1749 8/19/08

Intro. Res. No. -2008 Laid on Table

Introduced by Legislators Schneiderman and Romaine

RESOLUTION NO. –2008, ADOPTING LOCAL LAW NO. -2008, A CHARTER LAW TO CAP COUNTY FEE INCREASES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2008 a proposed local law entitled, "**A CHARTER LAW TO CAP COUNTY FEE INCREASES**"; now, therefore, be it

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

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

A CHARTER LAW TO CAP COUNTY FEE INCREASES

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 adopted Resolution 283-2008 entitled, "A Responsible Plan for Cost Savings to Mitigate an Anticipated 2009 Shortfall."

This Legislature also finds that one of the key elements of Resolution 283-2008 is a directive to various county departments to conduct a review of all their administrative fees and to develop a plan to increase such fees.

This Legislature further finds that county departments are likely to propose sharp fee increases to help close the projected 2009 budget deficit.

This Legislature also determines that Suffolk County fees should correspond with the actual costs incurred by the county in administering a program, regulating an activity or licensing an occupation and should not be inflated artificially to generate revenue in hard times.

This Legislature finds that large, unjustified fee increases are unfair because such increases force a small group of residents to pay a disproportionate share of the costs associated with county government operations.

This Legislature further finds that the County of Suffolk's tax cap law has facilitated greater fiscal discipline in county government and that a similar cap on fee increases will enhance that discipline, reduce waste and cut unnecessary expenses.

Therefore, the purpose of this charter law is to impose limit annual fee increases to 5% or the rate of inflation, unless a larger fee increase is approved by a three-fourths vote of the County Legislature.

Section 2. Amendment.

Article IV of the SUFFOLK COUNTY CHARTER is amended by the addition of a new section C4-38, which shall read as follows:

ARTICLE IV, County Budget and Capital Program

* * * *

§C4-38. Fee Increases.

No existing fee charged by the County of Suffolk for any service, license or other privilege shall be increased in any fiscal year by more than 5% or the amount of the increase in the gross national product price deflector, whichever is greater, as measured by the Bureau of Labor Statistics during the preceding fiscal year, unless approved by three-fourths vote of the Suffolk County Legislature by duly enacted resolution.

Section 3. Exemptions.

This law shall not apply to fees collected by the Suffolk County Clerk or any other fee that is set under state law, rule or regulation.

Section 4. Applicability.

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

Section 5. Severability.

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

Section 6. SEQRA Determination.

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

Section 7. Effective Date.

This law shall take effect 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\cl-cap county fee increase

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1749

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: **AUGUST 14, 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 CAP COUNTY FEE INCREASES**

SPONSOR: **LEGISLATOR SCHNEIDERMAN**

DATE OF RECEIPT BY COUNSEL: 8/1/08 **PUBLIC HEARING:** 9/16/08

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

This proposed local law would amend the SUFFOLK COUNTY CHARTER to add a provision stating that no existing fee charged by the County for any service, license or other privilege shall be increased in any fiscal year by more than 5% or the rate of inflation, whichever is greater, unless approved by three-fourths votes of the Suffolk County Legislature by duly enacted resolution. This law shall not apply to fees collected by the Suffolk County Clerk or any other fee that is set under state law, rule or regulation.

This law, if enacted, will take effect on January 1, 2009.

GEORGE NOLAN
Counsel to the Legislature

GN:tm

s:\rule28\28-county fee increases

1750

Intro. Res. No. -2008 Laid on Table 8/19/08
Introduced by Legislator Losquadro

RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO. -2008, A LOCAL LAW TO INCREASE AND IMPROVE GASOLINE PRICE NOTIFICATION TO CONSUMERS

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 INCREASE AND IMPROVE GASOLINE PRICE NOTIFICATION TO CONSUMERS**" 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 INCREASE AND IMPROVE GASOLINE PRICE NOTIFICATION TO CONSUMERS

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 credit card companies charge gasoline retailers significant fees for credit card purchases at their place of business.

This Legislature further finds that these "credit card interchange fees" are a percentage of each transaction that Visa, MasterCard and their member banks collect from retailers when a credit or debit card is used for a purchase. In the United States, these fees average two percent (2%); accordingly, gas stations are paying 8 to 10 cents per gallon for these credit card costs.

This Legislature also determines that some gasoline stations pass these credit card costs onto their customers but fail to advise their customers that there is a significant price differential between cash and credit card purchases.

This Legislature finds that in the era of $4 a gallon gasoline, consumers should be made aware that they will pay more at the pump if they use a credit or debit card.

Therefore, the purpose of this local law is to require gasoline retailers to post signs displaying the per-gallon cost for both cash and credit card gasoline purchases when there is a price differential.

Section 2. Amendments.

Chapter 313 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 313, GASOLINE SALES

* * * *

Article V, Advertising and Sale of Gasoline

* * * *

313-24. Prohibited Acts.

* * * *

D. No operator shall sell similar motor fuels at different prices to cash and credit customers, unless conspicuous signs are displayed at each pump stating the per gallon price for both cash and credit gasoline purchases.

* * * *

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 the ninetieth (90th) 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:

s:\laws\l-cash-credit gasoline prices

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1750

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: **AUGUST 14, 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 INCREASE AND IMPROVE GASOLINE PRICE NOTIFICATION TO CONSUMERS**

SPONSOR: **LEGISLATOR LOSQUADRO**

DATE OF RECEIPT BY COUNSEL: 8/1/08 **PUBLIC HEARING:** 9/16/08

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

This proposed local law would amend Article V of Chapter 313 of the SUFFOLK COUNTY CODE to prohibit the operators of retail gasoline stations from selling similar motor fuels at different prices to cash and credit customers, unless conspicuous signs are displayed at each pump stating the per gallon price for both cash and credit purchases.

Any person who violates the provisions of this law will be guilty of a violation and subject to a fine of up to $500. Additionally, the Director of the Office of Consumer affairs may revoke the registration of any operator who violates the provisions of this law.

This law will take effect 90 days after it is filed in the Office of Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:tm

s:\rule28\28-cash and credit gas

1751

Intro. Res. No. -2008 Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

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

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

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

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

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

Resolution No. 459-2008

In the Title paragraph change the CP Number:

FROM:

CP 1616.310

TO:

CP 1616.312

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

COUNTY OF SUFFOLK

1751

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE
FINANCE & MANAGEMENT

MEMORANDUM

TO: Tim Laube
Clerk of Legislature

FROM: Connie R. Corso
Budget Director

DATE: August 5, 2008

SUBJECT: **Technical Correction for Resolution No. 459-2008**

Would you please have Resolution No. 459-2008 corrected as follows:

1. In the Title paragraph please change the CP 1616.310 to **CP 1616.312.**

   Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $310,000 bonds to finance the cost of improvements and equipment for the fuel management/preventive maintenance and parts inventory control system (CP 1616.310 and .511). **(CP 1616.312 and .511).**

I have attached a marked copy of this resolution for your use.

RECEIVED
08 AUG 7 A 9:33
CLERK OF THE LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

CRC/lp
enc.
cc: Jim Morgo, Chief Deputy County Executive
Ben Zwirn, Intergovernmental Relations
Brendan Chamberlain, Intergovernmental Relations
Carmine Chiusano, Budget Office
Pat Grimes, Audit & Control

Intro. Res. No. 1418A-2008

(75)

BOND RESOLUTION NO. 459-2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $310,000 BONDS TO FINANCE THE COST OF IMPROVEMENTS AND EQUIPMENT FOR THE FUEL MANAGEMENT/PREVENTIVE MAINTENANCE AND PARTS INVENTORY CONTROL SYSTEM (CP 1616.~~510~~ and .511)

312

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of $310,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance the cost of improvements and equipment for the fuel management/preventive maintenance and parts inventory control system, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is $310,000. The plan of financing includes the issuance of $310,000 bonds or bond anticipation notes authorized pursuant to this resolution ($160,000 for construction and $150,000 for equipment) and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 11 and 32 of the Law is, or is hereby limited to, five (5) years.

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

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

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

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued

in anticipation of the sale of said bonds, may be contested only if:

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

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

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

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

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

DATED: June 10, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: June 23, 2008

Peters, Laila

From: Grimes, Patricia
Sent: Tuesday, May 06, 2008 11:24 AM
To: Peters, Laila
Subject: 1616 310511 IR#1418

1751

Attachments: 1616 310511 IR#1418.doc

1616 310511
R#1418.doc (73 KB.

Laila,

Project number 1616.310 was used for authorization back in 1985. It looks like the next available number is 1616.312 (.311 has also been used in the past).

Pat

Patricia E. Grimes
Assistant Municipal Finance Administrator
Office of the Suffolk County Comptroller
POB 6100
100 Veterans Memorial Highway
Hauppauge, New York 11788
Phone: 631-853-5284
Fax: 631-853-5057

1752

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

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

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

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

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

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

Resolution No. 559-2008

In the Title paragraph change the CP Number:

FROM:

CP 5118.314

TO:

CP 5118.**212**

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

COUNTY OF SUFFOLK

1752

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE
FINANCE & MANAGEMENT

MEMORANDUM

TO: Tim Laube
Clerk of Legislature

FROM: Connie R. Corso
Budget Director

DATE: August 5, 2008

SUBJECT: **Technical Correction for Resolution No. 559-2008**

Would you please have Resolution No. 559-2008 corrected as follows:

1. In the Title paragraph please change the CP 5118.314 to **CP 5118.212.**

   Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $210,000 bonds to finance of the cost of the Reconstruction of CR 16, Smithtown Boulevard, at CR 93, Lakeland/Rosevale Avenue, Town of Smithtown (CP 5118.314). **(CP 5118.212).**

I have attached a marked copy of this resolution for your use.

CRC/lp
enc.
cc: Jim Morgo, Chief Deputy County Executive
Ben Zwirn, Intergovernmental Relations
Brendan Chamberlain, Intergovernmental Relations
Carmine Chiusano, Budget Office
Pat Grimes, Audit & Control

I.R. 1583A-2008

1752

BOND RESOLUTION NO. 559 - 2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $210,000 BONDS TO FINANCE A PART OF THE COST OF THE RECONSTRUCTION OF CR 16, SMITHTOWN BOULEVARD, AT CR 93, LAKELAND/ROSEVALE AVENUE, TOWN OF SMITHTOWN (CP 5118.314) .212

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of $210,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the reconstruction of CR 16, Smithtown Boulevard, at CR 93, Lakeland/Rosevale Avenue, Town of Smithtown, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is $2,120,000. The plan of financing includes (a) the issuance of $50,000 bonds or bond anticipation notes heretofore authorized for pursuant to Bond Resolution No. 909-2000, (b) the issuance of $200,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 523-2001, (c) the

issuance of $100,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 1406-2004 , (d) the issuance of $360,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 904-2007, (e) the issuance of $900,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 905-2007, (f) the issuance of $300,000 bonds or bond anticipation notes authorized pursuant to Bond Resolution No. 195-2008, (g) the issuance of $210,000 bonds or bond anticipation notes authorized pursuant to this resolution and (h) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 of the Law, is fifteen (15) years, computed from December 15, 2001, the date of issuance of the first obligations issued pursuant to Bond Resolution Number 523-2001.

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

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

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

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

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

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

1752

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

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

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

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

Dated: JUN 24 2008

APPROVED: _____
County Executive, Suffolk County

Date of Approval: JUL 07 2008, 2008

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 24, 2008 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube
Clerk of the County Legislature

1753

Intro. Res. No. -2008 Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

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

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

WHEREAS, this resolution when adopted contained technical errors; and

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

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

Resolution No. 229-2008

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

FROM:

$20,000 G

TO:

$20,000 **T**

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

COUNTY OF SUFFOLK

1753

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE
FINANCE & MANAGEMENT

MEMORANDUM

TO: Tim Laube
Clerk of Legislature

FROM: Connie R. Corso
Budget Director

DATE: July 30, 2008

SUBJECT: **Technical Correction for Resolution No. 229-2008**

Would you please have Resolution No. 229-2008 corrected as follows:

1. In the 4TH RESOLVED paragraph please change the code in the Revised 2008 Capital Budget & Program column:

From	**$20,000 G**	**To**	**$20,000 T**

I have attached a marked copy of this resolution for your use.

CRC/lp
enc.
cc: Jim Morgo, Chief Deputy County Executive
Ben Zwirn, Intergovernmental Relations
Brendan Chamberlain, Intergovernmental Relations
Carmine Chiusano, Budget Office

08 AUG 7 AM 9:32

1753

Intro. Res. No. 1264-2008 Laid on Table 3/18/2008
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 229 -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING NEW YORK STATE DEPARTMENT OF TRANSPORTATION, AVIATION BUREAU FUNDS AND COUNTY MATCHING FUNDS IN CONNECTION WITH AIRPORT IMPROVEMENTS (CP 5740)

WHEREAS, through Resolution No. 1229-2007 the County accepted a grant from the New York State Department of Transportation, Aviation Bureau to assist with the construction of a noise berm along the eastern border of the airport; and

WHEREAS, the 2008 Operating Budget and the 2008 Capital Program and Budget need to be amended to create a new capital project and to appropriate the New York State Department of Transportation, Aviation Bureau grant funds and the County local match; and

WHEREAS, there are sufficient operating funds within Economic Development Fund 625-ECD-5610-4560 Fees for Services to transfer to the Capital Fund to cover the County's local match; and

WHEREAS, the 2008 Adopted Capital Budget and Program does not include funds to cover the cost of said request 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, that this Legislature as SEQRA lead agency, through Resolution No. 1333-2007 determine that the project constitutes an unlisted action, issued a negative declaration and completed all SEQRA requirements; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the transfer of $20,000 in Suffolk County Budgeted Operating Funds; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of (fifty-seven) 57 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd RESOLVED, that the Adopted 2008 Operating Budget be and hereby is amended and that the following appropriations be and hereby are transferred:

1753

FROM	TO	AMOUNT
Fund 625 Economic Development 625-ECD-5610-4560 Fees for Services	Fund 625 Interfund Transfer 625-IFT-E525-9600 Transfer to Capital Fund	$20,000

and be it further

3rd **RESOLVED**, that these interfund revenues be and hereby are transferred and accepted within the Capital Fund as follows:

REVENUES:

Agency	Fund	Rev Source	Organization	Description	Amount
IFT	525	R625	E525	Transfer from Fund 625	$20,000

and be it further

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

Project No.: 5740
Project Title: Airport Improvements at Francis S. Gabreski Airport

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	$20,000 180,000	$0 $0	$20,000 G $180,000 S
TOTAL	$200,000	$0	$200,000

and be it further

5th **RESOLVED**, that the proceeds of $180,000 in State Aid be and they are hereby appropriated as follows:

Project	Project Title	Amount
525-CAP-5740.310	Airport Improvements	$180,000

and be it further

6th **RESOLVED**, that the proceeds of $20,000 in Interfund Transfer Revenues be and they are hereby appropriated as follows:

Project	Project Title	Amount
525-CAP-5740.310	Airport Improvements	$20,000

1753

and be it further

7th 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 and from the Capital Fund required to finance this capital project; and be it further

8th RESOLVED, the Department of Public Works pursuant to Section C8-2 (X) of the Suffolk County Charter are hereby authorized, empowered and directed to take such action as may be necessary to complete this project.

DATED: April 29, 2008

APPROVED BY:

County Executive of Suffolk County

Date: MAY 0 9 2008

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

COUNTY LEGISLATURE SUFFOLK COUNTY, N.Y.

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on April 29, 2008 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the County Legislature

1754

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

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

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

WHEREAS, this resolution when adopted contained technical errors; and

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

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

Resolution No. 456-2008

In the 5th RESOLVED paragraph change the Project Number:

FROM:

Project No.
525-CAP-5194.312

TO:

Project No.
525-CAP-5194.311

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

COUNTY OF SUFFOLK

1754

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE
FINANCE & MANAGEMENT

MEMORANDUM

TO: Tim Laube
Clerk of Legislature CRC

FROM: Connie R. Corso
Budget Director

DATE: August 5, 2008

SUBJECT: **Technical Correction for Resolution No. 456-2008**

Would you please have Resolution No. 456-2008 corrected as follows:

1. In the 5th RESOLVED paragraph please change the Project No. from

Project No.		Project No.
525-CAP-5194.312	To	525-CAP-5194.311

I have attached a marked copy of this resolution for your use.

RECEIVED
08 AUG 7 A 9:32
COUNTY EXECUTIVE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

CRC/lp
enc.
cc: Jim Morgo, Chief Deputy County Executive
Ben Zwirn, Intergovernmental Relations
Brendan Chamberlain, Intergovernmental Relations
Carmine Chiusano, Budget Office

Intro. Res. No. 1416-2008 Laid on Table 4/29/2008
Introduced by Presiding Officer, on request of the County Executive

1754

RESOLUTION NO. 456 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RENOVATION TO PUBLIC WORKS BUILDING, YAPHANK (CP 5194)

WHEREAS, the Commissioner of Public Works has requested funds to renovate Public Works building (CO-10) in Yaphank; and

WHEREAS, the Department of Public Works has undergone a realignment of staff within the Highway Maintenance, Highway Design, and Print Shop divisions; and

WHEREAS, these staff changes necessitate renovations to existing space within the Public Works Building with an associated cost of $295,000; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover the costs of said renovations under Capital Program 5194 and, pursuant to Suffolk County Charter Section C4-13, an offsetting authorization must be provided from another Capital Project; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $295,000 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 constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(1)(2) and (25) since it involves the maintenance or repair involving no substantial changes in an existing structure or facility and the replacement, rehabilitation or reconstruction of a structure or facility, in kind, as well as the purchase of equipment; and adoption of a local legislative decision in connection with the same; and as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

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

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

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

Project No.: 5371
Project Title: Reconstruction of Culverts

	Total Est'd Cost	Revised 2008 Capital Budget& Program	Current 2008 Capital Budget& Program
3. Construction	$3,885,000	$510,000B	$215,000B
TOTAL		$4,150,000	$510,000

$215,000

1754

Project No.: 5194
Project Title: Renovation To Public Works Building, Yaphank

		Total Est'd Cost	Current 2008 Capital Budget& Program	Revised 2008 Capital Budget& Program
3. Construction		$1,170,000	0	$295,000B
TOTAL	0	$295,000		$1,235,000

and be it further

5th **RESOLVED**, that the proceeds of $295,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	JC	Project Title	Amount
525-CAP-5194.~~312~~ 311 (Fund 001-Debt Service)	20	Renovation To Public Works Building, Yaphank	$295,000

DATED: June 10, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: June 23, 2008

1755

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

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

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

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

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

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

Resolution No. 457-2008

In the Title paragraph change the CP Number:

FROM:

CP 5194.312

TO:

CP 5194.311

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

COUNTY OF SUFFOLK

1755

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE
FINANCE & MANAGEMENT

MEMORANDUM

TO: Tim Laube
Clerk of Legislature

FROM: Connie R. Corso
Budget Director

CRC

DATE: August 5, 2008

SUBJECT: **Technical Correction for Resolution No. 457-2008**

Would you please have Resolution No. 457-2008 corrected as follows:

1. In the Title paragraph please change the CP 5194.312 to **CP 5194.311.**

   Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $295,000 bonds to finance a part of the cost of renovation of the public works building, Yaphank [(CP 5194.312)] **(CP 5194.311).**

I have attached a marked copy of this resolution for your use.

CRC/lp
enc.
cc: Jim Morgo, Chief Deputy County Executive
Ben Zwirn, Intergovernmental Relations
Brendan Chamberlain, Intergovernmental Relations
Carmine Chiusano, Budget Office

RECEIVED
08 AUG 7 A 9:32

Intro. Res. No. 1416A-2008

1755

BOND RESOLUTION NO. 457-2008

BOND RESOLUTION OF THE COUNTY OF SUFFOLK, NEW YORK, AUTHORIZING THE ISSUANCE OF $295,000 BONDS TO FINANCE A PART OF THE COST OF RENOVATION OF THE PUBLIC WORKS BUILDING, YAPHANK (CP 5194.~~312~~) 311

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

Section 1. The County of Suffolk, New York (herein called the "County"), is hereby authorized to issue bonds in the principal amount of $295,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), the Suffolk County Charter and other applicable laws, to finance a part of the cost of the of renovation of the Public Works building, Yaphank, as authorized in the 2008 Capital Budget and Program, as amended. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is $1,235,000. The plan of financing includes (a) the issuance of $25,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1313-1996, (b) the issuance of $40,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 1278-1999, (c) the issuance of $875,000 bonds or bond anticipation notes heretofore authorized pursuant to Bond Resolution No. 597-2000, (d) the issuance of $295,000 bonds or bond anticipation notes authorized pursuant to this resolution and (e) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

Section 2. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of 11.00 a. 12 (a) (1) of the Law, is or is hereby limited to twenty (20) years, computed from August 4, 1998, the date of issuance of the first obligations issued pursuant to Bond Resolution No. 1313-1996.

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

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

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

1755

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

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

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

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

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

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

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

DATED: June 10, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: June 23, 2008

1756

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

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

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

WHEREAS, this resolution when adopted contained technical errors; and

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

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

Resolution No. 458-2008

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

FROM:

525-CAP-1616.310

TO:

525-CAP-1616.312

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

COUNTY OF SUFFOLK

1756

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE
FINANCE & MANAGEMENT

MEMORANDUM

TO: Tim Laube
Clerk of Legislature

FROM: Connie R. Corso
Budget Director

DATE: August 5, 2008

SUBJECT: **Technical Correction for Resolution No. 458-2008**

Would you please have Resolution No. 458-2008 corrected as follows:

1. In the 5th RESOLVED paragraph please change the Project No. from

Project No.		Project No.
525-CAP-1616.310	To	525-CAP-1616.312

I have attached a marked copy of this resolution for your use.

RECEIVED
08 AUG 7 A 9:33
LEGISLATURE
HAUPPAUGE

CRC/lp
enc.
cc: Jim Morgo, Chief Deputy County Executive
Ben Zwirn, Intergovernmental Relations
Brendan Chamberlain, Intergovernmental Relations
Carmine Chiusano, Budget Office

1756

Intro. Res. No 1418-2008 Laid on Table 4/29/2008
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 458 -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH FUEL MANAGEMENT/ PREVENTIVE MAINTENANCE AND PARTS INVENTORY CONTROL SYSTEM (CP 1616)

WHEREAS, the Commissioner of Public Works has requested funds to bring County fuel facilities into regulatory compliance; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover this cost under Capital Program 1616 and, pursuant to Suffolk County Charter Section C 4-13, an offsetting authorization must be provided from another Capital Project; and

WHEREAS, there is a cost of $310,000 associated with achieving said compliance; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $310,000 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 constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(1)(2) and (25) since it involves the maintenance or repair involving no substantial changes in an existing structure or facility and the replacement, rehabilitation or reconstruction of a structure or facility, in kind, as well as the purchase of equipment; and adoption of a local legislative decision in connection with the same; and 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 47 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 this project; and be it further

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

Project No.: 5515
Project Title: Reconstruction of CR 46, William Floyd Parkway

	Total Est'd Cost	Current 2008 Capital Budget& Program	Revised 2008 Capital Budget& Program
2. Land Acquisition	$770,000	$750,000B	$465,000B
TOTAL	$10,520,000	$770,000	$465,000

Project No.: 1706

Project Title: Replacement/Cleanup of Fossil Fuel, Toxic and Hazardous Material Storage Tanks

	Current 2008	Revised 2008

	Total Est'd Cost	Capital Budget& Program	Capital Budget& Program 1756
3. Construction	$1,475,000	$25,000B	0
TOTAL	$1,500,000	$25,000	0

Project No.: 1616

Project Title: Fuel Management/Preventive Maintenance and Parts Inventory Control System

	Total Est'd Cost	Current 2008 Capital Budget& Program	Revised 2008 Capital Budget& Program
3. Construction	$160,000	0	$160,000B
TOTAL	$160,000	0	$160,000
5. Furniture and Equipment	$1,625,000	0	$150,000B
TOTAL	$1,625,000	0	$150,000

and be it further

5th **RESOLVED**, that the proceeds of $310,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1616.~~310~~ 312 (Fund 016-Debt Service)	20	Fuel Management/Preventive Maintenance and Parts Inventory Control System	$160,000
525-CAP-1616.511 (Fund 016-Debt Service)	20	Fuel Management/ Preventive Maintenance and Parts Inventory Control System	$150,000

DATED: June 10, 2008

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: June 23, 2008

Peters, Laila

From: Grimes, Patricia
Sent: Tuesday, May 06, 2008 11:24 AM
To: Peters, Laila
Subject: 1616 310511 IR#1418

1756

Attachments: 1616 310511 IR#1418.doc

1616 310511
IR#1418.doc (73 KB.

Laila,

Project number 1616.310 was used for authorization back in 1985. It looks like the next available number is 1616.312 (.311 has also been used in the past).

Pat

Patricia E. Grimes
Assistant Municipal Finance Administrator
Office of the Suffolk County Comptroller
POB 6100
100 Veterans Memorial Highway
Hauppauge, New York 11788
Phone: 631-853-5284
Fax: 631-853-5057

1757

Intro. Res. No. -2008 Laid on Table 8/19/08

Introduced by Legislators Browning and Alden

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

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

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

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

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

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

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

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

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

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

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

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

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-use-smith-point-2-day-breast-cancer-walk

Introductory Resolution No. 1758-08 Laid on Table 8/19/08

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
GREENMEADOW HOLDINGS LLC
0100-095.00-01.00-011.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 095.00, Block 01.00, Lot 011.000, and acquired by tax deed on November 2, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on November 7, 2007, in Liber 12529, at Page 276, and otherwise known as and by Town of Babylon, N-Sobel; E-Dempsey & Ors.S; S-Dempsey & Bway: W-Bway; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on November 2, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on November 7, 2007 in Liber 12529 at Page 276.

WHEREAS, in accordance with Suffolk County Local Law 16-I976, provision has been made for the sale of such real property acquired by the County through tax sale; and

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

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

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to GREENMEADOW HOLDINGS LLC, c/o Charles J. Bocklet III, 50 Green Avenue, Rye, New York 10580, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.I

1758

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

June 26, 2008

Tax Map No.: 0100-095.00-01.00-011.000
Name of Last Legal Fee Owner: GREENMEADOW HOLDINGS LLC

TREASURER'S COMPUTATION..... $75,717.53

Taxes.....2007/2008..... $31,361.65

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $107,079.18

Monies Received..... $107,079.18

RESOLUTION AMOUNT..... $107,079.18

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

APPROVED:

Karen A Slater 6/27/08
Accounting
CO:sc

1758

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0100-095.00-01.00-011.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee, to 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

Cathy O'Neal Cathy O'Neal 6/26/08

COMPUTATIO' / SUFFOLK COUNTY TRE' RER

1758

DISTRICT	SECTION	BLOCK	LOT
0100	095.00	01.00	011.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2004/05	7380.11
2005/06	33956.23
2006/07	27021.29

2007/08 PROPERTY TAXES $31,361.65, NOT INCLUDED IN COMPUTATION

TOTAL:	68357.63
B. INTEREST DUE	3754.31
C. TOTAL	72111.94
D. 5% LINE C	3605.60
E. FEE	
F. MISC	
G. MISC	
H. TOTAL DUE	$75,717.53
	31361.65 2007/08
	107,079.18

.01 SHORT PM

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. 17-Apr-08

Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 10/14/08

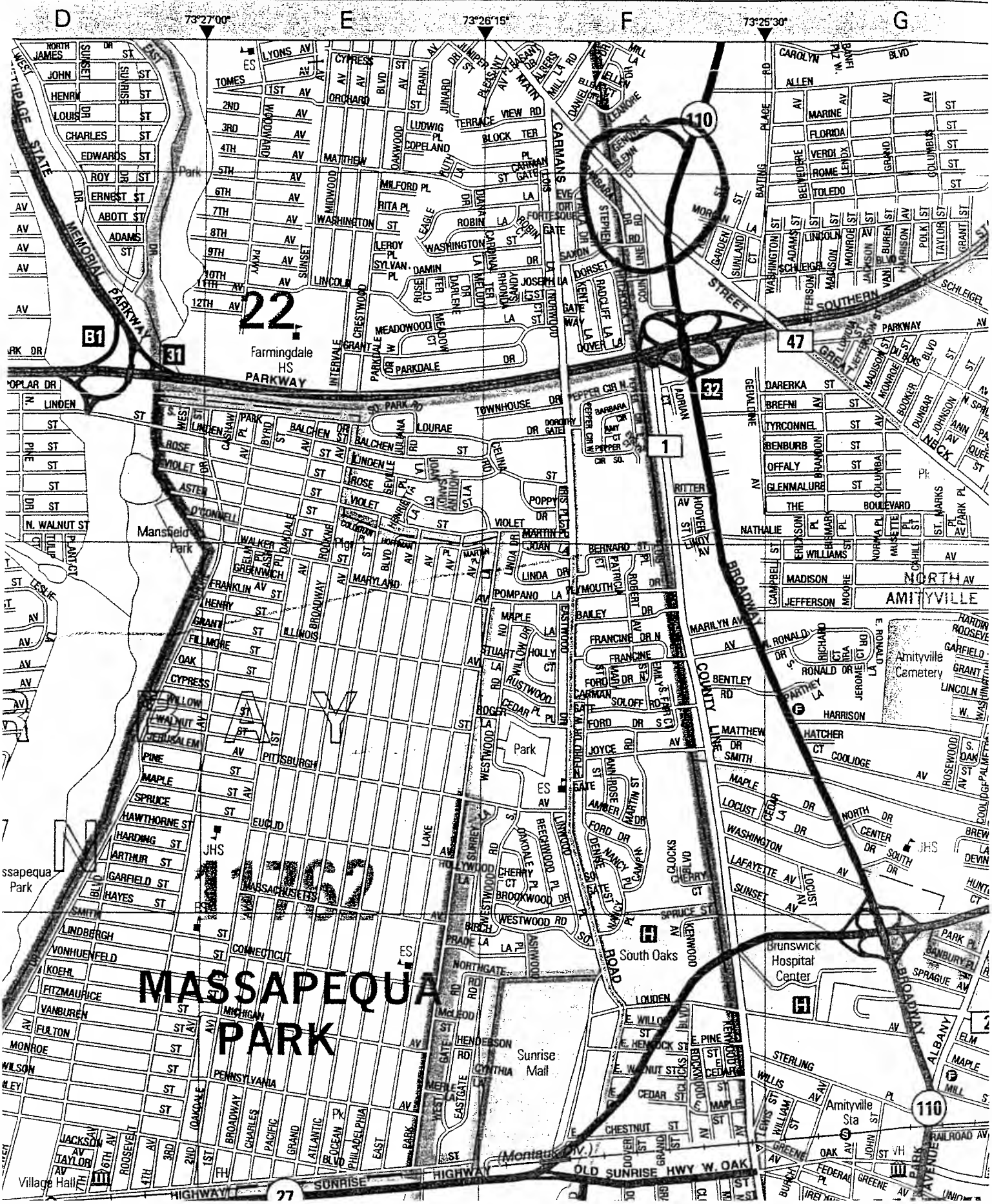
dz

1758

k Co.

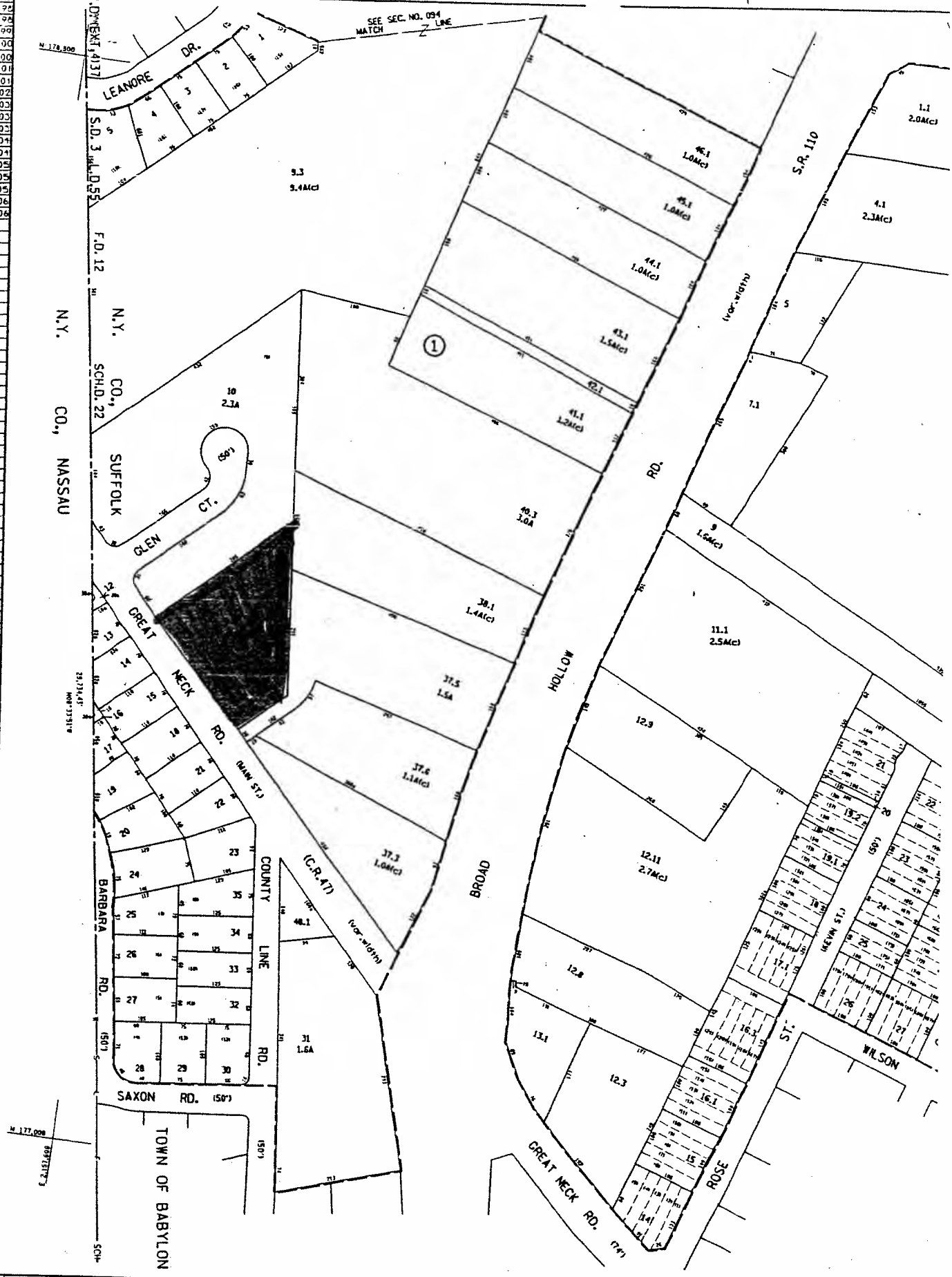
0100 095 01 011

Joins Map 4



1758

Revisions
07-13-98
08-24-98
06-09-99
05-11-00
10-27-00
04-16-01
12-24-01
08-21-02
05-02-03
07-29-03
09-16-03
02-24-04
03-08-04
03-21-05
07-15-05
10-28-05
03-31-06
07-13-06



LEGEND											
Property or RR Line		Subdivision Lot No.	(12)	Block Limit		School District Line	SCH	Hydrant District Line	H	UNLESS DRAWN OTHERWISE, ARE WITHIN THE FOLLOW	
Denotes Common Owner	Z	Subdivision Block/Bldg. No.	(21)	Block No.	2	Fire District Line	F	Refuse District Line	R	SCHOOL	22
Subdivision Lot Line		Deed Dimension	12	County Line		Water District Line	W	Historical District Line	HST	FIRE	12
Stream / Shore		Scaled Dimension	12	Town Line		Light District Line	L	Ambulance District Line	A	LIGHT	55
Parcel No.	23	Deed Area	12.1 A(d) or 12.1A	Village Line		Park District Line	P	Wastewater District Line	WW	PARK	
		Calculated Area	12.1 A(c)			Sewer District Line	S			AMBULANCE	

SEWER
HYDRAN
WATER
REFUSE
WASTE

Introductory Resolution No. 1759-08 Laid on Table 8/19/08

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
MALIK YOUSAF and FARRUKH BAIG
0500-272.00-02.00-030.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 272.00, Block 02.00, Lot 030.000, and acquired by tax deed on April 28, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 9, 2008, in Liber 12550, at Page 472, and otherwise known as and by Town of Islip, Suffolk County Tax Map Number: District 0500, Section 272.00, Block 02.00, Lot 030.000; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on April 28, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 9, 2008 in Liber 12550 at Page 472.

WHEREAS, in accordance with Suffolk County Local Law 16-l976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, FARRUKH BAIG has made application of said above described parcel and FARRUKH BAIG has paid the application fee and $11,841.29, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; 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 MALIK YOUSAF and FARRUKH BAIG, 8 Hessian Court, South Setauket, New York 11720, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.i

1759

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

June 19, 2008

Tax Map No.: 0500-272.00-02.00-030.000
Name of Last Legal Fee Owner: MALIK YOUSAF and FARRUKH BAIG

TREASURER'S COMPUTATION..... $11,841.29

Taxes.....2007/2008..... PAID

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $11,841.29

Monies Received..... $11,841.29

RESOLUTION AMOUNT..... $11,841.29

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

APPROVED:

Karen A Slater 6/25/08
Accounting
CO:sc

1759

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0500-272.00-02.00-030.000

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

Cathy O'Neal Cathy O'Neal 6/19/08

COMPUTATION . SUFFOLK COUNTY TREAS RER

1759

DISTRICT	SECTION	BLOCK	LOT
0500	272.00	01.00	030.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2003/04 10901.32

2004/05 THROUGH 2007/08 TAXES PAID BY COUNTRYWIDE MORTGAGE

TOTAL: 10901.32

B. INTEREST DUE ,376.10
C. TOTAL 11277.42
D. 5% LINE C 563.87
E. FEE
F. MISC
G. MISC

H. TOTAL DUE $11,841.29

CERTIFICATION BY COUNTY TREASURER

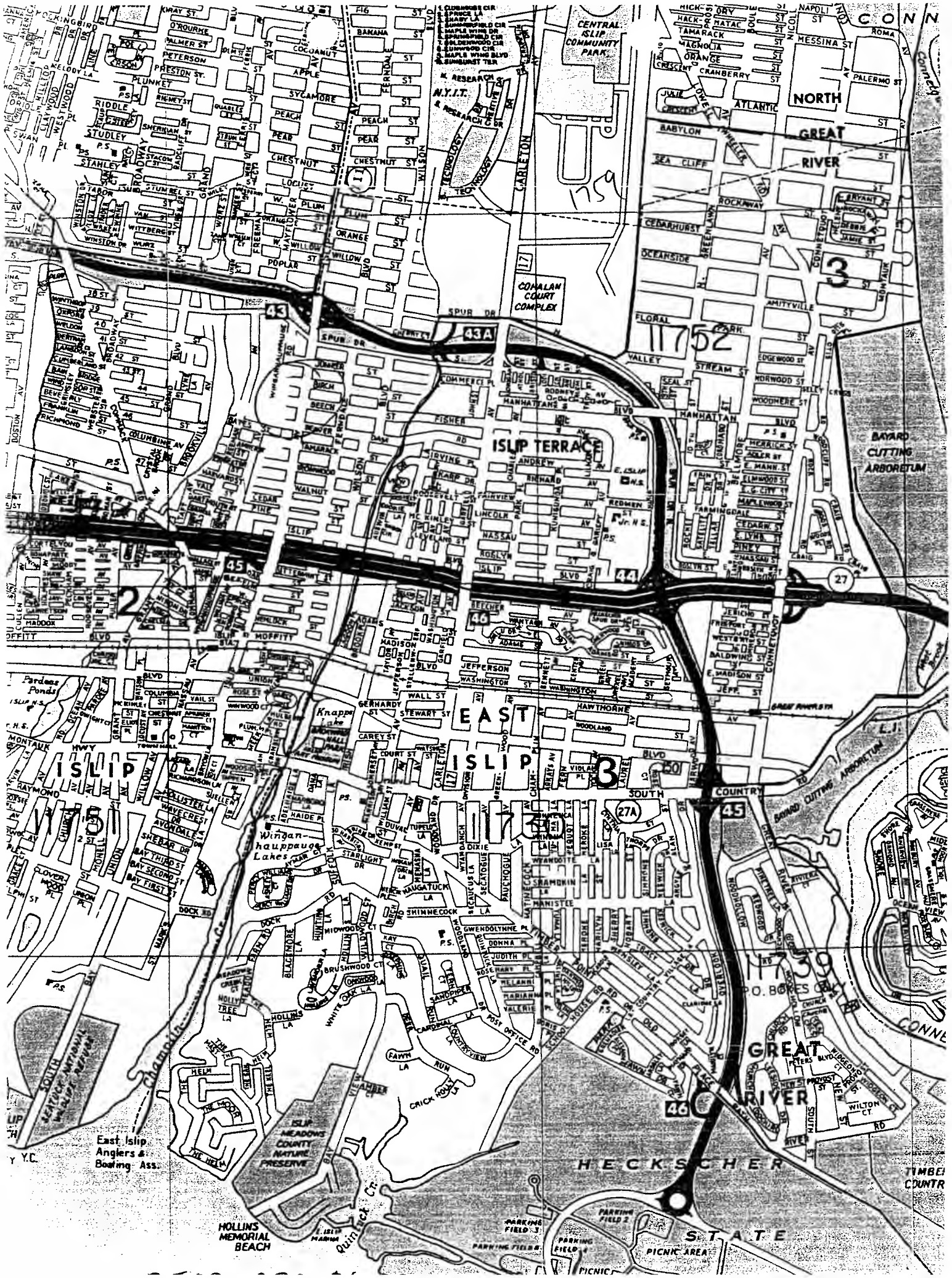
I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 28-May-08

Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 11/24/08

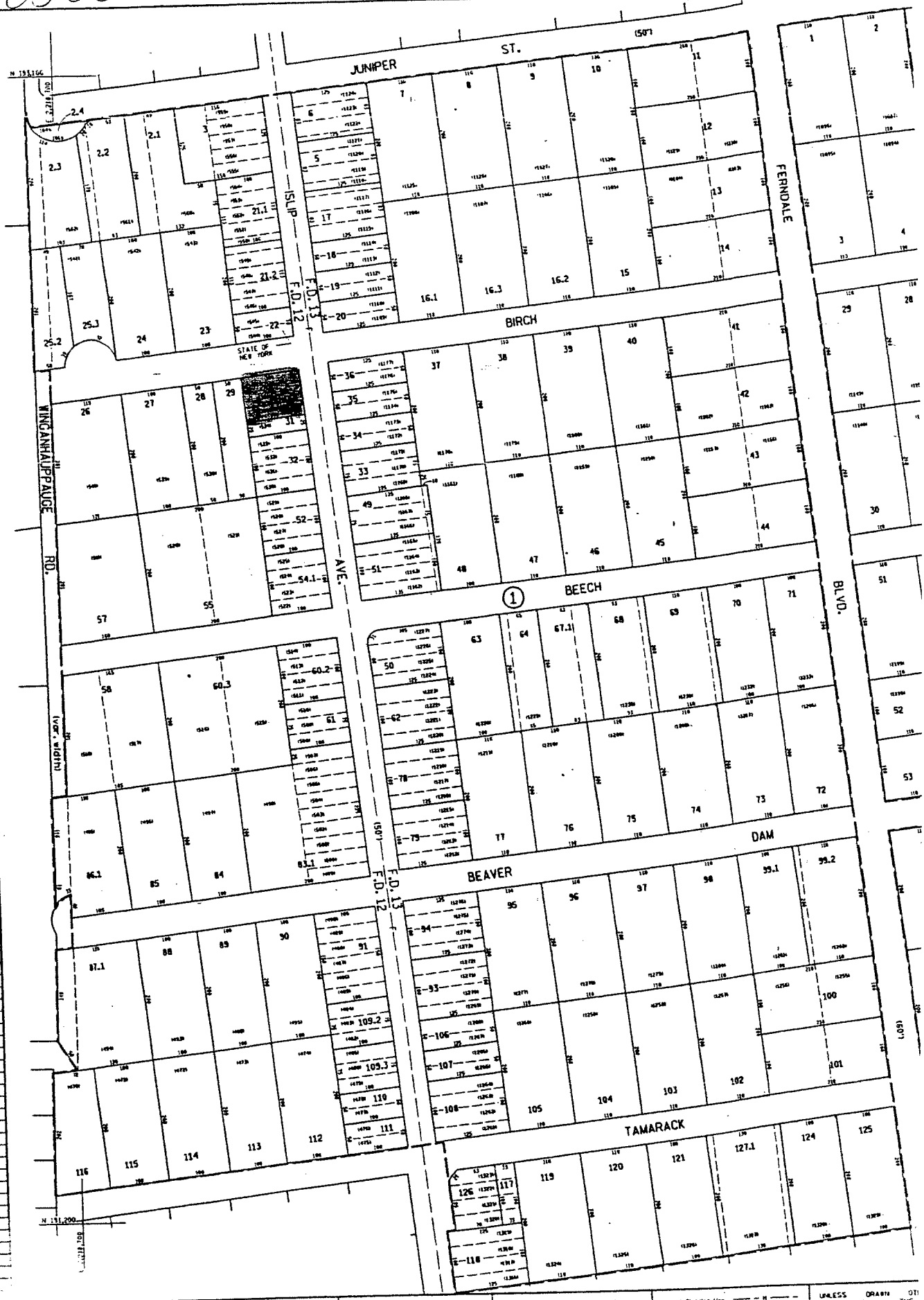
dz



CENTRAL ISLIP COMMUNITY PARK
N.Y.I.T.
NORTH GREAT RIVER
COHALAN COURT COMPLEX
ISLIP TERRACE
BAYARD CUTTING ARBORETUM
EAST ISLIP
ISLIP
Knapps Lake
Wingan-hauppauge Lakes
SOUTH COUNTRY
GREAT RIVER
P.O. BOXES
HECKSCHER STATE
PICNIC AREA
East Islip Anglers & Boating Ass.
ISLIP MEADOWS COUNTY NATURE PRESERVE
HOLLINS MEMORIAL BEACH
SEATUCK NATIONAL WILDLIFE REFUGE
Champlain Cr.
Quintuck Cr.

0500 272 02 030 1759

Revisions
06-21-96
10-02-96
04-11-97
08-15-97
05-12-98
06-25-01
10-12-01
05-27-04
10-03-05



Subdivision Lot No. (21)
Subdivision Block/Bldg. No.
Block Line
Block No. 2
School District Line — SCH —
Fire District Line — F —
Hydrant District Line — H —
Refuse District Line — R —
Historic District Line — HST —
UNLESS OTHERWISE NOTED ARE WITHIN THE:
SCHOOL 3.2
FIRE 13

Intro. Res. No. 1760-08

Laid on Table 8/19/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 2008, APPROVING PLANNING STEPS FOR THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS – JULY 2008

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

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

WHEREAS, Local Law 24-2007, "A Charter Law Extending and Accelerating the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection," authorizes the use of 31.10 per cent of sales and compensating use tax proceeds generated each year for Specific Environmental Protection including acquisition of open space; environmentally sensitive lands; farmland development rights; hamlet parks; active recreational parks; or historic/cultural parks, as determined by duly enacted Resolutions of the County of Suffolk; and

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

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

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

I.) ENVIRONMENTAL LEGACY PROGRAM

3rd **RESOLVED**, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition of farmland development rights via duly

enacted resolutions of the County of Suffolk, is(are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County Environmental Legacy Program, approved under the ADOPTED 2007-2009 CAPITAL PROGRAM:

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

;and, be it further

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

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

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

7th **RESOLVED**, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to the Suffolk County Environmental Legacy Program, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and, be it further

8th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and, be it further

II.) MULTIFACETED LAND PRESERVATION PROGRAM – FARMLAND DEVELOPMENT RIGHTS

9th **RESOLVED**, that the following parcel(s) listed below, in addition to parcels previously approved for consideration for acquisition of farmland development rights via duly

enacted resolutions of the County of Suffolk, is(are) hereby approved for preliminary planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County Multifaceted Land Preservation Program, according to the provisions of the 5th RESOLVED clause of Resolution No. 459-2001, and pursuant to Chapter 8 of the SUFFOLK COUNTY CODE:

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

;and, be it further

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

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

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

13th **RESOLVED**, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to the provisions of the 5th RESOLVED clause of Resolution No. 459-2001, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and, be it further

14th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and, be it further

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

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

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

;and, be it further

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

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

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

19th **RESOLVED**, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Section C12-(A)(1)(f) of the SUFFOLK COUNTY CHARTER, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and, be it further

20th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and, be it further

21st **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

APPENDIX A

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

TOTAL ACRES

90.5

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION 1760

1. Type of Legislation

Resolution ___X____ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

APPROVING PLANNING STEPS FOR THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS – JULY 2008

3. Purpose of Proposed Legislation

See No. 2 above

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 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	Jessica L. Kalmbacher	July 23, 2008

SCIN FORM 175b (10/95)

1760

S.C.T.M. No. 0600 04500 0100 013003

SUFFOLK COUNTY FARMLAND RATING SYSTEM FOR THE PURCHASE OF DEVELOPMENT RIGHTS (PDR)

This rating system was developed for the evaluation of farmland for the potential purchase of its development rights (PDR) and inclusion in the County's Purchase of Development Rights Program under Chapter 8 of the Suffolk County Code. The system considers four major factors: contiguity, vistas, soils, and value. The first two factors seek to preserve large blocks of farmland, thus protecting the land from nonagricultural intrusions and preserving the scenic vistas. Soils which are better for farming, such as Bridgehampton and Haven associations, are assigned higher point values. Slope also plays a part in the soil type and its desirability for use as farmland. The estimated price of the farmland is also considered in the evaluation. Bonuses are given for farms within Agricultural Districts. Negative points may be given for negative impacts such as excavations.

FARMLAND PRESERVATION FACTORS			Score	Subtotal
A. CONTIGUITY: PROXIMITY TO PRESERVED FARM PROPERTIES				
1. PDR properties on three sides. (5 pts.)				
2. PDR properties on two sides. (4 pts.)				
3. PDR properties on one side. (3 pts.)			3	
4. Large amount of protected farmland nearby. (2 pts.)				
5. Some protected farmland nearby. (1 pt.)				
6. No protected farmland nearby. (0 pt.)				3
B. VISTAS				
1. Long road frontage and part of a large block of farmland (100+ acres). (5 pts.)				
2. Small road frontage and part of a large block of farmland. (4 pts.)				
3. Long road frontage and part of a small block of farmland. (3 pts.)				
4. Small road frontage and part of a small block of farmland. (2 pts.)				
5. Less than 100' of road frontage and part of a large block of farmland. (1 pt.)			1	
6. Less than 100' of road frontage and part of a small block of farmland. (0 pt.)				1
C. SOILS	**Slope**	**Capability**		
1. Capability Unit I-1: Bridgehampton, Haven, Montauk. (5 pts.)	0-3%	BgA, HaA, MkA		
2. Nearly flat Class II: Riverhead, Scio, Plymouth, Haven, Montauk. (4 pts.)	0-3%	RdA,SdA,PsA,He,MfA		
3. Best soils but with some slope: Bridgehampton, Haven, Montauk. (3 pts.)	2-8%	BgB,BhB,HaB,MkB	1.5	
4. Other Class II soils with some slope: Montauk, Riverhead, Scio, Sudbury. (2 pts.)	2-8%	MB, RdB, ScB, Su	1	
5. Non-prime soil that is farmed: Plymouth. (1 pt.)		PmB3		
6. Poor soil. (0 pt)		Gp		2.5
D. APPROXIMATE DEVELOPMENT RIGHTS VALUE PER ACRE*				
1. $50,000. or less. (5 pts.)				
2. $50,001.-$65,000. (4 pts.)			4	
3. $65,001.-$80,000.(3 pts.)				
4. $80,001.-$95,000. (2 pts.)				
5. $95,001.-$105,000. (1 pt.)				
6. $105,001.-$250,000. (0 pt.)				
7. $250,001.-$500,000. (-1 pt.)				
8. $500,001. or more. (-2 pts.)				4
E. ADJUSTMENTS				
1. Other positive factors (i.e., within an Agricultural District, historical significance, community benefit, etc.). (1 or 2 pts.)			1	
2. Other negative factors. (-1 or -2 pts.)				1
TOTAL SCORE (maximum = 22 points)				11.5

2008-07-22
J. Kalmbacher
*Estimated by F. Ford
Version 6.13.2008

1760

S.C.T.M. No. 0600 13600 0100 002000

SUFFOLK COUNTY FARMLAND RATING SYSTEM FOR THE PURCHASE OF DEVELOPMENT RIGHTS (PDR)

This rating system was developed for the evaluation of farmland for the potential purchase of its development rights (PDR) and inclusion in the County's Purchase of Development Rights Program under Chapter 8 of the Suffolk County Code. The system considers four major factors: contiguity, vistas, soils, and value. The first two factors seek to preserve large blocks of farmland, thus protecting the land from nonagricultural intrusions and preserving the scenic vistas. Soils which are better for farming, such as Bridgehampton and Haven associations, are assigned higher point values. Slope also plays a part in the soil type and its desirability for use as farmland. The estimated price of the farmland is also considered in the evaluation. Bonuses are given for farms within Agricultural Districts. Negative points may be given for negative impacts such as excavations.

FARMLAND PRESERVATION FACTORS			Score	Subtotal
A. CONTIGUITY: PROXIMITY TO PRESERVED FARM PROPERTIES				
1. PDR properties on three sides. (5 pts.)				
2. PDR properties on two sides. (4 pts.)				
3. PDR properties on one side. (3 pts.)				
4. Large amount of protected farmland nearby. (2 pts.)				
5. Some protected farmland nearby. (1 pt.)			1	
6. No protected farmland nearby. (0 pt.)				1
B. VISTAS				
1. Long road frontage and part of a large block of farmland (100+ acres). (5 pts.)			5	
2. Small road frontage and part of a large block of farmland. (4 pts.)				
3. Long road frontage and part of a small block of farmland. (3 pts.)				
4. Small road frontage and part of a small block of farmland. (2 pts.)				
5. Less than 100' of road frontage and part of a large block of farmland. (1 pt.)				
6. Less than 100' of road frontage and part of a small block of farmland. (0 pt.)				5
C. SOILS	**Slope**	**Capability**		
1. Capability Unit I-1: Bridgehampton, Haven, Montauk. (5 pts.)	0-3%	BgA, HaA, MkA		
2. Nearly flat Class II: Riverhead, Scio, Plymouth, Haven, Montauk. (4 pts.)	0-3%	RdA,SdA,PsA,He,MfA	2	
3. Best soils but with some slope: Bridgehampton, Haven, Montauk. (3 pts.)	2-8%	BgB,BhB,HaB,MkB		
4. Other Class II soils with some slope: Montauk, Riverhead, Scio, Sudbury. (2 pts.)	2-8%	MB, RdB, ScB, Su	1	
5. Non-prime soil that is farmed: Plymouth. (1 pt.)		PmB3		
6. Poor soil. (0 pt)		Gp		3
D. APPROXIMATE DEVELOPMENT RIGHTS VALUE PER ACRE*				
1. $50,000. or less. (5 pts.)				
2. $50,001.-$65,000. (4 pts.)			4	
3. $65,001.-$80,000.(3 pts.)				
4. $80,001.-$95,000. (2 pts.)				
5. $95,001.-$105,000. (1 pt.)				
6. $105,001.-$250,000. (0 pt.)				
7. $250,001.-$500,000. (-1 pt.)				
8. $500,001. or more. (-2 pts.)				4
E. ADJUSTMENTS				
1. Other positive factors (i.e., within an Agricultural District, historical significance, community benefit, etc.). (1 or 2 pts.)			2	
2. Other negative factors. (-1 or -2 pts.)				2
TOTAL SCORE (maximum = 22 points)				15

2008-07-22
J. Kalmbacher
*Estimated by F. Ford
Version 6.13.2008

Introductory Resolution No. 1761-08 Laid on Table 8/19/08

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 WINDSOR VILLAGE APARTMENTS CO., LLC (SCTM NO. 0101-005.00-02.00-039.001)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 0101 Section 005.00 Block 02.00 Lot 039.001 and acquired by Tax Deed on May 14, 1996 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 5, 1996 in Liber 11777 at Page 27 and described as follows, Town of Babylon, known and designated as the South part of Lot 11 in Block No. 1 on a certain map entitled "Map of Amityville Land and Improvement", filed in the Office of the Clerk of the County of Suffolk on November 21,1891; and

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

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

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

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

WHEREAS, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, 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 Windsor Village Apartments Co, LLC, P.O. Box 356, Syosset, New York 11791.

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

1761

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. 0101-005.00-02.00-039.001

ADJOINING OWNER	BID	BID	BID
Windsor Village Apartments Co., LLC P.O. Box 356 Syosset, New York 11791 0101-005.00-02.00-040.003	$2,000.00		
RPO, LLC 120 Euston Road Garden City, New York 11530 0101-005.00-02.00-036.000	$3,500.00 No Show at Mini Auction		
Thomas & Karen Goodhue 50 Greene Avenue Amityville, New York 11701 0101-005.00-02.00-039.002	$0		
Stella Slade 54 Greene Avenue Amityville, New York 11701 0101-005.00-02.00-038.000	$0		

SIZE OF PARCEL: 42' x 50'
APPRAISED VALUE: $2,000.00
COMMENT: Direct Sale to Adjacent Owner

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

1761

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

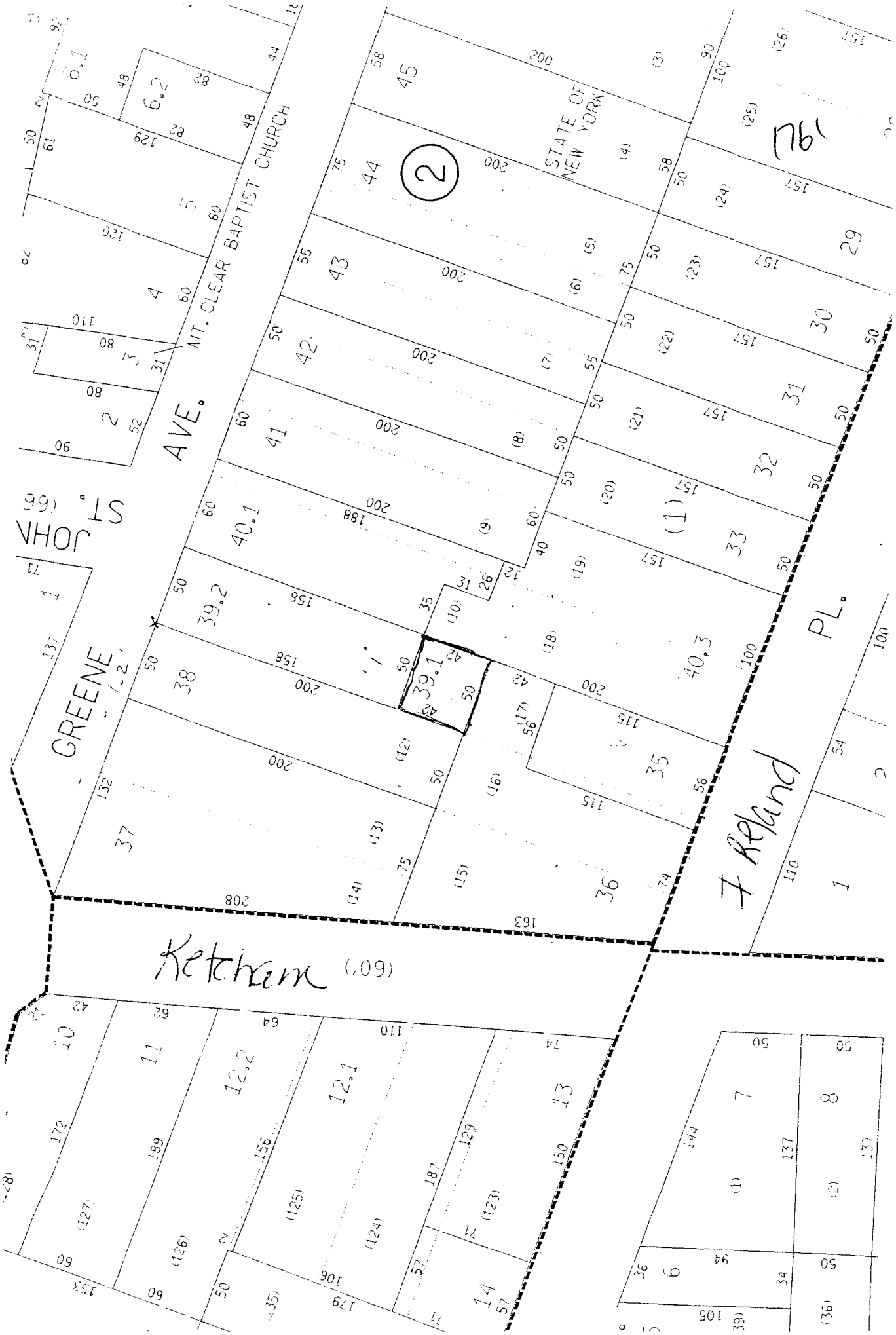
None

9. Timing of Impact

2008

10. Name & Title of Preparer Signature of Preparer Date

Diane Bishop- LMS III Diane Bishop 7/22/08



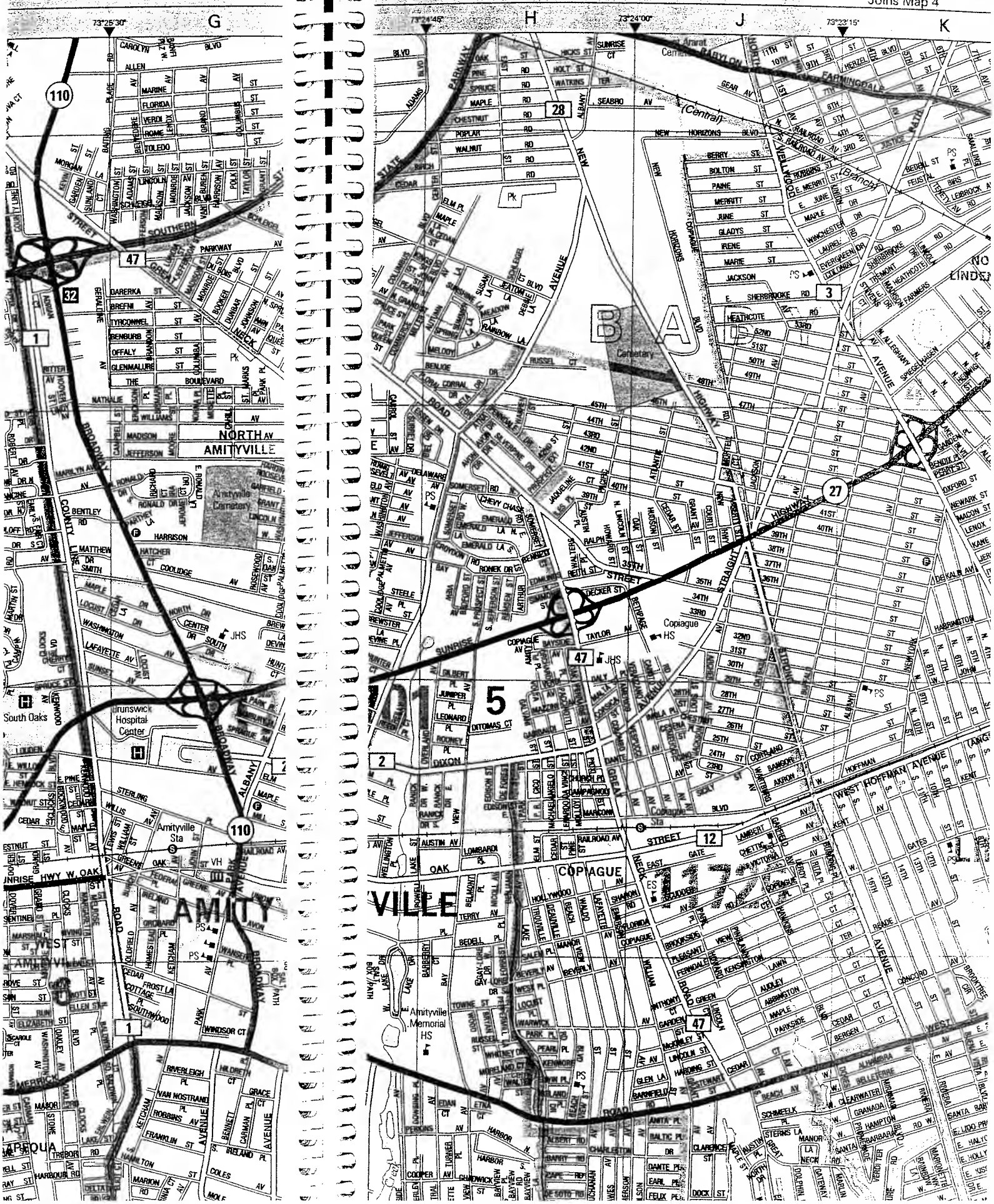
MT. CLEAR BAPTIST CHURCH
STATE OF NEW YORK
GREENE AVE.
JOHN ST.
Ketcham (109)
I Reland PL.

0101-005.00-02.00-039.001
N
W
E
S
(c) Copyright 2006, Pictometry International Corp.

1761

Tip Quickly estimate distance:
Each grid box represents approximately 0.65 mi. horizontally by 0.86 mi. vertically.

Joins Map 4



.74

COUNTY OF SUFFOLK

1761
JUL 28 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

July 25, 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: 0101-005.00-02.00-039.001

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

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

Introductory Resolution No. 1762-08 Laid on Table 8/19/08

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 MICHAEL HEAGERTY & MARY HEAGERTY, Husband and Wife (SCTM NO. 0403-010.00-01.00-027.003)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 0403 Section 010.00 Block 01.00 Lot 027.003 and acquired by Tax Deed on March 23, 1992 from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on March 23, 1992 in Liber 11438 at Page 253 and described as follows, being and intended to be that parcel of land carried on the tax rolls of the Town of Huntington under SCTM # 0403-010.00-01.00-027.003; 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, Michael Heagerty & Mary Heagerty, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of $1,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

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

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

WHEREAS, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, 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 Quit Claim, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Michael Heagerty & Mary Heagerty, 33 School Lane, Huntington, New York 11743.

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

1762

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. 0403.010.00-01.00-027.003

ADJOINING OWNER	BID	BID	BID
Michael Heagerty & Mary Heagerty 33 School Lane Huntington, New York 11743 0403-010.00-01.00-025.00	$1,000.00		
Michael & Nancy Lonoff 35 School Lane Huntington, New York 11743 0403-010.00-01.00-026.001	$0		
Particia Herling 31 School Lane Huntington, New York 11743 0403-010.00-01.00-027.002	$0		
Lawrence Weinstein & Toni Albanese 10 Fox Meadow Lane Huntington, New York 11743 0403-010.00-01.00-002.006	$0		

SIZE OF PARCEL: .25 Acre
APPRAISED VALUE: $1,000.00
COMMENT: Direct Sale to Adjacent Owner

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

1762

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

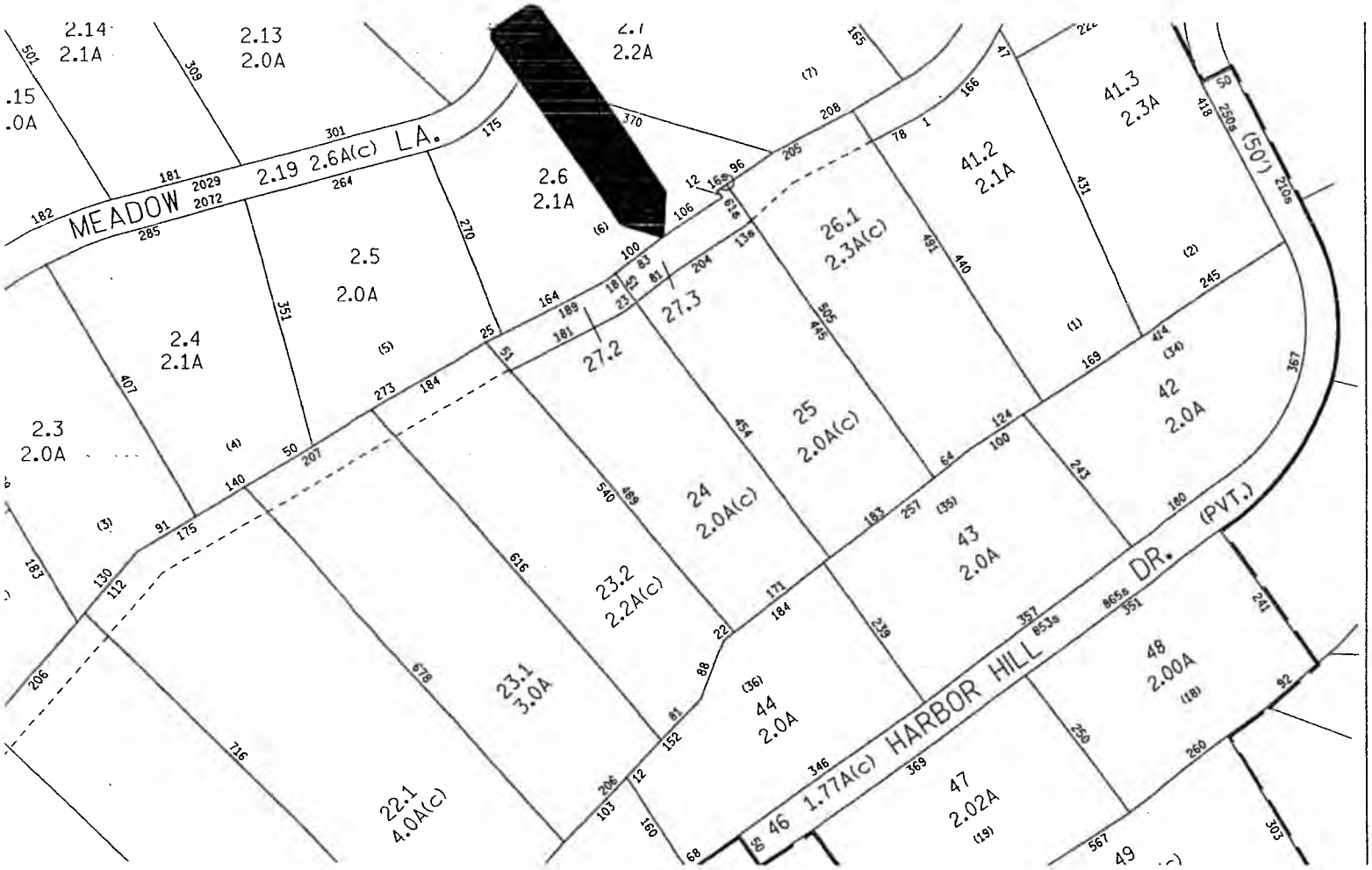
Diane Bishop- LMS III Diane Bishop 7/21/08

TM# 0403-010.00-01.00-027.003

1262

1762

N


2.14
2.1A
2.13
2.0A
2.2A
41.3
2.3A
MEADOW LA.
2.19 2.6A(C)
2.6
2.1A
41.2
2.1A
2.5
2.0A
26.1
2.3A(C)
2.4
2.1A
27.3
27.2
2.3
2.0A
25
2.0A(C)
42
2.0A
24
2.0A(C)
43
2.0A
23.2
2.2A(C)
23.1
3.0A
44
2.0A
48
2.00A
HARBOR HILL DR. (PVT.)
(50')
22.1
4.0A(C)
46 1.77A(C)
47
2.02A
49

way Symbols

change Numbers

ntary School
School
High School
chool

ol Districts

ad Lines
Stations

ode Numbers
Boundaries

Town Boundaries
Village Boundaries
Parks
Golf Courses
Cemeteries
Government Lands
Airports
Areas of Interest
Hospitals

e) 1:31,350 • 2" = 1 mile

0 4,000 1 Mile 6,000 8,000 Feet
1,000 2,000 Meters

1762

CAUMSETT STATE PARK

LOYN NECK

QUEENS COLLEGE CENTER FOR ENVIRONMENTAL STUDIES

LLOYD

Whitewood Pt.

L.H.
Fort Hill Fleet Y.C.

LLOYD HARBOR

HARBOR

R.C. of DIOCESE BROOKLYN

FRIENDS WORLD COLLEGE

WEST NECK BEACH

SEMINARY

WEST NECK

LLOYD HARBOR VILLAGE PARK

Plum Pt.

Cove Pt.

Cooper Bluff

COVE NECK

SAGAMORE HILL NATIONAL HISTORIC SITE

COLD SPRING HARBOR

JENNINGS FIELD

VILLAGE HALL

Cold Spg. Harbor Beach Club

SUFFOLK
NASSAU

COLD SPRING HARBOR

WHALING MUSEUM

HUNTINGTON COUNTRY CLUB

1743

1764

1771

1791

403 - 010 - 01 - 027.003

A5

COUNTY OF SUFFOLK

AUG 04 2008

1762

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

July 28, 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: 0403-010.00-01.00-027.003

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

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

Introductory Resolution No. 1763-08 Laid on Table 8/19/08

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
ANTONIO CIATTO and DOMENICA MARIA CIATTO, his wife
0200-978.80-01.00-054.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 978.80, Block 01.00, Lot 054.000, and acquired by tax deed on June 2, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on June 9, 2008, in Liber 12553, at Page 960, and otherwise known as and by Town of Brookhaven, County of Suffolk and State of New York, known and designated as Lot Number 106 on a certain map entitled, "Map of Shirley, Long Island, Unit O", and filed in the Office of the Clerk of the County of Suffolk on September 25, 1956 as Map No. 2631; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on June 2, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on June 9, 2008 in Liber 12553 at Page 960.

WHEREAS, in accordance with Suffolk County Local Law 16-l976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, ANTONIO CIATTO has made application of said above described parcel and ANTONIO CIATTO has paid the application fee and $22,233.37, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; 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 ANTONIO CIATTO and DOMENICA MARIA CIATTO, his wife, 50 Chanel Drive East, Shirley, New York 11967, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.I

1763

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

July 31, 2008

Tax Map No.: 0200-978.80-01.00-054.000
Name of Last Legal Fee Owner: ANTONIO CIATTO and DOMENICA MARIA CIATTO, his wife

TREASURER'S COMPUTATION..... $14,866.33

Taxes.....2007/2008..... $ 7,367.04

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $22,233.37

Monies Received..... $22,233.37

RESOLUTION AMOUNT..... $22,233.37

PREPARED BY:

Lori Bertone
Redemption Unit
(631) 853-5932

APPROVED:

Karen A. Slater 7/31/08
Accounting
LB:sc

1763

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0200-978.80-01.00-054.000

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 7/31/08

COMPUTATION BY SUFFOLK COUNTY TREASURER

DISTRICT	SECTION	BLOCK	LOT
0200	978.80	01.00	054.000

1763

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2003/04	4689.52
2006/07	9000.68

2004/05 PROPERTY TAXES PAID BY INDIVIDUAL
2005/06 PROPERTY TAXES PAID BY EASTERN SAVINGS BANK
2007/08 PROPERTY TAXES $7367.04 NOT INCLUDED IN COMPUTATION

TOTAL:	13690.20
B. INTEREST DUE	468.21
C. TOTAL	14158.41
D. 5% LINE C	707.92
E. FEE	
F. MISC	
G. MISC	
H. TOTAL DUE	$14,866.33

14,866.33
7,367.04
22,233.37
total due

CERTIFICATION BY COUNTY TREASURER

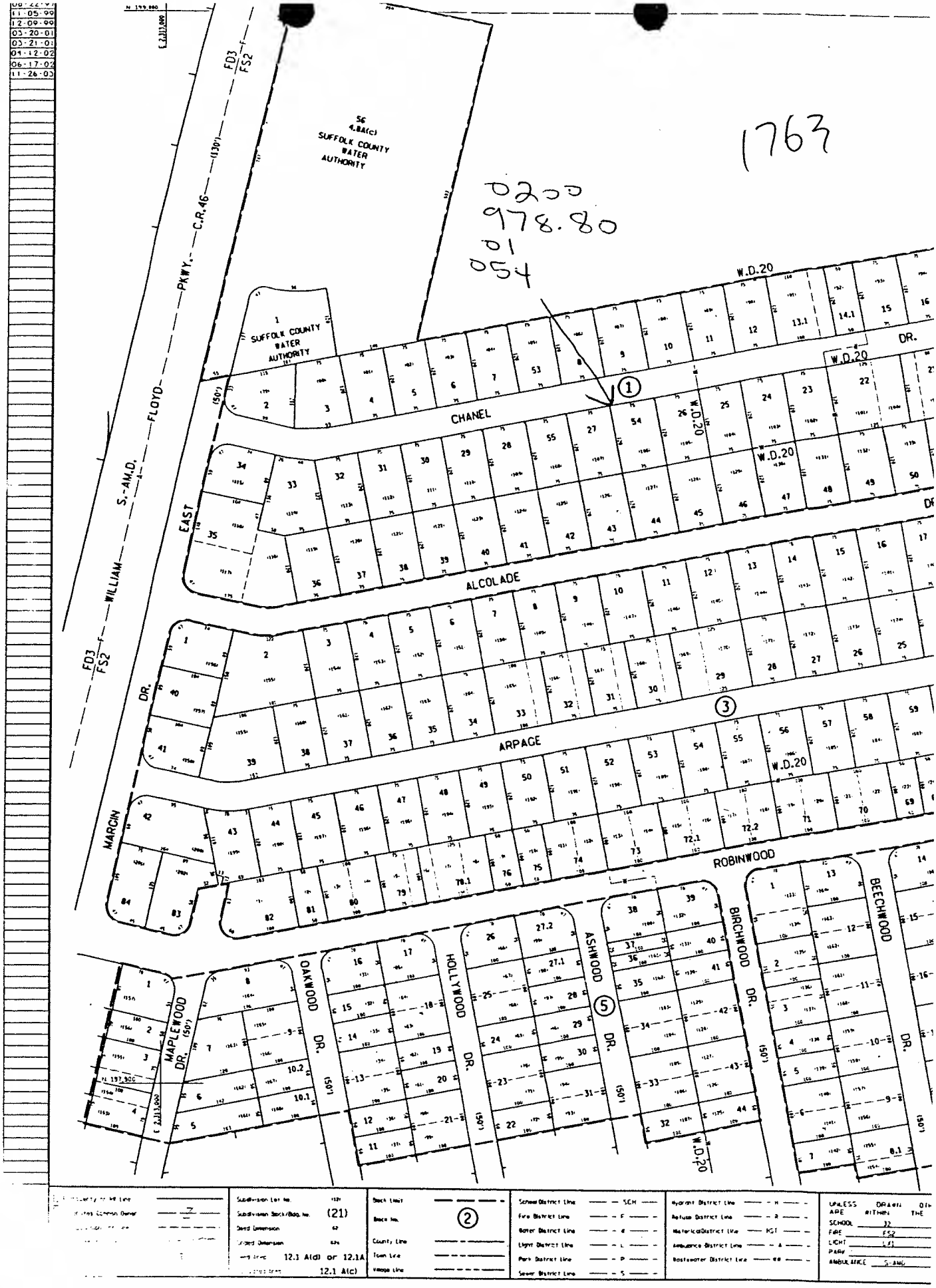
I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 17-Jul-08

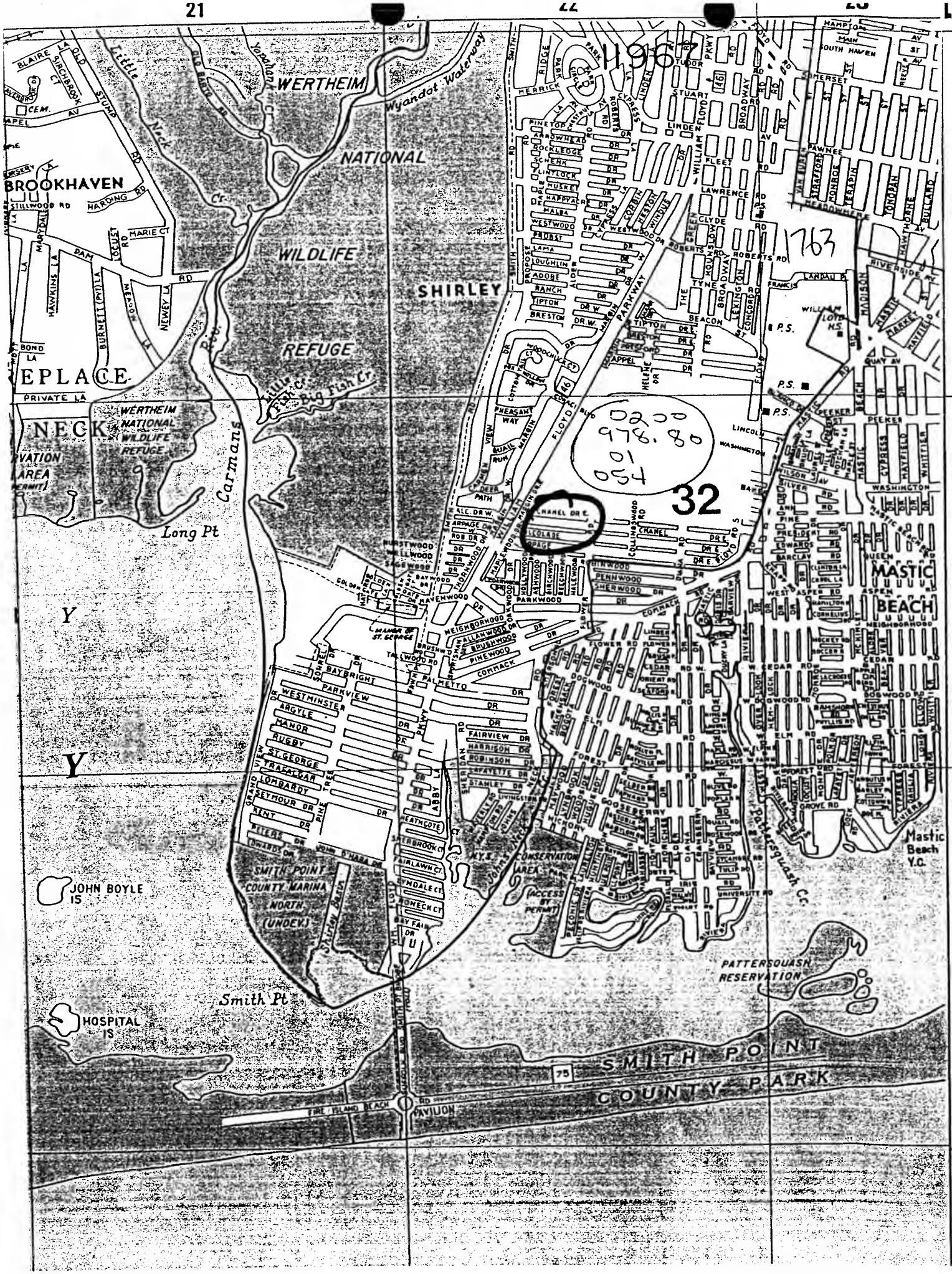
Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 01/13/09

dz



Subdivision Lot No.		Block Limit	School District Line — SCH —	Hydrant District Line — H —	UNLESS ARE DRAWN WITHIN THE
Subdivision Block/Bldg. No.	(21)	Block No. ②	Fire District Line — F —	Refuse District Line — R —	SCHOOL 32
Deed Dimension		County Line	Water District Line — W —	Historical District Line — HST —	FIRE FS2
Graded Dimension		Town Line	Light District Line — L —	Ambulance District Line — A —	LIGHT LF1
Deed Area 12.1 A(d) or 12.1A		Village Line	Park District Line — P —	Wastewater District Line — WW —	PARK
Graded Area 12.1 A(c)			Sewer District Line — S —		AMBULANCE S-AMD



FOR ADJOINING AREA SEE MAP NO.21

A 6

COUNTY OF SUFFOLK

AUG 07 2008

1763

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 5, 2008

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

Re: Tax Map No. 0200-978.80-01.00-054.000
ANTONIO CIATTO and DOMENICA MARIA CIATTO, 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 (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

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

Introductory Resolution No. 1764-08 Laid on Table 8/19/08

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
JAMES W. MICKERT, JANE M. GARDINER and SUSAN E. MOYLAN, All as Joint Tenants with Right of Survivorship
0200-787.00-05.00-017.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 787.00, Block 05.00, Lot 017.000, and acquired by tax deed on September 26, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 5, 2007, in Liber 12525, at Page 180, and otherwise known as and by Town of Brookhaven, known and designated as Lots 26 through 30, inclusive, Block 16, as shown on a certain map entitled, "Map of Lakeview Park, Plate A" and filed in the Office of the Clerk of the County of Suffolk on March 29, 1911 as and by Map #653; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on September 26, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 5, 2007 in Liber 12525 at Page 180.

WHEREAS, in accordance with Suffolk County Local Law 16-l976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, JANE M. GARDINER has made application of said above described parcel and JANE M. GARDINER has paid the application fee and $44,425.76, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; 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 JAMES W. MICKERT, JANE M. GARDINER and SUSAN E. MOYLAN, All as Joint Tenants with Right of Survivorship, c/o Jane M. Gardiner, 74 Dana Avenue, Mastic, New York 11950, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.I

1764

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

July 29, 2008

Tax Map No.: 0200-787.00-05.00-017.000
Name of Last Legal Fee Owner: JAMES W. MICKERT, JANE M. GARDINER and SUSAN E. MOYLAN, All as Joint Tenants with Right of Survivorship

TREASURER'S COMPUTATION..... $36,555.03

Taxes.....2007/2008..... $ 7,096.73

Recording Fees collected for County Clerk. . N/A

License Fee..... $ 774.00

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $44,425.76

Monies Received..... $44,500.00 – overpayment of $74.24

RESOLUTION AMOUNT..... $44,425.76

PREPARED BY:

Lori Bertone
Redemption Unit
(631) 853-5932

APPROVED:

Karen A Slater 7/29/08
Accounting
LB:sc

1764

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0200-787.00-05.00-017.000

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 7/29/08

COMPUTATION BY SUFFOLK COUNTY TREASURER

DISTRICT	SECTION	BLOCK	LOT
0200	787.00	05.00	017.000

1764

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2002/03	1922.04
2003/04	8470.74
2004/05	8096.19
2005/06	7821.90
2006/07	6615.91

2007/08 PROPERTY TAXES $7096.73, NOT INCLUDED IN COMPUTATION

TOTAL: 32926.78

B. INTEREST DUE	1887.54
C. TOTAL	34814.32
D. 5% LINE C	1740.72
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE $36,555.03
7,096.73
43,651.76

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. 28-Mar-08

Douglas W. Sutherland
Chief Deputy County Treasurer

**Interest and penalty computed to and including 09/24/08

dz

Subdivision Lot No.	(32)	Block Unit	School District Line — SCH	Hydrant District Line — H	UNLESS DRAWN OTHERWISE, ALL PROPERTIES ARE WITHIN THE FOLLOWING DISTRICTS:
Subdivision Block/Bldg. No.	(21)	Block No. ②	Fire District Line — F	Refuse District Line — R	SCHOOL 32 / SEWER
Deed Dimension	62	County Line	Water District Line — W	Historical District Line — HST	FIRE FS1,HS4 / HYDRANT
Scaled Dimension	62±	Town Line	Light District Line — L	Ambulance District Line — A	LIGHT LX1 / WATER
Deed Area	12.1 A(d) or 12.1A	Village Line	Park District Line — P	Wastewater District Line — WW	PARK / REFUSE GS3
Calculated Area	12.1 A(c)		Sewer District Line — S		AMBULANCE MAS.AM.D. / WASTEWATER

NOTICE

MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE SUFFOLK COUNTY TAX MAP IS PROHIB WITHOUT WRITTEN PERMISSION OF THE REAL PROPERTY TAX SERVICE AGENC

0200-787-05-017

0

Introductory Resolution No. 1765-08 Laid on Table 8/19/08

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 MICHAEL & KIMBERLY ROSMAN (SCTM NO. 0200-213.00-08.00-036.000)

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

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

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

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

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

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

WHEREAS, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, 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 Quit Claim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Michael & Kimberly Rosman, 338 Oakland Avenue, Miller Place, New York 11764.

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

1765

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. 0200-213.00-08.00-036.000

ADJOINING OWNER	BID	BID	BID
Michael & Kimberly Rosman 338 Oakland Avenue Miller Place, New York 11764 0200-213.00-08.00-001.003	$6,300.00		
Sasso & Donatelli DeLea 444 Ellwood Road East Northport, New York 11731 0200-213.00-08.00-039.000	$6,300.00 No show at mini auction		
Joseph & Judith Rosica 334 Oakland Avenue Miller Place, New York 11764 0200-213.00-08.00-007.005	$0		
Isabella Hulbert No known address per E. Harrison S C Treasurers Office	$0		

SIZE OF PARCEL: 44' x 327'
APPRAISED VALUE: $6,300.00
COMMENT: Direct Sale to Adjacent Owner

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

1765

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

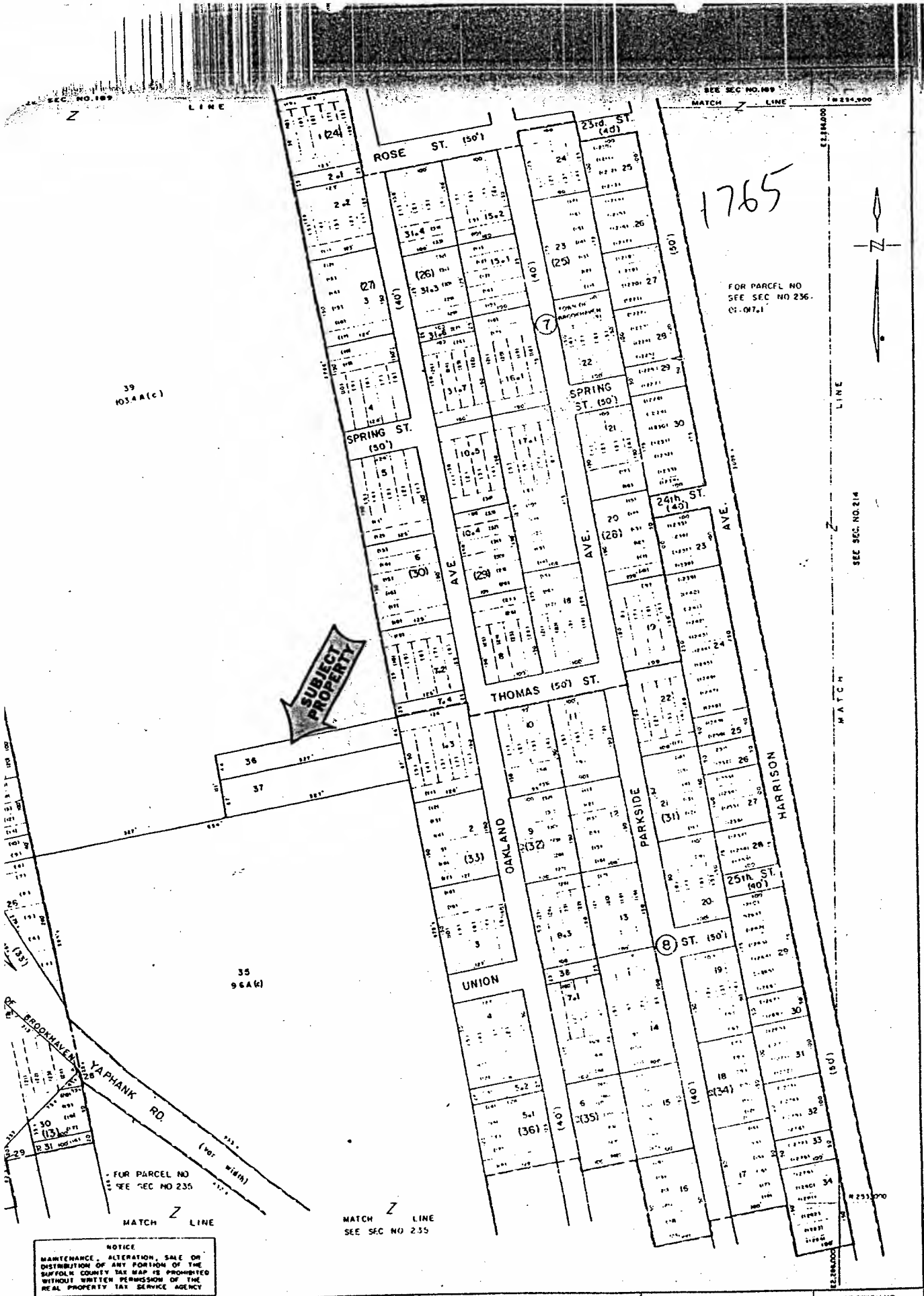
None

9. Timing of Impact

2008

10. Name & Title of Preparer Signature of Preparer Date

Diane Bishop- LMS III DBishop 7/2



NOTICE
MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE SUFFOLK COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE REAL PROPERTY TAX SERVICE AGENCY

KEY MAP		
	189	
212	213	214
	235	

100 0 100 200
SCALE IN FEET

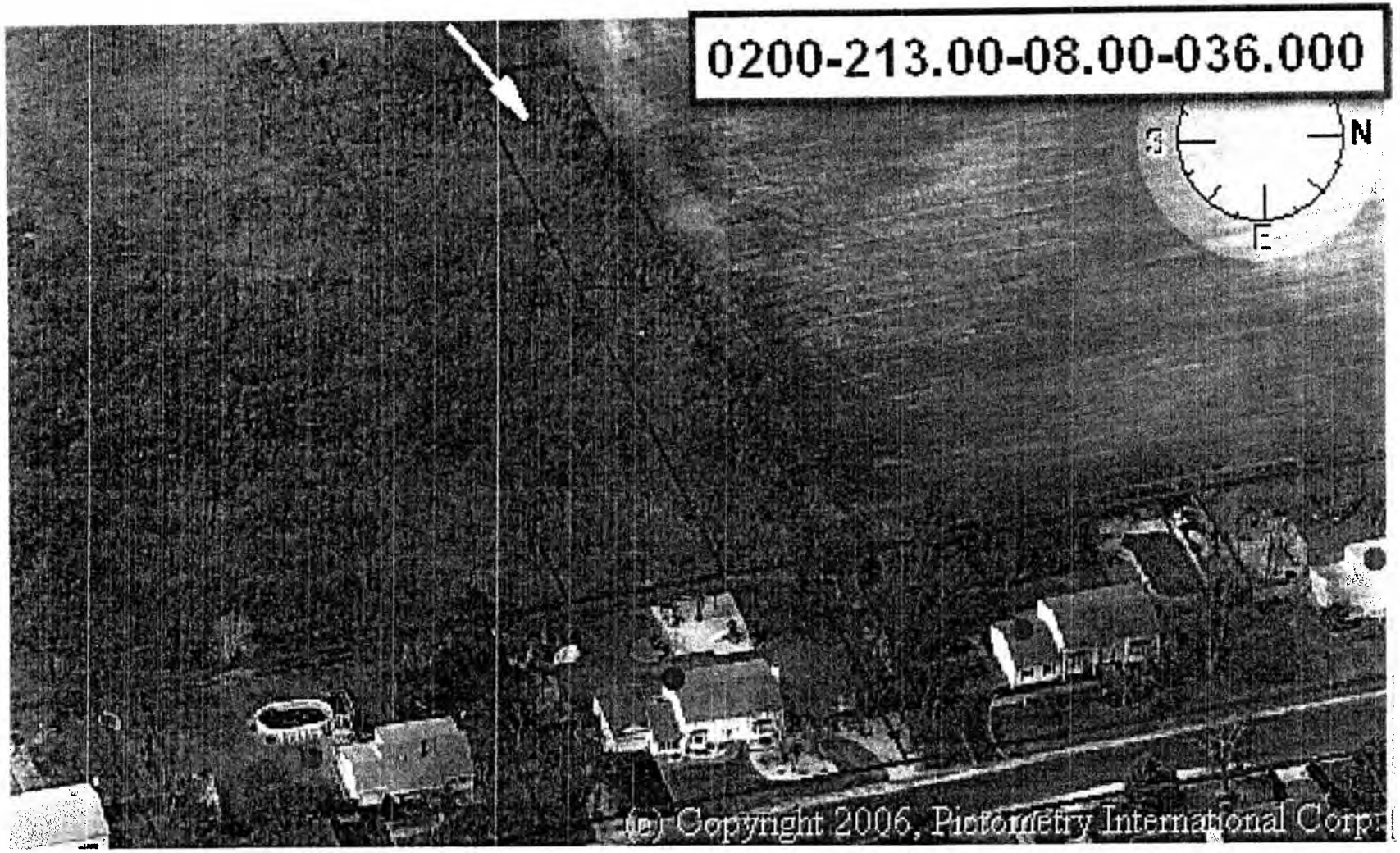
© COUNTY OF SUFFOLK
Real Property Tax Service Agency
County Center
Riverhead, L. I., New York

TOWN OF BROOKHAVEN
VILLAGE OF
DISTRICT NO. 0200
Date of Completion

SECTION NO.
213
PROPERTY MAP

261

1765


0200-213.00-08.00-036.000
S
N
E
(c) Copyright 2006, Pictometry International Corp.

Distance:
Approximately
mi. vertically.

Scale 1:24,000
0 1,000 2,000 3,000 4,000 5,000 Feet
0 200 400 600 800 1,000 1,200 1,400 Meters

Joins Map 25

S1 T1 U1 V1 W1
72°57'45" 72°57'00" 72°56'15" 72°55'30"

1765

11778
N.Y.S.
Conservation Area
(Access by Permit)

9

64

12

11953

BROOKHAVEN

Twin Ponds Nat Pres
Twin Ponds

Pine Lake

Artist Lake

MIDDLE ISLAND

Bartlett Pond Park

Admin

MS

Cem

Joins Map 32

A8

COUNTY OF SUFFOLK

AUG 04 2008

1765

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

July 28, 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: 0200-213.00-08.00-036.000

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

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

Introductory Resolution No. 1766-06 Laid on Table 8/19/08

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)
(0200-389.00-05.00-002.000 et al)

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

WHEREAS, Section 72-h of the General Municipal Law permits a sale of real property between municipal corporations, or between a municipal corporation of the State of New York or the United States of America; and

WHEREAS, the Town of Brookhaven has requested that the County of Suffolk convey these parcels to it (see annexed resolution - Exhibit "B"); and

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

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

2nd **RESOLVED,** that the Town of Brookhaven will be restricted in its use of the subject parcels and will use said parcels solely and exclusively for municipal purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcels for other than municipal purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcels without said parcels being used thereafter for municipal purposes; and be it further

3rd **RESOLVED,** that said quitclaim deed issued by the Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

4th **RESOLVED,** this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1)

DATED: _____

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

EXHIBIT "A"

Tax Map No.	Location	Acre
0200-389.00-05.00-002.000	S/W/C/O 2nd St. and Washington Avenue, Centereach	0.50
0200-392.00-07.00-020.000	S/S/O Hawkins Road 190' W/O Ruland Road, Centereach	0.017
0200-562.00-01.00-005.008	W/S/O Nicole Court, 650' S/O Eastport Road, Manorville	0.26
0200-564.00-06.00-044.000	S/S/O Madach Street, 100' E/O Balatone Avenue, Centereach	0.103
0200-800.00-03.00-042.000	N/S/O Union Avenue, 436' E/O Babcock Avenue, Lake Ronkonkoma	0.09
0200-974.70-02.00-003.000	W/S/O Mastic Road, 520' N/O Peeker Street, Mastic Beach	0.137
0200-979.70-01.00-028.000	W/S/O Hagerman Avenue, 250' S/O Puritan Avenue, Patchogue	0.06
0200-980.40-04.00-002.000	N/S/O Alanwood Drive, 655' W/O Oakwood Drive, Mastic	0.093

EXHIBIT "B"

1766

RESOLUTION NO. 165-08
MEETING OF FEBRUARY 28, 2008

ADOPTED

BY THE BROOKHAVEN TOWN BOARD

AUTHORIZATION TO ACQUIRE VACANT PARCELS OF SUFFOLK COUNTY OWNED LAND FOR OPEN SPACE AND HIGHWAY PURPOSES 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, there are vacant parcels of Suffolk County owned land located throughout the Town of Brookhaven further identified as:

SCTM No.
200-389-05-002
200-562-01-5.8
200-979.70-01-28
200-115-01-11
200-930-06-11
200-974.70-02-003
200-968-04-17
200-980.40-04-002
200-800-03-42
200-392-07-20
200-564-06-44

and are more particularly shown on the attached maps; and

WHEREAS, the Town Board of the Town of Brookhaven, Suffolk County, New York is interested in acquiring said parcel of real property for drainage purposes for a total consideration not to exceed $59,293.86 plus pro-rata taxes at the time of closing; and

WHEREAS, the Town Board of the Town of Brookhaven Suffolk County, New York 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

1766

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, Suffolk County, New York, 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 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 parcels further identified as SCTM Nos. 200-389-05-002, 200-562-01-5.8, 200-979.70-01-28, 200-115-01-11, 200-930-06-11, 200-974.70-02-003, 200-968-04-17, 200-980.40-04-002, 200-800-03-42, 200-392-07-20, 200-564-06-44 , 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 $59,293.86 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above.

1766

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.: 0200-389.00-05.00-002.000 et al.

Section 72-h, Gen'l Municipal Law

	Amount
County Investment	$ 22,829.50

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

1766

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 Islip for Municipal 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

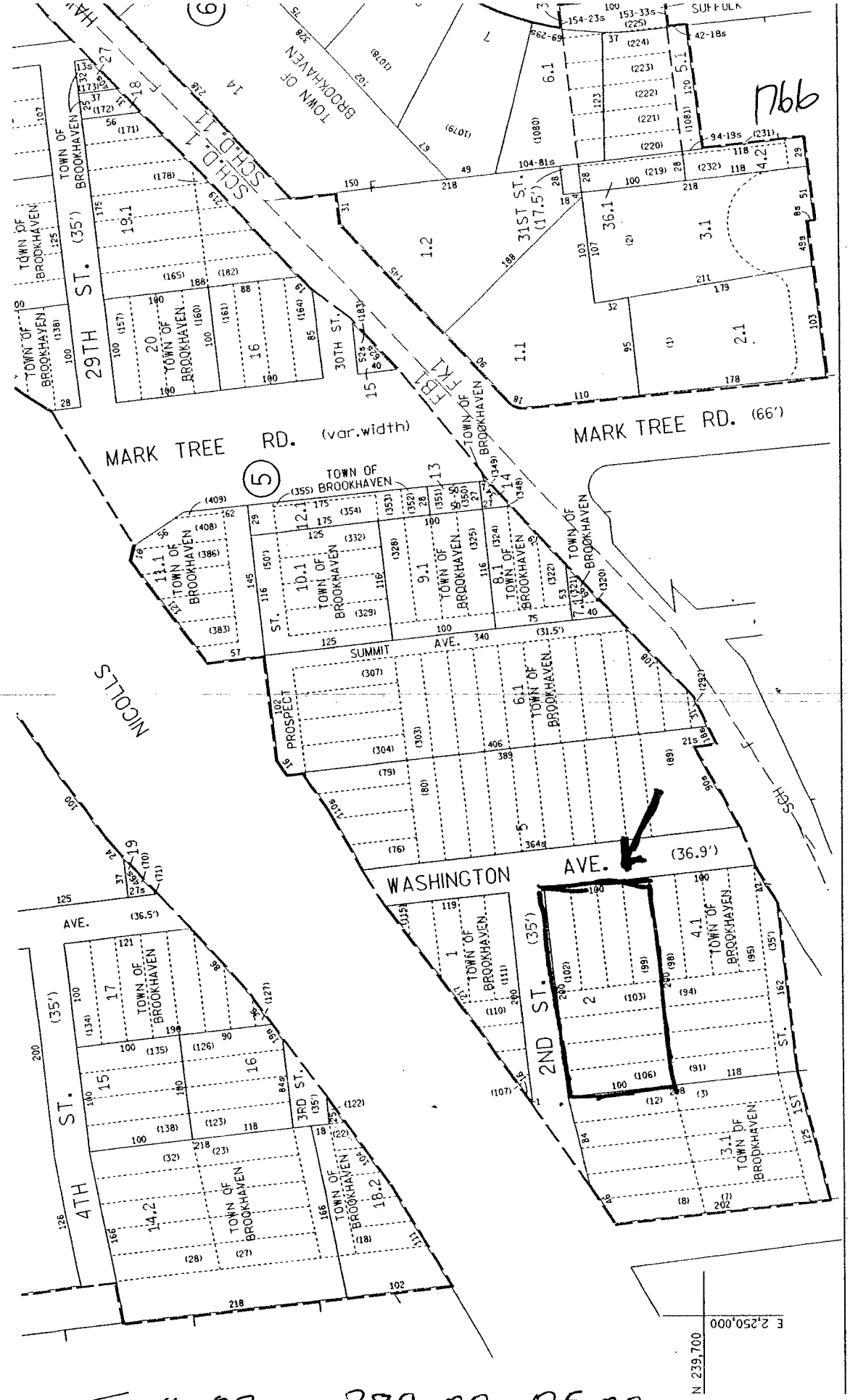
9. Timing of Impact

2008

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

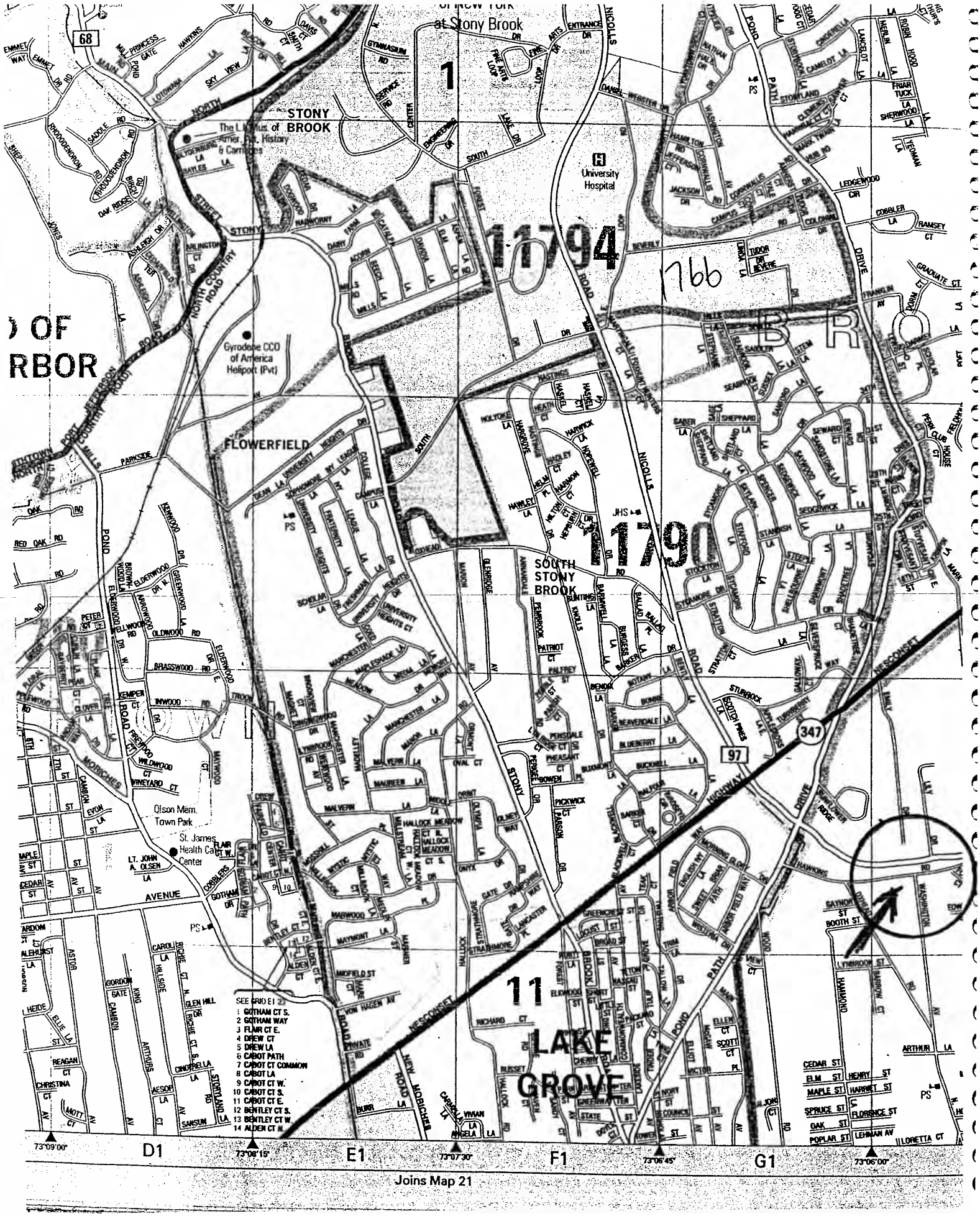
R.J. Bhatt, LMS III | R.J. Bhatt | 7/23/08

7/21/2008 -- 11:35:57 AM -- \\RIVORACLEFORMS\Forms_share\viewer\0200\prod\2038900x.dgn DSBL: 0200 38900 0500 002000



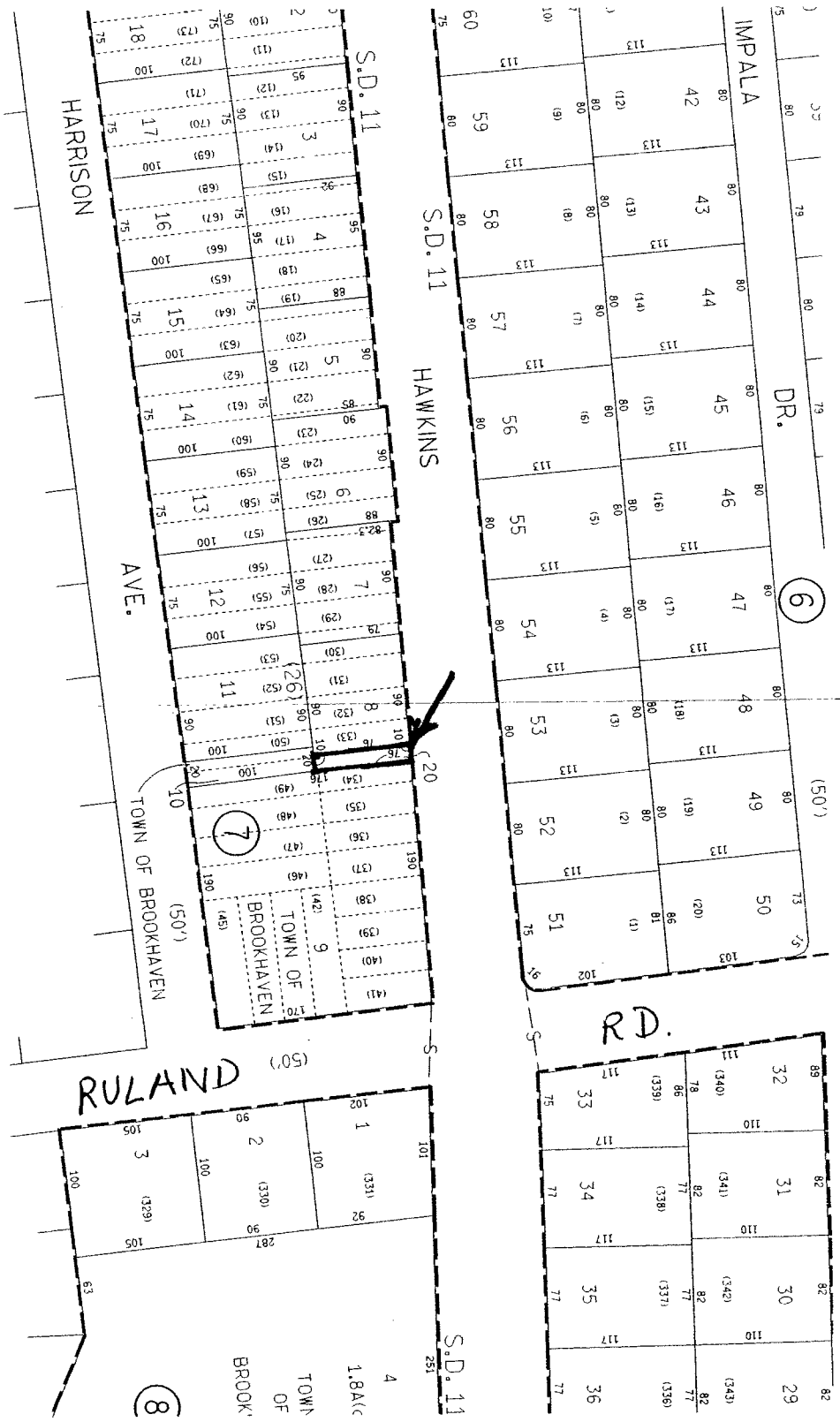
TM# 0200-389.00-05.00-002.000

TM# 0200-389.00-05.00-002.000
LILY DR
97
HAWKINS RD
HAWKINS RD
Suffolk County Department of Information Technology © 2008
0
227ft



TM # 0200-389-00-05.00-002.000

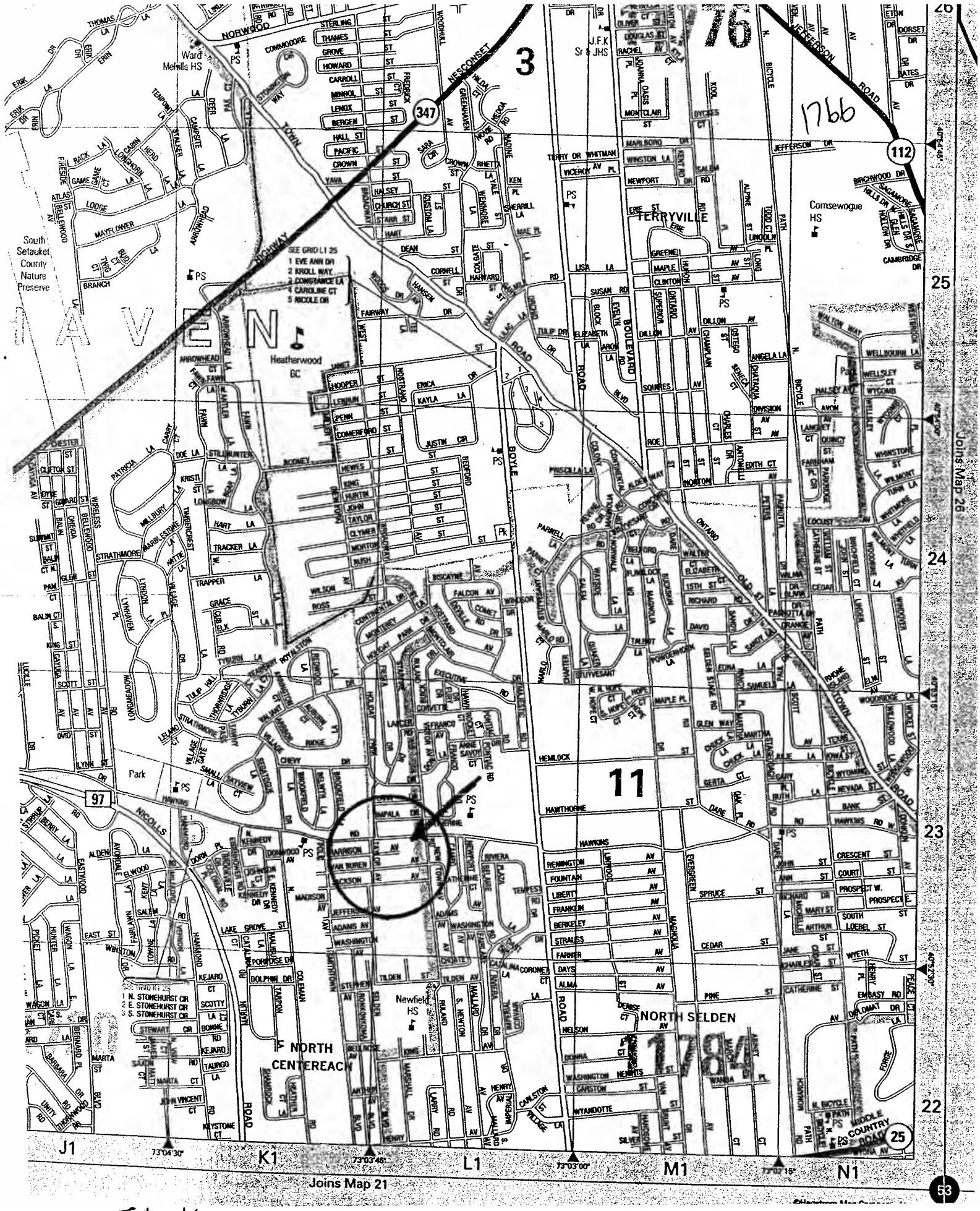
1766



Tm# 0200-392.00-07.00-020.000

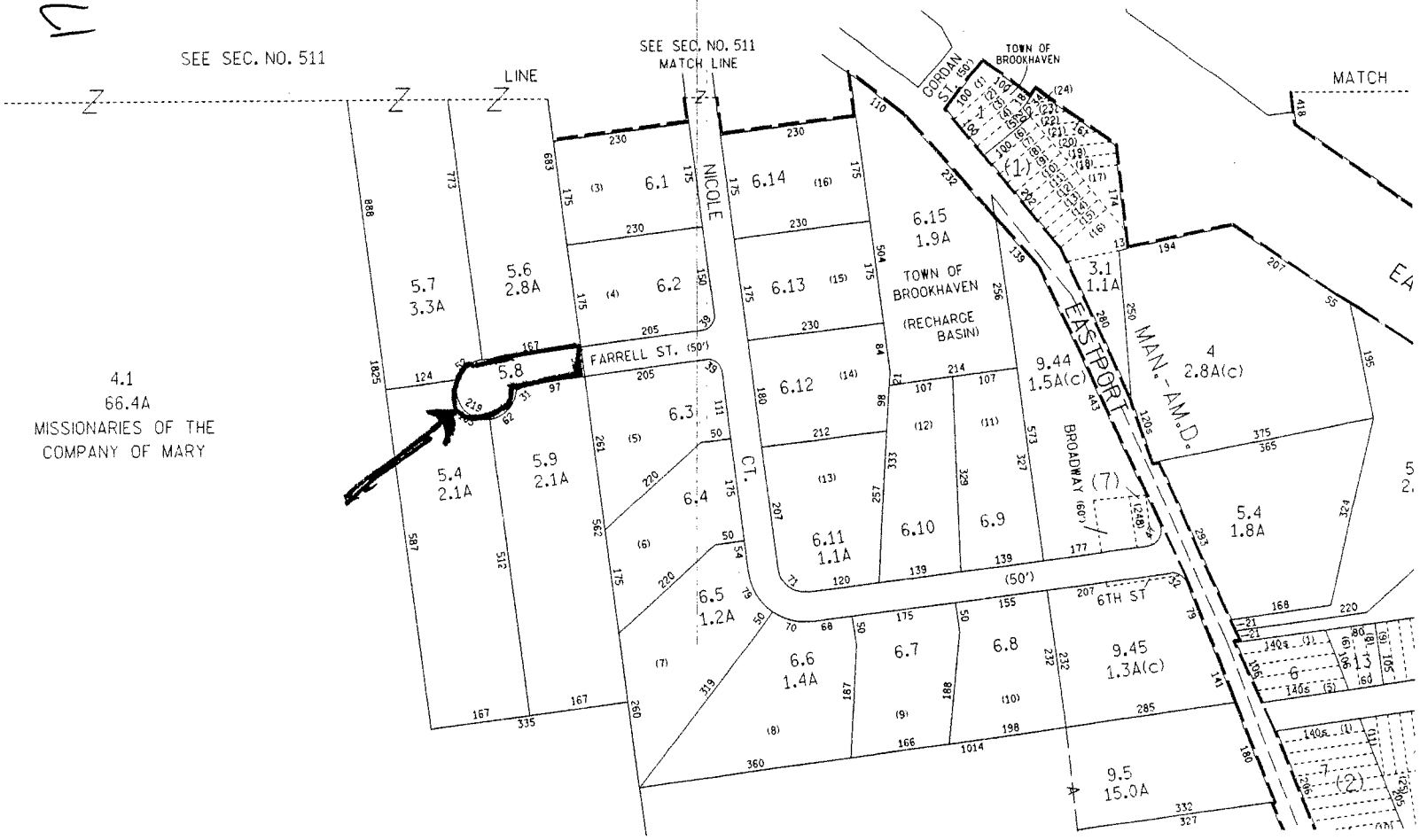
TM# 0200-392.00-07.00-020.000
HAWKINS RD
RUTLAND RD
HARRISON AV
Suffolk County Department of Information Technology © 2008
0
114ft

766


Joins Map 26
Joins Map 21
J1
K1
L1
M1
N1
73°04'30"
73°03'45"
73°03'00"
73°02'15"
40°54'45"
40°54'30"
40°54'15"
40°54'00"
TERRYVILLE
NORTH SELDEN
NORTH CENTEREACH
Heatherwood GC
Comsewogue HS
Newfield HS
South Setauket County Nature Preserve
Ward Melville HS
J.F.K. Sr. HS
NESCONSET HIGHWAY
JEFFERSON ROAD
BOULEVARD ROAD
MIDDLE COUNTRY ROAD
NICOLLS ROAD
SEE GRID L1 25
1 EVE ANN DR
2 KROLL WAY
3 CONSTANCE LA
4 CAROLINE CT
5 NICOLE DR
1766
1784
Tm # 0200-392.00-07.00-020.000

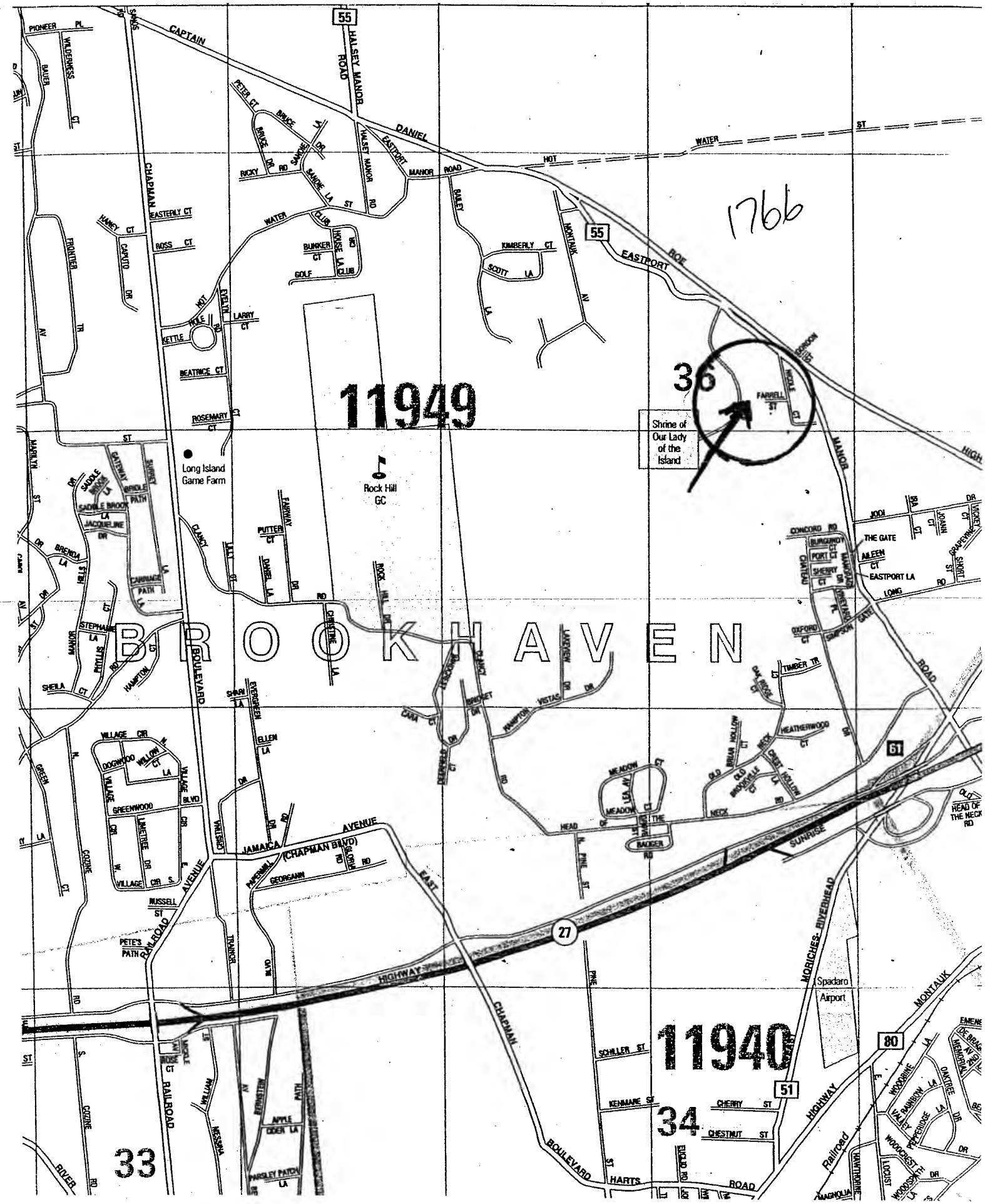
1966

Tm # 0200 - 562.00 - 01.00 - 005.008



TM# 0200-562.00-01.00-005.008
UNNAMED ST
FARRELL ST
NICOLE CT
Suffolk County Department of Information Technology © 2008
0
227ft

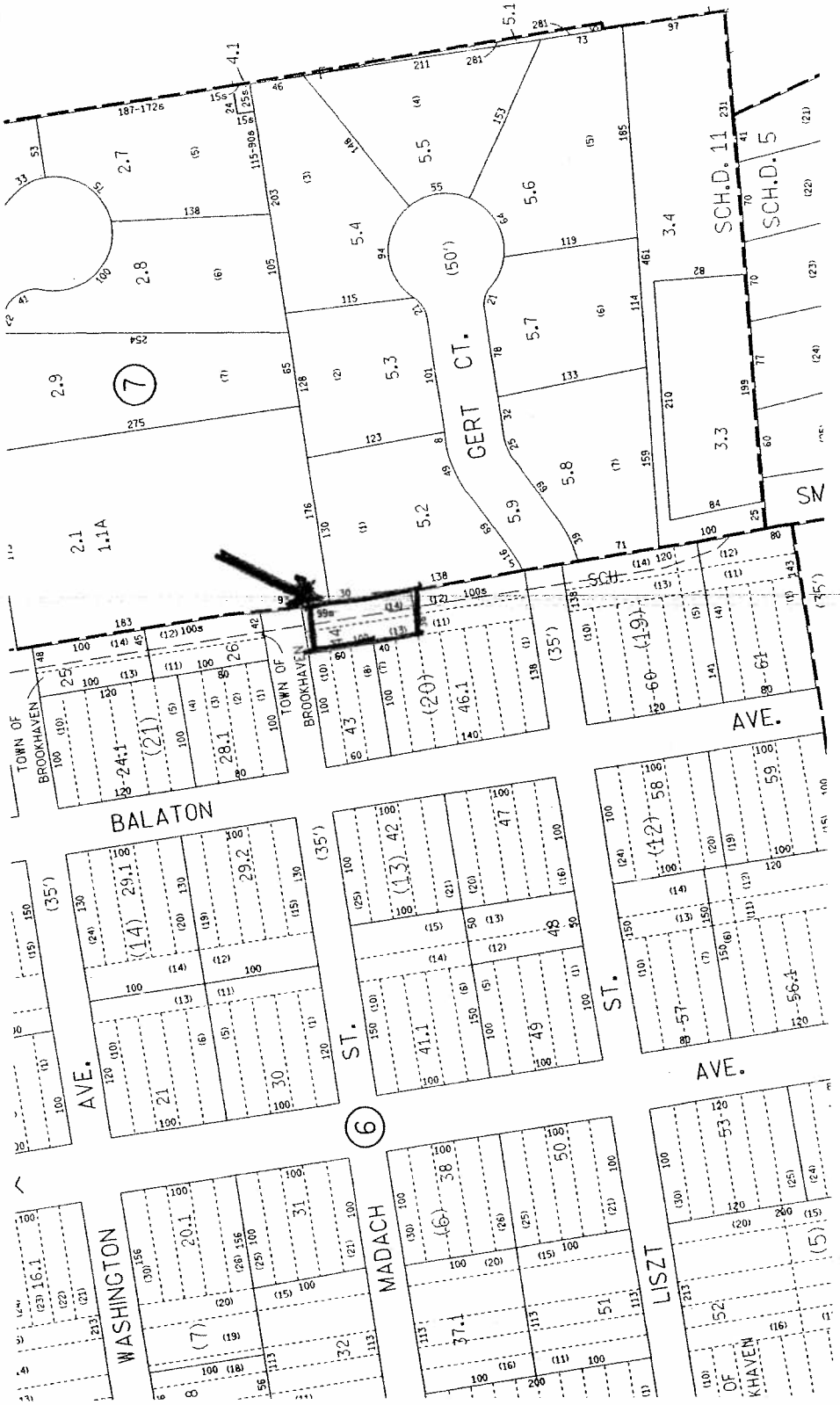
176b



Tm # 0200-562.00-01.00-005.008

7/21/2008 -- 3:59:08 PM -- \\RIVORACLEFORMS\Forms_share\viewer\0200\prod\2056400x.dgn DSBL: 0200 56400 0600 044000

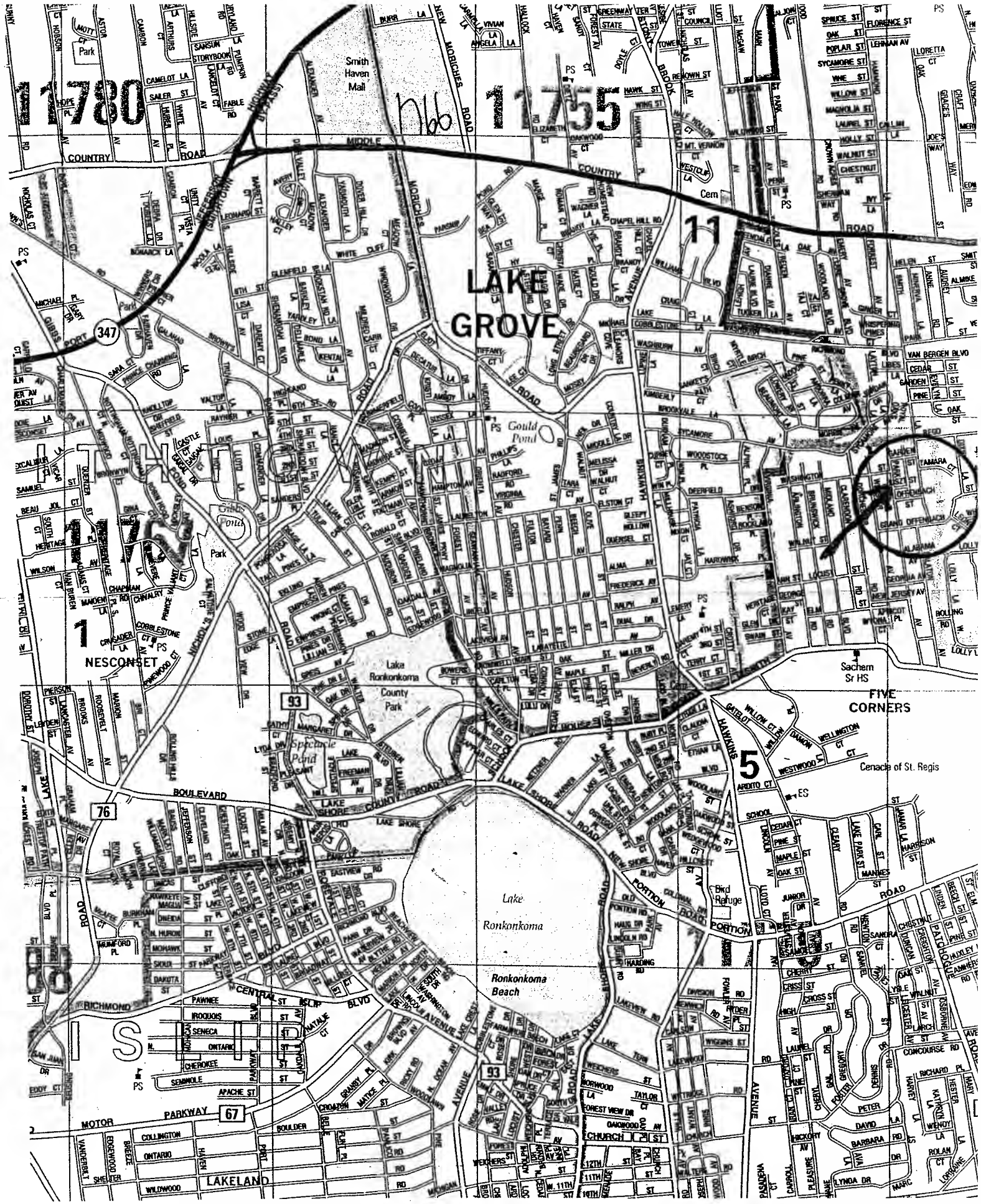
1166



TM# 0200-564.00-06.00-044.000

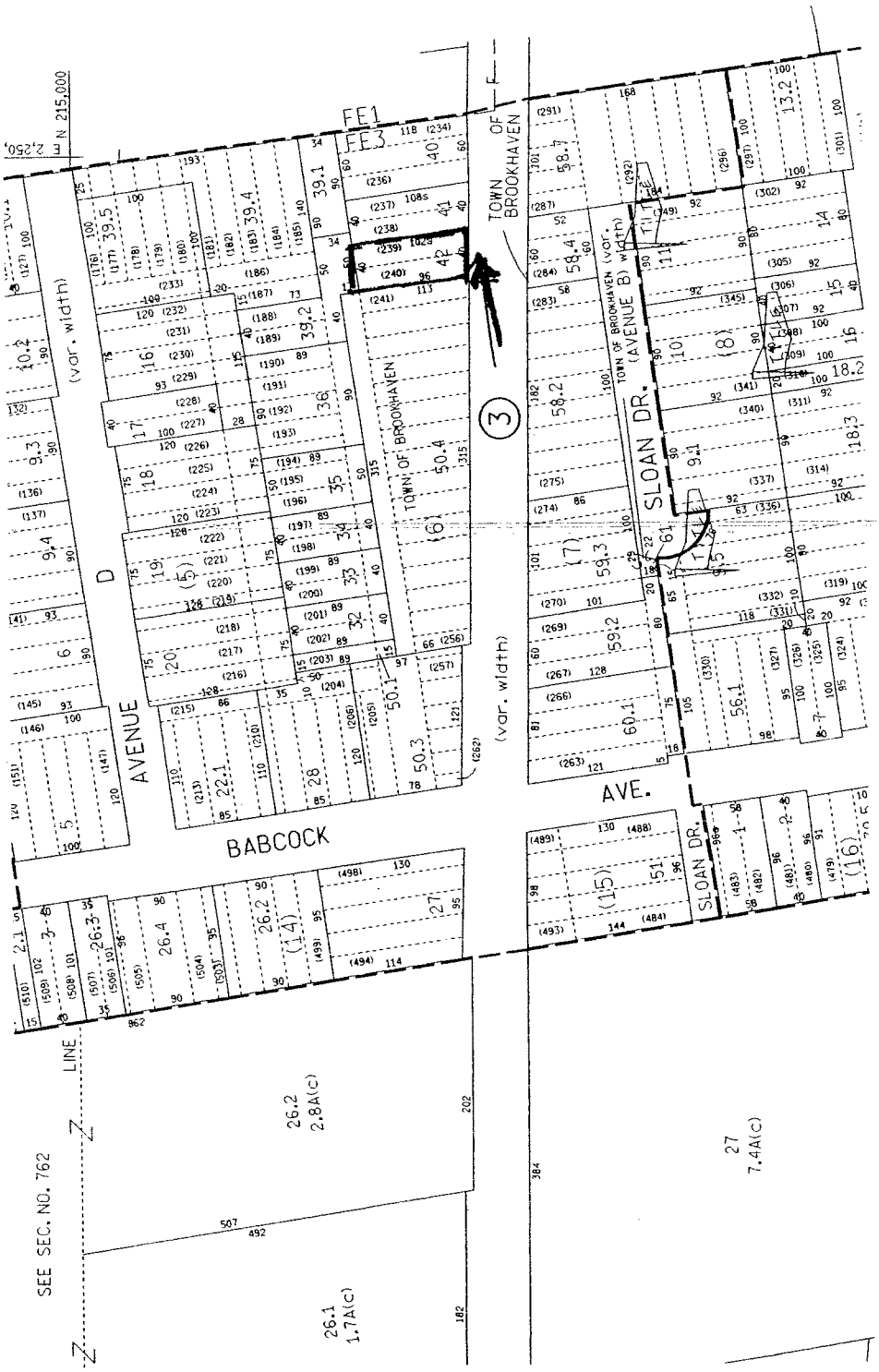
TM# 0200-564.00-06.00-044.000

766



TM # 0200-564.00-06.00-044.000

1766

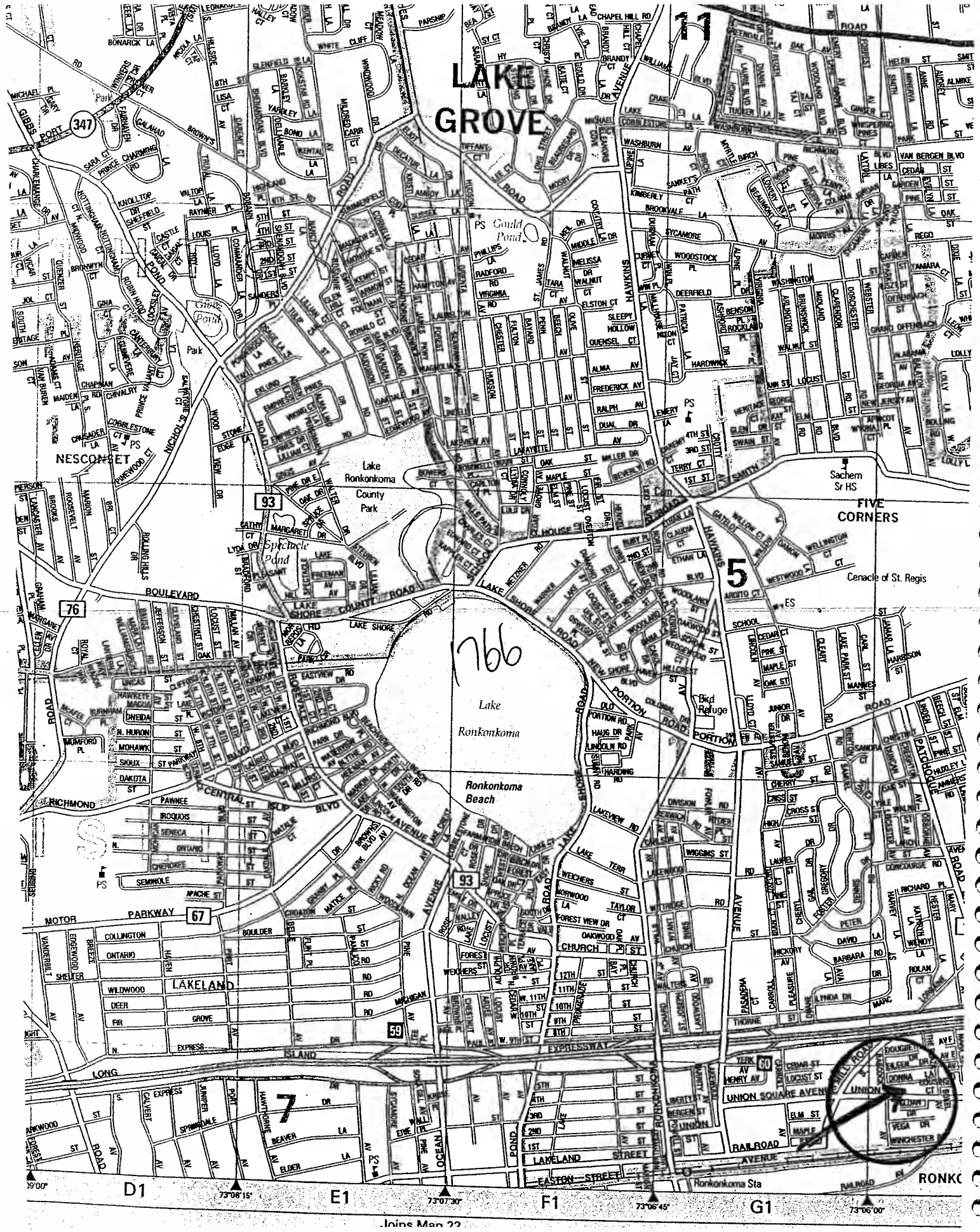


TM# 0200-800.00-03.00-042.000

/21/2008 -- 4:03:17 PM -- \\RIVORACLEFORMS\Forms_share\viewer\0200\prod\2080000x.dgn DSBL: 0200 80000 0300 042000

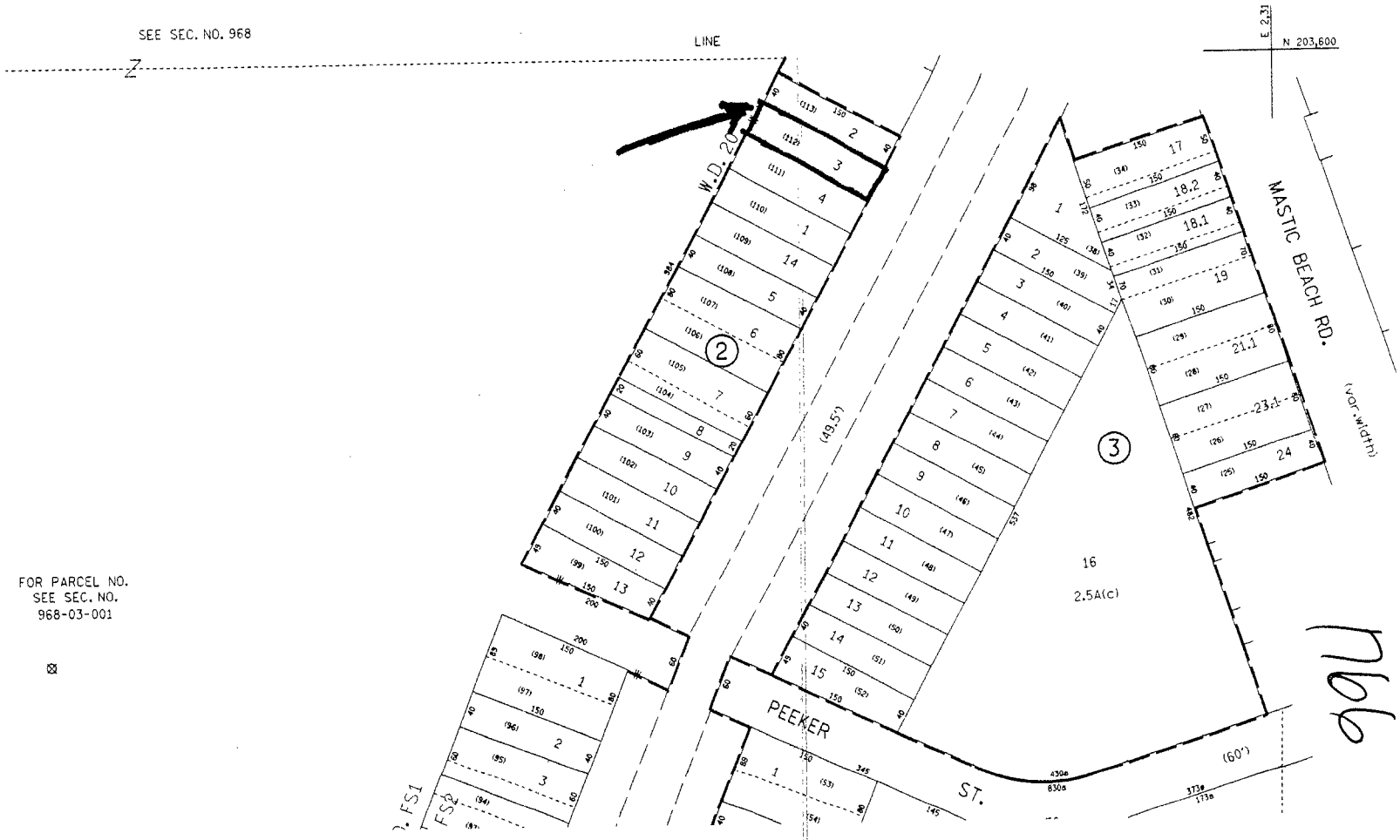
TM# 0200-800.00-03.00-042.000
DONNA LN
BABCOCK AV
HOLBROOK RD
UNION AV
HOLBROOK RD
UNION AV
SUDAN DR
Suffolk County Department of Information Technology © 2008

766



Tm# 0200-800.00-03.00-042.000

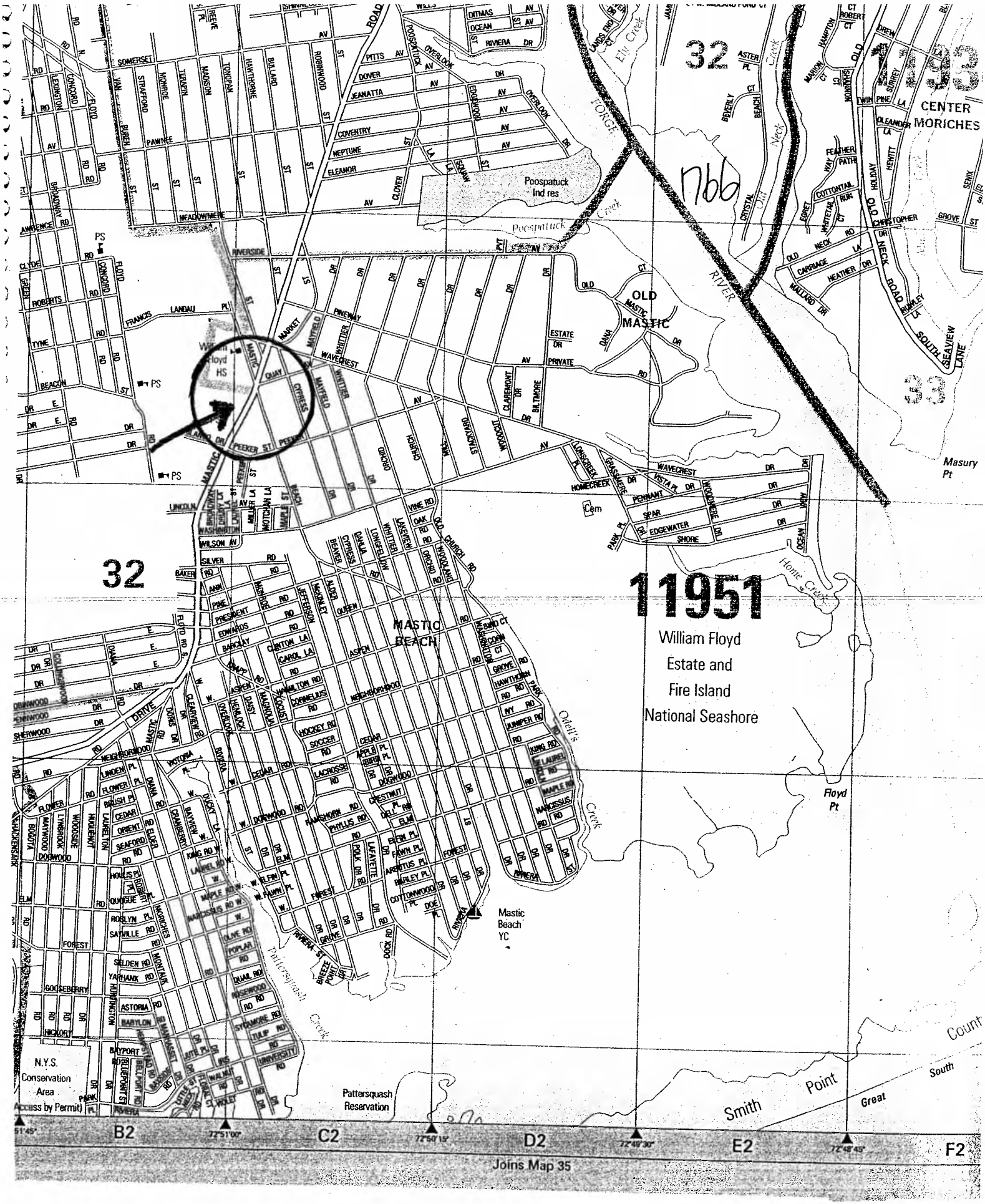
TM # 0200 - 974.70 - 02.00 - 003.000



968

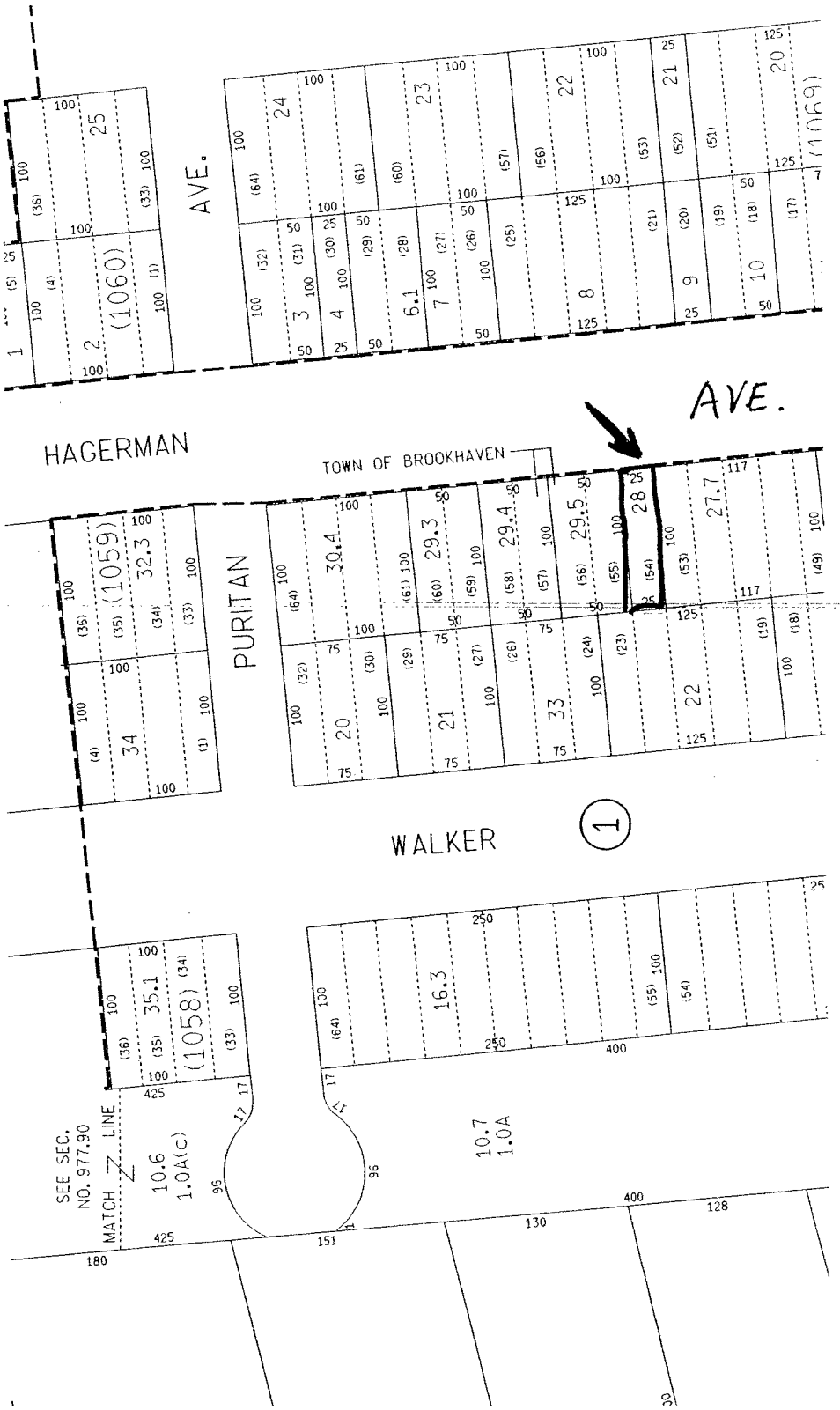
TM# 0200-974.70-02.00-003.000

1766



TM # 0200-974.70-02.00-003.000

1766



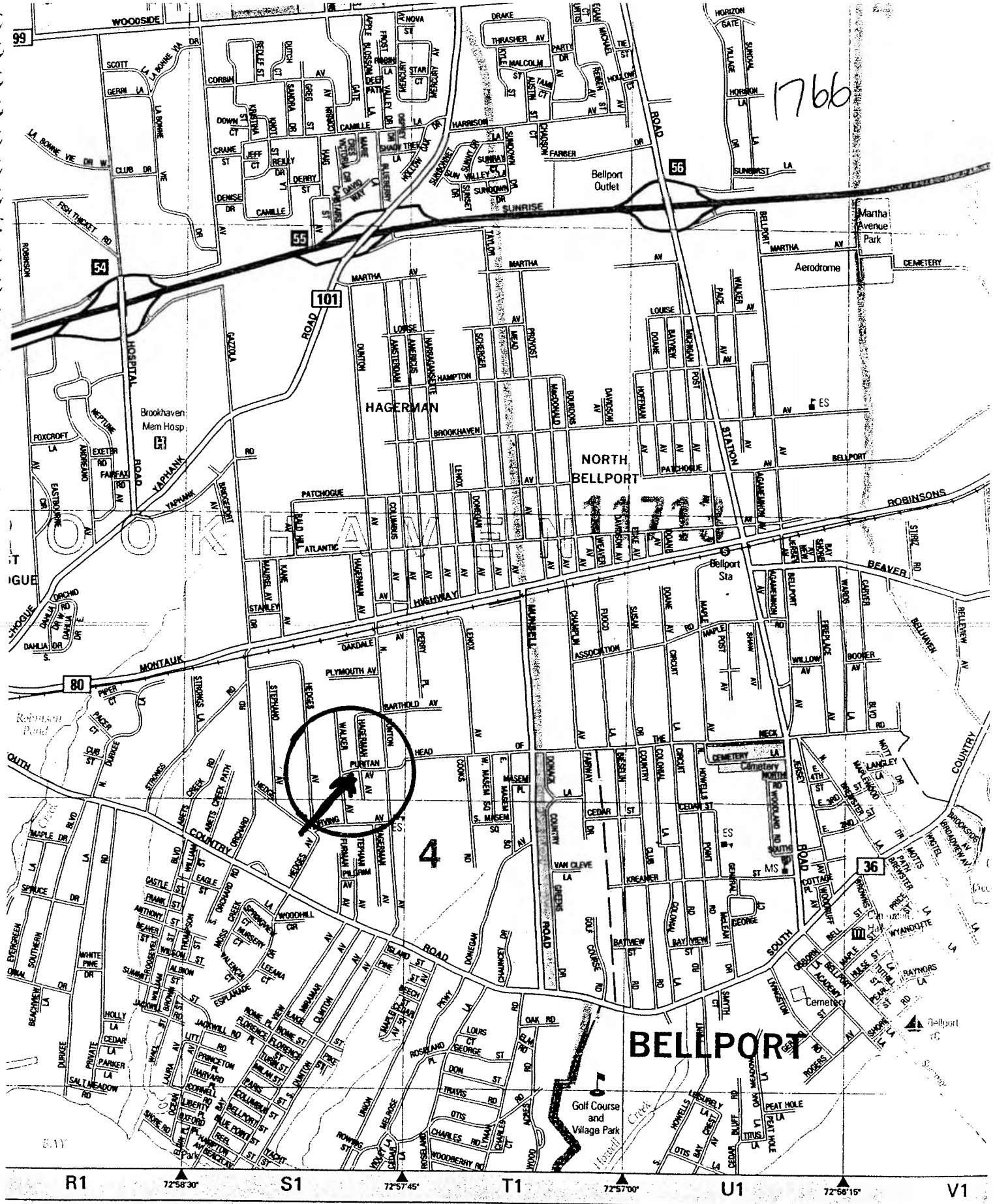
Tm # 0200-979.70-01.00-028.000

7/21/2008 -- 4:25:31 PM -- \\RIVORACLEFORMS\Forms_share\viewer\0200\prod\2097970x.dgn DSBL: 0200 97970 0100 028000

TM# 0200-979.70-01.00-028.000
PURITAN AV
DUNTON AV
DUNTON AV
WAKEFIELD AV
Suffolk County Department of Information Technology © 2008
0
227ft

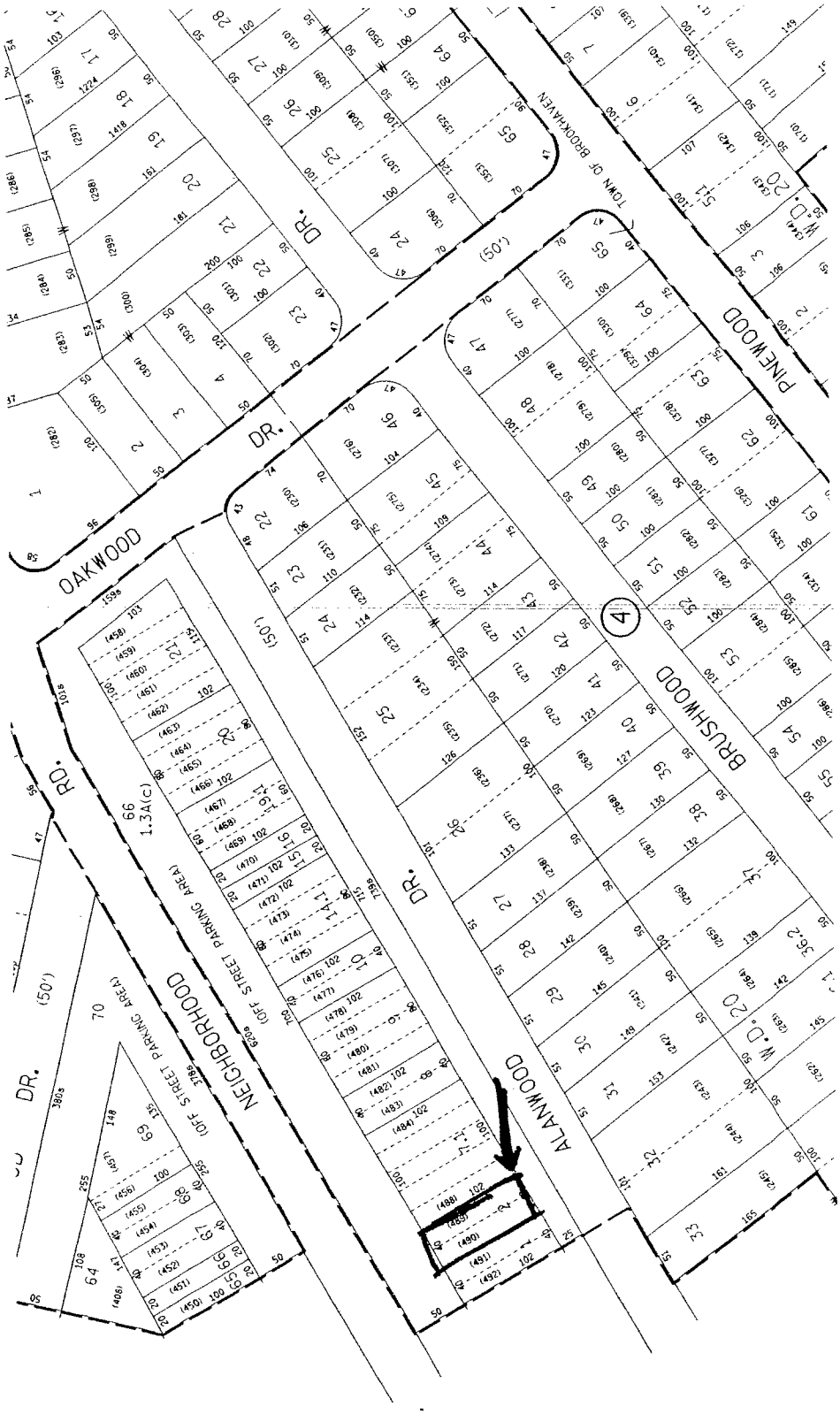
766

1766



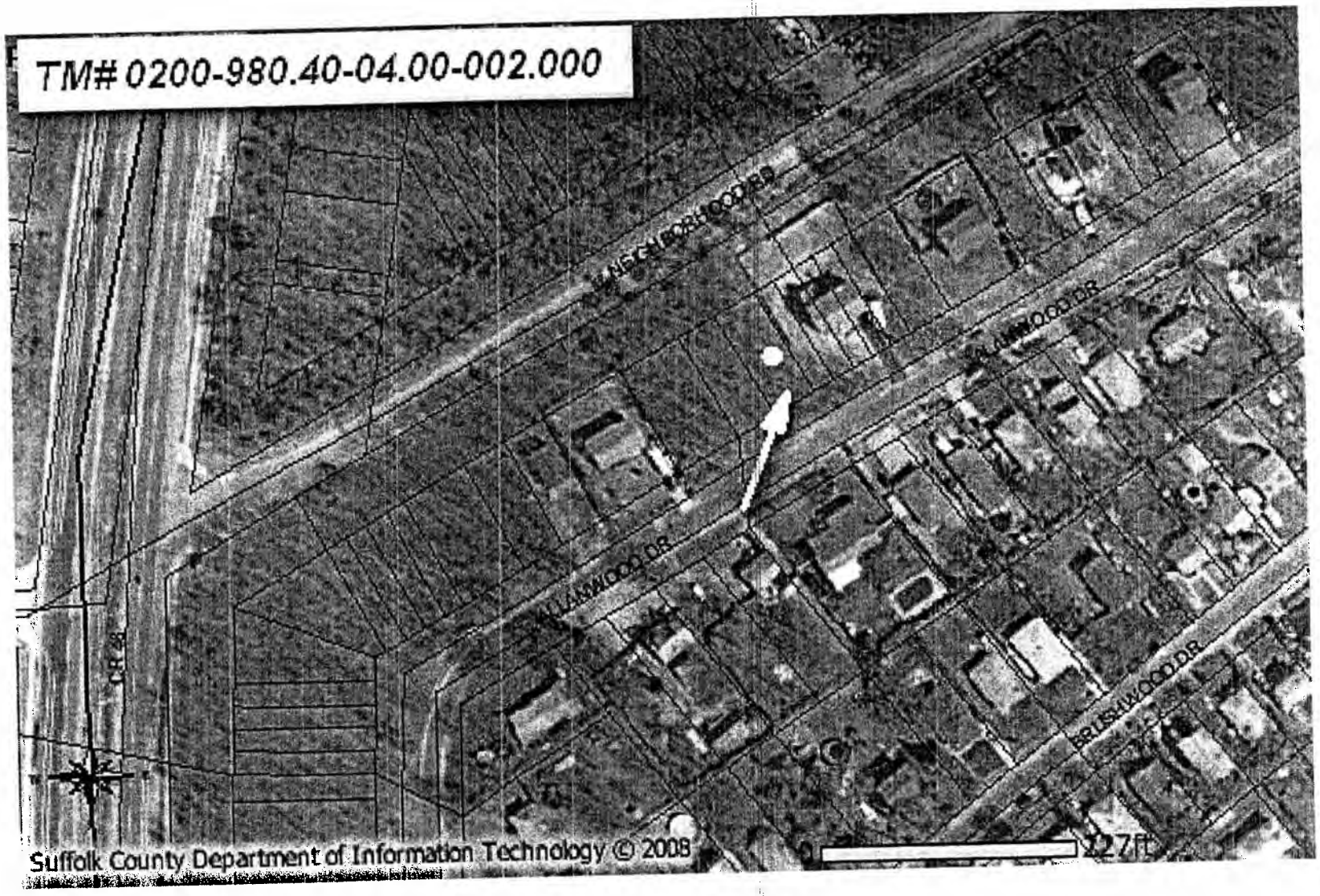
Tm# 0200-979.70-01.00-028.000

1766

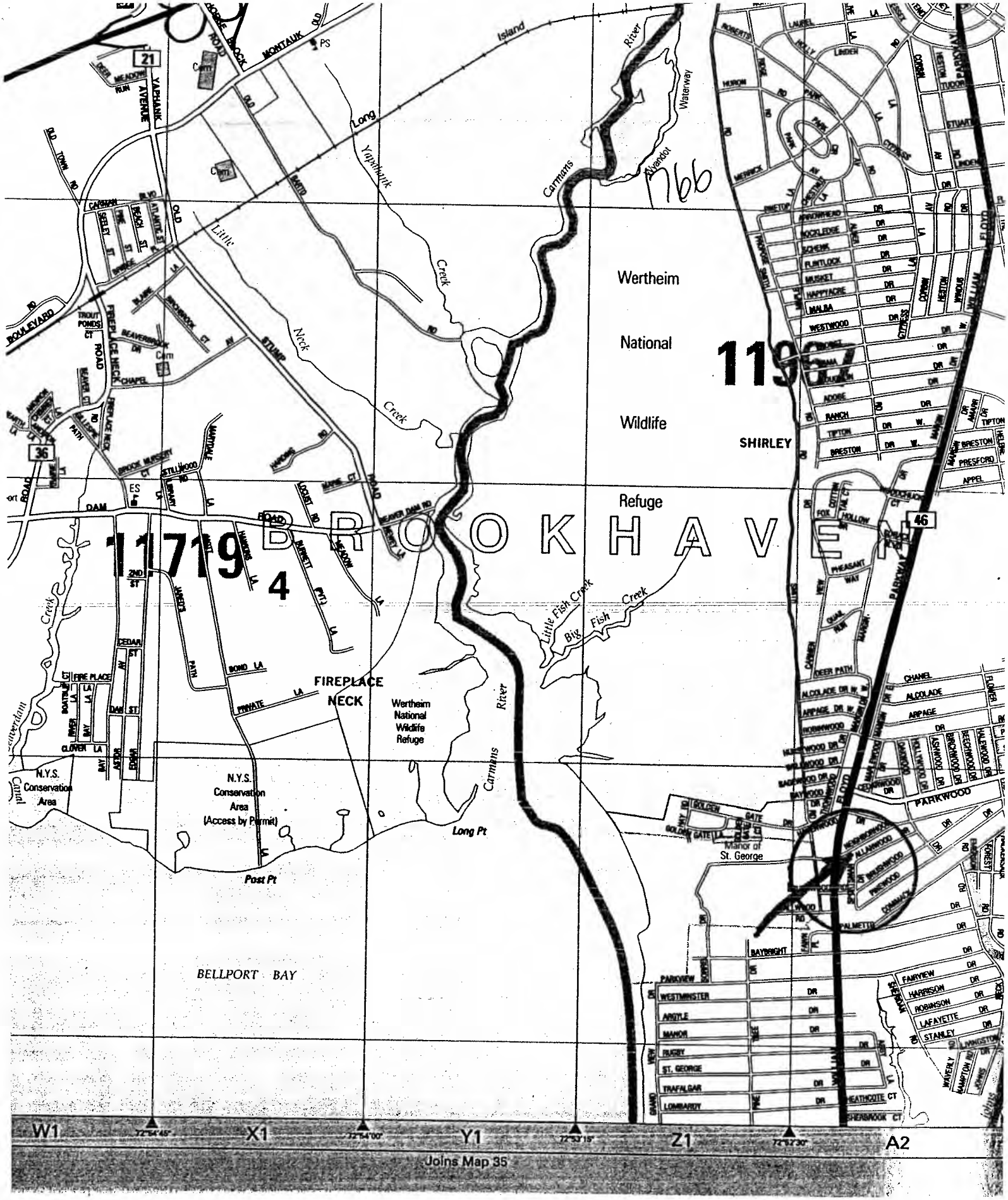


TM# 0200-980.40-04.00-002.000

'21/2008 -- 4:38:27 PM -- \\RIVORACLEFORMS\Forms_share\viewer\0200\prod\2098040x.dgn DSBL: 0200 98040 0400 002000


TM# 0200-980.40-04.00-002.000
ALLANWOOD DR
BRUSHWOOD DR
CR 48
Suffolk County Department of Information Technology © 2008
0
227ft

1766



TM# 0200-980.40-04.00-002.000

A9

COUNTY OF SUFFOLK

AUG 04 2008

1766

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

July 25, 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.: 0200-389.00-05.00-002.000 et al.
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

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

Intro Res. No. 1767-08 Laid on Table 8/19/08

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 #302

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

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

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.

Description	Year	Original Tax	Corrected Tax	Chargeback or Refund, if paid
BABYLON				
0100-208.00-03.00-040.000	**2005/06**	**$29,695.59**	**$0.00**	**$29,695.59**

Dated:

Approved By:

Suffolk County Executive

Date of Approval:

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 County Treasurer	Angie M. Carpenter	7/20/08

Additional back-up material regarding I.R. 1767 is on file in the Legislative Clerk's Office, Hauppauge.

Intro Res. No. 1768-08 Laid on Table 8/19/08
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 #303

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

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

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.

Description	Year	Original Tax	Corrected Tax	Chargeback or Refund, if paid
0200-214.00-02.00-003.001 Item No. 1734761	2007/08	$11,481.01	0	$11,481.01

Dated:

Approved By:

Suffolk County Executive

Date of Approval:

1768

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
County Treasurer

Angie M. Carpenter 8/5/08

Additional back-up material regarding I.R. 1768 is on file in the Legislative Clerk's Office, Hauppauge.

1769

Intro. Res. No. -2008 Laid on Table 8/19/08

Introduced by Legislator Horsley

RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO. -2008, A LOCAL LAW TO PROVIDE PARKING FOR HYBRID VEHICLES AT COUNTY FACILITIES

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 PROVIDE PARKING FOR HYBRID VEHICLES AT COUNTY FACILITIES**" 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 PROVIDE PARKING FOR HYBRID VEHICLES AT COUNTY FACILITIES

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 in the face of global climate change and rising oil/gasoline prices, average citizens and public officials are increasingly "thinking green".

This Legislature also finds and determines that greater use of hybrid vehicles, which get significantly better gas mileage than standard automobiles, will reduce carbon emissions into the atmosphere and curb domestic demand for foreign oil.

This Legislature further finds that Suffolk County government is seeking to increase its own use of hybrid vehicles and encourage more use of hybrids by its citizens.

This Legislature finds that one large Long Island property owner has begun to set aside prime parking spaces at its office buildings for hybrid vehicles to encourage the use of hybrids.

This Legislature determines that Suffolk County can and should adapt this forward looking policy to county-owned and operated facilities.

Therefore, the purpose of this local law is to set aside hybrid vehicle parking spaces at county all facilities.

Section 2. Definitions.

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

COMMISSIONER – the Commissioner of the Suffolk County Department of Public Works.

COUNTY FACILITY – any building or facility owned by the County of Suffolk or under the jurisdiction of the County of Suffolk, including buildings and facilities owned by the County or leased by the County and otherwise under the control of the County of Suffolk.

HYBRID VEHICLE - a vehicle that uses a combination of a rechargeable energy stored system and a fuel powered internal combustion engine.

Section 3. Parking for Hybrid Vehicles.

A. The Commissioner is hereby authorized, empowered and directed to designate a minimum of 5% of parking spaces at all county facilities for the exclusive use of parking by the owner/operators of hybrid vehicles.

B. Such spaces shall be clearly marked for use by owner/operators of hybrid vehicles. The Commissioner shall cause such appropriate signs to be erected and pavement markings to be made to clearly mark these parking spaces and allow for the enforcement of this local law.

C. To the extent practicable, spaces designated for parking by the owner/operators of hybrid vehicles shall be located in the immediate vicinity of an entrance to each county facility. In no event, however, shall hybrid parking spaces be located closer to a facility entrance than those spaces designated for the use by the handicapped.

Section 4. Parking in Designated Parking Spaces Prohibited.

Any person who parks a non-hybrid vehicle in a parking space reserved for hybrid vehicles shall be deemed to be in violation of this local law.

Section 5. Enforcement.

Provisions of this local law shall be enforced by the Suffolk County Police Department and the Suffolk County Sheriff.

Section 6. Penalties for Offenses.

Any person violating the provisions of this law shall be guilty of an offense and be punishable by a fine not to exceed $100.

Section 7. Applicability.

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

Section 8. 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 9. 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 10. Effective Date.

This law shall take effect on the one hundred twentieth day (120) 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:

s:\laws\l-hybrid parking

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1769

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: **August 14, 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 PROVIDE PARKING FOR HYBRID VEHICLES AT COUNTY FACILITIES**

SPONSOR: **LEGISLATOR HORSLEY**

DATE OF RECEIPT BY COUNSEL: 8/14/08 **PUBLIC HEARING:** 9/16/08

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

This proposed local law directs the Commissioner of the Department of Public Works to designate a minimum of 5% of parking spaces at all county facilities for the exclusive use of parking by the owner/operators of hybrid vehicles. The Commissioner will cause appropriate signs to be erected and pavement markings to be made to clearly mark these parking spaces. To the extent practicable, spaces designated for parking by hybrid vehicles shall be located in the immediate vicinity of entrances to each county facility. However, in no event, are these hybrid parking spaces to be located closer to a facility entrance than those spaces designated for use by the handicapped.

Any person who parks a non-hybrid vehicle in a space reserved for hybrid vehicles shall be deemed in violation of this law and subject to a fine not to exceed $100. This local law will be enforced by the Suffolk County Police Department and the Suffolk County Sheriff.

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

GEORGE NOLAN
Counsel to the Legislature

GN:mjk

s:\rule28\28-hybrid-parking

1770

Intro. Res. No. -2008 Laid on Table 8/19/08

Introduced by Legislator Browning

RESOLUTION NO. –2008, REAPPOINT MEMBER TO THE SUFFOLK COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES (FRANK TROTTA)

WHEREAS, the term of office of Frank Trotta as a member of the Suffolk County Community College Board of Trustees expired on June 30, 2007; now, therefore be it

1st **RESOLVED**, that Frank Trotta, residing in Bellport, New York, is hereby reappointed as a member of the Board of Trustees of the Suffolk County Community College, pursuant to Section 6306(1) of the NEW YORK EDUCATION LAW, said term of office to expire on June 30, 2014; 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:

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND SECTION 6306(1) OF THE NEW YORK EDUCATION LAW.

s:\res\r-reappoint-trotta-sccc

1771

Intro. Res. No. -2008 Laid on Table 8/19/08

Introduced by Presiding Officer Lindsay and Legislator Viloria-Fisher

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

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

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

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

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

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

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

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

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-public health nursing task force RFP

Introductory Resolution No. 1772-08 Laid on Table 8/19/08

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 CHARLES NEWBY & CAITLIN NEWBY, Tenants by Entirety (SCTM NO. 0200-117.00-02.00-016.000)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 117.00 Block 02.00 Lot 016.000 and acquired by Tax Deed on September 27, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on October 19, 1909 in Liber 11995 at Page 605 and described as follows, Town of Brookhaven, being and intended to be that parcel of land carried on the tax rolls of the Town of Brookhaven under SCTM# 0200-117.00-02.00-016.000 ; 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, Charles Newby & Caitlin Newby, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of $13,000.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

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

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

WHEREAS, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, 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 Quitclaim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Charles Newby & Caitlin Newby, 685 Mount Sinai Coram Road, Mount Sinai, New York 11766.

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

1772

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. 0200-117.00-02.00-016.000

ADJOINING OWNER	BID	BID	BID
Charles Newby & Caitlin Newby, Tenants by Entirety 685 Mount Sinai Coram Road Mount Sinai, New York 11766 0200-117.00-02.00-006.001	$13,000.00		
Michael & Gemma Solomos 691 Mount Sinai Coram Road Mount Sinai, New York 11766 0200-117.00-02.00-004.000	$13,000.00		
William J. Kelly & Senta Cara Ernst Kelly 693 Mount Sinai Coram Road Mount Sinai, New York 11766 0200-117.00-02.00-015.005	$13,000.00		
Gloria Ivezaj 23 Apricot Road Mount Sinai, New York 11766 0200-117.00-02.00-006.002	$0		

1772

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. 0200-117.00-02.00-016.000

ADJOINING OWNER	BID	BID	BID
William J. Kelly 693 Mount Sinai Coram Road Mount Sinai, New York 11766 0200-117.00-02.00-015.006	$0		
John & Elizabeth Luchsinger 19 Apricot Road Mount Sinai, New York 11766 0200-117.00-02.00-017.000	$0		

SIZE OF PARCEL: 16' x 408'
APPRAISED VALUE: $13,000.00
COMMENT: Direct Sale to Adjacent Owner

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

1772

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 6/25/08

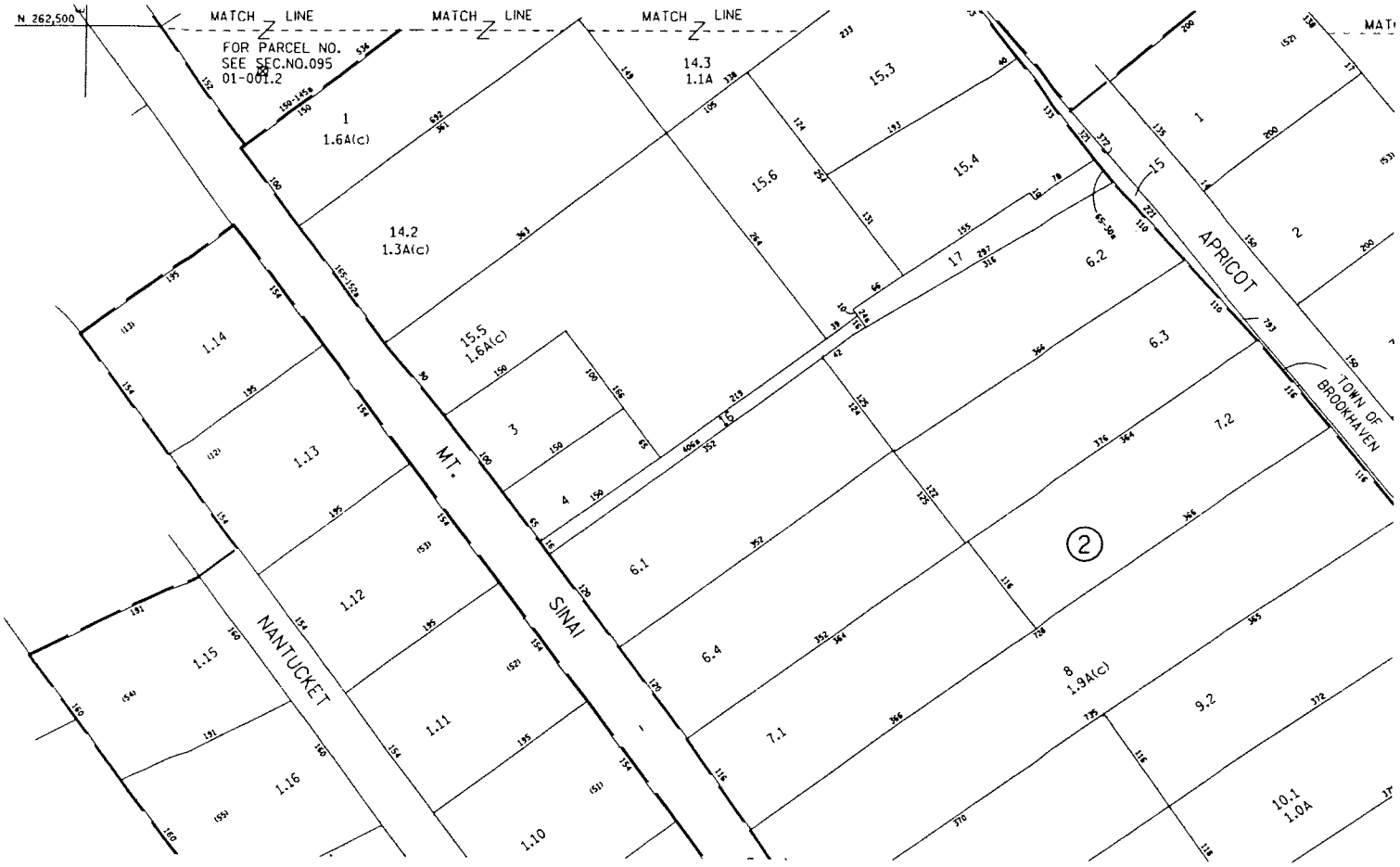
N
E
S
W
0200-117.00-02.00-016.000

LONG

1772

Cedar Beach
Miller Place Beach
Mount Sinai Harbor
NYS Conservation Area
MOUNT SINAI
MILLER PLACE
Cordwood Landing County National Preserve
Cem
Rose Caracappa Recreation Area
Mount Sinai HS
JHS
ES
Miller Place HS
20
25A
N1
O1
P1
Q1
73°02'15"
73°01'30"
73°00'45"
73°00'00"

1772


N 262,500
MATCH LINE
MATCH LINE
MATCH LINE
FOR PARCEL NO.
SEE SEC.NO.095
01-001.2
1
1.6A(c)
14.2
1.3A(c)
15.5
1.6A(c)
14.3
1.1A
15.3
15.4
15.6
17
6.2
6.3
7.2
6.1
6.4
7.1
8
1.9A(c)
9.2
10.1
1.0A
1.14
1.13
1.12
1.11
1.10
1.15
1.16
3
4
15
16
2
MT. SINAI
NANTUCKET
APRICOT
TOWN OF BROOKHAVEN

Gen B2

COUNTY OF SUFFOLK

1772 JUL 09 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

July 3, 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: 0200-117.00-02.00-016.000

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

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

Introductory Resolution No. 1773-08 Laid on Table 8/19/08

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 MARIA BUSTAMANTE (SCTM NO. 0500-269.00-01.00-010.001)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 269.00 Block 01.00 Lot 010.001 and acquired by Tax Deed on July 25, 1996 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 5, 1996 in Liber 11785 at Page 839 and described as follows, Town of Islip, known and designated as part of Kentucky Avenue on a certain map entitled "Map of Oakdale Park, Section 3" filed in the Office of the Clerk of the County of Suffolk on December 12, 1903 as Map No. 480. ; and

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

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

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

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

WHEREAS, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, 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 Maria Bustamante, 151 No. 4th Street, Lindenhurst, New York 11757.

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

1773

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. 0500-269.00-01.00-010.001

ADJOINING OWNER	BID	BID	BID
Maria Bustamante 151 No. 4th Street Lindenhurst, New York 11757 0500-269.00-01.00-009.001	$6,320.00		
Barbara Griffin 1451 Brentwood Road Bay Shore, New York 11706 0500-269.00-01.00-010.002	$0		
Florence Lassek 19 Circle Lane Bay Shore, New York 11706 0500-269.00-01.00-015.003	$0		

SIZE OF PARCEL: 25' x 125'
APPRAISED VALUE: $5,000.00
COMMENT: Direct Sale to Adjacent Owner

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

1773

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

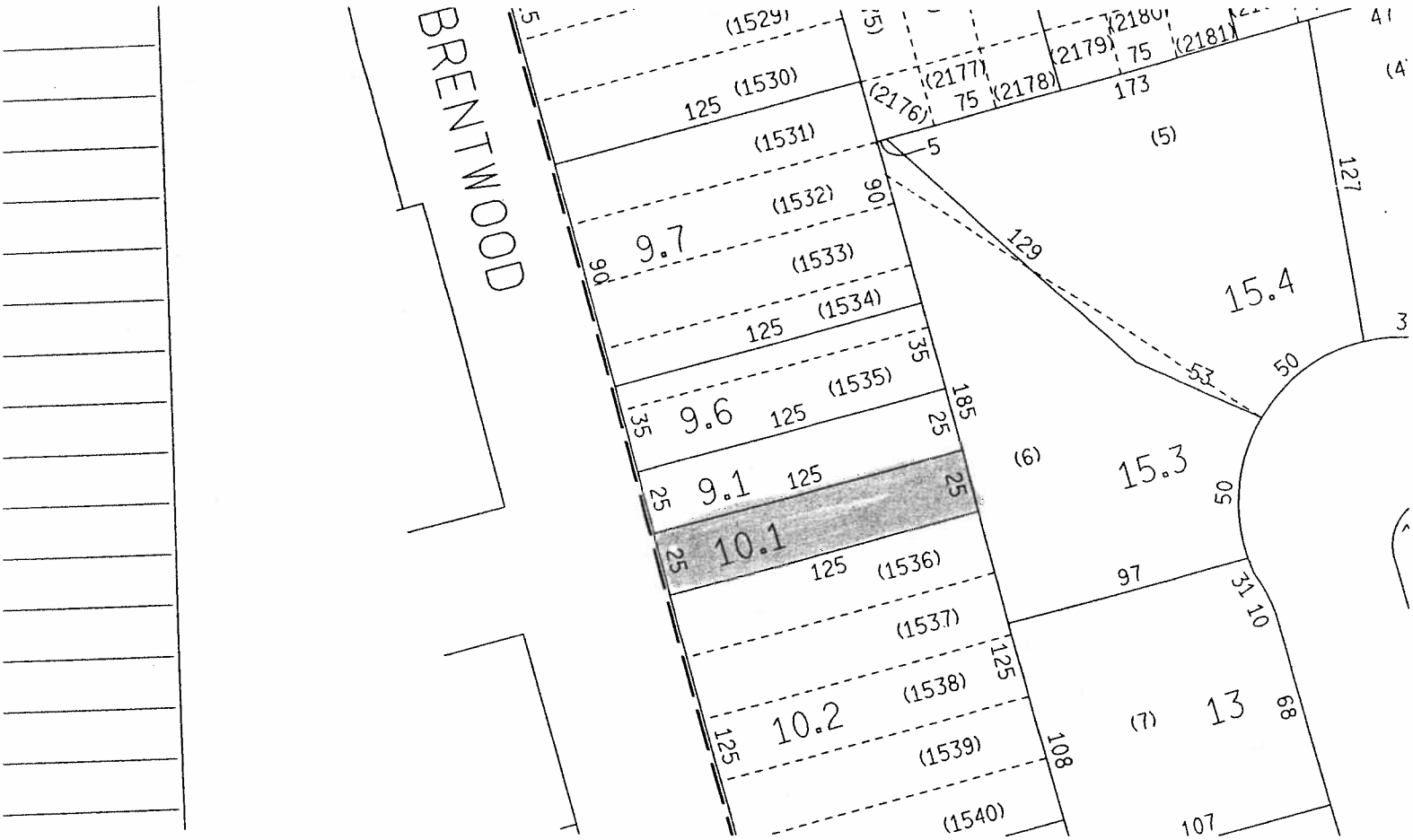
9. Timing of Impact

2008

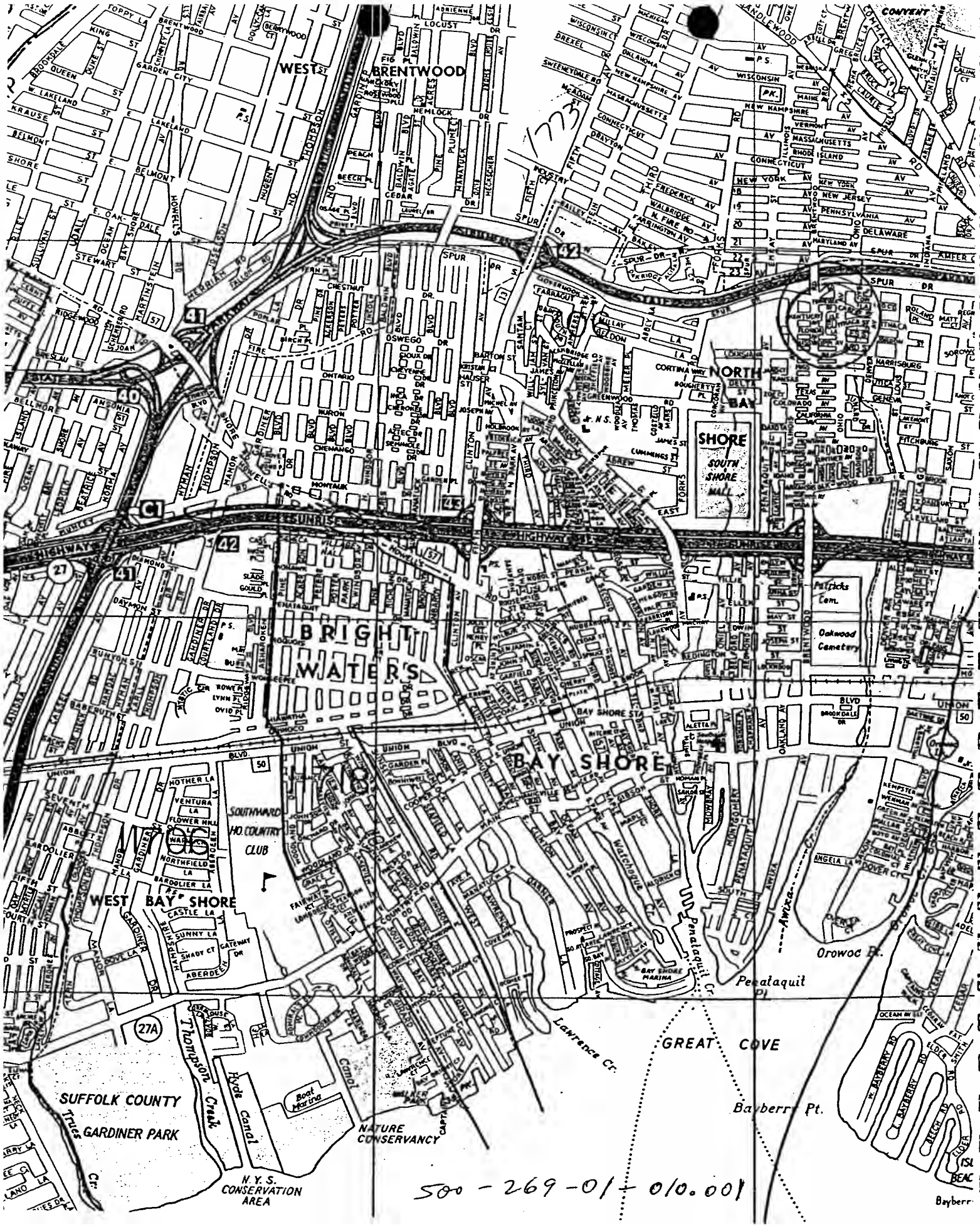
10. Name & Title of Preparer Signature of Preparer Date

Diane Bishop Diane Bishop 6/27/08

1773


BRENTWOOD
(1529)
(1530)
(1531)
(1532)
(1533)
(1534)
(1535)
(1536)
(1537)
(1538)
(1539)
(1540)
(2176)
(2177)
(2178)
(2179)
(2180)
(2181)
9.7
9.6
9.1
10.1
10.2
15.4
15.3
13
(5)
(6)
(7)
125
90
35
25
185
173
75
129
53
50
127
97
31
10
68
108
107

N
E
S
0500-269.00-01.00-010.001
ight 2006, Pictometry International Corp.


WEST BRENTWOOD
NORTH BAY SHORE
SOUTH SHORE MALL
BRIGHT WATERS
BAY SHORE
SOUTHWARD HO. COUNTRY CLUB
WEST BAY SHORE
SUFFOLK COUNTY GARDINER PARK
Thompson Creek
Hyde Canal
Boat Marina
NATURE CONSERVANCY
N.Y.S. CONSERVATION AREA
Lawrence Cr.
GREAT COVE
Bayberry Pt.
Penataquit Cr.
Penataquit Pt.
Orowoc Pt.
Awixa Cr.
Watchogue Cr.
BAY SHORE MARINA
Oakwood Cemetery
Patricks Cem.
SUNRISE HIGHWAY
1773
500-269-01-010.001

Gen B

COUNTY OF SUFFOLK

1773 JUL 09 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

July 3, 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: 0500-269.00-01.00-010.001

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

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

Introductory Resolution No. 1774-08 Laid on Table 8/19/08

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 ROBERT AHERN & CHRISTINA AHERN (SCTM NO. 0200-244.00-01.00-023.000)

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

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

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

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

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

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

WHEREAS, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, 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 Robert Ahern & Christina Ahern, 42 Panamoka Trail, Ridge, New York 11961.

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

1774

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. 0200-244.00-01.00-023.000

ADJOINING OWNER	BID	BID	BID
Robert Ahern & Christina Ahern 42 Panamoka Trail Ridge, New York 11961 0200-244.00-01.00-009.000	$1,000.00		
New York DEC 50 Wolf Road Albany, New York 12233 0200-244.00-01.00-001.000	$0		
Daniel Errante & Laura McCully-Cappetta 38 Panamoka Trail Ridge, New York 11961 0200-244.00-01.00-010.003	$0		
Theresa Story 44 Panamoka Trail Ridge, New York 11961 0200-244.00-01.00-022.000 0200-244.00-01.00-008.000	$0		

SIZE OF PARCEL: 33' x 75'
APPRAISED VALUE: $1,000.00
COMMENT: Direct Sale to Adjacent Owner

Wayne R. Thompson
Property Manager

1774

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

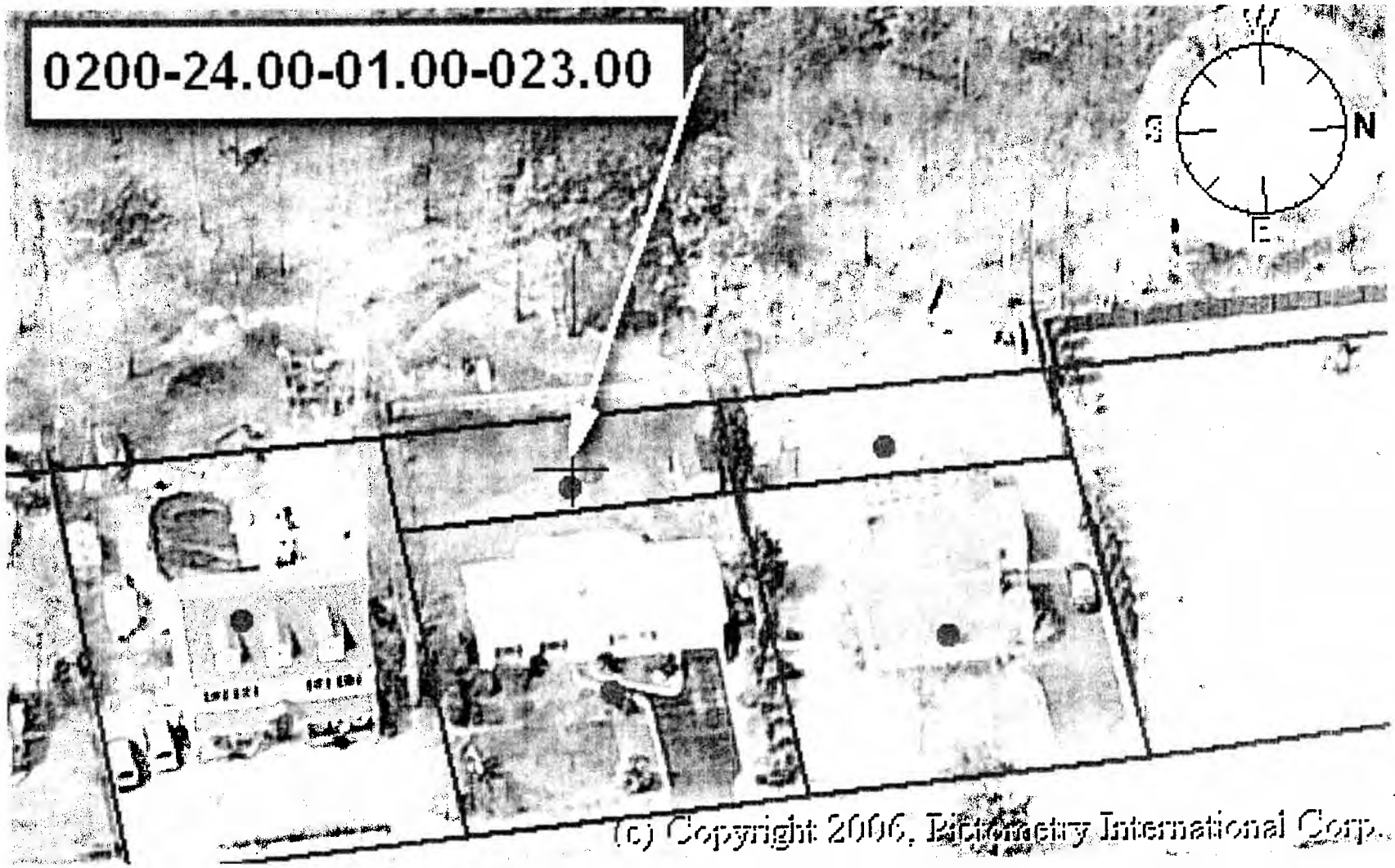
None

9. Timing of Impact

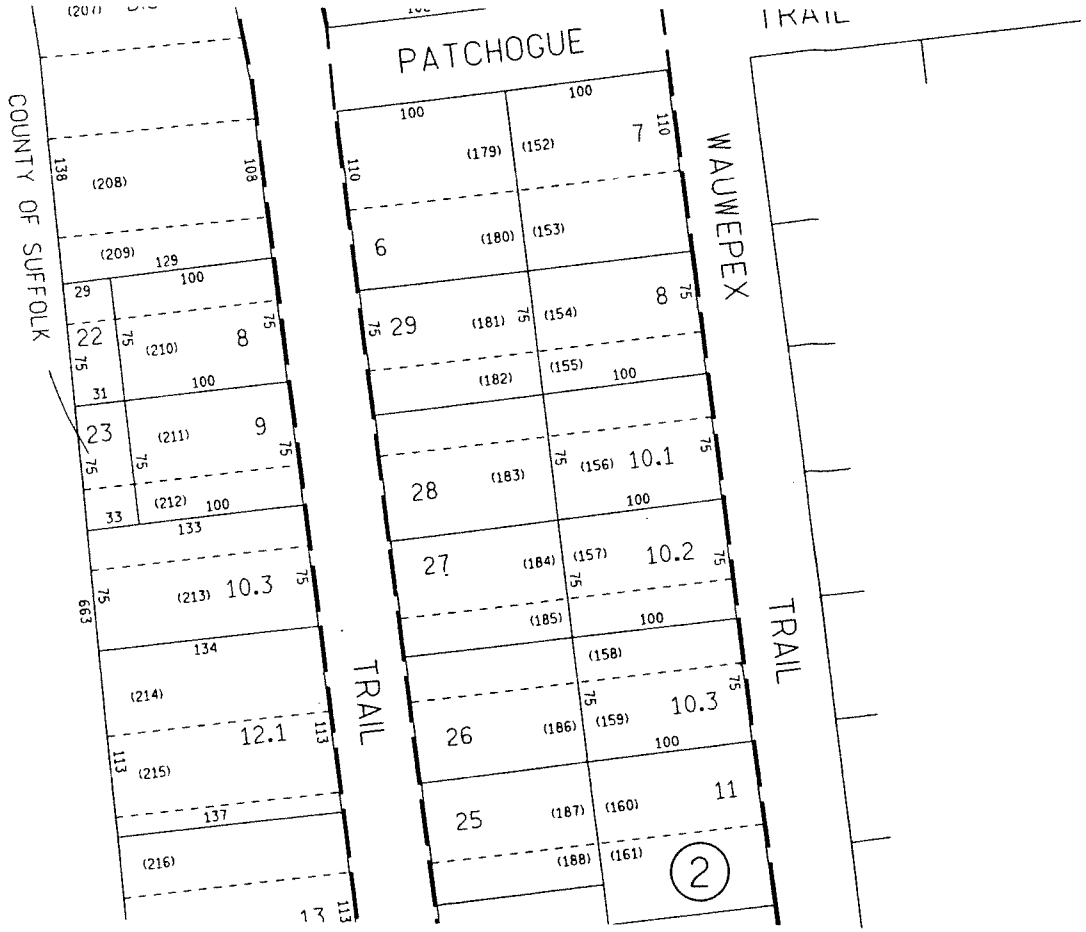
2008

10. Name & Title of Preparer Signature of Preparer Date

Diane Bishop-LMS III Diane Bishop 6/25/08


0200-24.00-01.00-023.00
N
E
(c) Copyright 2006, Pictometry International Corp.

1774

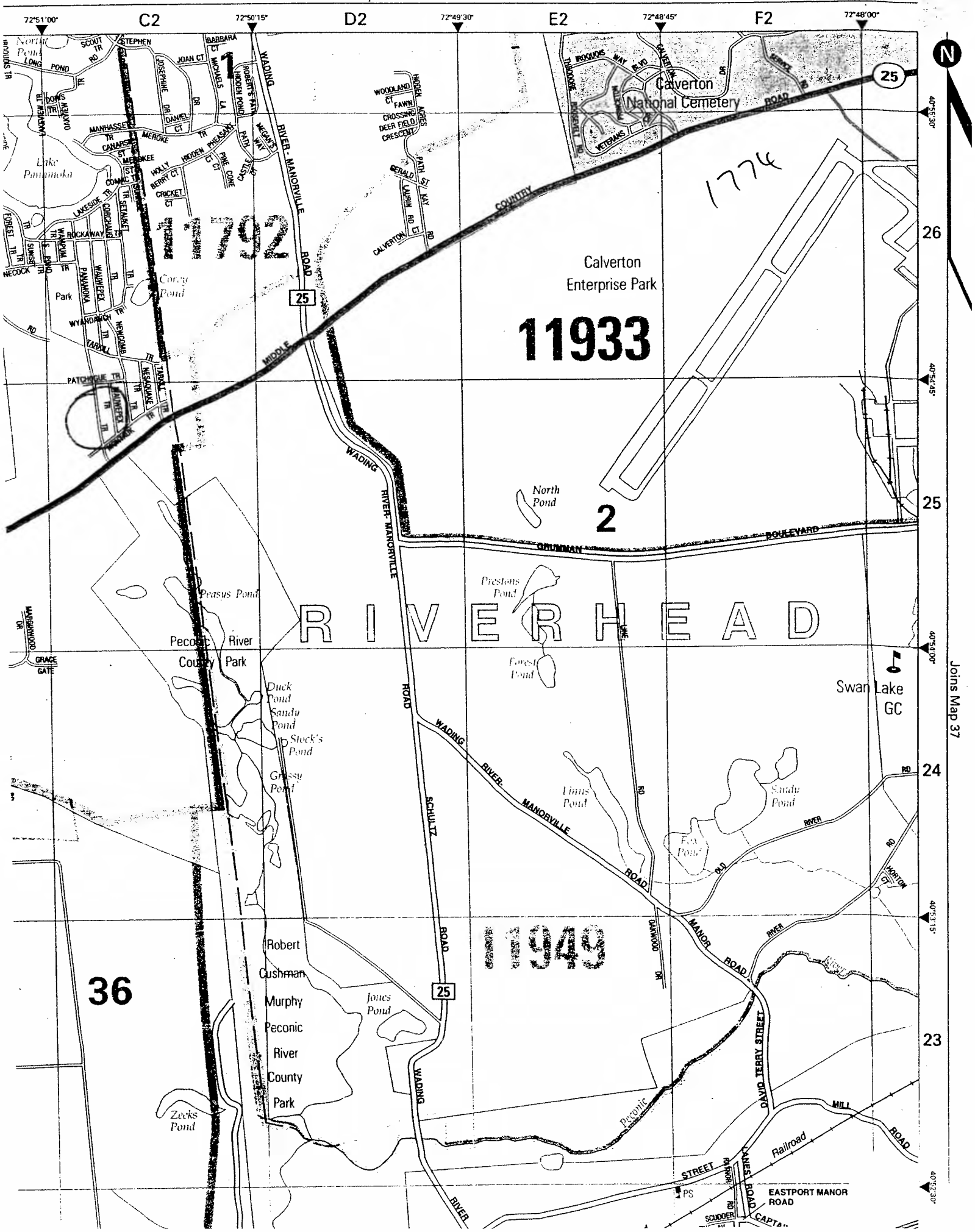

PATCHOGUE
TRAIL
COUNTY OF SUFFOLK
WAUWEPEX
TRAIL
TRAIL
(207)
138
(208)
108
(209)
129
29
100
22
75
(210)
8
75
31
100
23
(211)
9
75
75
75
33
(212)
100
133
663
75
(213)
10.3
75
134
(214)
12.1
113
113
(215)
137
(216)
13
113
100
100
110
(179)
(152)
7
110
6
(180)
(153)
75
29
(181)
75
(154)
8
75
(182)
(155)
100
28
(183)
75
(156)
10.1
75
100
27
(184)
(157)
10.2
75
75
(185)
100
(158)
26
(186)
75
(159)
10.3
75
100
25
(187)
(160)
11
(188)
(161)
2

mi. vertically.

Scale 1:24,000

0 200 400 600 800 1,000 1,200 1,400 Meters

Joins Map 31



Gen 154

COUNTY OF SUFFOLK

JUL 0 9 2008

1774

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

July 3, 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: 0200-244.00-01.00-023.000

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

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

Introductory Resolution No. 1775-08 Laid on Table 8/19/08

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 ROBERT AUDIRSCH (SCTM NO. 0100-083.00-01.00-070.000)

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

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

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

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

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

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

WHEREAS, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, 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 Robert Audirsch, 55 Tulip Avenue, P.O. Box 531, Floral Park, New York 11002 .

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

1775

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. 0100-083.00-01.00-070.000

ADJOINING OWNER	BID	BID	BID
Robert Audirsch 55 Tulip Avenue P.O. Box 531 Floral Park, New York 11002 0100-083.00-01.00-071.000	$8,250.00		
Cavett Weaver 13 Birch Street Wyandanch, New York 11798 0100-083.00-01.00-069.000	$0		
Ben Pernell, Jr. 14 Walnut Street Wyandanch, New York 11798 0100-083.00-01.00-086.000	$0		

SIZE OF PARCEL: 40' x 100'
APPRAISED VALUE: $8,250.00
COMMENT: Direct Sale to Adjacent Owner

Wayne R. Thompson
Property Manager

1775

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 7/2/08

Suffolk Co.

1775

Joins Map 9

M N O P

73°21'00" 73°20'15" 73°19'30"

40°46'30"

4

HUNTINGTON

HALF HOLLOW HILLS Park

Strathmore Park

5

2

9

WYANDANCH

Wyandanch Sta

S.C.

Park

DEER PARK

Deer Park HS

Long Island

BABYLON

Belmont

Picnic Area

Lake

Parking Field

L.I.S.P.C. (Hdqtrs)

State

Park

NORTH BABYLON

North Babylon

WYANDANCH AVENUE

SOUTHERN STATE PKWY

SEAMAN'S NECK ROAD

NICOLLS ROAD

RAILROAD AV

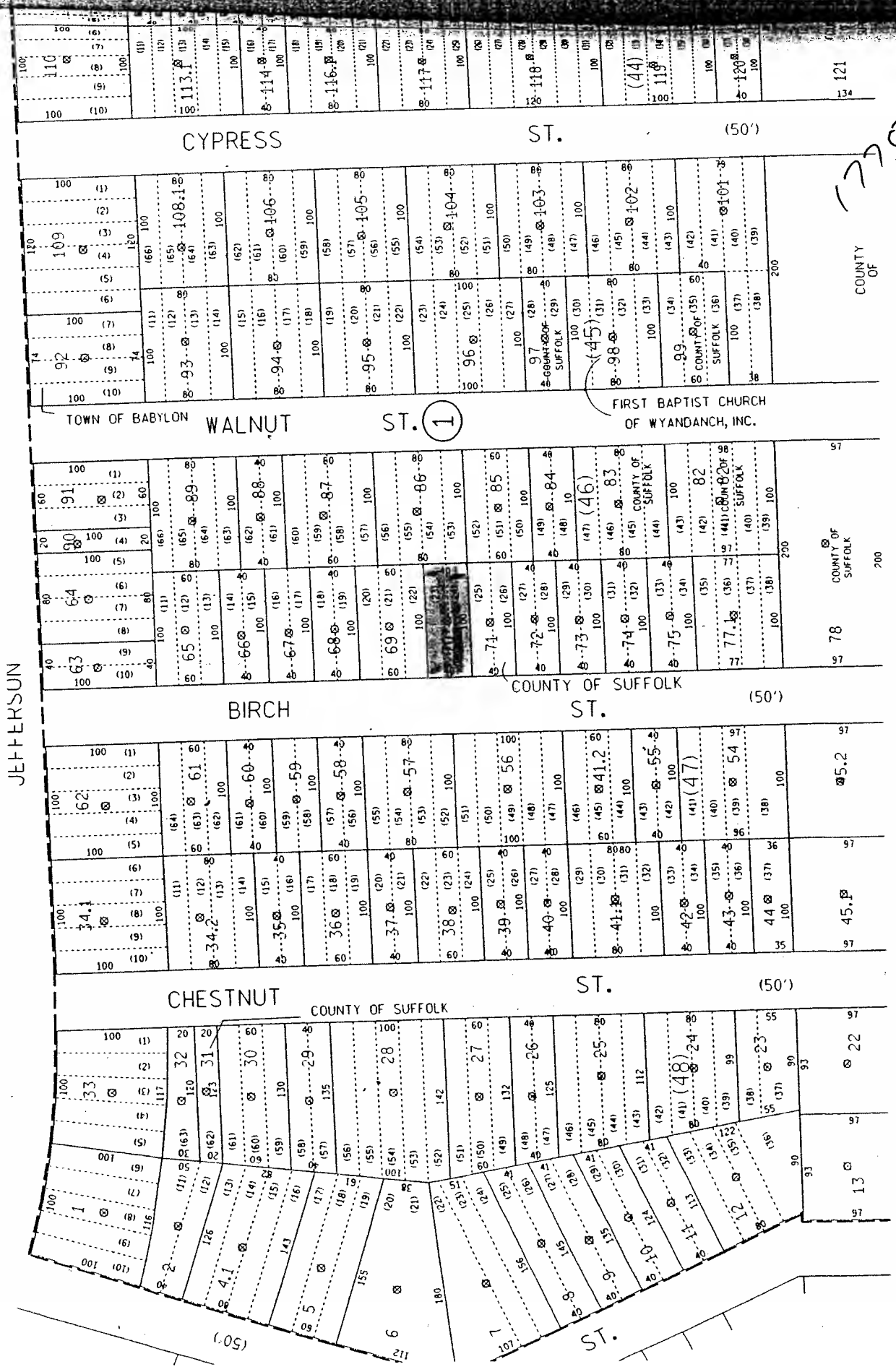
GRAND BOULEVARD

AUGUST ROAD

SYLVAN ROAD

DEER PARK AVENUE

231 57 38 37 39 34



1775

TM#
0/0
08
01
07

...u1008300x.dgn DSBL: 0100 08300 0100 070000

0100-083.00-01.00-070.000
N
S
W
(c) Copyright 2006, Pictometry International Corp.

Gen B5

COUNTY OF SUFFOLK

JUL 09 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

July 3, 2008 1775

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: 0100-083.00-01.00-070.000

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

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

Introductory Resolution No. 1776-08 Laid on Table 8/19/08

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 CALOGERO COMAINNI and ENZA COMAINNI, Tenants by Entirety (SCTM NO. 0200-979.70-06.00-027.000)

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

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

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

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

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

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

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

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

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

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

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

1776

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. 0200-979.70-06.00-027.000

ADJOINING OWNER	BID	BID	BID
Calogero Comainni and Enza Comainni Tenants by Entirety 110 Hagerman Avenue East Patchogue, New York 11772 0200-979.70-06.00-040.003	$2,000.00		
Kenneth & Donna Kreamer 24 Walker Avenue Patchogue, New York 11772 0200-979.70-06.00-008.002	$1,200.00		
Uwe & Kathleen Boltz 77 Stephani Avenue Patchogue, New York 11772 0200-979.70-06.00-026.000	$0		
Joseph & Mary Jo Hruby 114 Hagerman Avenue Patchogue, New York 11772 0200-979.70-06.00-046.002	$0		

SIZE OF PARCEL: 138' x 22' x 138'
APPRAISED VALUE: $1,200.00
COMMENT: Direct Sale to Adjacent Owner

Wayne R. Thompson
Property Manager

1776

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

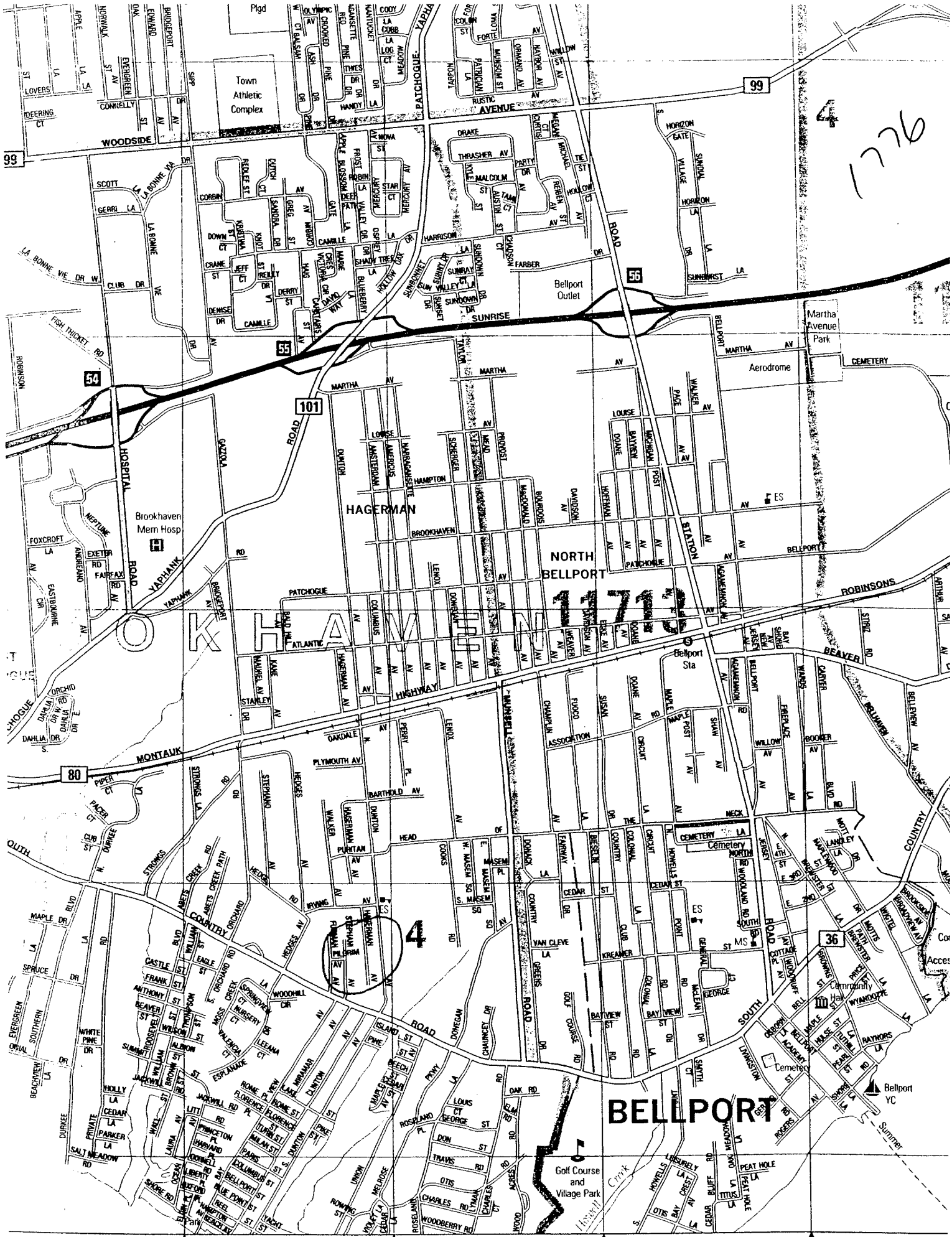
9. Timing of Impact

2008

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

Diane Bishop- LMS III | Diane Bishop | 6/25/08

0200-979.70-06.00-027.000
(c) Copyright 2006 Pictometry International Corp.



Town Athletic Complex
Bellport Outlet
Martha Avenue Park
Aerodrome
Brookhaven Mem Hosp
HAGERMAN
NORTH BELLPORT
Bellport Sta
Cemetery
Community Hall
Bellport YC
Golf Course and Village Park
BELLPORT
WOODSIDE AVENUE
SUNRISE
HOSPITAL ROAD
YAPHANK ROAD
MONTAUK HIGHWAY
ROBINSONS BEAVER
PATCHOGUE
MARTHA AV
BROOKHAVEN
STATION
SOUTH ROAD
COUNTRY ROAD
Howell Creek
R1
S1
T1
U1
V1
72°58'30"
72°57'45"
72°57'00"
72°56'15"

Joins Map 29

1276

FURMAN AVE.
STEPHANI AVE.
PILGRIM AVE.
PILGRIM
AVE.
(35')
(30')
(100')
(1072)
(1073)
(1074)
8.1
1.3A(c)
8.2
1.3A(c)
5.3
2.3A(c)
5.5
1.1A
6
5

Gen B6

COUNTY OF SUFFOLK

JUL 09 2008

1776

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

July 3, 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: 0200-979.70-06.00-027.000

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

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

Introductory Resolution No. 1777-08 Laid on Table 8/19/08

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 BELFORD PROPERTIES, INC., 4 Belford Avenue, Bay Shore, New York 11706
(SCTM NO. 0500-368.00-01.00-016.001)

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 368.00 Block 01.00 Lot 016.001 and acquired by Tax Deed on December 14, 2000 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on December 21, 2000 in Liber 11338 at Page 369 and described as follows, Town of Islip, known and designated as part of Railroad Place on a certain map entitled "Map of Penataquit Park No. 1" filed in the Office of the Clerk of the County of Suffolk on January 4, 1908 as Map No. 550; and

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

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

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

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

WHEREAS, the Suffolk County Department of Planning has reviewed this parcel and recommends that said parcel be sold to adjacent owners with certain restrictive covenants so as to prevent further development of the land, now, 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 BELFORD PROPERTIES, INC., 4 Belford Avenue, Bay Shore, New York 11706.

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

1777

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 6/16/08

1777

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. 0500-368.00-01.00-016.001

ADJOINING OWNER	BID	BID	BID
Belford Properties, Inc. 4 Belford Avenue Bay Shore, New York 11706 0500-368.00-01.00-017.000	$4,000.00		
AJT Realty Corp. 4 O'Neil Avenue Bay Shore, New York 11706 0500-368.00-01.00-016.002	$0		
Frank, Michael & Samuel Delvecchio 7 Belford Avenue Bay Shore, New York 11706 0500-368.00-01.00-073.000	$0		

SIZE OF PARCEL: 25' x 100'
APPRAISED VALUE: $2,700.00
COMMENT: Direct Sale to Adjacent Owner

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

0500-368-01-16.1
N
E
S
W
(c) Copyright 2006, Pictometry International Corp

11-26-99
12-17-99
03-20-00
11-16-00
12-01-00
06-21-01
06-30-01
11-19-01
01-15-02

Joins Map 10
Joins Map 17
Academy and Convent
11717
11706
12
BRIGHT WATERS
NORTH BAY SHORE
South Shore Mall
Patricks Cemetery
Oakwood Cemetery
Southside Hosp
BAY SHORE
Orowoc Pt
Orowoc Lake
Islip HS
Pardees Ponds
Bay Shore HS
Timber Line Park
SEE GRID U11
1 FRAN ST
2 TULIP WEST ST
3 ROSE LA
40°45'45"
40°45'00"
40°44'15"
40°43'30"
73°15'45"
73°15'00"
73°14'15"
73°13'30"
T
U
V
W
X

Gen B7

COUNTY OF SUFFOLK

1777

JUN 23 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

June 19, 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: 0500-368.00-01.00-016.001

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

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

1778

Intro. Res. No. -2008 Laid on Table 8/19/09

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, AUTHORIZING USE OF BLYDENBURGH COUNTY PARK BY THE MARINE CORPS LEAGUE FOR ITS RUN-WALK FUNDRAISER

WHEREAS, the Marine Corps League is a 501(c)(4) nonprofit organization having its principal place of business at 30 Fresh Pond Road, Fort Salonga, New York; and

WHEREAS, the Marine Corps League would like to hold its Run-Walk Fundraiser at Blydenburgh County Park in the Town of Smithtown; and

WHEREAS, the proceeds raised at the Run-Walk Fundraiser will be used to fund a memorial for Long Island service members killed in action since September 11, 2001; and

WHEREAS, the Run-Walk Fundraiser is scheduled to be held on Saturday, September 6, 2008; and

WHEREAS, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by the Marine Corps League; 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 Blydenburgh County Park by the Marine Corps League for the purpose of hosting a fundraiser on Saturday, September 6, 2008, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from the Marine Corps League and the payment of One Hundred and Twenty-Five Dollars ($125.00) event fee, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

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 Blydenburgh County Park by the Marine Corps League.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1778

1. Type of Legislation

Resolution X Local Law _____ Charter Law ____

2. Title of Proposed Legislation

AUTHORIZING USE OF BLYDENBURGH COUNTY PARK BY THE MARINE CORPS LEAGUE FOR ITS RUN-WALK FUNDRAISER

3. Purpose of Proposed Legislation

Authorize use of County Parkland for fundraising event.

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 5 is "yes", Provide Detailed Explanation of Impact

There is a nominal fee ($125.00) collected by the County for use of the Park.

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 Impact

N/A

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Tom Hroncich **Parks Foundation Director** **Dept. of Parks, Recreation &Conservation**		

Gen B8

1778

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: **June 16, 2008**

RE: **INTRODUCTORY RESOLUTION AUTHORIZING USE OF BLYDENBURGH COUNTY PARK BY THE MARINE CORPS LEAGUE FOR ITS RUN-WALK 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-Marine Corps League Run-Walk Fundraising Event.doc."

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

Enclosures

MONTAUK HIGHWAY – P.O. BOX 144 WEST SAYVILLE, NEW YORK 11796-0144 (631) 854-4949 FAX: (631) 854-4977

SUFFOLK COUNTY PARKS

1779

Intro. Res. No. -2008 Laid on Table
Introduced by Legislator Beedenbender

RESOLUTION NO. –2008, TO AMEND RULES OF THE SUFFOLK COUNTY LEGISLATURE – RULE 7(E)

WHEREAS, an unfortunate practice has developed in the Suffolk County Legislature whereby Legislators "pass" when they are called on during a roll-call vote; and

WHEREAS, by passing, these individuals force other Legislators to cast the difficult votes they would like to avoid; and

WHEREAS, Legislators should not be permitted to manipulate the County Legislature's procedures to gain "political cover" when a controversial issue is on the agenda; now, therefore be it

1st **RESOLVED**, that Rule 7(E) of the Rules of the Legislature of the County of Suffolk is hereby amended to read as follows:

RULE 7. ACTION ON LEGISLATION

* * * *

E.) Such roll-call shall commence with the First (1st) Legislative District and proceed in numerical order through all the Legislative Districts in all odd-numbered months, (i.e., January, March, etc.). During the even-numbered months, such roll-call votes shall commence with the Eighteenth (18th) Legislative District and work backward in inverse order. Notwithstanding the above, the last vote in any roll-call shall be cast by the Presiding Officer and the next to last vote shall be cast by the Deputy Presiding Officer. <u>Legislators must cast their vote when their name is called during a roll-call and shall not be permitted to pass and thereby delay casting their vote.</u>

* * * *

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-rule-change-7-e

1780

Intro. Res. No. – 2008 Laid on Table 8/19/08

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

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 TERRY GIRLS REALTY, INC. PROPERTY (TOWN OF RIVERHEAD - SCTM#0600-066.00-02.00-017.000)

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

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

WHEREAS, Resolution No. 1020-2006, authorized planning steps for the acquisition of farmland development rights of the subject property; and

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

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

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

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:		ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District	0600	14.16±	Terry Girls Realty, Inc.
	Section	066.00		a New York Corporation

Block	02.00	486 Main Road, Box 2824
Lot	017.000	Acquebogue, NY 11931

; and, be it further

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

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay $1,231,920.00±, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

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

5th **RESOLVED,** that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5 c (20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of farmland development rights as part of the Suffolk County Farmland Preservation Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

Gen 01

COUNTY OF SUFFOLK

1780

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

August 7, 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 Terry Girls Realty, Inc. property, in the Town of Riverhead, under the New Suffolk County Drinking Water Protection Program. The purchase price is $1,231,920.00± for 14.16± 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
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

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION

1780

1. Type of Legislation

Resolution __X__ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

Authorizing the acquisition of the farmland development rights under the New Suffolk County Drinking Water Protection Program, of the Terry Girls Realty, Inc. property, SCTM#0600-066.00-02.00-017.000, (Town of Riverhead).

3. Purpose of Proposed Legislation

See No. 2 above

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 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

New Suffolk County Drinking Water Protection Program

9. Timing of Impact

N/A

10. Typed Name & Title of Preparer	***11. Signature of Preparer***	***12. Date***
Christopher E. Kent Director	Clint	August 7, 2008

SCIN FORM 175b (10/95)

1781

Intro. Res. No. -08 Laid on Table 8/19/08

Introduced by the Presiding Officer on request of the County Executive

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

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

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said site improvements under Capital Program Number 7079; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $150,000 in Suffolk County Serial Bonds; now, therefore, be it

1st **RESOLVED**, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution No. 514-1996 determined that this action constitutes a Type II action action pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, since it involves construction, expansion, or replacement of minor appurtenances or repaving that is accessory to an existing facility that does not change the land use or density; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of thirty-two (32), is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution 461-2006; and be it further

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

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

DATED:

APPROVED:

_____

County Executive of Suffolk County

Date of Approval:

1781

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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 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		July 25th, 2008

SCIN FORM 175b (10/95)

1781

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$13,610**	**$0.03**		$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	**$13,610**	**$0.03**		$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.

To be completed by the Executive Budget Office

1781

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

Term of Bonds: 15
Amount to Bond: $150,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	$7,421.85	$6,187.50	$13,609.35	$13,609.35
			$2,940.67	$2,940.67	
11/1/2009	4.125%	$7,728.00	$2,940.67	$10,668.68	$13,609.35
			$2,781.28	$2,781.28	
11/1/2010	4.125%	$8,046.78	$2,781.28	$10,828.07	$13,609.35
			$2,615.32	$2,615.32	
11/1/2011	4.125%	$8,378.71	$2,615.32	$10,994.03	$13,609.35
			$2,442.51	$2,442.51	
11/1/2012	4.125%	$8,724.33	$2,442.51	$11,166.84	$13,609.35
			$2,262.57	$2,262.57	
11/1/2013	4.125%	$9,084.21	$2,262.57	$11,346.78	$13,609.35
			$2,075.21	$2,075.21	
11/1/2014	4.125%	$9,458.94	$2,075.21	$11,534.14	$13,609.35
			$1,880.12	$1,880.12	
11/1/2015	4.125%	$9,849.12	$1,880.12	$11,729.23	$13,609.35
			$1,676.98	$1,676.98	
11/1/2016	4.125%	$10,255.39	$1,676.98	$11,932.37	$13,609.35
			$1,465.46	$1,465.46	
11/1/2017	4.125%	$10,678.43	$1,465.46	$12,143.89	$13,609.35
			$1,245.22	$1,245.22	
11/1/2018	4.125%	$11,118.91	$1,245.22	$12,364.13	$13,609.35
			$1,015.89	$1,015.89	
11/1/2019	4.125%	$11,577.57	$1,015.89	$12,593.46	$13,609.35
			$777.10	$777.10	
11/1/2020	4.125%	$12,055.14	$777.10	$12,832.25	$13,609.35
			$528.47	$528.47	
11/1/2021	4.125%	$12,552.42	$528.47	$13,080.88	$13,609.35
			$269.57	$269.57	
11/1/2022	4.125%	$13,070.20	$269.57	$13,339.78	$13,609.35
		$150,000.00	$54,140.25	$204,140.25	$204,140.25

COUNTY OF SUFFOLK

JUL 1 5 2008

1781

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: **July 10, 2008**

RE: **INTRODUCTORY RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS AND LIGHTING AT COUNTY PARKS (CP 7079)**

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- Appropriating Funds for CP 7079 Improvements and Lighting at County Parks.doc".

The site improvement funds to be appropriated under this resolution will be used for parking improvements at Lake Ronkonkoma County Park and similar improvements in other parks.

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

Enclosures

MONTAUK HIGHWAY – P.O. BOX 144 WEST SAYVILLE, NEW YORK 11796-0144 (631) 854-4949 FAX: (631) 854-4977

SUFFOLK COUNTY PARKS

Intro. Res. No. 1782 - 2008 Laid on the Table 8/19/08
Introduced by the Presiding Officer on request of the County Executive

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

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

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

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

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

1st **RESOLVED**, Resolution No. 904 of 2003 approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-four (54) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the Bridge Replacement on CR 67, Motor Parkway at LIE Exit 55, pursuant to Section C8-2 of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the proceeds of $65,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP- 5172.211 Fund 001 Debt Service	50	Bridge Replacement on CR 67, Motor Parkway at LIE Exit 55	$65,000

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

782

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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 X **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 USED TO FINANCE THE 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 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
Gina H. Kommer Assistant Executive Analyst		July 28, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1782

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$5,897**	**$0.01**		$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	**$5,897**	**$0.01**		$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.

To be completed by the Executive Budget Office

Suffolk County
CP 5172
General Obligation Serial Bonds
Level Debt

1782

Term of Bonds	15
Amount to Bond:	$65,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
7/28/2008					
1/28/2009					
7/28/2009	4.125%	$3,216.13	$2,681.25	$5,897.38	$5,897.38
			$1,274.29	$1,274.29	
7/28/2010	4.125%	$3,348.80	$1,274.29	$4,623.09	$5,897.38
			$1,205.22	$1,205.22	
7/28/2011	4.125%	$3,486.94	$1,205.22	$4,692.16	$5,897.38
			$1,133.31	$1,133.31	
7/27/2012	4.125%	$3,630.77	$1,133.31	$4,764.08	$5,897.38
			$1,058.42	$1,058.42	
7/28/2013	4.125%	$3,780.54	$1,058.42	$4,838.96	$5,897.38
			$980.45	$980.45	
7/28/2014	4.125%	$3,936.49	$980.45	$4,916.94	$5,897.38
			$899.26	$899.26	
7/28/2015	4.125%	$4,098.87	$899.26	$4,998.13	$5,897.38
			$814.72	$814.72	
7/27/2016	4.125%	$4,267.95	$814.72	$5,082.67	$5,897.38
			$726.69	$726.69	
7/28/2017	4.125%	$4,444.00	$726.69	$5,170.69	$5,897.38
			$635.03	$635.03	
7/28/2018	4.125%	$4,627.32	$635.03	$5,262.35	$5,897.38
			$539.59	$539.59	
7/28/2019	4.125%	$4,818.20	$539.59	$5,357.79	$5,897.38
			$440.22	$440.22	
7/27/2020	4.125%	$5,016.95	$440.22	$5,457.17	$5,897.38
			$336.75	$336.75	
7/28/2021	4.125%	$5,223.89	$336.75	$5,560.64	$5,897.38
			$229.00	$229.00	
7/28/2022	4.125%	$5,439.38	$229.00	$5,668.38	$5,897.38
			$116.81	$116.81	
7/28/2023	4.125%	$5,663.76	$116.81	$5,780.57	$5,897.38
		$65,000.00	$23,460.77	$88,460.77	$88,460.77

1783

Intro. Res. No. - 2008 Laid on the Table 8/19/08

Introduced by the Presiding Officer on request of the County Executive

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

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

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

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

RESOLVED, that the County Legislature hereby authorizes the County Executive, or his designee, to execute an intermunicpal agreement with the Town of Islip for the transfer of funding to the Town of Islip for said project and to execute any and all contract documents related to this project, on behalf of the County of Suffolk providing for Suffolk County's participation in the above referenced project.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

1783

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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.

This resolution authorizes an intermunicipal agreement with the Town of Islip regarding the above referenced capital program. The program is already in place and funded through Resolutions 935-2006, 933-2006, and 934-2006; as such, there will be no fiscal impact for this resolution.

8. Proposed Source of Funding

NA

9. Timing of Impact

2008

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Gina H. Kommer Assistant Executive Analyst		July 28, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1783

GENERAL FUND

TOWN	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

TOWN	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

TOWN	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 2006.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2006-2007.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2006 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

COUNTY OF SUFFOLK

2008

1783

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

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

FROM: Thomas LaGuardia for Gilbert Anderson, P.E., Commissioner

DATE: July 14, 2008

RE: C.P. 5185 – Improvements to Lighting and Paving on CR 100, Suffolk Avenue, Town of Islip

Attached are a draft resolution and duplicate copy authorizing the County Executive to enter into an intermunicipal agreement with the Town of Islip for participation in the above referenced project. Resolution No. 935 of 2005 appropriated $200,000 for this project in conjunction with the Town of Islip's ongoing downtown revitalization and streetscape enhancements program in the hamlet of Brentwood. However, it has been determined that the responsibility for project planning, administration and construction should be handled by the Town.

This resolution will enable the County Executive to enter into any and all agreements with the Town of Islip in connection with this project.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP 5185 AGREEMENT.doc".

GA:WH:er
attach.
cc: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
Frank Messina, Federal & State Aid Claims Technician
Laura Conway, CPA, Director of DPW Administrative Services
Linda Brandolf, CPA, Capital Accounting
James Bagg, Chief Environmental Analyst

COUNTY OF SUFFOLK

JUL 24 2008

1783

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

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

FROM: for Gilbert Anderson, P.E., Commissioner

DATE: July 15, 2008

RE: C.P. 5172 – Bridge Replacement on CR 67, Motor Parkway at LIE Exit 55, Town of Islip

Attached are a draft resolution and duplicate copy to appropriate the sum of $65,000 for land acquisition in connection with the above referenced project. There are sufficient funds included in the 2008 Capital Budget and Program for this project.

This project is for the complete replacement of the bridge carrying Motor Parkway over the LIE. Resolution Nos. 1094 of 2005 and 1172 of 2007 appropriated $779,600 for land acquisition in connection with this project. At this time, advance payments total $783,000. We are requesting an additional $65,000 to cover this gap, vesting appraisals and engineer's reports.

The Suffolk County Council on Environmental Quality has reviewed this project and determined that it is an Unlisted Action and will not have a significant effect on the environment. The Legislature concurred with this decision in Resolution No. 904 of 2003.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP 5172.doc".

GA:WH:er
attach.
cc: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
William Chandler, Capital Program Manager
Frank Messina, Federal & State Aid Claims Technician
Laura Conway, CPA, Director of DPW Administrative Services
Linda Brandolf, CPA, Capital Accounting
James Bagg, Chief Environmental Analyst

1784

Intro. Res. No. - 2008 Laid on the Table 8/19/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH THE DREDGING OF COUNTY WATERS (CAPITAL PROGRAM NUMBER 5200)

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

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

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

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

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

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

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

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

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

1784

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH THE DREDGING OF COUNTY WATERS (CAPITAL PROGRAM NUMBER 5200)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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 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		July 28th, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1784

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$236,688**	**$0.44**		$0.001

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	**$236,688**	**$0.44**		$0.001

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.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

1784

Term of Bonds: 5
Amount to Bond: $1,050,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	$193,374.81	$43,312.50	$236,687.31	$236,687.31
			$17,667.89	$17,667.89	
11/1/2009	4.125%	$201,351.53	$17,667.89	$219,019.42	$236,687.31
			$13,515.02	$13,515.02	
11/1/2010	4.125%	$209,657.28	$13,515.02	$223,172.30	$236,687.31
			$9,190.84	$9,190.84	
11/1/2011	4.125%	$218,305.64	$9,190.84	$227,496.48	$236,687.31
			$4,688.28	$4,688.28	
11/1/2012	4.125%	$227,310.75	$4,688.28	$231,999.03	$236,687.31
		$1,050,000.00	$133,436.57	$1,183,436.57	$1,183,436.57

JUL 2 4 2008

1784

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

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

FROM: for Gilbert Anderson, P.E., Commissioner

DATE: July 15, 2008

RE: C.P. 5200 – Dredging of County Waters

Attached are a draft resolution and duplicate copy to appropriate the sum of $1,050,000 for site improvements in connection with the above referenced project. There are sufficient funds included in the 2008 Capital Budget and Program for this project.

This appropriation will allow us to progress with the maintenance dredging of the locations on the attached list. The locations are subject to change due to weather-seasonal limitations, environmental restrictions, availability of equipment and competing priorities.

As the New York State Department of Environmental Conservation is SEQRA lead agency for all dredging projects, this project is not reviewed by the Suffolk County Council on Environmental Quality.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP 5200.doc".

GA:WH:er
attach.
cc: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
William Chandler, Capital Program Manager
Frank Messina, Federal & State Aid Claims Technician
Laura Conway, CPA, Director of DPW Administrative Services
Linda Brandolf, CPA, Capital Accounting
James Bagg, Chief Environmental Analyst

335 YAPHANK AVENUE ■ YAPHANK, N.Y. 11980 ■ (631) 852-4010
FAX (631) 852-4150

1784

CP 5200 – DREDGING OF COUNTY WATERS

2008

1. East Fox Creek, Babylon
2. Tombart Canal, Babylon
3. L.I. Marine Museum, Islip
4. Abet's Creek , Brookhaven
5. Mud Creek, Brookhaven
6. Swan River, Brookhaven
7. West Canal, Babylon
8. Champlin's Creek, Islip
9. Tallulah Lagoon, Islip
10. Wagstaff Lagoon, Islip
11. Wampum Lagoon, Islip
12. Davison Lagoon, Islip

1785

Intro. Res. No. - 2008 Laid on the Table 8/19/08

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 80, MONTAUK HIGHWAY, BETWEEN NYS 112 AND CR 101, PATCHOGUE-YAPHANK ROAD/SILLS ROAD, TOWN OF BROOKHAVEN (CAPITAL PROGRAM NUMBER 5534)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with Improvements to CR 80, Montauk Highway; and

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

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $90,000 in Suffolk County Serial Bonds; now, therefore, be it

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

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

3rd **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the Improvements to CR 80, Montauk Highway, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

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

Project No.: 5371
Project Title: Reconstruction of Culverts

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

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

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

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

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

and be it further

5th **RESOLVED**, that the proceeds of $90,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CP 5534.111 (Fund 001 Debt Service)	50	Improvements to CR 80, Montauk Highway, from NYS 112 to CR 101, Patchogue-Yaphank Road/Sills Road, Town of Brookhaven Engineering, Planning & Design	$90,000

Dated:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

1785

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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 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		July 28th, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1785

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$20,288**	**$0.04**		$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	**$20,288**	**$0.04**		$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.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

1785

Term of Bonds	5
Amount to Bond:	$90,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	$16,574.98	$3,712.50	$20,287.48	$20,287.48
			$1,514.39	$1,514.39	
11/1/2009	4.125%	$17,258.70	$1,514.39	$18,773.09	$20,287.48
			$1,158.43	$1,158.43	
11/1/2010	4.125%	$17,970.62	$1,158.43	$19,129.05	$20,287.48
			$787.79	$787.79	
11/1/2011	4.125%	$18,711.91	$787.79	$19,499.70	$20,287.48
			$401.85	$401.85	
11/1/2012	4.125%	$19,483.78	$401.85	$19,885.63	$20,287.48
		$90,000.00	$11,437.42	$101,437.42	$101,437.42

COUNTY OF SUFFOLK

1785

2008

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

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

FROM: for Gilbert Anderson, P.E., Commissioner

DATE: July 16, 2008

RE: C.P. 5534, Improvements to CR 80, Montauk Highway, from NYS 112 to CR 101, Patchogue-Yaphank Road/Sills Road, Town of Brookhaven

Attached are a draft resolution and duplicate copy to appropriate the sum of $90,000 for engineering in connection with the above referenced project. There are no funds/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 utilize $50,000 construction funds from CP 5371 and $40,000 in construction funds from CP 5561.

This project consists of widening key intersections and resurfacing CR 80, Montauk Highway. The project extends from NYS Rt. 112 to vicinity of Conklin Avenue. The key objective of the project is to improve traffic flow and safety on CR 80, Montauk Highway. Proposed construction will accommodate current traffic volumes, as well as those projected to exist twenty years after completion of construction, while minimizing impacts to the commercial properties located within the project limits. Additional project goals are to upgrade existing pavement and drainage systems, and to increase safety through the addition of turn lanes, off street parking, the modification of traffic control devices and installation of appropriate safety appurtenances and improve the visual aesthetics of the roadway. This additional appropriation is necessary to complete the planning and mapping to investigate the feasibility of installing sewers within the project limits.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP 5534.doc".

GA:WH:er
attach.
cc: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
Frank Messina, Federal & State Aid Claims Technician
Laura Conway, CPA, Director of DPW Administrative Services
Linda Brandolf, CPA, Capital Accounting
James Bagg, Chief Environmental Analyst

1786

Intro. Res. No. - 2008 Laid on the Table 8/19/08

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 THE REHABILITATION OF VARIOUS BRIDGES AND EMBANKMENTS (CAPITAL PROGRAM NUMBER 5850)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with the Rehabilitation of Browns Creek Bridge, Town of Islip; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C-4-13, an offsetting authorization must be provided from another capital project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000, 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 $75,000 in Suffolk County Serial Bonds; now, therefore, be it

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20) and (21) 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 forty-six (46) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; 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 Rehabilitation of Browns Creek Bridge, pursuant to Section C8-2 (X) 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.: 5815
Project Title: Painting of County Bridges

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
4. Site Improvements	$2,985,000	$175,000	$100,000
TOTAL	$2,985,000	$175,000	$100,000

Project No.: 5850
Project Title: Rehabilitation of Various Bridges and Embankments

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning, Design & Supervision	$75,000	$ 0	$75,000
TOTAL	$5,170,000	$ 0	$75,000

and be it further

5th **RESOLVED**, that the proceeds of $75,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
Ref-525-CP# 5850.320	50	Rehabilitation of Various Bridges and Embankments	$75,000

Date:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1786

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE REHABILITATION OF VARIOUS BRIDGES AND EMBANKMENTS (CP 5850)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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

SERIAL BONDS WILL BE ISSUED TO FINANCE THE 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 SCHEDULE.

8. Proposed Source of Funding

SERIAL BONDS.

9. Timing of Impact 2008

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
CARMINE CHIUSANO CHIEF FINANCIAL ANALYST		

SCIN FORM 175b (10/95)

Ge. C8.

JUL 23 2008

1786

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

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

FROM: Gilbert Anderson, P.E., Commissioner

DATE: July 16, 2008

RE: C.P. 5850 – Rehabilitation of Brown's Creek Bridge, Town of Islip

Attached are a draft resolution and duplicate copy to appropriate the sum of $75,000 for engineering in connection with the above referenced project. There are no funds/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 utilize $75,000 in site improvement funds from C.P. 5815 for this project.

This appropriation will enable us to engage the services of a consulting engineering firm to conduct an in-depth inspection of this 71 year old structure and recommend whether it should be rehabilitated or replaced.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP 5850.doc".

GA:WH:er
attach.
cc: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
Frank Messina, Federal & State Aid Claims Technician
Laura Conway, CPA, Director of DPW Administrative Services
Linda Brandolf, CPA, Capital Accounting
James Bagg, Chief Environmental Analyst

1787

8/19/08

Intro. Res. No. -2008 Laid on Table

Introduced by the Presiding Officer on request of the County Executive

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

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

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

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

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

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

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty (60) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

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

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

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part; and

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

3rd RESOLVED, that the proceeds of $200,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-7185.313	26	Removal of Toxic Materials in County Parks	$200,000

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

1787

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law _____ Charter Law ____

2. Title of Proposed Legislation

INTRODUCTORY RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH THE REMOVAL OF MATERIALS IN COUNTY PARKS (CP 7185)

3. Purpose of Proposed Legislation

To appropriate funds in the 2008 Capital Program for CP 7185 – Removal of Toxic Materials in County Parks.

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 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 Impact

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Tom Hroncich **Parks Foundation Director** **Dept. of Parks, Recreation &Conservation**		

Gen C9

AUG 01 2008

1787

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: **July 28, 2008**

RE: **INTRODUCTORY RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH THE REMOVAL OF TOXIC AND HAZARDOUS MATERIALS IN COUNTY PARKS (CP 7185)**

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- Appropriating Funds for CP 7185 - Removal Toxic Materials.doc".

Frequently in the course of rehabilitating or restoring parks or historic structures, hazardous materials are discovered including lead, asbestos, and PCBs, among other substances. Special training and procedures must be followed in handling these materials, which increases the costs associated with their removal.

The funds appropriated under this resolution will go toward removal of underground storage and gasoline tanks at the Gallo Duck Farm in East Patchogue. Additional projects include removing oil tanks at the St. James General Store, removing waste at the Davis House in Robert Cushman Murphy County Park, and other projects as needed.

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

Enclosures

MONTAUK HIGHWAY – P.O. BOX 144 WEST SAYVILLE, NEW YORK 11796-0144 (631) 854-4949 FAX: (631) 854-4977

SUFFOLK COUNTY PARKS

Intro. Res. No. 1788-08 Laid on Table 8/19/08
Introduced by the Presiding Officer on request of the County Executive

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

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

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

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

WHEREAS, the Suffolk County Council on Environmental Quality, by Resolution No. 92-07, approved the Babylon Town Historical Society as custodian of the Van Bourgondien House and recommended that the County enter into a custodial license agreement with the organization, now, therefore be it

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

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

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

1788

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law _____ Charter Law ____

2. Title of Proposed Legislation

AUTHORIZING LICENSE AGREEMENT WITH BABYLON TOWN HISTORICAL SOCIETY FOR VAN BOURGONDIEN PROPERTY, WEST BABYLON

3. Purpose of Proposed Legislation

See # 2 above.

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 Impact

N/A

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Tom Hroncich **Parks Foundation Director** **Dept. of Parks, Recreation &Conservation**		

1788

PLN-101-07 CEQ Resolution No. 92-07 September 19, 2007

HISTORIC TRUST APPROVAL TO AUTHORIZE THE
BABYLON TOWN HISTORIC SOCIETY
TO ACT AS CUSTODIAN OF VAN BOURGONDIEN HOUSE WITHIN
VAN BOURGONDIEN COUNTY PARK

WHEREAS, Article I, Environmental Bill of Rights of the Suffolk County Charter section C1-8 establishes the Suffolk County Historic Trust; and

WHEREAS, the Environmental Bill of Rights section C-1-4 states that a function of the Council on Environmental Quality (CEQ) is to make recommendations to the County Legislature and County Executive; and

WHEREAS, Resolution No. 871-1972, establishing the Historic Trust designates the voting members of the CEQ as the members of the County Historic Trust; and

WHEREAS, at its September 19th, 2007 meeting, the Suffolk County Council on Environmental Quality reviewed the associated information given in a presentation by Mr. Martin, Director of Historic Services, Suffolk County Department of Parks, Recreation and Conservation, Historic Services Division; now

Be it Therefore

RESOLVED, that the CEQ as members of the Suffolk County Historic Trust, approves the Babylon Town Historical Society as custodian of the Van Bourgondien House and they recommend that the county enter into a custodial licensing contract with them; and

Be It Further

RESOLVED, that the CEQ recommends that authorization of the Babylon Town Historical Society as custodian of Van Bourgondien House is a Type II action since it deals with agency administration and management.

LOCATION
H. LEE DENNISON BLDG. - 4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE NY 11788-0099

(516) 853-5190
fax (516) 853-4044

1788

PLN-101-07 CEQ Resolution No. 92-07 September 19, 2007

Motion by: Mr. Kaufman		Seconded by:	Ms. Russo
CEQ Vote: Appointed Members:	5	Ayes:	5
CAC Representatives:	0	Nays:	None
Total Voting:	5	Abstentions:	None
		Presiding:	Mr. Swanson

Further information may be obtained by contacting:

Council on Environmental Quality
P.O. Box 6100
Hauppauge, New York 11788
James F. Bagg, Chief Environmental Analyst
Tel: (631) 853-5203

JFB/cd

cc: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer
All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

1788

PROJECT # PLN-101-07

RESOLUTION #92-07

DATE September 19, 2007

RECORD OF CEQ RESOLUTION VOTES

CEQ APPOINTED MEMBERS	AYE	NAY	ABSTAIN	NOT PRESENT	RECUSED
Larry Swanson	X				
Michael Kaufman	X				
Vivian Viloria-Fisher				X	
Thomas C. Gulbransen				X	
Richard Machtay	X				
Daniel Pichney				X	
Gloria G. Russo	X				
Mary Ann Spencer	X				

CAC REPRESENTATIVES

Recommendation: Historic Trust Approval to Authorize the Babylon Town Historical Society to Act as Custodian of Van Bourgondien House within Van Bourgondien County Park – Type II action.

1788

Project #PLN-100-07 CEQ Resolution No. 91-07 September 19, 2007

HISTORIC TRUST FINDINGS TOGETHER WITH
RECOMMENDATION CONCERNING A SEQRA CLASSIFICATION
AND DETERMINATION FOR THE PURPOSES OF
CHAPTER 279 OF THE SUFFOLK COUNTY CODE
FOR THE PROPOSED DEDICATION OF VAN BOURGONDIEN HOUSE AND
SURROUNDING 1.56 ACRES OF FENCED LAND TO THE HISTORIC TRUST

WHEREAS, Article I, Environmental Bill of Rights of the Suffolk County Charter section C1-8 establishes the Suffolk County Historic Trust; and

WHEREAS, the Environmental Bill of Rights section C-1-4 states that a function of the Council on Environmental Quality (CEQ) is to make recommendations to the County Legislature and County Executive as to what county-owned properties should be dedicated to the county historic trust; and

WHEREAS, Resolution No. 871-1972, establishing the Historic Trust designates the voting members of the CEQ as the members of the County Historic Trust; and

WHEREAS, the Van Bourgondien House and surrounding 1.56 acres of fenced land as indicated by the attached map has local important community and contextual historic significance; and

WHEREAS, the CEQ Historic Trust Committee has recommended to the CEQ that the Van Bourgondien House and surrounding 1.56 acres of fenced land as indicated by the attached map be dedicated to the Suffolk County Historic Trust; and

WHEREAS, at its September 19, 2007 meeting, the Suffolk County Council on Environmental Quality reviewed the associated information submitted by the Suffolk County Department of Parks, Recreation and Conservation, Historic Services Division; and

WHEREAS, a presentation regarding the proposal was given at the meeting by Mr. Richard Martin, Director of Historic Services; and

WHEREAS, the action involves the dedication of Van Bourgondien House and surrounding 1.56 acres of fenced land as indicated by the attached map to the Historic Trust; and

WHEREAS, the Suffolk County Historic Trust has determined that the action will positively impact the historic integrity of the property; now

Be It Therefore

RESOLVED, that the CEQ as members of the Suffolk County Historic Trust, recommend to the County Legislature and County Executive, that the Van Bourgondien House and surrounding 1.56 acres of fenced land as indicated by the attached map, be dedicate it to the Suffolk County Historic Trust pursuant to section C1-8 of the Suffolk County Charter; and

LOCATION
H. LEE DENNISON BLDG. - 4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5190
fax (631) 853-4044

1788

Be It Further

RESOLVED, that the Historic Trust dedication be assigned to the following categories:

Preservation Categories:

1 (AR) Architectural
2 (T) Preservation of Trees and Shrubs
3 (N) Neighborhood Character
4 (AO) Archeological

Use Categories:

1 (F) Functional use with the initial recommendation of the committee for a museum/cultural organizational use.

As set forth in the Historic Trust Manual as adopted by the Suffolk County Historic Trust; and

Be It Further

RESOLVED, that in the judgment of the CEQ, based on the information received and presented, the above activity is a Type II action under the provisions of NYCRR Part 617.5(c) (20) (27), and Chapter 279 of the Suffolk County Code, since it involves continuing agency administration dealing with the dedication of Van Bourgondien House to the Historic Trust.

1788

Project #PLN-100-07 CEQ Resolution No. 91-07 September 19, 2007

Motion by: Mr. Kaufman Seconded by: Ms. Russo

CEQ Vote:	Appointed Members:	5	Ayes:	5
	CAC Representatives:	0	Nays:	None
	Total Voting:	5	Abstentions	None
			Presiding:	Mr. Swanson

Further information may be obtained by contacting:

Council on Environmental Quality
P.O. Box 6100
Hauppauge, New York 11788-0099
James F. Bagg, Chief Environmental Analyst
Tel: (631) 853-5203

JFB/cd

cc: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer
All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

1788

PROJECT # PLN-100-07

RESOLUTION #91-07

DATE September 19, 2007

RECORD OF CEQ RESOLUTION VOTES

CEQ APPOINTED MEMBERS	AYE	NAY	ABSTAIN	NOT PRESENT	RECUSED
Larry Swanson	X				
Michael Kaufman	X				
Vivian Viloria-Fisher				X	
Thomas C. Gulbransen				X	
Richard Machtay	X				
Daniel Pichney				X	
Gloria G. Russo	X				
Mary Ann Spencer	X				

CAC REPRESENTATIVES

Recommendation: Dedication of the Van Bourgondien House and surrounding 1.56 acres of fenced land as indicated by the attached map to the Suffolk County Historic Trust.

Motion: Mr. Kaufman

Second: Ms. Russo

Rev. 7/9/08 Law No. 22-PK-002
Term: 9/1/08-12/31/13; 2-5 year options

1788

Custodial License Agreement

This Custodial License Agreement ("Agreement") is between the **County of Suffolk ("County")**, a municipal corporation of the State of New York, acting through its duly constituted **Department of Parks, Recreation, and Conservation ("Department")** located at Montauk Highway, West Sayville, New York 11796 (mailing address: P.O. Box 144), and the **Babylon Town Historical Society ("Licensee")**, a not for profit organization having its principal office at 80 Duke Street, Deer Park, New York 11729.

The parties hereto desire to enter into a Custodial License Agreement to assist in the restoration, maintenance and management of the property known as the Van Bourgondien House and surrounding fenced property located on Albin Avenue in West Babylon (the "**Licensed Premises**").

Term of Agreement: Shall be from September 1, 2008 through December 31, 2013 with two five-year option periods to extend the Agreement from January 1, 2014 through December 31, 2018, and from January 1, 2019 through December 31, 2023, at the sole discretion of the Commissioner.

Total Cost of Agreement: No Cost to the County.

Terms and Conditions: Shall be as set forth in Exhibits A through F, attached hereto and a part hereof.

In Witness Whereof, the parties hereto have executed this Agreement as of the latest date written below.

Babylon Town Historical Society

By: _____
Joan Smedley
President
Date: _____

County of Suffolk

By: _____
Jeffrey Szabo
Deputy County Executive
Date: _____

Approved as to Legality:
Christine Malafi
County Attorney

By: _____
Marisa G. Marletti-Schifano
Assistant County Attorney
Date: _____

Approved:
Suffolk County Department of Parks, Recreation & Conservation

By: _____
John W. Pavacic
Commissioner
Date: _____

DRAFT

1788

List of Exhibits

Exhibit A
General Terms and Conditions

1. License
2. Term and Termination of Agreement
3. Indemnification
4. Insurance
5. County Property
6. Public Access
7. Advertising
8. Representation of Inspection
9. Risks of Licensee
10. Conduct of Licensee's Employees
11. Licenses and Permits
12. Preservation of Features; Soil and Vegetation Removal
13. Claims for Compensation; Renegotiation of Terms; Licensee's Right to Terminate
14. Personal Property of Licensee
15. Compliance with Law
16. Liens
17. Insolvency
18. License/Not A Lease
19. Fire Safety Standards
20. Hazardous Substances and Waste
21. Inspection of Licensed Premises/Remediation of Unsatisfactory Conditions
22. Illegal or Objectionable Conduct
23. Fundraising/Contribution
24. Not A Co-Partnership
25. County Representatives
26. County Monies
27. Change in Park Facilities
28. Change in Department
29. Severability; No Implied Waiver
30. Labor Disputes/Acts of God
31. Independent Contractor
32. Assignment and Subcontracting
33. Not in Default/Arrears
34. Cooperation on Claims
35. Conflicts of Interest
36. Non-Discrimination in Services
37. Nonsectarian Declaration
38. Set-Off Rights
39. Publications and Publicity
40. Copyrights and Patents
41. Confidentiality

DRAFT

1788

42. No Intended Third Party Beneficiaries
43. Certification as to Relationships
44. Lawful Hiring of Employees Law in Connection with Contracts for Construction or Future Construction
45. All Rights Reserved
46. Governing Law
47. No Oral Changes
48. Entire Agreement

Exhibit B
Suffolk County Legislative Requirements for Contracts

1. Contractor's/Vendor's Public Disclosure Statement
2. Living Wage Law
3. Use of County Resources to Interfere with Collective Bargaining Activities Local Law 26-2003
4. Lawful Hiring of Employees Law
5. Gratuities
6. Prohibition Against Contracting with Corporations that Reincorporate Overseas
7. Child Sexual Abuse Reporting Policy
8. Non Responsible Bidder
9. Use of Funds in Prosecution of Civil Action Prohibited
10. Suffolk County Local Laws

Exhibit C
Notices and Contact Persons

1. Operational Notices
2. Notices Relating To Termination, Indemnification or Litigation
3. Changes in Contact Persons
4. Receipt of Notice
5. Litigation/Accidents

Exhibit D
Description of Services

1. Operations and Use of Licensed Premises
2. Operational Plan; Operations Schedule; Schedule of Charges
3. County Property; Security; Maintenance; Repairs; and Alterations
4. Improvements
5. Licensee Provided Services
6. County Responsibilities
7. Fees, Accounting and Record Keeping; Inspection of Records; Reporting; N.Y.S. Sales Tax

DRAFT

Rev. 7/9/08 Law No. 22-PK-002
Term: [redacted]-12/31/13; 2-5 year options

1788

Exhibit E
Resolution No. [redacted]-200[redacted]

Exhibit F
Site Map

DRAFT

1788

Exhibit A
General Terms and Conditions

Whereas, the County, acting by and through the Department, owns, operates and maintains a park system within the County of Suffolk and in connection with such ownership, operation and maintenance, the Commissioner of the Department ("Commissioner") supervises and manages the facilities as necessary, desirable and convenient for the use of the public for healthful recreation; and

Whereas, the Suffolk County Legislature, by Resolution No. 1394-2007 has dedicated the Van Bourgondien House and surrounding 1.56 acres of fenced land, located on Albin Avenue in West Babylon, into the Suffolk County Historic Trust; and

Whereas, the Suffolk County Legislature, by Resolution No. [redacted] has authorized a Custodial License Agreement with the Babylon Town Historical Society; and

Whereas, the Suffolk County Historic Trust has authorized the Licensee to act as custodian of the Van Bourgondien House; and

Whereas, the County, pursuant to Section 224 (12) of the County Law of the State of New York, desires to provide for the maintenance and operation of a public museum; and

Whereas, the Licensee will act as custodian pursuant to the Historic Trust Manual, Revised Edition, 1975, as published by the Suffolk County Council on Environmental Quality and as may be revised from time to time (known as "Historic Trust Manual"); and

Whereas, the Licensee desires to obtain from the County a License for the Licensed Premises, as further described in the Exhibits "A " through "F" attached hereto, whereby the Licensee will assist the Department in providing services to restore, maintain, and manage the Van Bourgondien House and surrounding fenced land;

Now, Therefore, in consideration of the premises and the mutual covenants and conditions herein contained, it is agreed by the parties hereto, as follows:

1. License

a. The Department grants to the Licensee and the Licensee accepts from the Department, a non-exclusive, non-transferable (except as indicated herein) License ("License") to assist in the restoration, maintenance, and management of the Licensed Premises, subject to the terms and conditions in Exhibits "A" through "F" herein. The Licensee agrees to perform all of its obligations in accordance with the terms and conditions of this Agreement.

1788

b. The Licensed Premises shall include all buildings and improvements, mechanical systems, furniture, fixtures and articles of personal property now attached or appurtenant to, and used in connection with the Van Bourgondien House and all shrubbery, trees, plantings, grounds, and landscaping materials, in the surrounding fenced land.

c. The Licensee agrees to conduct and use the Licensed Premises for no purposes other than as herein stated. Any service or activity not described in this Agreement must be approved in advance in writing by the Commissioner.

d. The Licensee shall comply with all applicable Federal, State, County and local laws, rules, regulations, codes, ordinances and requirements in effect on the date of execution of this Agreement and as may be adopted or amended from time to time.

e. The Licensee acknowledges and agrees that this Agreement is of limited scope and duration.

f. The Licensee acknowledges and agrees that public access to the Licensed Premises and surrounding grounds will not be restricted during the normal hours of operation for the Licensed Premises.

g. The Licensee shall not carry on within or upon the Licensed Premises any other operation than above described, or interfere with any other licensees of the Department or any employee of any other licensee.

h. The Licensee shall comply with all applicable laws and regulations governing employee compensation and workplace safety. As applicable, the Licensee shall require contractors and subcontractors to comply with New York State Prevailing Wage Rate Laws and/or Suffolk County Living Wage Laws.

2. Term and Termination of Agreement

a. Term

This Agreement shall cover the period provided on the first page hereof, unless sooner terminated as provided herein.

b. Option Periods

It is agreed by the parties hereto that it is at the sole discretion of the Commissioner, acting in the best interests of the County, to grant permission to exercise option periods (if any) to extend this Agreement. Frequent failure

DRAFT

1788

to comply with contractual obligations (payments, providing required documentation, insurance, etc.) could have a negative impact on whether or not the Licensee's request to exercise option periods will be approved. Notification of the Licensee's desire to renew must be received by the Commissioner no later than six months prior to the expiration of this Agreement. Each option period exercised must be by written amendment signed by all parties.

c. Termination by County in the Public Interest

Notwithstanding anything herein to the contrary, in the event that the Commissioner determines in his/her sole discretion that termination is in the public interest, the County reserves the right to terminate this Agreement. Such termination shall occur upon twenty (20) days notice of intent to terminate this Agreement. Upon such termination, the Licensee shall quit and surrender the premises to the Commissioner immediately.

d. Default/Termination for Cause

The County may terminate this Agreement based upon the following events which constitute a default:

i. A failure on the part of the Licensee to pay any installment of the License Fee or other sums, charges, fees, expenses or other amounts to be paid by the Licensee (if any) pursuant to the provisions of this Agreement when due. Upon the expiration of five (5) days from the date a written notice to cure and notice of intent to terminate is given to the Licensee and the default has not been cured, the County may terminate this Agreement upon five (5) additional days written notice.

ii. A failure to maintain the amounts and types of insurance required by this Agreement. In such event, the County may terminate this License immediately, at the sole discretion of the Commissioner.

iii. A failure by the Licensee to comply with any of the inspection requirements, including, without limitation: (i) the requirements to make the Premises available for inspection or to make the books and records available for inspection, or (ii) the removal or destruction of required records. Upon the expiration of one (1) day from the date a written notice to cure and notice of intent to terminate is given to the Licensee and the default has not been cured, the County may terminate this Agreement upon one (1) additional day written notice.

iv. A failure by the Licensee to comply with federal, State or local laws, rules, regulations, or County policies or directives, may result in

DRAFT

1788

immediate termination of this Agreement, at the sole discretion of the Commissioner.

v. A failure by the Licensee to comply with any other provisions of this Agreement. Upon the expiration of five (5) days from the date a written notice to cure and notice of intent to terminate is given to the Licensee, and the default has not been cured, the County may terminate this Agreement upon five (5) additional days written notice.

e. **Termination for Emergency**

This Agreement may be terminated in the event of an emergency or other condition involving possible loss of life, threat to health and safety, destruction of property or other condition deemed to be dangerous, in the sole discretion of the Commissioner. In such event, the County may terminate this Agreement immediately, in the sole discretion of the Commissioner.

f. All notices herein shall be in writing and shall comply with the Exhibit entitled, "Notices and Contact Persons." The notice to cure and notice of intent to terminate shall call attention to the existence of the failure and particularize the claimed failure in reasonable detail. The notice shall also state the intended date of termination.

g. Upon due notice of termination of this Agreement, the Department may request, and in such event, the Licensee shall provide, the County with any information, records, or reports that are within the purview of this Agreement, subject to any applicable provisions of law or regulations. The Licensee shall also relinquish title and possession of any furniture, fixtures, equipment, materials or supplies as specified in this Agreement.

h. If the term of this Agreement expires naturally, as provided herein; or if the Licensee shall abandon the Licensed Premises; or if the Licensee is dispossessed of its interest in this Agreement as a result of any determination against the Licensee in any legal or administrative proceeding in which the Licensee has no right to further appeal: the Commissioner may, without further notice, resorting to force, summary proceedings, or otherwise, reenter the Licensed Premises, and the Licensee hereby waives the service of any further notice of the Commissioner's intent to reenter or repossess the Licensed Premises, or to institute legal proceedings to that end.

i. In the event this Agreement is terminated for any reason, the Licensee shall quit and surrender the Licensed Premises to the Commissioner and leave same in the condition as received by the Licensee, reasonable wear and tear excepted. It is further agreed, that upon termination, unless otherwise directed by the Commissioner, the Licensee shall have twenty-four (24) hours

DRAFT

1788

to remove all personal property of the Licensee and any personal property of the Licensee not so removed within twenty-four (24) hours of the effective date of termination, shall be considered as having been abandoned by the Licensee to the County, and title thereto shall rest in the County.

j. Upon the repossession of the Licensed Premises by virtue of the termination or expiration of this Agreement, or any renewal hereof, the Licensee shall remain liable to the Commissioner and the County for:

(1) All fees and other sums due and owing from the Licensee (if any). The Licensee shall be deemed liable for all fees up to and including the next following installment or yearly fee, whatever the case may be, which may be prorated at the discretion of the Commissioner; and

(2) The reasonable costs expended by the Commissioner and the County to place the Premises in the physical condition in which the Licensee is obligated to leave the Premises upon the expiration of the term, and to secure the Premises after termination; and

(3) The costs incurred by the Commissioner and the County, whether by or without legal process, to remove the Licensee and any effects of the Licensee; the cost to expel, oust and remove all parties who may be present upon or occupy any part of the Licensed Premises and all personal property that may be thereon and therein contained. The Licensee hereby agrees that the County shall not be liable for prosecution, or for any damage or damages to, or loss of, any personal property belonging to any party upon or occupying the Licensed Premises, or any part thereof, from any cause whatsoever by reason of such removal. The Licensee expressly waives any and all claims for damages and loss against the County and its officials, officers, employees, servants, contractors and agents for or on account of any act done or caused to be done in exercising this right; and the County shall have the right to sell any personal property so seized or removed, and may recover by such sale or legal process any and all sums due to the County under the terms of this Agreement, in addition to all other available remedies.

k. Upon the termination or expiration of this Agreement, in accordance with the foregoing paragraphs, the Licensee acknowledges and agrees that it shall not be entitled to, nor shall it make a claim for, lost profits or loss of anticipated earnings because of such termination or expiration.

l. As used herein, the words "reenter" and "reentry" are broadly used and are not intended to be restricted to their legal definitions.

1788

3. **Indemnification**

a. The Licensee agrees that it shall protect, indemnify and hold harmless the County and its officers, officials, members, employees, agents and invitees from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and costs, including reasonable attorneys' fees, and shall defend the County in any suit, including appeals, or at the County's option, pay reasonable attorneys' fees for defense of any such suit arising out of the acts or omissions or negligence of the Licensee, its agents, employees or subcontractors in connection with the services described or referred to in this Agreement.

b. The Licensee hereby represents and warrants the Licensee will not infringe upon any copyrighted work or material in accordance with the Federal Copyright Act during the performance of this Agreement. Furthermore, the Licensee 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 attorneys' fees, arising out of the acts or omissions or the negligence of the Licensee in connection with the services described or referred to in this Agreement. The Licensee 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 attorneys' fees for defense of any such suit arising out of the acts or omissions or negligence of the Licensee, its officers, officials, employees, subcontractors, lessees, licensees, invitees or agents, if any, in connection with the services described or referred to in this Agreement.

4. **Insurance**

a. The Licensee agrees to procure, pay the entire premium for and maintain throughout the term of this Agreement insurance coverage in amounts and types specified by the County and as may be mandated and increased from time to time. The Licensee agrees to require that all of its subcontractors, in connection with work performed for the Licensee 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 Licensee. Unless otherwise specified by the County and agreed to by the Licensee, 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

1788

($2,000,000.00) per occurrence for property damage. The Licensee is advised that certain special events will require additional insurance as directed by the Department.

ii. **Tenants Legal Liability Insurance**, in an amount no less than $500,000.00 per occurrence.

iii. **Automobile Liability Insurance** (if any vehicles are used 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.

iv. **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. The Licensee 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 Licensee 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; and

b. All policies providing such coverage shall be issued by insurance companies with an A.M. Best rating of A- or better.

c. The Licensee 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 Licensee shall furnish a Declaration Page and endorsement page evidencing the County's status as an additional insured on said policy.

d. 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 policies. Such Declaration Pages, certificates, policies, and other evidence of insurance and notices shall be mailed to the Department at its address set forth in the Exhibit entitled "Notices and Contact Persons," or at such other address of which the County shall have given the Licensee notice in writing.

1788

e. In the event the Licensee 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 to the Licensee under this Agreement or any other agreement between the County and the Licensee.

f. If any of the insurance policies required under the provisions of this Agreement are subject to deductibles and/or self-insurance retentions, such deductibles and self insurance retentions shall be the sole responsibility of the Licensee. Proof of ability to fund deductible will be required.

g. In the event the Licensee, its employees or contractors do anything in or on the Licensed Premises, or bring anything into or onto the Licensed Premises, or keep anything at the Licensed Premises, which will in any way increase the rate of fire insurance on the Licensed Premises, the Licensee agrees to pay on demand any such increase. The Licensee agrees to notify the County concerning any requirements or recommendations made by any insurance company with respect to use, handling, storage, transport or disposal of hazardous materials as defined herein.

h. The Licensee shall not use or occupy or permit the Licensed Premises to be used or occupied, nor do or permit anything to be done in, on or about the Licensed Premises, in whole or in part, in any manner that would in any way make void or voidable any insurance coverage required to be carried by the Licensee or the County hereunder with respect to the Licensed Premises, or that may make it impossible to obtain fire or other insurance coverage with respect to the Licensed Premises.

i. If such policies expire without renewal or are terminated for any reason, the resulting failure to maintain the coverage may cause an immediate default of this Agreement without the necessity for any action on the part of the County.

5. County Property

It is expressly understood and agreed that the Licensed Premises covered under this Agreement is and shall be the sole property of the County at all times during the term of this Agreement.

6. Public Access

The Licensee acknowledges and agrees that public access to the facility and surrounding grounds will not be restricted during the normal hours of operation of the

1788

Licensed Premises and shall be made available equally and at no cost to all residents of Suffolk County.

7. Advertising

a. All advertising and signage under this Agreement is subject to prior review and approval by the Department and must reflect the County's ownership of the Licensed Premises. Said approval shall not be unreasonably withheld or delayed.

b. All brochures, media advertisement, and similar copy to be released, disseminated to the public or distributed in any manner shall be in good taste, consistent with the County's mission and policies, reflect the County's ownership of the Licensed Premises, include the Department's logo, and must be provided to the County no less than forty-eight (48) hours, for approval by the Commissioner, prior to the release, dissemination or distribution of the material. The County reserves the right to reasonably and promptly object to the form and content of any such material, and the Licensee agrees to discontinue or withhold the release, dissemination and distribution of any such material unless and until the County and the Licensee have agreed to a resolution of the County's objection.

8. Representation of Inspection

The Licensee acknowledges that it has examined the site, location, facilities, buildings structures, area, spaces, and equipment to be used in connection with this Agreement. The Licensee acknowledges that the equipment on the Licensed Premises may or may not be in working order and agrees to accept same "as is" and the Licensee agrees to return the Licensed Premises and equipment in good working order at the expiration of this Agreement, subject to making all required repairs, replacements and improvements, reasonable wear and tear excepted.

9. Risks of Licensee

a. The Licensee, in addition to any terms contained herein, assumes all risks in the operation of this Agreement and shall be solely responsible and answerable in damages for all injuries and accidents in person or property and thereby covenants and agrees to defend, indemnify and save harmless the County of Suffolk and their officials, employees and agents from all claims, suits, actions, losses, damages or injuries to person or property, whether direct or indirect, arising out of the operation of this Agreement.

b. The risk of loss, damage or destruction from any peril to the furniture, fixtures, equipment or other personal property of the Licensee shall be borne by the Licensee. The Licensee waives any right to subrogation against the County for

1788

loss, damage or destruction from any peril to the furniture, fixtures, equipment or other personal property of the Licensee.

10. Conduct of Licensee's Employees/Volunteers

The Commissioner shall inform the Licensee, in writing, or if orally, a written confirmation shall be sent immediately, of any employee or volunteer of the Licensee whose conduct the Commissioner deems detrimental to the best interests of the Department or the public using the Licensed Premises. The Licensee shall immediately take any and all action necessary and appropriate to remedy the conduct. In the event the Licensee fails to remedy the conduct, within a reasonable period of time under the circumstances, this Agreement shall terminate five (5) days from receipt of written notice from the Commissioner of the Licensee's failure to cure, notwithstanding the provisions of the paragraph entitled "Term and Termination of Agreement."

11. Licenses and Permits

a. Notwithstanding any other approval required to be obtained by the Licensee, the Licensee shall also be required to secure and pay for all permits, licenses and certifications necessary for operation of the License and for maintenance, repair, improvements, new construction or physical alterations of the Licensed Premises, at the Licensee's sole cost and expense. The Licensee shall comply with the terms and conditions contained in any such permits, licenses, approvals and certifications.

b. In the event that the Licensee is unable to secure the necessary permits and licenses as provided for in this paragraph within six (6) months from the execution hereof, or such extensions granted in writing by the Commissioner of the Department, or in the event that said permits are issued and during the term of this Agreement or renewal thereof, should the Licensee fail to maintain all permits necessary for the legal operation of the Licensed Premises, the County, may, at the sole option of the County, cancel this Agreement pursuant to subparagraph 2d entitled "Default/Termination for Cause".

c. The Licensee shall submit, prior to or along with any plans, reports, specifications, permit or other applications, analyses or other engineering work required to be submitted to the Department for approval under this Agreement, the Certificate(s) of Authorization, issued pursuant to § 7210 of the New York Education Law, of its consultants, subconsultants, subcontractors, and/or any other entity (including, but not limited to, the Licensee and any of its subsidiaries, divisions, affiliates or an entity under the control of the Licensee) performing all or part of the engineering services necessary hereunder. Failure to file, submit or maintain said Certificate(s)

1788

shall be grounds for rejection of any plans, reports, specifications, permits or other applications, analyses or other engineering work submitted for approval under the terms of this Agreement.

d. The Licensee shall be responsible for obtaining and paying for all necessary permits and approvals from all governmental agencies having jurisdiction over the Licensed Premises, including, but not limited to, the Suffolk County Department of Health Services and the Suffolk County Department of Fire, Rescue and Emergency Services. The Licensee will work in conjunction with the Department for permits or approvals from the New York State Department of Environmental Conservation and the Suffolk County Architect. The Department will assist as it deems appropriate.

12. Preservation of Features; Soil and Vegetation Removal

In conducting its activities hereunder, the Licensee shall preserve and avoid damage to and destruction of natural, historic or cultural features, including, but not limited to, waterways, rare or endangered plants or animals, habitats, trees, shrubs and other vegetation. The Licensee shall not remove soil from the premises or clear vegetation without written approval of the Commissioner.

13. Claims For Compensation; Renegotiation of Terms; Licensee's Right to Terminate

a. The Licensee hereby expressly waives any and all claims for compensation for any and all loss or damages sustained by reason of any interference by any public agency or official in the operation of this Agreement; any such interference shall not relieve the Licensee from any obligation hereunder.

b. The Licensee hereby expressly waives any and all claims for compensation for any and all loss or damage sustained by reason of any defect, deficiency or impairment of the gas and electrical apparatus, heating equipment, water supply equipment, or wires furnished for the Licensed Premises hereby granted, or by reason of any loss or impairment of light, current, or water supply which may occur from time to time for any cause, or for any loss or damage sustained by the Licensee resulting from fire, water, storm, tornadoes, civil commotion, riots, acts of God or other disasters; and the Licensee hereby expressly waives all rights, claims, and demands and forever releases and discharges the people of the State of New York, the County, the Commissioner, the Department 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.

c. Notwithstanding any other provisions of this Agreement to the contrary, in the event that the facility cannot be operated or that there is substantial

DRAFT

1788

impairment in the Licensee's ability to operate caused by interference by any public agency or official, for one hundred and eighty (180) days, the Licensee has the following options:

i. The Licensee may request that the financial terms of the Agreement be renegotiated, subject to the sole discretion of the Commissioner and subject to written amendment of this Agreement, signed by both parties.

ii. The Licensee may terminate the Agreement upon thirty (30) days prior written notice. In the event of termination by the Licensee: such termination shall be deemed an abandonment of the Licensed Premises and the Licensee shall leave the Licensed Premises in serviceable and operable condition, subject to reasonable wear and tear.

14. Personal Property of Licensee

The Licensee may from time to time remove materials and equipment if needed for the normal conduct of off site activities not governed by this Agreement, however, such items belonging to, and/or are a part of the Licensed Premises, may only be removed upon notice to the Commissioner or his designee. Upon the expiration of the term herein, if the Licensee has made full payment under this Agreement (if applicable) and fully complied with the terms of this Agreement, it may remove its personal property from the park and shall do so within two (2) weeks after the end of the term herein stated and on failure to do so, the County, by its officers, employees and agents, may cause the same to be removed and stored at the cost and expense of the Licensee, and the County shall have a lien thereon in the amount of the cost and expense of such removal and storage until paid, and may sell such personal property and reimburse itself for such cost and expense plus the expenses of sale.

15. Compliance with Law

a. The Licensee shall comply with, at the Licensee's sole cost and expense, all applicable Federal, State, County and local laws, rules, regulations, codes, ordinances, requirements and County policies in effect on the date of execution of this Agreement and as may be adopted or amended from time to time. Such laws, rules, regulations and policies include but are not limited to:

Suffolk County Code Chapter 380 (Pest Control)

Organic Parks Maintenance Plan and any other County policies relating to pesticides.

1788

Suffolk County Code §378-4 (Prohibited Acts) regarding acts prohibited on County parkland.

Suffolk County Sanitary Code

b. All chemicals, fungicides, herbicides and pesticides (if any) applied to the Premises shall be approved by the Commissioner prior to use. The Licensee shall comply with Suffolk County Code Chapter 380 (Pest Control), the Organic Parks Maintenance Plan and any other applicable Federal, State, and Local Laws. The Licensee shall apply for any necessary exemptions from Suffolk County Code Chapter 380. All notice and reporting requirements shall be adhered to.

c. The Licensee is required to adhere to an Integrated Pest Management Program (IPM), which shall be approved by the Commissioner and which minimizes potential negative impact upon the environment or wildlife.

d. The Licensee shall keep and maintain detailed records of all chemicals, pesticides, herbicides and fungicides stored and applied to the facilities throughout the term of this Agreement and shall comply with Resolution No. 719-2000 entitled "A Local Law to Adopt Countywide Pesticide Notice Provisions".

16. Liens

It is expressly agreed that the County shall have a continuing lien on all personal property of the Licensee which may be utilized on the Licensed Premises, for any and all sums which may from time to time become and be due to the County under the terms of this Agreement, and upon default of payment by the Licensee, the County has the right, at its option, to take possession of and retain the same until the full amount is paid, or to sell the same at public auction and, after deducting the expenses of such sale, apply the balance of the proceeds to such payment, and if there should be any deficiency, to resort to any legal remedy.

17. Insolvency

If at any time during the term of this Agreement, or any renewal hereof (if applicable), there shall be filed by or against the Licensee, in any court pursuant to any statute, either of the United States or of any State, a petition in bankruptcy or insolvency or for reorganization or for the appointment of a receiver or trustee of all or a portion of the Licensee's property, and within thirty (30) days thereof the Licensee fails to secure a discharge thereof, or if the Licensee makes an assignment for the benefit of creditors, or if the Licensee petitions for or enters into such an arrangement, as may be permitted by law, this Agreement shall ipso facto be canceled and terminated and in which event, neither the Licensee nor any person claiming through or under the

DRAFT

1788

Licensee nor by virtue of any statute or of an order of any court shall be entitled to possession of the demised Licensed Premises, and the County, in addition to any other rights and remedies given hereby and by virtue of any other provision contained in this Agreement or by virtue of any statute or rule of law, may retain as liquidated damages any monies received from the Licensee or others on behalf of the Licensee.

18. License/Not A Lease

It is expressly understood and agreed that no interest in real or personal property is leased or granted to the Licensee; that this Agreement is a License and not a lease; that the Licensee's right to occupy and to operate the Licensed Premises shall continue only so long as the Licensee shall comply strictly and promptly with each and all the undertakings, provisions, covenants, agreements, stipulations, and conditions contained herein; and that this License is not coupled with any interest in real property.

19. Fire Safety Standards

a. The Licensee shall not use or permit the storage of any turpentine, benzene, naphtha or other similar substances or explosives of any kind, or any substance or thing prohibited in the standard policies of fire insurance companies licensed to do business in the State of New York, in any buildings erected or to be erected on the Licensed Premises.

b. In addition, the Licensee shall provide a list of all stored flammable materials necessary for its operation, subject to inspection and approval by the Suffolk County Fire Marshal. Storage shall be in a location and manner acceptable to the Commissioner and the Suffolk County Fire Marshal.

20. Hazardous Substances and Waste

a. The Licensee shall not generate, treat, release, store, discharge, dispose of, transport, recycle, use, reuse, handle or permit hazardous substances or hazardous waste on the Licensed Premises without prior written permission of the Department and all such substances shall be handled in the manner required or recommended by any government or quasi-governmental authority.

b. This section is not intended and shall not be construed to prohibit the reasonable, legal and proper use and storage of ordinary cleaning solutions and solvents in the ordinary course of the Licensee's operations and maintenance of the Licensed Premises.

DRAFT

1788

c. In the event the Licensee receives any notice, advice, summons or complaint from any governmental or quasi-governmental agency or any other person or entity with regard to health, safety, environment, and hazardous materials on, under or affecting the Licensed Premises, then the Licensee shall immediately notify the Department. The Licensee shall conduct, complete and pay for all investigations, studies, sampling, and testing and all remedial, removal, and actions necessary to clean and remove all hazardous material on, under, from or affecting the Licensed Premises arising from the Licensee's or the Licensee's agents', servants', contractors' employees' and invitees' acts or omissions in accordance with all applicable federal, state and local laws, ordinances, rules, regulations and policies.

d. The Licensee shall indemnify, defend and save harmless the Department, the County and its officers, officials, members, employees, agents and invitees from and against all liabilities, obligations, claims, damages, penalties, causes of actions, costs and expenses (including reasonable attorneys' fees) whatsoever imposed upon or incurred by or asserted against the Department or County and its officers, officials, members, employees, agents and invitees arising from the Licensee's or the Licensee's agents', servants', contractors', and invitees' acts or omissions or negligence, by reason of:

i. the presence, disposal, escape, seepage, leakage, spillage, discharge, emission, release, or threatened release of any hazardous material on, under, from or affecting the Licensed Premises or any other property;

ii. any personal injury (including wrongful death) or property damage (real or personal) arising out of or related to such hazardous materials;

iii. any lawsuit brought or threatened or settlement reached, provided, however that the Licensee will be given the opportunity, if available with no adverse effect to the County, to contest any such settlement on the grounds therefore with the opposing person or entity, after paying same, or governmental order relating to such hazardous materials; or

iv. any violations of laws, ordinances, rules, orders, or regulations which are based upon or any way related to such hazardous materials, health, safety or environment including attorney or consultant fees, investigation and laboratory fees, court costs, and litigation expenses.

This provision shall survive the termination or expiration of this Agreement.

21. Inspection of Licensed Premises/Remediation of Unsatisfactory Conditions

a. It is agreed that the Licensed Premises will be subject to inspection at any time by the Commissioner, authorized representatives of the Commissioner,

1788

or representatives of the Suffolk County Department of Health Services or the Suffolk County Department of Fire, Rescue and Emergency Services (FRES).

b. The Licensee agrees that upon written notification by the Commissioner that any part of the Licensed Premises or the facilities thereon is unsatisfactory, the Licensee shall, where such condition is caused by the Licensee, remedy the same within a reasonable time except in the event of dangerous health and/or safety conditions impacting upon persons or animals, which shall be corrected immediately. Where applicable, notice of the unsatisfactory condition shall also serve as a notice to cure and/or notice of intent to terminate.

c. In the event the Licensee fails to remedy the unsatisfactory condition, the County may terminate this Agreement, in the sole discretion of the Commissioner, and termination of this Agreement shall be governed by subparagraph 2d entitled "Default/Termination for Cause".

22. Illegal or Objectionable Conduct:

a. The Licensee agrees not to use, or suffer or permit any person to use in any manner whatsoever, the Licensed Premises or any part thereof or any building thereon for any illegal purpose, or for any purpose in violation of any Federal, State, County or municipal law, ordinance, rule, order or regulation now in effect or hereafter enacted, amended or adopted, and will protect, defend, indemnify and forever hold harmless the County of Suffolk, the Department and any individual members thereof and their agents, 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 Licensee, or any employee, volunteer, person or invitee of the Licensed Premises, and in the event of any violation, the County shall have the right and power, and is hereby authorized by the Licensee, to immediately declare this Agreement terminated as if it had naturally expired.

b. The Licensee agrees not to use, or suffer or permit any person to use in any manner whatsoever, the said Licensed Premises or any part thereof or any building thereon for any purpose in violation of any ordinance, rule or regulation of the Department now in effect or hereafter enacted, amended or adopted, and in the event of any violation, or in case the County or its representatives shall deem any conduct on the part of the Licensee, any employee, volunteer, person, or invitee of the Licensed Premises, or the operation thereof to be objectionable or improper, the County shall have the right and power, and is hereby authorized by the Licensee, to immediately declare this Agreement terminated as if it had naturally expired.

1788

23. Fundraising/Contribution

a. Any planned fundraising activities to occur on the Licensed Premises must first be presented in writing for authorization by the Commissioner at least thirty (30) days prior to the scheduled event.

b. The County will require all proceeds generated by activities on the Licensed Premises to be utilized to benefit the people of Suffolk County through maintenance and upkeep of the Licensed Premises as well as programs conducted for the public at the site.

24. Not a Co-Partnership

Nothing herein contained shall create or be construed as creating a co-partnership between the Department and the Licensee, or between the County and the Licensee, or to constitute the Licensee or the Licensee's employees as agents or employees of the Department or of the County.

25. County Representatives

It is expressly understood and agreed by and between the parties hereto that the officers and agents of the County and the Department and its officers, employees, and agents are acting in a representative capacity for the County of Suffolk and not for their own benefit, and that neither the Licensee nor any occupant of the Licensed Premises shall have any claim against them or any of them as individuals in any event whatsoever.

26. County Monies

As to the obligation of the County under the provisions of this Agreement, the same shall be deemed executory only to the extent of the monies appropriated therefor by the Suffolk County Legislature, and no liability shall be incurred by the County beyond the monies available for that purpose.

27. Change In Park Facilities

It is understood that the County may from time to time make changes in the location and capacities of park facilities and methods of operations and may change the amount charged for the use of same or may discontinue certain park facilities or their use by the public during the term of this Agreement. The Licensee shall not make any claims for loss of profits or anticipated earnings as a result of any changes in the park facilities.

DRAFT

1788

28. Change in Department

In the event that during the term of this Agreement, the functions and duties of the Department are transferred to a new or other department of the County of Suffolk, then in that event the said new or other department will assume the functions and duties of the Department hereunder.

29. Severability; No Implied Waiver

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.

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.

30. Labor Disputes/Acts of God

The provisions of this section shall be applicable if there shall occur, during the term or any renewal term of this Agreement any (i) strike(s), lockout(s) or labor dispute(s); (ii) inability to obtain labor or materials, or reasonable substitutes therefor; or (iii) acts of God, governmental restrictions, regulations or controls, enemy or hostile governmental action, civil commotion, fire or other casualty, or other conditions similar or dissimilar to those enumerated in this item (iv) beyond the reasonable control of the party obligated to perform. If the County or the Licensee shall, as the result of any of the above-described events, fail to perform punctually any obligation to be performed under this Agreement, then such failure shall be excused and not be a breach of this Agreement by the party in question, but only to the extent occasioned by such event. If any right or option of either party to take any action under or with respect to this Agreement is conditioned upon the same being exercised within any prescribed period of time and such named date, then such prescribed period of time and such named date shall be deemed to be extended or delayed, as the case may be, for a period equal to the period of the delay occasioned by any above-described event.

DRAFT

n88

31. Independent Contractor

It is expressly agreed that the Licensee's status hereunder is that of an independent contractor. Neither the Licensee nor any person hired by the Licensee shall be considered employees of the County for any purpose.

32. Assignment and Subcontracting

a. The Licensee shall not assign, transfer, convey, subcontract or otherwise dispose of this Agreement, or any of its right, title or interest therein, or its power to execute this Agreement, or assign all or any portion of the monies that may be due or become due to the Licensee under the terms of this Agreement, to any 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.

b. The Licensee shall not enter into subcontracts for any of the work contemplated under this Agreement without obtaining prior written approval of the Department. Such subcontracts shall be subject to all of the provisions of this Agreement and to such other conditions and provisions as the Department 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 Department of any subcontract shall provide for the incurrence of any obligation by the County in addition to the total agreed upon price. The Licensee shall be solely responsible to the County for the performance and services under this Agreement, whether the work is performed by the Licensee or its subcontractors.

33. Not in Default/Arrears

The Licensee 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 a surety, contractor or otherwise on any obligation to the County.

34. Cooperation on Claims

The Licensee agrees to render diligently to the County any and all cooperation, without additional compensation, that may be required to defend the County against any claims, demand, or action that may be brought against the County in connection with this Agreement.

1788

35. Conflicts of Interest

a. The Licensee agrees that it will not, during the term of this Agreement, engage in any activity that is contrary to and/or in conflict with the goals and purposes of the County.

b. The Licensee is charged with the duty to disclose to the County the existence of any such adverse interests, whether existing or potential. This duty shall continue so long as this Agreement remains in effect. The Commissioner, upon consultation with the County Attorney, shall ultimately make the determination as to whether or when a conflict exists or may potentially exist after full disclosure is obtained.

36. Non-Discrimination in Services

During the performance of this Agreement, the Licensee agrees he/she will not, on the grounds of race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status, deny any individual any service(s) or other benefits provided in accordance with this Agreement 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 in accordance with this Agreement.

37. Nonsectarian Declaration

The Licensee 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 pursuant to this Agreement will discriminate on the basis of religious belief. Furthermore, the Licensee agrees that all program services are and will be available to all eligible individuals regardless of religious belief or affiliation.

38. Set-Off Rights

The County shall have all of its common law, equitable, and statutory rights of set-off. These rights shall include, but not be limited to, the County's option to withhold, for the purposes of set-off, any moneys due to the Licensee under this Agreement up to any amounts due and owing to the County with regard to this Agreement and/or any other contract with any County department or agency, including any contract for a term commencing prior to the term of this 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

DRAFT

1788

agency, its representatives, or the County Comptroller, and only after legal consultation with the County Attorney.

39. Publications and Publicity

a. The Licensee shall not issue or publish any book, article, report or other publication related to the Services provided pursuant to this Agreement without first obtaining prior written approval from the County. Any such printed matter or publication shall contain the following statement in clear and legible print: "This publication is fully or partially funded by the Suffolk County Executive's Office.

b. The Department shall have the right of prior approval of press releases and any other information provided to the media, in any form, concerning the Services provided pursuant to this Agreement.

40. Copyrights and Patents

a. Copyrights

If the work of the Licensee under this Agreement should result in the production of original books, manuals, films or other materials for which a copyright may be granted, the Licensee may secure copyright protection. However, the County reserves, and the Licensee hereby gives to the County, and to any other municipality or government agency or body designated by the County, a royalty-free, nonexclusive license to produce, reproduce, publish, translate or otherwise use any such materials.

b. Patents

If the Licensee under this Agreement makes any discovery or invention in the course of or as a result of work performed under this Agreement, the Licensee may apply for and secure for itself patent protection. However, the County reserves, and the Licensee hereby gives to the County, and to any other municipality or government agency or body designated by the County, a royalty-free, nonexclusive license to produce or otherwise use any item so discovered or patented.

41. Confidentiality

Any records, reports or other documents of the County or any of its agencies used by the Licensee pursuant to this Agreement or any documents created as a part of this Agreement shall remain the property of the County and shall be kept confidential in accordance with applicable laws, rules and regulations.

DRAFT

1788

42. No Intended Third Party Beneficiaries

This Agreement is entered into solely for the benefit of the County and the Licensee. 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.

43. Certification as to Relationships

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 five percent (5%) (or more) of any party to this Agreement.

44. 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, the Licensee, 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. The Licensee 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.

45. All Rights Reserved

All rights not specifically granted in this Agreement are reserved to County.

46. Governing Law

This Agreement shall be governed by and construed in accordance the laws of the State of New York, without regard to conflict of laws. Venues shall be designated in Suffolk County, New York or the United States District Court for the Eastern District of New York.

DRAFT

1788

47. No Oral Changes

No modification of this Agreement shall be valid unless written in the form of an Addendum or Amendment signed by both parties and approved by the Commissioner and the County Comptroller as to financial safeguards upon such terms and conditions as may be mutually agreed upon between the Licensee and the County but no such modification, termination, cancellation, or extension shall be effective until so executed and approved.

48. Entire Agreement

It is expressly agreed that this instrument represents the entire agreement of the parties and that all previous understandings are merged in this Agreement.

End of Text for Exhibit A

DRAFT

1788

Exhibit B
Suffolk County Legislative Requirements for Contracts

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

The Licensee 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 Licensee 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 Licensee 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"

1788

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

The Licensee 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 Licensee shall not use County funds to assist, promote, or deter union organizing.

b. No County funds shall be used to reimburse the Licensee 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 Licensee services are performed on County property the Licensee must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, nonintimidation agreement and a majority authorization card agreement.

If Licensee services are for the provision of human services and such services are not to be performed on County property, the Licensee 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

DRAFT

1788

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 Licensee 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 Licensee 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

1788

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 Licensee 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 Licensee 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 Licensee 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 Licensee 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 Licensee 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."

1788

9. Use of Funds in Prosecution of Civil Actions Prohibited

Pursuant to the Suffolk County Code Section §590-3, the Licensee 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>. Click on "Laws of Suffolk County" under "Suffolk County Links".

End of Text for Exhibit B

DRAFT

788

Exhibit C
Notices and Contact Persons

1. Operational Notices

Any communication, notice, claim for payment, 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 the County or the Licensee or their 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 County:
By Regular or Certified Mail in Postpaid Envelope or by Nationally Recognized Courier Service or by Fax or by Email

Suffolk County Department of Parks, Recreation and Conservation
P.O. Box 144, Montauk Highway
West Sayville, New York 11796
Attn: Contracts Management Unit

and

For the Licensee:
By Regular or Certified Mail in Postpaid Envelope or by Nationally Recognized Courier Service or by Fax or by Email

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

2. Notices Relating to Termination, Indemnification or Litigation

In the event the Licensee receives a notice or 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, the Licensee shall immediately deliver to the County Attorney, at the address set forth below, copies of all papers filed by or against the Licensee.

Any communication or notice regarding insurance, indemnification, termination or litigation shall also be sent to the following address, or at such other address that may be specified in writing by the parties and must be delivered as follows:

DRAFT

1788

For the County:
By Nationally Recognized Courier Service or Personally and by First Class Mail

John W. Pavacic, Commissioner
Suffolk County Department of Parks, Recreation and Conservation
P.O. Box 144, Montauk Highway
West Sayville, New York 11796

and

Christine Malafi, County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York 11788

and

For the Licensee:
By Nationally Recognized Courier Service or Personally and First Class Mail

At the address set forth on page one of this Agreement, attention to the person who executed this Agreement or such other designee as the parties may agree in writing.

3. Changes in Contact Persons

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).

4. Receipt of Notice

Notices shall be deemed to have been duly delivered (i) if by First Class Mail, on the date they are mailed or deposited with the United States Postal Service; or (ii) if mailed by Registered or Certified mail, upon the seventh business day after the mailing thereof; or (ii) if by Nationally Recognized Courier service, upon the first business day subsequent to the transmittal thereof; or (iii) if by Fax or Email, upon the transmittal thereof; or (iv) if personally, pursuant to New York Civil Practice Law and Rules Section 311. "Business Day" shall be defined as 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.

DRAFT

1788

5. **Litigation/Accidents**

a. In the event the Licensee becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant, etc.) to a lawsuit or any legal proceeding, arising out of this Agreement or in connection with the Licensed Premises, the Licensee will immediately forward copies of all papers filed by or against the Licensee to the Department and the Suffolk County Department of Law at the addresses listed above.

b. The Licensee shall notify the County of any accidents and/or claims, or property damage, arising on or within the Licensed Premises. Notice of accidents and/or claims shall be given immediately (or as soon as possible) to the County by telephone, at (631) 854-4949 or Park Police at (631) 854-1422 or at such other number the County provides to the Licensee in writing.

c. In addition, written notice, together with a report on the incident and all accompanying documentation, shall be provided in writing to the County as soon as practicable, however, in any event within (1) business day, as defined above, of the Licensee's receipt of notice or of information regarding an accident or claim.

d. In the event of any disturbance, emergency, criminal or illegal behavior, serious violations of the Department's rules and regulations and other circumstances that may warrant such action, the Licensee shall also immediately notify the Park Police at (631) 854-1422 and/or other emergency responders.

e. All written notices to the County shall comply with this section.

End of Text for Exhibit C

DRAFT

1788

Exhibit D
Description of Services

1. Operations and Use of Licensed Premises

a. In consideration of the provision and maintenance of the Licensed Premises by the County, the Licensee agrees to help preserve and foster public appreciation for the unique features and historic value of the Licensed Premises at its own cost and expense and in accordance with the procedures set forth in the Historic Trust Manual.

b. The Licensee's use of the Licensed Premises is to be non-exclusive, with the Licensee being granted use of the Licensed Premises at the sole discretion of the Commissioner. The facility shall at all times be operated in a manner that meets the approval of and is satisfactory to the Commissioner and shall conform to rules and directives of the Department.

c. The Licensee shall use the basement, first floor, second floor, and the attached garage of the Van Bourgondien House as museum/office space. The first floor shall be used for exhibit space open to the public. The Licensee shall use the second floor for office space, storage space, and curatorial/restoration workrooms, and may be required to be open to the public, at the discretion of the Commissioner. The Licensee shall also have use of the grounds surrounding the Van Bourgondien House.

d. The Licensee understands and agrees that the Commissioner, in his discretion, reserves the right to make changes from time to time as to the use of the Licensed Premises, in the best interest of the County.

e. The Licensee shall be responsible for security and safeguarding of the Licensed Premises and structures thereon throughout the term of this Agreement as agreed to at the discretion of the Department.

f. Detailed and specific plans regarding any program offered by the Licensee shall be submitted to the Commissioner in writing prior to the commencement of any such program, and in addition, the Licensee shall receive such approval from the Commissioner in writing, prior to the commencement of any such program.

g. The Licensee will act as an historical guardian pursuant to the Historic Trust Manual and will assist in the restoration, maintenance, and management of the Licensed Premises.

h. Collections that are acquired by the Licensee specifically for the Licensed Premises are to remain on site and become the property of the County. A

1788

detailed inventory of said collections is to be provided to the Commissioner on the first of each year.

i. All fees and charges imposed by the Licensee pursuant to this Agreement must be approved by the Commissioner and shall conform to rules and directives of the Department.

2. **Operational Plan; Operations Schedule; Schedule of Charges**

a. **Operational Plan.** The Licensee agrees to submit to the Department an Operational Plan, including an operating schedule that specifies dates and times the Licensed Premises will be opened to the public for its enjoyment and for formal tours of the Van Bourgondien House, as well as a detailed schedule of special events, exhibits, and programs, no later than January 30th of each year of this Agreement and shall be reviewed by the Commissioner or his/her designee by February 15th of each year. Whether the Operational Plan for each year has been sufficiently accomplished shall be reviewed annually by the Department at the close of that respective year.

b. **Operation Schedule.** The Licensee agrees, at a minimum, to provide tours of the Van Bourgondien House to the public one weekend day (for a minimum of three hours) each weekend, starting in the Spring and continuing through the Fall, for each year of this Agreement. The Licensee also agrees to provide group tours as requested by the public and the Department throughout the year.

c. **Special Events.** The Licensee shall submit written plans for any special event or promotion to the Commissioner for written approval at least twenty (20) days in advance of such event. "Special event" shall mean any event outside the Licensee's ordinary course of business or any event outside the scope of this Agreement.

d. **Schedule of Charges.** The Licensee shall adhere to a price schedule of charges to the public that is submitted in advance in writing to the Commissioner and has received prior written approval. During the term of this Agreement, the Licensee may propose changes to the price schedule, in writing, to the Commissioner. The Licensee hereby understands and agrees that any approval of proposed changes to the price schedule shall be at the sole discretion of the Commissioner.

1788

3. **County Property; Security; Maintenance; Repairs, and Alterations**

a. The Licensee shall be responsible for the day-to-day maintenance of the entire Licensed Premises, both interior and exterior. The County may, at its discretion, elect to assist with maintenance.

b. A detailed written Restoration, Maintenance, Management and Interpretative Plan outlining specific projects and work program must be submitted to the Department for approval by January 30th of each year of this Agreement and reviewed by the Commissioner or his/her designee by February 15th of each year. Restoration and maintenance performed by the Licensee shall be subject to review and prior approval of the Department. Whether the Restoration, Maintenance, Management and Interpretative Plan for each year has been sufficiently accomplished will be reviewed annually by the Department at the close of that respective year.

c. All space, equipment and furnishings covered by this Agreement and used by the Licensee shall be maintained, cleaned and operated safely by the Licensee at its own cost and expense as directed by the Commissioner and as otherwise in accordance with the provisions of this Agreement and any other recognized and accepted standards of operation.

d. Other than ordinary routine maintenance, all work must be approved by the Commissioner.

4. **Improvements**

a. The Licensee agrees to renovate and improve the Licensed Premises over the term of this Agreement pursuant to a plan as agreed to by the parties in writing. In no event shall any improvements or new construction be removed by the Licensee upon the expiration or termination of this Agreement. All renovations and improvements made to the Licensed Premises by the Licensee shall be performed in accordance with good, sound and acceptable construction procedures.

b. All improvements made to the Licensed Premises by the Licensee, including plans, materials, furnishings, decorations, exhibits and methods of labor shall be subject to the review and approval of the Department and shall require a Determination of Appropriateness (where applicable) executed through the Department and approved by the Suffolk County Historic Trust (Council on Environmental Quality) prior to the commencement of any work.

c. All plans for construction of any on-site structures are to be submitted in writing to the Commissioner for approval prior to the commencement of **any** project within or on the Licensed Premises. No work hereunder shall be

1788

performed without the prior written approval of the plans and/or drawings by the Suffolk County Department of Public Works (where applicable) and the Commissioner.

d. The County may, at its election, assist the Licensee in fulfilling its obligations under this Agreement in obtaining necessary permits for any needed repairs. All work shall be supervised by and may be inspected at any time by County personnel, and shall conform to the rules and policies of the Commissioner.

e. It is expressly understood and agreed that the Licensed Premises is and shall be the sole property of the County. Any newly constructed buildings and all improvements to the Licensed Premises, including all purchases and acquisitions of museum collections, equipment, fixtures and appliances, shall immediately become the property of the County and become part of the Licensed Premises.

f. The Licensee is responsible for the condition and appearance of the Licensed Premises and the Licensed Premises shall at all times be maintained in a clean and safe condition. Where necessary, due to any improvements made to the Licensed Premises by the Licensee, the Licensed Premises shall be secured by the Licensee.

5. **Licensee Provided Services**

a. **Maintenance and Repair**. The Licensee shall throughout the term of this Agreement, in combination with the Department as agreed to in writing by the Department, maintain and keep in serviceable condition all new or existing facilities, improvements, equipment, and furnishings at its own cost and expense.

The Licensee, at the discretion of the Department, may be required to maintain the grounds of the Licensed Premises, including but not limited to, cleaning litter, mowing the grass, and snow removal. In the event this Agreement is terminated or expires, the Licensee is responsible, and will remain liable, for all costs and expenses associated with returning facility improvements, equipment and furnishings to a serviceable condition.

b. **Personnel.** The Licensee shall provide sufficient personnel, as determined by the Commissioner, to adequately carry out the terms of this Agreement at the Licensee's own cost and expense.

c. **Sanitary Condition of Premises/Grounds.** The Licensee is responsible for the appearance of all areas covered under this Agreement and shall at all times keep the Licensed Premises in a clean, litter-free and sanitary condition to the satisfaction of the Commissioner and shall cleanse, fumigate, disinfect

DRAFT

1788

and deodorize the premises covered by this Agreement whenever directed to do so by the Commissioner.

d. **Responsible Principal.** The Licensee undertakes and agrees that at least one (1) principal will be designated by the Licensee who shall be responsible for the daily operation of the Licensed Premises and who has the authority to act on behalf of the Licensee with regard to said operation thereof. If a manager is to be employed, the Licensee agrees to employ a manager who is satisfactory to the Commissioner, who shall be held accountable to the same minimum standard of participation as set forth above. The Licensee agrees to furnish the name, home address and home or cell telephone numbers of the responsible principal or manager so that he/she can be reached at all times. In the event that such principal or manager becomes unavailable or is unable to be reached, the Licensee shall furnish such information for another responsible person.

e. **Qualifications and Licenses.** The Licensee specifically represents and warrants that it has and shall possess, and that, to the extent applicable, its employees, agents and subcontractors have and shall possess, the required education, knowledge, experience and character necessary to qualify them individually for the particular duties they perform and that the Licensee has and shall have, and to the extent applicable, its employees, agents and subcontractors have and shall have, all required authorizations, certificates, certifications, registrations, licenses, permits or other approvals required by the State, County or local authorities for the services provided pursuant to this Agreement.

f. **Chemicals, Fungicides, Herbicides and Pesticides.**

i. All chemicals, fungicides, herbicides and pesticides (if any) applied to the Licensed Premises shall be approved by the Commissioner prior to use. The Licensee shall comply with Suffolk County Code Chapter 380 (Pest Control), the Organic Parks Maintenance Plan and any other applicable federal, state, and local laws. The Licensee shall apply for any necessary exemptions from Suffolk County Code Chapter 380. All notice and reporting requirements shall be adhered to.

ii. The Licensee is required to adhere to an Integrated Pest Management Program (IPM), which shall be approved by the Commissioner and which minimizes potential negative impact upon the environment or wildlife.

iii. The Licensee shall keep and maintain detailed records of all chemicals, pesticides, herbicides and fungicides stored and applied to the facilities throughout the term of this Agreement, as may be required by and duly

1788

enacted local law or legislative resolution, and shall comply with Local Law 20-2000 entitled "A Local Law to Adopt Countywide Pesticide Notice Provisions."

g. **Security.** The Licensee shall provide security for the Licensed Premises in a manner appropriate to the nature of the operation.

h. **Safety.** The Licensee shall conduct its operations safely in a manner to eliminate the possibility of injury or damage to life or property. The Licensee shall follow all applicable safety laws, regulations and County policies. The Licensee shall ensure that patrons comply with all applicable safety laws, rules, regulations and County policies.

6. **County Responsibilities**

a. **Utilities.** The County will provide and pay for the electricity, plumbing and heating to the Licensed Premises. The Licensee shall be responsible for all costs associated with telephone service. In the event of fluctuation or interruption of water supply, electricity, or other utility services provided by the County, the Department shall undertake to repair such interruption promptly; however, the County shall not be liable or in any manner responsible for any claim, loss or damage of any kind sustained by the Licensee or any third party as a result of such delay or interruption in utility service regardless of cause. Under all circumstances, the Licensee shall be solely responsible for the cost and provision of its own sources of temporary power as may be necessary.

b. **Refuse and Garbage; Costs.** The County shall be responsible for all refuse and garbage removal costs. All refuse and garbage is to be collected and deposited in such locations and containers deemed satisfactory to the Commissioner.

c. **Maintenance.** The County shall be primarily responsible for maintenance and restoration of the exterior of the buildings and surrounding grounds as required for the restoration of the Van Bourgondien House as an historic site. The Licensee may also participate in the exterior restoration as agreed to by the parties. The County shall maintain the mechanical building systems inside the structures such as plumbing, heating, air conditioning, electric and alarm systems.

d. **Extermination.** The County shall provide exterminating services as needed and in accordance with County regulations.

1788

7. Fees, Accounting and Record Keeping; Inspection of Records; Reporting; N.Y.S. Sales Tax

a. The Licensee is granted permission to charge fees to the public for participation in tours, special events, exhibits, and programs held at, or related in any way to the Licensed Premises. All fees charged are required to first be approved in writing by the Commissioner.

b. Subject to the provisions in the Section entitled "Fundraising/Contribution," all fees and revenue collected by the Licensee that are generated arising out of this Agreement, shall be utilized to benefit the people of Suffolk County through the maintenance and upkeep of the Licensed Premises, as well as for programs conducted for the public at the Licensed Premises. Such expenditures made and services provided shall be sufficiently documented and forwarded to the County.

c. The Licensee shall keep separate books of accounts and records of all operations conducted under this Agreement and establish a system of bookkeeping and accounts which is acceptable to the County and which is in accordance with the accounting requirements for concession contracts issued by the Comptroller of Suffolk County.

d. The Licensee shall permit inspection of said books and records by the Commissioner and Comptroller of the County of Suffolk or their representative as often as, in the judgment of the Commissioner or the Comptroller, such inspection is deemed necessary. Such right of inspection and audit shall exist during the term of this Agreement and for a period of six years after its expiration or termination. The Licensee may be required to submit, at the end of the season or as required by the Commissioner or said Comptroller, a certified profit and loss statement of operations under this Agreement as prepared by a Certified Public Accountant.

e. In the event the Licensee offers merchandise for sale at the museum, the Licensee shall install and maintain a visual reading cash register with cumulative locked-in tape totals and automatic daily reset number or its equivalent for the Licensed Premises. The Licensee shall permit no reset of cumulative cash register readings. If a cash register must be repaired, or otherwise removed from the Licensed Premises, the readings shall be recorded and verified by County personnel before the equipment leaves and when it is returned to the Licensed Premises. The County reserves the right to audit cash register readings at any time. All revenues are to be recorded daily with sales including a beginning and ending daily balance for each cash register. The Licensee shall retain a copy of the daily sales report together with daily cash register tapes as part of the permanent accounting record. All equipment must be inspected, calibrated and certified annually.

1788

f. The Licensee shall also preserve for examination and inspection by the Commissioner or the Comptroller of Suffolk County all cash register tapes and all vending machine readings where applicable and practical. Tickets or coupons representing payment of currency shall be used in such a manner as may be approved by the Comptroller of Suffolk County.

g. The Licensee must obtain and display its New York State Sales Tax Authorization Certificate and indicate on its menus, price lists and fee schedules whether or not the posted prices include tax or tax is to be added. Said tax must be properly recorded in the cash register. Collection and payment of such tax to New York State shall be solely the responsibility of the Licensee.

h. The Licensee shall submit to the Commissioner by not later than thirty (30) days following the end of each calendar quarter, a copy of the quarterly sales tax return required to be filed with the State of New York.

End of Text for Exhibit D

DRAFT

1788

Exhibit E
Suffolk County Resolution No. ____-2008

DRAFT

1788

Exhibit F
Site Map

DRAFT

End of Text for Exhibit F

Gen C10

COUNTY OF SUFFOLK

1788

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** JWP

CC: **JIM MORGO, Chief Deputy County Executive**

DATE: **August 8, 2008**

RE: **INTRODUCTORY RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH BABYLON TOWN HISTORICAL SOCIETY FOR VAN BOURGONDIEN PROPERTY, WEST BABYLON**

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-Authorizing License to Babylon Historical Society for Van Bourgondien.doc."

The Park Department's custodial license agreement with the Babylon Town Historical Society will ensure that Suffolk County residents will continue to have the opportunity to experience and learn about the Van Bourgondien House and property and its role in our County's history. The Suffolk County Council on Environmental Quality recommended that the County enter into such an agreement with this organization (CEQ Reso. No. 92-07, attached).

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

Enclosures

MONTAUK HIGHWAY – P.O. BOX 144 WEST SAYVILLE, NEW YORK 11796-0144 (631) 854-4949 FAX: (631) 854-4977

SUFFOLK COUNTY PARKS

Intro. Reso. No. 1789-08 Laid on Table 8/19/08

Introduced by the Presiding Officer on request of the County Executive

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

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

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

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

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

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

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

WHEREAS, Chapter 186 of the Suffolk County Code requires that no vehicle shall be purchased or leased unless explicit approval for the acquisition of such vehicle, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature; and now, therefore, be it

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

REVENUE:	**AMOUNT**
001-4336– Federal Aid: LETPP FY07 Bomb Squad	$123,000

ORGANIZATIONS:

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

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

And be it further

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

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

COORDINATION OF GRANT APPLICATION OR CONTRACT County of Suffolk	DATE 4/11/08 REV. 6/9/08

Submitting Department/Agency Suffolk County Police Department	Location 30 Yaphank Avenue, Yaphank	1789
Contact Person In Department/Agency Sarah Furey Senior 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 ½" X 11" sheet cross referenced to the item.

I. BACKGROUND INFORMATION

1. Grant Title Law Enforcement Terrorism Prevention Program FY 07 (LETPP 07) Bomb Squad

2. Statutory Legislation (Public Law No. & Title & Department Administering Grant Program)
Public Law 109-295 Department of Homeland Security Appropriations Act 2007, administered by the NYS Office of Homeland Security.

3. Grant/Contract Status (Check One Box)
A. ___New Program Application
B. _X_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 provide Suffolk County funds to enhance the SCPD Emergency Service Section's terrorism detection, prevention, and response capabilities, through the purchase of equipment.

5. County Departments/Agencies Affected (Include any with similar operational programs, regardless of their eligibility for this program.)

II. BUDGET INFORMATION

1. Term of Contract From: 7/1/2007 To: 6/30/2010

2. Financial Assistance Requested

SOURCE	*FIRST FUNDING CYCLE*		*SECOND FUNDING CYCLE*		*THIRD FUNDING CYCLE*	
	Amount	**Percent**	**Amount**	**Percent**	**Amount**	**Percent**
Federal	$100,000	100%	$123,000	100%	$	%
State	$	%	$	%	$	%
Private	$	%	$	%	$	%
County	$	%	$	%	$	%
Total	$100,000	100%	$123,000	100%	$	0%

3. Explanation of Requested County Financial Assistance

Category	*Total Requested*	*Personnel Costs Requested*	*Non-Personnel Costs Requested*
TOTAL COUNTY SHARE:	$0	$0	$0 1789
A. Cash Contribution	$0	$0	$0
B. In-Kind Contribution	$0	$0	$0

4. Total Number of New Positions Requested 0

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.)

Some additional indirect costs resulting from administrative oversight may be incurred.

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.)?

In the event that another source of outside funding is not found, continuance of this program will be re-evaluated based on community need and available resources of the Police Department.

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 ½" X 11" sheet).

N/A

III. COUNTY EXECUTIVE'S OFFICE REVIEW

1. Intergovernmental Relations Division Review:	Approved Disapproved	2. Signature of Coordinator	3. Date

4. Comments

5. Budget Office Review:	Approved Disapproved	6. Signature of Budget Director	7. Date

8. Comments

GRANT BUDGET ANALYSIS COUNTY BUDGET YEAR 2008				Page 1 of 3
CATEGORY	APPROPRIATION NUMBER GRANTOR FUNDS	APPROPRIATION NUMBER COUNTY FUNDS	APPROPRIATION NUMBER IN-KIND CONTRIBUTION	REMARKS
1000 PERSONAL SERVICES: 1100 Permanent Salaries 1110 Interim Salaries 1120 Overtime Salaries				
2000 EQUIPMENT: 2010 Furniture & Fixtures 2020 Office Machines 2030 Automobiles & Motorcycles 2040 Trucks,Trailers & Jeeps 2090 Radio and Communication 2500 Other Equip Not Otherwise	**123,000** 36,854 4,762 81,384			
3000 SUPPLIES MATERIALS & OTHERS: 3010 Office Supplies 3020 Postage 3030 Photostat, Photograph, Blueprint 3040 Printing 3130 Automotive Maintenance Supplies 3500 Other Unclassified 3680 Repairs: Special Equipment				
4000 UTILITIES: 4010 Telephone & Telegraph				
4300 TRAVEL: 4310 Employee Misc - Expenses 4330 Travel Employee Contracts 4340 Travel Other Contracts				1789

SCIN Form 164D (10-80)

GRANT BUDGET ANALYSIS	COUNTY BUDGET YEAR 2008			Page 2 of 3
CATEGORY	APPROPRIATION NUMBER GRANTOR FUNDS	APPROPRIATION NUMBER COUNTY FUNDS	APPROPRIATION NUMBER IN-KIND CONTRIBUTION	REMARKS
4400 FEES FOR FACILITIES 4410 Rent: Offices & Buildings				
4500 FEES FOR SERVICES: 4560 Fees for Services, Non-Employees				
4900 CONTRACTED SERVICES (LIST)				
8000 EMPLOYEE BENEFITS: 8280 Retirement 8300 Insurance: Worker Compensation 8330 Social Security 8360 Health Insurance 8380 Dental Insurance				
OTHER (List Source & Brief Explanation) Vehicle use reimbursement				

I certify that the above in-kind contribution are not currently being used to support other grants

SCIN Form 164D (10-80)

DETAIL LISTING OF 1000 ACCOUNT			PERSONAL SERVICES				Page 3 of 3
TITLE OF POSITION	GRADE / STEP	SALARY	EMPLOYEE NAME	SOURCE OF FUNDING BY %			
				GRANTOR	COUNTY	IN-KIND	
None							

SCIN Form 164D (10-80)

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1789

1. Type of Legislation

Resolution X Local Law ___ Charter Law ___

2. Title of Proposed Resolution
Accepting & appropriating a grant in the amount of $123,000 in Federal pass-through funds from the New York State Office of Homeland Security for the Law Enforcement Terrorism Prevention Program FY07 (LETPP FY07) Bomb Squad Program with 100% support.

3. Purpose of Proposed Legislation
To accept $123,000 from the New York State Office of Homeland Security which will provide for equipment purchases designed to enhance ability of the Emergency Service Section of the Suffolk County Police Department to detect, to prevent, to deter, and to respond to terrorist activities.

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:

7. Total financial Cost of Funding over 5 years on each affected political or Other Subdivision:

The current project is 100% funded by the grantor. It is anticipated that any future funding for this program would also be 100% funded by the grantor.

8. Proposed Source of Funding
New York State Office of Homeland Security

9. Timing of Impact
Immediate

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Sarah Furey Senior Grants Analyst	Sarah E. Furey	6/10/2008

SCIN FORM NO. 175b (10/95)

Rec'd 6/9/08 SF

NEW YORK STATE
OFFICE OF HOMELAND SECURITY

DIRECTOR
F. DAVID SHEPPARD

June 5, 2008

1789

Ms. Sarah Furey
Grants Analyst
Suffolk County Police Department
30 Yaphank Ave.
Yaphank, NY 11980

Dear Ms. Sarah Furey:

Enclosed is a contract, along with five additional cover pages, for the FY07 Law Enforcement Terrorism Prevention Program (LETPP) between the Office of Homeland Security (OHS) and Suffolk County Police Department. If your organization accepts the award, please have the contract and the five additional cover pages signed and notarized on the signature line on each of the contract cover pages. The complete contract package, including all six (6) signed original, notarized contract cover pages, must be returned to us no later than June 20, 2008.

This grant award agreement does not constitute a formal contract between your organization and OHS until either approved by this agency or executed by the New York State Comptroller. Contracts for awards which are less than $50,000 do not need to be processed by the Comptroller and, therefore, will not be stamped by that office. A contract for awards greater than $50,000 must be reviewed and approved by the Comptroller's Office and, therefore, will be stamped by that office.

You are obligated to account for the expenditure of these funds in a timely manner and on the prescribed forms. Expenditures must be made in accordance with the guidelines of the State Homeland Security Program and as stated in the program workplan and budgeted for in the contract budget.

If you have any questions or require further assistance, please contact me at (518) 485-7241. Thank you for your continued cooperation.

Sincerely,

Shelley Wahrlich

Shelley Wahrlich
Contracts Manager

Enclosures

1220 WASHINGTON AVENUE,
BUILDING 7A - 6TH FLOOR
ALBANY, NEW YORK 12242-1800

STATE AGENCY: New York State Office of Homeland Security 1220 Washington Avenue Albany, NY 12242	NYS COMPTROLLER'S NUMBER: C834071 (Contract Number) ORIGINATING AGENCY CODE: 01077
GRANTEE/CONTRACTOR: (Name & Address) **Suffolk County** H Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, NY 11788	TYPE OF PROGRAM(S): **WM2007 LETPP** **CFDA# 97.067** OHS NUMBER(S): **WM07834071** 1789
FEDERAL TAX IDENTIFICATION NO: **11-6000464** MUNICIPALITY NO (if applicable): **470100000 000**	INITIAL CONTRACT PERIOD: FROM: **07/01/2007** TO: **06/30/2010** FUNDING AMOUNT FOR INITIAL PERIOD: **$ 123,000**
STATUS: **Contractor is not a sectarian entity.** **Contractor is not a not-for-profit organization**	MULTI-YEAR TERM (if applicable): FROM: TO:

CHARITIES REGISTRATION NO:

N/A

Contractor has _____/ has not _____ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.

If 'Exempt' is entered above, reason for exemption: _____

APPENDICES ATTACHED AND PART OF THIS AGREEMENT

X	APPENDIX A	Standard Clauses required by the Attorney General for all State contracts
X	APPENDIX A-1	Agency-Specific Clauses
X	APPENDIX B	Budget
X	APPENDIX C	Payment and Reporting Schedule
X	APPENDIX D	Program Workplan
____	APPENDIX X	Modification of Agreement Form (to accompany modified appendicies for changes in terms or considerations on an existing period or for renewal periods
____	OHS-55	Budget Amendment/Grant Extension Request
____	Other -- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion	

IN WITNESS THEREOF, the parties hereto have executed or approved this AGREEMENT on the dates indicated below.

NYS OFFICE OF HOMELAND SECURITY

By: _____ Date: _____

William T. Bowen, Assistant Director

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."

GRANTEE:

By: _____ Date: _____

Jeffrey W Szabo , Deputy County Executive

STATE OF NEW YORK

County of

On this _____ day of _____, 20 __, before me personally came _____, to me known, who being duly sworn, did depose and say that (s)he resides in _____, that (s)he is the _____ of the _____, the Grantee described in and which executed the foregoing instrument; that it was so executed by the authority of the Grantee, and that (s)he signed his/her name hereto by like order.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____	**APPROVED:** **THOMAS P. DINAPOLI,** **STATE COMPTROLLER** By_____ Date: _____

STATE AGENCY: New York State Office of Homeland Security 1220 Washington Avenue Albany, NY 12242	NYS COMPTROLLER'S NUMBER: **C834071** (Contract Number) ORIGINATING AGENCY CODE: **01077**
GRANTEE/CONTRACTOR: (Name & Address) **Suffolk County** H Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, NY 11788	TYPE OF PROGRAM(S): **WM2007 LETPP** **CFDA# 97.067** OHS NUMBER(S): **WM07834071**
FEDERAL TAX IDENTIFICATION NO: **11-6000464** MUNICIPALITY NO (if applicable): **470100000 000**	INITIAL CONTRACT PERIOD: FROM: **07/01/2007** TO: **06/30/2010** FUNDING AMOUNT FOR INITIAL PERIOD: **$ 123,000**
STATUS: **Contractor is not a sectarian entity.** **Contractor is not a not-for-profit organization**	MULTI-YEAR TERM (if applicable): FROM: TO:

1789

CHARITIES REGISTRATION NO:

N/A

Contractor has _____/ has not _____ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.

If 'Exempt' is entered above, reason for exemption: _____

APPENDICES ATTACHED AND PART OF THIS AGREEMENT

X	APPENDIX A	Standard Clauses required by the Attorney General for all State contracts
X	APPENDIX A-1	Agency-Specific Clauses
X	APPENDIX B	Budget
X	APPENDIX C	Payment and Reporting Schedule
X	APPENDIX D	Program Workplan
____	APPENDIX X	Modification of Agreement Form (to accompany modified appendicies for changes in terms or considerations on an existing period or for renewal periods
____	OHS-55	Budget Amendment/Grant Extension Request
____	Other -- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion	

IN WITNESS THEREOF, the parties hereto have executed or approved this AGREEMENT on the dates indicated below.

NYS OFFICE OF HOMELAND SECURITY

By: _____ Date: _____

William T. Bowen, Assistant Director

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."

GRANTEE:

By: _____ Date: _____

Jeffrey W Szabo , Deputy County Executive

STATE OF NEW YORK

County of

On this _____ day of _____, 20 __, before me personally came _____, to me known, who being duly sworn, did depose and say that (s)he resides in _____, that (s)he is the _____ of the _____, the Grantee described in and which executed the foregoing instrument; that it was so executed by the authority of the Grantee, and that (s)he signed his/her name hereto by like order.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____	**APPROVED:** **THOMAS P. DINAPOLI,** **STATE COMPTROLLER** By_____ Date: _____

STATE AGENCY: New York State Office of Homeland Security 1220 Washington Avenue Albany, NY 12242	NYS COMPTROLLER'S NUMBER: **C834071** (Contract Number) ORIGINATING AGENCY CODE: **01077**
GRANTEE/CONTRACTOR: (Name & Address) **Suffolk County** H Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, NY 11788	TYPE OF PROGRAM(S): **WM2007 LETPP** **CFDA# 97.067** OHS NUMBER(S): **WM07834071** 1789
FEDERAL TAX IDENTIFICATION NO: **11-6000464** MUNICIPALITY NO (if applicable): **470100000 000**	INITIAL CONTRACT PERIOD: FROM: **07/01/2007** TO: **06/30/2010** FUNDING AMOUNT FOR INITIAL PERIOD: **$ 123,000**
STATUS: **Contractor is not a sectarian entity.** **Contractor is not a not-for-profit organization**	MULTI-YEAR TERM (if applicable): FROM: TO:

CHARITIES REGISTRATION NO:
N/A

Contractor has _____/ has not _____ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.

If 'Exempt' is entered above, reason for exemption: _____

APPENDICES ATTACHED AND PART OF THIS AGREEMENT

X	APPENDIX A	Standard Clauses required by the Attorney General for all State contracts
X	APPENDIX A-1	Agency-Specific Clauses
X	APPENDIX B	Budget
X	APPENDIX C	Payment and Reporting Schedule
X	APPENDIX D	Program Workplan
____	APPENDIX X	Modification of Agreement Form (to accompany modified appendicies for changes in terms or considerations on an existing period or for renewal periods
____	OHS-55	Budget Amendment/Grant Extension Request
____	Other -- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion	

IN WITNESS THEREOF, the parties hereto have executed or approved this AGREEMENT on the dates indicated below.

NYS OFFICE OF HOMELAND SECURITY

By: _____ Date: _____

William T. Bowen, Assistant Director

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."

GRANTEE:

By: _____ Date: _____

Jeffrey W Szabo , Deputy County Executive

STATE OF NEW YORK
County of

On this _____ day of _____, 20 __, before me personally came _____, to me known, who being duly sworn, did depose and say that (s)he resides in _____, that (s)he is the _____ of the _____, the Grantee described in and which executed the foregoing instrument; that it was so executed by the authority of the Grantee, and that (s)he signed his/her name hereto by like order.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____	**APPROVED:** **THOMAS P. DINAPOLI,** **STATE COMPTROLLER** By_____ Date: _____

STATE AGENCY: New York State Office of Homeland Security 1220 Washington Avenue Albany, NY 12242	NYS COMPTROLLER'S NUMBER: **C834071** (Contract Number) ORIGINATING AGENCY CODE: **01077**
GRANTEE/CONTRACTOR: (Name & Address) **Suffolk County** H Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, NY 11788	TYPE OF PROGRAM(S): **WM2007 LETPP** **CFDA# 97.067** OHS NUMBER(S): **WM07834071** 1789
FEDERAL TAX IDENTIFICATION NO: **11-6000464** MUNICIPALITY NO (if applicable): **470100000 000**	INITIAL CONTRACT PERIOD: FROM: **07/01/2007** TO: **06/30/2010** FUNDING AMOUNT FOR INITIAL PERIOD: **$ 123,000**
STATUS: **Contractor is not a sectarian entity.** **Contractor is not a not-for-profit organization**	MULTI-YEAR TERM (if applicable): FROM: TO:

CHARITIES REGISTRATION NO:

N/A

Contractor has _____/ has not _____ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.

If 'Exempt' is entered above, reason for exemption: _____

APPENDICES ATTACHED AND PART OF THIS AGREEMENT

X	APPENDIX A	Standard Clauses required by the Attorney General for all State contracts
X	APPENDIX A-1	Agency-Specific Clauses
X	APPENDIX B	Budget
X	APPENDIX C	Payment and Reporting Schedule
X	APPENDIX D	Program Workplan
____	APPENDIX X	Modification of Agreement Form (to accompany modified appendicies for changes in terms or considerations on an existing period or for renewal periods
____	OHS-55	Budget Amendment/Grant Extension Request
____	Other – Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion	

IN WITNESS THEREOF, the parties hereto have executed or approved this AGREEMENT on the dates indicated below.

NYS OFFICE OF HOMELAND SECURITY

By: _____ Date: _____

William T. Bowen, Assistant Director

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."

GRANTEE:

By: _____ Date: _____

Jeffrey W Szabo , Deputy County Executive

STATE OF NEW YORK

County of

On this _____ day of _____, 20 __, before me personally came _____, to me known, who being duly sworn, did depose and say that (s)he resides in _____, that (s)he is the _____ of the _____, the Grantee described in and which executed the foregoing instrument; that it was so executed by the authority of the Grantee, and that (s)he signed his/her name hereto by like order.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____	**APPROVED:** **THOMAS P. DINAPOLI,** **STATE COMPTROLLER** By_____ Date: _____

STATE AGENCY: New York State Office of Homeland Security 1220 Washington Avenue Albany, NY 12242	NYS COMPTROLLER'S NUMBER: **C834071** (Contract Number) ORIGINATING AGENCY CODE: **01077**
GRANTEE/CONTRACTOR: (Name & Address) **Suffolk County** H Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, NY 11788	TYPE OF PROGRAM(S): **WM2007 LETPP** **CFDA# 97.067** OHS NUMBER(S): **WM07834071** 1789
FEDERAL TAX IDENTIFICATION NO: **11-6000464** MUNICIPALITY NO (if applicable): **470100000 000**	INITIAL CONTRACT PERIOD: FROM: **07/01/2007** TO: **06/30/2010** FUNDING AMOUNT FOR INITIAL PERIOD: **$ 123,000**
STATUS: **Contractor is not a sectarian entity.** **Contractor is not a not-for-profit organization**	MULTI-YEAR TERM (if applicable): FROM: TO:

CHARITIES REGISTRATION NO:

N/A

Contractor has _____/ has not _____ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.

If 'Exempt' is entered above, reason for exemption: _____

APPENDICES ATTACHED AND PART OF THIS AGREEMENT

X	APPENDIX A	Standard Clauses required by the Attorney General for all State contracts
X	APPENDIX A-1	Agency-Specific Clauses
X	APPENDIX B	Budget
X	APPENDIX C	Payment and Reporting Schedule
X	APPENDIX D	Program Workplan
____	APPENDIX X	Modification of Agreement Form (to accompany modified appendicies for changes in terms or considerations on an existing period or for renewal periods
____	OHS-55	Budget Amendment/Grant Extension Request
____	Other -- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion	

IN WITNESS THEREOF, the parties hereto have executed or approved this AGREEMENT on the dates indicated below.

NYS OFFICE OF HOMELAND SECURITY

By: _____ Date: _____

William T. Bowen, Assistant Director

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."

GRANTEE:

By: _____ Date: _____

Jeffrey W Szabo , Deputy County Executive

STATE OF NEW YORK

County of

On this _____ day of _____, 20 __, before me personally came _____, to me known, who being duly sworn, did depose and say that (s)he resides in _____, that (s)he is the _____ of the _____, the Grantee described in and which executed the foregoing instrument; that it was so executed by the authority of the Grantee, and that (s)he signed his/her name hereto by like order.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____	**APPROVED:** **THOMAS P. DINAPOLI,** **STATE COMPTROLLER** By_____ Date: _____

STATE AGENCY: New York State Office of Homeland Security 1220 Washington Avenue Albany, NY 12242	NYS COMPTROLLER'S NUMBER: **C834071** (Contract Number) ORIGINATING AGENCY CODE: **01077**
GRANTEE/CONTRACTOR: (Name & Address) **Suffolk County** H Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, NY 11788	TYPE OF PROGRAM(S): **WM2007 LETPP** **CFDA# 97.067** OHS NUMBER(S): **WM07834071** 1789
FEDERAL TAX IDENTIFICATION NO: **11-6000464** MUNICIPALITY NO (if applicable): **470100000 000**	INITIAL CONTRACT PERIOD: FROM: **07/01/2007** TO: **06/30/2010** FUNDING AMOUNT FOR INITIAL PERIOD: **$ 123,000**
STATUS: **Contractor is not a sectarian entity.** **Contractor is not a not-for-profit organization**	MULTI-YEAR TERM (if applicable): FROM: TO:

CHARITIES REGISTRATION NO:
N/A

Contractor has _____/ has not _____ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.

If 'Exempt' is entered above, reason for exemption: _____

APPENDICES ATTACHED AND PART OF THIS AGREEMENT

X	APPENDIX A	Standard Clauses required by the Attorney General for all State contracts
X	APPENDIX A-1	Agency-Specific Clauses
X	APPENDIX B	Budget
X	APPENDIX C	Payment and Reporting Schedule
X	APPENDIX D	Program Workplan
____	APPENDIX X	Modification of Agreement Form (to accompany modified appendicies for changes in terms or considerations on an existing period or for renewal periods
____	OHS-55	Budget Amendment/Grant Extension Request
____	Other -- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion	

IN WITNESS THEREOF, the parties hereto have executed or approved this AGREEMENT on the dates indicated below.

NYS OFFICE OF HOMELAND SECURITY

By: _____ Date: _____

William T. Bowen, Assistant Director

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."

GRANTEE:

By: _____ Date: _____

Jeffrey W Szabo , Deputy County Executive

STATE OF NEW YORK

County of

On this _____ day of _____, 20 __, before me personally came _____, to me known, who being duly sworn, did depose and say that (s)he resides in _____, that (s)he is the _____ of the _____, the Grantee described in and which executed the foregoing instrument; that it was so executed by the authority of the Grantee, and that (s)he signed his/her name hereto by like order.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____	**APPROVED:** **THOMAS P. DINAPOLI,** **STATE COMPTROLLER** By_____ Date: _____

Gen CII

JUN 1 2 2008

1789

COUNTY OF SUFFOLK

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**
Suffolk County Police Department

DATE: **June 10, 2008**

SUBJECT: **Resolution Packets & SCIN Forms for**
The LETPP (Law Enforcement Terrorism Prevention Program) 07 Bomb Squad Grant Program
OHS # WM07834071

Attached please find two copies of the following for the New York State Office of Homeland Security sponsored LETPP 07 Bomb Squad Grant Program:

1. Grant Resolution.
2. Grant SCIN Forms.
3. Request for Introduction of Legislation.
4. Financial Impact Statement.
5. Copy of the proposed contract between Suffolk County and the New York State Office of Homeland Security

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 to your office 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

Additional back-up material regarding I.R. 1789 is on file in the Legislative Clerk's Office, Hauppauge.

1790

Intro. Res. No. -2008 Laid on Table 8/19/08

Introduced by Legislators Montano and Alden

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) (SCTM NO. 0500-160.00-02.00-72.002 p/o)

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:

S:\res\r-refile-st-joseph-1569

EXHIBIT "A"

PARCEL	SUFFOLK COUNTY TAX MAP NUMBER		ACRES	REPUTED OWNER AND ADDRESS
1	District:	0500	±47	Sisters of St. Joseph 1725 Brentwood Road Brentwood, NY 11717-5587
	Section	160.00		
	Block	02.00		
	Lot	072.002 p/o		

1791

Intro. Res. No. -2008 Laid on Table 8/19/08

Introduced by Legislator Viloria Fisher

RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO. -2008, A LOCAL LAW PROHIBITING THE DISTRIBUTION OF PLASTIC CARRYOUT BAGS BY RETAIL STORES

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 PROHIBITING THE DISTRIBUTION OF PLASTIC CARRYOUT BAGS BY RETAIL STORES**" 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 PROHIBITING THE DISTRIBUTION OF PLASTIC CARRYOUT BAGS BY RETAIL STORES

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 data released by the United States Environmental Protection Agency shows that between 500 billion and 1 trillion plastic bags are consumed worldwide each year.

This Legislature further finds and determines that most plastic bags do not biodegrade; over time, the bags break down into smaller, more toxic petro-polymers which eventually contaminate soils and waterways.

This Legislature further finds that it is estimated that plastic bags account for over 10% of debris that washes up on the United States coastlines.

This Legislature also finds that plastic bags can have a devastating effect on wildlife; birds can become entangled in the bags and different species of sea life can die from ingesting plastic bags which they mistake for food.

This Legislature further finds that plastic shopping bags are made from polyethylene, a thermoplastic made from oil. Accordingly, reducing the use of plastic bags will decrease our dependence on foreign oil.

This Legislature finds that less than 1 percent of plastic bags are recycled, in part, due to the fact that it costs more to recycle a bag than to produce a new one.

This Legislature also finds that several nations around the world have banned or moving towards banning the distribution of plastic bags and, in 2007, San Francisco became the first United States city to ban plastic bags.

Therefore, the purpose of this local law is to prohibit retail stores in Suffolk County from providing plastic carryout bags to their customers.

Section 2. Definitions.

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

"OPERATOR" shall mean a person in control of, or having daily responsibility for, the daily operation of a retail store, which may include, but is not limited to, the owner of the retail store.

"PLASTIC CARRYOUT BAG" shall mean a plastic carryout bag provided by a retail store to a consumer at the point of sale and which is composed of LDPE (Low Density Polyethylene), LLDPE (Linear Low Density Polyethylene), MDPE (Medium Density Polyethylene), or HDPE (High Density Polyethylene).

"RETAIL STORE" shall mean any outlet, store, shop, mercantile establishment or other place of business engaged in the retail sale of goods or merchandise directly to consumers.

Section 3. Prohibitions.

No retail store located and doing business within the County of Suffolk shall sell, give or provide plastic carryout bags to consumers.

Section 4. Enforcement.

This law shall be enforced by the Suffolk County Department of Health Services in accordance with the provisions of Article II, Section 760-200 et seq., of the SUFFOLK COUNTY SANITARY CODE.

Section 5. Rules and Regulations.

The Commissioner of the Department of Health Services is hereby authorized and empowered to promulgate rules and regulations necessary to enforce this law.

Section 6. Penalties for Offences.

Any violation of this law shall be punishable by a civil fine of Five Hundred ($500.00) dollars for each violation.

Section 7. Reverse Preemption.

This law shall be null and void on the day that Statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 8. Applicability.

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

Section 9. Severability.

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

Section 10. SEQRA Determination.

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

Section 11. Effective Date.

This law shall take effect 180 days after its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\laws\l-plastic-bags-retail-stores

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1791

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: **August 14, 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 PROHIBITING THE DISTRIBUTION OF PLASTIC CARRYOUT BAGS BY RETAIL STORES**

SPONSOR: **LEGISLATOR VILORIA-FISHER**

DATE OF RECEIPT BY COUNSEL: 8/14/08 **PUBLIC HEARING:** 9/18/08

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

This proposed local law would prohibit retail stores located and doing business within the County of Suffolk to sell, give, or provide plastic carryout bags to consumers. [1]

This law will be enforced by the Department of Health Services. Any violation of this law shall be punishable by a civil fine of $500.

This law will take effect 180 days after its filing in the Office of the Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:mjk

s:\rule28\28-plastic-bags-carryout

---

[1] "Plastic Carryout Bag" is defined to mean a plastic carryout bag provided by a retail store to consumer at the point of sale and which is composed of LDPE (low density polyethylene), LLDPE (linear low density polyethylene), MDPE (medium density polyethylene), or HDPE (high density polyethylene).

1792

Intro. Res. No. -2008 Laid on Table 8/19/08

Introduced by Legislator Romaine

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 (HUBBARD PROPERTY – TOWN OF RIVERHEAD)

WHEREAS, the Suffolk County Drinking Water Protection Program, as amended by Local Law 24-2007, authorizes the use of 31.10% of sales and compensating use tax proceeds generated each year for specific environmental protection, including the acquisition of open space in accordance with specific criteria set forth therein; and

WHEREAS, the parcel listed in Exhibit "A" of this resolution meets the criteria for acquisition under the Drinking Water Protection Program; and

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

1st **RESOLVED**, that the parcel listed in Exhibit "A" of this resolution, consisting of approximately 9.7 acres, is hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER; and be it further

2nd **RESOLVED**, that the parcel listed in Exhibit "A" meets the criteria required by the Suffolk County Drinking Water Protection Program; and be it further

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

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

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

6th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel as may be

made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

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

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-hubbard property open space drinking water

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

EXHIBIT "A"