Intro. Res. No. 2099-08 Laid on Table 12/2/08
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH INTERCHANGE IMPROVEMENTS FOR CR 111 AT THE L.I.E. SERVICE ROADS (CP 5123)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with Interchange Improvements for CR 111 at the L.I.E. Service Roads; 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 $1,000,000 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 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 Interchange Improvements for CR 111 at the L.I.E. Service Roads, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

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

Project No.	J.C.	Project Title	Amount
525-CAP-5123.111 (Fund 001 Debt Service)	50	Interchange Improvements for CR 111 at the L.I.E. Service Roads	$1,000,000

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

Introductory Resolution No. 2100-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. –2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0200-959.00-06.00-035.000)

WHEREAS, the County of Suffolk is the fee owner of 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 959.00, Block 06.00, Lot 035.000, and acquired by tax deed on May 15, 1985, from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on May 15, 1985, in Liber 9791, CP 20 and otherwise known as and by the Town of Brookhaven, known and designated as lots 48 to 50 inclusive and North 15 feet of lot 47, in block 503 on a certain map entitled "Map of New York and Brooklyn Suburban Investment Company, Map 6" and filed in the Office of the Clerk of the County of Suffolk on June 9, 1890 as Map No. 444,

WHEREAS, said parcel is surplus to the needs of the County of Suffolk; and

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

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

WHEREAS, the transfer of this parcel is pursuant to and in accordance with Local Law 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

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

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

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and

b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and

c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

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

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

4th **RESOLVED,** that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof.

5th **RESOLVED,** the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs.

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property upon the above-described terms and conditions.

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

Exhibit "A"

RESOLUTION NO. 220-08
MEETING OF: FEBRUARY 28, 2008

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

AUTHORIZING THE TRANSFER OF FORECLOSED PROPERTIES AS REFLECTED IN SCHEDULE "A" ATTACHED HERETO FROM THE COUNTY OF SUFFOLK TO THE TOWN OF BROOKHAVEN AND FROM THE TOWN TO VARIOUS NOT-FOR-PROFIT HOUSING AGENCIES TO PROMOTE THE AVAILABILITY OF AFFORDABLE HOUSING

WHEREAS, the Town of Brookhaven, the County of Suffolk under the 72h Program, and various not-for-profit groups have cooperated throughout the years to create affordable housing opportunities and to remove blighting conditions within the Town; and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing requests that the Town of Brookhaven authorize the execution of all deeds and related documents necessary to transfer from its foreclosure inventory to various not-for-profit corporations the parcels of property as reflected in Schedule "A" attached hereto for the sole purpose of developing affordable housing and to provide eligible residents within the Town with viable homeownership; and

WHEREAS, the Town of Brookhaven desires to continue to be an active partner with providing affordable housing opportunities to residents of the Town;

NOW, THEREFORE, BE IT RESOLVED, upon review and approval of the Town Board of the Town of Brookhaven that the Supervisor and/or Deputy Supervisor is hereby authorized to execute any agreement and/or instrument approved as to form by the Department of Law, providing for the conveyance of the parcels of property to the various not-for-profit organizations as reflected in the attached Schedule "A" in order to promote and create affordable housing opportunities which will in turn provide the residents of the Town of Brookhaven with viable homeownership; and be it further

RESOLVED, by the Town Board of the Town of Brookhaven that the Town Clerk is hereby directed to post and publish the notice of adoption of this resolution subject to a permissive referendum.

Schedule A

1	0200-958-06-037	318 Hampton Ave, Patchogue	Habitat for Humanity
2	0200-958-08-020	755 Taylor Ave, Patchogue	EOC
3	0200-958-09-009	861 Meade Ave, Bellport	Long Island Housing Partnership
4	0200-959-01-017	836 Provost Ave, Bellport	Long Island Housing Partnership
5	0200-959-04-037	Bayview Ave, Bellport	Community Development Corp LI
6	0200-959-04-038	Bayview Ave, Bellport	Community Development Corp LI
7	0200-959-05-006	729 Bayview Ave, Bellport	Victory Housing
8	0200-959-05-020	760 Michigan Ave, Bellport	BHEP
9	0200-959-05-023	747 Michigan Ave, Bellport	Habitat for Humanity
10	0200-959-05-024	Michigan Ave, Bellport	Habitat for Humanity
11	0200-959-05-027	727 Michigan Ave, Bellport	Habitat for Humanity
12	0200-959-06-035	834 Bayview Ave, Bellport	South County Community Land Trust
13	0200-960-01-005	53 Pace Ave, Bellport	Habitat for Humanity
14	0200-960-01-012	11 Pace Avenue, Bellport	Habitat for Humanity
15	0200-960-01-016	745 Station Ave, Bellport	Habitat for Humanity
16	0200-960-01-019	727 Station Ave, Bellport	Habitat for Humanity
17	0200-960-02-003	909 Walker Ave, Bellport	Habitat for Humanity
18	0200-960-02-009	Walker Ave, Bellport	Habitat for Humanity
19	0200-960-02-040	Agamemnon Ave, Bellport	No Assignment
20	0200-960-02-024	Walker Ave, Bellport	Habitat for Humanity
21	0200-960-02-026	Walker Ave, Bellport	Habitat for Humanity
22	0200-960-02-025	Walker Ave, Bellport	Habitat for Humanity
23	0200-960-02-076.002	Bellport Ave, Bellport	EOC
24	0200-960-02-076.001	Bellport Ave, Bellport	EOC
25	0200-960-03-001	Bellport Ave, Bellport	EOC
26	0200-960-03-007	Bellport Ave, Bellport	EOC
27	0200-960-03-008	Bellport Ave, Bellport	EOC
28	0200-960-03-025	597 Brookhaven Ave, Bellport	EOC
29	0200-973.70-05-025	Donegan Ave, Patchogue	EOC
30	0200-973.70-05-026	Donegan Ave, Patchogue	EOC
31	0200-973.70-05-051	533 Donegan Ave, Patchogue	EOC
32	0200-973.70-05-052	521 Donegan Ave, Patchogue	EOC
33	0200-973.70-05-054	Scherger Ave, Patchogue	EOC
34	0200-973.70-05-077	718 Scherger Ave, Patchogue	EOC
35	0200-973.70-06-005	Scherger Ave, Patchogue	EOC
36	0200-973.70-06-034	556 Taylor Ave, Patchogue	Community Development Corp LI
37	0200-973.70-07-027	Meade Ave, Bellport	Community Development Corp LI
38	0200-973.70-07-032	558 Meade Ave, Bellport	Community Development Corp LI
39	0200-958-02-005	Dunton Ave, Patchogue	Community Development Corp LI
40	0200-958-03-004	947 Amsterdam Ave, Patchogue	Community Development Corp LI
41	0200-958-05-020	745 Narragansett Ave , Patchogue	Community Development Corp LI
42	0200-958-08-006	915 Taylor Ave, Patchogue	Community Development Corp LI
43	0200-958-08-032	810 Meade Ave, Bellport	Community Development Corp LI
44	0200-959-04-012	724 Doane Ave, Bellport	Community Development Corp LI
45	0200-959-04-039	760 Bayview Ave, Bellport	Community Development Corp LI
46	0200-959-05-029	715 Michigan Ave , Bellport	Community Development Corp LI
47	0200-959-06-017	819 Doane Ave, Bellport	Long Island Housing Partnership
48	0200-959-07-059	18 Pace Ave, Bellport	Long Island Housing Partnership
49	0200-973-70-03-005	707 Amsterdam Ave, Patchogue	Long Island Housing Partnership
50	0200-973-70-04-025	634 Narragansett Ave, Patchogue	Long Island Housing Partnership
51	0200-973-70-04-040	709 Narragansett Ave, Patchogue	Long Island Housing Partnership
52	0200-973-70-05-003	Brookhaven Ave , Patchogue	Long Island Housing Partnership
53	0200-973-70-05-023	Donegan Ave , Patchogue	Long Island Housing Partnership
54	0200-973-70-05-024	540 Donegan Ave , Patchogue	Long Island Housing Partnership
55	0200-973-80-10-012	623 Meade Ave, Bellport	Long Island Housing Partnership

Schedule A

56	0200-959-05-037	Post Ave, Bellport	Long Island Housing Partnership
57	0200-973.70-05-057	536 Scherger Ave, Patchogue	Habitat for Humanity
59	0200-973.70-06-024	Scherger Ave, Patchogue	Habitat for Humanity
58	0200-973.70-06-007	Scherger Ave, Patchogue	Habitat for Humanity
60	0200-959-07-034	834 Taylor Ave, Patchogue	Long Island Housing Partnership
61	0200-958-07-035	Taylor Ave, Patchogue	Long Island Housing Partnership
62	0200-973.70-06-016	Scherger Ave, Patchogue	Habitat for Humanity
63	0200-973-70-06-017	Scherger Ave, Patchogue	Habitat for Humanity
64	0200-973-70-06-018	Scherger Ave, Patchogue	Habitat for Humanity
65	0200-960-02-014	Walker Ave, Bellport	Habitat for Humanity
66	0200-959-06-013	Doane Ave, Bellport	Long Island Housing Partnership
67	0200-960-02-018.001	Walker Ave, Bellport	Habitat for Humanity
68	0200-960-02-018.002	Walker Ave, Bellport	Habitat for Humanity
69	0200-960-02-045	Agamemnon Ave, Bellport	No Assignment
70	0200-960-02-046	Agamemnon Ave, Bellport	No Assignment
71	0200-960-02-047	Agamemnon Ave, Bellport	No Assignment
72	0200-960-02-043	Agamemnon Ave, Bellport	No Assignment
73	0200-973-70-04-063	Lenox Ave, Patchogue	Habitat for Humanity
74	0200-973.70-06-003	Scherger Ave, Patchogue	Habitat for Humanity
75	0200-973.70-06-004	Scherger Ave, Patchogue	Habitat for Humanity

2100

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.: 0200-959.00-06.00-035.000

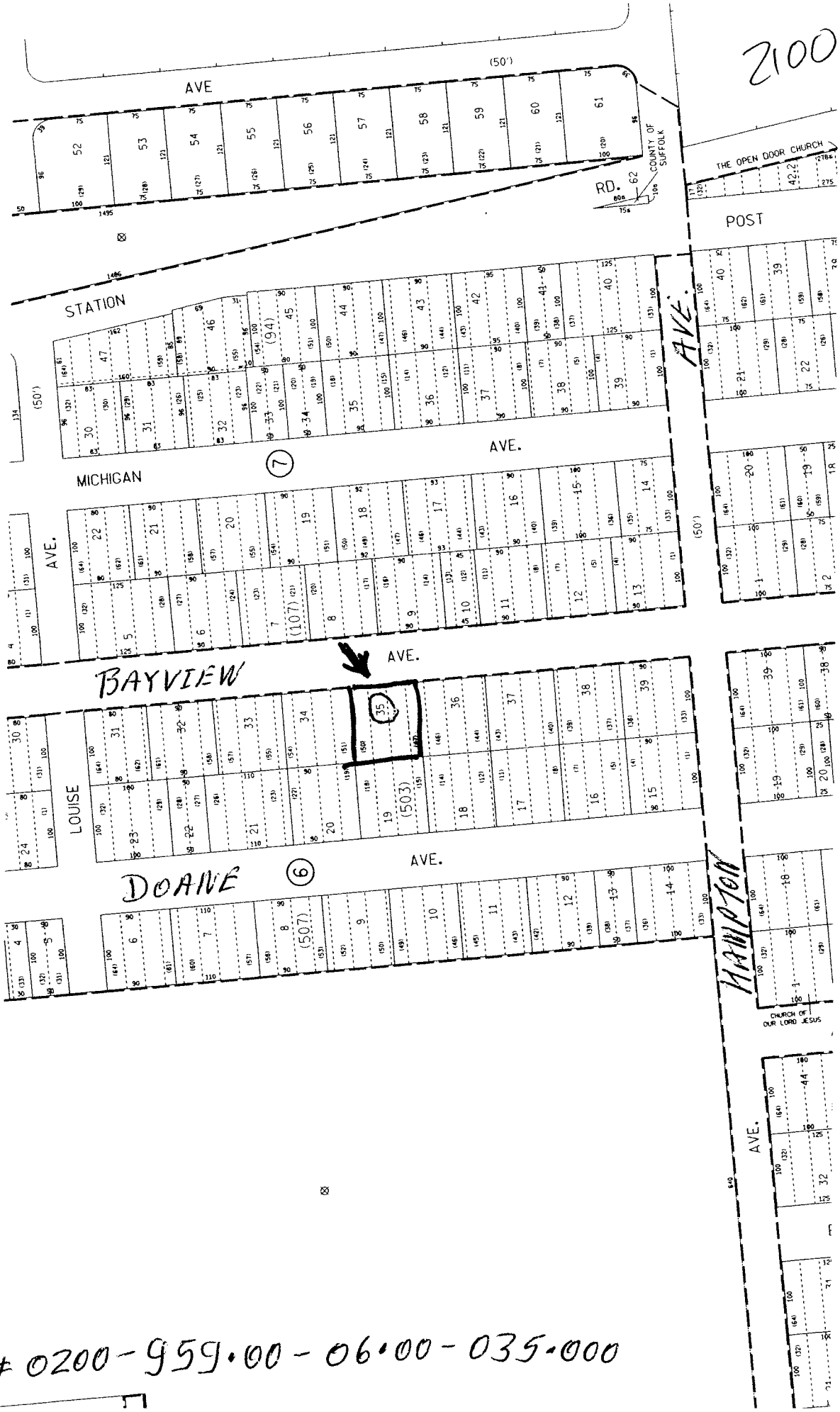
Section 72-h, Gen'l Municipal Law

		Amount
County Investment		$74,449.94
PURPOSE:		
	A. Affordable Housing	X
	B. Town Parks	
	C. Road/Highway	
	D. Drainage/Recharge Basin	
	E. Other	

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

WRT:slb

0/20/2008 -- 9:56:33 AM -- \\RIVORACLEFORMS\Forms_share\viewer\0200\prod\2095900x.dgn DSBL: 0200 95900 0600 035000



Tm# 0200-959.00-06.00-035.000

TM# 0200-959.00-06.00-035.000
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BAYVIEW AV
MICHIGAN AV
HAMPTON AV
Suffolk County Department of Information Technology © 2008
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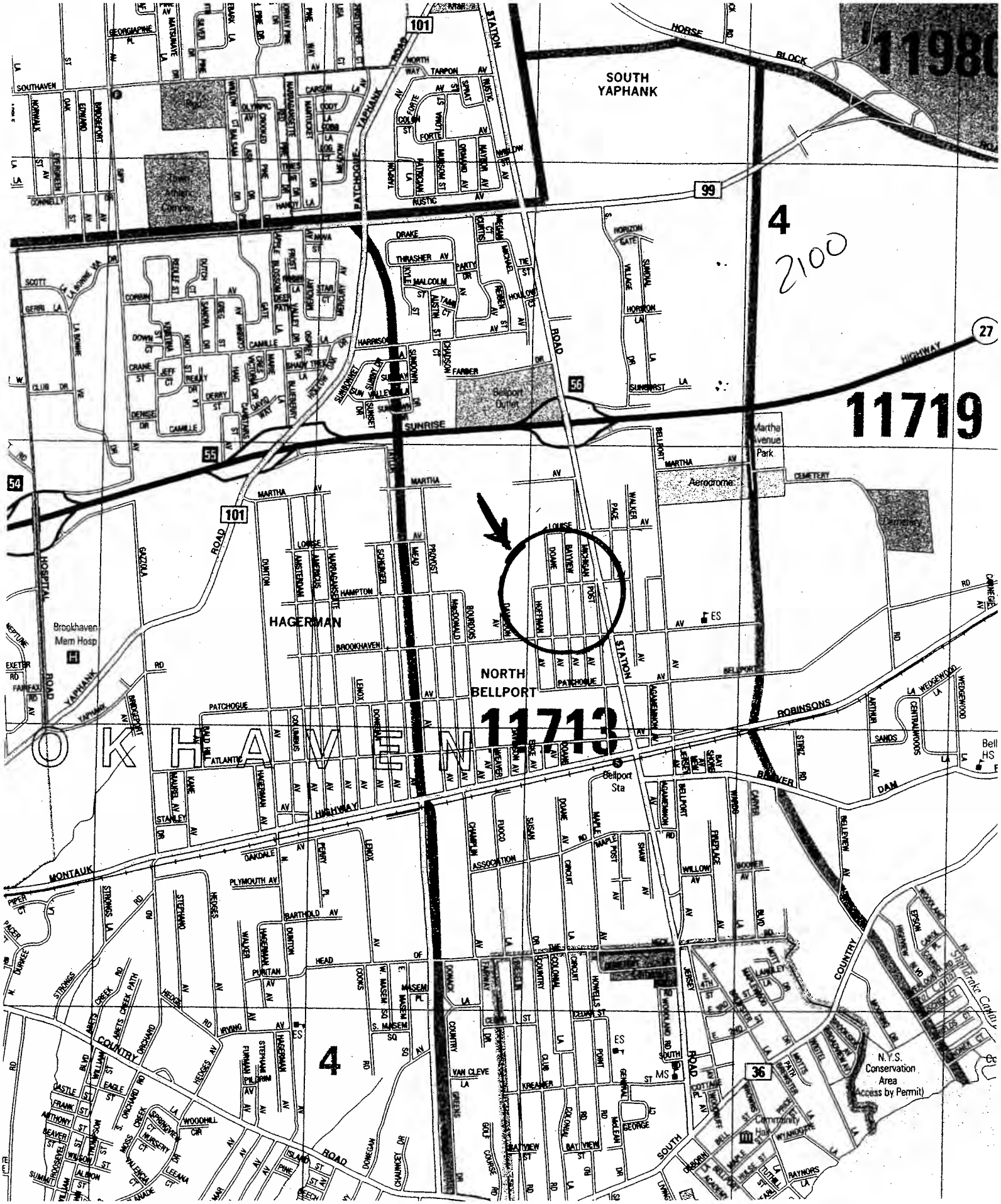

Tm# 0200-959.00-06.00-035.000

2100

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution __X_____ Local Law _____Charter Law _____

2. Title of Proposed Legislation

Section 72-h , General Municipal Law authorizing the sale of County owned Real Estate to a Municipality

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for affordable housing 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?
(circle appropriate category)

__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 County investment
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. Name & Title of Preparer | Signature of Preparer | Date

R. J. Bhatt _____ | RJBhatt | 10/29/08
LMS III

LS8

COUNTY OF SUFFOLK

NOV 1 0 2008

2100

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

October 29, 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.: 0200-959.00-06.00-035.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Brookhaven for Affordable Housing 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 affordable housing purposes.

I would appreciate your placing this on the legislative agenda.

Very truly yours,

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
Jill Rosen-Nikoloff, Director of Affordable Housing
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. 2101-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. –2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0200-959.00-05.00-020.000)

WHEREAS, the County of Suffolk is the fee owner of 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 959.00, Block 05.00, Lot 020.000, and acquired by tax deed on April 17, 1984, from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on April 17, 1984, in Liber 9546, CP 232 and otherwise known as and by the Town of Brookhaven, known and designated as lots 61 to 64 inclusive in block 106 on a certain map entitled "Map of New York and Brooklyn Suburban Investment Company, Map 3" and filed in the Office of the Clerk of the County of Suffolk on June 9, 1890 as Map No 444.

WHEREAS, said parcel is surplus to the needs of the County of Suffolk; and

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

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

WHEREAS, the transfer of this parcel is pursuant to and in accordance with Local Law 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

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

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

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and

b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and

c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

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

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

4th **RESOLVED,** that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof.

5th **RESOLVED,** the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs.

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property upon the above-described terms and conditions.

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

EXhibit "A"

RESOLUTION NO. 220-08
MEETING OF: FEBRUARY 28, 2008

ADOPTED

BY THE BROOKHAVEN TOWN BOARD

AUTHORIZING THE TRANSFER OF FORECLOSED PROPERTIES AS REFLECTED IN SCHEDULE "A" ATTACHED HERETO FROM THE COUNTY OF SUFFOLK TO THE TOWN OF BROOKHAVEN AND FROM THE TOWN TO VARIOUS NOT-FOR-PROFIT HOUSING AGENCIES TO PROMOTE THE AVAILABILITY OF AFFORDABLE HOUSING

WHEREAS, the Town of Brookhaven, the County of Suffolk under the 72h Program, and various not-for-profit groups have cooperated throughout the years to create affordable housing opportunities and to remove blighting conditions within the Town; and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing requests that the Town of Brookhaven authorize the execution of all deeds and related documents necessary to transfer from its foreclosure inventory to various not-for-profit corporations the parcels of property as reflected in Schedule "A" attached hereto for the sole purpose of developing affordable housing and to provide eligible residents within the Town with viable homeownership; and

WHEREAS, the Town of Brookhaven desires to continue to be an active partner with providing affordable housing opportunities to residents of the Town;

NOW, THEREFORE, BE IT RESOLVED, upon review and approval of the Town Board of the Town of Brookhaven that the Supervisor and/or Deputy Supervisor is hereby authorized to execute any agreement and/or instrument approved as to form by the Department of Law, providing for the conveyance of the parcels of property to the various not-for-profit organizations as reflected in the attached Schedule "A" in order to promote and create affordable housing opportunities which will in turn provide the residents of the Town of Brookhaven with viable homeownership; and be it further

RESOLVED, by the Town Board of the Town of Brookhaven that the Town Clerk is hereby directed to post and publish the notice of adoption of this resolution subject to a permissive referendum.

Schedule A

1	0200-958-06-037	318 Hampton Ave, Patchogue	Habitat for Humanity
2	0200-958-08-020	755 Taylor Ave, Patchogue	EOC
3	0200-958-09-009	861 Meade Ave, Bellport	Long Island Housing Partnership
4	0200-959-01-017	836 Provost Ave, Bellport	Long Island Housing Partnership
5	0200-959-04-037	Bayview Ave, Bellport	Community Development Corp LI
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70	0200-960-02-046	Agamemnon Ave, Bellport	No Assignment
71	0200-960-02-047	Agamemnon Ave, Bellport	No Assignment
72	0200-960-02-043	Agamemnon Ave, Bellport	No Assignment
73	0200-973-70-04-063	Lenox Ave, Patchogue	Habitat for Humanity
74	0200-973.70-06-003	Scherger Ave, Patchogue	Habitat for Humanity
75	0200-973.70-06-004	Scherger Ave, Patchogue	Habitat for Humanity

2101

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

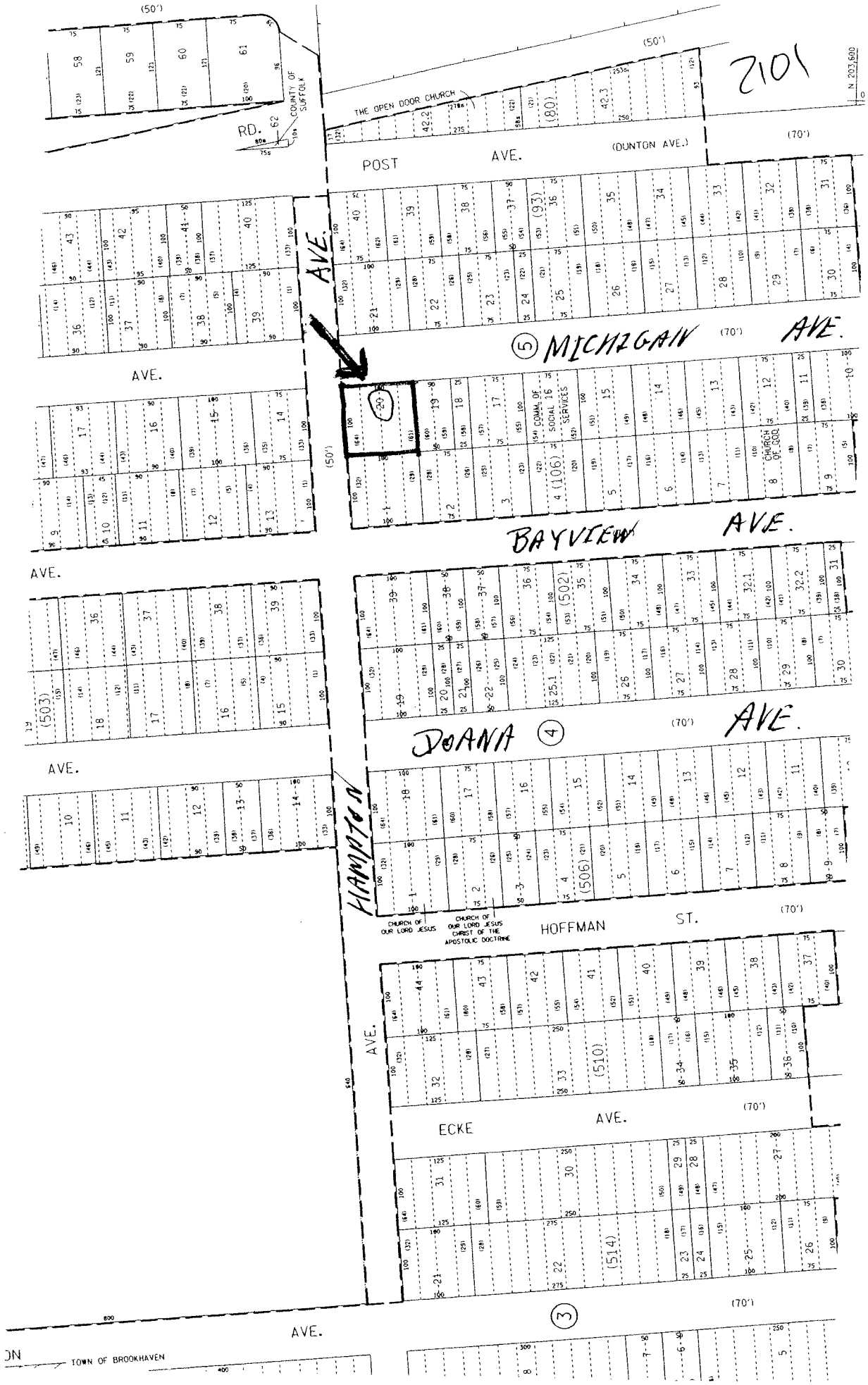
Tax Map No.: 0200-959.00-05.00-020.000

Section 72-h, Gen'l Municipal Law

		Amount
County Investment		$8,713.09
PURPOSE:		
	A. Affordable Housing	X
	B. Town Parks	
	C. Road/Highway	
	D. Drainage/Recharge Basin	
	E. Other	

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

WRT:slb



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TM# 0200-959.00-05.00-020.000
HAMPTON AV
STANDON RD
BELFORT RD
POST AV
MICHIGAN AV
BAYNEN AV
DIANNE AV
Suffolk County Department of Information Technology © 2008
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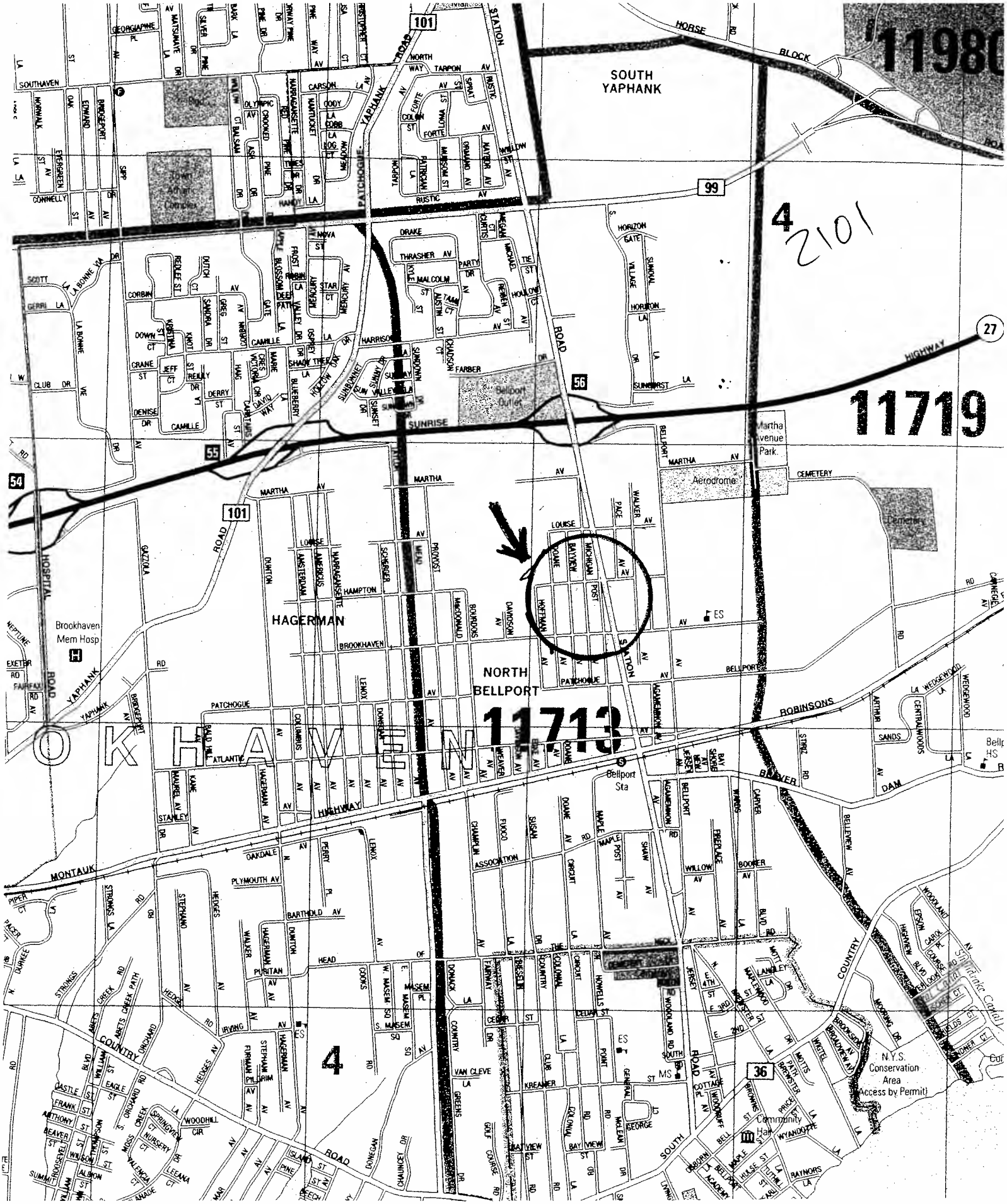

Tm # 0200-959.00-05.00-020.000

2101

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution __X_____ Local Law _____Charter Law _____

2. Title of Proposed Legislation

Section 72-h, General Municipal Law authorizing the sale of County owned Real Estate to a Municipality

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for affordable housing 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?
(circle appropriate category)

__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 County investment
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. Name & Title of Preparer | Signature of Preparer | Date

R. J. Bhatt
LMS III

RJBhatt

10/29/08

LS9

NOV 0 7 2008

COUNTY OF SUFFOLK

2101

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

October 29, 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.: 0200-959.00-05.00-020.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Brookhaven for Affordable Housing 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 affordable housing purposes.

I would appreciate your placing this on the legislative agenda.

Very truly yours,

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
Jill Rosen-Nikoloff, Director of Affordable Housing
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. 2102-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. –2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES (SCTM NO. 0200-959.00-05.00-006.000)

WHEREAS, the County of Suffolk is the fee owner of 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 959.00, Block 05.00, Lot 006.000, and acquired by tax deed on April 1, 1993, from Eugene E. Lester, the Deputy County Treasurer of Suffolk County, New York, and recorded on April 20, 1993, in Liber 11625, CP 989 and otherwise known as and by the Town of Brookhaven, known and designated as lots 14 to 16 inclusive in block 106 on a certain map entitled "Map of New York and Brooklyn Suburban Investment Company, Map No. 3" and filed in the Office of the Clerk of the County of Suffolk on June 9, 1890 as Map No. 444.

WHEREAS, said parcel is surplus to the needs of the County of Suffolk; and

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

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

WHEREAS, the transfer of this parcel is pursuant to and in accordance with Local Law 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

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

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

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and

b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and

c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

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

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

4th **RESOLVED,** that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof.

5th **RESOLVED,** the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs.

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property upon the above-described terms and conditions.

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

EXHIBIT 4

RESOLUTION NO. 220-08
MEETING OF: FEBRUARY 28, 2008

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

AUTHORIZING THE TRANSFER OF FORECLOSED PROPERTIES AS REFLECTED IN SCHEDULE "A" ATTACHED HERETO FROM THE COUNTY OF SUFFOLK TO THE TOWN OF BROOKHAVEN AND FROM THE TOWN TO VARIOUS NOT-FOR-PROFIT HOUSING AGENCIES TO PROMOTE THE AVAILABILITY OF AFFORDABLE HOUSING

WHEREAS, the Town of Brookhaven, the County of Suffolk under the 72h Program, and various not-for-profit groups have cooperated throughout the years to create affordable housing opportunities and to remove blighting conditions within the Town; and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing requests that the Town of Brookhaven authorize the execution of all deeds and related documents necessary to transfer from its foreclosure inventory to various not-for-profit corporations the parcels of property as reflected in Schedule "A" attached hereto for the sole purpose of developing affordable housing and to provide eligible residents within the Town with viable homeownership; and

WHEREAS, the Town of Brookhaven desires to continue to be an active partner with providing affordable housing opportunities to residents of the Town;

NOW, THEREFORE, BE IT RESOLVED, upon review and approval of the Town Board of the Town of Brookhaven that the Supervisor and/or Deputy Supervisor is hereby authorized to execute any agreement and/or instrument approved as to form by the Department of Law, providing for the conveyance of the parcels of property to the various not-for-profit organizations as reflected in the attached Schedule "A" in order to promote and create affordable housing opportunities which will in turn provide the residents of the Town of Brookhaven with viable homeownership; and be it further

RESOLVED, by the Town Board of the Town of Brookhaven that the Town Clerk is hereby directed to post and publish the notice of adoption of this resolution subject to a permissive referendum.

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67	0200-960-02-018.001	Walker Ave, Bellport	Habitat for Humanity
68	0200-960-02-018.002	Walker Ave, Bellport	Habitat for Humanity
69	0200-960-02-045	Agamemnon Ave, Bellport	No Assignment
70	0200-960-02-046	Agamemnon Ave, Bellport	No Assignment
71	0200-960-02-047	Agamemnon Ave, Bellport	No Assignment
72	0200-960-02-043	Agamemnon Ave, Bellport	No Assignment
73	0200-973-70-04-063	Lenox Ave, Patchogue	Habitat for Humanity
74	0200-973.70-06-003	Scherger Ave, Patchogue	Habitat for Humanity
75	0200-973.70-06-004	Scherger Ave, Patchogue	Habitat for Humanity

7102

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.: 0200-959.00-05.00-006.000

Section 72-h, Gen'l Municipal Law

	Amount
County Investment	$17,729.45
Other Expenses (cleanup)	2,660.00
Total	20,389.45

PURPOSE:

A. Affordable Housing	X
B. Town Parks	
C. Road/Highway	
D. Drainage/Recharge Basin	
E. Other	

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

WRT:slb

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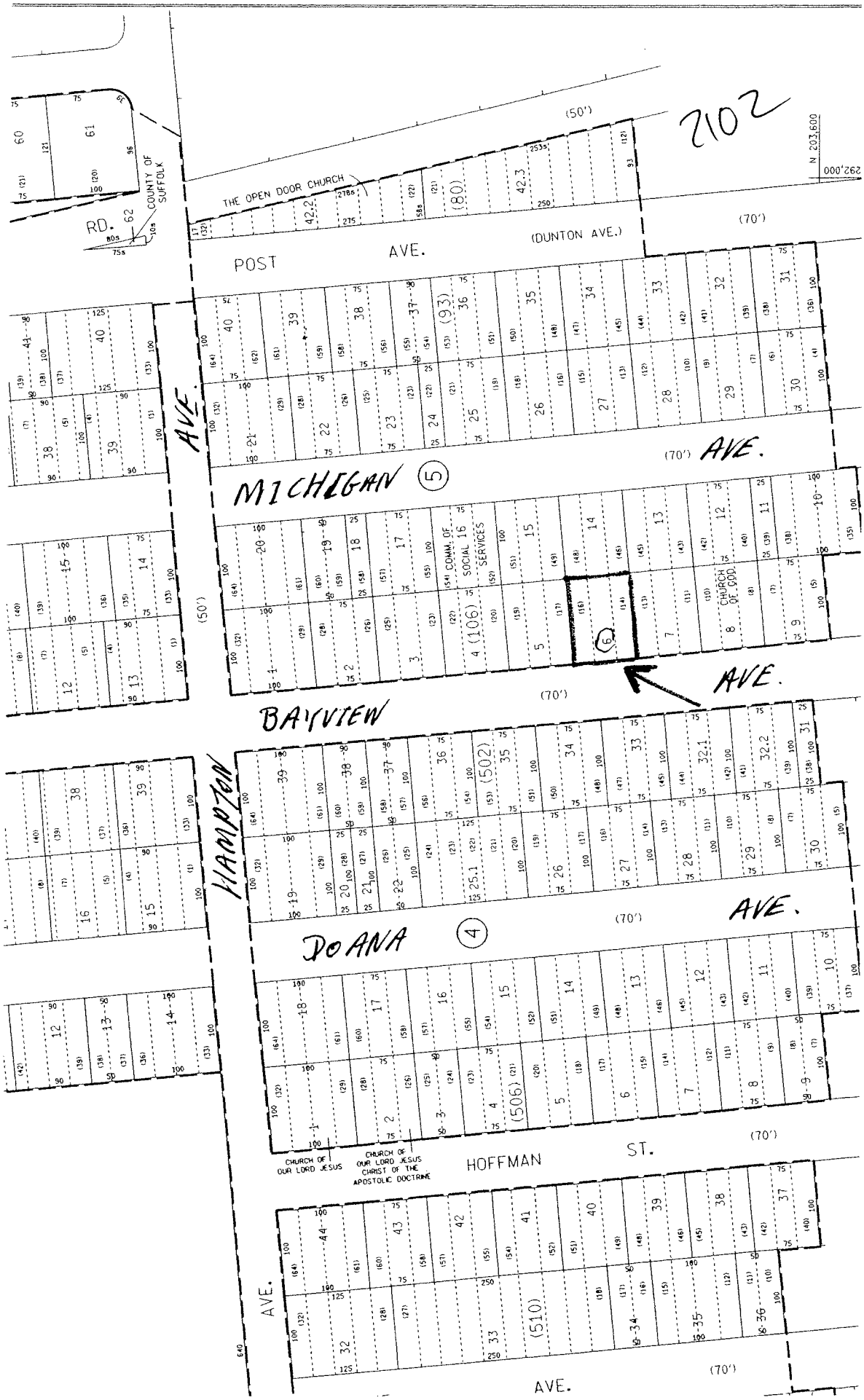

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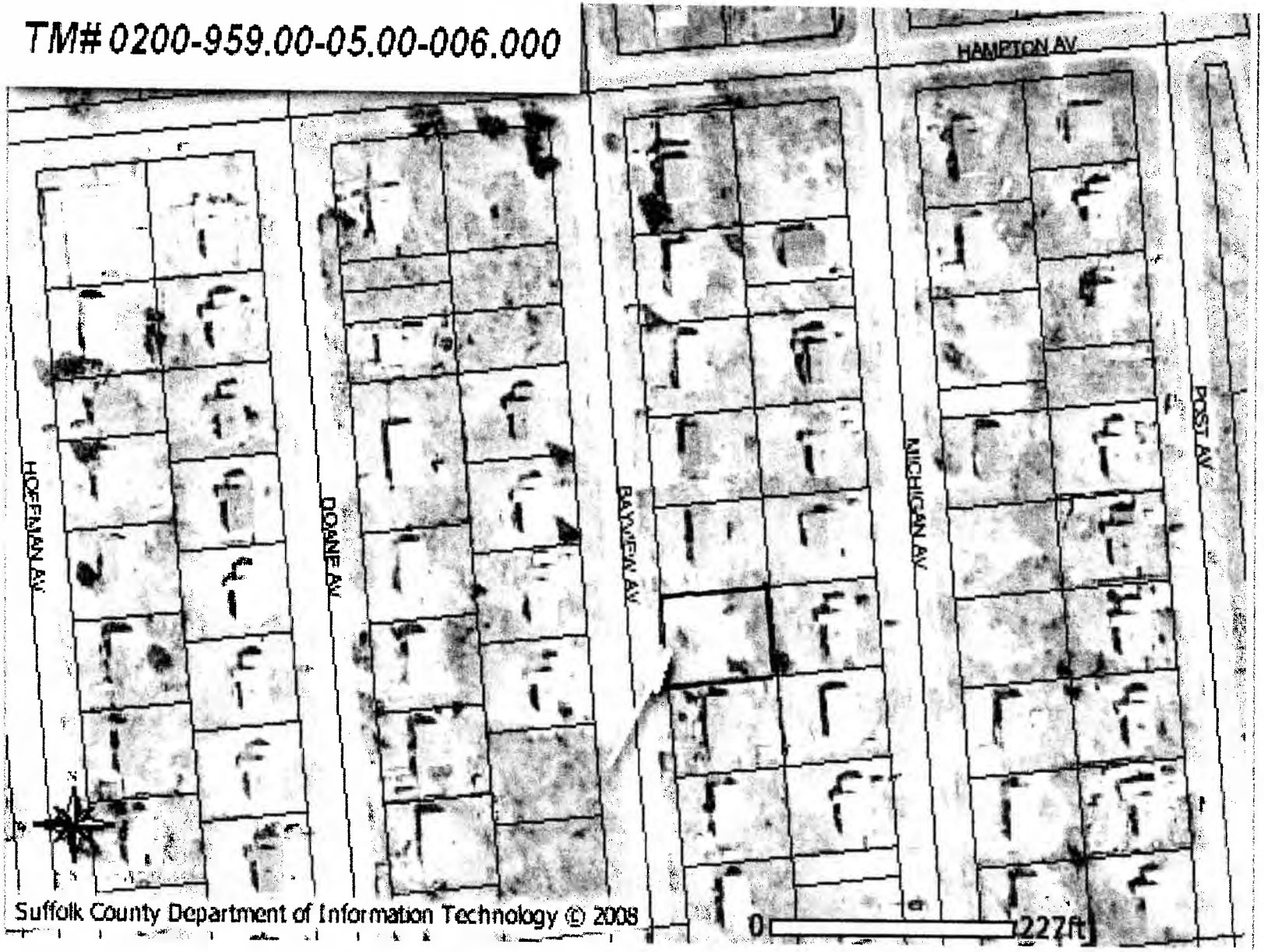

Suffolk County Department of Information Technology © 2008

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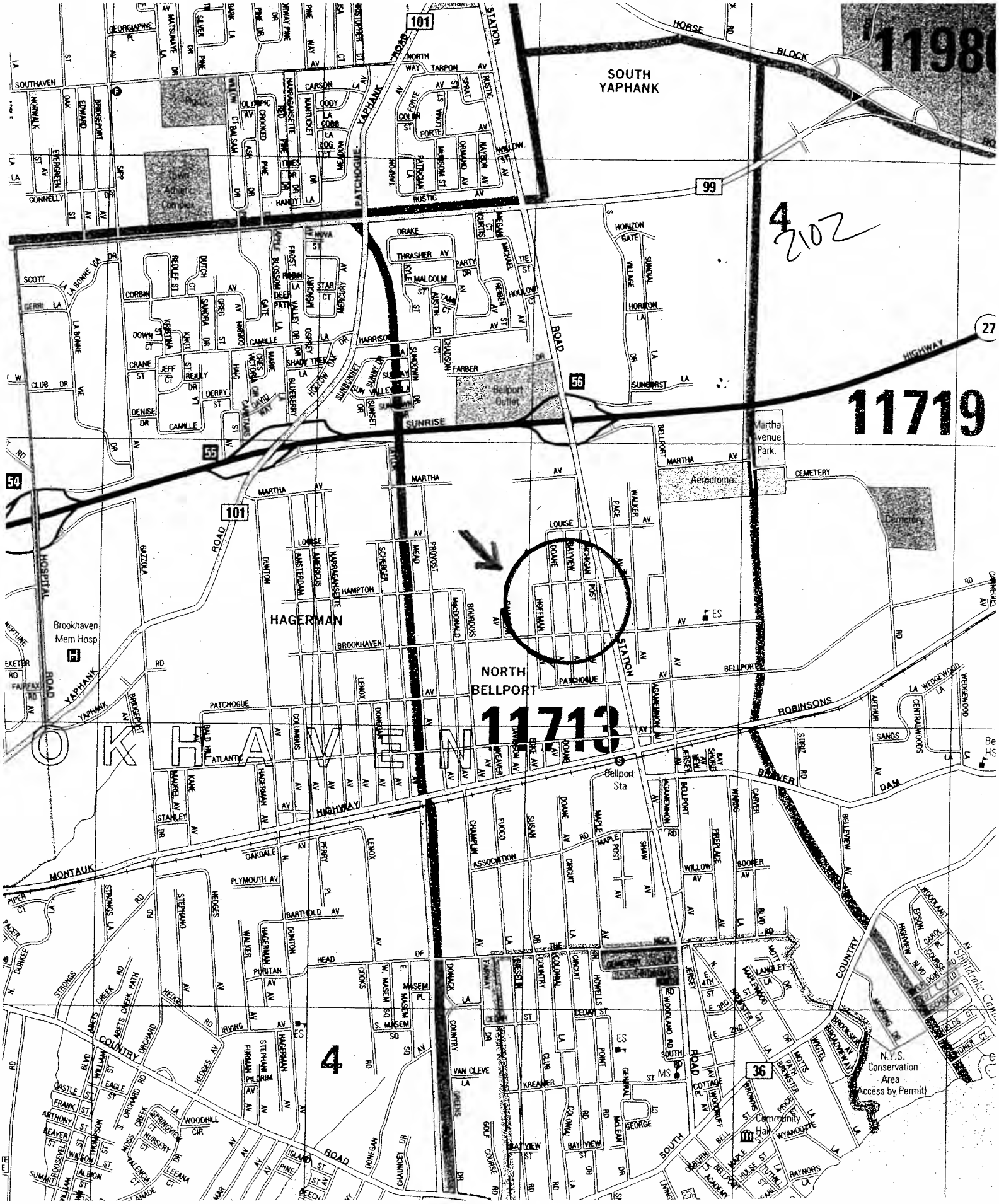

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STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2102

1. Type of Legislation

Resolution __X_____ Local Law _____Charter Law _____

2. Title of Proposed Legislation

Section 72-h, General Municipal Law authorizing the sale of County owned Real Estate to a Municipality

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for affordable housing 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?
(circle appropriate category)

__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 County investment
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. Name & Title of Preparer | Signature of Preparer | Date

R. J. Bhatt _____ | _____ | 10/29/08
LMS III

LS10

COUNTY OF SUFFOLK

NOV 10 2008

2102

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

October 29, 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.: 0200-959.00-05.00-006.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Brookhaven for Affordable Housing Purposes.

Dear Mr. Zwirn:

Enclosed herewith are 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 affordable housing purposes.

I would appreciate your placing this on the legislative agenda.

Very truly yours,

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
Jill Rosen-Nikoloff, Director of Affordable Housing
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. 2103-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

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

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

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

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

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

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

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

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

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and

b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and

c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

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

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

4th **RESOLVED,** that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof.

5th **RESOLVED,** the conveyance of the parcel described to the Town of Brookhaven for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs.

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described properties upon the above-described terms and conditions.

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

EXHIBIT "A"

TAX MAP NO.	LOCATION	ACRES
0200-958.00-08.00-020.000	E/S/O Taylor Ave., 80' S/O Hampton Ave., Bellport	0.18
0200-960.00-02.00-076.001 076.002	S/W/C/O Louise Ave., & Bellport Ave., Bellport	0.206
0200-960.00-03.00-001.000	S/E/C/O Bellport Ave., & Louise Ave., Bellport	0.17
0200-960.00-03.00-007.000 008.000	E/S/O Bellport Ave., 375' S/O Louise Ave., Bellport	0.17
0200-960.00-03.00-025.000	S/E/C/O Bellport Ave., & Brookhaven Ave., Bellport	0.18
0200-973.70-05.00-051.000	E/S/O Donegan Ave., 375' S/O Patchogue Ave., Patchogue	0.17
0200-973.70-05.00-052.000	E/S/O Donegan Ave., 450' S/O Patchogue Ave., Patchogue	0.17
0200-973.70-05.00-054.000	W/S/O Scherger Ave., 525' S/O Patchogue Ave., Patchogue	0.17
0200-973.70-05.00-077.000	W/S/O Scherger Ave., 160' N/O Brookhaven Ave., Patchogue	0.18
0200-973.70-06.00-005.000	E/S/O Scherger Ave., 80' N/O Brookhaven Ave., Bellport	0.17

Exhibit "B"

RESOLUTION NO. 220-08
MEETING OF: FEBRUARY 28, 2008

ADOPTED

BY THE BROOKHAVEN TOWN BOARD

AUTHORIZING THE TRANSFER OF FORECLOSED PROPERTIES AS REFLECTED IN SCHEDULE "A" ATTACHED HERETO FROM THE COUNTY OF SUFFOLK TO THE TOWN OF BROOKHAVEN AND FROM THE TOWN TO VARIOUS NOT-FOR-PROFIT HOUSING AGENCIES TO PROMOTE THE AVAILABILITY OF AFFORDABLE HOUSING

WHEREAS, the Town of Brookhaven, the County of Suffolk under the 72h Program, and various not-for-profit groups have cooperated throughout the years to create affordable housing opportunities and to remove blighting conditions within the Town; and

WHEREAS, the Suffolk County Department of Economic Development and Workforce Housing requests that the Town of Brookhaven authorize the execution of all deeds and related documents necessary to transfer from its foreclosure inventory to various not-for-profit corporations the parcels of property as reflected in Schedule "A" attached hereto for the sole purpose of developing affordable housing and to provide eligible residents within the Town with viable homeownership; and

WHEREAS, the Town of Brookhaven desires to continue to be an active partner with providing affordable housing opportunities to residents of the Town;

NOW, THEREFORE, BE IT RESOLVED, upon review and approval of the Town Board of the Town of Brookhaven that the Supervisor and/or Deputy Supervisor is hereby authorized to execute any agreement and/or instrument approved as to form by the Department of Law, providing for the conveyance of the parcels of property to the various not-for-profit organizations as reflected in the attached Schedule "A" in order to promote and create affordable housing opportunities which will in turn provide the residents of the Town of Brookhaven with viable homeownership; and be it further

RESOLVED, by the Town Board of the Town of Brookhaven that the Town Clerk is hereby directed to post and publish the notice of adoption of this resolution subject to a permissive referendum.

Schedule A

1	0200-958-06-037	318 Hampton Ave, Patchogue	Habitat for Humanity
2	0200-958-08-020	755 Taylor Ave, Patchogue	EOC
3	0200-958-09-009	861 Meade Ave, Bellport	Long Island Housing Partnership
4	0200-959-01-017	836 Provost Ave, Bellport	Long Island Housing Partnership
5	0200-959-04-037	Bayview Ave, Bellport	Community Development Corp LI
6	0200-959-04-038	Bayview Ave, Bellport	Community Development Corp LI
7	0200-959-05-006	729 Bayview Ave, Bellport	Victory Housing
8	0200-959-05-020	760 Michigan Ave, Bellport	BHEP
9	0200-959-05-023	747 Michigan Ave, Bellport	Habitat for Humanity
10	0200-959-05-024	Michigan Ave, Bellport	Habitat for Humanity
11	0200-959-05-027	727 Michigan Ave, Bellport	Habitat for Humanity
12	0200-959-06-035	834 Bayview Ave, Bellport	South County Community Land Trust
13	0200-960-01-005	53 Pace Ave, Bellport	Habitat for Humanity
14	0200-960-01-012	11 Pace Avenue, Bellport	Habitat for Humanity
15	0200-960-01-016	745 Station Ave, Bellport	Habitat for Humanity
16	0200-960-01-019	727 Station Ave, Bellport	Habitat for Humanity
17	0200-960-02-003	909 Walker Ave, Bellport	Habitat for Humanity
18	0200-960-02-009	Walker Ave, Bellport	Habitat for Humanity
19	0200-960-02-040	Agamemnon Ave, Bellport	No Assignment
20	0200-960-02-024	Walker Ave, Bellport	Habitat for Humanity
21	0200-960-02-026	Walker Ave, Bellport	Habitat for Humanity
22	0200-960-02-025	Walker Ave, Bellport	Habitat for Humanity
23	0200-960-02-076.002	Bellport Ave, Bellport	EOC
24	0200-960-02-076.001	Bellport Ave, Bellport	EOC
25	0200-960-03-001	Bellport Ave, Bellport	EOC
26	0200-960-03-007	Bellport Ave, Bellport	EOC
27	0200-960-03-008	Bellport Ave, Bellport	EOC
28	0200-960-03-025	597 Brookhaven Ave, Bellport	EOC
29	0200-973.70-05-025	Donegan Ave, Patchogue	EOC
30	0200-973.70-05-026	Donegan Ave, Patchogue	EOC
31	0200-973.70-05-051	533 Donegan Ave, Patchogue	EOC
32	0200-973.70-05-052	521 Donegan Ave, Patchogue	EOC
33	0200-973.70-05-054	Scherger Ave, Patchogue	EOC
34	0200-973.70-05-077	718 Scherger Ave, Patchogue	EOC
35	0200-973.70-06-005	Scherger Ave, Patchogue	EOC
36	0200-973.70-06-034	556 Taylor Ave, Patchogue	Community Development Corp LI
37	0200-973.70-07-027	Meade Ave, Bellport	Community Development Corp LI
38	0200-973.70-07-032	558 Meade Ave, Bellport	Community Development Corp LI
39	0200-958-02-005	Dunton Ave, Patchogue	Community Development Corp LI
40	0200-958-03-004	947 Amsterdam Ave, Patchogue	Community Development Corp LI
41	0200-958-05-020	745 Narragansett Ave , Patchogue	Community Development Corp LI
42	0200-958-08-006	915 Taylor Ave, Patchogue	Community Development Corp LI
43	0200-958-08-032	810 Meade Ave, Bellport	Community Development Corp LI
44	0200-959-04-012	724 Doane Ave, Bellport	Community Development Corp LI
45	0200-959-04-039	760 Bayview Ave, Bellport	Community Development Corp LI
46	0200-959-05-029	715 Michigan Ave , Bellport	Community Development Corp LI
47	0200-959-06-017	819 Doane Ave, Bellport	Long Island Housing Partnership
48	0200-959-07-059	18 Pace Ave, Bellport	Long Island Housing Partnership
49	0200-973-70-03-005	707 Amsterdam Ave, Patchogue	Long Island Housing Partnership
50	0200-973-70-04-025	634 Narragansett Ave, Patchogue	Long Island Housing Partnership
51	0200-973-70-04-040	709 Narragansett Ave, Patchogue	Long Island Housing Partnership
52	0200-973-70-05-003	Brookhaven Ave , Patchogue	Long Island Housing Partnership
53	0200-973-70-05-023	Donegan Ave , Patchogue	Long Island Housing Partnership
54	0200-973-70-05-024	540 Donegan Ave , Patchogue	Long Island Housing Partnership
55	0200-973-80-10-012	623 Meade Ave, Bellport	Long Island Housing Partnership

Schedule A

56	0200-959-05-037	Post Ave, Bellport	Long Island Housing Partnership
57	0200-973.70-05-057	536 Scherger Ave, Patchogue	Habitat for Humanity
59	0200-973.70-06-024	Scherger Ave, Patchogue	Habitat for Humanity
58	0200-973.70-06-007	Scherger Ave, Patchogue	Habitat for Humanity
60	0200-959-07-034	834 Taylor Ave, Patchogue	Long Island Housing Partnership
61	0200-958-07-035	Taylor Ave, Patchogue	Long Island Housing Partnership
62	0200-973.70-06-016	Scherger Ave, Patchogue	Habitat for Humanity
63	0200-973-70-06-017	Scherger Ave, Patchogue	Habitat for Humanity
64	0200-973-70-06-018	Scherger Ave, Patchogue	Habitat for Humanity
65	0200-960-02-014	Walker Ave, Bellport	Habitat for Humanity
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2103

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.: See attached Exhibit "A"

Section 72-h, Gen'l Municipal Law

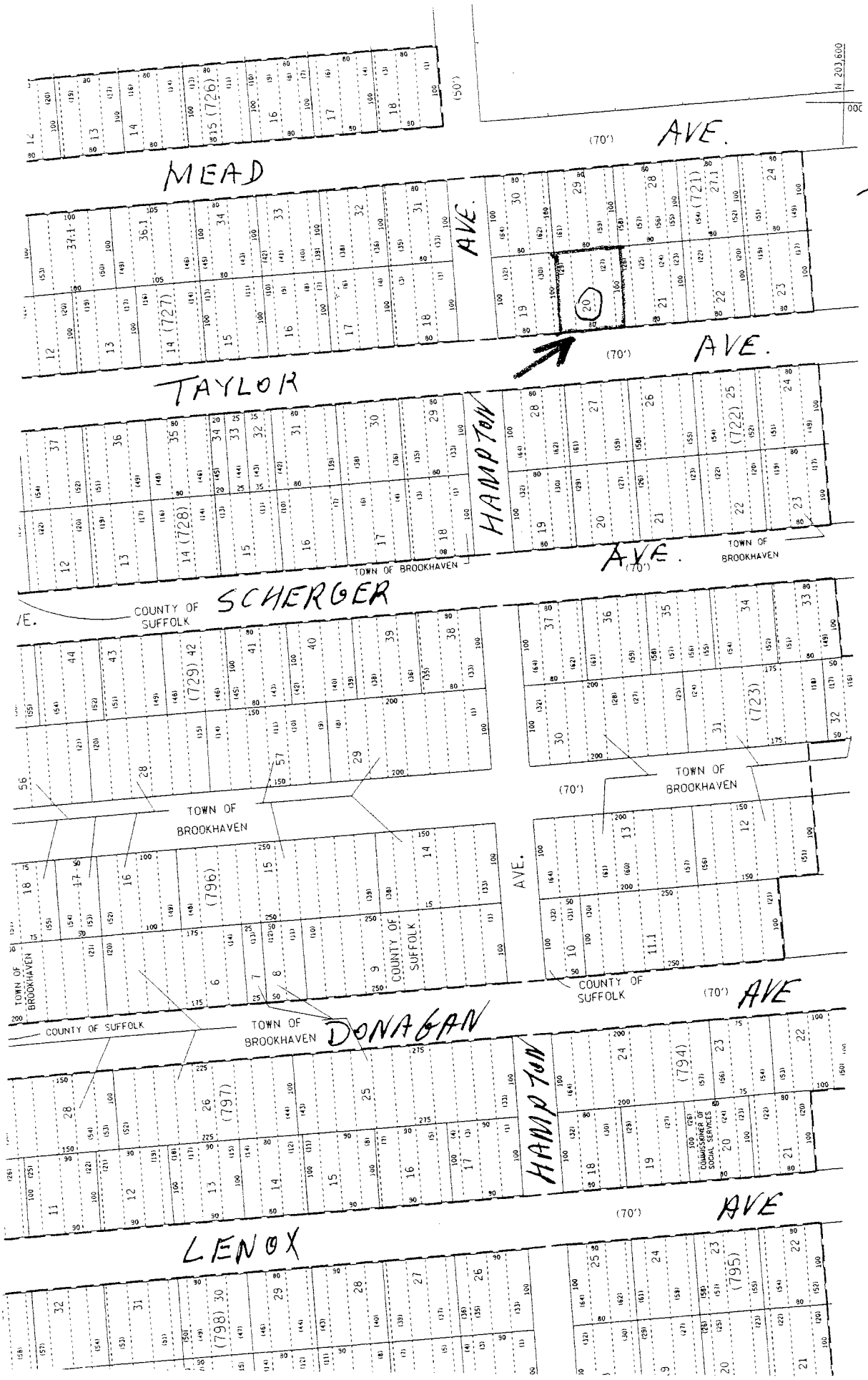
	Amount
County Investment	$214,027.13

PURPOSE:

A. Affordable Housing	X
B. Town Parks	
C. Road/Highway	
D. Drainage/Recharge Basin	
E. Other	

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

WRT:slb



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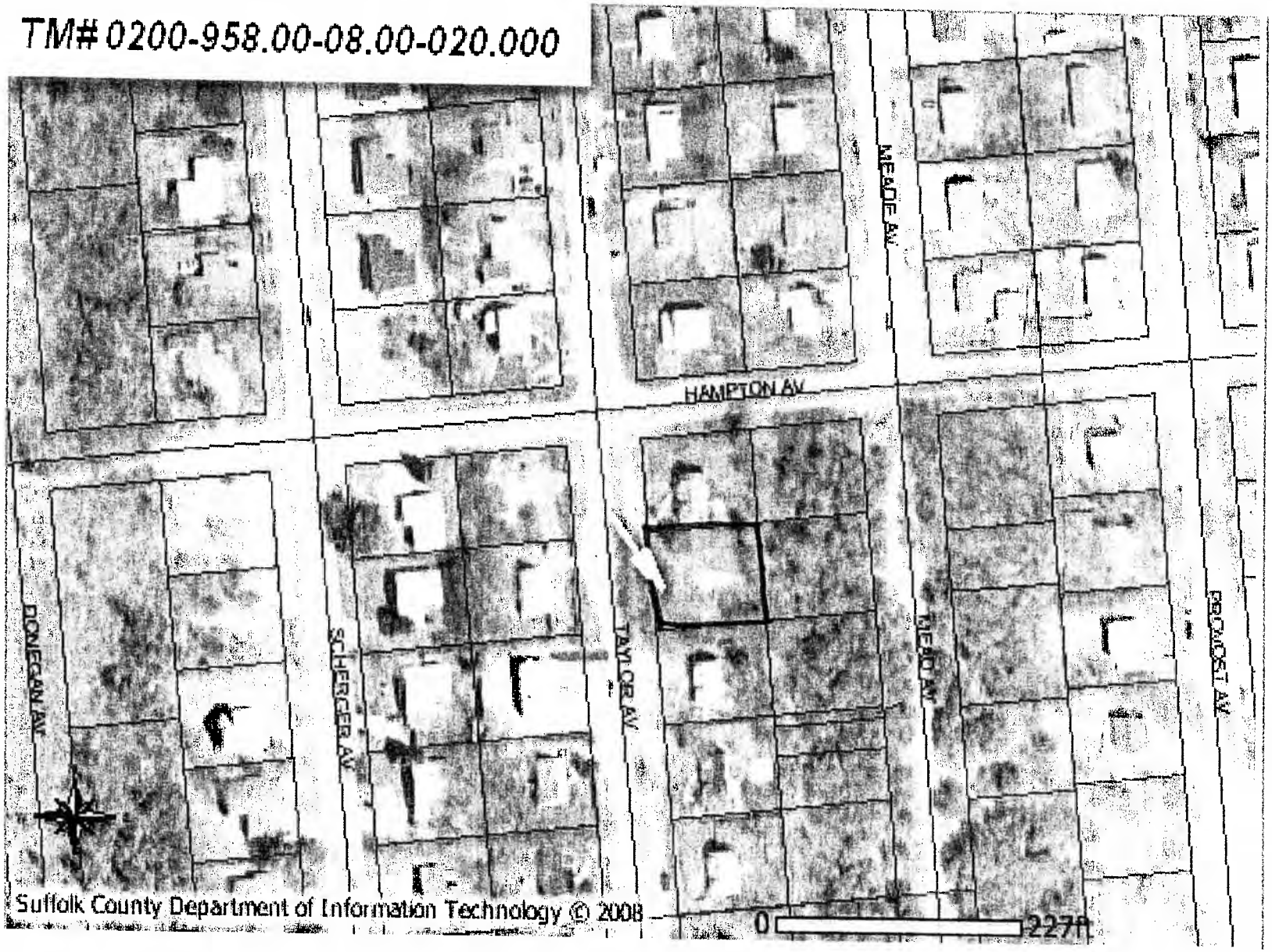

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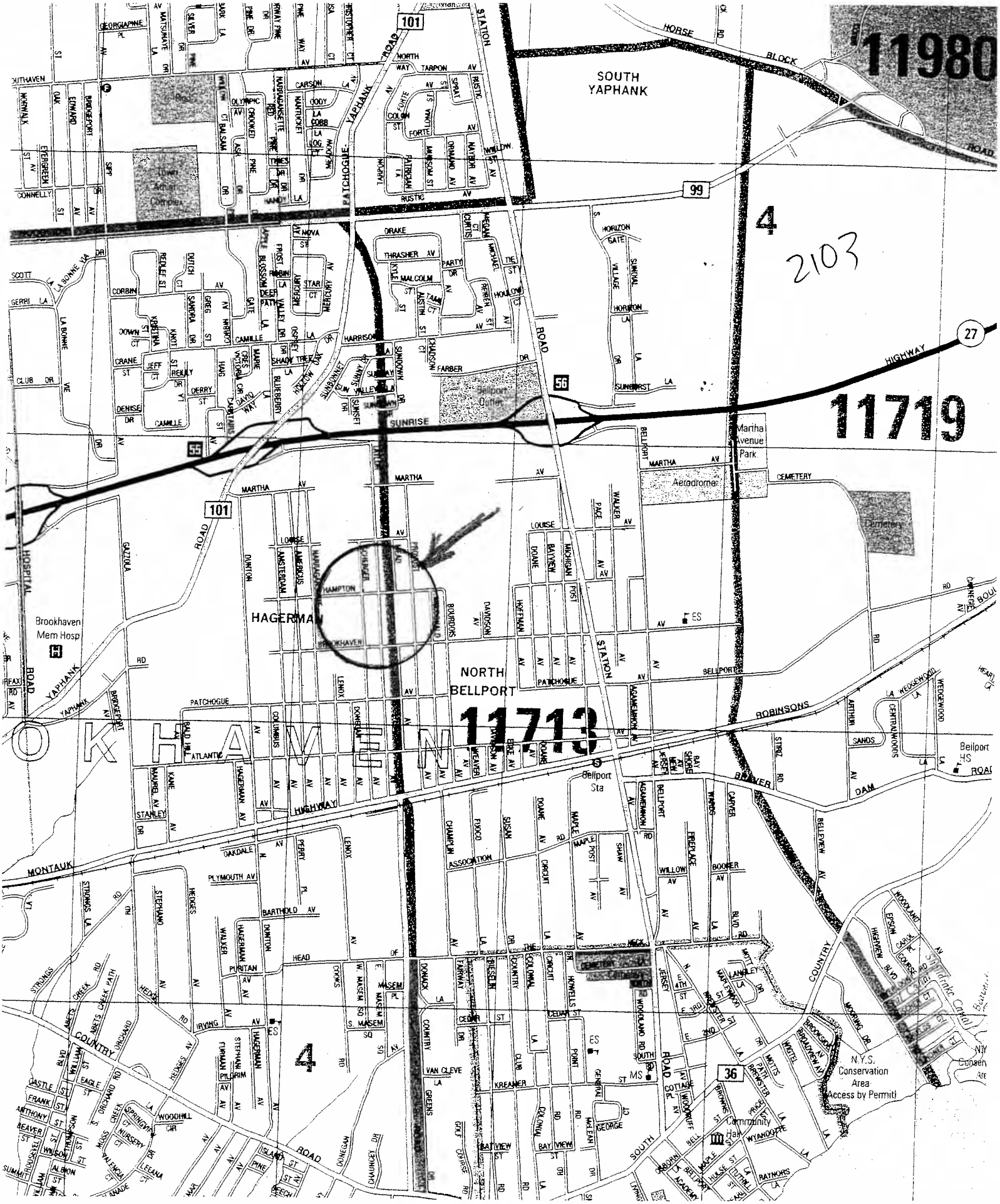

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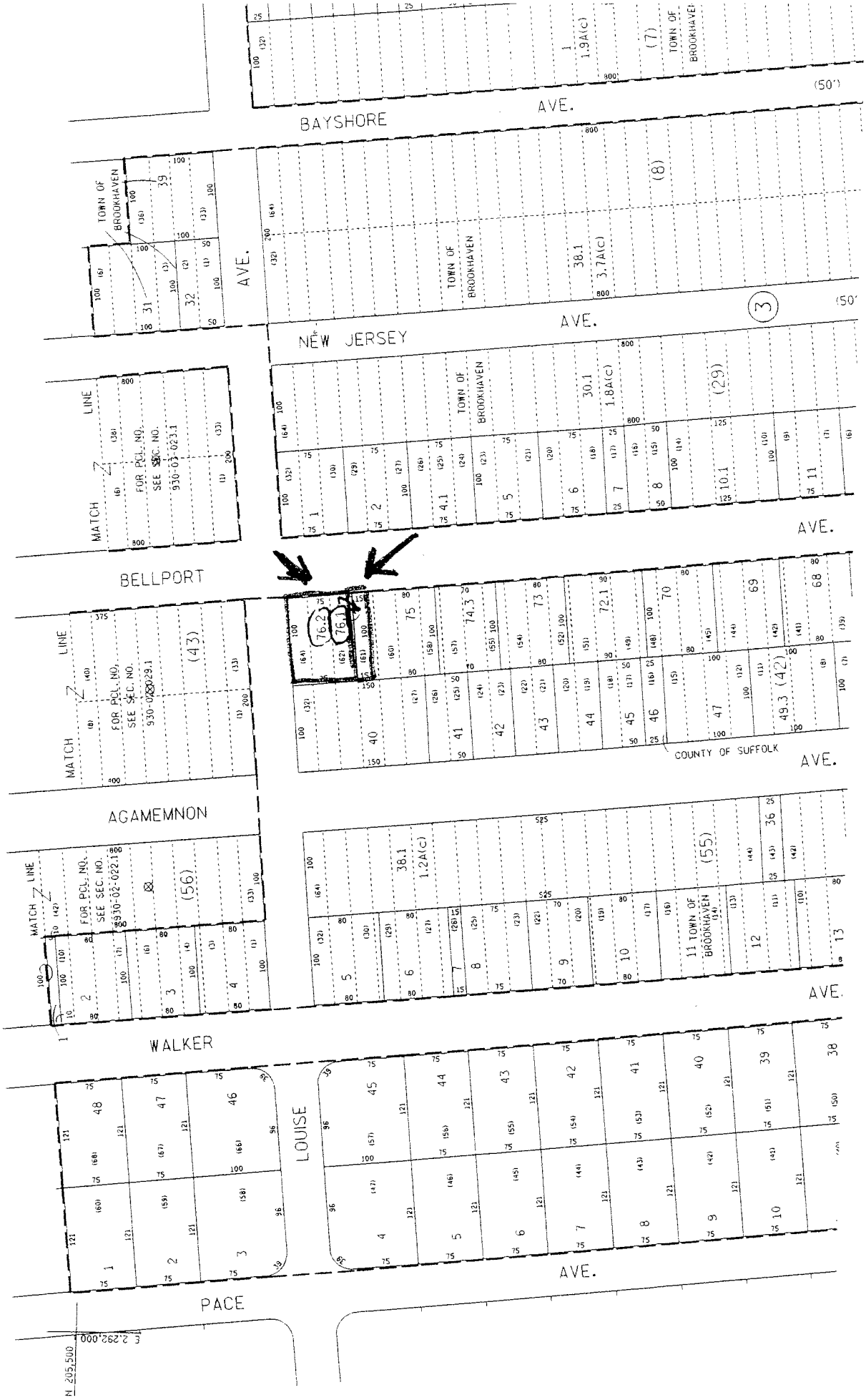

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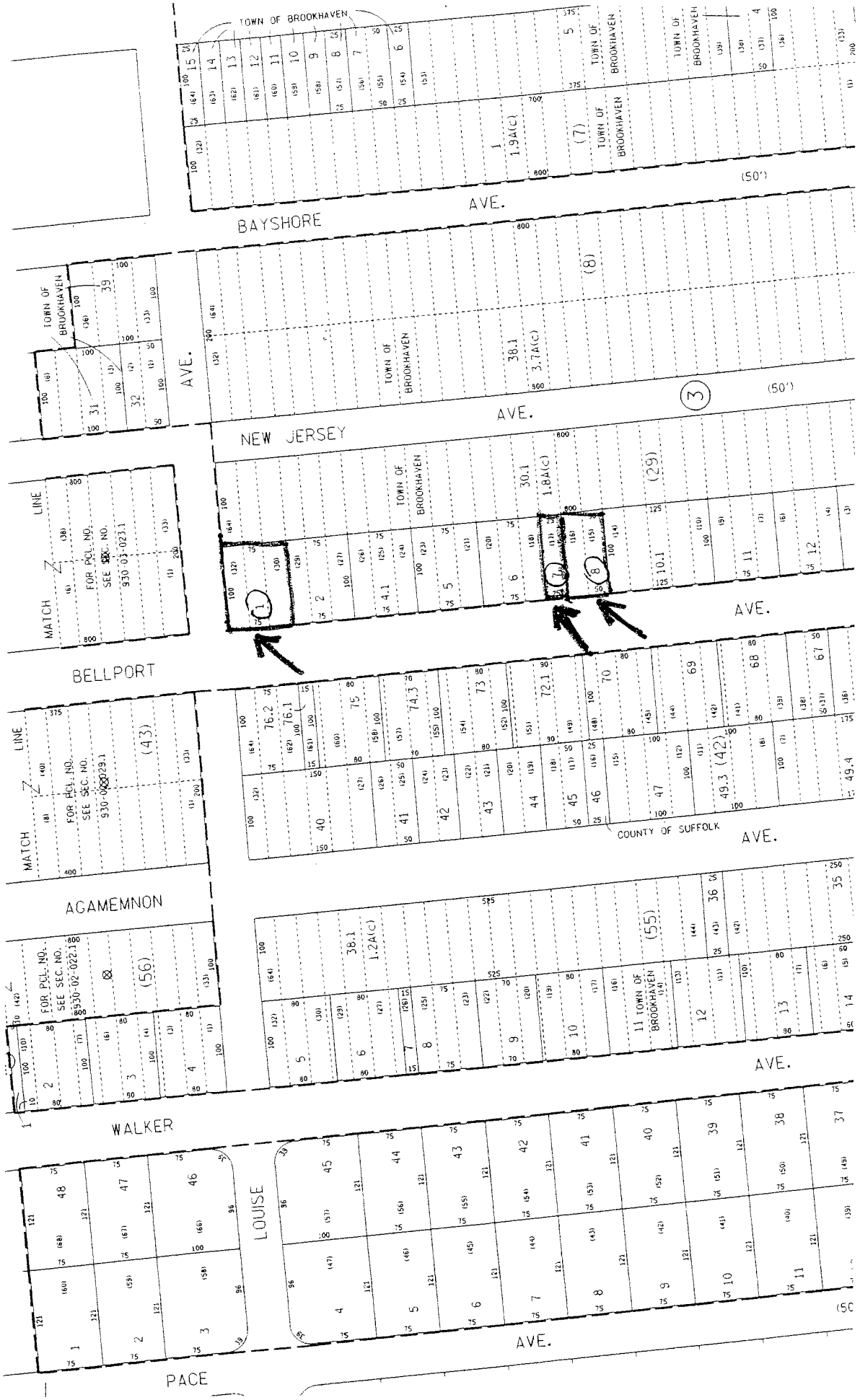
TM # 0200-960.00-02.00-076.001 & 076.002

TM# 0200-960.00-02.00-076.001 & 076.002
LOUISE AV
WALKER AV
ACCOMMINGO AV
BELLPORT AV
NEW JERSEY AV
Suffolk County Department of Information Technology © 2008
0
227ft

203



2103

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TM# 0200-960.00-03.00-001.000
LOUISE AV
ADAMS MINCH AV
BELLPORT AV
NEW JERSEY AV
BAYSHORE AV
Suffolk County Department of Information Technology © 2008
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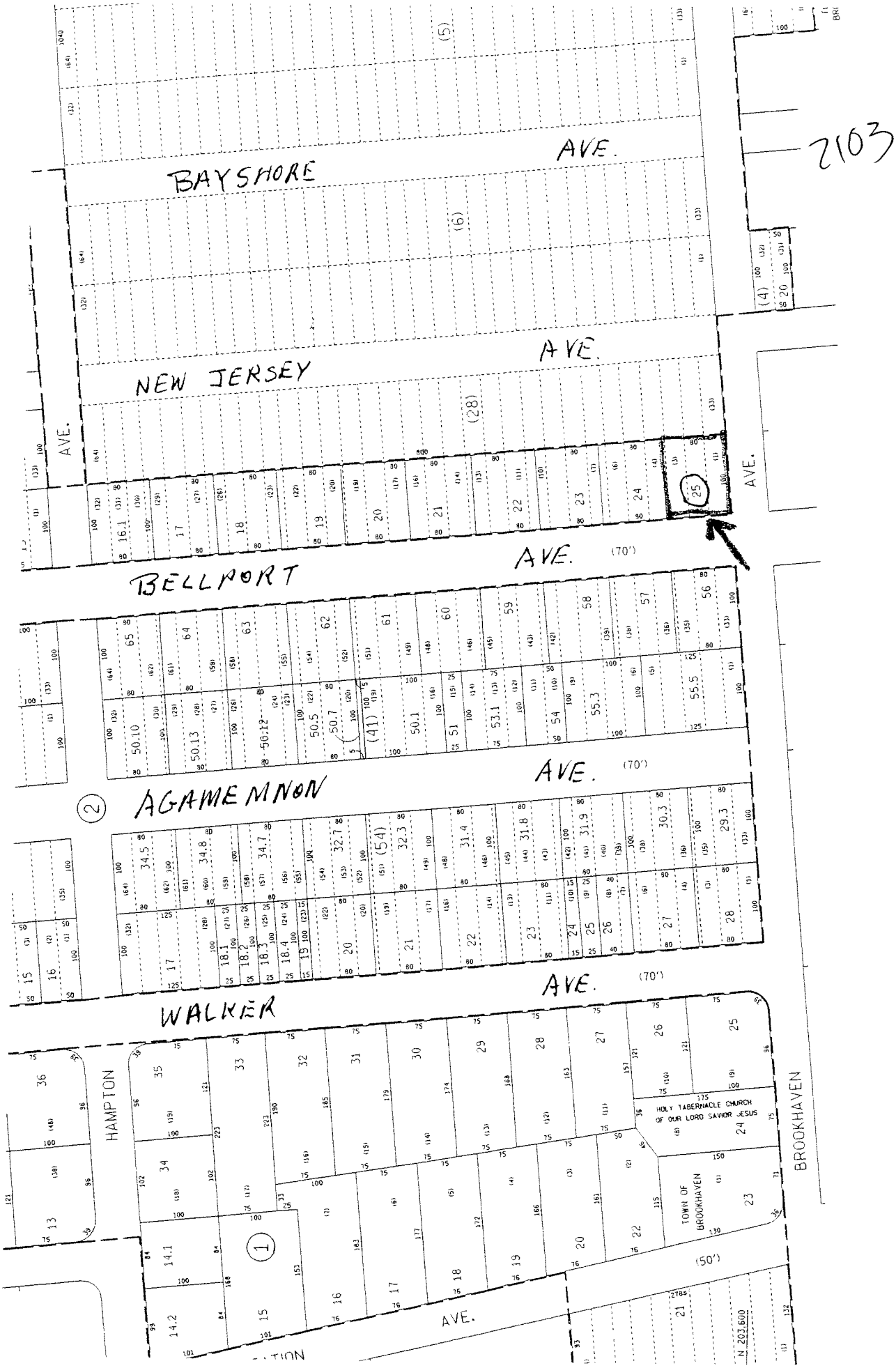
227ft

2103



Tm # 0200-960.00-03.00-025.000

TM# 0200-960.00-03.00-025.000
WALKER AV
AGAMEMNON AV
BELLPORT AV
BROOKHAVEN AV
NEW JERSEY AV
Suffolk County Department of Information Technology © 2008
0
227ft

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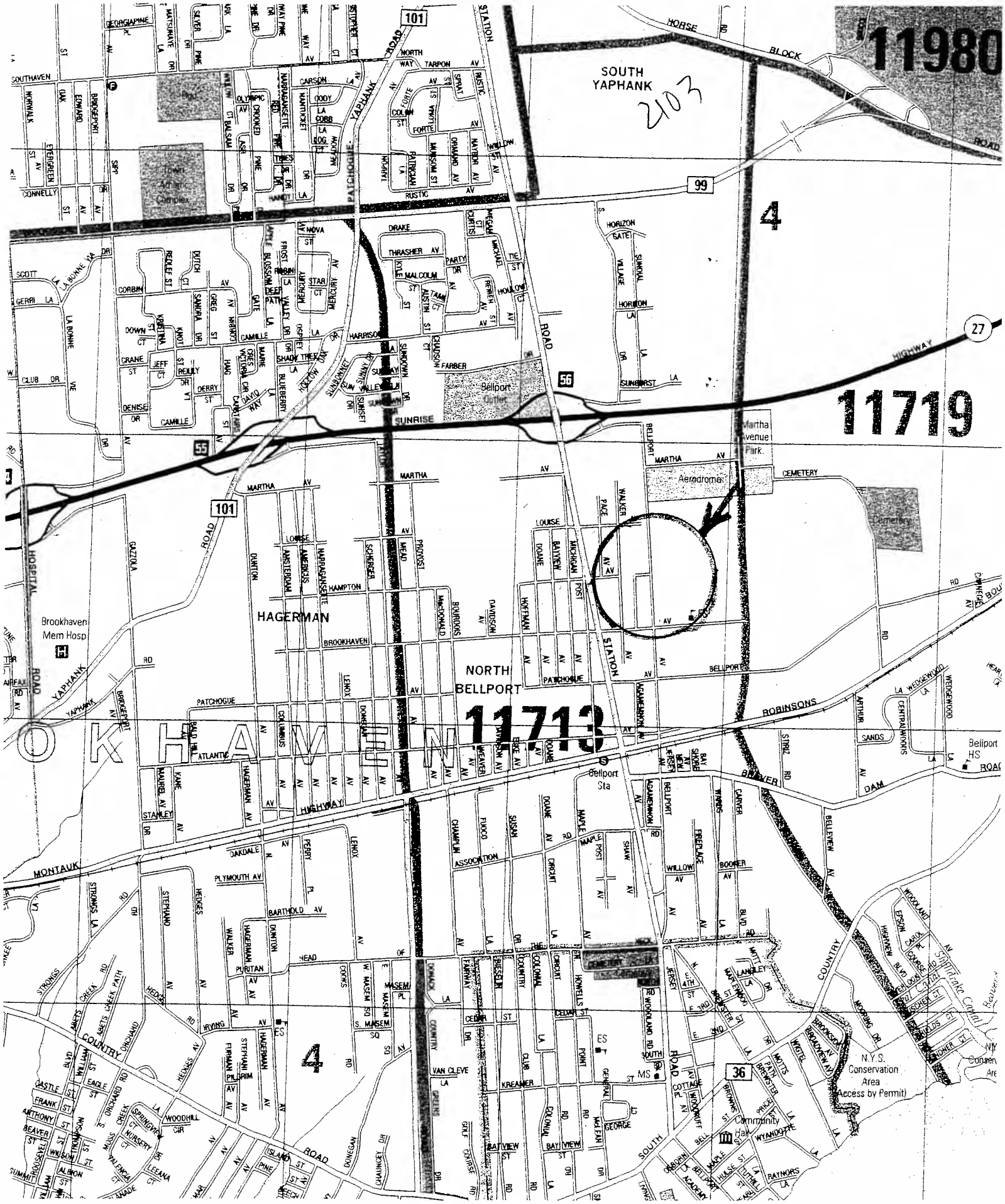

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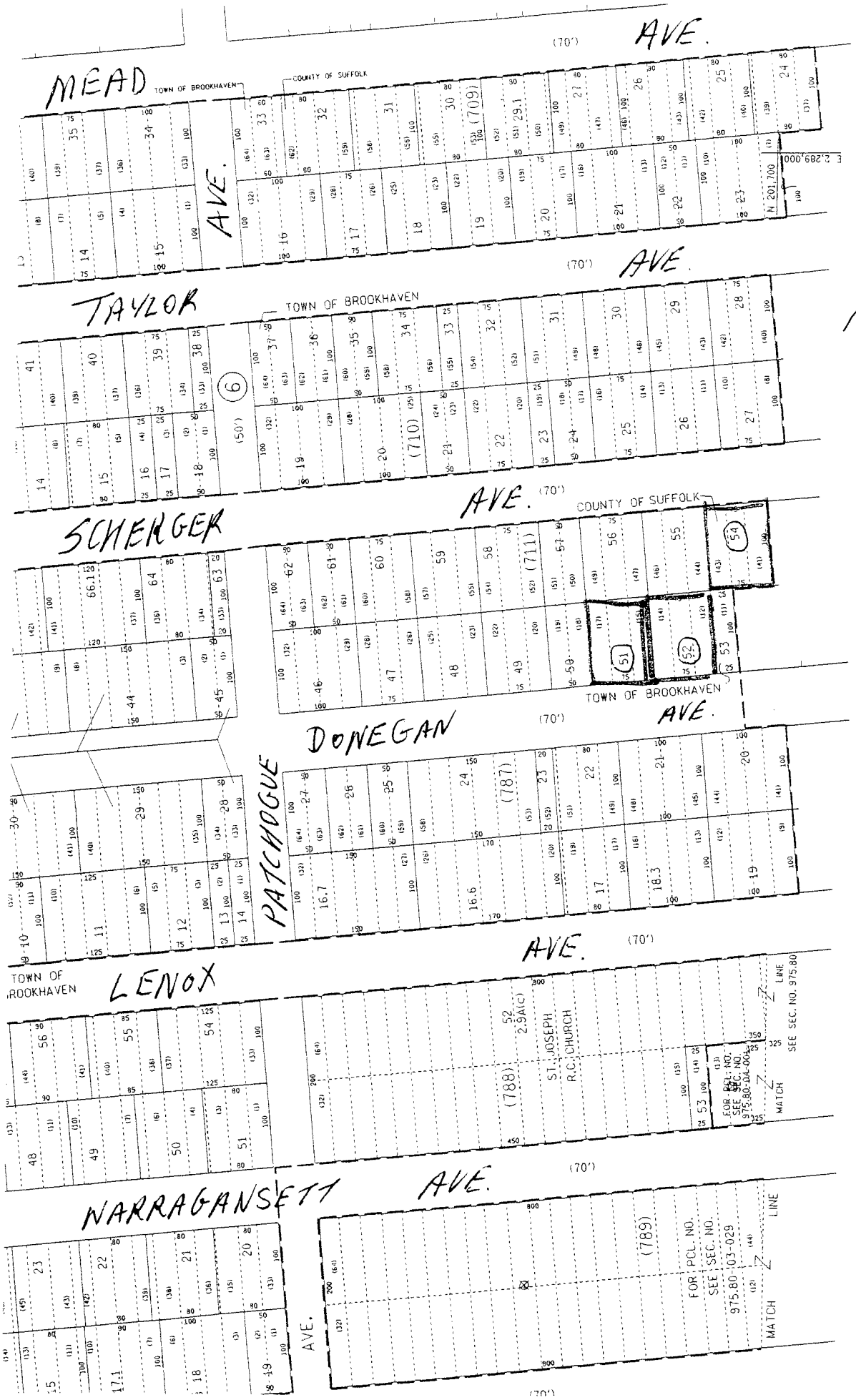

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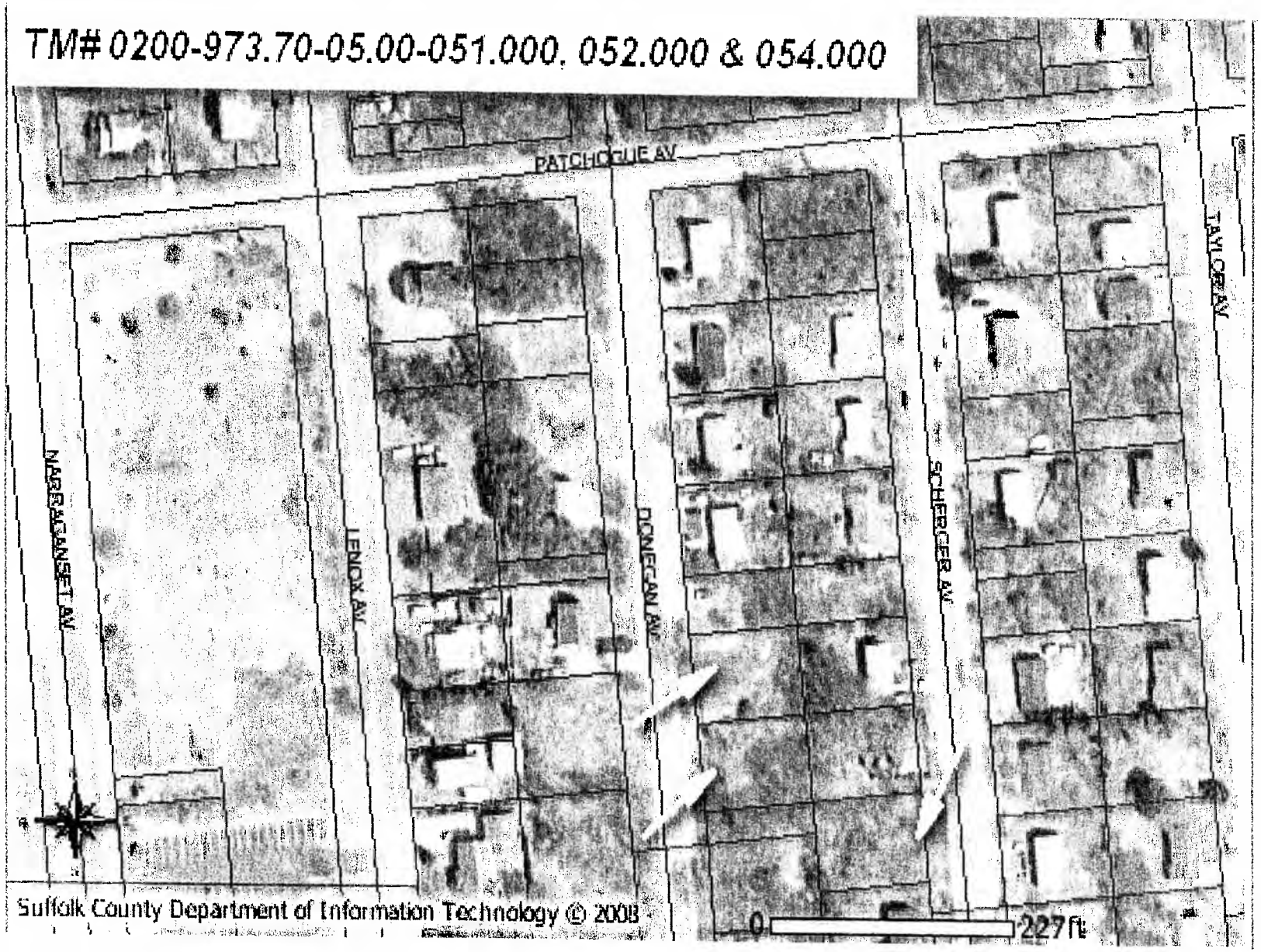
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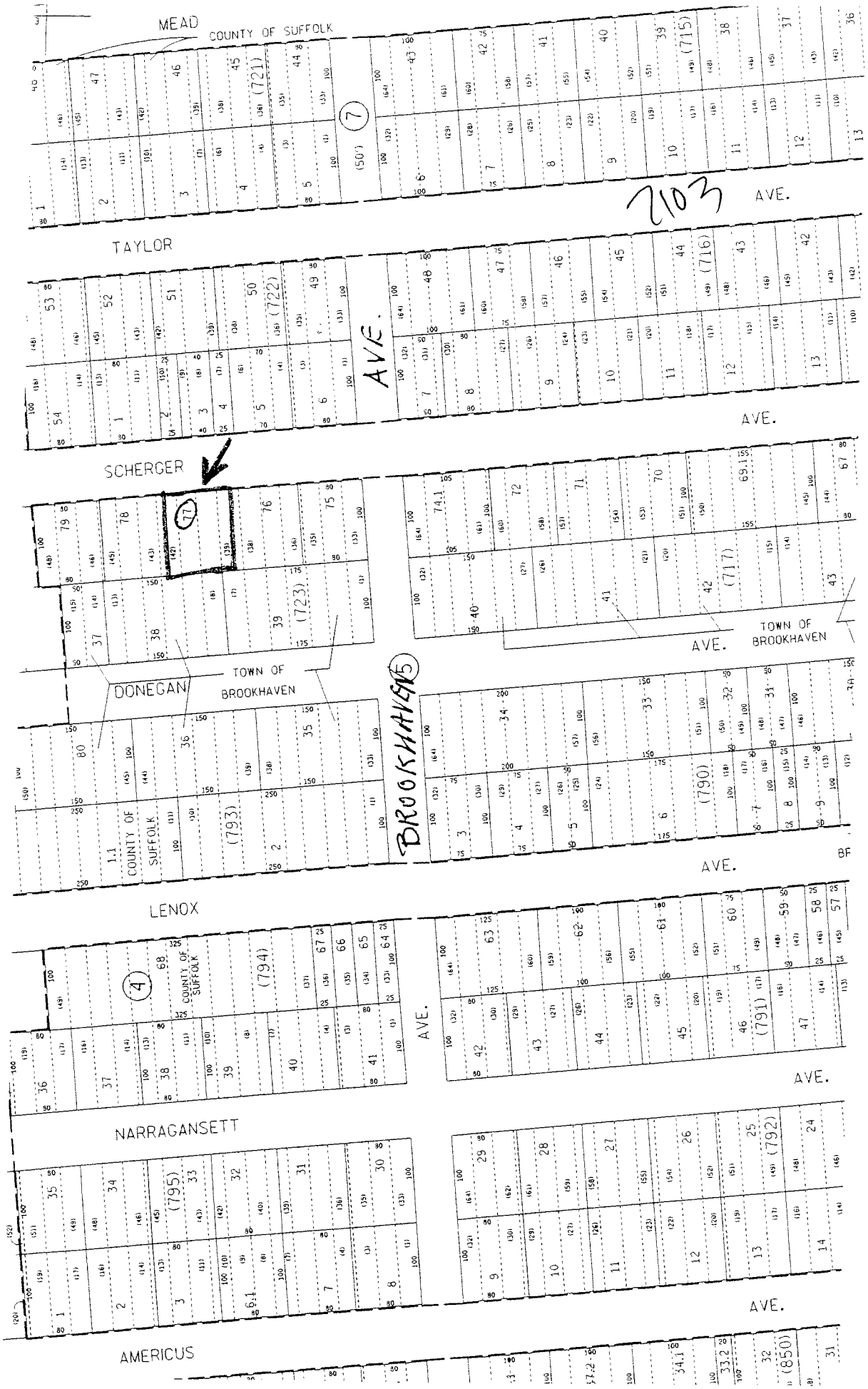

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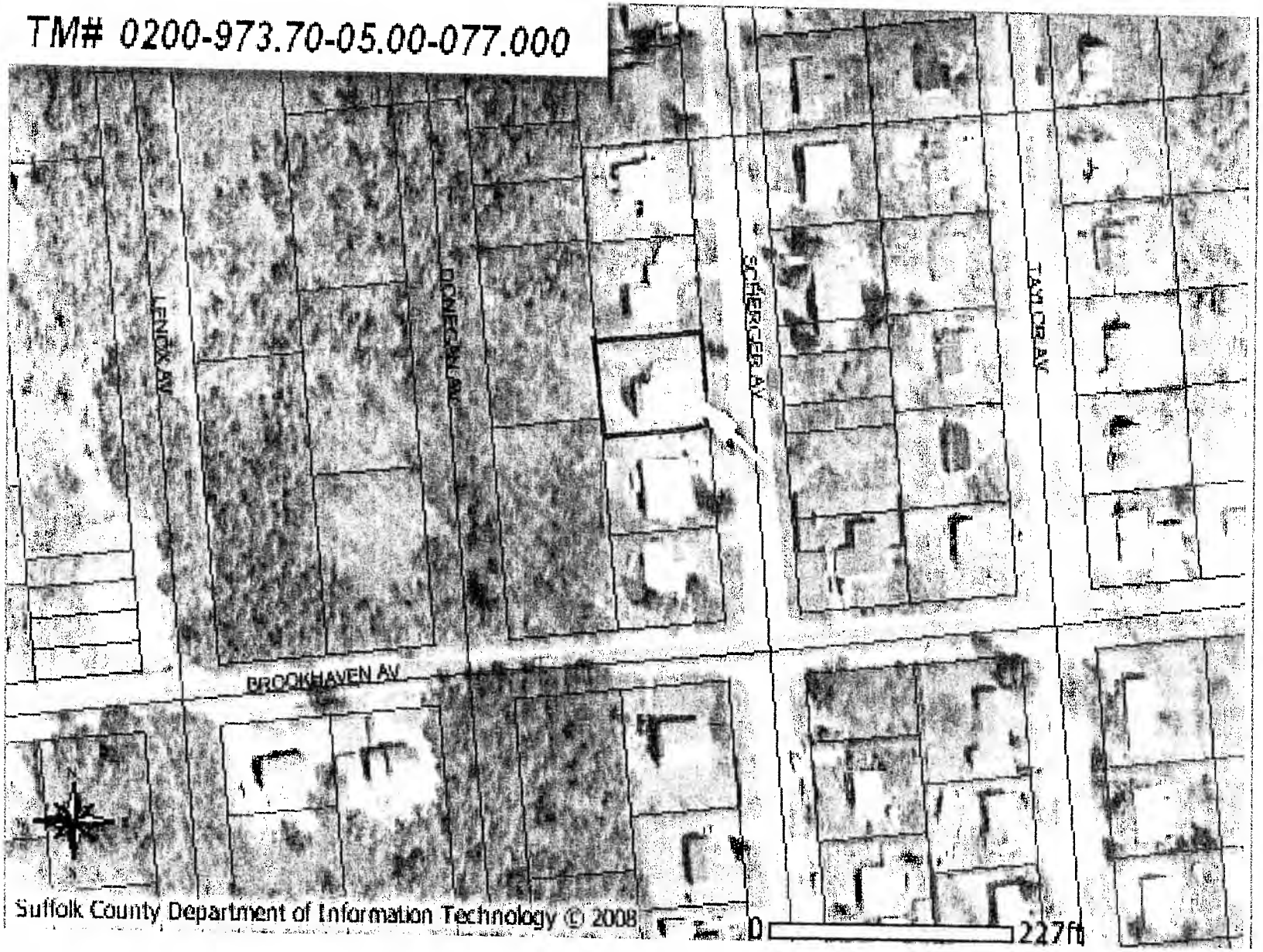
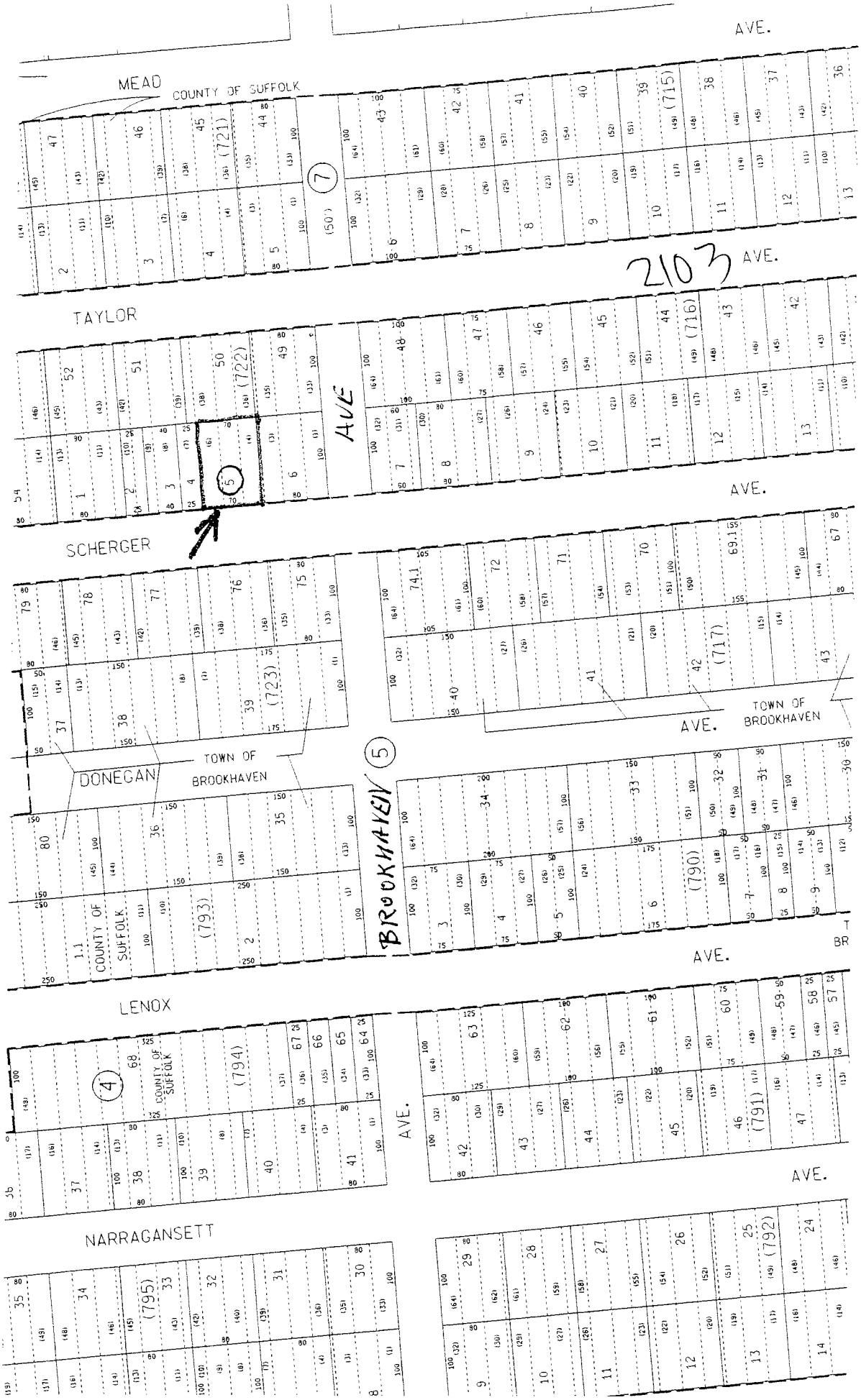


2103



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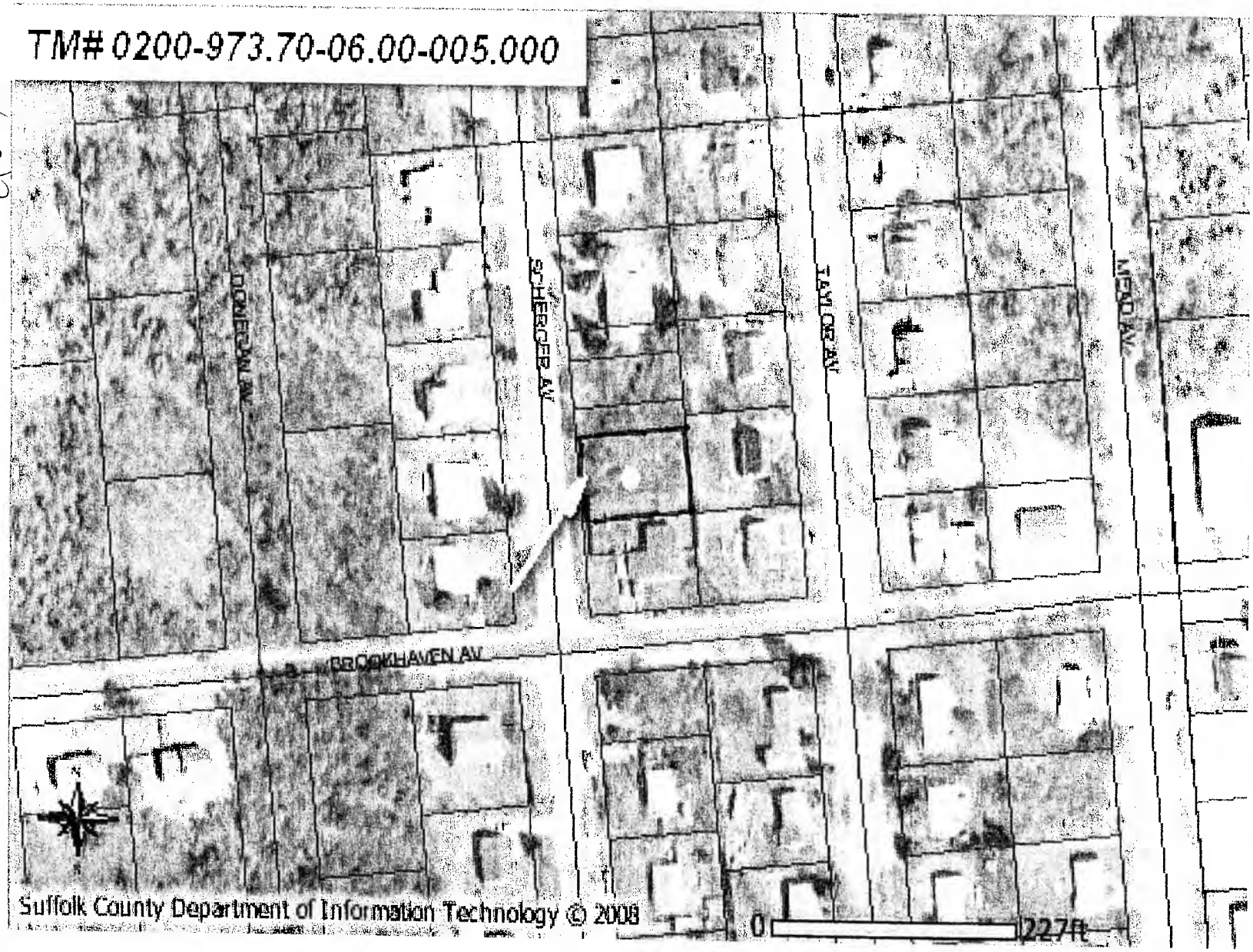
2103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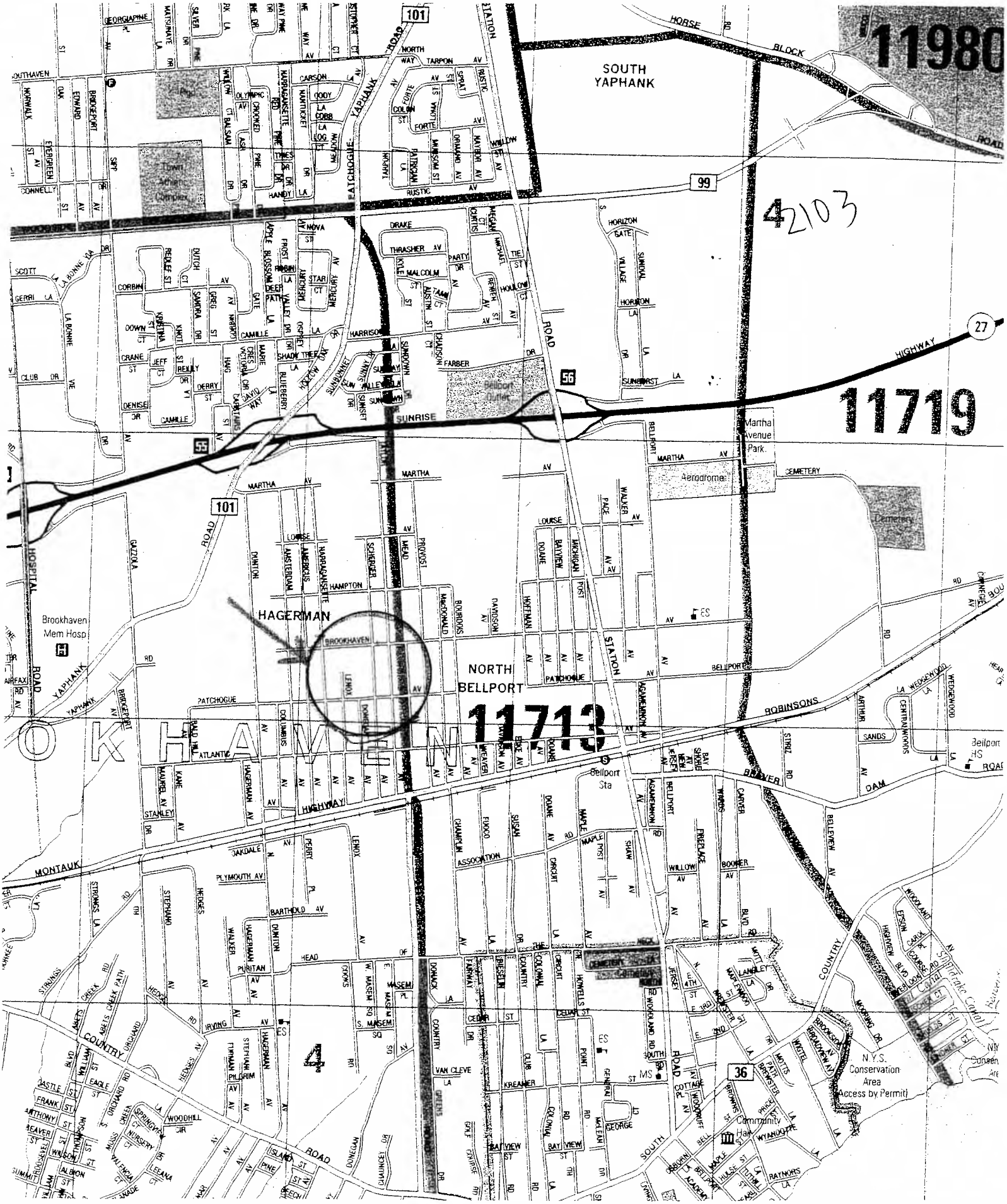

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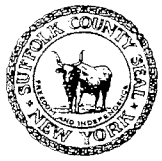
COUNTY OF SUFFOLK



2103

OCT 2 2 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

October 15, 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.: see attached Exhibit "A"
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Brookhaven for Affordable Housing 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 affordable housing purposes.

I would appreciate your placing this on the legislative agenda.

Very truly yours,

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
Jill Rosen-Nikoloff, Director of Affordable Housing
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

2103

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution __X_____ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

Section 72-h , General Municipal Law authorizing the sale of County owned Real Estate to a Municipality

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for affordable housing 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?
(circle appropriate category)

___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 County investment
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. Name & Title of Preparer | Signature of Preparer | Date

R. J. Bhatt | R J Bhatt | 10/16/08
LMS III

Intro Res. No. 2104-08 Laid on Table 12/2/08
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 #307

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:				
0101-005-02-029	**2006/07**	**$6,305.07**	**0.00**	**$6,305.07**
0101-008-04-048	**2006/07**	**$8,003.49**	**0.00**	**$8,003.49**

Dated:

Approved By:

Suffolk County Executive

Date of Approval:

2104

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 11/3/08

Additional back-up material regarding I.R. 2104 is on file in the Legislative Clerk's Office, Hauppauge.

2105

Intro. Res. No. -2008 Laid on Table 12/2/2008

Introduced by Legislator Schneiderman

RESOLUTION NO. –2008, AMENDING THE 2008 OPERATING BUDGET TO ASSIST ISLAND HARVEST IN ENDING HUNGER AND REDUCING FOOD WASTE IN SUFFOLK COUNTY

WHEREAS, the mission of Island Harvest is to end hunger and reduce food waste on Long Island; and

WHEREAS, Island Harvest serves as a bridge between those who have surplus food and those who need it; and

WHEREAS, Island Harvest volunteers and staff collect surplus food from over 600 local restaurants, caterers, farms, and other food-related businesses and distribute it to a network of approximately 500 soup kitchens, food pantries, and other locations where those in need can access it; and

WHEREAS, Island Harvest also conducts educational programs to increase hunger awareness and inform the public on how they can get involved in its mission to end hunger and reduce food waste on Long Island; and

WHEREAS it is the desire of this Legislature to assist Island Harvest in its efforts in ending hunger and reducing food waste in Suffolk County; and

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

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

APPROPRIATIONS:

FROM:

FD	AGY	UNIT	ACT	OBJ	ACTIVITY NAME	AMOUNT
001	DSS	6004	HVZ1	4980	Human Resources Program of Southampton	-$10,000
001	ECD	6410	GXE1	4980	Shakespeare Festival	-$5,000

TO:

FD	AGY	UNIT	ACT	OBJ	ACTIVITY NAME	AMOUNT
001	DSS	6004	HNC1	4980	Island Harvest	+$15,000

and be it further

2nd RESOLVED, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding Island Harvest.

2106

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

Laid on Table 12/2/2008

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

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

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

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

1st RESOLVED, that the 2008 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations;

APPROPRIATIONS:

FROM:

FD	AGY	UNIT	ACT	OBJ	ACTIVITY NAME	AMOUNT
001	FRE	3400	HRN1	4980	Yaphank Fire Department	-$5,000

TO:

FD	AGY	UNIT	ACT	OBJ	ACTIVITY NAME	AMOUNT
001	PKS	7110	XXXX	4980	L.I. 2 Day Walk Breast Cancer	+$5,000

and be it further

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

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

DATED:

APPROVED BY:

2107

Intro. Res. No. -2008 Laid on Table 12/02/2008
Introduced by Legislator Montano

RESOLUTION NO. –2008, AMENDING THE 2008 OPERATING BUDGET TO ASSIST ISLAND HARVEST IN ENDING HUNGER AND REDUCING FOOD WASTE IN SUFFOLK COUNTY

WHEREAS, the mission of Island Harvest is to end hunger and reduce food waste on Long Island; and

WHEREAS, Island Harvest serves as a bridge between those who have surplus food and those who need it; and

WHEREAS, Island Harvest volunteers and staff collect, surplus food from over 600 local restaurants, caterers, farms, and other food-related businesses; and distribute it to a network of close to 500 soup kitchens, food pantries, and other places where those in need can access it; and

WHEREAS, Island Harvest also conducts educational programs to increase hunger awareness and inform the public how they can get involved in it's mission to end hunger and reduce food waste on Long Island; and

WHEREAS it is the desire of this Legislature to assist Island Harvest in its efforts in ending hunger and reducing food waste in Suffolk County; and

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

1ST RESOLVED, that the 2008 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations.

APPROPRIATIONS:

FROM:

FD	AGY	UNIT	ACT	OBJ	UNIT/ACTIVITY & OBJECT NAME	AMOUNT
001	ECD	6410	HBT1	4980	Traveling Hispanic Theater Inc.	-$10,000

TO:

FD	AGY	UNIT	ACT	OBJ	UNIT/ACTIVITY & OBJECT NAME	AMOUNT
001	DSS	6004	HNC1	4980	Island Harvest	+$10,000

and be it further

2nd RESOLVED, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding Island Harvest.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

T:\BRO\IR 2008 OB Amendment Island Harvest HNC1.doc

2108

Intro. Res. No. -2008 Laid on Table 12/2/2008
Introduced by Legislator Browning

RESOLUTION NO. -2008, AMENDING THE 2008 OPERATING BUDGET TO AUTHORIZE THE DISBURSEMENT OF FUNDS FROM THE SUFFOLK COUNTY LIVING WAGE CONTINGENCY FUND FOR COLONIAL YOUTH AND FAMILY SERVICES UNDER CONTRACT WITH THE YOUTH BUREAU

WHEREAS, in accordance with Section 347-15, County Transitional Financial Assistance was added to the Suffolk County Code wherein not-for-profit corporations shall be eligible for upfront financial assistance from the Suffolk County Living Wage Contingency Fund, or any successor fund thereto, in order to meet increased payroll expenses; and

WHEREAS, Colonial Youth and Family Services has submitted an application for Hardship Assistance and other prescribed forms to document the need for financial assistance; and

WHEREAS, the agency has concerns about their ability to comply with the Living Wage Law without a financial subsidy; and

WHEREAS, the agency provides a needed service to the community; now, therefore be it

1st RESOLVED, that the County Comptroller be and hereby is authorized, empowered and directed to disburse funds as follows:

FROM:

001-MSC-1998-4770	Suffolk County Living Wage Contingency Fund	- $57,000

TO:

001-EXE-7320-4980-GAB1	Colonial Youth and Family Services	+$57,000

and be it further

2nd RESOLVED, that the County Executive is hereby authorized, empowered and directed to disburse the funds to Colonial Youth and Family Services, and be it further

3rd RESOLVED, that additional Hardship Assistance in the amount of $57,000 be awarded for the period January 1, 2008 to December 31, 2008.

DATED:

APPROVED BY:

Intro. Res. No. 2109-08 Laid on Table 12/2/2008
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR OPERATION OF THE RESTAURANT, CATERING AND BAR CONCESSION AT BERGEN POINT COUNTRY CLUB IN WEST BABYLON

WHEREAS, the Department of Parks, Recreation and Conservation advertised on July 17, 2008 for the restaurant, catering and bar concession contract at Bergen Point Country Club and distributed five (5) RFP packets to potential vendors; and

WHEREAS, the Department of Parks, Recreation and Conservation received only one (1) response, from Zebra Restaurant, Inc.; and

WHEREAS, Suffolk County Standard Operating Procedure I-15A ("Procedures for Development and Approval of RFP's and Consultant Contracts") requires the approval of at least two-thirds of the entire membership of the County Legislature when only one response to an RFP is received; and

WHEREAS, an independent evaluation committee reviewed the proposal from Zebra Restaurant, Inc. and found the provider's quality of work and experience to be satisfactory and its submitted cost proposal to be acceptable, and have recommended that the Department of Parks, Recreation, and Conservation enter into a contractual agreement with the provider; now therefore be it

1st RESOLVED, that upon receiving at least a two-thirds vote of the County Legislature as required by SOP I-15A (10), that the Department of Parks, Recreation, and Conservation enter into a contractual agreement with Zebra Restaurant, Inc. for the operation and management of the restaurant, catering and bar concession at Bergen Point Country Club in West Babylon.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2109

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2008, REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR OPERATION OF THE RESTAURANT, CATERING AND BAR CONCESSION AT BERGEN POINT COUNTRY CLUB IN WEST BABYLON

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

The revenue from the restaurant, catering, and bar concessions is already factored into the 2009 Operating Budget.

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
Nicholas Paglia Executive Technician		November 13th, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2109

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2109

1. Type of Legislation

Resolution X Local Law _____ Charter Law ____

2. Title of Proposed Legislation

REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR OPERATION OF THE RESTAURANT, CATERING AND BAR CONCESSION AT BERGEN POINT COUNTRY CLUB IN WEST BABYLON

3. Purpose of Proposed Legislation

See # 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

To be determined.

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**		

2109

RFP Attachment 3
Sample License Agreement

Note: Final Agreement Will Be Subject To Negotiation Between Suffolk County And The Licensee.

This 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, and _____**("Licensee")** having its principal office at _____.

The parties hereto desire to make available to the County the services of the Licensee to renovate, operate, manage and maintain the Restaurant, Catering and Bar Concession located at the Bergen Point Country Club, West Babylon, New York (the "Licensed Premises").

Term of Agreement: Shall be from January 1, 2009 through December 31, 2018 with two (2), five (5) year option periods to extend the Agreement from January 1, 2019 through December 31, 2023 and from January 1, 2024 through December 31, 2028, at the sole discretion of the Commissioner of the Department.

Total Cost of Agreement: Revenue to the County as described in Exhibit "E".

Terms and Conditions: Shall be as set forth in Exhibits "A" through "G," attached hereto and a part hereof.

In Witness Whereof, the parties hereto have executed this Agreement as of the latest date written below.

Licensee

By: _____
Name
Title
Date: _____

County of Suffolk

By: _____
Jeffrey Szabo
Deputy County Executive
Date: _____

Approved as to Legality;
Chistine 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: _____

List of Exhibits

2109

Exhibit A
General Terms and Conditions

1. License
2. Term and Termination of Agreement
3. Indemnification
4. Insurance
5. County Property
6. Advertising
7. Representation of Inspection
8. Risks of Licensee
9. Conduct of Licensee's Employees
10. Uniforms
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 on Inventory for Sale
17. Insolvency
18. License/Not A Lease
19. Fire Safety Standards
20. Hazardous Substances and Waste
21. Inspection of Premises/Remediation of Unsatisfactory Conditions
22. Illegal or Objectionable Conduct
23. Not A Co-Partnership
24. County Representatives
25. County Monies
26. Change in Park Facilities
27. Change in Department
28. Severability; No Implied Waiver
29. Labor Disputes/Acts of God
30. Independent Contractor
31. Assignment and Subcontracting
32. Not in Default/Arrears
33. Cooperation on Claims
34. Conflicts of Interest
35. Non-Discrimination in Services
36. Nonsectarian Declaration
37. Set-Off Rights
38. Publications and Publicity
39. Copyrights and Patents
40. Certification as to Relationships

DRAFT

2109

41. Lawful Hiring of Employees Law in Connection with Contracts for Construction or Future Construction
42. All Rights Reserved
43. Governing Law
44. Confidentiality
45. No Intended Third Party Beneficiaries
46. No Oral Changes
47. 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. Reports/Meeting
2. Operational Plan; Operations Schedule; Schedule of Charges
3. Licensee Provided Services
4. County Property; Security; Maintenance; Repairs and Alterations
5. Capital Improvements
6. Security/Bonds
7. Utilities

DRAFT

2109

Exhibit E
Financial Terms and Conditions/Other Variable Terms and Conditions

1. Annual License Fees
2. Payment Terms
3. Advertising
4. Accounting and Record Keeping; Inspection of Records; Reporting; N.Y.S. Sales Tax
5. License for Copyrighted Materials

Exhibit F
Capital Improvements and Site Map

Exhibit G
Licensee's Response to Request for Proposal

DRAFT

2109

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, any reference to the Commissioner on this Agreement shall be deemed to include his/her designee; and

Whereas, a Request for Proposals ("RFP") for the subject License was advertised on July 17, 2008; and

Whereas, based upon the Licensee's response to the RFP, the County has determined that the Licensee's proposal demonstrates relevant experience, offers good value to the County, and serves the public interest; and

Whereas, the Licensee desires to obtain from the County a License, as set forth further in this Agreement, to renovate, operate, maintain and manage the Restaurant, Catering and Bar Concession and related facilities located at the Bergen Point Country Club, West Babylon, New York, and the County desires to enter into an agreement with the Licensee for the operation of said activities;

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 County grants to the Licensee and the Licensee accepts from the Department, an exclusive, non-transferable (except as indicated herein) License ("License") to renovate, operate, manage, and maintain the Restaurant, Catering and Bar Concession and related facilities ("Concession") within the Licensed Premises located at Bergen Point County Club, West Babylon, New York, subject to the terms and conditions as set forth in Exhibits A through G herein. The Licensee agrees to perform all of its obligations in accordance with the terms and conditions of this Agreement.

b. The Licensed Premises shall consist of the kitchen, walk-in refrigerator, pantry, dining room and bar areas, snack bar, small office next to snack bar, coat room, bridal office, bridal room and restrooms located in the same building as the golf professional, and all improvements, equipment, mechanical systems, fixtures and articles of personal property now attached or appurtenant to or

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used in connection with the operation of the Restaurant, Catering and Bar Concession.

c. The Licensee agrees to conduct and use the Licensed Premises for no purposes other than as herein stated and to equip the same at Licensee's own cost and expense, except for such equipment and facilities as supplied by the Department (if any). 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 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.

f. 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 the Agreement. Frequent failure 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 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.

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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 Licensee 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 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 Agreement 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 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 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.

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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 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:

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(1) All fees and other sums due and owing from the Licensee. 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 Licensed Premises in the physical condition in which the Licensee is obligated to leave the Licensed Premises upon the expiration of the term, and to secure the Licensed 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.

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

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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 ($2,000,000.00) per occurrence for property damage. Special events will require additional insurance as mandated by the Suffolk County Division of Risk Management.

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

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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

v. **Professional Liability / Errors and Omissions Insurance** (if professional services are used in this Agreement) in an amount not less than Two Million Dollars ($2,000,000.00) on either a per occurrence or claims made coverage basis.

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.

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.

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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. Advertising

The Licensee shall use commercially reasonable efforts to promote the Concession and services authorized by this Agreement. 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 Licensee agrees to discontinue or withhold the release, dissemination and distribution of any such material unless and until the County and Licensee have agreed to a resolution of the County's objection.

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7. **Representation of Inspection**

The Licensee acknowledges that it has examined the site, location, facilities, buildings structures, area, and spaces to be used in connection with this Agreement.

8. **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/Licensor for loss, damage or destruction from any peril to the furniture, fixtures, equipment or other personal property of the Licensee.

9. **Conduct of Licensee's Employees**

The Commissioner shall inform the Licensee, in writing or if orally, a written confirmation shall be sent immediately, of any employee of 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 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 Licensee's failure to cure, notwithstanding the provisions of the paragraph entitled "Term and Termination of Agreement."

10. **Uniforms**

If directed by the Commissioner, all attendants or employees of the Licensee shall wear uniforms, or some other form of identification, as approved by the Commissioner, such uniforms to be furnished by the Licensee, and without cost to the Department or the County.

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 Concession and for

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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 upon the County giving to the Licensee five (5) days written notice of its intention to so cancel and whereby there shall be no further liability on the part of either party, except those items which specifically survive termination.

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) shall be grounds for rejection of any plans, reports, specifications, permit 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 Architect, the Suffolk County Department of Health Services, the Suffolk County Department of Fire, Rescue and Emergency Services, and the New York State Department of Environmental Conservation. 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.

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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. In the event that the facility is shut down by the Suffolk County Department of Health Services for an extended period of time due to health threats related to arthropod-borne diseases, the Licensee shall have the right to request renegotiation of the financial terms hereunder at the sole discretion of the Commissioner.

d. Notwithstanding any other provisions of this Agreement to the contrary, in the event that the facility cannot be operated or that there is substantial 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 Licensee: the Licensee shall remain liable for all fees and other sums due and owing from the Licensee up to the time of termination.

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14. Personal Property of Licensee

a. During the term of this Agreement, unless personal property is required for the performance by the Licensee of its obligations hereunder, the Licensee shall have the right at any time, to remove same from the Licensed Premises, with the following exceptions.

i. Books, reports and records required to be kept by this Agreement shall be maintained on the Licensed Premises at all times and may not be removed; and

ii. Inventory maintained for sale on the Licensed Premises may be removed only with the consent of the Commissioner.

b. Removal of personal property upon expiration and/or termination of this Agreement shall be governed by the paragraph entitled, "Term and Termination of Agreement".

15. Compliance with Law

The Licensee shall comply with 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.

Suffolk County Code §378-4 (Prohibited Acts) regarding acts prohibited on County parkland.

Suffolk County Sanitary Code

Such compliance shall be at the Licensee's sole cost and expense.

16. Liens on Inventory for Sale

a. It is expressly agreed that the County shall have a continuing lien on all inventory held for sale which may be 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. If the Licensee requires a waiver of the lien for the purpose of financing personal property to be utilized in the operation of the Licensed Premises, the Commissioner may grant said waiver at his sole

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discretion in consultation with the Licensee. The County may waive the lien at any time.

b. Upon default of payment by the Licensee beyond any applicable cure period, the County shall have the right to take possession of and retain the inventory until the full amount be 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 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 the premises and to operate the Concession hereby granted 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.

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b. In addition, the Licensee shall provide a list of all stored flammable materials necessary for their 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.

c. The Licensee agrees to be responsible for the installation, replacement and/or maintenance of smoke alarms, fire suppression systems, fire extinguishers and exit signs in accordance with the rules and regulations of the Suffolk County Department of Fire, Rescue and Emergency Services, at the Licensee's sole cost and expense.

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 Licensee's operations and maintenance of the Licensed Premises.

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 attorney's 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:

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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 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, 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 Mobile Units 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 which shall be corrected immediately.

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

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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, 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, 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.

23. 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.

24. 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.

25. 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.

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26. 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.

27. 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.

28. 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.

29. Labor Disputes/Acts of God

The provisions of this section shall be applicable if there shall occur, during the term or any renewal term 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 (iii) 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 punctually to perform 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.

30. 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.

31. 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.

32. 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.

33. 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.

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34. 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 the Licensee is retained on behalf of the County. The Commissioner shall ultimately make the determination as to whether or when a conflict exists or may potentially exist after full disclosure is obtained.

35. 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.

36. 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 under this program 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.

37. 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 contract, plus any amounts due and owing to the County for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The County shall exercise its set-off rights in accordance with normal County practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the County agency, its representatives, or the County Comptroller, and only after legal consultation with the County Attorney.

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38. 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 written prior 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.

39. 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.

40. 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.

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41. 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.

42. All Rights Reserved

All rights not specifically granted in this Agreement are reserved to County.

43. 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.

44. 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.

45. 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.

46. 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

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no such modification, termination, cancellation, or extension shall be effective until so executed and approved.

47. 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

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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"

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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 compensation is one hundred percent (100%) funded by the County, shall submit a

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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 Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees"

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"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."

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

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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

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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 <u>or</u> by Nationally Recognized Courier Service <u>or</u> by Fax <u>or</u> by Email

Suffolk County Department of Parks, Recreation and Conservation
P.O. Box 144, Montauk Highway
West Sayville, New York 11796
Attn: Commissioner

and

For the Licensee:
By Regular or Certified Mail in Postpaid Envelope <u>or</u> by Nationally Recognized Courier Service <u>or</u> by Fax <u>or</u> 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:

For the County:
By Nationally Recognized Courier Service or Personally and by First Class Mail

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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

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.

5. **Litigation/Accidents**

a. In the event 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.

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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

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Exhibit D
Description of Services

1. **Reports/Meeting**

   a. The Licensee will be responsible for issuing timely oral presentations and written reports on the status of pending and proposed activities, as may reasonably be requested by the Commissioner. All written reports will also be made available to the County in electronic format.

   b. Depending upon the nature of services provided under this contract, the parties may meet from time to time; the meeting time, place and attendees shall be as mutually agreed upon by the parties.

2. **Operational Plan; Operations Schedule; Schedule of Charges**

   a. **Operational Plan.** The Licensee agrees to operate the Concession according to plans submitted to the Department and subject to approval by the Commissioner. Said plan, once approved, shall be incorporated herein as if originally included. Prior to the commencement of any operational plan, the Licensee shall procure at its own cost and expense all permits or approvals necessary for the legal operation of the Concession on the Licensed Premises. The Concession shall at all times be operated in a manner satisfactory to the Commissioner and shall conform to rules and directives of the Department.

   b. **Operation Schedule.** The Concession shall be operated on approved dates only and on a schedule of reasonable hours as directed by the Commissioner. The Commissioner shall be notified of schedule changes/closures caused by weather, emergency or other events.

   c. **Special Events.** The Licensee shall submit at the beginning of each calendar year during the term of this Agreement a schedule of proposed events, and 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.

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3. Licensee Provided Services

a. **Provision of Facilities and Equipment.** The Licensee shall provide and maintain all facilities and equipment necessary for the operation of the Concession in accordance with the Operational Plan submitted to, and approved by, the Commissioner, at its own expense.

b. **Maintenance and Repair.** The Licensee shall be responsible for ongoing maintenance and repair of the Licensed Premises, grounds, fixtures, equipment and furnishings for the entire term of this Agreement. Maintenance and repair will include (but is not limited to) all utilities, heating systems, alarm systems, sprinkler systems, cesspools, as well as the roofing, windows, and doors of the restaurant and restaurant related facilities.

c. **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.

d. **Minimum Participation of Licensee.** The Licensee will participate in the daily operation of the Concession during no less than fifty percent (50%) of the total number of required hours of operation as approved by the Commissioner. If the Licensee is an individual, he/she shall be required to adhere to the aforesaid minimum physical participation in daily operations. In the event the Licensee is a corporation, the principal stockholders, who also must be officers of the corporation, taken in aggregate, shall be held accountable to the same minimum standard of participation as set forth above.

e. **Responsible Principal.** The Licensee undertakes and agrees that at least one (1) principal will be designated by Licensee who shall be responsible for the daily operation of the Concession 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.

f. **Sanitary Condition of Licensed Premises.** The Licensee shall at all times keep the Licensed Premises in a clean, litter-free and sanitary condition and shall cleanse, fumigate, disinfect and deodorize the Licensed Premises whenever directed to do so by the Commissioner.

g. **Extermination.** The Licensee shall provide exterminating services for the Licensed Premises at its own cost and expense, in accordance with County

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regulations, and as required by the Commissioner throughout the term of this Agreement.

h. **Refuse and Garbage; Costs.** All refuse and garbage costs related to the operation of the Concession are to be borne by the Licensee. If the County provides refuse and garbage service, the Licensee will be billed by the County for a pro-rata share of costs, as determined by the Department. All refuse and/or garbage is to be collected and deposited in locations and containers satisfactory to the Commissioner for regular pick-up and off-site disposal.

i. **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.

j. **Licensed Premises and Grounds.** The Licensee is responsible for the maintenance and appearance of all areas covered under this Agreement, and shall keep such areas in a good working order, litter free, and in a clean and sanitary condition.

k. **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 and shall comply with Resolution No. 719-2000 entitled "A Local Law to Adopt Countywide Pesticide Notice Provisions".

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l. **Security.** The Licensee, at its own cost and expense, shall secure the Licensed Premises, the facilities thereon, and the equipment and materials used therein throughout the term of this Agreement, in a manner appropriate to the nature of the License.

m. **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.

n. **Vending Machines.** The Licensee shall install vending machines on the Licensed Premises upon receipt of written approval by the Commissioner. Revenues generated from vending machines are required to be included along with other financial submissions required under this Agreement.

o. **Revenue Reporting.** The Licensee shall report to the Commissioner all activity and revenue from Restaurant, Catering and Bar Concession activities. The Licensee shall provide such reports to the Commissioner on or before the last day of the next following month for the month being reported on. The Licensee shall include all daily cash register tapes with all submissions.

p. **Fees.** The Licensee shall be liable for all fees, sums and other charges imposed under this Agreement.

4. **County Property; Security; Maintenance; Repairs, and Alterations**

a. The Licensee acknowledges that it has examined the Licensed Premises and the facilities thereon. 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." The Licensee shall restore any non-working items to a state of good repair.

b. The Licensee shall be responsible for all costs associated with the maintenance, upkeep, renovations and necessary repairs to the Licensed Premises in accordance with the provisions of this Agreement and any other recognized and accepted standards of operation. Said areas shall be maintained, replaced, and kept in repair by the Licensee, as directed by the County and surrendered by the Licensee to the County at the expiration or other termination of this Agreement, in as good condition as when received, reasonable wear and tear and damage by the elements excepted. The Licensee shall not make any alterations to the Licensed Premises without the written approval of the Commissioner.

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c. The Licensee's minimum obligation for maintenance and upkeep of the Licensed Premises shall be $3,500.00 each year during the initial term of the Agreement. However, all costs required to maintain the Licensed Premises in the condition required by this Agreement, including costs above the minimum amount, are also the responsibility of the Licensee. The minimum amount associated with maintenance and upkeep shall be placed in a dual signature bank account, if directed by the Commissioner, with the Licensee and County as signatories, at the beginning of each calendar year.

d. All costs associated with the maintenance, upkeep renovations and necessary repairs of the Licensed Premises shall be at the Licensee's cost unless otherwise agreed to in writing by the Commissioner and shall be thoroughly documented by the Licensee. The documentation shall be provided to the Commissioner upon request and shall include signed contracts related to the work performed, paid invoices and cancelled checks.

e. Option Periods: Annual Fees for maintenance and upkeep for option are subject to negotiation, at the Commissioner's discretion, based upon the financial performance of the operation covered by this Agreement during the initial term, but will not be less than year 2018.

f. Other than ordinary routine maintenance, all work must be approved by the Commissioner.

5. **Capital Improvements**

a. The Licensee agrees to renovate and improve the Licensed Premises over the term of this Agreement, but in no event shall any improvements or new construction be removed upon expiration or termination of this Agreement.

b. The Commissioner shall have the right to disapprove itemized capital improvements, alter the order in which capital improvements are to be completed, and/or substitute unlisted improvements which are in the best interests of the County.

c. A minimum expenditure of $250,000 for capital improvements will be required during the initial term of this Agreement. Each year, the Commissioner and the Licensee shall prepare a plan for improvements to be implemented during the following year. Each annual plan shall include descriptions of improvements to be made and time frames for completion. Additional capital improvements will be negotiated at the time option periods are up for renewal. Capital Improvements to be implemented by Licensee shall be as listed in Exhibit "F".

d. The Licensee shall have all plans and specifications professionally prepared, at its sole cost and expense, and in a manner acceptable to the County. A New

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York State licensed architect or engineer may be required by the Commissioner.

e. The Licensee shall be responsible for obtaining and paying for all necessary permits and approvals from all governmental agencies having jurisdiction over the Park, including, but not limited to, the Suffolk County Architect, the Suffolk County Department of Health Services, the Suffolk County Department of Fire, Rescue and Emergency Services, and the New York State Department of Environmental Conservation.

f. The Licensee shall solicit and obtain competitive bids (or follow other competitive procurement procedures approved by the Commissioner) for construction of planned improvements. Bids, proposals and quotes are not to be accepted from any person or entity with any affiliation with the Licensee.

g. The Licensee agrees to properly document all capital improvement expenditures in accordance with requirements to be provided by the County. Signed contracts, paid invoices, and cancelled checks must be provided to the County.

h. All capital improvements are to be completed in accordance with the Commissioner's directives. The Commissioner will issue a final written approval evidencing satisfactory completion upon the submission of the required documentation and after an inspection by County staff.

i. 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 property, including all purchases of furnishings, equipment, fixtures and appliances shall immediately become the property of the County.

j. The Licensee shall maintain security, at its own expense, for any improvements or construction while in progress.

6. **Security/Bonds**

a. The Licensee shall provide as security for its performance hereunder, a valid surety bond in the amount of _____ **Thousand Dollars ($_____.00)** made in the name of the County of Suffolk. The term of said security shall thereafter correspond to the term of this Agreement and the amount of said security in years subsequent shall be renegotiated but shall not be less than $_____. Documentation concerning the initial security must be submitted to the Commissioner within ten (10) days after the granting of this Agreement, and on or before January 1st of each year thereafter. Said bond shall be kept in full force and effect by the Licensee throughout the entire term of this Agreement to insure faithful performance by the Licensee of all covenants, terms, and

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conditions of this Agreement, inclusive of, but not restricted to, the payment to the Department of all fees and charges.

Other financial instruments such as a Cash Deposited Joint Signature Account, A Savings Certificate naming Suffolk County Parks as Co-Owner, an Irrevocable Letter of Credit, or the Pledge of Other Financial Instruments Securing Performance may be substituted for a Performance Bond, or any combination of the above.

b. The Licensee shall also provide a Performance Bond until the total cost of capital improvements related to the renovation and operation of the Licensed Premises are fulfilled to the satisfaction of the Commissioner. Documentation concerning the initial performance bond must be submitted to the Department within ten (10) days after the granting of this Agreement. The amount of the bond shall be determined by the Department by analyzing the total amount of capital improvement obligation and the projected timeframe until completion. It will increase incrementally each year until the bonding requirement is equal to 100% of the capital obligation. The Performance Bond, which guarantees the performance of the Licensee with respect to capital investment, may be reduced as the improvements are completed upon written approval of the Commissioner and may only be terminated with the approval of the Department, in writing, after inspection of the completed capital improvements by the Department and acceptance of such improvements as to their conformity with plans and specifications that have been approved by the Department, and upon certification by the Licensee that all financial obligations of the Licensee, with respect to such capital investments, have been satisfied.

Other financial instruments such as a Cash Deposited Joint Signature Account, A Savings Certificate naming Suffolk County Parks as Co-Owner, an Irrevocable Letter of Credit, or the Pledge of Other Financial Instruments Securing Performance may be substituted for a Performance Bond, or any combination of the above.

c. Prior to the commencement of any construction hereunder, the Licensee shall furnish the Department with a copy of any sub-contractor's surety bond (if applicable), in a form satisfactory to the Department, with the Licensee as principal, in an amount not less than one hundred per cent (100%) of the total cost of the construction of the facilities required to be constructed and approved by the Department under this contract. Said surety bond shall guarantee the payment for all materials, provisions, supplies, and equipment used in, upon, for, or about the performance of said construction work, or labor done thereon of any kind whatsoever, and protect the County from any liability, losses, or damages arising there from.

d. The surety or bank issuing all bonds shall be required to give the Department notice in writing not less than thirty (30) days prior to the expiration date thereof, and/or of the bank or surety's intention to terminate or not to renew said bond.

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In any event, the bonds shall not be terminated without the advance written approval of the Department.

e. Any surety from whom bonds are obtained shall be licensed to issue said bonds by the New York State Insurance Department and shall be rated "A-" or better by A.M. Best. All bonds shall be satisfactory to the Commissioner with respect to the form, sufficiency and manner of execution.

7. **Utilities**

The Licensee shall pay, at its sole cost and expense, for all utilities including (but not limited to) heat, gas, electric and telephone service (if any) consumed in the operation of the Concession. The Licensee shall pay for all costs to provide such service. The County shall not be responsible for the installation of any water supply, sewers, drainpipes or fixtures, or electric, fuel oil or gas lines or fixtures beyond those already in place prior to the granting of this Agreement, unless negotiated prior to the execution of this Agreement. If additional utility installations or meters within the Licensed Premises are required as a result of a capital project undertaken or proposed pursuant to this Agreement, the full cost of such installations shall be borne by the Licensee. In instances in which gas or electricity is utilized in common areas or shared equipment and building systems, or where the Licensee's utility service is billed by the provider to the Department, the Licensee shall be responsible for the payment of a portion of the overall cost as determined by the Department. In the event of fluctuation or interruption of water supply, electricity, or other utility services to the Licensed Premises provided by the County, the County 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.

End of Text for Exhibit D

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Exhibit E
Financial Terms and Conditions/Other Variable Terms and Conditions

1. Annual License Fees

a. The Licensee agrees to pay to the County as compensation for the License and for the privilege of operating said License, an annual license fee ("Annual License Fee"). The Annual License Fee shall be either the minimum Annual License Fee for the year of operation, **or** a Percentage of Gross Receipts over $100,000, collected or generated by the Licensee each year of this Agreement, **whichever is greater**, as set forth below.

b. As used herein, "gross receipts" means all revenues received or generated by the Licensee through the operation of the Concession, including but not limited to food and beverage sales and vending machine sales. Gross Receipts shall be exclusive of sales tax and Green Key sales.

Year	Minimum Annual License Fee	Or a Percentage of Gross Receipts Over $100,000 Whichever is Greater
2009	$____	____%
2010	$____	____%
2011	$____	____%
2012	$____	____%
2013	$____	____%
2014	$____	____%
2015	$____	____%
2016	$____	____%
2017	$____	____%
2018	$____	____%

c. Annual License Fees for option periods, if any, are subject to negotiation, at the Commissioner's discretion, based upon the financial performance of the Concession during the initial term, but will in no event be less than year 2018 fees.

d. Annual License Fees shall include, but are not limited to, gross receipts, maintenance and upkeep fees and advertising fees.

2. Payment Terms

a. All remittances shall be made payable to the "Suffolk County Department of Parks, Recreation and Conservation" on a monthly basis, with the first payment made within thirty (30) days of execution of this Agreement. Monthly payments shall be

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calculated using the prior month's gross receipts at the governing percentage rate for that calendar year.

b. All monthly payments of the Annual License Fee shall be made on or before the 10th day of the month in which such payment is due.

c. The Licensee shall be liable for a penalty of one and one half percent (1 ½%) per month for any part of the License Fee not paid as required, or are late. Such penalty shall accrue on the unpaid balance, which includes accrued penalties, until the License Fees are paid in full. For any payment which is less than a full month late, the penalty shall be assessed at the rate of five one hundredths of one percent (.05%) per day.

d. Should the Licensee neglect to pay any charges for services supplied and billed by the County when the same become due and payable, then the amount of said charges shall forthwith become a part of and added to the License Fee and shall under all circumstances and conditions be considered and be collectable as such.

e. The obligations of this paragraph shall survive termination of this Agreement.

3. **Advertising**

a. It is in the best interests of the County and the Licensee to maximize sales in the Licensed Premises and it is agreed that all parties will use their best efforts to promote the operation of the Bergen Point Country Club Golf Course. The Licensee agrees to expend a minimum of $7,500.00 in each year of the initial term of this Agreement on advertising and promotion of which $2,500.00 shall be paid each year to the County for Commissioner directed advertising. Licensee shall submit proof (ads and cancelled checks) for their required advertising expenditures on an annual basis.

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 County's mission and policies, reflect the County's ownership of the Licensed Premises. Such materials shall be provided to the Commissioner no less than forty-eight (48) hours prior to the release, dissemination or distribution of the material. The Commissioner 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 there has been resolution of the objection. To avoid over-commercialization, the size, content, and number of advertisements in and around the Licensed Premises are of concern to the Department. Signs, posters, banners, and similar media will be reviewed by the Department, as to their size and placement within the concession area and elsewhere in the park. More extensive, short duration advertising, associated

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with specific events may be allowed by the Department, if reviewed and approved in advance of the event.

c. Advertising payments for Commissioner directed advertising, as described in this Exhibit "D" shall be paid in full no later than April 1st. This amount is only to be used for production and distribution of Department newsletters, brochures and fliers.

d. Option Periods: Annual Fees for advertising for option periods are subject to negotiation, at the Commissioner's discretion, based upon the financial performance of the operation covered by this Agreement during the initial term, but will not be less than year 2018.

4. Accounting and Record Keeping; Inspection of Records; Reporting; N.Y.S. Sales Tax

a. 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.

b. The Licensee shall complete, daily, a log of business activities in a form acceptable to the County. All "daily" forms are to be submitted to the County by the 10th day of the following month along with a monthly summary to be provided in a form acceptable to the County. Daily cash register tapes are to accompany all submissions.

c. 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.

d. 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 concession facility. The Licensee shall permit no reset of cumulative cash register readings. If a cash register or point of sale system 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 or point of sale readings at any

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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 and vending machine readings as part of the permanent accounting record. All equipment must be inspected, calibrated and certified annually.

e. The Licensee shall also preserve for examination and inspection by the Commissioner or the Comptroller of Suffolk County all cash register tapes all 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.

f. The Licensee must obtain and display their New York State Sales Tax Authorization Certificate and indicate on their 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.

g. 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.

h. The Licensee agrees to use the County POS system to record all County receipts. All revenue collected on behalf of the County will be recorded in a Point-of-Sale system provided by the County and must be kept secured at all times.

5. License for Copyrighted Materials

The Licensee shall be required to procure a license from copyrighted artists' representatives, including, but not limited to, such organizations as SESAC, BMI, and ASCAP, that authorizes the reproduction of any copyrighted materials by the Licensee, its officers, officials, employees, subcontractors, sub-licensees, invitees, or agents on the Licensed Premises.

End of Text for Exhibit E

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Exhibit F
Capital Improvements and Site Map

DRAFT

End of Text for Exhibit F

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Exhibit G
Licensee's Response to Request For Proposal

DRAFT

End of Text for Exhibit G

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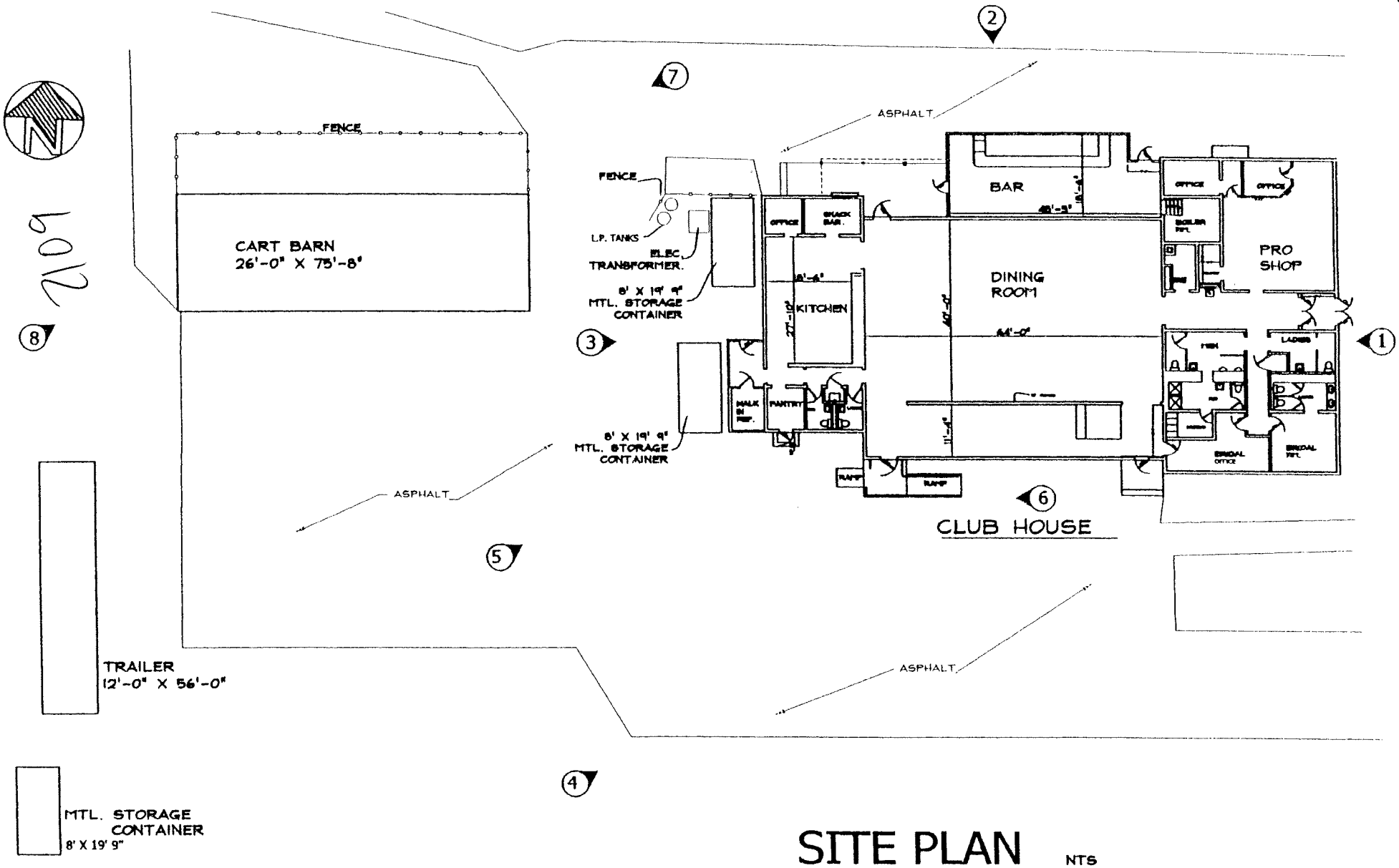
RFP Attachment 4

Site Map – Bergen Point Country Club
(Restaurant, Bar and Catering Facility)



SITE PLAN

NTS

3-ELECTRIC METERS
LOCATED IN BOILER ROOM
99 264 618
92 601 568
55 360 383

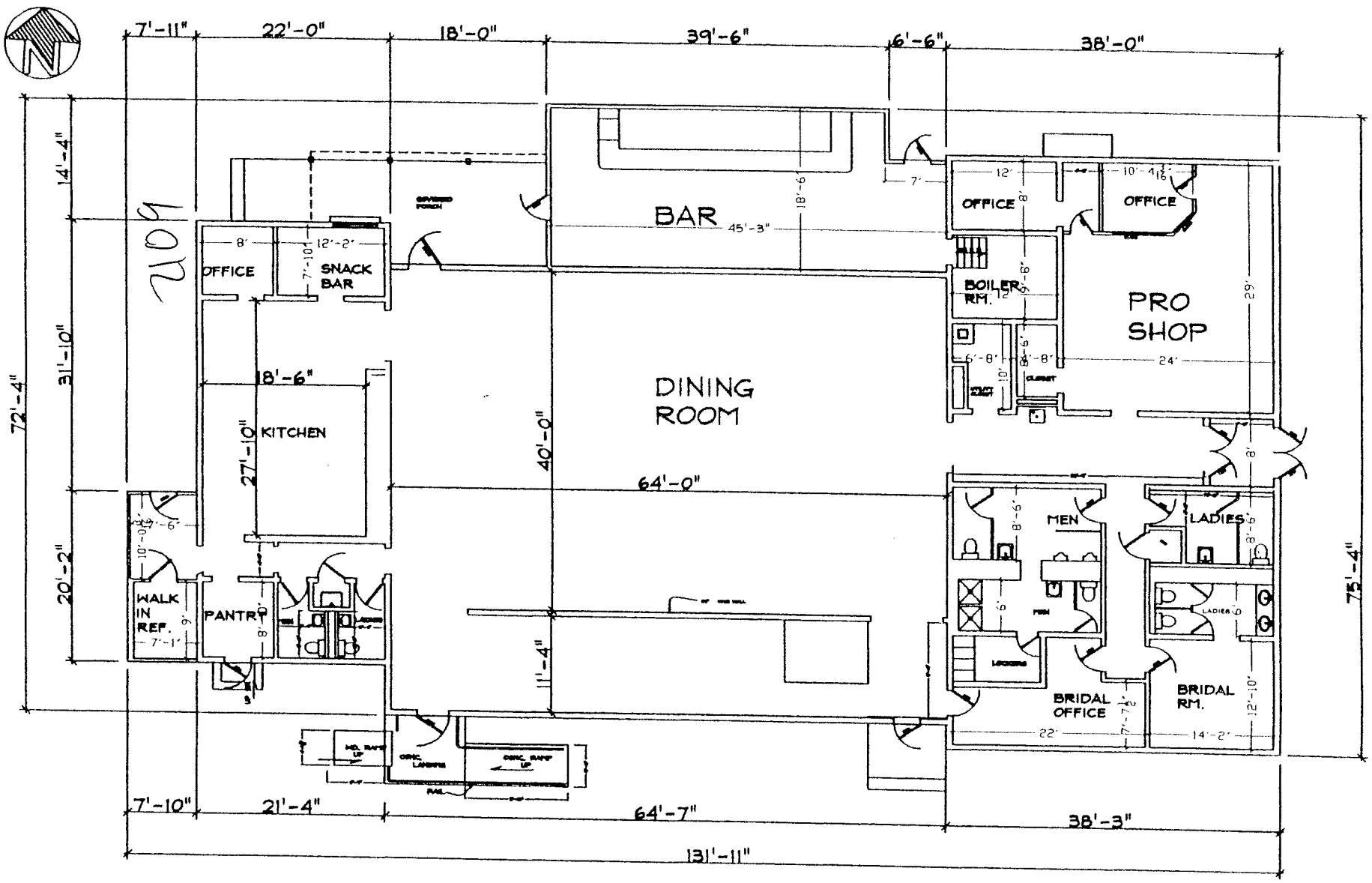
PHOTO #
& DIRECTION

BERGEN POINT
CLUB HOUSE
WEST BABYLON N.Y.

A-1

DESIGN BY T.A.J.
PLOT DATE
DWG NO.
REV
CHECKED BY
SCALE AS NOTED
FILE
SHEET 1 OF 2

SUFFOLK COUNTY PARKS



CLUB HOUSE N.T.S.
8218 SQ. FT

BERGEN POINT CLUB HOUSE WEST BABYLON N.Y.			A-2
DRAWN BY T.A.J.	PLOT DATE	DWG NO.	REV
CHECKED BY	SCALE AS NOTED	FILE BERGEN PT GOLF-2.DWG	SHEET 2 OF 2

MAINTENANCE SUFFOLK COUNTY PARKS Division

Gen A1

COUNTY OF SUFFOLK

OCT 23 2008

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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: October 20, 2008

RE: INTRODUCTORY RESOLUTION REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR OPERATION OF THE RESTAURANT, CATERING AND BAR CONCESSION AT BERGEN POINT COUNTRY CLUB IN 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-Requesting Approval of Contract for Bergen Point Restaurant Concession.doc."

The Department of Parks, Recreation and Conservation advertised on July 17, 2008 for a golf concession contract at Bergen Point Country Club. Five (5) RFP packets were distributed to potential vendors. However, there was only one (1) response which was from Zebra Restaurant, Inc.

After reviewing Zebra Restaurant's proposal, an independent evaluation committee found its terms acceptable and recommended that the Departments of Parks, Recreation and Conservation enter into an agreement with Zebra for the restaurant, catering and bar concession at Bergen Point Country Club. This resolution requests Legislative approval of the contract award to Zebra Restaurant.

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

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. 2110-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of County Executive Steve Levy

RESOLUTION NO. 2008, ACCEPTING AND APPROPRIATING GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE SUFFOLK COUNTY DISTRICT ATTORNEY'S ELDER ABUSE PROGRAM

WHEREAS, United States Department of Justice has awarded a grant to the Suffolk County District Attorney's Office for the Elder Abuse Program in the amount of $268,305 for the period 9/1/08 through 8/31/09; and

WHEREAS, this grant provides funding to create three (3) new positions to address prevention of financial exploitation of the elderly, conduct seminars aimed at helping elders avoid exploitation, raise awareness and reporting of financial abuse, and increase effective investigation methods; and

WHEREAS, such grant funds are not included in the 2008 Adopted Suffolk County Budget; now therefore, be it

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

REVENUES:	AMOUNT
001-4314 Federal Aid: Elder Abuse Program	$ 268,305

ORGANIZATIONS:

District Attorney (DIS)
Elder Abuse Program
001-DIS-1152

PERSONAL SERVICES	$193,911
1100 - Permanent Salaries	$187,411
1070 – Special Pay	$ 6,500
SUPPLIES, MATERIALS AND OTHER	$ 675
3040 – Printing	$ 675
FEES FOR SERVICES	$10,000
Fees For Services, Non Employee	$10,000

Employee Benefits
Retirement
001-EMP-9010

EMPLOYEE BENEFITS	$14,116
8280-Retirement	$14,116

Employee Benefits
Social Security
001-EMP-9030

EMPLOYEE BENEFITS	$11,867
8330-Social Security	$11,867

Employee Benefits
Welfare Fund Contribution
001-EMP-9080

EMPLOYEE BENEFITS	$ 3,429
8380-Welfare Fund Contribution	$ 3,429

Interfund Transfer
Transfer to Fund 039
001-IFT-E039

INTERFUND TRANSFERS	$34,307
9600-E039 – Transfer to Funds-FD 039	$34,307

and be it further

2nd RESOLVED, that the following revenues for Employee Medical Health Plan be accepted and appropriated as follows:

REVENUES:

039-IFT-R001 Transfer From General Fund	$34,307

ORGANIZATION:

Employee Benefits
Major Medical Claim
039-EMP-9060

EMPLOYEE BENEFITS	$34,307
8360-Health Insurance	$34,307

and be it further

3rd RESOLVED, that the following positions be and it hereby is created in the District Attorney's Office as follows:

District Attorney's Office
Elder Abuse Program
001-DIS-1152

Position No.	Spec No.	Position Title	J/C	Grade	Created
001-1152-2200-1019	6130	Principal ADA	E	34	+1
001-1152-2200-1020	5740	Assistant Special Investigator	E	26	+1
001-1152-2200-1021	0238	Investigative Auditor	E	29	+1

and be it further

4th RESOLVED, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue employment of the individuals filling the position created by the Resolution at the conclusion of the grant funding provided for such position created by said grant; and be it further

5th RESOLVED, that the Reporting Category in the County Integrated Financial Management System is DA19; and be it further

6th RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action; and be it further

7th RESOLVED, that the County Executive be authorized to execute the grant related agreement between Suffolk County and the U. S. Department of Justice, Office of Justice Programs.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2110

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

ACCEPTING AND APPROPRIATING GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, UNDER THE SUFFOLK COUNTY DISTRICT ATTORNEY'S ELDER ABUSE PROGRAM

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.

4th Resolved clause – states positions created by this grant are not guaranteed to continue after the conclusion of Grant Funding.

8. Proposed Source of Funding

US Department of Justice Grant for period 09/01/08 through 08/31/09 in the amount of $268,305 as 100% funding.

9. Timing of Impact

Upon Adoption

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
James P. Burt Assistant Budget Director		November 13, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2110

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

COUNTY OF SUFFOLK
OFFICE OF DISTRICT ATTORNEY

2110

OCT 2 4 2008

THOMAS J. SPOTA
DISTRICT ATTORNEY

October 22, 2008

Ben Zwirn, Assistant Deputy County Executive
Office of the Suffolk County Executive
H. Lee Dennison Building
100 Veterans Highway
Hauppauge, New York 11788-0099

Dear Mr. Zwirn,

At the direction of the District Attorney and in accordance with the County Executive All Department Heads Memorandum 05-05, I have attached a request for a Suffolk County Resolution.

The purpose of the resolution will be to accept a grant from the United States Department of Justice. This grant will provide funding for the District Attorney's Elder Abuse Program.

An e-mail version of this resolution has been sent to CE RESO REVIEW and saved under the file name "DA ELDER ABUSE".

If you have any questions or need additional information concerning this matter, please contact me at your earliest opportunity.

Thank you for your attention to this matter.

Sincerely,

Lon H. Kochany
Executive Assistant for Finance & Administration

CC-Jim Burt, Suffolk County Budget Office
Evelyn Creen, Federal and State Aid Claims Unit

ADMINISTRATION OFFICE
CRIMINAL COURTS BUILDING • 200 CENTER DRIVE • RIVERHEAD, N.Y. 11901-3388 • TELEPHONE (631) 852-2500
FAX TRANSMITTAL (631) 852-1769

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2110

1. Type of Legislation

Resolution X Local Law_____ Charter Law_____

2. Title of Proposed Legislation

District Attorney Elder AbuseProgram

3. Purpose of Proposed Legislation

Accept grant funding form the United States Department of Justice

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 4 is "yes", Provide Detailed Explanation of Impact

This program will add $268,305 to the District Attorney's adopted budget.

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

The funding period for this program is 9/1/08 through 8/31/09

8. Proposed Source of Funding

United States Department of Justice

9. Timing of Impact

Immediate

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Lon H. Kochany Executive Assistant for Finance and Administration		10/22/2008

SCIN FORM 175b (10/95)

BUDGET OFFICE REVISED.

2110

Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General *Washington, D.C. 20531*

August 29, 2008

The Honorable Thomas Spota
Suffolk County District Attorney
Criminal Courts Building
200 Center Drive
Riverhead, NY 11901

Dear Mr. Spota:

On behalf of Attorney General Michael B. Mukasey, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 08 Congressionally Mandated in the amount of $268,305 for Suffolk County District Attorney.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Dean Iwasaki, Program Manager at (202) 514-5278; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Jeffrey L. Sedgwick
Acting Assistant Attorney General

Enclosures

Additional back-up material regarding I.R. 2110 is on file in the Legislative Clerk's Office, Hauppauge.

Intro. Reso. No. 2111-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $1,594,095 FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE OPERATION IMPACT V TASK FORCE WITH 96.62% SUPPORT

WHEREAS, the New York State Division of Criminal Justice Services has made $1,594,095 in State funding available to Suffolk County to continue efforts to reduce violent crime, particularly gun-related crime; and

WHEREAS, said grant funds are to be distributed between the Suffolk County District Attorney's Office, the Suffolk County Police Department, the Suffolk County Sheriff's Office and the Probation Department; and

WHEREAS, the operational period of the program will be from July 1, 2008, through June 30, 2009; and

WHEREAS, $449,114 in District Attorney's funding for the program has been included in the 2008 Suffolk County Operating Budget on both the expense and revenue sides; and

WHEREAS, $1,144,981 of said grant funds have not been included in the 2008 Suffolk County Operating Budget; and

WHEREAS, the Operation IMPACT V grant includes funding to hire a Research Technician (full-time) for the Police Department to provide data to inform program operations; and

WHEREAS, this position does not exist in the 2008 Suffolk County Operating Budget; 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
001-3321: State Aid Criminal Justice Services	**$1,144,981**
001-DIS-1167-3321	312,253
001-POL-3600-3321	734,728
001-PRO-3181-3321	46,500
001-SHF-3161-3321	51,500

ORGANIZATIONS:

District Attorney's Office (DIS)
Operation IMPACT V
001-DIS-1167

1000-Personal Services	**$299,753**
1100-Permanent Salaries	299,753
2000-Equipment	**$8,000**
2070-Camera & Photographic	8,000

Contracted Services	**$4,500**
4980-HSR1 Council for Unity	4,500

Police Department (POL)
Operation IMPACT V
001-POL-3600

1000-Personal Services	**$267,882**
1100-Permanent Salaries	37,882
1120-Overtime Salaries	230,000
2000-Equipment	**20,000**
2020-Office Machines	20,000
3000-Supplies, Materials & Other Expenses	**35,000**
3160-Computer Software	35,000
4000-Utilities	**343,035**
4210-Computer Services	343,035
Travel	**2,500**
4340-Travel: Other	2,500
4700-Miscellaneous	**45,000**
4770-Special Services	45,000

Probation Department (PRO)
Operation IMPACT V
001-PRO-3181

1000-Personal Services	**$45,000**
1120-Overtime Salaries	45,000
Travel	**$1,500**
4340-Travel: Other	1,500

Sheriff's Office (SHF)
Operation IMPACT V
001-SHF-3161

1000-Personal Services	**$47,000**
1120-Overtime Salaries	47,000
Travel	**$2,500**
4340-Travel: Other	2,500
4700-Miscellaneous	**$2,000**
4770-Special Services	2,000

Employee Benefits
Retirement
001-EMP-9010

Employee Benefits	**$3,447**
8280-Retirement	3,447

Employee Benefits
Social Security
001-EMP-9030

Employee Benefits	**$2,898**
8330-Social Security	2,898

Employee Benefits
Benefit Fund Contribution
001-EMP-9080

Employee Benefits	**$1,381**
8380-Benefit Fund Contribution	1,381

Interfund Transfer
Transfer to Employee Medical Health Plan
001-IFT-E039

Interfund Transfer	**$13,585**
9600-Transfer of Funds	13,585

and be it further

2nd RESOLVED, that the following interfund revenues for Employee Medical Health Plan be accepted and appropriated as follows:

INTERFUND REVENUE

039-IFT-R0001 Transfer from General Fund	$13,585

ORGANIZATION

Employee Benefits
Major Medical Claim
039-EMP-9060

Employee Benefits	**$13,585**
8360-Health Insurance	13,585

3rd RESOLVED, that the non-reimbursable fringe benefits associated with the overtime salaries for this grant are included in the 2008 Suffolk County Operating Budget,

and be it further

4th RESOLVED, that the following position be and it hereby is created in the Suffolk County Police Department:

Police Department (POL)
Operation IMPACT V
001-POL-3600

Position Number	Spec No.	Position Title	JC	Grade	No. Created
001-3600-1000-0001	0701	Research Technician	C	17	1

and be it further

5th RESOLVED, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue the employment of the individuals filling the positions created by this Resolution at the conclusion of the grant funding provided for such positions created by said grant; and be it further

6th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of the 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 of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non applicability or non-significance in accordance with this resolution; and be it further

7th RESOLVED, that the County Executive be and hereby is authorized to execute the grant agreements for each Department between Suffolk County and the New York State Division of Criminal Justice Services.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2111

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $1,594,095 FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE OPERATION IMPACT V TASK FORCE WITH 96.62% SUPPORT

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

Employee Benefits included for only the new position created. Non reimbursable Social Security costs will be approximately $47,000 for payroll expenses added by the Grant. Sufficient funding exists in the 2008 Operating Budget to cover the added expense to Social Security.

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

4th Resolved clause – states positions created by this grant are not guaranteed to continue after the conclusion of Grant Funding.

8. Proposed Source of Funding

Grant from NYS Division of Criminal Justice Services for period 07/01/08 through 06/30/09 in the amount of $1,594,095 of which $499,114 is already included in the 2008 Adopted Budget on both the expense and revenue sides.

9. Timing of Impact

Upon Adoption

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
James P. Burt Assistant Budget Director	Jan P Burt	November 13, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2111

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$47,000**	**$0.09**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$47,000**	**$0.09**		$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

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OCT 30 2008

NOV 04 2008

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**
Support Services Division

Date: **October 29, 2008**

Re: **Resolution Packet for Operation IMPACT V Grant Program**
NYS Division of Criminal Justice Services

Attached please find the following for the **Operation IMPACT V Grant Program:**

- Grant Resolution
- Grant SCIN Forms
- Request for Introduction of Legislation
- Financial Impact Statement
- Copy of grant award letter from DCJS
- Copy of grant contract

Electronic copies of the resolution and SCIN forms will be transmitted to CE RESO REVIEW. Grant contract signature will be done on-line in the DCJS Grants Management System (GMS) upon passage and signature of the resolution.

If you have any questions concerning this resolution package please do not hesitate to contact Susan Krause, Grants Technician, at (631) 852-6601 or Sarah Furey, Senior Grants Analyst, at (631) 852-6042.

EW/sf
Attachments
CC: Jim Morgo, Chief Deputy County Executive
Don Fahey, Federal and State Aid Claims Coordinator

2111

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law ___ Charter Law ___

2. Title of Proposed Resolution
Accepting and appropriating a grant in the amount of $1,594,095 from the New York State Division of Criminal Justice Services for the Operation IMPACT V Task Force with 96.62% support.

3. Purpose of Proposed Legislation
To accept $1,594,095 from the New York State Division of Criminal Justice Services to continue a project to reduce violent crime, particularly gun-related crime.

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:

Non-reimbursable fringe benefit costs of approximately $55,654 will be incurred through June 30, 2009. Additional fringe benefits costs will only be incurred if the program receives additional funding in subsequent years. Continuance of the Research Technician positions in the SCDA's Office and SCPD are contingent on future grant funding or County Operating Budget funding.

8. Proposed Source of Funding:
New York State Division of Criminal Justice Services: State funding

9. Timing of Impact
Immediate

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Sarah Furey Senior Grants Analyst		10/28/08

SCIN FORM NO. 175b (10/95)

2111

STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
4 Tower Place
Albany, New York 12203-3764
http://criminaljustice.state.ny.us

DAVID A. PATERSON
GOVERNOR

DENISE E. O'DONNELL
COMMISSIONER

July 1, 2008

The Honorable Thomas Spota
Suffolk County District Attorney
North County Complex
Veterans Memorial Highway
Hauppauge, NY 11788

Commissioner Richard Dormer
Suffolk County Police Department
30 Yaphank Avenue
Yaphank, NY 11980

Dear District Attorney Spota and Commissioner Dormer:

It is my pleasure to announce that your Operation IMPACT Partnership will receive **$1,594,095** for the purpose of continuing your crime reduction efforts. It is our intent that this funding will provide your partnership with the tools necessary to employ intelligence-led strategies that will reduce violent crime within your primary IMPACT jurisdiction.

You are no doubt aware that our state is facing a fiscal crisis. Nevertheless, Governor Paterson and the Legislature recognized that Operation IMPACT is a proven crime fighting program for the seventeen counties outside the city of New York which experience over 80% of non NYC crime. They have continued their strong support of Operation IMPACT, with only a modest 2 % budget cut applicable to all state funded programs. That has resulted in a total award in FY 2008-2009 of 16.6 million dollars. That is the good news.

The unfortunate news is that we received $34 million dollars in funding requests this year. In addition to the 2 % budget cut in state funding, Field Intelligence Officer positions that had previously been funded through a BYRNE grant must now be supported entirely with IMPACT funds. Consequently, our funding decisions were even more difficult this year than in years past.

Given the reductions in funding, we conducted a thorough analysis of the requested budget items and approved only those that were critical to implementing key elements of the proposed strategies. In addition, in order to accommodate most of the positions that have been supported through the years through other funding, it was necessary to reduce overtime awards from last year's level.

Despite these hard decisions, I believe that the final award amounts will provide your partnership with substantial resources to accomplish great things in the coming year. The enclosed spreadsheet outlines your county's budget request for IMPACT V and shows exactly which requested items have been approved for funding for each agency within your partnership. Each agency is expected to use the approved budget when developing this year's contract. Any requests to make changes to approved budget items must be made in writing to your IMPACT "Ambassador" and include justification as to why the budget adjustment would be more

2111

beneficial to the overall strategy. DCJS reserves the right to approve or deny any request. The overall award amount can not be adjusted.

State General Funds are allocated to support Operation IMPACT and therefore, no match is required. As stated in the Request for Applications, the use of **all** funding must be directly tied to the overall joint crime reduction strategy. **IMPACT program funds can not be used to supplant other funding.**

Personnel funded through IMPACT (including consultants) are critical to the successful implementation of the strategy. The inability to hire funded positions or consultants can hamper the partnership's ability to meet the goals and objectives of the strategy. Please know that this year DCJS will not consider reallocating funds awarded for personnel or consultants unless the affected agency can demonstrate an unforeseen hardship that prevented them from being able to hire **and** if the reallocation request is critical to implementing the strategy. This also applies to unspent funds due to positions being hired late in the contract period. DCJS reserves the right to deny these requests and re-direct the unspent funds toward other jurisdictions for IMPACT related activities at the end of the contract period.

In anticipation of further reductions in funding in the coming years, I would urge each agency within your partnership to identify ways to gradually incorporate some of the IMPACT funded positions into your general agency budget. It is our hope that all IMPACT agencies will work toward institutionalizing critical aspects of the IMPACT program, such as crime analysis and intelligence development and sharing, so that if IMPACT funding declines, the goals of the program will continue.

Finally, in order to continue to build public support for Operation IMPACT the Division of Criminal Justice Services intends to announce this years IMPACT awards through a series of local press conferences throughout the State over the next few weeks. As such, I respectfully ask that all of your IMPACT Partners please delay any press releases on your IMPACT V award so that DCJS may coordinate the announcement with you. Our DCJS Press Office will be reaching out to you in the next few days to begin coordinating that process.

Please read the enclosed information sheet on the DCJS Grants Management System carefully as it contains important information concerning your contract processing. If you have any questions concerning this award or the enclosures, please contact Julie Pasquini at (518) 485-7610 or your IMPACT "Ambassador". I look forward to our continued efforts to making New York State the safest state in the nation.

Very Truly Yours,

Denise E. O'Donnell

Denise E. O'Donnell

Enclosures

cc: Sheriff Vincent F. DeMarco, Suffolk County Sheriff's Office
Director John K. Desmond, Suffolk County Probation Department

2111

STATE AGENCY New York State Division of Criminal Justice Services 4 Tower Place Albany, NY 12203	NYS COMPTROLLER'S NUMBER: C484020 (Contract Number) ORGINATING AGENCY CODE: 01490
GRANTEE/CONTRACTOR: (Name & Address) Suffolk County H Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, NY 11788	TYPE OF PROGRAMS: State Aid DCJS NUMBERS: SA08484020
FEDERAL TAX IDENTIFICATION NO: 11-6000464 MUNICIPALITY NO: (if applicable) 470100000 000	INITIAL CONTRACT PERIOD: FROM 07/01/2008 TO 06/30/2009 FUNDING AMOUNT FROM INITIAL PERIOD: $1,594,095.00
STATUS: Contractor is not a sectarian entry. Contractor is not a not-for-profit organization.	MULTI-YEAR TERM: (if applicable): 0 1-year renewal options.
CHARITIES REGISTRATION NUMBER: N/A (Enter number of Exempt) if "Exempt" is entered above, reason for exemption. _____ Contractor has ____ has not ____ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.	APPENDIX ATTACHED AND PART OF THIS AGREEMENT _X_ APPENDIX A Standard Clauses required by the Attorney General for all State contacts _X_ APPENDIX A1 Agency-specific Clauses _X_ APPENDIX B Budget _X_ APPENDIX C Payment and Reporting Schedule _X_ APPENDIX D Program Workplan _X_ APPENDIX F Guidlines for the Control and Use of Confidential Funds __ APPENDIX G Procedural Guidelines for the Control of Surveillance Equipment __ APPENDIX X Modification Agreement Form (to accompany modified appendices for changes in terms or considerations on an existing period or for renewal periods) __ DCJS-55 Budget Amendment/Grant Extension Request __ Other (Identify) _____

IN WITNESS THEREOF, the parties hereto have electronically executed or approved this AGREEMENT on the dates their signatures.

NYS DIVISION OF CRIMINAL JUSTICE SERVICES

BY: , Date:

Office of Program Development and Funding

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: Benjamin Zwirn , Deputy County Executive Date:

ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____	APPROVED, Thomas P. DiNapoli, State Comptroller _____ Title: _____ Date: _____

Award Contract **State Aid**

Project No.	**Grantee Name**	
SA08-1056-D00	Suffolk County	10/28/2008

2111

AGREEMENT

STATE OF NEW YORK
AGREEMENT
This AGREEMENT is hereby made by and between the State of New York agency (STATE) and the public or private agency (CONTRACTOR) identified on the face page hereof.
WITNESSETH:
WHEREAS, the STATE has the authority to regulate and provide funding for the establishment and operation of program services and desires to contract with skilled parties possessing the necessary resources to provide such services; and
WHEREAS, the CONTRACTOR is ready, willing and able to provide such program services and possesses or can make available all necessary qualified personnel, licenses, facilities and expertise to perform or have performed the services required pursuant to the terms of this AGREEMENT;
NOW THEREFORE, in consideration of the promises, responsibilities and covenants herein, the STATE and the CONTRACTOR agree as follows:
I. Conditions of Agreement
A. This AGREEMENT may consist of successive periods (PERIOD), as specified within the AGREEMENT or within a subsequent Modification Agreement(s) (Appendix X) Amendment. Each additional or superseding PERIOD shall be on the forms specified by the particular State agency, and shall be incorporated into this AGREEMENT.
B. Funding for the first PERIOD shall not exceed the funding amount specified on the face page hereof. Funding for each subsequent PERIOD, if any, shall not exceed the amount specified in the appropriate appendix amendment for that PERIOD.
C. This AGREEMENT incorporates the face page attached as presented in the Grants Management System (GMS) AWARD online printable report, and all of the marked appendices identified on the face page hereof.
D. For each succeeding PERIOD of this AGREEMENT, the parties shall prepare new appendices, to the extent that any require modification, and a Modification Agreement (the attached Appendix X is the blank form to be used) GMS Amendment. Any terms of this AGREEMENT not modified shall remain in effect for each PERIOD of the AGREEMENT.
To modify the AGREEMENT within an existing PERIOD, the parties shall revise or complete the appropriate appendix form(s) create and amendment to the GMS record. Any change in the amount of consideration to be paid, or change in the term, is subject to the approval of the Office of the State Comptroller. Any other modifications shall be processed in accordance with agency guidelines as stated in Appendix A-1.
E. The CONTRACTOR shall perform all services to the satisfaction of the STATE. The CONTRACTOR shall provide services and meet the program objectives summarized in the Program Workplan (Appendix D) in accordance with: provisions of the AGREEMENT; relevant laws, rules and regulations, administrative and fiscal guidelines; and where applicable, operating certificates for facilities or licenses for an activity or program.
F. If the CONTRACTOR enters into subcontracts for the performance of work pursuant to this AGREEMENT, the CONTRACTOR shall take full responsibility for the acts and omissions of its subcontractors. Nothing in the subcontract shall impair the rights of the STATE under this AGREEMENT. No contractual relationship shall be deemed to exist between the subcontractor and the STATE.
G. Appendix A (Standard Clauses as required by the Attorney General for all State contracts) takes precedence over all other parts of the AGREEMENT.
II. Payment and Reporting
A. The CONTRACTOR, to be eligible for payment, shall submit to the STATE's designated payment office (identified in Appendix C) any appropriate documentation as required by the Payment and Reporting Schedule (Appendix C) and by agency fiscal guidelines, in a manner acceptable to the STATE.
B. The STATE shall make payments and any reconciliations in accordance with the Payment and Reporting Schedule (Appendix C). The STATE shall pay the CONTRACTOR, in consideration of contract services for a given PERIOD, a sum not to exceed the amount noted on the face page hereof or in the respective Appendix designating the payment amount for that given PERIOD. This sum shall not duplicate reimbursement from other sources for CONTRACTOR costs and services provided pursuant to this AGREEMENT.
C. The CONTRACTOR shall meet the audit requirements specified by the STATE.
III. Terminations
A. This AGREEMENT may be terminated at any time upon mutual written consent of the STATE and the CONTRACTOR.
B. The STATE may terminate the AGREEMENT immediately, upon written notice of termination to the CONTRACTOR, if the CONTRACTOR fails to comply with the terms and conditions of this AGREEMENT and/or with any laws, rules, regulations, policies or procedures affecting this AGREEMENT.
C. The STATE may also terminate this AGREEMENT for any reason in accordance with provisions set forth in Appendix A-1.
D. Written notice of termination, where required, shall be sent by personal messenger service or by certified mail, return receipt

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requested. The termination shall be effective in accordance with the terms of the notice.
E. Upon receipt of notice of termination, the CONTRACTOR agrees to cancel, prior to the effective date of any prospective termination, as many outstanding obligations as possible, and agrees not to incur any new obligations after receipt of the notice without approval by the STATE.
F. The STATE shall be responsible for payment on claims pursuant to services provided and costs incurred pursuant to terms of the AGREEMENT. In no event shall the STATE be liable for expenses and obligations arising from the program(s) in this AGREEMENT after the termination date.
IV. Indemnification
A. The CONTRACTOR shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the CONTRACTOR or its subcontractors pursuant to this AGREEMENT. The CONTRACTOR shall indemnify and hold harmless the STATE and its officers and employees from claims, suits, actions, damages and costs of every nature arising out of the provision of services pursuant to this AGREEMENT.
B. The CONTRACTOR is an independent contractor and may neither hold itself out nor claim to be an officer, employee or subdivision of the STATE nor make any claim, demand or application to or for any right based upon any different status.
V. Property
Any equipment, furniture, supplies or other property purchased pursuant to this AGREEMENT is deemed to be the property of the STATE except as may otherwise be governed by Federal or State laws, rules or regulations, or as stated in Appendix A-1.
VI Safeguards for Services and Confidentiality
A. Services performed pursuant to this AGREEMENT are secular in nature and shall be performed in a manner that does not discriminate on the basis of religious belief, or promote or discourage adherence to religion in general or particular religious beliefs.
B. Funds provided pursuant to this AGREEMENT shall not be used for any partisan political activity, or for activities that may influence legislation or the election or defeat of any candidate for public office.
C. Information relating to individuals who may receive services pursuant to this AGREEMENT shall be maintained and used only for the purposes intended under the contract and in conformity with applicable provisions of the laws and regulations, or specified in Appendix A-1.

Certified by - on

Additional back-up material regarding I.R. 2111 is on file in the Legislative Clerk's Office, Hauppauge.

12/2/08

Intro. Res. No. 2112-08 Laid on Table

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR OPERATION OF THE GOLF CONCESSION AT BERGEN POINT COUNTRY CLUB IN WEST BABYLON

WHEREAS, the Department of Parks, Recreation and Conservation advertised on July 17, 2008 for a golf concession contract at Bergen Point Country Club and distributed seven (7) RFPs to potential vendors; and

WHEREAS, the Department of Parks, Recreation and Conservation received only one (1) response, from Zebra Golf, Inc.; and

WHEREAS, Suffolk County Standard Operating Procedure I-15A ("Procedures for Development and Approval of RFP's and Consultant Contracts") requires the approval of at least two-thirds of the entire membership of the County Legislature when only one response to an RFP is received; and

WHEREAS, an independent evaluation committee reviewed the proposal from Zebra Golf, Inc. and found the provider's quality of work and experience to be satisfactory and its submitted cost proposal to be acceptable, and have recommended that the Department of Parks, Recreation, and Conservation enter into a contractual agreement with the provider; now therefore be it

1st RESOLVED, that upon receiving at least a two-thirds vote of the County Legislature as required by SOP I-15A (10), that the Department of Parks, Recreation, and Conservation enter into a contractual agreement with Zebra Golf, Inc. for the operation and management of a golf concession at Bergen Point Country Club in West Babylon.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

2112

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, REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR OPERATION OF THE GOLF CONCESSION AT BERGEN POINT COUNTRY CLUB IN WEST BABYLON

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

The revenue from golf concessions is already factored into the 2009 Operating Budget.

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
Nicholas Paglia Executive Technician		November 13th, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2112

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

2112

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law _____ Charter Law ____

2. Title of Proposed Legislation

REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR OPERATION OF THE GOLF CONCESSION AT BERGEN POINT COUNTRY CLUB IN WEST BABYLON

3. Purpose of Proposed Legislation

See # 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

To be determined.

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**		

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RFP Attachment 3
Sample License Agreement

Note: Final Agreement Will Be Subject To Negotiation Between Suffolk County And The Licensee.

This 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, and _____**("Licensee")** having its principal office at _____.

The parties hereto desire to make available to the County the services of the Licensee to renovate, operate, manage and maintain the Bergen Point Golf Course, Golf School, Golf Professional Shop, Golf Driving Range, Miniature Golf Course and related facilities located at the Bergen Point Country Club, West Babylon, New York (the "Licensed Premises").

Term of Agreement: Shall be from January 1, 2009 through December 31, 2018 with two (2), five (5) year option period to extend the Agreement from 1/1/19 -12/31/23 and from 1/1/24 – 12/31/28, at the sole discretion of the Commissioner.

Total Cost of Agreement: Revenue to the County as described in Exhibit E.

Terms and Conditions: Shall be as set forth in Exhibits A through G, attached hereto and a part hereof.

In Witness Whereof, the parties hereto have executed this Agreement as of the latest date written below.

Licensee

By: _____
Name
Title
Date: _____

County of Suffolk

By: _____
Jeffrey Szabo
Deputy County Executive
Date: _____

Approved as to Legality;
Chistine 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: _____

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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. Advertising
7. Representation of Inspection
8. Risks of Licensee
9. Conduct of Licensee's Employees
10. Uniforms
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 on Inventory for Sale
17. Insolvency
18. License/Not A Lease
19. Fire Safety Standards
20. Hazardous Substances and Waste
21. Inspection of Premises/Remediation of Unsatisfactory Conditions
22. Illegal or Objectionable Conduct
23. Not A Co-Partnership
24. County Representatives
25. County Monies
26. Change in Park Facilities
27. Change in Department
28. Severability; No Implied Waiver
29. Labor Disputes/Acts of God
30. Independent Contractor
31. Assignment and Subcontracting
32. Not in Default/Arrears
33. Cooperation on Claims
34. Conflicts of Interest
35. Non-Discrimination in Services
36. Nonsectarian Declaration
37. Set-Off Rights
38. Publications and Publicity
39. Copyrights and Patents
40. Certification as to Relationships

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41. Lawful Hiring of Employees Law in Connection with Contracts for Construction or Future Construction
42. All Rights Reserved
43. Governing Law
44. Confidentiality
45. No Intended Third Party Beneficiaries
46. No Oral Changes
47. 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. Reports/Meeting
2. Operational Plan; Operations Schedule; Schedule of Charges
3. Licensee Provided Services
4. County Property; Security; Maintenance; Repairs and Alterations
5. Capital Improvements
6. Security/Bonds
7. Utilities

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Exhibit E
Financial Terms and Conditions/Other Variable Terms and Conditions

1. Annual License Fees
2. Payment Terms
3. Advertising
4. Accounting and Record Keeping; Inspection of Records; Reporting; N.Y.S. Sales Tax
5. License for Copyrighted Materials

Exhibit F
Capital Improvements and Site Map

Exhibit G
Licensee's Response to Request for Proposal

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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, any reference to the Commissioner on this Agreement shall be deemed to include his/her designee; and

Whereas, a Request for Proposals ("RFP") for the subject License was advertised on July 17, 2008; and

Whereas, based upon the Licensee's response to the RFP, the County has determined that the Licensee's proposal demonstrates relevant experience, offers good value to the County, and serves the public interest; and

Whereas, the Licensee desires to obtain from the County a License, as set forth further in this Agreement, to renovate, operate, maintain and manage the Bergen Point Golf Course, Golf School, Golf Professional Shop, Golf Driving Range, Miniature Golf Course, and related facilities located at the Bergen Point Country Club, West Babylon, New York, and the County desires to enter into an agreement with the Licensee for the operation of said activities;

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 County grants to the Licensee and the Licensee accepts from the Department, an exclusive, non-transferable (except as indicated herein) License ("License") to renovate, operate, manage, and maintain a Concession for the Golf Course, Golf School, Golf Professional Shop, Golf Driving Range, Miniature Golf Course, and related facilities ("Concession"), within the Licensed Premises, subject to the terms and conditions as set forth in Exhibits A through G herein. The Licensee agrees to perform all of its obligations in accordance with the terms and conditions of this Agreement.

b. The Licensed Premises shall consist of and include the Bergen Point Golf Course, Golf School, Golf Professional Shop, Golf Driving Range, Miniature Golf Course, and all related facilities, buildings, improvements, mechanical systems, fixtures, articles of personal property now attached, appurtenant to,

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or used in connection with the operation of the Concession, and shrubbery, trees, plantings, grounds and landscaping materials.

c. The License granted in this Agreement is for the express purpose of providing a Golf Concession for the public benefit. 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 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.

f. 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 the Agreement. Frequent failure 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 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.

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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 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 Licensee 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 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 Agreement 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 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 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.

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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 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:

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(1) All fees and other sums due and owing from the Licensee. 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.

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

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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 ($2,000,000.00) per occurrence for property damage. Special events will require additional insurance as mandated by the Suffolk County Division of Risk Management.

ii. **Tenants Legal Liability Insurance**, in an amount no less than $500,000.00 per occurrence.

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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

v. **Professional Liability / Errors and Omissions Insurance** (if professional services are used in this Agreement) in an amount not less than Two Million Dollars ($2,000,000.00) on either a per occurrence or claims made coverage basis.

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.

e. In the event the Licensee shall fail to provide the Declaration Pages or certificates of insurance or to maintain any insurance required by

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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. Advertising

The Licensee shall use commercially reasonable efforts to promote the Concession and services authorized by this Agreement. 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

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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 Licensee agrees to discontinue or withhold the release, dissemination and distribution of any such material unless and until the County and Licensee have agreed to a resolution of the County's objection.

7. Representation of Inspection

The Licensee acknowledges that it has examined the site, location, facilities, buildings structures, area, and spaces to be used in connection with this Agreement.

8. 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/Licensor for loss, damage or destruction from any peril to the furniture, fixtures, equipment or other personal property of the Licensee.

9. Conduct of Licensee's Employees

The Commissioner shall inform the Licensee, in writing or if orally, a written confirmation shall be sent immediately, of any employee of 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 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 Licensee's failure to cure, notwithstanding the provisions of the paragraph entitled "Term and Termination of Agreement."

10. Uniforms

If directed by the Commissioner, all attendants or employees of the Licensee shall wear uniforms, or some other form of identification, as approved by the Commissioner, such uniforms to be furnished by the Licensee, and without cost to the Department or the County.

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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 Concession 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 upon the County giving to the Licensee five (5) days written notice of its intention to so cancel and whereby there shall be no further liability on the part of either party, except those items which specifically survive termination.

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) shall be grounds for rejection of any plans, reports, specifications, permit 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 Architect, the Suffolk County Department of Health Services, the Suffolk County Department of Fire, Rescue and Emergency Services, and the New York State Department of Environmental Conservation. The Department will assist as it deems appropriate.

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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. In the event that the facility is shut down by the Suffolk County Department of Health Services for an extended period of time due to health threats related to arthropod-borne diseases, the Licensee shall have the right to request renegotiation of the financial terms hereunder at the sole discretion of the Commissioner.

d. Notwithstanding any other provisions of this Agreement to the contrary, in the event that the facility cannot be operated or that there is substantial 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

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parties.

ii. The Licensee may terminate the Agreement upon thirty (30) days prior written notice. In the event of termination by Licensee: the Licensee shall remain liable for all fees and other sums due and owing from the Licensee up to the time of termination.

14. Personal Property of Licensee

a. During the term of this Agreement, unless personal property is required for the performance by the Licensee of its obligations hereunder, the Licensee shall have the right at any time, to remove same from the Licensed Premises, with the following exceptions.

i. Books, reports and records required to be kept by this Agreement shall be maintained on the Licensed Premises at all times and may not be removed; and

ii. Inventory maintained for sale on the Licensed Premises may be removed only with the consent of the Commissioner.

b. Removal of personal property upon expiration and/or termination of this Agreement shall be governed by the paragraph entitled, "Term and Termination of Agreement".

15. Compliance with Law

The Licensee shall comply with 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.

Suffolk County Code §378-4 (Prohibited Acts) regarding acts prohibited on County parkland.

Suffolk County Sanitary Code

Such compliance shall be at the Licensee's sole cost and expense.

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16. Liens on Inventory for Sale

a. It is expressly agreed that the County shall have a continuing lien on all inventory held for sale which may be 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. If the Licensee requires a waiver of the lien for the purpose of financing personal property to be utilized in the operation of the Licensed Premises, the Commissioner may grant said waiver at his sole discretion in consultation with the Licensee. The County may waive the lien at any time.

b. Upon default of payment by the Licensee beyond any applicable cure period, the County shall have the right to take possession of and retain the inventory until the full amount be 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 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 the premises and to operate the Concession hereby granted 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.

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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 their 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.

c. The Licensee agrees to be responsible for the installation, replacement and/or maintenance of smoke alarms, fire suppression systems, fire extinguishers and exit signs in accordance with the rules and regulations of the Suffolk County Department of Fire, Rescue and Emergency Services, at the Licensee's sole cost and expense.

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 Licensee's operations and maintenance of the Licensed Premises.

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.

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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 attorney's 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 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, 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 Mobile Units 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 which shall be corrected immediately.

c. In the event the Licensee fails to remedy the unsatisfactory condition, the County may terminate this Agreement, in the sole discretion of the

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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, 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, 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.

23. 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.

24. 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

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Premises shall have any claim against them or any of them as individuals in any event whatsoever.

25. 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.

26. 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.

27. 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.

28. 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.

29. Labor Disputes/Acts of God

The provisions of this section shall be applicable if there shall occur, during the term or any renewal term any (i) strike(s), lockout(s) or labor dispute(s); (ii) inability to

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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 (iii) 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 punctually to perform 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.

30. 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.

31. 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.

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32. 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.

33. 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.

34. 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 the Licensee is retained on behalf of the County. The Commissioner shall ultimately make the determination as to whether or when a conflict exists or may potentially exist after full disclosure is obtained.

35. 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.

36. 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 under this program 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.

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37. 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 contract, plus any amounts due and owing to the County for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The County shall exercise its set-off rights in accordance with normal County practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the County agency, its representatives, or the County Comptroller, and only after legal consultation with the County Attorney.

38. 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 written prior 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.

39. 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

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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.

40. 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.

41. 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.

42. All Rights Reserved

All rights not specifically granted in this Agreement are reserved to County.

43. 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.

44. 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

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Agreement shall remain the property of the County and shall be kept confidential in accordance with applicable laws, rules and regulations.

45. 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.

46. 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.

47. 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

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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"

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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

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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 Application To Certify Compliance With Federal Law (8 U.S.C.

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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."

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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

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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 <u>or</u> by Nationally Recognized Courier Service <u>or</u> by Fax <u>or</u> 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 <u>or</u> by Nationally Recognized Courier Service <u>or</u> by Fax <u>or</u> 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:

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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.

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5. **Litigation/Accidents**

a. In the event 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

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Exhibit D
Description of Services

1. Reports/Meeting

a. The Licensee will be responsible for issuing timely oral presentations and written reports on the status of pending and proposed activities, as may reasonably be requested by the Commissioner. All written reports will also be made available to the County in electronic format.

b. The Licensee agrees that, in addition to monthly mandated golf pro meetings, the parties may meet from time to time; the meeting time, place and attendees shall be as mutually agreed upon by the parties.

2. Operational Plan; Operations Schedule; Schedule of Charges

a. **Operational Plan.** The Licensee agrees to operate the Concession according to plans submitted to the Department and subject to approval by the Commissioner. Said plan, once approved, shall be incorporated herein as if originally included. Prior to the commencement of any operational plan, the Licensee shall procure at its own cost and expense all permits or approvals necessary for the legal operation of the Concession on the Licensed Premises. The Concession shall at all times be operated in a manner satisfactory to the Commissioner and shall conform to rules and directives of the Department.

b. **Operation Schedule.** The Concession shall be operated on approved dates only and on a schedule of reasonable hours as directed by the Commissioner. The Commissioner shall be notified of schedule changes/closures caused by weather, emergency or other events.

c. **Special Events.** The Licensee shall submit at the beginning of each calendar year during the term of this Agreement a schedule of proposed events, and 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.

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3. **Licensee Provided Services**

a. **Provision of Facilities and Equipment.** The Licensee shall provide and maintain all facilities and equipment necessary for the operation of the Concession in accordance with the Operational Plan submitted to, and approved by, the Commissioner, at its own expense.

b. **Maintenance and Repair.** The Licensee shall be responsible for ongoing maintenance and repair of the Licensed Premises, grounds, fixtures, equipment and furnishings for the entire term of this Agreement. Maintenance and repair will include (but is not limited to) all utilities, heating systems, alarm systems, sprinkler systems, cesspools, as well as the roofing, windows, and doors of the pro shop.

c. **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.

d. **Minimum Participation of Licensee.** The Licensee will participate in the daily operation of the Concession during no less than fifty percent (50%) of the total number of required hours of operation as approved by the Commissioner. If the Licensee is an individual, he/she shall be required to adhere to the aforesaid minimum physical participation in daily operations. In the event the Licensee is a corporation, the principal stockholders, who also must be officers of the corporation, taken in aggregate, shall be held accountable to the same minimum standard of participation as set forth above.

e. **Responsible Principal.** The Licensee undertakes and agrees that at least one (1) principal will be designated by Licensee who shall be responsible for the daily operation of the Concession 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.

f. **Sanitary Condition of Licensed Premises.** The Licensee shall at all times keep the Licensed Premises in a clean, litter-free and sanitary condition and

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shall cleanse, fumigate, disinfect and deodorize the Licensed Premises whenever directed to do so by the Commissioner.

g. **Extermination.** The Licensee shall provide exterminating services for the Licensed Premises at its own cost and expense, in accordance with County regulations, and as required by the Commissioner throughout the term of this Agreement.

h. **Refuse and Garbage; Costs.** All refuse and garbage costs related to the operation of the Concession are to be borne by the Licensee. If the County provides refuse and garbage service, the Licensee will be billed by the County for a pro-rata share of costs, as determined by the Department. All refuse and/or garbage is to be collected and deposited in locations and containers satisfactory to the Commissioner for regular pick-up and off-site disposal.

i. **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.

j. **Licensed Premises and Grounds.** The Licensee is responsible for the maintenance and appearance of all areas covered under this Agreement, and shall keep such areas in a good working order, litter free, and in a clean and sanitary condition.

k. **Pesticide Phase Out.** The Licensee shall note that it is the mandate of the County (Pesticide Phase-Out Plan) to ensure that the golf courses are operated, managed and maintained organically and in an environmentally sensitive manner. The key to accomplishing this goal with reference to the outdoor portions of the property is the development of an effective biological soil management program. (See Resolution No. 868-1997 entitled "Development of Organic Parks Maintenance Plan for County Parklands and County Golf Courses" and "Organic Parks Maintenance Plan for Suffolk County Golf Courses and Parklands".)

In 1999, the Suffolk County Legislature passed a local law mandating a phase-out of pesticides on County property by 2003. This law also created a Pesticide Community Advisory Committee (CAC), charged with overseeing the implementation of this pesticide phase out. The CAC represents a unique

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partnership between County agencies, Cornell Cooperative Extension, breast cancer awareness advocates and environmental organizations, with a common goal of limiting the use of pesticides to the extent possible. In 2003, the final phase of the pesticide phase out became effective.

Now only those pesticides that are specifically exempted in the law, or those for which the CAC has approved a special use exemption can be used on County property. In order to comply with the law, any pesticide applications to Bergen Point property must adhere to the products named on the yearly Suffolk County Golf Course Exemption/Resolution or be themselves exempt under this law. Any other product that is considered for application must be justified before the CAC committee during a meeting or in the case of emergency the CAC committee must be contact PRIOR to application for permission to apply. These restrictions have grown out of increasing local concerns over the quality of our groundwater and surface waters from pesticide contamination.

l. 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 and shall comply with Resolution No. 719-2000 entitled "A Local Law to Adopt Countywide Pesticide Notice Provisions".

m. Security. The Licensee, at its own cost and expense, shall secure the Licensed Premises, the facilities thereon, and the equipment and materials used therein throughout the term of this Agreement, in a manner appropriate to the nature of the License.

n. 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

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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.

o. **Class A or Above Golf Professional** Throughout the term of this Agreement, the Licensee shall be required to either possess a PGA or LPGA "Class A" card or to permanently employ a golf professional who possesses the required certification. The golf professional shall have demonstrable experience in providing the services required by this Agreement. The Licensee acknowledges that the golf professional, or any golf professional employed, has a minimum of five (5) years experience in the operation of a golf concession with responsibility for booking tee times, reservations and organized "outings", managing pro shop merchandise, golf cart rentals and driving range sales, supervising support staff, and providing lessons to individuals and groups.

p. **Automated Computer Reservation System** The Licensee agrees at all times to utilize the Department's existing automated computer reservation system ("System") while conducting its business pursuant to this Agreement and/or any system which may be implemented by the County from time to time. The Licensee will use the System, or any other system implemented by the County, in strict accordance with all Department guidelines. The County will provide the necessary equipment and connections for accessing this System. The Licensee will be responsible for supplies associated with the System such as receipt tapes and 8 1/2" x 11" paper.

q. **Golf Carts/Pull Carts.** The Licensee agrees to provide a minimum of 60 hooded electric or gas powered golf carts. If electric carts are used, the Licensee shall be responsible for all electricity costs incurred. If gas carts are used, the Licensee shall be responsible for all fuel costs and the costs for providing, maintaining, and replacing, if necessary, a gasoline storage and filling facility, as approved by the Commissioner. All carts will be maintained in good, clean, operating and mechanical condition. All carts are to be replaced every five years throughout the term of this Agreement, or as otherwise directed by the Commissioner. Two of the electric or gas carts, as the case may be, shall be made available to representatives of the County, or any department thereof at any time, for maintenance and inspection of the Licensed Premises. The Licensee will also be responsible for providing a minimum of 30 pull carts for public use.

r. **Driving Range Balls.** The Licensee agrees to make available to the public a sufficient number of driving range balls and baskets as well as driving range mats which are to be maintained in a good and safe playing condition. The Licensee shall provide a ball dispenser which is equipped with a counter for the purpose of keeping a record of balls dispensed on a daily basis, with said

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record required to be included along with other financial submissions required under this Agreement. All golf balls shall be free of chips and cracks. The Licensee shall be responsible to meet all industry recognized driving range standards and shall be responsible for maintenance of the range.

s. **Collect Greens Fees.** The Licensee agrees, without charge to the County, to collect greens fees and any other fees as established by the Commissioner or the County. The Licensee agrees to make daily deposits of all fees collected as directed by the Commissioner, and the Licensee agrees to report all fees collected, in such form as may be prescribed by the Commissioner. The Licensee agrees to secure at all times all fees collected, and the Licensee agrees to not leave unreasonably large sums of cash on site during business hours and at times when the Licensed Premises is closed to the public. The Licensee agrees to compensate the County for any fees not charged, collected, lost, or stolen.

t. **Green Key Card Documentation.** The Licensee shall, at its own cost and expense, install and maintain a copy machine on the Licensed Premises for the purpose of creating and maintaining all documentation, as required by the Commissioner, related to the sale of Suffolk County Green Key Cards/Green Key Discount Cards sold by the Licensee on behalf of the County. The Department will provide camera equipment associated with providing identification pictures for Green Key Cards.

u. **Geese Control.** The Licensee shall be responsible, in conjunction with the Department, for control and removal, if necessary, of non-migratory geese from the golf course at the Commissioner's direction. Any plans or methods to be employed in assisting with geese control must be approved in writing prior to being put into practice.

v. **Vending Machines.** The Licensee shall install vending machines on the Licensed Premises upon receipt of written approval by the Commissioner. Revenues generated from vending machines are required to be included along with other financial submissions required under this Agreement.

w. **Revenue Reporting.** The Licensee shall report to the Commissioner all golf course activity levels and all revenues generated from, including but not limited to, green fees, reservation fees, penalty fees, golf pro shop revenues, golf cart rentals, golf lessons, and golf driving range fees, on a monthly basis. The Licensee shall provide such reports to the Commissioner on or before the last day of the next following month for the month being reported on. The Licensee shall include all daily cash register tapes with all submissions.

x. **Condition of Golf Course.** The Licensee is responsible for consulting with the greens keeper on a daily basis on the condition of the golf course,

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specifically, greens, tees, hazards, and fairways, and to make recommendations to the Commissioner on same as required.

y. **Fees.** The Licensee shall be liable for all fees, sums and other charges imposed under this Agreement.

4. **County Property; Security; Maintenance; Repairs, and Alterations**

a. The Licensee acknowledges that it has examined the Licensed Premises and the facilities thereon. 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." The Licensee shall restore any non-working items to a state of good repair.

b. The Licensee shall be responsible for all costs associated with the maintenance, upkeep, renovations and necessary repairs to the Licensed Premises in accordance with the provisions of this Agreement and any other recognized and accepted standards of operation. The Licensee shall further be responsible for the cart storage building, pro shop, space, equipment and supplies covered by this Agreement and used by the Licensee in the conduct of this Agreement. Said areas shall be maintained, replaced, and kept in repair by the Licensee, as directed by the County and surrendered by the Licensee to the County at the expiration or other termination of this Agreement, in as good condition as when received, reasonable wear and tear and damage by the elements excepted. The Licensee shall not make any alterations to the Licensed Premises without the written approval of the Commissioner.

c. The Licensee's minimum obligation for maintenance and upkeep of the Licensed Premises shall be $10,000.00 each year during the initial term of the Agreement. However, all costs required to maintain the Licensed Premises in the condition required by this Agreement, including costs above the minimum amount, are also the responsibility of the Licensee. The minimum amount associated with maintenance and upkeep shall be placed in a dual signature bank account, if directed by the Commissioner, with the Licensee and County as signatories, at the beginning of each calendar year.

d. All costs associated with the maintenance, upkeep renovations and necessary repairs of the Licensed Premises shall be at the Licensee's cost unless otherwise agreed to in writing by the Commissioner and shall be thoroughly documented by the Licensee. The documentation shall be provided to the Commissioner upon request and shall include signed contracts related to the work performed, paid invoices and cancelled checks.

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e. Option Periods: Annual Fees for maintenance and upkeep for option are subject to negotiation, at the Commissioner's discretion, based upon the financial performance of the operation covered by this Agreement during the initial term, but will not be less than year 2018.

f. Other than ordinary routine maintenance, all work must be approved by the Commissioner.

5. Capital Improvements

a. The Licensee agrees to renovate and improve the Licensed Premises over the term of this Agreement, but in no event shall any improvements or new construction be removed upon expiration or termination of this Agreement.

b. The Commissioner shall have the right to disapprove itemized capital improvements, alter the order in which capital improvements are to be completed, and/or substitute unlisted improvements which are in the best interests of the County.

c. A minimum expenditure of $_____ for capital improvements will be required during the initial term of this Agreement. Each year, the Commissioner and the Licensee shall prepare a plan for improvements to be implemented during the following year. Each annual plan shall include descriptions of improvements to be made and time frames for completion. Additional capital improvements will be negotiated at the time option periods are up for renewal. Capital Improvements to be implemented by Licensee shall be as listed in Exhibit "F".

d. The Licensee shall have all plans and specifications professionally prepared, at its sole cost and expense, and in a manner acceptable to the County. A New York State licensed architect or engineer may be required by the Commissioner.

e. The Licensee shall be responsible for obtaining and paying for all necessary permits and approvals from all governmental agencies having jurisdiction over the Park, including, but not limited to, the Suffolk County Architect, the Suffolk County Department of Health Services, the Suffolk County Department of Fire, Rescue and Emergency Services, and the New York State Department of Environmental Conservation.

f. The Licensee shall solicit and obtain competitive bids (or follow other competitive procurement procedures approved by the Commissioner) for construction of planned improvements. Bids, proposals and quotes are not to be accepted from any person or entity with any affiliation with the Licensee.

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g. The Licensee agrees to properly document all capital improvement expenditures in accordance with requirements to be provided by the County. Signed contracts, paid invoices, and cancelled checks must be provided to the County.

h. All capital improvements are to be completed in accordance with the Commissioner's directives. The Commissioner will issue a final written approval evidencing satisfactory completion upon the submission of the required documentation and after an inspection by County staff.

i. 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 property, including all purchases of furnishings, equipment, fixtures and appliances shall immediately become the property of the County.

j. The Licensee shall maintain security, at its own expense, for any improvements or construction while in progress.

6. Security/Bonds

a. The Licensee shall provide as security for its performance hereunder, a valid surety bond in the amount of **_____Dollars ($_____)** made in the name of the County of Suffolk. The term of said security shall thereafter correspond to the term of this Agreement and the amount of said security in years subsequent shall be renegotiated but shall not be less than _____. Documentation concerning the initial security must be submitted to the Commissioner within ten (10) days after the granting of this Agreement, and on or before January 1st of each year thereafter. Said bond shall be kept in full force and effect by the Licensee throughout the entire term of this Agreement to insure faithful performance by the Licensee of all covenants, terms, and conditions of this Agreement, inclusive of, but not restricted to, the payment to the Department of all fees and charges.

Other financial instruments such as a Cash Deposited Joint Signature Account, A Savings Certificate naming Suffolk County Parks as Co-Owner, an Irrevocable Letter of Credit, or the Pledge of Other Financial Instruments Securing Performance may be substituted for a Performance Bond, or any combination of the above.

b. The Licensee shall also provide a Performance Bond until the total cost of capital improvements related to the renovation and operation of the Licensed Premises are fulfilled to the satisfaction of the Commissioner. Documentation concerning the initial performance bond must be submitted to the Department within ten (10) days after the granting of this Agreement. The amount of the

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bond shall be determined by the Department by analyzing the total amount of capital improvement obligation and the projected timeframe until completion. It will increase incrementally each year until the bonding requirement is equal to 100% of the capital obligation. The Performance Bond, which guarantees the performance of the Licensee with respect to capital investment, may be reduced as the improvements are completed upon written approval of the Commissioner and may only be terminated with the approval of the Department, in writing, after inspection of the completed capital improvements by the Department and acceptance of such improvements as to their conformity with plans and specifications that have been approved by the Department, and upon certification by the Licensee that all financial obligations of the Licensee, with respect to such capital investments, have been satisfied.

Other financial instruments such as a Cash Deposited Joint Signature Account, A Savings Certificate naming Suffolk County Parks as Co-Owner, an Irrevocable Letter of Credit, or the Pledge of Other Financial Instruments Securing Performance may be substituted for a Performance Bond, or any combination of the above.

c. Prior to the commencement of any construction hereunder, the Licensee shall furnish the Department with a copy of any sub-contractor's surety bond (if applicable), in a form satisfactory to the Department, with the Licensee as principal, in an amount not less than one hundred per cent (100%) of the total cost of the construction of the facilities required to be constructed and approved by the Department under this contract. Said surety bond shall guarantee the payment for all materials, provisions, supplies, and equipment used in, upon, for, or about the performance of said construction work, or labor done thereon of any kind whatsoever, and protect the County from any liability, losses, or damages arising there from.

d. The surety or bank issuing all bonds shall be required to give the Department notice in writing not less than thirty (30) days prior to the expiration date thereof, and/or of the bank or surety's intention to terminate or not to renew said bond. In any event, the bonds shall not be terminated without the advance written approval of the Department.

e. Any surety from whom bonds are obtained shall be licensed to issue said bonds by the New York State Insurance Department and shall be rated "A-" or better by A.M. Best. All bonds shall be satisfactory to the Commissioner with respect to the form, sufficiency and manner of execution.

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7. Utilities

The Licensee shall pay, at its sole cost and expense, for all utilities including (but not limited to) heat, gas, electric and telephone service (if any) consumed in the operation of the Concession. The Licensee shall pay for all costs to provide such service. The County shall not be responsible for the installation of any water supply, sewers, drainpipes or fixtures, or electric, fuel oil or gas lines or fixtures beyond those already in place prior to the granting of this Agreement, unless negotiated prior to the execution of this Agreement. If additional utility installations or meters within the Licensed Premises are required as a result of a capital project undertaken or proposed pursuant to this Agreement, the full cost of such installations shall be borne by the Licensee. In instances in which gas or electricity is utilized in common areas or shared equipment and building systems, or where the Licensee's utility service is billed by the provider to the Department, the Licensee shall be responsible for the payment of a portion of the overall cost as determined by the Department. In the event of fluctuation or interruption of water supply, electricity, or other utility services to the Licensed Premises provided by the County, the County 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.

End of Text for Exhibit D

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Exhibit E
Financial Terms and Conditions/Other Variable Terms and Conditions

1. Annual License Fees

a. The Licensee agrees to pay to the County as compensation for the License and for the privilege of operating said License, an annual license fee ("Annual License Fee"), payable on a monthly basis, which shall be a percentage of gross revenue or receipts collected or generated by the Licensee each year of this Agreement, as set forth below. The Licensee agrees however that the minimum percentage of gross revenue or receipts to be paid to the County will not be less than $225,000, even if the calculation of the actual percentage of gross revenue or receipts would yield a lesser amount.

b. As used herein, "gross receipts" means all revenues received or generated by the Licensee through the operation of the Concession, including but not limited to, greens fees, motorized cart rentals, manual cart rentals, golf lessons, merchandise sales, miniature golf revenues, and vending machine sales. Gross Receipts shall be exclusive of sales tax and Green Key sales.

Year	Percentage of Gross Receipts
2009	____%
2010	____%
2011	____%
2012	____%
2013	____%
2014	____%
2015	____%
2016	____%
2017	____%
2018	____%

c. Annual License Fees for option periods, if any, are subject to negotiation, at the Commissioner's discretion, based upon the financial performance of the Concession during the initial term, but in no event will be less than year 2018 fees.

d. Annual License Fees shall include, but are not limited to, gross receipts, maintenance and upkeep fees and advertising fees.

2. Payment Terms

a. All remittances shall be made payable to the "Suffolk County Department of Parks, Recreation and Conservation" on a monthly basis, with the first payment

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made within thirty (30) days of execution of this Agreement. Monthly payments shall be calculated using the prior month's gross receipts at the governing percentage rate for that calendar year.

b. All monthly payments of the Annual License Fee shall be made on or before the 10th day of the month in which such payment is due.

c. The Licensee shall be liable for a penalty of one and one half percent (1 ½%) per month for any part of the License Fee not paid as required, or are late. Such penalty shall accrue on the unpaid balance, which includes accrued penalties, until the License Fees are paid in full. For any payment which is less than a full month late, the penalty shall be assessed at the rate of five one hundredths of one percent (.05%) per day.

d. Should the Licensee neglect to pay any charges for services supplied and billed by the County when the same become due and payable, then the amount of said charges shall forthwith become a part of and added to the License Fee and shall under all circumstances and conditions be considered and be collectable as such.

e. The obligations of this paragraph shall survive termination of this Agreement.

3. Advertising

a. It is in the best interests of the County and the Licensee to maximize sales in the Licensed Premises and it is agreed that all parties will use their best efforts to promote the operation of the Bergen Point Country Club Golf Course. The Licensee agrees to expend a minimum of $7,500.00 in each year of the initial term of this Agreement on advertising and promotion of which $2,500.00 shall be paid each year to the County for Commissioner directed advertising. Licensee shall submit proof (ads and cancelled checks) for their required advertising expenditures on an annual basis.

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 County's mission and policies, reflect the County's ownership of the Licensed Premises. Such materials shall be provided to the Commissioner no less than forty-eight (48) hours prior to the release, dissemination or distribution of the material. The Commissioner 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 there has been resolution of the objection. To avoid over-commercialization, the size, content, and number of advertisements in and around the Licensed Premises are of concern to the Department. Signs, posters, banners, and similar media

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will be reviewed by the Department, as to their size and placement within the concession area and elsewhere in the park. More extensive, short duration advertising, associated with specific events may be allowed by the Department, if reviewed and approved in advance of the event.

c. Advertising payments for Commissioner directed advertising, as described in this Exhibit "D" shall be paid in full no later than April 1st. This amount is only to be used for production and distribution of Department newsletters, brochures and fliers.

d. Option Periods: Annual Fees for advertising for option periods are subject to negotiation, at the Commissioner's discretion, based upon the financial performance of the operation covered by this Agreement during the initial term, but will not be less than year 2018.

4. Accounting and Record Keeping; Inspection of Records; Reporting; N.Y.S. Sales Tax

a. 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.

b. The Licensee shall complete, daily, a log of business activities in a form acceptable to the County. All "daily" forms are to be submitted to the County by the 10th day of the following month along with a monthly summary to be provided in a form acceptable to the County. Daily cash register tapes are to accompany all submissions.

c. 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.

d. 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 concession facility. The Licensee shall permit no reset of cumulative cash register readings. If a cash register or point of sale system must be repaired, or otherwise removed from the Licensed Premises, the

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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 or point of sale 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 and vending machine readings as part of the permanent accounting record. All equipment must be inspected, calibrated and certified annually.

e. The Licensee shall also preserve for examination and inspection by the Commissioner or the Comptroller of Suffolk County all cash register tapes all 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.

f. The Licensee must obtain and display their New York State Sales Tax Authorization Certificate and indicate on their 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.

g. 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.

h. The Licensee agrees to use the County POS system to record all County receipts. All revenue collected on behalf of the County, as well as all Pro Shop revenue, will be recorded in a Point-of-Sale system provided by the County and must be kept secured at all times.

5. License for Copyrighted Materials

The Licensee shall be required to procure a license from copyrighted artists' representatives, including, but not limited to, such organizations as SESAC, BMI, and ASCAP, that authorizes the reproduction of any copyrighted materials by the Licensee, its officers, officials, employees, subcontractors, sub-licensees, invitees, or agents on the Licensed Premises.

End of Text for Exhibit E

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Exhibit F
Capital Improvements and Site Map

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End of Text for Exhibit F

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Exhibit G
Licensee's Response to Request For Proposal

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End of Text for Exhibit G

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RFP Attachment 4

Site Map – Bergen Point Country Club (County Golf Course)

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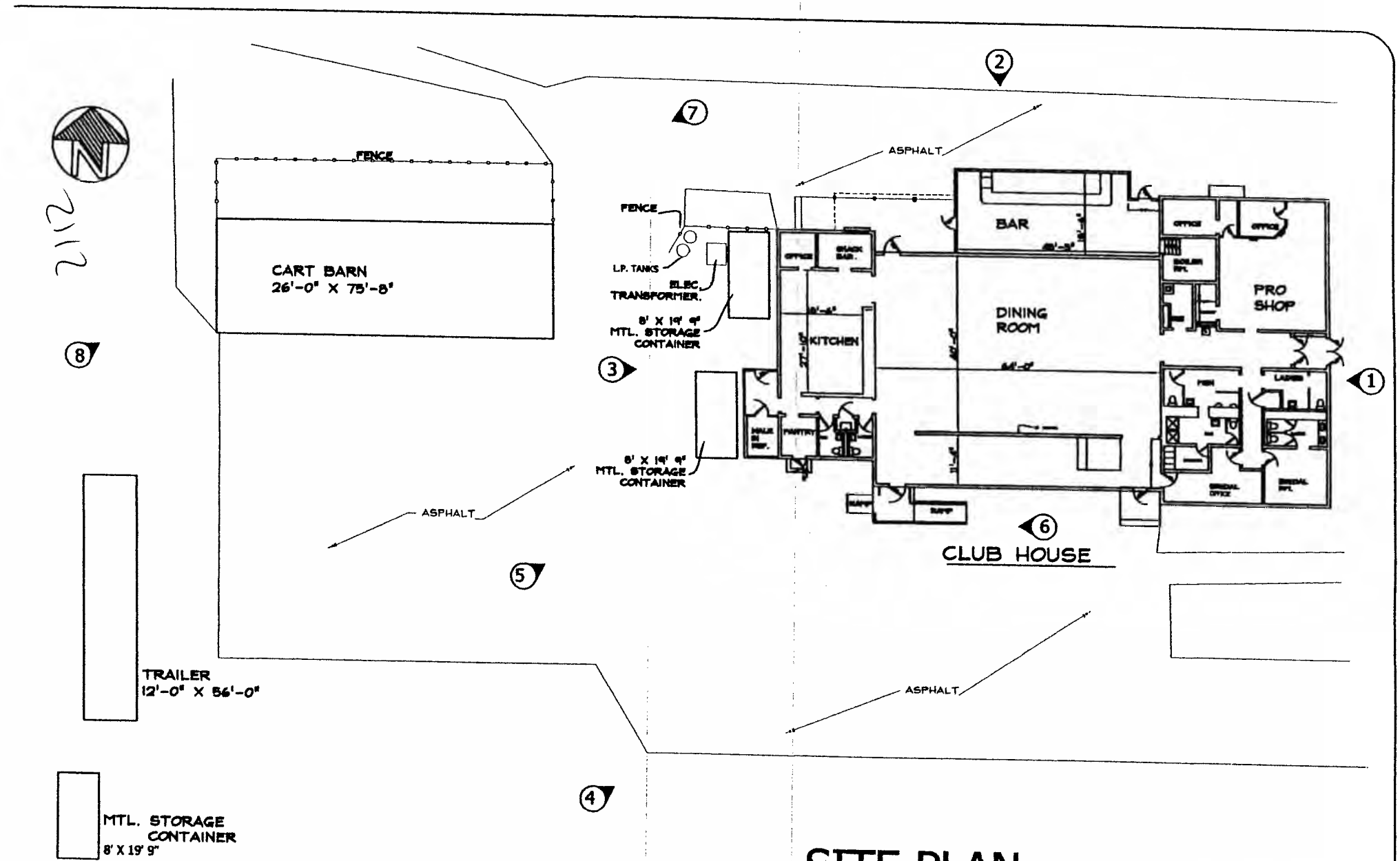


SITE PLAN

NTS

3-ELECTRIC METERS
LOCATED IN BOILER ROOM
99 264 618
92 601 568
55 360 383

1 PHOTO # & DIRECTION

BERGEN POINT
CLUB HOUSE
WEST BABYLON N.Y.

A-1

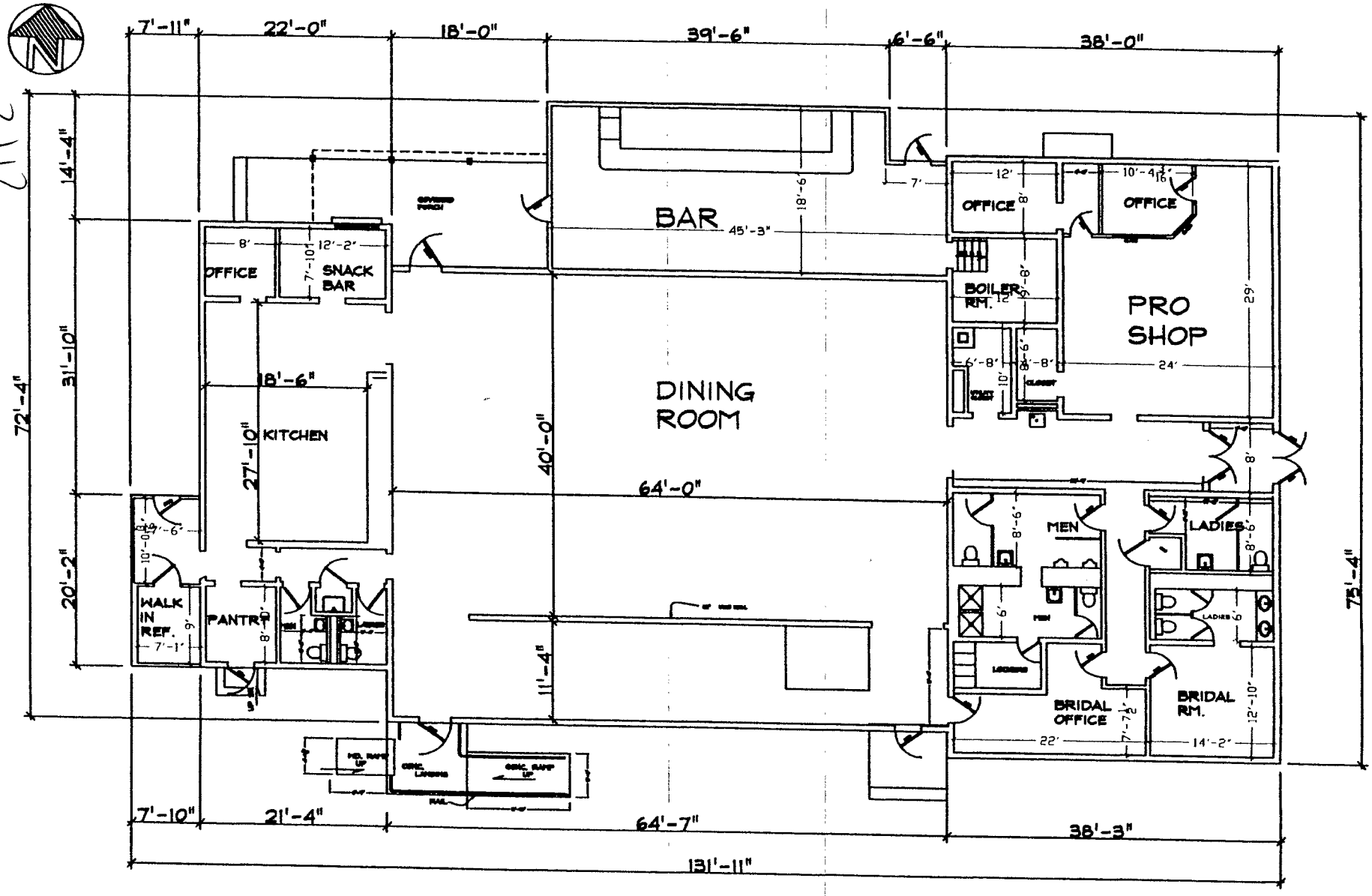
DRAWN BY T.A.J.

SCALE AS NOTED

SHEET 1 OF 2

MAINTENANCE SUFFOLK COUNTY PARKS Division

2112



CLUB HOUSE N.T.S.

8218 SQ. FT

BERGEN POINT CLUB HOUSE WEST BABYLON N.Y.			A-2
DRAWN BY T.A.J.	PLOT DATE	DWG NO.	REV
CHECKED BY	SCALE AS NOTED	FILE BERGEN PT GOLF-CLDHS	SHEET 2 OF 2

MAINTENANCE SUFFOLK COUNTY PARKS Division

Gen A4

COUNTY OF SUFFOLK

2112 OCT 23 2008

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: **October 20, 2008**

RE: **INTRODUCTORY RESOLUTION REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR OPERATION OF THE GOLF CONCESSION AT BERGEN POINT COUNTRY CLUB IN 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-Requesting Approval of Contract for Bergen Point Golf Concession.doc."

The Department of Parks, Recreation and Conservation advertised on July 17, 2008 for a golf concession contract at Bergen Point Country Club. Seven (7) RFP packets were distributed to potential vendors. However, there was only one (1) response which was from Zebra Golf, Inc.

After reviewing Zebra Golf's proposal, an independent evaluation committee found its terms acceptable and recommended that the Departments of Parks, Recreation and Conservation enter into an agreement with Zebra for a golf concession at Bergen Point Country Club. This resolution requests Legislative approval of the contract award to Zebra Golf.

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. 2113-08 **Laid on Table** 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, ACCEPTING & APPROPRIATING A GRANT IN THE AMOUNT OF $731,500.00 FROM THE NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR THE BUFFER ZONE PROTECTION PROGRAM (BZPP) 07 WITH 100% SUPPORT

WHEREAS, the New York State Office of Homeland Security has made $731,500.00 in Federal pass-through funds from the U.S. Department of Homeland Security available to Suffolk County for the BZPP FY2007 program to be administered by the Suffolk County Police Department; and

WHEREAS, this program is designed to reduce vulnerabilities of Critical Infrastructure/Key Resources sites by extending the protected area around a site into the surrounding community and supporting the prevention and preparedness efforts of local first responders; and

WHEREAS, 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; 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**
115-4345-Federal Aid: BZPP 07	$731,500.00

ORGANIZATIONS:

Police Department (POL)
BZPP 07
115-POL-3229

2000-Equipment	**$731,500.00**
2020-Office Machines	16,860.00
2070-Cameras and Photographic	12,645.00
2090-Radio and Communication	7,304.00
2500-Other Equip Not Otherwise	694,691.00

and be it further

2nd **RESOLVED,** that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the New York State Office of Homeland Security.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County
Date of Approval:

GRANT BUDGET ANALYSIS COUNTY BUDGET YEAR 2008

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:	**731,500**			
2010 Furniture & Fixtures				
2020 Office Machines	16,860			
2030 Automobiles & Motorcycles				
2070 Cameras and Photographic	12,645			
2090 Radio and Communication	7,304			
2500 Other Equip Not Otherwise	694,691			
3000 SUPPLIES MATERIALS & OTHERS:				
3010 Office Supplies				
3020 Postage				
3030 Photostat, Photograph, Blueprint				
3040 Printing				
3160 Computer Software				
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				

SCIN Form 164D (10-80)

2113

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)				

I certify that the above in-kind contribution are not currently being used to support other grants

SCIN Form 164D (10-80)

213

DETAIL LISTING OF 1000 ACCOUNT PERSONAL SERVICES

TITLE OF POSITION	GRADE / STEP	SALARY	EMPLOYEE NAME	SOURCE OF FUNDING BY %		
				GRANTOR	COUNTY	IN-KIND
None						

2112

SCIN Form 164D (10-80)

2113

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution _X_ Local Law ___ Charter Law ___

2. Title of Proposed Resolution
Accepting & appropriating a grant in the amount of $731,500.00 from the New York State Office of Homeland Security for the Buffer Zone Protection Program (BZPP) 07 with 100% support.

3. Purpose of Proposed Legislation
To accept $731,500.00 from the New York State Office of Homeland Security to purchase equipment that will be used to develop and enhance effective preventive and protective measures against terrorist activities with regard to high priority critical infrastructure targets. The program will be administered by the Suffolk Count Police Department.

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

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

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

6. If answer to Item 5 is "Yes," provide detailed explanation of impact:

The County will have $731,500.00 available to purchase equipment that will enhance its ability to protect critical infrastructure and key resources sites within the County with 100% support.

7. Total financial Cost of Funding over 5 years on each affected political or Other Subdivision:

Continuance of this program will be re-evaluated based on availability of outside funding, community needs, and resources available within the Police Department.

8. Proposed Source of Funding

New York State Office of Homeland Security, Buffer Zone Protection Program

9. Timing of Impact
Immediate

10. Typed Name & Title of Preparer
Susan C. Krause
Grants Technician

11. Signature of Preparer

12. Date
10/31/2008

SCIN FORM NO. 175b (10/95)

New York State
Office of Homeland Security

DEPUTY DIRECTOR
FRANK TABERT

2113

October 23, 2008

Mr. Mark White
Deputy Chief Office of Homeland Security and Anti-Terrorism
Suffolk County Police Dept.
30 Yaphank Ave.
Yaphank, NY 11980

Dear Chief White:

Enclosed is a contract, along with five additional cover pages, for the FY07 Buffer-Zone Protection Plan 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 November 14, 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
Contracts Manager

Enclosures

1220 Washington Avenue, State Office Building Campus
Building 7A – 6th Floor
Albany, NY 12242

Additional back-up material regarding I.R. 2113 is on file in the Legislative Clerk's Office, Hauppauge.

2114

Intro. Res. No. 2008 Laid on Table 12/2/2008
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 2008, ACCEPTING AND APPROPRIATING 100% FEDERAL GRANT FUNDS AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO THE SUFFOLK COUNTY PROBATION DEPARTMENT

WHEREAS, Suffolk County has received Federal Edward Byrne Memorial Justice Assistance Grant funds in the amount of $103,027 from the U.S. Department of Justice; and

WHEREAS, the Probation Department has requested $27,500 to provide psychological assessments of offenders with mental illness and/or co-occurring substance abuse disorders. The assessments will be used by the mental health court and probation mental health unit in sentencing decisions and overall offender management; and

WHEREAS, the Probation Department has requested $60,000 to develop and provide training to probation and Alternative to Incarceration Program staff on working with offenders with mental illness and substance abuse. The training is based upon the curriculum entitled, CONNECT, developed by the NYS Office of Mental Health and the NYS Department of Probation and Correctional Services; and

WHEREAS, the Probation Department has requested $14,500 to help support two annual gang prevention and education training activities that address gangs from two perspectives: law enforcement and prevention. The Sheriff's Office gang seminar for law enforcement focuses on training and educating the law enforcement and criminal justice community. The East End Gang Awareness Committee focuses on youth gangs and provides information and training on effective prevention models; and

WHEREAS, the Probation Department has requested $1,027 for travel costs associated with attendance at the mandatory Bureau of Justice Assistance Regional Conference for Grantees; and

WHEREAS, the grant award period is October 1, 2008 through September 30, 2012; and

WHEREAS, on, July 10th 2008 the County's Criminal Justice Coordinating Council provided the required public notice on all funding requests under said grant and after such notice it was the recommendation of the Council to approve all such funding requests; now, therefore be it

1st **RESOLVED**, that the County Executive is authorized to execute any Agreement with the U.S. Department of Justice, as necessary, to secure said grant funds; and be it further

2nd **RESOLVED**, that nothing contained herein shall be construed as obligating or committing the County of Suffolk to continue the employment of individuals filling the positions created by this resolution at the conclusion of the grant funding provided for such position created by said grant; and be it further

3rd **RESOLVED**, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate said unbudgeted grant funds in the amount of $103,027 as follows:

REVENUES:	AMOUNT
001-4320 - Federal Aid: Crime Control	$103,027

APPROPRIATIONS:

Suffolk County Probation Department
Criminal Justice Coordinating Council
001-PRO-3199

4000 Contractual Expenses	$102,000
4560 Fees for Services: Non-Employee	$102,000
4000 Travel	$ 1,027
4330 Travel Employee Contracts	$ 1,027

and be it further

4th **RESOLVED**, that the County Executive be and hereby is authorized to execute related agreements.

DATED:

APPROVED BY:

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2114

1. Type of Legislation

Resolution __X__ Local Law____ Charter Law____

2. Title of Proposed Legislation

Accepting and Appropriating 100% Federal Grant Funds from the U.S. Department of Justice, under the 2008 Edward Byrne Memorial, Justice Assistance Grant, in the Sheriff's Office and the Probation Department that has not been appropriated in the 2008 Operating Budget.

3. Purpose of Legislation

To accept and appropriate the $103,027.00 grant award from the U.S. Department of Justice, under the 2008 Edward Byrne Memorial, Justice Assistance Grant, in Probation.

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes___ No _X___**

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

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

None to the County. 100% grant funds for program expenses.

8. Proposed Source of Funding

Federal Aid Revenue *(001-4320)* Edward Byrne Memorial, Justice Assistance Grant

9. Timing of Impact Immediate

10. Typed Name & Title of Preparer	**11. Signature of Preparer**	**12. Date**
Robert C. Marmo, Ph.D. Chief Planner, CJCC Theresa Lollo, Principal Financial Analyst	Theresa Lollo	October 31, 2008 11/14/08

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2114

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

2114

Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 21, 2008

Mr. Jeffrey W. Szabo
County of Suffolk
100 Veterans Memorial Highway
Hauppauge, NY 11788

Dear Mr. Szabo:

On behalf of Attorney General Michael B. Mukasey, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 08 Edward Byrne Memorial Justice Assistance (JAG) Grant Program: Local Solicitation in the amount of $103,027 for County of Suffolk.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Dean Iwasaki, Program Manager at (202) 514-5278; and

- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Domingo S. Herraiz
Director, Bureau of Justice Assistance

Enclosures

2114

Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

August 21, 2008

Mr. Jeffrey W. Szabo
County of Suffolk
100 Veterans Memorial Highway
Hauppauge, NY 11788

Dear Mr. Szabo:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at http://www.lep.gov.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at http://www.ojp.usdoj.gov/ocr/etfbo.htm.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

2114

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements:(1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for $500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at http://www.ojp.usdoj.gov/ocr/eeop.htm. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between $25,000 and $500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at http://www.ojp.usdoj.gov/ocr/eeop.htm.

If your organization received an award for less than $25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at http://www.ojp.usdoj.gov/ocr/eeop.htm.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at http://www.ojp.usdoj.gov/ocr/.

Sincerely,

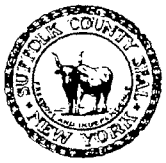
Michael L. Alston

Michael L. Alston
Director

cc: Grant Manager
Financial Analyst

Gen A6

COUNTY OF SUFFOLK



NOV 06 2008

CRIMINAL JUSTICE COORDINATING COUNCIL

STEVE LEVY
Suffolk County Executive

JOHN K. DESMOND
Chairperson

10/31/2008

Ben Zwirn,
Assistant Deputy County Executive

Enclosed please find 2 copies of a resolution packet prepared by the Suffolk County CJCC to accept grant funding from the Bureau of Justice Assistance Edward Byrne Justice Assistance Grant (JAG) to help support the mental health assessments of offenders with mental illness; to provide training to criminal justice staff on working with offenders with mental illness; and to help support two annual gang prevention and education training activities. A copy of the grant award and SCIN form 175 A&B are also attached. Please feel free to contact me at 2-6825 if you have any questions.

Thank you.

Robert C. Marmo, Ph.D.
Chief Planner
CJCC

YAPHANK AVENUE
PO BOX 205
YAPHANK, NEW YORK 11980
(631) 852 – 6824/6825

Additional back-up material regarding I.R. 2114 is on file in the Legislative Clerk's Office, Hauppauge.

2115

Intro Res. No. –08

Laid on the Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. –2008, ACCEPTING AND APPROPRIATING SUPPLEMENTAL DISLOCATED WORKER AND SUPPLEMENTAL ADULT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF LABOR FOR THE WORKFORCE INVESTMENT ACT (WIA) PROGRAM.

WHEREAS, the New York State Department of Labor has awarded additional funds for the Workforce Investment Act (WIA) Program to the Suffolk County Department of Labor in the amount of $576,864; and

WHEREAS, the additional funds were awarded in the "Supplemental Dislocated Worker" category to integrate employment and training services into a comprehensive workforce delivery system for impacted workers; and

WHEREAS, these additional funds have not been included in the 2008 Adopted Operating Budget; and

WHEREAS, it is in the best interest of the County to accept this 100% funded grant; now, therefore be it

1ST RESOLVED, that the County Comptroller and the County Treasurer be and they are hereby authorized to accept and appropriate the following funds:

REVENUES:	
320-4790 Federal Aid	$576,864
ORGANIZATIONS:	$576,864
Department of Labor (LAB) Workforce Investment Act 320-6300	
1000 – PERSONAL SERVICES	**$43,498**
1100 Permanent Salaries	$43,498
4000-CONTRACTUAL EXPENSES	**$533,366**
4980-Contracted Agencies	$533,366

and, be it further

2ND RESOLVED, that the Reporting Category for the Integrated Financial Management system (IFMS) is 6300.

APPROVED BY: _____

County Executive of Suffolk County

Date of Approval:

2115

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution _X___ Local Law ___ Charter Law

2. Title of Proposed Legislation:

ACCEPTING AND APPROPRIATING SUPPLEMENTAL DISLOCATED WORKER AND SUPPLEMENTAL ADULT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF LABOR FOR THE WORKFORCE INVESTMENT ACT (WIA) PROGRAM.

3. Purpose of Proposed Legislation

To integrate related employment and training services into a comprehensive workforce delivery system for impacted workers.

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? (check appropriate category)

___X_ **County**	_____Town	_____Economic Impact
_____Village	_____School District	_____Other (Specify)
_____Library District	_____Fire District	_____NOT APPLICABLE

6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact

Revenue to County

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

Revenue to County

8. Proposed Source of Funding

New York State Department of Labor

9. Timing of Impact

Immediate

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
JAMES M. ANDREWS **PRINCIPAL MANAGEMENT ANALYST**		**October 30, 2008**

Theresa Lotto Theresa Lotto 11/14/08
Principal Financial Analyst

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2115

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

2115

COORDINATION OF GRANT APPLICATION OR CONTRACT **County of Suffolk**	Date: October 30, 2008
Submitting Department/Agency **Suffolk County Department of Labor**	Location **Bldg. 17, No. County Complex** **Veterans Memorial Highway** **Hauppauge, NY 11788**

Contact Person in Dept/Agency	Telephone Number	Grant Application Due Date
James M. Andrews	**853-6610**	**N/A**

INSTRUCTIONS: Applicant will complete all items on this form. If an item is not applicable enter "NA". If additional space is needed, insert an asterisk (*) in the item box and attach additional information on an 8 1/2" x 11" sheet cross referenced to the item.

I. BACKGROUND INFORMATION

1. Grant Title:
ACCEPTING AND APPROPRIATING SUPPLEMENTAL DISLOCATED WORKER AND ADULT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF LABOR FOR THE WORKFORCE INVESTMENT ACT (WIA) PROGRAM.

2. Statutory Legislation (Public Law No. & Title & Department Administering Grant Program)
NEW YORK STATE DEPARTMENT OF LABOR

3. Grant/Contract Status (Check One)

a. ___ New Program Application
b. ___ Renewal Application
c. x **Supplemental (Specify) Supplemental Dislocated Worker and Adult Funding**
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)
To integrate employment and training services into a comprehensive workforce delivery system for impacted workers.

5. County Departments/Agencies Affected (Include any with similar operational programs, regardless of their eligibility for this program).
SUFFOLK COUNTY DEPARTMENT OF LABOR

II. BUDGET INFORMATION

1. Term of Contract
FROM: 10/1/08 TO: 6/30/09

2. Financial Assistance Requested

SOURCE	FIRST FUNDING CYCLE		SECOND FUNDING CYCLE		THIRD FUNDING CYCLE	
	Amount	Percent	Amount	Percent	Amount	Percent
Federal	$	%	$	%	$	%
State	**$ 576,864**	**100%**	$	%	$	%
Town	$	%	$	%	$	%
County	$	%	$	%	$	%
Total	$ 576,864	**100%**	$	%	$	%

SCIN Form 164b (10-80) This form replaces EXGC Form 1, which is obsolete

2115

3. EXPLANATION OF REQUESTED COUNTY FINANCIAL ASSISTANCE			
CATEGORY	TOTAL REQUESTED	PERSONNEL COSTS REQUESTED	NON-PERSONNEL COSTS REQUESTED
TOTAL COUNTY SHARE:	$ -0-	$ -0-	$ -0-
Cash Contribution: a.	$ -0-	$ -0-	$ -0-
b. In-kind Contribution:	$ -0-	$ -0-	$ -0-

4. Total Number of Positions Requested
-0-

5. Can This Program Be Re-funded 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.)
-0-

7. What Do You Anticipate Happening When the Federal, State and/or Private Financial Assistance is Discontinued (That is, program termination, reduced services, financial implication, layoffs, etc.

Program terminates.

8.. Attach a List of Potential Subcontractors, If Any, Outlining the Purpose of Each Subcontract (That is, 456 and 498 Account Items; use an additional 8 1/2" x 11" sheet).

N/A

III. COUNTY EXECUTIVE'S OFFICE REVIEW			
Intergovernmental Relations Division Review:	_____ Approved _____ Disapproved	Signature of Coordinator	Date
Comments			
Budget Office Review:	_____ Approved _____ Disapproved	Signature of Budget Director	Date
Comments			

New York State Department of Labor
David A. Paterson, *Governor*
M. Patricia Smith, *Commissioner*

2115

October 27, 2008

Mr. Steve Levy
County Executive
Suffolk County
H. Lee Dennison Building
100 Veteran's Memorial Highway
P.O. Box 6100, 12th Floor
Hauppauge, New York 11788

Dear Mr. Levy:

Attached is a Notice of Obligation Authority (NOA) for LWIA – Suffolk County.

This NOA represents supplemental distributions of PY 2008 Dislocated Worker and Adult funds to the Local Workforce Investment Areas (LWIAs).

In consultation with the Governor and State Workforce Investment Board, the New York State Department of Labor (NYSDOL) is authorized to make available $4.2 million Statewide Activities and $6 million State Level Rapid Response funds for PY 2008. This will enable Local Workforce Investment Areas to ensure that critical workforce services are available at this time of federal dis-investment and economic upheavals. The basis of the distribution is consistent with the PY 2008 Adult and Dislocated Formulas for local allocations.

The following conditions apply for these distributions of supplemental Adult and Dislocated Worker funds:

1. Supplemental Adult and Dislocated Worker allocations distributed during PY 2008, must be 85% expended by June 30, 2009, or will be subject to a recapture of the unexpended balance;

2. A minimum of forty percent (40%) of the PY 2008 supplemental Adult and Dislocated Worker allocations must be accrued for training activities, OJTs, ITAs, and customized training; and,

3. Eighty percent (80%) of the Adult and Dislocated Worker formula funds available during PY 2008 (7/1/08 – 6/30/09), must be expended by June 30, 2009. These funds include any PY2007 carry-in formula funds along with PY 2008 formula funds.

Please note, if the LWIA does **not** meet all of the spending requirements described above, it **may not** be eligible for any subsequent state level funding during PY 2009. However, if the LWIA does not expend a minimum of seventy percent (70%) of the Adult and Dislocated Worker formula funds available during PY 2008 (7/1/08 – 6/30/09), it **will not** be eligible for any subsequent state level funding during PY 2009.

Phone: (518) 457-0380 Fax: (518) 457-9526
W. Averell Harriman State Office Campus, Building 12, Room 450, Albany, NY 12240
www.labor.state.ny.us
Karen.Coleman@labor.state.ny.us

2115

Local Administration funds will be limited to 10% of the supplemental Dislocated Worker distribution; no Local Administration is available for the supplemental Adult distribution. Transfer authority between the Adult and Dislocated Worker programs is not allowed for these supplemental distributions.

These funds must be reported on a monthly basis by the LWIA on the following reports as previously transmitted to your LWIA's fiscal contact:

- Monthly Accrued Expenditure Report
- Monthly Summary Cash Report
- Monthly Statement of Daily Cash Transactions

To accommodate the collection and tracking of participants served with the supplemental Adult funds, the program drop-down field in the OSOS Services module, Services tab has been modified to include Adult Supplemental. For the Supplemental Dislocated Worker funds, continue to use the program drop-down field labeled "DW Supplemental".

Due to the conditions being imposed, the acceptance of this supplemental distribution by Local Workforce Investment Areas are optional therefore, we request that you notify Rocco Tenenini at Rocco.Tenenini@labor.state.ny.us no later than November 10, 2008, of your decision on this distribution.

If you have any questions regarding the use of these funds, please contact your State Representative. If you have any questions regarding the reporting of these funds, please contact Patricia Jabonaski at (518) 485-0524 or via e-mail at Patricia.Jabonaski@labor.state.ny.us

Sincerely,

Karen Coleman

Karen A. Coleman
Director, Division of Employment
and Workforce Solutions

Attachment
cc: Mr. Robert W. Dow, Jr.
Mr. Henry Daisey - State Rep
Robert Lew
Paul Miller

2115

NOTICE OF OBLIGATIONAL AUTHORITY LWIA# 78 NOA #PY08- 4

LWIA: Suffolk Co.
Grantee:
Steve Levy
County Executive, Suffolk County

GRANTOR: The Governor of New York through the New York State Department of Labor

This NOA authorizes Program Year 2008 funding for the period (07/01/08 through 6/30/10), except Youth (04/01/08 through 6/30/10.)
Supplemental Dislocated Worker ($391,482.00, 10/01/08 through 09/30/09).
Supplemental Adult (10/01/08 through 09/30/09).

NYSDOL Contact: Henry Daisey TELEPHONE: (212) 775-3346

WIA GRANT	PRIOR LEVEL	CHANGE THIS NOA	NEW LEVEL
# 0 T-IB Youth	$1,479,228.30	$0.00	$1,479,228.30
# 0 T-1B Admin	$540,305.20	$43,498.00	$583,803.20
# 0 T-1B Adult	$1,459,314.90	$0.00	$1,459,314.90
# 0 T-1B Dislocated Worker	$1,924,203.60	$391,482.00	$2,315,685.60
# 0 T-1B Statewide Supplemental Adult	$0.00	$141,884.00	$141,884.00

Approved by: Karen Coleman 10/27/08
Karen A. Coleman
Director
Division of Employment and Workforce Solutions

Intro. Reso. No. 2116-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $25,500 FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, FOR THE SUFFOLK COUNTY POLICE DEPARTMENT TO FUND A MOTORCYCLE SAFETY ENFORCEMENT PROGRAM WITH 85.3% SUPPORT

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded $25,500 in Federal Highway Safety pass-through monies to fund a program allowing the Suffolk County Police Department to continue to conduct enforcement activities to effectively reduce the number of motorcycle fatalities in Suffolk County; and

WHEREAS, the operational period for this program will be from October 1, 2008, through September 30, 2009; and

WHEREAS, said grant funds totaling $25,500 have not been included in the 2008 Suffolk County Operating Budget; now, therefore, be it

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

REVENUES:	AMOUNT
115-4346-Federal Aid: Motorcycle Safety Enforcement 2009	$25,500

ORGANIZATIONS:

Police Department (POL)
Motorcycle Safety Enforcement 2009
115-POL-3601

1000-Personal Services	$25,000
1120-Overtime Salaries	25,000
3000-Supplies, Materials & Others	$ 500
3040-Outside Printing	500

and be it further

2nd RESOLVED, that the employee benefits associated with the overtime salaries for this grant are included in the 2008 Suffolk County Operating Budget; 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 State of New York Governor's Traffic Safety Committee.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

COORDINATION OF GRANT APPLICATION OR CONTRACT County of Suffolk	DATE 5/12/08 REV. 11/12/08 2116

Submitting Department/Agency Suffolk County Police Department	Location 30 Yaphank Avenue, Yaphank, NY 11980	
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: Motorcycle Safety Enforcement 2009

2. Statutory Legislation (Public Law No. & Title & Department Administering Grant Program) Public Law 89-564, National Highway Traffic Safety Administration, passed through the State of New York Governor's Traffic Safety Committee

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 support Suffolk County Police Department's continuing efforts to increase awareness of motorcycle safety issues by enforcement of NYS Vehicle and Traffic Law regulations concerning motorcycle safety.

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: 10/01/08 To: 09/30/09

2. Financial Assistance Requested

SOURCE	*SECOND FUNDING CYCLE*		*THIRD FUNDING CYCLE*		*FOURTH FUNDING CYCLE*	
	Amount	**Percent**	**Amount**	**Percent**	**Amount**	**Percent**
Federal	$25,000	83.1%	$25,500	84.75%	$25,500	85.3%
State	$		$	%	$	%
Private	$	%	$	%	$	%
County	$5,073	16.9%	$4,588	15.25%	$4,388	14.7%
Total	$30,073	100%	$30,088	100%	$29,888	100%

2116

3. Explanation of Requested County Financial Assistance

Category	*Total Requested*	*Personnel Costs Requested*	*Non-Personnel Costs Requested*
TOTAL COUNTY SHARE:	$4,388		$4,388
A. Cash Contribution	$4,388	$	$4,388
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 Discontinue (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

2116

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:	**25,000**			
1100 Permanent Salaries				
1110 Interim Salaries				
1120 Overtime Salaries	25,000			
2000 EQUIPMENT:				
2010 Furniture & Fixtures				
2020 Office Machines				
2030 Automobiles & Motorcycles				
2070 Cameras and Photographic				
2500 Other Equip Not Otherwise				
3000 SUPPLIES MATERIALS & OTHERS:	**500**			
3010 Office Supplies				
3020 Postage				
3030 Photostat, Photograph, Blueprint				
3040 Printing	500			
3160 Computer Software				
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				

SCIN Form 164D (10-80)

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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		**4,388** 4,025 363		These expenses are not eligibile for funding under this program.
OTHER (List Source & Brief Explanation)				

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

TITLE OF POSITION	GRADE / STEP	SALARY	EMPLOYEE NAME	SOURCE OF FUNDING BY %		
				GRANTOR	COUNTY	IN-KIND
Police Officer	6	$79.17/hr. OT	Various	100%		
Sergeant		$93.39/hr. OT	Various	100%		

2116

SCIN Form 164D (10-80)

Gen AS

NOV 14 2008

2116

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: **November 12, 2008**

SUBJECT: **Resolution Packets & SCIN Forms for Motorcycle Safety Enforcement 2009**
Project Number: MC-5200641

Attached please find two copies of the following for the Motorcycle Safety Enforcement 2009 Grant Program:

1. Grant Resolution.
2. Grant SCIN Forms.
3. Request for Introduction of Legislation.
4. Financial Impact Statement.
5. A copy of the contract between Suffolk County and the Governor's Traffic Safety Committee.

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.

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 as always for your assistance with this project.

EW/sck
Att.

cc: Don Fahey, Federal & State Aid Claims Coordinator
Jim Morgo, Chief Deputy County Executive

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION 2116

1. Type of Legislation

Resolution _X_ Local Law ___ Charter Law ___

2. Title of Proposed Resolution
Accepting & appropriating a grant in the amount of $25,500 from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department to fund a motorcycle safety enforcement program with 85.3% support.

3. Purpose of Proposed Legislation
To accept $25,500 from the State of New York Governor's Traffic Safety Committee to continue to fund the Suffolk County Police Department's efforts to increase motorcycle awareness of motorcycle safety issues by enforcement of NYS Vehicle and Traffic Law regulations concerning motorcycle safety.

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:
Acceptance of the grant will allow the Suffolk County Police Department to continue to target the enforcement of motorcycle safety regulations and to raise the awareness of motorcycle safety issues.

7. Total financial Cost of Funding over 5 years on each affected political or Other Subdivision:
Non-reimbursable employee benefit costs of approximately $4,388 will be incurred through September 30, 2009. Additional costs will only be incurred if the program receives additional funding in subsequent years.

8. Proposed Source of Funding
National Highway Traffic Safety Administration, Department of Justice, passed through the State of New York Governor's Traffic Safety Committee.

9. Timing of Impact
Immediate

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Susan C. Krause Grants Technician	hl.L	11/12/2008

SCIN FORM NO. 175b (10/95)

Rec'd 11/10/08 SF

STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
DEPARTMENT OF MOTOR VEHICLES

DAVID A. PATERSON
Governor

DAVID J. SWARTS
Chair

7116

November 3, 2008

Sergeant John Rowan
Suffolk County Police Department
Office of Chief of Patrol
30 Yaphank Avenue
Yaphank, New York 11980

Re: MC-5200641
Motorcycle Safety Enforcement
EFFECTIVE DATE: October 1, 2008

Dear Sergeant Rowan:

On behalf of Governor David A. Paterson, I am pleased to notify you that the Suffolk County has been awarded $25,500 to participate in the New York State's Highway Safety Program. Our goal is to reduce the number of crashes, injuries and deaths on New York's roads.

Thank you for participating in New York State's Highway Safety Program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

David J. Swarts

David J. Swarts
Chair and
Commissioner of Motor Vehicles

DJS:et
Enclosure
cc: Sarah Furey
Donald E. Fahey, Jr.

6 Empire State Plaza, Albany, NY 12228
Telephone: (518) 474-5111 & 474-5777 Fax: (518) 473-6946

Additional back-up material regarding I.R. 2116 is on file in the Legislative Clerk's Office, Hauppauge.

Introductory Resolution No. 2117-08 Laid on Table 12/2/08

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 ISLIP)
(0500-393.00-04.00-008.001)

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 393.00, Block 04.00 Lot 008.001 and acquired by Tax Deed on June 15, 1999 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 23, 1999 in Liber 11970 at Page 897 and described as follows, being and intended to be that parcel of land carried on the tax rolls of the Town of Islip under Suffolk County Tax Map No. Dist 0500, Section 393.00, Block 04.00, Lot 008.001; and

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

WHEREAS, the Town of Islip has requested that the County of Suffolk convey to the town the parcel described in Exhibit "A" annexed hereto ; and

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

1st **RESOLVED,** that the Director of the Division of Real Property Acquisition and Management, or designee is hereby authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the terms and conditions provided herein to said Town of Islip for the sum of $1,716.49 plus the pro rata share of the current tax adjustment due at closing; and be it further

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

3rd **RESOLVED,** that said quitclaim deed tendered by the Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years

after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

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

DATED: _____

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

Exhibit "A" 2117

F-CA

APR - 4 2007

March 27, 2007

WHEREAS, the Suffolk County Division of Real Property Acquisition and Management has offered a parcel of land to the Town of Islip for acquisition under Section 72-H of General Municipal Law; and

WHEREAS, the Tax Map # for said parcel is 0500-393.00-04.00-008.001; and

WHEREAS, the parcel is located on the north side of Gibson Street in the hamlet of Bay Shore, adjacent to a Town-owned public parking field; and

WHEREAS, the County has offered this parcel to the Town of Islip at a cost of $1,062.46 that is equal to the back taxes that are due on the parcel; and

WHEREAS, the Commissioner of the Department of Planning and Development has evaluated the site and has determined that Town acquisition of said parcel would enable the Town to improve its adjacent parking field; and

WHEREAS, the Town has received requests to create additional public parking in downtown Bay Shore; and

WHEREAS, the acquisition of parcel TM # 0500-393.00-04.00-008.001 would enable the Town to address this public purpose;

NOW, therefore, on a motion of Councilperson Greene, seconded by Councilperson Flotteron, be it hereby

RESOLVED, that the Town Board of the Town of Islip authorizes the acquisition of TM # 0500-393.00-04.00-008.001 at a cost of $1,062.46 from account 4 H 06 8020.2-0902.

Upon a vote being taken, the result was: Unanimously carried 5-0.

2117

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 parking purposes

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

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

__X__County ____Town ____Economic Impact

____Village ____School District ____Other (Specify):

____Library District ____Fire District

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

Loss of sale at public auction

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

Unknown

8. Proposed Source of Funding

Unknown

9. Timing of Impact

Current year 2008

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

R. J. Bhatt
LMS III

R J Bhatt

11/12/08

Gen A9

COUNTY OF SUFFOLK

NOV 1 9 2008

2117

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

November 12, 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.: 0500-393.00-04.00-008.001
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Islip 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 Islip 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

2117

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 ISLIP

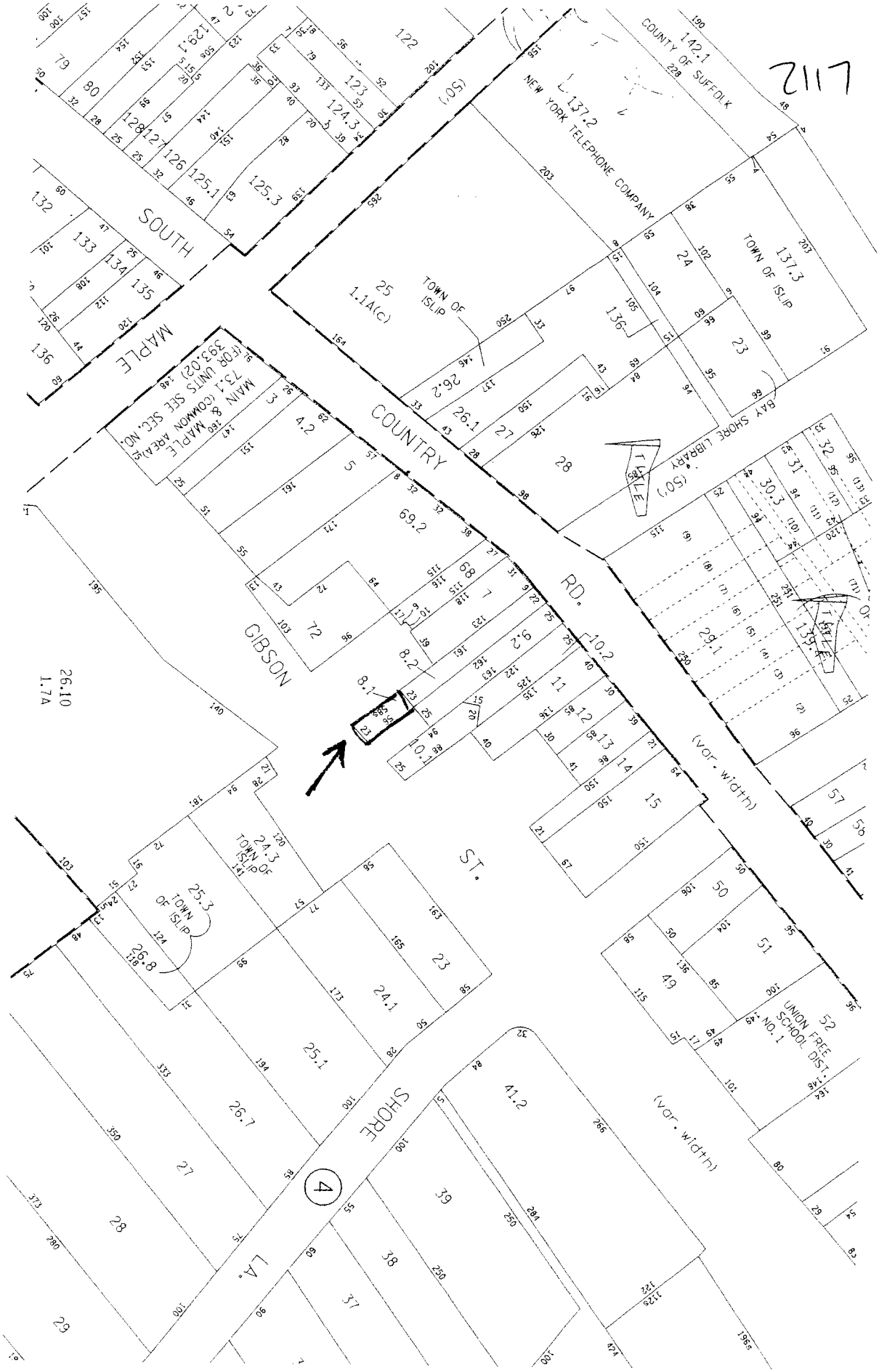
Tax Map No.: 0500-393.000-04.00-008.001

Section 72-h, Gen'l Municipal Law

		Amount
County Investment		$ 1,716.49
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



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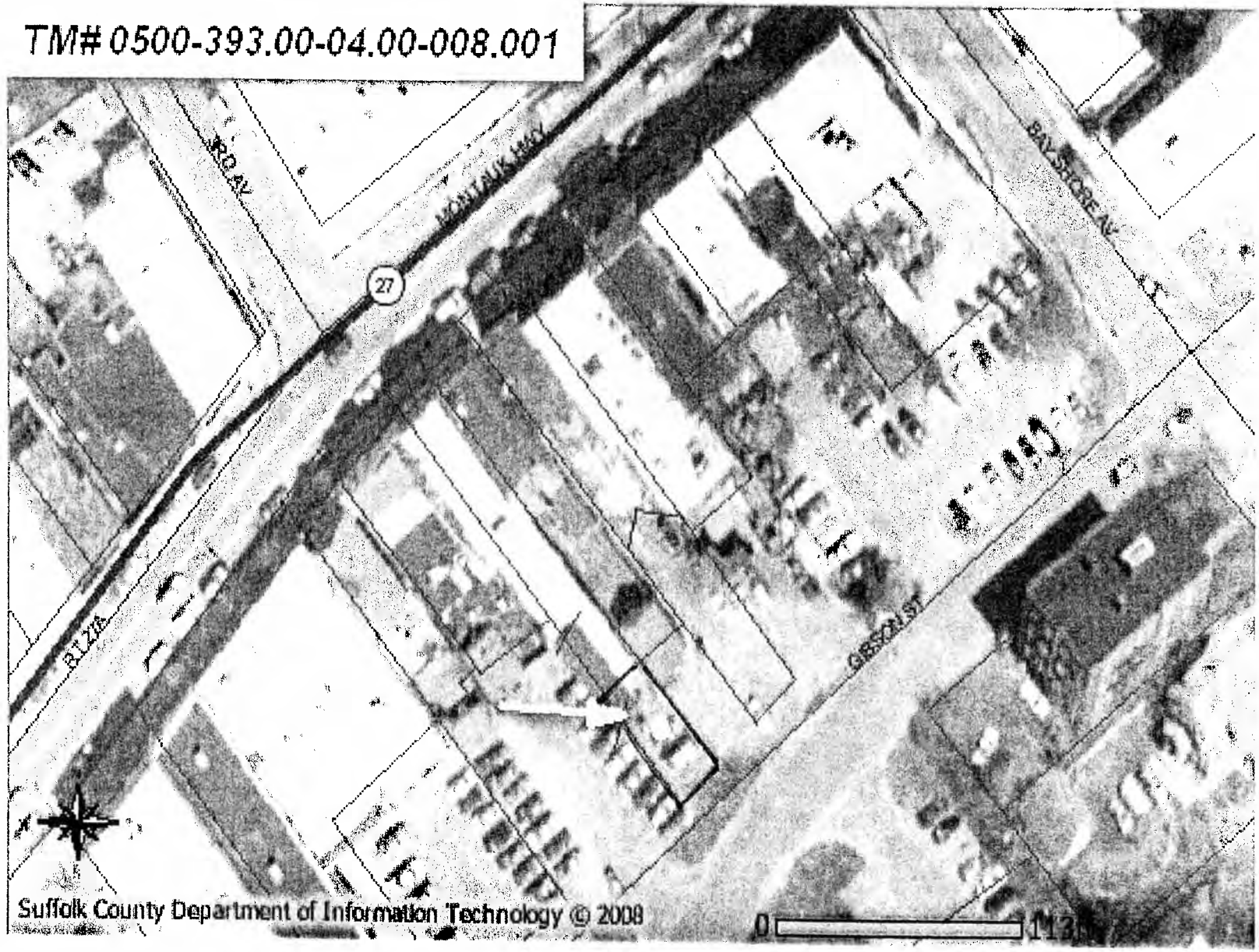
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MONTAUK HWY
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BAY SHORE AV
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Suffolk County Department of Information Technology © 2008
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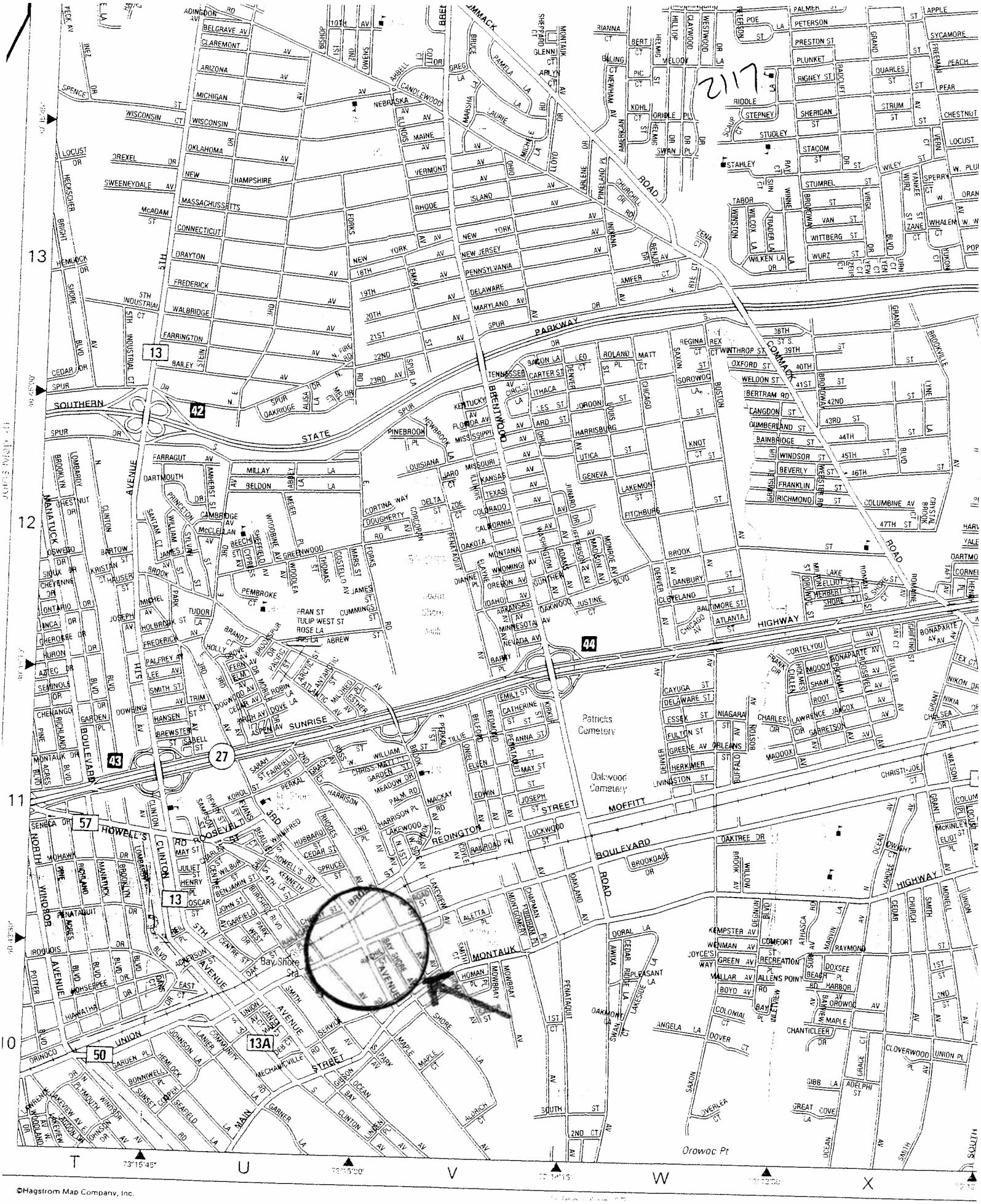

©Hagstrom Map Company, Inc.

Tm # 0500-393-00-04.00-008.001

Introductory Resolution No. 2118-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. –2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BABYLON FOR AFFORDABLE HOUSING PURPOSES
(SCTM NO. 0100-057.00-01.00-029.000)

WHEREAS, the County of Suffolk is the fee owner of 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 057.00, Block 01.00, Lot 029.000, and acquired by tax deed on March 24, 2003, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 25, 2003, in Liber 12242, CP 399 and otherwise known as and by the Town of Babylon, known and designated as lots 11 and 12 in block 13 on a certain map entitled "Map of Colonial Springs", and filed in the Office of the Clerk of the County of Suffolk on March 16, 1926 as Map No. 223,

WHEREAS, said parcel is surplus to the needs of the County of Suffolk; and

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

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

WHEREAS, the transfer of this parcel is pursuant to and in accordance with Local Law 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

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

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

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and

b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and

c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

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

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

4th **RESOLVED,** that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof.

5th **RESOLVED,** the conveyance of the parcel described to the Town of Babylon for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs.

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property upon the above-described terms and conditions.

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

Exhibit "A"

2118

RESOLUTION NO. 416 JUNE 25, 2008
AMENDING RESOLUTION NO. 719 OF NOVEMBER 8, 2007
REQUESTING THE CONVEYANCE OF PARCELS TO THE
TOWN OF BABYLON (SECTION 72-h, GENERAL MUNICIPAL LAW)

The following resolution was offered by Councilman Henry

and seconded by Councilwoman McVeety:

WHEREAS, the Town Board of the Town of Babylon adopted Resolution No. 719 of November 8, 2007, Authorizing the Conveyance of Parcels owned by the County, more particularly described and designated as 46 Woodland Drive, Wyandanch, New York, SCTM #0100-057.00-01.00-026.000 and 34 Woodland Drive, Wyandanch, New York, SCTM #0100-057.00-01.00-029.000, to the Town of Babylon for the purpose of Downtown Revitalization; and

WHEREAS, the Town of Babylon intends to use these properties for Affordable Housing Development,

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon Inc. declares its intention to use said properties, more particularly described and designated as 46 Woodland Drive, Wyandanch, New York, SCTM #0100-057.00-01.00-026.000 and 34 Woodland Drive, Wyandanch, New York, SCTM #0100-057.00-01.00-029.000 for the purpose of Affordable Housing.

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

2118

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 BABYLON

Tax Map No.: 0100-057.00-01.00-029.000

Section 72-h, Gen'l Municipal Law

	Amount
County Investment	$2,699.75

PURPOSE:

A. Affordable Housing	X
B. Town Parks	
C. Road/Highway	
D. Drainage/Recharge Basin	
E. Other	

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

WRT:slb

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2118

TM# 0100-057.00-01.00-029.000

TM# 0100-057.00-01.00-029.000
GRAND BLVD
WOODLAND RD
ELM ST
COMMONWEALTH DR
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DOE ST
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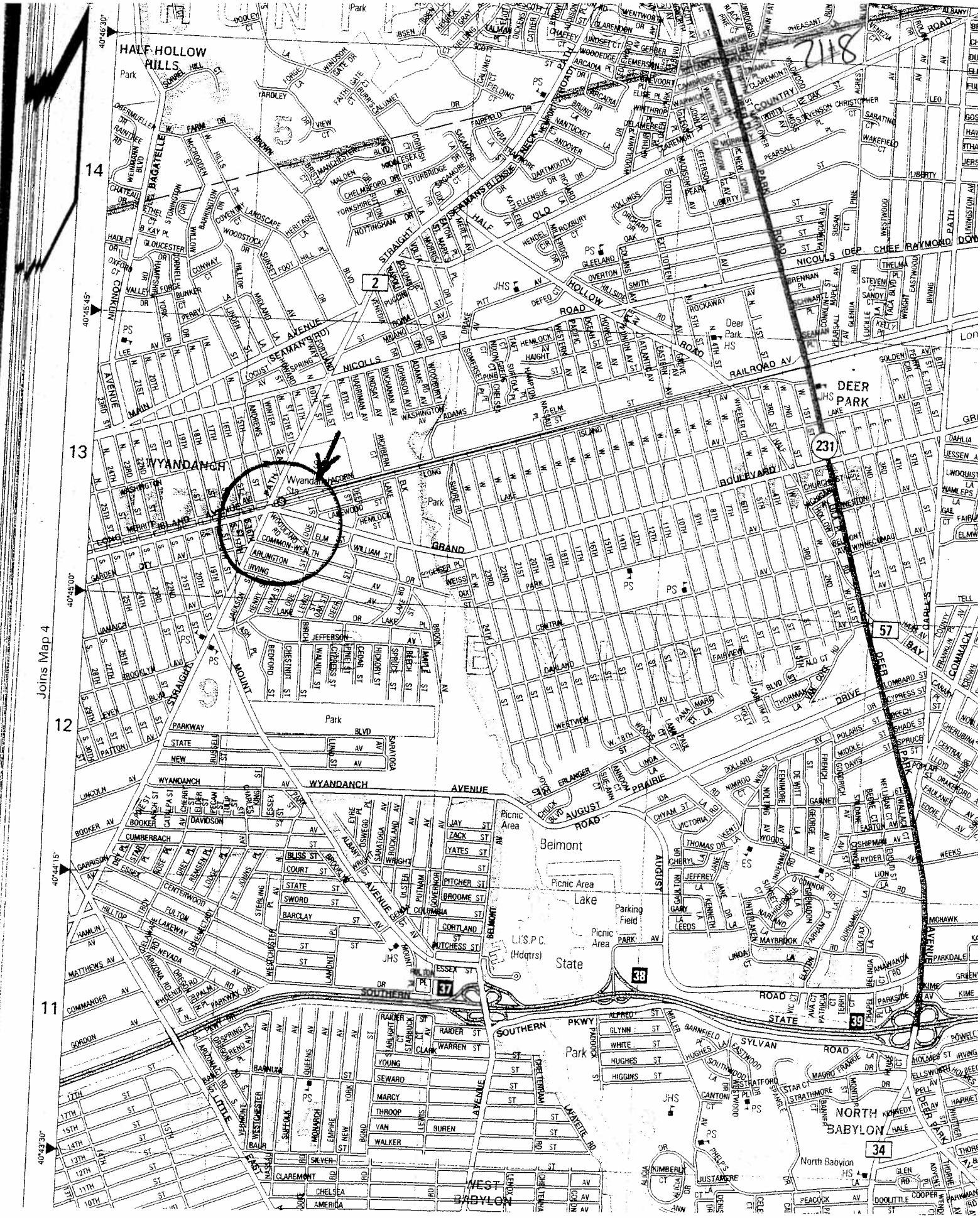


TM # 0100-057.00-01.00-029.000

2118

OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution __X_____ Local Law _____Charter Law _____

2. Title of Proposed Legislation

Section 72-h, General Municipal Law authorizing the sale of County owned Real Estate to a Municipality

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for affordable housing 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?
(circle appropriate category)

__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 County investment
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. Name & Title of Preparer | Signature of Preparer | Date

R. J. Bhatt
LMS III

R J Bhatt

11/12/08

Gen A 10
NOV 19 2008
2118

COUNTY OF SUFFOLK

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

November 12, 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.: 0100-057.00-01.00-029.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Babylon for Affordable Housing Purposes.

Dear Mr. Zwirn:

Enclosed herewith are 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 Babylon for affordable housing purposes.

I would appreciate your placing this on the legislative agenda.

Very truly yours,

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
Jill Rosen-Nikoloff, Director of Affordable Housing
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. 2119-08 Laid on Table 12/2/08

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 SOUTHOLD)
(1000-077.00-02.00-014.000)

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southold, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 1000 Section 077.00, Block 02.00 Lot 014.000 and acquired by Tax Deed on March 30, 2004 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on April 6, 2004 in Liber 12311 at Page 902 and described as follows, Town of Southold, known and designated as lot 144 on a certain map entitled "Map of Goose Bay Estates" and filed in the Office of the Clerk of the County of Suffolk on September 12, 1934 as Map No. 1176; and

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

WHEREAS, the Town of Southold has requested that the County of Suffolk convey to the town the parcel described in Exhibit "A" annexed hereto ; and

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

1st **RESOLVED,** that the Director of the Division of Real Property Acquisition and Management, or designee is hereby authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the above described property and on the terms and conditions provided herein to said Town of Southold for the sum of $940.06 plus the pro rata share of the current tax adjustment due at closing; and be it further

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

3rd **RESOLVED,** that said quitclaim deed tendered by 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"

2119

RESOLUTION 2008-910

ADOPTED

DOC ID: 4284

THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2008-910 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOLD TOWN BOARD ON SEPTEMBER 23, 2008:

RESOLVED that the Town Board of the Town of Southold hereby **authorizes Supervisor Scott A. Russell to execute any and all documents necessary to effectuate the Town's acquisition from the County of Suffolk of property known as SCTM #1000-77-2-14 (in Goose Creek watershed)**, to be used by the Town for drainage purposes, and to reimburse the County in an amount no greater than $940.06 for its costs in relation to the acquisition of such property.

Elizabeth A. Neville

Elizabeth A. Neville
Southold Town Clerk

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Louisa P. Evans, Justice
SECONDER: Thomas H. Wickham, Councilman
AYES: Ruland, Orlando, Krupski Jr., Wickham, Evans, Russell

2119

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 SOUTHOLD

Tax Map No.: 1000-077.00-02.00-014.000

Section 72-h, Gen'l Municipal Law

	Amount
County Investment	$ 940.06

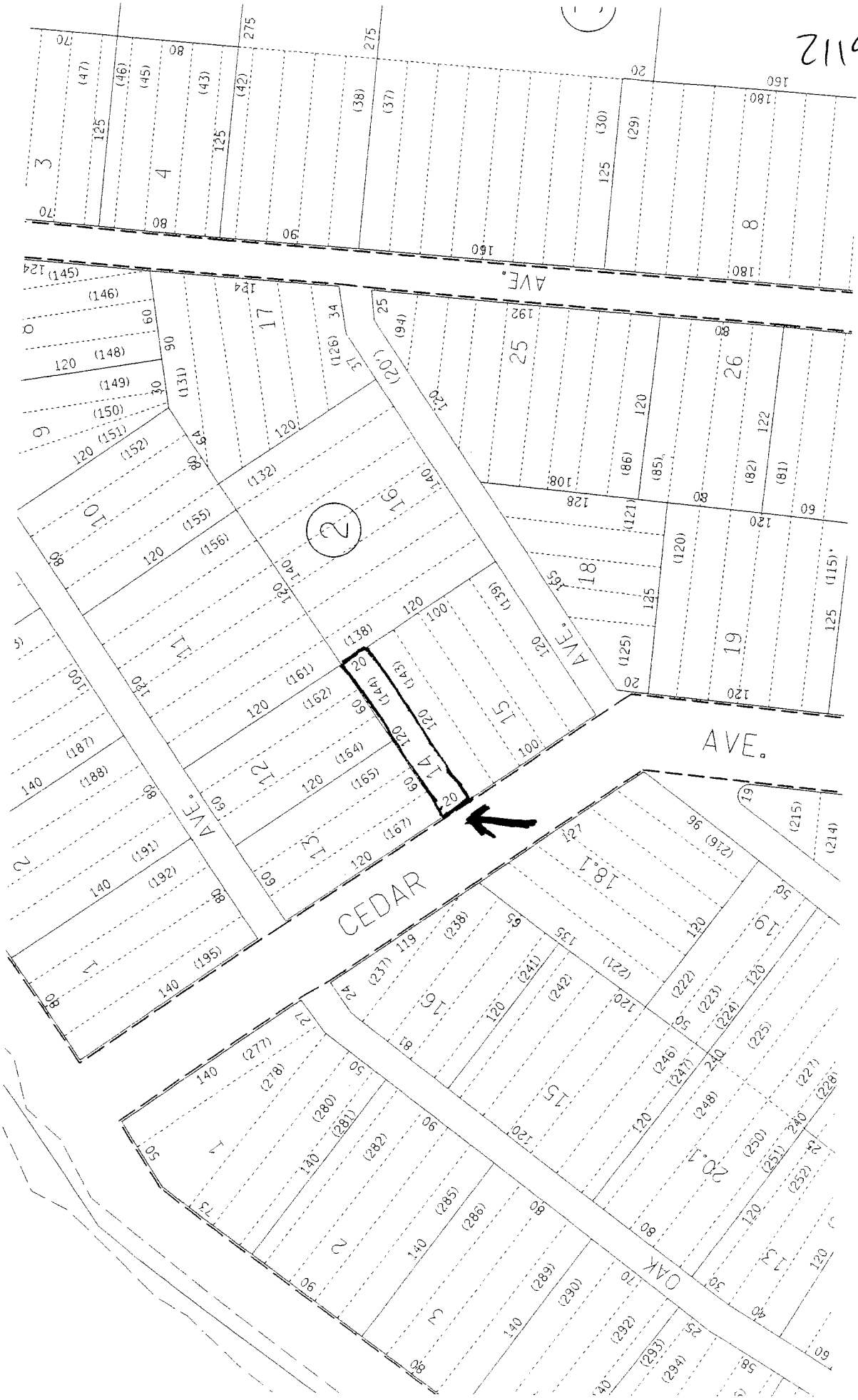
PURPOSE:

A. Affordable Housing	_____
B. Town Parks	_____
C. Road/Highway	_____
D. Drainage/Recharge Basin	X
E. Other	_____

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

WRT: slb

2119



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OAK AV
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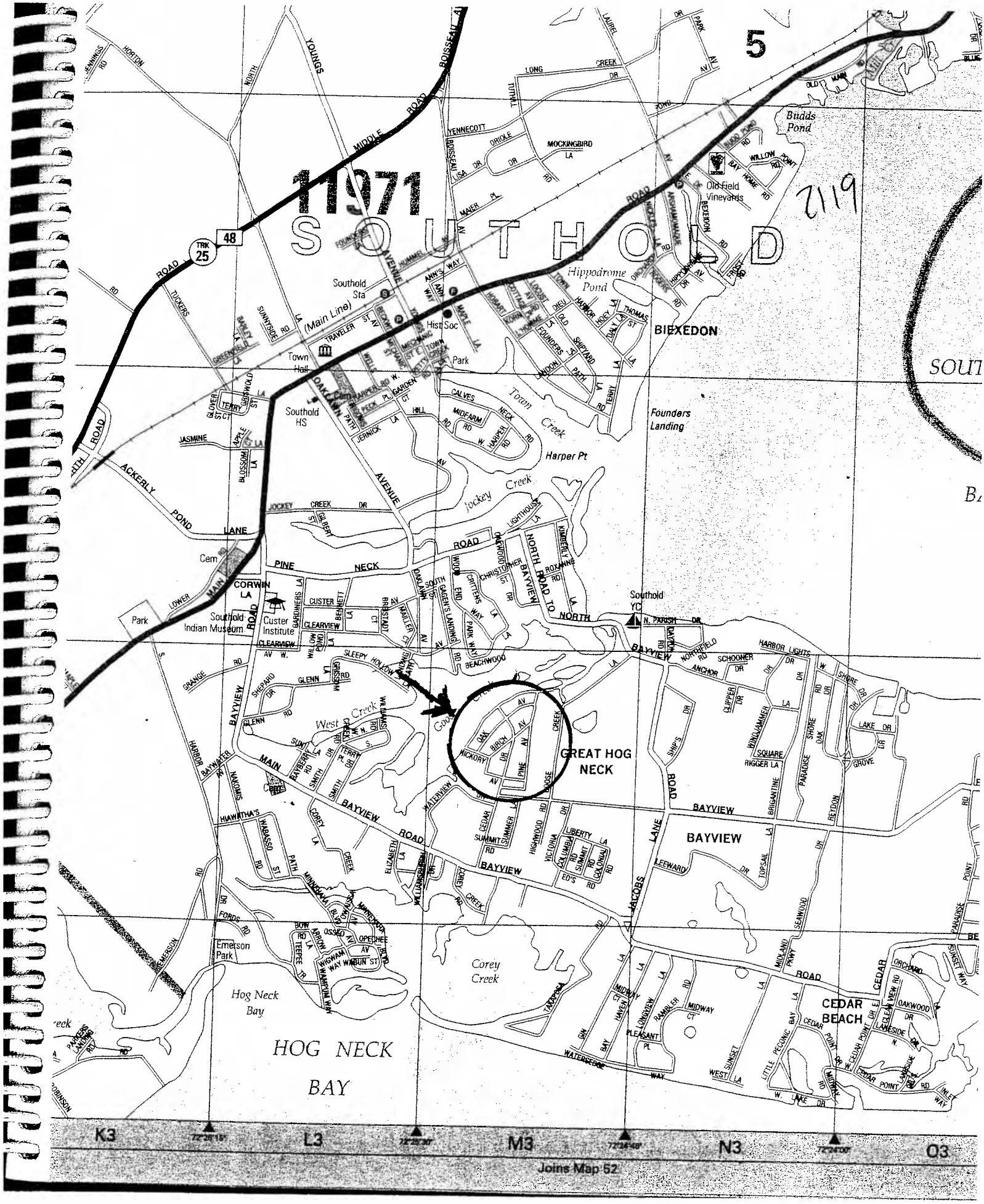


Tm# 1000-077.00-02.00-014.000

2119

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 Southold for drainage purposes

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

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

__X__County ____Town ____Economic Impact

____Village ____School District ____Other (Specify):

____Library District ____Fire District

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

Loss of sale at public auction

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

Unknown

8. Proposed Source of Funding

Unknown

9. Timing of Impact

Current year 2008

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

R. J. Bhatt
LMS III

RJBhatt

11/12/08

Gen All

COUNTY OF SUFFOLK

7119

NOV 19 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

November 12, 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.: 1000-077.00-02.00-014.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Southold 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 Southold 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

Introductory Resolution No. 2120-08 Laid on Table 12/2/08

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 DEBRA A. GRIMMETT and EDWARD L. GRIMMETT, her husband (SCTM NO. 0100-231.00-02.00-061.000)

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 231.00 Block 02.00 Lot 061.000 and acquired by Tax Deed on June 1, 1990 from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on June 13, 1990 in Liber 11085 at Page 79 and described as follows, Town of Babylon, known and designated as lot 546 on a certain map entitled, "Map of Frederick Shores", and filed in the Office of the Clerk of the County of Suffolk on July 8, 1927 as Map No. 648; 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, Debra A. Grimmett and Edward L. Grimmett, her husband, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of $6,000.00. 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 $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 $6,000.00, 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 of the Division of Real Property Acquisition and Management, and/or his designee, be and he 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 Debra A. Grimmett and Edward L. Grimmett, her husband, 53 Pershing Avenue, Babylon, New York 11702.

DATED:

APPROVED BY

_____

County Executive of Suffolk County

Date of Approval:

7120

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. 0100-231.00-02.00-061.000

ADJOINING OWNER	BID	BID	BID
Debra A. & Edward L. Grimmett 53 Pershing Avenue Babylon, New York 11702 0100-231.00-02.00-062.000	6,000.00		

SIZE OF PARCEL: 29' x 100' x 108'
APPRAISED VALUE: $6,000.00
COMMENT: Direct Sale to Adjacent Owner

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

2120

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

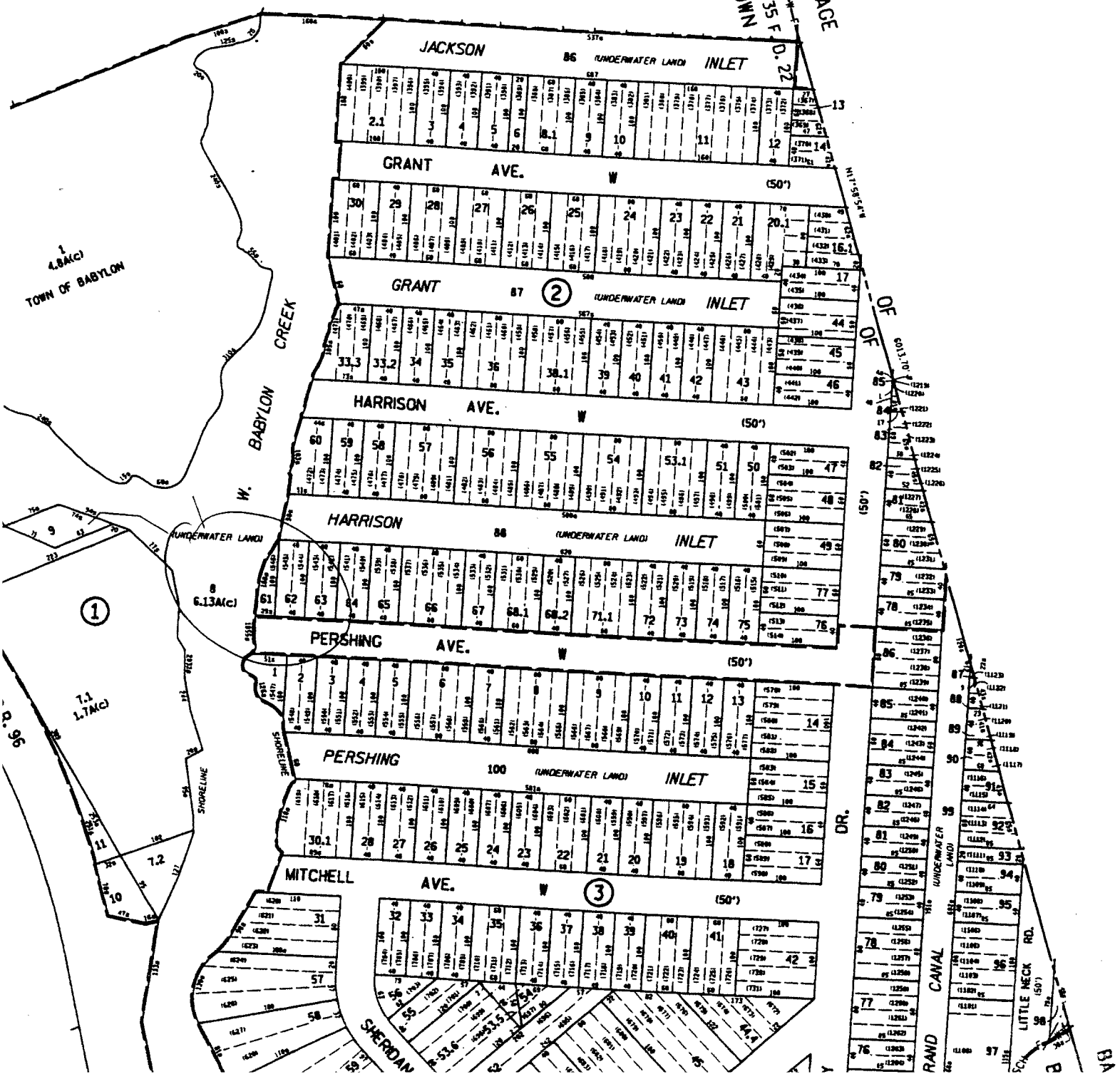
10. Name & Title of Preparer Signature of Preparer Date

Lori Bertone
LMS II

11/14/08

2120

0100-231-2-61



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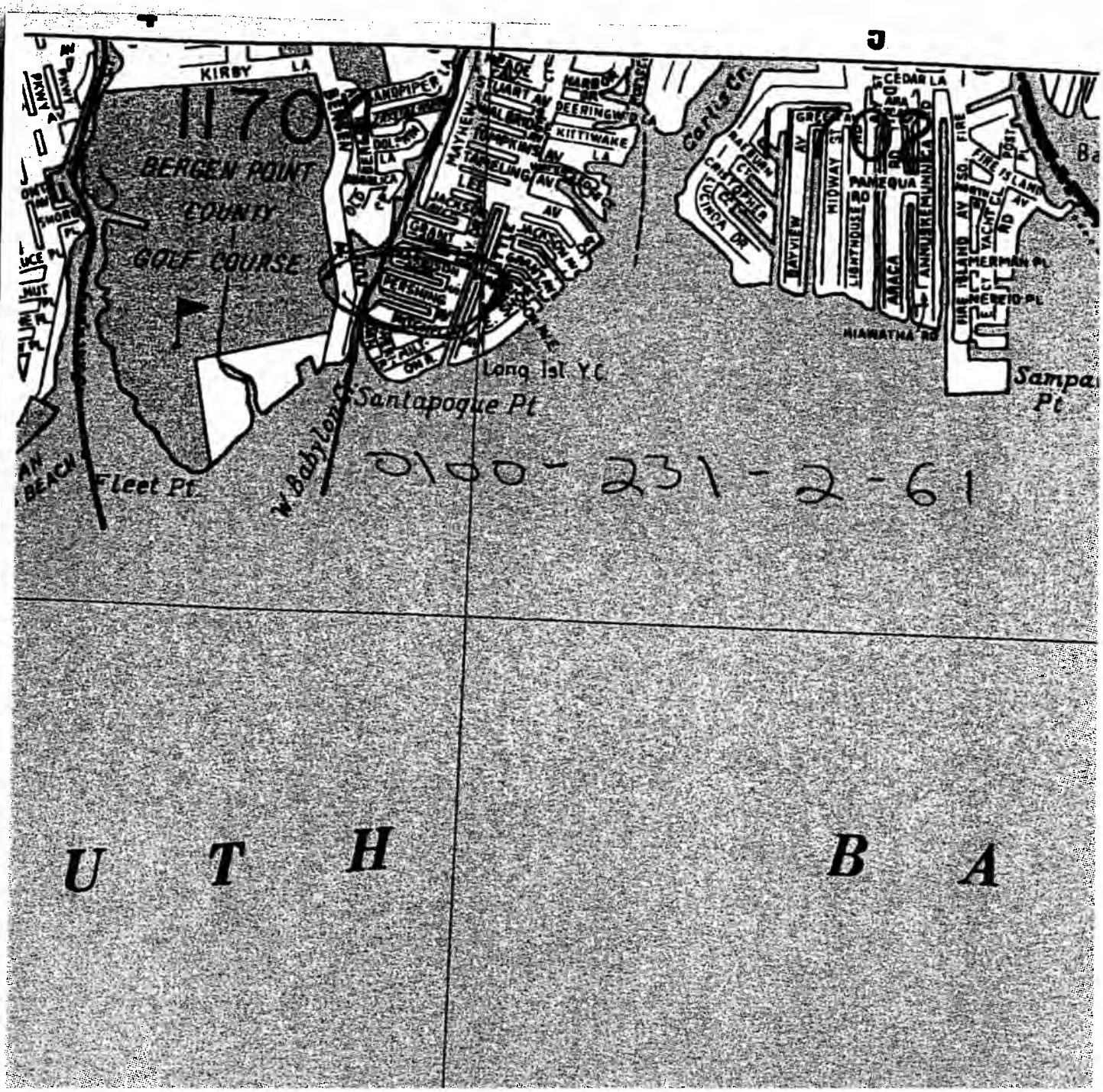

1170
BERGEN POINT
COUNTY
GOLF COURSE
KIRBY LA
SANDPIPER LA
DEERINGWOOD LA
KITTIWAKE LA
STUART AV
TAMELING AV
MAYHEW
Long Isl Y.C.
Santapogue Pt
Fleet Pt
W Babylon
Carlis Cr
CEDAR LA
PAMEQUA RD
MIDWAY ST
LIGHTHOUSE
ARACA
ANNUSKEMUNNICA
MIAWATHA RD
FIRE ISLAND AV
YACHT CL RD
MERMAN PL
NEREID PL
Sampa
Pt
0100-231-2-61
U T H
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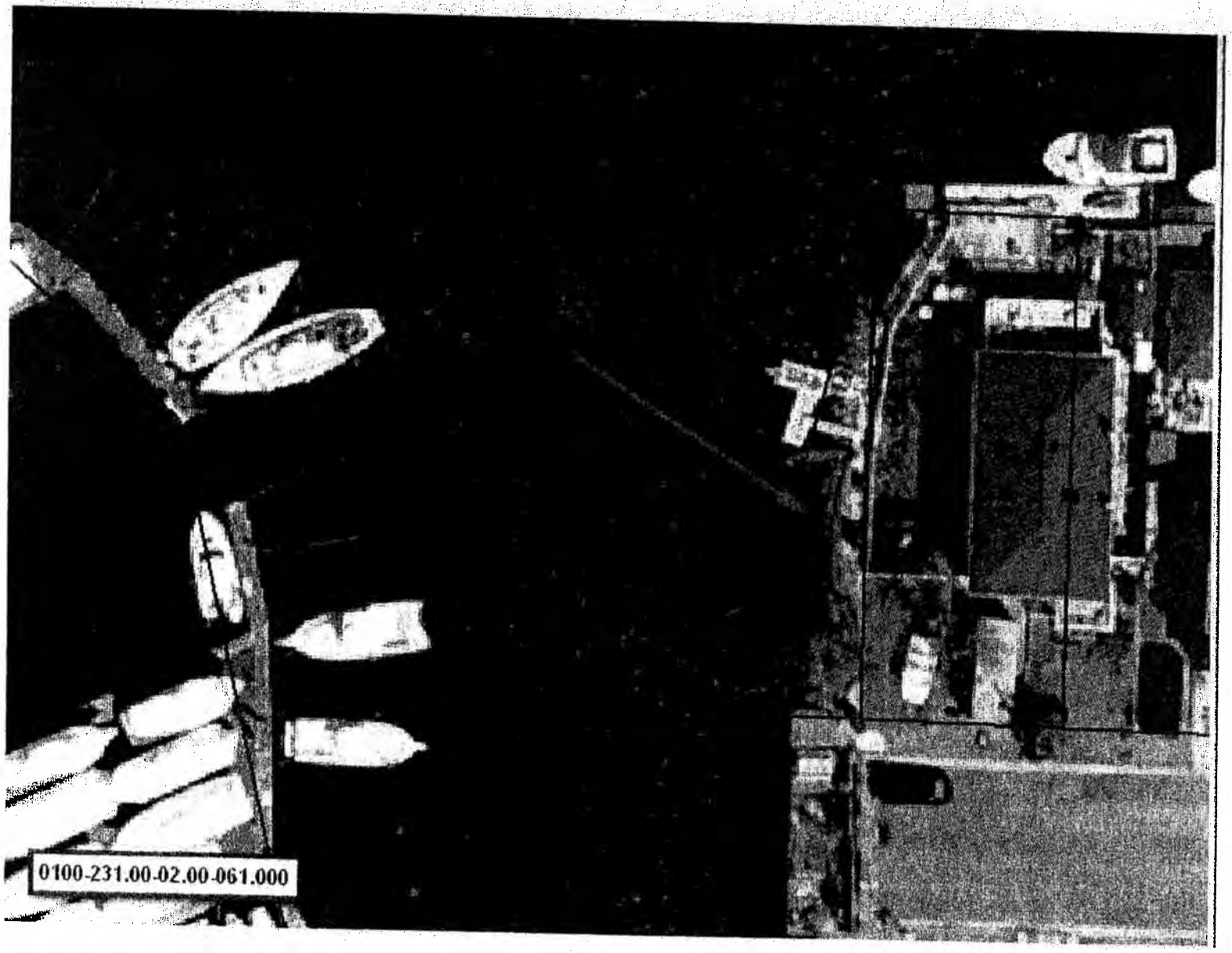
0100-231.00-02.00-061.000

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NOV 1 9 2008

2120

COUNTY OF SUFFOLK

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

November 13, 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: 0100-231.00-02.00-061.000

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. 2121-08 Laid on Table 12/2/08

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
MARIE RAYCROFT
0200-772.00-07.00-018.000

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 772.00, Block 07.00, Lot 018.000, 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, Suffolk County Tax Map Number: District 0200, Section 772.00, Block 07.00, Lot 018.000; 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 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- 1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, MARIE RAYCROFT has made application of said above described parcel and MARIE RAYCROFT has paid the application fee and will be paying $36,408.63 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; 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 the law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to MARIE RAYCROFT, 220 Buffalo Avenue, Medford, New York 11763, 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

2121

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

November 12, 2008

Tax Map No.: 0200-772.00-07.00-018.000
Name of Last Legal Fee Owner: MARIE RAYCROFT

TREASURER'S COMPUTATION..... $36,408.63

Taxes.....2007/2008..... INCLUDED

Recording Fees collected for County Clerk.. N/A

License Fee ..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $36,408.63

Monies to be Received.....$36,408.63

RESOLUTION AMOUNT.....$36,408.63

APPROVED:

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

Karen A Slater 11/17/08
Accounting
CO:sc

2121

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0200-772.00-07.00-018.000

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 11/13/05

COMPUTATIC Y SUFFOLK COUNTY TRI JRER

DISTRICT	SECTION	BLOCK 2121	LOT
0200	772.00	07.00	018.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2003/04	1078.08
2004/05	8573.64
2005/06	8159.61
2006/07	8453.47
2007/08	7002.74
TOTAL:	33267.54
B. INTEREST DUE	1407.34
C. TOTAL	34674.88
D. 5% LINE C	1733.74
E. FEE	
F. MISC	
G. MISC	
H. TOTAL DUE	$36,408.63

CERTIFICATION BY COUNTY TREASURER

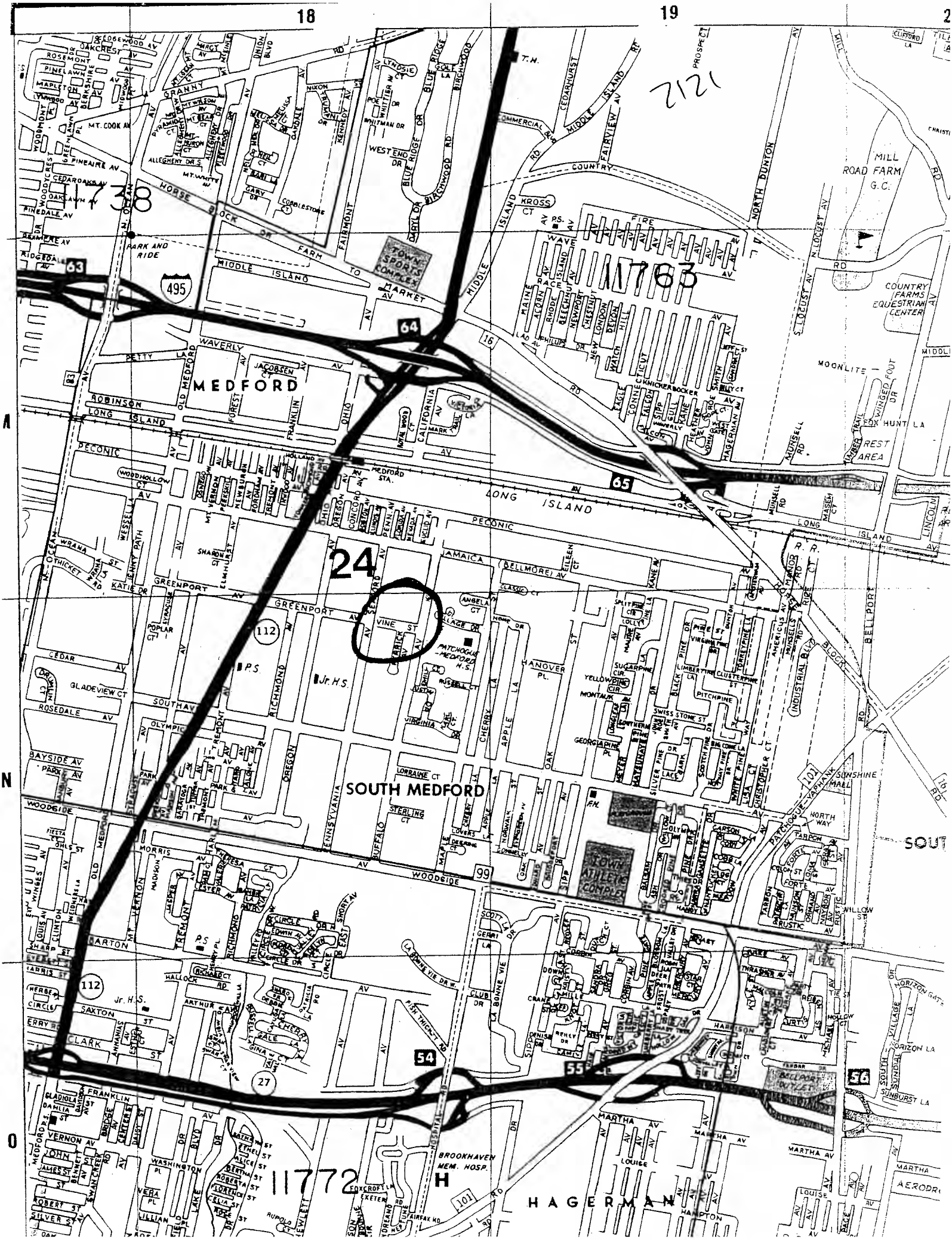
I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 18-Sep-08

Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 03/17/09

dz


18
19
2121
11738
11763
11772
24
MEDFORD
SOUTH MEDFORD
HAGERMAN
TOWN SPORTS COMPLEX
TOWN ATHLETIC COMPLEX
PATCHOGUE-MEDFORD H.S.
BROOKHAVEN MEM. HOSP.
MILL ROAD FARM G.C.
COUNTRY FARMS EQUESTRIAN CENTER
REST AREA
SUNSHINE MALL
BELLPORT OUTLET
PARK AND RIDE
HORSE BLOCK DR
MIDDLE ISLAND
LONG ISLAND
PECONIC
GREENPORT
WOODSIDE
BARTON
SAXTON
CLARK
FRANKLIN
VERNON
MARTHA
HARRISON
HAMPTON
LOUISE
WAVERLY
ROBINSON
JAMAICA
VINE ST
HANOVER PL.
CHERRY LA
APPLE LA
OAK
RICHMOND
OREGON
PENNSYLVANIA
BUFFALO
MORRIS
SOUTHAVEN
ROSEDALE
CEDAR
GLADEVIEW CT
BAYSIDE AV
PARK
WOODSIDE
SAXTON
CLARK
HALLOCK RD
ARTHUR AV
SHARON CT
ELMHURST
WESSELL
WRANA ST
KATIE DR
POPLAR CT
SYRACUSE
OLYMPIC
TREMONT
MT. COOK AV
PINEAIRE AV
CEDAROAKS AV
OAKLAWN AV
PINEDALE AV
REXMERE AV
RIDGEDALE AV
GRANNY
MT. WHITE AV
ALLEGHENY DR S.
COBBLESTONE
WEST END DR
BLUE RIDGE DR
BIRCHWOOD RD
FAIRMONT
WHITMAN DR
LYNDSIE CT
NIXON
KENNEDY
DARYL DR
COMMERCIAL BLVD
CEDARHURST
MIDDLE ISLAND RD
FAIRVIEW AV
COUNTRY
KROSS CT
P.S.
FIRE
WAVE
RACE
MAINE
ACORN
RHODE
BEECHNUT
NEWPORT
CHESTNUT
NEW LONDON
DEVON
WATCH HILL
PHILLIPS DR
KNICKERBOCKER
CONNECTICUT
FALCON
SIPP
GULL
KANE
HEATHER
JOHN
HAGERMAN
NORTH DUNTON
N. LOCUST AV
S. LOCUST AV
MOONLITE
FOX HUNT LA
MUNSELL RD
MASEN CT
LINCOLN
BELLPORT
INDUSTRIAL BLVD
AMERICUS AV
MANOR RD
RIDGE CT
CHRISTOPHER CT
PATCHOGUE-YAPHANK
NORTH WAY
TARPON
FORTE
WILLOW ST
RUSTIC
SOUT
HORIZON LA
SUNBURST LA
SOUTH VILLAGE
AERODR
MEDFORD STA.
OHIO
CALIFORNIA
OLD MEDFORD
FORREST
FRANKLIN
JACOBSEN CT
PETTY LA
WOODHOLLOW CT
ROTAL WOOD CT
MARK
VICTORIA LA
HOLLAND
ONEIDA
CONCORD
PENN
NEVADA
EUCLID
ANGELA CT
VILLAGE DR
HOME DR
RUSSELL CT
VIRGINIA DR
LORRAINE CT
STERLING CT
LOVERS LA
DEERING
CONNELLY
SCOTT LA
GERRI LA
CORBIN
DOWN
MILLE
CRANE
REILLY DR
DENISE
SIPP
LA BONNE VIE DR W.
CLUB DR
FISH THICKET RD
HOSPITAL RD
FOXCROFT LA
EXETER RD
FAIRFAX RD
LOUISE
MARTHA AV
HARRISON
HAMPTON
SUNBURST LA
HORIZON GATE
SOUTH VILLAGE
AERODR
P.S.
Jr. H.S.
FIRE
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83

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.

Real Property Tax Service Agency
County Center Riverhead, N Y 11901
SCALE IN FEET:

VILLAGE OF

0200

771

PROPERTY MAP

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.

COUNTY OF SUFFOLK ©
Real Property Tax Service Agency
County Center Riverhead, N Y 11901
SCALE IN FEET:

TOWN OF BROOKHAVEN

VILLAGE OF

DISTRICT NO 0200

SECTION NO 772

PROPERTY MAP

Gen A13

COUNTY OF SUFFOLK

NOV 20 2008

2121

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

November 18, 2008

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

Re: Tax Map No. 0200-772.00-07.00-018.000
MARIE RAYCROFT

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, Director, Intergovernmental Relations
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.

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. 2122-08 Laid on Table 12/2/08

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 MILLEDGE and RICHINA MILLEDGE
0400-273.00-03.00-085.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400, Section 273.00, Block 03.00, Lot 085.000, and acquired by tax deed on July 8, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2008, in Liber 12557, at Page 856, and otherwise known as and by Town of Huntington, Suffolk County Tax Map Number: District 0400, Section 273.00, Block 03.00, Lot 085.000; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 8, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2008 in Liber 12557 at Page 856.

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, RICHINA LUKES MILLEDGE has made application of said above described parcel and RICHINA LUKES MILLEDGE has paid the application fee and $168.46, 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 MILLEDGE and RICHINA MILLEDGE, 190 Landscape Drive, Wheatley Heights, New York 11798, 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

2122

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

November 12, 2008

Tax Map No.: 0400-273.00-03.00-085.000
Name of Last Legal Fee Owner: JAMES MILLEDGE and RICHINA MILLEDGE

TREASURER'S COMPUTATION..... $168.46

Taxes.....2007/2008..... 1st half paid, 2nd half included

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $168.46

Monies Received..... $168.46

RESOLUTION AMOUNT..... $168.46

APPROVED:

Karen A. Blatz 11/17/08
Accounting
CO:sc

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

7122

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0400-273.00-03.00-085.000

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 11/13/08

COMPUTATIC BY SUFFOLK COUNTY TRI SURER

DISTRICT	SECTION	BLOCK	LOT
0400	273.00	03.00	085.000

7122

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	101.12
2007/08	54.24

2006/07 PROPERTY TAXES PAID BY INDIVIDUAL
2007/08 FIRST HALF PROPERTY TAXES PAID BY MORTGAGE COMPANY

TOTAL:	155.36
B. INTEREST DUE	5.08
C. TOTAL	160.44
D. 5% LINE C	8.02
E. FEE	
F. MISC	
G. MISC	
H. TOTAL DUE	$168.46

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. 31-Jul-08

~~Diane~~ M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 01/27/09

dz

0400 273 03 085

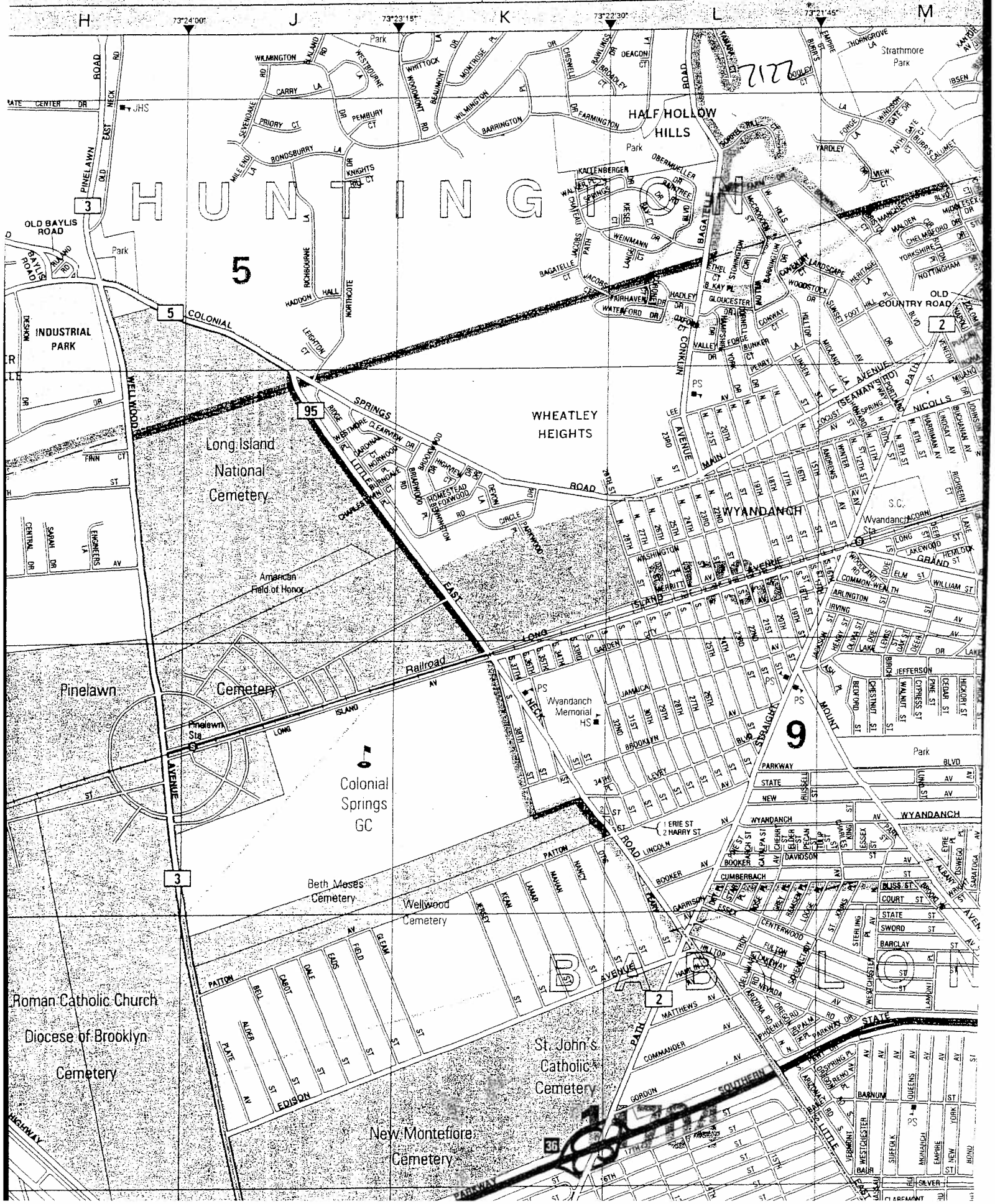
Quickly estimate distance:
Each grid box represents approximately 0.65 mi. horizontally by 0.86 mi. vertically.

Scale 1:24,000

0 1,000 2,000 3,000 4,000 5

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

Joins Map 3



WITHOUT WRITTEN PERMISSION OF THE REAL PROPERTY TAX SERVICE AGENCY.

SCALE IN FEET: 200 0 200 400

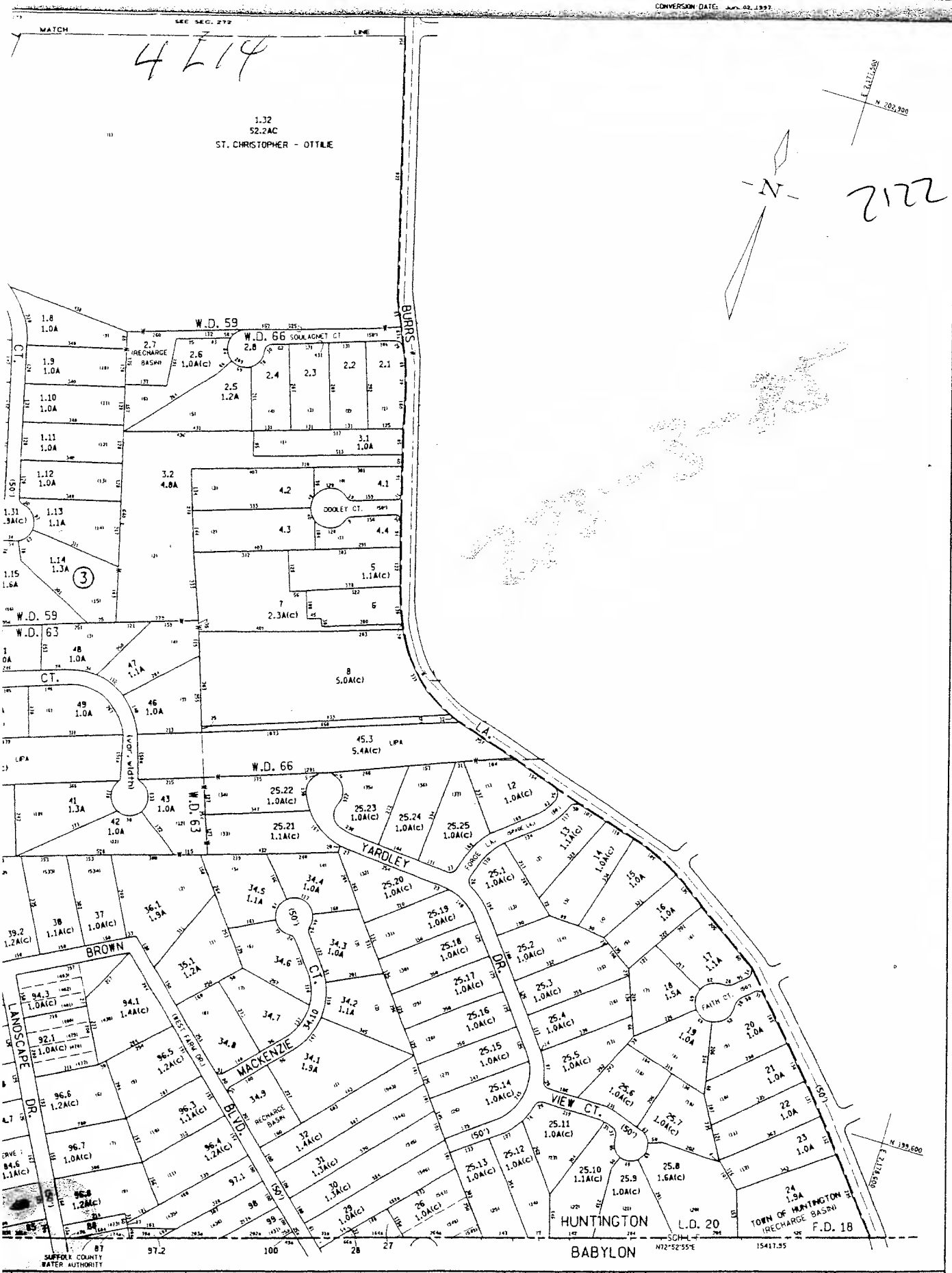
MAP 271 273 274

DISTRICT [redacted]00

272

PROPERTY MAP

CONVERSION DATE: Jun. 02, 1997



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.

COUNTY OF SUFFOLK ©
Real Property Tax Service Agency
County Center Riverhead, N Y 11901
SCALE IN FEET: 200 0 200 400

KEY MAP 272 271 273 274 DIST. 0100

TOWN OF HUNTINGTON

VILLAGE OF

DISTRICT NO 0400

SECTION NO 273

PROPERTY MAP

Gen A14

COUNTY OF SUFFOLK

NOV 20 2008

2122

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

November 18, 2008

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

Re: Tax Map No. 0400-273.00-03.00-085.000
JAMES MILLEDGE and RICHINA MILLEDGE

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, Director, Intergovernmental Relations
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.

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. 2123-08 Laid on Table 12/2/08

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
KULWINDERJIT SINGH and MARIA LARA
0500-079.00-01.00-090.000

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 079.00, Block 01.00, Lot 090.000, and acquired by tax deed on September 4, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 12, 2008, in Liber 12564, at Page 788, and otherwise known as and by Town of Islip, Suffolk County Tax Map Number: District 0500, Section 079.00, Block 01.00, Lot 090.000; 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 September 4, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 12, 2008 in Liber 12564 at Page 788.

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, KULWINDERJIT SINGH and MARIA LARA have made application of said above described parcel and KULWINDERJIT SINGH and MARIA LARA have paid the application fee and $34,765.98, 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 KULWINDERJIT SINGH and MARIA LARA, 65 William Avenue, Central Islip, New York 11722, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.I

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

2123

October 29, 2008

Tax Map No.: 0500-079.00-01.00-090.000
Name of Last Legal Fee Owner: KULWINDERJIT SINGH and MARIA LARA

TREASURER'S COMPUTATION..... $34,765.98

Taxes.....2007/2008..... INCLUDED

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $34,765.98

Monies Received..... $34,765.98

RESOLUTION AMOUNT..... $34,765.98

APPROVED:

Iris R. McBrearty
Accounting
CO:sc
Senior Acct Clerk

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

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2123

1. Type of Legislation

Resolution X
Tax Map Number 0500-079.00-01.00-090.000

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 10/29/05

COMPUTATION BY SUFFOLK COUNTY TREASURER

DISTRICT	SECTION	BLOCK	LOT
0500	079.00	01.00	090.00

2123

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2003/04	240.67
2004/05	8922.27
2005/06	8399.85
2006/07	8070.03
2007/08	6471.37
TOTAL:	32104.19
B. INTEREST DUE	1006.27
C. TOTAL	33110.46
D. 5% LINE C	1655.52
E. FEE	
F. MISC	
G. MISC	
H. TOTAL DUE	$34,765.98

CERTIFICATION BY COUNTY TREASURER

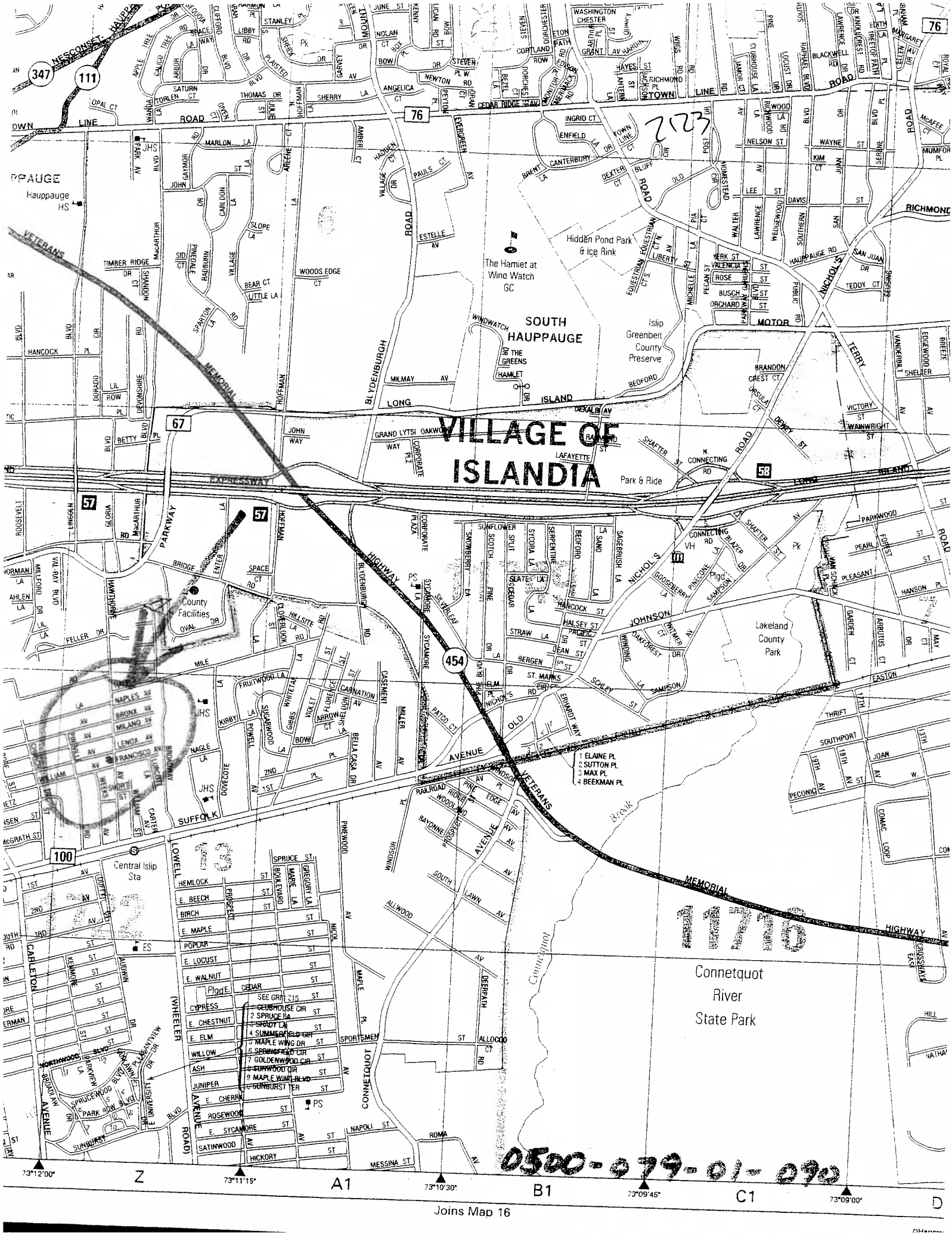
I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 24-Sep-08

Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 03/23/09

dz



VILLAGE OF ISLANDIA
SOUTH HAUPPAUGE
The Hamlet at Wind Watch GC
Hidden Pond Park & Ice Rink
Islip Greenbelt County Preserve
Park & Ride
Lakeland County Park
County Facilities
Central Islip Sta
Connetquot River State Park
11716
2123
0500-079-01-090
1 ELAINE PL
2 SUTTON PL
3 MAX PL
4 BEEKMAN PL
SEE GRID 215
2 SPRUCE LA
3 SHADY LA
4 SUMMERFIELD CIR
5 MAPLE WING DR
6 SPRINGFIELD CIR
7 GOLDENWOOD CIR
8 SUNWOOD CIR
9 MAPLE WING BLVD
10 SUNBURST TER
73°12'00"
73°11'15"
73°10'30"
73°09'45"
73°09'00"
Z
A1
B1
C1
D

Joins Map 16

0500 07901 090

Gen A15

COUNTY OF SUFFOLK

NOV 20 2008

2123

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

November 18, 2008

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

Re: Tax Map No. 0500-079.00-01.00-090.000
KULWINDERJIT SINGH and MARIA LARA

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. 2124-08 Laid on Table 12/2/08

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
HUGO C. ALEGRIA and THERESA M. ALEGRIA, as husband and wife
0900-290.00-04.00-001.000

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 Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0900, Section 290.00, Block 04.00, Lot 001.000, and acquired by tax deed on September 26, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 30, 2008, in Liber 12566, at Page 829, and otherwise known as and by Town of Southampton, Suffolk County Tax Map Number: District 0900, Section 290.00, Block 04.00, Lot 001.000; 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 September 26, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 30, 2008 in Liber 12566 at Page 829.

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, THERESA M. ALEGRIA has made application of said above described parcel and THERESA M. ALEGRIA has paid the application fee and $12,559.21, 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 HUGO C. ALEGRIA and THERESA M. ALEGRIA, as husband and wife, P.O. Box 1088, 64 Sebonac Inlet Road, Southampton, New York 11969, 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

2124

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

November 12, 2008

Tax Map No.: 0900-290.00-04.00-001.000
Name of Last Legal Fee Owner: HUGO C. ALEGRIA and THERESA M. ALEGRIA, as husband and wife

TREASURER'S COMPUTATION..... $12,559.21

Taxes.....2007/2008..... INCLUDED

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $12,559.21

Monies Received..... $12,559.21

RESOLUTION AMOUNT..... $12,559.21

APPROVED:

Karen A Slater 11/17/08
Accounting
CO:sc

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

2124

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution **X**
Tax Map Number 0900-290.00-04.00-001.000

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 11/13/08

COMPUTATIO[redacted]BY SUFFOLK COUNTY TRE[redacted]URER

DISTRICT	SECTION	BLOCK	LOT
0900	290.00	04.00	001.000

2124

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	2968.35
2006/07	4768.26
2007/08	3846.44

TOTAL: 11583.05

B. INTEREST DUE	378.10
C. TOTAL	11961.15
D. 5% LINE C	598.06
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE $12,559.21

CERTIFICATION BY COUNTY TREASURER

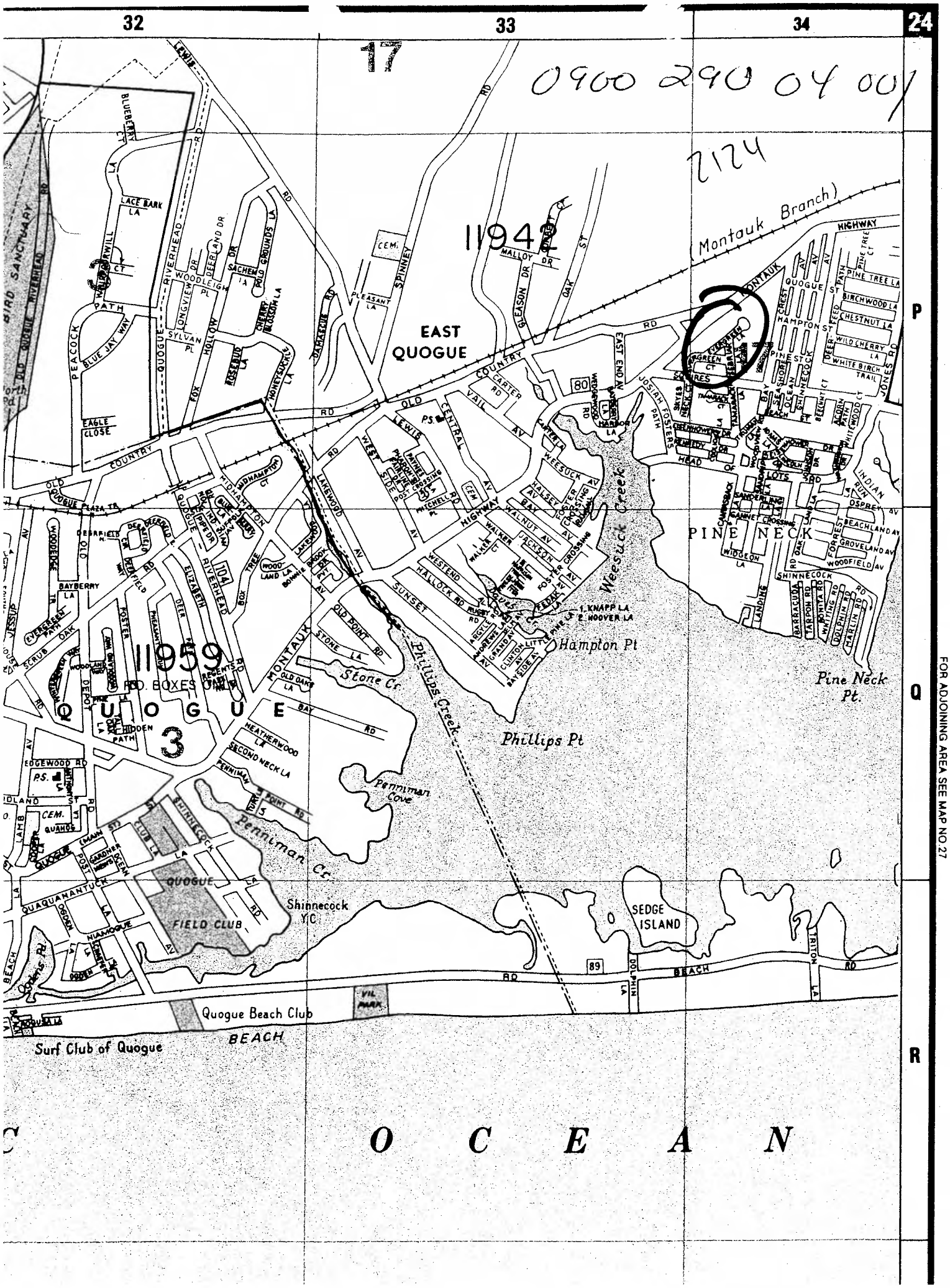
I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 27-Oct-08

Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 04/25/09

dz



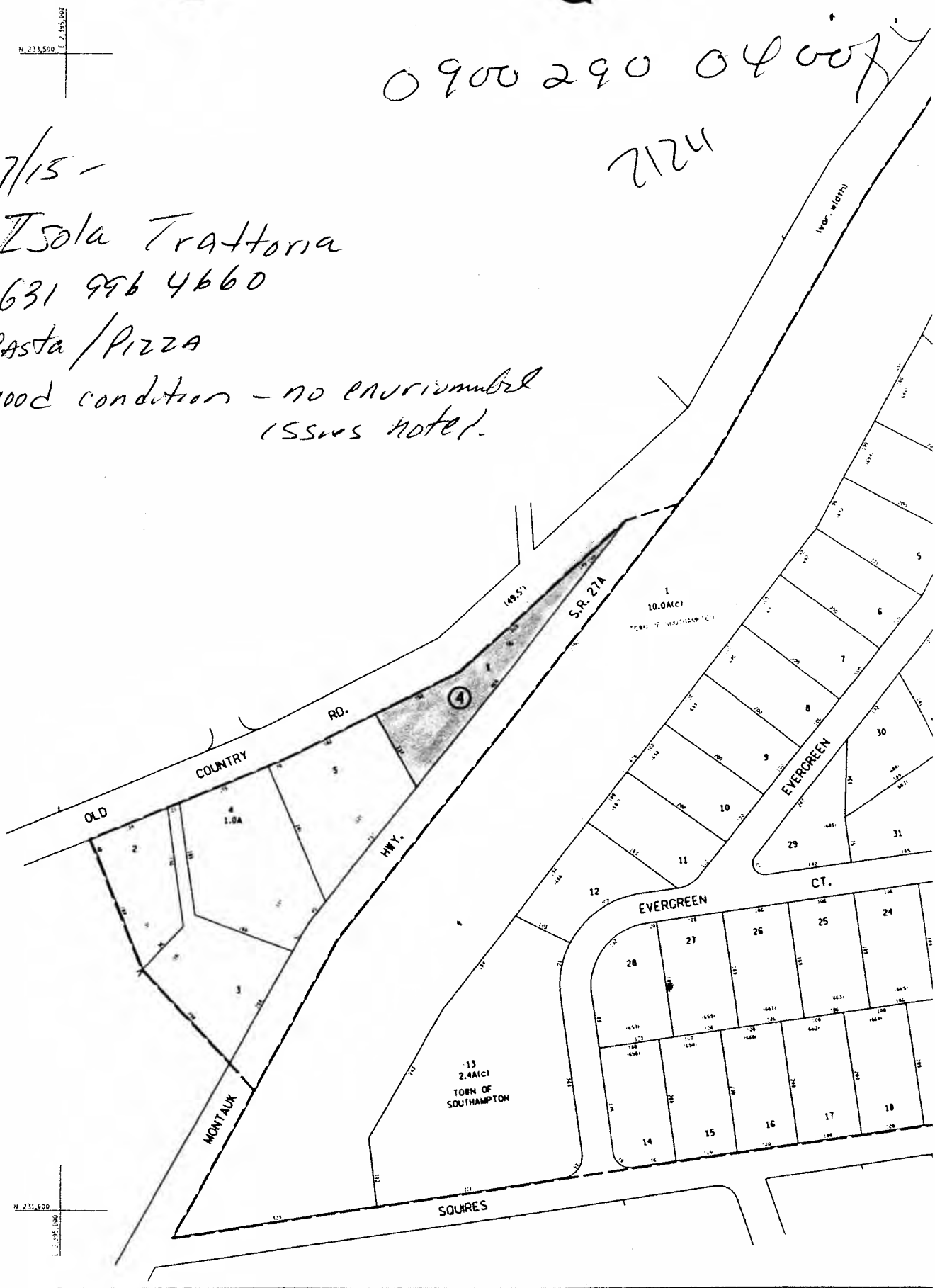
FOR ADJOINING AREA SEE MAP NO. 27

Revisions
06-06-96
05-07-98
11-27-98
03-01-99
10-03-00
10-10-01
11-13-02
04-22-03
11-23-04
01-18-06

0900290 04007

2124

7/15 -
Isola Trattoria
631 996 4660
Pasta/Pizza
good condition - no enviromental issues noted.



Subdivision Lot No.	(21)	Block Limit	School District Line	Hydrant District Line	UNLESS DRAWN OTHERWISE, ARE WITHIN THE FOLL
Subdivision Block/Bldg. No.	(21)	Block No. ②	Fire District Line	Refuse District Line	SCHOOL 17
Dimension		County Line	Water District Line	Historic District Line	FIRE 74
Dimension		Town Line	Light District Line	Ambulance District Line	LIGHT 50
	12.1 A(d) or 12.1A	Village Line	Park District Line	Wastewater District Line	PARK
	12.1 A(c)		Sewer District Line		AMBULANCE

Gen 1116

NOV 20 2008

COUNTY OF SUFFOLK

2124

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

November 18, 2008

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

Re: Tax Map No. 0900-290.00-04.00-001.000
HUGO C. ALEGRIA and THERESA M. ALEGRIA, as husband and 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, Director, Intergovernmental Relations
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.

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. 2125-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. –2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO INCORPORATED VILLAGE OF PATCHOGUE, THE TOWN OF BROOKHAVEN, FOR AFFORDABLE HOUSING PURPOSES
(SCTM NO. 0204-013.00-03.00-020.000)

WHEREAS, the County of Suffolk is the fee owner of the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Patchogue, 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 0204, Section 013.00, Block 03.00, Lot 020.000, and acquired by tax deed on June 20, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 21, 2005, in Liber 12393, CP 740 and being and intended to be that parcel of land carried on the tax rolls of the Incorporated Village of Patchogue, Town of Brookhaven, under Suffolk County Tax Map No. District 0204, Section 013.00, Block 03.00, Lot 020.000,

WHEREAS, said parcel is surplus to the needs of the County of Suffolk; and

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

WHEREAS, the Incorporated Village of Patchogue, Town of Brookhaven, Suffolk County, New York, has requested the County of Suffolk convey the above-described parcel to it (see annexed Resolution hereto marked as Exhibit "A"); and

WHEREAS, the transfer of this parcel is pursuant to and in accordance with Local Law 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

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

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

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and

b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and

c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

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

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

4th **RESOLVED,** that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof.

5th **RESOLVED,** the conveyance of the parcel described to the Incorporated Village of Patchogue, Town of Brookhaven, for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs.

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property upon the above-described terms and conditions.

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

Exhibit "A" 2125

Mayor
Paul V. Pontieri, Jr.
Deputy Mayor
Stephen J. McGiff
Village Clerk
Patricia M. Seal

Incorporated
Village of Patchogue

Trustees
Gerard J. Crean
Joseph P. Dean
Lori B. Devlin
William Hilton
John A. Krieger

RESOLUTION

 # 52- 2008

SUBJECT: **REQUEST APPROVAL FOR THE COMMUNITY DEVELOPMENT AGENCY TO ACCEPT A TRANSFER OF REAL PROPERTY LOCATED AT 72 RAILROAD AVENUE FROM THE COUNTY OF SUFFOLK FOR THE PURPOSES OF AFFORDABLE HOUSING**

BD.MTG.DATED/ADOPTED: **March 24, 2008**

At the regular Meeting of the Village Board of the Village of Patchogue, Trustee Devlin made a motion, seconded by Trustee Hilton to adopt the following resolution:

RESOLVED, to authorize the Community Development Agency of the Village of Patchogue to accept a transfer of real property located at 72 Railroad Avenue from the County of Suffolk for the purposes of affordable housing

Aye	Nay		Aye	Nay	
X	____	Mayor Pontieri	X	____	Trustee Krieger
X	____	Trustee Crean	ABSENT		Trustee McGiff
X	____	Trustee Dean	X	____	Trustee Devlin
X	____	Trustee Hilton			

Patricia M. Seal, Village Clerk

March 25, 2008

14 Baker Street • Post Office Box 719 • Patchogue, New York 11772-0719 • Phone 631.475.4300 • Fax 631.475.4314
www.patchoguevillage.org

2125

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
INCORPORATED VILLAGE OF PATCHOGUE, TOWN OF BROOKHAVEN

Tax Map No.: 0204-013.000-03.00-020.000

Section 72-h, Gen'l Municipal Law

	Amount
County Investment	$33,003.23
Other Expenses (cleanup cost)	10,605.00
Total	43,608.23

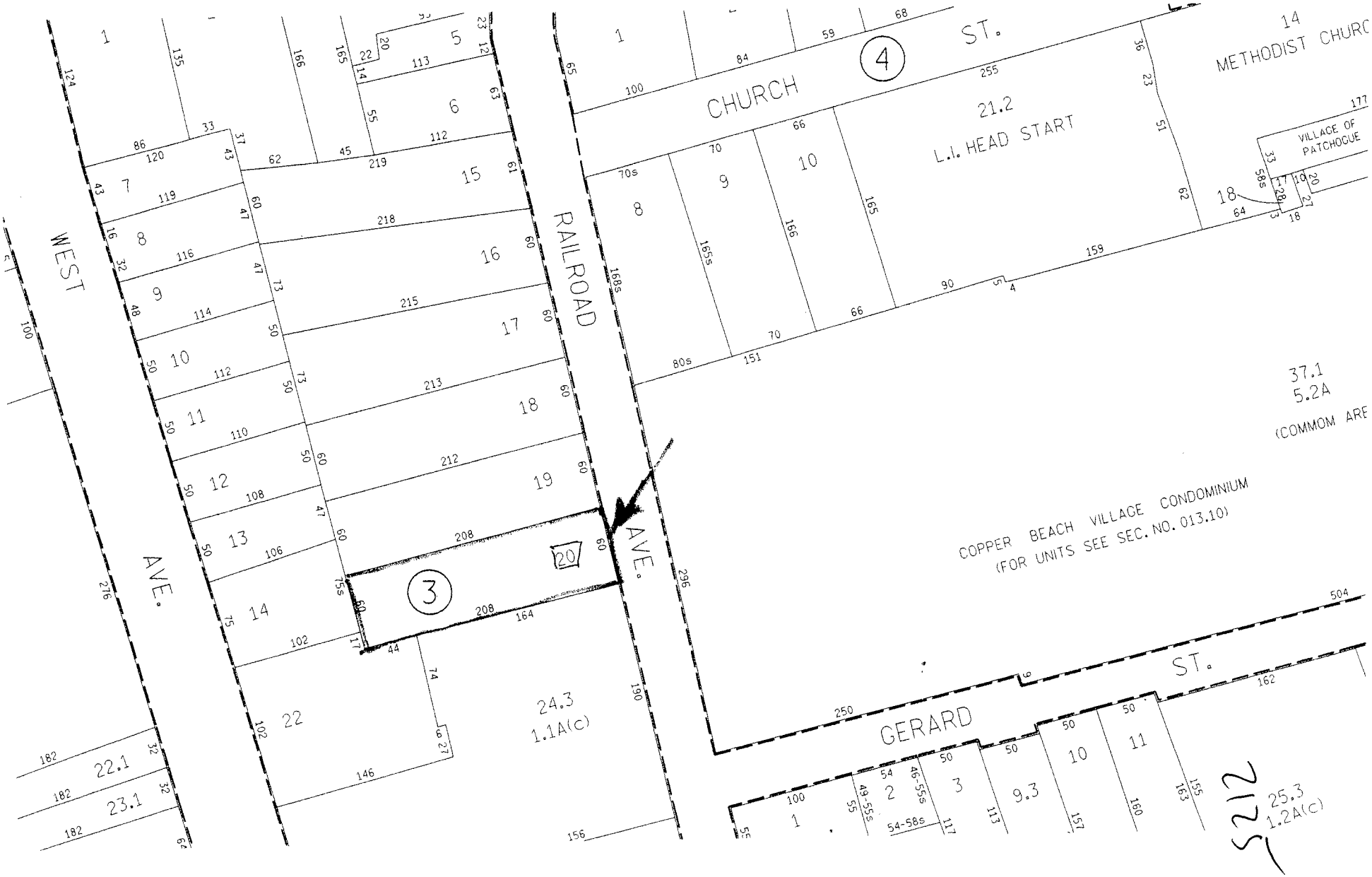
PURPOSE:

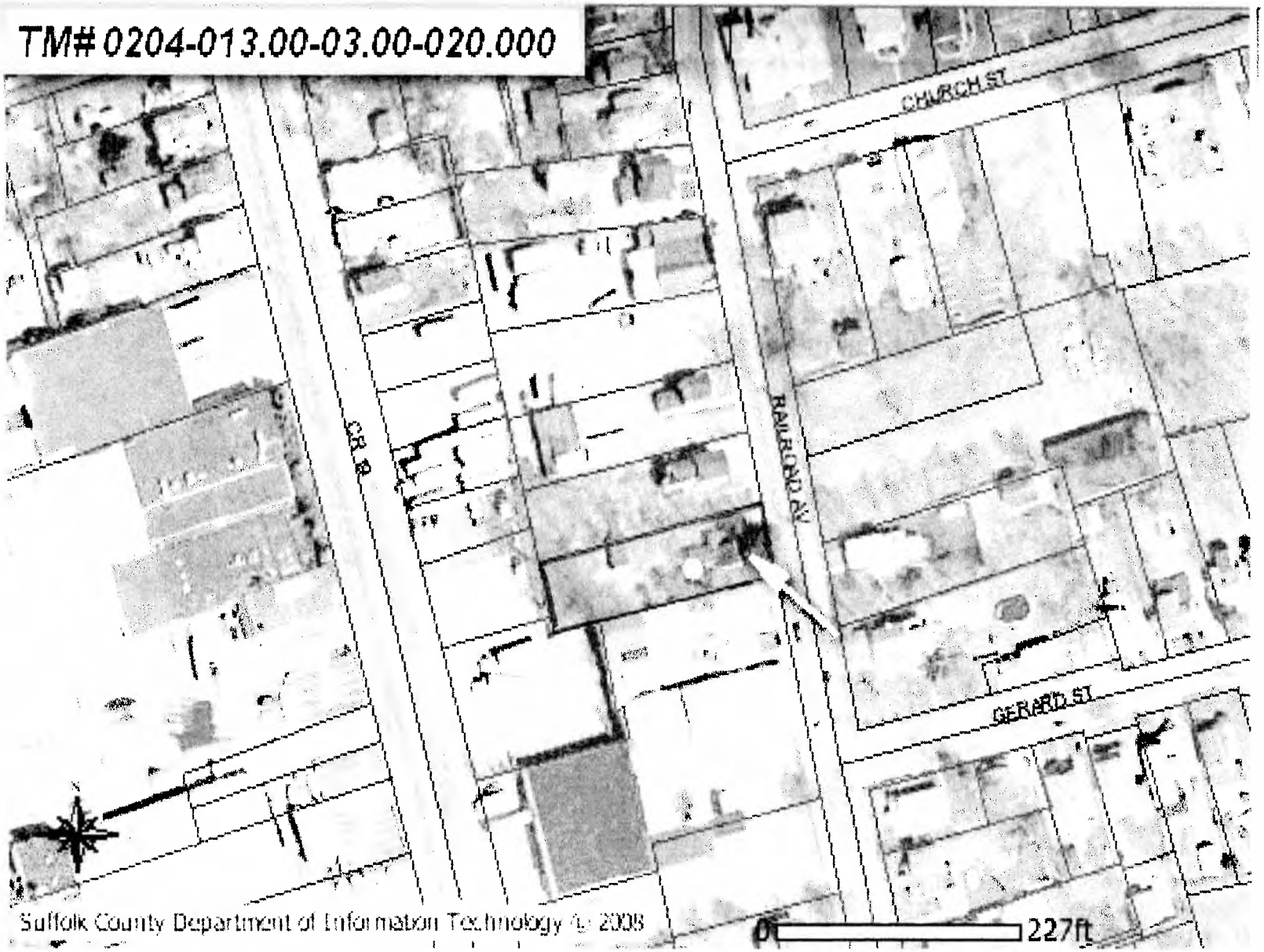
A. Affordable Housing	X
B. Town Parks	
C. Road/Highway	
D. Drainage/Recharge Basin	
E. Other	

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

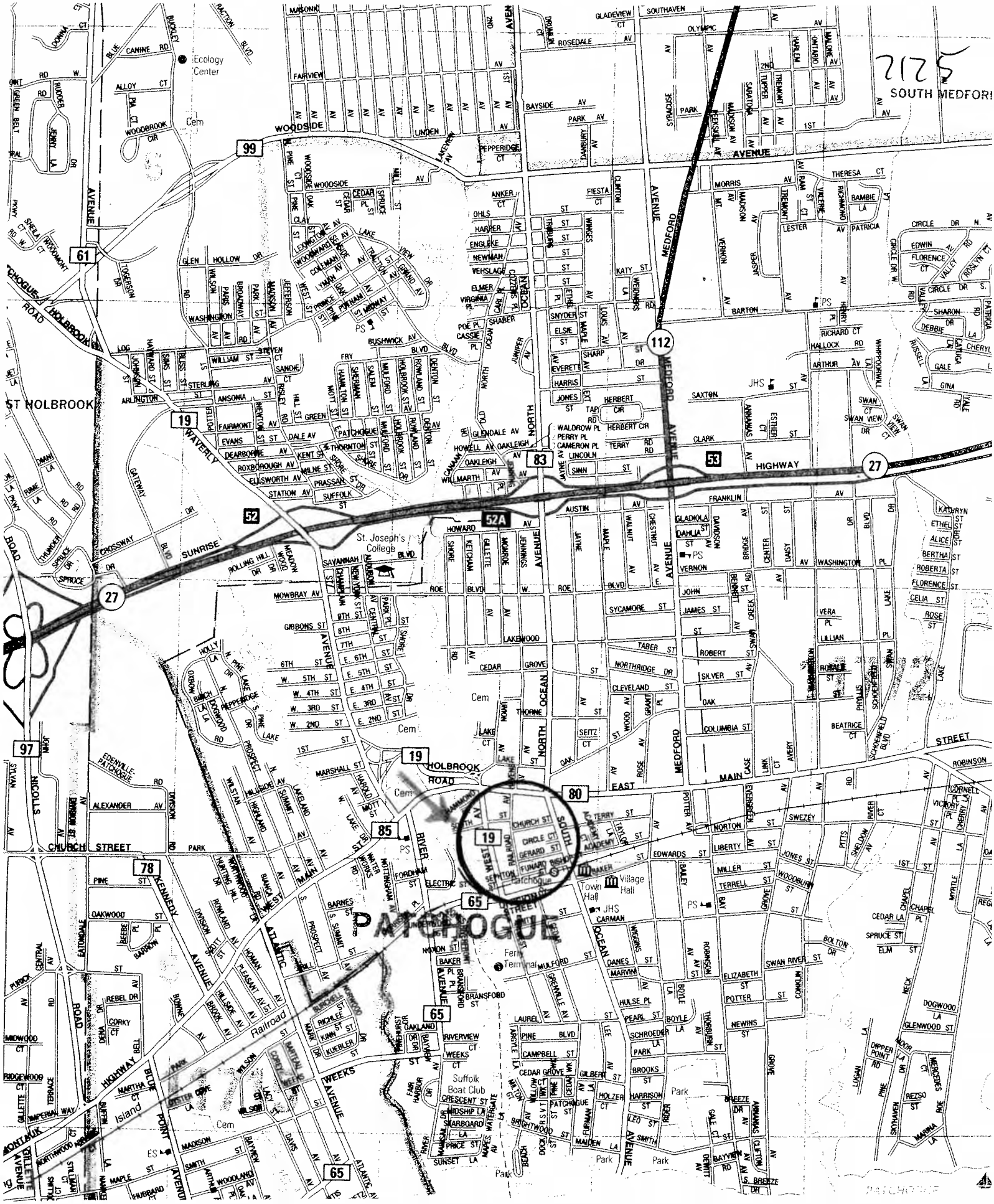
WRT:slb

TM # 0204 - 013.00 - 03.00 - 020.000




TM# 0204-013.00-03.00-020.000
CHURCH ST
CR 8
RAILROAD AV
GERARD ST
Suffolk County Department of Information Technology © 2008
0
227ft

2125


2125
SOUTH MEDFORD
PATCHOGUE
ST HOLBROOK
Ecology Center
St. Joseph's College
Town Hall
Village Hall
Suffolk Boat Club
Ferry Terminal
Park
Cem
WOODSIDE AVENUE
MEDFORD AVENUE
SUNRISE HIGHWAY
HOLBROOK ROAD
EAST MAIN STREET
CHURCH STREET
NICOLLS ROAD
WAVERLY AVENUE
OCEAN AVENUE
NORTH OCEAN AVENUE
SOUTH OCEAN AVENUE
ATLANTIC AVENUE
WEEKS AVENUE
KENNEDY AVENUE
RIVER STREET
Railroad
Island
Tm# 0204 - 013.00 - 03.00 - 020.000

7125 Gen A-7

NOV 20 2008

COUNTY OF SUFFOLK

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

November 17, 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.: 0204-013.00-03.00-020.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Incorporated Village of Patchogue, Town of Brookhaven,.
for Affordable Housing Purposes

Dear Mr. Zwirn:

Enclosed herewith are 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 Incorporated Village of Patchogue, Town of Brookhaven, for affordable housing purposes.

I would appreciate your placing this on the legislative agenda.

Very truly yours,

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
Jill Rosen-Nikoloff, Director of Affordable Housing
CE Reso Review, via e-mail

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2125

1. Type of Legislation

Resolution __X_____ Local Law _____Charter Law _____

2. Title of Proposed Legislation

Section 72-h, General Municipal Law authorizing the sale of County owned Real Estate to a Municipality

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for affordable housing 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?
(circle appropriate category)

__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 County investment
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. Name & Title of Preparer | Signature of Preparer | Date

R. J. Bhatt | R J Bhatt | 11/17/08
LMS III

Introductory Resolution No. 2126-08 Laid on Table 12/2/08

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
ANGELA BOWMAN
0700-022.00-01.00-146.000
0700-025.00-01.00-057.000

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 Shelter Island, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0700, Section 022.00, Block 01.00, Lot 146.000, **and** District 0700, Section 025.00, Block 01.00, Lot 057.000, acquired by tax deed on February 27, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on March 5, 2008, in Liber 12542, at Page 886, and otherwise known as and by;

PARCEL I – 0700-022.00-01.00-146.000, Town of Shelter Island, County of Suffolk and State of New York, known as Suffolk County Tax Map Number: District 0700, Section 022.00, Block 01.00, Lot 146.000; and

PARCEL II – 0700-025.00-01.00-057.000, Town of Shelter Island, County of Suffolk and State of New York, known as Suffolk County Tax Map Number: District 0700, Section 025.00, Block 01.00, Lot 057.000; 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 February 27, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on March 5, 2008 in Liber 12542 at Page 886.

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, ANGELA BOWMAN has made application of said above described parcel and ANGELA BOWMAN has paid the application fee and $6,938.43, 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 ANGELA BOWMAN, 18 Coves End Lane, Sag Harbor, New York 11963, 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

2126

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution **X**
Tax Map Numbers 0700-022.00-01.00-146.000 **and** 0700-025.00-01.00-057.000

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

Diane Bishop Diane Bishop 11/17/08

2126

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

November 13, 2008

Tax Map No.: 0700-022.00-01.00-146.000
Name of Last Legal Fee Owner: ANGELA BOWMAN

TREASURER'S COMPUTATION..... $3,799.03

Taxes.....2007/2008..... INCLUDED

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $3,799.03

Monies Received..... $3,799.03

RESOLUTION AMOUNT..... $3,799.03

PREPARED BY:

Diane Bishop
Diane Bishop
Redemption Unit
(631) 853-5932

APPROVED:

Karen A Blake 11/17/08
Accounting
DB:sc

COMPUTATION BY SUFFOLK COUNTY TREASURER

2126

DISTRICT	SECTION	BLOCK	LOT
0700	022.00	01.00	146.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	890.70
2006/07	965.22
2007/08	1587.83

TOTAL: 3443.75

B. INTEREST DUE	174.38
C. TOTAL	3618.13
D. 5% LINE C	180.91
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE $3,799.03

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. 04-Sep-08

Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 03/03/09

dz

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

2126

November 13, 2008

Tax Map No.: 0700-025.00-01.00-057.000
Name of Last Legal Fee Owner: ANGELA BOWMAN

TREASURER'S COMPUTATION..... $3,139.40

Taxes.....2007/2008..... INCLUDED

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $3,139.40

Monies Received..... $3,139.40

RESOLUTION AMOUNT..... $3,139.40

PREPARED BY:

Diane Bishop
Diane Bishop
Redemption Unit
(631) 853-5932

APPROVED:

Karen A Slater 11/17/08
Accounting
DB:sc

COMPUTATION BY SUFFOLK COUNTY TREASURER

DISTRICT	SECTION	BLOCK	LOT
0700	025.00	01.00	057.000

2126

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	739.66
2006/07	798.62
2007/08	1307.44
TOTAL:	2845.72
B. INTEREST DUE	144.19
C. TOTAL	2989.91
D. 5% LINE C	149.50
E. FEE	
F. MISC	
G. MISC	
H. TOTAL DUE	$3,139.40

CERTIFICATION BY COUNTY TREASURER

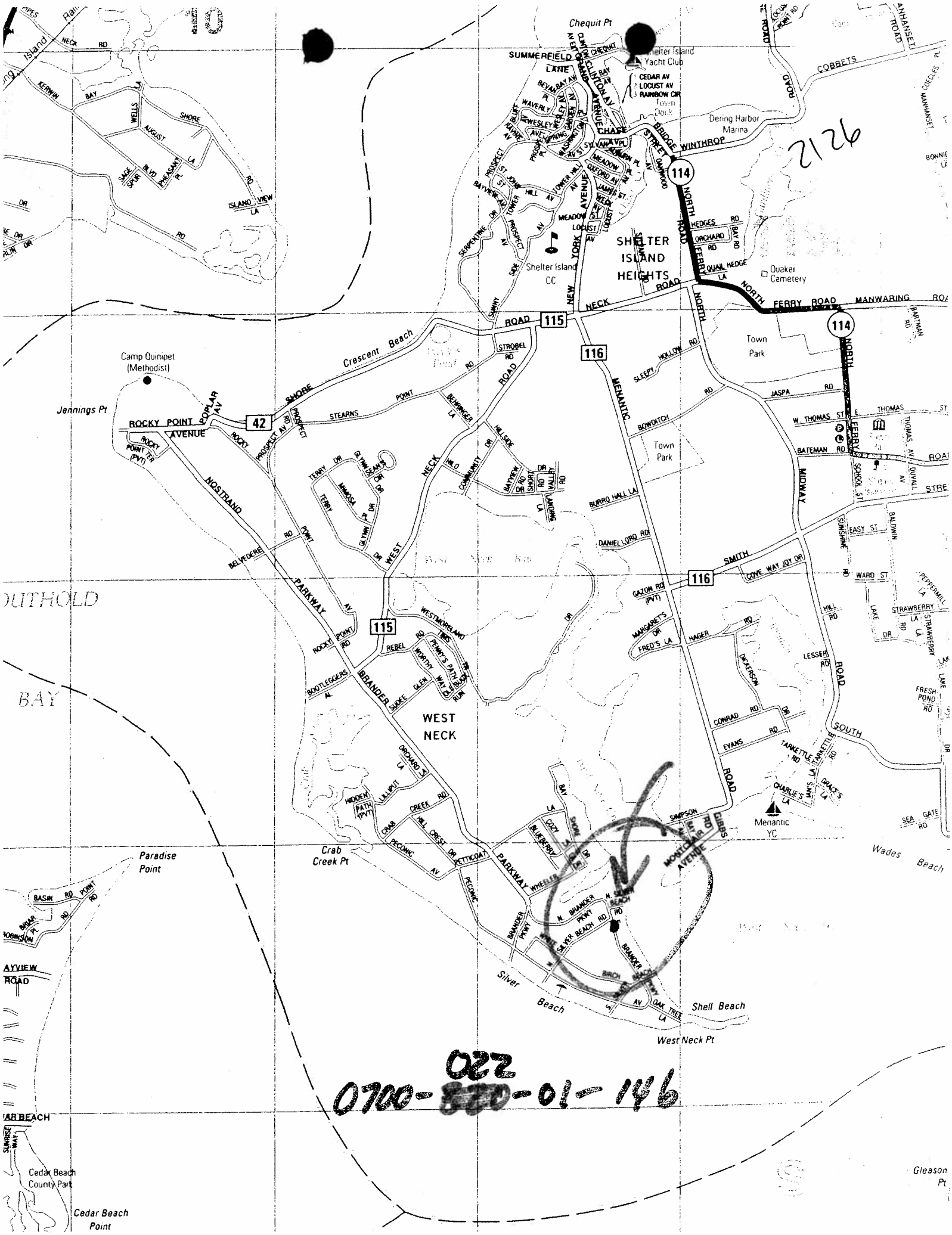
I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 04-Sep-08

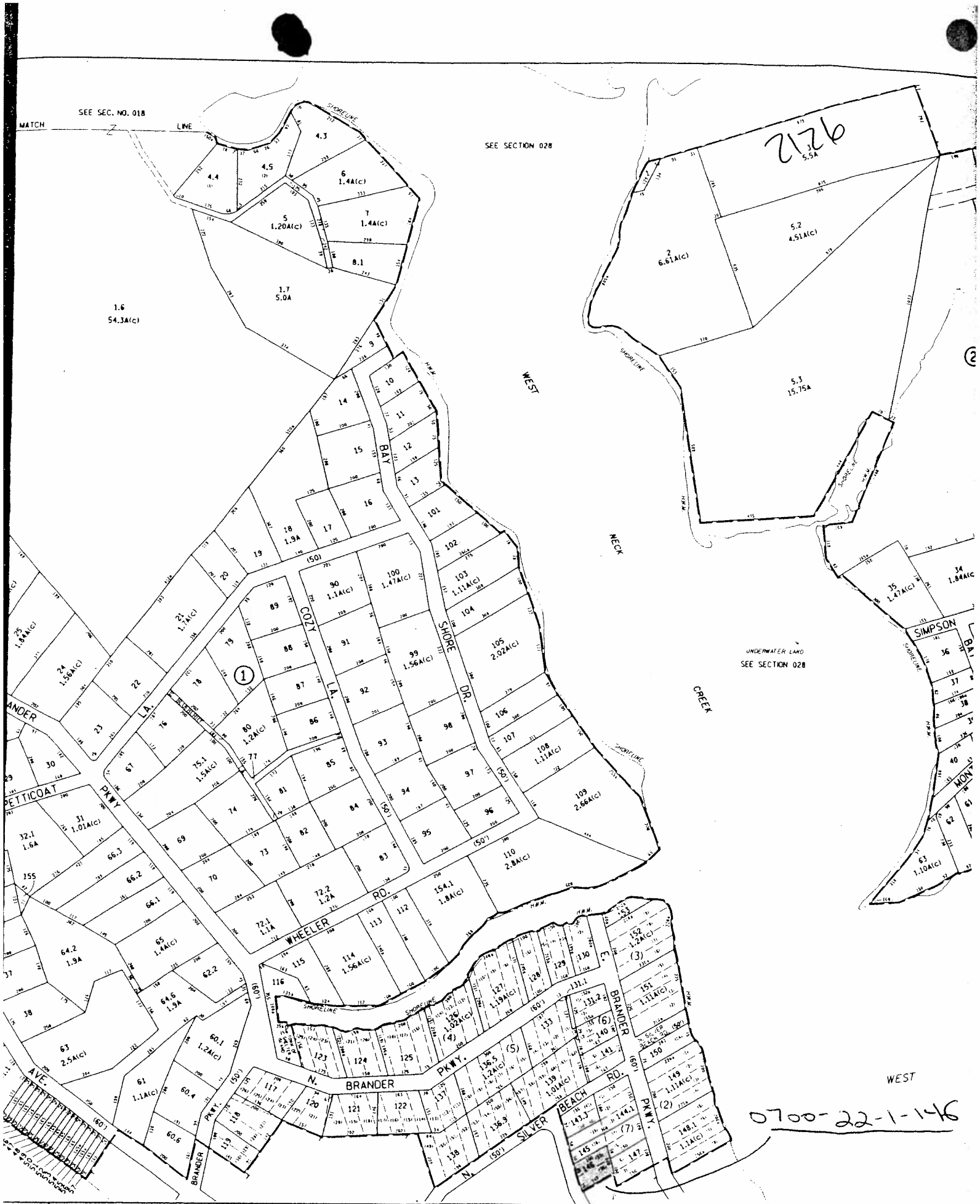
Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 03/03/09

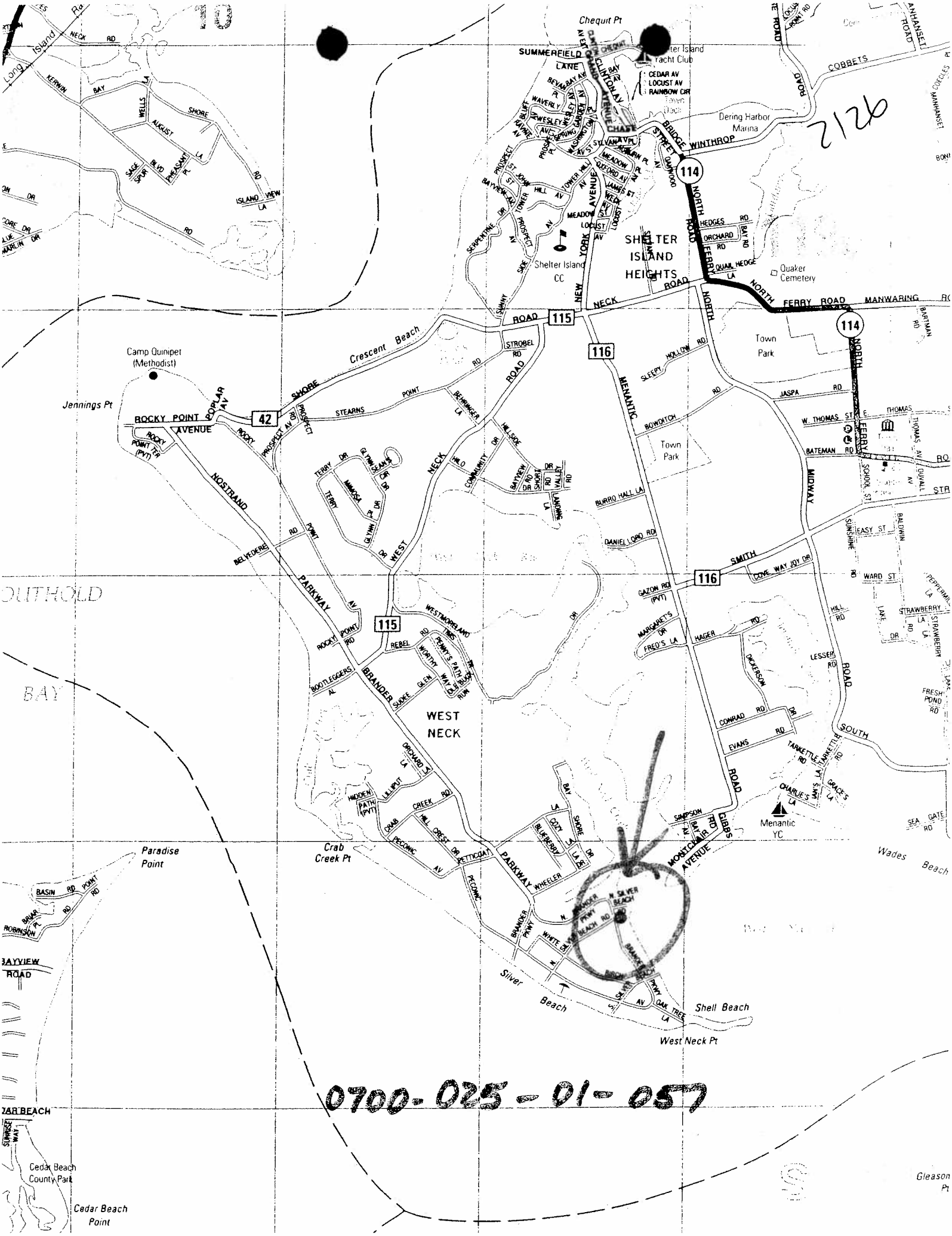
dz



Chequit Pt
Shelter Island Yacht Club
CEDAR AV
LOCUST AV
RAINBOW CIR
Town Dock
Dering Harbor Marina
SUMMERFIELD LANE
CHASE
WINTHROP
BRIDGE
114
NORTH FERRY ROAD
MANWARING ROAD
SHELTER ISLAND HEIGHTS
Shelter Island CC
Quaker Cemetery
NEW YORK AVENUE
NECK ROAD
115
116
Town Park
Crescent Beach
Camp Quinipet (Methodist)
Jennings Pt
ROCKY POINT AVENUE
42
POPLAR AV
STEARNS POINT
STROBEL RD
MENANTIC
SLEEPY HOLLOW RD
JASPA RD
BOWDITCH RD
W. THOMAS ST
E. THOMAS ST
BATEMAN RD
MIDWAY
NOSTRAND
BELVEDERE RD
WEST NECK ROAD
BURRO HALL LA
DANIEL LORD RD
SMITH
COVE WAY JOY DR
GAZON RD (PVT)
MARGARET'S DR
FRED'S LA
HAGER RD
LESSER RD
DICKERSON DR
CONRAD RD
EVANS RD
TARKETTLE RD
SOUTH ROAD
CHARLIE'S LA
GRACE'S LA
Menantic YC
SIMPSON
GIBBS
MONTCLAIR AVENUE
Wades Beach
SEA GATE RD
OUTHOLD
BAY
WESTMORELAND
REBEL RD
PENNY'S PATH
WORTHY WAY
BOOTLEGGERS AL
BRANDER
SUDEE GLEN
WEST NECK
ORCHARD LA
HIDDEN PATH (PVT)
LILLIPUT
CRAB CREEK RD
HILL CREST DR
PECONIC AV
PETTICOAT
PARKWAY
WHEELER
BLUEBERRY
COZY LA
BAY SHORE
Crab Creek Pt
Paradise Point
BASIN RD
POINT RD
BRIAR PL
ROBINSON
BAYVIEW ROAD
N. BRANDER PKWY
N. SILVER BEACH RD
SILVER BEACH RD
BIRCH BEACH
OAK TREE LA
Silver Beach
Shell Beach
West Neck Pt
Cedar Beach County Park
Cedar Beach Point
Gleason Pt
2126
0700-~~820~~ 022-01-146



(21)	Block Line	School District Line — SCH —	Hydrant District Line — H —	UNLESS OTHERWISE, ALL PROPERTIES ARE WITHIN THE FOLLOWING DISTRICTS:	NOTICE
	Block No. (2)	Fire District Line — F —	Refuse District Line — R —	SCHOOL 1	MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE SUFFOLK COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE
	County Line	Water District Line — W —	Historical District Line — HST —	FIRE 3	
or 12.1A	Town Line	Light District Line — L —	Ambulance District Line — A —	LIGHT	
		Park District Line — P —	Wastewater District Line — WW —	PARK	
				AMBULANCE	



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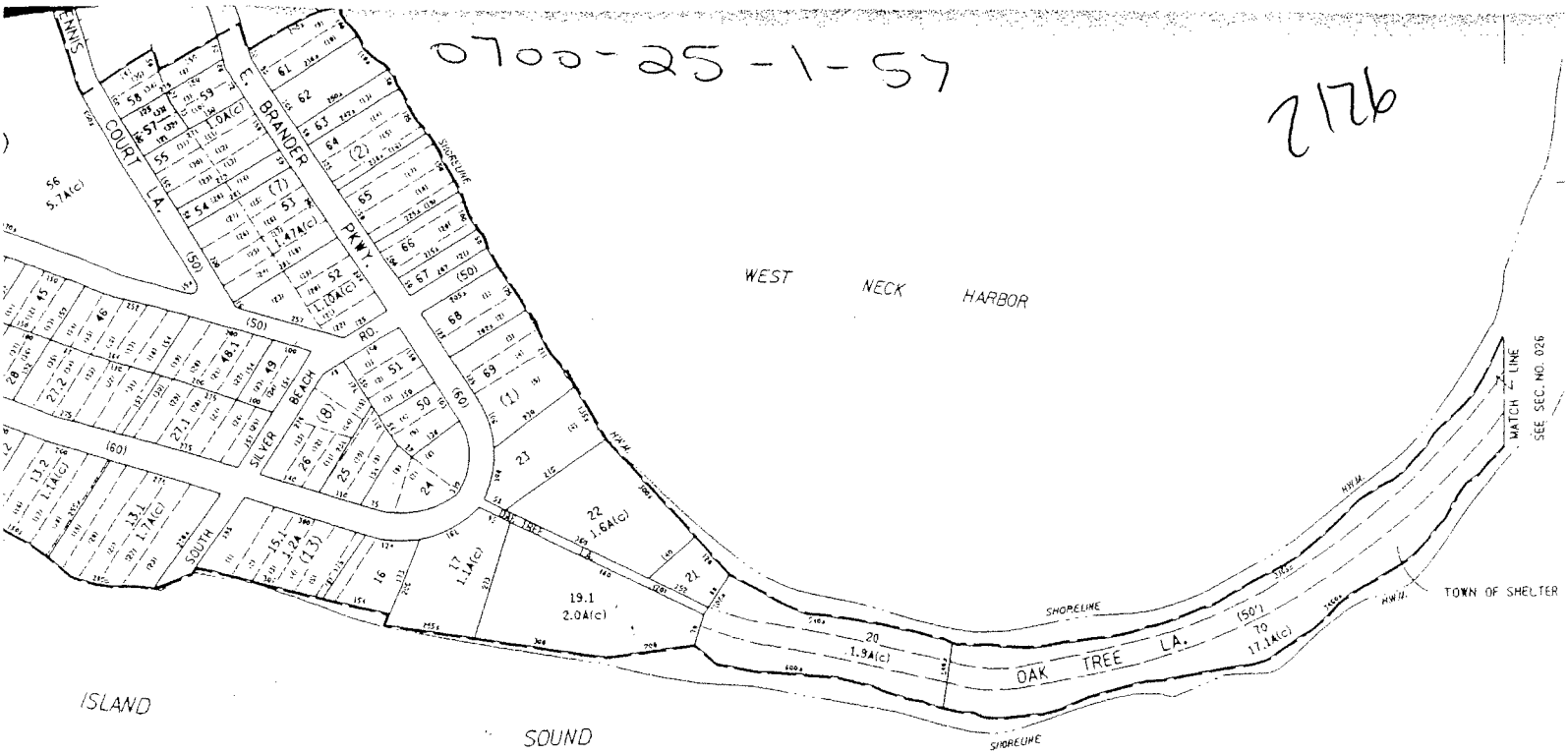


Intro. Reso. No. 2127-08 Laid on Table 12/2/08
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. –2008, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $20,000 IN FEDERAL PASS-THROUGH FUNDS FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE SUFFOLK COUNTY POLICE DEPARTMENT'S SECOND PRECINCT COMMUNITY SUPPORT 2008 SUPPLEMENTAL GRANT PROGRAM WITH 100% SUPPORT.

WHEREAS, the New York State Division of Criminal Justice Services has made $20,000 in Federal pass-through monies from the Byrne Justice Assistance Grant Program available to Suffolk County to continue to address community concerns regarding gang-related criminal activity through targeted enforcement efforts and educational presentations to school, community and business groups in the area served by the Suffolk County Police Department's Second Precinct; and

WHEREAS, said project will utilize a multi-agency approach of investigation, enforcement and prevention; and

WHEREAS, the operational period of the Program will be from October 1, 2008, through September 30, 2009; and

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

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

REVENUES:	**AMOUNT**
115-4340-Federal Aid: 2nd Precinct Community Support 2008 Supplemental	$20,000

ORGANIZATIONS:

Police Department (POL)
2nd Precinct Community Support 2008 Supplemental
115-POL-3291

1000 – Personal Services	**$17,014**
1120 – Overtime Salaries	17,014

Employee Benefits
Retirement
115-EMP-9010

8000-Employee Benefits	**$2,739**
8280 – Employee Retirement System	2,739

Employee Benefits
Social Security
115-EMP-9030

8000 – Employee Benefits	**$247**
8330 – Social Security	247

and be it further

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

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

COORDINATION OF GRANT APPLICATION OR CONTRACT County of Suffolk	DATE October 14, 2008 REV November 12, 2008

Submitting Department/Agency Suffolk County Police Department	Location 30 Yaphank Avenue, Yaphank 2127	
Contact Person In Department/Agency Sarah Furey Sr. Grants Analyst	Telephone Number 852-6042	Grant Application Due Date N/A

Instructions: Applicant will complete all items on this form. If an item is not applicable, enter "NA". If additional space is needed, insert an asterisk (*) in the item box and attach additional information on an 8 ½" X 11" sheet cross referenced to the item.

I. BACKGROUND INFORMATION

1. Grant Title **2nd Precinct Community Support 2008 Supplemental**

2. Statutory Legislation (Public Law No. & Title & Department Administering Grant Program) Public Law 109-108, Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006, pass-through funding, administered by the State of New York Division of Criminal Justice Services.

3. Grant/Contract Status (Check One Box)
A. ___New Program Application
B. __Renewal Application
C. _X__Supplemental (Specify) __Supplemental Award to the 2nd Precinct Community Support 2008 Grant Program__
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.).
The project will allow the Suffolk County Police Department to continue to address community concerns regarding gang related criminal activity in the area of the Second Precinct through targeted enforcement efforts and educational presentations to school, community and business groups.

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: 10/1/2008 To: 9/30/2009

2. Financial Assistance Requested

SOURCE	*SECOND FUNDING CYCLE*		*THIRD FUNDING CYCLE*		*SUPPLEMENTAL TO THE THIRD FUNDING CYCLE*	
	Amount	**Percent**	**Amount**	**Percent**	**Amount**	**Percent**
Federal	$25,000	75 %	$25,000	90%	$20,000	100%
State	$	%	$	%	$	%
Private	$	%	$	%	$	%
County	$8,333	25%	$2,778	10%	$	%
Total	$33,333	100%	$27,778	100%	$20,000	100%

3. Explanation of Requested County Financial Assistance

Category	*Total Requested*	*Personnel Costs Requested*	*Non-Personnel Costs Requested*
TOTAL COUNTY SHARE:	$ 0	$0	$0 2127
A. Cash Contribution	$	$	$
B. In-Kind Contribution	$	$	$

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 Discontinue (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 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).

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:	**17,014**			
1100 Permanent Salaries				
1110 Interim Salaries				
1120 Overtime Salaries	17,014			
2000 EQUIPMENT:				
2010 Furniture & Fixtures				
2020 Office Machines				
2070 Cameras & Photographic				
2090 Radio and Communication				
2500 Other Equip Not Otherwise				
3000 SUPPLIES MATERIALS & OTHERS:				
3010 Office Supplies				
3020 Postage				
3030 Photostat, Photograph, Blueprint				
3040 Printing				
3160 Computer Software				
3500 Other Unclassified				
3680 Repairs: Special Equipment				
4000 UTILITIES:				
4010 Telephone & Telegraph				
4210 Computer Services				
4300 TRAVEL:				
4310 Employee Misc - Expenses				
4330 Travel Employee Contracts				
4340 Travel Other Contracts				

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 4770 Special Services				
4900 CONTRACTED SERVICES (LIST)				
8000 EMPLOYEE BENEFITS: 8280 Retirement 8300 Insurance: Worker Compensation 8330 Social Security 8360 Health Insurance 8380 Benefit Fund Contribution	**2,986** 2,739 247			
OTHER (List Source & Brief Explanation)				

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

TITLE OF POSITION	GRADE / STEP	SALARY	EMPLOYEE NAME	SOURCE OF FUNDING BY %		
				GRANTOR	COUNTY	IN-KIND
Various Police Officers on Overtime	6	79.17/hr OT	To be determined	100%		

SCIN Form 164D (10-80)

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
   Resolution _X_ Local Law ___ Charter Law ___

2. Title of Proposed Resolution

   Accepting and appropriating a grant in the amount of $20,000 in federal pass-through funds from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Second Precinct Community Support 2008 Supplemental Grant Program with 100% support.

3. Purpose of Proposed Legislation
   To accept $20,000 from the New York State Division of Criminal Justice Services to continue to fund an integrated approach to prevent, deter and reduce gang-related crime in the area served by the Suffolk County Police Department's Second Precinct.

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

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

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

6. If answer to Item 5 is "Yes," provide detailed explanation of impact:
   The County will have $20,000 available to continue to fund the integrated approach to prevent, deter and reduce gang-related crime in the area served by the Suffolk County Police Department's Second Precinct.

7. Total financial Cost of Funding over 5 years on each affected political or Other Subdivision: None

8. Proposed Source of Funding

   New York State Division of Criminal Justice Services Federal Pass-through Byrne/JAG program funding.

9. Timing of Impact
   Immediate

10. Typed Name & Title of Preparer
    Susan C. Krause
    Grants Technician

11. Signature of Preparer

12. Date
    November 12, 2008

SCIN FORM NO. 175b (10/95)

19
Gen A

COUNTY OF SUFFOLK

NOV 14 2008

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: **November 12, 2008**

SUBJECT: **Resolution Packet & SCIN Forms for**
The Second Precinct Community Support 2008 Supplemental Grant Program
DCJS # BJ07885534

Attached please find two copies of the following for the Division of Criminal Justice Services pass-through grant funded 2nd Precinct Community Support 2008 Supplemental Grant Program:

1. Grant Resolution
2. Grant SCIN Forms
3. Request for Introduction of Legislation
4. Financial Impact Statement
5. Copy of the Award Letter from the New York State Division of Criminal Justice Services
6. Copy of the Grant Contract between the New York State Division of Criminal Justice Services and Suffolk County.

Copies of this packet are also being forwarded to the Federal and State Aid Claims Unit for review. Electronic copies of the resolution and SCIN forms will be transmitted to CE RESO REVIEW. The original grant contract will be submitted for signature upon approval of the resolution.

If you have any questions concerning this resolution package, please contact Sarah Furey, Senior Grants Analyst, at 852-6042 or Susan C. Krause, Grants Technician, at 852-6601.

Thank you for your assistance with this project.

EW/sck
cc: Don Fahey, Federal & State Aid Claims Coordinator
Jim Morgo, Chief Deputy County Executive

Additional back-up material regarding I.R. 2127 is on file in the Legislative Clerk's Office, Hauppauge.

Introductory Resolution No. 2128-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. –2008, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BABYLON FOR AFFORDABLE HOUSING PURPOSES
(SCTM NO. 0100-057.00-01.00-026.000)

WHEREAS, the County of Suffolk is the fee owner of 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 057.00, Block 01.00, Lot 026.000, and acquired by tax deed on June 28, 1999, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 1, 1999, in Liber 11973, CP 152 and otherwise known as and by the Town of Babylon, known and designated as lots 5 and 6 in block 13 on a certain map entitled "Map of Colonial Springs", and filed in the Office of the Clerk of the County of Suffolk on March 16, 1926 as Map No. 223,

WHEREAS, said parcel is surplus to the needs of the County of Suffolk; and

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

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

WHEREAS, the transfer of this parcel is pursuant to and in accordance with Local Law 13-2000, 2-2002 and 17-2004 which established and modified the Affordable Housing Opportunities Program; and

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

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

1. If the grantee is not restricted in its use of the subject premises solely and exclusively for affordable housing purposes; with all right, title, and interest reverting to the grantor, at the sole option of the grantor, in the event that the grantee, at any time uses or attempts to use said subject premises for other than affordable housing purposes, in accordance with the approved plan submitted by the grantee. Such reverter clauses contained herein shall apply to the grantee, or any transferee from the grantee undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;

2. If the grantee fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Such extension shall not exceed two two year extensions unless approved by duly enacted resolution of the grantor;

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;

4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;

6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;

7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee

a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and

b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and

c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and

d. the affordable housing unit or units meet local building and zoning codes;

8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2008, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or

9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

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

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

4th **RESOLVED,** that it is intended and agreed that the agreements and covenants contained in the deed evidencing transfer of subject premises shall be covenants running with the land and that they shall be, in any event , and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by, the grantor, it being further understood that such agreements and covenants shall be binding only upon the grantee, if it be a municipality or any assignee of the grantee, undertaking the construction, reconstruction or rehabilitation of affordable housing, only for such period as they shall have title to or an interest in or possession of the property or part thereof.

5th **RESOLVED,** the conveyance of the parcel described to the Town of Babylon for the purposes described herein shall be for the sum of One Dollar, and, upon payment of such sum, all subsequent grantees of such subject premises shall comply with all applicable state, federal, and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs.

6th **RESOLVED**, that the Director of Real Property Acquisition and Management, or his designee, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property upon the above-described terms and conditions.

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

Exhibit "A"

2128

RESOLUTION NO. 416 JUNE 25, 2008
AMENDING RESOLUTION NO. 719 OF NOVEMBER 8, 2007
REQUESTING THE CONVEYANCE OF PARCELS TO THE
TOWN OF BABYLON (SECTION 72-h, GENERAL MUNICIPAL LAW)

The following resolution was offered by Councilman Henry

and seconded by Councilwoman McVeety:

WHEREAS, the Town Board of the Town of Babylon adopted Resolution No. 719 of November 8, 2007, Authorizing the Conveyance of Parcels owned by the County, more particularly described and designated as 46 Woodland Drive, Wyandanch, New York, SCTM #0100-057.00-01.00-026.000 and 34 Woodland Drive, Wyandanch, New York, SCTM #0100-057.00-01.00-029.000, to the Town of Babylon for the purpose of Downtown Revitalization; and

WHEREAS, the Town of Babylon intends to use these properties for Affordable Housing Development,

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon Inc. declares its intention to use said properties, more particularly described and designated as 46 Woodland Drive, Wyandanch, New York, SCTM #0100-057.00-01.00-026.000 and 34 Woodland Drive, Wyandanch, New York, SCTM #0100-057.00-01.00-029.000 for the purpose of Affordable Housing.

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

2128

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 BABYLON

Tax Map No.: 0100-057:00-01.00-026.000

Section 72-h, Gen'l Municipal Law

	Amount
County Investment	$2,148.00

PURPOSE:

A. Affordable Housing	X
B. Town Parks	
C. Road/Highway	
D. Drainage/Recharge Basin	
E. Other	

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

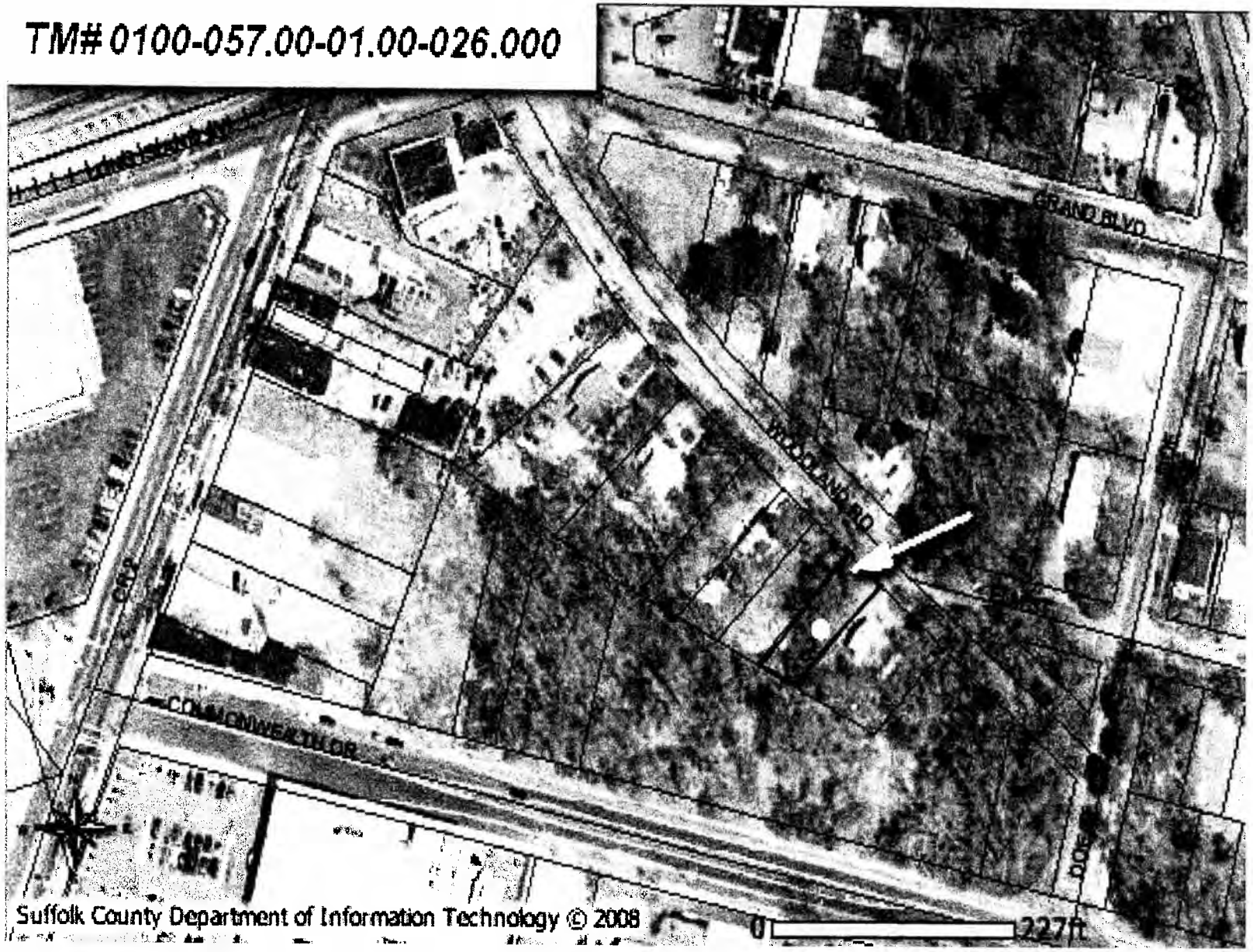
WRT:slb

11/6/2008 -- 11:28:33 AM -- \\RIVORACLEFORMS\Forms_share\viewer\0100\prod\1005700x.dgn DSBL: 0100 05700 0100 026000

2128

Tm# 0100- 057.00- 01.00- 026.000

TM# 0100-057.00-01.00-026.000



8212

TM# 0100-057.00-01.00-026.000

Gen A20

COUNTY OF SUFFOLK

NOV 19 2008

2128

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

CHRISTOPHER E. KENT
DIVISION DIRECTOR

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

CARRIE MEEK GALLAGHER
COMMISSIONER

November 12, 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.: 0100-057.00-01.00-026.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Babylon for Affordable Housing Purposes.

Dear Mr. Zwirn:

Enclosed herewith are 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 Babylon for affordable housing purposes.

I would appreciate your placing this on the legislative agenda.

Very truly yours,

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
Jill Rosen-Nikoloff, Director of Affordable Housing
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)-853-5905
FAX (631) 853-5906

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2128

1. Type of Legislation

Resolution __X_____ Local Law _____Charter Law _____

2. Title of Proposed Legislation

Section 72-h, General Municipal Law authorizing the sale of County owned Real Estate to a Municipality

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for affordable housing 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?
(circle appropriate category)

__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 County investment
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. Name & Title of Preparer | Signature of Preparer | Date

R. J. Bhatt
LMS III

11/12/08

Introductory Resolution No. 2129-08 Laid on Table 12/2/08

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
DEUTSCHE BANK NATIONAL TRUST COMPANY as Trustee for the Holders of IXIS Real Estate Capital Trust 2005-HE1
0100-213.00-01.00-015.000

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 213.00, Block 01.00, Lot 015.000, and acquired by tax deed on August 22, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 25, 2008, in Liber 12562, at Page 730, and otherwise known as and by Town of Babylon, Suffolk County Tax Map Number: District 0100, Section 213.00, Block 01.00, Lot 015.000; 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 August 22, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 25, 2008 in Liber 12562 at Page 730.

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, LIZETH GARCIA of Countrywide Home Loans, as Servicing Agent, has made application of said above described parcel and LIZETH GARCIA of Countrywide Home Loans, as Servicing Agent, has paid the application fee and $1,583.44, 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 DEUTSCHE BANK NATIONAL TRUST COMPANY as Trustee for the Holders of IXIS Real Estate Capital Trust 2005-HE1, 7105 Corporate Drive, Plano, Texas 75024, 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

2129

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

November 3, 2008

Tax Map No.: 0100-213.00-01.00-015.000
Name of Last Legal Fee Owner: DEUTSCHE BANK NATIONAL TRUST COMPANY as Trustee for the Holders of IXIS Real Estate Capital Trust 2005-HE1

TREASURER'S COMPUTATION..... $1,583.44

Taxes.....2007/2008..... INCLUDED

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $1,583.44

Monies Received..... $1,583.44

RESOLUTION AMOUNT..... $1,583.44

APPROVED:

Accounting
CO:sc

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

2129

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution **X**
Tax Map Number 0100-213.00-01.00-015.000

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 11/3/08

COMPUTATIC BY SUFFOLK COUNTY TRE SURER

DISTRICT	SECTION	BLOCK		LOT
0100	213.00	01.00	2129	015.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	516.45
2006/07	538.04
2007/08	400.11
TOTAL:	1454.60
B. INTEREST DUE	53.44
C. TOTAL	1508.04
D. 5% LINE C	75.40
E. FEE	
F. MISC	
G. MISC	
H. TOTAL DUE	$1,583.44

CERTIFICATION BY COUNTY TREASURER

I, Douglas W. Sutherland, Chief Deputy County Treasurer of Suffolk County, 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. 06-Oct-08

Douglas W. Sutherland
Deputy County Treasurer

**Interest and penalty computed to and including 04/04/09

dz

FOR ADJOINING AREA SEE MAP NO. 5

Revisions
11-24-98
03-28-00
08-24-00
11-28-00
10-25-02
09-12-03
04-15-04
12-15-04

2129

0100 213 01 015

LEGEND							
Property or RW Line		Subdivision Lot No.	(12)	Block Limit		School District Line — SCH —	Hydrant District Line — H —
Denotes Common Owner	Z	Subdivision Block/Bldg. No.	(21)	Block No.	2	Fire District Line — F —	Refuse District Line — R —
Subdivision Lot Line		Deed Dimension	62	County Line		Water District Line — W —	Historical District Line — HST —
Stream / Shore		Scaled Dimension	62a	Town Line		Light District Line — L —	Ambulance District Line — A —
Parcel No.	23	Deed Area	12.1 A(c) or 12.1A			Park District Line — P —	Wastewater District Line — WW —

UNLESS DRAWN OTHERWISE, ARE WITHIN THE FOLL

SCHOOL	1.2	SEW
FIRE	22	HYD
LIGHT	55	WAT
PARK		REFU
AMBULANCE		WAS

Revisions

COUNTY OF SUFFOLK

NOV 13 2008

2129

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

November 12, 2008

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

Re: Tax Map No. 0100-213.00-01.00-015.000
DEUTSCHE BANK NATIONAL TRUST COMPANY as Trustee for the Holders of IXIS Real Estate Capital Trust 2005-HE1

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.

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. 2130 -2008 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO RAYNOR BEACH COUNTY PARK (CP 7175)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for the planning and construction of improvements to Raynor Beach County Park, Lake Ronkonkoma, New York; and

WHEREAS, the project involves expansion of a parking lot at Raynor Beach County Park as well as adding fencing where needed, reconstruction of a concrete staircase, rehabilitation of the basketball and handball courts, construction of new aluminum bleachers for the baseball field, and improving walkways; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of the planning and construction of improvements to Raynor Beach County Park; 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 $460,000 in Suffolk County Serial Bonds; now, therefore, be it

1st **RESOLVED**, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 ("SEQRA"), CEQ Resolution No. 50-08 has determined that the proposed project constitutes an unlisted action under the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk Code and recommends that the Legislature and County Executive adopt a SEQRA determination of non-significance (negative declaration); and be it further

2nd **RESOLVED,** that it is hereby determined that this program, with a priority ranking of thirty-five (35), 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(A) of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the proceeds of the $460,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-7175.111 (Fund 001 Debt Service)	26	Improvements to Raynor Beach County Park	$60,000
525-CAP-7175.315 (Fund 001 Debt Service)	26	Improvements to Raynor Beach County Park	$400,000

Date:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

7130

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO RAYNOR BEACH COUNTY PARK (CP 7175)

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		November 7th, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2130

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$43,622**	**$0.08**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$43,622**	**$0.08**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

2130

Term of Bonds: 15
Amount to Bond: $460,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$21,694.57	$21,926.67	$43,621.24	$43,621.24
			$10,446.28	$10,446.28	
11/1/2010	4.500%	$22,728.68	$10,446.28	$33,174.96	$43,621.24
			$9,904.58	$9,904.58	
11/1/2011	4.500%	$23,812.08	$9,904.58	$33,716.66	$43,621.24
			$9,337.06	$9,337.06	
11/1/2012	4.500%	$24,947.12	$9,337.06	$34,284.18	$43,621.24
			$8,742.48	$8,742.48	
11/1/2013	4.500%	$26,136.27	$8,742.48	$34,878.76	$43,621.24
			$8,119.57	$8,119.57	
11/1/2014	4.500%	$27,382.10	$8,119.57	$35,501.67	$43,621.24
			$7,466.96	$7,466.96	
11/1/2015	4.500%	$28,687.31	$7,466.96	$36,154.28	$43,621.24
			$6,783.25	$6,783.25	
11/1/2016	5.000%	$30,054.74	$6,783.25	$36,837.99	$43,621.24
			$6,066.94	$6,066.94	
11/1/2017	5.000%	$31,487.35	$6,066.94	$37,554.30	$43,621.24
			$5,316.50	$5,316.50	
11/1/2018	5.000%	$32,988.25	$5,316.50	$38,304.74	$43,621.24
			$4,530.28	$4,530.28	
11/1/2019	5.000%	$34,560.69	$4,530.28	$39,090.96	$43,621.24
			$3,706.58	$3,706.58	
11/1/2020	5.000%	$36,208.08	$3,706.58	$39,914.66	$43,621.24
			$2,843.62	$2,843.62	
11/1/2021	5.000%	$37,934.00	$2,843.62	$40,777.62	$43,621.24
			$1,939.53	$1,939.53	
11/1/2022	5.000%	$39,742.19	$1,939.53	$41,681.71	$43,621.24
			$992.34	$992.34	
11/1/2023	5.000%	$41,636.56	$992.34	$42,628.90	$43,621.24
		$460,000.00	$194,318.60	$654,318.60	$654,318.60

COUNTY OF SUFFOLK

OCT 23 2008

7130

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

RONALD F. FOLEY
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: **BEN ZWIRN, Deputy County Executive**

FROM: **JOHN W. PAVACIC, Commissioner**

CC: **JIM MORGO, Chief Deputy County Executive**

DATE: **October 20, 2008**

RE: **INTRODUCTORY RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO RAYNOR BEACH COUNTY PARK (CP 7175)**

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 7175 Improvements to Raynor.doc."

The Parks Department seeks to expand the parking lot at Raynor Beach County Park by approximately 8,450 square feet. Additional components of this project include adding fencing where needed, reconstruction of a concrete staircase, rehabilitation of the basketball and handball courts, construction of new aluminum bleachers for the baseball field, and improving walkways. This draft resolution seeks to appropriate planning and construction funds associated with this project.

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

COUNTY OF SUFFOLK

2130

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

MEMORANDUM

TO: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer

FROM: R. Lawrence Swanson, Chairperson

DATE: October 16, 2008

RE: CEQ Review of the Proposed Expansion of Parking Lot at Raynor County Park, Lake Ronkonkoma, Town of Brookhaven.

At its October 15th, 2008 meeting, the CEQ reviewed the above referenced project. Pursuant to Chapter 279 of the Suffolk County Code, and based on the information received, as well as that given in a presentation by Mr. Nick Gibbons, Principal Environmental Analyst with the Suffolk County Department of Parks, Recreation and Conservation, the council advises the Suffolk County Legislature and County Executive, in CEQ Resolution No. 50-08, a copy of which is attached, that the proposed project be considered an unlisted action under SEQRA that will not have significant adverse impacts on the environment.

If the Legislature concurs with the Council on Environmental Quality's recommendation that the project will not have a significant effect on the environment, the Presiding Officer should cause to be brought before the Legislature for a vote, a resolution determining that the proposed action is an unlisted action pursuant to SEQRA that will not have significant adverse impacts on the environment (negative declaration). However, if the Legislature has further environmental concerns regarding the project and needs additional information, then the Presiding Officer should submit a resolution requiring a draft environmental impact statement (positive declaration), and authorize the initiating unit to prepare such a document.

Enclosed for your information is a copy of the project EAF, associated information and CEQ Resolution No. 50-08 setting forth the council's recommendations. If the council can be of further help in this matter, please let us know.

cc: All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

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

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

(631) 853-5191
fax (631) 853-4044

Project #PKS-53-08 CEQ Resolution No. 50-08 October 15, 2008

2130

RECOMMENDATION CONCERNING A SEQRA CLASSIFICATION
AND DETERMINATION FOR THE PURPOSES OF
CHAPTER 279 OF THE SUFFOLK COUNTY CODE
FOR THE PROPOSED EXPANSION OF PARKING LOT AT RAYNOR COUNTY PARK
LAKE RONKONKOMA, TOWN OF BROOKHAVEN

WHEREAS, at its October 15th, 2008 meeting, the Suffolk County Council on Environmental Quality reviewed the EAF and associated information submitted by the Suffolk County Department of Parks, Recreation and Conservation; and

WHEREAS, a presentation regarding the project was given at the meeting by Mr. Nick Gibbons, Principal Environmental Analyst with the Suffolk County Department of Parks, Recreation and Conservation; and

WHEREAS, the project involves the expansion of parking facilities at Raynor Beach County Park by approximately 8,450 square feet; now

Be It Therefore

RESOLVED, that in the judgment of the CEQ, based on the information received and presented, the above activity is an unlisted action under the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code; and

Be It Further

RESOLVED, that based on the information received, a quorum of the council recommends to the Suffolk County Legislature and County Executive, pursuant to Chapter 279 of the Suffolk County Code, that the project will not have significant adverse impacts on the environment for the following reasons:

1. the proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and

2. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;

3. The parcel does not appear to suffer from any severe Environmental development constraints (limiting soil properties; no high groundwater and no unmanageable slopes);

4. Existing parking is inadequate at the park and additional parking is necessary when field sports are being held. This will divert people from parking along the adjacent town road which is not equipped to handle the overflow of cars;

that the Legislature and County Executive adopt a SEQRA determination of non-significance (negative declaration).

2130

Project #PKS-53-08 CEQ Resolution 50-08 October 15th, 2008

Motion by: Ms. Russo		Seconded by: Ms. Spencer	
CEQ Vote: Appointed Members:	6	Ayes:	6
CAC Representatives:	0	Nays:	None
Total Voting:	6	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
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

PROJECT # PKS-53-08

RESOLUTION #50-08 2130

DATE October 15, 2008

RECORD OF CEQ RESOLUTION VOTES

CEQ APPOINTED MEMBERS	AYE	NAY	ABSTAIN	NOT PRESENT	RECUSED
Larry Swanson	X				
Michael Kaufman	X				
Jay Schneiderman				X	
Eva Growney	X				
Thomas C. Gulbransen				X	
Richard Machtay				X	
Daniel Pichney	X				
Gloria G. Russo	X				
Mary Ann Spencer	X				

CAC REPRESENTATIVES

Recommendation: Unlisted Action, Negative Declaration

Motion: Ms. Russo

Second: Ms. Spencer

Intro Res. No. 2131-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO - 2008, AUTHORIZING ADDITIONAL PLANNING FUNDS FOR THE IMPLEMENTATION OF AN AUTOMATED VEHICLE LOCATOR (AVL) SYSTEM FOR SUFFOLK TRANSIT AND AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FEDERAL AID AND STATE AID AND COUNTY FUNDS (CP 5648)

WHEREAS, Resolution No. 948-2005 authorized planning funds in connection with consultant services for the planning and implementation of an Automated Vehicle Locator (AVL) system for Suffolk Transit; and

WHEREAS, the Federal Transit Administration (FTA) and the New York State Department of Transportation (NYSDOT) provide funds for mass transportation projects; and

WHEREAS, said project is supported by FTA Grant Nos. NY-90-X558 and NY-90-X602; and

WHEREAS, the grant agreements for the Federal and associated State financial assistance impose certain obligations upon the County, and require the County to commit resources necessary to initially cover the total project costs of the grants; and

WHEREAS, Federal reimbursement to the County will be 80% and State reimbursement to the County will be up to 50% of the non-federal share of federally funded projects, but not to exceed 10% of federally funded total project costs and the County will provide the remaining10% local share of project costs; and

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

WHEREAS, the additional cost of the consultant services necessary to complete the implementation plan phase of the project is estimated to be $350,904 with the Federal and State shares amounting to 90% of the additional cost; and

WHEREAS, sufficient funds have not been included within the 2008 Capital Budget and Program and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by federal and/or state aid; and

WHEREAS, that the County Legislature, by resolution of even date herewith, has authorized the issuance of $35,090 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6

of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (20) (21) (25) and (27), in that the resolution concerns routine administration and management, conducting engineering studies and preliminary planning to formulate a proposal for action, provided those activities do not commit the agency to commence, engage, in or approve such action, purchasing of furnishings, equipment and supplies, other than land, radioactive materials, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

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

Project No. 5648
Project Title: Equipment for Public Transit Vehicles

	Total Est'd. Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning, Design & Supervision	$550,904	8,000 B 64,000F 8,000 S	35,090B 280,724F 35,090S
TOTAL	$6,955,904	$1,275,000	$1,545,904

and be it further

3rd RESOLVED, that it is hereby determined that this project has been classified as a priority ranking of fifty five (55) and is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

4th RESOLVED, that the Department of Public Works is authorized to engage consulting services for design and technical services in association with the procurement and installation of an Automatic Vehicle Location System subject to approvals of FTA and NYSDOT and pursuant to applicable federal and state regulations; and be it further

5th RESOLVED, that the proceeds of $35,090 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Proj. No.	Project Title	Amount
525-CAP-5648.110 (Fund 001 Debt Service)	Planning for Automated Vehicle Locator System	$35,090

and be it further

6th RESOLVED, that State Aid be and they are hereby appropriated as follows:

Proj. No.	Project Title	Amount
525-CAP-5648.110	Planning for Automated Vehicle Locator System	$35,090

and be it further

7th RESOLVED, that the Federal Aid be and they are hereby appropriated as follows:

Proj. No.	Project Title	Amount
525-CAP-5648.110	Planning for Automated Vehicle Locator System	$280,724

and be it further

8th RESOLVED, that the County Treasurer and the County Comptroller are authorized to accept State and/or Federal aid in connection with this project.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2131

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO - 2008, AUTHORIZING ADDITIONAL PLANNING FUNDS FOR THE IMPLEMENTATION OF AN AUTOMATED VEHICLE LOCATOR (AVL) SYSTEM FOR SUFFOLK TRANSIT AND AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FEDERAL AID AND STATE AID AND COUNTY FUNDS (CP 5648)

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. TOTAL COST WILL BE $350,904. FEDERAL AND STATE SHARE OF THE COST WILL BE 90%, SUFFOLK COUNTY SHARE IS 10% (35,904).

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 FOR SUFFOLK COUNTY SHARE (10% OF COST, $35,094 TOTAL).

9. Timing of Impact

2009

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		November 17th, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2131

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$7,994**	**$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	**$7,994**	**$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
Project Name
General Obligation Serial Bonds
Level Debt

2131

Term of Bonds: 5
Amount to Bond: $35,090

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$6,414.16	$1,579.05	$7,993.21	$7,993.21
			$645.21	$645.21	
11/1/2010	4.500%	$6,702.80	$645.21	$7,348.00	$7,993.21
			$494.39	$494.39	
11/1/2011	4.500%	$7,004.42	$494.39	$7,498.82	$7,993.21
			$336.79	$336.79	
11/1/2012	4.500%	$7,319.62	$336.79	$7,656.41	$7,993.21
			$172.10	$172.10	
11/1/2013	4.500%	$7,649.00	$172.10	$7,821.11	$7,993.21
		$35,090.00	$4,876.04	$39,966.04	$39,966.04

COUNTY OF SUFFOLK

2131

NOV 07 2008

ML# 08-778

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E, Chief Deputy Commissioner
Department of Public Works

DATE: November 3, 2008

RE: CP 5648– Equipment for Public Transit Vehicles
Resolution authorizing additional planning funds for the implementation of an Automated Vehicle Locator (AVL) system for Suffolk Transit and amending the 2008 Capital Budget and Program and accepting and appropriating federal aid and state aid and county funds (CP 5648)

This resolution will provide the additional funds for the consultant services necessary to complete the implementation plan phase of the AVL project. The additional funds are estimated to be $350,904 with the Federal and State shares amounting to 90% of the additional cost. This resolution adds to the funds for the project originally authorized by Resolution No. 948-2005.

The SCIN Forms 175a and Statement of Financial Impact Form are attached.

This proposed resolution, with backup, will be forwarded electronically titled: "Reso-DPW-AVL System Additional Funds"

Please initiate the process to have this resolution introduced at the next Suffolk County Legislature meeting. If you have any questions, please do not hesitate to contact Robert W. Shinnick, Director of Transportation Operations, at 24880, or Chuck Nauss, Principal Transportation Planner at 24869.

TL:RWS:cfn
Enclosures
cc: Jim Morgo, Chief Deputy County Executive, w/enc.
Brendan Chamberlain, County Executive Assistant
Kathy LaGuardia, DPW Finance, w/enc.
Linda Brandolf, DPW Capital Accounting, w/enc.
Carmine Chiusano, Budget Office, Budget Office, w/enc.
Don Fahey, Federal & State Aid Office, w/enc
CE Reso Review List, e-mail

2132 12/2/08

Intro Res. No. - 2008 **Laid on Table**

Introduced by the Presiding Officer on Request of the County Executive

RESOLUTION NO. -2008, AUTHORIZING THE SALE OF PROPERTY HELD BY THE COUNTY AS A RESULT OF AN EVICTION

WHEREAS, the County Sheriff recently removed goods from a retail furniture store pursuant to an execution of a warrant to evict on behalf of a landlord; and

WHEREAS, no accommodation for the goods removed from the premises was made by the landlord resulting in the County of Suffolk storing the furniture at its sole cost and expense, effectively acting as a de facto third party warehouseman; and

WHEREAS, the New York State Uniform Commercial Code ("U.C.C.") sets forth procedures whereby such storage may be terminated at the warehouseman's option upon providing notice to persons on whose account the goods are held and any other persons known to claim an interest in the goods upon payment of any charges and removal of the goods; and

WHEREAS, under the U.C.C., in the event the goods are not removed before the date specified in the notification, the goods may be sold in accordance with the provisions of the U.C.C. providing for the enforcement of a warehouseman's lien; now, therefore, be it

1st RESOLVED, that the Department of Public Works, Division of Purchasing, is hereby authorized, empowered, and directed to take all measures necessary and appropriate under sections 7-206 and 7-210 of the U.C.C. to sell at public auction goods held by the County of Suffolk, as a de facto third party warehouseman, as a result of the aforementioned execution of a warrant of eviction; and be it further

2nd RESOLVED, that the services of a professional auctioneer or auctioneers retained by the County may be used to dispose of such surplus personal property through public auction; and be it further

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

2132

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 SALE OF PROPERTY HELD BY THE COUNTY AS A RESULT OF AN EVICTION

3. Purpose of Proposed Legislation

Authorizes the Department of Public works, Division of Purchasing, to sell at Public Auction goods that are held by the County, as the result of an eviction.

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

Funds generated from the sale of property at auction will be used to pay off any cost incurred by the County associated with the property and any balance available recorded as revenue.

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
Carmine A. Chiusano Assistant Budget Director	Carmine	November 19, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2132

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

2132

OCT 0 2 2008

MLH# 08
1065
1 copy incl

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORNADUM

TO: Ben Zwirn, Asst. Deputy County Executive

FROM: Thomas LaGuardia, P.E.
Chief Deputy Commissioner of Public Works

DATE: September 29, 2008

RE: **INTRODUCTORY RESOLUTION CALLING FOR THE SALE OF PERSONAL PROPERTY HELD BY THE COUNTY**

The attached resolution will permit the County to employ the services of a professional auctioneer to dispose of surplus property acquired through the eviction of a retail furniture store. It has been prepared in conjunction with the County Attorney.

The SCIN Forms 175a and Statement of Financial Impact Form are attached.

This proposed resolution, with backup, will be forwarded electronically titled "Reso-DPW-Sale of Furniture".

Please initiate the process to have this resolution introduced at the next Suffolk County Legislature meeting. If you have any questions, please do not hesitate to contact this office at ext. 24011.

TL/bd
Enclosure
cc: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
Gilbert Anderson, P.E., Commissioner
Christine Malafi, County Attorney
Kathleen Koppenhoefer, General Services Manager
Laura Conway, Chief Accountant
CE Reso Review (e-mail)

2133

Intro Res. No. -2008 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, AUTHORIZING EXECUTION OF AGREEMENT BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 11 – SELDEN WITH THE OWNER OF CORAM ESTATES (BR-1457)

WHEREAS, Coram Estates, is located outside the boundary of Suffolk County Sewer District No. 11 – Selden; and

WHEREAS, Coram Estates, has petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 11; and

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

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

WHEREAS, it will be financially beneficial to Suffolk County Sewer District No. 11 – Selden and Suffolk County, as well as in the environmental interest of all of Suffolk County, for the connection to be made; and

WHEREAS, such connection has been approved by the Suffolk County Sewer Agency, Resolution 22-2008; and

WHEREAS, Coram Estates, has paid the connection fee to the District 11 Venture as part of the agreement for expanding the District; and

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

RESOLVED, that the Administrative Head of the District be and he hereby is authorized, directed and empowered to enter into contracts and agreements with the developer upon such terms and conditions as he may deem necessary relating to connections to the District of lands adjacent to Suffolk County Sewer District No. 11 – Selden and that they be required to post a surety bond or bonds and deposit cash or securities with the County Treasurer in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION 2133

1. **Type of Legislation**

Resolution X Local Law _____ Charter Law _____

2. **Title of Proposed Legislation**

RESOLUTION NO.___-2008, AUTHORIZING EXECUTION OF AGREEMENY BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 11– SELDEN WITH THE OWNER OF CORAM ESTATES(BR-1457)

3. **Purpose of Proposed Legislation**

To authorize execution of an agreement by the administrative head of Suffolk County Sewer District No. 11 - Selden with the owner of Coram Estates, a firm seeking permission to discharge 10,000 GPD.

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): Sewer District**
Library District	**Fire District**	

6. **If the answer to item 4 is "yes," Provide Detailed Explanation of Impact**

The connection fee for this project was paid to the District as per the Sewer Agency Resolution 14-1997 to expand SCSD #11.

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

N/A

8. **Proposed Source of Funding**

Connection Fees

9. **Timing of Impact**

2008

10. **Typed Name & Title of Preparer**	11. **Signature of Preparer**	12. **Date**
Debra Kolyer Principal Financial Analyst	Deb Kolyer	11/18/08

SCIN FORM 175B (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2133

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

2133

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 22 - 2008

AUTHORIZING THE FORMAL APPROVAL FOR THE CONNECTION OF CORAM ESTATES (BR-1457) TO SUFFOLK COUNTY SEWER DISTRICT No. 11 - SELDEN

WHEREAS, application has been made for **Coram Estates** (BR-1457) which is a proposed 29 unit single family unit residential development in Coram, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 430.00, Block 012.00, Lots 001.001 (the premises), and

WHEREAS, the Premises are not located within the boundaries of Suffolk County Sewer District No. 11 – Selden (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, it is anticipated that **Coram Estates** (BR-1457) will generate a sewage flow of Ten thousand gallons per day (10,000 GPD), and

WHEREAS, the owner of **Coram Estates** (BR-1457) has applied to this Agency for permission to connect **Coram Estates** (BR-1457) to the sanitary sewerage facilities of the District, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the sewage (the District 11 Venture plant expansion) which is expected to emanate from **Coram Estates** (BR-1457), and

WHEREAS, **Coram Estates** (BR-1457) has paid the connection fee to the District 11 Venture as part of the agreement for expanding the District, and

WHEREAS, the connection of **Coram Estates** (BR-1457) to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that **Coram Estates** (BR-1457) be permitted to connect to the sanitary sewerage facilities of the District, upon such terms and conditions as the Administrative Head of the District may impose, subject to the terms and conditions hereof, and it is further

2nd RESOLVED, that Ten thousand gallons per day (10,000 GPD) of capacity in the District's sewage treatment plant be allocated to **Coram Estates** (BR-1457), and it is further

3rd RESOLVED, that the connection authorized herein is subject to the approval of the Suffolk County Legislature and the New York State Department of Environmental Conservation, and it is further

4th RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developer of **Coram Estates** (BR-1457), the District, the Suffolk County Department of Public Works ("DPW"), the Suffolk County Department of Health Services, the County of Suffolk and this Agency, which agreement shall contain such terms and conditions as the Administrative Head of the District shall determine, and it is further

5th RESOLVED, that **Coram Estates** (BR-1457) shall, at its sole cost, expense and effort, construct a sewage collection facility for **Coram Estates** (BR-1457), and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

6th RESOLVED, that no Certificate of Occupancy shall be issued for any additional portion of **Coram Estates** (BR-1457) until the sewage collection facility for **Coram Estates** (BR-1457) has been completed and the Premises have been connected to the sanitary sewerage facilities of the District, all to the satisfaction of DPW, and it is further

7th RESOLVED, that the developer of **Coram Estates** (BR-1457) shall furnish a Letter of Credit, in form, wording and amount, and on such terms and conditions, as determined by this Agency's staff, as security for the construction of the sewage collection facility for **Coram Estates** (BR-1457), as well as for all of the developer's obligations under the Connection Agreement, and it is further

8th RESOLVED, that this resolution shall become null and void, and of no further force or effect, without any further action by this Agency or notice to the developer of **Coram Estates** (BR-1457) if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein (the Connection Agreement), in form and content satisfactory to the Chairman of this Agency, has not been negotiated and fully executed by all parties thereto.

(Suffolk County Sewer Agency Meeting 10/20/08)

COUNTY OF SUFFOLK

2133

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner, SCDPW

DATE: October 22, 2008

SUBJECT: **Introductory Resolution Calling for Approval of the Connection of Coram Estates (BR-14570) to Suffolk County Sewer District No. 11 – Selden**

Attached is a draft resolution filed as **Reso-DPW-SA 22-2008** Coram Estates (BR-1457) and appropriate forms with the backup filed as **Backup-DPW-SA 22-2008** Coram Estates (BR-1457). This is a resolution authorizing the execution of a connection agreement by the Administrative Head of Suffolk County Sewer District No. 11 – Selden with Coram Estates (BR-1457).

Project Facts

Type/units:	29 Single Family Units
Acreage:	14.84 acres
Flow:	10,000 GPD
Sewer District:	SCSD No. 11 - Selden
Groundwater Zone:	III
SEQRA:	Complete
Tax Map No.	0200-43000-0100-001001
Legislative District No.	6th

TL:BW:cap

cc: Jim Morgo, Chief Deputy County Executive
Gilbert Anderson, P.E. Commissioner, SCDPW
Ben Wright, P.E.
John Donovan, P.E.
Laura Conway
Linda Spahr, Esq.
Debra Kolyer, County Executive's Office
E-mail to CE Reso Review

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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

2134

Intro. Res. No. - 2008 Laid on the Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. – 2008, AMENDING THE 2008 ADOPTED OPERATING BUDGET TO ACCEPT AND APPROPRIATE 100% ADDITIONAL STATE AID FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH FOR A COST OF LIVING ADJUSTMENT (COLA) TO MARYHAVEN CENTER OF HOPE, INC.

WHEREAS, the 2008-2009 New York State Enacted Budget includes a 3.2.% Cost of Living Adjustment (COLA), effective April 1, 2008 through March 30, 2009; and

WHEREAS, the New York State Office of Mental Health has awarded additional 100% State aid for the provision of services to the seriously and persistently mentally ill; and

WHEREAS, the $20,129 in additional 100% State aid funding is not currently included in the 2008 Adopted Operating Budget; now, therefore be it

1st RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate $20,129 in additional State aid as follows:

REVENUES

001-3493 State Aid: Community Support Services $20,129

ORGANIZATIONS

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

ORG	Object Name	2008 Mod. Adopted Budget	Increase/ Decrease	2008 Modified Budget
GSJ1	Maryhaven CSS Transportation	$838,726	+$20,129	$858,855

and be it further

3rd RESOLVED, that the County Executive be and hereby is authorized to execute a contract with Maryhaven Center of Hope, Inc.; and be it further

4th RESOLVED, that the funding and expenditures that may be incurred run concurrent to the budget period as specified in the award letter; and be it further

5th RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County
Date of Approval:

HSV #59-2008

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION

2134

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

AMENDING THE 2008 ADOPTED OPERATING BUDGET TO ACCEPT AND APPROPRIATE 100% ADDITIONAL STATE AID FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH FOR A COST OF LIVING ADJUSTMENT (COLA) FOR MARYHAVEN CENTER OF HOPE, INC.

3. Purpose of Proposed Legislation

To accept and appropriate 100% additional State aid in the amount of $20,129 from NYS Office of Mental Health for a Cost of Living Adjustment (COLA) to Maryhaven Center of Hope, Inc. to provide services to the seriously and persistently mentally ill population.

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:

Not applicable

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

None

8. Proposed Source of Funding

100% State aid from the New York State Office of Mental Health

9. Timing of Impact

Immediate upon approval of the resolution and execution of contracts with each of the provider agencies named in the resolution.

10. Typed Name & Title of Preparer	***11. Signature of Preparer***	***12. Date***
Diane E. Weyer	Diane E Weyer	11/3/08
Principal Financial Analyst		
Beth A Reynolds	Beth A Reynolds	11/20/08
Principal Exec Analyst		

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2134

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
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To be completed by the Executive Budget Office

Gen A26

NOV 06 2008

2134

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

November 3, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution amending the 2008 Adopted Operating Budget to accept and appropriate 100% additional State aid from the New York State Office of Mental Health for a Cost of Living Adjustment (COLA) to Maryhaven Center of Hope, Inc. These COLA funds are for the provision of services to the seriously and persistently mentally ill population.

I enclose the financial impact statement and other materials for this Resolution. If you have any questions on the enclosed, please call Mary Howe at 3-8517. Also, an e-mail version of this resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-MH COLA Maryhaven.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Thomas O. MacGilvray, Director of Community Mental Hygiene Services
Mary K. Howe, Chief Management Analyst
Sheila Reagan, Senior Program Examiner
Glenn Terry, Auditor
Diane E. Weyer, Principal Financial Analyst

2134

Expense Budget: Level 3

Menu Quick Search

	BFY	Fund	Department	Budget Type	Unit	Object	Activity	Current Budget	Encumbered	Actual Expenses	Unobligated
✓	2008	001	HSV	DE	4330	4980	GSJ1	$838,726.00	$0.00	$838,726.00	$0.00

First Prev Next Last

Search

Budget Actual

Purchase Reservations :	$0.00	Uncommitted :	$0.00
Pre-Encumbered :	$0.00	Unobligated :	$0.00
Encumbered :	$0.00	Unexpended :	$24,994.00
Accrued Expenses :	$24,994.00		
Disbursed Expenses :	$813,732.00		
Actual Expenses :	$838,726.00		

Budget Amounts

General Information

Top

Modified Budget Line Controls Previous Level Next Level Back to Budget Prep

COUNTY OF SUFFOLK

2134

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

November 3, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

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I enclose the financial impact statement and other materials for this Resolution. If you have any questions on the enclosed, please call Mary Howe at 3-8517. Also, an e-mail version of this resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-MH COLA Maryhaven.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Thomas O. MacGilvray, Director of Community Mental Hygiene Services
Mary K. Howe, Chief Management Analyst
Sheila Reagan, Senior Program Examiner
Glenn Terry, Auditor
Diane E. Weyer, Principal Financial Analyst

Public Health
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OFFICE OF THE COMMISSIONER
225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

COUNTY OF SUFFOLK

2134

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

MEMORANDUM

To: Humayun J. Chaudhry, D.O., M.S.
Commissioner, Department of Health Services

From: Thomas O. MacGilvray, L.C.S.W., C.A.S.A.C.
Director, Division of Community Mental Hygiene Services

Date: October 29, 2008

Subject: **REQUEST FOR LEGISLATIVE RESOLUTION**

The New York State Office of Mental Health added a 3.2% 2008-2009 Cost of Living Adjustment to Community Support Services funded programs. Resolution #803-2008 added the COLA to Suffolk Providers in October; however, Maryhaven Center of Hope's transportation program was not included.

I am requesting a legislative resolution to add $20,129 to Maryhaven Center of Hope's transportation program. Attached is a draft routing form, draft introductory resolution and the most recent State Aid letter dated September 26, 2008.

TOM/adt
Attachments
Cc: A.Flescher, M.Howe, L.Wright, S.Reagan, A.Torres

Public Health
Prevent. Promote. Protect.
DIVISION OF COMMUNITY MENTAL HYGIENE
North County Complex, Bldg. C928, 725 Veterans Memorial Highway,PO Box 6100 Hauppauge, NY 11788
(631) 853-8500 Fax (631) 853-3117

New York State
Office of Mental Health

2134

Michael F. Hogan, Ph.D. Commissioner

44 Holland Avenue
Albany, New York 12229

September 26, 2008

Thomas O. MacGilvray, CSW
Director
Suffolk Co Mental Hygiene Div
P.O. Box 6100
Bldg C928, No. Country Complex
Hauppauge, NY 11788

Dear Director MacGilvray, CSW:

The NYS Office of Mental Health (OMH) is issuing your final January 1, 2008 to December 31, 2008 State Aid letter. Your total allocation amount at this time is $20,957,599.

The final allocation includes realignment of the 2% savings initiative to county identified funding codes and the implementation of the Medicaid Maximization initiative effective July 1, 2008.

Your 2008 final Consolidated Budget Reports (CBRs) are due November 1, 2008. Guidelines for completion of the CBR are available at the OMH website, http://www.omh.state.ny.us/omhweb/cbr/. As a reminder, the applicable Spending Plan Guidelines are also available on-line at http://www.omh.state.ny.us/omhweb/spguidelines/. If you have not already done so, please share these guidelines with your subcontract providers.

Inherent in OMH's budget and claiming policy is an expectation that you will monitor expenditures against budgeted costs throughout the year, and any significant fiscal or programmatic problems should be discussed with your OMH field office as soon as they become known. If you have questions regarding any local mental health fiscal issues, including questions regarding the information or instructions that are included in this letter, please call Gary Schiliro at (631)761-3334.

Sincerely,

Margaret A. LaWare, Director
Administrative Services Unit
Community Budget & Financial Mgmt.

Att.
cc: Gary Schiliro

Additional back-up material regarding I.R. 2134 is on file in the Legislative Clerk's Office, Hauppauge.

Intro. Res. No. 2135 - 2008 Laid on the Table 12/2/08
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. - 2008, REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR TEMPORARY LABORATORY SUPPORT SERVICES FOR THE DEPARTMENT OF HEALTH SERVICES, DIVISION OF MEDICAL-LEGAL INVESTIGATIONS AND FORENSIC SCIENCES

WHEREAS, Local Law 3 - 1996 requires the County Legislature to approve any contract in excess of $20,000 awarded pursuant to a Request for Proposal (RFP) process in which only one party responds to the County's solicitation of proposals; and

WHEREAS, the Department of Health Services requested a RFP for "Temporary Laboratory Support Services" for the Department's Division of Medical-Legal Investigations and Forensic Sciences; and

WHEREAS, the Purchasing Division of the Department of Public Works advertised for these services and mailed the RFP to five (5) potential vendors and received only one response from On Assignment Staffing Services, Inc. d/b/a On Assignment Lab Support; and

WHEREAS, an independent evaluation committee reviewed the proposal from On Assignment Staffing Services, Inc. d/b/a On Assignment Lab Support and found its quality of work and experience satisfactory, and its cost proposal submission within the industry standards, and have recommended that the Department of Health Services enter into a contractual agreement with On Assignment Staffing Services, Inc. d/b/a On Assignment Lab Support; and

WHEREAS, sufficient funds have been requested in the 2009 Suffolk County Operating Budget to cover the cost of this contract; now therefore, be it

1ST RESOLVED, that upon receiving a two-thirds vote of the County Legislature as required by Local Law 3-1996 that the Department of Health Services enter into a contractual agreement with On Assignment Staffing Services, Inc. d/b/a On Assignment Lab Support for the provision of temporary laboratory support services; and be it further

2ND RESOLVED, that the County Executive be and hereby is authorized to execute a contract with On Assignment Staffing Services, Inc. d/b/a On Assignment Lab Support.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

HSV #54-2008

COUNTY OF SUFFOLK

2135

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

November 3, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution requesting Legislative approval of a contract award for Temporary Laboratory Support Services for the Department of Health Services, Division of Medical-Legal Investigations and Forensic Sciences. This legislation is needed to comply with Local Law 3 – 1996 requiring the County Legislature to approve any Contract in excess of $20,000 awarded pursuant to a Request for Proposal (RFP) process in which only one party responds to the County's solicitation of proposals.

I enclose the financial impact statement and other materials for this Resolution. If you have any questions on the enclosed, please call Deidre DeSimone at 3-3174. Also, an e-mail version of this resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-ME Lab Svcs On Assignment.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Deidre DeSimone, Principal Contracts Examiner
Yvonne Milewski, M.E., Chief Medical Examiner
Diane E. Weyer, Principal Financial Analyst

Public Health
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OFFICE OF THE COMMISSIONER
225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION

2135

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation
Requesting legislative approval of a contract award for Temporary Laboratory Support Services for the Department of Health, Division of Medical-Legal Investigations and Forensic Sciences.

3. Purpose of Proposed Legislation
To comply with Local Law 3 – 1996 requiring the County Legislature to approve any Contract in excess of $20,000 awarded pursuant to a Request for Proposal (RFP) process in which only one party responds to the County's solicitation of proposals.

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:
Funds were already requested in the 2009 Suffolk County Operating Budget

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.
Not applicable

8. Proposed Source of Funding
2009 Operating funds

9. Timing of Impact
Upon execution of contract with On Assignment Staffing Services, Inc. d/b/a On Assignment Lab Support.

10. Typed Name & Title of Preparer	*11. Signature of Preparer*	*12. Date*
Diane E. Weyer *Principal Financial Analyst*	Diane Weyer	11/3/08

SCIN FORM 175b (10/95)

Gen A27

COUNTY OF SUFFOLK

NOV 06 2008

2135

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

November 3, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution requesting Legislative approval of a contract award for Temporary Laboratory Support Services for the Department of Health Services, Division of Medical-Legal Investigations and Forensic Sciences. This legislation is needed to comply with Local Law 3 – 1996 requiring the County Legislature to approve any Contract in excess of $20,000 awarded pursuant to a Request for Proposal (RFP) process in which only one party responds to the County's solicitation of proposals.

I enclose the financial impact statement and other materials for this Resolution. If you have any questions on the enclosed, please call Deidre DeSimone at 3-3174. Also, an e-mail version of this resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-ME Lab Svcs On Assignment.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Deidre DeSimone, Principal Contracts Examiner
Yvonne Milewski, M.E., Chief Medical Examiner
Diane E. Weyer, Principal Financial Analyst

Public Health
Prevent. Promote. Protect.
OFFICE OF THE COMMISSIONER
225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

435

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Gen A28

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____ 2135

2. Title of Proposed Legislation
Requesting legislative approval of a contract award for Temporary Laboratory Support Services for the Department of Health, Division of Medical-Legal Investigations and Forensic Sciences.

3. Purpose of Proposed Legislation
To comply with Local Law 3 – 1996 requiring the County Legislature to approve any Contract in excess of $20,000 awarded pursuant to a Request for Proposal (RFP) process in which only one party responds to the County's solicitation of proposals.

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:
Funds were already requested in the 2009 Suffolk County Operating Budget

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.
Not applicable

8. Proposed Source of Funding
2009 Operating funds

9. Timing of Impact
Upon execution of contract with On Assignment Staffing Services, Inc. d/b/a On Assignment Lab Support.

10. Typed Name & Title of Preparer	*11. Signature of Preparer*	*12. Date*
Diane E. Weyer *Principal Financial Analyst* Beth A. Reynolds BETH A. REYNOLDS PRINCIPAL EXECUTIVE ANALYST	Diane E. Weyer Beth A. Reynolds	11/3/08 11/20/08

SCIN FORM 175b (10/95)

2136

Intro. Res. No. - 2008 Laid on the Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH SAFETY IMPROVEMENTS AT VARIOUS INTERSECTIONS (CAPITAL PROGRAM NUMBER 3301)

WHEREAS, the Commissioner of Public Works has requested funds for engineering, land acquisition and construction in connection with Safety Improvements at Various Intersections; 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 $1,410,000 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) (1) (2) (4) (20) and (21) and 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 for the design components of this project under SEQRA. Further, Resolution No's. 798-1998, 591-2001, 529-03 and 592-2001 approved by the County Legislature issued a SEQRA Negative Declaration for the construction components of this 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 three 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 Safety Improvements at Various Intersections, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

4th **RESOLVED**, that the proceeds of $1,410,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-3301.127 (Fund 001 Debt Service)	50	Safety Improvements at Various Intersections	$100,000
525-CAP-3301.231 (Fund 001 Debt Service)	50	Safety Improvements at Various Intersections	$450,000
525-CAP-3301.347 (Fund 001 Debt Service)	50	Safety Improvements at Various Intersections	$860,000

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

2136

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 SAFETY IMPROVEMENTS AT VARIOUS INTERSECTIONS (CAPITAL PROGRAM NUMBER 3301)

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		November 17th, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2136

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$111,470**	**$0.21**		$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	**$111,470**	**$0.21**		$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

2136

Term of Bonds: 20
Amount to Bond: $1,410,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$43,436.80	$68,032.50	$111,469.30	$111,469.30
			$32,968.34	$32,968.34	
11/1/2010	4.500%	$45,532.63	$32,968.34	$78,500.97	$111,469.30
			$31,869.86	$31,869.86	
11/1/2011	4.500%	$47,729.58	$31,869.86	$79,599.44	$111,469.30
			$30,718.39	$30,718.39	
11/1/2012	4.500%	$50,032.53	$30,718.39	$80,750.92	$111,469.30
			$29,511.35	$29,511.35	
11/1/2013	4.500%	$52,446.60	$29,511.35	$81,957.95	$111,469.30
			$28,246.08	$28,246.08	
11/1/2014	4.500%	$54,977.15	$28,246.08	$83,223.23	$111,469.30
			$26,919.75	$26,919.75	
11/1/2015	4.500%	$57,629.80	$26,919.75	$84,549.55	$111,469.30
			$25,529.43	$25,529.43	
11/1/2016	5.000%	$60,410.44	$25,529.43	$85,939.87	$111,469.30
			$24,072.03	$24,072.03	
11/1/2017	5.000%	$63,325.24	$24,072.03	$87,397.27	$111,469.30
			$22,544.31	$22,544.31	
11/1/2018	5.000%	$66,380.68	$22,544.31	$88,924.99	$111,469.30
			$20,942.88	$20,942.88	
11/1/2019	5.000%	$69,583.55	$20,942.88	$90,526.43	$111,469.30
			$19,264.17	$19,264.17	
11/1/2020	5.000%	$72,940.96	$19,264.17	$92,205.13	$111,469.30
			$17,504.47	$17,504.47	
11/1/2021	5.000%	$76,460.36	$17,504.47	$93,964.83	$111,469.30
			$15,659.87	$15,659.87	
11/1/2022	5.000%	$80,149.57	$15,659.87	$95,809.44	$111,469.30
			$13,726.26	$13,726.26	
11/1/2023	5.000%	$84,016.79	$13,726.26	$97,743.05	$111,469.30
			$11,699.35	$11,699.35	
11/1/2024	5.000%	$88,070.60	$11,699.35	$99,769.95	$111,469.30
			$9,574.65	$9,574.65	
11/1/2025	5.000%	$92,320.00	$9,574.65	$101,894.65	$111,469.30
			$7,347.43	$7,347.43	
11/1/2026	5.000%	$96,774.44	$7,347.43	$104,121.87	$111,469.30
			$5,012.75	$5,012.75	
11/1/2027	5.000%	$101,443.81	$5,012.75	$106,456.56	$111,469.30
			$2,565.42	$2,565.42	
11/1/2028	5.000%	$106,338.47	$2,565.42	$108,903.89	$111,469.30
		$1,410,000.00	$819,386.10	$2,229,386.10	$2,229,386.10

2136

List of 3301 Projects

1. Planning, Design and Supervision

Phase 1, CR 11, Pulaski Road, at Depot Road / Fairground Avenue, Huntington Station

CR 12, Oak Street, at Bayview Avenue, Amityville

CR 16, Smithtown Boulevard, at Old Nichols Road, Nesconset

CR 21, Yaphank Avenue, at the Long Island Expressway North Service Road, Yaphank

CR 65, Middle Road, at Bayport Avenue, Bayport

2. Land Acquisition

Acquisition of Properties for the Purpose of Intersection Improvements at C.R. 67 Motor Parkway at Marcus Boulevard, Town of Smithtown

Acquisition of Properties for Improvements to the Intersection of C.R. 10, Elwood Road and S.R. 25 Jericho Turnpike, Town of Huntington

Acquisition of Properties for Intersection Improvements To C.R. 35, Park Avenue at C.R. 11, Pulaski Road, Town of Huntington

Acquisition of Properties for Intersection Improvements On C.R. 46, William Floyd Parkway at Surrey Circle, Town of Brookhaven

Acquisition of Properties for the Intersection Improvements On C.R. 67 Motor Parkway at Adams Avenue, Town of Smithtown

Acquisition of Properties for the Reconstruction of a Portion of C.R. 12, Oak Street, in the Village of Amityville, Town of Babylon

3. Construction

Safety Improvements to County Road 31, Old Riverhead Road at CR 104, Quogue-Riverhead Road

Safety Improvements to County Road 31, Old Riverhead Road at CR 80, Montauk Highway

Improvements to CR 51, Center Drive South at CR 63, Old East Moriches -Riverhead Road

Safety Improvements to CR 67, Motor Parkway at Adams Avenue, Hauppauge

Note: It may be necessary to add/or substitute other roadways or location due to changes in priorities as determined by the department.

Gen. 729

NOV 0 7 2008

COUNTY OF SUFFOLK

2136

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, P.E., Chief Deputy Commissioner

DATE: October 30, 2008

RE: **SAFETY IMPROVEMENTS AT VARIOUS INTERSECTIONS (CAPITAL PROGRAM NUMBER 3301)**

Attached are a draft resolution and duplicate copy to appropriate the sum of $2,175,000 for engineering, land acquisition and construction 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 fund safety improvements at intersections in various county locations as indicated in the attached list.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 3301.doc

TL:WH:sk
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
Theresa D'Angelo, Principal Clerk (Cover memo only)
James Bagg, Chief Environmental Analyst

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

2137

Intro. Res. No. - 2008 Laid on the Table 12/2/08

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 NEW YORK STATE CLEAN WATER/CLEAN AIR BOND ACT, STORMWATER REMEDIATION ON CR 80, MONTAUK HIGHWAY AT FORGE RIVER (CAPITAL PROJECT NUMBER 5516, PHASE 2)

WHEREAS, the Commissioner of Public Works has requested funds for construction in connection with the Stormwater Remediation on CR 80, Montauk Highway at Forge River, Phase 2, Town of Brookhaven; and

WHEREAS, there are New York State Clean Water/Clean Air Bond Act funds available through the Department of Environmental Conservation, with a share allocation of fifty (50%) percent and fifty (50%) percent County funds for only the construction portion of Stormwater Remediation on CR 80, Montauk Highway at Forge River, Phase 2, Town of Brookhaven ; and

WHEREAS, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the 50% State construction portion; and

WHEREAS, the Department of Public Works requires engineering funding for this project; 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 $1,325,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, Resolution No. 876-2004, 1st Resolved, item 4, approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty two (62) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

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 (A) of the Suffolk County Charter to complete the Stormwater Remediation on CR 80, Montauk Highway at Forge River, Phase 2, Town of Brookhaven; and be it further

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

Project No.: 5516
Project Title: Stormwater Remediation on CR 80, Montauk Highway at Forge River, Phase 2, Town of Brookhaven

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning, Design and Supervision	$2,830,000	$ 0	$ 30,000B
3. Construction	$20,125,000	$4,477,500B	$4,447,500B
		$15,000,000F	$15,000,000F
		$ 677,500S	$ 677,500S
Total	$29,605,000	$20,155,000	$20,155,000

and be it further

5th RESOLVED, that the proceeds of $677,500 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-5516.112 (Fund 001 Debt Service)	50	Stormwater remediation on CR 80, Montauk Highway at Forge River, Phase 2, Town of Brookhaven	$30,000

Project No.	J.C.	Project Title	Amount
525-CAP-5516.311 (Fund 001 Debt Service)	50	Stormwater remediation on CR 80, Montauk Highway at Forge River, Phase 2, Town of Brookhaven	$647,500

and be it further

6th RESOLVED, that State Aid in the amount of $647,500 be and it hereby is appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-5516.311	50	Stormwater remediation on CR 80, Montauk Highway at Forge River, Phase 2, Town of Brookhaven	$647,500

7th RESOLVED, that the County Comptroller is directed to limit the serial bond borrowing to the County share of $677,500; and be it further

8th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept State funding in the amount of $647,500; and be it further

9th RESOLVED, that the County Comptroller is authorized to issue bond anticipation notes for the total State share of $647,500; and be it further

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

2137

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 THE NEW YORK STATE CLEAN WATER/CLEAN AIR BOND ACT, STORMWATER REMEDIATION ON CR 80, MONTAUK HIGHWAY AT FORGE RIVER (CAPITAL PROJECT NUMBER 5516, PHASE 2)

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): DAV**
Library District	**Fire District**	

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

Serial Bonds will be issued to cover the County share of this project. Principle and interest to be paid over the life of the bonds. County must first instance the entire cost of the project; this resolution authorizes the County Controller to issue bond anticipation notes to cover the state share.

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

50% NYS Aid ($647,500) and 50% County share ($647,500).

9. Timing of Impact

2009

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		October 31st, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2137

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$64,247**	**$0.12**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$64,247**	**$0.12**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

2137

Term of Bonds	15
Amount to Bond:	$677,500

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$31,952.33	$32,294.17	$64,246.50	$64,246.50
			$15,385.55	$15,385.55	
11/1/2010	4.500%	$33,475.39	$15,385.55	$48,860.95	$64,246.50
			$14,587.72	$14,587.72	
11/1/2011	4.500%	$35,071.06	$14,587.72	$49,658.78	$64,246.50
			$13,751.86	$13,751.86	
11/1/2012	4.500%	$36,742.78	$13,751.86	$50,494.64	$64,246.50
			$12,876.16	$12,876.16	
11/1/2013	4.500%	$38,494.18	$12,876.16	$51,370.34	$64,246.50
			$11,958.71	$11,958.71	
11/1/2014	4.500%	$40,329.07	$11,958.71	$52,287.79	$64,246.50
			$10,997.54	$10,997.54	
11/1/2015	4.500%	$42,251.42	$10,997.54	$53,248.96	$64,246.50
			$9,990.55	$9,990.55	
11/1/2016	5.000%	$44,265.41	$9,990.55	$54,255.95	$64,246.50
			$8,935.55	$8,935.55	
11/1/2017	5.000%	$46,375.39	$8,935.55	$55,310.95	$64,246.50
			$7,830.27	$7,830.27	
11/1/2018	5.000%	$48,585.95	$7,830.27	$56,416.23	$64,246.50
			$6,672.31	$6,672.31	
11/1/2019	5.000%	$50,901.88	$6,672.31	$57,574.19	$64,246.50
			$5,459.15	$5,459.15	
11/1/2020	5.000%	$53,328.21	$5,459.15	$58,787.35	$64,246.50
			$4,188.16	$4,188.16	
11/1/2021	5.000%	$55,870.18	$4,188.16	$60,058.34	$64,246.50
			$2,856.59	$2,856.59	
11/1/2022	5.000%	$58,533.33	$2,856.59	$61,389.91	$64,246.50
			$1,461.54	$1,461.54	
11/1/2023	5.000%	$61,323.42	$1,461.54	$62,784.96	$64,246.50
		$677,500.00	$286,197.50	$963,697.50	$963,697.50

COUNTY OF SUFFOLK

2137

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, P.E., Chief Deputy Commissioner

DATE: October 22, 2008

RE: **NEW YORK STATE CLEAN WATER/CLEAN AIR BOND ACT, STORMWATER REMEDIATION ON CR 80, MONTAUK HIGHWAY AT FORGE RIVER (CAPITAL PROJECT NUMBER 5516, PHASE 2)**

Attached are a draft resolution and duplicate copy to amend and appropriate the sum of $1,325,000 for engineering and construction in connection with the above referenced project. We require engineering and construction funding for this project. There are sufficient funds included in the 2008 Capital Budget and Program for this project.

NYS Clean Water/Clean Air funds have been allocated for this project with a share allocation of 50% State funds and 50% County funds for the construction portion of the capital program.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP 5516.Phase 2.doc".

TL:WH:sk
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
Theresa D'Angelo, Principal Clerk (Cover memo only)
James Bagg, Chief Environmental Analyst

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

2138

Intro. Res. No. - 2008 Laid on the Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH PUBLIC HEALTH RELATED HARMFUL ALGAL BLOOMS (CP 8224)

WHEREAS, the Commissioner of Health Services has requested funds for the continued monitoring of the Public Health Related Harmful Algal Blooms (HAB); and

WHEREAS, in 2005 there were a series of shellfish kills of juvenile and adult soft shell clams associated with the occurrence of the newly discovered red tides; and

WHEREAS, these funds will be used to continue to assess the cause, effects, dynamics, and distribution of *Toxic Cyanobacteria* and *Cochlodinium polykrikoides* blooms (red tide), and *Aureococcus anophagefferens* (Brown Tide) in the county's marine and fresh surface waters; and

WHEREAS, these funds will also be used to purchase two telemetered buoys with associated analytical equipment, including probes and sondes, for automated monitoring at sites in the Peconic, South Shore and Long Island Sound estuaries; and

WHEREAS, there are sufficient funds within the 2008 Adopted Capital Budget and Program to cover the cost of said request under Capital Program Number 8224; and

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

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

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) 20, 21, and 27 of Title 6 of New York Code of Rules and Regulations ("NYCRR"), and the Legislature has no further responsibilities under SEQRA; and be it further

2nd 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 amended by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the proceeds of $100,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project Number	J.C.	Project Title	Amount
525-CAP-8224.115 (Fund 001 Debt Service)	40	Public Health Related Harmful Algal Blooms-Study of Red and Brown Tide	$65,000

525-CAP-8224.513 (Fund 001 Debt Service)	40	Public Health Related Harmful Algal Blooms--Equipment	$35,000

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2138

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH PUBLIC HEALTH RELATED HARMFUL ALGAL BLOOMS (CP 8224)

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		November 24, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2138

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$22,780**	**$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	**$22,780**	**$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

2138

Term of Bonds	5
Amount to Bond:	$100,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$18,279.16	$4,500.00	$22,779.16	$22,779.16
			$1,838.72	$1,838.72	
11/1/2010	4.500%	$19,101.73	$1,838.72	$20,940.45	$22,779.16
			$1,408.93	$1,408.93	
11/1/2011	4.500%	$19,961.30	$1,408.93	$21,370.23	$22,779.16
			$959.80	$959.80	
11/1/2012	4.500%	$20,859.56	$959.80	$21,819.36	$22,779.16
			$490.46	$490.46	
11/1/2013	4.500%	$21,798.24	$490.46	$22,288.70	$22,779.16
		$100,000.00	$13,895.82	$113,895.82	$113,895.82

CAPITAL PROJECT 8224
PUBLIC HEALTH RELATED HARMFUL ALGAL BLOOMS (HABs)

2008 Adopted to be appropriated

Planning 8224.115

Contractors	Program		Contract Amount	Comments
The Research Foundation of SUNY	Toxic Cyanobacteria in SC Lakes	$	30,000	525-8224-1100-00-00001
Research Foundation of SUNY at Stony Brook	Cochlodinium Polykrikoides monitoring	$	25,000	
TBD	Aureococcus anophagefferens (brown tide)	$	10,000	
	Total Planning	**$**	**65,000**	

Equipment 8224.513

2 Telemetered Buoys, associated analytical equipment, probes and sondes	Water Quality	$	35,000	2008 Adopted was $117,256
	Total Equipment	**$**	**35,000**	

Total 2008 to be appropriated **$ 100,000**

8312

2139

Intro. Res. No. - 2008 Laid on the Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF EQUIPMENT FOR THE ENVIRONMENTAL HEALTH LABORATORY (CP 4079)

WHEREAS, the Commissioner of Health Services has requested funds for the purchase of Environmental Health Laboratory Equipment; and

WHEREAS, it is necessary to purchase new and replacement instrumentation and equipment at the Public & Environmental Health Laboratory; and

WHEREAS, over time some instrumentation and equipment becomes outdated and unusable requiring immediate replacement so as to keep pace with the ever increasing volume of work; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said request under Capital Program Number 4079; and

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

WHEREAS, the County Legislature, by Resolution of even date herewith, has authorized the issuance of $166,000 in Suffolk County Serial Bonds; now therefore, be it

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

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty (50) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 and as amended by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the proceeds of $166,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project Number	J.C.	Project Title	Amount
525-CAP-4079.520 (Fund 001 – Debt Service)	40	Purchase of Environmental Health Laboratory Equipment	$166,000

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

2139

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 PURCHASE OF EQUIPMENT FRO THE ENVIRONMENTAL HEALTH LABORATORY (CP 4079)

3. Purpose of Proposed Legislation

Purchase of replacement instrumentation and equipment for the Public & Environmental Health Laboratory to meet the requirements of analytical methods mandated by State and Federal laboratory accreditation programs and to keep pace with the increasing workload.

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
Beth A Reynolds Principal Executive Analyst	Beth A Reynolds	11/24/08

SCIN FORM 175b (10/95)

2139

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	**$166,000**	**$0.31**		$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	**$166,000**	**$0.31**		$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

2139

Term of Bonds	5
Amount to Bond:	$166,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$30,343.41	$7,470.00	$37,813.41	$37,813.41
			$3,052.27	$3,052.27	
11/1/2010	4.500%	$31,708.87	$3,052.27	$34,761.14	$37,813.41
			$2,338.82	$2,338.82	
11/1/2011	4.500%	$33,135.76	$2,338.82	$35,474.59	$37,813.41
			$1,593.27	$1,593.27	
11/1/2012	4.500%	$34,626.87	$1,593.27	$36,220.14	$37,813.41
			$814.16	$814.16	
11/1/2013	4.500%	$36,185.08	$814.16	$36,999.25	$37,813.41
		$166,000.00	$23,067.06	$189,067.06	$189,067.06

EQUIPMENT LIST FOR CAPITAL PROJECT 4079

					Operating Impact**
2008 Requested	**$ 166,000**				
Equipment					
R Two (2) automated solid Phase Extractors	$ 20,000.00				
R Automated Mercury Analyzer	$ 50,000.00				
R Automated Gas Chromatograph/Mass Spectrometer	$ 80,000.00				
R Methane/non-methane Hydrocarbon analyzer	$ 16,000.00				
2008 TOTAL	$ 166,000.00	$ -	$	166,000.00	$ -

Please note that equipment of this nature is constantly changing and advancing. This capital project must be kept flexible enough for the Division to re-prioritize its requests to keep pace with these advances.

2139

Intro. Res. No 2140-08 - 2008 Laid on the Table 12/2/08
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH WEATHERPROOFING COUNTY BUILDINGS (CAPITAL PROGRAM NUMBER 1762)

WHEREAS, the Commissioner of Public Works has requested funds for Weatherproofing County Buildings; 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 as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $300,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 260-2005 classified the action contemplated by this as a Type II Action; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-five (45) 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 proceeds of $300,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1762.311 (Fund 001 Debt Service)	20	Weatherproofing County Buildings	$300,000

Date:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

2140

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 WEATHERPROOFING COUNTY BUILDINGS (CAPITAL PROGRAM NUMBER 1762)

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		November 21st, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2140

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$28,449**	**$0.05**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$28,449**	**$0.05**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

2140

Term of Bonds: 15
Amount to Bond: $300,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$14,148.63	$14,300.00	$28,448.63	$28,448.63
			$6,812.79	$6,812.79	
11/1/2010	4.500%	$14,823.05	$6,812.79	$21,635.84	$28,448.63
			$6,459.51	$6,459.51	
11/1/2011	4.500%	$15,529.62	$6,459.51	$21,989.13	$28,448.63
			$6,089.39	$6,089.39	
11/1/2012	4.500%	$16,269.86	$6,089.39	$22,359.25	$28,448.63
			$5,701.62	$5,701.62	
11/1/2013	4.500%	$17,045.39	$5,701.62	$22,747.01	$28,448.63
			$5,295.37	$5,295.37	
11/1/2014	4.500%	$17,857.89	$5,295.37	$23,153.26	$28,448.63
			$4,869.76	$4,869.76	
11/1/2015	4.500%	$18,709.12	$4,869.76	$23,578.88	$28,448.63
			$4,423.86	$4,423.86	
11/1/2016	5.000%	$19,600.92	$4,423.86	$24,024.78	$28,448.63
			$3,956.70	$3,956.70	
11/1/2017	5.000%	$20,535.23	$3,956.70	$24,491.93	$28,448.63
			$3,467.28	$3,467.28	
11/1/2018	5.000%	$21,514.07	$3,467.28	$24,981.35	$28,448.63
			$2,954.53	$2,954.53	
11/1/2019	5.000%	$22,539.58	$2,954.53	$25,494.11	$28,448.63
			$2,417.33	$2,417.33	
11/1/2020	5.000%	$23,613.97	$2,417.33	$26,031.30	$28,448.63
			$1,854.54	$1,854.54	
11/1/2021	5.000%	$24,739.56	$1,854.54	$26,594.10	$28,448.63
			$1,264.91	$1,264.91	
11/1/2022	5.000%	$25,918.82	$1,264.91	$27,183.73	$28,448.63
			$647.18	$647.18	
11/1/2023	5.000%	$27,154.28	$647.18	$27,801.46	$28,448.63
		$300,000.00	$126,729.52	$426,729.52	$426,729.52

COUNTY OF SUFFOLK

2140

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive (2 copies)

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

DATE: April 14, 2008

RE: CP 1762 – Weatherproofing County Buildings

Attached for your review is a draft resolution requesting that $300,000 be appropriated into construction for weatherproofing of County buildings. The funding will be used for various projects including the John J. Foley Skilled Nursing Facility and the Police Department Marine Bureau building.

We previously bid and awarded the weatherproofing project for the H. Lee Dennison Building in 2006. Other projects will be addressed as funding permits.

This work is considered a Type II action under SEQRA in accordance with Resolution No. 260-2005.

An e-mail copy of the resolution has been sent to CE RESO Review sent under the title Reso-DPW-CP 1762 Resolution Weatherproofing.doc.

TL/TG/dk
attachments
cc: Jim Morgo, Chief Deputy County Executive
Gilbert Anderson, P.E., Commissioner
Louis Calderone, Deputy Commissioner
Tedd Godek, R.A., County Architect, Buildings Design & Construction
Michael J. Monaghan, P.E., Principal Mechanical Engineer
Laura Conway, CPA, Chief Accountant
Read Vail, Chief Budget Examiner
CE RESO Review (e-mail)

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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

2141 12/2/08

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 IMPROVEMENTS AT PECONIC DUNES (CP 7050)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for planning and construction of improvements to Peconic Dunes County Park; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said planning and construction under Capital Program Number 7050; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $300,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, 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) "(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 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 funds appropriated under this resolution be used solely for Peconic Dunes; and be it further

4th RESOLVED, that the proceeds of $300,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-7050.111 (Fund 001 Debt Service)	26	Improvements at Peconic Dunes County Park – Planning	$30,000
525-CAP-7050.311 (Fund 001 Debt Service)	26	Improvements at Peconic Dunes County Park – Construction	$270,000

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2141

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS AT PECONIC DUNES (CP 7050)

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		November 21st, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2141

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$28,449**	**$0.05**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$28,449**	**$0.05**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

2141

Term of Bonds: 15
Amount to Bond: $300,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$14,148.63	$14,300.00	$28,448.63	$28,448.63
			$6,812.79	$6,812.79	
11/1/2010	4.500%	$14,823.05	$6,812.79	$21,635.84	$28,448.63
			$6,459.51	$6,459.51	
11/1/2011	4.500%	$15,529.62	$6,459.51	$21,989.13	$28,448.63
			$6,089.39	$6,089.39	
11/1/2012	4.500%	$16,269.86	$6,089.39	$22,359.25	$28,448.63
			$5,701.62	$5,701.62	
11/1/2013	4.500%	$17,045.39	$5,701.62	$22,747.01	$28,448.63
			$5,295.37	$5,295.37	
11/1/2014	4.500%	$17,857.89	$5,295.37	$23,153.26	$28,448.63
			$4,869.76	$4,869.76	
11/1/2015	4.500%	$18,709.12	$4,869.76	$23,578.88	$28,448.63
			$4,423.86	$4,423.86	
11/1/2016	5.000%	$19,600.92	$4,423.86	$24,024.78	$28,448.63
			$3,956.70	$3,956.70	
11/1/2017	5.000%	$20,535.23	$3,956.70	$24,491.93	$28,448.63
			$3,467.28	$3,467.28	
11/1/2018	5.000%	$21,514.07	$3,467.28	$24,981.35	$28,448.63
			$2,954.53	$2,954.53	
11/1/2019	5.000%	$22,539.58	$2,954.53	$25,494.11	$28,448.63
			$2,417.33	$2,417.33	
11/1/2020	5.000%	$23,613.97	$2,417.33	$26,031.30	$28,448.63
			$1,854.54	$1,854.54	
11/1/2021	5.000%	$24,739.56	$1,854.54	$26,594.10	$28,448.63
			$1,264.91	$1,264.91	
11/1/2022	5.000%	$25,918.82	$1,264.91	$27,183.73	$28,448.63
			$647.18	$647.18	
11/1/2023	5.000%	$27,154.28	$647.18	$27,801.46	$28,448.63
		$300,000.00	$126,729.52	$426,729.52	$426,729.52

COUNTY OF SUFFOLK

2141

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: **November 19, 2008**

RE: **INTRODUCTORY RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO PECONIC DUNES COUNTY PARK (CP 7050)**

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 7050 Improvements to Peconic Dunes.doc."

Cornell Cooperative Extension operates Peconic Dunes as a youth camp under an agreement with the County. This draft resolution seeks to appropriate money for planning and construction of improvements at the site, including improvements to the dining hall structure. By making these improvements, it is expected that public access will be increased to both Peconic Dunes and the nearby Bittner Property, which was recently acquired by the County and the Town of Southold.

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

2142

12/2/08

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 RENOVATIONS AT HISTORIC BLYDENBURGH PARK (CP 7507)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for renovations at Historic Blydenburgh Park; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of planning and construction of such renovations under Capital Program Number 7507; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $600,000 in Suffolk County Serial Bonds; now, therefore, be it

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

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

3rd RESOLVED, that the proceeds of $600,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-7507.110 (Fund 001 Debt Service)	26	Renovations at Historic Blydenburgh Park	$70,000
525-CAP-7507.310 (Fund 001 Debt Service)	26	Renovations at Historic Blydenburgh Park	$530,000

Date:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION 2142

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH RENOVATIONS AT HISTORIC BLYDENBURGH PARK (CP 7507)

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		November 21st, 2008

SCIN FORM 175b (10/95)

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

2142

Term of Bonds: 15
Amount to Bond: $600,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$28,297.27	$28,600.00	$56,897.27	$56,897.27
			$13,625.58	$13,625.58	
11/1/2010	4.500%	$29,646.11	$13,625.58	$43,271.69	$56,897.27
			$12,919.02	$12,919.02	
11/1/2011	4.500%	$31,059.24	$12,919.02	$43,978.25	$56,897.27
			$12,178.77	$12,178.77	
11/1/2012	4.500%	$32,539.73	$12,178.77	$44,718.50	$56,897.27
			$11,403.24	$11,403.24	
11/1/2013	4.500%	$34,090.79	$11,403.24	$45,494.03	$56,897.27
			$10,590.74	$10,590.74	
11/1/2014	4.500%	$35,715.78	$10,590.74	$46,306.53	$56,897.27
			$9,739.52	$9,739.52	
11/1/2015	4.500%	$37,418.23	$9,739.52	$47,157.75	$56,897.27
			$8,847.72	$8,847.72	
11/1/2016	5.000%	$39,201.84	$8,847.72	$48,049.55	$56,897.27
			$7,913.41	$7,913.41	
11/1/2017	5.000%	$41,070.46	$7,913.41	$48,983.86	$56,897.27
			$6,934.56	$6,934.56	
11/1/2018	5.000%	$43,028.15	$6,934.56	$49,962.71	$56,897.27
			$5,909.06	$5,909.06	
11/1/2019	5.000%	$45,079.16	$5,909.06	$50,988.21	$56,897.27
			$4,834.67	$4,834.67	
11/1/2020	5.000%	$47,227.93	$4,834.67	$52,062.60	$56,897.27
			$3,709.07	$3,709.07	
11/1/2021	5.000%	$49,479.13	$3,709.07	$53,188.20	$56,897.27
			$2,529.82	$2,529.82	
11/1/2022	5.000%	$51,837.63	$2,529.82	$54,367.45	$56,897.27
			$1,294.35	$1,294.35	
11/1/2023	5.000%	$54,308.56	$1,294.35	$55,602.92	$56,897.27
		$600,000.00	$253,459.04	$853,459.04	$853,459.04

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2142

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$56,898**	**$0.11**		$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	**$56,898**	**$0.11**		$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

2142 Nick

Mc# 321

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: **February 11, 2008**

RE: **INTRODUCTORY RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH RENOVATIONS AT HISTORIC BLYDENBURGH PARK (CP 7507)**

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 7507 Historic Blydenburgh Park.doc"

The 2008 Adopted Capital Budget includes funds for planning and construction for renovations at Historic Blydenburgh Park. This resolution will appropriate these funds for renovations at the mill and miller's house.

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

2143

Intro. Res. No. - 2008 Laid on the Table 12/2/08

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 BROOKHAVEN IN CONNECTION WITH IMPROVEMENTS TO RAYNOR BEACH COUNTY PARK (CP 7175)

WHEREAS, pursuant to Suffolk County Resolution No. 202-2007, funds were appropriated for construction of sidewalks along Ronkonkoma Avenue in the vicinity of Raynor Beach County Park; and

WHEREAS, The Town of Brookhaven Department of Housing, Community Development and Intergovernmental Affairs is a participant in the Federal Community Development Block Grant (CDBG) Program; and

WHEREAS, funding for the construction of sidewalks along Ronkonkoma Avenue in the vicinity of Raynor Beach County Park has been included in the Federal Community Development Block Grant to the Town of Brookhaven; and

WHEREAS, as a result of discussions between the Town of Brookhaven and the Suffolk County Department of Public Works a determination was made that the planning and installation of the sidewalk improvements should be administered by the County of Suffolk Department of Public Works, and

WHEREAS, the Town Board of the Town of Brookhaven Resolution No. 717-08 authorized $45,000 to be paid to the County of Suffolk to construct sidewalks along Ronkonkoma Avenue in the vicinity of Raynor Beach County Park ; and

WHEREAS, Suffolk County will assume responsibility for project planning, administration and construction; now, therefore be it

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

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

RESOLUTION SUBMISSION

MEETING OF: AUGUST 5, 2008 RESOLUTION NO. 717-08 2143

MOVED BY COUNCILMEMBER: TIMOTHY P. MAZZEI

REVISION

SHORT TITLE: AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE TOWN OF BROOKHAVEN AND THE COUNTY OF SUFFOLK FOR SIDEWALKS AND CURBING ON RONKONKOMA AVENUE, NEAR RAYNOR BEACH PARK, RONKONKOMA, NEW YORK

DEPARTMENT: HOUSING, COMMUNITY DEVELOPMENT & INTERGOVERNMENTAL AFFAIRS

REASON: This Agreement will give the Town and County the mechanism needed in order for the Town to distribute $45,000.00 of CDBG funding to the County for sidewalks and curbing on Ronkonkoma Avenue, near Raynor Beach Park. The County will retain their own contractor and provide in kind services and will oversee this portion of the project.

PUBLIC HEARING REQUIRED: No

DEPARTMENT OF FINANCE APPROVAL: YES NO
DOLLARS INVOLVED: $45,000.00 - All Costs Sustained Through this Contract Shall be Paid for Through Federal Community Development block Grant Funds

SEQRA REQUIRED: no
DETERMINATION MADE: POSITIVE NEGATIVE
FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED:
MM:sj

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Fiore-Rosenfeld					
		Councilmember Bonner					
		Councilmember Walsh					
		Councilmember Kepert					
		Councilmember Mazzei	1				
		Councilmember Romaine					
		Supervisor Foley	2				

2143

ADOPTED

BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 717-08
MEETING OF: AUGUST 5, 2008

AUTHORIZING INTO AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE TOWN OF BROOKHAVEN AND THE COUNTY OF SUFFOLK FOR SIDEWALKS AND CURBING ON RONKONKOMA AVENUE, NEAR RAYNOR BEACH PARK, RONKONKOMA, NEW YORK

WHEREAS, pursuant to GML §119-o, the Town of Brookhaven is authorized to enter into a Intermunicipal Agreement with other governmental entities for the performance of its duties and respective functions; and

WHEREAS, the Town of Brookhaven Department of Housing, Community Development and Intergovernmental Affairs is a participant in the Federal Community Development Block Grant (CDBG) Program; and

WHEREAS, the Town has prepared an Action Plan for the use of the Federal Community Development Block Grant Funds; and

WHEREAS, among the permitted uses and eligible activities under the Federal Community Development Block grant fund is special projects directed at the construction, reconstruction, or installation of public facilities and improvements; and

WHEREAS, the Town is desirous of entering into an Intermunicipal Agreement with the County of Suffolk in order for the Department of Housing, Community Development and Intergovernmental Affairs to disburse Community Development Block Grant funds in the sum of $45.000.00 to the County for sidewalks and curbing on Ronkonkoma Avenue, near Raynor Beach Park, Ronkonkoma, New York; and

WHEREAS, the County of Suffolk will retain their own contractor and provide in kind services and will oversee this portion of the project and will review all paperwork relative to their portion of the project; and

WHEREAS, by Resolution No. 26 dated December 5, 2006, copy attached, $50,000.00 of Community Development Block Grant funding was placed aside in order for the Town of Brookhaven to provide matching funds to the County for this project; and

WHEREAS, the Town of Brookhaven is committed to this project and will pay to the County of Suffolk $45,000.00 to complete the sidewalks and curbing on Ronkonkoma Avenue, near Raynor Beach Park, Ronkonkoma, New York;

2143

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Brookhaven that the Supervisor and/or Deputy Supervisor is hereby authorized to execute the Intermunicipal Agreement with the County of Suffolk and any other necessary documentation to facilitate the installation and completion of the sidewalks and curbing on Ronkonkoma Avenue, near Raynor Beach Park, Ronkonkoma, New York; and be it further

RESOLVED, that the terms and conditions of the Intermunicipal Agreement and any other documentation related to this matter shall be subject to the approval of the Town Attorney; and be it further

RESOLVED, that the Department of Finance is authorized to disburse the necessary funds to implement said Intermunicipal Agreement.

2143

ADOPTED

BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 26
MEETING OF: DECEMBER 5, 2006

AUTHORIZING APPROVAL OF TOWN OF BROOKHAVEN 2007 COMMUNITY DEVELOPMENT PROGRAM AND AGREEMENT

WHEREAS, the Town of Brookhaven is a member of the Suffolk Community Development Consortium for the purpose of participating in the receipt and administration of Community Development Block Grant funds as evidenced by a cooperation agreement signed by the Supervisor; and

WHEREAS, the Town of Brookhaven is required, in accordance with its agreement with Suffolk County, to submit a list of eligible projects and their description for inclusion in the County's annual application to the U.S. Department of Housing and Urban Development; and

WHEREAS, the Town of Brookhaven has held on October 30, 2006 an advertised, public hearing to solicit the opinions of the public on how these funds should be expended; and

WHEREAS, the Town Board has reviewed the public's input and has considered various proposed projects within the regulatory and statutory framework of the Housing and Community Development Act of 1974 as amended;

NOW, THEREFORE, BE IT RESOLVED, that the following list of projects, budget items and their descriptions labeled Exhibit "A" and attached herein, be included in the Town of Brookhaven's 2007-Year XXXIII Suffolk County Community Development Consortium Application to the U.S. Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED that the Supervisor or his Deputy is hereby authorized to execute the necessary documents with Suffolk County on behalf of the Town, subject to review thereof by the Department Law; and

2143

BE IT FURTHER RESOLVED that the Commissioner of Housing, Community Development and Intergovernmental Affairs be empowered to take whatever action is required to implement these approved projects that are eligible in accordance with the pertinent federal laws and regulations.

THIS IS TO CERTIFY THAT THIS IS A TRUE AND ACCURATE CERTIFIED COPY OF THE OFFICIAL DOCUMENT ON FILE IN THE TOWN CLERK'S OFFICE OF THE TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NY

Pamela J. Bethell

PAMELA J. BETHEIL, TOWN CLERK DATED: December 3, 2008
DO NOT ACCEPT UNLESS THE RAISED SEAL OF THE TOWN OF BROOKHAVEN IS AFFIXED HEREON

Sch. "A"

2143

2007 - Year XXXIII
COMMUNITY DEVELOPMENT PROGRAM BUDGET

PROJECT	2007 FUNDING
Public Water Connection & Well Installation Program	$ 10,000
Bellport Target Area	
Martha Avenue Park Athletic Fields	$100,000
Summer Youth Employment Program	$ 25,000
Gordon Heights Target Area	
Community Sidewalk & Curbing Improvement Program	$ 50,000
Sidewalk & Curbing Project @ NYS Route 25, Coram	$ 50,000
Granny Road Park Basketball Court Improvements	$ 20,000
Youth Athletic Program	$ 15,000
Summer Youth Employment Program	$ 25,000
Shirley, Mastic & Mastic Beach Target Area	
Neighborhood Road & Mastic Road Street Improvements	$100,000
East Yaphank Street Improvements	$ 50,000
Lake Ronkonkoma Sidewalk Improvements @ Gatelot Ave.	$150,000
Center Moriches Sidewalk Improvement Program	$ 50,000
Rocky Point Revitalization Program	$100,000
Sidewalk and Curbing Installations to Raynor Beach Park	$125,000
Residential Rehabilitation Program	$691,000

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PROJECT	2007 FUNDING
Code Enforcement in Target Areas	$ 55,000
Housing Counseling Program	$ 44,000
Patchogue/Medford Youth & Community Services	$ 35,000
Colonial Youth & Family Services	$ 50,000
Literacy Volunteers of America	$ 39,000
Lifeline Mediation Program	$ 50,000
Family Counseling Service	$ 50,000
Program Administration	$233,000
Total 2007 Program Funding	$2,117,000

2143

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 BROOKHAVEN IN CONNECTION WITH IMPROVEMENTS TO RAYNOR BEACH COUNTY PARK (CP 7175)

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): DAV**
Library District	**Fire District**	

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

This resolution will allow the County to enter into an inter-municipal agreement with Brookhaven Town for the transfer of funds and to construct sidewalks in the vicinity of Raynor Beach County Park.

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

See attached Suffolk County resolution 202-2007.

8. Proposed Source of Funding

See attached Suffolk County resolution 202-2007.

9. Timing of Impact

N/A

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		October 31st, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2143

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

OCT 2 3 2008

2143

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: Thomas LaGuardia, P.E., Chief Deputy Commissioner

DATE: October 20, 2008

RE: **AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN INTERMUNICPAL AGREEMENT WITH THE TOWN OF BROOKHAVEN IN CONNECTION WITH IMPROVEMENTS TO RAYNOR BEACH COUNTY PARK (CP 7175)**

Attached are a draft resolution and duplicate copy to authorize the County Executive to enter into an Intermunicipal agreement with the Town of Brookhaven for the construction and transfer of funds associated with the above referenced Capital Program. Funding for this project has been appropriated by Resolution No. 202-2007.

Funding for the construction of sidewalks along Ronkonkoma Avenue in the vicinity of Raynor Beach County Park has been included in the Federal Community Development Block Grant to the Town of Brookhaven. As a result of discussions between the Town of Brookhaven and the Suffolk County Department of Public Works a determination was made that the planning and installation of the sidewalk improvements should be administered by the County of Suffolk Department of Public Works.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 7175.doc".

TL:WH:sk
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

Town of Brookhaven
Long Island

2143

Brian X. Foley, Supervisor

May 21, 2008

William Hillman, P.E., Chief Engineer
County of Suffolk
Department of Public Works
335 Yaphank Avenue
Yaphank, New York 11980

Re: CP #7175 – Ronkonkoma Avenue/Raynor Park Sidewalk/Curbing Project

Dear Mr. Hillman:

I am in receipt of your letter of May 19, 2008, that was sent to me via fax.

What I am attaching to this letter should clear up the funding issues we all have in connection with the above project.

For your use, I am enclosing a copy of Resolution #26 dated December 5, 2006, wherein the Brookhaven Town Board approved the Community Development Block Grant funding for the Fiscal Year 2007. On the schedule attached, you will note the highlighted section that reads "Sidewalk and Curbing Installations to Raynor Beach Park" for the sum of $125,000.00.

The $50,000.00 of funding that this office is to provide to Suffolk County for this project is within that $125,000.00. The additional funding was to offset our portion of engineering, construction and construction management for the portion of the project we are committed to. Project Descriptions filed with HUD further reflect that this funding is for the "Construction of concrete curbing, sidewalk with related drainage to allow safe pedestrian access to local Town and County parks for lower income residents".

You are more than correct in stating that both municipalities are committed to getting this project done. I believe that this clears up your concern that a resolution must be passed by the Town Board agreeing to providing the County with funding for your portion of the project. I also believe that this resolution will pave the way for the Town to pay for its portion of your project through reimbursement to the County.

Department of Housing, Community Development & Intergovernmental Affairs
Valerie J. Biscardi, Commissioner
One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6600 • Fax (631) 451-6597
www.brookhaven.org

Printed on recycled paper

If you have any further concerns, please do not hesitate to contact me.

2143

Very truly yours,

Valerie J. Biscardi, Commissioner

Cc: Hon. John M. Kennedy, Legislator, 12th District
Hon. Timothy P. Mazzei, Councilman
Jeffrey Szabo, Dep. County Executive
Ben Zwirn, Dep. County Executive
Joseph Sansoverino, Director, SCCD
Gilbert Anderson, P.E., Commissioner, SC Public Works
Thomas LaGuardia, Chief Dep. Commissioner, SC Public Works
Christine Malafi, Suffolk County Attorney
Basia Brandish, Assistant County Attorney
William J. Colavito, P.E., Director of Highway Design

Intro. Res. No. 2144 - 2008 Laid on the Table 12/2/08
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH THE BROWNFIELDS PROGRAM, GABRESKI AIRPORT APDD SITE (CP 8223)

WHEREAS, the Commissioner of Health Services has requested the appropriation of funds in connection with the Brownfields Program; and

WHEREAS, these funds will be used to investigate contamination and remediate County owned sites returning them to productive use; and

WHEREAS, remediation in the form of construction and site improvements for an estimated cost of $222,000 is needed for the Airport Planned Development District (APDD) site at Gabreski Airport in the Town of Southampton; and

WHEREAS, there are sufficient funds within the 2008 Adopted Capital Budget and Program to cover the cost of said request under Capital Program Number 8223; and

WHEREAS, this project will be conducted under the New York State Department of Environmental Conservation Brownfields Voluntary Cleanup Program; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $222,000 in Suffolk County Serial Bonds; now therefore, be it

1st RESOLVED, Introductory Resolution No. 1911-2008 titled, "Making a SEQRA determination in connection with the Proposed Suffolk County Brownfield – Gabreski APDD, Town of Southampton" was laid on the table October 14,2008; and be it further

2nd RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby finds and determines that this resolution constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617. This legislation further finds and determines that implementation of this project will not have significant adverse impacts on the environment for the following reasons:

1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment; and

2.) The project entails investigation and remediation of the site in accordance with NYSDEC Brownfield programs; and

3.) All toxic and hazardous materials remediated will be disposed of in accordance with State and Federal regulations; and

4.) The action only involves clean up of the site and no new development is proposed; and

5.) The project will result in beneficial environmental impacts; and

the Legislature has no further responsibilities under the State Environmental Quality Review Act ("SEQRA"); and be it further

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

4th **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty six (66) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 and as amended by Resolution No. 461-2006; and be it further

5th **RESOLVED**, that the County Department of Health Services is hereby authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as may be deemed necessary relating to the investigation and remediation of the Gabreski Airport APDD site; and be it further

6th **RESOLVED**, that the proceeds of $222,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project Number	J.C.	Project Title	Amount
525-CAP-8223.315 Fund 001 Debt Service	40	Brownfields Program (Gabreski APDD site)	$218,000
525-CAP-8223.413 Fund 001 Debt Service	40	Brownfields Program (Gabreski APDD site)	$ 4,000

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION

2144

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

Appropriating funds in connection with the Brownfields Program, Gabreski Airport APDD site (CP 8223)

3. Purpose of Proposed Legislation

This legislation is needed to appropriate funds for the Brownfields Program that will be used to remediate, through construction and site improvements, Gabreski Airport APDD site in the Town of Southampton.

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 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 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*
Diane E. Weyer *Principal Financial Analyst*	Diane E Weyer	11/5/08
Beth A Reynolds BETH A. REYNOLDS PRINCIPAL EXEC	Beth A Reynolds	11/20/08

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2144

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$50,570**	**$0.09**		$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	**$50,570**	**$0.09**		$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

2144

Term of Bonds	5
Amount to Bond:	$222,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$40,579.74	$9,990.00	$50,569.74	$50,569.74
			$4,081.96	$4,081.96	
11/1/2010	4.500%	$42,405.83	$4,081.96	$46,487.79	$50,569.74
			$3,127.82	$3,127.82	
11/1/2011	4.500%	$44,314.09	$3,127.82	$47,441.92	$50,569.74
			$2,130.76	$2,130.76	
11/1/2012	4.500%	$46,308.23	$2,130.76	$48,438.99	$50,569.74
			$1,088.82	$1,088.82	
11/1/2013	4.500%	$48,392.10	$1,088.82	$49,480.92	$50,569.74
		$222,000.00	$30,848.72	$252,848.72	$252,848.72

COUNTY OF SUFFOLK

NOV 0 6 2008

2144

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

November 3, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution to appropriate funds in connection with the Brownfields Program, Gabreski Airport APDD site (CP 8223). These funds will be used to remediate, through construction and site improvements, Gabreski Airport APDD site located in the Town of Southampton.

I enclose a financial impact statement and other back-up documentation for this Resolution. If you have any questions on the enclosed, please call James Meyers at 4-2529. Also, an e-mail version of this Resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-CP8223-2008-Gabreski APDD Site.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Vito Minei, P.E., Director of Environmental Quality
James Meyers, Principal Public Health Engineer
Diane E. Weyer, Principal Financial Analyst

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OFFICE OF THE COMMISSIONER
225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

COUNTY OF SUFFOLK

2144

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

MEMORANDUM

TO: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer

FROM: R. Lawrence Swanson, Chairperson

DATE: September 17, 2008

RE: CEQ Review of the Proposed Suffolk County Brownfield – Gabreski APDD, Town of Southampton.

At its September 17, 2008 meeting, the CEQ reviewed the above referenced project. Pursuant to Chapter 279 of the Suffolk County Code, and based on the information received, as well as that given in a presentation by James Meyers, P.E. with the Suffolk County Department of Health Services as well as Robert Seyfarth, Sanitarian with the Suffolk County Department of Health Services, the council advises the Suffolk County Legislature and County Executive, in CEQ Resolution No. 38-08, a copy of which is attached, that the proposed project be considered an unlisted action under SEQRA that will not have significant adverse impacts on the environment.

If the Legislature concurs with the Council on Environmental Quality's recommendation that the project will not have a significant effect on the environment, the Presiding Officer should cause to be brought before the Legislature for a vote, a resolution determining that the proposed action is an unlisted action pursuant to SEQRA that will not have significant adverse impacts on the environment (negative declaration). However, if the Legislature has further environmental concerns regarding the project and needs additional information, then the Presiding Officer should submit a resolution requiring a draft environmental impact statement (positive declaration), and authorize the initiating unit to prepare such a document.

Enclosed for your information is a copy of the EAF, associated information and CEQ Resolution No. 38-08 setting forth the council's recommendations. If the council can be of further help in this matter, please let us know.

cc: All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

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

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

(631) 853-5191
fax (631) 853-4044

2144

Project #DHS-38-08 CEQ Resolution No. 38-08 September 17, 2008

RECOMMENDATION CONCERNING A SEQRA CLASSIFICATION
AND DETERMINATION FOR THE PURPOSES OF
CHAPTER 279 OF THE SUFFOLK COUNTY CODE
FOR THE PROPOSED SUFFOLK COUNTY BROWNFIELD – GABRESKI APDD IN THE
TOWN OF SOUTHAMPTON

WHEREAS, at its September 17, 2008 meeting, the Suffolk County Council on Environmental Quality reviewed the EAF and associated information submitted by the Suffolk County Department of Health Services; and

WHEREAS, a presentation regarding the project was given at the meeting by Mr. James Meyers, P.E. with the Suffolk County Department of Health Services as well as Robert Seyfarth, Sanitarian with the Suffolk County Department of Health Services; and

WHEREAS, the purpose of this project is to fully delineate soil and groundwater contamination at the site and to remediate the site as required by NYSDEC; now

Be It Therefore

RESOLVED, that in the judgment of the CEQ, based on the information received and presented, the above activity is an unlisted action under the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code; and

Be It Further

RESOLVED, that based on the information received, a quorum of the council recommends to the Suffolk County Legislature and County Executive, pursuant to Chapter 279 of the Suffolk County Code, that the project will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for Determining significant effect on the environment;
2. The project entails investigation and remediation of the site in accordance with NYSDEC Brownfield programs;
3. All toxic and hazardous materials remediated will be disposed of in accordance with State and Federal regulations;
4. The action only involves clean up of the site. Proposed development of the property has been subject to an FGEIS on the APDD and adopted finding statement, SEQRA is complete;
5. The project will result in beneficial environmental impacts;

that the Legislature and County Executive adopt a SEQRA determination of non-significance (negative declaration).

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

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

(631) 853-5191
fax (631) 853-4044

Project #DHS-38-08 CEQ Resolution 38-08 September 17, 2008

Motion by:	Mr. Kaufman	Seconded by:	Ms. Russo
CEQ Vote: Appointed Members:	8	Ayes:	8
CAC Representatives:	0	Nays:	None
Total Voting:	8	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
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

2144

PROJECT #DHS-38-08

RESOLUTION #38-08

DATE September 17, 2008

RECORD OF CEQ RESOLUTION VOTES

CEQ APPOINTED MEMBERS	AYE	NAY	ABSTAIN	NOT PRESENT	RECUSED
Larry Swanson	X				
Michael Kaufman	X				
Jay Schneiderman	X				
Eva Growney	X				
Thomas C. Gulbransen	X				
Richard Machtay	X				
Daniel Pichney				X	
Gloria G. Russo	X				
Mary Ann Spencer	X				

CAC REPRESENTATIVES

Recommendation: Unlisted Action; Negative Declaration

Motion: Mr. Kaufman

Second: Ms. Russo

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

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

(631) 853-5191
fax (631) 853-4044

COUNTY OF SUFFOLK

2144

Steve Levy
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
COMMISSIONER

MEMORANDUM

To: Diane Weyer
Budget and Management

From: Vito Minei, P.E., Director
Division of Environmental Quality

Date: October 30, 2008

Subject: Request for Introductory Resolution for CP 8223 (2008)
Brownfields Pilot Program - Gabreski APDD - ($222,000)

I am requesting the drafting of an Introductory Resolution in conjunction with the 2008 Capital Project 8223. The resolution would appropriate $222,000 for the subject project contained in the 2008 Capital Budget.

This project provides funds to conduct construction/remediation and site improvements at the Gabreski Brownfields site in Suffolk County. This program is vital, as it provides funding to investigate contamination and remediate county owned sites as required by state and federal law. Under this program, certain sites are eligible for 90% reimbursement for investigation and remediation performed by the county. The NYS Brownfields program also allows for the County to apply for a grant from New York State to investigate properties in tax arrears. If the application is approved, the County can take the site, investigate, receive 90% reimbursement and limit its liability for off-site contamination. This is helpful for returning inactive/dilapidated sites to productive use and tax roles.

Additional details regarding the intended use of the appropriation are attached. If you have any questions, please do not hesitate to call me at 25800.

VM/kn
Attachment

Cc Matthew J. Miner, Deputy Commissioner of Health Services
Margaret Bermel, Director of Health Administrative Services
Walter Dawydiak, P.E., Chief Engineer, Division of Environmental Quality

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OFFICE OF THE DIRECTOR
• DIVISION OF ENVIRONMENTAL QUALITY • 360 YAPHANK AVENUE, SUITE 2B • YAPHANK NY 11980 •
Phone (631) 852-5800 Fax (631) 852-5825

2144

Brownfields (CP 8223)
Planned Expenditures of 2008 Appropriation

Gabreski APDD

	2008
Planning/Investigation	
Construction/Remediation	$ 218,000.00
Site Improvements	$ 4,000.00

Canin Kennel

	2008
Planning/Investigation	
Construction/Remediation	$ 360,000.00
Site Improvements	$ 1,000.00

Bellport Gas Station

	2008
Planning/Investigation	
Construction/Remediation	$ 75,000.00
Site Improvements	$ 2,000.00

Ronkonkoma Wallpaper

	2008
Planning/Investigation	
Construction/Remediation	$ 100,000.00
Site Improvements	$ 3,000.00

Totals

Planning/Investigation	
Construction/Remediation	***$ 753,000.00***
Site Improvements	***$ 10,000.00***

2145

Intro. Res. No. - 2008 Laid on the Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH THE BROWNFIELDS PROGRAM, FORMER BELLPORT GAS STATION SITE (CP 8223)

WHEREAS, the Commissioner of Health Services has requested the appropriation of funds in connection with the Brownfields Program; and

WHEREAS, these funds will be used to investigate contamination and remediate County owned sites returning them to productive use; and

WHEREAS, remediation in the form of construction and site improvements for an estimated cost of $77,000 is needed for the former Bellport Gas Station site in the Town of Brookhaven; and

WHEREAS, there are sufficient funds within the 2008 Adopted Capital Budget and Program to cover the cost of said request under Capital Program Number 8223; and

WHEREAS, this project will be conducted under the New York State Department of Environmental Conservation Brownfields Voluntary Cleanup Program; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $77,000 in Suffolk County Serial Bonds; now, therefore be it

1ST RESOLVED, Introductory Resolution No. 1908-2008 titled, "Making a SEQRA determination in connection with the Proposed Suffolk County Brownfield – Former Bellport Gas Station, Town of Brookhaven" was laid on the table October 14, 2008; and be it further

2nd RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby finds and determines that this resolution constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617. This legislation further finds and determines that implementation of this project will not have significant adverse impacts on the environment for the following reasons:

1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment; and

2.) The project entails investigation and remediation of the site in accordance with NYSDEC Brownfield programs; and

3.) All toxic and hazardous materials remediated will be disposed of in accordance with State and Federal regulations; and

4.) The action only involves clean up of the site and no new development is proposed; and

5.) The project will result in beneficial environmental impacts; and

the Legislature has no further responsibilities under the State Environmental Quality Review Act ("SEQRA"); and be it further

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

4th RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty six (66) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 and as amended by Resolution No. 461-2006; and be it further

5th RESOLVED, that the County Department of Health Services is hereby authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as may be deemed necessary relating to the investigation and remediation of the former Bellport Gas Station site ;and be it further

6th RESOLVED, that the proceeds of $77,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project Number	J.C.	Project Title	Amount
525-CAP-8223.313 Fund 001 Debt Service	40	Brownfields Program (Bellport Gas Station site)	$75,000
525-CAP-8223.411 Fund 001 Debt Service	40	Brownfields Program (Bellport Gas Station site)	$ 2,000

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION

2145

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation
Appropriating funds in connection with the Brownfields Program, former Bellport Gas Station site (CP 8223)

3. Purpose of Proposed Legislation
This legislation is needed to appropriate funds for the Brownfields Program that will be used to remediate, through construction and site improvements, the former Bellport Gas Station site.

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 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 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*
Diane E. Weyer *Principal Financial Analyst*	Diane E Weyer	11/5/08
Beth A Reynolds BETH A. REYNOLDS PRINCIPAL EXECUTIVE ANALYST	Beth A Reynolds	11/20/08

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2145

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$17,540**	**$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	**$17,540**	**$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

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

2145

Term of Bonds	5
Amount to Bond:	$77,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$14,074.96	$3,465.00	$17,539.96	$17,539.96
			$1,415.81	$1,415.81	
11/1/2010	4.500%	$14,708.33	$1,415.81	$16,124.14	$17,539.96
			$1,084.88	$1,084.88	
11/1/2011	4.500%	$15,370.20	$1,084.88	$16,455.08	$17,539.96
			$739.05	$739.05	
11/1/2012	4.500%	$16,061.86	$739.05	$16,800.91	$17,539.96
			$377.65	$377.65	
11/1/2013	4.500%	$16,784.65	$377.65	$17,162.30	$17,539.96
		$77,000.00	$10,699.78	$87,699.78	$87,699.78

COUNTY OF SUFFOLK

NOV 0 6 2008

2145

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

November 3, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution to appropriate funds in connection with the Brownfields Program, former Bellport Gas Station site (CP 8223). These funds will be used to remediate, through construction and site improvements, the former Bellport Gas Station site located in the Town of Brookhaven.

I enclose a financial impact statement and other back-up documentation for this Resolution. If you have any questions on the enclosed, please call James Meyers at 4-2529. Also, an e-mail version of this Resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-CP8223-2008-Bellport Gas Site.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Vito Minei, P.E., Director of Environmental Quality
James Meyers, Principal Public Health Engineer
Diane E. Weyer, Principal Financial Analyst

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225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

COUNTY OF SUFFOLK

2145

Steve Levy
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
COMMISSIONER

MEMORANDUM

To: Diane Weyer
Budget and Management

From: Vito Minei, P.E., Director
Division of Environmental Quality

Date: October 30, 2008

Subject: Request for Introductory Resolution for CP 8223 (2008)
Brownfields Pilot Program - Bellport Gas Station ($77,000)

I am requesting the drafting of an Introductory Resolution in conjunction with the 2008 Capital Project 8223. The resolution would appropriate $77,000 for the subject project contained in the 2008 Capital Budget.

This project provides funds to conduct construction/remediation and site improvements at the Bellport Gas Station Brownfields site in Suffolk County. This Brownfields Program is vital, as it provides a streamlined process to investigate contamination and remediate county-owned sites as required by state and federal law. The NYS Brownfields Program also allows for the county to apply to the NYSDEC to investigate properties in tax arrears. If the application is approved, the county can take the site, investigate, remediate the site and limit its liability for off-site contamination. This is helpful for returning inactive/dilapidated sites to productive use and tax roles. Certain projects are also eligible for reimbursement under state and federal Brownfields Programs.

A copy of the Council on Environmental Quality resolution pertaining to this site is attached. If you have any questions, please do not hesitate to call me at 25800.

VM/kn
Attachment
Cc Matthew J. Miner, Deputy Commissioner of Health Services
Margaret Bermel, Director of Health Administrative Services
Walter Dawydiak, P.E., Chief Engineer, Division of Environmental Quality

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• DIVISION OF ENVIRONMENTAL QUALITY • 360 YAPHANK AVENUE, SUITE 2B • YAPHANK NY 11980 •
Phone (631) 852-5800 Fax (631) 852-5825

2145

Brownfields (CP 8223)
Planned Expenditures of 2008 Appropriation

Gabreski APDD

	2008
Planning/Investigation	
Construction/Remediation	$ 218,000.00
Site Improvements	$ 4,000.00

Canin Kennel

	2008
Planning/Investigation	
Construction/Remediation	$ 360,000.00
Site Improvements	$ 1,000.00

Bellport Gas Station

	2008
Planning/Investigation	
Construction/Remediation	$ 75,000.00
Site Improvements	$ 2,000.00

Ronkonkoma Wallpaper

	2008
Planning/Investigation	
Construction/Remediation	$ 100,000.00
Site Improvements	$ 3,000.00

Totals

Planning/Investigation	
Construction/Remediation	***$ 753,000.00***
Site Improvements	***$ 10,000.00***

COUNTY OF SUFFOLK

2145

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

MEMORANDUM

TO: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer

FROM: R. Lawrence Swanson, Chairperson

DATE: September 17, 2008

RE: CEQ Review of the Proposed Suffolk County Brownfield – Former Bellport Gas Station, Town of Brookhaven.

At its September 17, 2008 meeting, the CEQ reviewed the above referenced project. Pursuant to Chapter 279 of the Suffolk County Code, and based on the information received, as well as that given in a presentation by James Meyers, P.E. with the Suffolk County Department of Health Services, as well as Robert Seyfarth, Sanitarian with the Suffolk County Department of Health Services the council advises the Suffolk County Legislature and County Executive, in CEQ Resolution No. 35-08, a copy of which is attached, that the proposed project be considered an unlisted action under SEQRA that will not have significant adverse impacts on the environment.

If the Legislature concurs with the Council on Environmental Quality's recommendation that the project will not have a significant effect on the environment, the Presiding Officer should cause to be brought before the Legislature for a vote, a resolution determining that the proposed action is an unlisted action pursuant to SEQRA that will not have significant adverse impacts on the environment (negative declaration). However, if the Legislature has further environmental concerns regarding the project and needs additional information, then the Presiding Officer should submit a resolution requiring a draft environmental impact statement (positive declaration), and authorize the initiating unit to prepare such a document.

Enclosed for your information is a copy of the EAF, associated information and CEQ Resolution No. 35-08 setting forth the council's recommendations. If the council can be of further help in this matter, please let us know.

cc: All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

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

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

(631) 853-5191
fax (631) 853-4044

Project #DHS-35-08 CEQ Resolution No. 35-08 September 17, 2008

RECOMMENDATION CONCERNING A SEQRA CLASSIFICATION AND DETERMINATION FOR THE PURPOSES OF CHAPTER 279 OF THE SUFFOLK COUNTY CODE FOR THE PROPOSED SUFFOLK COUNTY BROWNFIELD – FORMER BELLPORT GAS STATION, IN THE TOWN OF BROOKHAVEN

2145

WHEREAS, at its September 17, 2008 meeting, the Suffolk County Council on Environmental Quality reviewed the EAF and associated information submitted by the Suffolk County Department of Health Services; and

WHEREAS, a presentation regarding the project was given at the meeting by Mr. James Meyers, P.E. with the Suffolk County Department of Health Services as well as Robert Seyfarth, Sanitarian with the Suffolk County Department of Health Services; and

WHEREAS, the project involves obtaining enough information regarding the environmental conditions at the subject property so that a Remedial Alternatives Analysis can be performed. This will be accomplished by performing a limited focused site investigation that will supplement the information obtained by SCDHS, and the 2006 TSA. Remediation will be performed as required; now

Be It Therefore

RESOLVED, that in the judgment of the CEQ, based on the information received and presented, the above activity is an unlisted action under the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code; and

Be It Further

RESOLVED, that based on the information received, a quorum of the council recommends to the Suffolk County Legislature and County Executive, pursuant to Chapter 279 of the Suffolk County Code, that the project will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for Determining significant effect on the environment;
2. The project entails investigation and remediation of the site in accordance with NYSDEC Brownfield programs;
3. All toxic and hazardous materials remediated will be disposed of in accordance with State and Federal regulations;
4. The action only involves clean up of the site and no new development is proposed;
5. The project will result in beneficial environmental impacts;

that the Legislature and County Executive adopt a SEQRA determination of non-significance (negative declaration).

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

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

(631) 853-5191
fax (631) 853-4044

Motion by: Mr. Kaufman		Seconded by:	Ms. Russo
CEQ Vote: Appointed Members:	8	Ayes:	8
CAC Representatives:	0	Nays:	None
Total Voting:	8	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
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

PROJECT #DHS-35-08

2145

RESOLUTION #35-08

DATE September 17, 2008

RECORD OF CEQ RESOLUTION VOTES

CEQ APPOINTED MEMBERS	AYE	NAY	ABSTAIN	NOT PRESENT	RECUSED
Larry Swanson	X				
Michael Kaufman	X				
Jay Schneiderman	X				
Eva Growney	X				
Thomas C. Gulbransen	X				
Richard Machtay	X				
Daniel Pichney				X	
Gloria G. Russo	X				
Mary Ann Spencer	X				

CAC REPRESENTATIVES

Recommendation: Unlisted Action; Negative Declaration

Motion: Mr. Kaufman

Second: Ms Russo

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

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HAUPPAUGE, NY 11788-0099

(631) 853-5191
fax (631) 853-4044

2146

Intro. Res. No. - 2008 Laid on the Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH THE BROWNFIELDS PROGRAM, FORMER CANINE KENNEL SITE AT GABRESKI AIRPORT (CP 8223)

WHEREAS, the Commissioner of Health Services has requested the appropriation of funds in connection with the Brownfields Program; and

WHEREAS, these funds will be used to investigate contamination and remediate County owned sites returning them to productive use; and

WHEREAS, remediation in the form of construction and site improvements for an estimated cost of $361,000 is needed for the former Canine Kennel site at Gabreski Airport in the Town of Southampton; and

WHEREAS, there are sufficient funds within the 2008 Adopted Capital Budget and Program to cover the cost of said request under Capital Program Number 8223; and

WHEREAS, this project will be conducted under the New York State Department of Environmental Conservation Brownfields Voluntary Cleanup Program; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $361,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, Introductory Resolution No. 1910-2008 titled, "Making a SEQRA determination in connection with the Proposed Suffolk County Brownfield – Former Canine Kennel, Suffolk County Gabreski Airport, Town of Southampton" was laid on the table October 14, 2008; and be it further

2nd RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby finds and determines that this resolution constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617. This legislation further finds and determines that implementation of this project will not have significant adverse impacts on the environment for the following reasons:

1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment; and

2.) The project entails investigation and remediation of the site in accordance with NYSDEC Brownfield programs; and

3.) All toxic and hazardous materials remediated will be disposed of in accordance with State and Federal regulations; and

4.) The action only involves clean up of the site and no new development is proposed; and

5.) The project will result in beneficial environmental impacts; and

6.) The site will be revegetated with indigenous vegetation at the completion of this project.

the Legislature has no further responsibilities under the State Environmental Quality Review Act ("SEQRA"); and be it further

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

4th RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty six (66) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 and as amended by Resolution No. 461-2006; and be it further

5th RESOLVED, that the County Department of Health Services is hereby authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as may be deemed necessary relating to the investigation and remediation of the former Canine Kennel site at Gabreski Airport ; and be it further

6th RESOLVED, that the proceeds of $361,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project Number	J.C.	Project Title	Amount
525-CAP-8223.314 Fund 001 Debt Service	40	Brownfields Program (Canine Kennel site)	$360,000
525-CAP-8223.412 Fund 001 Debt Service	40	Brownfields Program (Canine Kennel site)	$ 1,000

DATED:

APPROVED BY:

_____

County Executive of Suffolk County
Date of Approval:

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION

2146

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

Appropriating funds in connection with the Brownfields Program, former Canine Kennel site at Gabreski Airport (CP 8223)

3. Purpose of Proposed Legislation

This legislation is needed to appropriate funds for the Brownfields Program that will be used to remediate, through construction and site improvements, the former Canine Kennel site at Gabreski Airport in the Town of Southampton.

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 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 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*
Diane E. Weyer *Principal Financial Analyst* Beth A Reynolds	Beth A Reynolds	11/5/08 11/20/08

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2146

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$82,233**	**$0.15**		$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	**$82,233**	**$0.15**		$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

2146

Term of Bonds	5
Amount to Bond:	$361,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$65,987.78	$16,245.00	$82,232.78	$82,232.78
			$6,637.77	$6,637.77	
11/1/2010	4.500%	$68,957.23	$6,637.77	$75,595.01	$82,232.78
			$5,086.24	$5,086.24	
11/1/2011	4.500%	$72,060.31	$5,086.24	$77,146.54	$82,232.78
			$3,464.88	$3,464.88	
11/1/2012	4.500%	$75,303.02	$3,464.88	$78,767.90	$82,232.78
			$1,770.56	$1,770.56	
11/1/2013	4.500%	$78,691.66	$1,770.56	$80,462.22	$82,232.78
		$361,000.00	$50,163.91	$411,163.91	$411,163.91

COUNTY OF SUFFOLK

NOV 0 6 2008

2146

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

November 3, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution to appropriate funds in connection with the Brownfields Program, former Canine Kennel site at Gabreski Airport (CP 8223). These funds will be used to remediate, through construction and site improvements, the former Canine Kennel site at Gabreski Airport located in the Town of Southampton.

I enclose a financial impact statement and other back-up documentation for this Resolution. If you have any questions on the enclosed, please call James Meyers at 4-2529. Also, an e-mail version of this Resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-CP8223-2008-Canine Kennel Site.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Vito Minei, P.E., Director of Environmental Quality
James Meyers, Principal Public Health Engineer
Diane E. Weyer, Principal Financial Analyst

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COUNTY OF SUFFOLK

2146

Steve Levy
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
COMMISSIONER

MEMORANDUM

To: Diane Weyer
Budget and Management

From: Vito Minei, P.E., Director
Division of Environmental Quality

Date: October 30, 2008

Subject: Request for Introductory Resolution for CP 8223 (2008)
Brownfields Pilot Program – Canine Kennel - ($361,000)

I am requesting the drafting of an Introductory Resolution in conjunction with the 2008 Capital Project 8223. The resolution would appropriate $361,000 for the subject project contained in the 2008 Capital Budget.

This project provides funds to conduct construction/remediation and site improvements at the Canine Kennel Brownfields site in Suffolk County. This Brownfields Program is vital, as it provides a streamlined process to investigate contamination and remediate county-owned sites as required by state and federal law. The NYS Brownfields Program also allows for the county to apply to the NYSDEC to investigate properties in tax arrears. If the application is approved, the county can take the site, investigate, remediate the site and limit its liability for off-site contamination. This is helpful for returning inactive/dilapidated sites to productive use and tax roles. Certain projects are also eligible for reimbursement under state and federal Brownfields Programs.

A copy of the Council on Environmental Quality resolution pertaining to this site is attached. If you have any questions, please do not hesitate to call me at 25800.

VM/kn
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Cc Matthew J. Miner, Deputy Commissioner of Health Services
Margaret Bermel, Director of Health Administrative Services
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2146

Brownfields (CP 8223)
Planned Expenditures of 2008 Appropriation

Gabreski APDD

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Construction/Remediation	$ 218,000.00
Site Improvements	$ 4,000.00

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	2008
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Totals

Planning/Investigation	
Construction/Remediation	***$ 753,000.00***
Site Improvements	***$ 10,000.00***

COUNTY OF SUFFOLK

2146

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

MEMORANDUM

TO: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer

FROM: R. Lawrence Swanson, Chairperson

DATE: September 17, 2008

RE: CEQ Review of the Proposed Suffolk County Brownfield – Former Canine Kennel, Suffolk County Gabreski Airport, in the Town of Southampton.

At its September 17, 2008 meeting, the CEQ reviewed the above referenced project. Pursuant to Chapter 279 of the Suffolk County Code, and based on the information received, as well as that given in a presentation by James Meyers, P.E. with the Suffolk County Department of Health Services as well as Robert Seyfarth, Sanitarian with the Suffolk County Department of Health Services, the council advises the Suffolk County Legislature and County Executive, in CEQ Resolution No. 37-08, a copy of which is attached, that the proposed project be considered an unlisted action under SEQRA that will not have significant adverse impacts on the environment.

If the Legislature concurs with the Council on Environmental Quality's recommendation that the project will not have a significant effect on the environment, the Presiding Officer should cause to be brought before the Legislature for a vote, a resolution determining that the proposed action is an unlisted action pursuant to SEQRA that will not have significant adverse impacts on the environment (negative declaration). However, if the Legislature has further environmental concerns regarding the project and needs additional information, then the Presiding Officer should submit a resolution requiring a draft environmental impact statement (positive declaration), and authorize the initiating unit to prepare such a document.

Enclosed for your information is a copy of the EAF, associated information and CEQ Resolution No. 37-08 setting forth the council's recommendations. If the council can be of further help in this matter, please let us know.

cc: All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

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fax (631) 853-4044

2146

Project #DHS-37-08 CEQ Resolution No. 37-08 September 17, 2008

RECOMMENDATION CONCERNING A SEQRA CLASSIFICATION AND DETERMINATION FOR THE PURPOSES OF CHAPTER 279 OF THE SUFFOLK COUNTY CODE FOR THE PROPOSED SUFFOLK COUNTY BROWNFIELD – FORMER CANINE KENNEL, SUFFOLK COUNTY GABRESKI AIRPORT, IN THE TOWN OF SOUTHAMPTON

WHEREAS, at its September 17, 2008 meeting, the Suffolk County Council on Environmental Quality reviewed the EAF and associated information submitted by the Suffolk County Department of Health Services; and

WHEREAS, a presentation regarding the project was given at the meeting by Mr. James Meyers, P.E. with the Suffolk County Department of Health Services as well as Robert Seyfarth, Sanitarian with the Suffolk County Department of Health Services; and

WHEREAS, the purpose of this project is to determine the vertical and horizontal extent of soil contaminated with polychlorinated biphenyls (PCBs) and pesticides and to select a remedial alternative. The site will be remediated in accordance with a NYSDEC approved Work Plan; now

Be It Therefore

RESOLVED, that in the judgment of the CEQ, based on the information received and presented, the above activity is an unlisted action under the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code; and

Be It Further

RESOLVED, that based on the information received, a quorum of the council recommends to the Suffolk County Legislature and County Executive, pursuant to Chapter 279 of the Suffolk County Code, that the project will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for Determining significant effect on the environment;
2. The project entails investigation and remediation of the site in accordance with NYSDEC Brownfield programs;
3. All toxic and hazardous materials remediated will be disposed of in accordance with State and Federal regulations;
4. The action only involves clean up of the site and no new development is proposed;
5. The project will result in beneficial environmental impacts;
6. The site will be revegetated with indigenous vegetation at the completion of the project;

that the Legislature and County Executive adopt a SEQRA determination of non-significance (negative declaration).

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

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

(631) 853-5191
fax (631) 853-4044

Project #DHS-37-08 CEQ Resolution 37-08 September 17, 2008

Motion by:	Mr. Kaufman	Seconded by:	Ms. Russo
CEQ Vote:	Appointed Members: 8	Ayes:	8
CAC Representatives:	0	Nays:	None
Total Voting:	8	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
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

PROJECT #DHS-37-08

2146

RESOLUTION #37-08

DATE September 17, 2008

RECORD OF CEQ RESOLUTION VOTES

CEQ APPOINTED MEMBERS	AYE	NAY	ABSTAIN	NOT PRESENT	RECUSED
Larry Swanson	X				
Michael Kaufman	X				
Jay Schneiderman	X				
Eva Growney	X				
Thomas C. Gulbransen	X				
Richard Machtay	X				
Daniel Pichney				X	
Gloria G. Russo	X				
Mary Ann Spencer	X				

CAC REPRESENTATIVES

Recommendation: Unlisted Action; Negative Declaration

Motion: Mr. Kaufman

Second: Ms. Russo

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

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

(631) 853-5191
fax (631) 853-4044

2147

Intro. Res. No. -2008 Laid on Table 12/2/08

Introduced by Presiding Officer Lindsay on request of County Executive Steve Levy

RESOLUTION NO. 2008, TRANSFERRING HOLDING ACCOUNT FUNDS TO THE CAPITAL FUND, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS AND REHABILITATION OF EXISTING FACILITIES IN SUFFOLK COUNTY SEWER DISTRICT NO. 2 – TALLMADGE WOODS (CP 8188)

WHEREAS, the existing wastewater treatment facilities of Sewer District No. 2 – Tallmadge Woods requires improvement to continue to meet effluent standards associated with the discharge permit of NYSDEC; and

WHEREAS, the Administrative Head of Sewer District No. 2 – Tallmadge Woods has requested that previously received contributions which are deposited in a holding account, be appropriated to cover costs associated with the sewerage facility improvement and/or rehabilitation; and

WHEREAS, sufficient funds are available in the holding account established and containing funds to cover the costs of the improvement and/or rehabilitation; and

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

WHEREAS, pursuant to State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), it is determined that the proposed sewerage facility improvement and/or rehabilitation to the Sewer District No. 2 – Tallmadge Woods constitutes a Type II action pursuant to the provisions of NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which project will not have a significant effect on the environment; now, therefore, be it

1st **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-four (64) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd **RESOLVED**, that the County Treasurer and County Comptroller be and they hereby are authorized to transfer the following funds from the Holding Account to the Capital Fund as a Sewer Revenue:

From Holding Account	**To Capital Fund Sewer Revenues**	**Amount**
No. 202-6880	8188.310	$ 205,000
Total SCSD #2		**$ 205,000**

and be it further

3rd **RESOLVED**, that the County Treasurer and County Comptroller be and they hereby are authorized to accept proceeds not to exceed $205,000 transferred to the Capital Fund from the Holding Account; and be it further

4th **RESOLVED,** that the 2008 Capital Budget be and it hereby is amended as follows:

Program No.: **8188**
Project Name: **Improvements to Sewage Treatment Facilities, Sewer District No. 2 – Tallmadge Woods**

COST ELEMENT	TOTAL EST'D COST	CURRENT 2008 CAPITAL BUDGET & PROGRAM	REVISED 2008 CAPITAL BUDGET & PROGRAM
3. Construction	$205,000	$0	$205,000 plus accrued interest
TOTAL	**$205,000**	**$0**	**$205,000**

and be it further

5th **RESOLVED**, that the proceeds of $205,000 in revenues transferred to the Capital Fund, be and hereby are appropriated as follows:

PROJECT NO.	PROJECT TITLE	AMOUNT
527-CAP-8188.310	Improvements to Sewer District No. 2 – Tallmadge Woods - Construction	$205,000 plus accrued Interest

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

7147

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

Transferring Escrow Account Revenues to the Capital Fund, amending the 2008 Capital Budget and Program and appropriating funds for improvements and/or rehabilitation of existing facilities in Suffolk County Sewer District No. 2 – Tallmadge Woods (CP8188)

3. Purpose of Proposed Legislation

The recommendation requests appropriation of escrow account revenues for the project.

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

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

$205,000 plus accrued interest.

8. Proposed Source of Funding

Escrow Account Revenues

9. Timing of Impact

2008

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Ben Wright, P.E. Chief Engineer, Sanitation	Ben Wright	10/30/08

Carmen C. Chiusano 11/21/08
Asst Budget Director

tl-bw10-30-08 Backup-DPW 175B sd2 Improvements CP8188

SCIN FORM 175B (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2147

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

COUNTY OF SUFFOLK

NOV 06 2008

2147

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Tom LaGuardia, P.E., Chief Deputy Commissioner

DATE: October 30, 2008

SUBJECT: **DRAFT RESOLUTION TRANSFERRING HOLDING ACCOUNT FUNDS TO THE CAPITAL FUND, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS FOR IMPROVEMENTS AND/OR REHABILITATION OF EXISTING FACILITIES IN SUFFOLK COUNTY SEWER DISTRICT NO. 2 – TALLMADGE WOODS (CP 8188)**

Attached is a draft resolution and appropriate forms with backup for Sewer District No. 2 – Tallmadge Woods improvement funds which is filed as tl-bw10-30-08 Reso-DPW sd2 Improvements CP 8188 with backup filed as tl-bw10-30-08 Backup DPW 175A sd2 Improvements CP 8188 and tl-bw10-30-08 Backup DPW 175B sd2 Improvements CP 8188. The project is to provide construction improvements to the wastewater treatment facilities to continue to meet the effluent standards of NYSDEC. The total requested amount to be transferred is $205,000. It is noted that the funds were contributed by the district's developers as part of the district creation and placed in a non-interest bearing account. We have assumed that the new capital project number would be 8188. We would appreciate the resolution being laid on the table as soon as possible.

TL:BW:ni
Attachment
cc: Jim Morgo, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
✓Brendan Chamberlain, County Executive Assistant
Laura Conway, CPA, Chief Accountant
Ben Wright, P.E., Chief Engineer, Sanitation
Carmine Chiusano, Assistant Budget Director
CE Reso Review
tl-bw10-30-08 Reso-DPW sd2-Improvements CP 8188 memo to BZwirn

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

CAPITAL PROJECT RANKING FORM 2147

CAPITAL PROJECT RANKING FORM	Response	Score	Category
Cumulative Ranking (maximum score=100 points)		63.4	
1. Does this project meet the minimum 5-25-5 criteria for inclusion in the capital program pursuant to Local Law 23 of 1994? Enter "Y" or "N".	Y	5.6	Planning
2. ENTER "Y" if this is either a non-recurring project or a recurring project that is financed with "G" money or ENTER "N" if this is a recurring project financed through the capital program with a source of funds other than "G" money.	Y	5.6	Planning
3. Is implementation of the project mandated by federal, state or local law? ENTER "0" if not mandated, ENTER "1" (yes-long term) if mandated, but more than 3-years (beyond the current capital program) are needed to meet the mandate, or ENTER "2" if mandate must be met within the current 3-year capital program.	0	0.0	Planning
4. What percent of the project is funded by state or federal aid, or other nonproperty tax revenue (department income, tuition at the college, interfund transfers from Fund 404 for sewers, etc.)? ENTER the percent from 0 to 100.	100	11.1	Fiscal
5. What is the non-debt service net operating budget impact? ENTER "1" for an increase in net operating expenses (net of debt service on borrowing for this capital project and net of state & federal aid and other nonproperty tax revenue); ENTER "2" for no impact; ENTER "3" for a decrease in net operating expenses within 10 years; ENTER "4" for a decrease in net operating expenses within 5 years.	2	5.6	Fiscal
6. What affect will this project have on the local economy with respect to expansion of the tax base and/or job creation? ENTER "1" = negative economic impact; ENTER "2" = no effect; ENTER "3" = positive economic impact.	3	11.1	Economic
7. Which level of service best describes this project? ENTER "1" = will expand the level of services, provide new services, or provide service level quality enhancements; ENTER "2" = needed to maintain existing levels; or ENTER "3" = replaces, rehabilitates or repairs a deteriorating or obsolete facility (i.e., Yaphank Jail)	2	2.8	Service
8. Does this project (1) correct a critical health or safety hazard, (2) prevents a critical breakdown in county facilities (i.e. asbestos removal or road improvements at high accident locations) or (3) promotes public safety or public health, providing critical services to county residients? Enter "Y" or "N".	Y	11.1	Service
9. What impact does the project have on the environment? ENTER "1" a for negative impact, ENTER "2" for no impact or ENTER "3" for a positive impact.	2	5.6	Service
10. What percent of the County's population will potentially be served? ENTER "1" if potential use is less than or equal to 25% of the county's population, ENTER "2" if potential use is less than or equal to 50%, ENTER "3" if potential use is less than or equal to 75%, ENTER "4" if potential use exceeds 75%.	1	1.4	Service
11. How would you (the analyst) rate the need for this project? ENTER "1" = Not necessary; ENTER "2" = Moderate priority; ENTER "3" = High priority; ENTER "4" = Critical.	3	3.7	All Categories

Intro. Res. No. 2148-08 Laid on Table 12/2/08

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

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

RESOLVED, that the joint reports of the Recording Officer and the County Treasurer as filed with this Legislature on November 5, 2008 relative to the distribution of mortgage taxes for the six month period ending September 30, 2008, be accepted and that the amounts specified therein be fixed and determined as the amounts due the Towns and Villages respectively; and be it further

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

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

2148

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

APPORTIONING MORTGAGE TAX BY THE COUNTY TREASURER.

3. Purpose of Proposed Legislation

SAME AS STATED ABOVE.

4. Will the Proposed Legislation Have a Fiscal Impact? **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): Community College**

Library District **Fire District**

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

N/A

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

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
Allen M. Kovesdy Director of Management		November 21, 2008

SIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2148

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Introductory Resolution No. 2149-08 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT
ESTATE OF MARY E. DODSON a/k/a MARY DODSON, by Bernadette Parks as Executor
0200-546.00-01.00-011.002

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 546.00, Block 01.00, Lot 011.002, 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, known and designated as Lots 7-11 and 7-19 inclusive, in Block 20 on a certain map entitled "Map of Gordon Heights, Section 4" and filed in the Office of the Clerk of the County of Suffolk in June, 1931 as Map No. 1024; 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, BERNADETTE PARKS as Executor, Estate of Mary E. Dodson a/k/a Mary Dodson, has made application of said above described parcel and BERNADETTE PARKS as Executor, Estate of Mary E. Dodson a/k/a Mary Dodson, has paid the application fee and $46,964.57, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ESTATE OF MARY E. DODSON a/k/a MARY DODSON, by Bernadette Parks as Executor, 98 Homestead Drive, Coram, New York 11763, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.I

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

2149

November 10, 2008

Tax Map No.: 0200-546.00-01.00-011.002
Name of Last Legal Fee Owner: ESTATE OF MARY E. DODSON a/k/a MARY DODSON, by Bernadette Parks as Executor

TREASURER'S COMPUTATION..... $46,964.57

Taxes.....2007/2008..... INCLUDED

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... $46,964.57

Monies Received..... $46,964.57

RESOLUTION AMOUNT..... $46,964.57

APPROVED:

Karen A Slater 11/18/08
Accounting
DB:sc

PREPARED BY:
Diane Bishop
Diane Bishop
Redemption Unit
(631) 853-5932

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION 2149

1. Type of Legislation

Resolution X
Tax Map Number 0200-546.00-01.00-011.002

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

Diane Bishop Diane Bishop 11/10/08

COMPUTATION BY SUFFOLK COUNTY TREASURER

DISTRICT	SECTION	BLOCK	LOT
0200	546.00	01.00	011.002

2149

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2003/04	11137.66
2005/06	11663.79
2006/07	11134.57
2007/08	8741.30

2004/05 PROPERTY TAXES PAID BY OCWEN BANK

TOTAL: 42677.32

B. INTEREST DUE	2050.84
C. TOTAL	44728.16
D. 5% LINE C	2236.41
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE $46,964.57 (18) 11/18/08

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. 15-Oct-08

Douglas W. Sutherland
Chief Deputy County Treasurer

**Interest and penalty computed to and including 04/13/09

dz

0200-546-01-11.2
E
(c) Copyright 2006. Pictometry International Corp.

2 of 2

0200-546-01-11.2

Map 27

tance:
imately
vertically

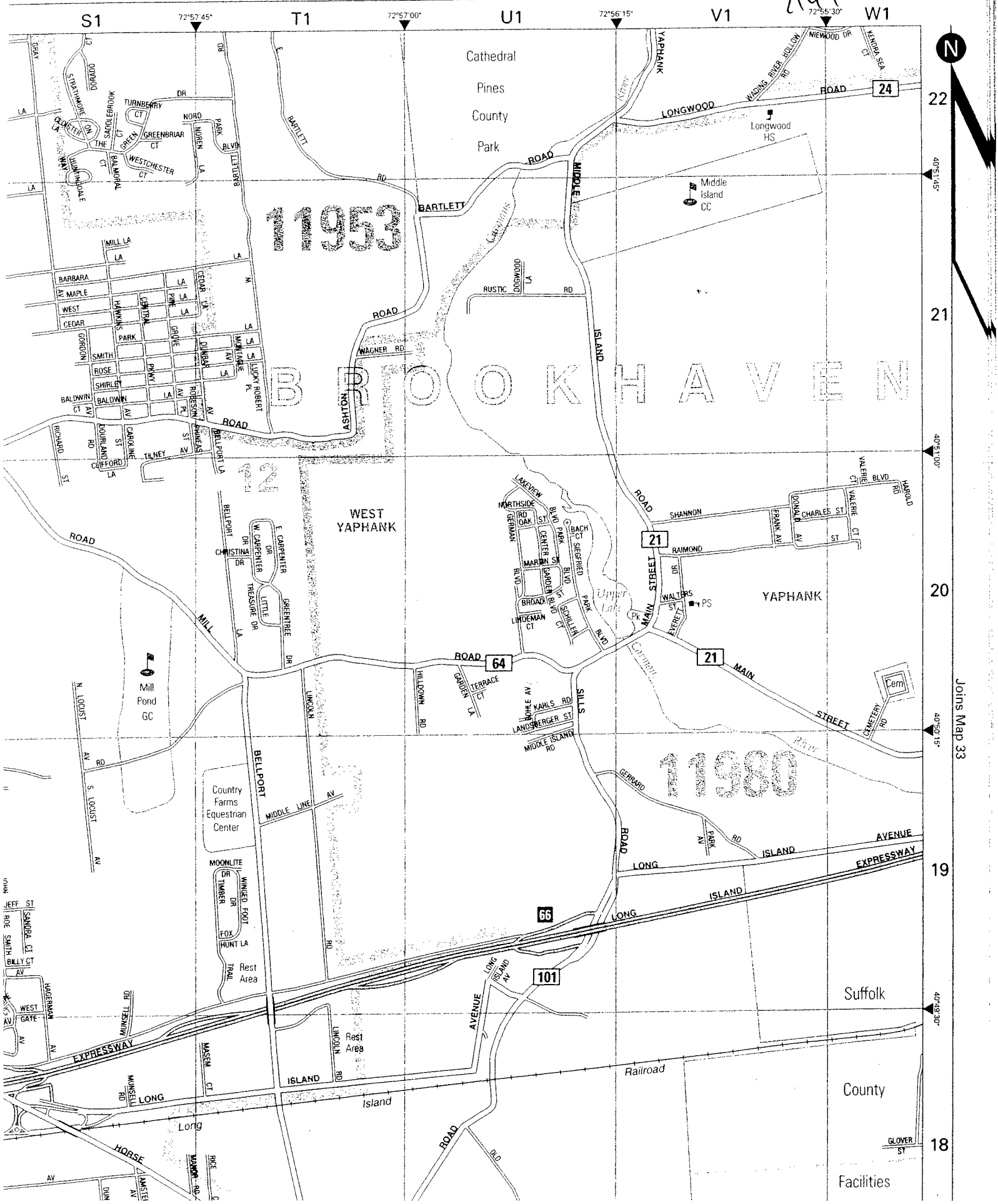
Scale 1:24,000

0 1,000 2,000 3,000 4,000 5,000 Feet

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

2149

Joins Map 26



Joins Map 33

2149

TITLE
(50')
LA.
PINE GROVE AVE.
(50')
ROBESON AVE.
(40')
DUNBAR AVE.
(50')
COMMUNIT
BAPTIST
CHURCH O
GORDON
HEIGHTS
COMMUNITY
BAPTIST
CHURCH
19.1
17
16.1
18.2
(19)
15
14
13
12
11.2
(20)
11.1
3.1
(21)
1
4
13.2
14
16.1
18.1

Gen B13

COUNTY OF SUFFOLK

2149

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

November 20, 2008

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

Re: Tax Map No. 0200-546.00-01.00-011.002
ESTATE OF MARY E. DODSON a/k/a MARY DODSON, by Bernadette Parks as Executor

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.

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

7150

Intro. Res. No. – 2008 Laid on the Table 12/2/08

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 ROOF REPLACEMENT ON VARIOUS COUNTY BUILDINGS (CAPITAL PROGRAM NUMBER 1623)

WHEREAS, the Commissioner of Public Works has requested funds for Roof Replacement on Various County Buildings; and

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

WHEREAS, pursuant to Resolution No. 675-2006, the application of the 5-25-5 law has been waived during fiscal year 2008, this resolution requests the method of financing be changed for this project; and

WHEREAS, this resolution constitutes an amendment to change the method of financing thereby requiring a three-fourths vote of the full membership of the County Legislature, rather than an offset, under Section C4-13 of the Suffolk County Charter; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, established the use of 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 $525,000 in Suffolk County Serial Bonds; therefore be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 707-2005 classified the action contemplated by this as a Type II action; 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, 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: 1623

Project Title: Roof Replacement on Various County Buildings

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	$4,720,550	$525,000G	$525,000B
TOTAL	$4,720,550	$525,000G	$525,000B

and be it further

5th RESOLVED, that the proceeds of $525,000 in Suffolk County Serial Bonds be and hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-1623.325 (Fund 001 Debt Service)	20	Roof Replacement on Various County Buildings	$525,000

Date:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

2150

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 THE ROOF REPLACEMENT ON VARIOUS COUNTY BUILDINGS (CAPITAL PROGRAM NUMBER 1623)

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		November 21, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

7150

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$47,633**	**$0.09**		$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	**$47,633**	**$0.09**		$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

2150

Term of Bonds: 15
Amount to Bond: $525,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	$25,976.47	$21,656.25	$47,632.72	$47,632.72
			$10,292.36	$10,292.36	
11/1/2009	4.125%	$27,048.00	$10,292.36	$37,340.36	$47,632.72
			$9,734.50	$9,734.50	
11/1/2010	4.125%	$28,163.73	$9,734.50	$37,898.23	$47,632.72
			$9,153.62	$9,153.62	
11/1/2011	4.125%	$29,325.49	$9,153.62	$38,479.11	$47,632.72
			$8,548.78	$8,548.78	
11/1/2012	4.125%	$30,535.16	$8,548.78	$39,083.94	$47,632.72
			$7,918.99	$7,918.99	
11/1/2013	4.125%	$31,794.74	$7,918.99	$39,713.73	$47,632.72
			$7,263.23	$7,263.23	
11/1/2014	4.125%	$33,106.27	$7,263.23	$40,369.50	$47,632.72
			$6,580.41	$6,580.41	
11/1/2015	4.125%	$34,471.91	$6,580.41	$41,052.32	$47,632.72
			$5,869.43	$5,869.43	
11/1/2016	4.125%	$35,893.87	$5,869.43	$41,763.30	$47,632.72
			$5,129.11	$5,129.11	
11/1/2017	4.125%	$37,374.50	$5,129.11	$42,503.61	$47,632.72
			$4,358.27	$4,358.27	
11/1/2018	4.125%	$38,916.19	$4,358.27	$43,274.46	$47,632.72
			$3,555.62	$3,555.62	
11/1/2019	4.125%	$40,521.49	$3,555.62	$44,077.11	$47,632.72
			$2,719.86	$2,719.86	
11/1/2020	4.125%	$42,193.00	$2,719.86	$44,912.86	$47,632.72
			$1,849.63	$1,849.63	
11/1/2021	4.125%	$43,933.46	$1,849.63	$45,783.09	$47,632.72
			$943.51	$943.51	
11/1/2022	4.125%	$45,745.71	$943.51	$46,689.22	$47,632.72
		$525,000.00	$189,490.86	$714,490.86	$714,490.86

Gen C20

2150

~~#397~~

~~ML#275~~

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive (2 copies)

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

DATE: April 14, 2008

RE: CP 1623 – Roof Replacement on Various County Buildings

Attached for your review is a draft resolution appropriating the sum of $525,000 into construction for roof replacement on various County buildings. Buildings targeted for work under the current program include:

C-0022 – Farmingville Health Center
C-0358 – Tri-Community Health Center
C-0155 – Vector Control Garage
N/A – Various County Farm Structures

This action is considered a Type II action under SEQRA in accordance with Resolution No. 707-2005.

An e-mail copy of the resolution has been sent to CE RESO Review sent under the title Reso-DPW-CP 1623 Resolution Roof Repl Various Bldgs.doc.

TL/TG/dk
attachments
cc: Jim Morgo, Chief Deputy County Executive
Gilbert Anderson, P.E., Commissioner
Louis Calderone, Deputy Commissioner
Tedd Godek, R.A., County Architect, Buildings Design & Construction
Michael J. Monaghan, P.E., Principal Mechanical Engineer
Laura Conway, CPA, Chief Accountant
Read Vail, Chief Budget Examiner
CE RESO Review (e-mail)

2151 12/2/08

Intro. Res. No. -2008 Laid on Table
Introduced by the Presiding Officer on Request of the County Executive

RESOLUTION NO. - 2008, AUTHORIZING EXECUTION OF A LAW ENFORCEMENT OFFICER REIMBURSEMENT SUB-RECIPIENT AGREEMENT WITH THE TOWN OF ISLIP FOR MACARTHUR AIRPORT

WHEREAS, the Town of Islip ("Town") owns and operates Long Island MacArthur Airport, and the United States Transportation Safety Administration (TSA) requires airport operators to provide police personnel to ensure the safety of the users of airports; and

WHEREAS, the Town does not have a police force to provide protection; and

WHEREAS, the Suffolk County Police Department can assist with necessary law enforcement for Long Island MacArthur Airport for which the TSA provides funds; and

WHEREAS, the Town made application to the TSA for the reimbursement of funds for the services being provided by the Suffolk County Police Department; and

WHEREAS, both the Town and the County desire to enter into an agreement for the purpose of reimbursing the County such monies as the Town receives for law enforcement expenses associated with the operation of the airport; now, therefore be it

1st **RESOLVED**, that the County Executive, or his designee is authorized to execute an agreement with the Town, in substantially the form annexed; and be it hereto further

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

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2151

1. Type of Legislation

Resolution **X** Local Law _____ Charter Law _____

2. Title of Proposed Legislation

AUTHORIZING EXECUTION OF A LAW ENFORCEMENT OFFICER REIMBURSEMENT SUB-RECIPIENT AGREEMENT WITH THE TOWN OF ISLIP FOR MACARTHUR AIRPORT

3. Purpose of Resolution: Same as 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): Community College**

Library District **Fire District**

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

WILL ENABLE THE COUNTY TO RECEIVE REIMBURSEMENT FROM THE UNITED STATES TRANSPORTATION SAFETY ADMINISTRATION

.

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

8. Proposed Source of Funding
N/A

9. Timing of Impact

UPON APPROVAL

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Allen M. Kovesdy Director of Management and Research		November 25, 2008

SIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2151

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Intro Res. No. 2152-08 Laid on Table 12/2/08

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 #308

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:				
0100-087-03-035	**2006/07**	**$50,046.95**	**0.00**	**$50,046.95**
0100-087-03-051	**2006/07**	**$ 5,564.82**	**0.00**	**$ 5,564.82**

Dated:

Approved By:

Suffolk County Executive

Date of Approval:

2152

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 11/21/08

Additional back-up material regarding I.R. 2152 is on file in the Legislative Clerk's Office, Hauppauge.

Intro. Res. No. 2153-08 Laid on the Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

APPROPRIATING FUNDS IN CONNECTION WITH CAPITAL PROJECT 5738—MASTER PLAN FOR GABRESKI AIRPORT

WHEREAS, the Commissioner of the Department of Economic Development and Workforce Housing has requested funds for CP-5738 - The Gabreski Airport Master Plan; and

WHEREAS, these funds will allow the Department to complete the Airport Master Plan Update and prepare its associated environmental review; and

WHEREAS, the 2008 Adopted Capital Budget and Program includes funds to cover the full cost of said request under Capital Project 5738; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution 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 $125,000 in Suffolk County Serial Bonds; and

WHEREAS, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, has made its determination that the proposed action is a Type II action under the provisions of NYCRR Part 617.5 and therefore SEQRA is complete; now, therefore, be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of 34 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 461-2006; and be it further

2nd RESOLVED, that the proceeds of $125,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.:	Project Title:	Amount
525-CAP-5738.110 (Fund 625-Debt Service)	Master Plan for Francis S. Gabreski Airport	$125,000

and be it further

4th RESOLVED, that the Department of Economic Development and Workforce Housing pursuant to Section 42-3 (A) of the Suffolk County Charter, and 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:

Approved by:

_____

County Executive of Suffolk County

Date of Approval:

2153

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

APPROPRIATING FUNDS IN CONNECTION WITH CAPITAL PROJECT 5738-MASTER PLAN FOR GABRESKI AIRPORT

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 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

Upon Adoption

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Carmine A. Chiusano Assistant Budget Director		November 24, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2153

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$28,474**	**$0.05**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$28,474**	**$0.05**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

2153

Term of Bonds	5
Amount to Bond:	$125,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$22,848.95	$5,625.00	$28,473.95	$28,473.95
			$2,298.40	$2,298.40	
11/1/2010	4.500%	$23,877.16	$2,298.40	$26,175.56	$28,473.95
			$1,761.16	$1,761.16	
11/1/2011	4.500%	$24,951.63	$1,761.16	$26,712.79	$28,473.95
			$1,199.75	$1,199.75	
11/1/2012	4.500%	$26,074.45	$1,199.75	$27,274.20	$28,473.95
			$613.08	$613.08	
11/1/2013	4.500%	$27,247.80	$613.08	$27,860.88	$28,473.95
		$125,000.00	$17,369.77	$142,369.77	$142,369.77

2153

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Connie Corso, Budget Director

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

DATE: November 13, 2008

SUBJECT: **APPROPRIATING FUNDS IN CONNECTION WITH THE MASTER PLAN UPDATE AT GABRESKI AIRPORT (CP-5738)**

****

The Department of Economic Development and Workforce Housing requests the submittal of the attached resolution requesting the appropriation of $125,000 for CP-5738 – Master Plan for Aviation at Gabreski Airport. These funds will cover the update to the Master Plan and its associated Environmental Review.

Attached please find the draft resolution and the required SCIN 175a and 175b. Electronic copies are being filed in accordance with ADH-03-06.

CEF/kmb

cc: Patrick A. Heaney, Commissioner
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Assistant Budget Director
Anthony Ceglio, Francis S. Gabreski Airport Manager

Steve Levy
Suffolk County Executive

Patrick Heaney
Commissioner

2153

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Connie Corso, Budget Director

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

DATE: November 13, 2008

SUBJECT: **APPROPRIATING FUNDS IN CONNECTION WITH THE MASTER PLAN UPDATE AT GABRESKI AIRPORT (CP-5738)**

****

The Department of Economic Development and Workforce Housing requests the submittal of the attached resolution requesting the appropriation of $125,000 for CP-5738 – Master Plan for Aviation at Gabreski Airport. These funds will cover the update to the Master Plan and its associated Environmental Review.

Attached please find the draft resolution and the required SCIN 175a and 175b. Electronic copies are being filed in accordance with ADH-03-06.

CEF/kmb

cc: Patrick A. Heaney, Commissioner
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Assistant Budget Director
Anthony Ceglio, Francis S. Gabreski Airport Manager

COUNTY OF SUFFOLK

2153

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

MEMORANDUM

TO: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer

FROM: R. Lawrence Swanson, Chairperson

DATE: October 16, 2008

RE: CEQ Review of the Proposed Francis S. Gabreski Airport Capital Project # 5738 – Proposed project to complete the Airport Master Plan update at the airport, Town of Southampton.

At its October 15th, 2008 meeting, the CEQ reviewed the above referenced matter. Pursuant to Chapter 279 of the Suffolk County Code, and based on the information received, as well as that given in a presentation by Mr. Anthony Ceglio, Airport Manager of the Francis Gabreski Airport Suffolk County Department of Economic Development and Work Force Housing, Aviation Division, the council recommends to the Suffolk County Legislature and County Executive in CEQ Resolution No. 46-08, a copy of which is attached, that the proposed action be considered as a Type II action under SEQRA. They recommend that the Presiding Officer should cause to be brought before the Legislature for a vote, a resolution determining that the attached proposal is a Type II action under the provisions of NYCRR 617.5 as so noted.

The Resolution should be filed accordingly pursuant to Part 617 NYCRR with no further environmental review necessary.

Enclosed for your information is a copy of CEQ Resolution No. 46-08 setting forth the council's recommendations and the associated lists of legislative resolutions. If the council can be of further help in this matter, please let us know.

JFB/cd
Enc.

cc: All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Carrie Meek Gallagher, Commissioner, Dept of Environment & Energy
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

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

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

(631) 853-5191
fax (631) 853-4044

2153

RECOMMENDATION CONCERNING SEQRA CLASSIFICATIONS AND DETERMINATION FOR THE PURPOSES OF CHAPTER 279 OF THE SUFFOLK COUNTY CODE FOR THE PROPOSED FRANCIS S. GABRESKI AIRPORT CAPITAL PROJECT # 5738 – PROPOSED PROJECT TO COMPLETE THE AIRPORT MASTER PLAN UPDATE, TOWN OF SOUTHAMPTON.

WHEREAS, at its October 15th, 2008 meeting; the Suffolk County Council on Environmental Quality reviewed the associated information submitted by the Suffolk County Department of Economic Development and Work Force Housing; and

WHEREAS, a presentation regarding the proposal was given at the meeting by Mr. Anthony Ceglio, Airport Manager of the Francis Gabreski Airport of the Suffolk County Department of Economic Development and Work Force Housing; and

WHEREAS, the action involves updating the airport master plan and revising obsolete figures, charts, airport operations forecasts and land use for submission to the Suffolk County Legislature and Federal Aviation Administration; now

Be It Therefore

RESOLVED, that in the judgment of the CEQ, based on the information received and presented, the above activities are a Type II action under the provisions of Title 6 NYCRR Part 617.5(c), (20) and (21) since it involves completing the Airport Master Plan update; and

Be it Therefore

RESOLVED, that based on the information received a quorum of the council recommends to the Suffolk County Legislature and County Executive and Department of Economic Development and Work Force Housing pursuant to Chapter 279 of the Suffolk County Code, that the project is a Type II action, and that the Suffolk County Legislature and County Executive adopt a SEQRA determination to that effect.

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

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

(631) 853-5191
fax (631) 853-4044

2153

Project # PLN-49-08 CEQ Resolution No. 46-08 October 15th, 2008

Motion by: Mr. Kaufman Seconded by: Ms. Russo

CEQ Vote: Appointed Members: 8 Ayes: 8
CAC Representatives: 0 Nays: None
Total Voting: 8 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
Carrie Meek Gallagher, Commissioner, Dept of Environment & Energy
Christine Malafi, Suffolk County Attorney

PROJECT # 49-08

RESOLUTION #46-08 2153

DATE October 15th, 2008

RECORD OF CEQ RESOLUTION VOTES

CEQ APPOINTED MEMBERS	AYE	NAY	ABSTAIN	NOT PRESENT	RECUSED
R. Lawrence Swanson	X				
Michael Kaufman	X				
Jay Schneiderman				X	
Eva Growney	X				
Thomas C. Gulbransen	X				
Richard Machtay	X				
Daniel Pichney	X				
Gloria G. Russo	X				
Mary Ann Spencer	X				

CAC REPRESENTATIVES

Recommendation: Type II Action

Motion: Mr. Kaufman

Second: Ms. Russo

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

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

(631) 853-5191
fax (631) 853-4044

Intro. Res. No. 2154 - 08 Laid on the Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

APPROPRIATING FUNDS IN CONNECTION WITH RENOVATION AND CONSTRUCTION OF FACILITIES AT GABRESKI AIRPORT (CAPITAL PROJECT 5702)

WHEREAS, the Commissioner of the Department of Economic Development and Workforce Housing has requested funds for the Renovation and Construction of Facilities at Francis S. Gabreski Airport (CP-5702); and

WHEREAS, these funds will allow the Department to repave a portion of the north perimeter road; and

WHEREAS, the 2008 Adopted Capital Budget and Program includes funds to cover the full cost of said request under Capital Project 5702; 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 $214,000 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, has made its determination that the proposed action is a Type II action under the provisions of NYCRR 617.5; reviewed under CEQ Resolution 45-08 and therefore SEQRA is complete; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of 48 (Forty-Eight) 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 Department of Economic Development and Workforce Housing pursuant to Section 42-3 (A) of the Suffolk County Charter, and 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; and be it further

4th RESOLVED, that the proceeds of $214,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.:	Project Title:	Amount
525-CAP-5702.114 (Fund 001 Debt Service)	Renovation and Construction of Facilities at Francis S. Gabreski Airport-Planning	$21,400
525-CAP-5702.320 (Fund 001 Debt Service)	Renovation and Construction of Facilities at Francis S. Gabreski Airport-Construction	$192,600

Date:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

7154

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

APPROPRIATING FUNDS IN CONNECTION WITH RENOVATION AND CONSTRUCTION OF FACILITIES AT GABRESKI AIRPORT (CAPITAL PROJECT 5702)

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		November 24th, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

·2154

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$20,294**	**$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	**$20,294**	**$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

2154

Term of Bonds: 15
Amount to Bond: $214,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$10,092.69	$10,200.67	$20,293.36	$20,293.36
			$4,859.79	$4,859.79	
11/1/2010	4.500%	$10,573.78	$4,859.79	$15,433.57	$20,293.36
			$4,607.78	$4,607.78	
11/1/2011	4.500%	$11,077.79	$4,607.78	$15,685.58	$20,293.36
			$4,343.76	$4,343.76	
11/1/2012	4.500%	$11,605.84	$4,343.76	$15,949.60	$20,293.36
			$4,067.16	$4,067.16	
11/1/2013	4.500%	$12,159.05	$4,067.16	$16,226.20	$20,293.36
			$3,777.37	$3,777.37	
11/1/2014	4.500%	$12,738.63	$3,777.37	$16,515.99	$20,293.36
			$3,473.76	$3,473.76	
11/1/2015	4.500%	$13,345.84	$3,473.76	$16,819.60	$20,293.36
			$3,155.69	$3,155.69	
11/1/2016	5.000%	$13,981.99	$3,155.69	$17,137.67	$20,293.36
			$2,822.45	$2,822.45	
11/1/2017	5.000%	$14,648.46	$2,822.45	$17,470.91	$20,293.36
			$2,473.33	$2,473.33	
11/1/2018	5.000%	$15,346.71	$2,473.33	$17,820.03	$20,293.36
			$2,107.56	$2,107.56	
11/1/2019	5.000%	$16,078.23	$2,107.56	$18,185.80	$20,293.36
			$1,724.37	$1,724.37	
11/1/2020	5.000%	$16,844.63	$1,724.37	$18,568.99	$20,293.36
			$1,322.90	$1,322.90	
11/1/2021	5.000%	$17,647.56	$1,322.90	$18,970.46	$20,293.36
			$902.30	$902.30	
11/1/2022	5.000%	$18,488.76	$902.30	$19,391.06	$20,293.36
			$461.65	$461.65	
11/1/2023	5.000%	$19,370.05	$461.65	$19,831.71	$20,293.36
		$214,000.00	$90,400.39	$304,400.39	$304,400.39

2154

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Connie Corso, Budget Director

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

DATE: November 13, 2008

SUBJECT: **APPROPRIATING FUNDS IN CONNECTION WITH THE RENOVATION AND CONSTRUCTION OF FACILITIES AT GABRESKI AIRPORT (CP-5702)**

****

The Department of Economic Development and Workforce Housing requests the submittal of the attached resolution requesting the appropriation of $214,000 for CP-5702 – Renovation and Construction of Facilities at Gabreski Airport. These funds will cover the repaving of a portion of the north perimeter road.

Attached please find the draft resolution and the required SCIN 175a and 175b. Electronic copies are being filed in accordance with ADH-03-06.

CEF/kmb

cc: Patrick A. Heaney, Commissioner
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Assistant Budget Director
Anthony Ceglio, Francis S. Gabreski Airport Manager

Steve Levy
Suffolk County Executive

Patrick Heaney
Commissioner

COUNTY OF SUFFOLK

2154

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

MEMORANDUM

TO: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer

FROM: R. Lawrence Swanson, Chairperson

DATE: October 16, 2008

RE: CEQ Review of the Proposed Francis S. Gabreski Airport Capital Project # 5702 – Proposed resurfacing of a portion of the existing north perimeter access road at the airport, Town of Southampton.

At its October 15th, 2008 meeting, the CEQ reviewed the above referenced matter. Pursuant to Chapter 279 of the Suffolk County Code, and based on the information received, as well as that given in a presentation by Mr. Anthony Ceglio, Airport Manager of the Francis Gabreski Airport Suffolk County Department of Economic Development and Work Force Housing, Aviation Division, the council recommends to the Suffolk County Legislature and County Executive in CEQ Resolution No. 45-08, a copy of which is attached, that the proposed action be considered as a Type II action under SEQRA. They recommend that the Presiding Officer should cause to be brought before the Legislature for a vote, a resolution determining that the attached proposal is a Type II action under the provisions of NYCRR 617.5 as so noted.

The Resolution should be filed accordingly pursuant to Part 617 NYCRR with no further environmental review necessary.

Enclosed for your information is a copy of CEQ Resolution No. 45-08 setting forth the council's recommendations and the associated lists of legislative resolutions. If the council can be of further help in this matter, please let us know.

JFB/cd
Enc.

cc: All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Carrie Meek Gallagher, Commissioner, Dept of Environment & Energy
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

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

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

(631) 853-5191
fax (631) 853-4044

2154

RECOMMENDATION CONCERNING SEQRA CLASSIFICATIONS AND DETERMINATION FOR THE PURPOSES OF CHAPTER 279 OF THE SUFFOLK COUNTY CODE FOR THE PROPOSED FRANCIS S. GABRESKI AIRPORT CAPITAL PROJECT # 5702 – PROPOSED RESURFACING OF A PORTION OF THE EXISTING NORTH PERIMETER ACCESS ROAD AT THE AIRPORT, TOWN OF SOUTHAMPTON.

WHEREAS, at its October 15th, 2008 meeting; the Suffolk County Council on Environmental Quality reviewed the associated information submitted by the Suffolk County Department of Economic Development and Work Force Housing; and

WHEREAS, a presentation regarding the proposal was given at the meeting by Mr. Anthony Ceglio, Airport Manager of the Francis Gabreski Airport of the Suffolk County Department of Economic Development and Work Force Housing; and

WHEREAS, the action involves repaving approximately three quarters of a mile of existing two lane pavement that has deteriorated over the years; now

Be It Therefore

RESOLVED, that in the judgment of the CEQ, based on the information received and presented, the above activities are a Type II action under the provisions of Title 6 NYCRR Part 617.5(c), (4) since it involves repaving approximately three quarters of a mile of existing two lane pavement; and

Be it Therefore

RESOLVED, that based on the information received a quorum of the council recommends to the Suffolk County Legislature and County Executive and Department of Economic Development and Work Force Housing pursuant to Chapter 279 of the Suffolk County Code, that the project is a Type II action, and that the Suffolk County Legislature and County Executive adopt a SEQRA determination to that effect.

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

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

(631) 853-5191
fax (631) 853-4044

Project # PLN-47-08 CEQ Resolution No. 45-08 October 15th, 2008

2154

Motion by: Mr. Kaufman Seconded by: Ms. Growney

CEQ Vote:	Appointed Members:	8	Ayes:	8
	CAC Representatives:	0	Nays:	None
	Total Voting:	8	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
Carrie Meek Gallagher, Commissioner, Dept of Environment & Energy
Christine Malafi, Suffolk County Attorney

PROJECT # 47-08

RESOLUTION #45-08 2154

DATE October 15th, 2008

RECORD OF CEQ RESOLUTION VOTES

CEQ APPOINTED MEMBERS	AYE	NAY	ABSTAIN	NOT PRESENT	RECUSED
R. Lawrence Swanson	X				
Michael Kaufman	X				
Jay Schneiderman				X	
Eva Growney	X				
Thomas C. Gulbransen	X				
Richard Machtay	X				
Daniel Pichney	X				
Gloria G. Russo	X				
Mary Ann Spencer	X				

CAC REPRESENTATIVES

Recommendation: Type II Action

Motion: Mr. Kaufman

Second: Ms. Growney

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

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

(631) 853-5191
fax (631) 853-4044

Intro. Res. No 2155 - 2008 Laid on the Table 12/2/08
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 INTERIM BACKUP FIRE - RESCUE COMMUNICATIONS FACILITY (CAPITAL PROGRAM NUMBER 3230)

WHEREAS, the Commissioner of Fire, Rescue, and Emergency Services has requested funds for the planning, construction, and equipment for an interim backup fire-rescue communications facility to be located in the former Sixth Precinct; 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 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 $2,175,000 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)(21) and (25) since it involves rehabilitation of an existing structure with no substantial changes 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 43 (Forty-Three) 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.: 3230
Project Title: Interim Backup Fire-Rescue Communications Facility

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning, Design & Supervision	$210,000	$150,000B	$150,000B
3. Construction	$800,000	$725,000B	$800,000B
5. Furniture and Equipment	$1,225,000	$1,300,000B	$1,225,000B
TOTAL	$2,235,000	$2,175,000	$2,175,000

and be it further

5th RESOLVED, that the proceeds of $2,175,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP- 3230.110 (Fund 001 Debt Service)	20	Interim Backup Fire-Rescue Communications Facility - Planning	$150,000
525-CAP-3230.310 (Fund 001 Debt Service)	20	Interim Backup Fire-Rescue Communications Facility - Construction	$800,000
525-CAP-3230.510 (Fund 001 Debt Service)	20	Interim Backup Fire-Rescue Communications Facility -Furniture and Equipment	$1,225,000

Date:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2155

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 INTERIM BACKUP FIRE - RESCUE COMMUNICATIONS FACILITY (CAPITAL PROGRAM NUMBER 3230)

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		November 24th, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2155

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$206,253**	**$0.39**		$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	**$206,253**	**$0.39**		$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

2155

Term of Bonds: 15
Amount to Bond: $2,175,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$102,577.60	$103,675.00	$206,252.60	$206,252.60
			$49,392.73	$49,392.73	
11/1/2010	4.500%	$107,467.13	$49,392.73	$156,859.87	$206,252.60
			$46,831.43	$46,831.43	
11/1/2011	4.500%	$112,589.73	$46,831.43	$159,421.17	$206,252.60
			$44,148.05	$44,148.05	
11/1/2012	4.500%	$117,956.51	$44,148.05	$162,104.56	$206,252.60
			$41,336.75	$41,336.75	
11/1/2013	4.500%	$123,579.11	$41,336.75	$164,915.85	$206,252.60
			$38,391.45	$38,391.45	
11/1/2014	4.500%	$129,469.71	$38,391.45	$167,861.16	$206,252.60
			$35,305.75	$35,305.75	
11/1/2015	4.500%	$135,641.10	$35,305.75	$170,946.85	$206,252.60
			$32,072.97	$32,072.97	
11/1/2016	5.000%	$142,106.66	$32,072.97	$174,179.63	$206,252.60
			$28,686.10	$28,686.10	
11/1/2017	5.000%	$148,880.41	$28,686.10	$177,566.51	$206,252.60
			$25,137.78	$25,137.78	
11/1/2018	5.000%	$155,977.04	$25,137.78	$181,114.82	$206,252.60
			$21,420.33	$21,420.33	
11/1/2019	5.000%	$163,411.95	$21,420.33	$184,832.27	$206,252.60
			$17,525.68	$17,525.68	
11/1/2020	5.000%	$171,201.25	$17,525.68	$188,726.93	$206,252.60
			$13,445.38	$13,445.38	
11/1/2021	5.000%	$179,361.84	$13,445.38	$192,807.22	$206,252.60
			$9,170.59	$9,170.59	
11/1/2022	5.000%	$187,911.42	$9,170.59	$197,082.01	$206,252.60
			$4,692.03	$4,692.03	
11/1/2023	5.000%	$196,868.53	$4,692.03	$201,560.57	$206,252.60
		$2,175,000.00	$918,789.03	$3,093,789.03	$3,093,789.03

COUNTY OF SUFFOLK

2155

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive (2 copies)

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

DATE: November 21, 2008

RE: CP 3230 -Interim Backup Fire-Rescue Communications Facility

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Attached for your review is a draft resolution appropriating the sum of $2,175,000 for the planning, construction, and equipping of an Interim Backup Fire-Rescue Communications Facility at the old 6th Police Precinct.

This action is considered a Type II action under SEQRA.

An e-mail copy of the resolution has been sent to CE RESO Review sent under the title Reso-DPW-CP 3230 Fire Rescue Comm Fac.doc.

TL/TG/dk
attachments
cc: Jim Morgo, Chief Deputy County Executive
Gilbert Anderson, P.E., Commissioner
Louis Calderone, Deputy Commissioner
Tedd Godek, R.A., County Architect, Buildings Design & Construction
Michael J. Monaghan, P.E., Chief Engineer (Acting)
Laura Conway, CPA, Chief Accountant
Kathy LaGuardia, Chief Auditor
CE RESO Review (e-mail)

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

2156

Intro. Res. No. -2008 Laid on Table 12/2/08

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH PURCHASE OF NEW STREET SWEEPER/EDUCTOR TRUCKS (CP 8710.511)

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

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

WHEREAS, the Suffolk County Department of Public Works has requested funding for a project that proposes to purchase three (3) new street sweeper/eductor trucks to keep pace with the increasing maintenance needs associated with the County's roads and drainage systems, in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

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

WHEREAS, The United States Environmental Protection Agency has deemed pollution prevention measures, such as street sweeping, to be critical best management practices for improving and protecting public health and surface water quality; and

WHEREAS, Suffolk County's Stormwater Management Program (pursuant to SPDES General Permit 0-08-002) has a goal of a 50% reduction of litter and debris entering our surface waterbodies via the County's storm sewer system, and this program is an effective means of contributing to said goal; and

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

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

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

the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of seventy-eight (78) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

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

EXPENDITURES:

Agency	Fund	Organization	Object	Description	Amount
IFT	477	E525	9600	Transfer to Capital Fund	$600,000

and be it further

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

REVENUES:

Agency	Fund	Rev Source	Organization	Description	Amount
IFT	525	R477	E525	Transfer from Water Quality Protection	$600,000
(Ref. 525-CAP-IFTR-R477)					

and be it further

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

Project No.: 8710
Project Title: Purchase of New Street Sweeper/Eductor Trucks

	Total Est. Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
5. Furniture and Equipment	$600,000	$0	$600,000 W
TOTAL	$600,000	$0	$600,000

and be it further

7th **RESOLVED**, that the transfer in the amount of $600,000 be and hereby is appropriated as follows:

Project Number	JC	Project Title	Amount
525-CAP-8710.511	45	Purchase of New Street Sweeper/ Eductor Trucks	$600,000

and be it further

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2156

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH PURCHASE OF NEW STREET SWEEPER/EDUCTOR TRUCKS (CP 8710.511)

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

THIS RESOLUTION TRANSFERS FUNDS FROM FUND 477, WATER QUALITY PROTECTION, TO FUND 525- THE CAPITAL FUND- AND APPROPRIATES THESE FUNDS IN CAPITAL PROJECT 8710- WATER QUALITY PROJECTION PROJECT.

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

N/A

8. Proposed Source of Funding

FUND 477 RESERVE FUND BALANCE

9. Timing of Impact

UPON ADOPTION

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
STEVEN FORST SENIOR ACCOUNTANT	Steven Forst	NOVEMBER 24, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2156

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

COUNTY OF SUFFOLK

7156

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT
AND ENERGY

August 19, 2008

Mr. Ben Zwirn
Deputy County Executive
H Lee Dennison Bldg. Fl. 12
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Enclosed for your approval are the original and one (1) copy of the proposed resolution pursuant to:

"Purchase of New Street Sweeper/Eductor Trucks"

There are sufficient funds included in the 2008 Operating Budget Fund 477 for this project. The Suffolk County Water Quality Review Committee, at its April 24, 2008 meeting, approved "Purchase of New Street Sweeper/Eductor Trucks" submitted by the Suffolk County Department of Public Works as an appropriate use of Suffolk County Water Quality Protection and Restoration Program funds in the amount of $600,000.

After your examination please place this on the Legislative Agenda as soon as possible.

Sincerely,

Carrie M. Gallagher

Carrie Meek Gallagher
Commissioner SC Department of Environment & Energy

Enc.
cc: Jim Morgo, Chief Deputy County Executive

LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

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

OFFICE (631) 853-4016
FAX (631) 853-4818

2157

Intro. Res. No. -2008 Laid on Table 12/2/08

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

RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH STORMWATER REMEDIATION TO THE YAPHANK LAKES AND CARMAN'S RIVER AT CR 21, MAIN STREET/YAPHANK-MIDDLE ISLAND ROAD (CP 8241.110)

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

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

WHEREAS, the Suffolk County Department of Public Works has requested funding for a project that proposes to perform preliminary engineering services and a comprehensive topographic and drainage survey of four sub-watershed areas on County Road 21 that are suspected to directly discharge to the Carman's River and/or the Yaphank Lakes in accordance with the requirements of Article XII of the SUFFOLK COUNTY CHARTER; and

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

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

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

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5 (c)(20), (21) and (27) of Title 6 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 sixty-eight (68) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

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

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

EXPENDITURES:

Agency	Fund	Organization	Object	Description	Amount
IFT	477	E525	9600	Transfer to Capital Fund	$200,000

and be it further

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

REVENUES:

Agency	Fund	Rev Source	Organization	Description	Amount
IFT	525	R477	E525	Transfer from Water Quality Protection	$200,000
(Ref. 525-CAP-IFTR-R477)					

and be it further

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

Project No.: 8241
Project Title: Stormwater Remediation to the Yaphank Lakes and Carman's River at CR21, Main Street/Yaphank-Middle Island Road

	Total Est. Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning, Design & Supervision	$200,000	$	$200,000 W
TOTAL	$200,000	$0	$200,000

and be it further

7th RESOLVED, that the transfer in the amount of $200,000 be and hereby is appropriated as follows:

Project Number	JC	Project Title	Amount
525-CAP-8241.110	50	Stormwater Remediation to Yaphank Lakes and Carman's River @CR21, Main Street/Yaphank-Middle Island Rd	$200,000

and be it further

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2157

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2008, AMENDING THE ADOPTED 2008 OPERATING BUDGET TO TRANSFER FUNDS FROM FUND 477 WATER QUALITY PROTECTION, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM, AND APPROPRIATING FUNDS IN CONNECTION WITH STORMWATER REMEDIATION TO THE YAPHANK LAKES AND CARMAN'S RIVER AT CR 21, MAIN STREET/YAPHANK-MIDDLE ISLAND ROAD (CP 8241.110)

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

THIS RESOLUTION TRANSFERS FUNDS FROM FUND 477, WATER QUALITY PROTECTION, TO FUND 525- THE CAPITAL FUND- AND APPROPRIATES THESE FUNDS IN CAPITAL PROJECT 8710- WATER QUALITY PROJECTION PROJECT.

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

N/A

8. Proposed Source of Funding

FUND 477 RESERVE FUND BALANCE

9. Timing of Impact

UPON ADOPTION

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
STEVEN FORST SENIOR ACCOUNTANT	Steven Forst	NOVEMBER 24, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2157

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

COUNTY OF SUFFOLK

2157

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT
AND ENERGY

October 2, 2008

Mr. Ben Zwirn
Deputy County Executive
H Lee Dennison Bldg. Fl. 12
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Enclosed for your approval are the original and one (1) copy of the proposed resolution pursuant to:

STORMWATER REMEDIATION TO THE YAPHANK LAKES AND CARMAN'S RIVER AT CR 21, MAIN STREET/YAPHANK-MIDDLE ISLAND ROAD

There are sufficient funds included in the 2008 Operating Budget Fund 477 for this project. The Suffolk County Water Quality Review Committee, at its September 25, 2008 meeting, approved "Stormwater Remediation to the Yaphank Lakes and Carman's River at CR 21, Main Street/ Yaphank-Middle Island Road" submitted by the Suffolk County Department of Public Works as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiatives funds in the amount of $200,000.

Please note that the County Executive has approved co-sponsorship of Legislator Browning on this resolution.

Please review and revise as needed. After your examination please place this on the Legislative Agenda as soon as possible.

Sincerely,

Carrie Meek Gallagher, Commissioner
Department of Environment & Energy

Enc.
cc: Jim Morgo, Chief Deputy County Executive

LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

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

OFFICE (631) 853-4016
FAX (631) 853-4818

Intro. Res. No. 2158-08 Laid on Table 12/2/08
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH PLANNING FOR RESTORATION OF WETLANDS (CP 8730.111)

WHEREAS, the Commissioner of Environment and Energy has requested funds in connection with the restoration of wetlands; and

WHEREAS, Suffolk County is committed to preserving and restoring its 17,000 acres of tidal wetlands, which have been dramatically altered by an extensive vector control grid ditch network which was substantially created in the 1930s; and

WHEREAS, the Suffolk County Vector Control and Wetlands Management Long-Term Plan (hereinafter "Long-Term Plan") developed strategies for addressing vector control and wetlands management, primarily with respect to the 4,000 acres of tidal wetlands of vector control concern; and

WHEREAS, the Long-Term plan acknowledged the need for a strategy to address the management needs of the County's 17,000 acres of tidal wetlands, not just the 4,000 acres of tidal wetlands of greatest concern to Vector Control; and

WHEREAS, the Legislature supports the Long-Term Plan's Wetlands Stewardship Committee approach, as a means of coordinating and overseeing future marsh management projects, as well as overseeing development of a Wetlands Stewardship Strategy to address the management needs of the County's 17,000 acres of tidal wetlands; and

WHEREAS, the Suffolk County Department of Environment and Energy will serve as Chair of the Wetlands Stewardship Committee, and will oversee the development of the Wetlands Stewardship Strategy, in cooperation with the Departments of Public Works and Health Services; and

WHEREAS, a consultant has been selected through an RFP process to assist the County in developing a Wetlands Stewardship Strategy ; and

WHEREAS, contracted services are essential to conduct the intensive efforts called for to develop a comprehensive scientifically based Wetlands Stewardship Strategy; and

WHEREAS, there are sufficient authorizations 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 $141,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), and the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-six (56) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the proceeds of $141,000 in Suffolk County Serial Bonds be and are hereby appropriated for wetlands planning activities, as follows:

Project No.	Project Title	Amount
525-CAP-8730.111 (Fund 001-Debt Service)	Restoration of Wetlands	$141,000

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

7158

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH PLANNING FOR RESTORATION OF WETLANDS (CP 8730.111)

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
Steven Forst Senior Accountant	Steve Forst	November 24, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

7158

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$32,119**	**$0.06**		$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	**$32,119**	**$0.06**		$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

2158

Term of Bonds	5
Amount to Bond:	$141,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$25,773.62	$6,345.00	$32,118.62	$32,118.62
			$2,592.59	$2,592.59	
11/1/2010	4.500%	$26,933.43	$2,592.59	$29,526.03	$32,118.62
			$1,986.59	$1,986.59	
11/1/2011	4.500%	$28,145.44	$1,986.59	$30,132.03	$32,118.62
			$1,353.32	$1,353.32	
11/1/2012	4.500%	$29,411.98	$1,353.32	$30,765.30	$32,118.62
			$691.55	$691.55	
11/1/2013	4.500%	$30,735.52	$691.55	$31,427.07	$32,118.62
		$141,000.00	$19,593.11	$160,593.11	$160,593.11

COUNTY OF SUFFOLK

NOV 6 2008

2158

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

DEPARTMENT OF ENVIRONMENT
AND ENERGY

November 6, 2008

Mr. Ben Zwirn
Deputy County Executive
H Lee Dennison Bldg. Fl. 12
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Enclosed herewith for your approval are the original and one copy of the proposed resolution pursuant to:

Planning for Restoration of Wetlands

I would appreciate your placing this on the Legislative agenda as soon as possible after your examination. Feel free to contact me if you have any questions regarding this resolution.

Sincerely,

Carrie Meek Gallagher, Commissioner
Dept. of Environment and Energy

CMG:gkr
Enc.

cc: Jim Morgo, Chief Deputy County Executive

LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

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

OFFICE (631) 853-4016
FAX (631) 853-4818

2159

Intro. Res. No. -2008 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, AUTHORIZING THE APPLICATION TO THE ENVIRONMENTAL PROTECTION FUND GRANT IN THE AMOUNT OF $1,025,000 FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

WHEREAS, in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, the New York State Office of Parks, Recreation and Historic Preservation offers an Environmental Protection Fund Grant; and

WHEREAS, as a requirement, under the rules for application, a resolution must be passed at an official meeting allowing for the application to this grant; and

WHEREAS, if the grant were to be awarded, the State funds may be used to offset up to fifty percent (50%) of the cost of such acquisitions; and

WHEREAS, if the grant were to be awarded, Suffolk County must first instance fund the entire cost of the project and will subsequently be reimbursed for the State portion; and

WHEREAS, acquisitions through the grant are up to three years retroactive from date of application deadline; and

WHEREAS, the grant would make it possible for Suffolk County to protect additional environmentally sensitive and historically significant land through the leveraging of County funds with State funds; now, therefore be it

1st **RESOLVED**, that this Legislature, being the governing body of the applicant, hereby authorizes and directs that the Department of Environment and Energy to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993; and, be it further

2nd **RESOLVED,** that an application for $600,000 be made to cover up to 50% of the acquisition cost for the Tuthill Point Associates Property (0200-946.00-03.00-01002 p/o); and, be it further

3rd **RESOLVED**, that an application for $425,000 be made to cover up to 50% of the acquisition cost for the Mills Pond Property (0800-0400.00-02.00-002.000); and, be it further

4th **RESOLVED**, that upon approval of said requests, Suffolk County is to enter into and execute a project agreement with the State for financial assistance for the acquisition of said properties and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION 7159

1. Type of Legislation

Resolution ___X____ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

Authorizing the Application to the Environmental Protection Fund Grant in the Amount of $1,025,000 from the New York State Office of Parks, Recreation and Historic Preservation

3. Purpose of Proposed Legislation

Authorizing the application to the Environmental Protection Fund Grant. A 50% matching grant (up to $600,000 per project) that will be used to help offset the cost of environmentally and historically significant land acquisitions.

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***
Ryan McEnany Research Technician	Ryan McEnany	November 7, 2008

SCIN FORM 175b (10/95)

STEVEN FORST
SENIOR ACCOUNTANT

11/24/08

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2159

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Gen 09

COUNTY OF SUFFOLK

2159
NOV 10 2008

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CHRISTOPHER E. KENT
DIRECTOR

DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT

November 7, 2008

Mr. Ben Zwirn, Deputy County Executive
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is a proposed Introductory Resolution authorizing the application to the Environmental Protection Fund Grant in the amount of $1,025,000 from the New York State Office of Parks, Recreation and Historic Preservation. The grant is a 50% matching grant (up to $600,000 per project) that will be used to help offset the cost of environmentally and historically significant land that has already been acquired by the County.

Please contact me if you require any additional information.

Very truly yours,

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

cc: Jim Morgo, Chief Deputy County Executive
Jeffrey Szabo, Deputy County Executive & Chief of Staff
Carrie Meek Gallagher, Commissioner, Department of Environment and Energy
Thomas Isles, Director, Planning Department
Michael Amoroso, Bureau Chief, Department of Law
Lauretta R. Fischer, Principal Environmental Analyst, Department of Planning
Janet Longo, Acquisition Supervisor, Div. of Real Property Acquisition and Management
Thomas Vaughn, County Executive Assistant
Brendan Chamberlain, County Executive Assistant
Ryan McEnany, Research Technician, Div. Real Property Acquisition and Management
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

OFFICE (631) 853-5972
FAX (631) 853-5906

Intro. Res. No. 2160-2008 Laid on Table 12/2/2008
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND, AND APPROPRIATING FUNDS FOR THE CHEMICAL BULK STORAGE FACILITIES FOR SANITARY FACILIITIES IN SUFFOLK COUNTY SEWER DISTRICTS (CP 8178)

WHEREAS, the Administrative Head of the Sewer Districts has requested that funds be appropriated to cover construction and installation costs associated with the chemical bulk storage facilities; and

WHEREAS, the sanitary facilities under the ownership and operation of Suffolk County require various chemicals to enhance treatment and assist in meeting effluent limitations; and

WHEREAS, there exists a need to prevent the delivery, storage and use of these chemicals from causing environmental impacts; and

WHEREAS, there is and ongoing project to update and provide compliance with respect to these chemical bulk storage facilities; and

WHEREAS, PURSUANT TO THE State Environmental Quality Review Act Environmental Conservation Law Article 8, Resolution 903-2003 determined that the proposed improvements to Suffolk County Sewer District Chemical Bulk Storage Facilities constitutes a Type II Action, pursuant to the provisions of Title 6 NYCRR, Part 617.5 (7) and (29); 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, there are sufficient funds appropriated within the 2008 Adopted Operating Budget (404-IFT-E527) to cover the transfer of funds to the Capital Fund for said sewer district improvements; and

WHEREAS, it is proposed that the Assessment Stabilization Reserve Fund the districts the sum of $350,000 for the purpose of implementing this project for the benefit of all the sewer districts; now, therefore be it

1st **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-five (65), is eligible for approval with the provisions of Resolution 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd **RESOLVED**, that the Assessment Stabilization Reserve Fund shall fund the Sewer Districts the sum of $350,000 for the purpose of continuing this project for the benefit of all the sewer districts; and be it further

3rd **RESOLVED**, that revenue from the Assessment Stabilization Reserve Fund are herby accepted as follows:

REVENUES:

Agency	Fund	Revenue Source	Organization	Description	Amount
IFT	527	R404	E527	Transfer from Fund 404	$350,000
(Ref 527-CAP-IFTR-R404)					

and be it further

4th **RESOLVED,** that the 2008 Capital Budget is hereby amended as follows:

Project No.: 8178
Project Title: Chemical Bulk Storage Facilities for Suffolk County Sewer Districts

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning	$125,000	$ 0	$25,000A
3. Construction	$1,100,000	$350,000A	$325,000A
TOTAL	$ 1,225,000	$350,000	$350,000

and be it further

5th **RESOLVED**, that proceeds in the amount of $350,000 from the Assessment Stabilization Reserve Fund be and hereby are appropriated as follows:

Project No.	J.C.	Project Title	Amount
527-CAP-8178.112	80	Planning of Chemical Bulk Storage Facilities for Sanitary Facilities in Suffolk County Sewer Districts	$25,000
527-CAP-8178.312	80	Construction of Chemical Bulk Storage Facilities for Sanitary Facilities in Suffolk County Sewer Districts	$325,000

and be it further

6th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized, empowered and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers to finance this capital project: and be it further

7th **RESOLVED**, that the Administrative Head of the Sewer Districts be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the construction and installation of the Chemical Bulk Storage Facility Program.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2160

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and Appropriating Funds for Chemical Bulk Storage Facilities for Sanitary Facilities in Suffolk County Sewer Districts.

3. Purpose of Proposed Legislation

The recommendation requests the use of the Assessment Stabilization Reserve Funds as the funding for the project.

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): X Sewer District**

Library District **Fire District**

6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact

The legislation will allow the engineering planning and installation to continue for the Chemical Bulk Storage Facilities for the Suffolk County Sewer Districts.

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

2008 $350,000 Appropriated from the Assessment Stabilization Reserve Fund.

8. Proposed Source of Funding Assessment Stabilization Reserve Fund

9. Timing of Impact 2008

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Ben Wright, P.E. Chief Engineer Sanitation	Ben Wright	10/17/08
DEBRA Kolyer Principal Financial	Deb Kolyer	11/10/08

SCIN FORM 175B (10/95)
tl-bw10-16-08 Reso-backup DPW 175B CP8178

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2160

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:

1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

COUNTY OF SUFFOLK

OCT 22 2008

2160

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Tom LaGuardia, P.E., Chief Deputy Commissioner

SUBJECT: **A Draft Resolution Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and Appropriating Funds for Chemical Bulk Storage Facilities for Sanitary Facilities in Suffolk County Sewer Districts (CP 8178)**

DATE: October 16, 2008

Attached is a draft resolution with appropriate forms and backup for Chemical Bulk Storage facilities for the various County Sewer Districts filed as Reso DPW CP 8178 ASRF CBS 10-16-08 and Reso-Backukp DPW CP 8178 ASRF CBS 10-16-08. The project has been ongoing and additional design and construction costs have been identified. The project involves construction of a truck containment area at each facility, storage tank safety devices and appropriate documents. Consultant assistant is in place. The additional funds ($350,000) are identified in the Adopted 2008 Capital Budget and Program. We have prepared the draft resolution with the ASRF source of funding. The project is being performed in accordance with an NYSDEC regulation. We would request that this resolution be laid on the table at your convenience.

TL:BW:ni
Encl.
cc: Jim Morgo, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
✓Brendan Chamberlain, County Executive Assistant
Laura Conway, CPA, Chief Accountant
Carmine Chiusano, Assistant Budget Director
Ben Wright, P.E., Chief Engineer, Sanitation
CE Reso Review
tl-bw10-16-08 Reso DPW Chemical Bulk Storage CP 8178 Memo to BZwirn

2161

Intro. Res. No. 2008 Laid on Table 12/2/08

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

RESOLUTION NO. , 2008 AMENDING RESOLUTION 1277-2007 WHICH ESTABLISHES THE SUFFOLK COUNTY SEWER ASSESSMENT RFP COMMITTEE

WHEREAS, resolution 1277-2007 established the membership, criteria, and schedule for the Sewer Assessment RFP Committee; and

WHEREAS, the Sewer Assessment RFP Committee has met a number of times to develop an RFP; and

WHEREAS, it is recognized that a companion Suffolk County Wastewater Treatment Task Force should provide input into the RFP Committee process; and

WHEREAS, the expiration date of the RFP Committee established in Resolution 1277-2007 is of December 31, 2008 and is insufficient to obtain the input from the Suffolk County Wastewater Treatment Task Force; now, therefore, be it

1st **RESOLVED,** that the Legislature amends the 16th Resolve clause of Resolution 1277-2007 as follows:

"**16th RESOLVED,** that the RFP Committee shall expire, and the terms of office of its members terminate, as of July 1, 2009 at which time the RFP Committee shall deposit all the records and its proceedings with the clerk of the Suffolk County Legislature;" and be it further

2nd **RESOLVED,** that no other modifications are necessary to Resolution 1277-2007; and be it further resolved;

3rd **RESOLVED**, that this resolution shall take effect immediately

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

tl-bw10-6-08 Reso DPW amending Reso 1277-2007

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2161

1. **Type of Legislation**

Resolution X Local Law _____ Charter Law _____

2. **Title of Proposed Legislation**

Amending Resolution 1277-2007 which establishes the Suffolk County Sewer Assessment RFP Committee

3. **Purpose of Proposed Legislation**

To grant an additional six months to the Suffolk County Sewer Assessment RFP Committee in order to complete the task authorized in Resolution 1277-2007.

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**
Ben Wright, P.E. Chief Engineer, Sanitation	Ben Wright	10/6/08

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2161

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER $100	2008 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

COUNTY OF SUFFOLK

OCT 17 2008

7161

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Tom LaGuardia, P.E., Chief Deputy Commissioner

SUBJECT: **Amending Resolution 1277-2007 Which Establishes the Suffolk County Sewer Assessment RFP Committee**

DATE: October 6, 2008

Attached is a draft resolution SCIN Form 175 A and 175 B and Back-up for the referenced subject filed as Reso-DPW–bw-RFP Committee and Back-up filed as Reso-back-up-DPW-bw RFP Committee. The resolution amends the sixteenth resolved clause which establishes the termination date of the RFP Committee. As a result of the work to date by the RFP Committee members and the link with the Suffolk County Wastewater Treatment Task Force, it is recommended that an additional six months be granted for the RFP Committee to complete its tasks. We would appreciate the draft resolution being laid on the table as soon as possible.

TL:BW:ni
Attachment
cc: Jim Morgo, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
✓Brendan Chamberlain, County Executive Assistant
Laura Conway, CPA, Chief Accountant
Ben Wright, P.E., Chief Engineer, Sanitation
CE Reso Review
tl-bw10-6-08 Reso-DPW amending Reso 1277-2008 memo to BZwirn

Intro. Res. No. 2162-08 Laid on the Table 12/2/08

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

RESOLUTION NO. –2008, AMENDING THE 2008 OPERATING BUDGET AND APPROPRIATING FUNDS IN CONNECTION WITH BONDING SETTLEMENTS FOR GENERAL AND BUS LIABILITY CASES

WHEREAS, a General Liability case was approved for settlement by the Ways and Means Committee on November 12, 2008 for a total amount of $500,000; and

WHEREAS, a Bus Liability case was approved for settlement by the Ways and Means Committee on November 12, 2008 for a total amount of $175,000; and

WHEREAS, Orders from the Supreme Court, Suffolk County, approving the aforementioned settlements pursuant to General Municipal Law Section 6-n and the C.P.L.R., which provides for payment to be made within ninety (90) days, must be obtained by the County upon approval of this resolution; and

WHEREAS, a second Bus Liability case was tried to verdict and the jury award of $619,554 to the plaintiffs is accruing interest at a rate of 9% compounded annually from the date of the verdict; and

WHEREAS, the aforementioned verdict and settlements are mandated expenses that must be paid by the County; and

WHEREAS, sufficient funds for these settlements are not available in the 2008 Operating Budget; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $1,400,000 in Suffolk County Serial Bonds to cover the cost to pay the verdict and settlements; now, therefore be it

RESOLVED, that these matters totaling approximately $1,400,000 be bonded and paid under the authority of the Division of Risk Management, County Department of Civil Service, in conjunction with the County Department of Audit and Control and the County Executive's Budget Office; and be it further

RESOLVED, that the proceeds of One Million Four Hundred Thousand ($1,400,000) Dollars in Suffolk County Serial Bonds be and are hereby appropriated as follows:

REVENUES:

038-2780 Proceeds: Debt	$1,400,000

Miscellaneous
General Liability Insurance
038-MSC-1914

8505 – Settlements	$500,000

Miscellaneous
Bus Liability Insurance
038-MSC-1916

8505 – Settlements $900,000

DATED:

APPROVED BY:

_____
County Executive of the County of Suffolk

Date of Approval:

2162

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 OPERATING BUDGET AND APPROPRIATING FUNDS IN CONNECTION WITH BONDING SETTLEMENTS FOR GENERAL AND BUS LIABILITY CASES

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 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 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
CARMINE CHIUSANO ASSISTANT BUDGET DIRECTOR	Carmine Chiusano	November 25, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2162

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$318,908**	**$0.60**		$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	**$318,908**	**$0.60**		$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

2162

Term of Bonds	5
Amount to Bond:	$1,400,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$255,908.30	$63,000.00	$318,908.30	$318,908.30
			$25,742.06	$25,742.06	
11/1/2010	4.500%	$267,424.17	$25,742.06	$293,166.23	$318,908.30
			$19,725.02	$19,725.02	
11/1/2011	4.500%	$279,458.26	$19,725.02	$299,183.28	$318,908.30
			$13,437.21	$13,437.21	
11/1/2012	4.500%	$292,033.88	$13,437.21	$305,471.09	$318,908.30
			$6,866.45	$6,866.45	
11/1/2013	4.500%	$305,175.40	$6,866.45	$312,041.85	$318,908.30
		$1,400,000.00	$194,541.48	$1,594,541.48	$1,594,541.48

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

7162

ALAN SCHNEIDER
PERSONNEL DIRECTOR

DEPARTMENT OF CIVIL SERVICE
DIVISION OF RISK MANAGEMENT

TO: Ben Zwirn
Deputy County Executive

FROM: Leslie E. Baffa
Risk Management

DATE: November 25, 2008

RE: Bond Resolution

Enclosed you will find a draft of a resolution for bonding $1,400,000 for the settlement of a General and two Bus Liability cases. The Ways & Means Committee approved two of these settlements on November 12th. The third was tried to verdict and the jury award is compounding interest. Payment can be made immediately on the verdict and payment must be made within 90 days of receipt closing papers for the remaining two which is expected by year's end.

Should you require any additional information, please do not hesitate to contact me.

Cc: Connie Corso, Budget Director
Carmine Chiusano, Assistant Budget Director
Geri Olsen, Audit & Control

LOCATION:
H. LEE DENNISON BUILDING- 7TH FLOOR
VETERANS MEMORIAL HIGHWAY
HAUPPAUGE, NY 11788-0099

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

Risk Management/Workers Comp/Liability (631) 853-4700
Workers' Compensation FAX (631) 853-4789
Risk Management/Liability FAX (631) 853-4956

2163

Intro. Res. No. - 2008 Laid on the Table 12/2/08

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

RESOLUTION NO. - 2008, ACCEPTING AND APPROPRIATING 100% STATE GRANT FUNDS FROM THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK TO THE DEPARTMENT OF HEALTH SERVICES, JOHN J. FOLEY SKILLED NURSING FACILITY FOR THE COMMUNITY ENHANCEMENT FACILITIES ASSISTANCE PROGRAM

WHEREAS, the Dormitory Authority of the State of New York has awarded 100% State grant funds to the Department of Health Services, John J. Foley Skilled Nursing Facility for the Community Enhancement Facilities Assistance Program in the amount of $234,000 for the period 10/01/08-09/30/09; and

WHEREAS, this grant funding will provide new automatic front doors with wind shelters and a safe outdoor walking garden for residents at the John J. Foley Skilled Nursing Facility (JJFSNF); and

WHEREAS, these new automatic doors will be an essential component to the planned front sidewalk and entrance renovation; and

WHEREAS, these building enhancements will benefit the residents and appeal to family members and caregivers, consequently attracting new residents to the facility; and

WHEREAS, the acceptance of this grant award requires that the Department provide an in-kind contribution of $11,250 for plantings in the walking garden; and

WHEREAS, the in-kind contribution has already been requested in the 2009 Suffolk County Operating Budget within the Department of Health, fund 632, unit 4530 for plantings in object 3650; and

WHEREAS, the $234,000 in additional 100% State Aid funding is not currently included in the 2008 Suffolk County Operating Budget; now therefore be it

1ST RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate $234,000 in grant funds as follows:

REVENUES	AMOUNT
001-3597 John J. Foley Renovation Projects	$234,000

ORGANIZATIONS

Department of Health Services (HSV)
John J. Foley Skilled Nursing Facility
Facility Enhancements, Automatic Doors & Walking Garden
632-HSV-4534

Equipment	$25,500
2060-Garage, Shop & Building Equipment	$15,000
2500-Other Equipment	$10,500
Supplies, Materials & Other Expenses	$208,500
3650-Repairs: Buildings	$208,500

and be it further

2ND **RESOLVED**, that the funding and the expenditures that may be incurred run concurrent to the budget period as specified in the award letter; and be it further

3rd **RESOLVED**, that any unexpended appropriations will be re-appropriated to the subsequent fiscal year, until grant termination; and be it further

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

HSV # 60-2008

STATEMENT OF FINANCIAL IMPACT OF PROPOSED SUFFOLK COUNTY LEGISLATION

2163

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

Accepting and Appropriating 100% State grant funds from the Dormitory Authority of the State of New York to the Department of Health Services, John J. Foley Skilled Nursing Facility for the Community Enhancement Facilities Assistance Program

3. Purpose of Proposed Legislation

This legislation is needed for Suffolk County Department of Health Services to accept and appropriate $234,000 in 100% State grant funds from the Dormitory Authority of the State of New York. These funds will be used to install new automatic doors and create a safe walking garden for residents at the John J. Foley Skilled Nursing Facility.

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:

Not applicable

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

None

8. Proposed Source of Funding

100% State grant funds from the Dormitory Authority of the State of New York

9. Timing of Impact

2009

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Diane E. Weyer ***Principal Financial Analyst***	Diane Weyer	11/14/08
BETH A. REYNOLDS PRINCIPAL EXECUTIVE ANALYST	Beth A Reynolds	11/25/08

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2163

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

COUNTY OF SUFFOLK

NOV 17 2008

2163

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

November 14, 2008

ML# 08-823 2 copies

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution accepting and appropriating 100% State grant funds from the Dormitory Authority of the State of New York to the Department of Health Services, John J. Foley Skilled Nursing Facility for the Community Enhancement Facilities Assistance Program. This grant funding will be used to install new automatic doors with wind shelters that will be an essential component to the planned front sidewalk and entrance renovation and create a safe walking garden for residents.

I enclose a financial impact statement and other back-up documentation for this Resolution. If you have any questions on the enclosed, please call Carolyn Kagan at 2-2814. Also, an e-mail version of this Resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-JJF Auto Doors & Garden grant.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Lowell Fein, Administrator, John J. Foley Skilled Nursing Facility
James Galgano, Financial Director
Donald Fahey, Federal & State Aid Claims Coordinator
Carolyn Kagan, Principal Contracts Examiner
Diane E. Weyer, Principal Financial Analyst

Public Health
Prevent. Promote. Protect.

OFFICE OF THE COMMISSIONER
225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

COORDINATION OF GRANT APPLICATION OR CONTRACT County of Suffolk	DATE November 13, 2008
Submitting Department/Agency Department of Health Services	Location 225 Rabro Drive East, Hauppauge, NY 11788 2163

Contact Person In Department/Agency Carolyn Kagan	Telephone Number 852-2814	Grant Application Due Date

Instructions: Applicant will complete all items on this form. If an item is not applicable, enter "NA". If additional space is needed, insert an asterisk (*) in the item box and attach additional information on an 8 ½" X 11" sheet cross referenced to the item.

I. BACKGROUND INFORMATION

1. Grant Title J. J. FOLEY – COMMUNITY ENHANCEMENT FACILITIES ASSISTANCE PROGRAM

2. Statutory Legislation (Public Law No. & Title & Department Administering Grant Program)
Dormitory Authority of the State of New York

3. Grant/Contract Status (Check One Box)

___ A. New Program Application
___ B. Renewal Application
___ C. Supplemental (Specify) _____
___ D. Extension of Funding Period
_X_ E. Contract

4. General Purpose of Grant/Contract (Describe briefly. If it is a refunding, please attach a recent progress report, including summary of goal attainment.)

This funding will provide a safe outdoor walking garden for Alzheimer's patients and new automatic front doors with wind shelters at the J. J. Foley Skilled Nursing Facility

5. County Departments/Agencies Affected (Include any with similar operational programs, regardless of their eligibility for this program.)

Department of Public Works will assist with construction projects.

II. BUDGET INFORMATION

1. Term of Contract From: 10 /01 /08 To: 09 /30 /09

2. Financial Assistance Requested

SOURCE	*FIRST FUNDING CYCLE*		*SECOND FUNDING CYCLE*		*THIRD FUNDING CYCLE*	
	Amount	**Percent**	**Amount**	**Percent**	**Amount**	**Percent**
Federal	$	%	$	%	$	%
State	$ 234,000	95.4 %	$	%	$	%
Private	$	%	$	%	$	%
County	$ 11,250	4.6 %	$	%	$	%
Total	$ 245,250	100.0 %	$	%	$	%

2163

3. Explanation of Requested County Financial Assistance

Category	*Total Requested*	*Personnel Costs Requested*	*Non-Personnel Costs Requested*
TOTAL COUNTY SHARE:	$ 11,250	$	$ 11,250
A. Cash Contribution	$ 0	$	$
B. In-Kind Contribution	$ 11,250	$	$ 11,250

4. Total Number of New Positions Requested
NONE

5. Can This Program Be Refunded by the Proposed Non-County Sources?

YES NO X

6. Estimated Expected Additional Indirect Costs (Costs to County not delineated in Budget Request, for example, added overhead, capital expenditures required as a result of project activity, associated administrative costs, etc.)

NONE

7. What Do You Anticipate Happening When the Federal, State and/or Private Financial Assistance is Discontinue (That is, program termination, reduced services, financial implications, layoffs, etc.)?

These funds are available to complete the projects.

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).

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__

Category	*Appropriation Number Grantor Funds*	*Appropriation Number County Funds*	*Appropriation Number In-Kind Contribution*	*Remarks*
ERSONAL SERVICES: 100 Permanent Salaries 110 Interim Salaries 120 Overtime Salaries				
QUIPMENT: 010 Furniture 020 Office Machines 060 Garage, Shop & Building Equ 070 Cameras & Photographic Eq 080 Medical, Dental, Lab Equip 500 Other Equipment	25,500 15,000 10,500			
UPPLIES, MATERIALS & OTHER: 010 Office Supplies 100 Instructional Supplies 160 Computer Software 500 Other Unclassified 650 Repairs: Buildings	208,500 208,500		11,250 11,250	
TILITIES: 010 Telephone & Telegraph				
RAVEL: 330 Travel Employee Contracts 340 Travel Other Contracts				2163

GRANT BUDGET ANALYSIS COUNTY BUDGET YEAR 2008__

Category	*Appropriation Number Grantor Funds*	*Appropriation Number County Funds*	*Appropriation Number In-Kind Contribution*	*Remarks*
EES FOR SERVICES 560 Fees for Services, Non-Employees				
ONTRACTED SERVICES (List) 980 Contracted Agencies				
MPLOYEE BENEFITS: 280 Retirement 300 Insurance: Worker's Compensation 330 Social Security 360 Health Insurance 380 Dental Insurance				
THER (List Source & Brief Explanation)				2165

I certify that the above in-kind contributions are not currently being used to support other Grants. _____

Signature of Project Director

DETAIL LISTING OF PERSONAL SERVICES

				SOURCE OF FUNDING BY %			
TITLE OF POSITION	*GRADE/ STEP*	*SALARY*	*EMPLOYEE NAME*	*GRANTOR*	*COUNTY*	*IN-KIND*	*REMARKS*
NONE							

2164

Intro. Res. No. -2008 Laid on Table 12/2/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2008, AUTHORIZING CERTAIN TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO. 1044-2007

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 1044-2007; 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. 1044-2007

In the 1st RESOLVED paragraph change the Organizations:

FROM:

ORGANIZATIONS		
XXXX	CLUBHOUSE PROS RONKONKOMA	21,667
XXXX	CLUBHOUSE PROS RIVERHEAD	55,000

TO:

ORGANIZATIONS		
JAO1	CLUBHOUSE PROS RONKONKOMA	55,000
JAP1	CLUBHOUSE PROS RIVERHEAD	21,667

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

2165

Intro. Res. No. -2008

Introduced by Legislator Romaine

Laid on Table 12/2/08

RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO. -2008, A LOCAL LAW TO ENSURE THE SAFE TRANSFER OF FUEL TO BOATS AND WATERCRAFT

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 ENSURE THE SAFE TRANSFER OF FUEL TO BOATS AND WATERCRAFT**" 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 ENSURE THE SAFE TRANSFER OF FUEL TO BOATS AND WATERCRAFT

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 boating is a popular recreational activity enjoyed by thousands of Suffolk County families on a regular basis.

This Legislature also finds and determines that public health and environmental protection are fundamental concerns of this Legislature and that the preservation of clean water in Suffolk County's bays, ocean and sound is a critical goal.

This Legislature further finds that motor fuel is an environmental pollutant that may harm our ecosystem and County citizens when introduced into waterways.

This Legislature determines that the use of portable fueling containers to fuel boats increases the risk of fuel spills into the water, while facilities which have and use fixed fueling facilities minimize pollution and spills through safer fueling procedures.

This Legislature also finds that minimizing the risk of spilling fuel into our waterways during the process of fueling boats and watercraft is important for the protection of our environment and the health of our citizens.

Therefore, the purpose of this law is to regulate the transfer of fuel to boats and watercraft so as to protect our environment and reduce pollution created by the spillage of fuel into our bodies of water.

Section 2. Definitions.

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

A) "BOATS OR OTHER WATERCRAFT" shall mean floating crafts used for residential purposes, as well as pleasure or recreational watercraft. This definition does not include public vessels which are used for commercial purposes, such as freight carriers, to transport passengers or provide towing services in exchange for compensation, nor does it include commercial fishing vessels that are engaged in the business of taking fish, mollusks or crustaceans for subsequent sale.

B) "PERMANENT FUEL TRANSFER FACILITY" shall mean a permanent fixed fuel tank which boats or other watercraft can access in order to obtain fuel.

C) "PERSON" shall mean any individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not.

Section 3. Prohibition.

It shall be unlawful for any person operating a boat or other watercraft to fuel said craft at any location other than a permanent fuel transfer facility.

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. Penalties.

Any violation of this law shall be punishable by a civil penalty of five hundred dollars ($500) for each violation.

Section 6. Applicability.

This law shall apply to all persons operating a boat or other watercraft, except this law shall not apply to public vessels used for commercial purposes to carry freight, transport passengers, or provide towing in exchange for compensation, nor to commercial fishing vessels that are engaged in the business of taking fish, mollusks or crustaceans for subsequent sale.

Section 7. Severability.

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

Section 8. SEQRA Determination.

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

Section 9. Effective Date.

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\laws\l-fuel deliveries at marinas

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

2165

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

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

SARAH E. SIMPSON
ASSISTANT COUNSEL TO THE LEGISLATURE
email: sarah.simpson@suffolkcountyny.gov

DATE: **November 25, 2008**

TO: **CLERK OF THE COUNTY LEGISLATURE**

RE: **MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28**

PROPOSED LOCAL LAW YEAR 2008

TITLE: **I.R. No. 2165 -2008; A LOCAL LAW TO ENSURE THE SAFE TRANSFER OF FUEL TO BOATS AND WATERCRAFT**

SPONSOR: **LEGISLATOR ROMAINE**

DATE OF RECEIPT BY COUNSEL: 11/14/08 **PUBLIC HEARING:** 12/16/08

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

This proposed local law would make it illegal for persons operating boats or other watercraft to fuel their crafts at any location other than a permanent fuel transfer facility. This law will not apply to public vessels used for commercial purposes or commercial fishing vessels.

The Department of Health Services will enforce this law. Individuals found to be violating the law would be subject to a penalty of five hundred dollars ($500).

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

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-safe transfer boat fuel

2166

Intro. Res. No. -2008 Laid on Table 12/2/08

Introduced by Presiding Officer Lindsay and Legislator Horsley

RESOLUTION NO. –2008, CREATING THE SUFFOLK COUNTY GAMING TASK FORCE

WHEREAS, the County of Suffolk faces long term budgetary shortfalls which could result in the reduction of services or increased taxes for Suffolk County residents; and

WHEREAS, Suffolk must seek new and innovative ways to generate revenues to address this fiscal problem; and

WHEREAS, gaming is an avenue that should be studied by Suffolk County as it has the potential to generate millions of dollars of revenues, aid the construction industry, and create thousands of permanent new jobs; and

WHEREAS, several reports estimate a Long Island gaming establishment could yield upwards of 10,200 in new jobs, $445 million in new local employment salaries, and over $2.5 billion in new revenue to local and state governments; and

WHEREAS, the secondary economic benefits of a gaming establishment may yield nearly 4,000 new jobs in non-gaming employment, and result in $581 million in new revenue to local businesses; and

WHEREAS, the Shinnecock Indian Nation is pursuing federal recognition as a tribe, which would empower it to build a gaming establishment on land it is historically known to have inhabited in the County of Suffolk; and

WHEREAS, the Shinnecock Indian Nation has expressed an interest in working with the County of Suffolk to locate an appropriate site for a gaming establishment and related family entertainment facilities; and

WHEREAS, it would be prudent to create a Task Force to study the feasibility and viability of bringing gaming to Suffolk County; now, therefore be it

1st **RESOLVED**, that the Suffolk County Gaming Task Force ("Gaming Task Force") is hereby created to evaluate the feasibility, viability, and siting of a gaming establishment to Suffolk County; and be it further

2nd **RESOLVED,** that the issues to be addressed by the Gaming Task Force shall include, but not be limited to:

1.) Appropriate sites in Suffolk County for a gaming establishment and related tourist attractions such as hotels, restaurants, and family entertainment, including County-owned properties.

2.) Traffic issues associated with a gaming establishment.

3.) The availability of public safety enforcement, such as police, fire, and ambulance services relative to the prospective site.

4.) Consideration of adequate buffer zones between the existing community and proposed gaming sites.

5.) The likely economic impact of a gaming establishment and other attractions.

6.) The legal feasibility of locating a gaming establishment in Suffolk County.

7.) The social effects of a gaming establishment in Suffolk County.

and be it further

3rd **RESOLVED**, that the Task Force shall consist of the following members:

1.) the County Executive, or designee;

2.) the Presiding Officer of the Suffolk County Legislature, or designee;

3.) the Minority Leader of the Suffolk County Legislature, or designee;

4.) the President of the Suffolk Off Track Betting Corporation, or designee;

5.) the Chairman of the Suffolk County Legislature's Economic Development, Higher Education and Energy Committee, or designee;

6.) the Commissioner of the Suffolk County Department of Economic Development and Workforce Housing, who shall serve as Chairman;

7.) the Director of the Suffolk County Department of Planning, or designee;

8.) a representative of the Shinnecock Indian Nation;

9.) a representative of the Suffolk County Supervisor's Association;

10.) a representative of the Nassau-Suffolk Building Trades Council; and

11.) a representative of the Long Island Association;

and be it further

4th **RESOLVED**, that the Suffolk County Attorney's Office shall assist the Gaming Task Force with any legal issues relating to the location or operation of a gaming establishment in Suffolk County; and be it further

5th **RESOLVED**, that the Gaming Task Force shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened by the chairman of the Task Force for the purpose of organization and the appointment of a vice chairperson and a secretary; and be it further

6th **RESOLVED**, that the Gaming Task Force shall hold regular meetings, keep a record of all its proceedings, and determine the rules of its own proceedings with special meetings to be called by the chairperson upon his or her own initiative or upon receipt of a written request therefore signed by at least three (3) members of the Gaming Task Force. Written notice of the time and place of such special meetings shall be given by the secretary to each member at least four (4) days before the date fixed by the notice for such special meeting; and be it further

7th **RESOLVED**, that seven (7) members of the Gaming Task Force shall constitute a quorum to transact the business of the Gaming Task Force at both regular and special meetings; and be it further

8th **RESOLVED**, that clerical services involving the month-to-month operation of this Gaming Task Force, as well as supplies and postage as necessary, will be provided by the staff of the Suffolk County Legislature; and be it further

9th **RESOLVED**, that the Gaming Task Force may delegate to any member of the Gaming Task Force the power and authority to conduct such hearings and meetings; and be it further

10th **RESOLVED**, that the Gaming Task Force shall cooperate with the Legislative Committees of the County Legislature and make available to each Committee's use, upon request, any records and other data it may accumulate or obtain; and be it further

11th **RESOLVED**, that the Gaming Task Force is hereby authorized, empowered, and directed to hold at least four (4) public hearings throughout the County of Suffolk to assemble the data and information necessary to complete the valuation, study, and report required with all reasonable efforts to be made to ascertain the views, wishes, and opinions of the residents of Suffolk County; and be it further

12th **RESOLVED**, that this special Gaming Task Force shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive no later than one hundred eighty (180) days subsequent to the effective date of this Resolution for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

13th **RESOLVED**, that this study shall not be performed by any outside consultant or consulting firm unless explicit approval and authorization for such consultant or consulting firm is granted pursuant to a duly enacted resolution of the County Legislature; and be it further

14th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-casino-gaming-task-force

2167

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

Laid on Table 12/2/08

RESOLUTION NO. -2008, AUTHORIZING TRANSFER OF FOUR (4) SURPLUS COUNTY COMPUTERS, FOUR (4) SURPLUS COUNTY MONITORS, FOUR (4) SURPLUS COUNTY KEYBOARDS, FOUR (4) SURPLUS COUNTY MICE AND TWO (2) SURPLUS COUNTY PRINTERS TO TRI COMMUNITY YOUTH AGENCY OF HUNTINGTON STATION

WHEREAS, the Suffolk County Department of Public Works has submitted to the Purchasing Department a list of surplus computer systems and hardware which have been declared surplus; and

WHEREAS, this equipment has been taken out of service because of obsolescent technology; and

WHEREAS, the Tri Community Youth Agency of Huntington Station has requested the donation of these computer systems and hardware from the County; and

WHEREAS, this organization is willing to assume responsibility for the removal and transportation of this equipment; now, therefore, be it

1st **RESOLVED**, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following organization, for use within its facilities for nominal consideration:

TO:
Tri Community Youth Agency of Huntington Station
5 Lowndes Avenue
Huntington Station, NY 11746

Contact: Debbie Rimler-Loss
Telephone: 631-673-0614

COMPUTER SERIAL NO:
9Z3LR11
7VMFX01
8ZRFX01
DZRFX01

MONITOR:
4 – 17" Dell Monitors

KEYBOARD DESCRIPTION:
4 (Item #53)

MICE:
4 (Item #52)

PRINTER:
CNBJP12658
CNBJN25879

and be it further

2nd **RESOLVED**, that the above described surplus County personal property is hereby declared to be of scrap value only and is transferred to the above listed organization for nominal

consideration, pursuant to Section 8-4(C)(2)(a) of the SUFFOLK COUNTY CHARTER; and be it further

3rd **RESOLVED**, that the above named organization shall assume responsibility for the removal and transportation of said equipment; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-computer-tri-community-youth-agency

2168

Intro. Res. No. -2008 Laid on Table 12/02/2008

Introduced by Legislator Cooper

RESOLUTION NO. –2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE RESTORATION OF THE BOAT HOUSE AT THE VANDERBILT MUSEUM (CP 7438)

WHEREAS, the Executive Director of the Suffolk County Vanderbilt Museum has requested construction funds to continue restoration of the historic boat house; and

WHEREAS, the building's roof and floor is temporarily shored; and

WHEREAS, previously appropriated funding is insufficient to complete the structural renovations and permanently stabilize the boat house; and

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

WHEREAS, the County Legislature by resolution of even date herewith, has authorized issuance of $475,000 in Suffolk County serial bonds for the restoration of the boat house; and

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

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of 47 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

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

Project Number: CP 7401
Project Title: Restoration of Habitat Wing at Suffolk County Vanderbilt Museum

Cost Elements	Total Estimated Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning	$ 20,000	$200,000 B	$0
TOTAL	$125,000	$200,000	$0

Project Number: CP 7447
Project Title: Rehabilitation of Plumbing at Suffolk County Vanderbilt Museum

Cost Elements	Total Estimated Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	$860,000	$275,000 B	$0
TOTAL	$945,000	$275,000	$0

Project Number: CP 7438
Project Title: Restoration of Boat House at the Vanderbilt Museum

Cost Elements	Total Estimated Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	$890,000	$0	$475,000 B
TOTAL	$940,000	$0	$475,000

and be it further

3rd RESOLVED, that the proceeds of $475,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project Number	Project Title	Amount
525-CAP-7438.311	Restoration of Boat House at the Vanderbilt Museum	$475,000

and be it further

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

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action, pursuant to Title 6 NYCRR Part 617.5(C) (21), (22) and (27), since it constitutes a local legislative decision in connection with the maintenance, repair, replacement, rehabilitation, reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes. As a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

6th RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete such improvements to the boat house at the Suffolk County Vanderbilt Museum.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

T:\BRO\IR 2008 CB amendment The restoration of the boat house at the Vanderbilt museum CP7438.doc

2169

Intro. Res. No. -2008 Laid on Table 12/2/2008
Introduced by Legislator Cooper

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH MODIFICATION FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) AT SUFFOLK COUNTY VANDERBILT MUSEUM (CP 7450)

WHEREAS, the Executive Director of the Suffolk County Vanderbilt Museum has requested planning and construction funds to make facility wide improvements at the Museum in accordance with the findings of the ADA compliance study completed by Architect David Swift which addressed improvements to meet compliance with the Americans with Disabilities Act (ADA); 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. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $327,000 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 Environmental Conservation Law Article 8 (hereinafter "SEQRA"), hereby finds and determines that this resolution constitutes a Type I action, pursuant to Title 6 NYCRR, Part 617. (b), (9) and Chapter 279 of the Suffolk County Code, since it is an action occurring within or contiguous to a site listed on the National and State Registers of Historic Places, which will not have significant effect on the environment; for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;

2. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;

3. The project will not negatively impact the historic integrity of the site.

and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of 41 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the proceeds of $327,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project No.	Project Title	Amount
525-CAP-7450.114	Modification for Compliance with the Americans with Disabilities Act (ADA) at Suffolk County Vanderbilt Museum	$27,000
525-CAP-7450.314	Modification for Compliance with the Americans with Disabilities Act (ADA) at Suffolk County Vanderbilt Museum	$300,000

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

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2170

Intro. Res. No. -2008 Laid on Table 12/2/2008
Introduced by Legislator Kennedy

RESOLUTION NO. –2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RENOVATIONS AT HISTORIC BLYDENBURGH PARK (CP 7507)

WHEREAS, the residents of Suffolk County, including those of the 12th Legislative District, are benefited by the Suffolk County Park known as Blydenburgh Park; and

WHEREAS, the area in Blydenburgh Park known as the historic district is home to one of the oldest mills in the State of New York having been completed in 1798; and

WHEREAS, the foundation of this mill was significantly undermined by prolonged rains in October 2005; and

WHEREAS, temporary stabilization of the foundation did occur; and

WHEREAS, it is critical that the temporary stabilizing efforts be replaced by permanent reconstruction of the mill's foundation; and

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

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

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of $600,000 in Suffolk County Serial Bonds; now, therefore be it

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

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of 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 2008 Capital Budget and Program be and is hereby amended as follows:

Project Number: 7507
Project Title: Renovations at Historic Blydenburgh Park

Cost Elements	Total Estimated Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning, Design and Supervision	$110,000	$70,000B	$60,000B
3. Construction	$1,390,000	$530,000B	$540,000B
TOTAL	$1,500,000	$600,000	$600,000

4th RESOLVED, that the proceeds of $600,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	Project Title	Amount
525-CAP-7507.110	Renovations at Historic Blydenburgh Park	$60,000
525-CAP-7507.310	Renovations at Historic Blydenburgh Park	$540,000

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law is a Type II action, pursuant to Title 6 NYCRR Part 617.5(C) (18) (21), (22) and (27), since it constitutes a local legislative decision in connection with the maintenance, repair, replacement, rehabilitation, reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

T:\BRO\CP 7507 Blydenburgh Park .doc

2171

Intro Res. No. -2008 Laid on Table 12/2/08

Introduced by Legislator Gregory

RESOLUTION NO. -2008, ESTABLISHING A TASK FORCE ON HATE CRIMES IN SUFFOLK COUNTY

WHEREAS, the recent murder of Marcelo Lucero in Patchogue and the related attacks on two other individuals, who were allegedly targeted by their assailants because they were Hispanic, has led to an increased sensitivity to bias-related crimes in the County; and

WHEREAS, other bias-related crimes have occurred in recent years in Suffolk County, including high profile violent attacks on immigrant workers in Farmingville in 2000 and an arson in 2003; and

WHEREAS, studies conducted by the Federal Bureau of Investigations show that hate crimes against Latinos have been steadily increasing nationally over the past four (4) years; and

WHEREAS, following the murder of Mr. Lucero, members of the Hispanic community have stated that undocumented workers are reluctant to make reports when they are victims of crime because they fear reprisal; and

WHEREAS, the fact that only one verified hate crime was reported in Suffolk County in 2007 suggests that bias and hate crimes occurring in Suffolk County are failing to be reported and addressed; and

WHEREAS, in order to combat the occurrence of bias and hate crimes in the County, government officials need help from the entire community to determine how frequently these acts occur and how often are they reported to the police; and

WHEREAS, County leaders also need more information to determine why bias-related crimes are not reported to police so that appropriate actions may be taken to ensure that bias-related crimes are reported and investigated; and

WHEREAS, the Suffolk County Legislature wants to ensure that racial tensions are addressed within the community and hate crimes of all forms are reported, with all possible steps taken to address these problems and prevent their occurrence; and

WHEREAS, the Suffolk County Legislature wants to be a leader in determining the sources of hate crimes in the community and finding the best ways to combat them; now, therefore be it

1st RESOLVED, that a special Task Force on Hate Crimes in Suffolk County ("Task Force") is hereby created to examine the sources of racial tension in the County, to study and analyze the mechanisms used to report hate crimes in the County, and provide recommendations on current hate crime legislation; and be it further

2nd **RESOLVED**, that this Task Force shall consist of the following twelve (12) members:

1.) two (2) representatives from the County Legislature, to be selected by the Presiding Officer;

2.) a representative from the County Executive's office, to be selected by the County Executive;

3.) a Clergyman, to be selected by the Presiding Officer;

4.) two (2) representatives from the Suffolk County community at large;

5.) a representative from the Suffolk County Police Department;

6.) a representative from the Suffolk County District Attorney's Office;

7.) a representative from the Suffolk County Anti-Bias Task Force;

8.) a representative from one of the Suffolk County School Districts;

9.) a representative from the Suffolk County Human Rights Commission;

10.) a representative from the gay-lesbian-bisexual-transgender community in Suffolk County;

and be it further

3rd **RESOLVED**, that the chairperson of the Task Force shall be chosen from one of the representatives from the Legislature appointed to the Task Force; and be it further

4th **RESOLVED**, that the Task Force shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened by the chairman of the Task Force, for the purpose of organization and the appointment of a vice chairperson and a secretary; and be it further

5th **RESOLVED**, that the members of said Task Force shall serve without compensation and shall serve at the pleasure of their respective appointing authorities; and be it further

6th **RESOLVED**, that the Task Force shall hold regular meetings, keep a record of all its proceedings, and determine the rules of its own proceedings with special meetings to be called by the chairperson upon his or her own initiative or upon receipt of a written request therefor signed by at least three (3) members of the Task Force. Written notice of the time and place of such special meetings shall be given by the secretary to each member at least four (4) days before the date fixed by the notice for such special meeting; and be it further

7th **RESOLVED**, that six (6) members of the Task Force shall constitute a quorum to transact the business of the Task Force at both regular and special meetings; and be it further

8th **RESOLVED**, that the Task Force may submit requests to the County Executive and/or the County Legislature for approval for the provision of secretarial services, travel expenses, or retention of consultants to assist the Task Force with such endeavors, said total expenditures not to exceed Five Thousand ($5,000.00) per fiscal year, which services shall be subject to Legislative approval; and be it further

9th **RESOLVED**, that the Task Force may conduct such informal hearings and meetings at any place or places within the County of Suffolk for the purpose of obtaining necessary information or other data to assist it in the proper performance of its duties and functions as it deems necessary; and be it further

10th **RESOLVED**, that the Task Force may delegate to any member of the Task Force the power and authority to conduct such hearings and meetings; and be it further

11th **RESOLVED**, that the Task Force shall cooperate with the Legislative Committees of the County Legislature and make available to each Committee's use, upon request, any records and other data it may accumulate or obtain; and be it further

12th **RESOLVED**, that the Task Force is hereby authorized, empowered, and directed to hold at least four (4) public hearings throughout the County of Suffolk to assemble the data and information necessary to complete the valuation, study, and report required with all reasonable efforts to be made to ascertain the views, wishes, and opinions of the residents of Suffolk County; and be it further

13th **RESOLVED**, that said Task Force shall issue a written report, after a comprehensive study and analysis of the impact of racial tensions and hate crimes on Suffolk County, as well as the rate at which hate crimes occur in the County and the manners in which they may be reported; and be it further

14th **RESOLVED**, that this special Task Force shall submit a written report of its findings and determinations together with its recommendations for action, if any, to each member of the County Legislature and the County Executive no later than one hundred eighty (180) days subsequent to the effective date of this Resolution for consideration, review, and appropriate action, if necessary, by the entire County Legislature; and be it further

15th **RESOLVED**, that the Task Force shall expire, and the terms of office of its members terminate, as of one (1) year from the date of the enactment of the resolution at which time the Task Force shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

16th **RESOLVED**, that this study shall not be performed by any outside consultant or consulting firm unless explicit approval and authorization for such consultant or consulting firm is granted pursuant to a duly enacted resolution of the County Legislature; and be it further

17th **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 of Approval:

s:\res\r-task force hate crimes

2172 12/2/08

Intro. Res. No. -2008 Laid on Table

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

RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO. 2008, A LOCAL LAW ENHANCING ARTICLE XXXVI OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO ADD A LOCAL PREFERENCE TO BENEFIT CERTAIN MILITARY VETERANS, TO PROVIDE ADDITIONAL FUNDING INCENTIVES FOR ENERGY CONSERVATION MEASURES, AND TO ADD ELEMENTS OF UNIVERSAL DESIGN AND ADAPTABILITY

WHEREAS, there was duly presented and introduced to this County Legislature, at a regular meeting held on , 2008, a proposed local law entitled, **"A LOCAL LAW ENHANCING ARTICLE XXXVI OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO ADD A LOCAL PREFERENCE TO BENEFIT CERTAIN MILITARY VETERANS, TO PROVIDE ADDITIONAL FUNDING INCENTIVES FOR ENERGY CONSERVATION MEASURES, AND TO ADD ELEMENTS OF UNIVERSAL DESIGN AND ADAPTABILITY,"** and said local law in final form is the same as when presented and introduced; now, therefore be it

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

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

A LOCAL LAW ENHANCING ARTICLE XXXVI OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO ADD A LOCAL PREFERENCE TO BENEFIT CERTAIN MILITARY VETERANS, TO PROVIDE ADDITIONAL FUNDING INCENTIVES FOR ENERGY CONSERVATION MEASURES, AND TO ADD ELEMENTS OF UNIVERSAL DESIGN AND ADAPTABILITY

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

Section 1. Legislative Intent.

This Legislature hereby finds that last year, the State of New York Mortgage Agency (SONYMA) launched a program entitled, "Homes for Veterans" that provides favorable interest rates on mortgages obtained by military veterans.

This Legislature further finds and determines that the current General Municipal Law § 72-h property transfer program administered by the County should provide more affordable housing opportunities to military veterans who have served this country and have offered their lives for the protection of others.

This Legislature further finds that the § 72-h property transfer program should include funding for exterior and interior construction to enable disabled persons to live independently in their homes, and for the installation of energy reduction and energy conservation equipment or devices in housing units constructed for affordable housing.

Therefore, the purpose of this local law is to: a) provide a local preference authorizing municipalities and nonprofit housing organizations to utilize the County's § 72-h property transfer program to construct and remodel housing units for occupancy by certain military veterans; and b) authorize the Director to, in connection with § 72-h property transfers, provide funding for specific exterior and/or interior elements of Universal and Adaptable Design requirements, and the installation of energy reduction or energy conservation equipment or devices with a useful life of five years or greater.

Section 2. Amendments.

Article XXXVI of the Suffolk County Administrative Code is hereby amended to read as follows:

§ A36-1. Definitions.

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

ADAPTABLE DESIGN -- Construction that minimizes the cost of a future alteration so that an individual with a disability can age in place, including the installation of interior wall bracing in bathrooms to support the installation of support rails.

AFFORDABLE HOUSING -- Housing, including workforce housing, available to individuals and families meeting certain income guidelines based on the U.S. Department of Housing and Urban Development (HUD) area median incomes and as further defined in § A36-2A, B and C below.

AFFORDABLE HOUSING SUBSIDY (AHS) --The funding made available by Suffolk County for the acquisition, construction and/or reconstruction of parcels pursuant to § A36-2C(1)(ii) of this article.

* * * *

DIRECTOR -- The Director of Affordable Housing within the Suffolk County Department of [Planning] Economic Development and Workforce Housing.

FIRST-TIME HOMEBUYER -- An individual or family unit that has not owned a home during the three-year period before the purchase of a home with the permitted exceptions delineated in the HUD Home Investment Partnership Regulations, as they are amended from time to time, including, but not limited to, exceptions for displaced homemakers, single parents and mobile home owners.

PARCEL -- A separately assessed lot, parcel, piece or portion of real property, with or without improvements erected thereon, owned by the County of Suffolk.

PARTICIPATING EMPLOYER -- A company, corporation or other legal entity that employs individuals who reside in or will reside in Suffolk County and provides land, down-payment assistance, loan guarantees, or other assistance to its employees in connection with workforce housing that meets the criteria set forth herein.

PERSON WITH A DISABILITY – A person who has a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or a record of such an impairment; or a condition regarded as such an impairment as further defined by the Americans with Disabilities Act.

UNIVERSAL DESIGN -- The design and production of items and spaces which can be accessed and utilized by persons regardless of age, size or disabilities.

* * * *

[**WORKFORCE HOUSING DIRECTOR** -- The Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing.]

WORKFORCE HOUSING SUBSIDY (WHS) -- The funding made available by Suffolk County for the acquisition, construction and/or reconstruction of parcels pursuant to § A36-2C(1)(i) of this article.

§ A36-2. Suffolk County housing opportunities programs.

* * * *

B. New York State General Municipal Law § 72-h transfer program.

(1) Designated uninhabitable improved parcels and vacant parcels shall be transferred by the County to participating municipalities for nominal consideration and shall be constructed and/or reconstructed for affordable housing purposes. These parcels shall be subject to covenants and restrictions requiring cooperating municipalities to transfer these parcels to eligible individuals whose income does not exceed 80% of the HUD established limits for the Nassau-Suffolk PMSA adjusted by family size. Units constructed and/or reconstructed on a parcel transferred pursuant to this sub-paragraph B, and sold or rented subject to a hierarchy of local preferences established by the participating municipality, shall be constructed and/or reconstructed, as the case may be, using Adaptable Design and Universal Design features in compliance with § A36-3 of this article, and shall be made available to military veterans pursuant to such local preference who served during expeditionary service in a theatre of conflict in Iraq or Afghanistan, as verified by the Director of the Suffolk County Veterans Agency, and shall qualify that person as a first-time homebuyer as defined in this article, subject to the following:

a) The Director of the Suffolk County Veterans Service Agency shall verify to the participating municipality that an applicant possesses a form DD-214 to verify honorable service and one (1) or more of the following awards/medals in order to qualify under this article:

[a] Afghanistan Campaign Medal;
[b] Iraq Campaign Medal;
[c] Global War on Terrorism Expeditionary Medal;
[d] Navy Expeditionary Medal (Iraq or Afghanistan);
[e] Marine Corps Expeditionary Medal (Iraq or Afghanistan);
[f] Combat Action Ribbon;
[g] Combat Action Badge;
[h] Combat Medical Badge;
[i] Purple Heart Medal; and
[j] Silver Star Medal.

* * * *

C. Workforce housing [program] and affordable housing programs.

(1) Funding initiatives.

(i) Funding initiatives for the workforce housing program by the County through the use of capital bond proceeds (WHS) shall include funding for:

* * * *

(ii) Funding initiatives for the affordable housing program by the County through the use of capital bond proceeds (AHS) shall include funding for the construction and/or reconstruction of parcels transferred to participating municipalities pursuant to New York State General Municipal Law § 72-h, including:

(a) interior portions of units on such parcels using Adaptable Design and Universal Design features in compliance with § A36-3 of this article for military veterans who are persons with a disability and qualify under § A36-2B(1); and

(b) the installation of energy reduction or energy conservation equipment or devices with a useful life of five years or greater.

(2) Program requirements.

(a) The following provisions are applicable to § A36-2C(1)(i)(a), (b) and (c) and § A36-2C(1) (ii) above.

* * * *

(c) Deed restrictions for all housing subsidized pursuant to this section must reflect the following guidelines:

* * * *

[6] Affordability for rental units. Rental units shall have maximum rent equal to the fair market rent adjusted for bedroom size established by HUD for the Nassau-Suffolk PMSA or any municipality-approved fair market rent standard, and must remain affordable for at least 10 consecutive years or until the WHS <u>or AHS</u> is repaid to the County, whichever is later.

D. Repayment.

(1) All land acquired and housing subsidized pursuant to § A36-2C shall be subject to:

(a) Covenants and restrictions governing the use of the parcel(s) and housing thereon; and

(b) Repayment of the WHS <u>or AHS, as the case may be,</u> pursuant to the terms set forth in any and all funding documents when the ownership/rental requirements and/or affordability requirements contained in the development/rental agreement(s) and deed are not met.

(2) Under certain circumstance, including but not limited to affordability requirements in excess of 30 years, repayment of the WHS <u>or AHS, as the case may be,</u> may be forgiven.

* * * *

§ A36-3. [Prior laws] <u>Universal and Adaptable Design Requirements</u>.

<u>A.</u> <u>A parcel that is to be constructed or reconstructed with the assistance of Suffolk County pursuant to § A36-2B of this article or § A36-2C(1)(ii) of this article shall comply with the following design and construction requirements:</u>

<u>1)</u> <u>At least one step-less entry shall be provided into a ground floor unit, and may be located at the front, rear or side of the unit with a threshold not exceeding one-half inch in height;</u>

<u>2)</u> <u>All interior passage doorways on the ground level of a unit shall have an unobstructed opening of at least thirty-four inches (34") when the door is open at a ninety-degree (90) angle;</u>

<u>3)</u> <u>At least one bathroom shall be located on the ground level of the unit, containing a clear floor space of thirty inches (30") by forty-eight inches</u>

(48") centered on and contiguous to the sink, which is not encroached by the swing path of the bathroom door;

4) The ground floor of a unit shall be designed with the following features:

a. At least one room that can be converted into a bedroom; and
b. The required ground floor bathroom shall have walls that are reinforced with wood blocking between the interior studs, capable of supporting grab bars as follows:

i. two reinforcements on the back wall of the bathtub, each at least twenty-four inches (24") long, at least twenty inches (20") wide, not more than twenty-four inches (24") from the head end wall, and not more than twelve inches (12") from the foot end wall, one in a horizontal position at least thirty-three inches (33"), but not more than thirty-six inches (36") above the floor, and one nine inches (9") above the rim of the bathtub;

ii. one backing reinforcement on the foot end wall of the bathtub, at least twenty inches (20") long, at least eighteen inches (18") wide and located at the front edge of the bathtub;

iii. one backing reinforcement on the head end wall of the bathtub, at least twelve inches (12") long, at least eighteen inches (18") wide and located at the front edge of the bathtub; and

iv. backing reinforcements on at least two walls of the ground floor interior shower on which the control valves are not located, each centered at least thirty-three inches (33"), but not more than thirty-six inches (36"), above the floor and at least eighteen inches (18") wide.

B. Each municipality, developer or participating employer that receives County assistance under § A36-2B or § A36-2C(1)(ii) shall submit such written assurance to the Director, as the Director shall determine that construction activities will be provided in compliance with this section.

§ A36-4. Prior laws.

* * * *

Section 3. Applicability.

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

Section 4. Severability.

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

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

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

DATED: , 2008

APPROVED BY:

_____
County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

2172

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

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

SARAH E. SIMPSON
ASSISTANT COUNSEL TO THE LEGISLATURE
email: sarah.simpson@suffolkcountyny.gov

DATE: November 19, 2008

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2008

TITLE: I.R. No. -2008; A LOCAL LAW ENHANCING ARTICLE XXXVI OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO ADD A LOCAL PREFERENCE TO BENEFIT CERTAIN MILITARY VETERANS, TO PROVIDE ADDITIONAL FUNDING INCENTIVES FOR ENERGY CONSERVATION MEASURES, AND TO ADD ELEMENTS OF UNIVERSAL DESIGN AND ADAPTABILITY

SPONSOR: THE PRESIDING OFFICER AT THE REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 11/17/08 **PUBLIC HEARING:** 12/16/08

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

This proposed local law would amend Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE to require homes constructed or reconstructed on uninhabitable improved parcels and vacant parcels pursuant to General Municipal Law §72-h be made available to military veterans who served in Iraq or Afghanistan and qualify as first time homebuyers. The homes built on these properties would have to include energy conservation equipment and structural elements of Adaptable and Universal design, which provide strict guidelines for the dimensions and structure of homes to accommodate individuals with disabilities and make any future modifications they may need easier to perform.

This law will take effect immediately upon its filing with the Office of Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-II adding local preference for vets addl funding for energy conservation and add universal design elements

INTRODUCTORY CORRECTING TAX LEVY & WARRANT RESOLUTIONS
FOR DECEMBER 2, 2008 MEETING OF
THE SUFFOLK COUNTY LEGISLATURE

2173 AMENDING RESOLUTION 972-2008 FOR APPROVING THE RETURN OF THE FUND BALANCE OF THE GENERAL FUND, POLICE DISTRICT FUND, AND DISTRICT COURT DISTRICT TO THE TAXPAYERS OF THE TOWNS OF SUFFOLK COUNTY

2174 AMENDING RESOLUTION 974-2008, APPROVING THE TABULATION OF TOWN CHARGES AND FIXING THE TAX LEVIES AND CHARGES TO THE TOWNS UNDER THE COUNTY BUDGET FOR FISCAL YEAR 2009

2175 AMENDING RESOLUTION 1188-2007, IMPLEMENTING BUDGET, STAFF AND TAXES FOR THE FISCAL YEAR 2008 (DISCRETIONARY) FOR THE TOWN OF SOUTHOLD

2176 AMENDING RESOLUTION 1189-2007, IMPLEMENTING BUDGET, STAFF AND TAXES FOR THE FISCAL YEAR 2008 (MANDATED) FOR THE TOWN OF SOUTHOLD

2177 AMENDING RESOLUTION 1190-2007, AUTHORIZING THAT THE TAX WARRANTS BE SIGNED BY THE PRESIDING OFFICER AND CLERK OF THE COUNTY LEGISLATURE AND THAT THEY BE ANNEXED TO THE TAX ROLLS FOR THE COLLECTION OF TAXES (FOR THE TOWN OF SOUTHOLD)

2178

Intro. Res. No. -2008 Laid on Table 12/2/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, APPROPRIATING THE 2008 FUNDS FOR INFRASTRUCTURE IMPROVEMENTS FOR WORKFORCE HOUSING/INCENTIVE FUND (CP 6411)

WHEREAS, the County has recognized the need to address the burden created by the rising costs of housing on our young workforce and senior community families in Suffolk County; and

WHEREAS, the County of Suffolk has established a dedicated Capital Project for the Infrastructure Improvements for Workforce Housing/Incentive Fund; and

WHEREAS, the Commissioner of Economic Development and Workforce Housing has requested that these funds for acquisition of the Infrastructure Improvements for Workforce Housing/Incentive Fund be appropriated; and

WHEREAS, this project seeks to fund the cost of acquiring Infrastructure Improvements pursuant to Section A36-2(C)(1)(d) of the Suffolk County Administrative Code, allowing for the development of workforce housing; and

WHEREAS, sufficient funds are included in the 2008 Capital Budget and Program to cover the costs of said request under Capital Program 6411; 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 $5,000,000 in Suffolk County Serial Bonds; now, therefore be it

1st **RESOLVED**, that the County encourage the development of workforce housing in accordance with Section A36-2(C) of the Administrative Code; and be it further

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

3rd **RESOLVED**, no monies for construction shall be allocated to or expended from this Capital Project No. 6411 unless and until a resolution is adopted approving the specific workforce housing project or projects being considered for the Infrastructure Improvements funding under this capital program; and be it further

4th **RESOLVED**, that prior to the approval by this Legislature of any infrastructure improvements for workforce housing under this Capital Project, an environmental review of each project shall be undertaken and completed in accordance with the State Environmental Quality Review Act (SEQRA); and be it further

5th **RESOLVED**, that this Legislature, being the SEQRA lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency

administration, management, not including new programs or major reordering of priorities that may affect the environment; and be it further

6th **RESOLVED**, that the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law; and be it further

7th **RESOLVED**, that the proceeds of $5,000,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

Project No.	JC	Project Title	Amount
525-CAP-6411.311 (Fund 001 Debt Service)	35	Infrastructure Improvements for Workforce Housing/Incentive Fund	$5,000,000

APPROVED BY:

_____

County Executive of Suffolk County

Date:

2178

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 THE 2008 FUNDS FOR INFRASTRUCTURE IMPROVEMENTS FOR WORKFORCE HOUSING/INCENTIVE FUND (CP 6411)

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 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 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
CARMINE CHIUSANO ASSISTANT BUDGET DIRECTOR	Carmine Chiusano	November 25, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2178

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	$474,144	$0.89		$0.002

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	$474,144	$0.89		$0.002

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

2178

Term of Bonds: 15
Amount to Bond: $5,000,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$235,810.58	$238,333.33	$474,143.91	$474,143.91
			$113,546.51	$113,546.51	
11/1/2010	4.500%	$247,050.88	$113,546.51	$360,597.40	$474,143.91
			$107,658.47	$107,658.47	
11/1/2011	4.500%	$258,826.98	$107,658.47	$366,485.44	$474,143.91
			$101,489.76	$101,489.76	
11/1/2012	4.500%	$271,164.39	$101,489.76	$372,654.15	$474,143.91
			$95,027.01	$95,027.01	
11/1/2013	4.500%	$284,089.90	$95,027.01	$379,116.90	$474,143.91
			$88,256.20	$88,256.20	
11/1/2014	4.500%	$297,631.52	$88,256.20	$385,887.71	$474,143.91
			$81,162.65	$81,162.65	
11/1/2015	4.500%	$311,818.62	$81,162.65	$392,981.26	$474,143.91
			$73,730.97	$73,730.97	
11/1/2016	5.000%	$326,681.97	$73,730.97	$400,412.94	$474,143.91
			$65,945.05	$65,945.05	
11/1/2017	5.000%	$342,253.81	$65,945.05	$408,198.86	$474,143.91
			$57,788.00	$57,788.00	
11/1/2018	5.000%	$358,567.91	$57,788.00	$416,355.91	$474,143.91
			$49,242.13	$49,242.13	
11/1/2019	5.000%	$375,659.65	$49,242.13	$424,901.78	$474,143.91
			$40,288.91	$40,288.91	
11/1/2020	5.000%	$393,566.09	$40,288.91	$433,855.00	$474,143.91
			$30,908.92	$30,908.92	
11/1/2021	5.000%	$412,326.07	$30,908.92	$443,234.99	$474,143.91
			$21,081.81	$21,081.81	
11/1/2022	5.000%	$431,980.28	$21,081.81	$453,062.10	$474,143.91
			$10,786.28	$10,786.28	
11/1/2023	5.000%	$452,571.34	$10,786.28	$463,357.63	$474,143.91
		$5,000,000.00	$2,112,158.68	$7,112,158.68	$7,112,158.68

2178

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Connie Corso, Budget Director

FROM: Patrick Heaney, Commissioner
Department of Economic Development & Workforce Housing

DATE: November 25, 2008

SUBJECT: **APPROPRIATING FUNDS IN CONNECTION WITH INFRASTRUCTURE IMPROVEMENTS FOR WORKFORCE HOUSING/INCENTIVE FUND (CP 6411**
****

The Department of Economic Development and Workforce Housing requests the submittal of the attached resolution requesting the appropriation of $5,000,000 for CP-6411 Infrastructure Improvements for Workforce Housing/Incentive Fund. These funds will allow for the department to begin negotiations with numerous entities as they move forward with the development of workforce housing units. While this resolution appropriates the funds and authorizes the bonds, each individual development project funded through these funds requires additional Legislative approval.

Attached please find the draft resolution and the required SCIN 175a and 175b. Electronic copies are being filed in accordance with ADH-03-06.

PH/kmb

cc: Jim Morgo, Chief Deputy County Executive
Carolyn Fahey, Intergovernmental Relations Coordinator
Jill Rosen-Nikoloff, Director of Affordable Housing
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Assistant Budget Director

Steve Levy
Suffolk County Executive

Patrick Heaney
Commissioner

2179

12/2/08

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 IMPROVEMENTS TO COUNTY CAMPGROUNDS (CP 7009)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for planning and construction of improvements to county campgrounds including projects relating to restroom facilities, storage, building and grounds repair, and other similar campground improvements; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said planning and construction under Capital Program Number 7009; and

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

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

1st **RESOLVED**, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), the Legislature has determined that this project constitutes a Type II action pursuant to the provisions of Title 6 of the New York Code of Rules and Regulations (NYCRR), Part 617.5 (c) 1, 2, 6, 7, 11, 21, 27 and Chapter 279 of the Suffolk County Code, since they involve the construction or expansion of a primary or accessory/appurtenant, non residential structure or facility of less than 4,000 square feet; maintenance, repair, replacement, rehabilitation or construction, landscaping, and extension of existing utilities; extension of utility distribution facilities; and be it further

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

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

Project No.	J.C.	Project Title	Amount
525-CAP-7009.116 (Fund 001 Debt Service)	26	Improvements to County Campgrounds--Planning	$20,000
525-CAP-7009.318 (Fund 001 Debt Service)	26	Improvements to County Campgrounds--Construction	$980,000

DATED:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

2179

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2008, APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO COUNTY CAMPGROUNDS (CP 7009)

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)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

2179

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$90,729**	**$0.17**		$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	**$90,729**	**$0.17**		$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

2179

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

Term of Bonds: 13
Amount to Bond: $1,000,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	$49,479.00	$41,250.00	$90,729.00	$90,729.00
			$19,604.50	$19,604.50	
11/1/2009	4.125%	$51,520.01	$19,604.50	$71,124.50	$90,729.00
			$18,541.90	$18,541.90	
11/1/2010	4.125%	$53,645.21	$18,541.90	$72,187.10	$90,729.00
			$17,435.46	$17,435.46	
11/1/2011	4.125%	$55,858.07	$17,435.46	$73,293.54	$90,729.00
			$16,283.39	$16,283.39	
11/1/2012	4.125%	$58,162.22	$16,283.39	$74,445.61	$90,729.00
			$15,083.79	$15,083.79	
11/1/2013	4.125%	$60,561.41	$15,083.79	$75,645.20	$90,729.00
			$13,834.72	$13,834.72	
11/1/2014	4.125%	$63,059.57	$13,834.72	$76,894.28	$90,729.00
			$12,534.11	$12,534.11	
11/1/2015	4.125%	$65,660.77	$12,534.11	$78,194.89	$90,729.00
			$11,179.86	$11,179.86	
11/1/2016	4.125%	$68,369.28	$11,179.86	$79,549.14	$90,729.00
			$9,769.74	$9,769.74	
11/1/2017	4.125%	$71,189.51	$9,769.74	$80,959.26	$90,729.00
			$8,301.46	$8,301.46	
11/1/2018	4.125%	$74,126.08	$8,301.46	$82,427.54	$90,729.00
			$6,772.61	$6,772.61	
11/1/2019	4.125%	$77,183.78	$6,772.61	$83,956.39	$90,729.00
			$5,180.69	$5,180.69	
11/1/2020	4.125%	$80,367.61	$5,180.69	$85,548.31	$90,729.00
			$3,523.11	$3,523.11	
11/1/2021	4.125%	$83,682.78	$3,523.11	$87,205.89	$90,729.00
			$1,797.15	$1,797.15	
11/1/2022	4.125%	$87,134.69	$1,797.15	$88,931.85	$90,729.00
		$1,000,000.00	$360,934.98	$1,360,934.98	$1,360,934.98

2180

Intro. Res. No. -2008 Laid on Table 12/2/08
Introduced by Legislator Kennedy

RESOLUTION NO. -2008, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT - FOR THE MCDONNELL PROPERTY, TOWN OF SMITHTOWN (SCTM NO. 0800-171.00-04.00-001.000)

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. 282-2007, authorized planning steps for the acquisition of said property; and

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

1st **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of One Hundred Thirty Thousand Dollars ($130,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:		ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District	0800	±.18	Mark McDonnell
	Section	171.00		Marie Dondero
	Block	04.00		47 Shannon Blvd.
	Lot	001.000		Yaphank, NY 11980

and, be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of One Hundred Thirty Thousand Dollars ($130,000.00), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay One Hundred Thirty Thousand Dollars ($130,000.00), subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

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

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

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

h.) wetlands, woodlands, pine barrens and other lands which are suitable only for passive recreation:

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

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

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

1.) the proposed action will not exceed any of the criteria of Title 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;

2.) the proposed use of the subject parcel(s) is passive recreation; and

3.) if not acquired the property will most likely be developed for residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have;

and be it further

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

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-acquisition-mcdonnell-new-drinking-water

2181

Intro. Res. No. -2008 Laid on Table 12/02/2008
Introduced by Presiding Officer

RESOLUTION NO. -2008, AUTHORIZING CERTAIN TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO. 877-2008

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 877-2008; and

WHEREAS, this resolution when adopted contained technical errors; and

WHEREAS, the County Legislature 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. 877-2008

In the 1st RESOLVED paragraph change the Revenues:

FROM:

Revenues

FD	AGNY	REV	REVENUE DESCRIPTION		2009 Rec	2009 Ado	2009 Diff Adopt - Rec	D/M/O
001	DSS	3610	Social Services Administration	STATE AID	$41,646,216	$42,004,887	$358,671	Disc
001	DSS	4610	Social Services Administration	FEDERAL AID	$28,176,407	$28,535,078	$358,671	Disc

TO:

Revenues

FD	AGNY	REV	REVENUE DESCRIPTION		2009 Rec	2009 Ado	2009 Diff Adopt - Rec	D/M/O
360	DSS	3610	Social Services Administration	STATE AID	$14,576,541	$14,935,212	$358,671	Mand
360	DSS	4610	Social Services Administration	FEDERAL AID	$15,791,253	$16,149,924	$358,671	Mand

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

TechCorrRes877of2008.doc