkcountyny.gov/parks

1502

APPLICATION FOR PARKLAND GROUP PERMIT

Permit Requested (Check One)

YOUTH GROUP CAMPING _____ GROUP PICNIC _____ ADULT (FAMILY) CAMPING CLUB _____
 SPECIAL GROUP EVENT X (Specify Below) GENERAL GROUP _____ (HIKE/FIELD TRIP)

Triathlon
 (Horse/Dog Event, Fundraiser, Other)

PARK(S) Requested

DATE(S) Requested

1st Choice Cedar Beach, Southampton

1st Choice 7/13/2008 (7/12/2008 - set up and small youth event)

2nd Choice _____

2nd Choice _____

Name of Group/Organization Event Power

Address PO Box 16260, Southampton, NY Zip Code 11969

Applicant Name Victoria Blegins Phone 631.383.7400 Cell # 516.313.8329

Address 3620 DeMat Ave Applicant Signature Victoria Blegins

Town Wantagh State NM Zip 11793 Today's Date _____

Arrival Time 4:00 a.m./p.m. Departure Time 12:00 NOON (Parks Close at Dusk)

Estimated # Attending 500 # Cars/Vans 250 # Buses X

DULT (FAMILY) CAMPING CLUBS: Total # of Units _____ (7 unit minimum non-holiday weekends, 10 unit minimum holiday weekends)

SPECIAL EVENTS & PICNICS

Will Food/Beverages be provided? YES X NO _____ for athletes only.
 Is event open to the general public? YES _____ NO _____

If event is open to public **AND** food/beverages are being provided a **SUFFOLK COUNTY HEALTH SERVICES ORGANIZER'S APPLICATION FOR TEMPORARY PERMIT** must be filed. Non-compliance with Health Services regulations may result in event being shut down.

Is event being catered? YES _____ NO _____ Name of Caterer _____

Will alcoholic beverages be provided? YES _____ NO X (If YES the Hold Harmless Agreement attached must be Signed & notarized).

Will alcoholic beverages be sold? YES _____ NO X (If YES a Special Event Permit must be filed with the NYS Liquor Authority to obtain a temporary liquor license).

Is this a Fundraiser? YES X NO _____ Groups wishing to hold fundraisers on Suffolk County Park property must contact the Parks Permit Department at 854-4951 a **minimum of three months prior** to event for permission as Suffolk County Legislative approval is required.

TENTS - Suffolk County Fire Marshall inspection may be required contact Permit Dept. at 854-4951 for information.

VENDORS? YES _____ NO X List all _____

Names of vendors (amusement/entertainment, etc.) at event must be listed above. Attach separate sheet if necessary. Vendor(s) chosen must provide a certificate of insurance naming SUFFOLK COUNTY as an additional insured in the amount of **\$2,000,000** per occurrence Comprehensive General Liability.

SPECIAL REQUESTS/COMMENTS: Please call 516.313.8329 (Victoria) for C.C. info.

Office Use Only

DATE(S) APPROVED 7/13/08 - setup 7/12/08 AREA ASSIGNED As Picnic _____
 PARK APPROVED Cedar Beach County Park Directed Youth _____
 Received of Total Training Amount \$ 500.00 Cash _____ MO _____ Credit _____
 Alcohol Permit Approved X (Staff Initials) Transaction # 16317 Check 4607
 SPECIAL INSTRUCTIONS See Attached Permit Application
 PERMIT # _____ PARKS DEPT. APPROVAL _____

1502

Insured: USA Triathlon
Policy: PHPK274278

PI-MANU-1 (01/00)

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

Amendment - Named Insured

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

The named insured is amended to include the following:

USA Triathlon, its Race Directors, Regions, Clubs, Official Sponsors, Committee Members, Race Officials, Volunteers, and Race Participants, severally as their interests may appear in the business of the "USAT, functioning on behalf of the Named Insured or performing in a "sanctioned or approved event". However, the inclusion of more than one Named Insured hereunder shall not operate to increase the Company's limit of liability stated in the Declarations.

For the purposes of this endorsement, a sanctioned or approved event is one that has been approved by USAT.

Coverage hereunder does not apply to Ironman events.

All other terms and conditions of this Policy remain unchanged

CERTIFICATE OF INSURANCE		01/28/2008
PRODUCER American Specialty Insurance & Risk Services, Inc. 112 North Main Street Muncie, Indiana 46783	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND, OR ALTER THE COVERAGE AFFORDED BY THE POLICY BELOW.	
INSURED USA Triathlon 1365 Garden of the Gods Rd. Ste. 250 Colorado Springs, CO 80907	260-672-8800	INSURERS AFFORDING COVERAGE INS. A: Philadelphia Indemnity Insurance Company INS. B: INS. C:
CERT NUMBER: 1000602112		

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITION OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS LTR	POLICY TYPE	POLICY NUMBER	POLICY EFFECTIVE	POLICY EXPIRATION	LIMITS	
A	GL	PHPK274278	12/01/2007 12:01 a.m.	12/31/2008 12:01 a.m.	General Aggregate - Per Event	2,000,000
					Products-Completed Operations Aggregate	2,000,000
					Personal and Advertising Injury	1,000,000
					Each Occurrence	1,000,000
					Damage to Premises Rented to You (Any One Premises)	1,000,000
					Medical Expense Limit (Any One Person)	Excluded
A	UMB	PHUB099195	12/01/2007 12:01 a.m.	12/31/2008 12:01 a.m.	General Aggregate	4,000,000
					Products-Completed Operations Aggregate	4,000,000
					Each Occurrence	4,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

- The Certificateholder is an Additional Insured in accordance with the provisions and limitations of Form PI-AM-002- Additional Insured - Certificateholders with respects to the MIGHTY NORTH FORK TRIATHLON on July 13, 2008.

CERTIFICATE HOLDER
 SUFFOLK COUNTY
 PO BOX 144
 WEST SAYVILLE, NY 11796

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
David C. Harris

1502

West Sayville Administration
Montauk Highway
West Sayville, NY
(631) 854-4949

Sales Receipt

Transaction #: 16317
Date: 3/20/2008 Time: 3:22:06 PM
Cashier: Lori Register #: 3

Reference: CEDAR BEACH SOUTHD
TOTAL TRAINING, CK 4607, 7/13,

Item	Description	Amount
SE_Fund	Fund Raisers	\$500.00

=====
Sub Total \$500.00
Total \$500.00

Check Tendered \$500.00
Change Due \$0.00



* 1 6 3 1 7 *
Thank you.

We hope you'll come back soon!
West Sayville Administration
<http://www.suffolkcountyny.gov/parks>

1503
Intro. Res. No. -2008
Introduced by Legislator Losquadro

Laid on Table 6/10/08

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

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

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

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

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

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk enacted Local Law No. 12-2001 to require contractors doing business with the County of Suffolk to pay their employees a "living wage".

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

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

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

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

Section 2. Amendments.

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

Chapter 234, BUSINESS PRACTICES

ARTICLE I, Lawful Hiring of Employees

* * * * *

§ 234-7. Applicability.

* * * * *

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

* * * * *

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

* * * * *

Chapter 347, LIVING WAGE

* * * * *

§ 347-4. Recordkeeping.

* * * * *

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

* * * * *

Section 3. Applicability.

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

Section 4. Severability.

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

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

This law shall take effect on January 1, 2009.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-reduce-paperwork-not-for-profit

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

1503



GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov

WILLIAM H. ROGERS BUILDING
P.O. Box 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: JUNE 5, 2008
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2008

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

SPONSOR: LEGISLATOR LOSQUADRO

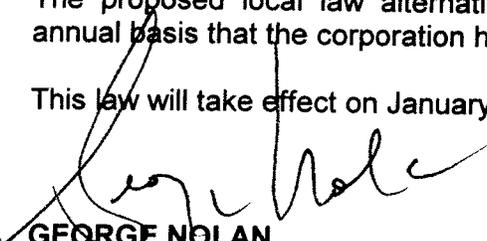
DATE OF RECEIPT BY COUNSEL: 5/29/2008 PUBLIC HEARING: 6/24/2008

DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed law would amend the County's Lawful Hiring Law (Chapter 234 of the SUFFOLK COUNTY CODE) and Living Wage Law (Chapter 347 of the SUFFOLK COUNTY CODE) to state that the Department of Labor shall not require non-profit organizations that have no employees to submit the affidavits and Certificates of Compliance called for in those laws.¹

The proposed local law alternatively requires that not-for-profit organizations certify on an annual basis that the corporation has no employees.

This law will take effect on January 1, 2009.


GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\rule28\28-reduce-paperwork-not-for-profit

¹ An employer must have at least one (1) employee in order to be subject to the Lawful Hiring and Living Wage Laws.

Intro. Res No. 1504 - 2008

Laid on Table 6/10/08

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

**RESOLUTION NO. AUTHORIZING PUBLIC HEARING
FOR APPROVAL OF RATES FOR FIRE ISLAND FERRIES,
INCORPORATED.**

WHEREAS, Fire Island Ferries, Incorporated, a corporation formed pursuant to Section 3 of the New York Corporations Law, has applied to the Suffolk County Legislature, Navigation Law and Section 71 of the New York Transportation Corporations Law and Chapter 287 of the Suffolk County Code for the approval of the alteration of its existing passenger and freight rates, which will be applicable to the Fire Island Ferries, Incorporated's Cross Bay Service from Bay Shore and Fire Island communities of Kismet, Fair Harbor, Dunewood, Atlantique, Seaview, Ocean Bay Park with intermittent stops at such communities and the Incorporated Villages of Ocean Beach and Saltaire and for its lateral service along Fire Island Beach between Village of Saltaire, Dunewood, Village of Ocean Beach, Kismet, Fair Harbor, Atlantique, Sea View, and Ocean Bay Park, all of which lie within Suffolk County, at approved rates, and be it

1st RESOLVED, that a Public Hearing on the Petition dated and verified on May 30, 2008 shall be held at the regular meeting of the Suffolk County Legislature August 5, 2008 and be it

2nd RESOLVED, that pending the consideration of this Petition and Public Hearing, the Petition be, and it hereby is, referred to the Public Works and Transportation Committee for its consideration and recommendation to the Suffolk County Legislature.

Dated:

APPROVED BY:

County Executive of Suffolk County

Date of approval:

Introduced by Presiding Officer pursuant to Rule 3F13 of the Suffolk County Legislature

RESOLUTION NO. -2008, AUTHORIZATION OF ALTERATION OF RATES FOR FIRE ISLAND FERRIES, INCORPORATED

WHEREAS, Fire Island Ferries Incorporated has applied to the Suffolk County Legislature, by a Petition dated and verified , 2008, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law and Section 131-g of The Highway Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County; and

WHEREAS, the office of Legislative Budget Review has submitted its recommendations on said application to this Legislature as a whole; now, therefore be it

1st RESOLVED, that the Petition of Fire Island Ferries, Inc. dated and verified May 30, 2008 for rates are hereby approved as follows:

REGULAR SCHEDULED SERVICE BETWEEN BAY SHORE, TOWN OF ISLIP, COUNTY OF SUFFOLK AND STATE OF NEW YORK ACROSS THE GREAT SOUTH BAY AND THE FIRE ISLAND COMMUNITIES OF KISMET, FAIR HARBOR, DUNEWOOD, ATLANTIQUE, SEAVIEW AND OCEAN BAY PARK WITH INTERMITTENT STOPS BETWEEN SAID COMMUNITIES AND THE INCORPORATED VILLAGES OF OCEAN BEACH AND SALTAIRE, AND LATERAL SERVICE ALONG FIRE ISLAND BEACH BETWEEN:

- | | |
|----------------------------|-------------------------------|
| KISMET | FAIR HARBOR |
| ATLANTIQUE | SEAVIEW |
| OCEAN BAY PARK | DUNEWOOD |
| VILLAGE OF SALTAIRE | VILLAGE OF OCEAN BEACH |

AND FOR ITS LATERAL SERVICE ALONG FIRE ISLAND BEACH BETWEEN:

- | | |
|-------------------------------|-----------------------|
| KISMET | OCEAN BAY PARK |
| VILLAGE OF SALTAIRE | FAIR HARBOR |
| DUNEWOOD | ATLANTIQUE |
| VILLAGE OF OCEAN BEACH | SEAVIEW |

	Current Rate	Proposed Rate
Adult One-Way	\$8.00	\$10.00
Adult Round Trip	\$15.00	\$18.00
Adult Multiple trip tickets of not less than 20, nor more than 40 trips, shall be 75% of the Adult One-Way Fare.	\$233.00	\$264.00
Senior Citizens displaying Suffolk County Senior Citizens' cards and Handicapped Persons displaying a Suffolk County Handicapped card	\$6.00	\$7.00
Children between the ages of two (2) twelve (12) and dogs. One-Way shall be one-half of the Adult One-Way fare.	\$4.00	\$5.00
Children Round-trip tickets.	\$7.00	\$8.00
Infants (under 2 years old) - No charge		
Children multiple trip tickets of not less than 20 nor more than 40 trips shall be 35% of the Adult One-Way fare. No charge for infants (under 2 years old).	\$109.00	\$125.00
A special one-way adult fare from Fire Island departing at or later then 1:00 AM.	\$15.00	\$16.00
Restricted Fire Island workers book for Monday through Saturday only (departing at approximately 7:00 AM to Fire Island and 4:30 PM to Bay Shore). Restricted to purchase at the Bay Shore main office only. Sold in books of forty only. Restricted exclusively for workers traveling to their principal place of employment on Fire Island.	\$195.00	\$210.00

Dunewood Property Owners Association may purchase 200 Adult 40 trip books prior to March 15 at a rate not to exceed 67% of the Adult one-way fare.

The **Incorporated Village of Ocean Beach**, for a single bulk purchase of not less than 750 and not more than 2,100 Adult 40 trip ticket books, which bulk purchase must be authorized by the Suffolk County Legislature, between January 2 and April 15 annually, during the lease term by the Village or an agent designated by the Village, to be sold at a reduced rate in accordance with the lease agreement that is effective the 1st day of January 2001 by and between the Incorporated Village of Ocean Beach and Fire Island Ferries, Incorporated. Additionally, the cost of each book shall increase 3% per year for each of the years 2005 through 2010, subject to the approval of the Suffolk County Legislature, as follows:

2008- \$163.20
2009- \$168.09
2010- \$173.18

Payment for the single bulk purchase shall be made as follows: 80% due March 31 annually; 20% due as of April 15th annually.

The **Village of Saltaire** between January 1 and the last business day in February annually during the term hereof, the Village may make a single bulk purchase of not less than 500 nor more than 900 adult 40 trip books of tickets, at Village's option at rate equal to a ten percent (10%) discount from the regular adult 40 trip book.

LATERAL SERVICE ALONG FIRE ISLAND BEACH

Adult One-Way maximum fare between any two (2) points not to exceed 150% of the Adult One-Way fare.

Child One-Way maximum fare between any two (2) points not to exceed 75% of Adult One-Way fare.

Group and charter discounts and other multiple trip rates not to exceed the Adult One-Way rate per trip, at the discretion of the Petitioner; and

SPECIAL WINTER SERVICE:

For Special Winter Service between December 26th and February 28th, annually, only cash Adult One-Way fares will be accepted and no multiple trip tickets will be accepted; and

FREIGHT TARIFF

ITEM	Current		Proposed
AMUSEMENTS:			
Bowling game	\$17.70	*	\$20.35
Cigarette machine	\$10.65	*	\$12.25
Foosball game	\$14.15	*	\$16.25
Juke box	\$14.15	*	\$16.25
Pin-ball machine	\$17.70	*	\$20.35
Video game	\$15.35	*	\$17.65
Pool table	\$23.55	*	\$27.10
APPLIANCES:			
Dishwasher	\$8.80		\$10.00
Dishwasher front panel	\$1.50		\$1.75
Dryer	\$8.80		\$10.00
Freezer, residential	\$21.70		\$25.00
Freezer, comm'l.	\$36.20	*	\$41.65
Microwave oven	\$4.75	*	\$5.50
Range	\$12.95	*	\$14.00
Range top	\$3.55		\$4.10
Refrigerator	\$21.20	*	\$25.00
Refrigerator, comm'l.	\$34.50	*	\$39.70
Soda machine	\$27.15		\$31.20
Stove: coal, Franklin, etc	\$11.80	*	\$13.60
Trash compactor	\$7.30		\$8.40
Walk-in box	\$86.65	*	\$99.65
Washer	\$12.95	*	\$15.00
BULK SHIPMENTS-liq,oil (price includes return)			
55-gallon drum containing kero, sand, gravel, grease	\$8.80		\$10.10
Gasoline tank, 6-gallon & lower (rd-trip)	\$3.60	*	\$4.25

Gas cylinder, lg. (Chlorine,CO2)	\$5.60		\$6.50
Gas cylinder, small (CO2,propane)	\$4.15		\$5.00
Propane cylinder, 100 lbs. (rd-trip)	\$6.50		\$7.50
Acid drums	\$4.15		\$4.80
FURNITURE:			
Beds & Bedding:			
Bed end	\$1.50		\$1.75
Bed frame	\$1.80	*	\$2.10
Bed, folding	\$3.55	*	\$4.10
Mattress or box spring:			
Single	\$3.55		\$4.00
Double	\$5.30		\$6.00
Queen	\$7.05		\$8.00
King	\$9.50		\$10.95
Chair, folding	\$1.50	*	\$1.75
Chair	\$1.50	*	\$1.75
Chaise, aluminum	\$3.00	*	\$3.45
Chaise, folding	\$1.50		\$1.75
Chaise, redwood	\$5.10	*	\$5.90
Cabinets, kitchen, per foot			
Lower units	\$3.75	*	\$4.30
Upper units	\$2.75	*	\$3.15
Dresser	\$2.90	*	\$3.35
Hi-riser	\$11.80	*	\$13.60
Hutch	\$8.80	*	\$10.10
Lamp, floor style	\$2.20	*	\$2.55
Lamp, table style	\$1.50	*	\$1.75
Love seat	\$5.10	*	\$5.90
Piano	\$29.45	*	\$33.90
Play pen	\$1.80	*	\$2.10
Recliner	\$5.10	*	\$5.90
Rocker	\$2.10	*	\$2.40
Rug or padding, roll	\$2.70	*	\$3.10
Sofa	\$5.10	*	\$5.90
Sofa, convertible	\$29.45	*	\$33.90
Table, cocktail	\$1.90	*	\$2.20
Table, dining	\$4.40	*	\$5.10
Table, end	\$1.50	*	\$1.75
Table, picnic	\$5.10	*	\$5.90
TV set, cabinet	\$6.05	*	\$7.00
TV set, console	\$8.80	*	\$10.10
TV set, portable	\$4.40	*	\$5.10
Stereo component, per piece	\$2.40	*	\$2.75
GARDEN SUPPLIES			
Bush	\$1.50	*	\$1.75
Chain saw	\$2.40		\$2.75
Fertilizer:			

25 lbs. bag	\$1.00		\$1.15
40-50 lbs. bag	\$1.05		\$1.20
75-80 lbs. bag	\$1.50		\$1.75
100 lbs. bag	\$1.80		\$2.10
Flat of plants or flowers	\$1.50		\$1.75
Hand tool	\$1.25	*	\$1.45
Hay, bale	\$1.90		\$2.20
Mower	\$4.15	*	\$4.75
Peat moss, 2 c.f. bale	\$1.50		\$1.75
Peat moss, 4 c.f. bale	\$1.80		\$2.10
Peat moss, 6 c.f. bale	\$2.40		\$2.75
Pine bark (chips), bag	\$1.50		\$1.75
Plant, single small container	\$1.10		\$1.25
Roto-tiller	\$4.40	*	\$5.10
Sprayer	\$4.40	*	\$5.10
Table saw	\$8.80	*	\$10.10
Tree	\$2.90	*	\$3.35

GROCERIES - Bulk, rest.

Cans, case of	\$0.80		\$0.90
Bottles, case of	\$0.90		\$1.00
Beer, deposit case w/return	\$1.50		\$1.75
Beer Ball w/return	\$4.15		\$4.80
Beer Keg w/return	\$5.90		\$6.80
Bread or cake, box or bag	\$0.90		\$1.00
Cigs, case of cigarettes	\$1.80		\$2.10
Cones, carton	\$0.90		\$1.05
Cookies, carton	\$1.80		\$2.10
Dairy products, per piece	\$0.75		\$0.90
Deli products, per piece	\$0.75		\$0.90
Eggs, case	\$1.80		\$2.00
Box fish	\$3.00		\$3.45
Fish, carton, bag or bushel	\$1.80		\$2.00
Frozen food, per carton	\$0.55		\$0.65
Groceries, per carton, bulk	\$0.80		\$0.90
Groceries, individual car	\$2.10	*	\$2.40
IC, ctn ice cream	\$3.00		\$3.45
Ice cream, small carton	\$2.30		\$2.65
Liquor, case	\$2.40		\$2.75
Meat, large carton, crate	\$1.80		\$2.00
Meat, small carton	\$1.25		\$1.45
Milk, case w/return	\$0.90		\$1.00
Papers, mags	\$0.90		\$1.00
Pickle barrel w/return	\$5.10		\$5.90
Soda, case of cans	\$0.80		\$0.90
Soda, case of bottles	\$0.90		\$1.00
Soda, deposit case w/return	\$1.50		\$1.75
Soda syrup, 4-gal. carton	\$1.50		\$1.75
Cyl syrup	\$4.15		\$4.75

Supplies, general, per ctn	\$1.50		\$1.75
Vegetables & produce, ctn	\$0.90		\$1.00
Water, 5-gal. bottle water	\$3.55		\$4.00
HARDWARE			
Hardware, package or cart	\$1.05		\$1.25
Paint, case	\$1.50		\$1.75
Paint, gallon can	\$1.50		\$1.75
Paint, 5-gallon pail	\$3.55		\$4.00
LUMBER & BUILDING SUPPLIES			
Asphalt tub	\$3.55		\$4.10
Bricks, 1-100, per piece	\$0.20		\$0.25
Bricks, 100-999, per 100	\$5.90		\$6.80
Bricks, per 1000 bulk	\$37.70		\$43.35
Cement, bag	\$1.80		\$2.10
Cement block, 8" std. or	\$0.50		\$0.60
Cement block, 12' std.	\$0.75		\$0.90
Cement covers, 5' x 2'	\$13.55		\$15.60
Cement covers, 2' round	\$6.80		\$7.80
Cement mixer	\$8.80	*	\$10.10
Cement tub	\$1.50		\$1.75
Clay (tennis court), bag	\$1.25		\$1.45
DOORS:			
Combo & exterior	\$5.90		\$6.80
Interior & louver	\$3.55		\$4.10
Jalousie, w/glass	\$5.90		\$6.80
Pre-hung & shower	\$5.90		\$6.80
Sliding glass set	\$11.80	*	\$13.60
Door frame, set	\$9.80		\$11.30
Door jambs, set	\$0.90		\$1.05
Flagstone, per piece, bulk	\$0.75		\$0.90
Felt, roll	\$1.00		\$1.15
Fiberglass panel, 2' x 8'	\$0.80		\$0.90
Flue pipe, 8" x 8", piece	\$0.90		\$1.05
Flue pipe, 12', piece	\$1.40		\$1.60
Formica, 4' x 8' or roll	\$3.10		\$3.60
Glass, minimum per piece	\$3.55	*	\$4.10
Gravel, bag	\$0.90		\$1.05
Homosote, 4' x 8' sheet	\$1.00		\$1.15
Insulation, bundle	\$1.80		\$2.00
Insulation, single roll	\$1.50		\$1.75
Ladder, step	\$3.00	*	\$3.45
Ladder, 20' extension	\$4.75	*	\$5.45
Ladder, 40' extension	\$7.70	*	\$8.85
Lath, 2' x 8' wire	\$0.80		\$0.95
Leader or gutter, 10' piece	\$0.90		\$1.00
Leader or gutter, 20' piece	\$2.10		\$2.40
LOCUST POSTS, per foot:			
3" to 6" diameter	\$0.30		\$0.35

8" diameter	\$0.35		\$0.40
12" diameter	\$0.50		\$0.60
LUMBER, per 1000 bd. ft.	\$46.45		\$53.40
LUMBER, CCA, per 1000 bd.ft.	\$65.25		\$75.05
LUMBER, lengths over 16',add	\$8.90		\$10.25
LUMBER, minimum order	\$1.85		\$2.15
Masonite, 4' x 8' panel	\$1.10		\$1.30
Molding, bundle, per foot	\$0.35		\$0.40
Nails, 50 lbs. box	\$1.80		\$2.10
Plywood, 4' x 8' sheet	\$1.00		\$1.15
Plywood, 4' x 9' sheet	\$1.40		\$1.60
Plywood, 4' x 10' sheet	\$1.50		\$1.75
POLES, CCA;			
6" x 8'	\$3.55		\$4.10
6" x 20'	\$6.50		\$7.50
6" x 25'	\$8.25		\$9.50
8" x 20'	\$9.15		\$10.50
8" x 25'	\$11.80		\$13.60
10" x 20'	\$13.55		\$15.60
over 20', add per foot	\$1.25		\$1.45
R.R. ties, creosote	\$3.85		\$4.45
Landscape ties, CCA	\$2.65		\$3.05
Roof deck, 2' x 8' panel	\$1.00		\$1.15
Roofing, roll or split sheet	\$1.25		\$1.45
Scaffold, w/return	\$8.90	*	\$10.25
Screens	\$1.50	*	\$1.75
Sheetrock, 4' x 8' sheet	\$1.25		\$1.50
Sheetrock, 4' x 10' sheet	\$1.50		\$1.75
Sheetrock, 4' x 12' sheet	\$1.80		\$2.10
Shingles, all types, per	\$1.50		\$1.75
Siding break w/return	\$8.50		\$9.80
Skylight	\$3.55	*	\$4.10
Slate, per piece, bulk	\$0.90		\$1.05
Siding, bundle	\$1.50	*	\$1.75
Snow fence, 50' roll	\$3.00		\$3.45
Snow fence posts, bdl. Of	\$1.80		\$2.10
Split rail fence, per piece	\$0.90		\$1.05
Stockade fence, 6' x 8' s	\$4.15	*	\$4.80
Stockade fence post, each	\$0.75		\$0.90
Styrofoam, 2' x 8' sheet	\$0.50		\$0.60
Tile, ceiling, box	\$1.50		\$1.75
Tile, floor, box	\$1.80		\$2.10
Tile, ceramic, box	\$1.80		\$2.10
WINDOWS:			
Single unit	\$3.55	*	\$4.10
Mullion	\$5.90	*	\$6.80
Triple or picture	\$11.80	*	\$13.60
Bay or bow	\$17.70	*	\$20.40
Wonderboard, 2' x 4' piece	\$3.00		\$3.45

MISCELLANEOUS:

Air conditioner	\$3.00	*	\$3.45
Battery, std. size	\$2.10		\$2.40
Bicycle, small	\$2.40		\$2.75
Bicycle, medium	\$3.55		\$4.00
Bicycle, large	\$4.75		\$5.50
Bicycle, carton, bulk	\$3.25		\$3.75
Boats, per foot	\$2.40	*	\$2.75
Boat trailer	\$14.15	*	\$16.30
Cash register	\$4.15	*	\$4.75
CARTON, minimum	\$1.50		\$1.75
Coal, per bag	\$1.50		\$1.75
Copy machine	\$7.05	*	\$8.10
Dry cleaning, box or bund	\$1.50		\$1.75
Film case w/return	\$3.00	*	\$3.50
Fire extinguisher	\$1.80	*	\$2.10
Garbage can, empty	\$1.50		\$1.75
Laundry, bag or bundle, w/return	\$3.00		\$3.45
Laundry hamper w/return	\$7.05		\$8.10
Motor, outboard	\$13.55	*	\$15.60
Phone booth	\$47.10		\$54.20
Scooter	\$2.40		\$2.75
Sunfish sailboat	\$30.65		\$35.25
Surfboard	\$3.55	*	\$4.10
Tar kettle w/return	\$35.35		\$40.65
Tricycle, small	\$1.50		\$1.75
Wagon	\$2.40		\$2.75
Wagon, carton, bulk	\$1.50		\$1.75
Windsurfer	\$15.30	*	\$17.60
Firewood, face cord	\$88.30		\$101.55

PLUMBING SUPPLIES:

Basin	\$1.50		\$1.75
Boiler	\$17.40	*	\$20.00
Cast iron fittings	\$1.25	*	\$1.45
Closet set	\$4.75		\$5.45
Fire hydrant	\$18.90		\$21.75

PIPE:

C.I. 6' length	\$1.50		\$1.75
C.I. 8' length	\$1.85		\$2.15
C.I. 10' length	\$2.30		\$2.65
Copper, bdl. 10' length	\$3.00	*	\$3.45
Copper, DWV, 20' length	\$0.90	*	\$1.05
PVC or vinyl, 10' length	\$0.65		\$0.75
PVC or vinyl, 20' length	\$1.25		\$1.45
PVC, 4" & 6", 20' length	\$2.40	*	\$2.75
Steel, B.I. or galv. P	\$1.55		\$1.80
Transite, 4' x 10'	\$1.85		\$2.15
Transite, 6' x 10'	\$2.30		\$2.65
Vinyl, coil	\$1.80		\$2.10

Shower base	\$5.10		\$5.90
Shower door	\$4.40		\$5.10
Shower unit, fiberglass	\$21.20	*	\$24.40
Tank, steel or fbgl. 275	\$23.55		\$27.10
Tank, steel or fbgl. 550	\$41.20		\$47.40
Tub, C.I.	\$17.70	*	\$20.40
Tub, fbgl	\$8.90		\$10.25
Tub, steel	\$10.05		\$11.55
Tub, complete fbgl. Unit	\$29.45		\$33.90
Water heater, 5-10 gallon	\$2.10		\$2.40
Water heater, per 10 gals	\$1.80		\$2.10
Well pump, residential	\$4.40	*	\$5.10

VEHICLES:

In operating condition:

Cushman-type scooter	\$35.35	*	\$40.65
Golf cart	\$23.55	*	\$27.00
Payloader, small Bobcat	\$58.85	*	\$67.70
Pick-up truck	\$88.30	*	\$101.55
Truck	\$88.30	*	\$101.55
Vehicles not in operating condition, add to price	\$23.55		\$27.10
Golf Cart - not running - additional	\$11.80		\$13.60

**BULK DELIVERY – Large Vehicle, Heavy Equipment, Bulk Lumber
Bulk Masonry, Pre-Fabs, Etc.**

Price includes vessel & 2 man crew for a maximum of 8 hours - including loading time, sailing time and unloading time and return trip w/ any unloading time.

	\$941.60	\$1,082.85
Same as above but including crane operation	\$1,045.00	\$1,201.75
Second round trip within 8 hour period additional	\$176.55	\$203.05
Overtime after 8 hour period, per hour or any part thereof	\$176.55	\$203.05
Each additional crewman needed for loading or unloading	\$176.55	\$203.05
Forklift and operator - 1st hour	\$176.55	\$176.55
Each additional hour or any part	\$88.30	\$88.30
Round trip for large construction vehicle - drive-on drive-off	\$470.80	\$541.00

ADDITIONAL CHARGES

* This symbol denotes minimum price for standard sized unit
Price may be higher depending on size and/or weight

Items not listed on this table will be charged for at the rate of:

1506
Intro. Res. No. -2008
Introduced by Legislator Eddington

Laid on Table 6/10/08

**RESOLUTION NO. -2008, ADOPTING LOCAL LAW
NO. -2008, A LOCAL LAW TO PROHIBIT
DECEPTIVELY COLORED HANDGUNS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2008, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT DECEPTIVELY COLORED HANDGUNS**" 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 PROHIBIT DECEPTIVELY COLORED
HANDGUNS**

**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 real guns, when painted with non-traditional handgun colors, resemble toy guns, and can confuse law enforcement officers and the public at large.

This Legislature further finds that deceptively colored handguns pose a danger to law enforcement personnel. Law enforcement officers who sometimes must make split second decisions on the use of force could perceive a deceptively colored handgun to be a toy and, as a result be seriously injured or killed.

This Legislature also finds that a child may mistakenly attempt to play with a brightly colored handgun and seriously injure themselves or others.

Therefore, the purpose of this local law is to safeguard the public from the unreasonable risk of death and injury that may result when real handguns are mistaken for toys by banning the distribution and possession of deceptively colored handguns within the County of Suffolk.

Section 2. Definitions.

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

"Handgun" - shall mean any weapon or device from which a shot can be discharged through the energy of an explosive and which may be fired by the use of a single hand or any combination of parts from which such a weapon or device can be assembled.

"Deceptively Colored Handgun" - shall mean any handgun which has a substantial portion of its exterior surface colored any color other than black, grey, silver, steel, nickel or army green. A substantial portion of the exterior surface of a handgun shall be considered to be colored any color other than black, grey, silver, steel, nickel, or army green if such other color is used either alone or as the predominant color in combination with other colors in any pattern; provided, however, that a handgun shall not be deemed to be a deceptively colored handgun merely

because its handle is composed of ivory, colored so as to appear to be composed of ivory, composed of wood, or colored so as to appear to be composed of wood.

“Substantial Portion of the Exterior Surface of a Handgun” - shall mean at least 25% of the entire exterior surface area of a handgun; or the exterior surface of either the receiver or the slide of a handgun.

"Deceptive Coloring Product" - shall mean and include any equipment, product, or material that is designed for use in modifying any handgun so as to make it a deceptively colored handgun. Any equipment, product, or material that is held out, offered for sale, or otherwise disposed of based on its utility, alone or in combination with other equipment, products, or materials, in modifying any handgun so as to make it a deceptively colored handgun shall be deemed a deceptive coloring product. Any combination of equipment, products, or materials that are jointly held out, offered for sale, or otherwise disposed of based on their utility, jointly or in combination with other equipment, products, or materials, in modifying any handgun so as to make it a deceptively colored handgun shall be deemed a deceptive coloring product.

Section 3. Prohibitions.

A. It shall be unlawful for any person to modify, attempt to modify, or offer to modify any handgun so as to make it a deceptively colored handgun except as authorized by Section 4 of this law.

B. It shall be unlawful for any person to possess a deceptively colored handgun or a deceptive coloring product except as authorized by Section 4 of this law or for any person to attempt to possess a deceptively colored handgun or a deceptive coloring product except as authorized by Section 4 of this law.

C. It shall be unlawful for any person to dispose of a deceptively colored handgun except as authorized by Section 4 of this law.

Section 4. Exceptions.

A. This law shall not prohibit possession of any deceptively colored handgun by any person who possesses it on the effective date of this local law, or by any person who acquires it by inheritance or operation of law after the effective date of this law, provided that, within thirty (30) days, such person either: (i) surrenders such deceptively colored handgun to the Commissioner of Police for disposal in accordance with the provisions of Section 400.05 of the Penal Law; or (ii) modifies such handgun to be in conformance with this law. This law shall not prohibit the possession of any deceptive coloring product by any person who possesses it on the effective date of the local law enacting this law, or by any person who acquires it through inheritance or by operation of law after the effective date of the local law enacting this law, provided that within thirty (30) days such person surrenders such deceptive coloring product to the Commissioner of Police for disposal.

B. This law shall not prohibit the possession, modification, use, or disposal of any handgun or deceptive coloring product that is purchased for the use of, sold or shipped to, or issued for the use of, the United States or any department or agency thereof, or any state or any department, agency, or political subdivision thereof when possessed, modified, used or disposed of by an employee or agent of such entity, or by a peace officer or police officer, acting within the scope of his or her duties.

Section 5. Penalties.

Any person who violates any provision of this law or of any regulations issued pursuant to it shall be guilty of a misdemeanor punishable by a fine of not more \$1,000.00, or imprisonment of not more than one year, or both.

Section 6. Applicability.

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

Section 7. Severability.

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

Section 8. SEQRA Determination.

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

Section 9. Effective Date.

This law shall take effect on the sixtieth (60th) day immediately subsequent to filing in the Office of the Secretary of State.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

1506



GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov

WILLIAM H. ROGERS BUILDING
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: JUNE 5, 2008
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2008

TITLE: A LOCAL LAW TO PROHIBIT DECEPTIVELY COLORED HANDGUNS

SPONSOR: LEGISLATOR EDDINGTON

DATE OF RECEIPT BY COUNSEL: 5/14/08 PUBLIC HEARING: 6/24/08

DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

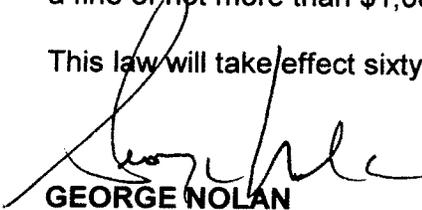
This proposed local law would make it unlawful for any person to modify any handgun so as to create "a deceptively colored handgun." "A deceptively colored handgun" is defined as any handgun of which 25% of the exterior surface is colored any color other than black, grey, silver, steel, nickel or army green.

This law also makes it unlawful for any person to possess a "deceptive coloring product," which is defined as any product that is designed for use in modifying a handgun so as to make it deceptively colored.

This law does not prohibit possession of a deceptively colored handgun by a person who possesses it on the effective date of this law, or by any person who acquires it by inheritance or operation of law after the effective date of this law, provided that within 30 days such person either surrenders the handgun to the Commissioner of Police for disposal or modifies the handgun to be in conformance with this law. This law further exempts government agencies, peace officers and police officers, acting within the scope of their duty, from the provisions of this law.

A person who violates any provision of this law shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment of not more than one year, or both.

This law will take effect sixty days after its filing in the Office of the Secretary of State.


GEORGE NOLAN
Counsel to the Legislature

GN:tm

s:\rule28\28-handguns

1507

Introductory Resolution No. -2008
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 6/10/08

**RESOLUTION NO. - 2008; TRANSFERRING AND
APPROPRIATING LIVING WAGE CONTINGENCY FUNDS
TO THE FEDERATION OF ORGANIZATIONS FOR THE NYS
MENTALLY DISABLED, INC., RESPITE FEE SUBSIDY**

WHEREAS, a contingency fund was established in the 2008 Suffolk County Operating Budget for the express purpose of implementing the Living Wage Law, Local Law 12-2001; and

WHEREAS, Local Law No. 12-2001, the Living Wage Law, ensures that employees of County contractors and subcontractors and beneficiaries of tax, loan, grant and other subsidy assistance provided by the County earn an hourly wage that is sufficient for a family of four to live at or above the federal poverty level; and

WHEREAS, the Federation of Organizations for the NYS Mentally Disabled, Inc., provides support and assistance to caregivers of frail elderly family members through the Respite Fee Subsidy contract with the Suffolk County Office for the Aging; and

WHEREAS, additional funding is needed to pay living wages to respite workers to maintain the program and without these additional funds, the Federation of Organizations for the NYS Mentally Disabled, Inc., will not be able to provide the current level of service; now, therefore, be it

1st RESOLVED that the Suffolk County Comptroller be and hereby is authorized, empowered and directed to disburse funds as follows:

FROM:	<u>CHANGE</u>
001-MSC-1998-4770	(\$29,979)
Suffolk County Living Wage Contingency Fund	

TO:	<u>ADOPTED</u>	<u>MODIFIED</u>	<u>CHANGE</u>
001-EXE-GFC2-4980	\$30,697	\$60,676	\$29,979
Federation of Organizations for the NYS Mentally Disabled, Inc., Respite Fee Subsidy Program			

DATED:

APPROVED BY:

County Executive of Suffolk County
Date of Approval

1507

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/>	Local Law <input type="checkbox"/>	Charter Law <input type="checkbox"/>
2. Title of Legislation		
Resolution Transferring and Appropriating Living Wage Contingency Funds to the Federation of Organizations for the NYS Mentally Disabled, Inc., Respite Fee Subsidy.		
3. Purpose of Proposed Legislation		
Additional funding is needed to pay living wages to respite workers to maintain the program and without these additional funds, the Federation of Organizations for the NYS Mentally Disabled, Inc., will not be able to provide the current level of service.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
5. If the answer to Item 5 is a yes, on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is a yes, Provide Detailed Explanation of Impact.		
100% County Funds included in the 2008 Adopted Budget under 001-MS-C-1998-4770.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
2008 - \$29,979		
2008-2013 unknown		
8. Proposed Source of Funding.		
100% County Funds included in the 2008 Adopted Budget under 001-MS-C-1998-4770.		
9. Timing of Impact.		
Upon Approval		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
HOLLY RHODES-TEAGUE DIRECTOR		6/2/08

COUNTY OF SUFFOLK



1507

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

OFFICE FOR THE AGING
HOLLY S. RHODES-TEAGUE
DIRECTOR

MEMORANDUM

TO: Brendan Chamberlain

FROM: Thérèse Blumenauer
Contracts Examiner

DATE: June 2, 2008

SUBJECT: Resolution Transferring and Appropriating Living Wage Contingency Funds to the Federation of Organizations for the NYS Mentally Disabled, Inc., Respite Fee Subsidy

Per our conversation, attached are a revised draft resolution and Fiscal Impact Statement regarding the above. The dollar amount has been increased to \$29,979 due to an increase in the Living Wage that will take effect on July 1, 2008.

If you have any questions or concerns, please call me at 631-853-8262.

/TB
Enclosure

cc: Holly Rhodes-Teague, Director
Maureen Porta, Senior Citizens Program Administrator II
Leonor Hunter, Fiscal Administrator II
Brenda Rosenberg, Director, Local Law Compliance Unit (w/enclosure)

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1507

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1507

SUFFOLK COUNTY DEPARTMENT OF LABOR – LIVING WAGE UNIT

NOTICE OF DECISION ON HARDSHIP ASSISTANCE

Living Wage Law, Suffolk County Code, Chapter 347 (2001)

TO BE COMPLETED BY LIVING WAGE UNIT

DATE: April 7, 2008

TO: Holly Rhodes –Teague, Director
Suffolk County Office for the Aging
Dennison Building
Hauppauge, NY

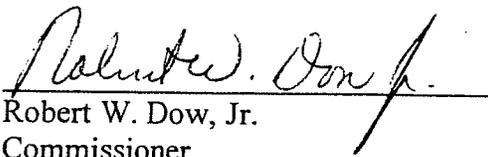
You are hereby notified that the **Request for Hardship Assistance** and associated draft resolution submitted on April 2, 2008 regarding the contract _____ from **Federation of Organizations** has been received and examined by the *Local Law Compliance Unit*.

The **Request for Hardship Assistance** has been:

Accepted, and the *Living Wage* Unit authorizes the submission of the accompanying resolution to the County Legislature.

Denied.

Should you have any questions regarding this decision, please contact the Suffolk County Department of Labor's *Living Wage* Unit at (631) 853-3808.


Robert W. Dow, Jr.
Commissioner
Suffolk County Department of Labor

1508

Intro. Res. No. - 2008

Laid on the Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

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

WHEREAS, the New York State Department of Health Services has awarded 100% Federal grant funds to the Suffolk County Department of Health Services, Division of Patient Care Services for the WIC Nutrition Program grant in the amount of \$2,983,561 for the period 10/01/07-09/30/08; and

WHEREAS, this grant funding provides supplemental food and nutrition education to eligible pregnant and post partum women, infants and children; and

WHEREAS, a portion of this funding is already included in the 2008 Suffolk County Operating Budget and \$8,750 needs to be appropriated to fully utilize the grant award; and

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

1ST RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$8,750 in grant funds as follows:

REVENUES

001-4482 W.I.C. Nutrition \$8,750

APPROPRIATIONS

Department of Health Services (HSV)
Division of Patient Care Services
WIC Nutrition Program
001-HSV-4130

<u>Supplies, Materials & Other</u>	<u>\$ 8,750</u>
3500 Other: Unclassified	\$ 4,550
3680 Repairs: Special Equipment	\$ 700
3770 Advertising	\$ 3,500

and be it further

2ND 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

3RD 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:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

HSV #22-2008

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1508

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation Accepting and Appropriating 100% Federal grant funds passed through the New York State Department of Health to the Suffolk County Department of Health Services for the WIC Nutrition Program.		
3. Purpose of Proposed Legislation The grant funding provides supplemental food and nutrition education to eligible pregnant and post partum women, infants and children.		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding 100% Federal grant funds passed through the New York State Department of Health		
9. Timing of Impact 2008		
10. Typed Name & Title of Preparer <i>Diane E. Weyer</i> Principal Financial Analyst	11. Signature of Preparer <i>Diane E. Weyer</i> <i>Beth A. Reynolds</i>	12. Date <i>4/29/08</i> <i>5/21/08</i>
BETH A. REYNOLDS PRINCIPAL EXECUTIVE ANALYST		

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1508

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1508

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

April 25, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution to accept and appropriate 100% Federal grant funds passed through the New York State Department of Health to the Department of Health Services for the WIC Nutrition Program. This program provides supplemental food and nutrition education to eligible pregnant and post partum women, infants and children.

I enclose a financial impact statement and other back-up documentation for this Resolution. If you have any questions on the enclosed, please call Carolyn Kagan at 2-2814. Also, an e-mail version of this Resolution was sent to CE RESO REVIEW and the file name is Reso-HSV-PC WIC Prgm.doc.

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Shaheda Ifikhar, M.D., Physician III
Donald Fahey, Federal and State Aid Claims Coordinator
Carolyn Kagan, Principal Contracts Examiner
Diane E. Weyer, Principal Financial Analyst



Public Health
Prevent Promote Protect

OFFICE OF THE COMMISSIONER

225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

COORDINATION OF GRANT APPLICATION OR CONTRACT County of Suffolk		DATE April 18, 2008
Submitting Department/Agency Health Services	Location 1508 225 Rabro Drive East, Hauppauge, NY 11788	
Contact Person In Department/Agency Sharon Oliver-Murthy	Telephone Number 853-8355	Grant Application Due Date

Instructions: Applicant will complete all items on this form. If an item is not applicable, enter "NA". If additional space is needed, insert an asterisk (*) in the item box and attach additional information on an 8 1/2" X 11" sheet cross referenced to the item.

I. BACKGROUND INFORMATION

1. Grant Title
WIC NUTRITION PROGRAM

2. Statutory Legislation (Public Law No. & Title & Department Administering Grant Program)
Federal funds passed through New York State Department of Health

3. Grant/Contract Status (Check One Box)

A. New Program Application

B. Renewal Application

C. Supplemental (Specify) _____

D. Extension of Funding Period

E. Contract

4. General Purpose of Grant/Contract (Describe briefly. If it is a refunding, please attach a recent progress report, including summary of goal attainment.)
This program provides supplemental food and nutrition education to eligible pregnant and post partum women, infants and children.

5. County Departments/Agencies Affected (Include any with similar operational programs, regardless of their eligibility for this program.)
NONE

II. BUDGET INFORMATION

1. Term of Contract From: 10 / 01 / 07 To: 09 / 30 / 08

2. Financial Assistance Requested

SOURCE	FIRST FUNDING CYCLE		SECOND FUNDING CYCLE		THIRD FUNDING CYCLE	
	Amount	Percent	Amount	Percent	Amount	Percent
Federal	\$ 3,177,993	99.0 %	\$	%	\$	%
State	\$	%	\$	%	\$	%
Private	\$	%	\$	%	\$	%
County	\$ 33,248	1.0 %	\$	%	\$	%
Total	\$ 3,211,241	100.0 %	\$	%	\$	%

3. Explanation of Requested County Financial Assistance			
<i>Category</i>	<i>Total Requested</i>	<i>Personnel Costs Requested</i>	<i>Non-Personnel Costs Requested</i>
TOTAL COUNTY SHARE:	\$ 33,248	\$ 33,248 1506	\$ 0
A. Cash Contribution	\$ 0	\$ 0	\$ 0
B. In-Kind Contribution	\$ 33,248	\$ 33,248	\$ 0
4. Total Number of New Positions Requested NONE		5. Can This Program Be Refunded by the Proposed Non-County Sources? X YES NO	
6. Estimated Expected Additional Indirect Costs (Costs to County not delineated in Budget Request, for example, added overhead, capital expenditures required as a result of project activity, associated administrative costs, etc.) NONE			
7. What Do You Anticipate Happening When the Federal, State and/or Private Financial Assistance is Discontinue (That is, program termination, reduced services, financial implications, layoffs, etc.)? This program is renewed by the state every year. It is eligible for 36% state aid reimbursement.			
8. Attach a List of Potential Subcontractors. If any, outlining the purpose of each subcontract (That is, 456 and 490 account items; use an additional 8 1/2" X 11" sheet).			
III. COUNTY EXECUTIVE'S OFFICE REVIEW			
1. Intergovernmental Relations Division Review:		2. Signature of Coordinator	3. Date
	Approved		
	Disapproved		
4. Comments			
5. Budget Office Review:		6. Signature of Budget Director	7. Date
	Approved		
	Disapproved		
8. Comments			

<i>Category</i>	<i>Appropriation Number Grantor Funds</i>	<i>Appropriation Number County Funds</i>	<i>Appropriation Number In-Kind Contribution</i>	<i>Remarks</i>
PERSONAL SERVICES: 1100 Permanent Salaries 1110 Interim Salaries	<u>2,039,511</u> 2,039,511			
EQUIPMENT: 2010 Furniture 2020 Office Machines 2080 Medical, Dental and Lab Eqp 2440 Instructional Equipment	<u>13,500</u> 2,000 5,800 4,800 900			
SUPPLIES, MATERIALS & OTHER: 3010 Office Supplies 3020 Postage 3030 Photostat, Photograph, Blueprint 3040 Printing 3070 Memberships & Subscriptions 3100 Instructional Supplies 3160 Computer Software 3370 Medical, Dental & Lab Sup 3500 Other, Unclassified 3510 Rent: Business Machines 3680 Repairs: Special Equip 3770 Advertising	<u>29,385</u> 3,000 4,000 1,500 300 1,000 1,885 12,000 1,500 700 3,500			1508
UTILITIES: 4010 Telephone & Telegraph	<u>15,915</u> 15,915			
TRAVEL: 4330 Travel Employee Contracts 4340 Travel Other Contracts	<u>15,500</u> 12,000 3,500			

<i>Category</i>	<i>Appropriation Number Grantor Funds</i>	<i>Appropriation Number County Funds</i>	<i>Appropriation Number In-Kind Contribution</i>	<i>Remarks</i>
FEES FOR SERVICES 4560 Fees for Services, Non- Employees	<u>300</u> 300			
CONTRACTED SERVICES (List) 4980 Contracted Agencies				
EMPLOYEE BENEFITS: 8280 Retirement 8300 Insurance: Worker's Compensation 8330 Social Security 8360 Health Insurance 8380 Dental Insurance	<u>944,050</u>		<u>33,248</u>	
OTHER (List Source & Brief Explanation) Space (MILOR) 4890 Insurance for WIC Computers	<u>119,832</u> 117,032 2,800			1508

I certify that the above in-kind contributions are not currently being used to support other Grants.

Signature of Project Director

DETAIL LISTING OF PERSONAL SERVICES

TITLE OF POSITION	GRADE/ STEP	SALARY	EMPLOYEE NAME	SOURCE OF FUNDING BY %			REMARKS
				GRANTOR	COUNTY	IN-KIND	
See attached sheets							

1508

**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

Riverview Center 150 Broadway Albany, New York 12204-2719

Richard F. Daines, M.D.
Commissioner

August 3, 2007

1508

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services
Suffolk County Department of Health Services
225 Rabro Drive East
Hauppauge, NY 11788RE: Suffolk County Department of Health Services
LA# 298, Contract # C-019384

Dear Dr. Chaudhry:

Enclosed for signature is the FFY 2008 WIC local agency contract renewal for the period October 1, 2007, to September 30, 2008, for Suffolk County Department of Health Services.

Carefully review the proposed agreement and budget. The individual who is legally authorized to enter into a contract on behalf of your agency should **sign and have notarized both copies of the agreement/signature page (Appendix X)**. The contract renewal document and original signature pages must be returned by August 24, 2007, at the following address:

New York State Department of Health
Division of Nutrition
Bureau of Supplemental Food Programs
Riverview Center
150 Broadway, 6th Floor West
Albany, NY 12204-2719
Attention: Michael Heeran

Returning the signed contract renewal by the above date will ensure compliance with the Prompt Contracting Law for not-for-profit organizations and facilitate advance payments and contract reimbursement.

The contract renewal includes the following documents:

- **Appendix B** (Budget)
- **Appendix X** (two copies of Agreement/Signature Page, as noted above)
- **Attachment A** (Vendor Responsibility Contractor Statement of No Change/Vendor Responsibility Questionnaire)

Vendor Responsibility Questionnaire

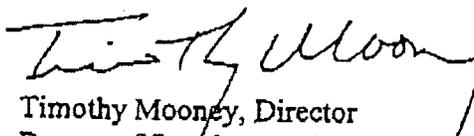
1508

Effective January 1, 2005, the Office of the State Comptroller (OSC) has imposed a vendor responsibility requirement for organizations entering into a state contract. Each agency must now provide with its contract renewal, a copy of its most recent audited financial statement. In addition, a vendor responsibility questionnaire must be completed, signed and notarized (Attachment A). Also included with Attachment A is a Vendor Responsibility Contractor Statement of No Change. If information has remained the same as indicated on the vendor responsibility documentation submitted with last year's contract renewal, this form should be completed in lieu of completing the entire vendor responsibility questionnaire. Information regarding both the requirement and the questionnaire can be found on OSC's website (www.osc.state.ny.us) or by calling Joyce Abele at (518) 402-7099. OSC will not accept a contract renewal without this required vendor responsibility documentation, and failure to comply will delay execution of your contract renewal. These documents should be returned with your Appendix X to the above address. **Note: Municipalities/Counties are exempt from this requirement.**

The "Unallocated" line is not "cash backed" and, therefore, should not be considered part of your agency's budget. It is included to expedite the movement of funding into and between local agencies during the contract year in response to funding and caseload changes without undergoing the lengthy contract amendment process. Prior approval from the New York State Department of Health is needed to utilize the unallocated line.

Questions regarding the contract renewal process should be addressed to your regional office representative.

Sincerely,



Timothy Mooney, Director
Bureau of Supplemental Food Programs

Enclosures

cc: Sharon Oliver Murthy, WIC Coordinator
Howard Posin
JoAnn McGuinness

APPENDIX B

Suffolk County Department of Health Services
 PROJECT # 298
 CONTRACT # C-019384
 OCTOBER 1, 2007 - SEPTEMBER 30, 2008

1508

	<u>NUMBER OF FTEs</u>	<u>BUDGET AMOUNT</u>
<u>PERSONAL SERVICE</u>		
PROGRAM SUPPORT	29.00	\$1,221,163
NON-DIRECT STAFF	0.00	\$ 0
COMPETENT PROFESSIONAL AUTHORITY	13.00	\$818,348
<hr/>		
TOTAL FTEs/PERSONAL SERVICE	42.00	\$2,039,511
FRINGE BENEFITS (Composite Rate is 46.29%)		\$944,050
NON-DIRECT FRINGE BENEFITS		\$ 0
TOTAL PERSONAL SERVICE + FRINGE (a)		<hr/> \$2,983,561
<u>OTHER THAN PERSONAL SERVICE (OTPS)</u>		
SPACE		\$117,032
OTHER NON-PERSONAL SERVICES		\$76,400
TOTAL OTPS (b)		<hr/> \$193,432
TOTAL DIRECT COSTS (a+b)		\$3,176,993
INDIRECT COSTS (c)		\$ 0
SUBTOTAL ALLOWABLE REIMBURSEMENT (a+b+c)		<hr/> \$3,176,993
BREAST PUMPS AND COLLECTIONS KITS		\$1,000
ENHANCED PEER COUNSELING GRANT (funded by separate grant)		\$ 0
SUBTOTAL ALLOWABLE REIMBURSEMENT INCLUDING BREAST FEEDING COSTS		<hr/> \$3,177,993
COST OF LIVING INCREASE (COLA)		\$ 0
UNALLOCATED FUNDING (SEE NOTE)		<hr/> \$175,000
GRAND TOTAL		<hr/> \$3,352,993

An average caseload monthly service level of 17,488 participants is assigned commensurate with this budget. WIC participation is defined in CFR 246.2 as "pregnant women, breastfeeding women, postpartum women, infants and children who are receiving supplemental foods or food instruments under the Program, and the breastfed infants of participant breastfeeding women." Service to less than the assigned caseload may result in a reassignment of caseload and associated funding in the current and / or subsequent contract years.

NOTE: Unallocated Funds are used at the discretion of the NYS DOH.
No funding in the Unallocated Budget Line can be accessed without prior approval by the NYS DOH.

Federal funds are being used to support this contract. The Catalog of Federal Domestic Assistance (CFDA) number for these funds is 10.557

Agency #: 29
 FFY: 20
 Contract: C-019384

**WIC BUDGET JUSTIFICATION
 PERSONAL SERVICE
 WIC PROGRAM COORDINATOR**

Title	PS or CPA	Incumbent	Effective Date	# Hrs in Agency Work Week	Total Hours worked per week	Total Hours Devoted to WIC	FTEs	Annualized Salary	Total Cost
Nutritionist II	PS	Sharon Oliver-Murthy	10/1/07	35	35	35	1.00	\$ 90,125	\$ 90,125
Budgeted WIC Program Coordinator		Salary/FTE Cost					1.00		\$ 90,125
Unbudgeted WIC Program Coordinator		Salary/FTE Cost					0.00		\$

1508

Agency #: 298
 FFY: 2008
 Contract: C-019384

**WIC BUDGET JUSTIFICATION
 PERSONAL SERVICE
 PROGRAM SUPPORT**

Title	Incumbent	Effective Date	# Hrs in Agency Work Week	Total Hours worked per week	Total Hours Devoted to WIC	FTEs	Annualized Salary	Total Cost
Nutritionist I -0021	Burckhardt, Pat	10/1/07	35.00	35.00	35.00	1.00	\$ 82,780	\$ 82,780
Dietetic Technician -0040	Voss, Cleide	10/1/07	35.00	35.00	35.00	1.00	\$ 36,922	\$ 36,922
Dietetic Technician -0041	Stamm, Loraine	10/1/07	35.00	35.00	35.00	1.00	\$ 36,922	\$ 36,922
Dietetic Technician -0042	Johnson, Denise	10/1/07	35.00	35.00	35.00	1.00	\$ 38,094	\$ 38,094
Dietetic Technician -0043	Hanna, Rose	10/1/07	35.00	35.00	35.00	1.00	\$ 50,774	\$ 50,774
Dietetic Technician -0044	Donlon, Edythe	10/1/07	35.00	35.00	35.00	1.00	\$ 50,774	\$ 50,774
Dietetic Technician -0046	Graziano, Patricia	10/1/07	35.00	35.00	35.00	1.00	\$ 51,274	\$ 51,274
Dietetic Technician -0048	Floran, Barbara	10/1/07	35.00	35.00	35.00	1.00	\$ 36,922	\$ 36,922
Dietetic Technician -0049	Asta, Patricia	10/1/07	35.00	35.00	35.00	1.00	\$ 51,274	\$ 51,274
Dietetic Technician -0050	McCarthy, Robin	10/1/07	35.00	35.00	35.00	1.00	\$ 38,094	\$ 38,094
Dietetic Technician -0052	Vacant Diet Tech	10/1/07	35.00	35.00	35.00	1.00	\$ 33,093	\$ 33,093
Dietetic Technician -0053	Teresa Wolfe start 5/21/07	10/1/07	35.00	35.00	35.00	1.00	\$ 33,093	\$ 33,093
Dietetic Technician -0054	Poulos, Tracy	10/1/07	35.00	35.00	35.00	1.00	\$ 36,922	\$ 36,922
Dietetic Technician -0055	Teich, Nadine	10/1/07	35.00	35.00	35.00	1.00	\$ 48,223	\$ 48,223
Dietetic Technician -0056	Small, Paulo	10/1/07	35.00	35.00	35.00	1.00	\$ 50,774	\$ 50,774
Sr Clerk Typist -0065	Spiridon, Catalina	10/1/07	35.00	35.00	35.00	1.00	\$ 48,884	\$ 48,884
Clerk Typist SS -0077	Maher, Gloria	10/1/07	35.00	35.00	35.00	1.00	\$ 31,649	\$ 31,649
Clerk Typist SS -0071	Gonzalez, Maria	10/1/07	35.00	35.00	35.00	1.00	\$ 31,649	\$ 31,649
Clerk Typist SS -0072	Diaz, Sonia	10/1/07	35.00	35.00	35.00	1.00	\$ 34,715	\$ 34,715
Clerk Typist SS -0073	Ahrem, Holly	10/1/07	35.00	35.00	35.00	1.00	\$ 48,283	\$ 48,283
Clerk Typist SS -0078	Guevara Guanin, Lucero	10/1/07	35.00	35.00	35.00	1.00	\$ 32,638	\$ 32,638
Clerk Typist SS -0079	Walsh, Elizabeth	10/1/07	35.00	35.00	35.00	1.00	\$ 28,376	\$ 28,376

1508

Agency #: 298
 FFY: 2008
 Contract: C-019384

**WIC BUDGET JUSTIFICATION
 PERSONAL SERVICE
 PROGRAM SUPPORT**

Title	Incumbent	Effective Date	# Hrs in Agency Work Week	Total Hours worked per week	Total Hours Devoted to WIC	FTEs	Annualized Salary	Total Cost
Clerk Typist SS -0080	Serrano, Felix	10/1/07	35.00	35.00	35.00	1.00	\$ 33,647	\$ 33,647
Clerk Typist SS -0081	Lamar, Nancy	10/1/07	35.00	35.00	35.00	1.00	\$ 35,795	\$ 35,795
Clerk Typist SS -0082	Maldonado, Evelyn	10/1/07	35.00	35.00	35.00	1.00	\$ 35,795	\$ 35,795
Clerk Typist SS -0083	Leon, Miriam	10/1/07	35.00	35.00	35.00	1.00	\$ 33,647	\$ 33,647
Clerk Typist SS -0093	Vacant C/T SS	10/1/07	35.00	35.00	35.00	1.00	\$ 28,376	\$ 28,376
Clerk Typist Ss -0094	Henriquez, Lisbeth	10/1/07	35.00	35.00	35.00	1.00	\$ 31,649	\$ 31,649
Total						28.00	\$ 1,131,038	\$ 1,131,038
BUDGETED PROGRAM SUPPORT SALARY/WAGE COST								
Unbudgeted Program Support Salary Cost Amounts							0.00	\$

1508

Agency #: 296
 FFY: 200
 Contract: C-019384

**WIC BUDGET JUSTIFICATION
 PERSONAL SERVICE
 COMPETENT PROFESSIONAL AUTHORITY**

Title	Incumbent	Effective Date	# Hrs in Agency Work Week	Total Hours worked per week	Total Hours Devoted to WIC	FTEs	Annualized Salary	Total Cost
Nutritionist I (BFC) -0022	Blocker, Robin	10/1/07	35.00	35.00	35.00	1.00	\$ 82,780	\$ 82,780
Nutritionist I -0020	Ehl, Suzanne	10/1/07	35.00	35.00	35.00	1.00	\$ 82,780	\$ 82,780
Nutritionist I -0023	Steppe, Lauren	10/1/07	35.00	35.00	35.00	1.00	\$ 81,780	\$ 81,780
Nutritionist I -0024	Orlowski, Anne Marie	10/1/07	35.00	35.00	35.00	1.00	\$ 68,790	\$ 68,790
Nutritionist I -0025	Becker, Jill	10/1/07	35.00	35.00	35.00	1.00	\$ 82,780	\$ 82,780
Dietitian -0030	Johnson, Laurie	10/1/07	35.00	35.00	35.00	1.00	\$ 51,581	\$ 51,581
Dietitian -0031	Conde, Ann	10/1/07	35.00	35.00	35.00	1.00	\$ 66,369	\$ 66,369
Dietitian -0030	Salvato, Cindy	10/1/07	35.00	35.00	35.00	1.00	\$ 48,509	\$ 48,509
Dietitian -0030	Canterella, Amy	10/1/07	35.00	35.00	35.00	1.00	\$ 53,179	\$ 53,179
Dietitian -0030	Alison Sturm*	10/1/07	35.00	35.00	35.00	1.00	\$ 43,446	\$ 43,446
Dietitian -0030	Scalzo, Lynne	10/1/07	35.00	35.00	35.00	1.00	\$ 49,996	\$ 49,996
Dietitian -0030	Ehrenshaft, Linda	10/1/07	35.00	35.00	35.00	1.00	\$ 53,179	\$ 53,179
Dietitian -0030	Fishman, Lynn	10/1/07	35.00	35.00	35.00	1.00	\$ 53,179	\$ 53,179
Total						13.00		\$ 818,348
BUDGETED COMPETENT PROFESSIONAL AUTHORITY SALARY/WAGE COST							13.00	\$ 818,348
Unbudgeted Competent Professional Authority Salary Cost Amounts							0.00	\$

* New staff work 37.5 hr/wk for 1 year

1508

interoffice
MEMORANDUM

to: Liza Wright
from: Carolyn Kagan
subject: Request for Resolution
date: April 18, 2008

1508

WIC Nutrition Program
Budget Period 10/01/07 - 09/30/08
001-4130
Revenue Code 4482

Please write a resolution to accept and appropriate 100.0% Federal grant funds passed through New York State Department of Health for the above mentioned program. The state grant award is \$3,177,993 for the budget period of 10/01/07 – 09/30/08. \$2,983,561 of the grant award is for personal services which is already included in the county's 2008 General Fund budget. \$77,400 of the grant award is for other than personal services (OTPS); however the county's 2008 budget has \$68,650 budgeted for OTPS expenses. Therefore \$8,750 needs to be appropriated for full utilization of the grant funds. The appropriations are as follows:

	<u>8,750</u>
SUPPLIES, MATERIALS & OTHER	<u>8,750</u>
3500 Other, Unclassified	4,550
3680 Repairs, Special Equipment	700
3770 Advertising	3,500

Thank you for your help. Backup is attached.

1509

Intro. Res. No. - 2008

Laid on the Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS PASSED THROUGH THE NEW YORK STATE DEPARTMENT OF HEALTH TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE CHILDHOOD LEAD POISONING PREVENTION PROGRAM

WHEREAS, the New York State Department of Health Services has awarded 100% Federal grant funds to the Suffolk County Department of Health Services, Division of Patient Care Services for the Childhood Lead Poisoning Prevention grant in the amount of \$284,341 for the period 04/01/08-03/31/09; and

WHEREAS, this grant funding provides screening for the early detection of childhood lead poisoning, particularly in high risk populations, and to provide education to the general public and to private physicians; and

WHEREAS, a portion of this funding is already included in the 2008 Suffolk County Operating Budget and \$42,952 needs to be appropriated; and

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

1ST RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$42,952 in grant funds as follows:

REVENUES

001-4401 Public Health \$42,952

APPROPRIATIONS

Department of Health Services (HSV)
Division of Patient Care Services
Childhood Lead Poisoning Prevention Program
001-HSV-4117

<u>Personal Services</u>	\$23,469
1120 Overtime Salaries	\$ 3,715
1130 Temporary Salaries	\$19,754
<u>Equipment</u>	\$18,115
2080 Medical, Dental & Lab Equipment	\$18,115
<u>Supplies, Materials & Other</u>	\$ 1,368
3040 Printing	\$ 1,368

and be it further

2ND 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

3RD 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:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

HSV #21-2008

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1509

1. Type of Legislation		
Resolution <u> X </u> Local Law Charter Law		
2. Title of Proposed Legislation Accepting and Appropriating 100% Federal grant funds passed through the New York State Department of Health to the Suffolk County Department of Health Services for the Childhood Lead Poisoning Prevention Program.		
3. Purpose of Proposed Legislation The grant funding provides screening for the early detection of childhood lead poisoning, particularly in high risk populations, and provides education to the general public and to private physicians.		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <u> </u> NO <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding 100% Federal grant funds passed through the New York State Department of Health		
9. Timing of Impact 2008		
10. Typed Name & Title of Preparer <i>Diane E. Weyer</i> Principal Financial Analyst <i>Beth A Reynolds</i> Principal Executive Analyst	11. Signature of Preparer  	12. Date <i>4/24/08</i> <i>5/21/08</i>

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1509

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1509

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

April 25, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution to accept and appropriate 100% Federal grant funds passed through the New York State Department of Health to the Department of Health Services for the Childhood Lead Poisoning Prevention Program. This program provides screening for the early detection of childhood lead poisoning, particularly in high risk populations, and to provide education to the general public and to private physicians.

I enclose a financial impact statement and other back-up documentation for this Resolution. If you have any questions on the enclosed, please call Carolyn Kagan at 2-2814. Also, an e-mail version of this Resolution was sent to CE RESO REVIEW and the file name is Reso-HSV-PC Lead Prevention.doc.

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Shaheda Iftikhar, M.D., Physician III
Donald Fahey, Federal and State Aid Claims Coordinator
Carolyn Kagan, Principal Contracts Examiner
Diane E. Weyer, Principal Financial Analyst



Public Health
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OFFICE OF THE COMMISSIONER

225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

1509			
3. Explanation of Requested County Financial Assistance			
Category	Total Requested	Personnel Costs Requested	Non-Personnel Costs Requested
TOTAL COUNTY SHARE:	\$ 8,272	\$ 8,272	\$ 0
A. Cash Contribution	\$ 0	\$ 0	\$ 0
B. In-Kind Contribution	\$ 8,272	\$ 8,272	\$ 0
4. Total Number of New Positions Requested NONE		5. Can This Program Be Refunded by the Proposed Non-County Sources? X YES NO	
6. Estimated Expected Additional Indirect Costs (Costs to County not delineated in Budget Request, for example, added overhead, capital expenditures required as a result of project activity, associated administrative costs, etc.) NONE			
7. What Do You Anticipate Happening When the Federal, State and/or Private Financial Assistance is Discontinued (That is, program termination, reduced services, financial implications, layoffs, etc.)? These programs are eligible for 36% state aid reimbursement.			
8. Attach a List of Potential Subcontractors, If any, outlining the purpose of each subcontract (That is, 456 and 490 account items; use an additional 8 1/2" X 11" sheet).			
III. COUNTY EXECUTIVE'S OFFICE REVIEW			
1. Intergovernmental Relations Division Review:		2. Signature of Coordinator	3. Date
	Approved		
	Disapproved		
4. Comments			
5. Budget Office Review:		6. Signature of Budget Director	7. Date
	Approved		
	Disapproved		
8. Comments			

<i>Category</i>	<i>Appropriation Number Grantor Funds</i>	<i>Appropriation Number County Funds</i>	<i>Appropriation Number In-Kind Contribution</i>	<i>Remarks</i>
PERSONAL SERVICES: 1100 Permanent Salaries 1110 Interim Salaries 1130 Temporary Salaries	141,295 <u>114,956</u> 26,339		5,204 <u>5,204</u>	
EQUIPMENT: 2010 Furniture 2020 Office Machines 2070 Cameras and Photographic 2080 Medical, Dental, Lab 2440 Instructional Equipment	18,115 <u>18,115</u>			
SUPPLIES, MATERIALS & OTHER: 3010 Office Supplies 3020 Postage 3030 Photostat, Photograph, Blueprint 3040 Printing 3100 Instructional Supplies 3160 Computer Software 3370 Medical, Dental, Lab Supplies 3500 Other Unclassified 368 Service Agreements	13,181 <u>1,130</u> 200 6,000 5,351 500			
UTILITIES: 4010 Telephone & Telegraph 4015 Cell Phones	331 <u>331</u>			1509
TRAVEL: 4330 Travel Employee Contracts 4340 Travel Other Contracts	4,095 <u>2,020</u> 2,075			

<i>Category</i>	<i>Appropriation Number Grantor Funds</i>	<i>Appropriation Number County Funds</i>	<i>Appropriation Number In-Kind Contribution</i>	<i>Remarks</i>
FEES FOR SERVICES 4560 Fees for Services, Non-Employees	<u>24,017</u> 24,017			
CONTRACTED SERVICES (List)				
EMPLOYEE BENEFITS: 8280 Retirement 8300 Insurance: Worker's Compensation 8330 Social Security 8360 Health Insurance 8380 Dental Insurance	<u>83,307</u>		<u>3,068</u>	
OTHER (List Source & Brief Explanation)				1509

I certify that the above in-kind contributions are not currently being used to support other Grants.

Signature of Project Director

DETAIL LISTING OF PERSONAL SERVICES

TITLE OF POSITION	GRADE/ STEP	SALARY	EMPLOYEE NAME	SOURCE OF FUNDING BY %			REMARKS
				GRANTOR	COUNTY	IN-KIND	
Public Health Nurse IV	30/12	104,080	Mary Petraco			5	
Registered Nurse	19/9	61,000	Janet Calabrese	10			
Registered Nurse (Temp Employee)	ungraded	26,339	Lee Halcrow	100			
Clerk Typist	9/1	27,066	Vacant/Corinna Magno	100			To Start 04/21/08
Clerk Typist	9/1	27,066	Vacant	100			Expected to start 7/1/08
Clerk Typist	9/1	27,066	Vacant	100			Civil Service Temp for 3 mnths
Sr. Neighborhood Aide	13/12	49,738	Sandra Gil	60			
Assoc. Public Health Sanitarian	28/12	95,446	Jean Biernacki	10			
Sr. Public Health Sanitarian	24/12	80,7568	Madeline Feindt	5			
Sr. Public Health Sanitarian	24/5	66,747	Nadine Roe	5			
Public Health Sanitarian	21/5	59,200	Joseph Perotta	5			1509

Contractor: Suffolk County Department of Health Services
Contract Number: C-021149

Federal funds are being used to partially support this contract.
 Catalog of Federal Domestic Assistance (CFDA) number for
 these funds is: 93.994. Percentage of Federal Funds is 40.7%

APPENDIX B
 Table A
 CHILDHOOD LEAD POISONING PREVENTION PROGRAM
 OPERATING BUDGET AND FUNDING REQUEST
 Contract Period: April 1, 2008 - March 31, 2009

	Total Expense	Amount Requested from NYS	3rd Party	Other Source	Specify Other Source
Total Personal Services	232,874	224,602	0	8,272	InKind
Total Other Than Personal Services	59,739	59,739	0	0	
GRAND TOTAL	292,613	284,341	0	8,272	

1509



STATE OF NEW YORK DEPARTMENT OF HEALTH

1509

Richard F. Daines, M.D.
Commissioner

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237
Wendy E. Saunders
Chief of Staff

February 4, 2008

K. Aletha Maybank, MD, MPH Director, Office of Minority Health
Suffolk County Department of Health Services
225 Rabro Drive East
Hauppauge, NY 11787

Re: C-021149
April 1, 2008 - March 31, 2009

Dear Dr. Maybank:

This is to inform you of the Department's intention to provide an award of \$284,341.00 for the grant term April 1, 2008 – March 31, 2009 to support the Childhood Lead Poisoning Prevention Program in your county. Funding levels remain contingent upon approval of your work plan and budget. As always, approval of the Office of the State Comptroller is required for contract execution.

All contractors are required to complete the enclosed work plan in its entirety, the format cannot be modified or changed. We will not be able to accept work plan submissions using prior year templates, as all required information will not be included.

A copy of the budget and work plan attachments has also been forwarded to you via e-mail. We are asking that you complete and return the Operating Budget and Funding Request, budget justification forms and work plan to my attention via e-mail by **March 5, 2008** at the following address:

dmh01@health.state.ny.us

When returning via e-mail, please attach budget and work plan pages as WORD or EXCEL documents. Please do not send in PDF format.

I may be reached at (518) 474-4569, please call me if you have any budget related questions, or concerns regarding e-mail submittal of your budget and work plan pages. You may reach Kathy Riviello at (518) 402-5706 with any programmatic questions.

Sincerely,

Donna Hoinski
Health Program Administrator I
Fiscal Unit
Division of Family Health

Enclosures

cc: Kathy Riviello
Algerine Gambles

1509

interoffice
MEMORANDUM

to: Liza Wright
from: Carolyn Kagan
subject: Request for Resolution
date: April 17, 2008

Childhood Lead Poisoning Prevention Program
Budget Period 04/01/08 - 03/31/09
01- 4117
Revenue Code 4401

Please write a resolution to accept and appropriate 100% federal grant funds from the NYS Department of Health for the above mentioned program. The total grant award is \$284,341 however the 2008 department budget is short \$42,952 in IFMS. Funds are needed for a temp Registered Nurse (object 1130), for overtime and for some OTPS lines that were not budgeted for 2008. The appropriations are shown below.

	\$ 42,952
PERSONAL SERVICES:	<u>23,469</u>
1120 Overtime Salaries	3,715
1130 Temporary Salaries	19,754
EQUIPMENT	<u>18,115</u>
2080 Medical, Dental, Lab Equipment	18,115
SUPPLIES, MATERIALS & OTHER:	<u>1,368</u>
3040 Printing	1,368

Thank you for your help. Backup is attached.

1510

Intro. Res. No. - 2008

Laid on the Table

6/10/08

Introduced by the Presiding Officer on request of the County Executive

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

WHEREAS, the 2007-2008 New York State Enacted Budget includes a 2.3% Cost of Living Adjustment (COLA), effective April 1, 2007 through March 30,2008; and

WHEREAS, the New York State Office of Mental Health has awarded additional 100% State aid for the provision of services to the seriously and persistently mentally ill; and

WHEREAS, the \$237,574 in additional 100% State aid funding is not currently included in the 2008 Adopted Operating Budget; now, therefore be it

1st RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$237,574 in additional State aid as follows:

REVENUES

001-3493 State Aid: Community Support Services \$237,574

ORGANIZATIONS

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

XORG	OBJECT NAME	2008 Adopted Budget	Increase/ Decrease	2008 Modified Budget
ADK2	CLUBHOUSE DROP IN	22,089	508	22,597
AGP1	FAMILY SERVICE LEAGUE	78,655	1,779	80,434
AGZ1	FAMILY SVC. LEAGUE CAPT	32,166	734	32,900
AHH1	FAMILY SVC. LG PARENT TO PARENT	87,505	2,045	89,550
AHH2	FSL COORD CHILD SERV INIT	34,430	792	35,222
AHM1	FEDERATION OF ORGANIZATIONS	450,005	13,154	463,159
AHN1	FEDERATION MULTI CULTURAL CONF	8,223	189	8,412
AHO1	FEDERATION HOMELESS MENTAL ILL	359,989	4,557	364,546
AIN1	HANDS ACROSS LI ADVOCACY PROG	190,276	4,377	194,653
ALG3	MENTAL HEALTH ASSOC CHILD/YTH	36,815	847	37,662
ALG4	MENTAL HEALTH ASSC ANTISTIGMA	5,259	121	5,380
ALG5	MENTAL HEALTH ASSOC SUFFOLK	23,700	548	24,248

ANL2	PEDERSON KRAG SUPP CASE MGT.	313,772	7,219	320,991
APK1	SAYVILLE PROJ SUPP. CASE MGT.	313,772	7,219	320,991
APK2	SAYVILLE PROJ DROP IN	44,177	1,016	45,193
AQA2	SKILLS UNLIMITED	320,995	9,429	330,424
ASR1	SUNY SAYVILLE PSYCHOSOCIAL	291,710	6,709	298,419
CAB1	FEGS CSS	29,812	686	30,498
CAD1	FAM SV LG THER REC.	76,038	1,749	77,787
DDD1	MENTAL HEALTH ASSOC CSS	79,019	1,817	80,836
GBD1	FEDERATION REPRESENT PAYEE	121,566	2,796	124,362
GBE2	FEGS PSYCHOSOCIAL	88,357	2,032	90,389
GBF1	MENTAL HEALTH ASSOC ADVOCACY	84,147	1,935	86,082
GBF2	MENTAL HEALTH ASSOC ELEC EMPOWERMENT	31,555	726	32,281
GBG1	FEDERATION ADVOCACY	172,660	3,971	176,631
GBG2	FEDERATION RESPITE CARE	32,176	740	32,916
GBG3	FEDERATION DROP IN	110,444	2,540	112,984
GBQ1	ADELANTE DROP IN	64,242	1,018	65,260
GCY1	FEDERATION RESPITE HOUSING	38,030	875	38,905
GGF1	PEDERSON KRAG MICA TFIP	443,502	10,201	453,703
GGG1	PEDERSON KRAG FAM RESPITE	234,366	5,647	240,013
GGH1	PEDERSON KRAG C&Y TRAINING	11,178	257	11,435
GGQ1	ADELANTE SPECIAL EMPLOYMENT	51,400	1,183	52,583
GGR1	FREE	154,200	3,547	157,747
GJP1	FEDERATION OF ORGANIZATIONS	693,503	15,950	709,453
GKQ1	FEGS TRANSITION MGT	459,579	10,571	470,150
GKU1	PEDERSON KRAG CLINIC (AOT)	14,326	329	14,655
GKX1	FEGS DSS PROJECT	41,214	948	42,162
GNR1	FEDERATION OF ORG CASE MGT.	705,987	16,241	722,228
GNS1	CLUBHOUSE OF SUFFOLK CASE MGT	313,772	7,218	320,990
GNT1	ADELANTE PSYCHOSOCIAL CLUB	50,083	1,152	51,235
GPA1	FEDERATION PEER BRIDGER PRG.	168,294	3,871	172,165
GPB1	PHOENIX HOUSE RESIDENTIAL PROG	107,472	2,472	109,944
GPC1	HALI PEER ADVOCACY	170,876	3,821	174,697
GPD1	FEGS PRE-ARREST FORENSIC	45,452	1,045	46,497
GPE1	FEDERATION PREARREST FORENSIC	110,559	2,543	113,102
GPF1	HALI PRE-ARREST FORENSIC PROG	110,559	2,543	113,102
GPJ1	FAMILY SERVICE LEAGUE CASE MGT	267,680	2,455	270,135
GPM1	PEDERSON KRAG SPOA	154,723	3,522	158,245
GST1	PEDERSON KRAG SCHOOL SUPPORT	460,258	10,592	470,850
GSV1	FED OR ORG- SINGLE POINT OF ENTRY	402,323	7,699	410,022
GTL1	FED OF ORG CLIENT SVC. DOLLAR PRG	55,672	1,280	56,952
GUR1	FED ORG TRANSPORTATION CSS	280,606	6,454	287,060
GUS1	PEDERSON KRAG CM TRAINING	10,748	248	10,996

GUT1	FAMILY SVC LEAGUE CASE MGT	549,102	12,631	561,733
GUU1	PEDERSON KRAG C&F EMRCY CARE	250,735	5,640	256,375
GZB1	FEGS FAMILY SUPPORT	113,205	2,495	115,700
GZD1	SUFFOLK COMMUN. COUNCIL SPA	15,219	350	15,569
GZI1	FED OF ORG ADULT HOME PEER SRV	198,600	4,560	203,160
HAL1	HALI TRNG CONF RESOURCE CTR	26,296	605	26,901
HAL2	HALI PSYCHOSOC DROP IN CTR	66,266	1,524	67,790
HEV1	FAM SERV LEAGUE ADULT HOME	74,475	1,710	76,185
HEW1	CLUBHOUSE ADULT HOME CASEMGT	74,475	1,710	76,185
HYP1	SAYVILLE PROJ ADULT HOME CM	49,650	1,140	50,790
PKP1	PEDERSON KRAG DROP IN	66,270	1,292	67,562

and be it further

3rd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with the above listed providers; and be it further

4th 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

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

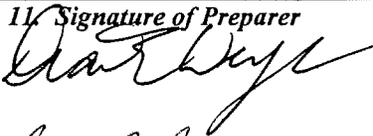
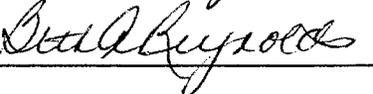
DATED:

APPROVED BY:

 County Executive of Suffolk County
 Date of Approval:

1510

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution <u> X </u> Local Law Charter Law		
2. Title of Proposed Legislation AMENDING THE 2008 ADOPTED OPERATING BUDGET TO ACCEPT AND APPROPRIATE 100% ADDITIONAL STATE AID FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH FOR A COST OF LIVING ADJUSTMENT (COLA) FOR VARIOUS CONTRACT AGENCIES		
3. Purpose of Proposed Legislation To accept and appropriate 100% additional State aid in the amount of \$237,574 from NYS Office of Mental Health for a Cost of Living Adjustment (COLA) to various contract agencies to provide services to the seriously and persistently mentally ill population.		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <u> </u> NO <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding 100% State aid from the New York State Office of Mental Health		
9. Timing of Impact Immediate upon approval of the resolution and execution of contracts with each of the provider agencies named in the resolution.		
10. Typed Name & Title of Preparer Diane E. Weyer Principal Financial Analyst	11. Signature of Preparer  	12. Date 4/24/08 5/21/08

BETHA REYNOLDS
PRINCIPAL EXECUTIVE ANALYST
SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1510

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1510

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

April 25, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution amending the 2008 Adopted Operating Budget to accept and appropriate 100% additional State aid from the New York State Office of Mental Health for a Cost of Living Adjustment (COLA) to various contract agencies. These COLA funds are for the provision of services to the seriously and persistently mentally ill population.

I enclose the financial impact statement and other materials for this Resolution. If you have any questions on the enclosed, please call Mary Howe at 3-8517. Also, an e-mail version of this resolution was sent to CE RESO REVIEW and the file name is Reso-HSV-MH COLA various agcys.doc.

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Thomas O. MacGilvray, Director of Community Mental Hygiene Services
Mary K. Howe, Chief Management Analyst
Sheila Reagan, Senior Program Examiner
Glenn Terry, Auditor
Diane E. Weyer, Principal Financial Analyst



Public Health
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OFFICE OF THE COMMISSIONER

225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000; Fax (631) 853-2927

COUNTY OF SUFFOLK



1510

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

MEMORANDUM

To: Humayun J. Chaudhry, D.O., M.S.
Commissioner, Department of Health Services

From: Thomas O. MacGilvray, L.C.S.W., C.A.S.A.C.
Director, Division of Community Mental Hygiene Services

Date: April 16, 2008

Subject: REQUEST FOR LEGISLATIVE RESOLUTION

The 2006-2007 Enacted Budget Legislation for the Office of Mental Health Aid to Localities included provisions for a three-year US Consumer Price Indexed Cost of Living Increase (COLA) beginning October 1, 2006 and each April 1 thereafter. The 2.3% 2007-2008 COLA increase to Suffolk County Providers is not presently included in the 2008 Suffolk County Adopted Operating Budget. I respectfully request a legislative resolution to add this additional 100% state aid in the amount of \$237,574 to Suffolk providers of service.

Attached please find a copy of the initial 2008 state aid letter issued on December 5, 2007, a copy of the 2007-2008 Executive Budget Recommendation Highlights, Aid to Localities, a draft resolution, fiscal impact statement and routing slip for your information and review.

TOM/ADT/adt

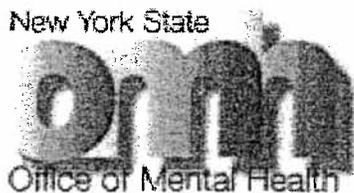
Attachments

Cc: A. Flescher, M. Howe, S. Reagan, D. Weyer, A. Torres
2008 OMH COLA Transmit



Public Health
Prevent. Promote. Protect.

DIVISION OF COMMUNITY MENTAL HYGIENE
North County Complex, Bldg. C928, 725 Veterans Memorial Highway, PO Box 6100 Hauppauge, NY 11788
(631) 853-8500 Fax (631) 853-3117



1510

Michael F. Hogan, Ph.D. Commissioner

44 Holland Avenue
Albany, New York 12229

December 5, 2007

Thomas O. MacGilvray, CSW
Director
Suffolk Co Mental Hygiene Div
P.O. Box 6100
Bldg C928, No. Country Complex
Hauppauge, NY 11788

Dear Director MacGilvray, CSW:

The NYS OMH is pleased to advise you that the maximum State aid funding levels for the period January 1, 2008 to December 31, 2008 that are listed on Attachment A of this letter have been approved. The maximum aggregate State aid allocation for these programs is \$18,485,046. The Attachment A also provides a list of the Medicaid caps as well as a Disproportionate Share (DSH) summary.

The allocations authorized in this letter include full annual funding for initiatives previously authorized. Any changes in your authorization level based on the enactment of the 2008-09 State Budget will result in a revised State aid letter.

Additional guidance for residential programs regarding CAIRS reporting, priority admissions and utilization management, which was previously provided to you in an October 30, 2007 letter from the Office of Mental Health, should be included in all residential contracts between counties and providers. This includes any new housing resources allocated through this State Aid letter.

In addition, the 2007-08 Enacted Budget authorized 1,000 new units of Supported Housing. The Office of Mental Health has allocated 400 of those new Supported Housing units to assist in the discharge of long-stay State Psychiatric Center (SPC) patients and 20 units for persons being discharged from the State prison system.

For only those counties receiving a portion of the beds allocated for long-stay SPC patients, or persons being discharged from State prisons, (as noted in the comment section), the OMH Field Office staff will be contacting you to assist in coordinating with the State Psychiatric Centers and providers in the development of an approach to managing access to those designated units.

Once again in 2008 the Preliminary Allocation Summary submitted through ALFS will be due April 1, 2008, and should match this issuance of the letter. Final Consolidated Budget Reports will not be due until November 1, 2008. The Consolidated Claim Report and Consolidated Financial Report for local fiscal year 2008 are due May 1, 2009. Guidelines for completion of the CBR/CCR/CFR can be accessed through the OMH website at <http://www.omh.state.ny.us/omhweb/cbr/>. If any of your providers need assistance in completing these forms, they should contact the OMH Help Desk at 1-800-HELPNYS.

As indicated in the General Provisions section of the Aid to Localities Spending Plan Guidelines in the Cash Flow Control Points, "Failure to submit the PAS, CBR, CCR or CFR schedules in a timely manner may result in the delay of subsequent

State aid payments and/or Medicaid payments".

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The Aid to Localities Spending Plan Guidelines which explain the reporting and use requirements of your authorized funding can be accessed through the OMH website at <http://www.omh.state.ny.us/omhweb/spguidelines>. Please share this website with all of your subcontract providers so that they may become familiar with the guidelines that apply to them, and refer to the guidelines as necessary.

Inherent in OMH's budget and claiming policy is an expectation that your Department will monitor expenditures against budgeted costs throughout the year. Please notify OMH of any significant fiscal or programmatic problems as soon as they become known. If you have questions regarding any local mental health fiscal issues, including questions regarding the information or instructions that are included in this letter, please call Gary Schiliro at (631)761-3334.

Sincerely,

Margaret A. LaWare, Director
Administrative Services Unit
Community Budget & Financial Management

All.
cc: Gary Schiliro

1510



Office of Mental Health

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2007-2008 Executive Budget Recommendation Highlights Aid to Localities

[View Adobe Acrobat Version](#) | [Download Adobe Acrobat Reader](#)

Aid to Localities	General Fund/ HCRA Funds	Other Funds	Capital Funds	Total
2006-2007 Available	\$ 931,148,000	\$ 48,233,000	\$ 233,000,000	\$ 1,212,381,000
2007-2008 Executive Budget	\$ 1,023,453,000	\$ 45,569,000	\$ 319,030,000	\$ 1,388,052,000
Change	+\$ 92,305,000	-\$ 2,664,000	+\$ 86,030,000	+\$ 175,671,000

The 2007-2008 Executive Budget for the Office of Mental Health (OMH) continues to strengthen investments in mental health recovery, including the promotion of wellness, efforts to reduce the stigma associated with mental illness, an array of clinically effective treatments and supports, and improved community integration for children with serious emotional disturbance and adults with serious mental illness. The Budget also provides targeted service expansion in evidence-based treatments and models of care and reinforces OMH's commitment to transform the public mental health system.

Enhancing Access to Community-based Services for Children and Families

Achieving the Promise Annualized Funding

The 2006-2007 Enacted Budget provided an investment of \$62 million (annualized gross) for an interrelated set of services that support early recognition of emotional disturbances in children, improve access to interventions that have been proven by science to be effective, expand access to in-home and community-based services, provide the expertise of child psychiatrists to rural areas and ensure that evidence-based treatments are widely available across New York State. The 2007-2008 Executive Budget provides continued support and full annualization for these initiatives.

The 2007-2008 Executive Budget includes \$2.4 million (\$4.6 million annualized), permitting OMH to provide 180 additional Home and Community-based Waiver (HCBW) slots effective January 2008. This new funding for expanded HCBW services enhances the provision of an array of comprehensive, well-coordinated services in the most integrated setting appropriate to individual need. The program enables children at risk for institutional placement to remain at home and in school while receiving needed services.

Transitional Care

In certain instances, the State Education Department (SED) places children with serious emotional disturbances into out-of-state facilities. When children reach 22 years of age, OMH assumes responsibility for services to these children. To permit continuity of care and a smooth transition as additional young adults move between the children's and the adult service systems in out-of-state facilities, the 2007-2008 Executive Budget includes an increase of \$500,000 to accommodate this need.

(510)

School Support

The 2007-2008 Executive Budget includes a State Aid increase of \$295,000 to offset a reduction in Federal Individuals with Disabilities Education Act (IDEA) funds previously received from the State Education Department (SED).

Promoting Public Health by Reducing the Risk of Suicide

The 2007-2008 Budget continues to provide \$1.5 million to support the 2006-2007 initiative to implement the New York State Suicide Prevention Plan and related County suicide prevention plans aimed at increasing public awareness. Ongoing funding is targeted toward local prevention and planning efforts to reduce suicide among high-risk populations, provide culturally competent training and public awareness projects, and make available translation and dissemination of public education materials and evaluation data.

Providing Access to Safe and Affordable Community Housing*Supported Housing Expansion*

The 2007-2008 Executive Budget includes \$9.1 million in funding for 1,000 new Supported Housing beds effective October 2007. When fully annualized, the total funding for these beds will be approximately \$12 million. The addition of Supported Housing units to the overall residential system facilitates opportunities for movement toward integrated community housing for individuals with mental illness. The budget continues to support last year's addition of 60 Supported Housing beds targeted to adult home discharges.

New Bed Authority Capital

The Executive Budget provides capital appropriations of \$200 million for 1,000 new Single-room Occupancy (SRO) efficiency apartments throughout New York State. These resources will be used to develop units for adults with mental illness who prefer housing that incorporates independence, while also providing a limited amount of on-site services on an as-needed basis.

Community Bed Development

The Executive Budget provides operational and capital funding for local programs to maintain the existing residential system, and continue the development of previously authorized community beds. It supports approximately 28,500 beds currently operating, approximately 1,900 new beds from prior-year initiatives that are expected to open by the end of 2007-2008, and approximately 6,400 beds in various stages of planning and development. When combined with the 2,000 new beds in the 2007-2008 Budget, the total number of authorized community beds will be 38,800.

New York/New York III -

Supportive Housing Agreement (NY/NY III) NY/NY III is a component of community bed development. The Executive Budget continues the development of the NY/NY III agreement which provides 9,000 units of supportive housing (of which 5,550 are for individuals with mental illness) over 10 years for individuals and families who are homeless, at risk for homelessness, or living in emergency shelters. Specifically, the Budget supports operating funds for 425 Supportive Housing beds and 25 SRO efficiency apartments that began development in 2006-2007 and, effective January 1, 2008, 525 new Supportive Housing beds and 50 new SRO efficiency apartments, as well as 50 SRO efficiency apartments beds to be developed by NYC. The \$211 million in local capital commitment for NY/NY III OMH beds provided in last year's budget has been re-appropriated in 2007-2008.

Existing Bed Authority Capital

The Executive Budget provides an increase of \$107.0 million in local capital appropriation for existing bed authority (excluding NY/NY III) for the acquisition of property, facility construction and rehabilitation and/or relocation of existing community mental health facilities.

Enhancing Community-based Program Models*Cost-of-Living Adjustment (COLA)*

The 2006-2007 Enacted Budget Legislation included provisions for a three-year U.S. Consumer Price Indexed COLA effective October 1, 2006, and each April 1 thereafter. The intent of the COLAs is to promote the recruitment and retention of staff and/or to respond to other critical non-personal service costs. The COLAs apply to State Aid and/or Medicaid reimbursement for certain residential and non-residential community-based

programs.

1510

The 2007-2008 Executive Budget includes the full annualization and initial reconciliation of the October 1, 2006, COLA (23.5 million). In addition, the Budget provides full annual support for the second COLA (effective April 1, 2007) in the amount of \$25.5 million, as well as phase-in funding for the State Aid component of the third COLA (effective April 1, 2008) in the amount of \$4.5 million.

Community Residence and Family-based Treatment Model Increase

The 2007-2008 Executive Budget includes increases of \$12.6 million in full annual funding for existing adult and children's Community Residence and Family-based Treatment programs effective January 1, 2008. The Recommendation advances a three-year initiative to strengthen both programs by addressing current staffing requirements, salary and other staff recruitment and retention issues.

Supported Housing Rent Stipend Increase

The Executive Budget recognizes that investments to maintain the existing service system are critical. In response to marketplace concerns regarding rent and utility cost increases, the Budget provides funding for a third stipend increase of \$6.3 million in full annual funding for more than 10,000 beds.

Enhancing Access to Effective Community-based Services for Older Adults

The 2006-2007 Enacted Budget included \$2 million in funding for demonstration programs to address the mental health needs of older New Yorkers, a group dramatically increasing in size over the next 25 years. The 2007-2008 Executive Budget provides continued support at the same level to enhance access to effective community-based services for older persons.

Providing Access to Efficient and High-quality Mental Health Services

Alternate Reimbursement Methodology (ARMS)

The 2007-2008 Executive Budget includes \$600,000 in funding for the continuation of the ARMS Medicaid supplement to those hospitals that received such funding during the State FY 2006-2007. These funds, along with accompanying Federal financial participation, will be used to make Medicaid payments to each of these hospitals upon submission of a plan, approved by the Commissioners of Health and Mental Health, which specifies how such funds will be used for purposes of reconfiguring or consolidating psychiatric inpatient services, or implementing quality assurance programs.

Other Budget Actions

Project Caring

The Executive Budget includes \$480,000 in full annual funding, replacing expiring federal funding, to continue Project Caring, a program that provides women with mental illness a bridge between corrections- and community-based services.

Psychiatric Rehabilitation

The Executive Budget includes \$574,000 in full annual funding for additional supported employment slots, which will assist persons with mental illness in becoming engaged in employment.

Comprehensive Psychiatric Emergency Programs (CPEPs)

The Executive Budget includes \$900,000 in funding for the State share of Medicaid associated with CPEPs in response to program growth and expansion.

Center for Mental Health (CMHS) Services Block Grant

The Executive Budget includes a State Aid increase of \$2.7 million to offset a reduction in Federal CMHS block grant funds.

Residential Treatment Facilities (RTFs)

The Executive Budget includes \$1.2 million (\$1.9 million annualized) to reflect trend factor increases.

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Last Modified: 1/31/2007

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

6/10/08

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

WHEREAS, the New York State Office of Mental Health has awarded additional 100% State aid in the amount of \$1,126,529 for Personalized Recovery Oriented System (PROS) providers for 2008; and

WHEREAS, the PROS is a recovery-orientated program for individuals with severe and persistent mental illness; and

WHEREAS, the goals for individuals in the program are: to improve functioning, reduce in-patient utilization, reduce emergency services, increase employment, and secure preferred housing; now, therefore be it

1st RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$1,126,529 in additional 100% State aid as follows:

REVENUES:

001-3493 Community Support Services \$1,126,529

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 Adopted Budget</u>	<u>Increase/ Decrease</u>	<u>2008 Modified Budget</u>
JAO1	CLUBHOUSE PROS RONKONKOMA	82,500	52,383	134,883
JAP1	CLUBHOUSE PROS RIVERHEAD	32,500	25,949	58,449
JAQ1	FEGS PROS COPAIGUE	40,104	343,515	383,619
JAR1	FSL PROS HUNTINGTON	17,500	138,404	155,904
JAS1	FSL PROS HAUPPAUGE	23,000	145,494	168,494
JAT1	FEDERATION PROS BABYLON	25,000	19,961	44,961
JAU1	FEDERATION PROS PATCHOGUE	27,500	21,957	49,457
JAV1	HALI PROS CENTRAL ISLIP	55,000	209,117	264,117
JAW1	MARYHAVEN PROS RIVERHEAD	18,521	38,579	57,100
JAX1	MARHAVEN PROS YAPHANK	11,667	60,085	71,752
JAY1	PEDERSON KRAG PROS CORAM	27,708	57,719	85,427
JAZ1	PEDERSON KRAG PROS SMITHTOWN	6,417	13,366	19,783

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with the above-named agencies; and be it further

3rd 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

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

DATED:

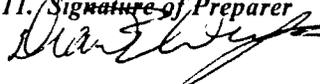
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

HSV #23-2008

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution <u> X </u>	Local Law	Charter Law
2. Title of Proposed Legislation Amending the 2008 Operating Budget to Accept and Appropriate 100% additional State aid funds from the New York State Office of Mental Health		
3. Purpose of Proposed Legislation To accept and appropriate \$1,126,529 in 100% additional State aid funds from the New York State Office of Mental Health for Personalized Recovery Oriented System (PROS) providers for 2008. PROS is a recovery orientated program for individuals with severe and persistent mental illness.		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <u> </u> NO <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding 100% New York State Office of Mental Health		
9. Timing of Impact Immediate upon approval of the Resolution and execution of the contracts.		
10. Typed Name & Title of Preparer Diane E. Weyer Principal Financial Analyst	11. Signature of Preparer  	12. Date 5/13/08 5/21/08
BETH A. REYNOLDS PRINCIPAL EXECUTIVE ANALYST		

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1511

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1511
ML 340

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

May 13, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution amending the 2008 Adopted Operating Budget to accept and appropriate 100% additional State aid from the New York State Office of Mental Health to PROS providers. Personalized Recovery Oriented System (PROS) is a recovery-orientated program for individuals with severe and persistent mental illness.

I enclose the financial impact statement and other materials for this Resolution. If you have any questions on the enclosed, please call Mary Howe at 3-8517. Also, an e-mail version of this resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-MH add'l PROS funds.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

- C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Thomas O. MacGilvray, Director of Community Mental Hygiene Services
Mary K. Howe, Chief Management Analyst
Sheila Reagan, Senior Program Examiner
Glenn Terry, Auditor
Diane E. Weyer, Principal Financial Analyst



Public Health
Prevent. Promote. Protect.

OFFICE OF THE COMMISSIONER:
225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

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Fund Code	Tot Allocation	Pseudo	Prog. Code	Index	XORG	2007 Adopted	2008 Adopted	Change +/-	2008 Modified Allocation	Revised Total
37P		JAQ1	6340	00	CLUBHOUSE PROS RONKONKOMA	\$ 55,000	\$ 82,500	\$ 52,383	\$ 134,883	\$ 134,883
37P		JAP1	6340	01	CLUBHOUSE PROS RIVERHEAD	\$ 21,667	\$ 32,500	\$ 25,949	\$ 58,449	\$ 58,449
37P		JAT1	6340	01	FEDERATION OF ORG PROS BABY	\$ 16,667	\$ 25,000	\$ 19,961	\$ 44,961	\$ 44,961
37P		JAU1	6340	00	FEDERATION OF ORG PROS PATC	\$ 18,333	\$ 27,500	\$ 21,957	\$ 49,457	\$ 49,457
122P		JAQ1	6340	00	FEGS PROS COPAIGUE				\$ 259,976	
37P		JAQ1	6340	00	FEGS PROS COPAIGUE	\$ 40,104	\$ 40,104	\$ 343,515	\$ 123,643	\$ 383,619
37P		JAR1	6340	01	FSL PROS HUNTINGTON	\$ 15,333	\$ 17,500	\$ 138,404	\$ 41,364	\$ 155,904
37P		JAS1	6340	00	FSL PROS HAUPPAUGE	\$ 17,500	\$ 23,000	\$ 145,494	\$ 53,953	\$ 168,494
122P		JAR1	6340	01	FSL PROS HUNTINGTON				\$ 114,540	
122P		JAS1	6340	00	FSL PROS HAUPPAUGE				\$ 114,541	
122P		JAV1	6340	00	HAI PROS CENTRAL ISLIP				\$ 165,203	
37P		JAV1	6340	00	HAI PROS CENTRAL ISLIP	\$ 36,667	\$ 55,000	\$ 209,117	\$ 98,914	\$ 264,117
37P		JAW1	6340	00	MARYHAVEN PROS RIVERHEAD	\$ 18,521	\$ 18,521	\$ 38,579	\$ 57,100	\$ 57,100
122P	690,043	JAX1	6340	01	MARYHAVEN PROS YAPHANK				\$ 35,783	
37P		JAX1	6340	01	MARYHAVEN PROS YAPHANK	\$ 11,667	\$ 11,667	\$ 60,085	\$ 35,969	\$ 71,752
37P		JAY1	6340	00	PEDERSON KRAG PROS CORAM	\$ 27,708	\$ 27,708	\$ 57,719	\$ 85,427	\$ 85,427
37P	803,903	JAZ1	6340	01	PEDERSON KRAG PROS SMITHTON	\$ 6,417	\$ 6,417	\$ 13,366	\$ 19,783	\$ 19,783

1,493,946

\$ 1,126,529 \$ 1,493,946 \$ 1,493,946

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1511

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

MEMORANDUM

To: Humayun J. Chaudhry, D.O., M.S.
Commissioner, Department of Health Services

From: Thomas O. MacGilvray, L.C.S.W., C.A.S.A.C.
Director, Division of Community Mental Hygiene Services

Date: April 28, 2008

Subject: REQUEST FOR LEGISLATIVE RESOLUTION

The New York State Office of Mental Health has increased funding to PROS Providers in 2008 from the previous 2007 levels. This additional 100% State Aid funding is not currently included in the 2008 County Adopted Operating Budget. I am requesting a Legislative Resolution to add this additional funding to the current budget.

Attached please find draft introductory resolution, draft fiscal impact statement, routing form, a copy of the current state aid letter with Attachment A explanation pages indicating all increases to PROS Providers, a copy of the 2007 final State Aid Letter with Attachment A amounts which are the basis of the current adopted 2008 Pros Contracts and a spreadsheet documenting the changes requested. Thank you.

TOM:adt
Attachments
Cc: D. Weyer
L. Wright
S. Reagan
A. Flescher
M. Howe
A. Torres



Public Health
Prevent. Promote. Protect.

DIVISION OF COMMUNITY MENTAL HYGIENE
North County Complex, Bldg. C928, 725 Veterans Memorial Highway, PO Box 6100 Hauppauge, NY 11788
(631) 853-8500 Fax (631) 853-3117

Introductory Resolution No. 1512-08

Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2008, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW 13-1976
MADALON A. MATHYS
(SCTM NO. 0902-001.00-01.00-009.016)**

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 Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0902 Section 001.00 Block 01.00 Lot 009.016 and acquired by Tax Deed on July 31, 2001 from John C. Cochrane, the County Executive of Suffolk County, New York, and recorded on August 2, 2001 in Liber 12133 at Page 676 and described as follows, Town of Southampton, known and designated as a private road on a certain map entitled "Map of Quogue Plaza" and filed in the Office of the Clerk of the County of Suffolk on November 17, 1987 as Map No. 8425 ; and

WHEREAS, in accordance with Local Law 13-1976 of the County of Suffolk, provision has been made for the sale of real property acquired by the County through tax sale to an adjoining property owner; and

WHEREAS, Madalon A. Mathys, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$3,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$3,000.00, which property is surplus to the needs of the County of Suffolk; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$3,000.00, pursuant to said purchase offer; and

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

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

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

3rd RESOLVED, that the Director, hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said MADALON A. MATHYS, 2001 Augusta Alley, Riverhead, NY 11901.

DATED:

APPROVED BY

County Executive of Suffolk County

Date of Approval:

1512

SUFFOLK COUNTY, NEW YORK
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT
H. Lee Dennison Building
100 Veterans Memorial Highway - 2nd Floor
Post Office Box 6100
Hauppauge, New York 11788

SUMMARY STATEMENT

DIRECT SALE:

Suffolk County Local Law 13-1976
Tax Map No. 0902-001.00-01.00-009.016

ADJOINING OWNER	BID	BID	BID
Madalon Mathys 2001 Augusta Alley Riverhead, NY 11901 0902-001.00-01.00-009.007	\$3,000.00		
Village of Quogue Jessup Ave. Quogue, NY 11959	\$0		
David Santora 17 Clover Grass Westhampton, NY 11977 0902-001.00-01.00-009.008	\$0		

SIZE OF PARCEL: 60' x 20'
APPRAISED VALUE: \$3,000.00
COMMENT: Direct Sale to Adjacent Owner

Wayne R. Thompson
Property Manager
(631) 853-5971

1512

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law X Charter Law _____

2. Title of Proposed Legislation

Local Law 13-1976 authorizing the Direct Sale of County owned Real Estate

3. Purpose of Proposed Legislation

Convey County owned parcel to adjacent owner

4. Will the Proposed Legislation have a fiscal impact? Yes X No _____

5. If the answer to Item 4 is "yes", on what will it impact?

X County _____ Town _____ Economic Impact
_____ Village _____ School District Other (Specify):
_____ Library District _____ Fire District

6. If the answer to item 4 is "yes", Provide detailed explanation of Impact

Income from sale

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

Unknown

8. Proposed Source of Funding

None

9. Timing of Impact

2008

10. Name & Title of Preparer

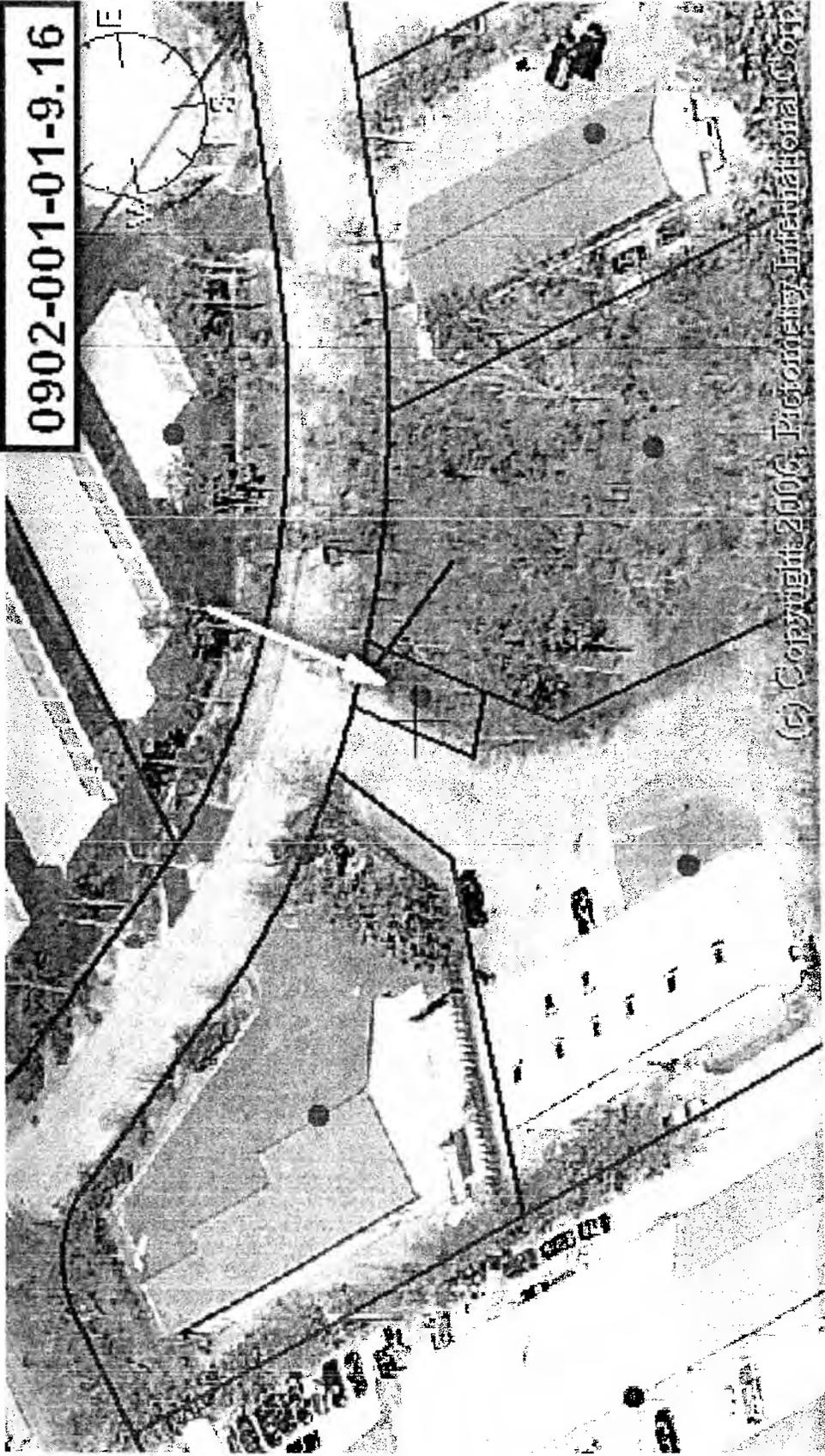
Signature of Preparer

Date

Diane Bishop LMS-III

Diane Bishop 5/21/08

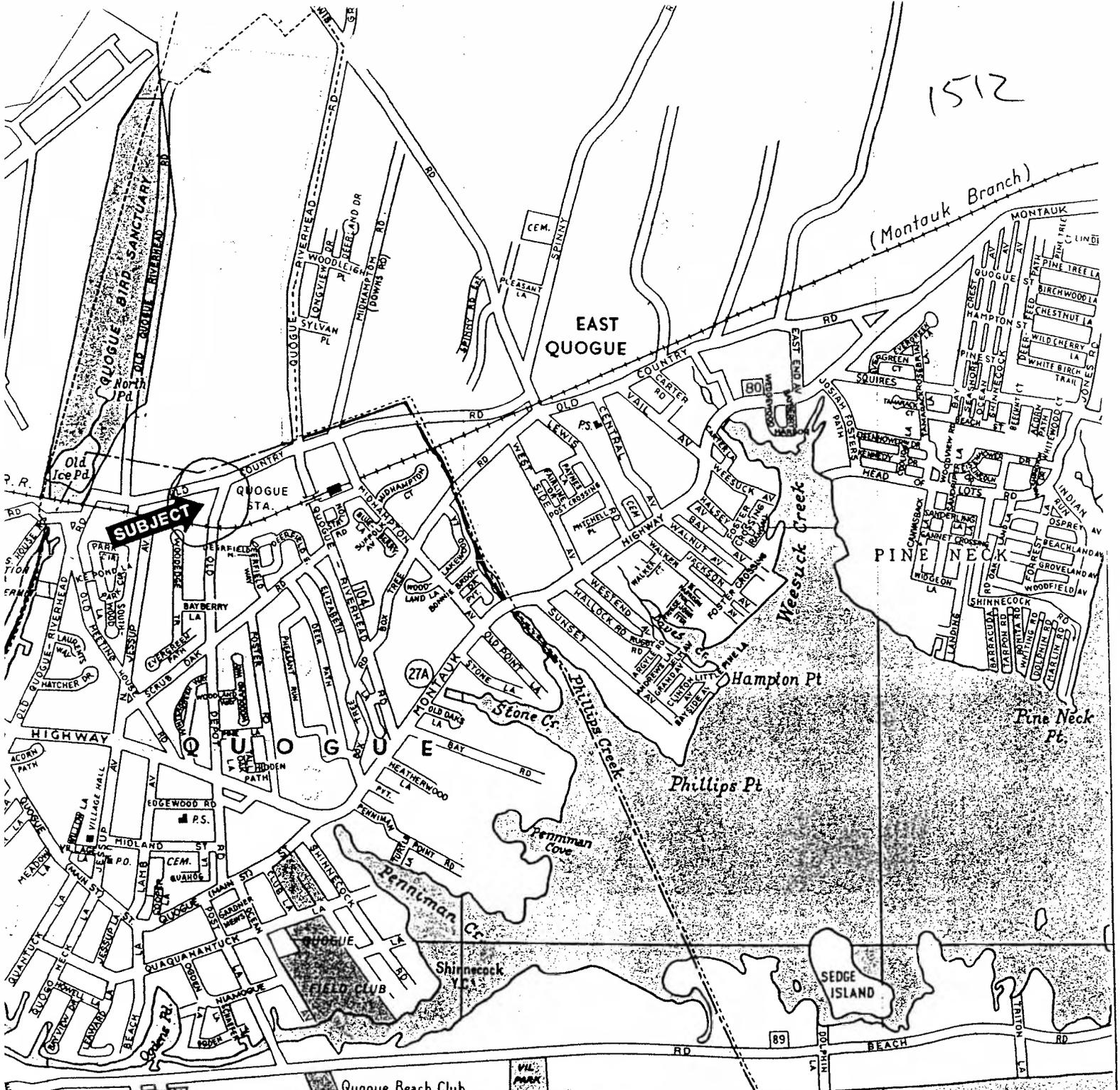
0902-001-01-9.16



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1512

1512



SUBJECT

HAMPTON Surf Club of Quogue BEACH

I C O C E A N

60 26

COUNTY OF SUFFOLK



MAY 30 2008
1512

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

May 23, 2008

Ben Zwirn
Deputy County Executive
Intergovernmental Relations
H. Lee Dennison Bldg. 11th Flr.
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Re: Tax Map Number: 0902-001.00-01.00-009.016

Dear Mr. Zwirn:

Enclosed herewith are the original and one copy of the proposed resolution with documentation pursuant to:

Local Law 13-1976 - Authorizing the Direct Sale of County Owned Real Estate

I would appreciate your placing this on the legislative agenda.

Very truly yours,

Christopher E. Kent
Director of the Division of Real Property
Acquisition and Management

CEK:WRT:slb
Resolution + 1 copy
Summary Statement
Tax Map & Aerial Map
Hagstrom Map
Sponsor's Memo

Copy to: Brendan Chamberlain, County Executive Assistant (2 hard copies)
Thomas A. Isles, Director of Planning
CE Reso Review, via e-mail

Introductory Resolution No. 1513-08

Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO.
SALE OF COUNTY-OWNED REAL ESTATE
PURSUANT TO SECTION 72-h OF THE
GENERAL MUNICIPAL LAW
(TOWN OF BROOKHAVEN)
(0200-227.00-07.00-022.000)**

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, 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 227.00, Block 07.00 Lot 022.000 and acquired by Tax Deed on August 15, 2007 from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007 in Liber 12520 at Page 725 and described as follows, known and designated as District 0200, Section 227.00, Block 07.00, Lot 022.000.

WHEREAS, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

WHEREAS, the Town of Brookhaven has requested that the County of Suffolk convey to the town the parcel described in Exhibit A annexed hereto ; and

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

1st RESOLVED, that the Director of the Division of Real Property Acquisition and Management, or designee is hereby authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the terms and conditions provided herein to said Town of Brookhaven for the sum of \$1,445.83 plus the pro rata share of the current tax adjustment due at closing; and be it further

2nd RESOLVED, that the Town of Brookhaven will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for public meeting space and/or historical museum purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcel for other than public meeting space and/or historical museum purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for public meeting space and/or historical museum purposes; and be it further

3rd RESOLVED, that said quitclaim deed tendered by the Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years

after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

4th RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1)

DATED: _____

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

RESOLUTION NO. 376-08
MEETING OF APRIL 15, 2008

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

AUTHORIZATION TO ACQUIRE THE HISTORIC "UNION HALL" BUILDING ON TERRYVILLE ROAD IN PORT JEFFERSON STATION FROM THE COUNTY OF SUFFOLK FOR USE AS A PUBLIC MEETING SPACE AND/OR HISTORICAL MUSEUM PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW

WHEREAS, Section 72-h of the General Municipal Law of the State of New York permits the sale of real property between municipal governments in the State of New York; and

WHEREAS, the historic "Union Hall" building on Terryville Road in Port Jefferson Station, further identified as SCTM No. 200-227-07-22 is owned by Suffolk County; and

WHEREAS, the Town Board of the Town of Brookhaven, Suffolk County, New York is interested in acquiring said historic building for future use as a public meeting space and/or historical museum for a total consideration not to exceed \$1,445.83 10.00 plus pro-rata taxes at the time of closing; and

WHEREAS, the Town Board of the Town of Brookhaven is aware that the subject premises shall be conveyed subject to the following restrictive covenants that will run with the land so conveyed: 1) That the Grantee or any subsequent Grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises; 2) That the Grantee shall not sell, convey, transfer or otherwise dispose of the subject premises; and

WHEREAS, the Town Board of the Town of Brookhaven is aware that the restrictive covenants described above will run with the land and shall bind the heirs, successors, and assigns of the Town of Brookhaven and in the event of any violation of the restrictive

1513

covenants stated above, the Deed conveying said parcel shall be void ab initio and title to the realty shall revert to the County of Suffolk; and

WHEREAS, the acquisition of said parcels pursuant to General Municipal Law Section 72-H, as an intergovernmental transfer, is a Type II action pursuant to NYCRR 617.5(c)(19) and, therefore, no further SEQRA review is required,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel further identified as SCTM No. 0200-227-07-22, and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$1,445.83 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above.

RESOLUTION SUBMISSION

1513

MEETING OF: APRIL 15, 2008

RESOLUTION NO. 376-08

MOVED BY COUNCILMEMBER: STEVE FIORE-ROSENFELD

REVISION

SHORT TITLE: AUTHORIZATION TO ACQUIRE THE HISTORIC "UNION HALL" BUILDING ON TERRYVILLE ROAD IN PORT JEFFERSON STATION FROM THE COUNTY OF SUFFOLK FOR USE AS A PUBLIC MEETING SPACE AND/OR HISTORICAL MUSEUM PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW

DEPARTMENT: Law Department

REASON: To acquire the historic "Union Hall" from Suffolk County

PUBLIC HEARING REQUIRED: No

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED: \$1,445.83 plus pro rata taxes

SEQRA REQUIRED:

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED: Yes

AE:pd



Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Fiore-Rosenfeld	1				
		Councilmember Bonner	2				
		Councilmember Walsh					
		Councilmember Kepert					
		Councilmember Mazzei					
		Councilmember Romaine					
		Supervisor Foley					

1513

SUFFOLK COUNTY, NEW YORK
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT
H. Lee Dennison Building - 2nd Floor
100 Veterans Memorial Highway
Post Office Box 6100
Hauppauge, New York 11788

SUMMARY STATEMENT

SALES TO GOVERNMENTAL ENTITIES
TOWN OF BROOKHAVEN

Tax Map No.: 0200-227.00-07.00-022.000

Section 72-h, Gen'l Municipal Law

	<u>Amount</u>
County Investment	\$ 1,119.96
Current Taxes	<u>412.61</u>
	TOTAL \$ 1,532.57

PURPOSE:

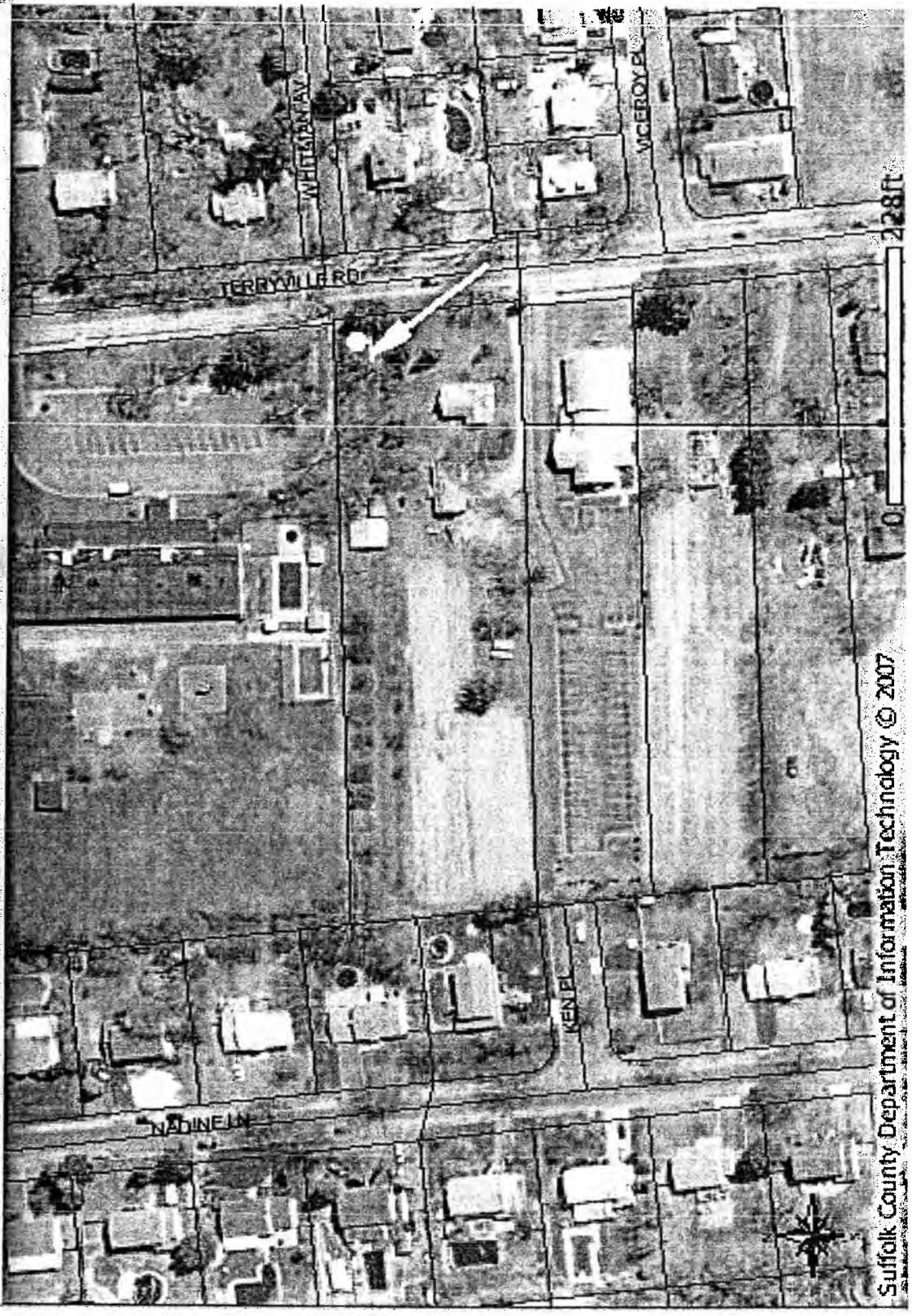
- A. Affordable Housing _____
- B. Town Parks _____
- C. Road/Highway _____
- D. Drainage/Recharge Basin _____
- E. Other X

Wayne R. Thompson
Property Manager
(631) 853-5971

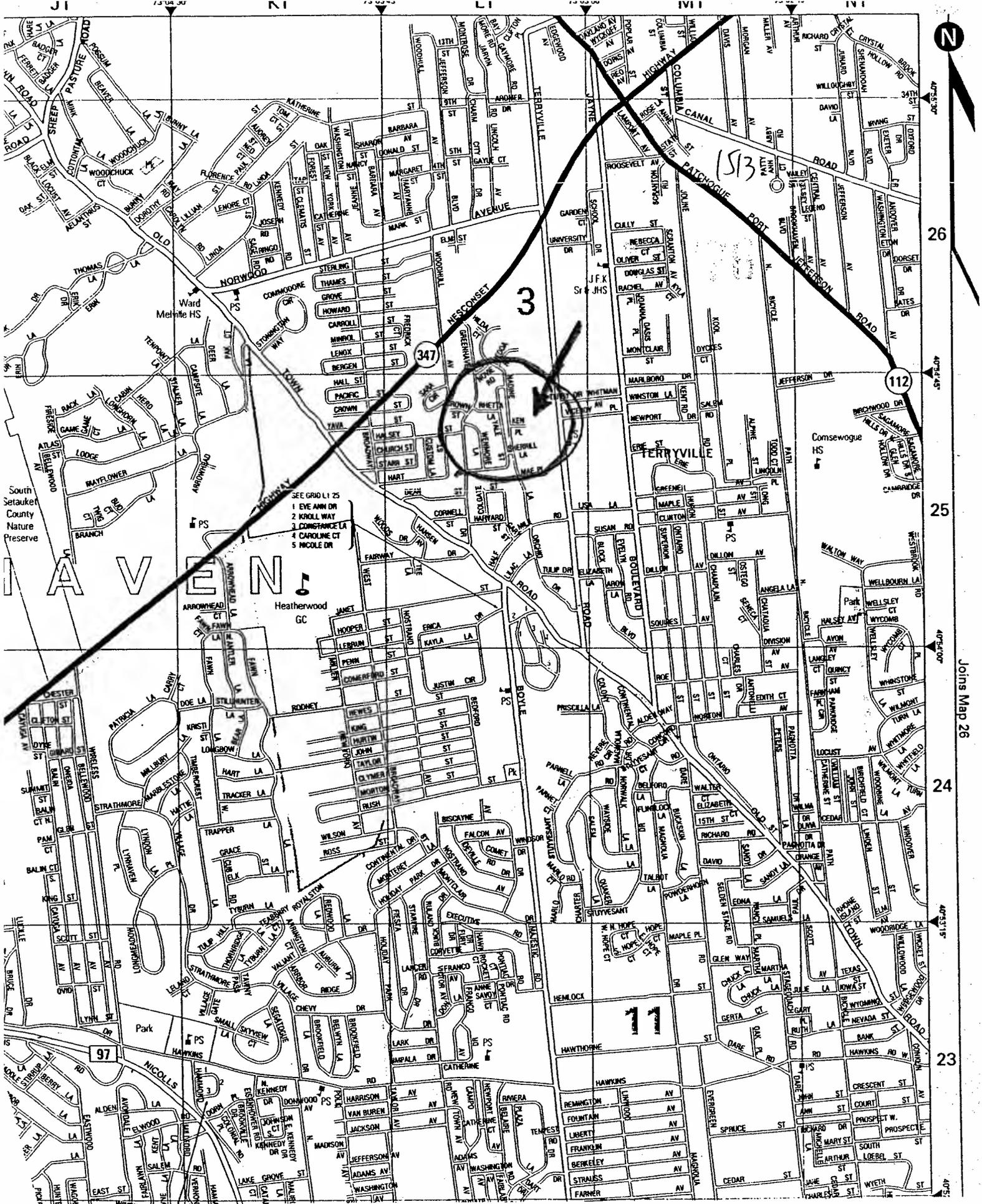
WRT: slb

1513

TM# 0200-227.00-07.00-022.000



Suffolk County Department of Information Technology © 2007



South Setauke County Nature Preserve

HAVERHILL

- SEE GRID L2 25
- 1 EYE ANN DR
 - 2 KNOLL WAY
 - 3 CONSTANCE LA
 - 4 CAROLINE CT
 - 5 NICOLE DR

TM# 0200-227.00-07.00-022.000

Joins Map 26

1513

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

Section 72-h , General Municipal Law authorizing the sale of County owned Real Estate to a Municipality

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for public meeting space and/or historical museum purposes

4. Will the Proposed Legislation have a fiscal impact? Yes X No _____

5. If the answer to Item 4 is "yes", on what will it impact?

X County _____ Town _____ Economic Impact
____ Village _____ School District _____ Other (Specify):
____ Library District _____ Fire District

6. If the answer to item 4 is "yes", Provide detailed explanation of Impact

Loss of sale at public auction

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

Unknown

8. Proposed Source of Funding

Unknown

9. Timing of Impact

Current year 2008

10. Name & Title of Preparer

Signature of Preparer

Date

R.J. Bhatt
LMS III

RJBhatt

5/22/08

COUNTY OF SUFFOLK

Gen 07



1513

MAY 30 2008

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

May 23, 2008

Ben Zwirn
Deputy County Executive
Intergovernmental Relations
H. Lee Dennison Building - 11th Floor
100 Veterans Memorial Highway
Post Office Box 6100
Hauppauge, NY 11788

Re: Tax Map No.: 0200-227.00-07.00-022.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Brookhaven for General Municipal Purposes.

Dear Mr. Zwirn:

Enclosed herewith is the original and one copy of the proposed resolution with documentation pursuant to:

Section 72-h, G.M.L. authorizing the sale of County owned real estate to the Town of Brookhaven for municipal purposes.

I would appreciate your placing this on the legislative agenda.

Yours truly,

Christopher E. Kent
Director of Division of Real Property
Acquisition and Management

CEK:WRT: slb

Resolution + 1 copy
Summary Statement
Tax Map & Aerial Map
Hagstrom Map
Sponsor's Memo

Copy w/ Resolution to:
Brendan Chamberlain, County Executive Assistant (2 hard copies)
Connie Corso, Budget Director
Thomas A. Isles, Director of Planning
CE Reso Review via e-mail

Introductory Resolution No.

1514-08

Laid on Table

6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-1976, OF REAL
PROPERTY ACQUIRED UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT
MATTHEW PRADEEP FRANCIS, An unmarried man
0200-825.00-01.00-026.003

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 825.00, Block 01.00, Lot 026.003, and acquired by tax deed on October 18, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 30, 2007, in Liber 12528, at Page 281, and otherwise known as and by Town of Brookhaven, Suffolk County Tax Map Number: District 0200, Section 825.00, Block 01.00, Lot 026.003; and

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

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

WHEREAS, MATTHEW PRADEEP FRANCIS has made application of said above described parcel and MATTHEW PRADEEP FRANCIS has paid the application fee and \$737.69, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

2nd - **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to MATTHEW PRADEEP FRANCIS, An unmarried man, 80 Adelhaide Lane, East Islip, New York 11730, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.1

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1514

May 13, 2008

Tax Map No.: 0200-825.00-01.00-026.003

Name of Last Legal Fee Owner: MATTHEW PRADEEP FRANCIS, An unmarried man

TREASURER'S COMPUTATION..... \$588.54

Taxes.....2007/2008\$149.15

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... \$737.69

Monies Received..... \$737.69

RESOLUTION AMOUNT..... \$737.69

APPROVED:

Karen A. Slater 9/14/08

Accounting
LB:sc

PREPARED BY:

Lori Bertone

Lori Bertone
Redemption Unit
(631) 853-5932

1514

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0200-825.00-01.00-026.003

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee, to execute and acknowledge a Quitclaim Deed to transfer the interest of Suffolk County acquired under Section 46 of the Suffolk County Tax Act

3. Purpose of Proposed Legislation

Convey County owned parcel to prior owner

4. Will the Proposed Legislation have a fiscal impact? Yes X No

5. If the answer to Item 4 is "yes", on what will it impact?
(circle appropriate category)

- County Town Economic Impact
- Village School District Other (Specify):
- Library District Fire District

6. If the answer to item 4 is "yes", provide detailed explanation of Impact

The County will recoup the amount of taxes paid on the property taken by the tax deed.

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2008

10. Typed Name & Title of Preparer Signature of Preparer Date

Lori Bertone *Lori Bertone* 5/13/08

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0200	825.00	01.00	026.003

1514

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2004/05	189.39
2005/06	200.07
2006/07	139.77

2007/08 PROPERTY TAXES \$149.15, NOT INCLUDED IN COMPUTATION

TOTAL: 529.23

B. INTEREST DUE	31.28
C. TOTAL	560.51
D. 5% LINE C	28.03
E. FEE	
F. MISC	
G. MISC	

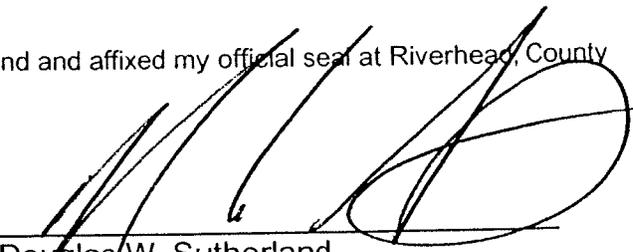
H. TOTAL DUE

	\$588.54
2007/2008	149.15
	<hr/>
	737.69

CERTIFICATION BY COUNTY TREASURER

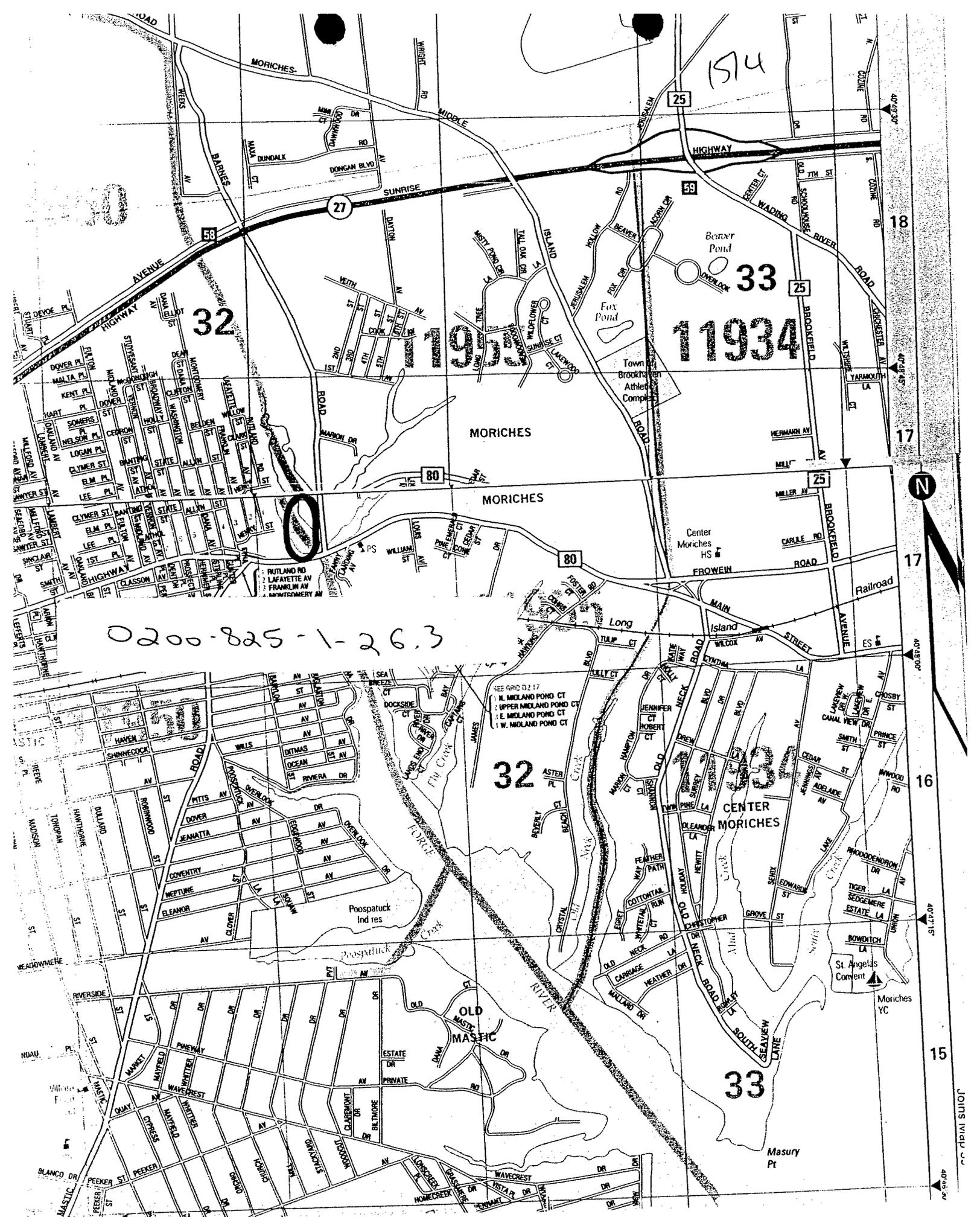
I, Douglas W. Sutherland, Chief Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 24-Apr-08



Douglas W. Sutherland
Chief Deputy County Treasurer

**Interest and penalty computed to
and including 10/21/08



1514

32

33

11934

1934

0200-825-1-263

32

33

33

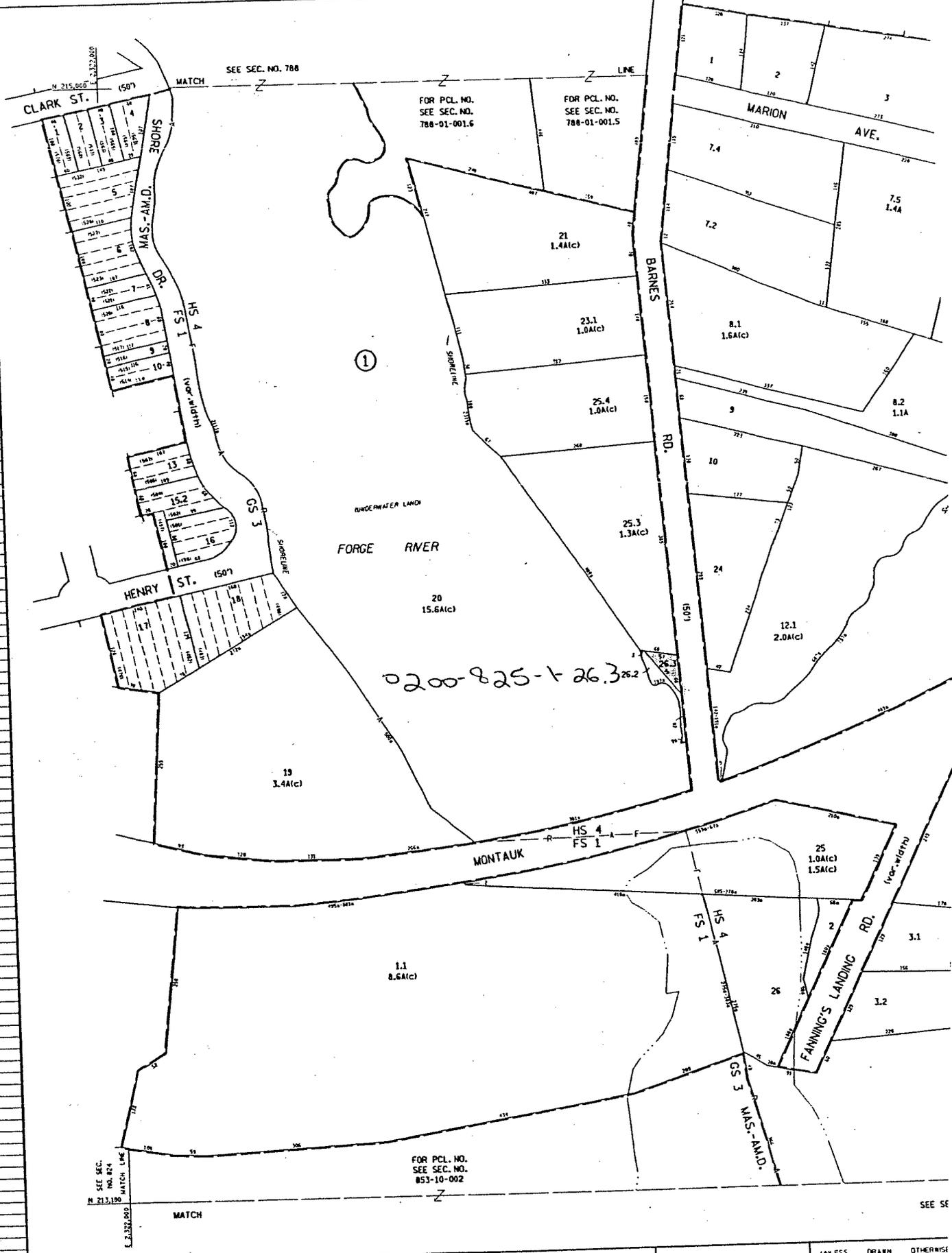


JOHN DEERE

1514

Revisions

10-29-96
10-30-96
12-09-97
06-21-01
05-30-02
04-10-03
05-12-05
06-01-05
12-26-06



PROPERTY OR PL. LINE DONOR'S COMMON OWNER SUBDIVISION LOT LINE STRIPES / SHORE PARCEL NO.	---	Subdivision Lot No.	120	Block Unit	---	School District Line	---	Hydrant District Line	---	UNLESS DRAWN OTHERWISE FOR THE SCHOOL 32 S FIRE FS1054 H LIGHT L21 W PARK M R AMBULANCE MAS.-AM.D. R
	---	Subdivision Block/Block No.	(21)	Block No.	(2)	Fire District Line	---	Police District Line	---	
	---	Deed Dimension	42	County Line	---	Water District Line	---	Historical District Line	---	
	---	Scold Dimension	42	Town Line	---	Light District Line	---	Ambulance District Line	---	
	---	Deed Area	12.1 A(c) or 12.1A	Wedge Line	---	Park District Line	---	Boatwater District Line	---	
	---	Calculated Area	12.1 A(c)			Center District Line	---			

Introductory Resolution No. 1515-08 Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-1976, OF REAL
PROPERTY ACQUIRED UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT
**ESTATE OF VIVIAN ROHRBACH a/k/a VIVIAN ROHRBACH a/k/a
VIVIAN A. ROHRBACH a/k/a VIVIAN AGNES ROHRBACH, by
Robert Rohrbach, as Administrator
0200-981.00-04.00-011.000**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 981.00, Block 04.00, Lot 011.000, and acquired by tax deed on July 17, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 25, 2007, in Liber 12515, at Page 222, and otherwise known as and by Town of Brookhaven, Suffolk County Tax Map Number: District 0200, Section 981.00, Block 04.00, Lot 011.000; 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 17, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 25, 2007 in Liber 12515 at Page 222.

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

WHEREAS, ROBERT ROHRBACH as Administrator of the Estate of Vivian Rohrbach a/k/a Vivian Rohrbach a/k/a Vivian A. Rohrbach a/k/a Vivian Agnes Rohrbach, has made application of said above described parcel and ROBERT ROHRBACH as Administrator of the Estate of Vivian Rohrbach a/k/a Vivian Rohrbach a/k/a Vivian A. Rohrbach a/k/a Vivian Agnes Rohrbach has paid the application fee and \$37,669.26, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

2nd - **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ESTATE OF VIVIAN ROHRBACK a/k/a VIVIAN ROHRBACH a/k/a VIVIAN A. ROHRBACH a/k/a VIVIAN AGNES ROHRBACH, by Robert Rohrbach, as Administrator, c/o Jonathan David Brown, Esq. 737 Roanoke Avenue, Riverhead, New York 11901, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.1

1515

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

May 12, 2008

Tax Map No.: 0200-981.00-04.00-011.000

Name of Last Legal Fee Owner: ESTATE OF VIVIAN ROHRBACK a/k/a VIVIAN ROHRBACH a/k/a
VIVIAN A. ROHRBACH a/k/a VIVIAN AGNES ROHRBACH, by
Robert Rohrbach, as Administrator

TREASURER'S COMPUTATION..... \$27,464.74

Taxes.....2007/2008..... \$ 5,551.52

Recording Fees collected for County Clerk. . N/A

License Fee..... \$ 4,550.00

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... \$ 103.00 – Process Service Fee

TOTAL..... \$37,669.26

Monies Received..... \$37,669.26

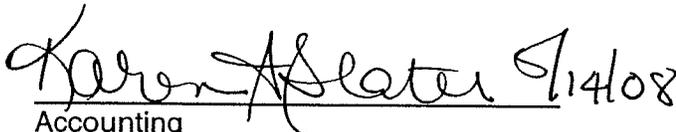
RESOLUTION AMOUNT..... \$37,669.26

APPROVED:

PREPARED BY:



Lori Bertone
Redemption Unit
(631) 853-5932



Accounting
LB:sc

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1515

1. Type of Legislation

Resolution X
Tax Map Number 0200-981.00-04.00-011.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee, to execute and acknowledge a Quitclaim Deed to transfer the interest of Suffolk County acquired under Section 46 of the Suffolk County Tax Act

3. Purpose of Proposed Legislation

Convey County owned parcel to prior owner

4. Will the Proposed Legislation have a fiscal impact? Yes X No

5. If the answer to Item 4 is "yes", on what will it impact?
(circle appropriate category)

<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	

6. If the answer to item 4 is "yes", provide detailed explanation of Impact

The County will recoup the amount of taxes paid on the property taken by the tax deed.

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2008

10. Typed Name & Title of Preparer Signature of Preparer Date

Lori Bertone *Lori Bertone* 5/13/08

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0200	981.00	04.00	011.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

1915

2002/03	803.60
2003/04	6451.23
2004/05	6263.14
2005/06	5906.93
2006/07	5153.21

2007/08 PROPERTY TAXES \$5551.52 NOT INCLUDED IN COMPUTATION

TOTAL: 24578.11

B. INTEREST DUE	1578.78
C. TOTAL	26156.89
D. 5% LINE C	1307.84
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE

07/08 \$27,464.74
 5,551.52

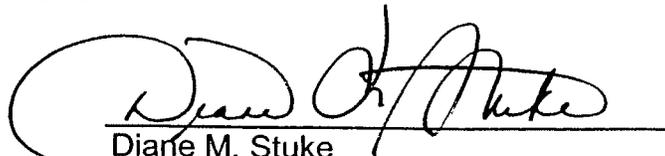
 33,016.26 ok

CERTIFICATION BY COUNTY TREASURER

I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York.

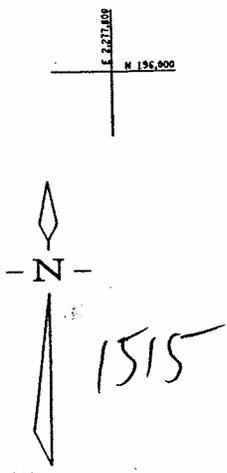
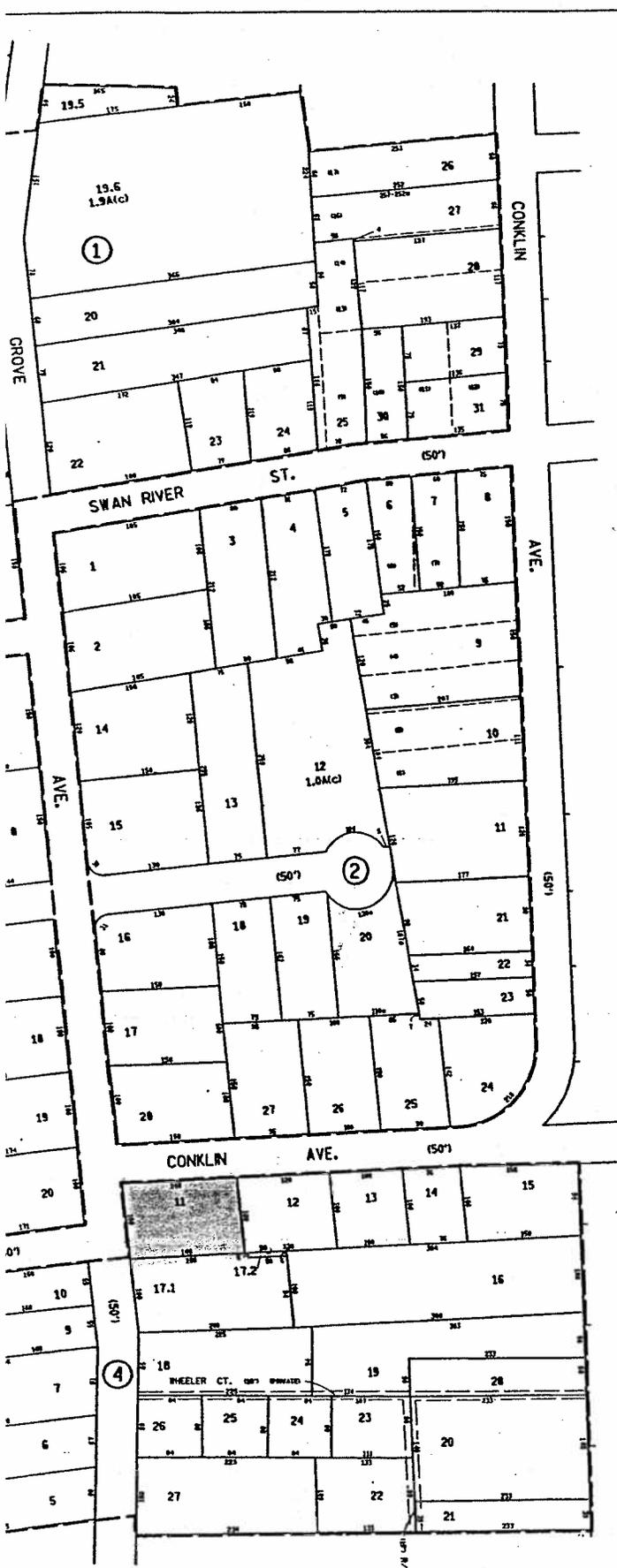
26-Feb-08



Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to
and including 08/24/08

dz



0200-981-04-011

PROPERTIES
DISTRICTS
104
100

NOTICE
 MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE SUFFOLK COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE



COUNTY OF SUFFOLK ©
Real Property Tax Service Agency
 County Center Riverhead, N.Y. 11901
 SCALE IN FEET: 1" = 100'

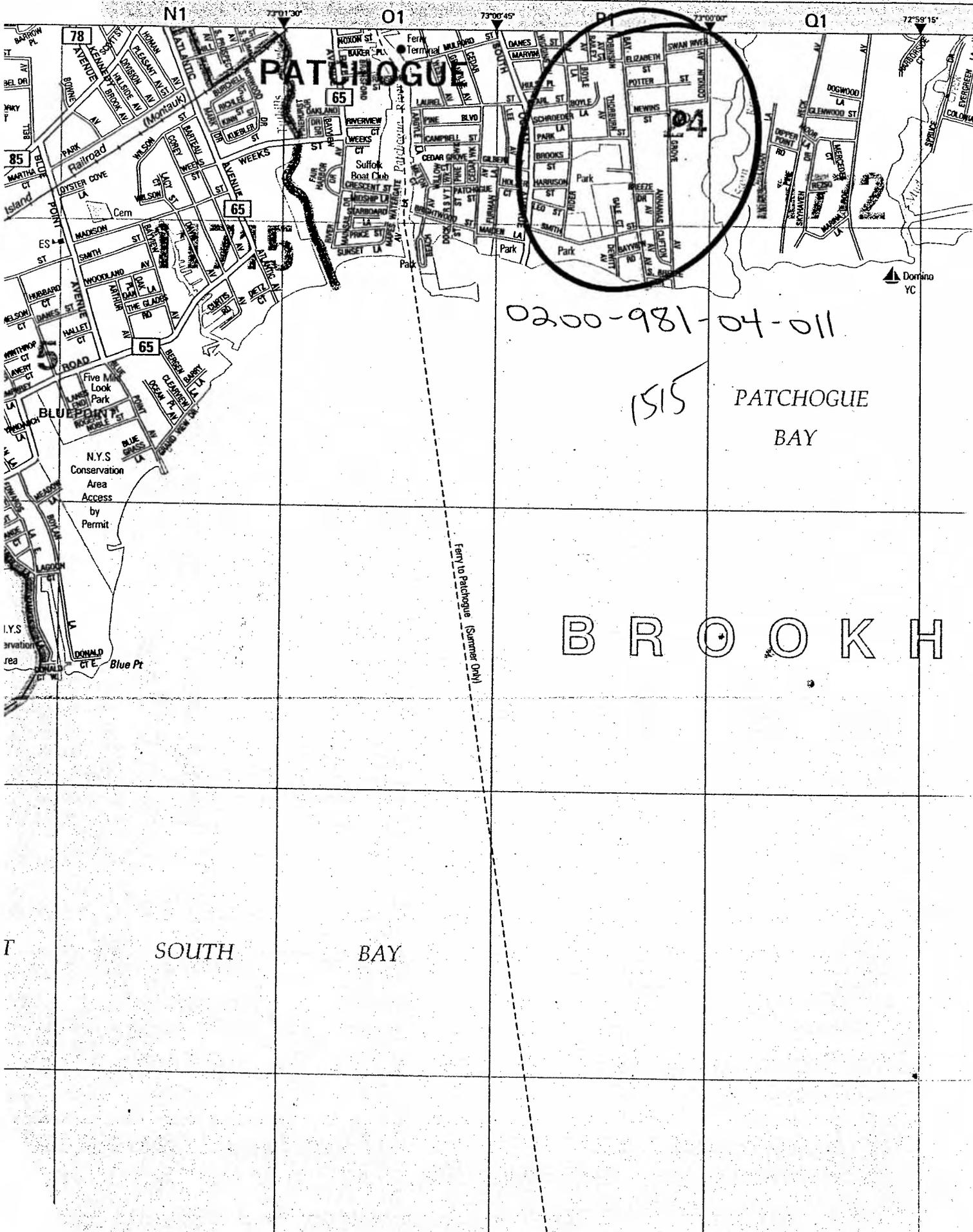
0204	373.30	373.40
-014		
0204	941	941.10
-017		
0204	945.00	945.00

TOWN OF	BROOKHAVEN
VILLAGE OF	
DISTRICT NO	0200

SECTION NO	981
PROPERTY MAP	

Suffolk Co.

Joins Map 28



PATCHOGUE

02.00-981-04-011

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PATCHOGUE
BAY

B R O O K H

SOUTH BAY

Dorino YC

Ferry to Patchogue (Summer Only)

N.Y.S. Conservation Area Access by Permit

Blue Pt

I.Y.S. Conservation Area

T

COUNTY OF SUFFOLK

Gen 28



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MAY 21 2008

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

May 19, 2008

Ben Zwirn
Deputy County Executive for
Intergovernmental Relations
H. Lee Dennison Bldg. - 11th Floor
Hauppauge, New York 11788-0099

Re: Tax Map No. 0200-981.00-04.00-011.000
ESTATE OF VIVIAN ROHRBACK a/k/a VIVIAN ROHRBACH a/k/a VIVIAN A. ROHRBACH
a/k/a VIVIAN AGNES ROHRBACH, by Robert Rohrbach, as Administrator

Dear Mr. Zwirn:

Enclosed herewith for your approval is original and one (1) copy of the proposed resolution with documentation pursuant to:

Local Law 16-1976, as amended - Authorizing the redemption of real property.

I would appreciate your placing this on the legislative agenda as soon as possible after your examination.

Very truly yours,

Christopher E. Kent
Director of Division of Real Property
Acquisition and Management

CEK:sc

Enclosures
Resolution + one copy
Closing Statement
Legislative Memorandum
Treasurer's Computation

Copy of Resolution to:
Ben Zwirn, Deputy County Executive for I. R. (original plus 1 hard copy)
Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain and Tom Vaughn, Intergovernmental Relations
Steve Forst, Budget Office (hard copy)
C.E. Reso. Review (electronic copy)

Copy of letter to:
Carrie Meek Gallagher, Commissioner, Dept. of Environment and Energy
Connie Corso, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

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Intro. Res. No. -2008

Laid on Table

6/10/08

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO -2008, AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A LICENSE AGREEMENT WITH DEER PARK ENTERPRISE TO PROVIDE ACCESS TO THE TANGER OUTLET CENTER AT THE ARCHES IN DEER PARK, NEW YORK TO PROVIDE BUS SERVICE.

WHEREAS, Deer Park enterprises, LLC (the "Developer") is developing the Tanger Outlet Center at the Arches, in Deer Park New York; and

WHEREAS the County operates and maintains public bus transportation within Suffolk County, consisting of bus routes and ADA paratransit services ("Bus Service"); and

WHEREAS, the County and the Developer are desirous of promoting access to and from the Tanger Outlet Center at the Arches by public transportation, including having the County provide Bus Service to the Tanger Outlet Center at the Arches, by among other things, rerouting existing bus routes to traverse, stop and terminate at certain designated areas within the Tanger Outlet Center at the Arches; and

WHEREAS, the Developer is amenable to providing a license to the County to access the Tanger Outlet Center at the Arches to provide Bus Service and in connection therewith, to provide a passenger shelter within the Tanger Outlet Center at the Arches; now, therefore be it

1st RESOLVED, that the County Executive is hereby authorized and directed to execute an agreement, in substantial conformance with the form attached; 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:

APPROVED BY

County Executive of Suffolk County

Date:

LICENSE AGREEMENT (BUS SERVICE)

THIS LICENSE AGREEMENT ("License Agreement") entered into this ___ day of _____, 2007 by and between **THE COUNTY OF SUFFOLK**, a municipal corporation of the State of New York, having its principal office at the County Center Riverhead, New York 11901 (the "County"), acting through its duly constituted Department of Public Works, ("DPW"), located at 335 Yaphank Avenue, Yaphank, New York 11980 and **DEER PARK ENTERPRISE, LLC**, a New York limited liability company, having an office and place of business at c/o Blumenfeld Development Group, 300 Robbins Lane, Syosset, New York 11791 (the "Developer").

RECITALS:

- Developer is the ground lessee under that certain Lease Agreement by and between the Town of Babylon Industrial Development Agency and Developer, dated September 29, 2006, affecting that certain parcel of real property in Deer Park, New York having the designation on the Suffolk County Tax Map of District 0100, Section 068.00, Block 01.00, Lot 046.003 and to be known as "Tanger Outlet Center at the Arches" (the "Property").
- The County, among other things, operates and maintains public bus transportation within Suffolk County, consisting of bus routes and ADA paratransit services ("Bus Service").
- Developer and the County are desirous of promoting access to and from the Property by public transportation, including having the County provide Bus Service to the Property, by among other things, rerouting existing bus routes to traverse, stop and terminate at certain designated areas within the Property.
- Developer is amenable to providing a license to the County for access to the Property to provide Bus Service and in connection therewith to provide a passenger shelter within the Property in an area designated by the Developer.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

1. To provide public transportation access and service to the Property, the County agrees to reroute its bus lines currently having the designations of Bus Routes S27, S33 and 2A in the manner set forth on Exhibits A-1, A-2 and A-3, respectively, and to provide for a terminus of such bus lines at areas designated by Developer within the Property. The County retains the right to re-designate its bus lines, and from time to time, to add to or delete from the number of bus lines accessing the Property, provided that the general level of service will not be diminished in a material way. Any re-routing of the Bus Routes within the Property shall require the prior written consent of the Parties.

2. Developer grants a license to the County through and over the area of the Property as illustrated on Exhibits B-1 and B-2 to facilitate the County's providing Bus Service to and through the Property. It is expressly understood and agreed that this

License Agreement is a limited license, to use the Property. It is not a lease; no interest in real estate, real property or personalty and no right of exclusive possession and control is granted herewith to the County. The County's right to use the Property shall continue only so long as the County shall comply strictly and promptly with each and all of the undertakings, provisions, covenants, agreements, stipulations, and conditions contained herein.

3. Developer agrees to designate, in its sole discretion, an area of the Property to be utilized by the County as and for a passenger waiting area for the exclusive use of patrons of the Bus Service (the "Bus Stop") as illustrated on Exhibit C and to install passenger amenities such as a bus passenger shelter(s) (the "Shelter(s)"), bench(es), kiosk(s) and on-site "trailblazing" signs (all of the foregoing collectively, the "Amenities") all, at a minimum, of a design, size, type and quality equal to that which is generally installed by the County where it is constructing such facilities directly, or of such superior quality or design as Developer, in its sole discretion, may elect to construct or install, at Developer's sole cost and expense. All such amenities will be constructed in a manner compliant with The Americans with Disabilities Act of 1990 (ADA), and the Americans with Disabilities Act Guidelines (ADAG). Developer shall obtain all applicable approvals, certificates and permits required by any Federal, State or local governmental agency having or claiming jurisdiction thereof which shall be necessary before any Amenities shall be located or constructed, including any building approvals. The Bus Stop will initially be located in the area so designated on Exhibit B-1, subject to Developer's right to relocate the Bus Stop to another suitable location on the Bus Routes; provided, however, Developer shall provide prior written notice to the County regarding the intent to relocate the Bus Stop and shall consult with the County to designate a new location with is mutually agreeable to both the Developer and the County.

4. Developer agrees to designate, in its sole discretion, an area within the Property to be utilized by the County as and for a pick-up point for minivans for "Paratransit" and to provide appropriate signage identifying it as such. Developer acknowledges that, depending on the designated location for such area(s), the proximity of such area(s) to weather protected areas, and other considerations, paratransit passenger boarding area(s) may also require additional Amenities to accommodate its users.

5. Developer agrees to provide, in appropriate locations within the Property, "trailblazing" signage of a design, size, type and quality determined by Developer in its sole discretion, identifying the location of the Bus Stop. To the extent that Developer maintains an information center within the shopping center to be constructed at the Property, such information center will make available to the public any printed materials prepared by the County, at its sole cost and expense, providing information as to Bus Service.

6. The County will provide, within the area of the Bus Stop designated by the Developer, at its sole cost and expense, its standard route signage, identifying the routes of each of the buses accessing the Bus Stop, in format and type reasonably acceptable to Developer. The County will submit the proposed location of any such proposed signage to Developer for its written approval before commencing any installations of such signage.

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7. At all times during the term of this License when a part of the Property is being utilized as a terminus of such bus lines, Developer agrees to designate, in its sole discretion, an area within the Property for buses to lay over between trips through their routes (which area will initially be as shown on Exhibit B-1). Developer will have the right to establish rules and regulations of the conduct and operation of the buses during all lay-over periods, including prohibitions against idling vehicles or obstructing access to and from the lay-over area.

8. The term of this License will be for _____ () years commencing on _____ 200__ and expiring on _____, 20___. Developer will have the right to terminate this License Agreement upon sixty (60) days prior written notice to the County if there is a partial or total taking or a material destruction of a substantial portion of the improvements on the Property or if Developer elects to change the use of the Property from its current contemplated use as a shopping center. Developer will have the right to terminate this License Agreement upon one hundred and twenty (120) days prior written notice to the County for any reason or no reason at all.

9. The County shall have the right to terminate this License Agreement at any time and for any reason deemed to be in its best interest, provided that no such termination shall be effective unless the Developer is given thirty (30) calendar days written notice of termination.

10. Developer will maintain the Amenities in good condition and clean them on a regular basis and will repair any portion of the Amenities at Developer's sole cost and expense, unless the need for such repairs results from the acts or omissions of the County and its employees, officers and agents.

11. Developer will protect, indemnify and hold harmless the County and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising in any manner, directly or indirectly, out of or incidental to or in connection with the Developer's duties under this License Agreement. The Developer shall defend the County and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of the Developer, its officers, members, employees, subcontractors or agents, if any, in carrying out the Developer's duties under this License. The foregoing indemnity and agreement to defend will be inapplicable to claims, suits and actions arising from the negligence, acts, or omissions of the County and its officers, officials, employees, contractors, and agents.

12. All revenues from advertising displayed on a Shelter will be the exclusive property of Developer. Developer agrees that no political or religious advertising will be allowed on the Shelter and that advertising for alcohol or tobacco products will only be allowed where Developer, acting in good faith and in a commercially reasonable manner, is unable to secure other advertisers.

13. The County will protect, indemnify, and hold harmless Developer and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorney's fees arising in any manner, directly or indirectly, out of or incidental to or in connection with the County's negligence, acts or omissions in carrying out its duties under this License Agreement. The County shall defend Developer and its officers, members, employees, contractors, agents and other persons in any suit, including appeals, or at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of the County, its officers, officials, employees, subcontractors or agents, if any, in carrying out the County's duties under this License Agreement. The foregoing indemnity and agreement to defend will be inapplicable to claims, suits and actions arising from the negligence, acts, or omissions of Developer and its employees, officers, contractors, and agents.

14. This License Agreement and its attachments constitute the entire agreement between the parties with respect to the subject matter hereof and will supersede all previous negotiations, commitments and writings. This License Agreement can only be released, discharged, changed or modified by a written instrument signed by a duly authorized representative of each of the parties.

15. This License Agreement may be executed simultaneously in several counterparts, each of which will be an original and all of which will constitute but one and the same instrument.

16. This License Agreement will be construed and enforced in accordance with the laws of the State of New York and without regard to its conflict of law provisions. Venues shall be designated as Suffolk County, New York, or the United States District Court for the Eastern District of New York.

17. Any notice or demand pursuant to the provisions of this License Agreement must be in writing and sent to the parties at their addresses in the preamble of this License Agreement and must be given or made by mailing the same by express mail, by Federal Express or by other nationally recognized overnight courier utilizing a written receipt or other valid written proof of delivery, or by hand delivery utilizing a written receipt. A party may designate by notice, in writing, a new or other address to which such notice or demand is thereafter be given, made or mailed.

a. In addition to the requirement set forth above, in the event the Developer receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, their party complainant, third party defendant) to a lawsuit or any legal proceeding related to this License Agreement, the Developer shall immediately deliver to the Suffolk County Department of Law, P.O. Box 6100, H. Lee Dennison Bldg., 100 Veterans Memorial Highway, Hauppauge, New York 11788, copies of all papers filed by or against the Developer.

18. The Developer covenants, warrants and represents that the Developer's entry into, and execution of this Agreement was duly considered and authorized by the

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Developer's Board of Directors/Members pursuant to its by-laws and/or internal procedures, as evinced by a duly adopted resolution.

19. Except to the extent prohibited by law, the parties hereby expressly waive trial by jury in any litigation arising out of, or connected with, or relating to, this License Agreement or the relationship created hereby. With respect to any matter for which a jury trial cannot be waived, the parties agree not to assert any such matter as a counterclaim in, nor move to consolidate such claim with, any action or proceeding in which a jury trial is waived.

20. This License Agreement is to be construed and interpreted without regard to any presumption or other rule requiring construction or interpretation against the party causing this License Agreement to be drafted.

21. A party's failure to insist upon strict performance by the other of any of the provisions of this License Agreement will not be deemed a waiver of any of the provisions hereof, regardless of the number of violations or breaches that occur.

22. In the event of any conflict between the terms of this License Agreement and those of its attachments, the terms of this License Agreement will control.

23. The provisions of this License Agreement are severable and it is the intention of the parties hereto that if this License Agreement cannot take effect in its entirety because of the final judgment of any court of competent jurisdiction holding invalid any part or parts thereof, the remaining provisions of the License Agreement shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

24. This License Agreement sets forth the entire understanding between the parties and there are no prior oral or written agreements between the County and Developer affecting this License Agreement. No change or modification of any of the covenants, terms or provisions hereof shall be valid unless in writing and signed by all parties hereto.

25. All Exhibits attached to this License Agreement are incorporated herein and made a part hereof. All references to Sections and Exhibits are to Sections and Exhibits to this License Agreement.

26. The Parties agree to be bound by the terms of Suffolk County Legislative Requirements, annexed hereto as "Exhibit D," and made a part hereof.

[Signature Page Follows]

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IN WITNESS WHEREOF, the parties hereto have executed this License Agreement as of the day and year first above written.

THE COUNTY OF SUFFOLK

DEER PARK ENTERPRISE, LLC

By: _____
Name: Paul Sabatino II

By: DPE MEZZ, LLC, its Sole Member

By: BDG Deer Park Associates, LLC, its
Managing Member

Title: Chief Deputy County Executive

By: BDG Asset Management, Inc., its
General Manager

By: _____
Name: David Blumenfeld
Title: Vice President

Approved: Department of Public Works

By: _____
Name:
Title:
Date:

Approved as to Legality:
Christine Malafi, County Attorney

By: _____
Basia Deren Braddish
Assistant County Attorney

Date: _____

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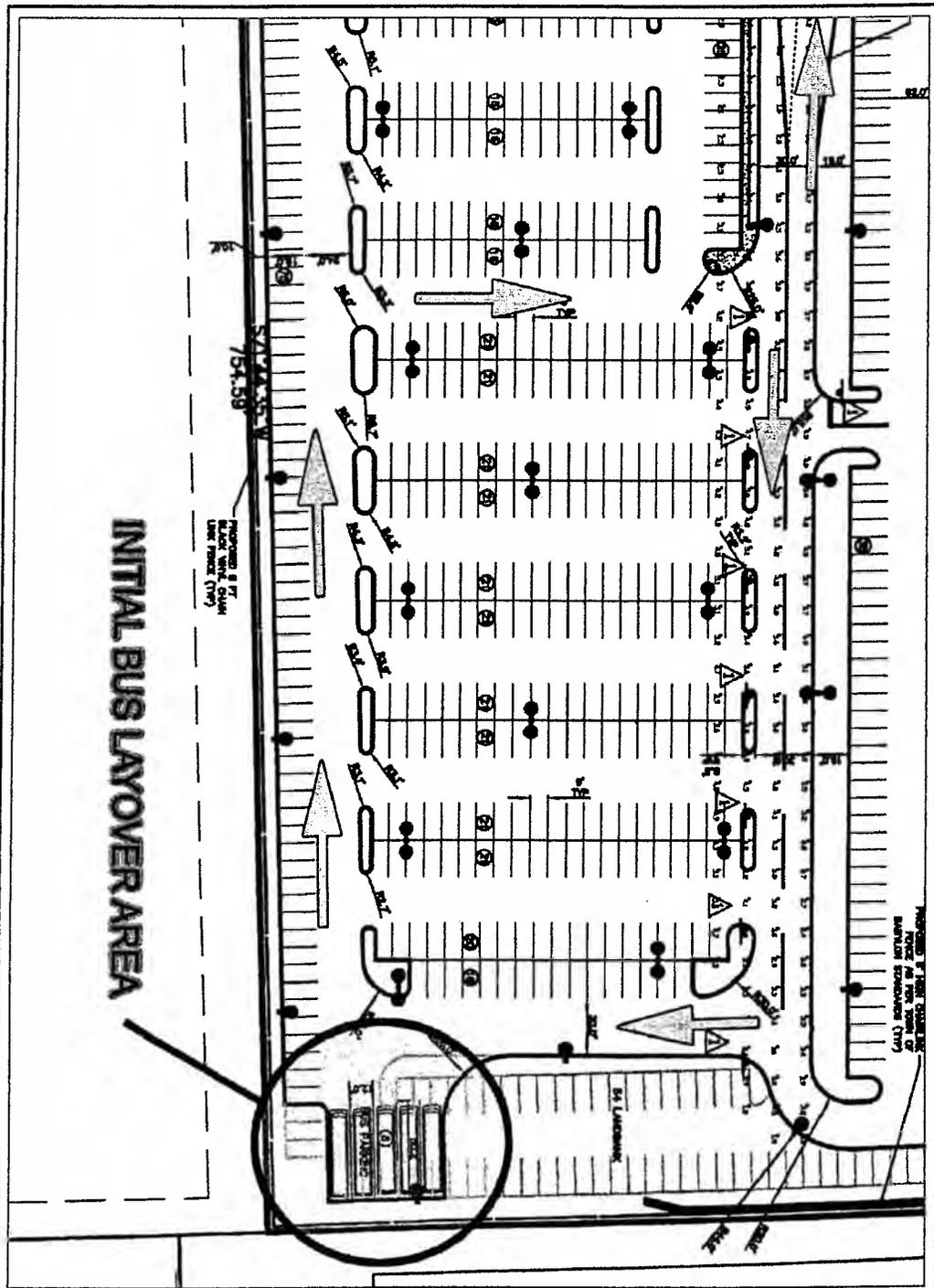


 <p>THE ARCHES</p>	<p>DEER PARK ENTERPRISE</p> <p>300 Madison Lane Spokane, WA 99201 (509) 325-1100</p>	<p>NEB ENGINEERING</p> <p>300 Madison Lane Spokane, WA 99201 (509) 325-1100</p>	<p>FREDERICK P. CLARK</p> <p>1000 North Howard Street Spokane, WA 99201 (509) 325-1100</p>	<p>AVANTAGE ARCHITECTURE</p> <p>1000 North Howard Street Spokane, WA 99201 (509) 325-1100</p>	<p>Project No.</p>	<p>Client</p>	<p>Contract No.</p>	<p>Contract Date</p>	<p>Contract Value</p>	<p>Contract Status</p>
					<p>Project Name</p>	<p>Project Location</p>	<p>Project Description</p>	<p>Project Start Date</p>	<p>Project End Date</p>	<p>Project Status</p>

LANGER OUTLET CENTER THE ARCHES
 133 COMMERCE ROAD
 2ND FLOOR, SPA, WA 99201
 STREET PLAN

EXHIBIT A-3
 Route - 2A

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<p>THE ARCHES</p> <p>DEER PARK ENTERPRISE</p> <p>300 Middle Lane</p> <p>Spring, Nevada 89701</p>	<p>FREDERICK P. CLARK</p> <p>Architect</p> <p>200 North Park Road</p> <p>Las Vegas, Nevada 89102</p> <p>702-735-1200</p> <p>For Project #02</p>	<p>ARCHITECTS</p> <p>ARCHITECTURE</p> <p>200 North Park Road</p> <p>Las Vegas, Nevada 89102</p> <p>702-735-1200</p> <p>For Project #02</p>	<p>LANGER</p> <p>ARCHITECT</p> <p>THE ARCHES</p> <p>300 Middle Lane</p> <p>Spring, Nevada 89701</p>	<p>Scale: 1" = 10'</p> <p>North Arrow</p>
				<p>DATE: 10/1/02</p> <p>DRAWN BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>PROJECT: SVA 55 V</p>

EXHIBIT B-2

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Suffolk County Legislative Requirements

1. Developer’s/Vendor’s Public Disclosure Statement

The Developer represents and warrants that it has filed with the Comptroller of Suffolk County the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the said Comptroller on or before the 31st day of January in each year of this Agreement's duration. The Developer acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of this Agreement, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Agreement.

Required Form: Suffolk County Form SCEX 22; entitled “Contractor’s/Vendor’s Public Disclosure Statement”

2. Living Wage Law

This Agreement is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

The Developer represents and warrants that it has read and shall comply with the requirements of Suffolk County Code Chapter 347, Suffolk County Local Law No. 12-2001, the Living Wage Law.

Required Forms: Suffolk County Living Wage Form LW-1; entitled “Suffolk County Department of Labor – Living Wage Unit Notice of Application for County Compensation (Contract)”

Suffolk County Living Wage Form LW-38; entitled “Suffolk County Department of Labor – Living Wage Unit Living Wage Certification/Declaration – Subject To Audit”

**3. Use of County Resources to Interfere with Collective Bargaining Activities
Local Law No. 26-2003**

The Developer represents and warrants that it has read and is familiar with the requirements of Chapter 466, Article 1 of the Suffolk County Local Laws, “Use of County Resources to Interfere with Collective Bargaining Activities”. County Contractors (as defined) shall comply with all requirements of Local Law No. 26-2003 including the following prohibitions:

- a. The Contractor shall not use County funds to assist, promote, or deter union

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organizing.

- b. No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.
- c. The County of Suffolk shall not use County funds to assist, promote, or deter union organizing.
- d. No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.

If Contractor services are performed on County property the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, nonintimidation agreement and a majority authorization card agreement.

If Contractor services are for the provision of human services and such services are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Local Law No. 26-2003, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

Required Form: Suffolk County Labor Law Form DOL-LO1; entitled "Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration – Subject to Audit"

4. Lawful Hiring of Employees Law

This Agreement is subject to the Lawful Hiring of Employees Law of the County of Suffolk (Local Law 52-2006). It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one

hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the contract, and whenever a new contractor or subcontractor is hired under the terms of the contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of this agreement.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate this Agreement for violations of this Law and to seek other remedies available under the law.

The Contractor represents and warrants that it has read, is in compliance with, and shall comply with the requirements of Suffolk County Code Chapter 234, Suffolk County Local Law No. 52-2006, the Lawful Hiring of Employees Law.

Required Forms: Suffolk County Lawful Hiring of Employees Law Form LHE-1; entitled "Suffolk County Department of Labor --"Notice Of Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees"

"Affidavit Of Compliance With The Requirements Of 8 U.S.C. Section 1324a With Respect To Lawful Hiring Of Employees" Form LHE-2.

5. **Gratuities**

The Developer represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

6. **Prohibition Against Contracting with Corporations that Reincorporate Overseas**

The Developer represents that it is in compliance with Suffolk County Administrative Code Article IV, §§A4-13 and A4-14, found in Suffolk County Local Law No. 20-2004,

entitled "A Local Law To Amend Local Law No. 5-1993, To Prohibit The County of Suffolk From Contracting With Corporations That Reincorporate Overseas." Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

7. **Child Sexual Abuse Reporting Policy**

The Developer agrees to comply with Chapter 577, Article IV, of the Suffolk County Code, entitled "Child Sexual Abuse Reporting Policy", as now in effect or amended hereafter or of any other Suffolk County Local Law that may become applicable during the term of this Agreement with regard to child sexual abuse reporting policy.

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8. Non Responsible Bidder

The Developer represents and warrants that it has read and is familiar with the provisions of Suffolk County Code Chapter 143, Article II, §§143-5 through 143-9. Upon signing this Agreement the Developer certifies that he, she, it, or they have not been convicted of a criminal offense within the last ten (10) years. The term "conviction" shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under the provision of Section 143-5 of the Suffolk County Code under "Nonresponsible Bidder."

9. Use of Funds in Prosecution of Civil Actions Prohibited

Pursuant to the Suffolk County Code Section §590-3, the Developer represents that it shall not use any of the moneys received under this Agreement, either directly or indirectly, in connection with the prosecution of any civil action against the County of Suffolk or any of its programs, funded by the County, in part or in whole, in any jurisdiction or any judicial or administrative forum.

10. Suffolk County Local Laws

Suffolk County Local Laws, Rules and Regulations can be found on the Suffolk County web site at [www.co.suffolk](http://www.co.suffolk.ny.us)<<http://www.co.suffolk.ny.us>>. Click on "Laws of Suffolk County" under "Suffolk County Links."

End of Text for Exhibit C

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Intro. Res. No. -2008

Laid on Table

6/10/08

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO -2008, AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A LICENSE AGREEMENT WITH DEER PARK ENTERPRISE TO ACCOMODATE OVERFLOW PARKING FROM THE TANGER OUTLET CENTER AT THE ARCHES IN DEER PARK, NEW YORK

WHEREAS, Deer Park enterprises, LLC (the "Developer") is developing the Tanger Outlet Center at the Arches, in Deer Park New York; and

WHEREAS the County operates and maintains parking facilities at the nearby Long Island Railroad Station in Deer Park ; and

WHEREAS, the County and the Developer are desirous of promoting access to and from the Tanger Outlet Center at the Arches by public transportation; and

WHEREAS, the Developer intends to implement shuttle bus service to and from the Tanger Outlet Center at the Arches and the Railroad Station in Deer Park in order to facilitate shopper access; and

WHEREAS, the County is amenable to providing a license to the Developer to operate the Shuttle Bus Service over the Drives of the Deer Park Railroad Station and to permit parking, loading and unloading of shoppers in areas designated by the County at the Deer Park Railroad Station; and

WHEREAS, the County is further amenable to permit overflow parking from the Tanger Outlet Center at the Arches in certain designated areas of the Deer Park Railroad Station upon certain terms and conditions; now, therefore be it

1st RESOLVED, that the County Executive is hereby authorized and directed to execute an agreement, in substantial conformance with the form attached; 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:

APPROVED BY

County Executive of Suffolk County

Date:

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PARKING AGREEMENT AND LICENSE

THIS PARKING AGREEMENT AND LICENSE (this "Agreement") is made and entered into as of ___, 2008 (the "Effective Date"), between **THE COUNTY OF SUFFOLK**, a municipal corporation of the State of New York, having its principal office at the County Center Riverhead, New York 11901 (the "County"), acting through its duly constituted Department of Public Works, ("DPW"), located at 335 Yaphank Avenue, Yaphank, New York 11980 (the "County") and **DEER PARK ENTERPRISE, LLC**, a New York limited liability company, having an office and place of business at c/o Blumenfeld Development Group, 300 Robbins Lane, Syosset, New York 11791 (the "Developer").

RECITALS:

- Developer is the ground lessee under that certain Lease Agreement by and between the Town of Babylon Industrial Development Agency and Developer, dated September 29, 2006, affecting that certain parcel of real property in Deer Park, New York having the designation on the Suffolk County Tax Map of District 0100, Section 068.00, Block 01.00, Lot 046.003 and to be known as "Tanger Outlet Center at the Arches" (the "Developer's Property").
- The County, among other things, own, operates and maintains parking facilities pursuant to that certain Long Island Rail Road Parking Program Agreement between the Long Island Rail Road Company ("LIRR") and the County dated August 10, 2001 (the "Parking Agreement"), including those certain parking facilities located at Long Island Railroad Station in Deer Park, New York (the "Deer Park Station") and associated parking areas (the "Deer Park Lot" which collectively with the Deer Park Station is referred to as the "Property") which are in close proximity to Developer's Property.
- Developer and the County are desirous of promoting access to and from the Developer's Property by public transportation, including encouraging travel by consumers to Developer's Property utilizing the Long Island Rail Road.
- Developer intends to implement shuttle bus service ("Shuttle Bus Service") to and from Developer's Property and the Property, in order to facilitate shopper access.
- The County is amenable to providing a license to Developer to operate Shuttle Bus Service over the drives of the Property and to permit parking, loading and unloading of shoppers ("Shoppers") in areas designated by the County at the Property
- The County is amenable to permit overflow parking from Developer's Property in certain designated areas of the Property at certain times and on the conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

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1. Description

Section 1.01 In consideration of and subject to the terms, covenants, agreements, provisions, conditions, and limitations set forth in this Agreement, the County grants a license to the Developer through and over the area of the Property shown on Exhibit A-2, to facilitate the Developer's providing Shuttle Bus Service to, from and through the Property and to accommodate overflow parking from the Developer's property and the related pedestrian and vehicular ingress, egress and movement resulting from use of the Shuttle Bus Service and overflow parking.

Section 1.02 It is expressly understood and agreed that this Agreement is a limited license, to improve and use the Property. It is not a lease; no interest in real estate, real property or personalty and no right of exclusive possession and control is granted herewith to the Developer. The Developer's right to use the Property shall continue only so long as the Developer shall comply strictly and promptly with each and all of the undertakings, provisions, covenants, agreements, stipulations, and conditions contained herein in all material respects.

Section 1.03 The Developer shall not carry on, within, or upon the Property any operation or service other than described herein, or interfere with the County or any representatives, officials, officers, employees, servants and agents of the County, and subject to the rights of LIRR as set forth in the Agreement.

Section 1.04 Pursuant to the Parking Agreement, the County shall promptly secure the consent of LIRR to this License the execution of this Agreement. If the County fails to deliver such consent within thirty (30) days from Developer's execution of this Agreement, the Developer will have the right to pursue such consent independently of the County. The foregoing is expressly intended to authorize Developer to communicate directly with the LIRR if the County is unable to secure such consent.

In the event that the County and the Developer fail to secure the consent of the LIRR, the Developer will have the right to terminate this Agreement.

2. Term

Section 2.01 The term of this Agreement shall be twenty-five (25) years, commencing on the date of the last signature on the signature page herein, unless sooner terminated as hereinafter provided.

3. Duties and Obligations

Section 3.01 The County agrees to designate specific areas of the Property to be utilized by Developer as and for a passenger waiting areas (the "Bus Stop") for the use of patrons of the Shuttle Bus Service, including Shoppers and employees of the tenants that will conduct business at Developer's Property. Developer will have the right, subject to the prior written approval of the County, which the County agrees to not unreasonably

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withhold, condition or delay, to install passenger amenities such as a bus passenger shelter (the "Shelter"), bench (es), kiosk(s) and on-site "trailblazing" signs (all of the foregoing collectively, the "Amenities") on and in the areas of the Property shown on Exhibit A.2; all to be constructed in a manner compliant with the Americans with Disabilities Act of 1990. The Bus Stop will initially be located in the area so designated on Exhibit A-2, subject to the County's right to relocate the Bus Stop to another equivalently suitable location on no less than one hundred twenty (120) days prior written notice to Developer.

The Developer shall repair, maintain and replace the Amenities as needed. The Developer agrees that such repair, maintenance and replacement shall be of a quality similar to the initial installation of the improvements contemplated hereunder.

Section 3.02 The Developer shall comply with all statutes, laws, rules and regulations, and shall obtain all applicable approvals, certificates and permits required by any Federal, State or local governmental agency having or claiming jurisdiction thereof which shall be necessary before any improvement on the Property or Shuttle service may commence.

Section 3.03 The Developer expressly agrees that no fee shall be charged in connection with utilization of the Shuttle Bus Service.

Section 3.04 The County agrees that on weekends and on the dates and the times identified on Exhibit B/identified holiday, it will make the areas of the Deer Park Lot identified on Exhibit B available for overflow parking from Developer's Property on a non-exclusive basis for Shoppers and for employees of tenants that will conduct business at Developer's Property.

4. Indemnification

~~Section 4.01~~ Developer will protect, indemnify and hold harmless the County and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising in any manner, directly or indirectly, out of or incidental to or in connection with the Developer's duties under this Agreement, or in connection with the construction and maintenance [MSOffice] of the Shelter, the Bus Stop, Amenities, or arising from Developer's operation of any motor vehicles, including the Shuttle Bus Service. The Developer shall defend the County and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of the Developer, its officers, members, employees, subcontractors or agents, if any, in carrying out the Developer's duties under this Agreement, or in connection with the construction and maintenance of the Shelter, the Bus Stop, Amenities, or arising from Developer's operation of any motor vehicles, including the Shuttle Bus Service. The foregoing indemnity and agreement to defend will be inapplicable to claims, suits and actions arising from the negligence, acts, or omissions of the County and its officers, officials, employees, contractors, and agents.

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Section 4.02 The County will protect, indemnify, and hold harmless Developer and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorney's fees arising in any manner, directly or indirectly, out of or incidental to or in connection with the County's negligence, acts or omissions in carrying out its duties under this Agreement. The County shall defend Developer and its officers, members, employees, contractors, agents and other persons in any suit, including appeals, or at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of the County, its officers, officials, employees, subcontractors or agents, if any, in carrying out the County's duties under this Agreement. The foregoing indemnity and agreement to defend will be inapplicable to claims, suits and actions arising from the negligence, acts, or omissions of Developer and its employees, officers, contractors, and agents.

5. Insurance

Section 5.01 During the term of this Agreement, Developer agrees to procure, pay the entire premium for and maintain throughout the term of this Agreement, insurance in amounts and types specified by the County and as may be mandated and increased from time to time. The Developer agrees to require that all of its subcontractors, in connection with work performed for the Developer related to this Agreement, procure, pay the entire premium for and maintain throughout the term of this Agreement insurance in amounts and types equal to that specified by the County for the Developer. Unless otherwise specified by the County and agreed to by the Developer, in writing, such insurance shall be as follows:

- i. **Commercial General Liability** insurance, including contractual liability coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage.
- ii. **Umbrella Policy:** At the Developer's option, the Developer may furnish a minimum One Million (\$1,000,000.00) dollar Umbrella Policy or excess liability policy to meet the Two Million dollar (\$2,000,000.00) General Liability Insurance required
- iii. **Automobile Liability** insurance (if any vehicles are used by the @ in the performance of this Agreement) in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per person, per accident, for bodily injury and not less than One Hundred Thousand Dollars (\$100,000.00) for property damage per occurrence, arising out of the ownership, maintenance or use of any owned, hired or non-owned motor vehicle.

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- iv. **Worker's Compensation and Employer's Liability** insurance in compliance with all applicable New York State laws and regulations and **Disability Benefits** insurance, if required by law. Developer shall furnish to the County, prior to its execution of this Agreement, the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law §108, this Agreement shall be void and of no effect unless the Developer shall provide and maintain coverage during the term of this Agreement for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

Section 5.02 All policies providing such coverage shall be issued by insurance companies with an A.M. Best rating of A- or better.

Section 5.03 The Developer shall furnish to the County Declaration Pages for each such policy of insurance and upon request, a true and certified original copy of each such policy, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, the County of Suffolk shall be named as an additional insured and the Developer shall furnish a Declaration Page and endorsement page evidencing the County's status as an additional insured on said policy.

Section 5.04 All such Declaration Pages, certificates, endorsements, and other evidence of insurance shall provide for the County of Suffolk to be notified in writing thirty (30) days prior to any cancellation, nonrenewal or material change in said policies. Such Declaration Pages, certificates, policies and other evidence of insurance and notices shall be mailed to the Department at its address as set forth in this Agreement in the paragraph entitled "Notices and Contact Persons" or at such other address of which the County shall have given the Developer notice in writing.

Section 5.05 In the event Developer shall fail to provide the Declaration Pages or certificates of insurance or to maintain any insurance required by this Agreement, the County may, but shall not be required to, obtain such policies and deduct the cost thereof from payments due Developer under this Agreement or any other agreement between the County and Developer.

6. Termination/Default

Section 6.01 If the Developer shall neglect, fail, or refuse to comply with the terms and conditions of this Agreement or otherwise default hereunder, the County shall notify the Developer of such and if within thirty (30) day of receipt of said notice the Developer fails to commence diligent efforts to cure such defaults and thereafter diligently prosecutes same to completion, then the County shall have the right to terminate this Agreement upon ten (10) days written notice.

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Section 6.02 Either party may terminate this Agreement without cause by giving thirty (30) days written notice to the other.

Section 6.03 Notwithstanding anything herein to the contrary, in the event that the Commissioner of the Department of Public Works determines in his/her sole discretion that termination is in the best interest of the County, the County may terminate this Agreement. Such termination shall occur upon fifteen (15) days written notice to terminate the Agreement.

Section 6.04 In the event this Agreement is terminated prior to the expiration date set forth under *Section 2.01*, this Agreement shall expire as fully and completely as if such earlier date were the date herein originally fixed for the expiration of the term and except as otherwise set forth herein, neither party shall have any further liability to the other in connection with this Agreement; and Developer shall, as of such earlier termination date, quit and surrender the Property to the County. It is further agreed that upon any such earlier termination, Developer will be provided sufficient time, but in no event more than thirty (30) days, to remove its property from the Property and that any property and equipment not so removed within thirty (30) days of the effective date of termination, shall be considered as having been abandoned by Developer to the County, and title thereto shall rest in the County.

7. Termination in the Event of Condemnation

Section 7.01 The Parties hereto agree that if the whole or any part of the Premises shall be taken or condemned by any competent authority, then and in that event, upon the taking of same, this Agreement, by mutual consent of the County and Developer, shall become null and void and the term cease and come to an end.

8. Independent Contractor

Section 8.01 It is expressly agreed that the Developer's status hereunder is that of an independent contractor. Neither the Developer, nor any person hired by the Developer shall be considered employees of the County for any purpose. The relationship of the County to the Developer is that of licensor and licensee. In accordance with its status as such, Developer covenants and agrees that it shall conduct itself consistent with such status, that it will neither hold itself out as nor claim to be an officer or employee of the County by reason hereof, and that the Developer, its officers, employees, agents, contractors, and subcontractors shall not, by reason hereof, make any claims, demands or application to or for any right of privilege including, but not limited to, workers' compensation coverage, unemployment insurance benefits, social security coverage or retirement membership of credit as representatives, officials, officers, employees, servants and agents of the County.

9. Hazardous Materials

Section 9.01 Developer shall not generate, treat, release, store, discharge, dispose of, transport, recycle, use, re-use or handle hazardous substances or waste on the Property. Developer shall be solely responsible for and shall fully indemnify and hold harmless the County from any claims arising out of or in connection with Developer's storage, management, treatment, use and/or disposal of Hazardous Substances in, on or about the Property and Developer shall perform any necessary removal, cleanup and restoration work and materials necessary to return the Property to the condition existing prior to the introduction of such Hazardous Substances to the Property by Developer or Developer's agents.

Section 9.02 As used herein, "hazardous substances or waste" shall include, but not be limited to, any flammable explosives, gasoline, petroleum products, polychlorinated biphenyl, radioactive materials, hazardous wastes, hazardous or toxic substances, or related or similar materials, asbestos or any material containing asbestos, or any other substance or material as defined by any federal, state or local environmental law, ordinance, rule, or regulation including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Section 9601, et. seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C. Section 5101, et. seq.), the Solid Waste Disposal Act, as amended (42 U.S.C. Section 6901, et. seq.), and the regulations adopted and publications promulgated pursuant thereto.

10. Cooperation

Section 10.01 Each of the parties hereto agrees to render diligently to the other party, without additional compensation, any and all cooperation, that may be required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives in connection with this Agreement.

Section 10.02 Each of the parties hereto agrees to render diligently to the other party, without additional compensation, any and all cooperation, that may be required to implement the provisions of this Agreement, including, without limitation, securing any consents where required.

11. Not a Co-Partnership

Section 11.01 Nothing herein contained shall create or be construed as creating a co-partnership between the COUNTY and Developer or to constitute Developer or its officers, employees, agents, contractors or subcontractors as agents or employees of the COUNTY.

12. County Representatives

Section 12.01 It is expressly understood and agreed by and between the parties hereto that the officers, officials, employees and agents of the County are acting in a representative capacity for the County of Suffolk and not for their own benefit, and that neither the

Developer nor any user of the Property shall have any claim against them or any of them as individuals in any event whatsoever.

13. Non-Discrimination Requirements

Section 13.01 In accordance with Article 15 of the New York State Executive Law (also known as the Human Rights Law) and all other County, State and Federal administrative, statutory and constitutional nondiscrimination provisions, Developer shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability, sexual orientation, military service or marital status.

14. Non-Discrimination in Services

Section 14.01 During the performance of this Agreement, Developer will not, on the grounds of race, creed, color, national origin, sex, age, disability, sexual orientation, military service or marital status, deny any individual any service(s) or other benefits provided under the program or provide any service(s) or other benefits to an individual which are different, or are provided in a different manner from those provided to others under the program.

15. Nonsectarian Declaration

Section 15.01 Developer agrees that all services performed under this Agreement are secular in nature, that no funds received pursuant to this Agreement will be used for sectarian purposes or to further the advancement of any religion, and that no services performed under this program will discriminate on the basis of religious belief. Furthermore, Developer agrees that all program services are and will be available to all eligible individuals regardless of religious belief or affiliation.

16. Assignment and Subcontracting

Section 16.01 The Developer shall not assign, transfer, convey, sublet, or otherwise dispose of this Agreement, or any of its right, title or interest therein, or its power to execute the Agreement, or assign all or any portion of the monies that may be due or become due hereunder, to any other person or corporation, without the prior consent in writing of the County, and any attempt to do any of the foregoing without such consent shall be of no effect. Notwithstanding the foregoing, in the event that Developer enters an Agreement to sell Developer's Property, the County agrees that it will not unreasonably withhold, condition or delay its consent to the assignment of this License to the proposed vendee of Developer's Property.

Section 16.02 The Developer shall not enter into subcontracts for any of the work contemplated under this Agreement without obtaining prior written approval of the

County. Such subcontracts shall be subject to all of the provisions of this Agreement and to such other conditions and provisions as the County may deem necessary, provided, however, that notwithstanding the foregoing, unless otherwise provided in this Agreement, such prior written approval shall not be required for the purchase of articles, supplies, equipment and services which are incidental to, but necessary for, the performance of the work required under this Agreement. No approval by the County of any subcontract shall provide for the incurrence of any obligation by the County in addition to the total agreed upon price. The Developer shall be responsible for the performance of any subcontractor for the delivery of service.

17. No Intended Third Party Beneficiaries

Section 17.01 This Agreement is entered into solely for the benefit of County and Developer. No third party shall be deemed a beneficiary of this Agreement, and no third party shall have the right to make any claim or assert any right under this Agreement.

18. Certification

Section 18.01 The parties to this Agreement hereby certify that, other than the funds provided in this Agreement and other valid agreements with the County, there is no known relationship within the third degree of consanguinity, life partner, or business, commercial, economic, or financial relationship between the parties, the signatories to this Agreement, and any partners, members, directors, or shareholders of more than five per cent (5%) of any party to this Agreement.

19. Execution

Section 19.01 This Agreement may be executed simultaneously in several counterparts, each of which will be an original and all of which will constitute but one and the same instrument. This Agreement will be construed and enforced in accordance with the laws of the State of New York.

20. Notice

Section 20.01 Any notice or demand pursuant to the provisions of this Agreement must be in writing and sent to the parties at their addresses in the preamble of this Agreement and must be given or made by mailing the same by express mail, by Federal Express or by other nationally recognized overnight courier utilizing a written receipt or other valid written proof of delivery, or by hand delivery utilizing a written receipt. A party may designate by notice, in writing, a new or other address to which such notice or demand is thereafter be given, made or mailed.

Section 20.02 In addition to the requirement set forth above, in the event the Developer receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, their party complainant, third party defendant) to a lawsuit or any legal proceeding related to this License Agreement, the Developer shall immediately deliver to the Suffolk

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County Department of Law, P.O. Box 6100, H. Lee Dennison Bldg., 100 Veterans Memorial Highway, Hauppauge, New York 11788, copies of all papers filed by or against the Developer.

21. Developer's Representation

Section 21.01 The Developer covenants, warrants and represents that the Developer's entry into, and execution of this Agreement was duly considered and authorized by the Developer's Board of Directors/Members pursuant to its by-laws and/or internal procedures, as evinced by a duly adopted resolution.

22. Waiver of Trial by Jury

Section 22.01 Except to the extent prohibited by law, the parties hereby expressly waive trial by jury in any litigation arising out of, or connected with, or relating to, this Agreement or the relationship created hereby. With respect to any matter for which a jury trial cannot be waived, the parties agree not to assert any such matter as a counterclaim in, nor move to consolidate such claim with, any action or proceeding in which a jury trial is waived.

Section 23. Presumptions

Section 23.01 This Agreement is to be construed and interpreted without regard to any presumption or other rule requiring construction or interpretation against the party causing this Agreement to be drafted.

24. Waiver

Section 24.01 No waiver shall be inferred from any failure or forbearance of the County to enforce any provision of this Agreement in any particular instance or instances, but the same shall otherwise remain in full force and effect notwithstanding any such failure or forbearance.

25. Conflicts

Section 25.01 In the event of any conflict between the terms of this Agreement and those of its attachments, the terms of this Agreement will control.

26. Severability

Section 26.01 It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

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27. Merger; No Oral Changes

Section 27.01 It is expressly agreed that this Agreement represents the entire agreement of the parties, that all previous understandings are merged in this Agreement. No modification of this Agreement shall be valid unless written in the form of an Amendment and executed by both parties.

28. Exhibits Incorporated

Section 28.01 All Exhibits attached to this License Agreement are incorporated herein and made a part hereof. All references to Sections and Exhibits are to Sections and Exhibits to this License Agreement. The recitals are deemed incorporated herein as if they were set forth in their entirety in the body of this Agreement.

29. Suffolk County Legislative Requirements

Section 29.01 The Parties agree to be bound by the terms of Suffolk County Legislative Requirements, annexed hereto as "Exhibit C," and made a part hereof.

NO FURTHER TEXT; SIGNATURE PAGE FOLLOWS

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

THE COUNTY OF SUFFOLK

DEER PARK ENTERPRISE, LLC

By: DPE MEZZ, LLC, its Sole Member

By: _____
Name: _____ Member
Title: Deputy County Executive

By: BDG Deer Park Associates, LLC, its

By: BDG Asset Management, Inc., its
General Manager

By:

Name: David Blumenfeld
Title: Vice President

Approved: Department of Public Works

By: _____
Name:
Title:
Date:

Approved as to Legality:
Christine Malafi, County Attorney

By: _____
Basia Deren Braddish
Assistant County Attorney
Date: _____

ACKNOWLEDGMENT

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STATE OF NEW YORK}

SS:

COUNTY OF SUFFOLK}

On the ____ day of _____ in the year 2008 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK}

SS:

COUNTY OF SUFFOLK}

On the ____ day of _____ in the year 2008 before me, the undersigned, personally appeared *Paul Sabatino II, Chief Deputy County Executive*, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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THE ARCHES <small>ARCHITECTURAL FIRM</small>	DEER PARK ENTERPRISE <small>3000 Middlesex Lane Springfield, MA 01103</small>	THE ARCHES <small>ARCHITECTURAL FIRM</small>	DEER PARK ENTERPRISE <small>3000 Middlesex Lane Springfield, MA 01103</small>	THE ARCHES <small>ARCHITECTURAL FIRM</small>	DEER PARK ENTERPRISE <small>3000 Middlesex Lane Springfield, MA 01103</small>
EXHIBIT A-2 Route - S33	STREET MAP 700 COMMACK ROAD DEER PARK, MA 01926 50' x 50'	THE ARCHES ARCHITECTURE	FREDERICK P. CLARK ARCHITECT	THE ARCHES ARCHITECTURE	DEER PARK ENTERPRISE ARCHITECTURE

EXHIBIT B
SCHEDULE OF DATES AND TIMES

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EXHIBIT C
SUFFOLK COUNTY LEGISLATIVE REQUIREMENTS

1. Contractor's/Vendor's Public Disclosure Statement

The Contractor represents and warrants that it has filed with the Comptroller of Suffolk County the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the said Comptroller on or before the 31st day of January in each year of this Agreement's duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of this Agreement, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Agreement.

Required Form: Suffolk County Form SCEX 22; entitled
"Contractor's/Vendor's Public Disclosure Statement"

2. Living Wage Law

This Agreement is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

The Contractor represents and warrants that it has read and shall comply with the requirements of Suffolk County Code Chapter 347, Suffolk County Local Law No. 12-2001, the Living Wage Law.

Required Forms: Suffolk County Living Wage Form LW-1; entitled "Suffolk County Department of Labor – Living Wage Unit Notice of Application for County Compensation (Contract)"

Suffolk County Living Wage Form LW-38; entitled
"Suffolk County Department of Labor – Living Wage Unit Living Wage Certification/Declaration – Subject To Audit"

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**3. Use of County Resources to Interfere with Collective Bargaining Activities
Local Law No. 26-2003**

The Contractor represents and warrants that it has read and is familiar with the requirements of Chapter 466, Article 1 of the Suffolk County Local Laws, "Use of County Resources to Interfere with Collective Bargaining Activities". County Contractors (as defined) shall comply with all requirements of Local Law No. 26-2003 including the following prohibitions:

- a. The Contractor shall not use County funds to assist, promote, or deter union organizing.
- b. No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.
- c. The County of Suffolk shall not use County funds to assist, promote, or deter union organizing.
- d. No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.

If Contractor services are performed on County property the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, nonintimidation agreement and a majority authorization card agreement.

If Contractor services are for the provision of human services and such services are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Local Law No. 26-2003, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

Required Form: Suffolk County Labor Law Form DOL-LO1; entitled "Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration – Subject to Audit"

4. **Lawful Hiring of Employees Law**

(517)

This Agreement is subject to the Lawful Hiring of Employees Law of the County of Suffolk (Local Law 52-2006). It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the contract, and whenever a new contractor or subcontractor is hired under the terms of the contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of this agreement.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate this Agreement for violations of this Law and to seek other remedies available under the law.

The Contractor represents and warrants that it has read, is in compliance with, and shall comply with the requirements of Suffolk County Code Chapter 234, Suffolk County Local Law No. 52-2006, the Lawful Hiring of Employees Law.

Required Forms: Suffolk County Lawful Hiring of Employees Law Form LHE-1; entitled "Suffolk County Department of Labor – "Notice Of Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees"

"Affidavit Of Compliance With The Requirements Of 8 U.S.C. Section 1324a With Respect To Lawful Hiring Of Employees" Form LHE-2.

5. Gratuities

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

6. Prohibition Against Contracting with Corporations that Reincorporate Overseas

The Contractor represents that it is in compliance with Suffolk County Administrative Code Article IV, §§A4-13 and A4-14, found in Suffolk County Local Law No. 20-2004, entitled "A Local Law To Amend Local Law No. 5-1993, To Prohibit The County of Suffolk From Contracting With Corporations That Reincorporate Overseas." Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

7. Child Sexual Abuse Reporting Policy

The Contractor agrees to comply with Chapter 577, Article IV, of the Suffolk County Code, entitled "Child Sexual Abuse Reporting Policy", as now in effect or amended hereafter or of any other Suffolk County Local Law that may become

applicable during the term of this Agreement with regard to child sexual abuse reporting policy.

8. Non Responsible Bidder

The Contractor represents and warrants that it has read and is familiar with the provisions of Suffolk County Code Chapter 143, Article II, §§143-5 through 143-9. Upon signing this Agreement the Contractor certifies that he, she, it, or they have not been convicted of a criminal offense within the last ten (10) years. The term "conviction" shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under the provision of Section 143-5 of the Suffolk County Code under "Nonresponsible Bidder."

9. Use of Funds in Prosecution of Civil Actions Prohibited

Pursuant to the Suffolk County Code Section §590-3, the Contractor represents that it shall not use any of the moneys received under this Agreement, either directly or indirectly, in connection with the prosecution of any civil action against the County of Suffolk or any of its programs, funded by the County, in part or in whole, in any jurisdiction or any judicial or administrative forum.

10. Suffolk County Local Laws

Suffolk County Local Laws, Rules and Regulations can be found on the Suffolk County web site at [www.co.suffolk](http://www.co.suffolk.ny.us)<<http://www.co.suffolk.ny.us>>. Click on "Laws of Suffolk County" under "Suffolk County Links."

Intro. Res. No. 1518-08

Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. _____, AUTHORIZING THE
ISSUANCE OF A CERTIFICATE OF ABANDONMENT
OF THE INTEREST OF THE COUNTY OF SUFFOLK
IN PROPERTY DESIGNATED AS TOWN OF SMITHTOWN
SUFFOLK COUNTY TAX MAP NO. 0800-040.00-01.00-011.000
PURSUANT TO SECTION 40-D OF THE SUFFOLK
COUNTY TAX ACT**

WHEREAS, a parcel of property lying, situate and being in the Town of Smithtown, designated as Suffolk County Tax Map Number 0800-040.00-01.00-011.000 known as Toga Woods Map 4532 Sec 1 Part of Lot 14, formerly assessed to Sean T. Pugni.; and

WHEREAS, the County of Suffolk acquired said property designated as Suffolk County Tax Map Number 0800-040.00-01.00-011.000 , by tax deed dated April 11, 2001, and recorded on April 13, 2001 in the Suffolk County Clerk's Office in Liber 12113 at page 359 for unpaid 1998 / 1999 taxes; and

WHEREAS, it has been determined that due to timely tax payment being misapplied, property should not have been taken; now, therefore, be it

1st - RESOLVED, that pursuant to Section 40-C of the Suffolk County Tax Act, after receiving payment in full of all monies due to the County of Suffolk, including but not limited to, accrued taxes, penalties and interest as calculated by the Treasurer of the County of Suffolk, payment has been made to the Division of Real Property Acquisition and Management, the tax deed to Suffolk County will be canceled pursuant to section 40-D of the Suffolk County Tax Act. The Director of the Division of Real Property Acquisition and Management and/or his designee is authorized to file a certificate of abandonment of Claim of title, which Suffolk County holds pursuant to said tax deed.

Dated:

Approved by:

County Executive of Suffolk County

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1518

1. Type of Legislation

Resolution X
Tax Map Number 0800-040.00-01.00-011.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee to issue a Certificate of Abandonment of the interest of the County of Suffolk Pursuant to Section 40-D of the Suffolk County Tax Act.

3. Purpose of Proposed Legislation

To cancel Tax Deeds and abandon the County's interest in properties taken by mistake or in error when determined by the Town Assessor, the Suffolk County Division of Real Property Acquisition and Management, and the County Treasurer.

4. Will the Proposed Legislation have a fiscal impact? Yes X No

5. If the answer to Item 4 is "yes", on what will it impact?
(circle appropriate category)

- | | | |
|------------------|-----------------|------------------|
| <u>County</u> | Town | Economic Impact |
| Village | School District | Other (Specify): |
| Library District | Fire District | |

6. If the answer to item 4 is "yes", provide detailed explanation of Impact

The County will recoup the amount of taxes paid on the property taken by the tax deed.

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2008

10. Typed Name & Title of Preparer	Signature of Preparer	Date
<u>Cathy O'Neal</u>	<u>Cathy O'Neal</u>	<u>4/16/08</u>

SUFFOLK COUNTY TREASURER - RIVERHEAD, NEW YORK

1518

TAX DEED CANCELLATION

RES#:

ITEM#:

TAX MAP #:

ASS'D:

PAID AS SALES

YEAR:

YEAR:

YEAR:

YEAR:

FLAT TAX
5% PENALTY
TOTAL
11% INTEREST
ADVERTISING
SALE AMOUNT
INTEREST
RED. ADV
TOTAL AMOUNT

PAID AS CURRENT YEAR-BILLED AS BLACK INK ITEMS-5% PENALTY +
1% INTEREST PER MONTH

YEAR:

YEAR:

YEAR:

YEAR:

FLAT TAX
5% PENALTY
TOTAL
INTEREST 38
TOTAL AMOUNT

\$315.34
15.77
331.11
125.82 26
\$456.93

\$340.76
17.04
357.80
93.03 14
\$450.83

\$531.03
26.55
557.58
78.06 #N/A
\$635.64

CALCULATIONS PAYABLE BY:

PAGE TOTAL:

TOTAL PGS 1 & 2:

2007/2008 tax ⁶ 558.83

\$ 5,307.45.

3/4/08
ef

1518

TAX DEED CANCELLATION

RES#:

ITEM #

TAX MAP #:

ASS'D:

PAID AS SALES

	YEAR: <input type="text" value="1998/99"/>	YEAR: <input type="text" value="1999/00"/>	YEAR: <input type="text"/>	YEAR: <input type="text"/>
FLAT TAX	\$322.52	\$333.23		
5% PENALTY	16.13	16.66		
TOTAL	338.65	349.89		
11% INTEREST	37.25	38.49		
ADVERTISING	20.00	20.00		
SALE AMOUNT	395.90	408.38		
INTEREST	12% 47.51	12% 49.01		
RED. ADV	12.00	12.00		
TOTAL AMOUNT	\$455.40	\$469.39		

PAID AS CURRENT YEAR-BILLED AS BLACK INK ITEMS-5% PENALTY + 1% INTEREST PER MONTH

	YEAR: <input type="text" value="00/01"/>	YEAR: <input type="text" value="01/02"/>	YEAR: <input type="text" value="02/03"/>	<input type="text" value="03/04"/>
FLAT TAX	\$349.01	\$375.71	\$267.82	\$290.05
5% PENALTY	17.45	18.79	13.39	14.50
TOTAL	366.46	394.50	281.21	304.55
INTEREST	86 315.16 74	291.93 62	174.35 50	152.28
TOTAL AMOUNT	\$681.62	\$686.42	\$455.56	\$456.83

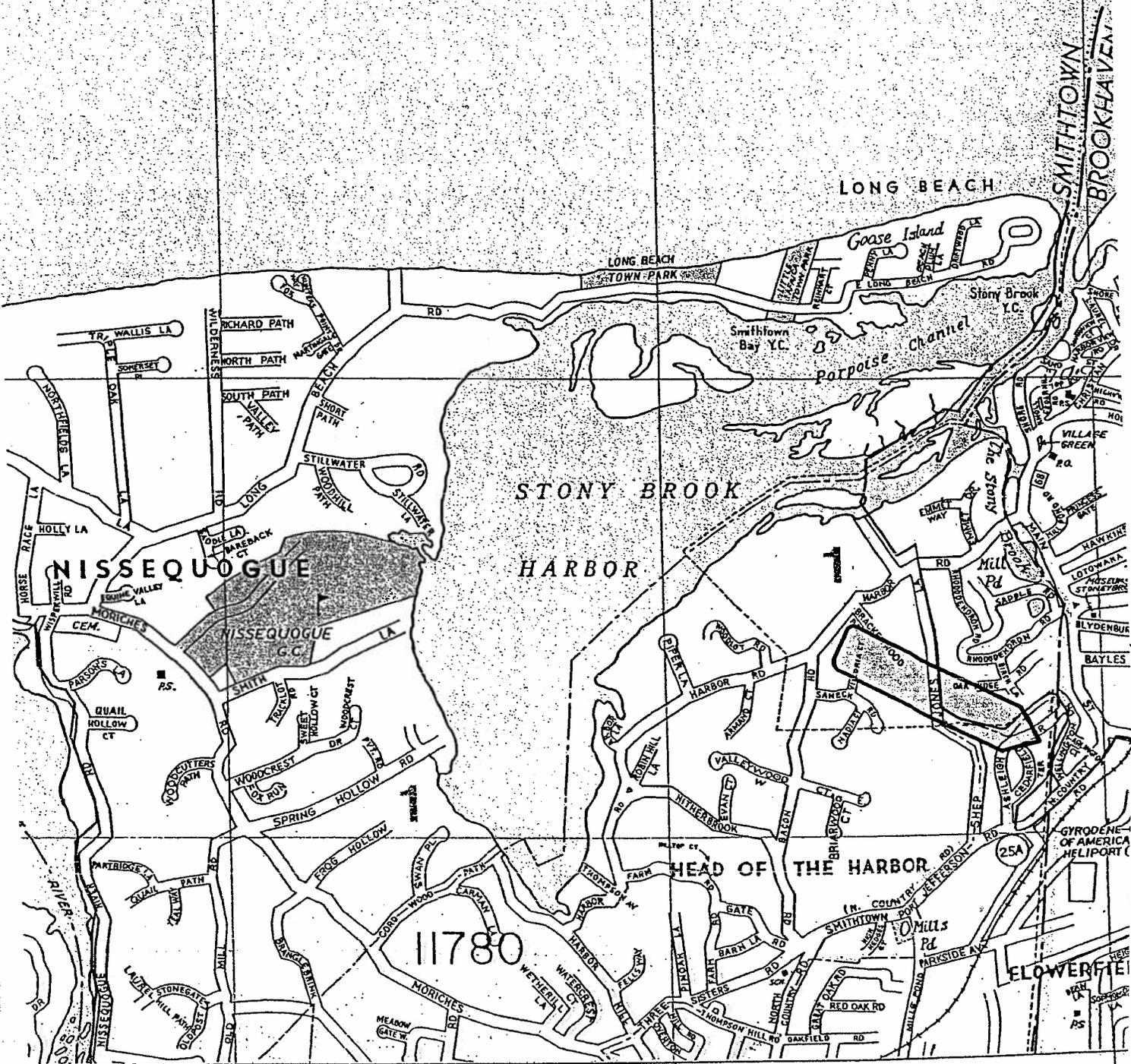
CALCULATIONS PAYABLE BY:
 TOTAL DUE:



1518

I T H T O W N B A Y

0800 040 01 011



FUNDS PAYABLE TO:
ANNA VARRICCHIO
 RECEIVER OF TAXES
 330 CENTER DR
 RIVERHEAD, NY 11787

STATEMENT OF REAL PROPERTY TAXES
 DECEMBER 1, 2007 - NOVEMBER 30, 2008 TAX LEVY
 SMITHTOWN, SUFFOLK COUNTY, NY
 TAXABLE STATUS DATE MARCH 1, 2007
 TAXES BECOME A LIEN DECEMBER 1, 2007
 ***SEE "IMPORTANT NOTICE" ON REVERSE SIDE

MON-FRI - 9:00 AM TO 4:00 P.M.
 * (see reverse)
 PHONE: 631-360-7610

NOTE: TAXES ARE PAYABLE BY CHECK, CASH OR MONEY ORDER.
 CHECKS WILL BE ACCEPTED SUBJECT TO COLLECTION FOR WHICH
 THIS OFFICE ASSUMES NO RESPONSIBILITY. WINDOW PAYMENTS
 LIMITED TO 5 BILLS. PLEASE ISSUE A SEPARATE CHECK FOR EACH
 PARCEL. *NO CASH BY MAIL ACCEPTED.

PROPERTY HAS BEEN SOLD OR TRANSFERRED AFTER MARCH 1, 2007, PLEASE
 SEND BILL TO NEW OWNER OR RETURN TO THIS OFFICE WITH NEW NAME.

BILL NUMBER 10433-1
 ESTIMATED STATE-AID
 COUNTY \$311,084,310.00
 TOWN \$9,731,400.00
 SCHOOL \$34,541,924.00

DESCRIPTION OF PROPERTY
 40.-1-11
 *4532 PART OF LOT 14
 TOGA WOODS SEC 1

WORD "ARREARS", IS PRINTED HERE
 COUNTY TREASURER'S NOTICE ON REVERSE SIDE.

TAX BILLING ADDRESS
 COUNTY OF SUFFOLK
 COUNTY CENTER
 RIVERHEAD NY 11901

INDICATE OWNER'S PERMANENT ADDRESS
 CHANGE ON BACK OF STUB

PROPERTY LOCATION
 ROUTE 25 A
 OWNER AS OF TAXABLE STATUS DATE MARCH 1, 2007
 SUFFOLK COUNTY TREASURER
 330 CENTER DR
 RIVERHEAD, NY 11901-3311

1518

SUFFOLK COUNTY TAX MAP NUMBER	LOT	EXEMPTION DESCRIPTION	EXEMPTION CODE	TAXABLE VALUE	FULL VALUE OF EXEMPTION
800 040.000 0001 011 000					
ACREAGE	TAX CODE	ROLL SECTION			
0.61	76	1			
TAX SRCH & BANK	99-COUNTY OF SUFFOLK	SCHOOL CODE	SWIS CODE	LAND ASSESSMENT	TOTAL ASSESSMENT - UNIFORM % OF VALUE - FULL VALUE OF PARCEL
MTG NO.	0010-	473401	473489	300	300 1.18% 25424

LEVY DESCRIPTION	TOTAL DISTRICT LEVY	% CHANGE OVER LAST YEAR	TAXABLE VALUE ADJUSTED BY EXEMPTIONS	TAX RATE PER \$1000	AMOUNT SAVED BY EXEMPTION	TAX AMOUNT
SMITHTOWN SCHOOL DISTRICT	157,786,070	5.1%	300.00	1281.002		\$384.30
COUNTY GENERAL	3,223,334	4.0%	300.00	12.775		\$3.83
DISTRICT COURT	889,287	1.6%	300.00	3.525		\$1.06
COUNTY POLICE	47,141,893	2.7%	300.00	197.863		\$59.36
TOWN WIDE	20,818,033	0.3%	300.00	82.155		\$24.65
TOWN (EXCLUDING VILLAGES)	4,389,872	31.5%	300.00	18.777		\$5.63
HIGHWAY I (EXCL. VILL)	17,944,773	6.8%	300.00	76.756		\$23.03
HIGHWAY II III IV	5,471,401	-12.1%	300.00	21.592		\$6.48
NYS REAL PROP TAX	6,155,370	109.9%	300.00	24.396		\$7.32
NYS REAL PROP PD	830,606	32.8%	300.00	3.480		\$1.04
ST JAMES FIRE DISTRICT	1,733,472	9.8%	300.00	92.984		\$27.90
SMITHTOWN LIBRARY	103,118,318	3.5%	300.00	39.473		\$11.84
STREET LIGHTING DISTRICT	985,162	-14.9%	300.00	3.980		\$1.19
ARTERIAL HWY LIGHTS	1,070,142	-4.7%	300.00	3.996		\$1.20
	\$59.79					

TOTAL TOWN TAXES =
 *ITEM NOT TAX DEDUCTIBLE
 Savings from the New York School Tax Relief (STAR) program is
 FIRST HALF TAX \$279.42
 SECOND HALF TAX \$279.41
 TOTAL TAX \$558.83
 DUE DEC. 1, 2007
 PAYABLE WITHOUT PENALTY TO JAN. 10, 2008
 SEE REVERSE SIDE FOR PENALTY SCHEDULE.
 PAYABLE WITHOUT PENALTY TO JUNE 2, 2008
 SEE REVERSE SIDE FOR PENALTY SCHEDULE & COUNTY TREASURER'S NOTICE.
 THIS TOTAL TAX MAY BE PAID IN ONE OR TWO INSTALLMENTS.

ORIGINAL BILL MAIL EARLY. SAVE TIME. DON'T STAND ON LINE

NOTE: Entire Bill must Accompany Payment if Receipt is Requested

SECOND PAYMENT ()
 PAYABLE WITHOUT PENALTY
 TO JUNE 2, 2008 MAY BE
 PAID WITH FIRST PAYMENT.

WHEN PAYING BY MAIL, DETACH FOR 2nd HALF PAYMENT (RETURN BOTH STUBS FOR TOTAL PAYMENT)

TOWN OF SMITHTOWN
 2007-2008 TAX LEVY

10433-1
 BILL NUMBER

MAKE FUNDS PAYABLE TO: DEANNA VARRICCHIO, RECEIVER OF TAXES
 SUFFOLK COUNTY TAX MAP ID NUMBER

OWNER AS OF TAXABLE STATUS DATE MARCH 1, 2007
 SUFFOLK COUNTY TREASURER
 330 CENTER DR
 RIVERHEAD, NY 11901-3311

DIST SEC BLOCK LOT
 0800 040.000 0001 011.000

2

SECOND HALF DUE FULL PAYMENT

\$558.83

COUNTY OF SUFFOLK

Green Di



1578

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

April 17, 2008

Ben Zwirn
Deputy County Executive for
Intergovernmental Relations
H. Lee Dennison Bldg. - 11th Floor
Hauppauge, New York 11788-0099

Re: Tax Map No. 0800-040.00-01.00-011.000
SEAN T. PUGNI

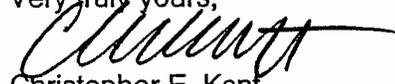
Dear Mr. Zwirn:

Enclosed herewith for your approval is original and one (1) copy of the proposed resolution with documentation pursuant to:

Section 40-D of the Suffolk County Tax Act - Authorizing the abandonment of the interest of the County of Suffolk in the property designated.

I would appreciate your placing this on the legislative agenda as soon as possible after your examination.

Very truly yours,


Christopher E. Kent
Director of Division of Real Property
Acquisition and Management

CEK:sc

- Enclosures
- Resolution + one copy
- Closing Statement
- Legislative Memorandum
- Treasurer's Computation

- Copy of Resolution to:
- Ben Zwirn, Deputy County Executive for I. R. (original plus 1 hard copy)
 - Jim Morgo, Chief Deputy County Executive
 - Brendan Chamberlain and Tom Vaughn, Intergovernmental Relations
 - Steve Forst, Budget Office (hard copy)
 - C.E. Reso. Review (electronic copy)

- Copy of letter to:
- Carrie Meek Gallagher, Commissioner, Dept. of Environment and Energy
 - Connie Corso, Budget Director
 - Thomas A. Isles, Director, Planning Dept.
 - Lauretta Fischer, Principal Planner, Planning Dept.

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Intro. Res. No 1519-08
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 6/10/08

**RESOLUTION NO. _____, APPROVING THE
APPOINTMENT OF MARK J. EPSTEIN AS A MEMBER OF THE
SUFFOLK COUNTY HUMAN RIGHTS COMMISSION.**

WHEREAS, the term of office of Alice P. Lambert expired on May 31, 2005,
and has since resigned from her post, now therefore be it

RESOLVED, that the appointment of Mark J. Epstein, 8 Rawlings Drive,
Melville, NY 11747, as a member of the Suffolk County Human Rights Commission, to
the position of Commissioner #8, for a term of office expiring May 31, 2010, be and the
same hereby is approved; said appointment having been made by the County Executive
pursuant to the provisions of Chapter 89-4A of the Suffolk County Code.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1519

MARK J. EPSTEIN
8 Rawlings Drive
Melville, NY 11747
631-643-9336

LAW OFFICES OF PAZER & EPSTEIN, P.C. 1993-PRESENT
POSITION: PARTNER
PRACTICE AREAS: A Litigation firm specializing in personal injury, real estate & commercial matters

LAW OFFICES OF LYSAGHT, LYSAGHT & KRAMER 1993
POSITION: ASSOCIATE
PRACTICE AREA: General civil litigation on behalf of NYC PBA

LAW OFFICES OF STANLEY WAXMAN 1989-1993
POSITION: ASSOCIATE
PRACTICE AREA: Insurance defense litigation

EDUCATION

B.S.- THE AMERICAN UNIVERSITY - 1986
J.D.- NEW YORK LAW SCHOOL- 1989

ADMISSIONS TO PRACTICE LAW

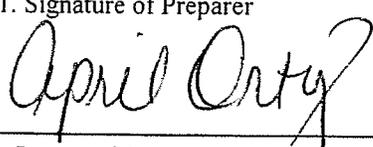
NEW YORK STATE (& FEDERAL DISTRICT COURTS)
NEW JERSEY
WASHINGTON, D.C.

MEMBERSHIPS

NEW YORK STATE TRIAL LAWYERS ASSOCIATION-MEM.- BOARD OF DIRECTORS
ASSOCIATION OF TRIAL LAWYERS OF AMERICA-MEMBER
NASSAU COUNTY BAR ASSOCIATION
SUFFOLK COUNTY BAR ASSOCIATION
NEW YORK COUNTY LAWYERS ASSOCIATION
HUNTINGTON LAWYERS CLUB
JEWISH LAWYERS ASSOCIATION OF NASSAU COUNTY
LONG ISLAND ASSOCIATION (LIA)- SMALL BUSINESS COUNCIL
ALTERNATE DELEGATE TO LI JUDICIAL CONVENTION
B'NAI B'RITH HUMANITARIAN AWARD

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1519

1. Type of Legislation		
Resolution <u>XX</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
APPROVING THE APPOINTMENT OF MARK J. EPSTEIN, AS A MEMBER OF THE SUFFOLK COUNTY HUMAN RIGHTS COMMISSION		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes No <u>XX</u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
THE HUMAN RIGHTS COMMISSION IS A NON-PAYING COMMISSION.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
THERE IS NO FISCAL IMPACT, THE SUFFOLK COUNTY HUMAN RIGHTS COMMISSION IS NOT A PAYING COMMISSION.		
8. Proposed Source of Funding		
THERE IS NO PROPOSED FUNDING SOURCE		
9. Timing of Impact		
THERE IS NO TIMING OF IMPACT; HOWEVER THE RESOLUTION IS EFFECTIVE UPON ADOPTION.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
April Ortiz County Executive Assistant		6-2-08

Intro. Res. No. 1520-08

Laid on Table 6/10/08

Introduced by the Presiding Officer at the request of the County Executive

**RESOLUTION NO. _____, APPROVING THE
REAPPOINTMENT OF LEONARD BORGER AS A MEMBER
OF THE SUFFOLK COUNTY HOME APPLIANCE REPAIR
LICENSING BOARD.**

WHEREAS, the term of office of Leonard Borger, expired on May 13, 2006, now therefore be it

RESOLVED, that the reappointment of Leonard Borger of 29 Dovecote Lane, Commack, New York 11725 as a member of the Suffolk County Home Appliance Repair Licensing Board, for a term of office expiring May 13, 2009, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 345 Section 345-27.A.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

LEONARD BORGER
29 Dovecote Lane
Commack, NY 11725
Phone: (631) 499-3452
Email: elbeeborger@yahoo.com

1520

OBJECTIVE: Reappointment to the Home Appliance Licensing Board.

QUALIFICATIONS

Member of the "Home Appliance Licensing Board" since, 1979. Participated in the formulation of the practical and written tests. Worked closely with board members preparing the tests of the computer and TV Service Industry.

BUSINESS

Operated a successful appliance servicing business "Aarken Appliance Service Corporation" in Suffolk County, April 1964 until retirement on December 31, 1999.

PERSONAL

1. State Board President of the "Association of Home Appliance Service Companies" January 1, 1978 to December 31, 1978.
2. President of the Nassau Suffolk Chapter of AHASC, January 1, 1976 to December 31, 1977.
3. Commander: Commack Post 776 Jewish War Veterans of the United States of America. April 1, 1998 to March 31, 1999 and April 1, 2005 to March 31, 2006.

VOLUNTEER

1. Presently a volunteer at the Northport Veterans Hospital.
2. Certification training for the Suffolk County Civilian Emergency Response Team, "Veterans CERT Program".

GOALS

If reappointed to the "Home Appliance Licensing Board" I will continue to use my expertise to help protect our Suffolk County residents by screening out the inexperienced and overseeing good business practices.

1520

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation APPROVING THE REAPPOINTMENT OF LEONARD BORGER AS A MEMBER OF THE SUFFOLK COUNTY HOME APPLIANCE REPAIR LICENSING BOARD.		
3. Purpose of Resolution: Same as above		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact NO IMPACT		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A.		
8. Proposed Source of Funding N/A		
9. Timing of Impact UPON APPROVAL		
10. Typed Name & Title of Preparer SUZANNE MARTIN ADMINISTRATOR I	11. Signature of Preparer <i>Suzanne Martin</i>	12. Date 6/2/08

SIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Intro. Res. No. 1521-08
Introduced by the Presiding Officer at the request of the County Executive

Laid on Table

6/10/08

**RESOLUTION NO. _____, APPROVING THE
REAPPOINTMENT OF WILLIAM GARTHE AS A
MEMBER OF THE SUFFOLK COUNTY HOME
IMPROVEMENT CONTRACTORS LICENSING BOARD.**

WHEREAS, the term of office of William Garthe, expired on December 31, 2006, now therefore be it

RESOLVED, that the reappointment of William Garthe of 7 Neil Drive, Lake Grove, New York 11755 as a member of the Suffolk County Home Improvement Contractors Licensing Board, for a term of office expiring December 31, 2009, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 345 Section 345-25.A.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1521
WILLIAM J. GARTHE
226 CEDAR STREET
ST. JAMES, NEW YORK 11780
RES.: (631) 585-1862 • BUS.: (631) 862-9000

Experience:

3/01 Present

RELIANCE MORTGAGE & REAL ESTATE
359 Lake Avenue • St. James, NY 11780 • (631) 862-9000
Licensed Real Estate Broker
Registered Mortgage Broker

12/97-Present

REGISTERED REAL ESTATE BROKER with New York State

12/97-3/01

HENRIETTA HOMES & PROPERTIES
328 Lake Avenue • St. James, NY 11780
Licensed Associate Broker

3/89-Present

REGISTERED MORTGAGE BROKER with the New York State Banking Department

7/70-10/92

ADAMSON CONSTRUCTION CORP - ST. JAMES • St. James, NY 11780
Owner - *Chief Executive Officer*
• Certified Remodeler
• Sales • Estimating Construction Costs • Production • Marketing
• National Award-Winning Builder

Education:

LONG BEACH CITY COLLEGE (9/66-6/68)
Long Beach, CA
Business/Marketing/Sales

Affiliations:

HARBOR COUNTRY DAY SCHOOL

Member of Board of Trustees - 2003-2006, Secretary (2006)

ST. JAMES CHAMBER OF COMMERCE, INC.

*Chairman of the Board for 2 years (2000, 2001); President for 2 years (1998, 1999);
Member 19 years*

SUFFOLK COUNTY CONSUMER AFFAIRS LICENSING BOARD FOR HOME IMPROVEMENTS.

Board Member since inception - Chairman for 2 years (1991, 1992)

SUFFOLK COUNTY DOWNTOWN REVITALIZATION BOARD

Advisory Board Member since inception.

ROTARY INTERNATIONAL - SMITHTOWN

Board Member 2005, 2006; Member for 13 years

NYC/LI NARI (NATIONAL ASSOCIATION OF THE REMODELING INDUSTRY)

Vice President for 12 years; Member for 17 years (1975-1992)

To: HOME Improvement
T. J. GARTHE

1521

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
APPROVING THE REAPPOINTMENT OF WILLIAM GARTHE AS A MEMBER OF THE SUFFOLK COUNTY HOME IMPROVEMENT CONTRACTORS LICENSING BOARD.		
3. Purpose of Resolution: Same as above		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
NO IMPACT		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A.		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
UPON APPROVAL		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
SUZANNE MARTIN ADMINISTRATOR I	<i>Suzanne Martin</i>	6/2/08

SIN FORM 175b (10/95)

Intro. Res. No. 1522-08
Introduced by the Presiding Officer at the request of the County Executive

Laid on Table

6/10/08

**RESOLUTION NO. _____, APPROVING THE
REAPPOINTMENT OF MICHAEL DALY AS A MEMBER
OF THE SUFFOLK COUNTY ELECTRICAL LICENSING
BOARD.**

WHEREAS, the term of office of Michael Daly, expired on December 31, 2006, now therefore be it

RESOLVED, that the reappointment of Michael Daly of 11 Sugarwood Lane, Commack, New York 11725 as a member of the Suffolk County Electrical Licensing Board, for a term of office expiring December 31, 2009, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(1).

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

(522)

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
APPROVING THE REAPPOINTMENT OF MICHAEL DALY AS A MEMBER OF THE SUFFOLK COUNTY ELECTRICAL LICENSING BOARD.		
3. Purpose of Resolution: Same as above		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
NO IMPACT		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A.		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
UPON APPROVAL		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
SUZANNE MARTIN ADMINISTRATOR I	<i>Suzanne Martin</i>	6/2/08

SIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Michael C. Daly

1522

11 Sugarwood Lane

Commack, NY 11725

Phone & Fax (631) 499-8129

Email MCDALY2000@aol.com

RESUME

August 1, 2003

EMPLOYMENT:

J.P. Daly & Sons, Inc.
88A Brook Avenue
Deer Park, NY 11729
Phone (631) 254-0436 Fax (631) 254-0664
25% Shareholder and Treasurer
December 1985 to present

Electrical Contracting firm in agreement with IBEW Local Union #25 performing electrical construction and maintenance work throughout Long Island. Responsibilities include estimating, negotiating, project management, supervision, and scheduling of electrical projects.

Electrical Construction Projects were completed at various facilities consisting of Schools, Colleges, Libraries, Fire Departments & Training Centers, Village Halls, Police Stations, Hospitals, Bus Garages, Public Housing Authorities, Landfills, Water Districts, Public Swimming Pools, Parks, Prisons, Postal Facilities, Power Generating Stations, Retail Stores, Restaurants, Hotels, Industrial Warehouses and Office Suites. The value of the past contracts range in size from Ten Thousand to 6.7 Million Dollars.

Some of the public entities for which projects were performed include Suffolk County DPW, Nassau County DPW, United States Post Office, Brookhaven National Lab, Towns of Babylon, Huntington, Southhampton, North Hempstead, Oyster Bay and Hempstead, NY State OGS, Villages of Southhampton, Kings Point, East Rockaway and Great Neck, MTA Long Island Bus, Dormitory Authority of New York and over 50 Long Island School Districts.

EDUCATION:

Half Hollow Hills High School West
Dix Hills, New York
June 1983 New York State Regents Diploma

St. Johns University
Jamaica, New York
May 1987 B.S. Business Administration Corporate Finance

HONORS:

International Honor Society for Finance & Economics Omicron Delta Epsilon
St. Johns University College of Business Administration Deans List
St. Johns University Athlete Scholar Honors List

SEMINARS:

1522

National Electrical Contractors Association Electrical Estimating (1991)
National Electrical Contractors Association National Electric Code (1993)
National Electrical Contractors Association Category 5 Computer Wiring (1995)
International Foundation of Employee Benefits Plan Trustee Conference (1995)
International Foundation of Employee Benefits Plan Trustee Conference (1996)
International Association of Electrical Inspectors 1999 National Electric Code (1999)
Nassau Electric League NEC Code 1&2 Family Dwelling Electrical Systems (2000)
Suffolk County Electrical Contractors Association 2002 NEC Code Change Review (2001)
Suffolk County Electrical Contractors Association 2002 NEC Code Table Usage & Calcs (2002)

AFFILIATIONS:

Suffolk County Department of Consumer Affairs Electrical License Board Member
December 14, 1999 to present

Suffolk County Department of Labor Workforce Investment Board (WIB) Member
2002 to present

Suffolk County Electrical Contractors Association Member 2001 to present

Nassau Electric League Member 2000 to present

Knights of Columbus Council 4428 3rd Degree Member 1995 to present

Commack Soccer League Soccer Coach Fall 1999 to Spring 2003

National Electrical Contractors Association, Long Island Chapter
Member and Accredited representative January 1989 to April 2000
Safety, Political Action & Finance Committees
Board of Directors March 1996 to December 1999

IBEW Local Union 25 Annuity Trust Fund
Management Trustee 1992 to 1993, April 1994 to December 31, 1999
Trust Fund Secretary 1996 to December 31, 1999

IBEW Local Union 25 Vacation & Holiday Trust Fund
Management Trustee 1992 to April 1994

IBEW Local Union 25 Health & Benefit Trust Fund
Management Trustee 1993 to April 1994

IBEW Local Union 25 Pension Trust Fund
Management Trustee April 1994 to December 31, 1999
Trust Fund Secretary 1996 to December 31, 1999

IBEW Local Union 25 401K Trust Fund
Management Trustee April 1994 to December 31, 1999
Trust Fund Secretary 1996 to December 31, 1999

INTERESTS:

Football, Baseball, Golf, Computers, Home Improvement

Intro. Res. No. 1523-08

Laid on Table

6/10/08

Introduced by the Presiding Officer at the request of the County Executive

**RESOLUTION NO. _____, APPROVING THE
REAPPOINTMENT OF ROBERT J. KOHLMAYER AS A
MEMBER OF THE SUFFOLK COUNTY ELECTRICAL
LICENSING BOARD.**

WHEREAS, the term of office of Robert J. Kohlmeyer, expired on April 2, 2007, now therefore be it

RESOLVED, that the reappointment of Robert J. Kohlmeyer of 278 Indian Head Road, Kings Park, New York 11754 as a member of the Suffolk County Electrical Licensing Board, for a term of office expiring April 2, 2010, is hereby approved; said reappointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(1).

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1523

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>X</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation APPROVING THE REAPPOINTMENT OF ROBERT J. KOHLMAYER AS A MEMBER OF THE SUFFOLK COUNTY ELECTRICAL LICENSING BOARD.		
3. Purpose of Resolution: Same as above		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes ___ No <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact NO IMPACT		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A.		
8. Proposed Source of Funding N/A		
9. Timing of Impact UPON APPROVAL		
10. Typed Name & Title of Preparer SUZANNE MARTIN ADMINISTRATOR I	11. Signature of Preparer <i>Suzanne Martin</i>	12. Date 6/2/08

SIN FORM 175b (10/95)

FINANCIAL IMPACT
 2008 PROPERTY TAX LEVY
 COST TO THE AVERAGE TAXPAYER

1523

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1523

Robert J. Kohlmeier

C R K Contracting of Suffolk
278 Indian Head Road
Kings Park, NY 11754
Telephone: 631-269-0135
Fax: 631-269-0139

RESUME PREPARED FOR:

Suffolk County Electrical License Board.

CURRENT ELECTRICAL LICENSES HELD:

Town of Hempstead #1751
Incorporated Village of Hempstead #561
Village of Valley Stream
Village of Rockville Center #869
Suffolk County #3567E
N. Y. S. Department of State Fire Alarm License
Various other reciprocal Licenses

EDUCATION:

1973 Graduated East Meadow High School

ELECTRICAL INDUSTRY RELATED POSITIONS:

NECA Long Island Chapter Member in good standing
Vice President of NECA, Long Island Chapter
Duties include administration of the chapter and sitting on various committees including membership, codes and standards, bylaws, and finance and negotiating committees for five contracts
Director and Board Member of JATC of Nassau & Suffolk Counties. Duties include administration of the training facility currently training 300 students in the electrical field
Board Member of the Electrical Industry Board of Nassau and Suffolk Counties. Duties include administration of the collective bargaining agreement between Local Union 25 and the Long Island Chapter NECA
IMCC Member. Duties include hearing disputes between the parties signatory to the agreement and promotion the industry jointly.
American Arbitration Association Member. I am a listed arbitrator for the association and am available for dispute resolution related to the electrical construction trade.
Director NY State Electrical Contractor Association

1523

EMPLOYMENT:

1973-1975 Levittown Public Schools
 1975-1985 Nassau Community College,
 Electrical Services Supervisor
 1985-Present Owner of Electrical Construction
 Company performing construction
 work in Nassau and Suffolk Counties.
 Our major projects include
 supermarkets, shopping malls and
 large national retail chain stores as
 well residential homes, office
 renovations and fire alarm systems.

FAMILY:

Resident of Smithtown since 1988

Married 24 years to Pat. We have 4 children.
Christine, Bobby, Kevin and Mallery

Christine will be graduating in May from Fairfield
University in Conn. with a double major in Politics
and Communications

Bobby is a freshman at George Washington
University in Washington D.C.

Kevin is a senior at Smithtown High School

Mallery is a freshman at Smithtown High School

Community:

Until recently active in
Boy Scouts and a merit badge counselor

I enjoy running road races for various charities

Intro. Res. No. 1524-08
Introduced by the Presiding Officer at the request of the County Executive

Laid on Table

6/10/08

**RESOLUTION NO. _____, APPROVING THE
REAPPOINTMENT OF LEE EYSMAN AS A MEMBER
OF THE SUFFOLK COUNTY ELECTRICAL LICENSING
BOARD.**

WHEREAS, the term of office of Lee Eysman, expired on April 30, 2007, now therefore
be it

RESOLVED, that the reappointment of Lee Eysman of 15 Milton Road, West Babylon,
New York 11704 as a member of the Suffolk County Electrical Licensing Board, for a term of
office expiring April 30, 2010, is hereby approved; said reappointment having been made by the
County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-
6.A.(1).

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1524

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation APPROVING THE REAPPOINTMENT OF LEE EYSMAN AS A MEMBER OF THE SUFFOLK COUNTY ELECTRICAL LICENSING BOARD.		
3. Purpose of Resolution: Same as above		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact NO IMPACT		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A.		
8. Proposed Source of Funding N/A		
9. Timing of Impact UPON APPROVAL		
10. Typed Name & Title of Preparer SUZANNE MARTIN ADMINISTRATOR I	11. Signature of Preparer <i>Suzanne Martin</i>	12. Date 6/2/08

SIN FORM 175b (10/95)

FINANCIAL IMPACT
 2008 PROPERTY TAX LEVY
 COST TO THE AVERAGE TAXPAYER

1524

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

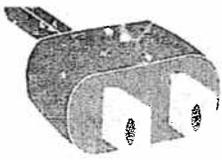
	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



JECO ELECTRIC INC.

(TEL) (631) 737-5500

(FAX) (631) 737-2924

JECO@IX.NETCOM.COM

90A RAYNOR AVE. RONKONKOMA, NY 11779

1524

Resume

Lee Eysman
15 Milton Road
West Babylon, NY 11704

Date of Birth: 5/21/30
Married 2 Children

Education:

Completed New York City Public School System.

Further Education:

- Started in electrical field in 1956.
- In business on Long Island for 41 years as a contractor.

Having accrued numerous credits:

- The field of Electrical Engineering and Design.
- Member of Electrical Licensing Board for 6 years.
- Attends regular seminars in LIPA code requirements and changes.
- Attends regular seminars on New York Board of Fire Underwriters code requirements.
- Completed Illuminating Engineering Society courses in Lighting Design.
- Member of Nassau Electric League.
- Director of Suffolk County Electrical Contractors Association.

Currently Licensed in the Towns/Villages of:

- Inc. Village of East Hills 1131
- Inc. Village of Floral Park 661
- Village of Freeport E-022
- Inc. Village of Hempstead 437
- Town of Hempstead 0005
- Town of North Hempstead 1299-E
- Village of Lawrence 1768
- Inc. Village of Lynbrook 14
- Inc. Village of Malverne 3035
- Village of Mineola 68
- Town of Oyster Bay 0005
- Inc. Village of Rockville Centre 226
- Village of Westbury 257
- Suffolk County 166-E

1525

Intro. Res. No. -2008

Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, AMENDING THE 2008 OPERATING BUDGET AND 2008 CAPITAL BUDGET AND PROGRAM BY ACCEPTING UP TO 75% GRANT FUNDS IN THE AMOUNT OF \$3,953,349 FROM THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS (GRANT C800654) TO THE SUFFOLK COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM FOR THE ACQUISITION OF DEVELOPMENT RIGHTS

WHEREAS, pursuant to Agricultural and Markets Law Article 25AAA, the New York State Department of Agriculture and Markets offers an Agricultural and Farmland Protection Implementation Grant; and

WHEREAS, the Suffolk County Planning Department has been advised that a grant in the amount of \$3,953,349 for the acquisition of development rights has been awarded; and

WHEREAS, said funds for acquisitions are provided for in the attached contract (C800654) between the New York State Department of Agricultural and Markets and Suffolk County; and

WHEREAS, the State funds may be used to offset up to seventy-five percent (75%) of the cost of such acquisitions; and

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

WHEREAS, Suffolk County recognizes the importance of the agricultural industry to the County and has committed substantial resources to the preservation of farmland resulting in the protection of approximately 9,000 acres of prime farmland; and

WHEREAS, the Suffolk County Agricultural and Farmland Protection Plan recommends a need for the protection of 20,000 acres of farmland through the acquisition of development rights by the County and other levels of government and/or the use of other means of farmland protection such as local zoning and subdivision land use techniques; and

WHEREAS, the grant will make it possible for Suffolk County to protect additional farmland through the leveraging of County funds with State funds; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the acceptance of State Aid in the amount of \$3,953,349; now, therefore be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to 6 N.Y.C.R.R. Sections 617.5 (c) (20) and (27) of the New York Code of Rules and Regulation since such actions are simply legislative decisions administering and implementing the acquisition of development rights as set forth in the adopted Suffolk County Purchase of Development Rights Program which will mainly result in a beneficial impact; since

this resolution is a Type II Action, the Legislature has no further responsibilities under SEQRA; and, be it further

2nd **RESOLVED**, that \$1,768,309 be accepted into the New Suffolk County Drinking Water Protection Program, Specific Environmental Protection, effective as of December 1, 2007, to cover a portion, up to 75%, of the acquisition cost for development rights of the Walter R. Zaweski (0600-048.00-01.00-003.009 p/o) and 353 Manor Lane, LLC (aka Totino Nursery) (0600-047.00- 01.00- 003.002 p/o); and, be it further

3rd **RESOLVED**, that the 2008 Operating Budget be and hereby is amended accepting State grant funds in the amount of \$1,768,309 into the New Suffolk County Drinking Water Protection Program, Specific Environmental Protection, to offset the acquisition cost development rights as follows:

Fund	Dept	Code	Revenue Title	Amount
477	FIN	3089	State Aid: Other	\$1,768,309

;and, be it further

4th **RESOLVED**, that State Grant funds in the amount of \$2,185,040 or up to 75% of the acquisition costs for development rights for the Hodun Property (0600-065.00-01.00-009.002 p/o) be accepted into Capital Project 7177.227 Multifaceted Land Acquisition Program; and, be it further

5th **RESOLVED**, that the Suffolk County Comptroller is hereby authorized and directed to limit the serial bond borrowing to the County share; and, be it further

6th **RESOLVED**, that the Suffolk County Comptroller has already issued the serial bond borrowing for the full acquisition cost for development rights of the Hodun Property under Capital Project 7177.227; and, be it further

7th **RESOLVED**, that the Suffolk County Treasurer and the Suffolk County Comptroller are hereby authorized and directed to place into a debt service reserve fund \$2,185,040 of state aid received for this acquisition, that is required to pay down debt service borrowed in excess of the serial bond borrowing limit of for the County share; and, be it further

8th **RESOLVED**, that the Suffolk County Treasurer and the Suffolk County Comptroller are authorized to accept State Aid in connection with this project; and, be it further

9th **RESOLVED**, that the Suffolk County Executive and/or the Planning Director are authorized to accept the grant on behalf of Suffolk County, to take all necessary actions and to execute all necessary agreements including an Agreement with the New York State Department of Agriculture and Markets to effectuate this grant.

DATED:

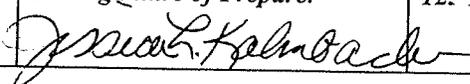
APPROVED BY:

County Executive of Suffolk County

Date:

1525

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
Amending the 2008 Operating Budget and 2008 Capital Budget and Program by accepting up to 75% grant funds in the amount of \$3,953,349 from the New York State Department of Agriculture and Markets (Grant C800654) to the Suffolk County Purchase of Development Rights Program for the acquisition of the development rights		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES _____ NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Jessica L. Kalmbacher Planner		May 22, 2008

1525



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
10B Airline Drive, Albany, New York 12235
518-457-8876 Fax 518-457-3087
www.agmkt.state.ny.us

Eliot Spitzer
Governor

Patrick Hooker
Commissioner

December 20, 2007

Mr. Steve Levy, County Executive
Suffolk County
P.O. Box 6100
Hauppauge, NY 11788-4818

Dear Mr. Levy:

I am very pleased to inform you that the Department of Agriculture and Markets has awarded Suffolk County the sum of \$3,953,349 to assist the County in its farmland preservation efforts. Based upon your FY2007-2008 Agricultural and Farmland Protection Implementation Grants proposal, the Department has provided enough matching funds to purchase the development rights on Totino Nursery, Zaweski Farm, and Hodun Farm.

Before State funds can be provided for the purchase of easements or development rights on these farms, it will first be necessary to develop a contract between the Department and the County. This contract must contain an agreed upon plan of work and budget. Project expenditures, which occur prior to the approval of the contract by the State Comptroller, might not be reimbursed. Therefore, we strongly advise that you not incur any expenses for which State reimbursement will be sought until the contract is approved.

In order to facilitate the timely development of your contract and the completion of the project, I am requesting that you identify an authorized representative of the County with whom you would like us to work with regard to all fiscal matters associated with the contract between the County and the State. Please have that person complete and sign the enclosed Contractor's Information Checklist. Also, please identify the person with whom you would like us to work with regard to all matters associated with the conservation easement(s) that will result from this contract; that person will serve as your project manager. Please provide this information to David Behm, the Department's Farmland Protection Program Manager. He may be reached by phone at 518-485-7729, by fax at 518-457-2716 or by e-mail at david.behm@agmkt.state.ny.us.

The Department looks forward to working with you in preserving your valuable farmland resources for agricultural production purposes now and in the future. +

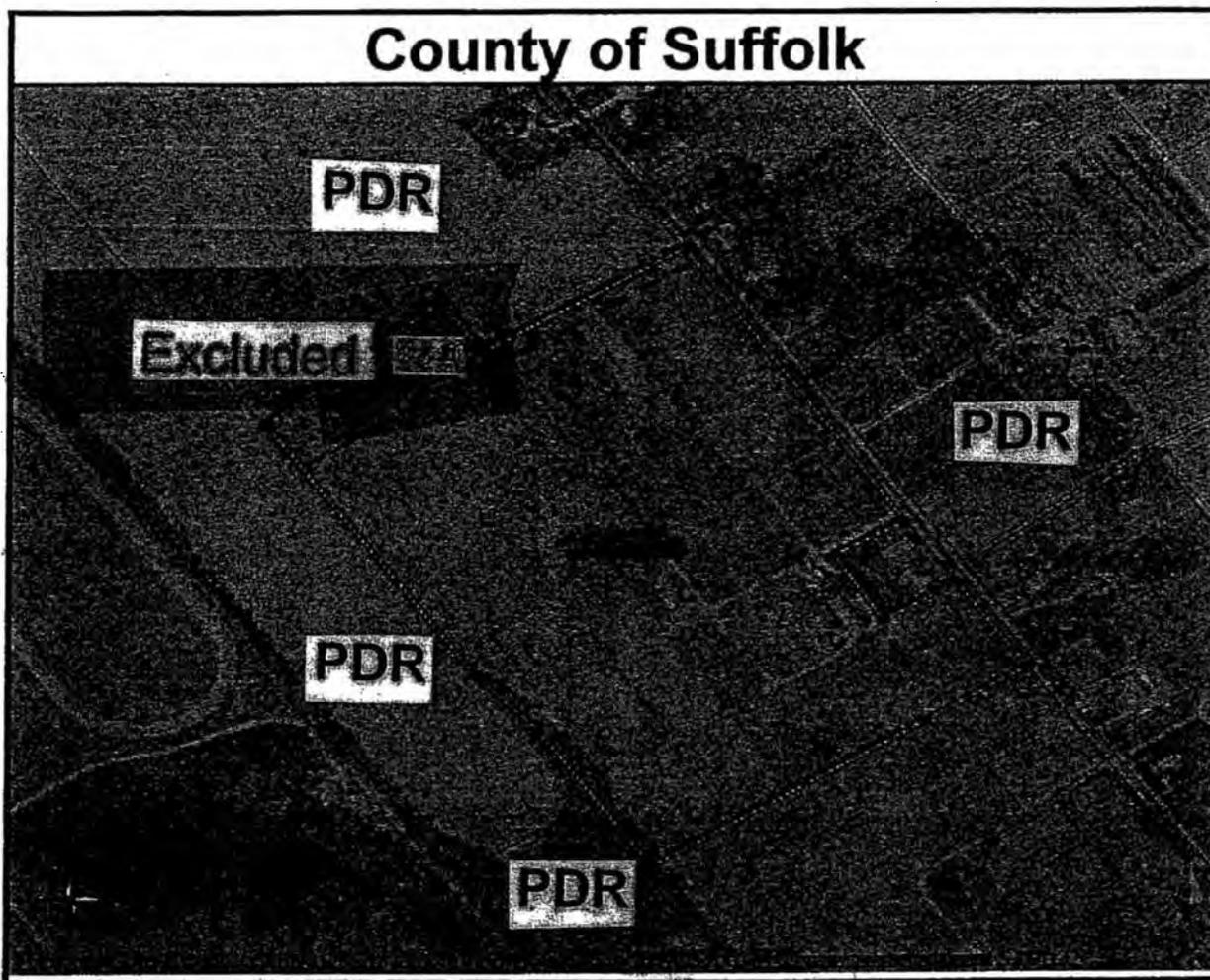
Sincerely,

A handwritten signature in cursive script that reads "Patrick Hooker".

Patrick Hooker
Commissioner

cc: Supervisor Philip Cardinale, Town of Riverhead
Roy Fedelem, Suffolk Co. Planning Dept.
Joseph Totino
Walter Zaweski
Walter Hodun

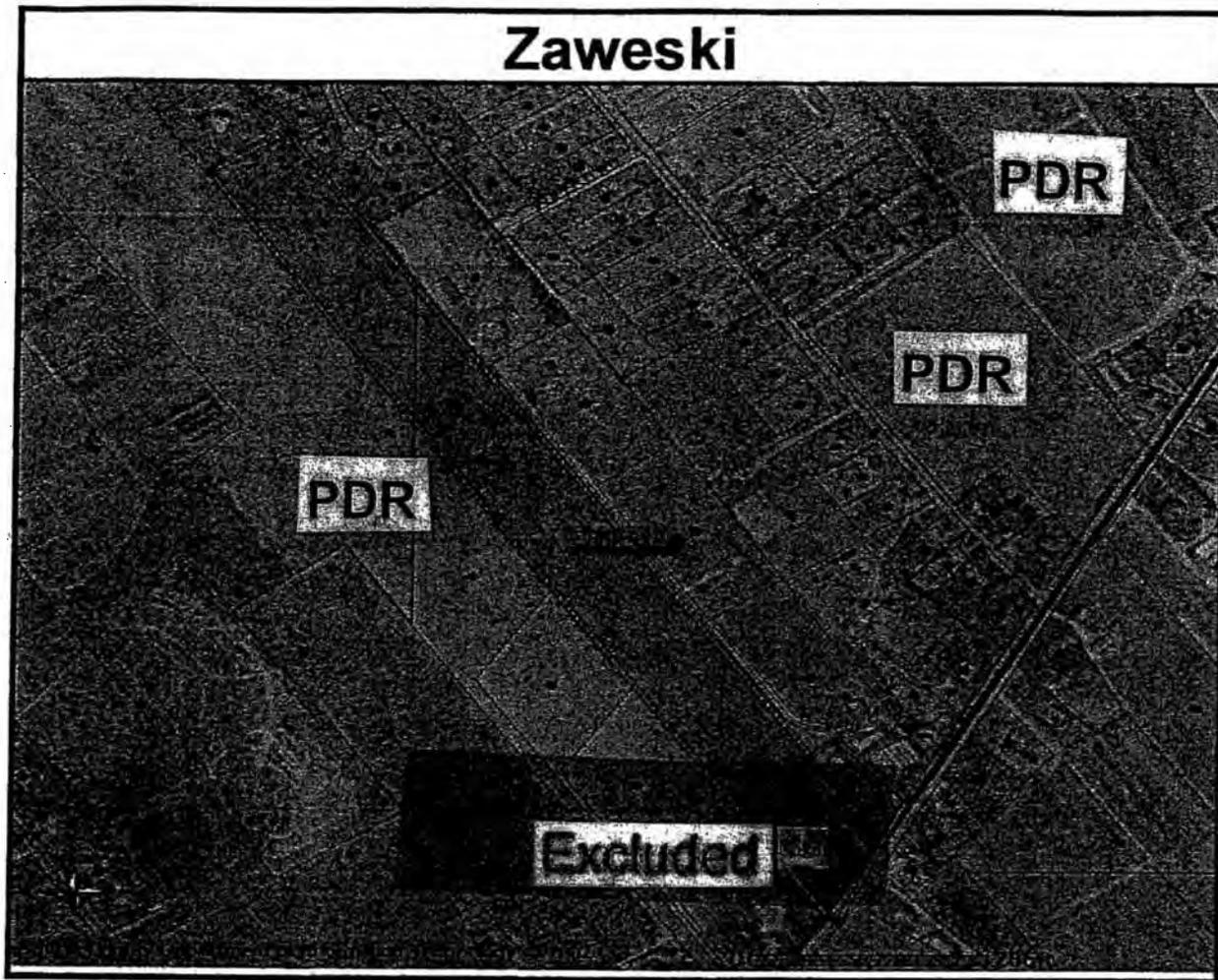
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Joseph Totino 600 47 1 3.2

Approved at the 7/25/06 Farmland Committee Meeting

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Zaweski, Walter

Riverthead

Jamesport

600

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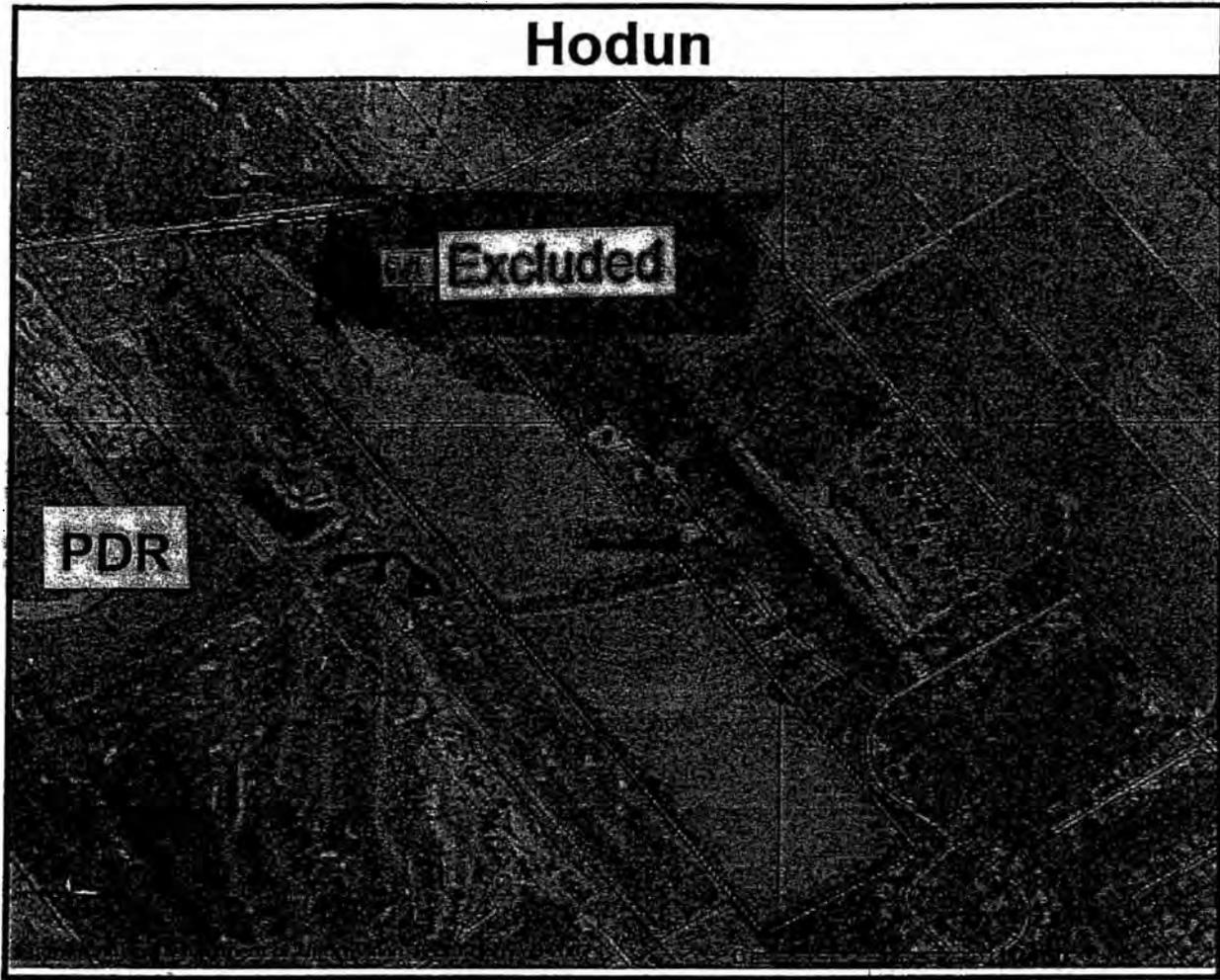
1

3.9 yes

HaA,RdB,HaB

26.4 sod

10/24/06



600 65 1 9.2 74 Approved 7/25/06

AGREEMENT

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New York State
Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235-0001
Agency Code 06000

AGRICULTURAL AND FARMLAND PROTECTION IMPLEMENTATION GRANT

Contract Authority: Agriculture and Markets Law, Article 25-AAA

Contract Number: **C800654**
Amount of Agreement: **\$3,953,349**
Contract Period: **12/20/07 to 3/31/10**
Municipal Code: **4701-0000-0000**

Contractor Name/Project Sponsor: **Suffolk County**

Street: **Planning Dept.
P.O. Box 6100** City: **Hauppauge** State: **NY** Zip: **11788**

Billing Address (if different from above):

Street: City: State: Zip:

Title/Description of Project: **Agricultural & Farmland Protection Implementation Grant**

THIS AGREEMENT INCLUDES THE FOLLOWING:

- This Coversheet
- Appendix A (Standard Clauses for all New York State Contracts)
- Appendix B (Project Budget)
- Appendix C (Award Letter(s) & Portion of Applicant's Proposal)
- Appendix D (The Department's General Conditions)
- Appendix E (Final Report Documentation Checklist)
- Appendix F Other (Identify)

FOR AMENDMENTS CHECK THOSE THAT APPLY:

- Additional Work
- Extension of Time
From to
- Increase Amount
- Decrease Amount
- Revised Budget
- Revised Scope of Work
- Other

If Increase/Decrease in Amount:

Previous Amount: \$

Increase/decrease _____

New Total: \$

The Contractor and the Department agree to be bound by the terms and conditions contained in this Agreement.

CONTRACTOR

NYS DEPARTMENT OF AGRICULTURE & MARKETS

Signature of Contractor's Authorized Representative:

Signature of Authorized Official:

Date: _____

Date: _____

Typed or Printed Name of Above Representative:

Typed or Printed Name of Above Official:

Title of Authorized Representative:

Title of Authorized Official:

Notary Public: On this ____ day of _____, 20__ before me personally appeared _____, to me known, and known to me to be the same person who executed the above instrument and duly acknowledged the execution of the same.

State Agency Certification: In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

Attorney General:

Approved: Thomas P. DiNapoli, State Comptroller
By:
Date:

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. **EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of the State and any attempts to assign the contract without the State's written consent are null and void. The Contractor may, however, assign its right to receive payment without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. **COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

4. **WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the

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performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. **WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

7. **NON-COLLUSIVE BIDDING CERTIFICATION.** In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. **INTERNATIONAL BOYCOTT PROHIBITION.** In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days, of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. **SET-OFF RIGHTS.** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. **RECORDS.** The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor

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within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.

(a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law.

(2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.

In accordance with Section 312 of the Executive Law, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment,

employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of State Finance Law §165. (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
30 South Pearl St – 7th Floor
Albany, New York 12245
Telephone: 518-292-5220
Fax: 518-292-5884
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl St – 2nd Floor
Albany, New York 12245
Telephone: 518-292-5250
Fax: 518-292-5803
<http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. PURCHASES OF APPAREL. In accordance with State Finance Law 162 (4-a), the State shall not purchase any apparel from any vendor unable or unwilling to certify that: (i) such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hours laws and workplace safety laws, and (ii) vendor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with the State), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized by the bidder.

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APPENDIX B

2007-2008 Budget Summary for FPIG Proposal
Farmland Protection Implementation Projects Involving Conservation Easements

ATTENTION: You MUST submit one Form B.1 - Budget Summary for FPIG Proposal to summarize the overall budget of this proposal and you MUST submit one project budget for each farm to provide details of the proposed budget associated with each farm in this proposal. Please use the appropriate project budget form (i.e., Form B.2 for a farm whose value of development rights is ≤ \$29,000 per acre, or Form B.3 for a farm whose value of development rights is > \$29,000 per acre).

Farm Name(s): Totino Local Government Applicant: Suffolk County
Zaweski
Hodun

Total Acres Proposed for Permanent Protection = 133,4000

TOTAL COSTS OF PROJECT(S) ASSOCIATED WITH THIS PROPOSAL

Total Value

of Development Rights

\$ 11,887,200
Average = \$ 89,100

For all project proposals, the applicant is urged to base this amount upon either an appraisal or the most recent valuation of the subject property as

Administrative Costs

Subtotal = \$ 84,749

Administrative Costs (in-kind)

Subtotal = \$ - Amount shall not exceed 80% of the local match.

TOTAL PROJECT COSTS = \$ 11,971,949

FUNDING SOURCES

Local Match

Applicant must provide documentation acceptable to the Department accounting for the encumbrance or expenditure of the sum total of all required local match for this proposal by the time the last disbursement is requested by the applicant for this proposal.

Total Local Matching Funds = 8,018,600
% of total project costs 67.0%

State Funding

Requested State Funding = \$ 3,953,349 development rights for any farmland protection implementation project.
% of total project costs above 33.0% State Funding % shall be no more than 75.0%.

Local Match % plus State Funding % must equal 100%.

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2007-2008 Project Budget for FPIG Proposal

Famland Protection Implementation Project Involving a Conservation Easement

ATTENTION: You MUST submit one Form B.1 - Budget Summary for FPIG Proposal to summarize the overall budget of this proposal and you MUST submit one Form B.3 - Project Budget for FPIG Proposal for each farm whose value of development rights is >\$29,000 per acre.

Farm Name: Tolino Nursery Local Government Applicant: Suffolk County
 Estimated Acres to be Permanently Protected = 35,000

TOTAL PROJECT COSTS

Value of Development Rights \$ 3,080,000 If this \$ per acre value does not exceed \$29,000/acre, do NOT use this form.
 For all projects, the applicant is urged to base this amount upon either an appraisal or the most recent valuation of the subject property as proposed = \$ 3,080,000
 Proposed Purchase Price = \$ 3,080,000 % of total value of development rights = 100 If <100%, a bargain sale will result. The landowner's donation will be the difference between the appraised value and the purchase price plus any administrative costs that will be paid by the landowner.

Administrative Costs

Title Insurance	\$ 12,320	
Survey(s)	\$ 10,000	
Appraisal	\$ 1,200	
Outside Legal Fees (if any)		
Outside Easement Expertise (if any)		Amount paid to consultant(s) to assist with the conservation easement transaction for this project. (Do NOT include cost of baseline documentation report in this amount.)
Recording Fees		
Stewardship Fee		Amount shall not exceed \$10,000 per conservation easement.
Baseline Documentation Report		
Other administrative cost		Identify: <input type="text"/>
Other administrative cost	\$ 1,200	Identify: Phase I environmental site assessment
Subtotal	\$ 24,720	

Administrative Costs (In-kind)

Applicant's Staff Time		
Travel/office expense		
Other in-kind cost		Identify: <input type="text"/>
Subtotal	\$ -	Amount shall not exceed \$25,000, or 80% of the local match, whichever is less.

TOTAL PROJECT COSTS = \$ 3,104,720

FUNDING SOURCES

Local Match

Applicant must provide documentation acceptable to the Department accounting for the encumbrance or expenditure of the required local match for this project by the time this project's perpetual conservation easement is conveyed.

Municipal Funds	\$ 1,141,000	<small>For project proposals where the full value of the conservation easements will be donated, none of the amount shown shall be used to compensate the landowner for the value of the conservation easement.</small>
Landowner Donation		
Federal FRPP		<small>NOTE: Federal Farm and Ranch Lands Protection Program (FRPP) funds will NOT be allowed as a local match.</small>
In-Kind (from subtotal above)	\$ -	
Other (foundation or similar)	\$ 924,000	Town of Riverhead
Subtotal	\$ 2,065,000	
% of total project costs	66.5%	

State Funding

State Funding	\$ 1,039,720	development rights for any famland protection implementation project.
% of total project costs above	33.5%	State Funding % shall be no more than 75.0%.

Local Match % plus State Funding % must equal 100%.

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2007-2008 Project Budget for FPIG Proposal

Farmland Protection Implementation Project Involving a Conservation Easement

ATTENTION: You MUST submit one Form B.1 - Budget Summary for FPIG Proposal to summarize the overall budget of this proposal and you MUST submit one Form B.3 - Project Budget for FPIG Proposal for each farm whose value of development rights is >\$29,000 per acre.

Farm Name: Zaweski Local Government Applicant: Suffolk County
 Estimated Acres to be Permanently Protected = 24,4000

TOTAL PROJECT COSTS

Value of Development Rights	\$ 2,147,200		
Proposed Purchase Price =	\$ 2,147,200	% of total value of development rights =	100

If this \$ per acre value does not exceed \$29,000/A., do NOT use this form.
 For all projects, the applicant is urged to base this amount upon either an appraisal or the most recent valuation of the subject property as if <100%, a bargain sale will result. The landowner's donation will be the difference between the appraised value and the purchase price plus any administrative costs that will be paid by the landowner.

Administrative Costs

Title Insurance	\$ 8,589	
Survey(s)	\$ 10,000	
Appraisal	\$ 1,200	
Outside Legal Fees (if any)		
Outside Easement Expertise (if any)		Amount paid to consultant(s) to assist with the conservation easement transaction for this project. (Do NOT include cost of baseline documentation report in this item.)
Recording Fees		
Stewardship Fee		Amount shall not exceed \$10,000 per conservation easement.
Baseline Documentation Report		
Other administrative cost		Identify: <input type="text"/>
Other administrative cost	\$ 1,200	Identify: Phase I environmental site assessment
Subtotal	\$ 20,989	

Administrative Costs (In-kind)

Applicant's Staff Time		
Travel/office expense		
Other in-kind cost		Identify: <input type="text"/>
Subtotal	\$ -	Amount shall not exceed \$25,000, or 80% of the local match, whichever is less.

TOTAL PROJECT COSTS = \$ 2,168,189

FUNDING SOURCES

Local Match

Applicant must provide documentation acceptable to the Department accounting for the encumbrance or expenditure of the required local match for this project by the time this project's perpetual conservation easement is conveyed.

Municipal Funds	\$ 1,439,600	For project proposals where the full value of the conservation easements will be donated, none of the amount shown shall be used to compensate the landowner for the value of the conservation easement. When the full value of development rights will be donated, enter full appraised value of the conservation easement. NOTE: Federal Farm and Ranch Lands Protection Program (FRPP) funds will NOT be allowed as a local match.
Landowner Donation		
Federal FRPP		
In-Kind (from subtotal above)	\$ -	
Other (foundation or similar)		
Subtotal	\$ 1,439,600	
% of total project costs	66.4%	

State Funding

State Funding	\$ 728,589	development rights for any farmland protection implementation project.
% of total project costs above	33.6%	State Funding % shall be no more than 75.0%.

Local Match % plus State Funding % must equal 100%.

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2007-2008 Project Budget for FPIG Proposal

Farmland Protection Implementation Project Involving a Conservation Easement

ATTENTION: You MUST submit one Form B.1 - Budget Summary for FPIG Proposal to summarize the overall budget of this proposal and you MUST submit one Form B.3 - Project Budget for FPIG Proposal for each farm whose value of development rights is >\$29,000 per acre.

Farm Name: Hodun Local Government Applicant: Suffolk County
 Estimated Acres to be Permanently Protected = 74,0000

TOTAL PROJECT COSTS

Value of Development Rights \$ 6,660,000 If this \$ per acre value does not exceed \$29,000/A, do NOT use this form.
 For all projects, the applicant is urged to base this amount upon either an appraisal or the most recent valuation of the subject property as proposed purchase price = \$ 6,660,000 % of total value of development rights = 100 If <100%, a bargain sale will result. The landowner's donation will be the difference between the appraised value and the purchase price plus any administrative costs that will be paid by the landowner.

Administrative Costs

Title Insurance	\$ 26,640
Survey(s)	\$ 10,000
Appraisal	\$ 1,200
Outside Legal Fees (if any)	
Outside Easement Expertise (if any)	
Recording Fees	
Stewardship Fee	
Baseline Documentation Report	
Other administrative cost	
Other administrative cost	\$ 1,200
Subtotal	\$ 39,040

Amount paid to consultant(s) to assist with the conservation easement transaction for this project. (Do NOT include cost of baseline documentation report in this amount.)

Amount shall not exceed \$10,000 per conservation easement.

Identify: Phase I environmental site assessment

Administrative Costs (in-kind)

Applicant's Staff Time	
Travel/office expense	
Other in-kind cost	
Subtotal	\$ -

Amount shall not exceed \$25,000, or 80% of the local match, whichever is less.

Identify:

TOTAL PROJECT COSTS = \$ 6,699,040

FUNDING SOURCES

Local Match

Applicant must provide documentation acceptable to the Department accounting for the encumbrance or expenditure of the required local match for this project by the time this project's perpetual conservation easement is conveyed.

Municipal Funds	\$ 2,516,000	For project proposals where the full value of the conservation easements will be donated, none of the amount shown shall be used to compensate the landowner for the value of the conservation easement.
Landowner Donation		
Federal FRPP		NOTE: Federal Farm and Ranch Lands Protection Program (FRPP) funds will NOT be allowed as a local match.
In-Kind (from subtotal above)	\$ -	
Other (foundation or similar)	\$ 1,998,000	Town of Riverhead
Subtotal	\$ 4,514,000	
% of total project costs	67.4%	

State Funding

State Funding \$ 2,185,040 development rights for any farmland protection implementation project.
 % of total project costs above 32.6% State Funding % shall be no more than 75.0%.

Local Match % plus State Funding % must equal 100%.

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STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS

10B Airline Drive, Albany, New York 12235
518-457-8876 Fax 518-457-3087
www.agmkt.state.ny.us

Eliot Spitzer
Governor

Patrick Hooker
Commissioner

December 20, 2007

Mr. Steve Levy, County Executive
Suffolk County
P.O. Box 6100
Hauppauge, NY 11788-4818

Dear Mr. Levy:

I am very pleased to inform you that the Department of Agriculture and Markets has awarded Suffolk County the sum of \$3,953,349 to assist the County in its farmland preservation efforts. Based upon your FY2007-2008 Agricultural and Farmland Protection Implementation Grants proposal, the Department has provided enough matching funds to purchase the development rights on Totino Nursery, Zaweski Farm, and Hodun Farm.

Before State funds can be provided for the purchase of easements or development rights on these farms, it will first be necessary to develop a contract between the Department and the County. This contract must contain an agreed upon plan of work and budget. Project expenditures, which occur prior to the approval of the contract by the State Comptroller, might not be reimbursed. Therefore, we strongly advise that you not incur any expenses for which State reimbursement will be sought until the contract is approved.

In order to facilitate the timely development of your contract and the completion of the project, I am requesting that you identify an authorized representative of the County with whom you would like us to work with regard to all fiscal matters associated with the contract between the County and the State. Please have that person complete and sign the enclosed Contractor's Information Checklist. Also, please identify the person with whom you would like us to work with regard to all matters associated with the conservation easement(s) that will result from this contract; that person will serve as your project manager. Please provide this information to David Behm, the Department's Farmland Protection Program Manager. He may be reached by phone at 518-485-7729, by fax at 518-457-2716 or by e-mail at david.behm@agmkt.state.ny.us.

The Department looks forward to working with you in preserving your valuable farmland resources for agricultural production purposes now and in the future.

Sincerely,

Patrick Hooker
Commissioner

cc: Supervisor Philip Cardinale, Town of Riverhead
Roy Fedelem, Suffolk Co. Planning Dept.
Joseph Totino
Walter Zaweski
Walter Hodun

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**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS
2007-2008 (ROUND XI) APPLICATION FORM
Farmland Protection Implementation Projects**

Instructions:

1. Respond to each of the following questions in the space provided and **ONLY** attach separate statements or maps as directed. Any attached statement **MUST NOT** exceed **ONE** page.
2. The details that you provide in response to the items below **together with one Form B.1 (Budget Summary for the entire application) and a Project Budget for each farm project** contained in your application will form the basis for the scoring of each proposal submitted. If requesting funds for two or more farms, the information requested in Part 2, Items 1 through 8, should be separated for each farm, but may be aggregated onto attached maps, lists or charts from which the information for each farm can be clearly delineated.
3. You **MUST** provide all the information requested in order for your proposal to receive full consideration for funding. Failure to provide all information may result in disqualification of certain proposed farms within an applicant's proposal and/or a lower overall score for a proposal.

Part 1 – Applicant Information (for single or joint applications)

1. Please provide the (a) name and (b) address of municipality(s) in the space below.

(a)	Suffolk County
(b)	Planning Department
	P. O. Box 6100
	Hauppauge, N.Y. 11788-0099

2. Please provide the (a) name, (b) mailing address, (c) telephone number, (d) fax number, and (e) e-mail address of one primary contact person.

(a)	Roy Fedelem
(b)	Suffolk County Planning Department
	P. O. Box 6100
	Hauppauge, N.Y. 11788-0099
(c)	631-853-5111
(d)	631-853-4044
(e)	Roy.fedelem@suffolkcountyny.gov

3. Please provide a copy, if available, of any plan, report or map describing any existing or proposed public sewer or water infrastructure in the vicinity of each farm proposed for permanent protection.

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3. Farmland Easement Information –

<p>For each farm, please provide ALL of the following information:</p> <ul style="list-style-type: none"> • Please complete the far right two columns of this table for the proposed conservation easement area associated with each farm in your proposal. • Please attach a soil survey map of the proposed conservation easement area associated with each farm in your proposal. • Please attach a table illustrating the acreage of each soil type comprising (a) USDA Prime Soils, and (b) Soils of Statewide Significance occurring within the proposed conservation easement area associated with each farm in your proposal. 	<p>Farm Rank Order</p>	<p>Acres</p>	<p>Extent of Proposed Easement Area (%)</p>
<p>Acres to be protected (based upon either a tax parcel map or an existing legal survey) =</p>	<p>(#1)</p>	<p>35.0</p>	<p style="background-color: black; color: black;">[REDACTED]</p>
	<p>(#2)</p>	<p>24.4</p>	
	<p>(#3)</p>	<p>74.0</p>	
<p># of protected acres available for crop and/or livestock production =</p> <ul style="list-style-type: none"> • Please calculate the extent of the proposed easement area for this item for each farm as follows (enter this information in far right column of this row in this table): # of protected acres available for crop and/or livestock production divided by the # of protected acres, then multiply that amount by 100 to determine its % (round up to the nearest whole number). 	<p>(#1)</p>	<p>35.0</p>	<p>100.0</p>
	<p>(#2)</p>	<p>24.4</p>	<p>100.0</p>
	<p>(#3)</p>	<p>59.0</p>	<p>79.7</p>
<p># of protected acres in woodlands and wetlands =</p> <ul style="list-style-type: none"> • Please calculate the extent of proposed easement area for this item for each farm as follows (enter this information in far right column of this row in this table): # of protected acres in woodland and wetlands divided by the # of protected acres, then multiply that amount by 100 to determine its % (round up to the nearest whole number). 	<p>(#1)</p>	<p>0</p>	<p>0</p>
	<p>(#2)</p>	<p>0</p>	<p>0</p>
	<p>(#3)</p>	<p>15.0</p>	<p>20.3</p>
<p># of protected acres in USDA Prime Soils =</p> <ul style="list-style-type: none"> • Please calculate the extent of proposed easement area for this item for each farm as follows (enter this information in far right column of this row in this table) (NOTE: Prime soils are distinct from those below.): # of protected acres in USDA Prime Soils divided by the # of protected acres, then multiply that amount by 100 to determine its % (round up to the nearest whole number). 	<p>(#1)</p>	<p>35.0</p>	<p>100.0</p>
	<p>(#2)</p>	<p>24.4</p>	<p>100.0</p>
	<p>(#3)</p>	<p>66.0</p>	<p>89.2</p>
<p># of protected acres in Soils of Statewide Significance =</p> <ul style="list-style-type: none"> • Please calculate the extent of proposed easement area for this item for each farm as follows (enter this information in far right column of this row in this table) (NOTE: These soils are distinct from those above.): # of protected acres in Soils of Statewide Significance divided by the # of protected acres, then multiply that amount by 100 to determine its % (round up to the nearest whole number). 	<p>(#1)</p>	<p>0</p>	<p>0</p>
	<p>(#2)</p>	<p>0</p>	<p>0</p>
	<p>(#3)</p>	<p>8.0</p>	<p>10.8</p>

Note: Please DO NOT submit copies of LESA or other farmland assessment reviews, local application forms, or local ranking systems for proposed farms.

Statement of Relevance – All applicants must attach a brief statement (labeled as “Form A – Part 2 – Item #3”) that clearly and convincingly illustrates the relevance, importance and significance of protecting the farm(s) identified in your proposal to the implementation of your County Agricultural and Farmland Protection Plan, or, if the applicant is a municipality, that municipality’s farmland protection plan

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Form A – Part 2 – Item #2

The exclusion of one lot and access road on the Totino Nursery does not affect the long-term viability of the farm because of its minimal nature and it is situated in the back with a pan-handle configuration. The Zaweski farm will also leave out a two acre lot which will not affect the long-term viability of the farm because of its minimal size. The Hodun Farm leaves out a 6 acre lot that does not affect the long-term viability of the farm because it is situated on the northeast corner on the other side of a swale that is not part of the main farm operation.

None of the farms have been subdivided in the last five years.

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Form A – Part 2 – Item #3

The preservation of these farms is important to help meet the goal of the County Farmland Protection Plan which is to preserve 20,000 acres of farms in Suffolk County. All these farms are under intense development pressure as Suffolk County is running out of developable land. These farms represent three important aspects of farming in Suffolk County. Suffolk County accounts for 41.5% of New York State's market value in nursery and greenhouse products so preserving the Totino Nursery helps our most important agricultural industry. The Zaweski property is planted in sod, another important product in Suffolk County and one that allows wide-open vistas. Hodun is associated with a farmstand that is in the NYS Farm Fresh Guide. This farm and the others as well all help another important industry in Suffolk which is the multi-billion dollar tourism industry.

Form A – Part 2 – Item #4

Farm 1: Joseph Totino: tax map # 0600-47-1-3.2: 35.0 acres

This nursery is adjacent to preserved land on three sides and is therefore an important piece to preserve a large block of farmland. The 1,290 feet of road frontage on Manor Lane also make this an important piece because of its excellent vistas. The farm soils are excellent with most of it being flat Haven soil with some Riverhead soil.

Appraisals have been done and the owner has accepted the County's offer. The owner will reserve one building lot in the Northwest corner and a 20 foot wide access road to the parcel.

Farm 2: Zaweski: tax map # 0600-48-1-3.9: 24.4 acres

This sod farm is adjacent to County PDR property. It has a 276 foot vista from the Main Road (State Route 25). It is in the Agricultural District. The farm soils are excellent with most of it being flat Haven soil with some Riverhead soil.

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Appraisals have been done and the County has made an offer and is awaiting the owners response.

Farm 3: Hodun: tax map #0600-65-1-9.2: 74.0 acres

This vegetable farm is less than 1,000 feet east of preserved farmland. It is owned by the same family that has an operation listed in the NYS Farm Fresh Guide. It is adjacent to two golf courses so it adds to a large block of open space. It has a wooded swale area on the north side that acts as a wildlife habitat. The farm has 886 feet of road frontage on Reeves Avenue. The farm soils are excellent with most of it being flat Haven soil with some Riverhead soil.

Appraisals have been done and the owner has accepted the County's offer.

Form A – Part 2 – Item #5

Farm Succession

These farms are in close proximity to a Long Island market of 2.75 million people and the New York City market of over 8 million people. During the summer the eastern Suffolk County population more than doubles adding 193,000 seasonal residents in addition to millions of day-trippers to the east end.

The likelihood of preserved farms remaining in farming is very high; since recorded restrictions on participating farms limit the farms' use to agricultural production. In our thirty-one (31) years of experience operating our program, rarely have we had preserved farmland go out of farming. Even if the land were to remain fallow, the property would still be available for farming in the future since the development rights will have been sold to Suffolk County and the underlying fee owner is restricted to agricultural use.

This area is unique in that farming has been a way of life in eastern Suffolk County for more than 350 years. Because of the scarcity of land on Long Island, and high prices, any land that is preserved for farming has become very desirable.

Form A – Part 2 – Item #6

Proximity to Protected Farms

The maps labeled "Form A – Part 2 – Item #2 show the proximity of the farms proposed for acquisition (heavy outline) with already preserved parcels labeled "PDR". Two of the farms are adjacent to parcels that have already been preserved and the third is near preserved farmland. Wherever possible the County program has tried to create large contiguous blocks of farmland.

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Form A – Part 2 – Item #7

Significant Natural Resource Buffer

Long Island is a federally designated "Sole Source Aquifer" which means the only supply of drinking water is from underground aquifers. Best management practices on farms can better protect this drinking water supply than the heavy development that has occurred to the west. This applies to all farms in this application.

The Hodun Farm sits at the headwaters of the Terry Creek drainage area. There are two swale areas, one on the north end of the farm and the other cuts across the center of the farm. Since they are both wooded and have some slopes and have some natural wildlife these are important mini-ecological centers that the farm will provide a buffer for.

Form A – Part 2 – Item #8

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Evidence of Development Pressure

The project is in areas facing significant, even intense, development pressure. Suburban development has already consumed nearly all the large blocks of vacant land and farmland in the four western Suffolk County Towns. Less than 1,800 acres of farmland remain in these Towns and much of this is in the process of being developed. The rest is prohibitively expensive, with approximate values ranging from \$80,000 to \$100,000 or more per acre.

Unless farmland is preserved now significantly higher prices will result in the Town of Brookhaven and the eastern Suffolk County Towns.

Together, the Towns of Riverhead, Southold and Southampton have 78 percent of Long Island's remaining farmland. The attached table shows that farm acreage on Long Island has dwindled from 150,680 acres in 1950 to 34,127 acres in 2002. Also attached is a current newspaper article emphasizing some of the pressure farmers are facing today.

Form A – Part 2 – Item #9

Landowner Commitment

The farmer's willingness to participate in the Farmland Purchase of Development Rights Program is evidenced by their negotiations with the County and by allowing appraisals of their properties. Also, see the attached table for those parcels in the New York State Agricultural District, which indicates that these farmers are interested in continuing to farm.

The County is in active negotiations with the following owners, and the contracts have been sent to their attorneys for review.

Attached is a chart showing the status of farms in this application.

Form A – Part 2 – Item #10

Stewardship Responsibilities

In most instances, Suffolk County will hold and enforce the conservation easement, and regularly monitor the property. However, in two cases, the Town of Riverhead is contributing money to the purchase of development rights and may hold and enforce a portion thereof.

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10. Stewardship Responsibilities -

Name of municipality or organization that will hold the conservation easement(s):	Suffolk County
Name of municipality or organization, if any, that will serve as a third party with right of enforcement for the conservation easement(s):	Town of Riverhead
Name of municipality or organization that will regularly monitor the conservation easement(s):	Suffolk County
Name of municipality or organization that will enforce and defend the conservation easement(s):	Suffolk County

Note: If the municipal applicant will NOT be holding or monitoring the conservation easement, please attach a letter from the organization (labeled as "Form A – Part 2 – Item #10") that will be doing so, verifying its role in the project.

11. Conservation Easement Document – Applicants must specify which conservation easement they intend to use in their local farmland protection implementation project:

the Department's Standard Agricultural Conservation Easement, or

the applicant's conservation easement document. If so, the applicant must indicate if it will consider any modifications to its conservation easement that the Department deems necessary to achieve the goals of the Farmland Protection Program. **Please also submit a copy of your conservation easement document with the proposal.**

Note: For awarded projects, first priority for reviews of required documentation will be given to those entities that use the Department's Standard Agricultural Conservation Easement.

12. Planning Documents – Non-county applicants should provide a copy (labeled as "Form A – Part 2 – Item #12") of only the relevant sections of the planning document(s) that serve as the basis for requesting implementation funding from the State (e.g. a municipal farmland protection plan, comprehensive plan, or other similar planning document).

Note: A county with an Agricultural and Farmland Protection Plan, approved pursuant to Article 25-AAA of the Agriculture and Markets Law, SHOULD NOT submit a copy of the approved county plan with its proposal.

13. Farmland Protection Board – Non-county applicants MUST attach (labeled as "Form A – Part 2 – Item #13") a copy of a current letter from the County Agricultural and Farmland Protection Board endorsing their specific proposal.

14. Key Personnel – Please attach a list (labeled as "Form A – Part 2 – Item #14") of the key people who will be involved in carrying out the proposed project activity. Identify their organization, title and a brief summary of their relevant conservation easement experience (if any).

Note: Please DO NOT submit resumes or biographies.

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Form A – Part 2 – Item #11

Conservation Easement Document

Suffolk County is willing to consider modifications to the conservation easement the Department deems necessary to achieve the goals of the Farmland Protection Program.

Form A – Part 2 – Item #12

Planning Documents

Suffolk County has an approved Agricultural and Farmland Protection Plan. The Suffolk County Planning Department is in the process of updating the Plan as it is now eleven years old.

Form A – Part 2 – Item #14

Key Personnel

Janet Longo– Deputy Director of the Division of Real Estate. Responsible for supervising and administering all farmland development rights negotiations and acquisitions for the last few years.

David P. Fishbein - Bureau Chief of Real Estate/Condemnation for the Suffolk County Department of Law. He acts as legal counsel to the Division of Real Estate, preparing all acquisition contracts and handling all closings. He has worked for the County and as a municipal counsel for many years.

Jennifer B. Kohn - Assistant County Attorney and liaison between the Planning Department and the Department of Law. Advises on grant applications and contracts. She has worked with the Department of Law for over thirteen (19) years and has an LLM in Environmental Law. She is also legal counsel to the Suffolk County Farmland Committee.

Roy Fedelem - Principal Planner with the Suffolk County Planning Department for 30 years who keeps the list of farmers who are interested in participating in the farmland preservation program and is staff to the Farmland Committee. As a hobby, he has operated a small farm and farm stand for sixteen (16) years.

Form B

See table for estimated value of development rights. We will only be asking for reimbursement for about 33% of the actual cost of the development rights, including some administrative costs. The local match will in all cases be from County municipal funds. The Town of Riverhead will be partnering with the County on the Totino and Hodun farms.

PARCELS OFFERED FOR THE SUFFOLK COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM
 List for the 2007 NYS grant application

Farm #	Score	Name	Town	Place	Dist	Sec	Bl	Lot	Total Acres	In Ag. Dist.	Soil Class	Ag Use	assessment cost	price per acre	Administrative Costs	Total Costs	State Share @ \$29,000 Per Acre	Local Share	State %	Local %
Farm #1	19	Joseph Tolino	Riverhead	Jamesport	600	47	1	3.2	35	no	HbA,RdB	nursery	\$ 3,080,000	\$ 88,000	\$ 24,720	\$ 3,104,720	\$ 1,039,720	\$ 2,065,000	33.5%	66.5%
Farm #2	17	Zaweski, Walter	Riverhead	Jamesport	600	48	1	3.9	24.4	yes	HbA,RdA	soy	\$ 2,147,200	\$ 88,000	\$ 20,889	\$ 2,168,189	\$ 728,889	\$ 1,439,600	33.6%	66.4%
Farm #3	14	Walter Hodun	Riverhead	Riverhead	600	65	1	9.2	74	no	HbA,RdA,RdB	vegetables	\$ 6,660,000	\$ 90,000	\$ 39,040	\$ 6,699,040	\$ 2,185,040	\$ 4,514,000	32.6%	67.4%
Total									133.4				\$ 11,887,200	\$ 89,109	\$ 84,749	\$ 11,971,949	\$ 3,953,349	\$ 8,018,600	33.3%	66.7%

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COUNTY OF SUFFOLK

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CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

County of Suffolk
Division of Real Property Acquisition and Management
P.O. Box 6100
H. Lee Dennison Building, 2nd Floor
Hauppauge, New York 11788
Attn: Bob Zaher

SUFFOLK COUNTY ¼% NEW DRINKING WATER PROTECTION PROGRAM-FARMLAND

Site: Tax Map No. 0600-047.00-01.00-003.002

Owner: Joseph Totino
353 Manor Lane LLC

- I want to participate in the County Farmland Preservation Program and I accept your offer.
- I am not interested in selling the development rights to the County of Suffolk at this time.

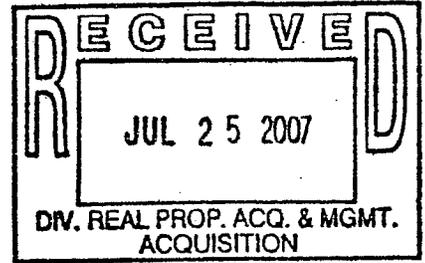
Comments: _____

Name JOSEPH TOTINO Telephone No. 914-589-9565
353 MANOR LANE LLC Telephone No. 631-722-4882

Address 151-24 18TH AVENUE WITTESSPANE NY 11357

Attorney Information: CHARLES CUDDY 631-369-8200

1525



353 Manor Lane LLC
Joseph Totino
151-24 18th Avenue
Whitestone, New York 11357
718-746-4429

July 23, 2007

County of Suffolk
Division of Real Property Acquisition & Mgmt
P. O. Box 6100
H. Lee Dennison Bldg., 2nd Floor
Hauppauge, New York 11788
Attn: Bob Zaher

Re: Site Tax Map # 0600-047.00-01.00-003.002

Dear Mr. Zaher,

Enclosed please find my acceptance letter for the County of Suffolk/Town of Riverhead's purchase of development rights of my farm in Jamesport, LI, NY. It appears that the buyer will want to retain one (1) Builder's Lot (2 acres located in the N/W corner of the property) and a 20 foot wide access road from Manor Lane to the Builder's Lot (to be located along the northern border of the property) as development land, leaving approximately 37.5 acres for development right sale.

A copy of the farm map showing the lot and road will be sent to you under separate cover from our attorney, Charles Cuddy. He can be reached at 631-369-8200. You may speak with him or my son, Rocco Totino, 914-589-9565 on any matters regarding this sale.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Totino".

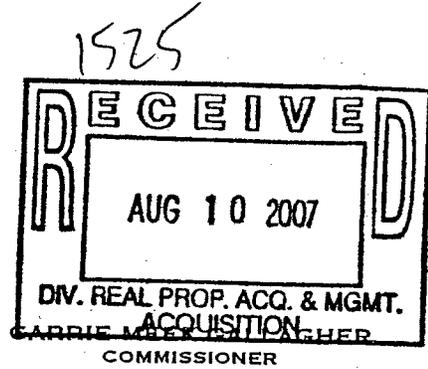
Joseph Totino
353 Manor Lane LLC.

COUNTY OF SUFFOLK



CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE



DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

County of Suffolk
Division of Real Property Acquisition and Management
P.O. Box 6100
H. Lee Dennison Building, 2nd Floor
Hauppauge, New York 11788
Attn: Bob Zaher

SUFFOLK COUNTY 1/4% NEW DRINKING WATER PROTECTION PROGRAM-FARMLAND

Site: Tax Map No. 0600-048.00-01.00-003.009
Owner: Walter r. Zaweski

- I want to participate in the County Farmland Preservation Program and I accept your offer .
- I am not interested in selling the development rights to the County of Suffolk at this time.

Comments: _____

Name Walter R. Zaweski Telephone No. 631 722 3386

Address 1796 Main Road PO Box 371 Jamesport, NY 11947

Attorney Information: JEAN MARIE COSTELLO

455 GRIFFING AVE
RIVERHEAD, NY 11901

727-1090

COUNTY OF SUFFOLK

1525



CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

August 1, 2007

Walter R. Zaweski
1796 Main Road
Jamesport, New York 11947

Re: Owner: Walter R. Zaweski
Tax Map # 0600-048.00-01.00-003.009
SUFFOLK COUNTY NEW ¼% DRINKING WATER PROTECTION PROGRAM-FARMLAND

Dear Mr. Zaweski:

The County of Suffolk is pleased to communicate to you a formal offer to purchase the Development Rights to part of your farm in Jamesport. This offer is being made pursuant to authorization by County Resolution No. 1326-2006 and is subject to a final County authorizing resolution, available funding, and a survey to determine final value.

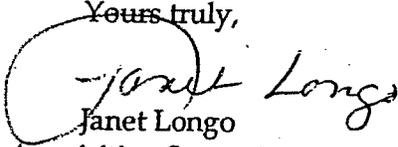
The County of Suffolk hereby offers you the sum of \$2,147,200.00 in full payment for the Development Rights to the above referenced property according to the following schedule:

<u>Farmland</u>	<u>Per Acre Value</u>	<u>Development Rights Value</u>
24.4 +/-	\$88,000.000	\$2,147,200.00

Please complete the attached form and return to this office as soon as possible. If this offer is acceptable we will move ahead to prepare the contract as soon as we hear from you. We would ask that you advise this office of your reply no later than one month from receipt of this offer.

If there is any further information that you need concerning this offer, please contact the agent handling this project, Bob Zaher, at (631) 853-5927.

Yours truly,


Janet Longo

Acquisition Supervisor

EXHIBIT "F"

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LAW OFFICES
PETER S. DANOWSKI, JR.
616 ROANOKE AVENUE
P.O. BOX 779
RIVERHEAD, NY 11901

(631) 727-4900
FAX (631) 727-7451

JOHN P. TAGGART, ESQ.

June 1, 2007

County of Suffolk
Department of
Environment and Energy
P.O. Box 6100
Hauppauge, NY 11788-0099

Attn: Janet Longo, Assistant to the Commissioner

Re: Walter Hodun and Edmond Hodun, Jr.
SCTM #0600 - 065.00 - 01.00 - p/o 009.002
Suffolk County Multifaceted Land Preservation Program-Farmland

Dear Ms. Longo:

Be advised I represent Mr. Walter Hodun and Mr. Edmond Hodun, Jr. with reference to the enclosed offer as contained in letter dated May 17, 2007.

My clients accept the offer, subject to review of the contract. Please forward same at your convenience.

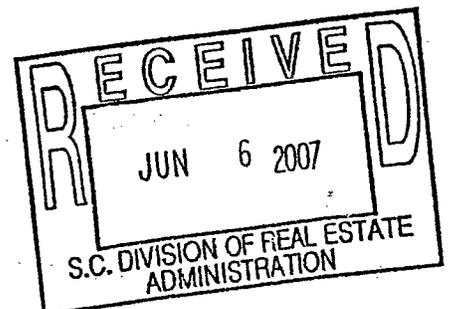
Very truly yours,

Peter
PETER S. DANOWSKI, JR.

PSD:gsg

Encl.

cc: Walter Hodun
Edmond Hodun, Jr.



COUNTY OF SUFFOLK



1525

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CHRISTOPHER E. KENT
DIVISION DIRECTOR

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT AND
ENERGY
DIVISION OF REAL PROPERTY ACQUISITION
AND MANAGEMENT

May 17, 2007

Walter Hodun & Edmond Hodun Jr.
254 Deep Hole Road
Calverton, New York 11933

Re: Tax Map Nos. 0600-065.00-01.00-p/o 009.002

Suffolk County Multifaceted Land Preservation Program-Farmland

Gentlemen:

The County of Suffolk in partnership with the Town of Riverhead is pleased to communicate to you an offer to purchase the Development Rights to part of your family farm. This offer is being made pursuant to authorization by County Resolution 1020-2006, and is subject to final Legislative approvals of both the County and Town.

The County of Suffolk and the Town of Riverhead hereby offers you the sum of \$6,660,000.00 in full payment for the Development Rights to the above referenced property subject also to an acceptable survey to determine final value as follows:

	<u>Acres</u>	<u>Price Per Acre</u>	<u>Development Rights Value</u>
Farmland	74 +/-	\$90,000.00	\$6,660,000.00

If this offer is acceptable we will move forward to preparing a contract as soon as we hear from you. If there is further information that you would like concerning this offer, please contact Bob Zaher, the lead agent on this project, at 853-5927. Please complete the enclosed.

Yours truly,

Janet Longo
Assistant to the Commissioner

JL:bz
CC: Ann Marie Prudenti Esq..
Karen Slater

EXHIBIT "F"

1525

APPENDIX D

GENERAL CONDITIONS FOR AGRICULTURAL AND FARMLAND PROTECTION IMPLEMENTATION AGREEMENTS

New York State Department of Agriculture and Markets

These general conditions apply to the administrative aspects of the Grant Agreement and reflect New York State's contract recordkeeping and payment procedures. These general conditions cannot be changed.

PAYMENT

Advance Payment

Upon approval of this Agreement by the State Comptroller, the **Contractor** may submit a payment request (Standard Voucher) for an advance payment on each project funded under this Agreement equal to twenty-five percent (25%) of the total amount, as set forth in the project budget(s) annexed as Appendix B of this Agreement, of the following administrative (*i.e.* transactional) costs:

- title search (*i.e.* title report);
- legal survey;
- appraisal;
- environmental assessment of the subject property(ies), if deemed necessary;
- outside easement expertise; and/or
- outside legal expertise.

Partial Disbursement

In lieu of receiving an advance payment as set forth above, the **Contractor** may submit a payment request for partial disbursement of any or all of the administrative (*i.e.* transactional) costs identified above that have been incurred by the **Contractor** or a project partner, other than the participating landowner(s), during the course of completion of the project(s) funded under this Agreement.

Any partial disbursement request must be accompanied by the following supporting documents:

1. a Standard Voucher requesting payment for up to 75% of the costs incurred;
2. a project budget identifying those administrative (*i.e.* transactional) costs (as identified above) that have been incurred; and
3. invoice(s) or paid receipt(s) for services that have been received.

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The **Contractor** is not eligible to receive a partial disbursement of costs incurred for a project if they have received an advance payment for that project as set forth above. The **Department** will only allow one partial disbursement of costs per project funded under this Agreement.

Final Payment

Final payment of state funds shall be made to the **Contractor** upon the submission of a Standard Voucher, and the following supporting documents:

1. a fully executed purchase agreement (even if development rights will be fully donated);
2. a Form B–Project Budget for Disbursement to represent the actual total costs of the farmland protection implementation project as well as the local matching contribution and the state funding requested;
3. a title insurance commitment for a policy to insure the conservation easement interest indicating an amount of coverage at least equal to the State’s financial contribution toward the total project costs of the conservation easement transaction for the subject farm – provided that all title curatives required by the Department have been previously approved by the Department prior to disbursement of the State’s financial contribution;
4. an appraisal by a New York State Certified General Real Estate Appraiser;
5. a legal survey (including corresponding legal description), which has been prepared by a licensed surveyor, of the proposed conservation easement area for the subject farm;
6. an approved conservation easement or deed of development rights;
7. a draft baseline documentation report of the proposed conservation easement area for the subject farm which describes the condition of the property and an inventory of all man-made structures and improvements that will be present at the time when the conservation easement is conveyed;
8. a monitoring plan;
9. any agreement between the municipality and another to hold or maintain the interest in the real property, if applicable; and
10. a signed waiver, if applicable, pursuant to Section 305(4) of the Agriculture and Markets Law.

The **Contractor** shall submit all requests for payment, reports and supporting documents to the following address: NYS Department of Agriculture and Markets, Division of Fiscal Management, 10B Airline Drive, Albany, NY 12235. Invoices, standard vouchers and any reports will not be considered received by the **Department** and any interest which may be due the **Contractor**

1525

will not begin to accrue until they have been received by the Division of Fiscal Management.

Payment to the **Contractor** under this Agreement shall not be made unless the Contractor shall have submitted to the **Department** a written payment request together with such information as required by the Agreement. Payment shall not be due until the 60th calendar day after receipt of the payment request, where contract funds have been appropriated and made available to the **Department**.

Upon examination of the **Contractor's** payment request and supporting material, the **Department** may, in its sole discretion, modify or adjust the amount requested to reflect contract funds expended as of the date of the request. Subsequent to its review and approval of the payment request, the **Department** will transmit the request to the Comptroller for payment.

The total payment made under this Agreement will not exceed the **Contractor's** actual costs and expenses arising from the completion of the work under this Agreement. Any partial disbursement made under this Agreement shall be reconciled with the final disbursement(s) made for each project associated with this Agreement.

TITLE

The **Contractor** shall ensure that the title to the lands or interests therein shall be unencumbered or, if encumbered by outstanding or reserved interests, the **Contractor** shall ensure that such encumbrance shall not interfere with the agricultural and farmland protection purpose for which the interest therein is being acquired. The **Contractor** shall provide a title policy and title insurance, at a minimum, for the State's share of the interest in real property being obtained.

EASEMENT REQUIREMENTS

The **Contractor** shall require that all easements or other interests in land acquired under this agreement:

1. run with the land in perpetuity;
2. prevent the land from being converted to non-agricultural uses; and
3. require that all amendments to the approved easement be authorized by the **Department**.

APPROVED AGREEMENTS AND MONITORING PLANS

The Contractor shall submit the proposed agreements to purchase development rights or to obtain a conservation easement, the monitoring plan

1525

and any sub-agreement to hold or maintain the interest in real property at least sixty (60) days prior to the planned submission of the payment request for that transaction. The **Contractor** and the **Department** shall negotiate the terms and conditions of such agreements and monitoring plans, when necessary. The **Department** shall advise the **Contractor** in writing when the agreements and monitoring plans have been approved. Final payment under this Agreement shall not be disbursed until the **Contractor's** agreements and monitoring plan have been approved by the **Department**.

COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS

The **Contractor** is responsible for complying with all local, state and federal laws applicable to the work performed under this Agreement.

PAYMENT CONTINGENCY

Funds for payment under this Agreement are provided to the **Department** through appropriations from the New York State Legislature. These appropriations are made on a fiscal year basis. New York's fiscal year begins on April 1 of each calendar year and ends on March 31 of the following calendar year. Funds for payment under this Agreement were appropriated to the **Department** during the **2007-2008** fiscal year and were or are expected to be reappropriated during the **2008-2009** fiscal year. Payment for work under this Agreement which is completed by the **Contractor** after the **2008-2009** fiscal year is subject to appropriation or reappropriation of funds by the Legislature in each subsequent fiscal year.

FINANCIAL LIMIT

The financial limit of State appropriated funds under this Agreement shall not exceed the amount indicated on the latest executed version of the signature page of this Agreement and the **Department** shall not be obligated to make any payment to the **Contractor** in excess of that amount.

CONTRACT EXPENDITURES

Expenditures under this Agreement shall conform to the budget annexed as Appendix B, provided however, that the **Contractor** may vary budget amounts by not more than fifteen percent (15%) within each specific budget category. Any budget variance in excess of fifteen percent (15%) shall be made only upon the prior written approval of the **Department**. This paragraph does not apply to budget amounts of one thousand dollars (\$1,000.00) or less.

1525

NON-DUPLICATION OF PAYMENTS

The payments received by the **Contractor** under this Agreement shall not duplicate payments received from any other source for the work performed under this Agreement. In the event of such duplication, the **Contractor** shall remit to the **Department** the amount which duplicated payment received from other sources.

SUBCONTRACTS

Any subcontracts under this Agreement shall be in writing and shall clearly describe the goods or services to be provided and the total cost of such goods or services. Subcontracts for services only shall separately state the rate of compensation on a per-hour or per-day basis.

FINAL REPORT

Not later than ninety (90) days from completion of the work under this Agreement, the **Contractor** shall file with the **Department** a final report that includes the documentation set forth in Appendix E of this Agreement.

RECORDS MAINTENANCE, EXAMINATION AND RETENTION

The **Contractor** shall maintain records and accounts in specific detail to identify all contract funds received and expended under this Agreement. The **Contractor** shall maintain a daily written record which contains the name(s) of the officer(s) and employee(s) providing services under this Agreement and the amount of time expended upon such services.

The **Contractor** shall maintain the records required under this paragraph as set forth in Appendix A to this Agreement.

INDEMNIFICATION

The **Contractor** agrees to indemnify and hold harmless the State of New York and the Department from all liability incurred by the **Department** for bodily injury and personal property damages resulting from the negligent acts, errors or omissions of the **Contractor**, its officers, agents or employees in the provision of services under this Agreement, provided that the **Department** promptly notifies the **Contractor** of any such claim and affords the **Contractor** an opportunity to defend such claim and cooperates fully with the **Contractor** in the defense of any claims.

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NON-SECTARIAN PURPOSE

The **Contractor** shall not expend funds received under this Agreement for any purposes other than for performance of the work under this Agreement, and hereby represents that no contract funds shall be expended directly or indirectly for any private or sectarian purpose.

CONTRACTOR NOT DEPARTMENT EMPLOYEE OR AGENT

Neither the **Contractor**, nor its agents, employees, suppliers or subcontractors shall be in any way deemed to be employees or agents of the **Department** or of the State of New York in performing the work under this Agreement.

DEVIATION FROM WORK

The **Contractor** shall perform the work under this Agreement as set forth in the application attached as Appendix C. Any substantial deviation from the application shall require the prior written approval of the **Department**.

TERMINATION

The Department may terminate this Agreement for convenience upon giving thirty (30) days written notice to the other party. Upon receipt of such notice from the **Department**, the **Contractor** shall immediately cease work and prepare a statement of costs, expenses and non-cancelable commitments incurred as of the date of such termination.

The **Department** may terminate this Agreement for cause upon giving one (1) day's written notice.

The **Contractor's** failure to perform in accordance with the terms of this Agreement due to circumstances reasonably beyond the Contractor's control should not constitute cause for termination pursuant to this provision. In the event of such failure to perform, the **Department** may, at its option, either grant the **Contractor** a specified period in which to correct its performance, or terminate this Agreement in accordance with this paragraph.

MODIFICATION

This Agreement may not be modified unless such modification is made in writing, executed by the **Department** and the **Contractor** and approved by the Attorney General and Comptroller of the State of New York.

1525

NECESSARY SIGNATURES

If the financial limit under this Agreement exceeds Fifty Thousand Dollars (\$50,000) this Agreement shall not be binding and effective upon the **Department** unless and until approved by the Attorney General and the Comptroller of the State of New York.

1525

APPENDIX E

FINAL REPORT DOCUMENTATION CHECKLIST

The **Contractor** shall provide the **Department** with a copy of each of the following documents within ninety (90) days following the closing of the conservation easement transaction(s):

- A closing statement for each conservation easement transaction.
- All closing checks associated with each conservation easement transaction.
- The final title insurance policy issued for each conservation easement.
- Any subordination agreements and any mortgage discharge statements that were required by the Department for each conservation easement.
- A fully executed stewardship agreement and any other agreement between applicant and easement holder if not the same entity (if applicable).
- A recorded conservation easement (or deed of development rights, or equivalent document).
- Final baseline documentation report (including all attachments thereto and as signed by landowner) for each conservation easement.
- Combined Real Estate Transfer Tax Return (form TP-584) as filed for each conservation easement.
- Easement holder's letter to the NYS Department of Environmental Conservation pursuant to Section 49-0305(4) of the Environmental Conservation Law.
- A statement of any problems encountered during the contract period which may have affected the completion of the plan of work.
- A letter from easement holder to the Department indicating the approximate date(s) of the first monitoring site visit for each conservation easement.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

THOMAS A. ISLES, AICP
DIRECTOR OF PLANNING

May 19, 2008

Ms. Emma Graham
Contract Management Specialist II
- Division of Fiscal Management
New York State Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235

Subject: Contract C800654

Dear Ms. Graham:

On May 1, 2008 Suffolk County received contract C800654, which is associated with the Agricultural and Farmland Protection Implementation Grant awarded December 20, 2007. The key personnel listed in Exhibit B under the heading "Form A - Part 2 - Item #14" have changed. Please see Exhibit A for an updated list.

Please feel free to contact me with any questions.

Sincerely,


Jessica L. Kalmbacher
Planner

cc: David Behm, Program Manager, Division of Agricultural Protection and Development
Thomas A. Isles, Director, Suffolk County Department of Planning
Carrie Meek Gallagher, Commissioner, Suffolk County Department of Environment and Energy
Christopher E. Kent, Director, Division of Real Property Acquisition and Land Management

EXHIBIT A

1525

Key Personnel

Jessica L. Kalmbacher, Planner – Oversees the Suffolk County Purchase of Development Rights Program and is staff to the Suffolk County Farmland Committee

Jennifer B. Kohn, Assistant County Attorney – Legal counsel to the Department of Planning regarding farmland preservation grant applications/contracts and the Shellfish Aquaculture Lease Program

Janet Longo, Acquisition Supervisor – Supervises and administers development rights negotiations and acquisitions for land in active agricultural production

Michael A. Amoroso, Bureau Chief of Real Estate/Condemnation – Legal counsel to the Division of Real Property Acquisition and Management

Gen Et

COUNTY OF SUFFOLK

MAY 28 2008



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STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

THOMAS A. ISLES, AICP
DIRECTOR OF PLANNING

May 22, 2008

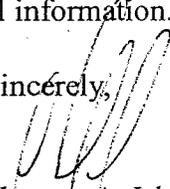
Mr. Ben Zwirn, Deputy County Executive
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is a proposed Introductory Resolution amending the 2008 Operating Budget and 2008 Capital Budget and Program by accepting up to 75% grant funds in the amount of \$3,953,349 from the New York State Department of Agriculture and Markets (Grant C800654) to the Suffolk County Purchase of Development Rights Program for the acquisition of development rights.

Please contact me if you require any additional information.

Sincerely,


Thomas A. Isles
Director of Planning

- cc: Jim Morgo, Chief Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Department of Environment and Energy
- Lauretta R. Fischer, Principal Environmental Analyst, Department of Planning
- Jessica L. Kalmbacher, Planner, Department of Planning
- Michael Amoroso, Bureau Chief, Department of Law
- Christopher E. Kent, Director, Division of Real Property Acquisition and Management
- Janet Longo, Acquisition Supervisor, Div. of Real Property Acquisition and Management
- Brendan Chamberlain, County Executive Assistant
- CE Reso Review (e-mail copy only)

Intro. Res. No. 1526 - 08

Laid on Table 6/10/08

Introduced by Presiding Officer on request of the County Executive

**RESOLUTION NO. -2008, CONFIRMING THE
APPOINTMENT OF THE SUFFOLK COUNTY COMMISSIONER
OF ECONOMIC DEVELOPMENT AND WORKFORCE
HOUSING (Patrick Heaney)**

WHEREAS, the Commissioner of the Suffolk County Department of Economic Development and Workforce Housing is appointed by the County Executive, subject to approval by the Suffolk County Legislature, and shall serve at the pleasure of the county Executive; and

WHEREAS, Steve Levy, the County Executive of Suffolk County, has appointed Patrick "Skip" Heaney as Commissioner of the Suffolk County Department of Economic Development and Workforce Housing; and

WHEREAS, the former Commissioner was appointed to the position of Chief Deputy County Executive; now, therefore be it

1st RESOLVED, that the appointment of Patrick Heaney, currently residing at 8 Lakewood Avenue, East Quogue New York 11942, as Commissioner of the Suffolk County Department of Economic Development and Workforce Housing, is hereby approved, to serve at the pleasure of the County Executive of Suffolk County, pursuant to Section C35-1 of the SUFFOLK COUNTY CHARTER, effective immediately.

DATED:

APPROVED BY:

Steve Levy
County Executive of Suffolk County

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1526

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

0

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

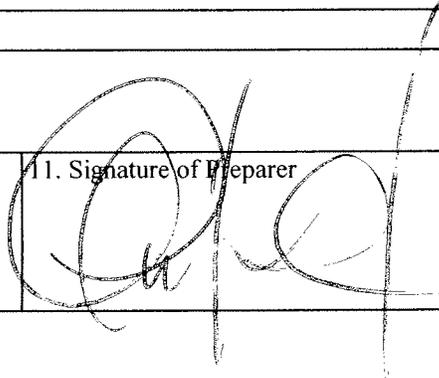
	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1526

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
CONFIRMING THE APPOINTMENT OF COUNTY COMMISSIONER OF ECONOMIC DEVELOPMENT AND WORKFORCE HOUSING (PATRICK A. HEANEY).		
3. Purpose of Resolution: Same as above		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
NO IMPACT – FUNDING EXISTS IN DEPARTMENT BUDGET		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
Funding for this and all positions will be required in subsequent Operating Budgets. This represents a cost to continue.		
9. Timing of Impact		
UPON APPROVAL		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Allen M. Kovesdy Director of Management and Research		May 30, 2008

SIN FORM 175b (10/95)

Resume

1526

Patrick A. Heaney

8 Lakewood Avenue, Box 597, E. Quogue, New York 11942 – 631-653-4593 – psheaney@aol.com

Summary of Qualifications:

- Extensive background regarding legislation, public policy, administration and executive responsibilities in local government.
- Elected seven times to various elected positions.
- Experienced public speaker with effective writing skills.
- Thirty two years small business experience, familiar with general construction and small property management.
- Former adjunct instructor, Business Division, Southampton Campus of L.I.U. 1984-85.

Applicable Experience

Town Supervisor – 2002 – 2007

Town of Southampton, Southampton, New York

- Chief executive and financial officer under NY State Town Law.
- Responsible for an annual operating budget exceeding \$78 million and a Capital Budget exceeding \$20 million for 2007.
- Actively participated in negotiations leading to labor agreements with CSEA, PBA and teamster bargaining units representing approximately 350 full time municipal employees. Set salary compensation schedules for approximately 150 part time employees.
- Formed a successful Labor-Management Committee to address individual labor issues not contemplated in agreements, reducing the number of grievances and improved morale.
- Presided at all meetings and public hearings conducted by the Town Board.
- Introduced a team management approach to the local legislative process, to draw from a wide range of disciplines and experiences, improving the work product prior to hearings and adoption of laws
- Introduced a customer service approach to the daily operation of the Building Department
- Prepared legislative committee responsibilities for individual Town Council members for Police, Public Safety, Public Works, Human Services, Parks & Recreation, and Land Use.
- Primary sponsor of local legislation regarding taxation issues, economic development, housing, planning, human services, open space and farmland preservation acquisitions.
- Interacted with design and engineering consultants, general construction managers, developers and community groups, regarding public works and private development proposals.
- Primary intergovernmental liaison to officials at local, county, state and federal levels of government
- Revitalized East End Supervisors and Mayors Association to address common regional concerns, including emergency preparedness, economic development, tourism, traffic and transportation.

Town Councilman – 1992, 1994-2001

Town of Southampton,
Southampton New York

- Developed a dependable reputation for constituent service to residents in various legislative committee assignments, including public works, parks and recreation, land management, preservation, human services and public safety
- Town wide liaison to Fire District Officers Association, Southampton Fire Chiefs Association, and four ad valorem ambulance districts.
- Re-established a Southampton Fire Advisory Board, and created a Southampton EMS Advisory Board

Town Trustee – 1989-91

Town of Southampton,
Southampton New York

- Shared responsibility for bulkhead, dock and mooring applications, shellfish management regulations, wetland policies and programs, and public boat launching ramps. Interacted with NYS DEC, NYS Dept of State, USACE on shellfish, coastal erosion and storm water abatement matters

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Conservation Board – appointed member 1987 - 1990

Town of Southampton,
Southampton, New York

- Responsible for regulatory review of applications for residential primary and accessory structures adjacent to tidal and freshwater wetlands.
- Provided advisory reviews of residential subdivisions for Southampton Planning Board

Long Island University at Southampton

Business Division
Southampton, New York

- Adjunct instructor, Business Division, 1984 -1985

Hurricane Fence Company of L.I. Inc. 1975 - 2002

486 Montauk Highway, East Quogue, New York

- Formed and managed the family owned firm and its retail and residential property for 27 years, providing a product mix of fencing, decking, railings, walls and related iron work to developers, builders, government and residential property owners until selling the property and business after election to the position of town supervisor

Other Work-related Activities:

- Voting member of the Suffolk County Workforce Housing Commission 2004-06
- Elected Chairman of the East End Supervisors and Mayors Association - 2004, 05, 06, 07
- Chairman of the East End Environmental and Economic Institute – 2005 – 2007
- NYS Central Pine Barrens Commission – member – 2002 -2007
- Ex-officio member - Southampton Business Alliance Affordable Housing Initiative
- Intergovernmental Advisor – Friends of the 106th ANG Air and Rescue Unit
- Southampton Business Alliance - founding member -1993 - present, board of directors, 2007 -
- Peconic Estuary Citizens Advisory Committee – vice-chair, 1989 - 1990

Education:

Long Island University at Southampton - B.S., Management, 1983, *magna cum laude*
Stony Brook University – completed 12 credits graduate study leading to M.S. L.S. –
Public Policy/Environmental Science – 1984, 85

Other Affiliations:

- Hampton Bays Council, Knights of Columbus, 4rd degree Knight
- Michael Collins Division, AOH, St. Rosalie's R.C. Parish, Hampton Bays, NY
- Southampton Elks, member
- Founding member of the East Quogue Chamber of Commerce
- East Quogue Civic Association – member

1527

6/10/08

Intro. Res. No. - 2008

Laid on Table

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

RESOLUTION NO. -2008 AUTHORIZING ACQUISITION OF LAND UNDER THE OLD SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM [C12-5(E)(1)(b)] FOR THE MCDONNELL PROPERTY – PINE BARRENS CORE (TOWN OF BROOKHAVEN - SCTM#0200-511.00-05.00-077.000)

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

WHEREAS, in compliance with Sections C12-3(B) and (C) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, prior to the 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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under Article XII of the SUFFOLK COUNTY CHARTER, Section C12-5(E)(1)(b), as amended and effective as of November 30, 2000, for a total purchase price of Thirty Two Thousand Ninety Dollars (\$32,090.00+), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200	1.37±	Patricia McDonnell
	Section 511.00		15516 Moming Drive
	Block 05.00		Lutz, FL 33549
	Lot 077.00		

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(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 Thirty Two Thousand Ninety Dollars (\$32,090.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$32,090.00, 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

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

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

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

7th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

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

8th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATE:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

Gen 23

COUNTY OF SUFFOLK

MAY 30 2008



1527

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND ENERGY
DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

May 16, 2008

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the McDonnell property (Pine Barrens Core), in the Town of Brookhaven, under the Suffolk County Old Drinking Water Protection Program. The purchase price is \$32,090.00+ for 1.37+ acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condemnation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Lori Sklar, Acquisition Agent
- CE Reso Review (e-mail copy only)

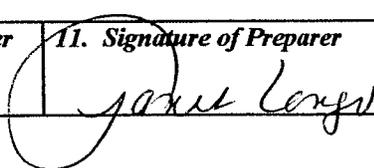
LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1527

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation Authorizing the acquisition under the Suffolk County Old Drinking Water Protection Program, of the McDonnell property (Pine Barrens Core), SCTM#0200-511.00-05.00-077.000, (Town of Brookhaven).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding Suffolk County Old Drinking Water Protection Program		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Janet M. Longo Acquisition Supervisor	11. Signature of Preparer 	12. Date May 16, 2008

1528

Intro. Res. No. -2008

Laid on Table

6/10/08

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

RESOLUTION NO. -2008 AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM - OPEN SPACE PRESERVATION - FOR THE LECKY & RANDALL PROPERTY - STONY BROOK HARBOR HEADWATERS (TOWN OF SMITHTOWN - SCTM#0801-006.00-02.00-023.000)

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

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

WHEREAS, Resolution No. 1260-2004 authorized planning steps for acquisition of the subject property; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Seven Hundred Fifty Thousand Dollars (\$750,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0801	2.2±	James P. Lecky
	Section 006.00		524 Clifton Avenue
	Block 02.00		Newark, NJ 07104
	Lot 023.000		
			H. Martyn Randall
			P.O. Box 219
			St. James, NY 11780

;and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Seven Hundred Fifty Thousand Dollars (\$750,000.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$750,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and, be it further

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

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

6th RESOLVED, that the subject parcel shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use, which may include a small-scale (approximately 6 to 8 car capacity) parking area, consisting of gravel or other permeable materials, and a walking trail, consisting of soil or other permeable materials, so as to provide public access for all Suffolk County residents; and, be it further

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

8th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel will be passive recreation, which may include a small-scale (approximately 6 to 8 car capacity) parking area, consisting of gravel or other permeable materials, and a walking trail, consisting of soil or other permeable materials, to provide public access for all Suffolk County residents; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County
Date of Approval:

Gen E 4

COUNTY OF SUFFOLK



1528

MAY 09 2008

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND
ENERGY
DIVISION OF REAL PROPERTY ACQUISITION
AND MANAGEMENT

May 8, 2008

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Lecky & Randall property, in the Town of Smithtown, under the Suffolk County Multifaceted Land Preservation Program. The purchase price is \$750,000.00 for 2.2± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condemnation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- ✓Brendan Chamberlain, County Executive Assistant
- Phyllis Benincasa, Acquisition Agent
- CE Reso Review (e-mail copy only)

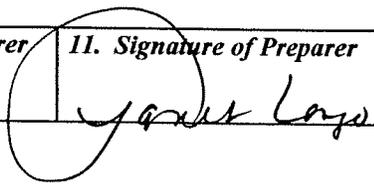
LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1528

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation		
Authorizing the acquisition under the Suffolk County Multifaceted Land Preservation Program, of the Lecky & Randall property (Stony Brook Harbor Headwaters), SCTM#0801-006.00-02.00-023.000, (Town of Smithtown).		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Suffolk County Multifaceted Land Preservation Program		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Janet M. Longo Acquisition Supervisor		May 8, 2008

1529

Intro. Res. No. - 2008

Laid on Table 6/10/08

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

RESOLUTION NO. -2008 AUTHORIZING ACQUISITION OF LAND UNDER THE OLD SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM [C12- 5(E)(1)(a)] AND THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM FOR THE LECKY, RANDALL & LEIGHTON PROPERTY – STONY BROOK HARBOR HEADWATERS (TOWN OF SMITHTOWN - SCTM#0801-004.00-02.00-006.001 p/o)

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)(a) of Article XII of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for the acquisition of such land; and

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

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

WHEREAS, Resolution No. 1260-2004 authorized planning steps for the acquisition of the subject property; and

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under Article XII of the SUFFOLK COUNTY CHARTER, Section C12-5(E)(1)(a), as amended and effective as of November 30, 2000, and the Suffolk County Multifaceted Land Preservation Program, pursuant to the Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Two Million Five Hundred Forty Four Thousand One Hundred Dollars (\$2,544,100.00+), at One Hundred Ninety Thousand Dollars (\$190,000.00) per acre for 13.39+ acres, of which Two Million One Hundred Forth Four Thousand One Hundred Dollars (\$2,144,100.00+) will be paid under the Old Drinking Water Protection Program, and Four Hundred Thousand Dollars (\$400,000.00) will be paid under the Suffolk County Multifaceted Land Preservation Program, subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0801	13.39+	James P. Lecky and H. Martyn Randall Delaware College 600 North Market Street Wilmington, DE 19801
	Section 004.00		
	Block 02.00		
	Lot 006.001 p/o		Alexandra Leighton P.O. Box 2096 St. James, NY 11780

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Old Suffolk County Drinking Water Protection Program, Section C12-5(E)(1)(a) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, and the Suffolk County Multifaceted Land Preservation Program, for a total purchase price of Two Million Five Hundred Forty Four Thousand One Hundred Dollars (\$2,544,100.00+), at \$190,000.00 per acre, subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$2,144,100.00+, subject to a final survey, from previously appropriated funds in MY-176-LAW-GEA2, under the Old Drinking Water Protection Program, Section C12-5(E)(1)(a) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, and \$400,000.00 from previously appropriated funds in Capital Project 525-CAP-7177, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and, be it further

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

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

5th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreation use, which may include a small-scale (approximately 6 to 8 car capacity) parking area, consisting of gravel or other permeable materials, and a walking trail, consisting of soil or other permeable materials, so as to provide public access for all Suffolk County residents; and, be it further

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

7th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation which may include a small-scale (approximately 6 to 8 car capacity) parking area, consisting of gravel or other permeable materials, and a walking trail, consisting of soil or other permeable materials, to provide access for all Suffolk County residents; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

8th RESOLVED, in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATE:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

Gen. E5

COUNTY OF SUFFOLK



MAY 09 2008

1529

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND
ENERGY
DIVISION OF REAL PROPERTY ACQUISITION
AND MANAGEMENT

May 8, 2008

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Lecky, Leighton & Randall property (Stony Brook Harbor Headwaters), in the Town of Smithtown, under the Old Suffolk County Drinking Water Protection Program and the Suffolk County Multifaceted Land Preservation Program. The purchase price is \$2,544,100.00± for 13.39± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

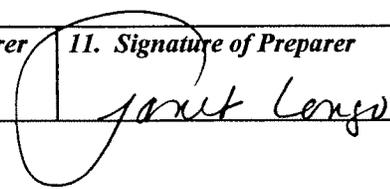
CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condensation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- ✓ Brendan Chamberlain, County Executive Assistant
- Phyllis Benincasa, Acquisition Agent
- CE Reso Review (e-mail copy only)

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1529

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		<input type="checkbox"/> Charter Law
2. Title of Proposed Legislation Authorizing the acquisition under the Old Suffolk County Drinking Water Protection Program and the Suffolk County Multifaceted Land Preservation Program, of the Lecky, Leighton & Randall property (Stony Brook Harbor Headwaters), SCTM#0801-004.00-02.00-006.001 p/o, (Town of Smithtown).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding Old Suffolk County Drinking Water Protection Program and Suffolk County Multifaceted Land Preservation Program		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Janet M. Longo Acquisition Supervisor	11. Signature of Preparer 	12. Date May 8, 2008

1530

Intro. Res. No. -2008

Laid on Table

6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008 AUTHORIZING ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY MULTIFACETED LAND PRESERVATION PROGRAM - OPEN SPACE PRESERVATION PROGRAM - FOR THE RUTH ALLAN, LLC PROPERTY - FORGE RIVER ADDITION (TOWN OF BROOKHAVEN - SCTM#0200-750.00-03.00-004.000)

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

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

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

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

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution 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 1st 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;

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Multifaceted Land Preservation Program pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq), for a total purchase price of Fifty Six Thousand One Hundred Dollars (\$56,100.00±), at \$2.50 per square foot, for 22,440± square feet, 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>	SUFFOLK COUNTY	ACRES:	REPUTED OWNER
No. 1	<u>TAX MAP NUMBER:</u>	22,440+ s.f.	<u>AND ADDRESS:</u>
	District 0200		Ruth Allan, LLC
	Section 750.00		215 South Country Road
	Block 03.00		Bellport, NY 11713
	Lot 004.00		

;and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Multifaceted Land Preservation Program, for a purchase price of Fifty Six Thousand One Hundred Dollars (\$56,100.00+), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$56,100.00+, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-7177, Suffolk County Multifaceted Land Preservation Program, for this acquisition; and, be it further

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

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

COUNTY OF SUFFOLK

MAY 12 2008

6016



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1530 MAY 12

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND
ENERGY
DIVISION OF REAL PROPERTY ACQUISITION
AND MANAGEMENT

April 18, 2008

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Ruth Allan, LLC property (Forge River Addition), in the Town of Brookhaven, under the Suffolk County Multifaceted Land Preservation Program. The purchase price is \$56,100.00± for 22,440± square feet.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Phyllis Benincasa, Acquisition Agent
- CE Reso Review (e-mail copy only)

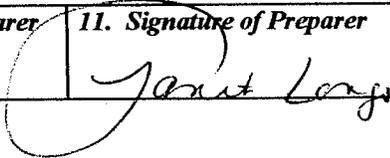
LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1530

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation Authorizing the acquisition under the Suffolk County Multifaceted Land Preservation Program, of the Ruth Allan, LLC property (Forge River Addition), SCTM#0200-750.00-03.00-004.000, (Town of Brookhaven).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding Suffolk County Multifaceted Land Preservation Program		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Janet M. Longo Acquisition Supervisor	11. Signature of Preparer 	12. Date April 18, 2008

1531
Intro. Res. No. - 2008

Laid on Table 6/10/08

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

RESOLUTION NO. -2008 AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) FOR THE SIEMINSKI PROPERTY (TOWN OF RIVERHEAD-SCTM#0600-069.00-02.00-016.004 p/o, 0600-069.00-02.00-018.000 p/o & 0600-094.00-01.00-005.000)

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

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

WHEREAS, Resolution No. 1020-2006, authorized planning steps for the acquisition of farmland development rights of the subject property; and

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

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

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the farmland development rights of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, for a total purchase price of Three Million Nine Hundred Twenty Five Thousand Seventy Dollars (\$3,925,070.00±), at Eighty Three Thousand Dollars (\$83,000.00) per acre for 47.29± 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</u>	<u>ACRES:</u>	<u>REPUTED OWNER</u>
<u>No. 1</u>	<u>TAX MAP NUMBER:</u>		<u>AND ADDRESS:</u>
	District 0600	47.29±	Joseph B. Sieminski Trust

Section	069.00	and Estate of Stephanie L. Sieminski
Block	02.00	c/o Anthony B. Tohill, Esq.
Lot	016.004 p/o	12 First Street – Box 1330
		Riverhead, NY 11901-0903
District	0600	
Section	069.00	
Block	02.00	
Lot	018.000 p/o	
District	0600	
Section	094.00	
Block	01.00	
Lot	005.000	

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3) 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 Three Million Nine Hundred Twenty Five Thousand Seventy Dollars (\$3,925,070.00±), at Eighty Three Thousand Dollars (\$83,000.00) per acre for 47.29± acres, subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$3,925,070.00±, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

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

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5 c (20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of farmland development rights as part of the Suffolk County Farmland Preservation Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

COUNTY OF SUFFOLK

Gen 87
MAY 12 2008



1531

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND
ENERGY
DIVISION OF REAL PROPERTY ACQUISITION
AND MANAGEMENT

May 12, 2008

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the farmland development rights of the Sieminski property, in the Town of Riverhead, under New the Suffolk County Drinking Water Protection Program-Farmland. The purchase price is \$3,925,070.00± for 47.29± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condensation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Bob Zaher, Acquisition Agent
- CE Reso Review (e-mail copy only)

LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

1532

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

Laid on Table

6/10/08

RESOLUTION NO. -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 (CHANDLER ESTATES ADDITION - 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 open space in accordance with specific criteria set forth therein; and

WHEREAS, the parcel(s) listed in Exhibit "A" of this resolution meets the criteria for acquisition as open space under the Drinking Water Protection Program; and

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

1st RESOLVED, that the parcel(s) listed in Exhibit "A" of this resolution, consisting of approximately 47 acres, are hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER; and be it further

2nd RESOLVED, that the parcel(s) listed in Exhibit "A" meet the criteria required by the Suffolk County Drinking Water Protection Program; and be it further

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

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

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

6th RESOLVED, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may

be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1532

EXHIBIT "A"

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0200 Section 046.00 Block 03.00 Lot 023.000	±.75	Gail Clark 1164 Cumbermeade Road Fort Lee, NJ 07024

1533

Intro. Res. No. -2008
Introduced by Legislator Cooper

Laid on Table

6/10/08

**RESOLUTION NO. -2008, AUTHORIZING
PARTICIPATION IN THE AUDUBON COOPERATIVE
SANCTUARY PROGRAM FOR GOLF COURSES**

WHEREAS, the County of Suffolk operates four golf courses; and

WHEREAS, the County of Suffolk has attempted to operate these golf courses in an environmentally sound manner; and

WHEREAS, the County of Suffolk has established a pest control policy to phase out the use of pesticides by the County for many pest control purposes in favor of non-chemical pest control strategies; and

WHEREAS, Resolution No. 868-1997 authorized the Suffolk County Department of Parks, Recreation and Conservation to develop an Organic Parks Maintenance Plan for all County parklands, including golf courses, which would substantially reduce or eliminate the use of fertilizers, pesticides, herbicides and other toxic chemicals in the routine maintenance of said parklands and golf courses; and

WHEREAS, the County of Suffolk wishes to take additional steps to enhance the natural areas and wildlife habitats located at its golf courses while increasing water conservation and reducing chemical use; and

WHEREAS, Audubon International administers the Audubon Cooperative Sanctuary Program (ACSP) for Golf Courses; and

WHEREAS, municipally operated golf courses are eligible to participate in this program; and

WHEREAS, under this program Audubon provides the interested golf course with an ACSP Certification Handbook to guide the certification efforts and documentation. The golf course begins by completing a Site Assessment and Environmental Plan form from the handbook. This information helps golf course personnel to take stock of current environmental management practices and plan improvements. Throughout the process, Audubon staff provides the golf course with valuable guidance as well as educational information to help with environmental planning, wildlife and habitat management, chemical use reduction and safety, water conservation, and water quality management at golf courses. The golf course submits the completed evaluation form to Audubon International for review; and

WHEREAS, based on this assessment, Audubon provides a site specific report and works with the owner of the golf course to implement a Site Assessment and Environmental Plan at the course; and

WHEREAS, upon meeting standards in wildlife and habitat management, chemical use reduction and safety, water conservation, water quality management, and outreach and education, a golf course is designated as a certified Audubon Cooperative Sanctuary; now, therefore be it

1st **RESOLVED**, that the Commissioner of the Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed to participate in the Audubon Cooperative Sanctuary Program for Golf Courses and to take all steps necessary under that program to have the County's golf courses at Timber Point, West Sayville, Indian Island, and Bergen Point, designated as Certified Audubon Cooperative Sanctuaries; 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:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\l-audubon-cooperative-sanctuary-program-golf-courses

1534

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

Laid on Table 6/10/08

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

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

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

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

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

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

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

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

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

6th RESOLVED, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may

be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\rnd-property-plan-steps-drinking-water

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

EXHIBIT "A"

1535

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

Laid on Table 6/10/2008

RESOLUTION NO. -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT IN SMITH POINT COUNTY PARK (CP 7162)

WHEREAS, Smith Point County Park is the County's largest oceanfront park;
and

WHEREAS, Smith Point County Park is an extremely popular facility, which offers swimming, scuba diving, surfing, saltwater fishing, camping, outer beach access, and special events; and

WHEREAS, it is the desire of the Suffolk County Legislature to purchase and install playground equipment on the beach at Smith Point County Park near the pavilion; and

WHEREAS, the 2008 Adopted Capital Budget and Program does not include sufficient funds to cover the cost of said purchase and installation, and under the 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. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; and

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

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of 38 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

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

Project Number: 1755

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

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	\$2,575,000	\$2,675,000 B	\$2,575,000 B
TOTAL	\$2,575,000	\$2,675,000	\$2,575,000

Project Number: 7162

Project Title: Restoration of Smith Point County Park

<u>Cost Elements</u>	<u>Total</u>	<u>Current 2008</u>	<u>Revised 2008</u>
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	<u>Estimated Cost</u>	<u>Capital Budget & Program</u>	<u>Capital Budget & Program</u>
3. Construction	\$18,775,000	\$1,000,000 B	\$1,100,000 B
TOTAL	\$19,735,000	\$1,000,000	\$1,100,000

and be it further

3rd RESOLVED, that the proceeds of \$100,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7162.319	Restoration of Smith Point County Park	\$100,000

and be it further

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

5th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) 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.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1536

Intro. Res. No. -2008
Introduced by Legislator Schneiderman

Laid on Table 6/10/2008

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH CONSTRUCTION OF SIDEWALKS ON VARIOUS COUNTY ROADS (CP 5497)

WHEREAS, the Commissioner of Public Works has requested funds for engineering/construction in connection with the construction of sidewalks on CR 79, Bridgehampton Sag Harbor Turnpike, from NYS 27 to Scuttlehole Road Town of Southampton; and

WHEREAS, the Southampton Town Board via Resolution No. 2007-1590 will provide \$100,000 towards this project; and

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

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

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

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

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the construction of sidewalks on CR 79, Bridgehampton Sag Harbor Turnpike, pursuant to Section C8-2 (X) of the Suffolk County Charter; and be it further

4th RESOLVED, that the proceeds of \$500,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5497.330	50	Construction of Sidewalks on CR 79, Bridgehampton Sag Harbor Turnpike, from NYS 27 to Scuttlehole Road	\$500,000

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

T:\BROIR 2008 CP5497 sidewalks.doc



Southampton Town Board
116 Hampton Road
Southampton, NY 11968

1536

Meeting: 11/20/07 01:00 PM
Department: Comptroller
Category: Budget & Finance
Prepared By: Stella Michaels
Initiator: Charlene Kagel
Sponsors: Kabot, Graboski, Nuzzi, Kenny
DOC ID: 6904

ADOPTED

RESOLUTION 2007-1570

Amend 2008 Capital Budget - Bridgehampton Sidewalk HW-122

WHEREAS, a request was submitted in the 2008 Capital Budget for the installation of sidewalks on Bridgehampton - Sag Harbor Turnpike, from Scuttlehole Road to Huntington Crossway; and

WHEREAS, County Legislature Jay Schneiderman has secured County Funding for this project in the amount of \$500,000 to install sidewalks from Huntington Crossway to Montauk Highway; and

WHEREAS, this project was not included in the 2008 Tentative Capital Budget and it is the intention of the Town Board to move forward with this project which will require a Town Cost Share of \$100,000 to be provided through Direct Appropriation of Surplus;

NOW BE IT RESOLVED, the 2008 Capital Budget be amended as follows:

INCREASE
Bridgehampton - Sag Harbor Turnpike Sidewalks \$100,000
INCREASE
Direct Appropriation - Surplus \$100,000.

AND BE IT FURTHER RESOLVED, the Comptroller is authorized to make any and all changes as direct by this resolution.

Financial Impact

INCREASE
Bridgehampton - Sag Harbor Turnpike Sidewalks \$100,000
INCREASE
Direct Appropriation - Surplus \$100,000.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nancy Graboski, Councilwoman
SECONDER:	Linda Kabot, Supervisor
AYES:	Nancy Graboski, Linda Kabot, Steven Kenny, Chris Nuzzi
ABSENT:	Patrick Heaney

15340

**Memorializing Resolution In Support of the Installation of Concrete Sidewalks
Along the West Side of the Bridgehampton Sag Harbor Turnpike (CR-79) From
Scuttlehole Road to Montauk Highway (SR-27)**

Information		Vote		
Legislative File #	RES-2007-369	Patrick Heaney	Voter	Yes/Aye
Status	Adopted	Nancy Graboski	Initiator	Yes/Aye
Department	Town Council	Linda Kabot	Secunder	Yes/Aye
Meeting	3/13/2007 1:00:00 PM	Steven Kenny	Voter	Yes/Aye
Category	Miscellaneous	Chris Nuzzi	Voter	Yes/Aye

Financial Impact	History
No financial impact	Adopted 03/13/2007 01:00 PM

Attachments

Body:  Download

WHEREAS, A petition was submitted in August 2006 signed by over 100 residents of the Town of Southampton asking the County of Suffolk to install concrete sidewalks along the west side of the Bridgehampton Sag Harbor Turnpike (CR-79) from Scuttlehole Road to Montauk Highway in Bridgehampton and also to install a pedestrian crosswalk in front of the Bridgehampton Child Care Center; and

WHEREAS, the Bridgehampton Sag Harbor Turnpike is a County road, necessitating that any such construction project would be under the jurisdiction of Suffolk County and more particularly managed under the direction of the Suffolk County Department of Public Works; and

WHEREAS, the existing asphalt sidewalk, that the County installed many years ago along certain sections of the Turnpike, has fallen into disrepair and is unwalkable in many of those sections; and

WHEREAS, the Bridgehampton Sag Harbor Turnpike is a major connector road between the Village of Sag Harbor and the hamlet center of Bridgehampton and this area has traditionally been residential, with many long-term residents living here, as well as people who have come here more recently, to settle, work, raise families or retire; and

WHEREAS, while the residents of the area take pride in their neighborhood, there is widespread sentiment that for a host of reasons the area has been overlooked if not neglected; and

WHEREAS, said residents have taken the initiative to reach out to local government representatives for assistance and for support in this effort to address their concern for public safety, and in particular with regard to the safety of "our youth and elderly"; and

WHEREAS, a number of community facilities are located on the Sag Harbor Turnpike, including the Bridgehampton Community Center, the Bridgehampton Child Care Center, the Children's Museum of the East End (CMEE) and the South Fork Natural History Museum, as well as two churches; and

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WHEREAS, given the poor condition of the existing sidewalk, children, going to and from the Bridgehampton Childcare Center and the Bridgehampton School, as well as seniors, who walk to the Senior Nutrition Center, must walk in the street; and

WHEREAS, the two new museums are now open and operating and, coupled with our new workforce housing project, Bridgehampton Mews, currently under construction, it can reasonably be expected that pedestrian traffic will only continue to increase for the foreseeable future; and

WHEREAS, residents of the area have expressed safety concerns for pedestrians, both adults as well as children, who must walk along the edge of the road, and have petitioned for help from government officials to please take action and reconstruct the sidewalk; and

WHEREAS, County Legislator Jay Schneiderman sent a request to the DPW to investigate the feasibility of installing sidewalks along the Turnpike; and

WHEREAS, such a sidewalk reconstruction project would necessitate inclusion of the funding for the project in the Suffolk County Capital Budget; now, therefore be it

RESOLVED, that the Town Board of the Town of Southampton strongly supports the request of the residents of the Bridgehampton area by petition for a concrete sidewalk construction project along the west side of the Bridgehampton Sag Harbor Turnpike from Scuttlehole Road to Montauk Highway in Bridgehampton and urges the Suffolk County Legislature to take the appropriate actions to effectuate such construction project; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Suffolk County Executive Steve Levy and to each of the Legislators in the Suffolk County Legislature in order that they understand the importance of this project to the Bridgehampton community and to all of the residents of the Town of Southampton.

1537

Intro. Res. No. -2008
Introduced by Legislators Beedenbender, Alden and Nowick

Laid on Table 6/10/2008

**RESOLUTION NO. -2008, AUTHORIZING THE
COUNTY COMPTROLLER AND COUNTY TREASURER
TO CLOSE CERTAIN CAPITAL PROJECTS AND
TRANSFER FUNDS**

WHEREAS, the Departments of Energy and Environment has indicated that certain capital projects have been completed and should be closed (see Addendum 1); and

WHEREAS, it is fiscally prudent for the County of Suffolk to close the selected capital projects; and

WHEREAS, closing these projects will reduce the County's Debt Service consisting of principal and interest; and

WHEREAS, the unobligated balances have been verified by the Department of Environment and Energy; now, therefore, be it

RESOLVED, that the County Executive's Office of Budget and Management is authorized and directed to validate the amount of the unobligated balances and provide such validation to the County Comptroller and County Treasurer; and be it further

RESOLVED, that after such validation is provided, the County Comptroller and County Treasurer be and hereby are authorized to close the Capital Projects listed on "Addendum 1" and credit the appropriate revenue account for fiscal year no later than December 31, 2008; and be it further

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

RESOLVED, that the County Comptroller and County Treasurer are authorized to transfer positive and negative cash balances to close the projects; and be it further

RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to net the positive and negative cash as a result of the projects being closed and accept the remaining funds into the appropriate fund under revenue code 2954 Unused Capital Fund Authorization.

DATE:

APPROVED BY:

Steve Levy
County Executive of Suffolk County
Date:

Addendum 1

Listing of Capital Projects to Close

PROJECT	DESCRIPTION	UNOBLIGATED BALANCE	ENVIRONMENT AND ENERGY COMMENTS
7148.210	ACQ LND COMM GRNWYS ACTV PKLND	\$2,797,530.70	CLOSE-PROGRAM EXPIRED 12/31/2006
7149.210	ACQ LND GREENWAYS - FARMLAND	\$2,143.60	CLOSE-PROGRAM EXPIRED 12/31/2006
7171.211	ACQ OF LAND SWAN LAKE BROOKHAV	\$193,400.00	CLOSE
7177.211	SC MULTI (SAGTIKOS MANOR) ISL	\$167,208.49	CLOSE-ACQUISITION COMPLETE
7177.213	ACQ PROP GRACE PRESBYTERIAN CH	\$437,130.08	CLOSE-ACQUISITION MOVED TO SOS-HAMLET
7177.221	MULTIFAC FRMLND (CORSO FARM)	\$6,750.40	CLOSE-ACQUISITION COMPLETE
7177.228	SUF MULTI (ELWOOD GREENLAWN WOODS)	\$155.93	CLOSE-ACQUISITION COMPLETE
8708.212	WTR PRO FND-FRMLND-ERNST/NORTN	\$48,798.98	CLOSE-ACQUISITION COMPLETE
7144.212	OPEN SPACE	\$180.05	CLOSE
7148.110	GREENWAYS-PARKLAND	\$171,809.23	CLOSE-PROGRAM EXPIRED 12/31/2006-(SOFT COSTS)
7149.110	GREENWAYS-FARMLAND	\$292,354.79	CLOSE-PROGRAM EXPIRED 12/31/2006-(SOFT COSTS)
7177.216	MLP-BARNUM AVENUE	\$98,039.85	CLOSE ACQUISITION COMPLETE
8708.211	WTR PRO. FND-FARMLAND-TEDFORD	\$490,000.00	CLOSE-ACQUISITION MOVED TO MLPP TO ACQUIRE FULL FEE.
	Subtotal	\$4,705,502.10	

T:\BRO\Capital Close Out for Beedenbender.doc

1538

Intro. Res. No. -2008
Introduced by Legislator Cooper

Laid on Table 6/10/08

**RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO.
-2008, A LOCAL LAW TO ESTABLISH E-VERIFY
REQUIREMENTS FOR OCCUPATIONAL LICENSES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH E-VERIFY REQUIREMENTS FOR OCCUPATIONAL LICENSES**"; 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 ESTABLISH E-VERIFY REQUIREMENTS FOR
OCCUPATIONAL LICENSES**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the national government has failed to effectively enforce its laws that require businesses to verify their employees' eligibility to be employed in the United States. As a result of this failure, employers who break these laws with impunity are able to exploit workers and gain an unfair financial advantage over those employers who play by the rules.

This Legislature also determines that the County of Suffolk has responded to this problem by enacting Local Law 52-2006, to require companies doing business with the County to certify their compliance with federal law with respect to the lawful hiring of employees. More recently, the Suffolk County Legislature approved Introductory Resolution No. 1105-2008, which will require applicants who apply for occupational licenses to attest that they are in compliance with the federal law that mandates the lawful hiring of employees.

This Legislature further determines that several experts believe that this local legislation will not have its desired effect because many persons who are not eligible to work in the United States are able to obtain fraudulent documentation that can be submitted to prospective employers.

This Legislature finds that the United States Department of Homeland Security and the Social Security Administration have established an electronic system called "E-Verify" to assist employers in verifying the employment eligibility of all their newly hired employees. Under this system, employers can check the I-9 information supplied by employees to insure that an employee's name, social security number, date of birth and citizenship status match government records. Employers can access this system at no cost and it is relatively easy to utilize.

This Legislature also finds and determines that while some experts believe that "E-Verify" information is generally accurate, others claim that the information provided by the system is often incorrect and therefore, potentially harmful to workers.

This Legislature determines that it would be prudent to institute, on a pilot basis, a new program requiring business holding occupational licenses to utilize the "E-Verify" Program.

Therefore, the purpose of this local law is to require all applicants for occupational licenses to affirm that they will utilize "E-Verify" Program during the term of their license to ensure that their employees are eligible to work in the United States. This law will sunset in 18 months unless reauthorized by another resolution by the County of Suffolk.

Section 2. Amendments.

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

Chapter 275, Electricians and Plumbers

* * * *

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

* * * *

B. Qualifications of applicant.

* * * *

(6) All applications shall include a representation by the applicant that they will use the E-Verify Internet-based system, operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), to verify the employment eligibility of their newly hired employees, and maintain records documenting their use of E-Verify during the term of their license. If such representation is not made, a license will not be issued. A licensee's failure to utilize E-Verify as described herein, shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of a application for the renewal of a license, in accordance with the applicable provisions of this Chapter.

* * * *

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

* * * *

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

* * * *

- (M) All applications shall include a representation by the applicant that they will use the E-Verify Internet-based system, operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), to verify the employment eligibility of their newly hired employees, and maintain records documenting their use of E-Verify during the term of their license. If such representation is not made, a license will not be issued. A licensee's failure to utilize E-Verify as described herein, shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of a application for the renewal of a license, in accordance with the applicable provisions of this Chapter.

* * * *

Section 3. Investigations.

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

Section 4. Promulgation of Rules and Regulations.

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

B. The Suffolk County Department of Labor is hereby authorized, empowered and directed to promulgate such rules and regulations as it deems necessary to carry out the investigations described in Section 3 of this law.

Section 5. Report by Office of Consumer Affairs.

One year after the effective date of this law, the Office of Consumer Affairs shall provide a written report to the County Executive and to all members of the Suffolk County Legislature, describing the results of the E-Verify Program requirements and making recommendations as to whether such program should be terminated, modified, continued, and/or expanded.

Section 6. Applicability.

This law shall apply to all applications for licenses and license renewals submitted to the Office of Consumer Affairs on and after the effective date of this law, and shall continue in effect for 18 months thereafter at which time this law shall terminate, unless it is reauthorized by a duly enacted resolution of the County of Suffolk.

Section 7. Severability.

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

Section 8. SEQRA Determination.

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

Section 9. Effective Date.

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:laws\2008\le-verify-cooper

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



1538

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov

WILLIAM H. ROGERS BUILDING
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: JUNE 5, 2008
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2008

TITLE: A LOCAL LAW TO ESTABLISH E-VERIFY REQUIREMENTS FOR OCCUPATIONAL LICENSES

SPONSOR: LEGISLATOR COOPER

DATE OF RECEIPT BY COUNSEL: 6/4/2008 **PUBLIC HEARING:** 6/24/2008

DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

This proposed local law would require persons applying for occupational licenses under Chapters 275 and 345 of the SUFFOLK COUNTY CODE to make a representation that they will use the E-Verify Internet based system, operated by the Department of Homeland Security in partnership with the Social Security Administration, to verify the employment eligibility of their newly hired employees. The applicants must also represent that they will maintain records documenting their use of E-Verify during the term of their license. If such representations are not made, a license will not be issued by the Office of Consumer Affairs. A licensee's failure to utilize E-Verify during the term of their license shall constitute grounds for the imposition of a fine or the suspension or revocation of their license or the denial of an application for the renewal of their license.

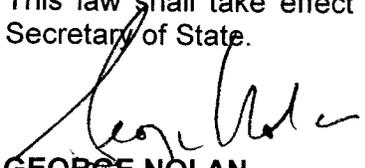
Under the terms of this law, the Department of Labor is authorized and empowered to investigate alleged violations of this law upon the request of the Director of the Office of Consumer Affairs. The Department of Labor shall be entitled to review records maintained by a licensee which demonstrate their compliance with this law. Upon the completion of an investigation, the Department of Labor shall forward its findings to the Director of Consumer Affairs.

This law contains a sunset provision. This law will sunset eighteen (18) months after its effective date unless it is reauthorized by a duly enacted resolution of the County of Suffolk.

The Office of Consumer Affairs is directed to provide a written report to the County Executive and to members of the County Legislature, within one year after the law's effective date, describing the results of the E-Verify Program requirements and making recommendations as to whether such programs should be terminated, modified, continued, and/or expanded.

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This law shall take effect one hundred twenty (120) days after its filing in the Office of the Secretary of State.



GEORGE NOLAN
Counsel to the Legislature

GN:js

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Intro. Res. 1539-08

Laid on Table 6/10/08

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

**RESOLUTION NO. -2008, FILLING
VACANCY IN THE 15th LEGISLATIVE
DISTRICT**

WHEREAS, Legislator Elie Mystal has tendered his resignation from the Suffolk County Legislature effective May 7, 2008; and

WHEREAS, as a result of said resignation, a vacancy has occurred in the Office of County Legislator for the 15th Legislative District of the Suffolk County Legislature; now, therefore, be it

1st RESOLVED, that, pursuant to Section 2-6 of the SUFFOLK COUNTY CHARTER, the Suffolk County Legislature hereby declares that a Special Election shall be held on the 29th day of July 2008, in accordance with all pertinent NEW YORK ELECTION LAW requirements, for the purpose of filling the vacancy in the 15th Legislative District, as currently constituted under Section 2-3 of the SUFFOLK COUNTY CHARTER, for the balance of the unexpired term; and be it further

2nd RESOLVED, that the Special Election shall be held for the 15th Legislative District as described and defined for the term currently to be filled, as currently constituted under Section 2-3 of the SUFFOLK COUNTY CHARTER; and be it further

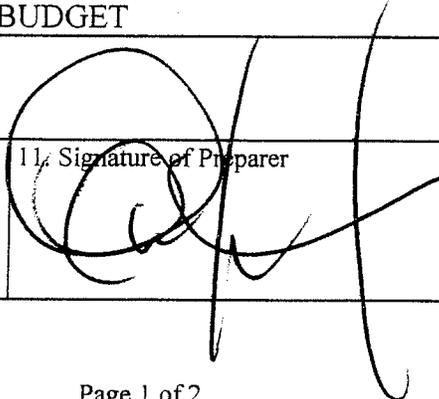
3rd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) 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:

APPROVED BY:

1539

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation FILLING THE VACANCY IN THE 15 TH LEGISLATIVE DISTRICT.		
3. Purpose of Resolution: Same as above AUTHORIZING A JULY 29, 2008 SPECIAL ELECTION TO FILL THE VACANT LEGISLATIVE POSITION IN THE 15 TH LEGISLATIVE DISTRICT.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes ___ No <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact COST OF THIS SPECIAL ELECTION IS ESTIMATED TO BE \$76,500 (\$1,500 PER E.D.). AS THIS COST WAS NOT BUDGETED, BOARD OF ELECTIONS WILL HAVE TO UTILIZE AND TRANSFER OTHER APPROPRIATIONS TO OFFSET THIS COST.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding DEPARTMENTS 2008 ADOPTED BUDGET		
9. Timing of Impact UPON ADOPTION		
10. Typed Name & Title of Preparer Allen M. Kovesdy Assistant Budget Director	11. Signature of Preparer 	12. Date June 2, 2008

SIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1539

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Intro. Res. No. 1540-08
Introduced by the Presiding Officer on request of the County Executive

Laid on Table

6/10/08

**RESOLUTION NO. - 2008, AMENDING THE ADOPTED
2008 CAPITAL BUDGET AND PROGRAM AND
APPROPRIATING FUNDS FOR THE PROVISION OF AN
ELECTRONIC MEDICAL RECORD SYSTEM AT THE JAIL
MEDICAL UNIT IN BOTH THE RIVERHEAD AND YAPHANK
CORRECTIONAL FACILITIES (NEW CP 3024)**

WHEREAS, the Commissioner of Health Services is requesting to create a new Capital Project for the creation and implementation of an Electronic Medical Record System at the Jail Medical Unit in both the Riverhead and Yaphank Correctional Facilities; and

WHEREAS, the health care for inmates in the custody of the Sheriff's Office of Suffolk County is a mandated service under New York State Correctional Law and Suffolk County Code; and

WHEREAS, the Suffolk County Department of Health Services provides medical care and mental health care to all Suffolk inmates through their Jail Medical Units at the Riverhead Correctional Facility and the Yaphank Correctional Facility; and

WHEREAS, at the present time all inmate health records are manually maintained in a unified format, with medical, mental health and substance abuse treatment notes kept in a single paper file jacket at the facility the inmate is housed; and

WHEREAS, it has been determined that the current manual medical record keeping system does not allow for optimal patient care and coordination of treatment by multiple disciplines, especially between facilities when medical records have to be transferred by courier when inmates are moved from one location to another; and

WHEREAS, the New York State Commission of Correction has recommended that SCDHS Jail Medical Unit strongly consider moving to an Electronic Medical Record System in place of the current manual system; and

WHEREAS, the computerization and centralization of the medical record can improve patient care and minimize potential medical errors and the resultant liability; and

WHEREAS, an Electronic Medical Record (EMR) contains medical history, test results, lab findings, medications and all other patient health information which can be accessed in one place; and

WHEREAS, it is anticipated that implementation of an Electronic Medical Record System will lead to cost savings through greatly enhanced efficiency of operations and overall employee productivity; and

WHEREAS, the Information Processing Working Committee and Steering Committee have reviewed the EMR System requirements and has granted approval; and

WHEREAS, the total cost of this new project for planning and equipment is \$278,000; and

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

WHEREAS, Resolution No. 471-1994 amended 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 \$278,000 in Suffolk County Serial Bonds; now therefore, be it

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

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty five (55) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 amended by Resolution No. 461-2006; and be it further

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

Project Number: 8223
Project Title: Brownfields Program

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	\$1,498,000	\$825,000B	\$753,000B
TOTAL	\$2,641,700	\$835,000	\$763,000

Project Number: 4041
Project Title: Equipment for the John J. Foley Skilled Nursing Facility

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
5. Furniture & Equipment	\$765,840	\$100,000G	\$0
TOTAL	\$765,840	\$100,000	\$0

Project Number: 4057
Project Title: Improvements at the John J. Foley Skilled Nursing Facility

<u>Cost Elements</u>	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	\$5,564,000	\$200,000B	\$94,000B
TOTAL	\$6,048,635	\$200,000	\$94,000

Project No.: 3024
Project Title: Electronic Medical Record System for Jail Medical Units at both Riverhead and Yaphank Correctional Facilities

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
1. Planning	\$215,000	\$0	\$215,000B
5. Equipment	\$63,000	\$0	\$63,000B
TOTAL	\$278,000	\$0	\$278,000

and be it further

4th RESOLVED, that the proceeds of \$278,000 in 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-3024.110 (Fund 001 Debt Service)	40	Electronic Medical Records System in the Jail Medical Units Software Development, Installation, Integration, and Training	\$215,000
525-CAP-3024.510 (Fund 001 Debt Service)	40	Electronic Medical Records System in the Jail Medical Units-Equipment	\$ 63,000

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1540

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
<p>RESOLUTION NO. - 2008, AMENDING THE ADOPTED 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS FOR THE PROVISION OF AN ELECTRONIC MEDICAL RECORD SYSTEM AT THE JAIL MEDICAL UNIT IN BOTH THE RIVERHEAD AND YAPHANK CORRECTIONAL FACILITIES (NEW CP 3024)</p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <p style="margin: 0;">County</p> </div>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
2009		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		May 23rd , 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1540

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$62,666	\$0.12		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$62,666	\$0.12		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
 Project Name
 General Obligation Serial Bonds
 Level Debt

1540

Term of Bonds	5
Amount to Bond:	\$278,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	\$51,198.28	\$11,467.50	\$62,665.78	\$62,665.78
			\$4,677.79	\$4,677.79	
11/1/2009	4.125%	\$53,310.21	\$4,677.79	\$57,988.00	\$62,665.78
			\$3,578.26	\$3,578.26	
11/1/2010	4.125%	\$55,509.26	\$3,578.26	\$59,087.52	\$62,665.78
			\$2,433.38	\$2,433.38	
11/1/2011	4.125%	\$57,799.02	\$2,433.38	\$60,232.40	\$62,665.78
			\$1,241.28	\$1,241.28	
11/1/2012	4.125%	\$60,183.23	\$1,241.28	\$61,424.51	\$62,665.78
		\$278,000.00	\$35,328.92	\$313,328.92	\$313,328.92

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

ML 339
(1540)

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

May 13, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed resolution amending the Adopted 2008 Capital Budget and Program and appropriating funds for the provision of an Electronic Medical Record System at the Jail Medical Unit in both the Riverhead and Yaphank Correctional Facilities. Through the Jail Medical Units, the Department provides both medical and mental health services. An Electronic Medical Record (EMR) system would computerize and centralize the medical record, which contains patient medical history, test results, lab findings, medications, and all other patient health information.

I enclose a financial impact statement and other back-up documentation for this Resolution. If you have any questions on the enclosed, please call John Heilbrunn at 3-3892. Also, an e-mail version of this Resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-EMR for JMU-Cap.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

- C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Shaheda Iftikhar, M.D., Physician III
John Heilbrunn, Assistant Director of Management & Research
Carol Makrides, Director of Information Management
Diane E. Weyer, Principal Financial Analyst



Public Health
Prevent. Promote. Protect.

OFFICE OF THE COMMISSIONER
225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

A. General Background

The Divisions of Patient Care Services and Community Mental Hygiene are responsible for the medical care and mental health care, respectively, for all inmates in the custody of the Sheriff's Office, through the Jail Medical Units (JMU) located at both the Riverhead Maximum Security Facility and the Yaphank Minimum Security Facility. Health care for inmates is a mandated service under New York State Correctional Law and Suffolk County Code. There is a range of approximately 1700 to 1800 inmates housed in Suffolk at any given time. In the past several years, the JMUs have seen a growing number of inmates entering the facility, requiring more services and care. Typically, there may be 200 more inmates (daily average census) than there were in 2004, with many inmates transferred to other Jail facilities because of overcrowding.

Services provided to the inmate population through the JMUs include: Medical care; Nursing (including administration of approx 1,000 medication doses to inmates daily); Pharmacy (approx 200 prescriptions filled daily, including controlled substances); Dental; Mental Health Treatment Services; Alcohol and Substance Abuse Treatment Services. An average of approximately 40 new inmates enter the facility on a daily basis, each requiring a medical/mental health screening.

All inmate health records which are current within the past two years are manually maintained at the site the inmate is housed (Riverhead or Yaphank). Inmate medical records are kept in a unified format, with mental health, medical and substance abuse treatment notes all co-located in one paper file jacket. Records are transferred between facilities by courier as inmates are moved from one facility to the other.

When the new Yaphank Jail currently under construction is opened, medical, mental health and substance abuse services will be provided in both a centralized Jail Medical Unit, as well as in a decentralized fashion in the inmate housing areas in specially dedicated rooms. This will necessitate an EMR system, so that the carrying of paper medical records throughout the facility can be avoided, as well as allowing for patient medical records to be accessed by more than one provider at one time, both in and between both facilities, as may be necessary.

The primary goal of a paperless EMR system will be to provide real time inmate health record management of patient care services provided by all disciplines. It is anticipated that, in general, an EMR will significantly decrease County staff time now required to maintain the totally manual system, as well as increase productivity and overall efficiency of operations.

B. Projected Benefits

Nursing

It is estimated that an average of 10% – 15% of all JMU nursing staff time (Registered Nurses and Jail Medical Attendants) is currently spent on medical records related tasks such as filing, retrieving, searching for and/or copying paper medical records (6 – 9 minutes of every working hour). Note: there are only 2 Medical Records Clerks on staff, covering day

1540

shift hours Monday – Friday 8:30 am to 6:00 pm; the JMU is open 16 hours per day, from 7:00 am to 11:00 pm, seven days a week.

In addition, the same average percentages can be applied to nurse generated overtime, since a similar amount of time is spent on medical records related issues by nursing staff when working overtime. Furthermore, due to general nursing staff shortages which cannot always be met through overtime, additional contractual money is spent with an outside nursing contractor. Applying the same average time spent by such contractual nurses on medical record related work should result in a corresponding reduction of monies spent for these services, as well.

The nursing related projected savings through implementation of an Electronic Medical Records system are summarized below.

Finally, although the following estimates are focused on nursing staff time providing medical record related task support, many other Jail Medical and Mental Health staff spend time looking for/retrieving/copying paper medical records. This includes professional staff – Dentists, Clinical Nurse Practitioners, Physician Assistants, Social Workers, etc. Such additional lost time has not been calculated into the below projections, however, it is another factor for consideration.

ANNUAL STAFF NURSING COSTS AT THE JMU BASED ON 2007 ACTUAL SALARIES PLUS 3.25% INCREASE FOR 2008

<u>Nurse Regular Salary (RNs and Jail Medical Attendants)</u>	<u>\$1,320,250 projected</u>
Projected Enhanced Productivity Savings	
Total 10%:	\$132,025
Total 15%:	\$198,038

<u>Nurse Overtime (RNs and Jail Medical Attendants)</u>	<u>\$240,199 projected</u>
Projected Nurse Overtime Savings	
Total 10%:	\$24,020
Total 15%:	\$36,030

ANNUAL 2007 ACTUAL COST FOR CONTRACTED NURSE SERVICES (2008 RATE INCREASE NOT INCLUDED)

<u>Contracted Nurse Services</u>	<u>\$86,351 projected</u>
Projected Contract Savings	
Total 10%:	\$8,635
Total 15%:	\$12,953

Other Benefits

INCREASED EFFICIENCIES

No paper records that can be lost

Computerized reminders

attention given to outstanding issues

exception flags to management to address the potential of staff inattention

More effective and cost efficient medical decision making

Enhanced utilization and tracking of laboratory services, radiology services and prescription drugs

1540

- Better avoidance of potential for adverse drug events
- Complete and thorough documentation
- No time spent filing, retrieving and copying manual records
- Multiple, rapid methods of data entry and retrieval
- Automated population of all inmate patient paperwork
- Documentation done at the time of care
- Reduced overtime costs
- Reduced costs for contracted nurse services

DECREASED LEGAL LIABILITY

Correctional facilities are striving for ways to decrease their liability on a daily basis. A high risk of liability inevitably falls within the medical unit as it relates to the care and treatment of inmates. Inaccurate, duplicate and/or misplaced patient records could potentially lead to costly legal issues down the road. EMR systems streamline all clinical tasks and documentation, thereby minimizing many of these risks.

RETURN ON INVESTMENT

Large amounts of paperwork and the current lack of ability to streamline tasks prevent medical personnel from utilizing their skills to the utmost potential. Implementing an EMR allows every employee to work at their optimal level so time isn't wasted on unproductive tasks (e.g., searching for manual records).

MISCELLANEOUS

The New York State Commission of Correction, which oversees all prisons and jails in the State, has concluded that the current manual medical/mental health record system in Suffolk is in need of upgrade, and has recommended that Health Services strongly consider moving to an EMR system.

Once the Jail Medical Unit's EMR is fully customized, implemented, and running, it will facilitate and signal a significant change in operations. This change will allow for more appropriate and efficient patient care as Jail medical and mental health staff address complex future challenges. It is expected that overall an EMR system will make staff better at their jobs and more productive in their work, while providing safer clinical oversight and patient tracking.

**RESOLUTION NO. - 2008, AMENDING THE 2008
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR
PARTICIPATION IN THE RECONSTRUCTION/WIDENING OF
CR 3, WELLWOOD AVENUE BRIDGE OVER THE SOUTHERN
STATE PARKWAY, TOWN OF BABYLON (CAPITAL
PROGRAM NUMBER 5851)**

WHEREAS, the Commissioner of Public Works has requested funds for construction in connection with the Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway ; and

WHEREAS, there are Federal funds available from the Federal Highway Administration for this project, identified as PIN 0756.71, 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 Federal portion; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request under Capital Project 5851 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 \$300,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, Resolution No. 154 of 2003 approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-one (61) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 of the Suffolk County Charter to complete the Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway; and be it further

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

Project No.: 5851
 Project Title: Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3.Construction	\$12,180,000	\$ 0	\$ 60,000B \$240,000F
TOTAL	\$13,225,000	\$ 0	\$300,000

5th **RESOLVED**, that the proceeds of \$60,000 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-5851.310 (Fund 001 Debt Service)	50	Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway	\$60,000

and be it further

6th **RESOLVED**, that Federal Aid in the amount of \$240,000 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-5851.310	50	Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway	\$240,000

7th **RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$60,000; and be it further

8th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$240,000; and be it further

9th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$240,000; and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1541

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$27,219	\$0.05		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$27,219	\$0.05		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

1541

Term of Bonds: 15
Amount to Bond: \$300,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	\$14,843.70	\$12,375.00	\$27,218.70	\$27,218.70
			\$5,881.35	\$5,881.35	
11/1/2009	4.125%	\$15,456.00	\$5,881.35	\$21,337.35	\$27,218.70
			\$5,562.57	\$5,562.57	
11/1/2010	4.125%	\$16,093.56	\$5,562.57	\$21,656.13	\$27,218.70
			\$5,230.64	\$5,230.64	
11/1/2011	4.125%	\$16,757.42	\$5,230.64	\$21,988.06	\$27,218.70
			\$4,885.02	\$4,885.02	
11/1/2012	4.125%	\$17,448.67	\$4,885.02	\$22,333.68	\$27,218.70
			\$4,525.14	\$4,525.14	
11/1/2013	4.125%	\$18,168.42	\$4,525.14	\$22,693.56	\$27,218.70
			\$4,150.41	\$4,150.41	
11/1/2014	4.125%	\$18,917.87	\$4,150.41	\$23,068.28	\$27,218.70
			\$3,760.23	\$3,760.23	
11/1/2015	4.125%	\$19,698.23	\$3,760.23	\$23,458.47	\$27,218.70
			\$3,353.96	\$3,353.96	
11/1/2016	4.125%	\$20,510.78	\$3,353.96	\$23,864.74	\$27,218.70
			\$2,930.92	\$2,930.92	
11/1/2017	4.125%	\$21,356.85	\$2,930.92	\$24,287.78	\$27,218.70
			\$2,490.44	\$2,490.44	
11/1/2018	4.125%	\$22,237.82	\$2,490.44	\$24,728.26	\$27,218.70
			\$2,031.78	\$2,031.78	
11/1/2019	4.125%	\$23,155.13	\$2,031.78	\$25,186.92	\$27,218.70
			\$1,554.21	\$1,554.21	
11/1/2020	4.125%	\$24,110.28	\$1,554.21	\$25,664.49	\$27,218.70
			\$1,056.93	\$1,056.93	
11/1/2021	4.125%	\$25,104.83	\$1,056.93	\$26,161.77	\$27,218.70
			\$539.15	\$539.15	
11/1/2022	4.125%	\$26,140.41	\$539.15	\$26,679.55	\$27,218.70
		\$300,000.00	\$108,280.49	\$408,280.49	\$408,280.49

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

1541

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

DATE: May 8, 2008

RE: C.P. 5851 – Reconstruction/Widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon

Attached are a draft resolution and duplicate copy to appropriate the sum of \$300,000 for construction in connection with the above referenced project. There are no funds included in the 2008 Capital Budget and Program for this project. However, 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. There are Federal funds available for this appropriation under this project, identified as PIN 0756.71, from the Federal Highway Administration, with a share allocation of 80% Federal funds and 20% County funds.

Resolutions 1325-2005 and 929-2006 appropriated \$11,880,000 for this project, which is presently under construction, for the reconstruction of the existing bridge to increase safety, capacity and reduce congestion by widening the structure to provide for additional turn lanes and associated work on the entrance and exit ramps from the Southern State Parkway to accommodate this widening.

Upon performing the necessary work to construct the foundation for the proposed widening, it was found that insufficient quantities of unclassified excavation and permanent steel sheeting were included in the original contract. This additional funding will allow for payment of work that is required to complete the project.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP 5851.doc".

TL:WH:er
attach.

cc: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Chief Financial Analyst
William Hillman, P.E., Chief Engineer
William Chandler, Capital Program Manager
Linda Brandolf, CPA, Capital Accounting
James Bagg, Chief Environmental Analyst

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Run Date 05/01/2008
Run Time 07:55:45

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID PROJECT MODIFICATION

Report: FMISD06A
Page 20

STATE: NEW YORK

PROJECT NO:0756(713)

NO: 4

1541

STATE PROJ. NO(S): 0756.71.321, 0756.71.322, 0756.71.323

DESCRIPTION: WEST BABYLON:WELLWOOD AVENUE BRIDGE OVER SOUTHERN STATE PARKWAY FOR BRIDGE
REHABILITATION WITH ADDITIONAL CAPACITY.

CLASSIFICATION OF PHASE OF WORK: CONSTR

THE PROJECT AGREEMENT FOR THE ABOVE-REFERENCED PROJECT ENTERED INTO BETWEEN THE UNDERSIGNED
PARTIES AND EXECUTED BY THE DIVISION ADMINISTRATOR ON 09/20/2005 IS HEREBY MODIFIED AS FOLLOWS:

PROGRAM CODE	URBAN/ WITH		FORMER AMOUNT	REVISED AMOUNT
H230	001	ESTIMATED TOTAL OF PROJECT	\$1,600,000.00	\$1,600,000.00
		FEDERAL FUNDS	\$1,280,000.00	\$1,280,000.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80.00%	80.00%
H400		ESTIMATED TOTAL OF PROJECT	\$9,280,000.00	\$9,280,000.00
		FEDERAL FUNDS	\$7,424,000.00	\$7,424,000.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80.00%	80.00%
L050		ESTIMATED TOTAL OF PROJECT	\$1,000,000.00	\$1,300,000.00
		FEDERAL FUNDS	\$800,000.00	\$1,040,000.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80.00%	80.00%
L230	001	ESTIMATED TOTAL OF PROJECT	\$0.00	\$0.00
		FEDERAL FUNDS	\$0.00	\$0.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE		
Q400		ESTIMATED TOTAL OF PROJECT	\$0.00	\$0.00
		FEDERAL FUNDS	\$0.00	\$0.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE		

STATE REMARKS:

TO REVISE PER REGIONS REQUEST TO COVER CONSTRUCTION COSTS. PROCESSING = 106C. BIN = 1059760.
CONSTRUCTION CONTRACT = LOCAL LET. PINS ARE H400 = .321, H230 = .322 AND L050 = .323. COMPLETION DATE =
12/01/2008.

DIVISION REMARKS:

Approved by Joseph E Rich on October 7, 2005.

ALL OTHER TERMS AND CONDITIONS OF THE PROJECT AGREEMENT WILL REMAIN IN FULL FORCE AND EFFECT.

DEPARTMENT OF TRANSPORTATION

AVAILABLE FUNDS CERTIFIED BY:	KENNETH S. GRUPE	DATE:	04/30/2008
APPROVAL RECOMMENDED BY:	KENNETH S. GRUPE	DATE:	04/30/2008
APPROVED AND AUTHORIZED BY:	XIAOQIN TAN	DATE:	04/30/2008

-Run Date 05/01/2008
Run Time 07:55:45

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID PROJECT MODIFICATION**

Report: FMISD06A
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FEDERAL HIGHWAY ADMINISTRATION

APPROVAL RECOMMENDED BY:	MICHAEL J. PIDGEON	DATE:	04/30/2008
APPROVED AND AUTHORIZED BY:	MICHAEL J. PIDGEON	DATE:	04/30/2008
MODIFICATION APPROVED BY:	MICHAEL J. FAZIOLI	DATE:	04/30/2008

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO CR 7, WICKS ROAD, TOWN OF ISLIP (CAPITAL PROGRAM NUMBER 5539)

WHEREAS, the Commissioner of Public Works has requested funds for land acquisition in connection with Improvements to CR 7, Wicks Road, from CR 13, Fifth Avenue to CR 67, Motor Parkway; 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 \$1,100,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, Resolution No. 409 of 2005 approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

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

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the Improvements to CR 7, Wicks Road, pursuant to Section C8-2 of the Suffolk County Charter; and be it further

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

Project No.: 5039
Project Title: Drainage Improvements on CR 76, Town line Road

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	\$ 0	\$400,000B	\$ 0
TOTAL	\$63,200	\$400,000	\$ 0

Project No.: 5539
Project Title: Improvements to CR 7, Wicks Road, Town of Islip

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
2. Land Acquisition	<u>\$1,232,000</u>	<u>\$700,000B</u>	<u>\$1,100,000B</u>
TOTAL	\$8,032,000	\$700,000	\$1,100,000

and be it further

5th **RESOLVED**, that the proceeds of \$1,100,000 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-5539.210 (Fund 001 Debt Service)	50	Improvements to CR 7, Wicks Road, Town of Islip Land Acquisition	\$1,100,000

Date:

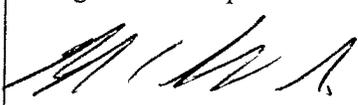
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1542

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
<p>RESOLUTION NO. 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO CR 7, WICKS ROAD, TOWN OF ISLIP (CAPITAL PROGRAM NUMBER 5539)</p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 20px; display: inline-block; margin: 5px;">County</div>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
2009		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		May 21st, 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1542

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$64,972	\$0.12		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$64,972	\$0.12		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

1542

Term of Bonds
Amount to Bond: \$1,100,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2008					
11/1/2008	4.125%	\$19,046.65	\$45,925.00	\$64,971.65	\$64,971.65
			\$22,564.90	\$22,564.90	
11/1/2009	4.125%	\$19,841.85	\$22,564.90	\$42,406.75	\$64,971.65
			\$22,150.70	\$22,150.70	
11/1/2010	4.125%	\$20,670.25	\$22,150.70	\$42,820.95	\$64,971.65
			\$21,719.21	\$21,719.21	
11/1/2011	4.125%	\$21,533.23	\$21,719.21	\$43,252.44	\$64,971.65
			\$21,269.71	\$21,269.71	
11/1/2012	4.125%	\$22,432.24	\$21,269.71	\$43,701.95	\$64,971.65
			\$20,801.43	\$20,801.43	
11/1/2013	4.125%	\$23,368.79	\$20,801.43	\$44,170.22	\$64,971.65
			\$20,313.61	\$20,313.61	
11/1/2014	4.125%	\$24,344.43	\$20,313.61	\$44,658.04	\$64,971.65
			\$19,805.42	\$19,805.42	
11/1/2015	4.125%	\$25,360.81	\$19,805.42	\$45,166.23	\$64,971.65
			\$19,276.01	\$19,276.01	
11/1/2016	4.125%	\$26,419.63	\$19,276.01	\$45,695.64	\$64,971.65
			\$18,724.50	\$18,724.50	
11/1/2017	4.125%	\$27,522.65	\$18,724.50	\$46,247.15	\$64,971.65
			\$18,149.97	\$18,149.97	
11/1/2018	4.125%	\$28,671.72	\$18,149.97	\$46,821.68	\$64,971.65
			\$17,551.44	\$17,551.44	
11/1/2019	4.125%	\$29,868.76	\$17,551.44	\$47,420.21	\$64,971.65
			\$16,927.93	\$16,927.93	
11/1/2020	4.125%	\$31,115.78	\$16,927.93	\$48,043.72	\$64,971.65
			\$16,278.39	\$16,278.39	
11/1/2021	4.125%	\$32,414.87	\$16,278.39	\$48,693.26	\$64,971.65
			\$15,601.73	\$15,601.73	
11/1/2022	4.125%	\$33,768.19	\$15,601.73	\$49,369.92	\$64,971.65
			\$14,896.82	\$14,896.82	
11/1/2023	4.125%	\$35,178.01	\$14,896.82	\$50,074.83	\$64,971.65
			\$14,162.48	\$14,162.48	
11/1/2024	4.125%	\$36,646.69	\$14,162.48	\$50,809.17	\$64,971.65
			\$13,397.48	\$13,397.48	
11/1/2025	4.125%	\$38,176.69	\$13,397.48	\$51,574.17	\$64,971.65
			\$12,600.54	\$12,600.54	
11/1/2026	4.250%	\$39,770.57	\$12,600.54	\$52,371.11	\$64,971.65
			\$11,770.33	\$11,770.33	
11/1/2027	4.250%	\$41,430.99	\$11,770.33	\$53,201.32	\$64,971.65
			\$10,905.46	\$10,905.46	
11/1/2028	4.250%	\$43,160.73	\$10,905.46	\$54,066.19	\$64,971.65
			\$10,004.48	\$10,004.48	
11/1/2029	4.250%	\$44,962.69	\$10,004.48	\$54,967.17	\$64,971.65
			\$9,065.88	\$9,065.88	
11/1/2030	4.250%	\$46,839.89	\$9,065.88	\$55,905.77	\$64,971.65
			\$8,088.10	\$8,088.10	
11/1/2031	4.250%	\$48,795.45	\$8,088.10	\$56,883.55	\$64,971.65
			\$7,069.49	\$7,069.49	
11/1/2032	4.250%	\$50,832.66	\$7,069.49	\$57,902.16	\$64,971.65
			\$6,008.36	\$6,008.36	
11/1/2033	4.250%	\$52,954.93	\$6,008.36	\$58,963.29	\$64,971.65
			\$4,902.93	\$4,902.93	
11/1/2034	4.250%	\$55,165.79	\$4,902.93	\$60,068.72	\$64,971.65
			\$3,751.34	\$3,751.34	
11/1/2035	4.250%	\$57,468.97	\$3,751.34	\$61,220.31	\$64,971.65
			\$2,551.68	\$2,551.68	
11/1/2036	4.250%	\$59,868.29	\$2,551.68	\$62,419.97	\$64,971.65
			\$1,301.93	\$1,301.93	
11/1/2037	4.250%	\$62,367.80	\$1,301.93	\$63,669.72	\$64,971.65
		\$1,100,000.00	\$849,149.54	\$1,949,149.54	\$1,949,149.54

COUNTY OF SUFFOLK



ML 344

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1542

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive *Thomas LaGuardia*

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

DATE: May 8, 2008

RE: C.P. 5539 – Improvements to CR 7, Wicks Road, from CR 13, Fifth Avenue to CR 67, Motor Parkway, Town of Islip

Attached are a draft resolution and duplicate copy to appropriate the sum of \$1,100,000 for land acquisition in connection with the above referenced project. There are insufficient funds included in the 2008 Capital Budget and Program for this project and, as such, an offset must be provided. It is our intent to augment the \$700,000 in land acquisition funds in the 2008 Capital Budget with \$400,000 in construction funds from C.P. 5039.

CR 7, Wicks Road is a heavily traveled minor arterial servicing approximately 18,000 vehicles per day. The property adjacent to the roadway is primarily residential with the exception of the western campus of Suffolk County Community College and several private and parochial schools. The corridor has traffic operational problems that require mitigation. Portions of the roadway are single lane. The increase of traffic in this area, due to the expansion of college enrollment and population growth, supports the need for traffic mitigation measures.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP 5539.doc".

TL:WH:er
attach.

cc: Jim Morgo, Chief Deputy County Executive
 Brendan Chamberlain, County Executive Assistant
 Carmine Chiusano, Chief Financial Analyst
 William Hillman, P.E., Chief Engineer
 William Chandler, Capital Program Manager
 Linda Brandolf, CPA, Capital Accounting
 James Bagg, Chief Environmental Analyst

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Intro Res. No. 1543-08
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 6/10/08

RESOLUTION NO. -2008, APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE RECONSTRUCTION OF THE INTERSECTION AT C.R. 19, PATCHOGUE-HOLBROOK ROAD AND C.R. 90, FURROWS ROAD, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK (C.P. 5128)

WHEREAS, the Department of Public Works of the County of Suffolk has prepared maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF THE INTERSECTION AT C.R. 19, PATCHOGUE-HOLBROOK ROAD AND C.R. 90, FURROWS ROAD, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK"; and

WHEREAS, on March 23, 2007, the County of Suffolk as Lead Agency, issued a SEQRA determination of non-significance for the project in Adopted Resolution No. 242-2007 and SEQRA is complete; and

WHEREAS, pursuant to Adopted Resolution No. 304-2007, the Department of Public Works was directed to hold public hearings; and

WHEREAS, notice of said hearing was duly published in Newsday, a daily newspaper of general circulation in the locality under consideration; and in the Smithtown News and the Long Island Business News, said newspapers being the current official County newspapers of the County of Suffolk; and the Islip Bulletin, the official town newspaper situated in the locality where the public project is located; and

WHEREAS, a public hearing was duly held on January 25, 2008, for the following purposes:

- A. To inform the public
- B. To review the public use to be served by the above-entitled project.
- C. To determine the impact upon the environment and upon residents of the locality of the project.
- D. To review possible alternative locations.
- E. To authorize the acquisition of said properties for the public purpose as set forth in the title herein; and

WHEREAS, all persons in attendance desiring to be heard on the project were given an opportunity to be heard and to present written statements; and

WHEREAS, Determinations and Findings pursuant to Section 204 of the New York State Eminent Domain Procedure Law were duly made and filed in the Office of the Clerk of the Suffolk County Legislature on April 4, 2008, pursuant to Adopted Resolution No. 304-2007; and

WHEREAS, a brief synopsis thereof was duly published in two successive issues in the Smithtown News and the Long Island Business News, said newspapers at the time of publication being the current official County newspapers of the County of Suffolk; and the Islip Bulletin, which, at the time of publication was the current official town newspaper situated in the locality where the public project is located, together with the publication thereof in five successive issues of Newsday, a daily newspaper of general circulation; and

WHEREAS, the maps of this project were duly filed with the Clerk of the Suffolk County Legislature on April 4, 2008, pursuant to Adopted Resolution No. 307-2007; now therefore, be it

1. **RESOLVED** that the Findings and Determinations heretofore filed with the Clerk of the Suffolk County Legislature on April 4, 2008, and the recommendations contained therein be and the same are hereby adopted and approved; and be it further

2. **RESOLVED**, that the maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE RECONSTRUCTION OF THE INTERSECTION AT C.R. 19, PATCHOGUE-HOLBROOK ROAD AND C.R. 90, FURROWS ROAD, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK", being the maps heretofore filed with the Clerk of the Suffolk County Legislature on April 4, 2008, pursuant to Adopted Resolution No. 307-2007, be and the same are hereby approved and adopted; and be it further

3. **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to proceed pursuant to its Rules, Regulations, and Procedures, and Article 3 of the New York State Eminent Domain Procedure Law, to appraise the estates to be acquired and to make offers to the Condemnees by means of the "one offer" system as set forth in the Rules, Regulations, and Procedures of the Suffolk County Department of Public Works and Article 3 of the New York State Eminent Domain Procedure Law; and be it further

4. **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to acquire the properties set forth in the aforesaid maps herein; said acquisition to be in the name of the County of Suffolk; and be it further

5. **RESOLVED**, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

6. **RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized and permitted to make the aforesaid acquisition of said lands from the Condemnees by negotiation, purchase, and conveyance; and in the event that the Suffolk County Department of Public Works is unable to acquire said property by negotiation, purchase and conveyance, it is hereby authorized, permitted, and directed to acquire said property pursuant to the Eminent Domain Procedure Law; and be it further

7. **RESOLVED**, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

8. **RESOLVED**, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1543

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
<p>RESOLUTION NO. -2008, APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE RECONSTRUCTION OF THE INTERSECTION AT C.R. 19, PATCHOGUE-HOLBROOK ROAD AND C.R. 90, FURROWS ROAD, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK (C.P. 5128)</p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 20px; display: inline-block; margin: 5px;">County</div>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
2009		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		May 22nd , 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1543

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

1543
ML 345

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
FROM: *Thomas Laguardia*
Gilbert Anderson, P.E., Commissioner
DATE: May 8, 2008
RE: RECONSTRUCTION OF THE INTERSECTION AT C.R. 19, PATCHOGUE-
HOLBROOK ROAD AND C.R. 90, FURROWS ROAD, TOWN OF ISLIP,
SUFFOLK COUNTY, NEW YORK (C.P. 5128)

Attached is a draft resolution and one duplicate copy approving the Findings & Maps and authorizing the County to condemn properties situated in the Town of Islip, Suffolk County, New York. The purpose of this resolution is to approve the Hearing Officer's Findings and authorize the acquisition of land for this DPW project. Approval of this resolution is required by the New York State Eminent Domain Procedure Law before the Condemnation may proceed.

This project will provide separate left-turn and right-turn lanes on CR 90, Furrows Road. The existing cross-section of a combination left and thru lane plus a separate right-turn lane in both directions on CR 90 is producing operational problems due to an increased number of east-west left turns. This project will provide one left-turn lane, one thru lane and one right-turn lane on the eastbound and westbound approaches to the intersection. This would mitigate the current operational problems.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CR 19 Reconstruction - CP 5128"

GA:WH:gjm
Attach. (4)

cc.: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Budget Analyst
William Hillman, P.E., Chief Engineer
William Chandler, Capital Program Manager
Geoff Mascaro, Property Management Administrator
Eileen Reilly, Administrator I

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1544

Intro. Res. No. -2008

Laid on Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH PLANNING FOR THE BAY TO SOUND INTEGRATED TRAILS INITIATIVE – LAND STEWARDSHIP PROJECT (CP 8713)

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

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

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

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

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

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

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

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this project constitutes a Type II action, pursuant to Section 617.5 (c) (20), (21) and (27) of Title 6 of the NYCRR and within the meaning of Section 8-0109 (2) of the New York Environmental conservation Law as promulgation of regulations, rules, policies, procedures, and Legislative decisions in connection with continuing agency

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

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

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

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

EXPENDITURES:

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

and be it further

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

REVENUES:

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

and be it further

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

Project No.: 8713
Project Title: Land Stewardship Project

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
1. Planning	\$35,000	\$0.00	\$ 35,000 W
TOTAL	\$35,000	\$0.00	\$ 35,000

and be it further

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

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

and be it further

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

DATED:

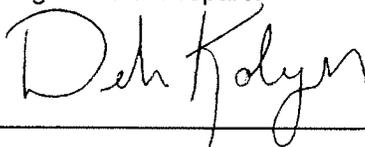
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1544

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH PLANNING FOR THE BAY TO SOUND INTEGRATED TRAILS INITIATIVE PROJECT (CP 8713)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
THIS RESOLUTION TRANSFERS FUNDS FROM FUND477, WATER QUALITY PROTECTION, TO FUND 525-THE CAPITAL FUND AND APPROPRIATES THESE FUNDS IN CAPITAL PROJECT 8713-LAND STEWARDSHIP		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Fund 477 Water Quality		
9. Timing of Impact		
UPON ADOPTION		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
DEBRA KOLYER PRINCIPAL FINANCIAL ANALYST		May 29, 2008

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

1544

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1544

ML 346

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT
AND ENERGY

May 12, 2008

Mr. Ben Zwirn
Deputy County Executive
H Lee Dennison Bldg. Fl. 12
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Enclosed for your approval are the original and one (1) copy of the proposed resolution pursuant to:

“Planning for the Bay to Sound Integrated Trails Initiative Project”

The Suffolk County Water Quality Review Committee, at its April 24, 2008 meeting, approved the “Bay to Sound Integrated Trails Initiative” submitted by the Suffolk County Department of Parks, Recreation and Conservation as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship funds. This resolution for the planning stage is in the amount of \$35,000.

After your examination please place this on the Legislative Agenda as soon as possible.

Sincerely,

Carrie Meek Gallagher
Commissioner SC Department of Environment & Energy

Enc.

cc: Jim Morgo, Chief Deputy County Executive

1545

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

Laid on Table 6/10/08

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

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

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

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

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

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

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

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

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

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

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

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

EXPENDITURES:

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

and be it further

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

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

and be it further

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

Project No.: 8713
Project Title: Land Stewardship Project

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

and be it further

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

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8713.111	Long Island Native Grass Initiative – Land Stewardship Project	\$22,700

and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1545

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH A LONG ISLAND NATIVE GRASS INITIATIVE-LAND STEWARDSHIP PROJECT (CP 8713)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
THIS RESOLUTION TRANSFERS FUNDS FROM FUND477, WATER QUALITY PROTECTION, TO FUND 525-THE CAPITAL FUND AND APPROPRIATES THESE FUNDS IN CAPITAL PROJECT 8713-LAND STEWARDSHIP		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Fund 477 Water Quality		
9. Timing of Impact		
UPON ADOPTION		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
DEBRA KOLYER PRINCIPAL FINANCIAL ANALYST		May 29, 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1545

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



ML 348

1545

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT
AND ENERGY

May 12, 2008

Mr. Ben Zwirn
Deputy County Executive
H Lee Dennison Bldg. Fl. 12
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Enclosed for your approval are the original and one (1) copy of the proposed resolution pursuant to:

“Long Island Native Grass Initiative”

The Suffolk County Water Quality Review Committee, at its April 24, 2008 meeting, approved “Long Island Native Grass Initiative” submitted by the Suffolk County Soil and Water Conservation District as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship funds, in an amount not to exceed \$22,700.

After your examination please place this on the Legislative Agenda as soon as possible.

Sincerely,

Carrie Meek Gallagher
Commissioner SC Department of Environment & Energy

Enc.

cc: Jim Morgo, Chief Deputy County Executive

Intro. Reso. No. 1546-08

Laid on Table 6/10/08

Introduced by the Presiding Officer on request of County Executive

RESOLUTION NO. -2008, ACCEPTING & APPROPRIATING A GRANT IN THE AMOUNT OF \$300,000.00 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, FOR THE SUFFOLK COUNTY POLICE DEPARTMENT SMART (SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING) 07 PROGRAM WITH 86% SUPPORT

WHEREAS, the United States Department of Justice, Office of Justice Programs has made \$300,000.00 in grant funds available to Suffolk County that will allow the Suffolk County Police Department's Special Victims Section to enhance its ability to monitor and ensure sex offender compliance with SORNA (the Sex Offender Registration and Notification Act) pursuant to the expanded requirements of Megan's Law Legislation and the Adam Walsh Act; and

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

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

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

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

REVENUE:	<u>Amount</u>
001-4334-Federal Aid: SMART 07 Program	\$300,000
ORGANIZATIONS:	
	Police Department (POL)
	SMART 07 Program
	001-POL-3268
<u>1000-Personal Services</u>	<u>\$288,844</u>
1120-Overtime Salaries	288,844
<u>2000-Equipment</u>	<u>\$ 3,007</u>
2500-Other Equipment Not Otherwise	3,007
<u>3000-Supplies Materials & Others</u>	<u>\$ 3,540</u>
3010-Office Supplies	540
3160-Computer Software	3,000

Employee Benefits
Social Security
001-EMP-9030

8000-Employee Benefits
8330-Social Security

\$ 4,609
4,609

and be it further

2nd RESOLVED that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the United States Department of Justice, Office of Justice Programs.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1546

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
Resolution X Local Law Charter Law

2. Title of Proposed Resolution
Accepting & Appropriating a grant in the amount of \$300,000.00 from the United States Department of Justice, Office of Justice Programs, for the Suffolk County Police Department SMART (Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking) 07 Program with 86% support.

3. Purpose of Proposed Legislation
To accept \$300,000.00 from the United States Department of Justice, Office of Justice Programs which will enable the Suffolk County Police Department's Special Victims Section to enhance their ability to monitor and ensure the compliance of the sex offenders in their jurisdiction with SORNA (the Sex Offender Registration and Notification Act) pursuant to the expanded requirements of Megan's Law Legislation and the Adam Walsh Act.

4. Will the Proposed Legislation have a fiscal impact? Yes No X

5. If the answer to Item 4 is "Yes," on what will it impact?
(Circle appropriate category)

County	Town	Economic Impact
Village	School District	Other (specify):
Library District	Fire District:	

6. If answer to Item 5 is "Yes," provide detailed explanation of impact:
The County will have \$300,000.00 available to allow the Suffolk County Police Department's Special Victims Section to enhance its monitoring of the sex offenders in its jurisdiction to ensure that these offenders comply with the sex offender requirements dictated by SORNA, Megan's Law and the Adam Walsh Act.

7. Total financial Cost of Funding over 5 years on each affected political or Other Subdivision:
Continuance of this program will be re-evaluated based on availability of outside funding, community needs, and resources available within the Police Department.

8. Proposed Source of Funding
United States Department of Justice, Office of Justice Programs

9. Timing of Impact
Immediate

10. Typed Name & Title of Preparer Sarah Furey Senior Grants Analyst	11. Signature of Preparer 	12. Date 5/12/08 5/20/08
----------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------	--------------------------------

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1546

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK

MAY 12 2008



1546

STEVE LEVY
COUNTY EXECUTIVE

RICHARD DORMER
POLICE COMMISSIONER

POLICE DEPARTMENT

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Suffolk County Executive's Office

FROM: Edward Webber, Chief of Support Services *EW*
Suffolk County Police Department

DATE: May 12, 2008

SUBJECT: Resolution Packets & SCIN Forms for
The SMART 07 Program Grant Award
DOJ Project# 2008-DD-BX-0057

Attached please find two copies of the following for the Department of Justice, Office of Justice Programs SMART grant program.

1. Grant Resolution.
2. Grant SCIN Forms.
3. Request for Introduction of Legislation.
4. Financial Impact Statement.
5. Copy of the Contract between the Department of Justice and Suffolk County.

Copies of this packet are also being forwarded to the Federal and State Aid Claims Unit for review. Electronic copies of the resolution and SCIN forms will be transmitted to CE RESO REVIEW. The original grant contract will be submitted for signature upon approval of the resolution.

If you have any questions concerning this resolution package, please contact Sarah Furey, Senior Grants Analyst, at 852-6042 or Susan C. Krause, Grants Technician, at 852-6601.

Thank you for your assistance with this project.

EW/sck
Att.

cc: Jim Morgo, Chief Deputy County Executive
Don Fahey, Federal & State Aid Claims Coordinator



ACCREDITED LAW ENFORCEMENT AGENCY

www.joinscpd.com

30 YAPHANK AVENUE, YAPHANK, NEW YORK 11980 – (631) 852-6000





Department of Justice
Office of Justice Programs

Grant

PAGE 1 OF 2

1546

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) County of Suffolk 100 Veterans Memorial Highway Hauppauge, NY 11788		4. AWARD NUMBER: 2008-DD-BX-0057	
		5. PROJECT PERIOD: FROM 04/01/2008 TO 03/31/2009 BUDGET PERIOD: FROM 04/01/2008 TO 03/31/2009	
1A. GRANTEE IRS/VENDOR NO. 116000468		6. AWARD DATE 04/14/2008	7. ACTION Initial
		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Suffolk County Police Department Special Victims Section Sex Offender Registration Enforcement Enhancement		10. AMOUNT OF THIS AWARD \$ 300,000	
		11. TOTAL AWARD \$ 300,000	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY07(SMART - T&TA) 42 USC 16901 et seq.; Pub. L. No. 110-5 embedded secs. 101-104; Pub L. No. 109-108, 119 Stat. 2290, 2300; 42 USC 3760 - 3762a as in effect on Sept. 30, 2006; 28 USC 530C			
15. METHOD OF PAYMENT PAPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Jeffrey L. Sedgwick Acting Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Jeffrey Szabo Deputy County Executive	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B D6 80 00 00 300000		21. GD6BGT0027	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice
Office of Justice Programs

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 2

1546

PROJECT NUMBER 2008-DD-BX-0057

AWARD DATE 04/14/2008

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. All contracts under this award should be competitively awarded unless circumstances preclude competition. When a contract amount exceeds \$100,000 and there has been no competition for the award, the recipient must comply with rules governing sole source procurement found in the current edition of the OJP Financial Guide.
6. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
7. The recipient agrees to submit quarterly financial status reports to the Office of Justice Programs using Standard Form SF 269A on the Internet at <https://grants.ojp.usdoj.gov>. These reports shall be submitted on-line not later than 45 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the grant period.
8. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on line-through the Internet at <https://grants.ojp.usdoj.gov/>.
9. No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee of the grantee whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year.
10. The applicant budget is pending review or approval. The recipient may not obligate, expend or draw down any grant funds until the Office of the Chief Financial Officer, Office of Justice Programs has issued clearance of the application budget, and a Grant Adjustment Notice has been issued removing this special condition.
11. To ensure compliance with the Government Performance and Results Acts (GPRA), Public Law 103-62, OJP requires the grant recipient to collect and report data that measures the results of the program implemented with this grant. The performance measures can be found at <http://www.ojp.usdoj.gov/BJA/grant/07AWAImplSol.pdf>. This data must be included as part of the grantee's categorical assistance progress report submitted on GMS for each reporting period.



Department of Justice
Office of Justice Programs

*Sex Offender Sentencing, Monitoring, Apprehending,
Registering and Tracking Office*

1546

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Dawn Doran, Deputy Director

Subject: Categorical Exclusion for County of Suffolk

The recipient agrees to assist SMART in complying with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds either directly by the recipient or by a subrecipient. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds and, if so, to advise SMART and request further NEPA implementation guidance. Recipient understands that this special condition applies to its activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are: a). new construction; b). minor renovation or remodeling of a property either: (1) listed on or eligible for listing on the National Register of Historic Places or; (2) located within a 100-year flood plain; c). a renovation, lease, or any other proposed use of a building or facility that will either; (1) result in a change in its basic prior use or; (2) significantly changes its size and; d). implementation of a new program involving the use of chemicals other than chemicals that are: (1) purchased as an incidental component of a funded activity and; (2) traditionally used, for example, in office, household, recreational, or education environments.



Department of Justice
Office of Justice Programs
Sex Offender Sentencing, Monitoring,
Apprehending, Registering and
Tracking Office

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER

2008-DD-BX-0057

PAGE 1 OF 1

This project is supported under FY07(SMART - T&TA) 42 USC 16901 et seq.; Pub. L. No. 110-5 embedded secs. 101-104; Pub L. No. 109-108, 119 Stat. 2290, 2300; 42 USC 3760 - 3762a as in effect on Sept. 30, 2006; 28 USC 530C

1546

1. STAFF CONTACT (Name & telephone number)

Jacqueline O'Reilly
(202) 514-5024

2. PROJECT DIRECTOR (Name, address & telephone number)

Sarah Furey
Senior Grants Analyst
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, NY 11788
(631) 852-6042

3a. TITLE OF THE PROGRAM

SMART FY 08 Office Support for the Adam Walsh Act Implementation Grant Program

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

Suffolk County Police Department Special Victims Section Sex Offender Registration Enforcement Enhancement

5. NAME & ADDRESS OF GRANTEE

County of Suffolk
100 Veterans Memorial Highway
Hauppauge, NY 11788

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 04/01/2008 TO: 03/31/2009

8. BUDGET PERIOD

FROM: 04/01/2008 TO: 03/31/2009

9. AMOUNT OF AWARD

\$ 300,000

10. DATE OF AWARD

04/14/2008

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248, 42 U.S.C. § 16901, et seq) authorizes the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office to implement a Sex Offender Management Assistance program (SOMA). SOMA grants assist state, local and tribal jurisdictions in implementing and/or enhancing sex offender registration and notification programs which support compliance with Title I of the AWA, known as the Sex Offender Registration and Notification Act (SORNA). SORNA was enacted to protect the public from convicted sex offenders and offenders against children by establishing a comprehensive national system for the registration of those offenders.

The Suffolk County Police Department will implement a multi-faceted project that will ensure sex offender registration compliance, improve the existing infrastructure, and permit perpetuation of this system into the foreseeable future. This project will support staff hours, overtime, training, and unit infrastructure management with reference to sex offender record-keeping. The Special Victims Section Offices (SVSO) will ensure registration compliance through conducting address verifications of all registered sex offenders. The program will utilize commercial data mining technology that will further assist the SVSO in identifying possible non-compliant sex offender and result in offender accountability.

C/NCF

1546

COORDINATION OF GRANT APPLICATION OR CONTRACT County of Suffolk		DATE 9/17/2007 REV 5/12/2008
Submitting Department/Agency Suffolk County Police Department	Location 30 Yaphank Avenue, Yaphank 1546	
Contact Person In Department/Agency Sarah Furey Sr. Grants Analyst	Telephone Number 852-6042	Grant Application Due Date N/A

Instructions: Applicant will complete all items on this form. If an item is not applicable, enter "NA". If additional space is needed, insert an asterisk (*) in the item box and attach additional information on an 8 1/2" X 11" sheet cross referenced to the item.

I. BACKGROUND INFORMATION

1. Grant Title **SMART 07 Program**

2. Statutory Legislation (Public Law No. & Title & Department Administering Grant Program) Omnibus Crime Control and Safe Streets Act of 1968, as amended, Title I; 42 U.S.C. 50 et seq.; Crime Control Act of 1990, Public Law 101-647 administered by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office.

3. Grant/Contract Status (Check One Box)
 A. New Program Application
 B. Renewal Application
 C. Supplemental (Specify) _____
 D. Extension of Funding Period
 E. Contract

4. General Purpose of Grant/Contract (Describe briefly. If it is a refunding, please attach a recent progress report, including summary of goal attainment).
 Grant funding will allow the Special Victims Section of the Suffolk County Police Department to enhance its ability to monitor and ensure that the sex offenders in its jurisdiction comply with SORNA (the Sex Offender Registration and Notification Act) pursuant to the expanded requirements of Megan's Law legislation and The Adam Walsh Act.

5. County Departments/Agencies Affected (Include any with similar operational programs, regardless of their eligibility for this program.) Police Department

II. BUDGET INFORMATION

1. Term of Contract From 04/01/2008 To: 3/31/2009

2. Financial Assistance Requested

SOURCE	FIRST FUNDING CYCLE		SECOND FUNDING CYCLE		THIRD FUNDING CYCLE	
	Amount	Percent	Amount	Percent	Amount	Percent
Federal	\$300,000.00	86%	\$	%	\$	%
State	\$	%	\$	%	\$	%
Private	\$	%	\$	%	\$	%
County	\$48,456.00	14%	\$	%	\$	%
Total	\$348,456.00	100%	\$	%	\$	%

**Additional back-up material regarding I.R. 1546 is on file in
the Legislative Clerk's Office, Hauppauge.**

1547
Intro. Res. No. - 2008 Laid on Table
Introduced by Presiding Officer on request of the County Executive

6/10/08

**RESOLUTION NO. -2008, AUTHORIZING THE
EXTENSION OF THE LEASE OF PREMISES LOCATED
AT 395 OSER AVENUE, HAUPPAUGE, NY FOR USE BY
THE DEPARTMENTS OF LABOR, PROBATION AND
SOCIAL SERVICES**

WHEREAS, the Departments of Labor, Probation and Social Services are occupying and using 395 Oser Avenue in Hauppauge, New York pursuant to a Lease Agreement with the landlord, Rep 395 Oser Avenue LLC, which expired on October 31, 2007; and

WHEREAS, the Departments desires to continue the use of the leased premises for fifteen (15) years, with an annual rent of \$742,500 in the first year of the extension and an annual escalation of three (3) percent thereafter; and

WHEREAS, the landlord has expressed its willingness to facilitate the uninterrupted and continued operation of this base of operations at this location by agreeing to extend the lease through October 31, 2022; and

WHEREAS, the Space Management Steering Committee recommended the approval of this lease at its meeting held on April 17, 2008; and

WHEREAS, sufficient funds are included in the 2008 Operating Budget for lease payments to be made in connection with the premises; now, therefore, be it

1ST RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.59(c)(20) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-109 of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this law; and be it further

2ND RESOLVED, that the County Executive be and hereby is authorized to execute a fifteen (15) year Lease Extension, in accordance with the terms and conditions of this resolution and in substantial conformance with the form annexed.

DATED:

County Executive of Suffolk County
Date of Approval:

Suffolk County Form 22
Contractor's/Vendor's Public Disclosure Statement

MAY 30 2008

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Pursuant to Section A5-7 of the Suffolk County Administrative Code, this Public Disclosure Statement must be completed by all contractors/vendors that have a contract with Suffolk County. In the event contractor/vendor is exempt from completing paragraphs numbered 1 through 11 below, so indicate at paragraph number 12 below setting forth the reason for such exemption. Notwithstanding such exempt status, you must execute this form below before a notary public.

1. Contractor's/Vendor's Name REP 395 Oser Avenue LLC
Address 225 Broadhollow Road
City and State Melville, New York Zip Code 11747
2. Contracting Department's Name _____
Address _____
3. Payee Identification or Social Security No. 26-0350763
4. Type of Business Corporation Partnership Sole Proprietorship Other
- 5.a Is contractor/vendor entering into or has contractor/vendor entered into a contract with Suffolk County in excess of \$1,000? Yes No.
- 5.b Has contractor/vendor entered into three or more contracts, including the one for which you are now completing this form, with Suffolk County, any three of which, when combined, exceed \$1,000? Yes No.
6. Table of Organization. List names and addresses of all principals; that is, all individuals serving on the Board of Directors or comparable body, names and addresses of all partners, and names and addresses of all corporate officers. Conspicuously identify any person in this table of organization who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary.)
Donald Rechler, Mitchell Rechler and Gregg Rechler, all having an address at c/o Rechler Equity Partners, 225 Broadhollow Road, Melville, New York 11747.
7. List all names and addresses of those individual shareholders holding more than five percent (5%) interest in the contractor/vendor. Conspicuously identify any shareholder who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary).
Rechler Equity I LLC
8. Does contractor/vendor derive 50% or more of its total revenues from its contractual or vendor relationship with Suffolk County? Yes No.
9. _____
10. The undersigned shall include this Contractor's/Vendor's Public Disclosure Statement with the contract. (Describe general nature of the contract.) Lease Agreement
11. **Remedies.** The failure to file a verified public disclosure statement as required under local law shall constitute a material breach of contract. Suffolk County may resort, use or employ any remedies contained in Article II of the Uniform Commercial Code of the State of New York. In

Deleted: If you answered yes to 8 above, you must submit with this disclosure statement, a complete financial statement listing all assets and liabilities as well as a profit and loss statement. These statements must be certified by a Certified Public Accountant. (Strike this out if not applicable.)

addition to all legal remedies, Suffolk County shall be entitled, upon a determination that a breach has occurred, to damages equal to fifteen percent (15%) of the amount of the contract.

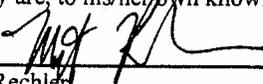
12. If you are one of the entities listed below at a) through c) or you qualify under d) below, you are exempt from completing paragraphs numbered 1 through 11 herein:

- a) Hospital
- b) Educational or governmental entities
- c) Not-for-profit corporations
- d) Contracts providing for foster care, family day-care providers or child protective services

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Please check to the left side of the appropriate exemption.

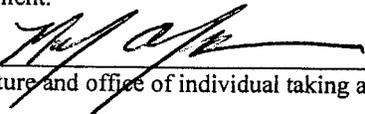
13. **Verification.** This section must be signed by an officer or principal of the contractor/vendor authorized to sign for the company for the purpose of executing contracts. The undersigned being sworn, affirms under the penalties of perjury, that he/she has read and understood the foregoing statements and that they are, to his/her own knowledge, true.

Dated: May, 9 2008 Signed: 
 Printed Name of Signer: Mitchell Rechler
 Title of Signer: Managing Member
 Name of Contractor/Vendor: REP 395 Oser Avenue LLC

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT
(Within New York State)

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

On the 9th day of May in the year 2008 before me, the undersigned, personally appeared Mitchell Rechler personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(signature and office of individual taking acknowledgement)

MARK O'LOUGHLIN
Notary Public State of New York
No. 01OL6180907
Qualified in Suffolk County
Commission Expires Jan. 22, 2012

UNIFORM CERTIFICATE OF ACKNOWLEDGEMENT
(Without New York State)

1547

STATE OF)
)ss.:
COUNTY OF)

On the _____ day of _____ in the year 2008 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual(s) made such appearance before the undersigned in _____

(Insert the city or other political subdivision and the state or country or other place the acknowledgement was taken)

(signature and office of individual taking acknowledgement)

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County Executive of Suffolk County
Date of Approval:

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IN WITNESS WHEREOF, the parties hereto have caused this Amended and Restated Lease Agreement to be executed and delivered as of the date first set forth above.

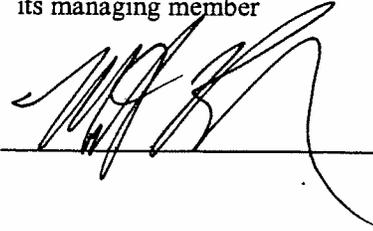
LESSOR

COUNTY

REP 395 OSER AVENUE LLC

COUNTY OF SUFFOLK

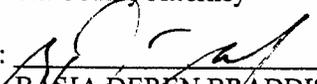
By: Rechler Equity I, LLC,
its managing member
By: Rechler Equity MMI, LLC
its managing member
By: Rechler Equity LLC,
its managing member

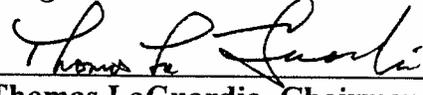
By: 
Name: _____
Title: _____
Date: _____

By: _____
Name: **Jeffrey W. Szabo**
Title: **Deputy County Executive**
Date: _____

APPROVED AS TO LEGALITY:
CHRISTINE MALAFI
Suffolk County Attorney

~~Department of Space Management~~
Steering Committee

By: 
BASIA DEREN BRADDISH
Title: Assistant County Attorney
Date: 5/19/08

By: 
Thomas LaGuardia, Chairman
Date: 5/19/08

MAY 30 2008

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AMENDED AND RESTATED LEASE AGREEMENT

between

REP 395 OSER AVENUE LLC as LESSOR

and

COUNTY OF SUFFOLK

as COUNTY

Date: _____, 2008

Premises: 395 Oser Avenue, Hauppauge, New York

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AMENDED AND RESTATED LEASE AGREEMENT

THIS AMENDED AND RESTATED LEASE AGREEMENT ("Amended and Restated Lease Agreement") made as of the ___ day of March, 2008, between REP 395 OSER AVENUE LLC, a limited liability corporation, organized and existing under the laws of the State of Delaware, with an address at c/o Rechler Equity Partners, 225 Broadhollow Road, Melville, New York 11731 ("LESSOR"), and the COUNTY OF SUFFOLK, a municipal corporation with an address at County Center, Riverhead, New York 11901 ("COUNTY"), acting through its duly constituted Department of Social Services ("Social Services"), located at 3085 Veterans Memorial Highway, Ronkonkoma, New York 11779, Department of Probation ("Probation"), located at Yaphank Avenue, Yaphank, New York 11980, and Department of Labor ("Labor"), located at Bldg. 17, North Complex, Hauppauge, New York 11788.

WHEREAS, RREEF USA FUND I (a predecessor-in-interest to LESSOR), and Lessee, entered into an Agreement of Lease dated as of June 28, 1989, as amended by that certain Amended and Restated Lease Agreement of lease dated as of September 28, 1995 (collectively, the "Existing Lease"), pursuant to which, the COUNTY currently leases 49,500 square feet of space (the "Demised Premises") in the building now known as RexCorp Plaza, Uniondale, New York (the "Building"); and

WHEREAS, LESSOR and the COUNTY desire to restate, amend and supersede the Existing Lease effective as of November 1, 2007 (the "Effective Date"), except that, only as and in the manner expressly noted in this lease, certain specific terms and provisions of this lease shall be given effect prior to the Effective Date (and shall merely supplement the terms and provisions of the Existing Lease). The parties expressly acknowledge and agree that the terms and provisions of the Existing Lease shall continue to govern the relationship of LESSOR and the COUNTY with respect to the Demised Premises through and including October 31, 2007.

NOW, THEREFORE, LESSOR and the COUNTY, in consideration of the mutual covenants contained herein, hereby restate and amend the Existing Lease upon the terms, covenants and conditions set forth below:

WITNESSETH:

SECTION 1. DESCRIPTION

Section 1.01 LESSOR currently leases and, in consideration of and subject to the terms, covenants, agreements, provisions, conditions, and limitations set forth in this Amended and Restated Lease Agreement, hereby agrees to continue to lease to COUNTY approximately 49,500 square feet of building space and related facilities, improvements, and permanent installations constructed and installed in accordance with this Amended and Restated Lease Agreement on approximately 5.998 acres located at 395 Oser Avenue, Hauppauge New York, as shown in the legal description and survey attached to the original lease dated June 28, 1989, and further identified as:

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<u>S.C. Tax Map No.</u>	<u>Dist.</u>	<u>Sect.</u>	<u>Blk</u>	<u>Lot</u>
	800	182	01	033.080

The building and related facilities, property improvements, permanent installations, and the land on which the building is sited hereinafter are collectively referred to as the "Premises."

SECTION 2. PURPOSE

Section 2.01 The parties acknowledge that COUNTY is a municipal corporation and is entering into and executing this Amended and Restated Lease Agreement by virtue of the authority of Suffolk County Resolution No. ____ - 2008, dated the ____ day of _____, 2008 (the "Resolution"), for the use, purpose, and intent expressed in the Resolution, that the Resolution is incorporated herein by reference, and further that LESSOR has examined the Resolution and is fully aware of its intended purpose. COUNTY acknowledges and agrees to use the Premises as specified in the Resolution as offices for Labor, Probation and Social Services, or other lawful municipal purpose. LESSEE will not at any time use or occupy the Premises in violation of the certificate of occupancy issued for the Premises. Notwithstanding anything contained to the contrary herein, Lessee shall not use the Demised Premises for any of the following uses: (a) methadone or drug rehabilitation center or facility; (b) a detention center, holding facility or prison; (c) residential-type uses or the operation of a daycare facility(ies); (d) any use which would involve the generation, storage, transport or processing of Hazardous Materials.

Section 2.02 LESSOR warrants that it holds such title to or other interest in the Premises and other property as is necessary to give and fully provide the COUNTY with access to the Premises and full use and enjoyment thereof in accordance with the provisions of this Amended and Restated Lease Agreement.

Section 2.03 LESSOR warrants that the intended use of the Premises is a permitted use under LESSOR's title to the Premises and that LESSOR knows of no covenant, restriction, or other agreement which would prevent such use or occupancy. LESSOR further certifies that no covenants, restrictions, or other impediments to title have been added since the date of the issuance of the title insurance policy which would adversely interfere with LESSEE'S use of the Premises.

SECTION 3. TERM

Section 3.01 The term of this Amended and Restated Lease Agreement and COUNTY's obligation to pay rent shall be deemed to have commenced upon the expiration of the prior lease, November 1, 2007 (the "Commencement Date"). The "Term" of this Amended and Restated Lease Agreement shall expire on February 1, 2028 (the "Expiration Date"), or on such earlier date as this Amended and Restated Lease Agreement may terminate or expire as provided for herein; provided, however, that if such date does not fall on a "Business Day," defined below, then this Amended and Restated Lease Agreement shall end on the next Business Day.

For the purposes of this Amended and Restated Lease Agreement and all agreements supplemented to this Amended and Restated Lease Agreement, the term "Business Day" means any day except a Saturday, a Sunday, or any day in which commercial banks are required or authorized to close in Suffolk County, New York.

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SECTION 4. RENT

Section 4.01 “Annual Base Rent” for the Premises for the first year of the Term shall be \$742,500.00 per year, beginning on the Commencement Date.

Section 4.02 Commencing on the first anniversary date of the Commencement Date, and on each anniversary date thereafter, Annual Base Rent shall increase by 3% over the Annual Base Rent in the preceding year.

Section 4.03 The sum of the amounts set forth in *Sections 4.01* and *4.02*, “Total Annual Rent” for the Premises, shall be payable by the COUNTY to REP 395 OSER AVENUE LLC, at LESSOR’s address first set forth above, or at such other place designated by LESSOR in writing, in equal monthly installments, in advance, on the first day of each calendar month during the Term, except, however, the first monthly payment shall be payable within thirty (30) days of the COUNTY’s receipt of a signed voucher, in accordance with *Section 4.04* below. Partial months shall be prorated. The Total Annual Rent for the Term of the Amended and Restated Lease Agreement shall be as follows:

Total Annual Rent for the Premises

Year 1 \$742,500.00	Year 11 \$997,857.96
Year 2 \$764,775.00	Year 12 \$1,027,793.64
Year 3 \$787,718.28	Year 13 1,058,627.52
Year 4 \$811,349.76	Year 14 \$1,090,386.24
Year 5 \$835,690.32	Year 15 \$1,123,097.88
Year 6 \$860,760.96	Year 16 \$1,156,790.76
Year 7 \$886,583.88	Year 17 \$1,191,494.52
Year 8 \$913,181.40	Year 18 \$1,227,239.40
Year 9 \$940,576.80	Year 19 \$1,264,056.60
Year 10 \$968,794.08	Year 20 \$1,301,978.28

Section 4.04 LESSOR recognizes that COUNTY is a municipal corporation whose financial obligations are strictly regulated by statute. The duly constituted rules, regulations, and proceedings of said municipality require that the payment of Total Annual Rent shall only be made in accordance with such statutes. As part of said procedures, it is necessary that LESSOR submit vouchers provided by COUNTY for the payment of Total Annual Rent hereinabove provided, and any other reasonable documentation as may be required by COUNTY for payment of Expenses, as defined in *Section 4.05*, or other charges under the terms of this Amended and Restated Lease Agreement. LESSOR hereby agrees to submit such vouchers and all reasonable documentation of Expenses or other charges timely and as may be reasonably requested by COUNTY’s Department of Audit and Control within a reasonable time after incurring the cost or expense relating to the request for payment. COUNTY agrees to deliver vouchers to LESSOR at

least ten (10) Business Days after a request from LESSOR for a voucher(s) to be submitted for payment of an Expense. Failure to submit the vouchers within a reasonable time of the cost or expense being incurred shall constitute grounds for the COUNTY to deny payment for the same. If COUNTY fails to deliver the vouchers as required hereunder, then LESSOR shall not be required to submit the undelivered vouchers as a condition to its right to receive any payment to which such voucher relates, and the failure of LESSOR to submit such undelivered voucher to COUNTY shall not prevent or constitute a condition to LESSOR's ability to exercise its rights pursuant to **Section 23**. Once completed by LESSOR, LESSOR shall submit the vouchers to COUNTY. By submitting completed vouchers for Total Annual Rent, LESSOR shall have satisfied its obligation to request payment of Total Annual Rent hereunder for the entire calendar year

Section 4.05 Any sums, charges, fees, expenses, or amounts to be paid by COUNTY pursuant to the provisions of this Amended and Restated Lease Agreement, other than Total Annual Rent, shall be designated as and deemed to be "Expense(s)" and shall be payable by COUNTY to LESSOR, as additional rent, within ninety (90) days after LESSOR gives COUNTY written notice that such payment is due, together with a voucher, and any supporting documentation reasonably required by COUNTY, for the amount of such Expense, unless otherwise provided in this Amended and Restated Lease Agreement, except that any Expense submitted for the payment of "Real Estate Taxes," defined at *Section 5.01* shall be payable within thirty (30) days after LESSOR has given COUNTY written notice that such payment is due, together with a voucher and supporting documentation.

SECTION 5. REAL ESTATE TAXES

Section 5.01 COUNTY shall pay all Real Estate Taxes during the entire term of the Lease. The term "Real Estate Taxes" shall mean and be deemed to include all real property taxes, assessments, county taxes, transit taxes, or any other governmental charge of a similar nature whether general, special, ordinary, or extraordinary, foreseen or unforeseen, of any kind or nature whatsoever, including without limitation, assessments for public improvements or benefits. If, due to a change in the method of taxation, any franchise, income, profit, sales, rental, use and occupancy, or other tax shall be substituted for or levied against the LESSOR or any owner of the building and/or the land in lieu of Real Estate Taxes hereinabove defined, upon or with respect to the building or the land, such tax shall be included in the term "Real Estate Taxes". Nothing contained herein shall be construed to include as "Real Estate Taxes" any inheritance, estate, succession, transfer, gift franchise, corporation, income or profit tax, or capital levy that is or may be imposed upon LESSOR.

Section 5.02 Any Real Estate Taxes relating to a fiscal period of the taxing authority, a part of which period is included within the Term and a part of which is included in a period of time either before the Commencement Date or after the Expiration Date, shall be adjusted between LESSOR and COUNTY so that COUNTY shall pay only that portion of such Real Estate Taxes allocable to the portion of such fiscal period which coincides with the Term, and LESSOR shall pay the remainder thereof.

Section 5.03 COUNTY, at its own cost and expense, upon not less than thirty (30) days prior written notice to LESSOR, and provided LESSOR has not already done so, shall have the right, but not the obligation, to contest or review by legal proceedings, any Real Estate Taxes imposed upon or against the Premises. In the event that such Real Estate Taxes assessments, water rates, or other charges shall, as a result of such proceedings, whether instituted by LESSOR, its proxy, or

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COUNTY, be reduced, cancelled, set aside or to any extent discharged, COUNTY shall pay its share of the amount that shall be finally assessed or imposed against the Premises or be adjudicated to be due and payable on such disputed or contested claims, and shall receive any refund on such charges previously paid by COUNTY. In the event LESSOR brings such legal proceedings, any amount refunded to COUNTY may be reduced by the actual and customary costs and expenses incurred by LESSOR in instituting the successful proceeding.

Section 5.04 In the event that COUNTY or LESSOR shall protest or contest any Real Estate Taxes, the contesting party shall provide the other with copies of any application, petition or other papers and pleadings related to such protest or contest. The non-contesting party, at its own cost and expense, may retain co-counsel, attend all hearings and proceedings, present evidence and arguments, and generally participate in any such protest or contest of Real Estate Taxes. In the event either LESSOR or COUNTY shall protest or contest any Real Estate Taxes, the other shall cooperate with all reasonable requests of the party initiating the protest or contest with regard to the prosecution of the protest or contest.

SECTION 6. UTILITIES

Section 6.01 All costs, fees, and charges related to utility services during the Term (i.e., water, gas and electric), together with any taxes thereon, shall be a COUNTY charge and shall be paid by COUNTY directly to the applicable utility company. Other services shall be paid as indicated on the "Landlord-Tenant Responsibilities Sheet" annexed as **Exhibit A**. In the event oil or propane is used to heat the facility, an adjustment shall be made at the expiration or earlier termination of this Amended and Restated Lease Agreement for any fuel in tank at the time, as the case may be.

SECTION 7. CONDITION OF PREMISES – LESSOR'S WORK

Section 7.01 LESSOR and COUNTY acknowledge and agree that COUNTY has previously used and occupied the Premises for a continuous period and, except for the work to be provided by LESSOR expressly under the terms hereof, TENANT hereby accepts the Premises in their "as is" condition.

Section 7.02 LESSOR hereby agrees to perform work described in Exhibit B ("LESSOR's Work"), attached hereto and made a part hereof, for COUNTY's continued occupancy and in accordance with any Plans and Specifications, and Work Schedule agreed to by LESSOR and the Department of Public Works. LESSOR further represents that the construction, reconstruction, renovation, and any preparation or work required to prepare the Premises for occupancy in accordance with the terms of this Amended and Restated Lease Agreement will be in a good and workmanlike manner.

Section 7.03 LESSOR agrees that the Premises and any construction, reconstruction, or renovation of the Premises shall comply with the Americans with Disability Act, and any local and state codes; notwithstanding the foregoing, it is agreed that Landlord shall have no obligation to update the compliance of the Premises if under applicable law the Premises may remain in its current state. If the standards and guidelines conflict, the more stringent code requirements shall be followed. It is further agreed that any heating, ventilating, and/or air conditioning systems provided in connection with any new construction of the Premises shall conform to the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards.

Section 7.04 Any modification of the Plans and Specifications or Construction Schedule must be approved in writing by LESSOR and the Department of Public Works, which approval shall not be unreasonable withheld.

Section 7.05 Upon completion of each phase of LESSOR's Work, LESSOR and the Department of Public Works shall jointly inspect the completed work for the purpose of identifying any Punch List Items to be performed. The performance of Punch List Items shall be commenced and thereafter diligently pursued to completion by LESSOR within ten (10) days of its receipt of a letter and description of the Punch List Items

Section 7.06 If the Punch List Items can reasonably be completed within thirty (30) days of its receipt of the written Punch List Items and in the event LESSOR fails to complete the Punch List Items within such thirty (30) days (or if LESSOR fails to diligently pursuant the completion of a Punch List Item that cannot be reasonably completed within such thirty (30) day period), COUNTY shall be entitled to complete the Punch List Items upon providing LESSOR five (5) business days written notice of its intent to cure the Punch List Items. In the event that COUNTY completes the Punch List Items in accordance herewith, COUNTY may recover from LESSOR the actual costs of completing the same. In addition to the actual costs incurred by COUNTY in connection with completing the Punch List Items, COUNTY may also recover from LESSOR damages, in the amount of five percent (5%) of the actual cost incurred, for the administrative costs incurred in connection with curing the Punch List Items.

Section 7.07 COUNTY agrees that LESSOR shall not be required to perform any additional work or furnish any additional materials to prepare the Premises for COUNTY's occupancy other than that which is set forth in Exhibit B and COUNTY shall accept the Premises in their condition and state of repair and construction.

SECTION 8. PREVAILING WAGE

Section 8.01 Pursuant to recent amendments to Section 220 of the Labor Law, LESSOR's Work constitutes a public works contract. LESSOR acknowledges and agrees that it shall pay prevailing wages for all of LESSOR's Work in connection with the construction and preparation of the entire Premises (interior and exterior), including, but not limited to, the building, land, parking lot, and all other portions of the Premises in accordance with the Approved Final Plans and Specifications, in accordance with Section 220 of the N.Y. Labor Law.

Section 8.02 No person performing, aiding in, or assisting in LESSOR's Work shall be paid less than the said prevailing rates as defined and utilized under Section 220 of the Labor Law.

Section 8.03 LESSOR, its contractors, and subcontractors shall file transcripts of original payrolls for the performance of all of LESSOR's Work under this Amended and Restated Lease Agreement, in connection with the construction and preparation of the entire Premises, with the Department, within ten (10) days after its first payroll, and every thirty days thereafter, said payroll transcripts to be subscribed and affirmed as true under penalty of perjury. LESSOR, its contractors and subcontractors, shall keep their books open for inspection by representatives of the Suffolk County Department of Audit and Control and/or its representatives, including the Office of the District Attorney, on a monthly basis during the performance of LESSOR's Work, to ensure that LESSOR, its contractors and subcontractors are in compliance with these terms and

conditions, provided that twenty-four (24) hour-notice is given to the LESSOR, its contractors and/or subcontractors prior to the inspection.

Section 8.04 LESSOR agrees that it shall include clauses in all of its agreements with its contractors and subcontractors for the performance of LESSOR's Work stating that: (i) said contractors and subcontractors shall pay prevailing wages, as agreed to in Amended and Restated Lease Agreement R-1012 between the County of Suffolk and the LESSOR; (ii) said contractors and subcontractors shall file transcripts of original payrolls for all work performed in connection with the construction and preparation of the Premises and performance of LESSOR's Work under Amended and Restated Lease Agreement R-0861 with the Department within ten (10) days after its first payroll, and every thirty days thereafter, said transcripts to be subscribed and affirmed as true under penalty of perjury and (iii) LESSOR, its contractors, and subcontractors shall keep their books open for inspection by representatives of the Suffolk County Department of Audit and Control and/or its representatives, including the Office of the District Attorney, on a monthly basis during the performance of LESSOR's Work to ensure that the LESSOR, its contractors and subcontractors are in compliance with these terms and conditions, provided that twenty-four (24) hour-notice is given to the LESSOR, its contractors and/or subcontractors prior to the inspection.

Section 8.05 During the performance of LESSOR's Work, LESSOR shall maintain at the job site, and with the County Department of Labor a copy of all payrolls or transcripts thereof as would be required to be maintained pursuant to Section 220 of the New York Labor Law.

Section 8.06 During the performance of LESSOR's work, LESSOR shall provide to the COUNTY employment attendance sheets for all employees, including employees of subcontractors, for each day on which work is performed on the site, upon a form reasonably acceptable to the COUNTY, containing such information as the Commissioner of the Department of Labor reasonably deems appropriate, including job classification, hours of employment, wage rate and supplements payable, and employer, prior to payments being made by the COUNTY.

SECTION 9. APPRENTICE TRAINING PROGRAMS

Section 9.01 If the total cost of LESSOR's Work is in excess of \$250,000.00, LESSOR agrees that this Amended and Restated Lease Agreement, with respect to LESSOR's Work, is subject to Chapter 552 of the Suffolk County Code, and although Chapter 552 may not be applicable to LESSOR's Work, LESSOR agrees that, in connection with LESSOR's Work, LESSOR, LESSOR's contractors, and all subcontractors shall participate in registered and approved apprentice training programs. LESSOR and its contractors shall provide evidence of participation in approved apprentice training programs that are appropriate for the type and scope of work to be performed under this Amended and Restated Lease Agreement, and such other information as may be requested by the Labor.

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SECTION 10. LAWFUL HIRING OF EMPLOYEES LAW IN CONNECTION WITH CONTRACTS FOR CONSTRUCTION OR FUTURE CONSTRUCTION

Section 10.01 This Agreement is subject to the Lawful Hiring of Employees Law of the County of Suffolk, Suffolk County Code Chapter 234, as more fully set forth in **Exhibit C** entitled "Suffolk County Legislative Requirements." In accordance with this law, LESSOR and any subcontractor or owner, as the case may be, agree to maintain the documentation mandated to be kept by this law on the Construction Site at all times. LESSOR and any subcontractor or owner, as the case may be, further agree that employee sign-in sheets and register/log books shall be kept on the Construction Site at all times during working hours and all covered employees, as defined in the law, shall be required to sign such sign in sheets/register/log books to indicate their presence on the Construction Site during such working hours.

SECTION 11. RENT ADJUSTMENT FOR IMPROPER OR ILLEGAL ACTIVITY

Section 11.01 If the Commissioner of the Department of Public Works or his or her designee reasonably determines that there was a violation by LESSOR, his contractors, subcontractors, employees or agents of the Prevailing Wage requirement, the Apprentice Training Program requirement, the Living Wage requirement; or the Lawful Hiring of Employees Law under this Amended and Restated Lease Agreement, and LESSOR fails to cure the violation within thirty (30) days of LESSOR's receipt of written notice of such violation, at COUNTY's election, it may: (1) terminate the Amended and Restated Lease Agreement, if such breach occurs prior to occupation of the Premises by COUNTY; or (2) accept damages either in the sum of \$500.00 per day for each day that prevailing wages or living wages were not paid, or in an amount equal to the wages determined to have been underpaid, and/or the monetary equivalent of the apprenticeship training not provided, whichever amount is greater.

Section 11.02 In the event LESSOR agrees to pay damages in the sum of \$500.00 per day for each day that prevailing wages or living wages are not paid, LESSOR shall pay the amount owed as damages, as set forth therein, within forty-five (45) days after receipt by LESSOR of a written statement as to the amounts owed. In the event LESSOR does not remit the total amount owed as damages described herein within the requisite time, COUNTY may withhold any outstanding amounts from the first following monthly installment of Total Annual Rent, subject to the limitation that, in no event shall the amount withheld in any month exceed ten percent (10%) of monthly installment of Total Annual Rent. In the event that COUNTY is limited from withholding the entire amount owed in one month, under this *Section 11.02*, COUNTY may continue to withhold up to 10% of the monthly installment of Total Annual Rent from each next succeeding monthly installment, until the total amount of damages accruing as a result of a violation under *Section 8.01* are recouped from LESSOR. Notwithstanding the foregoing, no deductions shall be made by the County if the parties are disputing the applicability of the subject damages and taking reasonable steps to resolve the dispute. No deduction from rent pursuant to this clause shall constitute a default by the COUNTY under this Amended and Restated Lease Agreement. This remedy is not exclusive and is in addition to any other remedies which may be available under this Amended and Restated Lease Agreement or at law.

Section 11.03 Prior to making a determination as set forth in *Section 11.01*, the Commissioner of the Department of Public Woks shall provide to LESSOR a written notice of the action being considered and the basis therefore, together with reasonable documentation evidencing such violation(s). LESSOR shall have a period of thirty (30) calendar days after receipt of such notice to submit in person, in writing, or through a representative, information and argument in

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opposition to the proposed reduction. The Commissioner of Public Works may, upon good cause shown, determine to deduct less than the above amounts from payments. In the event LESSOR proves it is compliant with such requirements, COUNTY shall promptly reimburse LESSOR for all reasonable costs incurred by LESSOR in proving same, including, without limitation, reasonable attorneys' fees and disbursements.

SECTION 12. RIGHT OF ENTRY – INSPECTION

Section 12.01 At any time and from time to time after execution of the Amended and Restated Lease Agreement and during the Term of the Amended and Restated Lease Agreement, the agents and employees of COUNTY may, upon reasonable notice to LESSOR, enter upon the premises to determine the potential or actual compliance by the LESSOR with the requirement of the Amended and Restated Lease Agreement, which purposes shall include, but not be limited to: (i) inspecting, sampling, and analyzing suspected asbestos-containing materials and air monitoring for asbestos fibers; (ii) inspecting the heating, ventilation, and air conditioning systems, maintenance records, and mechanical rooms for the Premises; (iii) inspecting for any leaks, spills, or other potentially hazardous conditions which may involve exposure to hazardous or toxic substances; and (iv) inspecting for any current or past hazardous waste operations, to ensure that appropriate mitigative actions were taken to alleviate any activities determined by the COUNTY to not be in compliance with environmental standards set forth in any pertinent Federal, State, or local laws. Notwithstanding the foregoing, any damage caused by the COUNTY while exercising the right of entry provided under this *Section 12.01* shall be remedied by LESSOR, at the sole cost and expense of COUNTY.

Section 12.02 Nothing in **Section 12** shall be construed to create a duty on the COUNTY to inspect for toxic materials or to impose a higher standard of care on the COUNTY than on other lessees. The purpose of this **Section 12** is to promote the ease with which COUNTY may inspect the Premises. Nothing in this Section shall act to relieve the LESSOR of any duty to inspect or of any liability which might arise as a result of LESSOR's failure to inspect for or correct a hazardous condition.

SECTION 13. CARE AND REPAIR OF PREMISES BY COUNTY

Section 13.01 During the Term of this Amended and Restated Lease Agreement, and subject to the provisions of **Section 15**, COUNTY shall make and be responsible for, at COUNTY's sole cost and expense, all repairs and replacements relating to the Premises which are not caused by or due to a Latent Defect, and in accordance with the **Exhibit A**, and those repairs and/or replacements which are made necessary by: (1) the performance of any "Alterations," defined in *Section 14.01*, made by COUNTY; (2) the negligent use or operation of COUNTY's property or fixtures; (3) the moving of COUNTY's property or fixtures in, out or about the Premises; (4) the negligence or misuse of the Premises by COUNTY or its officers, employees, personnel, agents, representatives, contractors, subcontractors, or invitees. All repairs made by or on behalf of COUNTY shall be at least equal in quality and design to the original construction of the Premises.

Section 13.02 The COUNTY, at the COUNTY'S sole cost and expense, shall comply with all statutes, laws, ordinances, orders, regulations and notices of Federal, State, County and Municipal authorities, and with all directions, pursuant to law, of all public officers, which shall impose any duty upon LESSOR or the COUNTY with respect to the Demised Premises or the use or

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occupation thereof, except that the COUNTY shall not be required to make any alterations in order so to comply unless such alterations shall be necessitated or occasioned, in whole or in part, by the negligent acts, gross omissions, or negligence of the COUNTY or any person claiming through or under the COUNTY or any of their servants, employees, contractors, agents, visitors or licensees, or by the particular use or manner of use of the Premises by the COUNTY, or any such person.

SECTION 14. ALTERATIONS

Section 14.01 COUNTY shall have the right, during the term of this Amended and Restated Lease Agreement, to make any "Alterations," meaning any alterations, installations, improvements, additions, or renovations to the Premises or any part or portion thereof, with notice to, but without the prior consent of, LESSOR which are non-structural and do not affect interior and exterior walls, the foundation or roof of the building and which do not affect or pertain to any plumbing, electrical, heating, ventilation, air-conditioning, mechanical, vertical transport, or other systems and equipment (collectively "Building Systems"). LESSOR shall have the right to condition its approval of any Alteration upon the COUNTY's agreement to remove the subject Alteration at the end of the Term. In the event LESSOR does not provide a written objection to the proposed Alterations within fifteen 15-Business Days of receipt of the County's written request to perform such Alterations, then LESSOR shall be deemed to have approved the Alteration. The County shall not, without the express written consent of LESSOR, enter upon the roof or attach or install anything thereon or make any Alterations thereto.

Section 14.02 COUNTY shall deliver to LESSOR a copy of the final plans and specifications showing the actual construction for all Alterations. LESSOR shall have the right, but not the obligation, to review and supervise any Alterations performed at the Premises.

Section 14.03 All Alterations and LESSOR's Work, excluding COUNTY's trade fixtures, moveable office furniture, and moveable equipment, installed in the Premises, either by COUNTY or by LESSOR on COUNTY's behalf, shall become the property of LESSOR and shall remain upon and be surrendered with the Premises upon the expiration or earlier termination of the Amended and Restated Lease Agreement. In the event this Amended and Restated Lease Agreement terminates prior to the expiration date, COUNTY acknowledges and agrees that it shall remove exposed telephone, data and computer wiring and cabling to the ceiling and/or walls, at its sole expense. Nothing in this Section shall be construed to give LESSOR title to, or to authorize LESSOR to prevent COUNTY's removal of trade fixtures, moveable office furniture and equipment.

Section 14.04 The COUNTY shall not be permitted to make, or to engage a contractor or artist to make any Alterations, decorations, installations, additions or other improvements ("Visual Alteration") which may be considered a work of visual art of any kind, and/or which might fall within the protections of the Visual Artists Rights Act of 1990 ("VARA") unless: (i) The COUNTY obtains, from each artist and/or contractor who will be involved in said Visual Alteration, valid written waivers of such artist's and/or contractor's rights under VARA in form and content reasonably acceptable to LESSOR; and (ii) LESSOR consents to such Visual Alteration in writing. In the event that a claim is brought under VARA with respect to any Visual Alteration performed in or about the Building by or at the request of The COUNTY or The COUNTY's agents or employees, The COUNTY shall indemnify and hold harmless LESSOR against and from any and all such claims. If any action or proceeding shall be brought against LESSOR by reason of such claim under VARA, The COUNTY agrees that The COUNTY, at its

expense, will resist and defend such action or proceeding and will employ counsel satisfactory to LESSOR therefore. The COUNTY shall also pay any and all damages sustained by LESSOR as a result of such claim, including, without limitation, attorney's fees and the cost to LESSOR of complying with VARA protections (which shall include damages sustained as a result of LESSOR's inability to remove Visual Alterations from the Demised Premises). Failure of The COUNTY to strictly comply with the provisions of this Section shall be deemed a default under this lease, and LESSOR shall be entitled to pursue all appropriate remedies provided herein, as well as at law or in equity. The provisions of this Section shall survive the expiration or sooner termination of this lease.

SECTION 15. CARE OF PREMISES BY LESSOR

Section 15.01 The Premises, as a whole, shall be properly constructed and will be delivered to the COUNTY in good condition. Subject to the provisions of **Section 13**, LESSOR shall maintain and repair the Premises, including the building, Building Systems and all equipment, fixtures, and appurtenances furnished by the LESSOR under this Amended and Restated Lease Agreement, in good repair and condition, and in accordance with general industry practice in the operation of such a building, at LESSOR's sole cost and expense.

Section 15.02 Subject to "Excusable Delays," defined below, and in the absence of gross negligence on the part of the County, LESSOR guarantees that the Premises shall continually have heat, electricity, air conditioning, and plumbing available for use by the COUNTY. It is hereby understood and agreed that the heating and air condition systems will be kept under a uniform and systematic program of service and repair as prescribed according to manufacturer specifications, solely at LESSOR's expense. If any existing heating and air conditioning systems are inadequate to provide a consistent degree of comfort, LESSOR shall, at its own expense, replace or modify the system to assure consistent comfortable temperatures.

As used in this Amended and Restated Lease Agreement, the term "Excusable Delays" means delays arising without the fault or negligence of LESSOR or LESSOR's contractors, subcontractors, and suppliers, and shall include, without limitation: Acts of God or of the public enemy, fire, floods, unusual severe weather, epidemics, quarantine restrictions, strikes, labor disputes, major material shortages preventing procurement of such materials, riots, war insurrection, inaction or delay by governmental authorities (e.g., failure by the governmental authorities to issue permits and approvals required for LESSOR's Work), or other unforeseeable causes beyond the control and without the fault or negligence of LESSOR, its contractors, and subcontractors.

Section 15.03 LESSOR shall have a building superintendent or a locally designated representative available to promptly correct deficiencies and keep the COUNTY notified of the name of that person or persons as well as with all contact information.

Section 15.04 In addition to the LESSOR's obligations under *Section 15.01*, and subject to the provisions of **Section 13**, LESSOR shall further make all necessary repairs, replacements and perform maintenance, at no additional cost to COUNTY, as follows:

1. to the exterior water, gas and electrical services, including drainage structures, cesspools, septic tanks and all connecting piping; it being specifically understood that in no event shall LESSOR be liable for failure of any service provided by an independent utility provider;

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- 2. made necessary by fire or other peril covered by the standard extended coverage endorsement on fire insurance or by reason of war, wind, or Acts of God, contents excepted;
- 3. landscaping and general maintenance of landscaped areas of the Premises;
- 4. snow removal on all parking lots and walkways of the Premises;
- 5. to all items designated as LESSOR responsibility as shown in **Exhibit A**.

Section 15.05 COUNTY shall give to LESSOR prompt written notice (notice by fax or e-mail being acceptable) of any accidents or damage to or defects in the proper functioning of the roof, the exterior of the building, plumbing, electrical service, electrical lights, or HVAC apparatus. Absent negligence or willful misconduct by the County, its agents, contractors, employees, licensees and/or invitees, these defects shall be remedied by LESSOR.

Section 15.06 LESSOR agrees, at its sole cost and expense, to perform all necessary maintenance, repairs, and replacements to the Premises caused by the negligence or willful misconduct of LESSOR, and LESSOR's employees, agents, contractors, and subcontractors. COUNTY shall notify LESSOR of the need for any such repair or replacement promptly after COUNTY becomes aware of the need for the same.

Section 15.07 LESSOR shall provide timely maintenance testing and inspection of all Premises and building equipment and systems in accordance with applicable codes, and inspection certificates must be displayed as required by law.

SECTION 16. INSURANCE

Section 16.01 During Construction: (a) LESSOR agrees to procure, pay the entire premium for and maintain throughout the term of construction insurance in amounts and types specified by the COUNTY below. LESSOR agrees to further require that all if its contractors and subcontractors, in connection with work performed for LESSOR in relation to this Amended and Restated Lease Agreement, procure, pay the entire premium for and maintain throughout the term of construction insurance in amounts and types equal to that specified by the COUNTY for LESSOR. Unless a lesser standard is otherwise specified by the COUNTY and agreed to by LESSOR, in writing, such insurance will be as follows:

- i. **Commercial General Liability** insurance, including contractual liability coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage.
- ii. **Automobile Liability** insurance (if any vehicles are used by the Contractor in the performance of this Agreement) in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per person, per accident, for bodily injury and not less than One Hundred Thousand (\$100,000.00) for property damage per occurrence.
- iii. **Workers' Compensation and Employer's Liability** insurance in compliance with all applicable New York State laws and regulations and **Disability Benefits** insurance, if required by law. LESSOR shall furnish

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to the COUNTY, prior to its execution of this Amended and Restated Lease Agreement, the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§ 57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law §108, this Amended and Restated Lease Agreement shall be void and of no effect unless LESSOR shall provide and maintain coverage during the term of this Amended and Restated Lease Agreement for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

- b. All policies providing such coverage shall be issued by insurance companies with an A.M. Best rating of A- or better.
- c. LESSOR shall furnish to the COUNTY ACORD certificates, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, the County of Suffolk shall be named as an additional insured, where applicable, and LESSOR shall furnish an Accord certificate evidencing the COUNTY's status as an additional insured on said policy. (Policy of the County Attorney to require Declaration pages – Courts of stated that Accord certificates are not proof of insurance)
- d. All such certificates, and other evidence of insurance shall provide for the County of Suffolk to be notified in writing thirty (30) days prior to any cancellation, nonrenewal, or material change in said policies. Such certificates and other evidence of insurance and notices shall be mailed to the Department at its address set forth in the paragraph entitled "Notices and Contact Persons" or at such other address of which the COUNTY shall have given LESSOR notice in writing.
- e. In the event LESSOR shall fail to provide the certificates of insurance or to maintain any insurance required by this Agreement, the COUNTY may, but shall not be required to, obtain such policies and deduct the cost thereof from payments due LESSOR under this or any other agreement between the COUNTY and LESSOR.

Section 16.02 LESSOR shall defend, indemnify, and hold harmless the COUNTY, its officials, employees, servants, and agents from and against all liabilities, fines, penalties, actions, demands, losses, claims, costs, judgments, damages, liens, encumbrances, costs, and expenses, including reasonable attorneys' fees, during the time of construction up to the time of Delivery of the entire Premises, except to the extent arising from the negligence or willful misconduct of the County, its officials, employees, servants, invitees and/or agents.

Section 16.03 **During the Term of this Amended and Restated Lease Agreement:** COUNTY shall procure and keep in full force and effect at its own cost and expense liability insurance in which policy LESSOR and LESSOR'S PROPERTY MANAGER or, in the event COUNTY is requested in writing by LESSOR, LESSOR's Mortgagee, or their successors or assigns, shall be named as an additional insured in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage, and shall furnish LESSOR with proof of same. This insurance is to be excess

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over any other valid and collectible insurance of the COUNTY except insurance that is written specifically as excess over the limits of liability that apply to this policy.

Section 16.04 Notwithstanding the foregoing, however, COUNTY, at its sole option, subject to COUNTY being in full compliance with all applicable New York State, local and federal regulations regarding COUNTY's self-insurance program and subject to COUNTY's satisfying the Self-Insurance Standard, may elect to be either partially or totally self-insured and thereby assume responsibility for that portion of the liability insurance for which it is insured. In this case, COUNTY must notify LESSOR of its self-insured status by a signed writing. This self-insurance is to be excess over any other valid and collectible insurance of the COUNTY.

Section 16.05 In the event that the Lease is for less than 100% of the Premises, the COUNTY shall only provide liability insurance, naming the LESSOR as an additional insured, for the area which is leased by the COUNTY. LESSOR shall provide liability insurance, naming the COUNTY as an additional insured, for all common areas or any other areas of the property not leased to the COUNTY. LESSOR shall likewise provide liability insurance for all exterior areas of the Premises, such as parking areas and walkways, in accordance with *Section 16.01*.

Section 16.06 All risk of loss from fire or any other peril causing damage or destruction to the Premises or any other real or personal property of LESSOR during the Term shall be borne by LESSOR. Any property insurance policy(s) obtained by LESSOR to cover this exposure shall contain a Waiver of Subrogation against COUNTY. Current proof of insurance indicating that such waiver is in full force must be submitted by LESSOR to COUNTY prior to the Commencement Date. The risk of loss from any peril to the personal property, furniture, fixtures, equipment of COUNTY located on the Premises shall be borne by COUNTY, and COUNTY waives any right of subrogation against LESSOR with respect to such losses.

Section 16.07 To the extent permitted by law, COUNTY shall indemnify LESSOR, its agents, and employees from and against all claims (except for claims brought by Suffolk County Employees under Workers' Compensation Laws), costs (including attorneys' fees), losses, and liabilities of whatsoever nature arising out of the acts of omission or negligence of the COUNTY, its officers, agents, servants, invitees, contractors, licensees or employees.

Section 16.08 The LESSOR shall indemnify and hold harmless the COUNTY from and against all claims, costs (including reasonable attorneys' fees), losses, and liabilities of whatsoever nature arising out of the acts or omissions or negligence of the LESSOR, its officers, agents, servants or employees in connection with the Premises. In this regard, LESSOR, at its own cost and expense, and throughout the term of this Amended and Restated Lease Agreement, shall procure and keep in full force and effect Commercial General Liability insurance, including contractual coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage, in accordance with the provisions of *Section 16.01*.

Section 16.08 In the event the property is transferred by LESSOR, the Transferee shall immediately provide the Department with the required proof of insurance in accordance with this **Section 16**.

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SECTION 17. FIRE AND CASUALTY DAMAGE

Section 17.01 If either the entire Premises, or more than 50% of the Premises is destroyed by fire or other casualty, and cannot be fully restored within one (1) year, this Amended and Restated Lease Agreement will immediately terminate. In case of partial destruction or damage in an amount less than 50% of the Premises, so as to render the entire Premises untenable, as reasonably determined by either LESSOR or the COUNTY, and in the opinion of LESSOR'S architect, the full restoration of the Premises will not be completed within one (1) year months from the date of such partial destruction or damage, either party may terminate the Amended and Restated Lease Agreement by giving written notice to the other party within sixty (60) calendar days of the fire or other casualty; if so terminated, no rent will accrue to the LESSOR after such partial destruction or damage;

Section 17.02 As long as the COUNTY is deprived of the use of any or all of the Premises on account of fire or casualty, Total Annual Rent shall be abated in proportion to the usable area of the Premises that are rendered substantially unfit for occupancy by such fire or casualty, unless, in the COUNTY's reasonable judgment, such fire or casualty renders the undamaged part of the Premises materially unsuitable for use by the COUNTY for the uses contemplated by this Amended and Restated Lease Agreement, in which event the Total Annual Rent shall be abated entirely during such period of deprivation.

Section 17.03 Unless LESSOR or COUNTY shall serve a termination notice as provided for in *Sections 17.01*, LESSOR shall work diligently to make all repairs and restorations to the Premises, with all reasonable expedition, subject to delays due to adjustment of insurance claims and Excusable Delays. After any such casualty, COUNTY shall cooperate with LESSOR's restoration by removing from the Premises as promptly as reasonably possible any of COUNTY's salvageable inventory and movable equipment, furniture, and other property as requested by LESSOR.

Section 17.04 The parties agree that this **Section 17** constitutes an express agreement governing any case of damage or destruction of the Premises by fire or other casualty, and that Section 227 of the Real Property Law of the State of New York, which provides for such contingency in the absence of an express agreement, and any other law of like import now or hereafter in force shall have no applicability.

SECTION 18. AIR QUALITY

Section 18.01 The interior of the Premises shall at all times maintain and meet Air Quality Standards suitable for and comparable to commercial office buildings, of similar age and construction type, in the Hauppauge area. If LESSOR has not remedied any defect in such air quality standards within thirty (30) days of notice from the COUNTY, the COUNTY may provide, at its own cost, a written report by an outside independent consultant specializing in air quality analysis, notifying LESSOR that the air quality in the interior Premises is materially adversely affected by specifically found and identified mold or other air contaminants to levels significantly above those identified as normal for a commercial office building as described above. LESSOR shall take prompt action to cure or otherwise remedy the condition at LESSOR's sole cost and expense. Notwithstanding the foregoing, any condition caused by COUNTY's use or occupancy of the Premises may be cured or otherwise remedied by LESSOR, at COUNTY's sole cost and expense.

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Section 18.02 Where LESSOR has cured an Air Quality condition at the request of COUNTY, LESSOR shall also be required to provide a written report to COUNTY, at LESSOR's sole cost and expense (unless such Air Quality condition was caused by COUNTY, in which case such report shall be provided at COUNTY's sole cost and expense), provided by an outside consultant specializing in Air Quality analysis, reasonably acceptable to the Department, indicating that the condition has been cured and that the Air Quality is suitable for the use intended.

Section 18.03 LESSOR shall not be required to cure any condition if such condition is caused by the acts or inactions of the COUNTY, its invitees, employees, contractors and/or agents.

SECTION 19. NEGATIVE COVENANTS

Section 19.01 COUNTY shall not use, occupy, maintain, or operate the Premises, nor suffer or permit the Premises or any part thereof to be used, occupied, maintained, or operated, nor bring into or keep at the Premises, nor suffer or permit anything to be brought into or kept therein, which would in any way (a) violate any term, covenant, or condition of this Amended and Restated Lease Agreement, (b) violate any restrictive covenant, operating covenant, encumbrance, or easement affecting the Premises, (c) violate any Legal Requirements, (d) make void or voidable any insurance policy then in force with respect to the Premises or make any such insurance unobtainable or increase the rate of any insurance with respect to the Premises, (e) cause physical damage to the Premises or any part thereof, (f) permit the excess accumulation of waste or refuse matter, or (g) constitute a public or private nuisance.

Section 19.02 COUNTY shall not place a load upon any floor or roof of the Premises that exceeds the floor/roof load per square foot that such floor/roof was designed to carry or which is allowed by Legal Requirements.

SECTION 20. LESSOR'S DEFAULT REMEDIES/DAMAGES

Section 20.01 Upon the occurrence, at any time prior to, or during the Term of the Amended and Restated Lease Agreement, in addition to any other remedy available to LESSOR at law or in equity, of any one or more of the following events (referred to as "Events of Default"):

(i) if COUNTY shall default in the payment when due of any installment of Total Annual Rent, and any such default continues for twenty (20) Business Days, except for January of each calendar year, then if such default in January continues beyond twenty-five (25) Business Days, after LESSOR shall give COUNTY a written notice specifying such default; or

(ii) if COUNTY defaults in the keeping, observance or performance of any covenant or agreement (other than a default of the character referred to in (i) above), and if such default continues and is not cured within thirty (30) days after LESSOR gives COUNTY written notice specifying same, or, in the case of a default which for causes beyond COUNTY's reasonable control cannot, with reasonable diligence be cured within such period of thirty (30) days, if COUNTY shall not immediately upon the giving of such written notice, (a) advise LESSOR of COUNTY's intention duly to institute all steps necessary to cure such default and (b) institute and thereafter diligently prosecute to completion all steps necessary to cure the same; or repeated and

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unexcused failure by the COUNTY to comply with one or more requirements of this Amended and Restated Lease Agreement shall constitute a default notwithstanding that one or all such failures may have been timely cured;

the following Sections shall apply and LESSOR shall have, in addition to all other rights and remedies available at law or in equity, the rights and remedies set forth herein, which rights and remedies may be exercised upon or at any time following the occurrence of an Event of Default unless, prior to such exercise, LESSOR shall agree in writing with COUNTY that the Event(s) of Default has been cured by COUNTY in all respects.

Section 20.02 By notice to COUNTY, LESSOR shall have the right to terminate this Amended and Restated Lease Agreement as of a date specified in the notice of termination and in such case, COUNTY's rights, including any based on any option to renew, to the possession and use of the Premises shall end absolutely as of the termination date; and this Amended and Restated Lease Agreement shall also terminate in all respects except for the provisions hereof regarding LESSOR's damages and COUNTY's liabilities arising prior to, out of or following the Event of Default and the ensuing termination.

Section 20.03 Unless and until LESSOR has terminated this Amended and Restated Lease Agreement pursuant to *Section 23.02* above, COUNTY shall remain fully liable and responsible to perform all of the covenants, and to observe all the conditions of this Amended and Restated Lease Agreement throughout the remainder of the Term to the early termination

Section 20.04 LESSOR may enforce and protect the rights of LESSOR hereunder by a summary proceeding, suit or suits in equity or at law for the specific performance of any covenant or agreement contained herein, and for the enforcement of any other appropriate legal or equitable remedy, including, without limitation, injunctive relief, and for recovery of all moneys due or to become due from COUNTY under any of the provisions of this Amended and Restated Lease Agreement.

Section 20.05 Without limiting the generality of the foregoing, if COUNTY shall be in default in the performance of any of its obligations hereunder, other than a default in the payment of rent or in curing an emergency situation, LESSOR, upon second written notice to COUNTY, providing COUNTY with ten (10) additional days to cure or remedy the default, may (but shall not be obligated to do so), in addition to any other rights it may have in law or in equity, cure such default on behalf of COUNTY, and COUNTY shall reimburse LESSOR upon demand as additional rent for any sums paid or costs incurred by LESSOR in curing such default, together with an administrative fee equal to 5% of such costs,.

Section 20.06 LESSOR shall have all rights and remedies now or hereafter existing at law or in equity with respect to the enforcement of COUNTY's obligations hereunder and the recovery of the Premises. No right or remedy herein conferred upon or reserved to LESSOR shall be exclusive of any other right or remedy, but shall be cumulative and in addition to all other rights and remedies given hereunder or now or hereafter existing at law. LESSOR shall be entitled to injunctive relief in case of the violation, or attempted or threatened violation, of any covenant, agreement, condition or provision of this Amended and Restated Lease Agreement, or to a decree compelling performance of any covenant, agreement, condition or provision of this Amended and Restated Lease Agreement.

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Section 20.07 No delay or forbearance by LESSOR in exercising any right or remedy hereunder, or LESSOR's undertaking or performing any act or matter which is not expressly required to be undertaken by LESSOR shall be construed, respectively, to be a waiver of LESSOR's rights or to represent any agreement by LESSOR to undertake or perform such act or matter thereafter. Waiver by LESSOR of any breach by COUNTY of any covenant or condition herein contained (which waiver shall be effective only if so expressed in writing by LESSOR) or failure by LESSOR to exercise any right or remedy in respect of any such breach shall not constitute a waiver or relinquishment for the future of LESSOR's right to have any such covenant or condition duly performed or observed by COUNTY, or of LESSOR's rights arising because of any subsequent breach of any such covenant or condition nor bar any right or remedy of LESSOR in respect of such breach or any subsequent breach. LESSOR's receipt and acceptance of any payment from COUNTY which is tendered not in conformity with the provisions of this Amended and Restated Lease Agreement or following an Event of Default (regardless of any endorsement or notation on any check or any statement in any letter accompanying any payment) shall not operate as an accord and satisfaction or a waiver of the right of LESSOR to recover any payments then owing by COUNTY which are not paid in full, or act as a bar to the termination of this Amended and Restated Lease Agreement and the recovery of the Premises because of COUNTY's previous default.

Section 20.08 COUNTY hereby expressly waives for itself and any person claiming through or under COUNTY, any and all rights of redemption granted by or under any present or future laws in the event of COUNTY being evicted or dispossessed for any cause, or in the event of LESSOR's obtaining possession of the Premises, by reason of the violation by COUNTY of any of the covenants and conditions of this Amended and Restated Lease Agreement or otherwise.

Section 20.09 Except for the monetary obligations of either party, LESSOR and COUNTY shall not be in default of this Amended and Restated Lease Agreement because of such party's inability to perform the covenants and obligations set forth herein during the continuance of any period of Excusable Delays, except as may otherwise be expressly specified in this Amended and Restated Lease Agreement.

SECTION 21. COUNTY'S DEFAULT REMEDIES AND DAMAGES

Section 21.01 Each of the following shall constitute a default by LESSOR under this Amended and Restated Lease Agreement: (1) failure to maintain, repair, operate, or service the Premises as and when specified in this Amended and Restated Lease Agreement, provided such failure shall remain uncured for a period of thirty (30) days next following LESSOR's receipt of written notice thereof from the COUNTY, unless such failure is of such a nature that, notwithstanding the reasonable diligence of LESSOR, it cannot be completely cured or remedied within said period of thirty (30) days, in which event, such failure shall not constitute a default by LESSOR so long as LESSOR thereafter diligently continues its efforts to cure or remedy the same; or (2) repeated and unexcused failure by LESSOR to comply with one or more requirements of this Amended and Restated Lease Agreement shall constitute a default notwithstanding that one or all such failures may have been timely cured.

Section 21.02 If a default under this **Section 21** continues after the expiration of all notice and cure periods provided for herein, COUNTY may, by written notice to LESSOR, terminate this Amended and Restated Lease Agreement, and if so terminated, COUNTY shall be entitled to damages available under this Amended and Restated Lease Agreement, and any other remedy available to COUNTY in law or equity.

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Section 21.03 The COUNTY shall have all of its common law, equitable, and statutory rights of set-off, subject to the further provisions of this Amended and Restated Lease Agreement, including, without limitation. These rights shall include the COUNTY's option to withhold, for the purposes of set-off, any moneys due to LESSOR under this Amended and Restated Lease Agreement up to any amounts due and owing to the COUNTY with regard to this Amended and Restated Lease Agreement and/or any other lease or contract with any County department or agency, including any lease or contract for a term commencing prior to the term of this Amended and Restated Lease Agreement, plus any amounts due and owing to the COUNTY for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The COUNTY shall exercise its set-off rights in accordance with normal County practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the County agency, its representatives, or the County Comptroller, and only after legal consultation with the County Attorney. Notwithstanding anything to the contrary contained herein, in no event shall the amount set-off and withheld by the COUNTY in any particular month exceed seven and one-half percent (7.5%) of the next monthly installment of Total Annual Rent due and payable under this Amended and Restated Lease Agreement. In the event that COUNTY is limited from withholding the entire amount owed in one month, COUNTY may continue to withhold monies from each next succeeding monthly installment of Total Annual Rent (subject to the above limitation) until the total expenses of the COUNTY are recouped from LESSOR. No deduction from rent in the amount permitted pursuant to this clause shall constitute a default by COUNTY under this Amended and Restated Lease Agreement.

Section 21.04 The rights and remedies of COUNTY specified hereunder are not exclusive, but are in addition to any other rights and remedies provided by law or equity or otherwise available under this Amended and Restated Lease Agreement. COUNTY may enforce and protect the rights of COUNTY hereunder by a suit or suits in equity or at law for the specific performance of any covenant or agreement contained herein, and for the enforcement of any other appropriate legal or equitable remedy, including, without limitation, injunctive relief, and for recovery of all moneys due or to become due from LESSOR under any of the provisions of this Amended and Restated Lease Agreement.

SECTION 22. FAILURE IN PERFORMANCE

Section 22.01 The covenant to pay rent and the covenant to provide any service, utility, maintenance, repair or replacements required under this Amended and Restated Lease Agreement are interdependent. In the event of any failure by the LESSOR to provide any service, utility, maintenance, repair or replacement required under this Amended and Restated Lease Agreement, COUNTY may, subject to the notice requirement set forth in *Section 22.02* below, by contract or otherwise, perform the requirement and provide LESSOR with a written invoice containing the resulting cost to the COUNTY, including an administrative fee in accordance with the provisions of *Section 22.03*. In the event LESSOR does not remit payment of such invoice to COUNTY within thirty (30) days of LESSOR's receipt of such invoice, then COUNTY may deduct such amount from any payment due under this Amended and Restated Lease Agreement, subject to the limitations set forth in *Section 22.03* below. If the COUNTY elects to perform any such requirement, the COUNTY and each of its contractors shall be entitled to access to any and all areas of the building, access to which is necessary to perform any such requirement, and the LESSOR shall afford and facilitate such access. No deduction from the Total Annual Rent shall be made while LESSOR is disputing the alleged failure in good faith. No deduction from Total Annual Rent pursuant to this clause shall constitute a default by COUNTY under this Amended

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and Restated Lease Agreement. These remedies are not exclusive, but are in addition to any other remedies which may be available under this Amended and Restated Lease Agreement or at law.

Section 22.02 If LESSOR shall fail to perform any of its obligations under this Amended and Restated Lease Agreement, COUNTY may perform the same at the expense of LESSOR (i) immediately (a) after forty-eight (48) hours written notice in the case of an "Emergency," as defined below; (b) after seven (7) business days written notice if such failure unreasonably interferes with the efficient operation of the Premises; (c) after seven (7) business days written notice if such failure may result in a violation of any Legal Requirements or in the cancellation of any required insurance and (ii) in any other case if such failure continues after thirty (30) days from the date of the giving of written notice of COUNTY's intention to perform the same or, in the case of a failure which, for causes beyond the LESSOR's reasonable control cannot with reasonable diligence be cured within such 10-day period, such 10-day period shall be deemed extended if the LESSOR immediately upon the receipt of such notice, (a) advises the other of its intention to institute all steps necessary to cure such failure and (b) institutes and thereafter diligently prosecutes to completion all steps necessary to cure the same.

An "Emergency" means any situation where the Department, in its reasonable judgment, concludes that a particular action (including, without limitation, the expenditure of funds) is immediately necessary (i) to avoid imminent material damage to all or any material portion of the Premises, (ii) to protect any Person from imminent harm, or (iii) to avoid the imminent unforeseen and unforeseeable suspension of any necessary material service in or to the Premises, the failure of which service would have a material and adverse effect on the Premises or the COUNTY's ability to utilize the Premises for its intended purposes, including but not limited to, supplying heat, air-conditioning, ventilation, light and water to the Premises.

Section 22.03 If COUNTY performs any of LESSOR's obligations under this Amended and Restated Lease Agreement, LESSOR shall pay COUNTY the costs thereof, together with an administrative fee equal to five percent (5%) of such costs, within sixty (60) days after receipt by LESSOR of a written statement as to the amounts of such costs and fee. In the event LESSOR does not remit the total amount of the costs and fee described herein within the requisite time, COUNTY may withhold such amount from the next monthly installment of Total Annual Rent, subject to the limitation that, in no event shall the amount withheld in any month exceed seven and one-half percent (7.5%) of the next monthly installment of Total Annual Rent. In the event that COUNTY is limited from withholding the entire amount owed, COUNTY may continue to withhold monies from each next succeeding monthly installment of Total Annual Rent until the total expenses of the COUNTY and administrative fee are recouped from LESSOR. No deduction from the Total Annual Rent shall be made while LESSOR is disputing the alleged failure in good faith and is taking reasonable steps to resolve the dispute expeditiously. No deduction from rent pursuant to this clause shall constitute a default by the COUNTY under this Amended and Restated Lease Agreement. This remedy is not exclusive and is in addition to any other remedies that may be available under this Amended and Restated Lease Agreement or at law.

Section 22.04 In the event that there is an interruption, curtailment or failure by LESSOR to supply cooled or outside air, heat, elevator, plumbing or electricity for ten (10) consecutive business days after LESSOR has received written notice of such interruption, curtailment or failure (except that this *Section 22.04* shall only apply in the event such interruption, curtailment or failure of such services occurs as a direct result of a failure by LESSOR to comply with its repair or maintenance obligations regarding such systems as and to the extent required under this Amended and Restated Lease Agreement), and where (a) such failure is not caused by Excusable

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Delays or causes reasonably beyond the control of LESSOR, (b) the Premises has been placed in a condition where the COUNTY could not reasonably be expected to continue to use the Premises as a Health Center, and (c) LESSOR has either not commenced to cure such condition or has not used reasonable diligence in following same to completion, the same shall constitute a constructive eviction, in whole or in part, and COUNTY shall be entitled to a pro rata abatement of rent during the period any such interruption, curtailment or failure continues and until such services are restored.

Section 22.05 No delay or forbearance by COUNTY in exercising any right or remedy hereunder, or COUNTY's undertaking or performing any act or matter which is not expressly required to be undertaken by COUNTY shall be construed, respectively, to be a waiver of COUNTY's rights or to represent any agreement by COUNTY to undertake or perform such act or matter thereafter. Waiver by COUNTY of any breach by LESSOR of any covenant or condition herein contained (which waiver shall be effective only if so expressed in writing by COUNTY) or failure by COUNTY to exercise any right or remedy in respect of any such breach shall not constitute a waiver or relinquishment for the future of COUNTY's right to have any such covenant or condition duly performed or observed by LESSOR, or of COUNTY's rights arising because of any subsequent breach of any such covenant or condition nor bar any right or remedy of COUNTY in respect of such breach or any subsequent breach. COUNTY's receipt and acceptance of any payment from LESSOR which is tendered not in conformity with the provisions of this Amended and Restated Lease Agreement or following an Event of Default (regardless of any endorsement or notation on any check or any statement in any letter accompanying any payment) shall not operate as an accord and satisfaction or a waiver of the right of COUNTY to recover any payments then owing by LESSOR which are not paid in full, or act as a bar to the termination of this Amended and Restated Lease Agreement.

SECTION 23. LESSOR'S RIGHT TO INSPECT AND REPAIR; ACCESS GENERALLY

Section 23.01 In addition to the provisions set forth at *Section 28.01* of this Amended and Restated Lease Agreement, LESSOR may, but shall not be obligated to, enter the Premises at any reasonable time, on reasonable written notice to COUNTY (except that no notice need be given in case of emergency) for the purpose of inspection or the making of such repairs, replacements, and additions in, to, and about the Premises, as necessary or desirable. LESSOR shall not be required to notify COUNTY in connection with any entry into the Premises during normal business hours for purposes of LESSOR's obligations under this Amended and Restated Lease Agreement to maintain or repair the Premises. LESSOR shall provide telephonic notice at least one hour prior to entering the Premises during non-business hours. Notwithstanding anything to the contrary contained in this Section, LESSOR shall use reasonable efforts in its access of the Premises to cause a minimal amount of interference with COUNTY's use of the Premises.

SECTION 24. SURRENDER OF PREMISES; HOLDOVER

Section 24.01 This Amended and Restated Lease Agreement and the tenancy hereby created shall cease and terminate at the end of the above term, without the necessity of any further notice from either the LESSOR or the COUNTY to terminate the same and that continued occupancy of the Premises by the Lessee after the expiration of said term shall not operate to renew the Amended and Restated Lease Agreement for said term or any part thereof.

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Section 24.02 On the Expiration Date, or upon the earlier termination of this Amended and Restated Lease Agreement, COUNTY shall, at its expense, quit, surrender, vacate, and deliver the Premises to LESSOR in good order, condition and repair, ordinary wear and tear and damage for which COUNTY is not responsible under the terms of the Amended and Restated Lease Agreement, or damage by the elements, fire or other casualty beyond COUNTY's reasonable control excepted, together with all improvements therein. COUNTY shall, at its expense, remove from the Premises all COUNTY's personal property and any personal property of Persons claiming by, through or under COUNTY, equipment, furniture, and any Alterations not approved by LESSOR or required by LESSOR to be removed as a condition to such approval, and shall repair or pay the cost of repairing all damage to the Premises occasioned by such removal. Any COUNTY's personal property or Alterations of COUNTY, which shall remain in the Premises after the termination of this Amended and Restated Lease Agreement, shall be deemed to have been abandoned and either may be retained by LESSOR as its property or may be stored or disposed of as LESSOR may see fit. If property not so removed shall be sold, LESSOR may receive and retain the proceeds of such sale and apply the same, at LESSOR's option, against the reasonable expenses of the sale, moving and storage, arrears of rent and any damages to which LESSOR may be entitled. Any excess proceeds shall be the property of LESSOR.

Section 24.02 In the event the COUNTY retains possession of the Premises after termination of this Amended and Restated Lease Agreement, subject to all of the other terms of this First Extension, the COUNTY shall be and remain liable to the LESSOR for rent for the Premises at a monthly rate which is one hundred twenty-five percent (125%) of the monthly rent last payable by the COUNTY during the immediate preceding term prior to the beginning of the holdover period, Nothing herein shall confer upon the COUNTY any right to remain on the Premises.

Section 24.03 The provisions of this **Section 24** shall survive the expiration or earlier termination of this Amended and Restated Lease Agreement.

SECTION 25. NOTICES

Section 25.01 **Operational Notices:** Any communication, notice, claim for payment, reports, insurance, or other submission necessary or required to be made by the parties regarding this Amended and Restated Lease Agreement shall be in writing and shall be given to the COUNTY or LESSOR or their designated representative, by regular or certified mail in postpaid envelope or by Courier Service at the following addresses or at such other address that may be specified in writing by the parties and must be delivered as follows: (a) if to COUNTY, to the Suffolk County Department of Public Works, Attention: Commissioner, 335 Yaphank Avenue, Yaphank, New York 11980; with copies to the Department of Labor, Attention: Commissioner, PO Box 6100, Bldg. 17, North Complex, Hauppauge, NY 11788, Department of Probation, Attention: Commissioner, PO Box 188, Yaphank Avenue, Yaphank NY 11980, Department of Social Services, Attention: Commissioner, Mary Gordon Building, 3085 Veterans Memorial Highway, Ronkonkoma, NY 11779, and the Suffolk County Department of Law, Attn: Suffolk County Attorney, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788-0099; and (b) if to LESSOR, at LESSOR's address first above set forth, or at such other address as COUNTY or LESSOR, respectively, may designate in writing.

Section 25.02 **Notices Relating to Termination and/or Litigation:** In the event LESSOR receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, third

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party complainant, third party defendant) to a lawsuit or any legal proceeding related to this Amended and Restated Lease Agreement, LESSOR shall immediately deliver to the County Attorney, at the address set forth above, copies of all papers filed by or against LESSOR.

a. Any communication or notice regarding termination shall be in writing and shall be given to the COUNTY or the LESSOR or their designated representative at the addresses set forth in *Section 25.01* or at such other addresses that may be specified in writing by the parties and shall be deemed to be duly given only if delivered: (i) personally [personal service on COUNTY must be pursuant to New York Civil Practice Law and Rules Section 311]; (ii) by nationally recognized overnight courier; or (iii) mailed by registered or certified mail in a postpaid envelope addressed: Notice shall be deemed to have been duly given (1) if delivered personally, upon acceptance or refusal thereof, (2) if by nationally recognized overnight courier, the first Business Day subsequent to transmittal and (3) if mailed by registered or certified mail, upon the seventh Business Day after the mailing thereof.

b. Any notice by either party to the other with respect to the commencement of any lawsuit or legal proceeding shall be effected pursuant to and governed by the New York Civil Practice Law and Rules or the Federal Rules of Civil Procedure, as applicable.

Section 25.03 Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

SECTION 26. SUBORDINATION, NONDISTURBANCE AND ATTORNMENT

Section 26.01 COUNTY agrees that this Amended and Restated Lease Agreement is subject and subordinate to any and all recorded mortgages, deeds of trust and other liens now or hereafter existing or imposed upon the Premises, and to any renewal, modification or extension thereof. It is the intention of the parties that this provision shall be self-operative and that no further instrument shall be required to effect present or subsequent subordination of this Amended and Restated Lease Agreement. COUNTY agrees, however, within fifteen (15) Business Days next following the Suffolk County Attorney's Office receipt of a written demand, to execute such instruments as LESSOR may reasonably request to evidence further the subordination of this Amended and Restated Lease Agreement to any existing or future mortgage, deed of trust or other security interest pertaining to the Premises, and to any water, sewer or access easement necessary or desirable to serve the Premises or adjoining property owned in whole or in part by LESSOR if such easement does not interfere with the full enjoyment of any right granted the COUNTY under this Amended and Restated Lease Agreement, subject to the conditions stated in *Section 26.05*.

Section 26.02 No such subordination, to either existing or future mortgages, deed of trust or other lien or security instrument shall operate to affect adversely any right of the COUNTY under this Amended and Restated Lease Agreement so long as the COUNTY is not in default under this Amended and Restated Lease Agreement. LESSOR will include in any future mortgage, deed of trust or other security instrument to which this Amended and Restated Lease Agreement becomes subordinate, or in a separate nondisturbance agreement on such lender's standard form, a provision to the foregoing effect. LESSOR warrants that the holders of all notes or other obligations secured by existing mortgages, deed of trust or other security instruments have consented to the provisions of this clause, and agrees to provide true copies of all such consents to the COUNTY promptly upon demand.

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Section 26.03 In the event of any sale of the Premises or any portion thereof by foreclosure of the lien of any such mortgage, deed of trust or other security instrument, or the giving of a deed in lieu of foreclosure, the COUNTY will be deemed to have attorned to any purchaser, purchasers, transferee or transferees of the Premises or any portion thereof and its or their successors and assigns, and any such purchasers and transferees will be deemed to have assumed all obligations of the LESSOR under this Amended and Restated Lease Agreement, so as to establish direct privity of estate and contract between COUNTY and such purchasers or transferees, with the same force, effect and relative priority in time and right as if the Amended and Restated Lease Agreement had initially been entered into between such purchasers or transferees and the COUNTY; provided, further, that such purchasers or transferees shall, with reasonable promptness following any such sale or deed delivery in lieu of foreclosure, execute all such revisions to this Amended and Restated Lease Agreement, or other writings, as shall be necessary to document the foregoing relationship.

Section 26.04 Within twenty (20) days next following the COUNTY's receipt of a joint written request from LESSOR and a prospective lender or purchaser of the Premises, the County Attorney's Office shall execute and deliver to LESSOR a letter stating that the same is issued subject to the conditions stated in *Section 26.05*, and, if such is the case, that (1) the Amended and Restated Lease Agreement is in full force and effect; (2) the date to which the rent and other charges have been paid in advance, if any; and (3) whether any notice of default has been issued.

Section 26.05 Letters issued pursuant to *Section 26.04* are subject to the following conditions: (1) that they are based solely upon a reasonably diligent review of the COUNTY's Amended and Restated Lease Agreement file as of the date of issuance; (2) that the COUNTY shall not be held liable because of any defect in or condition of the Premises; (3) that the COUNTY does not warrant or represent that the Premises comply with applicable Federal, State and local law; and (4) that the LESSOR, and each prospective lender and purchaser are deemed to have constructive notice of such facts as would be ascertainable by reasonable pre-purchase and pre-commitment inspection of the Premises and by inquiry to appropriate Federal, State, and local government officials.

SECTION 27. ASSIGNMENT AND SUBLETTING

Section 27.01 Except as otherwise provided in this **Section 27**, COUNTY shall not assign this Amended and Restated Lease Agreement or sublet all or any portion of the Premises without the consent of LESSOR. COUNTY may sublet any part of the Premises with the consent of LESSOR, which consent shall not be unreasonably withheld or delayed, but shall not be relieved from any obligation under this Amended and Restated Lease Agreement by reason of any such subletting. Any assignment of this Amended and Restated Lease Agreement by COUNTY shall be subject to prior written consent of LESSOR, which shall not be unreasonably withheld or delayed.

Section 27.02 LESSOR shall not unreasonably withhold, delay, or condition its consent in the event such sublease meets the following conditions: (a) no default or event of default has occurred that is continuing beyond any applicable notice and grace periods set forth herein; (b) the sublessee assumes all of the obligations of this Amended and Restated Lease Agreement, to the extent applicable to the portion of the Premises so sublet; (c) COUNTY promptly furnishes LESSOR with an executed copy of the sublease or other agreement pursuant to which such sublessee shall agree to observe and perform, and to be bound by all of the terms, covenants and

conditions of this Amended and Restated Lease Agreement on COUNTY's part to be observed and performed; (d) the proposed sublessee is a reputable "Person," defined below, of good character, as reasonably determined by LESSOR, and LESSOR has been furnished with reasonable evidence thereof; (e) the proposed sublessee has a long term, senior, unsecured debt rating from the Rating Agencies at least equivalent to "A" (or its equivalent); and (f) the proposed sublessee shall not be (1) entitled directly or indirectly, to diplomatic or sovereign immunity, unless effectively waived to LESSOR's reasonable satisfaction, and shall be subject to service of process in, and the jurisdiction of the courts of the State of New York, or (2) any foreign government or multi-national organization (or agency, department or division thereof).

For purposes of this Amended and Restated Lease Agreement, the term "Person" means a natural person, a partnership, a limited liability company, a corporation, and any other form of business or legal association or entity.

Section 27.03 If at any time or from time to time during the term of this Amended and Restated Lease Agreement, COUNTY desires to assign this Amended and Restated Lease Agreement or sublet all or any part of the Premises, COUNTY shall give notice to LESSOR of such desire, including the name, address and contact party for the proposed assignee or subtenant, a description of such party's business history, the effective date of the proposed assignment or sublease (including the proposed occupancy date by the proposed assignee or sublessee), and in the instance of a proposed sublease, the square footage to be subleased, a floor plan drawn to scale depicting the proposed sublease area, and a statement of the duration of the proposed sublease (which shall in any and all events expire by its terms at least one day prior to the scheduled expiration of this Amended and Restated Lease Agreement, and immediately upon any sooner termination thereof and such other information as LESSOR may reasonably require). LESSOR may, at its option, and in its sole and absolute discretion, exercisable by notice given to COUNTY within thirty (30) days next following LESSOR's receipt of COUNTY's notice (which notice from COUNTY shall, as a condition of its effectiveness, include all of the above-enumerated information), elect to recapture the entire Premises for the remainder of the Term if COUNTY is proposing to assign this Amended and Restated Lease Agreement or only such portion for such term as is proposed by COUNTY to be sublet (and in each case, the parking spaces included in this demise, or a pro-rate portion thereof in the instance of the recapture of less than all of the Premises), and terminate this Amended and Restated Lease Agreement with respect to the space and term being recaptured.

Section 27.04 If LESSOR elects to recapture the Premises or a portion thereof as aforesaid, then with respect to the space and term being recaptured from and after the effective date thereof as approved by LESSOR, after COUNTY shall have fully performed such obligations as are enumerated herein to be performed by COUNTY in connection with such recapture, and except as to obligations and liabilities accrued and unperformed (and any other obligations expressly stated in this Amended and Restated Lease Agreement to survive the expiration or sooner termination of this Amended and Restated Lease Agreement), COUNTY shall be released of and from all obligations hereunder thereafter otherwise accruing with respect to the portion of the Premises and for the term being recaptured. Such portion of the Premises which LESSOR shall have elected to recapture shall be delivered by COUNTY to LESSOR free and clear of all furniture, furnishings, personal property and removable fixtures, with COUNTY repairing and restoring any and all damage to the Premises resulting from the installation, handling or removal thereof, and otherwise in the same condition as COUNTY is, by the terms of this Amended and Restated Lease Agreement, required to redeliver the Premises to LESSOR upon the expiration or sooner termination of this Amended and Restated Lease Agreement. In the event of a sublease of

less than all of the Premises, the cost of erecting any demising walls, entrances and entrance corridors, and any other or further improvements in connection therewith, including without limitation, modifications, if any, to HVAC, electrical, plumbing, fire, life safety and security systems painting, wallpapering and other finish items as may be acceptable to or specified by LESSOR shall be paid by COUNTY. All of the foregoing improvements shall be made in accordance with applicable legal requirements and LESSOR's then standard base building specifications and shall be performed by LESSOR's contractors. Upon the commencement of any recapture and partial termination of this Amended and Restated Lease Agreement as provided herein, the Total Annual Rent, COUNTY's share of Real Estate Taxes and other monetary obligations hereunder shall be adjusted and pro-rated based upon the reduced rentable square footage of the unrecaptured portion of the Premises. From and after any recapture for less than the full remainder Term of the Amended and Restated Lease Agreement, LESSOR, at LESSOR's sole cost and expense, shall deliver possession of the Premises in the condition received from COUNTY at the commencement of the recapture, and the Total Annual Rent and other monetary obligations hereunder shall resume and remain in full force and effect until the expiration or sooner termination of this Amended and Restated Lease Agreement.

Section 27.05 If LESSOR provides written notification to COUNTY electing not to recapture the Premises (or so much thereof as COUNTY had proposed to sublease), or if the time period within which LESSOR may exercise its right of recapture under *Section 27.03* has expired, then COUNTY may proceed to market the designated space and may complete such transaction and execute an assignment of this Amended and Restated Lease Agreement or a sublease agreement (in each case in form acceptable to LESSOR) within a period of six (6) months next following LESSOR's notice to COUNTY that it declines to recapture such space or expiration of the time period within which LESSOR must exercise its right to recapture under *Section 27.03*, provided that COUNTY shall have first obtained in any such case the prior written consent of the LESSOR to such transaction. If, however, COUNTY shall not have assigned this Amended and Restated Lease Agreement or sublet the Premises with LESSOR's prior written consent as aforesaid within six (6) months next following LESSOR's notice to COUNTY that LESSOR declines to recapture the Premises (or such portion thereof as COUNTY initially sought to sublease), then in such event, COUNTY shall again be required to request LESSOR's consent to the proposed transaction, whereupon LESSOR's right to recapture the Premises (or such portion as COUNTY shall desire to sublease) shall be renewed upon the same terms and as otherwise provided in *Section 27.03* above.

Section 27.06 Any sums or other economic consideration received by COUNTY as a result of any subletting, assignment or license whether denominated rentals under the sublease or otherwise, which exceed, in the aggregate, the total sums which COUNTY is obligated to pay LESSOR under this Amended and Restated Lease Agreement (prorated to reflect obligations allocable to that portion of the Premises subject to such sublease or assignment) shall be divided evenly between LESSOR and COUNTY, with LESSOR's portion being payable to LESSOR as additional rental under this Amended and Restated Lease Agreement without satisfying or reducing any other obligations of COUNTY hereunder.

Section 27.07 Regardless of LESSOR's consent, no assignment shall release COUNTY of COUNTY's obligations or alter the primary liability of COUNTY to pay the Total Annual Rent and to perform all other obligations to be performed by COUNTY hereunder. The acceptance of rent by LESSOR from any other person shall not be deemed to be a waiver by LESSOR of any provision hereof. Consent to one assignment or subletting shall not be deemed consent to any subsequent assignment or subletting. In the event of default by any assignee of COUNTY or any

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successor of COUNTY in the performance of any of the terms hereof, LESSOR may proceed directly against COUNTY without the necessity of exhausting remedies against such assignee or successor.

Section 27.08 In the event that (i) the Premises or any part thereof are sublet and COUNTY is in default under this Amended and Restated Lease Agreement, or (ii) this Amended and Restated Lease Agreement is assigned by COUNTY, then, LESSOR may collect Total Annual Rent from the assignee or subtenant and apply the net amount collected to the Total Annual Rent herein reserved; but no such collection shall be deemed a waiver of the provisions of this **Section 27** with respect to assignment and subletting, or the acceptance of such assignee or subtenant as "tenant" hereunder, or a release of COUNTY from further performance of the covenants herein contained.

Section 27.09 COUNTY shall have no claim, and hereby waives the right to any claim, against LESSOR for money damages by reason of any refusal, withholding or delaying by LESSOR of any consent, and in such event, COUNTY's only remedies therefor shall be an action for specific performance, injunction or declaratory judgment to enforce any such requirement.

SECTION 28. LESSOR'S RIGHT TO SHOW PREMISES

Section 28.01 LESSOR may show the Premises to prospective purchasers and mortgagees, and during the eighteen (18) months prior to the expiration of this Amended and Restated Lease Agreement, to prospective tenants, during "Business Hours," as that term is defined below, upon reasonable notice to COUNTY or by other special arrangement between LESSOR and COUNTY.

For the purposes of this Amended and Restated Lease Agreement, the term "Business Hours" means from 8:30 a.m. to 5:30 p.m. during Business Days.

SECTION 29. EMINENT DOMAIN

Section 29.01 If there shall be a total taking, a partial taking of more than fifty percent (50%), or a "Constructive Total Taking," as defined below, of the Premises in condemnation proceedings or by any right of eminent domain, this Amended and Restated Lease Agreement and the Term and estate hereby granted shall forthwith cease and terminate as of the date of taking of possession by the condemning authority. In the event of a taking which is less than a Constructive Total Taking: (i) the Term and estate hereby granted with respect to the taken part of the Premises shall forthwith cease and terminate as of the date of taking of possession by the condemning authority and the Total Annual Rent shall be appropriately abated for the period from such date to the date specified in this Amended and Restated Lease Agreement for the expiration of the Term and (ii) LESSOR shall with reasonable diligence restore the remaining portion of the Premises as nearly as practicable to its condition prior to such condemnation or taking. "Constructive Total Taking" shall mean a taking of such scope that, upon the COUNTY's reasonable determination, the untaken part of the Premises would be uneconomic to operate or which would significantly interfere with COUNTY's business operations at the Premises. In the event of a partial taking of less than 15% of the Premises, this Amended and Restated Lease Agreement shall continue in force and effect, and Total Annual Rent shall be apportioned as to the percentage of space still remaining subsequent to such taking; and (ii) LESSOR shall with reasonable diligence, and if reasonably possible, restore the remaining portion of the Premises as nearly as practicable to its condition prior to such condemnation or taking at no cost to COUNTY.

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Section 29.02 In the event (1) LESSOR cannot restore the Premises for COUNTY's use within fifteen (15) months following receipt of notice of vesting of title; or (2) the part of the Premises so acquired is more than fifteen percent (15%) of the total area of the Premises immediately prior to such acquisition or condemnation and, after such taking, LESSOR and COUNTY agree that the Premises is no longer suitable for COUNTY's use, either party may give to the other party, within sixty (60) days next following the date upon which COUNTY shall have received notice of vesting of title, a sixty (60) days notice of termination of this Amended and Restated Lease Agreement and the Term shall come to an end and expire upon the expiration of said sixty (60) days with the same effect as if that were the date hereinbefore set for the expiration of the Term, and the Total Annual Rent hereunder shall be apportioned as of such date.

Section 29.03 (i) The term "Net Award" shall mean: (a) all amounts payable as a result of any condemnation or other eminent domain proceeding, less all reasonable expenses for such proceeding not otherwise paid by COUNTY (including, without limitation, all reasonable costs and expenses (including reasonable attorneys' fees and expenses) incurred by LESSOR and any mortgagee in participating in any condemnation or eminent domain proceedings; plus (b) all amounts payable pursuant to any agreement with any condemning authority (which agreement shall be deemed to be a taking) which has been made in settlement of or under threat of any condemnation or other eminent domain proceeding affecting the Premises or COUNTY's access thereto or utilities or facilities serving the Premises, less all expenses incurred as a result thereof not otherwise paid by COUNTY including, without limitation, all costs and expenses (including reasonable attorneys' fees and expenses) incurred by LESSOR or any mortgagee in participating in any condemnation or eminent domain proceedings.

(ii) If a part or all of the Premises shall be taken or condemned, the Net Award shall go to LESSOR and COUNTY shall have no claim thereto (but COUNTY may file a separate claim for any taking of fixtures and improvements owned by COUNTY which have not become LESSOR's property, business interruption, and for moving expenses, provided the same shall in no way affect or diminish LESSOR's award). COUNTY hereby expressly waives, relinquishes and release to LESSOR any claim for damages or other compensation to which COUNTY might otherwise be entitled because of any such taking or limitation of the leasehold estate hereby created, and irrevocably assigns and transfers to LESSOR any right to compensation of all or a part of the Premises or the leasehold estate.

Section 29.04 Notwithstanding the foregoing, if all or any portion of the Premises shall be condemned or taken for governmental occupancy for a limited period of time, this Amended and Restated Lease Agreement shall continue in full force and effect (without any abatement of the Rent) and COUNTY shall be entitled to receive the entire Net Award therefore (whether paid as damages, rent or otherwise) unless the period of governmental occupancy extends beyond the expiration of this Amended and Restated Lease Agreement, in which case LESSOR shall be entitled to such part of such Net Award as shall be properly allocable to the cost of restoration of the Premises, and the balance of such Net Award shall be apportioned between LESSOR and COUNTY as of the date of such expiration. If the termination of such governmental occupancy is prior to expiration of this Amended and Restated Lease Agreement, COUNTY shall restore the Premises as nearly as possible to its condition prior to the condemnation or taking.

SECTION 30. ENVIRONMENTAL RESPONSIBILITIES

Section 30.01 COUNTY shall not use or suffer the use of all or any part of the Premises to treat, generate, store, dispose of, transfer, release, convey or recover any "Hazardous Substances," as

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that term is defined below. COUNTY shall immediately notify LESSOR of the presence or suspected presence of any Hazardous Substance on or about the Premises and shall deliver to LESSOR any notice received by COUNTY with respect to any Hazardous Substance relating thereto.

For purposes of this Amended and Restated Lease Agreement, the term "Hazardous Substance" means (i) asbestos and any asbestos containing material and any substance that is listed in, or otherwise classified pursuant to any "Environmental Laws," as that term is defined below, or any applicable laws or regulations as "hazardous substance", "hazardous material", "hazardous waste", "infectious waste", toxic substance", "toxic pollutant", or any other formulation intended to define, list or classify substances by reason of deleterious properties such as ignitability, corrosivity, reactivity, carcinogenicity, toxicity, reproductive toxicity, or "EP toxicity", (ii) any petroleum and drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas, or geothermal resources and (iii) petroleum product, polychlorinated biphenyls, urea formaldehyde, radon gas, radioactive matter, and medical waste. "Hazardous Substance" shall not include normal cleaning and personal household products being used in their intended manner and otherwise in a manner that is in compliance with Environmental Laws.

"Environmental Laws" means any and all present and future federal, state, and local laws, ordinances, rules, regulations, decisions, and standards relating to protection of human health and the environment, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 et.seq. ("CERCLA"); the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et.seq. ("RCRA"); the Occupational Safety and Health Act) 29 U.S.C. 651 et.seq. ("OSHA"). Environmental Laws shall also include, but are not limited to, any requirements relating to underground storage tanks, the storage and use of gasoline, diesel fuel, waste oil or other petroleum products.

Section 30.02 Subject to the provisions of *Section 30.04*, COUNTY, at its expense, shall comply with all Environmental Laws applicable to the Premises and shall give LESSOR prompt notice of any lack of compliance with any of the foregoing and of any notice it receives of the alleged violation of any Environmental Laws. LESSOR shall cooperate with COUNTY's efforts hereunder.

Section 30.03 LESSOR represents and warrants that to LESSOR's actual knowledge, the Premises has not been used for the generation, treatment, storage, or disposal of hazardous waste, and LESSOR certifies that, to LESSOR's actual knowledge, the Premises comply with all applicable Federal, State, and local regulations concerning the provision of a safe work environment free from environmental contaminants and hazards.

Section 30.04 Except to the extent the same are the obligations of COUNTY under the Amended and Restated Lease Agreement, LESSOR shall comply with all Environmental Laws affecting or related to its use or ownership of the Premises, including but not limited to, the construction or demolition of any improvement thereon, and shall give COUNTY prompt notice of any lack of compliance with any of the foregoing of which it obtains knowledge and of any notice it receives of the alleged non-compliance with Environmental Laws. COUNTY shall cooperate with LESSOR's efforts hereunder; provided, however, that COUNTY shall not be required to incur any out of pocket costs in so doing. LESSOR shall indemnify COUNTY against all claims,

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losses, costs, expenses, fines, penalties and damages which may be imposed by reason of, or arising out of LESSOR's failure to fully and promptly comply with the provisions of this Section.

Section 30.05 With respect to the existence of any Hazardous Substance which COUNTY has caused or created, COUNTY shall defend, indemnify, and hold harmless LESSOR and its employees, agents, officers, and directors, from and against any claims, demands, penalties, fines, liabilities, settlements, damages, costs, or expenses of whatever kind or nature, known or unknown, contingent or otherwise, arising out of, or in any way related to, (a) the presence, disposal, release, or threatened release of any Hazardous Substance which is on, from, or affecting the soil, water, vegetation, buildings, personal property, persons, animals, or otherwise; (b) any personal injury (including wrongful death) or property damage (real or personal) arising out of or related to such Hazardous Substance; (c) any lawsuit brought or threatened, settlement reached, or government order relating to such Hazardous Substance; and/or (d) any violation of Environmental Laws, or any policies or requirements of LESSOR which are based upon or in any way related to such Hazardous Substance, including, without limitation, attorney and consultant fees, investigation and laboratory fees, court costs, and litigation expenses.

Section 30.06 The provisions of this **Section 30** shall survive the expiration or earlier termination of this Amended and Restated Lease Agreement.

SECTION 31. SIGNAGE

Section 31.01 LESSOR shall erect and maintain a sign, in conformance with local requirements, located on the exterior of the Premises, during the term of this Amended and Restated Lease Agreement. LESSOR shall take all reasonable steps necessary to obtain any permits or local approvals required for same.

Section 31.02 Any additional signage which may be requested by COUNTY shall be erected and maintained by LESSOR at COUNTY's sole cost and expense. Upon the expiration or sooner termination of the Term, the COUNTY shall remove any such additional signs erected at COUNTY's request, and shall repair any damage caused thereby and restore the affected area of the Premises.

SECTION 32. QUIET ENJOYMENT

Section 32.01 LESSOR covenants that if and so long as COUNTY pays Total Annual Rent and Expenses, and fully and faithfully performs the covenants hereof, COUNTY shall peaceably and quietly have, hold and enjoy the Premises for the Term, subject to the provisions of this Amended and Restated Lease Agreement.

SECTION 33. NO IMPLIED WAIVER

Section 33.01 No failure or delay by either party to insist upon the strict performance of any provision of this Amended and Restated Lease Agreement, or to exercise any right, power or remedy consequent upon a breach thereof, and no acceptance of full or partial rent or other performance by either party during the continuance of such breach shall constitute a waiver of any such provision.

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SECTION 34. SUFFOLK COUNTY LEGISLATIVE REQUIREMENTS

Section 34.01 The parties agree to be bound by the terms of Suffolk County Legislative Requirements, annexed hereto as Exhibit C and made a part hereof.

SECTION 35. COOPERATION ON CLAIMS

Section 35.01 Each of the parties hereto agrees to render diligently to the other party, without additional compensation, any and all cooperation, that may be required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives in connection with this Amended and Restated Lease Agreement.

SECTION 36. MISCELLANEOUS

Section 36.01 Neither LESSOR nor COUNTY shall be permitted to record this Amended and Restated Lease Agreement or a memorandum thereof.

Section 36.02 Time is and shall be of the essence with respect to this Amended and Restated Lease Agreement and occupancy on the date specified is of the essence of this Amended and Restated Lease Agreement to the COUNTY.

Section 36.03 References contained herein to Sections, Exhibits and Schedules shall be deemed to be references to the Articles, Exhibits, and Schedules of and to this Amended and Restated Lease Agreement unless specified to the contrary.

SECTION 37. NOT A CO-PARTNERSHIP OR JOINT VENTURE

Section 37.01 Nothing herein contained shall create or be construed as creating a co-partnership or joint venture between the COUNTY and LESSOR or to constitute the LESSOR as an agent or employee of the COUNTY.

SECTION 38. BROKER

Section 38.01 LESSOR and COUNTY, each to the other, represent and warrant that no broker or finder called the Premises to COUNTY's attention for lease or took any part in any dealings, negotiations, or consultations with respect to the Premises or this Amended and Restated Lease Agreement. Each party (the "Indemnifying Party") hereby agrees to indemnify and hold harmless the other party against any claim, demand and judgment which may be made or obtained against the other party by any other broker claiming a commission for representing the Indemnifying Party for bringing about this Amended and Restated Lease Agreement. The other party shall forthwith notify the Indemnifying Party of any such claim, demand, or legal action and the Indemnifying Party shall defend the other party against any such claim, demand or legal action at no cost to the other party.

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SECTION 39. CERTIFICATION

Section 39.01 The parties to this Amended and Restated Lease Agreement hereby certify that, other than the funds provided in this Amended and Restated Lease Agreement and other valid agreements with the COUNTY, there is no known relationship within the third degree of consanguinity, life partner, or business, commercial, economic, or financial relationship between the parties, the signatories to this Amended and Restated Lease Agreement, and any partners, members, directors, or shareholders of more than five per cent (5%) of any party to this Amended and Restated Lease Agreement.

SECTION 40. NOT IN DEFAULT

Section 40.01 The LESSOR warrants that it is not, and shall not be during the Term of this Agreement, in arrears to the COUNTY for taxes or upon debt or contract and is not, and shall not be during the term of this Agreement, in default as surety, contractor or otherwise on any obligation to the COUNTY, and the LESSOR agrees that the COUNTY may withhold the amount of any such arrearage or default from amounts payable to the TENANT under this Agreement.

SECTION 41. GOVERNING LAW

Section 41.01 This Amended and Restated Lease Agreement shall be governed by the laws of the State of New York. In the event of any dispute or litigation, the venue of any proceeding to determine the rights and liabilities of the respective parties arising under this Agreement shall be in the New York Supreme Court, Suffolk County; or, in the event of a proceeding in the federal courts, in the District Court for the Eastern District of New York.

SECTION 42. WAIVER OF TRIAL BY JURY

Section 42.01 It is mutually agreed by and between LESSOR and COUNTY that the respective parties hereto shall and they hereby do waive any right to trial by jury in any action, proceeding or in any other matter in any way connected with this Amended and Restated Lease Agreement, the relationship of LESSOR and COUNTY, the Premises, and/or any claim of injury or damage, or for the enforcement of any remedy under any statute, emergency or otherwise.

SECTION 43. CIVIL ACTIONS

Section 43.01 LESSOR represents that it shall not use any of the moneys received under this Amended and Restated Lease Agreement, directly, in connection with the prosecution of any civil action against the County of Suffolk or any of its programs, funded by the County, in part or in whole, in any jurisdiction or any judicial or administrative forum.

SECTION 44. SUCCESSORS BOUND

Section 44.01 This Amended and Restated Lease Agreement shall bind, and inure to the benefit of, the parties and their respective heirs, executors, administrators, successors and assigns.

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SECTION 45. COUNTY REPRESENTATIVES

Section 45.01 It is expressly understood and agreed by and between the parties hereto that the officers, officials, employees and agents of the COUNTY are acting in a representative capacity for the County of Suffolk and not for their own benefit, and that LESSOR shall not have any claim against them or any of them as individuals in any event whatsoever.

SECTION 46. INDEPENDENT CONTRACTOR

It is expressly agreed that LESSOR's status hereunder is that of an independent contractor. Neither the LESSOR, nor any person hired by LESSOR shall be considered employees of the County for any purpose.

SECTION 47. EXECUTION BY LESSOR

Section 47.01 When the LESSOR is a partnership, the names of the partners composing the firm must be stated in the Statements required under **Section 1** of Exhibit C of this Amended and Restated Lease Agreement. The Amended and Restated Lease Agreement must be signed with the partnership name, followed by the name of the partner signing the Amended and Restated Lease Agreement.

Section 47.02 Where the LESSOR is a corporation or a limited liability company, the Amended and Restated Lease Agreement must be signed with the corporate or company name, followed by the signature and title of the officer or other authorized person signing the Amended and Restated Lease Agreement on its behalf, and if requested by the COUNTY.

Section 47.03 LESSOR warrants that its entry into this Amended and Restated Lease Agreement was duly considered and authorized by its organizational body and pursuant to its by-laws, operating agreements and/or internal procedures.

SECTION 48. IDENTIFICATION NUMBER

Section 49.01 All invoices or vouchers submitted to the County for payment of rent and/or Expenses must include the payee's (LANDLORD's) identification number. The number is either the LANDLORD's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on his invoice or Standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

SECTION 49. PARAGRAPH HEADINGS

The paragraph headings in this Amended and Restated Lease Agreement are included for convenience only and shall not be taken into consideration in any construction or interpretation of this Amended and Restated Lease Agreement or any of its provisions.

SECTION 50. SEVERABILITY

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It is expressly agreed that if any term or provision of this Amended and Restated Lease Agreement and/or any amendment hereto, or the application thereof to any person or circumstances, shall be held invalid or unenforceable to any extent, the remainder of this Amended and Restated Lease Agreement and any amendment hereto, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Amended and Restated Lease Agreement and any amendment hereto shall be valid and shall be enforced to the fullest extent permitted by law.

SECTION 51. ENTIRE AGREEMENT

This Amended and Restated Lease (including the Schedules and Exhibits annexed hereto) contains the entire agreement between the parties and all prior negotiations and agreements are merged herein. The COUNTY hereby acknowledges that neither LESSOR nor LESSOR's agent or representative has made any representations or statements, or promises, upon which The COUNTY has relied, regarding any matter or thing relating to the Building, the land allocated to it (including the parking area) or the Premises, or any other matter whatsoever, except as is expressly set forth in this lease, including, but without limiting the generality of the foregoing, any statement, representation or promise as to the fitness of the Premises for any particular use, the services to be rendered to the Demised Premises, or the prospective amount of any item of additional rent. No oral or written statement, representation or promise whatsoever with respect to the foregoing or any other matter made by LESSOR, its agents or any broker, whether contained in an affidavit, information circular, or otherwise, shall be binding upon the LESSOR unless expressly set forth in this lease. No rights, easements or licenses are or shall be acquired by The COUNTY by implication or otherwise unless expressly set forth in this lease.

SECTION 52. NO ORAL CHANGES

It is expressly agreed that this Agreement represents the entire agreement of the parties, that all previous understandings are merged in this Agreement. No modification of this Agreement shall be valid unless written in the form of an Amendment and executed by both parties. All references in this lease to the consent or approval of LESSOR shall be deemed to mean the written consent of LESSOR, or the written approval of LESSOR, as the case may be, and no consent or approval of LESSOR shall be effective for any purpose unless such consent or approval is set forth in a written instrument executed by LESSOR.

SECTION 53. INTERPRETATION

This Amended and Restated Lease Agreement is to be construed and interpreted without regard to any presumption or other rule requiring construction or interpretation against the party causing this Amended and Restated Lease Agreement to be drafted.

SECTION 54. ESTOPPEL CERTIFICATE

The COUNTY shall, at any time and from time to time, within ten (10) days after LESSOR's request therefor, execute and deliver to LESSOR a statement in writing (i) certifying that this lease is unmodified and in full force and effect (or if there have been modifications, that the same

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is in full force and effect as modified and stating the modification); (ii) certifying the dates to which the Total Annual Rent, additional Total Annual Rent and other charges have been paid; (iii) certifying whether any installments of Total Annual Rent, additional Total Annual Rent or other charges under this lease have been paid more than thirty (30) days in advance; (iv) stating whether or not LESSOR is in default in performance of any covenant, agreement, term, provision or condition contained in this lease, and if so, specifying each such default; (v) confirming the Commencement Date and the scheduled Expiration Date under this lease; (vi) setting forth the amount of the Security Deposit then being held by LESSOR, if any; (vii) certifying the amount of the then-current monthly Total Annual Rent payments under this lease; (viii) certifying the terms of any remaining options of the COUNTY under this lease, including, to the extent applicable, any renewal, expansion (which, for purposes of this clause, shall be deemed to include any right of first refusal, right of offer and similar right to lease additional space), relocation, partial surrender, cancellation, purchase and similar options, if any; (ix) certifying that this lease has not been assigned by the COUNTY (or if any assignment has occurred, setting forth the date and material terms of such assignment and the identity of the parties thereto); (x) certifying that the COUNTY then occupies the entire Demised Premises and that no portion thereof has been sublet to any person or entity (or if any subletting has occurred, setting forth the date and material terms of such sublease and the identity of the parties thereto); and (xi) containing such other information as to the status of this Lease as LESSOR shall reasonably request. The COUNTY hereby acknowledges that the statement delivered pursuant hereto may be relied upon by any prospective purchaser or lessee of the Real Property or any interest or estate therein, any mortgagee or prospective mortgagee thereof, or any prospective assignee of any mortgage thereof.

SECTION 55. PROPERTY LOSS

LESSOR or its agents shall not be liable for any damages to property of the COUNTY or of others entrusted to employees of the Building, nor for the loss of or damage to any property of the COUNTY by theft or otherwise, unless caused by or due to the negligence of LESSOR, its agents, servants or employees. LESSOR or its agents shall not be liable for any injury or damage to persons or property resulting from fire, explosion, falling plaster, steam, gas, electricity, electrical disturbance, water, rain or snow or leaks from any part of the Building or from the pipes, appliances or plumbing works or from the roof, street or subsurface or from any other place or by dampness or by any other cause of whatsoever nature, unless caused by or due to the negligence of LESSOR, its agents, servants or employees; nor shall LESSOR or its agents be liable for any such damage caused by persons in the Building or caused by operations in construction of any private, public or quasi-public work; nor shall LESSOR be liable for any latent defect in the Premises or in the Building.

SECTION 56. LIMITED LIABILITY OF LESSOR.

If LESSOR is in breach or default with respect to its obligations under this lease, the COUNTY shall look solely to the equity of LESSOR in the land and Building of which the Premises form a part for the satisfaction of COUNTY's remedies. The word "LESSOR" as used herein means only the owner of the LESSOR's interest for the time being in the land and Building (or the owners of a lease of the Building or of the land and Building) of which the Premises form a part, and in the event of any sale of the Building and land of which the Demised Premises form a part, LESSOR shall be and hereby is entirely freed and relieved of all covenants and obligations of LESSOR hereunder and, it shall be deemed and construed without further agreement between the

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parties or between the parties and the purchaser of the Premises, that such purchaser has assumed and agreed to carry out any and all covenants and obligations of LESSOR hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Amended and Restated Lease Agreement to be executed and delivered as of the date first set forth above.

LESSOR

COUNTY

RECHLER EQUITY MANAGEMENT, LLC

COUNTY OF SUFFOLK

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: Jeffrey W. Szabo
Title: Deputy County Executive, Chief of Staff
Date: _____

APPROVED AS TO LEGALITY:

Christine Malafi
Suffolk County Attorney

RECOMMENDED:

Space Management Steering Committee

By: _____
Basia Deren Braddish
Title: Assistant County Attorney
Date: _____

By: _____
Name: Thomas LaGuardia
Title: Chairman, Space Management Steering Committee
Date: _____

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ACKNOWLEDGEMENT

STATE OF NEW YORK}

SS:

COUNTY OF SUFFOLK}

On the ____ day of _____ in the year 2008 before me, the undersigned, personally appeared _____, personally known to me or provided to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individuals(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

ACKNOWLEDGEMENT

STATE OF NEW YORK}

SS:

COUNTY OF SUFFOLK}

On the ____ day of _____ in the year 2008 before me, the undersigned, personally appeared *Jeffrey W. Szabo, Deputy County Executive*, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individuals(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

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EXHIBIT A
LANDLORD-TENANT RESPONSIBILITIES SHEET

ITEM	LANDLORD	COUNTY
1) UTILITIES – Usage		
A) OIL		X
B) GAS (If separately metered)		X
C) WATER (If separately metered)		X
D) ELECTRICITY (if separately metered)		X
E) SEWER CHARGES/TAXES		X
2) H.V.A.C. EQUIPMENT	X	
A) REPAIR & REPLACE	X	
B) ORDINARY PREVENTIVE MAINTENANCE	X	
C) CHANGE AIR FILTER:	X	
3) ELECTRIC EQUIPMENT	X	
A) REPAIR & REPLACE	X	
B) INTERIOR LAMP & BALLAST REPLACEMENT		X
C) EMERGENCY LIGHTING AND EXIT LIGHTING		X
D) PARKING FIELD & EXTERIOR BUILDING LIGHTING	X	
E) PARKING FIELD LAMP REPLACEMENT	X	
4) PLUMBING	X	
A) REPAIR & REPLACE	X	
B) ORDINARY PREVENTIVE MAINTENANCE	X	
C) CLEAN OUT: DRAINAGE STRUCTURES & SYSTEMS	X	
D) CLEAN OUT: SEWAGE STRUCTURES & SYSTEMS	X	
5) STRUCTURAL REPAIRS * SEE PARAGRAPH ENTITLED “PREPARATION AND CARE OF PREMISES BY LANDLORD”	X	
A) REPAIR: SIDEWALKS, CURBS, RAMPS, DRIVEWAYS, PARKING AREAS, ROOF & ROOFING, INTERIOR (DUE TO FAULTY CONSTRUCTION), DRAINAGE STRUCTURES & SYSTEMS, SEWAGE STRUCTURES & SYSTEMS	X	

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ITEM	LANDLORD	COUNTY
B) Repair: BUILDING ENVELOPE	X	
6) CUSTODIAL		X
A) CLEAN WINDOWS - INTERIOR		X
B) CLEAN WINDOWS – EXTERIOR, 1X/year	X	
C) TRASH REMOVAL – INTERIOR		X
7) CARTAGE		X
8) SNOW & ICE REMOVAL TO PARKING AREAS, DRIVES, RAMPS & WALKS	X	
9) GROUNDS MAINTENANCE	X	
A) GRASS & LANDSCAPING MAINTENANCE	X	
B) IRRIGATION OF GRASS & LANDSCAPING	X	
C) PARKING FIELD	X	
D) PARKING FIELD SWEEPING AND DEBRIS REMOVAL	X	
10) REPAIRS & MAINTENANCE OF COMMON USE AREAS	N/A	N/A
11) INTERIOR MAINTENANCE AND REPAIRS (NOT CAUSED BY TENANT MISUSE, ABUSE OR NEGLECT)		X
12) GLAZING (NOT CAUSED BY TENANT DAMAGE)	X	
13) TAXES SEE PARAGRAPH IV ENTITLED "TAXES AND UTILITIES"		X
14) VERMIN AND RODENT EXTERMINATION		X
15) FIRE SPRINKLERS & RPZ – MAINTENANCE AND TESTING		X
16) SECURITY ALARM – Maintenance, repair & monitoring		X

EXHIBIT B
LESSOR'S WORK

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Building Renovation Checklist – 250 Executive Drive, Hauppauge, NY – May 13, 2008

The following items are to be addressed as part of the lease renewal of this building:

1. About a dozen locations where ceiling tiles had been stained by water leaks were noted as well as a light fixture in the accessible staff men's room. Whether this was from roof leaks or HVAC systems could not be determined. The source needs to be investigated and the source of the problem repaired and the stained tiles replaced.
2. A few ceiling tiles are undersized and need to be replaced.
3. All exhaust fans are to be functional, to code and vented directly to the exterior.
4. Older toilets shall be upgraded with new inner workings or replaced.
5. The handle at the public drinking fountain is missing and should be replaced.
6. The drinking fountain at the staff bathroom is old and needs to be replaced, preferably with an accessible model.
7. Loose quarry tiles in the main lobby shall be repaired and/or replaced.
8. All carpeting needs to be replaced. Some areas may switch to vinyl tile.
9. The opening for the old loading door must be blocked up to prevent heat loss and leaks.
10. The exterior lighting is inadequate and another light should be added to the existing pole to cover the employee entrance.
11. An existing ground flood light (east) is obscuring the security cameras and should be adjusted or relocated.
12. A new storage area shall be added to the employee entrance vestibule. The two storage closets shall be reorganized for greater efficiency.
13. The roof has been repaired and is in good shape. The landlord accepts responsibility for the maintenance of this item.
14. There is black staining at many supply diffusers. All filters shall be replaced quarterly.
15. The landlord will clean or replace existing diffusers and returns. Landlord will also balance the HVAC system.
16. Thermostats shall be relocated as required to avoid temperature extremes.
17. The landlord will paint all interiors (including secure wall covers). DPW will provide colors and specs.
18. A staging plan for all work will need to be developed by DPW with all departments.
19. Upgrade employee bathrooms where necessary, including sinks, vanities, partitions and toilet infrastructure.
20. The server room ceiling tiles are to be replaced with egg crate-style panels.

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EXHIBIT C
SUFFOLK COUNTY LEGISLATIVE REQUIREMENTS

1. Contractor’s/Vendor’s Public Disclosure Statement

The Contractor represents and warrants that it has filed with the Comptroller of Suffolk County the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the said Comptroller on or before the 31st day of January in each year of this Agreement's duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of this Agreement, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Agreement.

Required Form: Suffolk County Form SCEX 22; entitled “Contractor’s/Vendor’s Public Disclosure Statement”

2. Living Wage Law

This Agreement is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

The Contractor represents and warrants that it has read and shall comply with the requirements of Suffolk County Code Chapter 347, Suffolk County Local Law No. 12-2001, the Living Wage Law.

Required Forms: Suffolk County Living Wage Form LW-1; entitled “Suffolk County Department of Labor – Living Wage Unit Notice of Application for County Compensation (Contract)”

Suffolk County Living Wage Form LW-38; entitled “Suffolk County Department of Labor – Living Wage Unit Living Wage Certification/Declaration – Subject To Audit”

**3. Use of County Resources to Interfere with Collective Bargaining Activities
Local Law No. 26-2003**

The Contractor represents and warrants that it has read and is familiar with the requirements of Chapter 466, Article 1 of the Suffolk County Local Laws, “Use of County Resources to Interfere with Collective Bargaining Activities”. County Contractors (as defined) shall comply with all requirements of Local Law No. 26-2003 including the following prohibitions:

- a. The Contractor shall not use County funds to assist, promote, or deter union organizing.

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- b. No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.
- c. The County of Suffolk shall not use County funds to assist, promote, or deter union organizing.
- d. No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.

If Contractor services are performed on County property the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, nonintimidation agreement and a majority authorization card agreement.

If Contractor services are for the provision of human services and such services are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Local Law No. 26-2003, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of this Law.

Required Form: Suffolk County Labor Law Form DOL-LO1; entitled "Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration – Subject to Audit"

4. Lawful Hiring of Employees Law

This Agreement is subject to the Lawful Hiring of Employees Law of the County of Suffolk (Local Law 52-2006). It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of

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covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the contract, and whenever a new contractor or subcontractor is hired under the terms of the contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of this agreement.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate this Agreement for violations of this Law and to seek other remedies available under the law.

The Contractor represents and warrants that it has read, is in compliance with, and shall comply with the requirements of Suffolk County Code Chapter 234, Suffolk County Local Law No. 52-2006, the Lawful Hiring of Employees Law.

Required Forms: Suffolk County Lawful Hiring of Employees Law Form LHE-1; entitled "Suffolk County Department of Labor --"Notice Of Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees"

"Affidavit Of Compliance With The Requirements Of 8 U.S.C. Section 1324a With Respect To Lawful Hiring Of Employees" Form LHE-2.

5. Gratuities

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

6. Prohibition Against Contracting with Corporations that Reincorporate Overseas

The Contractor represents that it is in compliance with Suffolk County Administrative Code Article IV, §§A4-13 and A4-14, found in Suffolk County Local Law No. 20-2004, entitled "A Local Law To Amend Local Law No. 5-1993, To Prohibit The County of Suffolk From Contracting With Corporations That Reincorporate Overseas." Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

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7. Child Sexual Abuse Reporting Policy

The Contractor agrees to comply with Chapter 577, Article IV, of the Suffolk County Code, entitled "Child Sexual Abuse Reporting Policy", as now in effect or amended hereafter or of any other Suffolk County Local Law that may become applicable during the term of this Agreement with regard to child sexual abuse reporting policy.

8. Non Responsible Bidder

The Contractor represents and warrants that it has read and is familiar with the provisions of Suffolk County Code Chapter 143, Article II, §§ 143-5 through 143-9. Upon signing this Agreement the Contractor certifies that he, she, it, or they have not been convicted of a criminal offense within the last ten (10) years. The term "conviction" shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under the provision of Section 143-5 of the Suffolk County Code under "Nonresponsible Bidder."

9. Use of Funds in Prosecution of Civil Actions Prohibited

Pursuant to the Suffolk County Code Section §590-3, the Contractor represents that it shall not use any of the moneys received under this Agreement, either directly or indirectly, in connection with the prosecution of any civil action against the County of Suffolk or any of its programs, funded by the County, in part or in whole, in any jurisdiction or any judicial or administrative forum.

10. Suffolk County Local Laws

Suffolk County Local Laws, Rules and Regulations can be found on the Suffolk County web site at [www.co.suffolk](http://www.co.suffolk.ny.us)<<http://www.co.suffolk.ny.us>>. Click on "*Laws of Suffolk County*" under "*Suffolk County Links*."

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 1548-08 - 2008, AUTHORIZING THE PURCHASE OF PARATRANSIT VANS ON BEHALF OF THE DISABLED AMERICAN VETERANS TRANSPORTATION NETWORK AND AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FEDERAL AND STATE AID AND OTHER FUNDS (CP 5658)

WHEREAS, the Federal Transit Administration (FTA) and the New York State Department of Transportation (NYSDOT) provide funds for mass transportation projects; and

WHEREAS, Resolution No. 484-2007 authorized the County, as grantee, to file a Federal grant application on behalf of the Disabled American Veterans Transportation Network (DAV) located in the Northport VA Medical Center for federal funds earmarked for the DAV for the purchase of paratransit vans and related equipment; and

WHEREAS, Grant No. NY-04-0014 was subsequently awarded by the FTA; and

WHEREAS, the grant agreements for Federal and associated State financial assistance impose certain obligations upon the County, and require the County to commit resources necessary to initially cover the total project costs of the grants; and

WHEREAS, Federal reimbursement to the County will be 80% and State reimbursement to the County will be up to 50% of the non-federal share of federally funded projects, but not to exceed 10% of federally funded total project costs and the DAV will provide the remaining 10% local share of project costs; and

WHEREAS, the total cost of this purchase is estimated to be up to \$66,625 and there is no County share involved in this 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, sufficient funds have not been included within the 2008 Capital Budget and Program 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 and/or state aid; now, therefore, be it

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

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking

of thirty-six (36) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the Purchasing Division is authorized to acquire paratransit vans and related equipment, pre and post delivery Buy America audits and inspection during manufacture on behalf of the DAV subject to approvals of FTA and NYSDOT and pursuant to applicable federal and state regulations; and be it further

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

Project No. 5658

Project Title: Purchase of Public Transit Vehicles

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
5. Furniture & Equipment	\$89,081,706	512,500B 4,100,000F 512,500S <u>00</u>	512,500B 4,100,000F 512,500S <u>6,663O</u>
6. TOTAL	\$89,081,706	\$5,125,000	\$5,131,663

and be it further

5th RESOLVED, that the private (DAV) funds be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.542	Purchase of paratransit vans and related equipment for the DAV	\$6,663

and be it further

6th RESOLVED, that the State Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.542	Purchase of paratransit vans and related equipment for the DAV	\$6,662

and be it further

7th RESOLVED, that the Federal Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.542	Purchase of paratransit vans and related equipment for the DAV	\$53,300

and be it further

8th RESOLVED, that the County Treasurer and the County Comptroller are authorized to accept private, State and Federal aid in connection with this project; and be it further

9th RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute a Transfer of Title Agreement with the Disabled American Veterans to assign all responsibility for the use and maintenance of the vehicles, together with any reporting requirements thereof in connection with the Federal grant.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT 1548
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO _____ - 2008, AUTHORIZING THE PURCHASE OF PARATRANSIT VANS ON BEHALF OF THE DISABLED AMERICAN VETERANS TRANSPORTATION NETWORK AND AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FEDERAL AND STATE AID AND OTHER FUNDS (CP 5658)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify) <u> DAV </u>
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
No impact or cost to county. Disabled American Veterans wil provide 10% local share		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
80% Federal 10% State 10% DAV		
9. Timing of Impact		
None for county		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		May 22nd , 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1548

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1548

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner
Department of Public Works

DATE: April 21, 2008

RE: C.P. 5658 – Purchase of Public Transit Vehicles
Proposed resolution authorizing the purchase of paratransit vans on behalf of the Disabled American Veterans Transportation Network (DAV) and amending the 2008 capital budget and program and accepting and appropriating federal and state aid and other funds

Attached, please find a draft resolution for the purchase of paratransit vans on behalf of the Disabled American Veterans Transportation Network (DAV). In FFY 2006, the DAV received a Congressional earmark of funds for the purchase of replacement paratransit vans. Grant NY-04-0014 was subsequently awarded by the FTA. This proposed legislation will authorize the Purchasing Division to acquire paratransit vans and related equipment on behalf of the DAV, amend the 2008 Capital Budget and appropriate Federal and State aid and the private share for the project.

Authorization for the Transfer of Title Agreement with the DAV is included in the resolution.

There is no County share in these projects.

The SCIN Forms 175a and Statement of Financial Impact Form are attached.

This proposed resolution, with backup, will be forwarded electronically titled: "Reso-DPW-Purchase of vans on behalf of the DAV."

Please initiate the process to have this resolution introduced at the next Suffolk County Legislature meeting. If you have any questions, please do not hesitate to contact Robert W. Shinnick, Director of Transportation Operations, at 24880.

TL:RWS:cfn
Enclosures

cc: Jim Morgo, Chief Deputy County Executive, w/enc.
Brendan Chamberlain, County Executive Assistant
Linda Brandolf, DPW Capital Accounting, w/enc.
Carmine Chiusano, Budget Office, Budget Office, w/enc.
Don Fahey, Federal & State Aid Office, w/enc
CE Reso Review List, e-mail

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1548

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

<p>1. Type of Legislation</p> <p>Resolution <input checked="" type="checkbox"/> Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/></p>											
<p>2. Title of Proposed Legislation</p> <p>Authorizing the purchase of paratransit vans on behalf of the Disabled American Veterans Transportation Network and amending the 2008 Capital Budget and Program and Accepting and Appropriating Federal and State Aid and other Funds.</p>											
<p>3. Purpose of Proposed Legislation</p> <p>This proposed legislation will authorize the Purchasing Division to acquire paratransit vans and related equipment on behalf of the DAV, amend the 2008 Capital Budget and appropriate Federal and State aid and the private share for the project. Authorization for the Transfer of Title Agreement with the DAV is included in the resolution.</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>											
<p>5. If the Answer to Item 4 is "yes", on what will it impact? (Circle the appropriate category)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">County</td> <td style="width: 33%;">Town of Brookhaven</td> <td style="width: 33%;">Economic Impact</td> </tr> <tr> <td>Village</td> <td>School District</td> <td style="border: 1px solid black;">Other (Disabled American Veterans)</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td></td> </tr> </table>			County	Town of Brookhaven	Economic Impact	Village	School District	Other (Disabled American Veterans)	Library District	Fire District	
County	Town of Brookhaven	Economic Impact									
Village	School District	Other (Disabled American Veterans)									
Library District	Fire District										
<p>6. If the Answer to Item 5 is "yes", Provide Detailed Explanation of Impact.</p> <p>The Disabled American Veterans Network (DAV) will provide 10% share of the project, total cost of which is estimated to be up to \$66,625.</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision</p>											
<p>8. Proposed Source of Funding</p> <p>80% Federal Transit Administration - \$53,300: 10% Disabled American Veterans- \$6,663 and 10% NYS Department of Transportation Funds - \$6,662.</p>											
<p>9. Timing of Impact</p> <p>2009</p>											
<p>10. Typed Name and Title of Preparer</p> <p>Robert W. Shinnick, Director Transportation Operations</p>	<p>11. Signature of Preparer</p> 	<p>12. Date</p> <p>4/14/08</p>									

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO - 2008, AUTHORIZING THE PURCHASE OF PARATRANSIT VANS ON BEHALF OF THE TOWN OF BROOKHAVEN AND AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FEDERAL AND STATE AID AND OTHER FUNDS (CP 5658)

WHEREAS, the Federal Transit Administration (FTA) and the New York State Department of Transportation (NYSDOT) provide funds for mass transportation projects; and

WHEREAS, Resolution No. 862-2007 authorized the County, as grantee, to file a Federal grant application on behalf of the Town of Brookhaven for federal funds earmarked for the Town for the purchase of paratransit vans and related equipment; and

WHEREAS, Grant No. NY-03-0464 was subsequently awarded by the FTA; and

WHEREAS, the grant agreements for Federal and associated State financial assistance impose certain obligations upon the County, and require the County to commit resources necessary to initially cover the total project costs of the grants; and

WHEREAS, Federal reimbursement to the County will be 80% and State reimbursement to the County will be up to 50% of the non-federal share of federally funded projects, but not to exceed 10% of federally funded total project costs and the Town of Brookhaven will provide the remaining 10% local share of project costs; and

WHEREAS, the total cost of this purchase is estimated to be up to \$151,840 and there is no County share involved in this 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, sufficient funds have not been included within the 2008 Capital Budget and Program 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 and/or state aid; now, therefore, be it

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

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

Project No. 5658

Project Title: Purchase of Public Transit Vehicles

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
5. Furniture & Equipment	\$89,090,227	512,500B 4,100,000F 512,500S <u>-0- O</u>	512,500B 4,100,000F 512,500S <u>15,184O</u>
6. TOTAL	\$89,090,227	5,125,000	5,140,184

and be it further

3rd RESOLVED, that it is hereby determined that this project, with a priority ranking of thirty-six (36) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

4th RESOLVED, that the Purchasing Division is authorized to acquire paratransit vans and related equipment, pre and post delivery Buy America audits and inspection during manufacture on behalf of the Town of Brookhaven subject to approvals of FTA and NYSDOT and pursuant to applicable federal and state regulations; and be it further

5th RESOLVED, that Town of Brookhaven funds be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.540	Purchase of paratransit vans and related equipment for the Town of Brookhaven	\$15,184

and be it further

6th RESOLVED, that the State Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.540	Purchase of paratransit vans and related equipment for the Town of Brookhaven	\$15,184

and be it further

7th RESOLVED, that the Federal Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.540	Purchase of paratransit vans	\$121,472

and related equipment for the
Town of Brookhaven

and be it further

8th RESOLVED, that the County Treasurer and the County Comptroller are authorized to accept Town, State and Federal aid in connection with this project.

9th RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute a Transfer of Title Agreement with the Town of Brookhaven to assign all responsibility for the use and maintenance of the vehicles, together with any reporting requirements thereof in connection with the Federal grant.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1549

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1549

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E, Chief Deputy Commissioner
Department of Public Works

DATE: April 21, 2008

RE: C.P. 5658 – Purchase of Public Transit Vehicles
Proposed resolution authorizing the purchase of paratransit vans on behalf of the Town of Brookhaven and amending the 2008 capital budget and program and accepting and appropriating federal and state aid and other funds

Attached, please find draft resolution for paratransit vans on behalf of the Town of Brookhaven. In FFY 2004 the Town of Brookhaven received a Congressional earmark of funds for the purchase of replacement paratransit vans. Grant NY-03-0440 was subsequently awarded by the FTA. This proposed legislation will authorize the Purchasing Division to acquire paratransit vans and related equipment on behalf of the Town of Brookhaven, amend the 2008 Capital Budget and appropriate Federal and State aid and Town share for this project.

Authorization for the Transfer of Title Agreement with the Town is included in the resolution..

There is no County share in this project.

The SCIN Forms 175a and Statement of Financial Impact Form are attached.

This proposed resolution, with backup, will be forwarded electronically titled: "Reso-DPW-Purchase of vans on behalf of Brookhaven"

Please initiate the process to have this resolution introduced at the next Suffolk County Legislature meeting. If you have any questions, please do not hesitate to contact Robert W. Shinnick, Director of Transportation Operations, at 24880.

TL:RWS:cfm
Enclosures

cc: Jim Morgo, Chief Deputy County Executive, w/enc.
Brendan Chamberlain, County Executive Assistant
Linda Brandolf, DPW Capital Accounting, w/enc.
Carmine Chiusano, Budget Office, Budget Office, w/enc.
Don Fahey, Federal & State Aid Office, w/enc
CE Reso Review List, e-mail

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO - 2008, AUTHORIZING THE PURCHASE OF UP TO 33 PARATRANSIT VANS FOR SUFFOLK TRANSIT AND ACCEPTING AND APPROPRIATING FEDERAL AID AND STATE AID AND COUNTY FUNDS (CP 5658)

WHEREAS, the Federal Transit Administration (FTA) and the New York State Department of Transportation (NYSDOT) provide funds for mass transportation projects; and

WHEREAS, Grant No. NY-90-X490 has been awarded by the FTA; and

WHEREAS, the grant agreements for the Federal and associated State financial assistance impose certain obligations upon the County, and require the County to commit resources necessary to initially cover the total project costs of the grants; and

WHEREAS, Federal reimbursement to the County will be 80% and State reimbursement to the County will be up to 50% of the non-federal share of federally funded projects, but not to exceed 10% of federally funded total project costs and the County will provide the remaining 10% local share of project costs; 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 total cost of the purchase is estimated to be \$1,980,000; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program; and

WHEREAS, that the County Legislature, by resolution of even date herewith, has authorized the issuance of \$198,000 in Suffolk County Serial Bonds to cover the County share of this purchase; now, therefore, be it

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

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of thirty-six (36) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the Purchasing Division is authorized to acquire up to 33 paratransit vans and related equipment, and including pre and post delivery Buy America audits and inspection during manufacture subject to approvals of FTA and NYSDOT and pursuant to applicable federal and state regulations; and be it further

4th RESOLVED, that that the proceeds of \$198,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.541 (Fund 001 Debt Service)	Purchase of up to 33 paratransit vans and related equipment for Suffolk Transit	\$198,000

and be it further

5th RESOLVED, that the State Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.541	Purchase of up to 33 paratransit vans and related equipment for Suffolk Transit	\$198,000

and be it further

6th RESOLVED, that the Federal Aid be and they are hereby appropriated as follows:

<u>Proj. No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5658.541	Purchase of up to 33 paratransit vans and related equipment for Suffolk Transit	\$1,584,000

and be it further

7th RESOLVED, that the County Treasurer and the County Comptroller are authorized to accept State and Federal aid in connection with this project.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1550

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$44,633	\$0.08		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$44,633	\$0.08		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
 Project Name
 General Obligation Serial Bonds
 Level Debt

1550

Term of Bonds: 5
 Amount to Bond: \$198,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	\$36,464.96	\$8,167.50	\$44,632.46	\$44,632.46
			\$3,331.66	\$3,331.66	
11/1/2009	4.125%	\$37,969.14	\$3,331.66	\$41,300.80	\$44,632.46
			\$2,548.55	\$2,548.55	
11/1/2010	4.125%	\$39,535.37	\$2,548.55	\$42,083.92	\$44,632.46
			\$1,733.13	\$1,733.13	
11/1/2011	4.125%	\$41,166.21	\$1,733.13	\$42,899.34	\$44,632.46
			\$884.08	\$884.08	
11/1/2012	4.125%	\$42,864.31	\$884.08	\$43,748.39	\$44,632.46
		\$198,000.00	\$25,162.32	\$223,162.32	\$223,162.32

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1550

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E, Chief Deputy Commissioner
Department of Public Works

DATE: April 30, 2008

RE: C.P. 5658 – Purchase of Public Transit Vehicles
AUTHORIZING THE PURCHASE OF UP TO 33 PARATRANSIT VANS FOR SUFFOLK TRANSIT
AND ACCEPTING AND APPROPRIATING FEDERAL AID AND STATE AID AND COUNTY
FUNDS

Attached, please find a draft resolution for the purchase of up to 33 paratransit vans for Suffolk Transit. This proposed legislation will authorize the Purchasing Division to acquire the vans and related equipment and accept and appropriate Federal and State aid and County funds for this project.

The SCIN Forms 175a and Statement of Financial Impact Form are attached.

This proposed resolution, with backup, will be forwarded electronically titled: "Reso-DPW-Purchase of up to 33 Paratransit Vans for Suffolk Transit"

Please initiate the process to have this resolution introduced at the next Suffolk County Legislature meeting. If you have any questions, please do not hesitate to contact Robert W. Shinnick, Director of Transportation Operations, at 24880.

TL:RWS:cfn
Enclosures

cc: Jim Morgo, Chief Deputy County Executive, w/enc.
Brendan Chamberlain, County Executive Assistant
Linda Brandolf, DPW Capital Accounting, w/enc.
Carmine Chiusano, Budget Office, Budget Office, w/enc.
Don Fahey, Federal & State Aid Office, w/enc
CE Reso Review List, e-mail

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1551

Intro. Res. No. -2008

Laid on Table

6/10/08

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2008, AUTHORIZING EXECUTION OF A
MEMORANDUM OF AGREEMENT WITH THE COUNTY OF
NASSAU FOR USE OF THE SUFFOLK COUNTY POLICE
DEPARTMENT ARTICLE TRACKING SYSTEM**

WHEREAS, Chapter 345 of the Suffolk County Code requires the reporting of transactions engaged in by precious metal exchange establishments, pawn shops and secondhand merchants; and

WHEREAS, the Suffolk County Police Department maintains and operates a computerized Article Tracking System data base and web site for monitoring transactions of tangible personal property acquired by precious metal exchange establishments, pawn shops and secondhand merchants by requiring reporting of those transactions via the internet ; and

WHEREAS, the Nassau County Police Department and the Suffolk County Police Department would like to share information regarding precious metal exchange establishments, pawn shops and secondhand merchants with each other; and

WHEREAS, it is in the interest of both counties to monitor transactions occurring across county lines to curb burglaries, larcenies and related crimes; and

WHEREAS, the County Executives and the Police Commissioners of Nassau and Suffolk counties have deemed that the public interest requires that both counties utilize the Suffolk County Police Department Article Tracking System database and website; and

WHEREAS, the sharing of the System will be best accomplished pursuant to a Memorandum of Agreement between the County of Suffolk and the County of Nassau setting forth the terms and conditions of the shared use; now, therefore be it

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT, made this _____ day of _____, 2008 by and between the COUNTY OF NASSAU, on behalf of the Nassau County Police Department (hereinafter "NCPD"), with offices located at 1490 Franklin Avenue, Mineola, New York 11501 and the COUNTY OF SUFFOLK, on behalf of Suffolk County Police Department (hereinafter "SCPD") with offices located at 30 Yaphank Avenue, Yaphank, New York 11980 (each party to this Agreement may also be referred to as "Department" as the context may require).

WHEREAS, the SCPD maintains and operates a computerized Article Tracking System data base and web site as a means of monitoring transactions of tangible personal property acquired by precious metal exchange establishments, pawn shops and secondhand merchants by requiring reporting of those transactions; and

WHEREAS, the NCPD and the SCPD would like to share information regarding precious metal exchange establishments, pawn shops and secondhand merchants (hereinafter "vendors") with each other; and

WHEREAS, it is in the interest of both counties to monitor transactions occurring across county lines to curb burglaries, larcenies and related crimes; and

WHEREAS, the County Executives and the Police Commissioners of both Counties have deemed that the public interest requires that Suffolk County's Article Tracking System database and website of the SCPD be available to both the SCPD and the NCPD; and

NOW, THEREFORE, the parties mutually agree as follows:

- 1. Term.** The term of this Agreement ("Term") shall commence upon execution by both parties and shall continue through December 31, 2017. Either party may terminate this Agreement at any time and for any reason deemed to be in its best interest upon thirty (30) days written notice of termination to the other party.
- 2. Purpose of Agreement.** On the terms and conditions set forth in this Agreement, the NCPD and the SCPD shall have joint access to the SCPD Article Tracking System and the information contained therein to better protect the public from crime.
- 3. Supervision.** The SCPD shall have sole administrative and operational oversight of the Article Tracking System database and website.
- 4. Ownership and Operation of Equipment.** At all times within the term of this Agreement, ownership and control of all Article Tracking System equipment will remain with the SCPD.

5. **Policies and Procedures.** The parties agree to adhere to the following policies and procedures:

The Article Tracking System database and website will be maintained by the SCPD.

Access will be via the internet.

The NCPD will obtain prior approval of the SCPD for the form of data input prior to instituting a system for vendors within its jurisdiction.

Each Department will have the responsibility for initial vendor setup and training within their respective jurisdictions.

The NCPD will require vendors within its jurisdiction to input transactions data in a form acceptable to SCPD.

Vendors' access to the System will be restricted to data entry of transactions.

The responsibility for correcting website problems encountered by a vendor will remain with the vendor's County Police Department.

Identifying information that is incorrectly entered into the Article Tracking System may be corrected by the SCPD in furtherance of its role as System administrator.

Internal Department access to the database will be determined by the respective Departments, by using passwords and an audit trail.

In the event that either jurisdiction extends reporting requirements to scrap metal processors, junk dealers, vehicle dismantlers and similar vendors, this agreement shall be construed to encompass said reporting.

6. **Designation.** The County Executives of Nassau and Suffolk counties designate their respective Police Commissioners to establish agreed upon additional policies and procedures to implement this agreement.

7. **Indemnification.**

(a) Each party to this agreement agrees that it shall protect, indemnify and hold harmless the other and the other's officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising out of its own acts or its omissions or negligence in connection with actions undertaken pursuant to this Agreement. Each party shall defend the other and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the party's option, pay reasonable attorneys' fees for defense of any such suit arising out of its acts or omissions or negligence, or those of its officers, officials, employees,

subcontractors or agents, if any, in connection with this Agreement except to the extent that any Losses are caused by the negligence, fault, or default of the other party.

(b) Each party shall cooperate with the other in connection with the investigation, defense or prosecution of any action, suit or proceeding in connection with this Agreement.

(c) The provisions of this Section shall survive the termination of this Agreement.

8. **Compliance with Law.** Each Department shall comply with any and all federal, state and local Laws in connection with actions taken pursuant to this Agreement. As used in this Agreement the word "Law" means any and all statutes, rules, regulations, orders, ordinances, writs, injunctions, official resolutions, official interpretations, or decrees, as same may be amended from time to time, enacted, adopted, promulgated, released or issued, by or on behalf of any government or political subdivision thereof, quasi-governmental authority, court, or official investigative body.

9. **Notices and Contact Persons.**

(a) **Notices Relating to Operations:**

Any communication, notice, report, or other submission necessary or required to be made by the parties regarding this Agreement shall be in writing and shall be given to Suffolk County or its designated representative at the following addresses or at such other address that may be specified in writing by the parties and must be delivered as follows:

**For the Suffolk County Police Department:
By First Class and Certified Mail, Return Receipt Requested in
Postpaid Envelope
or by Courier Service or by Fax or by Email**

Suffolk County Police Department
30 Yaphank Avenue
Yaphank, New York 11980
Attn: D/Sgt. John Capute
Commanding Officer, Property Recovery Section
With a copy to Commissioner

**For the Nassau County Police Department:
By First Class and Certified Mail, Return Receipt Requested in
Postpaid Envelope
or by Courier Service or by Fax or by Email**

Nassau County Police Department
1490 Franklin Avenue

1551

Mineola, New York 11501
Attn: D/Sgt. Lucy Graziano
Commanding Officer Crimes Against Property Squad
With a copy to Commissioner

(b) Notices Relating to Indemnification, Termination and/or Litigation

In the event either Department or County receives a notice of claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant) to a lawsuit or any legal proceeding related to this Agreement, it shall immediately deliver to the County Attorney, at the address set forth below, copies of all papers filed by or against it.

Any communication or notice regarding termination shall be in writing and shall be given to the County or their designated representative at the following addresses or at such other addresses that may be specified in writing by the parties and must be delivered as follows:

**For Suffolk County:
By First Class and Certified Mail, Return Receipt Requested in
Postpaid Envelope
or by Nationally Recognized Courier Service or Personally and by
First Class Mail**

Suffolk County Police Department
30 Yaphank Avenue
Yaphank, New York 11980
Attn: Commissioner

and

Christine Malafi, County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York 11788

1551

**For Nassau County:
By First Class and Certified Mail in Postpaid Envelope
or by Nationally Recognized Courier Service or Personally and by
First Class Mail**

Nassau County Police Department
1490 Franklin Avenue
Mineola, New York 11501
Attn: Commissioner

And
Nassau County Attorney
One West Street
Mineola, New York 11501

10. Entire Agreement. This Agreement represents the full and entire understanding and Agreement between the parties with regard to the subject matter hereof and supercedes all prior agreements (whether written or verbal) of the parties relating to the subject matter of this Agreement. Nothing contained herein shall be construed to create an employment or principal-agent relationship, or a partnership or joint venture, between the Departments or their respective officers, employees, servants, agents or independent contractors and neither party shall have the right, power or authority to bind the other in any manner whatsoever.

11. Approval and Execution. Neither Department shall have any liability under this Agreement (including any extension or other amendments of this Agreement) unless (i) all necessary approvals have been obtained, including, if required, approval of each of the County Legislatures, and (ii) this Agreement has been executed by the respective County Executives or his or her designee.

12. Disclaimer. This Agreement shall not be construed to accrue to the benefit of third parties.

13. Gratuities. The County of Nassau represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

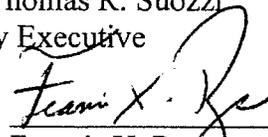
[Remainder of page intentionally left blank.]

1551

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date this Agreement is last executed by the parties hereto.

COUNTY OF NASSAU

Hon. Thomas R. Suozzi
County Executive

By: 
Francis X. Ryan
Deputy County Executive

Date: April 4, 2008

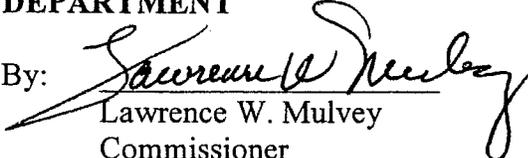
COUNTY OF SUFFOLK

Hon. Steve Levy
County Executive

By: _____
Jeffrey W. Szabo
Deputy County Executive and Chief
of Staff

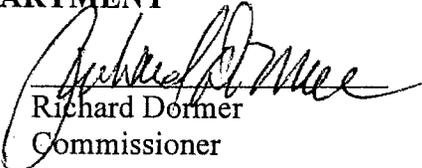
Date: _____

**APPROVED:
NASSAU COUNTY POLICE
DEPARTMENT**

By: 
Lawrence W. Mulvey
Commissioner

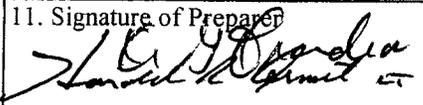
Date: 4/3/08

**SUFFOLK COUNTY POLICE
DEPARTMENT**

By: 
Richard Dormer
Commissioner

1551

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE COUNTY OF NASSAU FOR USE OF THE SUFFOLK COUNTY POLICE DEPARTMENT ARTICLE TRACKING SYSTEM		
3. Purpose of Proposed Legislation Suffolk County Administrative Code Sections 345-42 and 345-53 provide for the electronic transmission of information regarding precious metal exchange establishments', pawn shops' and secondhand merchants' transactions. This resolution will authorize the County Executive to enter into an agreement with the County of Nassau to allow the Nassau County Police Department and the Suffolk County Police Department to have mutual access to reported transactions occurring in either county so as to curb burglaries, larcenies and related crimes. A copy of the proposed Memorandum of Agreement (MOA) cited as being annexed to the resolution is included herein. In the event that either jurisdiction extends reporting requirements to scrap metal processors, junk dealers, vehicle dismantlers and similar vendors, the MOA shall be construed to encompass said reporting.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding None		
9. Timing of Impact No impact		
10. Typed Name & Title of Preparer Lt. Harold Armet	11. Signature of Preparer 	12. Date 5/27/08 April 14, 2008

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1551

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK

APR 21 2008



STEVE LEVY
COUNTY EXECUTIVE

1551

RICHARD DORMER
POLICE COMMISSIONER

POLICE DEPARTMENT

April 15, 2008

Ben Zwirn
Assistant County Deputy Executive
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, NY 11788

Re: Legislative Proposal
Authorizing execution of a Memorandum of Agreement with the County of Nassau for
use of the Suffolk County Police Department Article Tracking System

Dear Mr. Zwirn:

I am requesting that the County Executive propose the attached legislative resolution for purposes of authorizing the County to enter into a Memorandum of Agreement (MOA) with Nassau County for mutual use of the Suffolk County Police Department Article Tracking System.

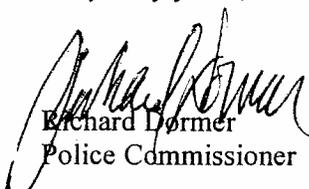
The Suffolk County Police Department has been authorized by Suffolk County Code §345-42 and 345-53 to require the electronic reporting of business transactions involving precious metals and other second hand valuables to the Suffolk County Police Department Property Recovery Section. An Article Tracking System was established for that purpose. Nassau County Police have expressed an interest in having Nassau County transactions reported into the Article Tracking System with the intended purpose of mutual sharing and support, with the ultimate intent of curbing burglaries, larcenies and related property crimes.

Enclosed is the hard copy request for a resolution (SCIN 175a) along with the draft resolution and fiscal impact statement (SCIN 175b). A copy of the proposed Memorandum of Agreement is attached.

Both the MOA and the Resolution were reviewed by Assistant County Attorney Jacqueline Caputi of the Law Department. The MOA has been signed by Nassau County already.

An e-mail version was sent on April 15, 2008 to CE RESO REVIEW under the tile Reso-SCPD – Article Tracking System MOA with Nassau PD.

Very truly yours,


Richard Dormer
Police Commissioner



ACCREDITED LAW ENFORCEMENT AGENCY

www.joinscpd.com

30 YAPHANK AVENUE, YAPHANK, NEW YORK 11980 – (631) 852-6000



1552
Intro. Res. No. - 2008

Laid on the Table 6/10/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS PASSED THROUGH THE NEW YORK STATE DEPARTMENT OF HEALTH TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE BEACH ACT SANITARY SURVEY PROJECT

WHEREAS, the New York State Department of Health Services has awarded 100% Federal grant funds to the Department of Health Services, Division of Environmental Quality for the Beach Act Sanitary Survey Project in the amount of \$20,972 for the period 10/01/07-09/30/08; and

WHEREAS, this grant funding will be used to conduct extensive sanitary survey site assessments at three (3) Suffolk County bathing beaches to identify pollution sources; and

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

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

1ST RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$20,972 in Federal grant funds as follows:

REVENUES

001-4910 Water Pollution Control \$20,972

APPROPRIATIONS

Department of Health Services (HSV)
Division of Environmental Quality
Beach Act Sanitary Survey Project
001-HSV-4409

Equipment \$5,972
2020 Office Machines \$5,972

Fees for Services \$15,000
4560 Fees for Services, non-employees \$15,000

and be it further

2ND 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

3RD 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:

APPROVED BY:

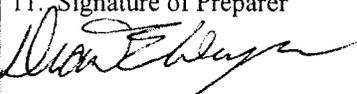
County Executive of Suffolk County

Date of Approval:

HSV # 27-2008

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1552

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law Charter Law		
2. Title of Proposed Legislation Accepting and Appropriating 100% Federal grant funds passed through the New York State Department of Health to the Suffolk County Department of Health Services for the Beach Act Sanitary Survey Project.		
3. Purpose of Proposed Legislation This grant funding of \$20,792 will be used to conduct extensive sanitary survey site assessments at three (3) Suffolk County bathing beaches to identify pollution sources.		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding 100% Federal grant funds passed through the New York State Department of Health		
9. Timing of Impact Summer 2008		
10. Typed Name & Title of Preparer <i>Diane E. Weyer</i> Principal Financial Analyst	11. Signature of Preparer 	12. Date <i>5/22/08</i>

DOH STATE OF NEW YORK DEPARTMENT OF HEALTH

1552

Flanigan Square 547 River Street Troy, New York 12180-2216

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

April 30, 2008

Mr. Robert M. Waters
Supervisor, Bureau of Marine Resources
Suffolk County Department of Health Services
360 Yaphank Avenue, Suite 2B
Yaphank, New York 11980

Re: Bathing Beach Water Quality Monitoring and
Notification Grant-Sanitary Survey Project
Contract T-023284

Dear Mr. Waters:

Enclosed are two (2) complete contract packets for the above referenced contract. Please obtain the required notarized signatures on both contract packets and return the documents to this office as soon as possible for final contract approval. Please note that the date for primary signature and notary signature must be the same.

The initial contract period for this project will be October 1, 2007-September 30, 2008; the grant will then be extended one year from October 1, 2008-September 30, 2009. The reporting requirements for this grant are listed in Appendix C. Standard vouchers and expenditure reports must be submitted by October 31. Status reports, final sanitary survey reports and project summary reports are to be submitted as required in Appendix C and Appendix D.

If you have any questions, please contact Eric Wiegert or me at (518) 402-7600.

Sincerely,



Douglas C. Sackett
Assistant Director
Bureau of Community Environmental Health
and Food Protection

Enclosures (2)

cc: M. Cambridge
B. Devine

251

GRANT BUDGET ANALYSIS

COUNTY BUDGET YEAR 2008

<i>Category</i>	<i>Appropriation Number Grantor Funds</i>	<i>Appropriation Number County Funds</i>	<i>Appropriation Number In-Kind Contribution</i>	<i>Remarks</i>
PERSONAL SERVICES: 1100 Permanent Salaries 1110 Interim Salaries 1120 Overtime Salaries 1130 Temporary Salaries			<u>34,398</u>	
EQUIPMENT: 2010 Furniture 2020 Office Machines 2070 Cameras & Photographic 2080 Medical, Dental, Lab Equip	<u>5,972</u> 5,972		<u>4,028</u> 4,028	
SUPPLIES, MATERIALS & OTHER: 3010 Office Supplies 3020 Postage 3030 Photostat, Photograph, Blueprint 3040 Printing 3070 Memberships & Subscription 3100 Instructional Supplies 3160 Computer Software 3370 Medical, Dental, Lab Sup				
UTILITIES: 4010 Telephone & Telegraph 4011				
TRAVEL: 4330 Travel Employee Contracts 4340 Travel Other Contracts				

<i>Category</i>	<i>Appropriation Number Grantor Funds</i>	<i>Appropriation Number County Funds</i>	<i>Appropriation Number In-Kind Contribution</i>	<i>Remarks</i>
FEES FOR SERVICES 4560 Fees for Services, Non- Employees	15,000 15,000			
CONTRACTED SERVICES (List) 4980 Contract Agencies				
EMPLOYEE BENEFITS: 8280 Retirement 8300 Insurance: Worker's Compensation 8330 Social Security 8360 Health Insurance 8380 Dental Insurance			15,480	
OTHER (List Source & Brief Explanation)				

I certify that the above in-kind contributions are not currently being used to support other Grants.

Signature of Project Director

TITLE OF POSITION	GRADE/ STEP	SALARY	EMPLOYEE NAME	SOURCE OF FUNDING BY %			REMARKS
				GRANTOR	COUNTY	IN-KIND	
<i>Public Health Sanitarian Trainee</i>	16/01	36,749	<i>L. Petersen</i>			25	<i>See attached budget for details</i>
<i>Public Health Sanitarian</i>	21/12	72,730	<i>G. Chmurzynski</i>			25	
<i>Sr. Public Health Sanitarian</i>	24/03	70,213	<i>N. Panurese</i>			15	
<i>Prin. Public Health Sanitarian</i>	32/10	129,773	<i>Robert Waters</i>			15	
<i>Summer Intern</i>	TEMP	\$10/hour	<i>To be hired</i>			50	
<i>Bacteriologist</i>	21/6	58,186	<i>Unknown</i>			25	

1552

**Additional back-up material regarding I.R. 1552 is on file in
the Legislative Clerk's Office, Hauppauge.**

Intro. Res. # 1553-08

Laid on Table 6/10/08

INTRODUCED BY THE PRESIDING OFFICER AT THE REQUEST OF THE COUNTY EXECUTIVE

RESOLUTION NO. _____ 2008
TO READJUST, COMPROMISE, AND GRANT
REFUNDS AND CHARGE-BACKS ON REAL
PROPERTY CORRECTION OF ERRORS BY:
COUNTY LEGISLATURE (CONTROL #791-2008)

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

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

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

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

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

RESOLUTION NO.

CONTROL# 791-2008

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	07/08	N/A	203 19 1 6	41730.25	31039.88	10690.37
A	HUNTINGTON	07/08	N/A	400 146 2 50	10747.10	6038.16	4708.94
A	HUNTINGTON	07/08	N/A	400 177 2 51.17	48417.60	42139.88	6277.72
C	RIVERHEAD	07/08	N/A	600 99 1 10	8226.20	5150.60	3075.60
A	SMITHTOWN	07/08	N/A	800 117 4 28	4504.29	843.23	3661.06

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

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1554

6/10/08

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

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

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

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

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

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

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

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

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Section 617.5 (c) (3), (20), (21) and (27) of Title 6 of the NYCRR and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and Legislative decisions in connection with farming practices, continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

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

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

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

EXPENDITURES:

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

and be it further

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

REVENUES:

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

and be it further

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

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

and be it further

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

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

and be it further

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

DATED:

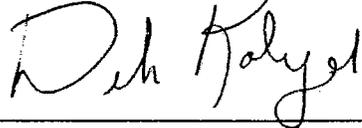
APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1554

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH SUFFOLK COUNTY FARM NITROGEN LEACHING REDUCTION/IRRIGATION UPGRADE (CP 8710)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
THIS RESOLUTION TRANSFERS FUNDS FROM FUND477, WATER QUALITY PROTECTION, TO FUND 525-THE CAPITAL FUND AND APPROPRIATES THESE FUNDS IN CAPITAL PROJECT 8710-WATER QUALITY PROTECTION PROJECT		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Fund 477 Water Quality		
9. Timing of Impact		
UPON ADOPTION		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
DEBRA KOLYER PRINCIPAL FINANCIAL ANALYST		May 29, 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1554

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1554

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT AND ENERGY

CARRIE MEEK GALLAGHER
COMMISSIONER

June 2, 2008

Ben Zwirn
Deputy County Executive
H. Lee Dennison Bldg. Fl. 12
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Enclosed for your approval are the original and one (1) copy of the proposed resolution with documentation pursuant to:

Resolution No. -2008, Amending the Adopted 2008 Operating Budget to Transfer Funds from Fund 477 Water Quality Protection, Amending the 2008 Capital Budget and Program, and Appropriating Funds in Connection with Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade (CP8710)

I would appreciate your placing this on the legislative agenda as soon as possible after your examination.

Sincerely,

Carrie Meek Gallagher, Commissioner

Enc.
CMG:gkr

cc: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, OE Reso Review

Intro Res. No. 1555-08
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 6/10/2008

RESOLUTION NO. -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM TO REFLECT THE ESTABLISHMENT OF NEW CAPITAL PROJECT NUMBER 7128 "IMPROVEMENTS TO HUBBARD COUNTY PARK" AND ACCEPTING AND APPROPRIATING FUNDS FOR A 100% STATE FUNDED COMMUNITY ENHANCEMENT FACILITIES ASSISTANCE PROGRAM GRANT

WHEREAS, the Dormitory Authority of the State of New York has awarded a grant in the amount of \$550,000 to the Suffolk County Department of Parks, Recreation and Conservation to fund improvements at Hubbard County Park; and

WHEREAS, this grant is funded by the Community Enhancement Facilities Assistance Program (CEFAP) for the express purpose of renovating a building, trails improvements, signage, and the development of a master plan; and

WHEREAS, the Commissioner of the Department of Parks, Recreation and Conservation has selected the Smithers Main Lodge as the building to be renovated under this grant; and

WHEREAS, this is a reimbursable grant and the Grant Disbursement Agreement for CEFAP requires that the County establish a segregated account for all expenses associated with this project; and

WHEREAS, sufficient funds have not been included within the 2008 Capital Budget and Program 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 and/or State Aid; and

WHEREAS, a new Capital Project Number 7128 "Improvements to Hubbard County Park" is created to accept and appropriate this funding; 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; now, therefore, be it

1st 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 pursuant to 6 NYCRR Part 617.5(c) (1), (2), (20), (21), and (27) since it is a legislative decision of an administrative nature regarding maintenance, repair, and rehabilitation of a building in kind as well as the preparation of preliminary planning studies; and be it further

2nd 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

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

Project No. 7128

Project Title: IMPROVEMENTS TO HUBBARD COUNTY PARK

	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Program and Budget</u>	<u>Revised 2008 Capital Program and Budget</u>
1. Planning	\$ 130,000	\$ 0	\$ 130,000 S
3. Construction	\$ 375,000	\$ 0	\$ 375,000 S
4. Site Improvements	<u>\$ 45,000</u>	<u>\$ 0</u>	<u>\$ 45,000 S</u>
TOTAL	\$ 550,000	\$ 0	\$ 550,000

and be it further

4th RESOLVED, that the proceeds of \$550,000 be and are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7128.110	60	Improvements to Hubbard County Park Planning—Development of Master Plan For Hubbard County Park	\$ 130,000
525-CAP-7128.310	60	Improvements to Hubbard County Park Construction—Smithers Lodge	\$ 375,000
525-CAP-7128.410	60	Improvements to Hubbard County Park Site Improvements—Trail and Signage improvements	\$ 45,000

and be it further

5th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept State funding in the amount of \$550,000; and be it further

6th RESOLVED, that the Department of Parks, Recreation and Conservation shall oversee the performance of this project of behalf of the County of Suffolk and coordinate the reimbursement of funds with the Dormitory Authority of the State of New York; and be it further

7th RESOLVED, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the Grant Disbursement Agreement with the Dormitory Authority of the State of New York 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:

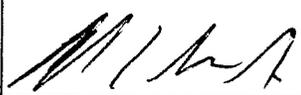
APPROVED BY:

County Executive of Suffolk County

Date:

1555

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
RESOLUTION NO. -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM TO REFLECT THE ESTABLISHMENT OF NEW CAPITAL PROJECT NUMBER 7128 "IMPROVEMENTS TO HUBBARD COUNTY PARK" AND ACCEPTING AND APPROPRIATING FUNDS FOR A 100% STATE FUNDED COMMUNITY ENHANCEMENT FACILITIES ASSISTANCE PROGRAM GRANT		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u> County </u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
NYS has awarded Suffolk County a \$550,000 Community Enhancement Facilities Assistance Program Grant.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
8. Proposed Source of Funding		
Suffolk County will first instance the funds through BAN's if needed.		
9. Timing of Impact		
2009		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		May 22nd , 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1555

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1555

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOHN W. PAVACIC
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: BEN ZWIRN, Deputy County Executive

FROM: JOHN W. PAVACIC, Commissioner

CC: JIM MORGO, Chief Deputy County Executive

DATE: May 30, 2008

RE: INTRODUCTORY RESOLUTION AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM TO REFLECT THE ESTABLISHMENT OF NEW CAPITAL PROJECT NUMBER 7128 "IMPROVEMENTS TO HUBBARD COUNTY PARK" AND ACCEPTING AND APPROPRIATING FUNDS FOR A 100% STATE FUNDED COMMUNITY ENHANCEMENT FACILITIES ASSISTANCE PROGRAM GRANT

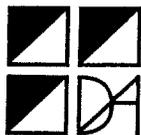
Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Accepting and Appropriating CEFAP Grant for Hubbard County Park.doc."

The County has been selected to receive a Community Enhancement Facilities Assistance Program ("CEFAP") Grant in the amount of \$550,000 for improvements at Hubbard County Park. The grant will be used for the renovation of a building, purchase of signage, trail improvements and development of a master plan for the site. After recently touring the site, I have concluded that the Smithers Main Lodge is the building that should be renovated under this grant. Work will include general repairs such as rebuilding an entrance porch, windows, roof, and paint.

This grant requires no matching funds from the County, however, it is a reimburseable grant so the County must upfront the funds. This draft resolution calls for the establishment of a new Capital Project Number 7128 "Improvements to Hubbard County Park" and for the issuance of bond anticipation notes.

Should you require anything further, please contact my office at 4-4984.

Enclosures



Dormitory Authority
State of New York

Gail H. Gordon, Chair
David D. Brown, IV, Executive Director

1555

March 28, 2008

VIA OVERNIGHT MAIL

Mr. Allen Kovesdy
 Director of Management & Research
 County of Suffolk
 100 Veterans Memorial Highway
 Hauppauge, NY 11788

*Re: Community Enhancement Facilities Assistance Program ("CEFAP")
 Renovation of a Building, Purchase of Signage, Trail Improvements and
 Development of a Master Plan*

Dear Mr. Kovesdy:

As you are aware, County of Suffolk has been selected in accordance with procedures required to receive a Community Enhancement Facilities Assistance Program ("CEFAP") Grant in the amount of \$550,000. The project for which the grant will be utilized is for the renovation of a building, purchase of signage, trail improvements and development of a master plan.

Our records indicate that you have fulfilled all of the criteria necessary to receive a CEFAP Grant as set forth in the authorizing legislation for CEFAP. Therefore, payments to your organization may now be made in accordance with the Grant Disbursement Agreement.

Enclosed please find three (3) execution copies of the Grant Disbursement Agreement. Please execute and date all three (3) copies and return them to me in their entirety at:

Catherine M. Tully, Esq.
 Dormitory Authority of the State of New York
 515 Broadway
 Albany, New York 12207

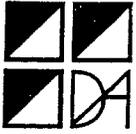
Please note that certain exhibits to the Grant Disbursement Agreement must be completed prior to the disbursement of any grant funds, including Exhibits A, B, and an Opinion of Counsel in the form of Exhibit C to the Agreement. The purpose and use of

CORPORATE HEADQUARTERS
 515 Broadway
 Albany, New York 12207-2964
 Tel: 518-257-3000
 Fax: 518-257-3100

NEW YORK OFFICE
 One Penn Plaza, 52nd Floor
 New York, New York 10119-0098
 Tel: 212-273-5000
 Fax: 212-273-5121

BUFFALO OFFICE
 539 Franklin Street
 Buffalo, New York 14202-1109
 Tel: 716-884-9780
 Fax: 716-884-9787

WEB
www.dasny.org



Dormitory Authority
State of New York

Mr. Allen Kovesdy
March 28, 2008
Page 2

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the Grant funds as described in Exhibit A must substantially comply with the description provided by the County of Suffolk in its preliminary application. Any deviation in purpose or use must be separately indicated and explained. Failure to do so may delay the processing of the Grant Disbursement Agreement.

Once the execution copies and the completed exhibits are returned to the Dormitory Authority, we will sign and return a fully executed copy to you and we can begin the requisition process.

Should you or your attorney have any questions concerning the enclosed document, please call (518) 257-3177.

Thank you.

Very truly yours,

Catherine M. Tully
Senior Counsel

Enc.

cc (w/out enc.): Stephen M. August, Ass embly Ways & Means
Michael Corrigan, Dormitory Authority
Debra Pulenskey Drescher, Esq., Dormitory Authority
Kelly Ray, Dormitory Authority

Intro. Res. No. 1556-08
Introduced by the Presiding Officer on request of the County Executive

Laid on Table

6/10/08

**RESOLUTION NO. -2008, AMENDING THE 2008
CAPITAL BUDGET AND PROGRAM TO REFLECT THE
ESTABLISHMENT OF NEW CAPITAL PROJECT NUMBER
5380 "BEACH EROSION AND COASTLINE PROTECTION"
AND ACCEPTING AND APPROPRIATING 75 PERCENT
FEDERAL AID FUNDS FROM THE UNITED STATES
DEPARTMENT OF HOMELAND SECURITY/FEDERAL
EMERGENCY MANAGEMENT AGENCY'S PUBLIC
ASSISTANCE PROGRAM AND THE 25 PERCENT
MATCHING FUNDS FROM NEW YORK STATE
EMERGENCY MANAGEMENT OFFICE**

WHEREAS, the United States Department of Homeland Security through the Federal Emergency Management Agency (FEMA) declared that Suffolk County is eligible to receive federal disaster assistance under its Public Assistance Program as a result of damage sustained at Smith Point Beach County Park and Cupsogue Beach County Park during a Nor'easter on April 14-18, 2007; and

WHEREAS, FEMA's Public Assistance Program is an aid program that will provide Suffolk County with \$8,371,468 which represents 75 percent of the eligible costs of repairs; and

WHEREAS, the 25 percent local share requirement of \$2,790,493 will be funded entirely by the New York State Emergency Management Office (SEMO); and

WHEREAS, due to Federal and New York State environmental statutes and regulations designed to safeguard rare, endangered, threatened and protected species of wildlife and finfish, the physical work associated with this coastline project can only be performed during a narrow window of only a few months in length from October through December; and

WHEREAS, the agreements for Federal and associated State financial assistance impose certain obligations upon the County; and

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

WHEREAS, sufficient funds have not been included within the 2008 Capital Budget and Program 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 and/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, a new Capital Project Number 5380 "Beach Erosion and Coastline Protection" is created to accept and appropriate this funding; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$11,161,961 in Suffolk County Serial Bonds; now, therefore, be it

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

2nd RESOLVED, that the County Comptroller and County Treasurer be and that they hereby are authorized to accept Federal and State aid in connection with seven (7) awards totaling \$11,161,961 for this project as outlined in Exhibit A of this resolution; and

3rd RESOLVED, that it is hereby determined that this project, with a priority ranking of seventy (70), 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

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

Project No. 5380
Project Title: Beach Erosion and Coastline Protection

	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Program and Budget</u>	<u>Revised 2008 Capital Program and Budget</u>
3. Construction	\$11,161,961	\$ 0	\$ 8,371,468 F \$ 2,790,493 S
TOTAL	\$11,161,961	\$ 0	\$11,161,961

and be it further

5th RESOLVED, that the proceeds of Federal Emergency Management Agency, Public Assistance Program aid of \$8,371,468 be and hereby are appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5380.310	56	Beach Erosion and Coastline Protection - Smith Point Beach County Park	\$5,676,797
525-CAP-5380.311	56	Beach Erosion and Coastline Protection - Cupsogue Beach County Park	\$2,694,671

and be it further

6th **RESOLVED**, that the proceeds of New York State Emergency Management Office aid of \$2,790,493 be and hereby are appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5380.310	56	Beach Erosion and Coastline Protection - Smith Point Beach County Park	\$1,892,267
525-CAP-5380.311	56	Beach Erosion and Coastline Protection - Cupsogue Beach County Park	\$ 898,226

and be it further

7th **RESOLVED**, that the County Comptroller is directed not to issue serial bonds for this project; and be it further

8th **RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal and State shares of this project totaling \$11,161,961; and be it further

9th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal and State funding in the amount of \$11,161,961; and be it further

10th **RESOLVED**, that the Department of Public Works will be the lead agency in overseeing the engineering and performance of this project and will coordinate with the Department of Parks, Recreation and Conservation and the Department of Fire, Rescue & Emergency Services (FRES) in communicating with all Federal and State agencies to ensure compliance and that all associated aid is captured; and be it further

11th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the United States Department of Homeland Security through the Federal Emergency Management Agency and New York State Emergency Management Office 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:

APPROVED BY:

County Executive of Suffolk County

Date:

EXHIBIT A

1556

PW 20 allocates \$2,365,358.00 in coastline protection aid and \$354,816.00 in hazard mitigation aid for Smith Point County Park; the aid will be reimbursed after expenditure in a 75/25 split according to the following schedule: \$1,774,018.50 from the federal government and \$591,339.50 from New York State for coastline protection and \$266,112.00 from the federal government and \$88,704.00 from New York State for hazard mitigation; and

PW 21 allocates \$31,693.00 in coastline protection aid for Cupsogue Beach County Park; the aid will be reimbursed after expenditure in a 75/25 split according to the following schedule: \$23,769.75 from the federal government and \$7,923.25 from New York State; and

PW 23 allocates \$18,360.00 in coastline protection aid and \$2,760.00 in hazard mitigation aid for Cupsogue Beach County Park; the aid will be reimbursed after expenditure in a 75/25 split according to the following schedule: \$13,770.00 from the federal government and \$4,590.00 from New York State for coastline protection and \$2,070.00 from the federal government and \$690.00 from New York State for hazard mitigation; and

PW 30 allocates \$474,184.00 in coastline protection aid and \$71,136.00 in hazard mitigation for Smith Point County Park; the aid will be reimbursed after expenditure in a 75/25 split according to the following schedule: \$355,638.00 from the federal government and \$118,546.00 from New York State for coastline protection and \$53,352.00 from the federal government and \$17,784.00 from New York State for hazard mitigation; and

PW 886 allocates \$94,755.00 in coastline protection aid for Cupsogue County Park and Smith Point County Park; the aid will be reimbursed after expenditure in a 75/25 split according to the following schedule: \$ 71,066.25 from the federal government and \$23,688.75 from New York State. The funding will be distributed as \$12,927.50 to Cupsogue Beach County Park and \$81,827.50 to Smith Point County Park; and

PW 1053 allocates \$3,671,078 in coastline protection aid and \$550,664.00 in hazard mitigation for Smith Point County Park; the aid will be reimbursed after expenditure in a 75/25 split according to the following schedule: \$2,753,305.50 from the federal government and \$917,772.50 from New York State for coastline protection and \$412,998.00 from the federal government and \$137,666.00 from New York State for hazard mitigation; and

PW 1056 allocates \$3,527,157.00 in coastline protection aid for Cupsogue Beach County Park; the aid will be reimbursed after expenditure in a 75/25 split according to the following schedule: \$2,645,367.75 from the federal government and \$881,789.25 from New York State.

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1556

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1556

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOHN W. PAVACIC
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: BEN ZWIRN, Deputy County Executive

FROM: JOHN W. PAVACIC, Commissioner

CC: JIM MORGO, Chief Deputy County Executive

DATE: May 29, 2008

RE: INTRODUCTORY RESOLUTION AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM TO REFLECT THE ESTABLISHMENT OF NEW CAPITAL PROJECT NUMBER 5380 "BEACH EROSION AND COASTLINE PROTECTION" AND ACCEPTING AND APPROPRIATING 75 PERCENT FEDERAL AID FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY/FEDERAL EMERGENCY MANAGEMENT AGENCY'S PUBLIC ASSISTANCE PROGRAM AND THE 25 PERCENT MATCHING FUNDS FROM NEW YORK STATE EMERGENCY MANAGEMENT OFFICE

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Accepting and Appropriating FEMA and SEMO Aid for CP 5380 Beach Erosion and Coastline Protection.doc."

This resolution establishes a new capital project (CP 5380) in order to accept and appropriate \$11,161,961 in Federal and State aid for beach erosion and coastline protection. Suffolk County became eligible for this funding as a result of damage sustained at Smith Point Beach County Park and Cupsogue Beach County Park during a Nor'easter on April 14-18, 2007.

Should you require anything further, please contact my office at 4-4984.

Enclosures



FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT APPLICATION SUMMARY (P.2)
DISASTER #: 1692

1556

PACKAGE NO: 219

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
23	0	C	N	N	10/24/2008	\$18,360.00 ✓

Site Number: 1

DAMAGED FACILITY: CUPSOGUE BEACH ACCESS ROAD
FACILITY LOCATION: CUPSOGUE BEACH
WORK TO BE COMPLETED:

SCOPE OF WORK: REPLACE 612 CY OF SAND TO MATCH THE EXISTING SAND GRAIN AND REPAIR TO PRE DISASTER CONDITION AT THE ACCESS ROAD EMBANKMENT.

ALL UNITS COSTS ARE FROM THE APPLICANT'S COST HISTORY
APPLICANT MUST OBTAIN ALL NECESSARY PERMITS BEFORE COMMENCING WORK.

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
21	0	G	N	N	10/24/2008	\$31,693.00 ✓

Site Number: 1

DAMAGED FACILITY: CUPSOGUE PARK CAMPGROUND
FACILITY LOCATION: CUPSOGUE BEACH
WORK TO BE COMPLETED:

SCOPE OF WORK: REPLACE 485 CY OF SAND TO MATCH THE EXISTING SAND GRAIN AND REPAIR TO PREDISASTER CONDITION AT THE CAMPGROUND EMBANKMENT.

COMPLETED WORK:
REINSTALLED 120 LF OF SNOW/SAND FENCE AT THE CAMPSITE.

ALL UNITS COSTS ARE FROM THE APPLICANT'S COST HISTORY
APPLICANT MUST OBTAIN ALL NECESSARY PERMITS BEFORE COMMENCING WORK.

PROJECT APPLICATION SUMMARY (P.2)

DISASTER #: 1692

1556

PACKAGE NO: 232

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
23	1	C	N	N	10/24/2008	\$2,760.00

Site Number: 1

DAMAGED FACILITY: CUPSOGUE BEACH ACCESS ROAD

CUPSOGUE BEACH

FACILITY LOCATION:

WORK TO BE COMPLETED:

SCOPE OF WORK: REPLACE 612 CY OF SAND TO MATCH THE EXISTING SAND GRAIN AND REPAIR TO PRE DISASTER CONDITION AT THE ACCESS ROAD EMBANKMENT.

ALL UNITS COSTS ARE FROM THE APPLICANT'S COST HISTORY APPLICANT MUST OBTAIN ALL NECESSARY PERMITS BEFORE COMMENCING WORK. **VERSION 1 - 2-26-2008 PER MEETING HELD ON 02-25-2008, AND WITH FURTHER CONSULTATION FROM HEADQUARTERS, THE MITIGATION MEASURE FOR SAND RENOURISHMENT HAS BEEN DEEMED ELIGIBLE FOR FUNDING. THE MEASURE PREVENTS ADDITIONAL DAMAGES FROM BREACHING AND WAVE ACTION. THIS VERSION HAS BEEN CREATED TO FUND THE MITIGATION COSTS. MRYAN-DPAO

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
20	1	G	N	N	10/24/2008	\$354,816.00

Site Number: 1

DAMAGED FACILITY: BEACH

SMITH POINT COUNTY PARK

FACILITY LOCATION:

SCOPE OF WORK: PLACE AND SHAPE 41,942 CY OF BEACH COMPATIBLE MATERIAL PUMPED FROM A NY DEC APPROVED OFFSHORE BORROW SITE. SAND WILL BE PLACED TO PREVIOUSLY DESIGNED SPECIFICATIONS OVER THE ~ 0.5 MILES OF AFFECTED AREA. REPLACE DUNE VEGETATION AS REQUIRED BY NY DEC PERMIT. THE CURRENT ESTIMATE FOR NUMBER OF PLANTS REQUIRED TO REVEGETATE IS 25,000 AND IS A ROUGH ESTIMATE SUPPLIED BY THE APPLICANT.

A RENOURISHMENT OF THE BEACH WAS COMPLETED APPROXIMATELY THREE DAYS BEFORE THE DECLARED EVENT. OF THE 225,000 CY OF SAND PLACED ON THE BEACH, APPROXIMATELY 41,942 CY WERE LOST IN THE EAST PROJECT AREA (STATIONS 156+55 TO 181+55) THROUGH WIND AND WAVE ACTION DURING THE EVENT. SAND WILL BE PUMPED FROM A NY DEC APPROVED BORROW SITE, PLACED ON THE BEACH AND SHAPED TO MATCH ESTABLISHED ENGINEERED PROFILES (ATTACHED). THE DEC PERMIT STATES THAT DUNES PLACED ON THE BEACH MUST BE VEGETATED SO AN ESTIMATED NUMBER OF PLANTS HAS BEEN INCLUDED AND THE QUOTED COST BASED ON THE RECENTLY COMPLETED PROJECT. MONITORS FOR PIPING PLOVERS AND SEA TURTLES MUST ALSO BE USED DURING RENOURISHING ACTIVITIES. THE PREVIOUS ESTIMATE INCLUDED THE COST OF TURTLE MONITORS AND VOLUNTEERS WERE USED TO MONITOR PLOVERS SO NO LINE ITEM COST WAS NECESSARY FOR WILDLIFE OBSERVATION.

ATTACHMENTS INCLUDE REPRESENTATIVE PRE- AND POST-NOURISHMENT PROFILES (SECTIONS 180+30 AND 170+05) AND POST-NOURISHMENT PHOTOGRAPHS.

THE BASE PROJECT AREA IS COVERED IN PROJECT NO. SCP-G2. **VERSION 1 - 2-26-2008 PER MEETING HELD ON 02-25-2008, AND WITH FURTHER CONSULTATION FROM HEADQUARTERS, THE MITIGATION MEASURE FOR SAND RENOURISHMENT HAS BEEN DEEMED ELIGIBLE FOR FUNDING. THE MEASURE PREVENTS ADDITIONAL DAMAGES FROM BREACHING AND WAVE ACTION. THIS VERSION HAS BEEN CREATED TO FUND THE MITIGATION COSTS. MRYAN-DPAO

FEDERAL EMERGENCY MANAGEMENT AGENCY
 PROJECT APPLICATION SUMMARY (P.2)
 DISASTER #: 1692

1556

PACKAGE NO: 227

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
20	0	G	N	N	10/24/2008	\$2,365,358.00

Site Number: 1

DAMAGED FACILITY: BEACH
 SMITH POINT COUNTY PARK

FACILITY LOCATION:

SCOPE OF WORK: PLACE AND SHAPE 41,942 CY OF BEACH COMPATIBLE MATERIAL PUMPED FROM A NY DEC APPROVED OFFSHORE BORROW SITE. SAND WILL BE PLACED TO PREVIOUSLY DESIGNED SPECIFICATIONS OVER THE ~ 0.5 MILES OF AFFECTED AREA. REPLACE DUNE VEGETATION AS REQUIRED BY NY DEC PERMIT. THE CURRENT ESTIMATE FOR NUMBER OF PLANTS REQUIRED TO REVEGETATE IS 25,000 AND IS A ROUGH ESTIMATE SUPPLIED BY THE APPLICANT.

A RENOURISHMENT OF THE BEACH WAS COMPLETED APPROXIMATELY THREE DAYS BEFORE THE DECLARED EVENT. OF THE 225,000 CY OF SAND PLACED ON THE BEACH, APPROXIMATELY 41,942 CY WERE LOST IN THE EAST PROJECT AREA (STATIONS 156+55 TO 181+55) THROUGH WIND AND WAVE ACTION DURING THE EVENT. SAND WILL BE PUMPED FROM A NY DEC APPROVED BORROW SITE, PLACED ON THE BEACH AND SHAPED TO MATCH ESTABLISHED ENGINEERED PROFILES (ATTACHED). THE DEC PERMIT STATES THAT DUNES PLACED ON THE BEACH MUST BE VEGETATED SO AN ESTIMATED NUMBER OF PLANTS HAS BEEN INCLUDED AND THE QUOTED COST BASED ON THE RECENTLY COMPLETED PROJECT MONITORS FOR PIPING PLOVERS AND SEA TURTLES MUST ALSO BE USED DURING RENOURISHING ACTIVITIES. THE PREVIOUS ESTIMATE INCLUDED THE COST OF TURTLE MONITORS AND VOLUNTEERS WERE USED TO MONITOR PLOVERS SO NO LINE ITEM COST WAS NECESSARY FOR WILDLIFE OBSERVATION.

ATTACHMENTS INCLUDE REPRESENTATIVE PRE- AND POST-NOURISHMENT PROFILES (SECTIONS 180+30 AND 170+05) AND POST-NOURISHMENT PHOTOGRAPHS.

THE BASE PROJECT AREA IS COVERED IN PROJECT NO. SCP-G2.

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
1053	0	G	N	N	10/24/2008	\$3,671,078.00

Site Number: 1

DAMAGED FACILITY: BEACH
 SMITH POINT COUNTY PARK

FACILITY LOCATION:

SCOPE OF WORK: PREPARE NEW YORK DEC REGULATORY PERMITS AND PAY PROCESSING FEES. AS NECESSARY, CONDUCT SURVEYS AND PREPARE EIS/EA. OBTAIN COMPATIBLE SAND MATERIAL FROM AN ARMY COE/NEW YORK DEC-APPROVED OFFSHORE BORROW AREA.

PLACE 173,113 CY OF SAND MATERIAL IN ACCORDANCE WITH THE ENGINEERED BEACH/DUNE PROFILE. CONDUCT 1-YEAR, POST-CONSTRUCTION MONITORING TO MEET PERMITTING SPECIAL CONDITIONS.

COSTS BASED ON ESTIMATE FOR SIMILAR WORK AT NEARBY BEACH PROJECTS (SEE ATTACHED COASTAL PLANNING&ENGINEERING ESTIMATED DATED 26 JUNE 2007). THE ESTIMATE IS CONSIDERED REASONABLE.

INITIAL MOB/DEMOB COSTS ARE COVERED BY PW PROJECT.# SCP-G2; INTERIM MOB/DEMOB OF EQUIPMENT DOWN THE BEACH ARE INCLUDED IN THE \$18/CY COST OF SAND RENOURISHMENT (SEE ATTACHED WEEKS MARINE, INC BID DATED 1 MAY 2007).

THE BID IS CONSIDERED REASONABLE.

=====

2 PWs	\$ AMOUNT ELIGIBLE	\$ FEDERAL SHARE
PWs:	\$6,036,436.00	\$4,527,327.00
SUBGRANTEE ADMIN EXP:	\$54,800.31	\$54,800.31
TOTAL:	\$6,091,236.31	\$4,582,127.31

FEDERAL EMERGENCY MANAGEMENT AGENCY
 PROJECT APPLICATION SUMMARY (P.2)
 DISASTER #: 1692

1556

PACKAGE NO: 219

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
30	0	G	N	N	10/24/2008	\$474,184.00

Site Number: 1

DAMAGED FACILITY: BEACH
 SMITH POINT COUNTY PARK, SUFFOLK, NY

FACILITY LOCATION: PLACE AND SHAPE 23,085 CY OF BEACH COMPATIBLE MATERIAL PUMPED FROM A NY DEC APPROVED OFFSHORE BORROW SITE. SAND WILL BE PLACED TO PREVIOUSLY DESIGNED SPECIFICATIONS OVER THE ~ 0.75 MILES OF AFFECTED AREA. REPLACE DUNE VEGETATION AS REQUIRED BY NY DEC PERMIT. THE CURRENT ESTIMATE FOR NUMBER OF PLANTS REQUIRED TO REVEGETATE IS 25,000 AND IS A ROUGH ESTIMATE SUPPLIED BY THE APPLICANT. THIS COST IS COVERED BY PROJECT NO. SCP-G2A AS IS THE COST OF THE DREDGE MOB/DEMOB.

A RENOURISHMENT OF THE BEACH WAS COMPLETED APPROXIMATELY THREE DAYS BEFORE THE DECLARED EVENT. OF THE 225,000 CY OF SAND PLACED ON THE BEACH, APPROXIMATELY 23,085 CY WERE LOST IN THE BASE PROJECT AREA (STATIONS 0+0 TO 40+0) THROUGH WIND AND WAVE ACTION DURING THE EVENT. SAND WILL BE PUMPED FROM A NY DEC APPROVED BORROW SITE, PLACED ON THE BEACH AND SHAPED TO MATCH ESTABLISHED ENGINEERED PROFILES (ATTACHED). THE DEC PERMIT STATES THAT DUNES PLACED ON THE BEACH MUST BE VEGETATED SO AN ESTIMATED NUMBER OF PLANTS HAS BEEN INCLUDED AND THE QUOTED COST BASED ON THE RECENTLY COMPLETED PROJECT. MONITORS FOR PIPING PLOVERS AND SEA TURTLES MUST ALSO BE USED DURING RENOURISHING ACTIVITIES. THE PREVIOUS ESTIMATE INCLUDED THE COST OF TURTLE MONITORS AND VOLUNTEERS WERE USED TO MONITOR PLOVERS SO NO LINE ITEM COST WAS NECESSARY FOR WILDLIFE OBSERVATION.

- ATTACHMENTS INCLUDE:
 -REPRESENTATIVE PRE- AND POST-NOURISHMENT PROFILES (SECTIONS 10+00 AND 30+00)
 -POST-NOURISHMENT PHOTOGRAPHS
 -PRE- AND POST-STORM PROFILES

THE EAST PROJECT AREA IS COVERED IN PROJECT NO. SCP-G2

NO PHOTOS ATTACHED
 LAVONNA HARRIS - DATA ENTRY SPECIALIST
 6/10/2007

	\$ AMOUNT ELIGIBLE	\$ FEDERAL SHARE
3 PWs		
PWs:	\$524,237.00	\$393,177.75
SUBGRANTEE ADMIN EXP:	\$10,753.42	\$10,753.42
TOTAL:	\$534,990.42	\$403,931.17

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT APPLICATION SUMMARY (P.2)
DISASTER #: 1692

PACKAGE NO: 225

1556

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
30	1	G	N	N	10/24/2008	\$0.00

Site Number: 1

DAMAGED FACILITY: BEACH
SMITH POINT COUNTY PARK, SUFFOLK, NY

FACILITY LOCATION:

SCOPE OF WORK: PLACE AND SHAPE 23,085 CY OF BEACH COMPATIBLE MATERIAL PUMPED FROM A NY DEC APPROVED OFFSHORE BORROW SITE. SAND WILL BE PLACED TO PREVIOUSLY DESIGNED SPECIFICATIONS OVER THE ~ 0.75 MILES OF AFFECTED AREA. REPLACE DUNE VEGETATION AS REQUIRED BY NY DEC PERMIT. THE CURRENT ESTIMATE FOR NUMBER OF PLANTS REQUIRED TO REVEGETATE IS 25,000 AND IS A ROUGH ESTIMATE SUPPLIED BY THE APPLICANT. THIS COST IS COVERED BY PROJECT NO. SCP-G2A AS IS THE COST OF THE DREDGE MOB/DEMOB.

A RENOURISHMENT OF THE BEACH WAS COMPLETED APPROXIMATELY THREE DAYS BEFORE THE DECLARED EVENT. OF THE 225,000 CY OF SAND PLACED ON THE BEACH, APPROXIMATELY 23,085 CY WERE LOST IN THE BASE PROJECT AREA (STATIONS 0+0 TO 40+0) THROUGH WIND AND WAVE ACTION DURING THE EVENT. SAND WILL BE PUMPED FROM A NY DEC APPROVED BORROW SITE, PLACED ON THE BEACH AND SHAPED TO MATCH ESTABLISHED ENGINEERED PROFILES (ATTACHED). THE DEC PERMIT STATES THAT DUNES PLACED ON THE BEACH MUST BE VEGETATED SO AN ESTIMATED NUMBER OF PLANTS HAS BEEN INCLUDED AND THE QUOTED COST BASED ON THE RECENTLY COMPLETED PROJECT. MONITORS FOR PIPING PLOVERS AND SEA TURTLES MUST ALSO BE USED DURING RENOURISHING ACTIVITIES. THE PREVIOUS ESTIMATE INCLUDED THE COST OF TURTLE MONITORS AND VOLUNTEERS WERE USED TO MONITOR PLOVERS SO NO LINE ITEM COST WAS NECESSARY FOR WILDLIFE OBSERVATION.

ATTACHMENTS INCLUDE:

- REPRESENTATIVE PRE- AND POST-NOURISHMENT PROFILES (SECTIONS 10+00 AND 30+00)
- POST-NOURISHMENT PHOTOGRAPHS
- PRE- AND POST-STORM PROFILES

THE EAST PROJECT AREA IS COVERED IN PROJECT NO. SCP-G2

NO PHOTOS ATTACHED

LAVONNA HARRIS - DATA ENTRY SPECIALIST

6/10/2007**VERSION 1 - THIS VERSION IS CREATED TO ACKNOWLEDGE A MITIGATION REQUEST BY THE APPLICANT.

	\$ AMOUNT ELIGIBLE	\$ FEDERAL SHARE
1 PW		
PWs:	\$0.00	\$0.00
SUBGRANTEE ADMIN EXP:	\$0.00	\$0.00
TOTAL:	\$0.00	\$0.00

PROJECT APPLICATION SUMMARY (P.2)

DISASTER #: 1692

PACKAGE NO: 232

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

1556

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
30	2	G	N	N	10/24/2008	\$71,136.00

Site Number: 1

DAMAGED FACILITY: BEACH

FACILITY LOCATION: SMITH POINT COUNTY PARK, SUFFOLK, NY

SCOPE OF WORK: PLACE AND SHAPE 23,085 CY OF BEACH COMPATIBLE MATERIAL PUMPED FROM A NY DEC APPROVED OFFSHORE BORROW SITE. SAND WILL BE PLACED TO PREVIOUSLY DESIGNED SPECIFICATIONS OVER THE ~ 0.75 MILES OF AFFECTED AREA. REPLACE DUNE VEGETATION AS REQUIRED BY NY DEC PERMIT. THE CURRENT ESTIMATE FOR NUMBER OF PLANTS REQUIRED TO REVEGETATE IS 25,000 AND IS A ROUGH ESTIMATE SUPPLIED BY THE APPLICANT. THIS COST IS COVERED BY PROJECT NO. SCP-G2A AS IS THE COST OF THE DREDGE MOB/DEMOB.

A RENOURISHMENT OF THE BEACH WAS COMPLETED APPROXIMATELY THREE DAYS BEFORE THE DECLARED EVENT. OF THE 225,000 CY OF SAND PLACED ON THE BEACH, APPROXIMATELY 23,085 CY WERE LOST IN THE BASE PROJECT AREA (STATIONS 0+0 TO 40+0) THROUGH WIND AND WAVE ACTION DURING THE EVENT. SAND WILL BE PUMPED FROM A NY DEC APPROVED BORROW SITE, PLACED ON THE BEACH AND SHAPED TO MATCH ESTABLISHED ENGINEERED PROFILES (ATTACHED). THE DEC PERMIT STATES THAT DUNES PLACED ON THE BEACH MUST BE VEGETATED SO AN ESTIMATED NUMBER OF PLANTS HAS BEEN INCLUDED AND THE QUOTED COST BASED ON THE RECENTLY COMPLETED PROJECT. MONITORS FOR PIPING PLOVERS AND SEA TURTLES MUST ALSO BE USED DURING RENOURISHING ACTIVITIES. THE PREVIOUS ESTIMATE INCLUDED THE COST OF TURTLE MONITORS AND VOLUNTEERS WERE USED TO MONITOR PLOVERS SO NO LINE ITEM COST WAS NECESSARY FOR WILDLIFE OBSERVATION.

ATTACHMENTS INCLUDE:

- REPRESENTATIVE PRE- AND POST-NOURISHMENT PROFILES (SECTIONS 10+00 AND 30+00)
- POST-NOURISHMENT PHOTOGRAPHS
- PRE- AND POST-STORM PROFILES

THE EAST PROJECT AREA IS COVERED IN PROJECT NO. SCP-G2

NO PHOTOS ATTACHED

LAVONNA HARRIS - DATA ENTRY SPECIALIST
 6/10/2007**VERSION 1 - THIS VERSION IS CREATED TO ACKNOWLEDGE A MITIGATION REQUEST BY THE APPLICANT.**VERSION 2 - 2-26-2008 PER MEETING HELD ON 02-25-2008, AND WITH FURTHER CONSULTATION FROM HEADQUARTERS, THE MITIGATION MEASURE FOR SAND RENOURISHMENT HAS BEEN DEEMED ELIGIBLE FOR FUNDING. THE MEASURE PREVENTS ADDITIONAL DAMAGES FROM BREACHING AND WAVE ACTION. THIS VERSIO

N HAS BEEN CREATED TO FUND THE MITIGATION COSTS. MRYAN-DPAO

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT APPLICATION SUMMARY (P.2)
DISASTER #: 1692

1556

PACKAGE NO: 220

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
886	0	G	N	N	10/24/2008	\$94,755.00

Site Number: 1

DAMAGED FACILITY: SNOW FENCING
 FACILITY LOCATION: SMITH PT. & CUPSOGUE BEACH COUNTY PARK
 WORK COMPLETED:

SCOPE OF WORK: BETWEEN 04/27/07 & 05/31/07 THE COUNTY USED FORCE ACCOUNT LABOR, EQUIPMENT, AND MATERIALS FROM STOCK TO REPLACE 5,000 LF OF SNOW FENCE IN A ZIG ZAG PATTERN [1250 LF, CUPSOGUE-3750 LF SMITH POINT].
 (MATERIAL COSTS: PURCHASE ORDER FOR 40,000 LF = \$50,507.75 = \$1.2626/LF X 5000 LF = \$6313.00)

WORK TO BE COMPLETED:

THE COUNTY WILL REPLACE 40,000 LF OF SNOW FENCING IN A ZIG ZAG PATTERN USING ESTIMATED LABOR, EQUIPMENT AND PURCHASED MATERIALS AS ESTIMATED BY THE DEPUTY COMMISSIONER OF PARKS AND RECREATION WHICH IS DETERMINED TO BE REASONABLE.

COMPLETED WORK :

1	9007 LABOR	1 / LS	5,659.30	5,659.30
2	9008 EQUIPMENT	1 / LS	955.20	955.20
3	9009 MATERIAL	1 / LS	6,313.00	6,313.00
			TOTAL	\$12,927.50

WORK TO BE COMPLETED:

1	9007 LABOR	1 / LS	27,856.98	27,856.98
2	9008 EQUIPMENT	1 / LS	3,462.60	3,462.60
3	9009 MATERIAL	1 / LS	50,507.75	50,507.75
			TOTAL	\$81,827.33

1 PW	\$ AMOUNT ELIGIBLE	\$ FEDERAL SHARE
PWs:	\$94,755.00	\$71,066.25
SUBGRANTEE ADMIN EXP:	\$1,895.10	\$1,895.10
TOTAL:	\$96,650.10	\$72,961.35

PROJECT APPLICATION SUMMARY (P.2)
DISASTER #: 1692

PACKAGE NO: 232

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
1053	1	G	N	N	10/24/2008	\$550,664.00

1556

Site Number: 1

DAMAGED FACILITY: BEACH

SMITH POINT COUNTY PARK

FACILITY LOCATION:

PREPARE NEW YORK DEC REGULATORY PERMITS AND PAY PROCESSING FEES. AS NECESSARY, CONDUCT SURVEYS AND PREPARE EIS/EA. OBTAIN COMPATIBLE SAND MATERIAL FROM AN ARMY COE/NEW YORK DEC-APPROVED OFFSHORE BORROW AREA.

SCOPE OF WORK:

PLACE 173,113 CY OF SAND MATERIAL IN ACCORDANCE WITH THE ENGINEERED BEACH/DUNE PROFILE. CONDUCT 1-YEAR, POST-CONSTRUCTION MONITORING TO MEET PERMITTING SPECIAL CONDITIONS.

COSTS BASED ON ESTIMATE FOR SIMILAR WORK AT NEARBY BEACH PROJECTS (SEE ATTACHED COASTAL PLANNING&ENGINEERING ESTIMATED DATED 26 JUNE 2007). THE ESTIMATE IS CONSIDERED REASONABLE.

INITIAL MOB/DEMOB COSTS ARE COVERED BY PW PROJECT.# SCP-G2; INTERIM MOB/DEMOB OF EQUIPMENT DOWN THE BEACH ARE INCLUDED IN THE \$18/CY COST OF SAND RENOURISHMENT (SEE ATTACHED WEEKS MARINE, INC BID DATED 1 MAY 2007).

THE BID IS CONSIDERED REASONABLE. **VERSION 1 - 2-26-2008 PER MEETING HELD ON 02-25-2008, AND WITH FURTHER CONSULTATION FROM HEADQUARTERS, THE MITIGATION MEASURE FOR SAND RENOURISHMENT HAS BEEN DEEMED ELIGIBLE FOR FUNDING. THE MEASURE PREVENTS ADDITIONAL DAMAGES FROM BREACHING AND WAVE ACTION. THIS VERSION HAS BEEN CREATED TO FUND THE MITIGATION COSTS. MRYAN-DPAO

4 PWs	\$ AMOUNT ELIGIBLE	\$ FEDERAL SHARE
PWs:	\$979,376.00	\$734,532.00
SUBGRANTEE ADMIN EXP:	\$4,896.88	\$4,896.88
TOTAL:	\$984,272.88	\$739,428.88

FEDERAL EMERGENCY MANAGEMENT AGENCY
 PROJECT APPLICATION SUMMARY (P.2)
 DISASTER #: 1692

PACKAGE NO: 240

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

1556

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
1056	1	G	N	N	10/24/2008	\$3,527,157.00

Site Number: 1

DAMAGED FACILITY: BEACH

CUPSOGUE BEACH

FACILITY LOCATION:

PREPARE NY DEC REGULATORY PERMITS AND PAY PROCESSING FEES.

SCOPE OF WORK: CONDUCT SURVEYS AND PREPARE EIS/EA.
 OBTAIN COMPATIBLE SAND MATERIAL FROM AN ARMY COE/NY DEC-APPROVED OFFSHORE BORROW AREA.
 PLACE 166,092 CY OF SAND MATERIAL IN ACCORDANCE WITH THE ENGINEERED BEACH/DUNE PROFILE.
 CONDUCT 1-YEAR, POST-CONSTRUCTION MONITORING TO MEET PERMITTING SPECIAL CONDITIONS.
 INITIAL MOB/DEMOB COSTS ARE COVERED BY PW PROJ. # SCP-G2; INTERIM MOB/DEMOB OF EQUIPMENT DOWN THE BEACH ARE INCLUDED IN THE \$18/CY COST OF SAND RENOURISHMENT (SEE ATTACHED WEEKS MARINE, INC BID DATED 1MAY07).

THE BID IS CONSIDERED REASONABLE. SAND FENCE REPLACEMENT ALREADY IS COVERED BY PW PROJ. #SCPG1. **VERSION 1 - THIS VERSION REINSTATES THE COSTS FOR THIS PROJECT

1 PW	\$ AMOUNT ELIGIBLE	\$ FEDERAL SHARE
PWs:	\$3,527,157.00	\$2,645,367.75
SUBGRANTEE ADMIN EXP:	\$17,635.79	\$17,635.79
TOTAL:	\$3,544,792.79	\$2,663,003.54

DATE: 01/11/2008

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT APPLICATION SUMMARY (P.2)
DISASTER #: 1692

PACKAGE NO: 224

P.A. ID: 103-99103-00 APPLICANT: SUFFOLK (COUNTY)

PW#	VSN	CAT	INF	COST SHR	PROJECTED COMPL DATE	APPROVED PW AMOUNT
1056	0	G	N	N	10/24/2008	\$0.00

1556

Site Number: 1

DAMAGED FACILITY: BEACH

FACILITY LOCATION: CUPSOGUE BEACH

PREPARE NY DEC REGULATORY PERMITS AND PAY PROCESSING FEES.

SCOPE OF WORK: CONDUCT SURVEYS AND PREPARE EIS/EA.

OBTAIN COMPATIBLE SAND MATERIAL FROM AN ARMY COE/NY DEC-APPROVED OFFSHORE BORROW AREA.

PLACE 166,092 CY OF SAND MATERIAL IN ACCORDANCE WITH THE ENGINEERED BEACH/DUNE PROFILE.

CONDUCT 1-YEAR, POST-CONSTRUCTION MONITORING TO MEET PERMITTING SPECIAL CONDITIONS.

INITIAL MOB/DEMOB COSTS ARE COVERED BY PW PROJ. # SCP-G2; INTERIM MOB/DEMOB OF EQUIPMENT DOWN THE BEACH ARE INCLUDED IN THE \$18/CY COST OF SAND RENOURISHMENT (SEE ATTACHED WEEKS MARINE, INC BID DATED 1MAY07).

THE BID IS CONSIDERED REASONABLE. SAND FENCE REPLACEMENT ALREADY IS COVERED BY PW PROJ. #SCPG1.

	\$ AMOUNT ELIGIBLE	\$ FEDERAL SHARE
1 PW		
PWs:	\$0.00	\$0.00
SUBGRANTEE ADMIN EXP:	\$0.00	\$0.00
TOTAL:	\$0.00	\$0.00

1557

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

Laid on Table 6/10/08

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	477	E525	9600	Transfer to Capital Fund	\$111,000

and be it further

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

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

and be it further

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

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

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

and be it further

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

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP- 8710.318	20	Removal and Disposal of Obsolete Underground Storage Tanks in Suffolk County	\$111,000

and be it further

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

DATED:

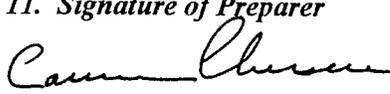
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1557

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law Charter Law		
2. Title of Proposed Legislation:		
RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH REMOVAL AND DISPOSAL OF OBSOLETE UNDERGROUND PETROLEUM STORAGE TANKS IN SUFFOLK COUNTY (CP 8710)		
3. Purpose of Proposed Legislation:		
Same as above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County <input checked="" type="checkbox"/>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
Funding for this project will allow the removal and disposal of five (5) obsolete underground storage tanks, four (4) high-priority single wall fiberglass and steel tanks DOH Ref# 02712 located at Firematics Training Center, Yaphank and one (1) #2 fuel oil tank located at the Vanderbilt Museum, Centerport in Suffolk County in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
2008	\$111,000	
2009 -2012	0	
8. Proposed Source of Funding:		
477 Water Quality Protection and Restoration Program		
9. Timing of Impact		
2008		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Carmine Chiusano, Assistant Budget Director		June 3, 2008

1558

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

Laid on Table 6/10/08

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXPENDITURES:

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

and be it further

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

REVENUES:

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

and be it further

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

Project No.: 7180
 Project Title: Aquaculture Leasing Program

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

and be it further

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

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7180.111	Survey of Shellfish Aquaculture Leases in Peconic Bay and Gardiners Bay	\$181,400

and be it further

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

DATED:

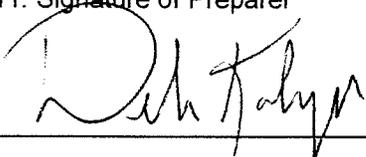
APPROVED BY:

 County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1558

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH SURVEY OF SHELLFISH AQUACULTURE LEASES IN PECONIC BAY AND GARDINERS BAY (CP 7180)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
THIS RESOLUTION TRANSFERS FUNDS FROM FUND477, WATER QUALITY PROTECTION, TO FUND 525-THE CAPITAL FUND AND APPROPRIATES THESE FUNDS IN CAPITAL PROJECT 7180-AQUACULTURE LEASING PROGRAM.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Fund 477 Water Quality		
9. Timing of Impact		
UPON ADOPTION		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
DEBRA KOLYER PRINCIPAL FINANCIAL ANALYST		May 29, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1558

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1558

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT
AND ENERGY

May 12, 2008

Mr. Ben Zwirn
Deputy County Executive
H Lee Dennison Bldg. Fl. 12
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Enclosed for your approval are the original and one (1) copy of the proposed resolution pursuant to:

“Survey of Shellfish Aquaculture Leases in Peconic Bay and Gardiners Bay”

The Suffolk County Water Quality Review Committee, at its April 24, 2008 meeting, approved “Survey of Shellfish Aquaculture Leases in Peconic Bay and Gardiners Bay” submitted by the Suffolk County Department of Planning as an appropriate use of Suffolk County Water Quality Protection and Restoration Program funds, in an amount not to exceed \$181,400.

After your examination please place this on the Legislative Agenda as soon as possible.

Sincerely,

Carrie Meek Gallagher
Commissioner SC Department of Environment & Energy

Enc.

cc: Jim Morgo, Chief Deputy County Executive

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1558

1. Type of Legislation Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>											
2. Title of Proposed Legislation: Survey of Shellfish Aquaculture Leases in Peconic Bay and Gardiners Bay											
3. Purpose of Proposed Legislation: To contribute to aquatic habitat restoration and management of underwater lands in Peconic Bay and Gardiners Bay.											
4. Will the Proposed Legislation Have a Fiscal Impact? YES <u> </u> NO <u> X </u>											
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category) <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;">County</td> <td style="width: 33%;">Town</td> <td style="width: 33%;">Economic Impact</td> </tr> <tr> <td>Village</td> <td>School District</td> <td>Other (Specify):</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A											
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A											
8. Proposed Source of Funding: 477 Water Quality Protection and Restoration and Land Stewardship Initiative Program											
9. Timing of Impact N/A											
10. Typed Name & Title of Preparer Carrie Meek Gallagher Commissioner	11. Signature of Preparer	12. Date									

1559
Intro. Res. No. -2008
Introduced by the Presiding Officer on Request of County Executive

Laid on the Table 6/10/08

RESOLUTION NO. -2008, AUTHORIZING THE COUNTY COMPTROLLER AND COUNTY TREASURER TO CLOSE CERTAIN CAPITAL PROJECTS AND TRANSFER FUNDS

WHEREAS, various County Departments have indicated that certain capital projects have been completed and should be closed (see Addendum 1); and

WHEREAS, pursuant to Resolution No. 344-2002, capital projects with no expenditure activity that have automatically expired on December 31st of the fifth (5th) fiscal year of its existence should be closed (see Addendum 2); and

WHEREAS, it is in the best interest of the County of Suffolk to close the selected capital projects; and

WHEREAS, these projects will reduce the County's Bond Authorization; and

WHEREAS, the available cash balances have been verified; now, therefore, be it

RESOLVED, that the County Comptroller and County Treasurer be and hereby are authorized to close the Capital Projects listed on "Addendum 1" and "Addendum 2" and credit the appropriate revenue account no later than December 31, 2008; and be it further

RESOLVED, that if additional aid is received the Treasurer may accept the aid and close to the appropriate fund and revenue account; and be it further

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

RESOLVED, that the County Comptroller and County Treasurer are authorized to transfer positive and negative cash balances to close the projects; and be it further

RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to net the positive and negative cash as a result of the projects being closed and accept the remaining funds into the appropriate fund under revenue code 2954 Unused Capital Fund Authorization.

DATE:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1559

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
AUTHORIZING THE COUNTY COMPTROLLER AND COUNTY TREASURER TO CLOSE CERTAIN CAPITAL PROJECTS AND TRANSFER FUNDS		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County <input checked="" type="checkbox"/>	Town _____	Economic Impact _____
Village _____	School District _____	Other (Specify): _____
Library District _____	Fire District _____	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact:		
THE CLOSING OF CAPITAL PROJECTS THAT HAVE BEEN COMPLETED HAS A POSITIVE IMPACT TO THE COUNTY OF SUFFOLK. IT REDUCES BOND AUTHORIZATIONS AND REMAINING CASH BALANCES WILL OFFSET DEBT EXPENSES.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
TO BE DETERMINED		
8. Proposed Source of Funding		
PROPOSED CASH PROCEEDS FROM UNUSED CAPITAL FUND AUTHORIZATIONS		
9. Timing of Impact		
2008		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
CARMINE A. CHIUSANO CHIEF FINANCIAL ANALYST	<i>Carmine Chiusano</i>	June 4, 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1559

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1560

Intro. Res. No. - 2008

Laid on the Table 6/10/08

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

RESOLUTION NO. - 2008, ACCEPTING AND APPROPRIATING 100% STATE GRANT FUNDS FROM THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK TO THE DEPARTMENT OF HEALTH SERVICES, JOHN J. FOLEY SKILLED NURSING FACILITY FOR THE COMMUNITY ENHANCEMENT FACILITIES ASSISTANCE PROGRAM

WHEREAS, the Dormitory Authority of the State of New York has awarded 100% State grant funds to the Department of Health Services, John J. Foley Skilled Nursing Facility for the Community Enhancement Facilities Assistance Program in the amount of \$2,366,000 for the period 07/01/08-09/30/09; and

WHEREAS, this grant funding will provide three enhancement projects for the John J. Foley Skilled Nursing Facility (JJFSNF); and

WHEREAS, project number one (1) will provide funds for an Electronic Medical Records (EMR) system, security cameras, and new mattresses; and

WHEREAS, project number two (2) will provide funds to renovate the fifth floor of the building into a Short-term Rehabilitation Unit; and

WHEREAS, project number three (3) will provide funds for safety enhancements to the existing infrastructure, which includes perimeter fencing, improved sidewalks, and safe outdoor fifth floor patios; and

WHEREAS, the acceptance of this grant award requires that the Department provide an in-kind contribution of \$26,675 for furnishings and building construction; and

WHEREAS, the in-kind contribution is already included in the 2008 Suffolk County Operating Budget within the Department of Health, fund 632, unit 4530 as follows: \$5,700 for furnishings in object 2010, and \$20,975 for construction in object 3650; and

WHEREAS, the \$2,366,000 in additional 100% State aid funding is not currently included in the 2008 Adopted Operating Budget; now, therefore be it

1ST RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$2,366,000 in grant funds as follows:

REVENUES

001-3597 John J. Foley Renovation Projects \$2,366,000

APPROPRIATIONS

Department of Health Services (HSV)

John J. Foley Skilled Nursing Facility
Acquisition of Machinery and Equipment
632-HSV-4531

\$1,150,000

<u>Equipment</u>	<u>\$446,000</u>
2020 Office Machines	\$371,000
2070 Cameras & Photographic Equipment	\$25,000
2080 Medical, Dental & Laboratory Equipment	\$50,000
<u>Supplies, Materials & Other Expenses</u>	<u>\$4,000</u>
3160 Computer Software	\$2,000
3500 Other: Unclassified	\$2,000
<u>Contractual Expenses</u>	<u>\$700,000</u>
4560 Fees for Services: Non-employees	\$700,000

Department of Health Services (HSV)
John J. Foley Skilled Nursing Facility
Refurbishing of Sub-Acute Short-term Rehabilitation Unit
632-HSV-4532

\$850,000

<u>Equipment</u>	<u>\$450,000</u>
2010 Furniture & Furnishings	\$50,000
2500 Other Equipment, not otherwise specified	\$400,000
<u>Supplies, Materials & Other Expenses</u>	<u>\$400,000</u>
3650 Repairs: Buildings	\$400,000

Department of Health Services (HSV)
John J. Foley Skilled Nursing Facility
Safety Enhancements to Existing Infrastructure
632-HSV-4533

\$366,000

<u>Equipment</u>	<u>\$220,975</u>
2060 Garage, Shop & Building Equipment	\$215,375
2500 Other Equipment	\$5,600
<u>Supplies, Materials & Other Expenses</u>	<u>\$145,025</u>
3650 Repairs: Buildings	\$145,025

and be it further

2ND 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

3RD 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:

APPROVED BY:

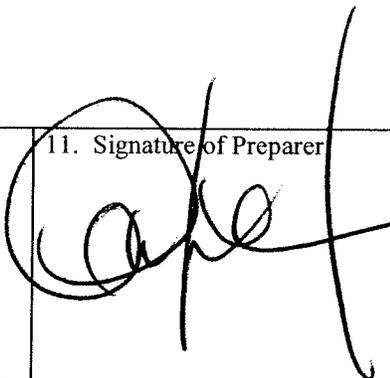
County Executive of Suffolk County

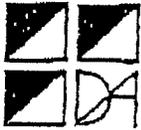
Date of Approval:

HSV # 29-2008

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1560

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation Accepting and Appropriating 100% State grant funds from the Dormitory Authority of the State of New York to the Department of Health Services, John J. Foley Skilled Nursing Facility for the Community Enhancement Facilities Assistance Program		
3. Purpose of Proposed Legislation To accept and appropriate \$2,366,000 in grant funds to provide three enhancement projects for the John J. Foley Skilled Nursing Facility. These funds will primarily enhance the facilities infrastructure through renovations, computerizing the medical records system, and improving safety and security for the staff and residents.		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: In kind County contribution is included within the 2008 adopted Operating Budget		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
8. Proposed Source of Funding 100% State grant funds from the Dormitory Authority of the State of New York		
9. Timing of Impact 2008-2009		
10. Typed Name & Title of Preparer <i>Allen Kovesdy</i> <i>Director of Management and Research</i>	11. Signature of Preparer 	12. Date 6/4/2008



Dormitory Authority
State of New York

1560

Gail H. Gordon, Chm.
David D. Brown, IV, Executive Director

March 13, 2008

VIA OVERNIGHT MAIL

Mr. Allen Kovesdy
Director of Management & Research
County of Suffolk
100 Veterans Memorial Highway
Hauppauge, NY 11788

Re: *Community Enhancement Facilities Assistance Program ("CEFAP")
Acquisition of Machinery and Equipment for the John J. Foley Skilled Nursing
Facility*

Dear Mr. Kovesdy:

As you are aware, County of Suffolk has been selected in accordance with procedures required to receive a Community Enhancement Facilities Assistance Program ("CEFAP") Grant in the amount of \$1,150,000. The project for which the grant will be utilized is the acquisition of machinery and equipment for the John J. Foley Skilled Nursing Facility.

Our records indicate that you have fulfilled all of the criteria necessary to receive a CEFAP Grant as set forth in the authorizing legislation for CEFAP. Therefore, payments to your organization may now be made in accordance with the Grant Disbursement Agreement.

Enclosed please find three (3) execution copies of the Grant Disbursement Agreement. Please execute and date all three (3) copies and return them to me in their entirety at:

Sara Richards, Esq.
Dormitory Authority of the State of New York
515 Broadway
Albany, New York 12207

Please note that certain exhibits to the Grant Disbursement Agreement must be completed prior to the disbursement of any grant funds, including Exhibits A, B, and an Opinion of Counsel in the form of Exhibit C to the Agreement. The purpose and use of

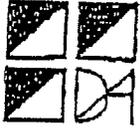
CORPORATE HEADQUARTERS
515 Broadway
Albany, New York 12207-2964
Tel: 518-257-3000
Fax: 518-257-3100

NEW YORK OFFICE
One Penn Plaza, 52nd Floor
New York, New York 10119-0098
Tel: 212-273-5000
Fax: 212-273-5121

BUFFALO OFFICE
539 Franklin Street
Buffalo, New York 14202-1109
Tel: 716-884-9780
Fax: 716-884-9787

WEB
www.dssny.org

1560



Dormitory Authority
100 State Street, Suite 1000
Suffolk, MA 01901

Mr. Allen Kovcsdy
March 13, 2008
Page 2

the Grant funds as described in Exhibit A must substantially comply with the description provided by the County of Suffolk in its preliminary application. Any deviation in purpose or use must be separately indicated and explained. Failure to do so may delay the processing of the Grant Disbursement Agreement.

Once the execution copies and the completed exhibits are returned to the Dormitory Authority, we will sign and return a fully executed copy to you and we can begin the requisition process.

Should you or your attorney have any questions concerning the enclosed document, please call (518) 257-3177.

Thank you.

Very truly yours,

Sara Richards
Associate Counsel

Enc.

cc (w/out enc.): Stephen M. August, Assembly Ways & Means
Michael Corrigan, Dormitory Authority
Debra Pulcnskey Drescher, Esq., Dormitory Authority
Kelly Ray, Dormitory Authority

1560

EXHIBIT B: Project Budget

County of Suffolk
 Acquisition of Machinery and Equipment for the John J. Foley Skilled Nursing Facility

TASKS*	Authority Eligible Expenses	SOURCE In-Kind/Equity/Sponsor Contribution	SOURCE Other	TOTAL
Machinery and Equipment	\$1,150,000	\$5,700		\$1,155,700
Total Project Cost	\$1,150,000	\$5,700		\$1,155,700

* Please note that the tasks set forth in this column must be those for which reimbursement or payment on invoice will be sought. Please ensure that the task list is complete and includes all the tasks for which you will be submitting requisitions. The failure to do so may delay payment.

**Additional back-up material regarding I.R. 1560 is on file in
the Legislative Clerk's Office, Hauppauge.**

5th **RESOLVED**, that since State law permits any public assistance recipient to refuse alternate housing accommodation assistance from the Department, if a recipient communicates his or her declination of the Department's offer to assist, the Department shall forward a report of such declination to the applicable municipality; and be it further

6th **RESOLVED**, that pursuant to New York State law, such report shall not contain the name of the individual residing at the subject housing; and be it further

7th **RESOLVED**, that such report of declination shall contain a statement that nothing shall prohibit any town or village from commencing and prosecuting an action against the applicable owner for the violation or violations existing at such owner's premises or prevent such town or village from enforcing its laws or revoking the owner's right to rent such premises; and be it further

8th **RESOLVED**, that this Resolution shall not alter or affect the duties of the Department where safety and health violations, as defined by State law, are found; and be it further

9th **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:

APPROVED BY:

County Executive of Suffolk County

Date:

1562

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

Laid on Table 6/10/08

**RESOLUTION NO. -2008, AMENDING THE RULES OF
THE LEGISLATURE OF THE COUNTY OF SUFFOLK -
RULE 6 (C)**

WHEREAS, several rules of the Suffolk County Legislature are ambiguous and open to interpretation; and

WHEREAS, these rules should be clarified to enhance the efficient operation of the Suffolk County Legislature; now, therefore, be it

1st **RESOLVED**, that Rule 6 (C) of the 2008 Rules of the Legislature of the County of Suffolk is hereby amended as follows:

RULE 6. DISCHARGE OF LEGISLATION.

* * * *

- C.) Legislation may be discharged from an assigned committee by a written petition to discharge being presented to the Clerk of the Legislature, signed by at least ten (10) members of the Legislature. A petition to discharge shall be delivered to the Clerk of the Legislature no later than 12:00 noon on the day immediately preceding a regular meeting. The Clerk shall notify all Legislators electronically that said legislation will be eligible for consideration at the next regular meeting.
- 1.) In the case of legislation that is the subject of a public hearing, such petition may only be submitted if the public hearing on said legislation has been closed. This subparagraph may not be waived at any meeting of the County Legislature by any vote.
- 2.) Legislation which has been defeated or tabled subject to call in its assigned committee, is eligible to be discharged from the committee by a petition to discharge

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:

EFFECTIVE PURSUANT TO SECTION 2-2 OF THE SUFFOLK COUNTY CODE AND SECTIONS 2-15(a) AND 2-7 OF THE SUFFOLK COUNTY CHARTER.

s:\res\r-amend-rule-6-c

REVISED VERSION 6/5/08

Intro. Res. No. 1563-2008
Introduced by Presiding Officer Lindsay

Laid on Table 6/10/2008

**RESOLUTION NO. -2008, AMENDING THE RULES OF
THE LEGISLATURE OF THE COUNTY OF SUFFOLK -
RULE 6 (B)**

WHEREAS, several rules of the Suffolk County Legislature are ambiguous and open to interpretation; and

WHEREAS, these rules should be clarified to enhance the efficient operation of the Suffolk County Legislature; now, therefore, be it

1st RESOLVED, that Rule 6 (B) of the 2008 Rules of the Legislature of the County of Suffolk is hereby amended as follows:

RULE 6. DISCHARGE OF LEGISLATION.

* * * *

- B.) Legislation laid on the table shall be placed on the agenda for consideration by the full Legislature at its next regularly scheduled meeting and shall be eligible for a vote by the full Legislature only if it been discharged, with or without recommendation, by a majority of the members present and voting and the number of members voting to discharge constitutes at least a majority of the entire membership of the Legislative committee to which it has been assigned[, with or without recommendation]. For the purposes of this rule, the term "entire membership of the Legislative committee" shall mean the members appointed to the committee by the Presiding Officer and shall not include the Presiding Officer acting in his or her ex-officio capacity. The "entire membership of the Legislative committee" shall not increase when the Presiding Officer votes at a committee meeting in his or her ex-officio capacity.

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:

EFFECTIVE PURSUANT TO SECTION 2-2 OF THE SUFFOLK COUNTY CODE AND SECTIONS 2-15(a) AND 2-7 OF THE SUFFOLK COUNTY CHARTER.

1564

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

Laid on Table 6/10/08

RESOLUTION NO. -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE REVIEW OF DGEIS COMMENTS AND PREPARATION OF A FGEIS ON THE PROPOSED SHELLFISH AQUACULTURE LEASE PROGRAM IN THE PECONIC BAY AND GARDINERS BAY

WHEREAS, on March 23, 2007 in Resolution No. 241-2007, the County of Suffolk, as SEQRA lead Agency, adopted a Positive Declaration requiring the preparation of a Draft Generic Environmental Impact Statement (DGEIS) on the Suffolk County Shellfish Aquaculture Lease Program in the Peconic Bay and Gardiners Bay, Towns of Southampton, East Hampton, Riverhead, Southold and Shelter Island; and

WHEREAS, on May 3, 2007 the Suffolk County Aquaculture Lease Program Advisory Committee and the Council on Environmental Quality held a Scoping Hearing concerning DGEIS on the Suffolk County Shellfish Aquaculture Lease Program at which time written and oral comments from the public and various agencies were received; and

WHEREAS, at its June 20, 2007 meeting the Suffolk County Council on Environmental Quality reviewed a Draft Scope for the DGEIS on the Suffolk County Shellfish Aquaculture Lease Program together with the comments received and the response to the comments and recommendations that it be adopted by the Legislature; and

WHEREAS, in Resolution No. 780-2007 the County of Suffolk adopted the Final Scope for the DGEIS; and

WHEREAS, at its March 19, 2008 meeting the Suffolk County Council on Environmental Quality approved as satisfactory the DGEIS together with the Notice of Completion and the Notice of Public Hearing for the DGEIS and the documents were sent out to the Legislators, County Executive, involved agencies and interested parties; and

WHEREAS, on March 26, 2008 a Notice of Completion of the DGEIS and Notice of Public Hearing were published in the N.Y.S.D.E.C. Environmental Notice Bulletin (ENB); and

WHEREAS, on April 17, 2008 the CEQ held a Public Hearing on the Aquaculture Lease Program DGEIS at the Riverhead Town Hall, 200 Howell Street, Riverhead; and

WHEREAS, a presentation was given at the May 21, 2008 CEQ meeting by Dr. DeWitt Davies, Chief Environmental Analyst with the Suffolk County Planning Department regarding the DGEIS comments received and the need for the preparation of a FGEIS; and

WHEREAS, the CEQ reviewed all of the meeting and public hearing transcripts, written comments and oral presentations received on the Shellfish Aquaculture Lease Program in the Peconic Bay and Gardiners Bay at their May 21, 2008 meeting; and

WHEREAS that in the judgment of the CEQ, based on review of the written comments as well as the oral comments presented and received, a quorum of the Council at their May 21, 2008 meeting recommended to the Suffolk County Legislature and the County

Executive, pursuant to Chapter 279 of the Suffolk County Code, that a Final Generic Environmental Impact Statement be prepared on the Suffolk County Shellfish Aquaculture Lease Program in the Peconic Bay and Gardiners Bay; now, therefore be it

1st **RESOLVED**, that the Suffolk County Legislature, as SEQRA Lead Agency, direct that a Final Generic Environmental Impact Statement be prepared on the Suffolk County Shellfish Aquaculture Lease Program in the Peconic Bay and Gardiners Bay; 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:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\l-FGEIS-shellfish-aquaculture

1565

Intro. Res. No. -2008
Introduced by Legislator Cooper

Laid on Table 6/10/08

**RESOLUTION NO. -2008, DIRECTING THE
DEPARTMENT OF PARKS, RECREATION AND
CONSERVATION TO INSTALL CIGARETTE BUTT
RECEPTACLES AT COUNTY PARKS AND BEACHES**

WHEREAS, it is estimated that several trillion cigarette butts are littered worldwide every year causing significant environmental harm; and

WHEREAS, the hazards and costs associated with flicking cigarette butts out of a car window, or throwing them on the ground, can be exorbitant, both financially and in terms of the damage they pose to public health; and

WHEREAS, not only are cigarette butts unsightly, they also present a threat to wildlife. The average cigarette butt contains numerous chemicals which are considered toxic and while the paper and tobacco of cigarette butts are biodegradable, their cellulose acetate filters are not. The acetate (plastic) filters can take many years to decompose. During the very slow decomposition process, the toxins the filters are designed to trap leak into aquatic ecosystems, threatening water quality and posing a danger to marine creatures and wildlife. These plastic pieces from cigarettes have been found in the stomachs of fish, birds, whales and other marine creatures that mistake them for food; and

WHEREAS, cigarette-caused fires result in over \$400 million in property damage each year; and

WHEREAS, it would be advantageous to install cigarette butt receptacles in all Suffolk County parks and beaches in an effort to protect wildlife and reduce littering in Suffolk County; now, therefore be it

1st RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed pursuant to Section C28-4 of the SUFFOLK COUNTY CHARTER to install cigarette butt receptacles at all County parks and beaches; and be it further

2nd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is further directed to site cigarette butt receptacles in or near picnic areas, parking lots, and trail heads; and be it further

3rd RESOLVED, that if the Department of Parks, Recreation and Conservation cannot implement this Resolution within existing appropriations, the Commissioner shall notify all County Legislators, in writing, within 60 days of the effective date of this Resolution, how much additional funding the Department requires to implement this Resolution; 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:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-cigarette butt receptacles

1566

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

Laid on Table 6/10/08

**RESOLUTION NO. -2008, AMENDING THE RULES OF
THE LEGISLATURE – RULE 3**

WHEREAS, the Rules of the Suffolk County Legislature relating to the Presiding Officer's status as an ex-officio member of legislative committees is ambiguous in terms of majority voting requirements; and

WHEREAS, several recent court decisions have determined that this Legislature improperly interpreted the rules relating to the discharge of legislation from committees; and

WHEREAS, in light of these court rulings, it is appropriate to clarify the Legislature's rules; now, therefore, be it

1st **RESOLVED**, that Rule 3 of the 2008 Rules of the Legislature of the County of Suffolk is hereby amended as follows:

RULE 3. POWERS AND DUTIES OF THE PRESIDING OFFICER

A.) The Presiding Officer shall possess the following powers and perform the following duties:

* * * *

9. To be a non-voting member ex-officio of all Legislative committees and to receive notice of all meetings thereof;

* * * *

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:

EFFECTIVE PURSUANT TO SECTION 2-2 OF THE SUFFOLK COUNTY CODE AND SECTIONS 2-15(a) AND 2-7 OF THE SUFFOLK COUNTY CHARTER.

s:\res\r-amend rules 3(9)

1567

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

Laid on Table 6/10/08

**RESOLUTION NO. -2008, AMENDING THE RULES OF
THE LEGISLATURE – RULE 6**

WHEREAS, the Rules of the Suffolk County Legislature relating to the Presiding Officer's status as an ex-officio member of legislative committees is ambiguous in terms of majority voting requirements; and

WHEREAS, several recent court decisions have determined that this Legislature improperly interpreted the rules relating to the discharge of legislation from committees; and

WHEREAS, in light of these court rulings, it is appropriate to clarify the Legislature's rules; now, therefore, be it

1st RESOLVED, that Rule 6 of the 2008 Rules of the Legislature of the County of Suffolk is hereby amended as follows:

RULE 6. DISCHARGE OF LEGISLATION

* * * *

- B.) Legislation laid on the table shall be placed on the agenda for consideration by the full Legislature at its next regularly scheduled meeting and shall be eligible for a vote by the full Legislature only if it has been discharged by at least a majority of the entire membership of the Legislative committee to which it has been assigned, with or without recommendation. When the Presiding Officer votes as an ex-officio member of a Legislative committee, he or she shall be counted as a member of that committee.

* * * *

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:

EFFECTIVE PURSUANT TO SECTION 2-2 OF THE SUFFOLK COUNTY CODE AND SECTIONS 2-15(a) AND 2-7 OF THE SUFFOLK COUNTY CHARTER.

s:\res\r-amend rule 6B

1568

Intro. Res. No. -2008
Introduced by Legislator Vilorio-Fisher

Laid on Table

6/10/08

**RESOLUTION NO. -2008, APPOINTING ELIZABETH
CUSTODIO AS A MEMBER OF THE SUFFOLK COUNTY
INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

WHEREAS, Resolution Nos. 1142-1975 and 1245-1975 implemented the creation of the Suffolk County Industrial Development Agency ("IDA") pursuant to Section 991-a of the NEW YORK GENERAL MUNICIPAL LAW and made the initial appointments to that Agency; and

WHEREAS, Section 856 (2) of the NEW YORK GENERAL MUNICIPAL LAW permits the appointment of seven (7) members to said IDA; and

WHEREAS, all such members of the IDA serve at the pleasure of the Suffolk County Legislature; now, therefore be it

RESOLVED, that Elizabeth Custodio residing in Stony Brook, New York, be and she hereby is appointed as a member of the Suffolk County Industrial Development Agency (IDA) to replace present member Lutricia Edwards; and be it further

RESOLVED, that such member so appointed shall serve at the pleasure of the Suffolk County Legislature; and be it further

RESOLVED, that this resolution shall take effect immediately.

DATED:

EFFECTIVE PURSUANT TO SECTION 2-15 (A) OF THE SUFFOLK COUNTY CHARTER AND
SECTION 856 (2) OF THE NEW YORK GENERAL MUNICIPAL LAW

s:\reslr-ida-appt-custodio

Elizabeth Custodio
49 Sycamore Circle
Stony Brook, NY 1179
Home (631)751-3032 Cell (631) 806-9122

1568

Summary of Qualifications:

- A self motivated professional skilled in orchestrating details to achieve project goals.
- Well known in the community as a strong advocate for financial and homeownership education.
- I have created many strong synergies between the corporate, not for profit and governmental agencies of Long Island which have ultimately resulted in achieving the American Dream for so many within the communities they serve.
- Fluent in English/Spanish

Accomplishments:

- The planning and implementation of the highly successful Section 8 Homeownership Program with CDC of Long Island, Inc.
- Managed the FHLB First Home Club program for HSBC while promoting other grant/down payment assistance programs such as Suffolk County, Nassau County, Babylon and others.
- Conduct educational seminars containing information on financial literacy, homeownership education and the availability of grant programs.
- Development of loan programs to serve the needs of low/mod income families.
- Coordinated logistics for conferences and offsite meetings for the national community development team including travel, equipment, presentations and venues.
- Researched and recommended program opportunities for a positive return on investment for corporate while serving the needs of applicants.
- Work with several community based organizations and housing agencies to support their missions in an effort to increase their potential for success by serving on boards and committees.

1568

Experience:

2004-present FVP Community Business Development Manager, HSBC
Mortgage Corporation (USA) NA
1994-2003 VP Community Business Development, HSBC Mortgage
Corporation
1985-1993 Branch Platform Assistant, Marine Midland Bank

Affiliations/ Awards:

Trustee College at Old Westbury SUNY Foundation Board
Long Island Housing Partnership Board
LI Hispanic Chamber of Commerce Board Secretary
Adelante of Suffolk County Board President
Community Development Corporation of Long Island Committees
Childcare Council of Suffolk County Board

CDCLI Honoree
BHEP Banker of the Year
LIHCC Corporation of the Year
Hispanic Brotherhood of Rockville Center Honoree
Circulo de la Hispanidad Honoree
La Fuerza Unida of Glen Cove Honoree
Latin Leader of the Month 2008 Telecare Television
Latina Style Magazine 2008 Top 50 Corporations Award

Various proclamations and citations from government officials

1569

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

Laid on Table 6/10/08

**RESOLUTION NO. -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 (ST.
JOSEPH'S PROPERTY - TOWN OF ISLIP)**

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

WHEREAS, the parcel(s) listed in Exhibit "A" of this resolution meets the criteria for acquisition as open space under the Drinking Water Protection Program; and

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

1st RESOLVED, that the parcel(s) listed in Exhibit "A" of this resolution, consisting of approximately 47 acres, are hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER; and be it further

2nd RESOLVED, that the parcel(s) listed in Exhibit "A" meet the criteria required by the Suffolk County Drinking Water Protection Program; and be it further

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

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

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

6th RESOLVED, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may

be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

EXHIBIT "A"

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0500 Section 160.00 Block 02.00 Lot 072.002 p/o	±47	Sisters of St. Joseph 1725 Brentwood Road Brentwood, NY 11717-5587

1570

6/10/08

Intro. Res. No. -2008 Laid on Table
Introduced by the Presiding Officer, on Request of the County Executive

RESOLUTION NO. -2008, A LOCAL LAW TO REQUIRE COMPANIES DOING BUSINESS WITH THE COUNTY TO CERTIFY UTILIZATION OF THE SOCIAL SECURITY NUMBER VERIFICATION SERVICE (SSNVS) TO VERIFY EMPLOYEES' SOCIAL SECURITY NUMBERS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2008, a proposed local law entitled, "A LOCAL LAW TO REQUIRE COMPANIES DOING BUSINESS WITH THE COUNTY TO CERTIFY UTILIZATION OF THE SOCIAL SECURITY NUMBER VERIFICATION SERVICES (SSNVS) TO VERIFY EMPLOYEES' SOCIAL SECURITY NUMBERS," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

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

A LOCAL LAW TO REQUIRE COMPANIES DOING BUSINESS WITH THE COUNTY TO UTILIZE THE SOCIAL SECURITY NUMBER VERIFICATION SERVICES (SSNVS)

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

Section 1. Legislative Intent.

This Legislature finds and determines that the federal government operates the Social Security Number Verification Service (SSNVS), a no-cost service offered by the Social Security Administration's Business Services Online, which allows registered users (employers and certain third-party submitters) to verify the names and social security numbers of employees against Social Security Administration records.

This Legislature further finds and determines that by requiring companies that are one-hundred (100%) funded by the County of Suffolk to verify that their employees' social security numbers are accurate would, thereby,

- (i) facilitate the promotion of the federal policy of requiring employers to verify the employment status of potential employees;
- (ii) support the eradication of unfair competitive advantages between businesses;
- (iii) aid in the elimination of unfair labor practices and exploitations;
- (iv) assist in allowing the Social Security Administration to properly credit employees' earnings records, which will be important information in determining their Social Security benefits in the future;

- (v) assure taxpayers that employers and employees are paying their fair share of taxes by complying with tax laws; and
- (vi) reduce incidents of identity theft.

Therefore, the purpose of this law is to require that companies that are one-hundred (100%) funded by the County must certify that they have registered with SSNVS and certify that they utilize the SSNVS to verify their employees' social security numbers.

Section 2. Definitions.

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

- A.) AWARDING AGENCY – That subordinate or component entity or person of the County of Suffolk that is responsible for solicitation of proposals or bids and responsible for the award and administration of contracts, license agreements, leases and other financial compensation agreements.
- B.) COMPENSATION –
 - 1.) Any grant, loan, tax incentive funding, appropriation, payment, subsidy or other form of financial assistance which is realized by or provided to a covered employer, or the owners thereof, by or through the authority or approval of the County of Suffolk including, but not limited to, Community Development Block Grant (CDBG) loans, Industrial Development Agency (IDA) loans, and Enterprise-Zone-related incentives.
 - 2.) Any contract, subcontract, license agreement, lease or other financial compensation agreement let to a person with or by the County of Suffolk for the furnishing of services, goods, equipment, supplies, materials, public works, or other property to or for the County of Suffolk.
- C.) CONTRACTOR – A person who contracts to do work for another. This term does not include wholesalers.
- D.) COUNTY – The County of Suffolk, any agency, office, position, administration, department, division, bureau, board, commission, corporation, public authority or unit of government, the expenses of which are paid in whole or in part by the County of Suffolk, or over which majority control is exercised by officers of the County of Suffolk or of a County-affiliated agency or their appointees.
- E.) COVERED EMPLOYEE – An individual employed on either a full-time, part-time, temporary or seasonal basis, by a covered employer to perform work on or for the project or matter for which the recipient has received compensation.
- F.) COVERED EMPLOYER – A recipient of, or an applicant for, compensation that is not exempt from this law, and who has at least one (1) covered employee working within the County of Suffolk or the County of Nassau, or at least one 50% or more owner living within the County of Suffolk.

- G.) Electronic File - a specifically formatted file submitted electronically to the SSA for processing SSN verification.
- H.) PERSON – One or more of the following or their agents, employees, representatives and legal representatives: individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, all trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries and other entities recognized at law by this County.
- I.) RECIPIENT – Any person or entity that is a recipient of compensation, as defined in this law, and any contractor or subcontractor of a recipient producing or providing goods, materials, supplies, public works, or services to a recipient that are used by that recipient in the project or matter for which the recipient has received compensation.
- J.) SEASONAL – A period of time not to exceed ninety (90) consecutive days at any given time within a six-month period.
- L.) SSA - Social Security Administration.
- M.) SSN - Social Security Number.
- N.) SSNVS - Social Security Number Verification Service; an online service provided by SSA that allows registered users to verify employee names and SSNs against SSA's records.
- O.) SUBCONTRACTOR – A person who takes portions of a contract from a covered employer, a contractor or another subcontractor. This term does not include wholesalers.
- P.) WHOLESALER – A person who buys in comparatively large quantities, and then resells, usually in small quantities, to a middleman or retailer, but never to the ultimate consumer.

Section 3. Requirements.

- A.) All covered employers, and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one-hundred-percent funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which shall be established by the County Department of Labor certifying the following:
 - 1.) that they have registered with the Federal Social Security Number Verification Services (SSNVS);
 - 2.) that they utilize SSNVS to verify the accuracy and veracity of their covered employees' social security numbers;
 - 3.) that they are in compliance with the directives of the SSNVS handbook and/or manual, including but not limited to, following the SSNVS

directives regarding steps to be taken in case of a failed social security number verification.

The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be, and shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County. Such affidavit shall be made available to the public upon request.

B.) All contractors and subcontractors of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one-hundred-percent funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which shall be established by the Department of Labor, certifying the following:

- 1.) that they have registered with the Federal Social Security Number Verification Services (SSNVS);
- 2.) that they utilize SSNVS to verify the accuracy and veracity of their covered employees' social security numbers; and
- 3.) that they are in compliance with the directives of the SSNVS handbook and/or manual, including but not limited to, following the SSNVS directives regarding steps to be taken in case of a failed social security number verification.

The affidavit shall be executed by an authorized representative of the contractors and subcontractors of covered employers, and the owners thereof, as the case may be, and shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County. Such affidavit shall be made available to the public upon request.

C.) Covered employer and owner sworn affidavits shall be submitted to the awarding agency at the following times:

- 1.) upon application made to the County for any grant, loan, subsidy, tax incentive funding, appropriation, payment, or other form of financial assistance;
- 2.) upon submission to the County of any response to a County bid, request for proposals (RFP), request for qualifications (RFQ), request for expressions of interest (RFEI), or similar contract letting process, including but not limited to letting for license agreements, leases and other financial compensation agreements;
- 3.) on January 1st of each year for the duration of the County contract, subcontract, license agreement, lease or other financial compensation agreement; and
- 4.) upon renewal and amendment of any County contract, subcontract, license agreement, lease or other financial compensation agreement.

- D.) Contractor and subcontractor sworn affidavits shall be submitted by the covered employer to the awarding agency at the following times:
- 1.) within one (1) week after the contractor or subcontractor is hired by the covered employer to perform the work in connection with the County contract, subcontract, license agreement, lease or other financial compensation agreement;
 - 2.) in the event of a County contract, subcontract, license agreement, lease or other financial compensation agreement that is being renewed or amended, where a contractor or subcontractor was previously hired by a covered employer to perform work in connection with such contract, subcontract, license agreement, lease or other financial compensation agreement, upon such renewal or amendment; and
 - 3.) on January 1st of each year for the duration of the County contract, subcontract, license agreement, lease or other financial compensation agreement, provided that the contractor or subcontractor was previously hired by the covered employer to perform work in connection with such contract, subcontract, license agreement, lease or other financial compensation agreement and is continuing to perform such work.

Section 4. Reporting.

In the event that a social security number fails verification:

- 1.) contractors and subcontractors of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, shall notify the covered employer of the failed verification; and
- 2.) covered employers and the owners thereof, as the case may be, shall notify the County of any failed verification.

Section 5. Prohibition.

It shall be unlawful for covered employers and the owners thereof, as the case may be:

- 1.) to knowingly accept personal identifying information from an individual who is not the actual person identified by that information; or
- 2.) to utilize a contractor or subcontractor which has accepted personal identifying information from an individual who is not the actual person identified by that information.

Section 6. Affirmative defense.

Any covered employer and the owners thereof, as the case may be, that establishes that they have complied in good faith with the requirements of SSNVS for covered employees have established an affirmative defense that such covered employer and the owners thereof, as the case may be, have not violated sections 3(A) and 5 of this article.

Section 7. Maintenance of Records.

- A.) All covered employers and the owners thereof, as the case may be, shall maintain, as evidence of compliance with sections 3(A) and 3(B), the following:
 - 1. all electronic files submitted to the Social Security Administration (SSA) for social security number verification and the social security number verification results returned from the SSA; and
 - 2. all sworn affidavits submitted by all contractors and subcontractors stating that they are in compliance with the directives of the SSNVS handbook and/or manual, including but not limited to, following the SSNVS directives regarding steps to be taken in case of a failed social security number verification.

- B.) Unless a shorter time is prescribed by law or regulation, such records shall be maintained for the following minimum periods of time:
 - 1.) one (1) year for a tax incentive;
 - 2.) two (2) years for a County grant, subsidy or other financial assistance;
 - 3.) until such time the County loan is paid back in full; and
 - 4.) six (6) years after the County contract, subcontract, license agreement, lease or other financial compensation agreement either expires or is terminated.

- C.) Authorized County employees shall be entitled to review such records on a periodic basis, as requested by the County or awarding agency.

Section 8. County contracts; subcontractor contracts.

- A.) No grant, loan, subsidy, tax incentive, funding, appropriation, payment, other financial assistance, contract, subcontract, license agreement, lease or other financial compensation agreement shall be awarded to a covered employer, or the owners thereof, as the case may be, that does not certify that it has complied with section 3 of this law. All County contracts, subcontracts, license agreements, leases and other financial compensation agreements awarded shall set forth the obligations of the covered employer and owners as enumerated in this article.

- B.) All covered employers, or the owners thereof, as the case may be, shall inform their contractors and subcontractors to comply with the provisions of this law for as long as the covered employer or owner, as the case may be, is in receipt of compensation. Language indicating the contractor's and subcontractor's requirement to comply shall be included in any contract or agreement between a covered employer and its contractors and subcontractors. A copy of such subcontracts or other agreements shall be submitted to the County and made available to the public upon request.

Section 9. Enforcement; penalties for offenses.

- A.) Notwithstanding any provision of law to the contrary, any covered employer, or the owners thereof, as the case may be, who submits a false, fictitious or fraudulent affidavit

to the County or awarding agency in connection with Sections 3 or 8 of this law shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine of not less than \$250.00 nor more than \$2,000.00, or up to six (6) months imprisonment, or both. Each such violation shall constitute a separate and distinct offense.

- B.) Notwithstanding any provision of law to the contrary, any covered employer, or the owners thereof, as the case may be, who violates any of the provisions of Sections 3, 4, 5 or 8 of this law, upon a first violation, shall be subject to a civil penalty, in an amount not less than \$250.00, nor more than \$1,000.00, for each day such covered employee remains employed by the covered employer, or for each day the owners thereof shall remain an owner, as the case may be. In the event that any covered employer, or the owners thereof, as the case may be, violates any of the provisions of Sections 3 or 6 of this law as set forth herein within the period of one (1) year immediately subsequent to the first violation, resulting in a second violation, the civil penalty of which shall be in an amount not less than \$2,000.00, nor more than \$5,000.00, for each day such covered employee remains employed by the covered employer, or for each day the owners thereof shall remain an owner, as the case may be. Each such violation shall constitute a separate and distinct offense.
- C.) Notwithstanding any provision of law to the contrary, any covered employer, or the owner thereof, as the case may be, who violates the provisions of Section 7 of this law, shall be subject to a civil penalty, in an amount not less than \$250.00, nor more than \$2,000.00.
- D.) Any covered employer, or the owners thereof, as the case may be, who violates the provisions of Sections 3, 4, 5, or 8 of this law, more than two (2) times, shall have its contract, subcontract, license agreement, lease or other financial compensation agreement terminated immediately; and, in the case of a County loan, subsidy or other form of financial assistance, same shall be declared in default for purposes of the County collecting on the full amount of the loan, subsidy or other form of financial assistance. In addition, such covered employers shall be barred from bidding on future County contracts and shall be ineligible to receive any future loans, subsidies or other financial assistance from the County.
- E.) Any determination made hereunder by the County of Suffolk shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

Section 10. Promulgation of Rules and Regulations.

The Suffolk County Department of Labor shall promulgate such rules and regulations as it deems necessary and appropriate for the implementation and enforcement of any provisions of this chapter. Such rules shall govern the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under Article 78 of the Civil Practice Law and Rules relating to the assessment of civil penalties herein authorized and such other penalties authorized under Section 9(D) of this law. Such rules shall further provide for due process procedural mechanisms and any other mechanisms deemed necessary by the Suffolk County Department of Labor.

Section 11. Applicability.

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

Section 12. 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 13. 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 14. Effective Date.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



1570

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
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(631) 853-4415 (FAX)

DATE: June 6, 2008
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2008

TITLE: A LOCAL LAW TO REQUIRE COMPANIES DOING BUSINESS WITH THE COUNTY TO CERTIFY UTILIZATION OF THE SOCIAL SECURITY NUMBER VERIFICATION SERVICE (SSNVS) TO VERIFY EMPLOYEES' SOCIAL SECURITY NUMBERS

SPONSOR: PRESIDING OFFICER ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 6/5/08 **PUBLIC HEARING:** 6/24/08

DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

This proposed local law would require all "covered employers"¹ who are recipients or applicants for "compensation"² in Suffolk County, when such compensation is 100% County funded, to submit to the County a sworn affidavit, under penalty of perjury, certifying that they have registered with the federal Social Security Number Verification Service ("SSNVS"); that they utilize SSNVS to verify the accuracy and veracity of their covered employees'³ social security numbers; and that they are in compliance with the directives of the SSNVS handbook and/or manual.

No grant, loan, funding, appropriation, contract, et. al., may be awarded to a covered employer that does not certify its compliance with the above described Social Security Number verification requirements.

Further, all contractors and subcontractors of covered employers, that are assigned to perform work in connection with a county contract, subcontract, license agreement,

¹ "Covered Employer" is defined as a recipient, or applicant for, compensation who has at least one covered employee working within Suffolk County or Nassau County or has at least one 50% or more owner living within Suffolk County.

² "Compensation" is defined as any County grant, loan, tax incentive funding, appropriation, payment, subsidy or other form of financial assistance, including community development block grants, Industrial Development Agency loans and Enterprise Zone related incentives.

³ "Covered Employee" is defined as an individual employed on a full time, part time, temporary or seasonal basis to perform work on the project or matter for which their employer is receiving compensation.

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lease, or other financial agreement, that is 100% county funded, must file a similar affidavit with the covered employer. Employers are required to submit these affidavits to the county's awarding agency. Covered employers are also required to advise their contractors and subcontractors to comply with the provisions of this law and language including this requirement must be included in any contract or agreement between an employer and its contractors and subcontractors.

The proposed law would make it unlawful for covered employees to knowingly accept personal identifying information from an individual who is not the actual person identified by that information or to utilize a contractor or subcontractor who has done so.

If this law is enacted, covered employers will be required to notify the County of any failed Social Security Number verification. The law does not describe the form and parameters of such notification. The law does not address how the County should treat such information.

A covered employer who files a false, fictitious or fraudulent affidavit with the County would be guilty of a Class A misdemeanor, punishable by a fine of not less than \$250 nor more than \$2,000 or up to six months imprisonment, or both. The law also authorizes substantial civil penalties against employers who violate any provision of this law. An employer who violates the law more than two times shall have its financial compensation agreement terminated immediately and shall be barred from bidding on future county contracts and ineligible for future compensation from the county.

The Department of Labor will enforce the provisions of this law. The Department of Labor is authorized to promulgate rules and regulations deemed necessary for the implementation and enforcement of the law.

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



GEORGE NOLAN
Counsel to the Legislature

GN:mjk

s:\rule28\28-ssnvs-verification

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6/10/08

Intro. Res. No. -2008 Laid on Table
Introduced by the Presiding Officer, on Request of the County Executive

**RESOLUTION NO. -2008, A LOCAL LAW TO
REQUIRE OCCUPATIONAL LICENSEES TO UTILIZE THE
SOCIAL SECURITY NUMBER VERIFICATION SERVICE
(SSNVS)**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2008, a proposed local law entitled, **“A LOCAL LAW TO REQUIRE OCCUPATIONAL LICENSEES TO UTILIZE THE SOCIAL SECURITY NUMBER VERIFICATION SERVICES (SSNVS),”** and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

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

**A LOCAL LAW TO REQUIRE OCCUPATIONAL LICENCEES TO
UTILIZE THE SOCIAL SECURITY NUMBER VERIFICATION
SERVICE (SSNVS)**

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

Section 1. Legislative Intent.

This Legislature finds and determines that the federal government operates the Social Security Number Verification Service (SSNVS), a no-cost service offered by the Social Security Administration's Business Services Online, which allows registered users (employers and certain third-party submitters) to verify the names and social security numbers of employees against Social Security Administration records.

This Legislature further finds and determines that by requiring occupational license holders to verify that their employees' social security numbers are accurate would, thereby,

- (i) facilitate the promotion of the federal policy of requiring employers to verify the employment status of potential employees;
- (ii) support the eradication of unfair competitive advantages between businesses;
- (iii) aid in the elimination of unfair labor practices and exploitations;
- (iv) assist in allowing the Social Security Administration to properly credit employees' earnings records, which will be important information in determining their Social Security benefits in the future;
- (v) assure taxpayers that employers and employees are paying their fair share of taxes by complying with tax laws; and
- (vi) reduce incidents of identity theft.

Therefore, the purpose of this law is to amend Chapters 275 and 345 of the Regulatory Local Laws of the Laws of Suffolk County to require that occupational license applicants and applicants for license renewal must represent that they have registered with SSNVS and represent that they utilize the SSNVS to verify their employees' social security numbers.

Section 2. Amendments

Chapter 275 of the Regulatory Local Laws of the Laws of Suffolk County is hereby amended to add the following:

Chapter 275 Electricians and Plumbers

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

B. Qualifications of applicant

(4) All applications shall include a representation by the applicants that they have registered with the Federal Social Security Number Verification Services (SSNVS); that they utilize SSNVS to verify the accuracy and veracity of their employees' social security numbers; and that they are in compliance with the directives of the SSNVS together with the directives contained in the SSNVS handbook and/or manual, including but not limited to, following the SSNVS directives regarding steps to be taken in case of a failed social security number verification. If such representation is not made, a license will not be issued. Applicants shall be obligated to continue to utilize the SSNVS to verify the accuracy and veracity of their employees' social security numbers and to comply with SSNVS directives during the term of their license. Failure to so comply, as determined by the Director after an investigation by the Suffolk County Department of Labor, shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of an application for the renewal of a license in accordance with the applicable provisions of this Chapter.

(5) All applicants and/or licensees shall maintain all electronic files submitted to the Social Security Administration (SSA) for social security number verification and the social security number verification results returned from the SSA as evidence of compliance with paragraph 4 of sub-division (B) of this section 275-3. Such documented proof shall be maintained by the applicant and/or licensee for a period of seven (7) years, unless a shorter period is prescribed by law or regulation, from the date of the representation in the application and shall be presented upon request to the Director or his or her designee. Failure to maintain or present such documented proof may result in the denial of an application for a license or the non-renewal of a license or in the Director initiating steps to suspend or revoke a license in accordance with the applicable provisions of this Chapter.

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

D. Violation of any provision of §§ 275-3B(3), 275-3B(4) and 275-3B(5) of the Suffolk County Code.

Chapter 345 of the Regulatory Local Laws of the Laws of Suffolk County is hereby amended to add the following:

**Chapter 345
Licensed Occupations**

**Article I
Provisions Applicable to All Licenses**

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

J. All applications shall include a representation by the applicants that they have registered with the Federal Social Security Number Verification Services (SSNVS); that they utilize SSNVS to verify the accuracy and veracity of their employees' social security numbers; and that they are in compliance with the directives of the SSNVS together with the directives contained in the SSNVS handbook and/or manual, including but not limited to, following the SSNVS directives regarding steps to be taken in case of a failed social security number verification. If such representation is not made, a license will not be issued. Applicants shall be obligated to continue to utilize the SSNVS to verify the accuracy and veracity of their employees' social security numbers and to comply with SSNVS directives during the term of their license. Failure to so comply, as determined by the Director after an investigation by the Suffolk County Department of Labor shall constitute grounds for the imposition of a fine or the suspension or revocation of a license or the denial of an application for the renewal of a license in accordance with the applicable provisions of this Chapter.

K. All applicants and/or licensees shall maintain all electronic files submitted to the Social Security Administration (SSA) for social security number verification and the social security number verification results returned from the SSA as evidence of compliance with of sub-division (J) of this section 345-5. Such documented proof shall be maintained by the applicant and/or licensee for a period of seven (7) years, unless a shorter period is prescribed by law or regulation, from the date of the representation in the application and shall be presented upon request to the Director or his or her designee. Failure to maintain or present such documented proof may result in the denial of an application for a license or the non-renewal of a license or in the Director initiating steps to suspend or revoke a license in accordance with the applicable provisions of this Chapter.

§ 345-9. Fines; suspension or revocation of licenses.

4. Violation of any provision of §§ 275-3B(3), 275-3B(4), 275-3B(5), 345-5(J), 345-5(K), 345-17F, 345-28C, 345-36E, or 345-48C of the Suffolk County Code.

Section 3. Affirmative Defense.

It shall be an affirmative defense in any hearing or proceeding brought under this law that an applicant or licensee has complied in good faith with the requirements herein.

Section 4. Investigations.

The Suffolk County Department of Labor is hereby authorized and empowered to investigate alleged violations of this law upon the request of the Director of the Suffolk County Office of Consumer Affairs. Authorized employees of the Department of Labor shall be entitled to request and review records maintained by licensees that demonstrate their compliance with this law. Upon the completion of an investigation, the Suffolk County Department of Labor shall forward its findings to the Director of the Suffolk County Office Consumer Affairs.

Section 5. Applicability.

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

Section 6. Severability.

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

Section 7. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (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 8. Effective Date.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

[] Brackets denote deletion of language.

___ Underlining denotes addition of new language.

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



1571

GEORGE NOLAN
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DATE: JUNE 6, 2008
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2008

TITLE: A LOCAL LAW TO REQUIRE OCCUPATIONAL LICENSEES TO UTILIZE THE SOCIAL SECURITY NUMBER VERIFICATION SERVICE (SSNVS)

SPONSOR: PRESIDING OFFICER ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 6/5/08 PUBLIC HEARING: 6/24/08

DATE ADOPTED/NOT ADOPTED: CERTIFIED COPY RECEIVED:

This proposed local law would require all applicants for licenses under Chapters 275 (Electricians and Plumbers) and 345 (Licensed Occupations) to attest that they have registered with the federal Social Security Number Verification Service ("SSNVS"); that they utilize SSNVS to verify the accuracy and veracity of social security numbers provided to them by their employees; and that they are in compliance with the directives of the SSNVS. If such representations are not made, a license will not be issued. Applicants are further obligated to continue to utilize the SSNVS during the term of their license. A failure to so comply as determined by the Director of the Office of Consumer Affairs, shall constitute grounds for the imposition of fines or the suspension or revocation of a license or the denial of an application for the renewal of a license.

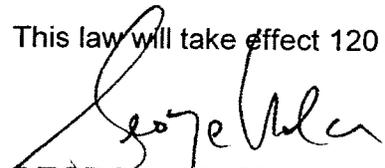
Applicants and/or licensees are required to maintain electronic files evidencing their compliance with this law's Social Security Number Verification requirements for a period of seven years. These files shall be presented to the Director or his designee upon request.

This law authorizes the Department of Labor to investigate alleged violations of this law upon the request of the Director of the Office of Consumer Affairs. Upon completion of an investigation, the Department of Labor will forward its findings to the Director.

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

This law will take effect 120 days after its filed in the Office of the Secretary of State.

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GEORGE NOLAN
Counsel to the Legislature

GN:tm

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

Laid on Table 6/10/08

RESOLUTION NO. -2008, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE SOUTH BAY STREET PROPERTY, INCORPORATED VILLAGE OF LINDENHURST, TOWN OF BABYLON

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the South Bay Street Property, Incorporated Village of Lindenhurst, Town of Babylon", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of .22 acres of land by Suffolk County for open space preservation purposes; and

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

WHEREAS, at its May 21, 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 May 22, 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 South Bay Street Property, Incorporated Village of Lindenhurst, Town of Babylon constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617, and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

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

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:

APPROVED BY:

County Executive of Suffolk County

Date:

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

Laid on Table 6/10/08

**RESOLUTION NO. -2008, MAKING A SEQRA
DETERMINATION IN CONNECTION WITH THE
PROPOSED BERGEN POINT OUTFALL, PLANNING
AND RESPONSE PLAN**

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Bergen Point Outfall, Planning and Response Plan", pursuant to Section 6 of Local Law No. 22-1985 which project involves planning steps necessary to further evaluate the rehabilitation alternatives of the pre-stressed concrete cylinder pipe that extends from the Bergen Point Treatment Plant to the barrier beach as well as the evaluation of the permitting and environmental processes, developing a schedule with cost estimates for various alternatives and developing a response plan. The response plan would involve purchasing a number of sections of pipe to be stored at the Bergen Point site in the event that problems arise in the future; and

WHEREAS, at its May 21, 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)(21) and (25) and Chapter 279 of the Suffolk County Code, since it involves conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such actions; as well as the purchase of equipment for emergency use; and

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated May 22, 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 Bergen Point Outfall Planning and Response Plan constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(21) and (25) and Chapter 279 of the Suffolk County Code, which projects involves conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such actions; as well as the purchase of equipment for emergency use; 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:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\s-bergen-point-outfall