

**L A I D O N T H E T A B L E M A R C H 3 , 2 0 0 9**

LADS REPORT PREPARED BY:

Michele Gerardi

Updated 3/4/2009

1121. Adopting Local Law No. -2009, A Charter Law to increase Legislative oversight of RFP process. (Romaine) WAYS & MEANS
1122. Adopting Local Law No. -2009, A Local Law to ensure fire hydrant operability and safe water pressure levels in Suffolk County. (Eddington) PUBLIC SAFETY
1123. Adopting Local Law No. -2009, Amending Local Law No. 53-2008, to provide parking for "clean pass" vehicles at County facilities. (Horsley) PUBLIC WORKS & TRANSPORTATION
1124. To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature No. 313. (Co. Exec.) BUDGET & FINANCE
1125. To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature No. 314. (Co. Exec.) BUDGET & FINANCE
1126. To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 803-2009). (Co. Exec.) BUDGET & FINANCE
1127. Approving the appointment of John Carney to the Suffolk County Citizens Corp Council. (Co. Exec.) PUBLIC SAFETY
1128. Sale of County-owned real estate pursuant to Local Law No. 13-1976 Frank J. Santo and Irene Santo, his wife (SCTM No. 0902-004.00-02.00-067.000). (Co. Exec.) WAYS & MEANS
1129. Approving maps and authorizing the acquisition of lands together with Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties for the construction of right turn lanes, C.R. 3, Wellwood Avenue, Town of Babylon, Suffolk County, New York (CP 5521). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1130. Approving maps and authorizing the acquisition of lands together with Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties for the intersection improvements on C.R. 100, Suffolk Avenue and Brentwood Road/Washington Avenue, Town of Islip, Suffolk County, New York (CP 5065). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1131. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act estate of Lillian Gonzales, a/k/a Lillian A. Gonzalez, a/k/a Lillian Gonzales by administrator Patricia Gonzales, a/k/a Patricia Gonzalez, f/k/a Patricia Ramon (SCTM No. 0200-925.00-03.00-053.000). (Co. Exec.) WAYS & MEANS

1132. To adopt the amended Suffolk County Pre-Disaster Mitigation Plan as approved by FEMA on January 14, 2009. (Co. Exec.) PUBLIC SAFETY
1133. Amending the 2009 Adopted Operating Budget to accept and appropriate additional 100% State Aid from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) and to transfer funding from current appropriations to the Long Island Home D/B/A South Oaks. (Co. Exec.) HEALTH & HUMAN SERVICES
1134. Amending the 2009 Adopted Operating Budget to accept and appropriate additional 100% State Aid from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) for Long Island Gay and Lesbian Youth, Inc. and Pederson-Krag Center. (Co. Exec.) HEALTH & HUMAN SERVICES
1135. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act estate of Sid Farber a/k/a Sidney Farber by Nadia Farber, as Administrator (SCTM No. 0200-973.90-01.00-020.000). (Co. Exec.) WAYS & MEANS
1136. To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 804-2009). (Co. Exec.) BUDGET & FINANCE
1137. To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 802-2009). (Co. Exec.) BUDGET & FINANCE
1138. Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Lang property – Town of Shelter Island) (SCTM NO. 0700-018.00-030.00-004.000). (Romaine) ENVIRONMENT, PLANNING & AGRICULTURE
1139. Adopting Local Law No. -2009, A Local Law to ensure safe operations of helicopters. (Romaine) PUBLIC WORKS & TRANSPORTATION
1140. Reappointing member of the Suffolk County Water Authority (Bernard Brady). (Losquadro) ENVIRONMENT, PLANNING & AGRICULTURE
1141. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ronkonkoma Bowl, Inc. by Eleanor DeBear, President (SCTM No. 0200-688.00-02.00-010.000). (Co. Exec.) WAYS & MEANS
1142. Sale of County-owned real estate pursuant to Local Law No. 13-1976 Delson Equities Corp. (SCTM No. 0200-960.00-02.00-043.000). (Co. Exec.) WAYS & MEANS
1143. Approving the re-appointment of Vincent Bologna, Jr. as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.) PUBLIC SAFETY

1144. Approving the re-appointment of Kenneth Capon as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.) PUBLIC SAFETY
1145. Approving the re-appointment of Richard Keller as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.) PUBLIC SAFETY
1146. Approving the re-appointment of Scott Thebold as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.) PUBLIC SAFETY
1147. To appoint member of County Planning Commission (Joseph B. Potter). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1148. To appoint member of County Planning Commission (Michael F. Kelly). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1149. Approving the appointment of Dylan Skolnick to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1150. To reappoint Lenny Stucker to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1151. To reappoint Susan Gatti to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1152. To reappoint Lora Fox to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1153. To reappoint Robert Beuka to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1154. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 – Selden with the owner of Royal Health and Racquet Club, Inc. (BR-1565). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1155. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 – Selden with the owner of Sons Coram, LLC (BR-1599). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1156. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 13 – Windwatch with the owner of Islandia Village Center (IS-1602). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1157. To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature No. 315. (Co. Exec.) BUDGET & FINANCE

1158. Authorizing the extension of a lease of County premises located at the Honor Farm in the Town of Brookhaven, NY for use by Long Island Lighting Company D/B/A LIPA. (Co. Exec.) WAYS & MEANS
1159. Accepting and appropriating grant funds received from the State of New York Unified Court System, 10<sup>th</sup> Judicial District, and Suffolk County Sex Offense Court. (Co. Exec.) PUBLIC SAFETY
1160. Extending authorization to construct a skate park in the Town of Brookhaven. (Browning) PARKS & RECREATION
1161. Authorizing use of Southaven County Park property in 2009 for a 5K Race. (Browning) PARKS & RECREATION
1162. Making a SEQRA determination in connection with the proposed purchase of replacement equipment at established tower sites, (CP 3017) – GPS System. (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE
1163. Making a SEQRA determination in connection with the proposed (CP 8239) Phase III – Storm Drain Pollution Remediation Program installation of stormwater treatment systems on various County roads. (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE
1164. Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Clark’s Beach – Village of Greenport property, Town of Southold. (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE
1165. Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Wickham Creek – Dawson and Holland property, Town of Southold. (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE
1166. Making a SEQRA determination in connection with the proposed stormwater remediation to CR 80, Montauk Highway at Oceanview Road, (CP 8240), Town of Southampton. (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE
1167. Approving payment to General Code Publishers for Administrative Code pages. (Pres. Off.) WAYS & MEANS
1168. Approving payment to General Code Publishers for Administrative Code pages. (Pres. Off.) WAYS & MEANS
1169. Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E) (1) (b)] for the Shanchuk property – Pine Barrens Core –Town of Brookhaven (SCTM No. 0900-199.00-01.00-002.000 and 0900-199.00-01.00-006.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1170. Approving planning steps for the acquisition of Farmland Development Rights – January 2009. (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE

1171. Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the McGahey and Kilfeather property – Sagaponack Woods – Town of Southampton – (SCTM No. 0900-055.00-01.00-001.003). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1172. Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E) (1) (b)] for the Joachim property – Pine Barrens Core – Town of Riverhead (SCTM No. 0600-137.00-03.00-015.001). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1173. Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Valiant Rock, LLC property – Saw Mill Creek addition – Town of Riverhead – (SCTM No. 0600-109.00-02.00-008.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1174. Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E) (1) (b)] for the Kunz and Stuart property – Pine Barrens Core –Town of Southampton (SCTM No. 0900-306.00-03.00-028.000, 0900-306.00-03.00-038.000 and 0900-306.00-04.00-018.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1175. Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Brodmerkel property – Wading River Wetlands – Town of Riverhead – (SCTM No. 0600-029.00-02.00-013.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1176. Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Salvatore Norberto property – Tuthills Creek/Pine Lake – Town of Brookhaven – (SCTM No. 0204-003.00-01.00-026.005). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1177. Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Pokorny property – Southaven County Park addition – Town of Brookhaven – (SCTM No. 0200-744.00-03.00-006.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1178. Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Dowling College property – Mastic/Shirley Conservation area – Town of Brookhaven – (SCTM No. 0200-982.10-04.00-009.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1179. Amending the 2009 Capital Budget and Program and appropriating funds in connection with strengthening and improving L.I.E. Service Roads under the National Economic Recovery Act (New CP 5127). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION

1180. Amending the 2009 Capital Budget and Program and appropriating funds in connection with intersection improvements on CR 19, Patchogue-Holbrook Road to Old Waverly Avenue, Town of Brookhaven (CP 5040). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1181. Appropriating funds in connection with strengthening and improving County roads (CP 5014). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1182. Amending the 2009 Operating Budget by eliminating partial funding for legislative newsletters. (Co. Exec.) BUDGET & FINANCE
1183. Appropriating funds in connection with the application and removal of lane markings (CP 5037). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1184. Appropriating funds in connection with the reconstruction of drainage systems on various County roads (CP 5024). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1185. Amending the 2009 Capital Budget and Program and appropriating funds in connection with the County share for reconstruction of CR 57, Bay Shore Road from Route 27 to Route 231, Town of Islip (CP 5523 PIN 0756.69). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1186. Appropriating funds in connection with the reconstruction of CR 4, Commack Road, from the vicinity of Nicolls Road to Julia Circle, Towns of Babylon and Huntington (CP 5560). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1187. Authorizing a license agreement with the Chamber of Commerce of the Greater Ronkonkomas for Raynor Beach County Park, Lake Ronkonkoma. (Co. Exec.) PARKS & RECREATION
1188. Approving a license agreement for Shannon Barr to reside in Prosser Pines County Park, Middle Island. (Co. Exec.) PARKS & RECREATION
1189. Approving a license agreement for Tina Armstrong to reside in Southaven County Park, Shirley. (Co. Exec.) PARKS & RECREATION
1190. Authorizing a cooperative management agreement with the Nature Conservancy, Inc. (Co. Exec.) PARKS & RECREATION
1191. Establishing May as “Perinatal Mood Disorders Awareness Month” in Suffolk County. (Browning) HEALTH & HUMAN SERVICES
1192. Authorizing cultural tourism funding for 2009. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1193. Authorizing funding for Suffolk County Cultural Programming for 2009. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY

1194. Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Thomas property – Town of Huntington (SCTM No. 0400-228.00-02.00-015.002 p/o). (D’Amaro) ENVIRONMENT, PLANNING & AGRICULTURE
1195. Authorizing certain technical corrections to the 2009 Adopted Operating Budget for the Family Counseling Services. (Schneiderman) WAYS & MEANS
1196. Appropriating funds in connection with intersection improvements on CR 19, Patchogue-Holbrook Road at Furrows Road (CP 5128). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1197. Appropriating funds in connection with improvements to County environmental recharge basins (CP 5072). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1198. Authorizing the lease of premises located at 3500 Sunrise Highway, Great River, NY for use by the Department of Social Services. (Co. Exec.) WAYS & MEANS
1199. Amending the Adopted 2009 Operating Budget and transfer funds from Fund 477 Water Quality Protection, amending the 2009 Capital Budget and Program, and appropriating funds in connection with USGS monitoring of waterways for mosquito control products (CP 8710.126). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1200. Amending the Adopted 2009 Operating Budget and transfer funds from Fund 477 Water Quality Protection, amending the 2009 Capital Budget and Program, and appropriating funds in connection with analysis of stormwater drainage to Long Island Sound between Mt. Sinai and the Village of Shoreham (CP 8240.117). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1201. Directing the Department of Public Works to hold public hearings on new bus fares in order to implement Sunday bus service. (Schneiderman) PUBLIC WORKS & TRANSPORTATION
1202. Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (North Fork Preserve property – Town of Riverhead). (Romaine) ENVIRONMENT, PLANNING & AGRICULTURE
1203. Modifying the investment objective for the Vanderbilt Museum Endowment Trust Fund to preserve the \$8.2 million corpus while maximizing income to provide for the future revenue needs of the museum. (Lindsay) PARKS & RECREATION
1204. Approving new operating agreement between Suffolk County and Suffolk County Community College. (Horsley) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1205. Enhancing Administrative budget deficit control. (Co. Exec.) BUDGET & FINANCE
1206. To suspend the publication of newsletters. (Pres. Off.) WAYS & MEANS

## HOME RULE MESSAGES

- HR.1 Requesting the State of New York to amend the Tax Law, in relation to authorizing the County of Suffolk to elect to be exempt from certain taxes related to any hybrid, fuel efficient, alternative fuel, "Clean Fuel", or electric motor vehicle (Assembly Bill A. 3159). (Romaine) BUDGET & FINANCE
- HR.2 Requesting the State of New York to adopt an act to amend the Tax Law, in relation to the allocation of revenues from sales and use taxes to villages wholly or partially contained within Suffolk County (Assembly Bill A.1902). (Romaine) BUDGET & FINANCE
- HR.3 Requesting the State of New York to amend the Tax Law, in relation to authorizing the County of Suffolk to elect to be exempt from certain taxes related to any energy saving, fluorescent light bulb (Assembly Bill A. 3149). (Romaine) BUDGET & FINANCE

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW  
NO. -2009, A CHARTER LAW TO INCREASE  
LEGISLATIVE OVERSIGHT OF RFP PROCESS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2009 a proposed local law entitled, "**A CHARTER LAW TO INCREASE LEGISLATIVE OVERSIGHT OF RFP PROCESS**"; now, therefore be it

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

**LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO INCREASE LEGISLATIVE OVERSIGHT OF  
RFP PROCESS**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that County departments are, increasingly, issuing Requests for Proposals (RFP) for consultant services.

This Legislature also determines that significant County manpower and resources are required to prepare a Request for Proposals.

This Legislature further finds that the issuance of a Request for Proposals and the subsequent hiring of a consultant often has the effect of advancing policy objectives that have not been embraced or endorsed by the County Legislature.

This Legislature finds and determines that County departments are presently required to notify the Clerk of the Suffolk County Legislature when they circulate a Request for Proposals involving a County contract in excess of \$20,000.

This Legislature further finds that the County Legislature, as the policy making arm of Suffolk County Government, must exercise stronger control of the RFP process.

Therefore, the purpose of this local law is to require legislative approval for any contract in excess of \$50,000 which results from a RFP process.

**Section 2. Amendment.**

Article 38 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE XXXVIII RFP PROCESS**

\* \* \* \* \*

**C38-3. Legislative Approval.**

A. Any County contract, contract amendment, contract extension or contract modification in excess of \$50,000, resulting from the utilization of a Request for Proposals (RFP) shall require the approval of the County Legislature by duly enacted resolution.

[A.]B. Any County contract, contract amendment, contract extension or contract modification in excess of \$20,000, resulting from the utilization of a[n] RFP process in which only one person responds to the RFP shall require the approval of at least two-thirds of the entire membership of the County Legislature by duly enacted resolution.

[B.]C. Any County contract, contract amendment, contract extension or contract modification that does not comply with Subsection A and B of this section shall be deemed null and void ab initio.

\* \* \* \*

**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 Secretary of State.

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK

1121



GEORGE NOLAN  
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DATE: FEBRUARY 6, 2009

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

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PROPOSED LOCAL LAW YEAR 2009

TITLE: A CHARTER LAW TO INCREASE LEGISLATIVE OVERSIGHT OF RFP PROCESS

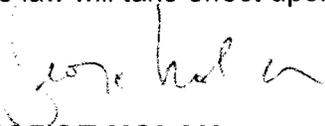
SPONSOR: LEGISLATOR ROMAINE

DATE OF RECEIPT BY COUNSEL: 2/6/2009 PUBLIC HEARING: 3/24/2009

DATE ADOPTED/NOT ADOPTED: \_\_\_\_\_ CERTIFIED COPY RECEIVED: \_\_\_\_\_

This proposed charter law would amend the County's Request for Proposals (RFP) process to require that any County contract in excess of \$50,000, resulting from the utilization of a RFP, receive the approval of the County Legislature by a duly enacted resolution. Presently, the County Legislature acts on contracts resulting from the RFP process only in those instances in which one person responds to a RFP.

This law will take effect upon its filing in the Office of the Secretary of State.

  
**GEORGE NOLAN**  
Counsel to the Legislature

**GN:js**

s:\rule28\28-refile-oversight-rfp-process

UPDATED VERSION AS OF 2/19/09

Intro. Res. No. 1122-2009

Laid on Table 3/3/09

Introduced by Legislators Eddington and Beedenbender

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW  
NO. -2009, A LOCAL LAW TO ENSURE FIRE HYDRANT  
OPERABILITY AND SAFE WATER PRESSURE LEVELS IN  
SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2009, a proposed local law entitled, "**A LOCAL LAW TO ENSURE FIRE HYDRANT OPERABILITY AND SAFE WATER PRESSURE LEVELS IN SUFFOLK COUNTY,**" now, therefore, be it

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

**LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ENSURE FIRE HYDRANT OPERABILITY AND  
SAFE WATER PRESSURE LEVELS IN SUFFOLK COUNTY**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that ensuring the proper functioning of fire safety equipment in Suffolk County is essential to protecting public safety.

This Legislature also finds and determines that at a recent fire in a private co-operative community in Selden, firefighters experienced difficulty in performing their duties due to inadequate water flow coming from a fire hydrant.

This Legislature further finds and determines that fire hydrants and the water flow from hydrants in private residential communities within Suffolk County are not maintained by towns and villages, but are instead the responsibility of the private owner.

This Legislature finds that, pursuant to the New York State Fire Code §508.5.3, private fire hydrants are to be tested for operation and flow each year.

This Legislature determines that, while the towns and villages are the entities primarily involved in the inspection and maintenance of fire hydrants, Suffolk County has a role to play in making certain that all the necessary parties have the information they need to fight fires as safely and efficiently as possible.

Therefore, the purpose of this law is to require private residential communities to annually file a certification with Suffolk County that they have performed the required annual test of their fire hydrants and have provided the results of those tests to their town or village fire marshal and local fire department.

**Section 2. Amendments.**

Chapter 294 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 294, FIRE PREVENTION**

\* \* \* \*

**ARTICLE II, Testing of Fire Hydrants in Private Communities**

**§ 294-8. Definitions.**

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

DEPARTMENT -- the Suffolk County Department of Fire Rescue and Emergency Services.

PRIVATE RESIDENTIAL COMMUNITY -- a residential community containing apartments, condominiums, townhouses, co-operative housing, and one or two family homes that utilize a private community water system, as defined in the Suffolk County Sanitary Code §760-601, and which is required to annually inspect and test fire hydrants pursuant to §508.5.3 of the New York State Fire Code.

OWNER -- the person(s) and/or corporation(s) that hold a possessory interest in a parcel of real property on which a private residential community is built, the person(s) or corporation(s) hired for the purpose of providing day to day management of a private residential community, or the person(s) responsible for ensuring that the annual fire hydrant testing is performed under the New York State Fire Code §508.5.3 for that specific property.

**§ 294-9. Requirements.**

- A.) The owner of a private residential community shall submit a copy of the report generated from its annual fire hydrant testing performed pursuant to the New York State Fire Code §508.5.3 to the town or village fire marshal and local fire department within thirty (30) days of receiving the original report. The aforementioned report shall include, but not be limited to, the water pressure level coming out of each hydrant as measured by pounds per square inch (psi) and a calculation of the number of gallons of water per minute from each hydrant based on a reading of 20 psi of flowing pressure.
  
- B.) The owner of a private residential community shall submit a complete sworn affidavit, the form of which shall be established by the Department, with the Department that said owner has performed the fire hydrant testing which must be conducted annually under the New York State Fire Code §508.5.3, and has filed a report containing the information described in Subsection (A) with its local town or village fire marshal and local fire department. This affidavit shall be filed with the Department within 15 days after the report described in Subsection (A) is filed with the town or village fire marshal or the local fire department.

**§ 294-10. Penalties.**

A.) Owners who fail to file a report or an affidavit as required in Section 3 shall be subject to a civil penalty in an amount of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) for each day beyond December 31<sup>st</sup> that the affidavit remains unfiled with the Department. Each violation shall constitute a separate offense.

B.) Any owner who submits a false, fictitious, or fraudulent statement to the Department shall be guilty of a Class A misdemeanor, punishable by a fine of not less than five hundred dollars (\$500) and not more than two thousand dollars (\$2,000), six (6) months' imprisonment, or both. Each violation shall constitute a separate offense.

**§ 294-11. Enforcement.**

The Department shall promulgate such rules and regulations as it deems necessary for the implementation and enforcement of any provisions of this chapter. Such rules shall govern the conduct of adjudicatory proceedings relating to the assessment of civil penalties herein authorized and such other penalties authorized under this article. Such rules shall further provide for due process procedural mechanisms and any other mechanisms deemed necessary by the Department.

**ARTICLE III, [II] Servicing of Portable Fire Extinguishers and Automatic Fire Extinguishing Systems**

**§294 [8] 12. Legislative intent.**

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**§294 [9] 13. Definitions.**

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**§294 [10] 14. License required.**

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**§294 [11] 15. Exempted operations.**

\*\*\*\*

**§294 [12] 16. Minimum requirements to qualify for license and/or limited license.**

\*\*\*\*

**§294 [13] 17. Servicing standards and procedures.**

\*\*\*\*

**§294 [14] 18. Term of licenses; renewal: conditions; display required.**

\*\*\*\*

**§294 [15] 19. Duplicate and supplementary licenses.**

\*\*\*\*

**§294 [16] 20. Penalty for offenses; injunctive relief.**

\*\*\*\*

**§294 [17] 21. Licensing board.**

\*\*\*\*

**Section 3 Applicability.**

This law shall apply to all fire hydrant operability tests required pursuant to the New York State Fire Code §508.5.3 for the calendar year 2009 and all such tests for each subsequent year.

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

**Section 6. Effective Date.**

This law shall take effect on the ninetieth (90<sup>th</sup>) day immediately subsequent to its' filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language

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

DATED:

APPROVED BY:

---

County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK



1122

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

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

DATE: February 11, 2009  
TO: CLERK OF THE COUNTY LEGISLATURE  
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

-----  
PROPOSED LOCAL LAW YEAR 2009

TITLE: I.R. NO. -2009; A LOCAL LAW TO ENSURE FIRE HYDRANT OPERABILITY AND SAFE WATER PRESSURE LEVELS IN SUFFOLK COUNTY

SPONSOR: LEGISLATORS EDDINGTON AND BEEDENBENDER

DATE OF RECEIPT BY COUNSEL: 2/11/09 PUBLIC HEARING: 3/24/09

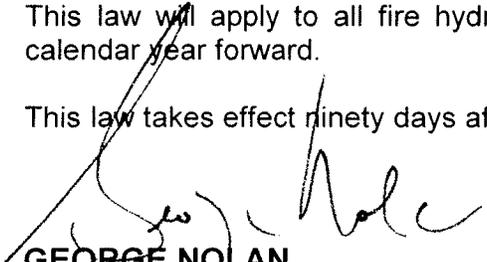
DATE ADOPTED/NOT ADOPTED: \_\_\_\_\_ CERTIFIED COPY RECEIVED: \_\_\_\_\_

This proposed local law would require the owners of private residential communities to submit a copy of their annual fire hydrant tests, performed pursuant to NYS Fire Code §508.5.3, to the town or village fire marshal and their local fire department within 30 days of its receipt. The proposed law would also require owners to submit a sworn affidavit to the Suffolk County Department of Fire, Rescue and Emergency Services stating that said report was properly filed with the appropriate authorities by December 31<sup>st</sup> each year.

Failure to file a report or affidavit as described above would be punishable by a civil fine of not less than \$250 and not more than \$1,000 dollars per day. The filing of a fraudulent affidavit shall be a Class A misdemeanor punishable by a fine of not less than \$500 and not more than \$2,000, or six months' imprisonment, or both.

This law will be enforced by the Suffolk County Department of Fire, Rescue, and Emergency Services, with the same promulgating all rules and regulations necessary to implement this law. This law will apply to all fire hydrant tests in private residential communities from the 2009 calendar year forward.

This law takes effect ninety days after its filing with the Office of the Secretary of State.

  
GEORGE NOLAN  
Counsel to the Legislature

GN:

1123  
Intro. Res. No. -2009  
Introduced by Legislator Horsley

Laid on Table 3/3/09

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW NO. -2009, AMENDING LOCAL LAW NO. 53-2008, TO PROVIDE PARKING FOR "CLEAN PASS" VEHICLES AT COUNTY FACILITIES**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2009, a proposed local law entitled, "**AMENDING LOCAL LAW NO. 53-2008, TO PROVIDE PARKING FOR "CLEAN PASS" VEHICLES AT COUNTY FACILITIES**" now, therefore, be it

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

**LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK**

**AMENDING LOCAL LAW NO. 53-2008, TO PROVIDE PARKING FOR "CLEAN PASS" VEHICLES AT COUNTY FACILITIES**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Local Law No. 53-2008 set aside parking spaces at all County facilities for "clean pass" certified vehicles.

This Legislature also finds and determines that enforcement of this law is carried out through the Suffolk County Police Department and the Suffolk County Sheriff's Office.

This Legislature further finds and determines that this law should be amended to authorize Suffolk County Park Police to enforce the provisions of this law in County parks.

Therefore, the purpose of this law is to authorize the Suffolk County Park Police to enforce the "Clean Pass" law.

**Section 2. Amendments.**

Section 5 of Local Law No. 53-2008 is hereby amended as follows:

**Section 5. Enforcement.**

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

**Section 3. Applicability.**

The amendment contained in this law shall take effective immediately upon 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:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE  
COUNTY OF SUFFOLK

1123



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

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

DATE: February 18, 2009

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

-----  
PROPOSED LOCAL LAW YEAR 2009

TITLE: I.R. NO. 1123 -2009; AMENDING LOCAL LAW NO. 53-2008, TO PROVIDE PARKING FOR  
"CLEAN PASS" VEHICLES AT COUNTY FACILITIES

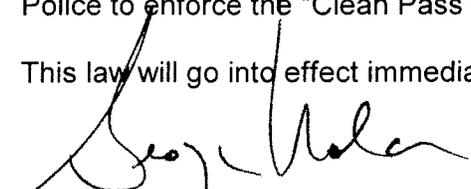
SPONSOR: LEGISLATOR HORSLEY

DATE OF RECEIPT BY COUNSEL: 02/18/09 PUBLIC HEARING: 03/24/09

DATE ADOPTED/NOT ADOPTED: \_\_\_\_\_ CERTIFIED COPY RECEIVED: \_\_\_\_\_

This proposed local law would amend Local Law No. 53-2008 to allow the Suffolk County Park Police to enforce the "Clean Pass" law.

This law will go into effect immediately upon its filing in the Office of the Secretary of State.

  
GEORGE NOLAN  
Counsel to the Legislature

GN:

s:\rule28\28-local law amending clean pass vehicle enforcement

Intro Res. No. 1124 -09  
Introduced by Presiding Officer on the Request of the County Executive

Laid on Table 3/3/09

RESOLUTION NO. TO READJUST, COMPROMISE, AND  
GRANT REFUNDS AND CHARGEBACKS ON CORRECTION  
OR ERRORS/COUNTY TREASURER BY: COUNTY  
LEGISLATURE #313

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
<b>Brookhaven:</b>				
<b>0200-946.00-03.00-020.001 Item # 8529994</b>	<b>2007/08</b>	<b>\$4690.31</b>	<b>0.00</b>	<b>\$4690.31</b>
<b>0200-946.00-03.00-020.001 Item #8529994</b>	<b>2008/09</b>	<b>\$9917.75</b>	<b>0.00</b>	<b>\$9917.75</b>

Dated:

Approved By:

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Suffolk County Executive

Date of Approval:

1124

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*                      1/30/09

**Additional back-up material regarding I.R. 1124 is on file in the  
Legislative Clerk's Office, Hauppauge.**

Intro Res. No. 1125-09 Laid on Table 3/3/09  
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 #314

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
<b>SMITHTOWN:</b>				
<b>0800-168.00-01.00-010.000</b>	<b>2008/09</b>	<b>\$9966.58</b>	<b>0.00</b>	<b>\$9966.58</b>

Dated:

Approved By:

---

Suffolk County Executive

Date of Approval:

1125

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)

<b>County</b>	<b>Town</b>	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*      2/03/09

**Additional back-up material regarding I.R. 1125 is on file in the  
Legislative Clerk's Office, Hauppauge.**

Intro. Res. # 1126 - 09

Laid on Table 3/3/09

INTRODUCED BY THE PRESIDING OFFICER

RESOLUTION NO. \_\_\_\_\_ 2009  
TO READJUST, COMPROMISE, AND GRANT  
REFUNDS AND CHARGE-BACKS ON REAL  
PROPERTY CORRECTION OF ERRORS BY:  
COUNTY LEGISLATURE ( CONTROL # 803-2009)

WHEREAS, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which would amend the assessment and tax rolls shall be recommended for approval (or recommended for denial) to the Suffolk County Legislature, and

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments, grant refunds of taxes in case of correction of errors on the assessment and tax rolls, and pursuant to the provisions of the Real Property Tax Law, and

WHEREAS, the properties represented by the tax item number and/or Suffolk County tax map number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes, then

BE IT RESOLVED, that the taxes for the properties represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated, and

BE IT FURTHER RESOLVED, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

KEY	EXPLANATION	RPTL SEC	LIMITATIONS
A	Clerical Error	556	3 years
B	Unlawful Entry	556	3 years
C	Error in Essential Fact	556a	3 years

(A/B - Chapter 634 Laws 1976) (C - Chapter 124 Laws 1975)

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	SHELTER ISLAND	08/09	N/A	700 14 3 72.5	5357.71	2010.60	2678.85
A	SOUTHAMPTON	07/08	N/A	900 84 1 8.16	12830.12	6175.65	6654.47
A	SOUTHAMPTON	07/08	N/A	900 84 1 8.15	12830.12	6175.65	6654.47
A	SOUTHAMPTON	07/08	N/A	900 84 1 8.14	12830.12	6175.65	6654.47
A	SOUTHAMPTON	07/08	N/A	900 84 1 8.12	12028.10	6175.65	5852.45

\*As Provided and Requested By Town Assessor or Receiver of Taxes

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

\_\_\_\_\_  
Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution  Local Law Charter Law

2. Title of Proposed Legislation

**TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL  
PROPERTY CORRECTION OF ERRORS**

3. Purpose of Proposed Legislation Yes \_\_\_ No \_\_\_

**SEE NO. 2 ABOVE**

4. Will the Proposed Legislation Have a Fiscal Impact? Yes \_\_\_ 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

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

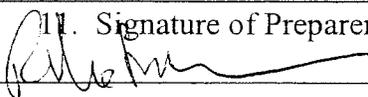
9. Timing of Impact

2009

10. Typed Name & Title of Preparer

R. Motschenbacher RPAT. I

11. Signature of Preparer



12. Date February 4, 2009

**Additional back-up material regarding I.R. 1126 is on file in the  
Legislative Clerk's Office, Hauppauge.**

Intro. Res. No. 1127-2009  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 3/3/2009

**RESOLUTION NO. -2009, APPROVING THE  
APPOINTMENT OF JOHN CARNEY TO THE SUFFOLK  
COUNTY CITIZENS CORP COUNCIL**

**WHEREAS**, Resolution No. 1283-2004 authorized the creation of the Suffolk County Citizens Corp Council to develop and coordinate volunteer programs to assist in emergency response activities; and

**WHEREAS**, pursuant to Resolution No. 1283-2004 the Suffolk County Executive has appointed John Carney, residing in Bay Shore, New York 11706, as a member of the Suffolk County Citizens Corp Council; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the appointment of John Carney as a member of the Suffolk County Citizens Corp Council is hereby approved, said appointment effective the date of enactment of this resolution; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the term of this initial appointment shall be three years, consistent with the provisions of Resolution No. 1283-2004.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

## John J Carney

Bay Shore, New York 11706

### CAREER OBJECTIVE

To obtain a position at the Long Island MacArthur Airport that will continue to enhance my technical proficiency in the area of airport firefighting and rescue and provide me with diversified challenges and a solid work experience in airport fire rescue management.

### WORK EXPERIENCE

- May 1998  
to present
- Town of Islip, Department of Aviation and Transportation -  
Maintenance Mechanic 3 assigned to Fire Rescue Program –  
Long Island MacArthur Airport
- Responsibilities include: aircraft firefighting; responding to aircraft emergencies; emergency medical care within the airport; acting as Emergency Medical Coordinator that involves maintaining medical response equipment, ordering supplies, quality assurance of pre-hospital reports, and overseeing the Public Access Defibrillation Program; hazmat calls at the airport; daily runway inspections; manning the Radio Room and console area; monitoring the aircraft and fire radios; and snow removal at the airport grounds.
- Also managed all responsibilities handled by Chief Fire Safety Officer in his absence from 2004 through present.
- 1994 - 1998
- Town of Islip, Department of Aviation and Transportation –  
Maintenance Mechanic 1 assigned to Fire Rescue Program of the Long Island MacArthur Airport
- Responsibilities included: aircraft firefighting; responding to aircraft emergencies, fuel spills, hazmat calls; participating in the snow removal program at the airport; daily runway inspections and monthly fuel truck inspections.
- 1993 – present
- Town of Islip Hazmat Team – Hazmat Team Leader/Hazmat Specialist
- Appointed as a member of the Town of Islip Hazmat Team in 1993. Has been acting as Hazmat Team Leader since 2000 to the present.
- Responsibilities include: responding to scenes of all hazmat incidents in the Town of Islip; evaluating a hazmat situation and determining emergency response actions; assisting the Hazmat Coordinator with his responsibilities and assumes the position of Hazmat Coordinator.
- 1989 – 1990
- Coram Fire Department, Coram, New York –  
Radio Dispatcher
- Responsibilities included: Dispatch of fire and rescue alarms via computer-aided dispatch system; filling out New York State fire reports and pre-hospital care reports and telecommunications

**John J. Carney – Resume (continued)**

- 1988 – 1989                      Holbrook Brook Fire Department, Holbrook, New York –  
Radio Dispatcher
- Responsibilities included: Dispatch of fire and rescue alarms via computer-aided dispatch system; filling out New York State fire reports and pre-hospital care reports and telecommunications
- 1988                                      Jamaica Hospital Trauma Center, Jamaica, New York –  
Emergency Medical Technician
- Responsibilities included: Responding to emergency rescue alarms dispatched via the 911 system; providing emergency patient care and transport to hospital as an Emergency Medical Technician
- 1987                                      New York City Emergency Medical Services, Maspeth, New York –  
Emergency Medical Specialist I
- Responsibilities included: Responding to emergency rescue alarms dispatched via the 911 system; providing emergency patient care and transport to hospital as an Emergency Medical Technician

**VOLUNTEER ACTIVITIES**

- 2003 - present                      Brentwood Fire Department – current Chief of Department; previously served two-year positions of each of the following ranks: First Assistant Chief, 2<sup>nd</sup> Assistant Chief, and 3<sup>rd</sup> Assistant Chief
- Oversees response and acts as the Incident Commander to all fires and emergency incidents in the Brentwood Fire District including structure fires, vehicle fires, EMS assists, hazardous materials incidents, technical rescues; brush fires, and any other incidents requiring the Department response. Responsible for working closely with the Brentwood Fire District in ensuring compliance of the 175 members of the Department's to federal, state, and local codes and regulations. Responsible for ordering and issuing firefighting equipment; chairs the Department Hazmat Committee, Department Recruitment Committee;
- 2008 – present                      2<sup>nd</sup> Vice President - Suffolk County Fire Chiefs' Council  
Sergeant-of-Arms – 2007-2008  
Corresponding Secretary – 2006-2007  
Member of Executive Board – since 2006  
Member of Suffolk County Joint Council
- 2006 - 2008                              President of the Town of Islip Chiefs Council  
Chairman of the Town of Islip Chiefs Emergency Management Committee  
Chairman of the Town of Islip Tactical Rescue Committee  
Representative to Suffolk County Homeland Security/Hazmat Committee  
Representative to Suffolk County Joint Chiefs' Council
- 1984 – present                              Member - Brentwood Legion Ambulance  
President of Brentwood Legion Ambulance – 1991-1993

**John J. Carney – Resume (continued)**

**CERTIFICATIONS**

ICS 100	Introduction to Incident Command Systems
ICS 200	ICS for Single Resources and Initial Action Incidents
ICS 300	Incident Command System Training
ICS 400	Advanced Incident Command System Training
ICS 700	NIMS Awareness
ICS 800	National Response Plan
2006	Introduction to Hurricanes
2006	Hurrevac/SLOSH Course
2006	Hurricane Readiness Course
2005	Hazardous Materials – 14 CFR 139 Section 321
2005	WMD Response (100)
2005	Airport Rescue Firefighter School – 40 hrs – Northeast Fire Training Center
2003	Patient Decon & Administration of Chemical Agent Antidote
1995	Emergency Response to Hazardous Material Incidents

**New York State**

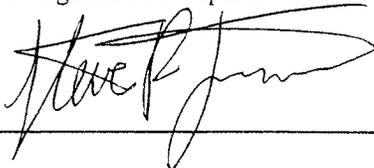
2003	Hazardous Materials Specialist
1998	Computer Aided Management of Emergency Operations
1998	Construction Related to Building Failure
1998	Medium Construction Related to Building Failures
1998	Medium Structural Collapse Operations: Tools
1999	Intermediate Rope Rescue
1998	Initial Response to Terrorism: Basic Concepts
1998	Basic Structural Collapse Operations
1997	Confined Space: Rescue Operations 2
1996	Rescue Operations I & II
1996	Terrorism Awareness
1994	Hazardous Materials First Responder Operations
1993	Hazardous Materials Incident Command

**Suffolk County**

2005	Suffolk County Hazmat/ICS
2001	Fire Officer's Training
1999	Firefighter I Upgrade
1999	Basic Trench Concepts and Collapse
1997	Arson and Bomb Recognition Seminar
1995	Volunteer Fire Service Management
1995	Heavy Rescue Course
1995	Cause and Origin Determination
1995	Fire Behavior and Arson Awareness
1993	Advanced Firefighters Certificate
1993	Incident Command Systems

1127

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____      Charter Law _____		
2. Title of Proposed Legislation		
<b>APPROVING THE APPOINTMENT OF JOHN CARNEY TO THE SUFFOLK COUNTY CITIZENS CORP COUNCIL</b>		
3. Purpose of Resolution: Same as above		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes ___ No <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
NO IMPACT		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A.		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
UPON APPROVAL		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
STEVE R. TRICARICO COUNTY EXECUTIVE ASSISTANT		February 11, 2009

SIN FORM 175b (10/95)

Introductory Resolution No. 1128-09

Laid on Table 3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, SALE OF COUNTY-OWNED  
REAL ESTATE PURSUANT TO LOCAL LAW No. 13-1976  
FRANK J. SANTO and IRENE SANTO, his wife  
(SCTM NO. 0902-004.00-02.00-067.000)**

**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 Incorporated Village of Quogue, Town of Southampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0902 Section 004.00 Block 02.00 Lot 067.000 and acquired by Tax Deed on July 26, 2006 from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 14, 2006 in Liber 12464 at Page 302 and described as follows, being and intended to be that parcel of land carried on the tax rolls of the Incorporated Village of Quogue, Town of Southampton, under SCTM # 0902-004.00-02.00-067.000; and

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

**WHEREAS**, Frank J. Santo and Irene Santo, his wife, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$4,500.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$2,300.00, which property is surplus to the needs of the County of Suffolk; and

**WHEREAS**, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$4,500.00, pursuant to said purchase offer; and

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

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

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

**3<sup>rd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Bargain and Sale Deed, with Planning Restrictive Covenant to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Frank Santo and Irene Santo, 1135 84<sup>th</sup> Street, Brooklyn, New York 11228, .

DATED:

APPROVED BY

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

1128

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 No. 13-1976  
Tax Map No. 0902-004.00-02.00-067.000

ADJOINING OWNER	BID	BID	BID
Frank J. & Irene Santo 1135 84 <sup>th</sup> Street Brooklyn, New York 11228 0902-004.00-02.00-002.042	\$4,500.00		
Michael & Wendy Lubin 425 East 58 <sup>th</sup> Street New York, New York 10022 0902-004.00-02.00-002.044	\$3,000.00		
Harold & Mary Smith P.O. Box 1121 Quogue, New York 11959 0902-004.00-02.00-004.000	\$0		

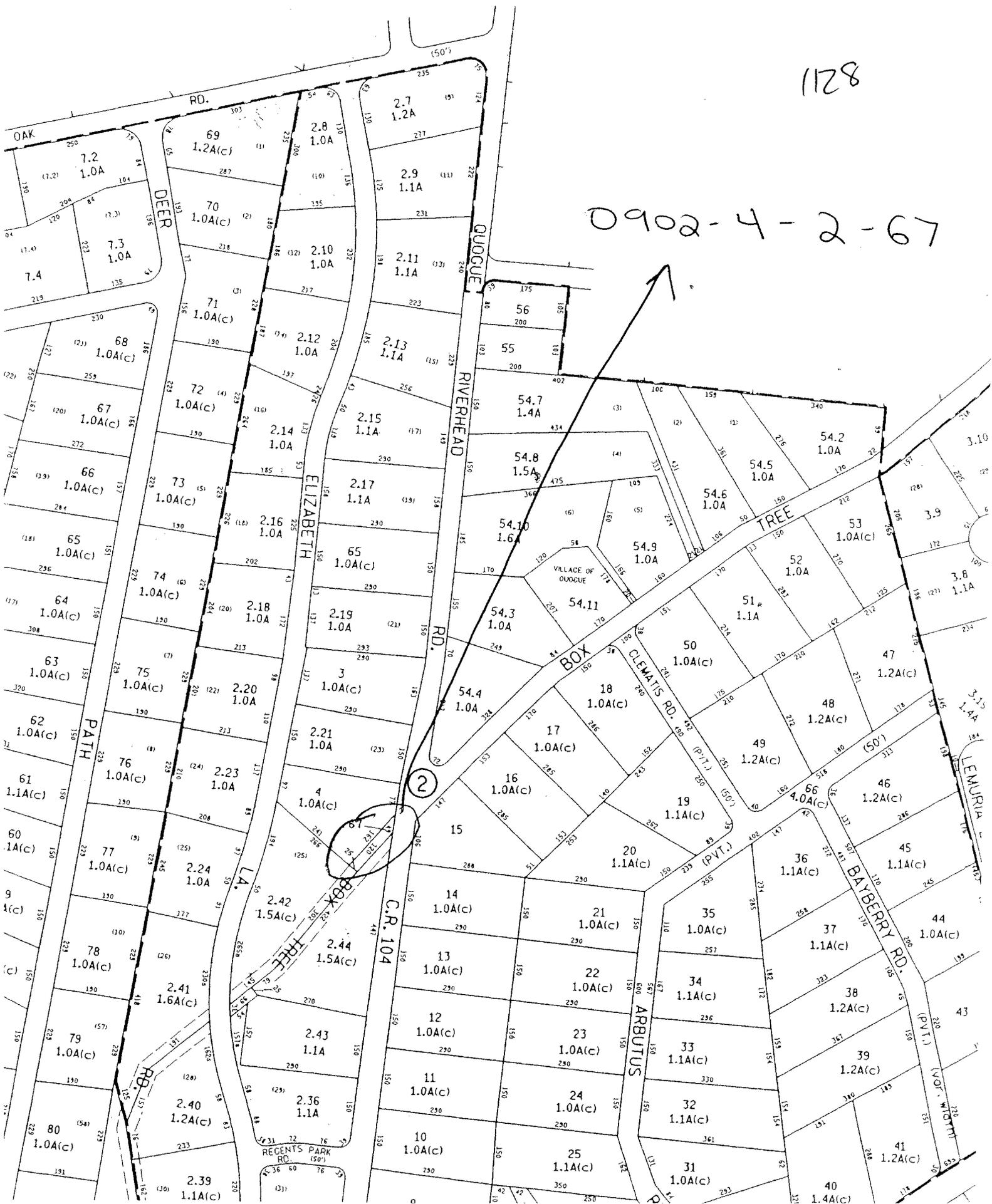
SIZE OF PARCEL: 49' x 120' x 25' x 162'  
APPRAISED VALUE: \$2,300.00  
COMMENT: Direct Sale to Adjacent Owner

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

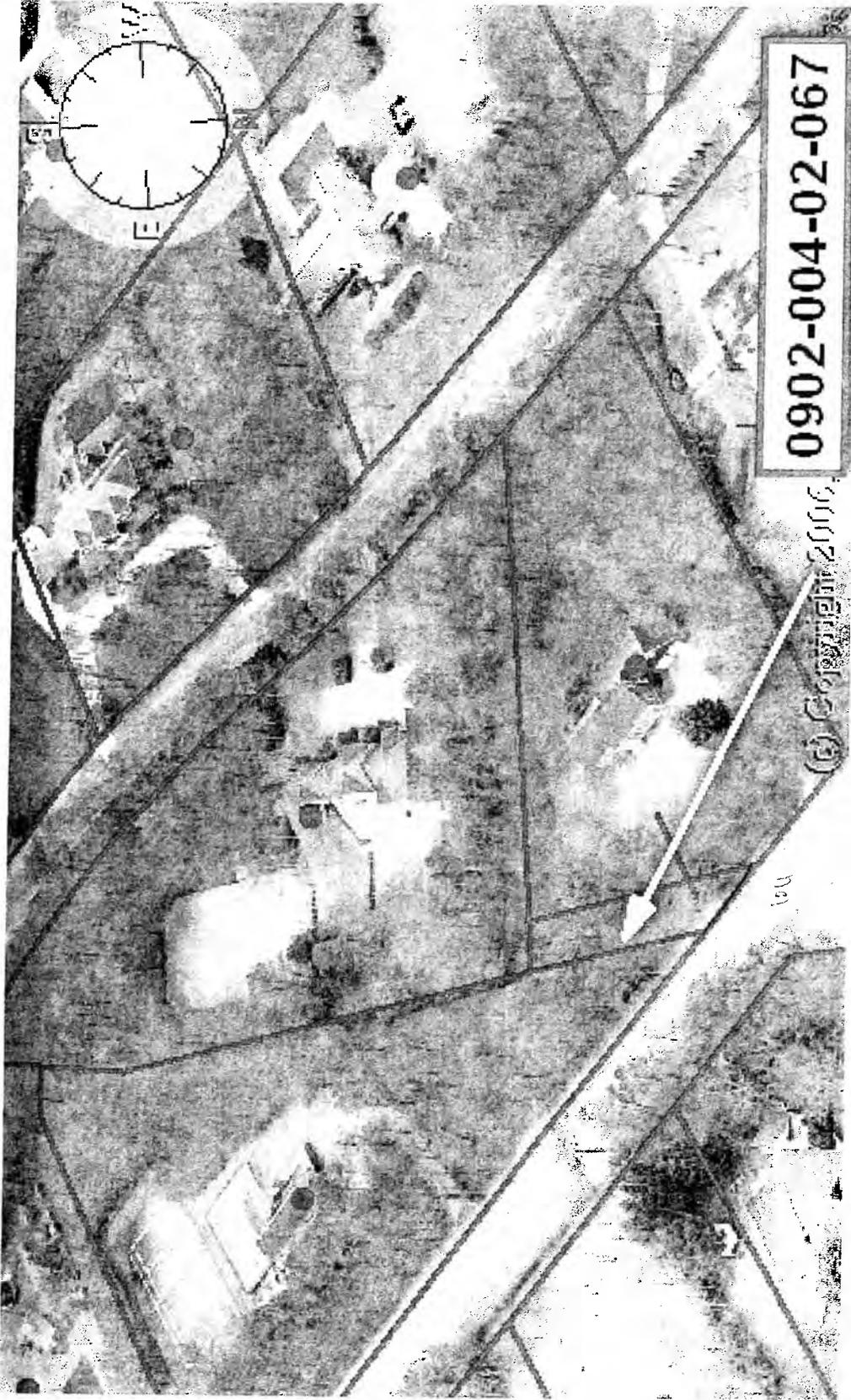


1128

0902-4-2-67

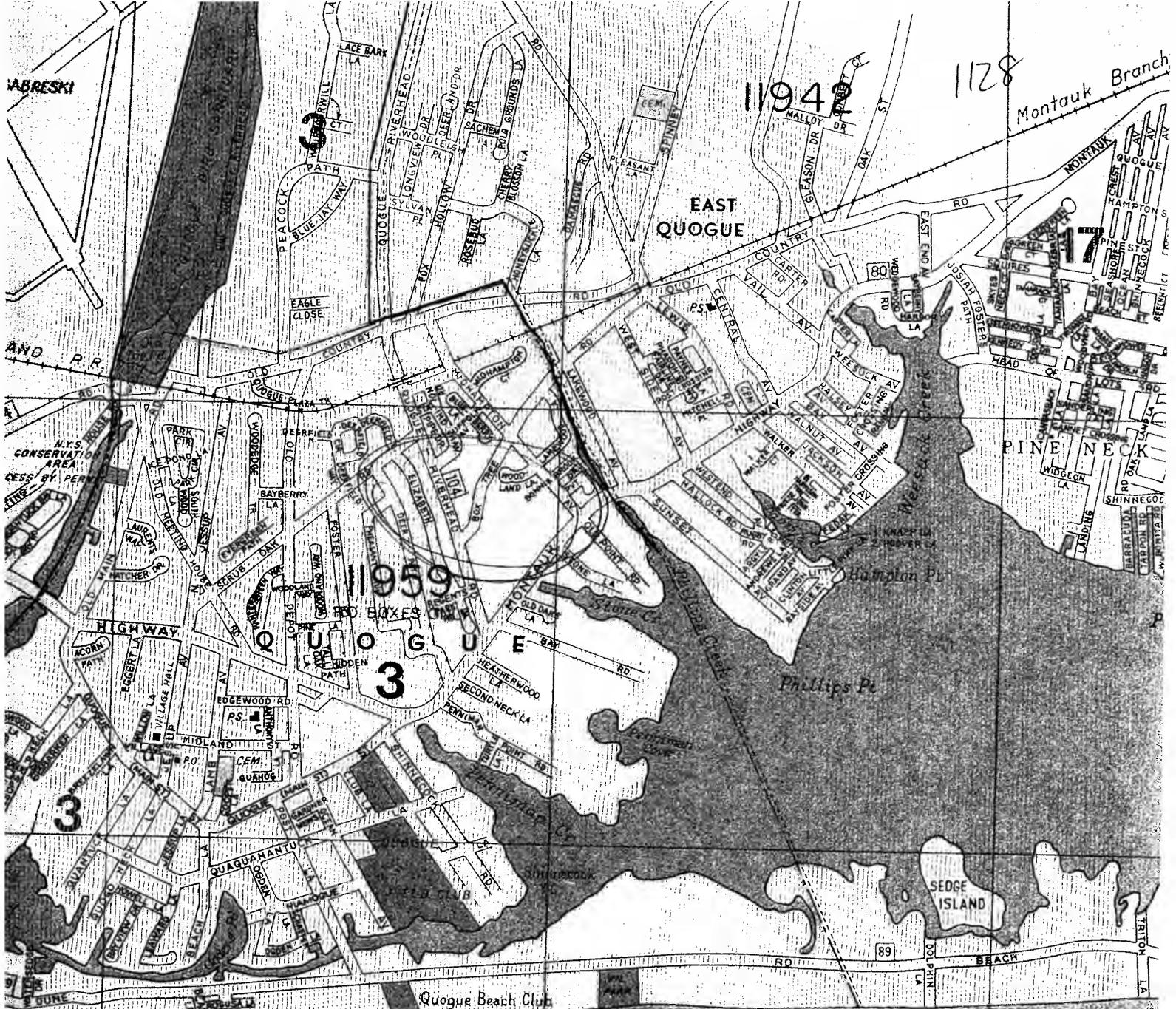


1128



0902-004-02-067

(c) Copyright 2006



11942

1128

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3

3

I C O C E A N

0902-4-2-67

COUNTY OF SUFFOLK

(lien A5)  
FEB 11 2009



1128

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

February 5, 2009

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

Re: Tax Map Number: 0902-004.00-02.00-067.000

Dear Mr. Zwirn:

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

Local Law No. 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

Intro Res. No. 1129-09  
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION NO. -2009, APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE CONSTRUCTION OF RIGHT TURN LANES, C.R. 3, WELLWOOD AVENUE, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK (C.P. 5521)**

**WHEREAS**, the Department of Public Works of the County of Suffolk has prepared maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE CONSTRUCTION OF RIGHT TURN LANES, C.R. 3, WELLWOOD AVENUE, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK"; and

**WHEREAS**, on February 15, 2002, the County of Suffolk as Lead Agency, issued a SEQRA determination of non-significance for the project in Adopted Resolution No. 91-2002 and SEQRA is complete; and

**WHEREAS**, pursuant to Adopted Resolution Numbers 1029-2003 and 127-2006, the Department of Public Works was directed to hold public hearings; and

**WHEREAS**, notice of said hearing was duly published in Newsday, a daily newspaper of general circulation in the locality under consideration; and in the South Shore Press and the Smithtown News, said newspapers being the current official County newspapers of the County of Suffolk; and the Babylon Beacon, the official town newspaper situated in the locality where the public project is located; and

**WHEREAS**, a public hearing was duly held on October 24, 2008, for the following purposes:

- A. To inform the public
- B. To review the public use to be served by the above-entitled project.
- C. To determine the impact upon the environment and upon residents of the locality of the project.
- D. To review possible alternative locations.
- E. To authorize the acquisition of said properties for the public purpose as set forth in the title herein; and

**WHEREAS**, all persons in attendance desiring to be heard on the project were given an opportunity to be heard and to present written statements; and

**WHEREAS**, Determinations and Findings pursuant to Section 204 of the New York State Eminent Domain Procedure Law were duly made and filed in the Office of the Clerk of the Suffolk County Legislature on December 3, 2008, pursuant to pursuant to Adopted Resolution Numbers 1029-2003 and 127-2006; and

**WHEREAS**, a brief synopsis thereof was duly published in two successive issues in the South Shore Press and the Smithtown News, said newspapers at the time of publication being the current official County newspapers of the County of Suffolk; and the Babylon Beacon, which, at the time of publication was the current official town newspaper situated in the locality where the public project is located, together with the publication thereof in five successive issues of Newsday, a daily newspaper of general circulation; and

**WHEREAS**, the maps of this project were duly filed with the Clerk of the Suffolk County Legislature on December 3, 2008, pursuant to Adopted Resolution Numbers 1029-2003 and 127-2006; now therefore, be it

**1<sup>st</sup> RESOLVED** that the Findings and Determinations heretofore filed with the Clerk of the Suffolk County Legislature on December 3, 2008, and the recommendations contained therein be and the same are hereby adopted and approved; and be it further

**2<sup>nd</sup> RESOLVED**, that the maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR THE CONSTRUCTION OF RIGHT TURN LANES, C.R. 3, WELLWOOD AVENUE, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK", being the maps heretofore filed with the Clerk of the Suffolk County Legislature on December 3, 2008, pursuant to Adopted Resolution Numbers 1029-2003 and 127-2006, be and the same are hereby approved and adopted; and be it further

**3<sup>rd</sup> RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to proceed pursuant to its Rules, Regulations, and Procedures, and Article 3 of the New York State Eminent Domain Procedure Law, to appraise the estates to be acquired and to make offers to the Condemnees by means of the "one offer" system as set forth in the Rules, Regulations, and Procedures of the Suffolk County Department of Public Works and Article 3 of the New York State Eminent Domain Procedure Law; and be it further

**4<sup>th</sup> RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to acquire the properties set forth in the aforesaid maps herein; said acquisition to be in the name of the County of Suffolk; and be it further

**5<sup>th</sup> RESOLVED**, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

**6<sup>th</sup> RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized and permitted to make the aforesaid acquisition of said lands from the Condemnees by negotiation, purchase, and conveyance; and in the event that the Suffolk County Department of Public Works is unable to acquire said property by negotiation, purchase and conveyance, it is hereby authorized, permitted, and directed to acquire said property pursuant to the Eminent Domain Procedure Law; and be it further

**7<sup>th</sup> RESOLVED**, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

**8<sup>th</sup> RESOLVED**, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent

Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof.

DATED:

APPROVED BY:

---

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1129

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/>		
2. Title of Proposed Legislation  RESOLUTION NO.    -2009, APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE CONSTRUCTION OF RIGHT TURN LANES, C.R. 3, WELLWOOD AVENUE, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK (C.P. 5521)		
3. Purpose of Proposed Legislation  SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact  SERIAL BONDS WILL BE ISSUED TO FINANCE THE PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.  SEE ATTACHED DEBT SCHEDULE.		
8. Proposed Source of Funding  SERIAL BONDS.		
9. Timing of Impact      2009		
10. Typed Name & Title of Preparer  CARMINE CHIUSANO PRINCIPAL FINANCIAL ANALYST	11. Signature of Preparer	12. Date

Gen 14

COUNTY OF SUFFOLK

FEB 11 2009

1129



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*  
Gilbert Anderson, P.E., Commissioner

DATE: February 5, 2009

RE: **APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR THE CONSTRUCTION OF RIGHT TURN LANES, C.R. 3, WELLWOOD AVENUE, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK (C.P. 5521)**

Attached is a draft resolution and one duplicate copy approving the Findings & Maps and authorizing the County to condemn properties situated in the Town of Islip, Suffolk County, New York. Also attached are SCIN Forms 175a and 175b.

The purpose of this resolution is to approve the Hearing Officer's Findings and authorize the acquisition of land for this DPW project.

Approval of this resolution is required by the New York State Eminent Domain Procedure Law before the Condemnation may proceed.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CR 100 Intersection Improvements – CP 5065."

Should you have any questions or require further information, please feel free to contact Geoff Mascaro, Property Management Administrator at (631) 852-5321.

GA:WH:gjm  
Attach. (4)

cc Jim Morgo, Chief Deputy County Executive  
Brendan Chamberlain, County Executive Assistant  
Carmine Chiusano, Principal Financial Analyst  
William Hillman, P.E., Chief Engineer

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Intro Res. No. 1130-09  
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION NO. -2009, APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR INTERSECTION IMPROVEMENTS ON C.R. 100, SUFFOLK AVENUE AND BRENTWOOD ROAD / WASHINGTON AVENUE, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK (C.P. 5065)**

**WHEREAS**, the Department of Public Works of the County of Suffolk has prepared maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR INTERSECTION IMPROVEMENTS TO C.R. 100 SUFFOLK AVENUE AT BRENTWOOD ROAD / WASHINGTON AVENUE, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK"; and

**WHEREAS**, on December 20, 2002, the County of Suffolk as Lead Agency, issued a SEQRA determination of non-significance for the project in Adopted Resolution No. 1184-2002 and SEQRA is complete; and

**WHEREAS**, pursuant to Adopted Resolution Numbers 915-2004 and 127-2006, the Department of Public Works was directed to hold public hearings; and

**WHEREAS**, notice of said hearing was duly published in Newsday, a daily newspaper of general circulation in the locality under consideration; and in the Smithtown News and the South Shore Press, said newspapers being the current official County newspapers of the County of Suffolk; and the Islip Bulletin, the official town newspaper situated in the locality where the public project is located; and

**WHEREAS**, a public hearing was duly held on November 28, 2008 for the following purposes:

- A. To inform the public
- B. To review the public use to be served by the above-entitled project.
- C. To determine the impact upon the environment and upon residents of the locality of the project.
- D. To review possible alternative locations.
- E. To authorize the acquisition of said properties for the public purpose as set forth in the title herein; and

**WHEREAS**, all persons in attendance desiring to be heard on the project were given an opportunity to be heard and to present written statements; and

**WHEREAS**, Determinations and Findings pursuant to Section 204 of the New York State Eminent Domain Procedure Law were duly made and filed in the Office of the Clerk of the Suffolk County Legislature on January 9, 2009, pursuant to Adopted Resolution Numbers 915-2004 and 127-2006; and

**WHEREAS**, a brief synopsis thereof was duly published in two successive issues in the Smithtown News and the Smithtown Messenger, said newspapers at the time of publication being the current official County newspapers of the County of Suffolk; and the Islip Bulletin, which, at the time of publication was the current official town newspaper situated in the locality where the public project is located, together with the publication thereof in two successive issues of Newsday, a daily newspaper of general circulation; and

**WHEREAS**, the maps of this project were duly filed with the Clerk of the Suffolk County Legislature on January 9, 2009, pursuant to Adopted Resolution Numbers 915-2004 and 127-2006; now therefore, be it

**1<sup>st</sup> RESOLVED** that the Findings and Determinations heretofore filed with the Clerk of the Suffolk County Legislature on January 9, 2009, and the recommendations contained therein be and the same are hereby adopted and approved; and be it further

**2<sup>nd</sup> RESOLVED**, that the maps entitled "MAPS SHOWING PROPERTIES TO BE ACQUIRED FOR INTERSECTION IMPROVEMENTS TO C.R. 100 SUFFOLK AVENUE AT BRENTWOOD ROAD / WASHINGTON AVENUE, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK", being the maps heretofore filed with the Clerk of the Suffolk County Legislature on January 9, 2009, pursuant to Adopted Resolution Numbers 915-2004 and 127-2006 be and the same are hereby approved and adopted; and be it further

**3<sup>rd</sup> RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to proceed pursuant to its Rules, Regulations, and Procedures, and Article 3 of the New York State Eminent Domain Procedure Law, to appraise the estates to be acquired and to make offers to the Condemnees by means of the "one offer" system as set forth in the Rules, Regulations, and Procedures of the Suffolk County Department of Public Works and Article 3 of the New York State Eminent Domain Procedure Law; and be it further

**4<sup>th</sup> RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized to acquire the properties set forth in the aforesaid maps herein; said acquisition to be in the name of the County of Suffolk; and be it further

**5<sup>th</sup> RESOLVED**, that said acquisitions be in fee simple absolute or such lesser estate, if said lesser estate is so indicated on the maps heretofore adopted; and be it further

**6<sup>th</sup> RESOLVED**, that the Suffolk County Department of Public Works be and hereby is authorized and permitted to make the aforesaid acquisition of said lands from the Condemnees by negotiation, purchase, and conveyance; and in the event that the Suffolk County Department of Public Works is unable to acquire said property by negotiation, purchase and conveyance, it is hereby authorized, permitted, and directed to acquire said property pursuant to the Eminent Domain Procedure Law; and be it further

**7<sup>th</sup> RESOLVED**, that in all proceedings pursuant to Articles 4, 5, and 6 of the Eminent Domain Procedure Law, the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized to appear for and represent the County of Suffolk in all courts having jurisdiction thereof; and be it further

**8<sup>th</sup> RESOLVED**, that the County Attorney, his Deputies and Assistant County Attorneys be and they hereby are authorized and permitted to compromise, adjust, and settle any claims for compensation where said claims have been filed pursuant to Articles 5 and 6 of the Eminent

Domain Procedure Law; such settlements, compromises and adjustment to be made in open sessions of the court having jurisdiction thereof.

DATED:

APPROVED BY:

---

County Executive of Suffolk County

Date of Approval:



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

1130  
FEB 11 2009

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

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

DATE: February 5, 2009

RE: **APPROVING MAPS AND AUTHORIZING THE ACQUISITION OF LANDS TOGETHER WITH FINDINGS AND DETERMINATIONS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW, IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR INTERSECTION IMPROVEMENTS ON C.R. 100, SUFFOLK AVENUE AND BRENTWOOD ROAD / WASHINGTON AVENUE, TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK (C.P. 5065)**

Attached is a draft resolution and one duplicate copy approving the Findings & Maps and authorizing the County to condemn properties situated in the Town of Islip, Suffolk County, New York. Also attached are SCIN Forms 175a and 175b.

The purpose of this resolution is to approve the Hearing Officer's Findings and authorize the acquisition of land for this DPW project.

Approval of this resolution is required by the New York State Eminent Domain Procedure Law before the Condemnation may proceed.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CR 100 Intersection Improvements - CP 5065."

Should you have any questions or require further information, please feel free to contact Geoff Mascaro, Property Management Administrator at (631) 852-5321.

GA:WH:gjm  
Attach. (4)

cc Jim Morgo, Chief Deputy County Executive  
Brendan Chamberlain, County Executive Assistant  
Carmine Chiusano, Principal Financial Analyst

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Introductory Resolution No. 1131-09

Laid on Table 3/3/09

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 LILLIAN GONZALES, a/k/a LILLIAN A. GONZALEZ, a/k/a LILLIAN  
GONZALES by Administrator Patricia Gonzales, a/k/a Patricia Gonzalez, f/k/a  
Patricia Ramon  
0200-925.00-03.00-053.000**

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 925.00, Block 03.00, Lot 053.000, and acquired by tax deed on January 10, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on January 24, 2007, in Liber 12488, at Page 875, and otherwise known as and by Town of Brookhaven, known and designated as Lot No. 7 on a certain map entitled "Map of Swan Lake Hills, Section 1" filed in the Office of the Clerk of the County of Suffolk on January 11, 1960 as Map 3107; 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 January 10, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on January 24, 2007 in Liber 12488 at Page 875.

**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**, ESTATE OF LILLIAN GONZALES, a/k/a LILLIAN A. GONZALEZ, a/k/a LILLIAN GONZALES by Administrator Patricia Gonzales, a/k/a Patricia Gonzalez, f/k/a Patricia Ramon, has made application of said above described parcel and ESTATE OF LILLIAN GONZALES, a/k/a LILLIAN A. GONZALEZ, a/k/a LILLIAN GONZALES by Administrator Patricia Gonzales, a/k/a Patricia Gonzalez, f/k/a Patricia Ramon, has paid the application fee and will be paying \$62,717.28 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

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

agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d)(15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

**2<sup>nd</sup> - RESOLVED**, that the 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 LILLIAN GONZALES, a/k/a LILLIAN A. GONZALEZ, a/k/a LILLIAN GONZALES by Administrator Patricia Gonzales, a/k/a Patricia Gonzalez, f/k/a Patricia Ramon, 17 Circle Drive East, Patchogue, New York 11772, 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: \_\_\_\_\_

SUFFOLK COUNTY  
DIVISION OF REAL PROPERTY  
ACQUISITION AND MANAGEMENT  
CLOSING STATEMENT

January 26, 2009

Tax Map No.: 0200-925.00-03.00-053.000

Name of Last Legal Fee Owner: ESTATE OF LILLIAN GONZALES, a/k/a LILLIAN A. GONZALEZ,  
a/k/a LILLIAN GONZALES by Administrator Patricia Gonzales,  
a/k/a Patricia Gonzalez, f/k/a Patricia Ramon

TREASURER'S COMPUTATION..... \$56,016.02

Taxes.....2008/2009.....\$ 6,701.26

Recording Fees collected for County Clerk.. N/A

License Fee ..... OPEN

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... \$62,717.28

Monies to be Received.....\$62,717.28

RESOLUTION AMOUNT.....\$62,717.28

APPROVED:

PREPARED BY:

*Diane Bishop*

Diane Bishop  
Redemption Unit  
(631) 853-5932

*Karen A. Slater 1/29/09*

Accounting  
DB:sc

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X  
Tax Map Number 0200-925.00-03.00-053.000

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

2009

10. Typed Name & Title of Preparer

Diane Bishop

Signature of Preparer

Diane Bishop

Date

1/26/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

1131

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0200	925.00	03.00	053.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2001/02	5503.20
2003/04	9567.98
2004/05	9280.95
2005/06	8750.10
2006/07	8080.37
2007/08	6185.12

**2002/03 PROPERTY TAXES PAID BY THE ESTATE OF LILLIAN GONZALES**

TOTAL: 47367.72

B. INTEREST DUE	5980.87
C. TOTAL	53348.59
D. 5% LINE C	2667.43
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$56,016.02

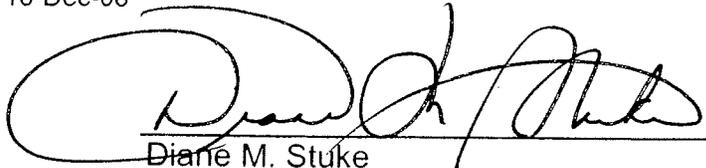
*IP*  
*2/9/09*

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.

16-Dec-08



Diane M. Stuke  
Deputy County Treasurer

\*\*Interest and penalty computed to  
and including 06/14/09

# Town of Brookhaven

## Department of Tax Receiver

1131

COUNTY OF SUFFOLK

Item Number: 3125730      SCTM: 0200-925-00-03-00-053,000      Status: ACTIVE  
 House: 00017      Street: CIRCLE DR      City: PATCHOGUE      Zip: 11772-0000

STATEMENT OF TAXES      2008      -      2009

With Exemptions

: STAR SAVINGS  
BANK + MORTGAGE NO.

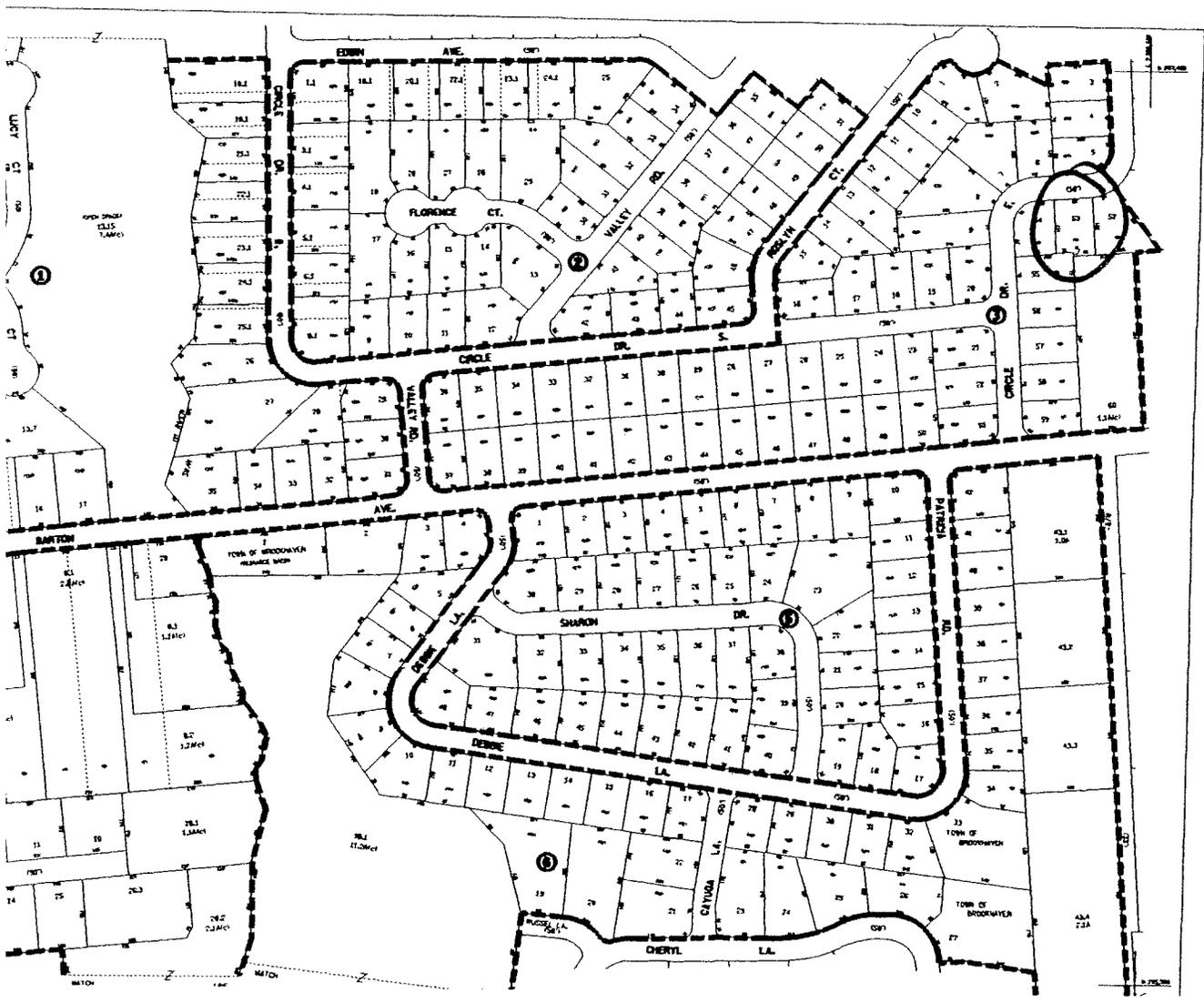
SCHOOL PHONE      631 687-6330

CURRENT AS OF:      January 26, 2009 - 04:34:09 AM

Levy Description	District Taxable Value	District Tax Amount	Prior Year % Change	Exempt Code	Taxable Value Adjusted by Exemption	Tax Rate Per \$100	Tax Amount
<b>SCHOOL TAX      91.43      % OF TOTAL BILL</b>					<b>SCHOOL TAX AMOUNT</b>		<b>6,126.71</b>
SCHOOL DIST - PATCHOGUE / MEDFORD UFSD	45,024,510	74,569,049.74	8.9		2,925	193.014	5,645.66
LIBRARY DIST - PATCHOGUE / MEDFORD UFSD	45,024,510	7,404,732.80	4.3		2,925	16.446	481.05
<b>COUNTY TAX      % OF TOTAL BILL</b>					<b>COUNTY TAX AMOUNT</b>		<b>0.00</b>
COUNTY OF SUFFOLK	471,186,712	13,193,239.20	-1.1	S		2.800	
COUNTY OF SUFFOLK - POLICE	471,186,712	148,989,323.80	1.8	S		31.620	
<b>TOWN TAX      % OF TOTAL BILL</b>					<b>TOWN TAX AMOUNT</b>		<b>0.00</b>
TOWN GENERAL - TOWN WIDE FUND	471,271,829	21,018,814.93	-3	S		4.460	
GHWAY - TOWN WIDE FUND	471,271,829	12,191,828.29	-9.2	S		2.587	
TOWN GENERAL - PART TOWN FUND	411,956,578	5,717,993.24	1.9	S		1.388	
GHWAY - PART TOWN FUND	411,956,578	47,066,214.70	8.9	S		11.425	
<b>OTHER TAX      8.57      % OF TOTAL BILL</b>					<b>OTHER TAX AMOUNT</b>		<b>574.55</b>
00M BOND ACT OF 2004	471,271,829	7,300,034.98	6.3	S		1.549	
BROOKHAVEN REFUSE-RECYCLING IMP 2 FAMI	22,265,704	4,477,468.15	5.5				574.55
RE DIST - NORTH PATCHOGUE	14,257,903	3,507,729.47	5.5	S		24.602	
IGHTING DISTRICT	430,870,023	7,333,423.55	-2.5	S		1.702	
EAL PROPERTY TAX LAW - ARTICLE 7	471,186,712	4,589,374.90	-3.7	S		9.74	
EAL PROPERTY TAX LAW	471,186,712	22,414,395.92	-2.0	S		4.757	

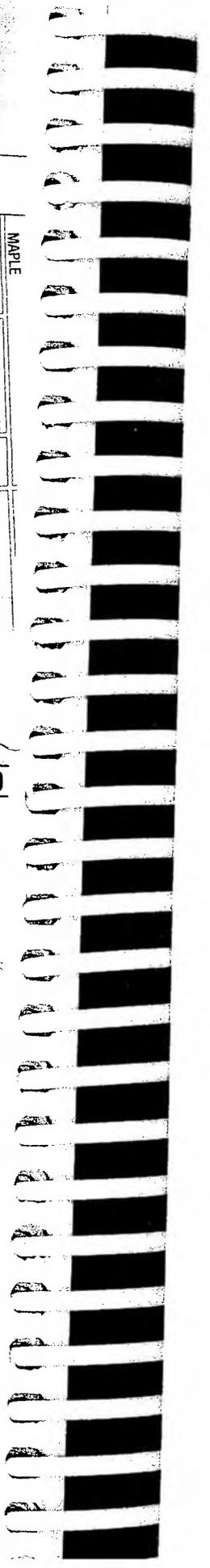
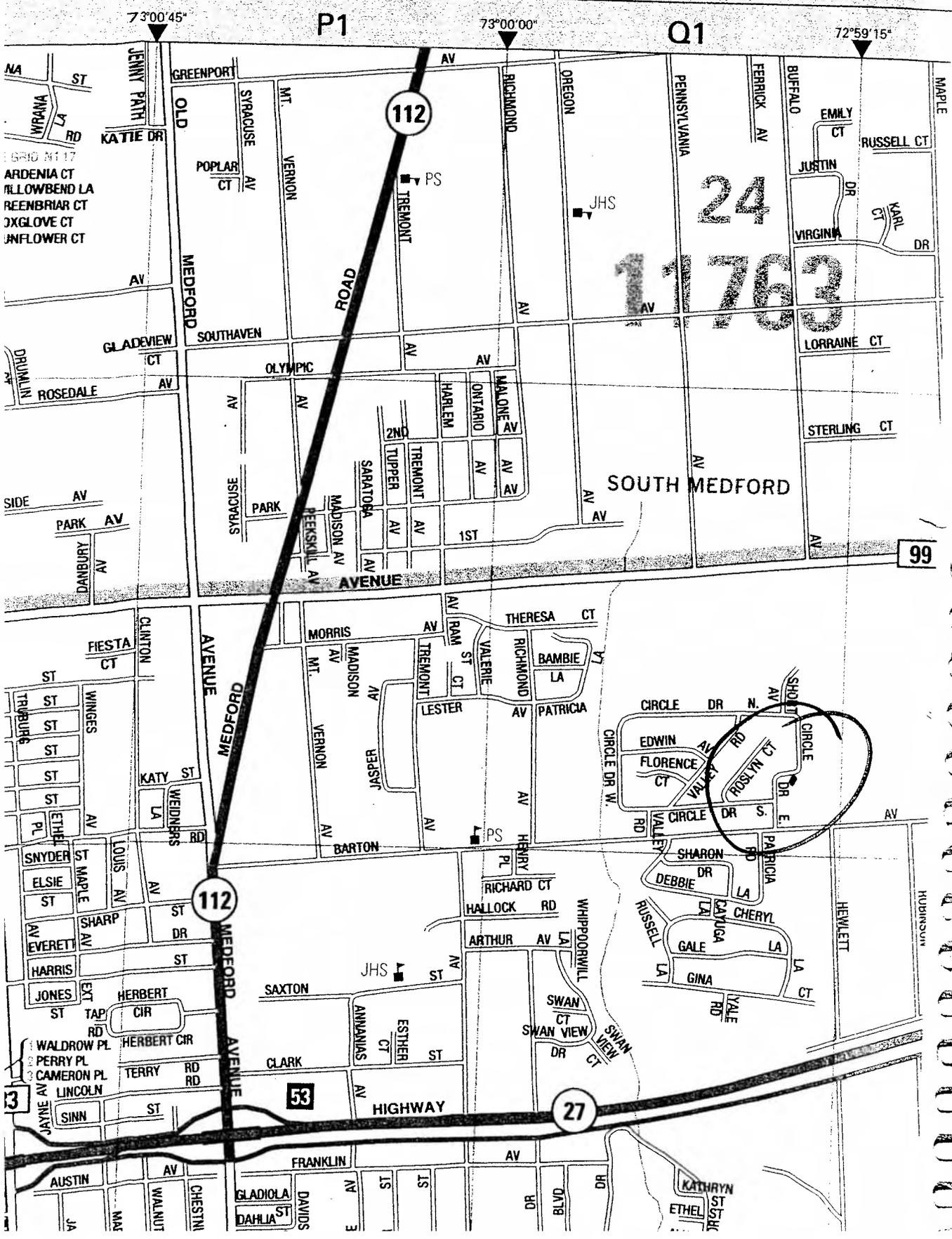
FIRST HALF TAX      3,350.63      SECOND HALF TAX      3,350.63      TOTAL TAX      6,701.26      TOTAL TAX RATE      297.324

1131



ns Map 27

0200-925-03-053



Intro Resolution No. 1132-09  
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION No. -2009 - TO ADOPT THE AMENDED SUFFOLK COUNTY PRE-DISASTER MITIGATION PLAN AS APPROVED BY FEMA ON JANUARY 14, 2009.**

**WHEREAS**, Resolution No. 184-2006 accepted and appropriated 75% federal pass-through grant funds from the NYS Emergency Management Office (SEMO) through the Federal Emergency Management Agency (FEMA) to the Suffolk County Department of Fire, Rescue and Emergency Services (FRES) for a FY2005 Pre-Disaster Mitigation Planning (PDMC) Grant ; and

**WHEREAS**, FEMA approved the initial Suffolk County Pre-Disaster Mitigation Plan "pending local adoption"; and

**WHEREAS**, this Legislature adopted, on August 20, 2008, in Resolution 730-2008 the initial Suffolk County Pre-Disaster Mitigation Plan as approved by FEMA on March 26, 2008 and voted that additional county legislative approval would be sought following FEMA's approval of the enhanced and amended final plan as described herein in 2009; and

**WHEREAS**, the Plan was able to be prepared by Suffolk County and its participating municipalities under budget, and as a result, FEMA has approved additional scope items for inclusion into the Plan under the original grant funding in a letter dated June, 16, 2008; and

**WHEREAS**, additional scope items were added to the approved plan including the addition of the Towns of Brookhaven and East Hampton into the Plan, the addition of an Earthquake Hazard, an update of the Plan for a new FEMA loss estimation software package (HAZUS MH3), and inclusion of a cost estimating catalog; and

**WHEREAS**, FEMA has extended the FY2005 PDMC grant through May 13, 2009; and

**WHEREAS**, FEMA approved the Amended Suffolk County Pre-Disaster Mitigation Plan "pending local adoption" on January 14, 2009; and

**WHEREAS**, the amended scope must be re-adopted by the Suffolk County Legislature, following FEMA's re-approval of the Plan, to be eligible for FEMA Grant funding; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the PDMC Grant has been amended to reflect the total grant funds available to FRES (001-FRE-4374) of \$1,137,735, Planning (001-PLAN-4374) of \$7,365 and ITS (001-ITS-4374) of \$12,022 over the life of the Grant; and be it further

**2<sup>nd</sup> RESOLVED**, that this Legislature being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action; and be it further

**3<sup>rd</sup> RESOLVED**, that this Legislature adopts the Amended Suffolk County Pre-Disaster Mitigation Plan as approved by FEMA on January 14, 2009; and be it further

**4<sup>th</sup> RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the Federal Emergency Management Agency and New York State Emergency Management Office and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED:

APPROVED BY:

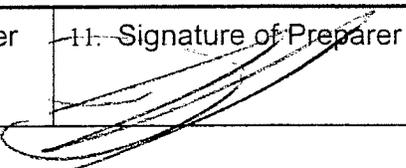
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County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1132

1. Type of Legislation Local Law: _____ Charter Law: _____ Resolution: <u>  X  </u>		
2. Title of Proposed Legislation: Resolution to adopt the Amended Suffolk County Pre-Disaster Mitigation Plan as approved by FEMA on January 14, 2009.		
3. Purpose of Proposed Legislation: This Resolution is needed to adopt the Amended Hazard Mitigation Plan which was approved by the Federal Emergency Management Agency (FEMA) on January 14, 2009. Resolution 184-2006 accepted and appropriated 75% federal pass-through grant funds from the NYS Emergency Management Office through FEMA to the Suffolk County Dept of FRES for a Fy2005 Pre-Disaster Mitigation Planning (PDMC) Grant and to execute grant related agreements. The plan was established under budget and as a result FEMA has extended the grant expiration to May 13, 2009 and, with original grant funds, FEMA is allowing Brookhaven and East Hampton Towns to be added as well as the following scope items: (1) Addition of an Earthquake Hazard; (2) Update of the Plan for a new FEMA loss estimation software package (HAZUS MH3); and (3) Inclusion of a cost estimating catalog. Resolution 730-2008 amended the 2008 Operating Budget for the FEMA approved grant extension and additional scope items.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District Other (Specify):	
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact. Revised Fiscal impact was addressed in Resolution 730-2008.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision		
8. Proposed Source of Funding Federal Grant: Revenue 001-FRE-4374 and 001-PLN-4374 and 001ITS-4374		
9. Timing of Impact Immediate		
10. Typed Name & Title of Preparer Joseph F. Williams Commissioner	11. Signature of Preparer 	12. Date January 28, 2009

1132

Intro Res. No. 1183-2006

Laid on Table 2/7/2006

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

**RESOLUTION NO. 184- 2006, ACCEPTING AND APPROPRIATING 75% FEDERAL PASS-THROUGH GRANT FUNDS FROM THE NYS EMERGENCY MANAGEMENT OFFICE TO THE SUFFOLK COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES FOR A FY2005 PRE DISASTER MITIGATION PLANNING (PDMC) GRANT AND TO EXECUTE GRANT RELATED AGREEMENTS**

**WHEREAS**, the NYS Office of Emergency Management has awarded 75% federal grant funds to the Department of Fire, Rescue and Emergency Services for a FY2005 Pre-Disaster Mitigation Planning Grant in the amount of \$1,117,904.25; and

**WHEREAS**, these funds will be used to engage in the process of multi-jurisdictional mitigation planning and produce a local multi-jurisdictional mitigation plan satisfying the requirements of 44 CFR Part 201 for Suffolk County and its local communities including the Town of Babylon; Town of Huntington; Town of Riverhead; Town of Shelter Island; Town of Smithtown; Town of Southold; Village of Asharoken; Village of Bellport; Village of Huntington Bay; Village Lake Grove; and Village of Northport; and

**WHEREAS**, Suffolk County and it's town and villages have experienced numerous natural and man-made losses including six (6) presidential declared disasters costing over \$16 million dollars since 1985 and according the National Flood Insurance Program, Suffolk County ranks second in New York State in repetitive losses; and

**WHEREAS**, it is the desire of the County of Suffolk and all participating municipalities to fully conform with the United States Disaster Act of 2000, which calls for each political subdivision within the United States to have a pre-approved mitigation plan prior to federal mitigation fund awards; and

**WHEREAS**, this FY2005 PDMC grant is for a two (2) year period beginning September 14, 2005 through September 13, 2007 in which the County will received 75% funding in the amount of \$1,117,904.25; and

**WHEREAS**, the remaining 25% local match in the amount of \$372,634.75 is identified as pre-existing costs, leaving no additional costs to the County (\$151,217) or any of the municipal partners (\$221,417.75); and

**WHEREAS**, \$1,097,852.25 of said funds have not been included in the 2006 Operating Budget, and \$20,052 has been included in the 2006 Operating Budget; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County Comptroller and County Treasurer be and that they hereby are authorized to accept \$ 1,117,904, including \$20,052 in 001-PLN-8020-110 and fringes and appropriate said grant funds as follows:

<u>REVENUES:</u>	<u>AMOUNT</u>
001-FRE-4374 Pre-Disaster Mitigation Grant	\$ 1,097,852.25.

001-PLN-4374 Pre-Disaster Mitigation Grant 1132 \$20,052.00

ORGANIZATIONS:

Department of Fire, Rescue & Emergency Services  
Pre-Disaster Mitigation Grant  
001-FRE-3408 - \$1,072,988.25

1000 – Personal Services \$ 70,767.00

1100 Permanent Salaries \$ 70,767.00

4000 – Contractual Expenses \$1,002,221.25

4560 Fees for Services-Non Employees \$337,968.00

4980 Contracted Agencies \$664,253.25

XXXX – Town of Huntington \$108,299.25

XXXX – Town of Riverhead \$82,191.75

XXXX – Town of Shelter Island \$42,491.25

XXXX – Town of Smithtown \$88,200.00

XXXX – Town of Southold \$113,086.50

XXXX – Town of Babylon \$125,863.50

XXXX – Village of Asharoken \$22,601.25

XXXX – Village of Bellport \$19,674.75

XXXX – Village of Huntington Bay \$22,601.25

XXXX – Village of Lake Grove \$16,642.50

XXXX – Village of Northport \$22,601.25

Employee Benefits

Social Security

001-EMP - 9030 - \$5,414

Employee Benefits \$5,414

8330 – Social Security \$5,414

Employee Benefits

Retirement

001-EMP-9010 – \$9,363

Employee Benefits \$9,363

8280 – Retirement \$9,363

Employee Benefits

Welfare Fund

001-EMP-9080 - \$1,281

Employee Benefits \$ 1,281

8380 – Welfare Fund Contribution \$ 1,281

Interfund Transfer

Transfer to Employee Medical Health Plan

001-IFT-E039 - \$8,806

Employee Benefits \$ 8,806

9600 Transfer of Funds \$ 8,806

1132

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

REVENUES

039-IFT-R0001 Transfer from General Fund \$8,806

ORGANIZATION

Employee Benefits  
Major Medical Claim  
039-EMP-9060

Employee Benefits \$8,806  
8360 – Health Insurance \$8,806

**3<sup>rd</sup> RESOLVED**, that the following position be and they hereby are created in the Department of Fire, Rescue & Emergency Services as follows:

Department of Fire, Rescue & Emergency Services  
Pre-Disaster Mitigation Grant  
001-FRE-3408

<u>Position No.</u>	<u>Spec No.</u>	<u>Position Title</u>	<u>JC</u>	<u>Grade</u>	<u>No. Created</u>
3408-0100-0001	1510	Planning Aide	C	17	1

and be it further

**4<sup>th</sup> RESOLVED**, that the County Executive's Budget Office is authorized to assign appropriate pseudo codes as necessary; and be it further

**5<sup>th</sup> 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 position created by this Resolution at the conclusion of the grant funding provided for such position created by said grant; and be it further

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

**7<sup>th</sup> RESOLVED**, that the Reporting Category for the County Integrated Financial Management System (IFMS) is EM21.

DATED: March 14, 2006

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

REC'D SEP 09 2008

Intro Res. No. 1805-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 730 -2008, AMENDING THE 2008 OPERATING BUDGET IN CONNECTION WITH APPROPRIATING 75% FEDERAL PASS-THROUGH GRANT FUNDS FROM THE NYS EMERGENCY MANAGEMENT OFFICE TO THE SUFFOLK COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES FOR A FY2005 PRE-DISASTER MITIGATION PLANNING (PDMC) GRANT AND TO EXECUTE GRANT RELATED AGREEMENTS AND TO ADOPT/ACCEPT THE SUFFOLK COUNTY PRE-DISASTER MITIGATION PLAN AS APPROVED BY FEMA ON MARCH 26, 2008**

**WHEREAS**, Resolution No. 184-2006 accepted and appropriated 75% federal pass-through grant funds from the NYS Emergency Management Office through the Federal Emergency Management Agency (FEMA) to the Suffolk County Department of Fire, Rescue and Emergency Services for a FY2005 Pre-Disaster Mitigation Planning (PDMC) Grant; and

**WHEREAS**, FEMA has approved the Suffolk County Pre-Disaster Mitigation Plan "pending local adoption of this resolution"; and

**WHEREAS**, the Plan was able to be prepared by Suffolk County and its participating municipalities under budget, and as a result, FEMA has approved additional scope items for inclusion into the Plan under the original grant funding in a letter dated June 16, 2008; and

**WHEREAS**, additional scope items include the addition of the Towns of Brookhaven and East Hampton into the Plan, the addition of an Earthquake Hazard, an update of the Plan for a new FEMA loss estimation software package (HAZUS MH3), and inclusion of a cost estimating catalog; and

**WHEREAS**, the Village of Lake Grove withdrew from the program in a letter dated February 2, 2007; and

**WHEREAS**, the position of Planning Aide created in the Suffolk County Dept. of FRES (001-3408-0100-0001) shall continue through the newly extended grant expiration period; and

**WHEREAS**, the amended Pre-Disaster Mitigation Planning Grant is \$1,157,122, an increase of \$39,218 in Grant Aid; and

**WHEREAS**, FEMA has extended the FY2005 PDMC grant through May 13, 2009; and

**WHEREAS**, the amended scope must be re-adopted by the Suffolk County Legislature, following FEMA's re-approval of the Plan, to be eligible for FEMA Grant funding; now, therefore be it

1132

1<sup>st</sup> RESOLVED, that the PDMC Grant has been amended to reflect the total grant funds available to FRES (001-FRE-4374) of \$1,137,735, Planning (001-PLAN-4374) of \$7,365 and ITS (001-ITS-4374) of \$12,022 over the life of the Grant; and be it further

2<sup>nd</sup> RESOLVED, that the 2008 Operating Budget be and hereby is amended as follows;

REVENUES:

	<u>Amount</u>
001-FRE-4374 Pre-Disaster Mitigation Grant	\$27,196
001-ITS-4374 Pre-Disaster Mitigation Grant	\$12,022

ORGANIZATIONS:

Department of Fire, Rescue and Emergency Services  
Pre-Disaster Mitigation Grant  
001-FRE-3408

	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Change</u>
<u>1000 – Personnel Services</u>			
1100 – Permanent Salaries	\$13,695	\$62,212	\$48,517

4000 – Contractual Expenses

	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Change</u>
4560 – Fees for Services-Non Employees	\$131,448	\$460,011	\$328,563
4980 – Contracted Agencies	<u>\$600,038</u>	<u>\$227,417</u>	<u>(\$372,620)</u>
HUG1 – Town of Huntington	\$97,957	\$5,707	(\$92,250)
HUH1 – Town of Riverhead	\$82,192	\$54,881	(\$27,311)
HUI1 – Town of Shelter Island	\$42,492	\$12,496	(\$29,995)
HUU1 – Town of Smithtown	\$82,579	\$16,516	(\$66,063)
HUK1 – Town of Southold	\$113,087	\$12,166	(\$100,921)
HUL1 – Town of Babylon	\$100,314	\$16,285	(\$84,029)
HUM1 – Village of Asharoken	\$22,601	\$750	(\$21,851)
HUN1 – Village of Bellport	\$17,502	\$4,708	(\$12,794)
HUO1 – Village of Huntington Bay	\$14,196	\$32,771	\$18,575
HUP1 – Village of Lake Grove	\$16,643	\$0	(\$16,643)
HUQ1 – Village of Northport	\$10,475	\$17,329	\$6,854
JEG1 – Town of Brookhaven	\$0	\$15,000	\$15,000
JEH1 – Town of East Hampton	\$0	\$38,808	\$38,808

Employee Benefits  
Social Security  
001-EMP-9030

	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Change</u>
<u>Employee Benefits</u>			
8330 - Social Security	\$0	\$3,042	\$3,042

1132

Employee Benefits  
Retirement  
001-EMP-9010

<u>Employee Benefits</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Change</u>
8280 – Retirement	\$0	\$2,141	\$2,141

Employee Benefits  
Welfare Fund  
001-EMP-9080

<u>Employee Benefits</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Change</u>
9080 – Welfare Fund Contribution	\$0	\$2,594	\$2,594

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

<u>Employee Benefits</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Change</u>
9600 – Transfer of Funds	\$0	\$26,981	\$26,981

and be it further

**3<sup>rd</sup>** RESOLVED, that the following interfund revenues for Employee Medical Health Plan be accepted and appropriated as follows:

REVENUES:

	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Change</u>
039-IFT-R0001			
Transfer from General Fund	\$0	\$26,981	\$26,981

ORGANIZATION:

Employee Benefits  
Major Medical Claim  
039-EMP-9060

<u>Employee Benefits</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Change</u>
8360 – Health Insurance	\$0	\$26,981	\$26,981

1132

and be it further

4<sup>th</sup> . **RESOLVED**, that the County Executive's Budget Office is authorized to assign appropriate pseudo codes as necessary; and be it further

5<sup>th</sup> **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 position extended in this Resolution at the conclusion of the grant funding; and be it further

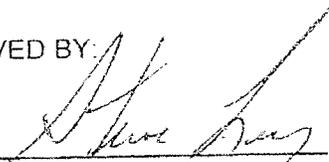
6<sup>th</sup> **RESOLVED**, that this Legislature being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes a Type II action; and be it further

7<sup>th</sup> **RESOLVED**, that this Legislature accepts the Suffolk County Pre-Disaster Mitigation Plan as approved by FEMA on March 26, 2008. Additional county legislative approval will be sought following FEMA's approval of the enhanced and amended final plan as described herein in 2009; and be it further

8<sup>th</sup> **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the Federal Emergency Management Agency and New York State Emergency Management Office and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED: August 20, 2008

APPROVED BY:

  
\_\_\_\_\_  
County Executive of Suffolk County

Date: 8-22-08

**LOCAL HAZARD MITIGATION PLAN REVIEW WORKSHEET**

Jurisdiction: Suffolk County, NY Annexes: Towns of Brookhaven, East Hampton et al

**REVIEW AND APPROVAL STATUS**

<p><b>Jurisdiction:</b> Suffolk County, NY – Annexes: Town of Brookhaven, Town of East Haven; Villages of Belle Terre, Dering Harbor, East Hampton, Greenport, Lake Grove, Lloyd Harbor, Old Field, Poquott, Port Jefferson, Sag Harbor, Shoreham</p>	<p><b>Title of Plan:</b> Suffolk County Multi-Jurisdictional All Hazards Mitigation Plan - Annexes</p>	<p><b>Date on Plan (Draft):</b> (a) December 2007 (1<sup>st</sup> Draft) (b) October 2008 (Annexes)</p>
<p><b>Local Plan submitted by:</b> Tom O'Hara Jonathan Raser</p> <p><b>Title:</b> Deputy Commissioner Consultant</p> <p><b>Agency:</b> Suffolk Co. Fire Rescue, Emergency Services Tetra Tech</p> <p><b>Address:</b> Suffolk Co. Dept. of Fire Rescue, Emergency Services Building CO 110 Yaphank Avenue Yaphank, NY 11980-0127</p> <p>Rockaway 80 Corporate Center 100 Enterprise Drive – Suite 400 Rockaway, NJ 07866</p> <p><b>E-Mail:</b> thomas.o'hara@co.suffolk.ny.us jonathan.raser@tetemi.com</p> <p><b>Phone Number:</b> (631) 852-4908</p>		

<p><b>State Reviewer:</b> R. L. Ecuver Richard J. Minogue John Fishbein</p>	<p><b>Title:</b> Public Assistance Liaison Disaster Preparedness Program Representative Mitigation Planner</p>	<p><b>Date:</b> October 2007 January 25, 2008 October 2008</p>
---	--	--

<p><b>FEMA Review:</b> Michael F. McHale, Reviewer Audrey Massa, QA/QC Annexes Review: Michael McHale, Reviewer John Krol, QA/QC Audrey Massa, Annexes QA/QC Review</p>	<p><b>Title:</b> Hazard Mitigation Planner Natural Hazard Mitigation Specialist  Hazard Mitigation Planner Hazard Mitigation Planner Hazard Mitigation Planner February 7, 2008 (1<sup>st</sup> Draft) November 12, 2008 (Annexes)</p>	<p><b>Date:</b> March 10, 2008 March 26, 2008  December 24, 2008 January 13, 2009 January 14, 2009</p>
<p><b>Date Received in FEMA Region 2</b></p>		
<p>Plan Not Approved</p>		
<p>Plan Approved Pending Adoption</p>		
<p>Date Approved</p>		

1132

1<sup>st</sup> Draft is approved pending adoption.  
Annexed jurisdictions are approved pending adoption.

1132

U.S. Department of Homeland Security  
Region II  
Jacob K. Javits Federal Office Building  
26 Federal Plaza, Room 1311  
New York, NY 10278-0002



**FEMA**

June 16, 2008

Mr. John R. Gibb  
Executive Director  
New York State Emergency Management Office  
1220 Washington Avenue  
Building # 22, Suite 101  
Albany, NY 12226-2251

Re: FY 2005 Pre-Disaster Mitigation  
Competitive (PDMC) – Suffolk County  
PDMC/PL/02-NY-2005-016

Dear Mr. Gibb:

This is in response to letters received from Mr. Agostino and Mr. Olazagasti, of your staff, which requests approval to utilize expected cost under runs from the FY 2005 Suffolk County PDMC Planning grant for additional work items. As a result of our review, approval is being granted to implement some of the enhancements to your initial planning grant effort, as detailed below:

Approval is granted for the following work items that fall within eligibility criteria for a mitigation planning grant under the Pre-disaster mitigation grant program:

- Expansion of the plan to include the Towns of Brookhaven and East Hampton and all of the respective villages as follows:
  - Brookhaven – Villages of Belle Terre, Bellport, Lake Grove, Old Field, Patchogue, Poquott, Port Jefferson, & Shoreham.
  - East Hampton – Villages of East Hampton & Sag Harbor
- Inclusion of the earthquake hazard as well as other recommendations identified in the Local Hazard Mitigation Plan Review Crosswalk.
- Update of the HAZUS default general building stock (GBS) inventory and values for utilization in the new HAZUS MH3 model.
- Preparation of a catalog of cost estimates for potential mitigation projects to be included within the Suffolk County MH Mitigation Plan.

Approval is NOT granted for the following work items requested by the state:

- Providing assistance to interested partner communities in maximizing their Community Rating System points.
- Completing a county-wide debris management plan.
- Providing training for Benefit Cost Analysis methodology.
- Aerial mapping across Suffolk County.

Mr. John R. Gibb  
June 16, 2008  
Page 2

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The new expiration date for this PDMC planning grant is now May 13, 2009, which is allowing an additional eight (8) months for completion of the enhanced scope of work, including all necessary reviews at the state and Federal level, as well as sufficient time for adoption of the final plan. While May 13, 2009 is the final date the grant will expire, the following milestones need to be met by the sub-grantee to ensure the project will be completed on time and funding will not be jeopardized:

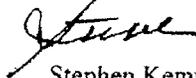
- Submit information to NYSEMO of all costs incurred to date for the current plan, which received approval pending adopting from FEMA, and realized cost under runs within one month of the date of this letter;
- Submit a cost estimate to NYSEMO for the four additional work items approved for funding within one month of the date of this letter;
- Submit a detailed work schedule to NYSEMO for the four additional work items approved for funding within one month of the date of this letter;
- Submit a copy of the new/amended contract(s) to NYSEMO for the four additional work items approved for funding within one month of the date of this letter;
- Submit the final draft of the multi-jurisdictional multi-hazard (MH) Mitigation Plan for Suffolk county by October 31, 2008.

Please be aware that it is imperative that your office remain involved to ensure that this grant progresses according to schedule. All activities for this grant must be completed within the extended timeframe, as there will be no further extensions granted. Receipt of this letter is the official correspondence related to your request. As such, this document should be retained in your official grant file.

While approval is granted to update the current Mitigation Plan, FEMA strongly encourages that the communities that have already participated in the current plan (which has received approval from FEMA pending adoption) move forward and have that plan adopted. With the new Unified Hazard Mitigation Assistance grant programs expected to be announced in the upcoming weeks, it is important that these communities make themselves eligible to apply for mitigation project funding. An approved, adopted MH Mitigation Plan is a requirement for most of FEMA's mitigation grant programs.

Should you have further questions regarding this matter, the FEMA project officer, Michael Foley, can assist you with any programmatic inquiries. For administrative and financial concerns, feel free to contact Cynthia Patterson. These two individuals can be reached at (212) 680-3634 and (212) 680-3648 respectively.

Sincerely,



Stephen Kempf, Jr.  
Regional Administrator

Cc: Richard Lord, Chief of Mitigation Programs, NYSEMO  
Michael P. Foley, PDM Program Coordinator, FEMA Region 2  
Scott Duell, Chief of Risk Analysis Branch, FEMA Region 2  
Cynthia Patterson, Grants Assistance Officer, FEMA Region 2

Gen A9

COUNTY OF SUFFOLK

FEB 11 2009



1132

JOSEPH F. WILLIAMS  
COMMISSIONER

STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

WARREN HORST  
CHIEF FIRE MARSHAL

JOHN M. SEARING, PE  
DEPUTY COMMISSIONER

EDWARD C. SCHNEYER  
DIRECTOR OF EMERGENCY PREPAREDNESS

**DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES**

TO: Ben Zwirn, Deputy County Executive  
Intergovernmental Relations

FROM: Joseph F. Williams  
Commissioner

DATE: January 29, 2009

SUBJECT: Request for Introductory Resolution: Adopt Amended Hazard Mitigation Plan

Enclosed for processing is an introductory resolution and its supporting documents to adopt the Amended Hazard Mitigation Plan.

Resolution 184-2006 accepted and appropriated 75% federal pass-through grant funds from the NYS Emergency Management Office through the Federal Emergency Management Agency (FEMA) to the Suffolk County Dept of FRES for an FY2005 Pre-Disaster Mitigation Planning (PDMC) Grant and to execute grant related agreements.

The Suffolk County Pre-Disaster Mitigation Plan was established under budget and as a result FEMA has extended the grant expiration to May 13, 2009 and, with original grant funds, FEMA is allowing Brookhaven and East Hampton Towns to be added as well as the following scope items: (1) Addition of an Earthquake Hazard; (2) Update of the Plan for a new FEMA loss estimation software package (HAZUS MH3); and (3) Inclusion of a cost estimating catalog.

Resolution 730-2008 adopted the initial FEMA approved Hazard Mitigation Plan, amended the 2008 Operating Budget for the FEMA grant extension and identified the need to re-adopt the Amended Hazard Mitigation Plan upon FEMA's approval.

Please be aware that this plan is a requirement in order to be eligible for future FEMA mitigation funding.

Please contact my office at x24850 if you have any questions regarding this resolution.

JFW:ras

Enclosures

cc: Jim Morgo, Chief Deputy County Executive  
Donald Fahey, Federal & State Aid Claims Unit

1133

Intro. Res. No. - 2009  
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 3/3/09

**RESOLUTION NO. - 2009, AMENDING THE 2009  
ADOPTED OPERATING BUDGET TO ACCEPT AND  
APPROPRIATE ADDITIONAL 100% STATE AID FROM THE  
NEW YORK STATE OFFICE OF ALCOHOLISM AND  
SUBSTANCE ABUSE SERVICES (NYS OASAS) AND TO  
TRANSFER FUNDING FROM CURRENT APPROPRIATIONS  
TO THE LONG ISLAND HOME D/B/A SOUTH OAKS**

**WHEREAS**, the approved New York State Budget for Fiscal Year 2009 includes funding in Aid to Localities for the provision of chemical dependence, prevention, gambling prevention and treatment programs; and

**WHEREAS**, the New York State Office of Alcoholism and Substance Abuse Services, (NYS OASAS) has allocated \$175,000 in additional 100% State aid funding with a local match of \$175,000 to The Long Island Home d/b/a South Oaks for a Community Mobilization Program that will serve as a County-wide Prevention Resource Center; and

**WHEREAS**, this additional 100% State aid from NYS OASAS is not currently included in the 2009 Adopted Operating Budget; and

**WHEREAS**, the unallocated local match funding is already included in the 2009 Adopted Operating Budget and needs to be transferred to The Long Island Home d/b/a South Oaks; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County Comptroller and the County Treasurer be and they hereby are authorized to accept and appropriate \$175,000 in additional State aid as follows:

REVENUES:

001-HSV 3486 State Aid: Narcotics Addiction Control \$175,000

and be it further

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

ORGANIZATIONS

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

From:

001-HSV-4310-4980 Contracted Services -\$175,000

To:

<u>XORG</u>	<u>OBJECT NAME</u>	<u>2009 Adopted Budget</u>	<u>Increase/ Decrease</u>	<u>2009 Modified Budget</u>
HKC1	The Long Island Home/South Oaks	\$181,831	+\$350,000	\$531,831

and be it further

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

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

HSV # 6-2009

Gen A10

COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

FEB 11 2009

1133

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.  
Commissioner

February 9, 2009

Ben Zwirn, Deputy County Executive  
Office of the County Executive, 12<sup>th</sup> Floor  
H. Lee Dennison Building  
Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution to amend the 2009 Adopted Operating Budget to accept and appropriate additional 100% State aid from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) and to transfer funding from current appropriations to The Long Island Home d/b/a South Oaks. These additional funds will be allocated to The Long Island Home d/b/a South Oaks, along with a local match, to be used for a Community Mobilization Program that will serve as a County-wide Prevention Resource Center.

I enclose a financial impact statement and other back-up documentation 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 South Oaks.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
- Donald Murphy, Principal Auditor
- Diane E. Weyer, Principal Financial Analyst



Public Health  
Prevent. Promote. Protect.

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1133

1. Type of Legislation		
Resolution <u>  X  </u> Local Law _____                      Charter Law _____		
Title of Proposed Legislation AMENDING THE 2009 ADOPTED OPERATING BUDGET TO ACCEPT AND APPROPRIATE ADDITIONAL 100% STATE AID FROM THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES (NYS OASAS) AND TO TRANSFER FUNDING FROM CURRENT APPROPRIATIONS TO THE LONG ISLAND HOME D/B/A SOUTH OAKS		
3. Purpose of Proposed Legislation To accept and appropriate additional 100% State aid from NYS OASAS and transfer appropriations to provide a local match and allocate them to The Long Island Home d/b/a South Oaks for a Community Mobilization Program that will serve as a County-wide Prevention Resource Center.		
4. Will the Proposed Legislation Have a Fiscal Impact?    YES ___    NO <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding 100% State aid from New York State Office of Alcoholism and Substance Abuse Services.		
9. Timing of Impact 2009		
10. Typed Name & Title of Preparer <i>Diane E. Weyer</i> Principal Financial Analyst	11. Signature of Preparer 	Date <i>2/6/09</i>

Pat



**OASAS**

Improving Lives.

NEW YORK STATE  
OFFICE OF ALCOHOLISM & SUBSTANCE ABUSE SERVICES  
*Addiction Services for Prevention, Treatment, Recovery*

1133

GOVERNOR  
David A. Paterson

COMMISSIONER  
Karen M. Carpenter-Palumbo

**RECEIVED**

JAN 16 2009

COMMUNITY MENTAL  
HYGIENE DIVISION

January 14, 2009

Mr. Thomas MacGilvray, Director  
Suffolk County Department of Health Services  
Division of Community Mental Hygiene  
North County Complex, Building C928  
P.O. Box 6100  
Hauppauge, NY 11788-0099

Re: 2009 Approval Letter for Community  
Chemical Dependency and Problem  
Gambling Treatment, Prevention, Recovery  
Services

Dear Mr. MacGilvray:

The enclosed *State Aid Funding Authorization (SAFA)* for the 2009 local fiscal period reflects your **tentative** base funding levels for Office of Alcoholism and Substance Abuse Services (OASAS) supported chemical dependency and problem gambling prevention, treatment, and recovery services in your County. As you are aware, the 2009-10 State Budget has not yet been enacted and, therefore, final approved funding will be determined after the Budget is passed.

Tentative base funding levels are the result of the Program Performance Review process, which has just recently been completed by OASAS Field Operations and Budget Management staff and actions recommended in the Governor's 2009-10 Budget. In some cases, the *SAFA* may indicate that State Aid has been unallocated as a result of Performance Review, prior year management plans, or other issues. If you have not received a management plan letter or have any questions regarding these actions, please contact your Field Office representative regarding required actions.

The enclosed *SAFA* reflects the following adjustments for the 2009 local fiscal period (as applicable):

- The return to appropriate base funding for programs which had one-time adjustments during the 2008 local fiscal period.
- The correction of Funding Source codes to identify State and/or Federal funding for treatment and prevention services (please see enclosed listing of Funding Source Codes), as well as the inclusion of initiative codes to identify specific services and/or revenues.
- The annualization of funding for the 2008-09 Cost of Living Adjustment (COLA) outlined in the May 2008 letter from OASAS. If the Governor's 2009-10 Executive Budget Recommendation to reduce the 2008-09 COLA by 1% effective January 1, 2009 is enacted, OASAS will notify you of the required reductions necessary to implement this decision.
- The inclusion of the OASAS share of the extra \$25,000, for those counties with a population under 200,000, into State Aid for the 0890 LGU Administration program. This action does not affect the amount of State Aid funding received by eligible counties, but does result in a corresponding reduction to local share and a funding code change from 001 to 013.
- The annualization of funding for awards under the 2008 Problem Gambling Planning Supplement.
- Reductions in State Aid funding consistent with the Governor's Executive Budget recommendations, as outlined in the December 16, 2008 letter from OASAS (see attached listing).
- Effective January 1, 2009, Long Island Gay & Lesbian Youth will be allocated through Suffolk County and no longer funded by direct contract.

As in the past, funding for Safe and Drug-Free Schools and Communities (SDFSC), Road to Recovery and Problem Gambling services cannot be transferred to any other OASAS programs.

### **Outstanding Budget Issues**

There may be programs on the 2009 *SAFA* marked with an X-restriction. This restriction indicates that there are unresolved budget/contract issues with the program. No advance payments can be made for programs with an X-restriction until the pending issues are resolved and the restriction is removed. Please contact your Field Office representative to discuss the outstanding issues and required actions.

### **2008 Program Codes, Funding, Funding Source, Restriction and Initiative Codes/Timeline**

Enclosed are a listing of updated program codes and an updated listing of funding, funding source, restriction and initiative codes used on the 2009 *SAFA*, as well as an updated OASAS State Aid Timeline. The Timeline outlines OASAS' requirements for submission of documents and payment of State Aid advances, including when advances will be withheld for failure to submit required documents to OASAS.

1133

**Policy Change for Submission of Claims**

To better manage available funding, OASAS has established deadlines for submission of claims and subsequent revisions that are being implemented over a three year period as indicated below.

<b>Phase</b>	<b>Calendar Year Period</b>	<b>Claims Are Due By (see note below)</b>	<b>Claims Submitted After the Following Dates Will Not be Accepted</b>
One	2007	May 1, 2008	December 31, 2009
Two	2008	May 1, 2009	June 30, 2010
Three	2009 and beyond	May 1 of the following calendar year	December 31 of the following calendar year

**Please note that advance payments will continue to be withheld if a claim is not submitted by the May 1 deadline.**

**OASAS State Aid Funding Requirements**

The enclosed **OASAS STATE AID FUNDING REQUIREMENTS** is affixed to the *SAFA* and communicates OASAS and Federal requirements and restrictions on the use of State Aid funding. This enclosure, or the information contained therein, must be included as part of your contracts with local service providers.

**Federal Funding Notification**

Provider agencies receiving Federal funding as identified on the *SAFA* **must be notified by the County that they are receiving such funding and the source of this funding (i.e., Federal SAPT Block Grant, etc.)**. Please see the enclosed *SAFA* code document for a listing and description of these Federal funding codes.

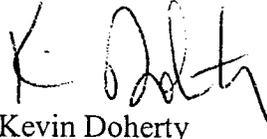
After reviewing the enclosed 2009 *SAFA*, please sign it indicating your acceptance, and return a copy to the OASAS Bureau of Financial Management at 1450 Western Avenue - 4<sup>th</sup> Floor, Albany, New York 12203-3526. Should you have a concern with the amounts identified on the 2009 *SAFA*, please contact your Field Office representative, indicate your concern on the authorization (or attach a letter describing your concerns) and sign and return the Authorization. **Failure to return the signed *SAFA* by March 1, 2009 will result in the withholding of future advance payments.**

As is the usual practice, OASAS will withhold advance payments if a completed mid-year claim is not received by August 15<sup>th</sup> or a final claim is not received by May 1<sup>st</sup>.

1133

Please contact your OASAS Field Office representative if you have any questions concerning the enclosed *SAFA* document.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Doherty". The signature is written in a cursive style with a large initial "K" and a stylized "Doherty".

Kevin Doherty  
Director of Financial Management

Enclosures

cc/w/encs.: Angie Carpenter  
Lisa Lite-Rottmann  
Edward Freeman  
Steve Rabinowitz  
Kathy Bergeron

**Additional back-up material regarding I.R. 1033 is on file in the  
Legislative Clerk's Office, Hauppauge.**

1134

Intro. Res. No. - 2009  
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 3/3/09

**RESOLUTION NO. - 2009, AMENDING THE 2009  
ADOPTED OPERATING BUDGET TO ACCEPT AND  
APPROPRIATE ADDITIONAL 100% STATE AID FROM THE  
NEW YORK STATE OFFICE OF ALCOHOLISM AND  
SUBSTANCE ABUSE SERVICES (NYS OASAS) FOR LONG  
ISLAND GAY AND LESBIAN YOUTH, INC AND PEDERSON-  
Krag CENTER**

**WHEREAS**, the approved New York State Budget for Fiscal Year 2009 includes funding in Aid to Localities to support the provision of chemical dependence, prevention, gambling prevention and treatment programs; and

**WHEREAS**, the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) has allocated \$50,000 in 100% State aid to Long Island Gay and Lesbian Youth, Inc. (LIGALY) to provide educational services for specialized chemical dependence related support, effective January 1, 2009; and

**WHEREAS**, the NYS OASAS has allocated an additional \$30,394 in 100% State aid to the Pederson-Krag Center for the provision of a Problem Gambling Prevention Initiative; and

**WHEREAS**, this unallocated additional 100% State aid from NYS OASAS is not currently included in the 2009 Adopted Operating Budget; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$80,394 in additional State aid as follows:

REVENUES:

001-HSV 3486 State Aid: Narcotics Addiction Control	\$50,000
001-HSV 3488 State Aid: Compulsive Gambling	\$30,394

ORGANIZATIONS

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

<u>XORG</u>	<u>OBJECT NAME</u>	<u>2009 Adopted Budget</u>	<u>Increase/ Decrease</u>	<u>2009 Modified Budget</u>
XXXX	Long Island Gay & Lesbian Youth	\$0	+\$50,000	\$50,000
ANL9	Pederson-Krag Compulsive Gambling	\$116,408	+\$30,394	\$146,802

and be it further

**2<sup>nd</sup> RESOLVED**, that the County Executive be and hereby is authorized to execute a contract with Long Island Gay and Lesbian Youth, Inc (LIGALY) and Pederson-Krag Center; and be it further

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

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

DATED:

APPROVED BY:

---

County Executive of Suffolk County

Date of Approval:

HSV # 5-2009

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1134

1. Type of Legislation		
Resolution	<u>  X  </u>	Local Law
		Charter Law
Title of Proposed Legislation AMENDING THE 2009 ADOPTED OPERATING BUDGET TO ACCEPT AND APPROPRIATE ADDITIONAL 100% STATE AID FROM THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES (NYS OASAS) FOR LONG ISLAND GAY AND LESBIAN YOUTH, INC. AND PEDERSON-KRAG CENTER		
3. Purpose of Proposed Legislation To accept and appropriate State aid from NYS OASAS for Long Island Gay and Lesbian Youth, Inc. (LIGALY) to provide educational services for specialized chemical dependence related support (\$50,000) and additional State aid to Pederson-Krag Center for the provision of a Problem Gambling Prevention Initiative (\$30,394).		
4. Will the Proposed Legislation Have a Fiscal Impact?    YES <u>  </u> NO <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding 100% State aid from New York State Office of Alcoholism and Substance Abuse Services.		
9. Timing of Impact 2009		
10. Typed Name & Title of Preparer <i>Diane E. Weyer</i> Principal Financial Analyst	11. Signature of Preparer 	Date <i>2/6/09</i>

# COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

1134

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.  
Commissioner

## MEMORANDUM

**To:** Humayun J. Chaudry, D.O., M.S.  
Commissioner, Department of Health Services

**From:** Thomas O. MacGilvray, LCSW, CASAC  
Director, Division of Community Mental Hygiene Services

**Date:** February 2, 2009

**Subject:** Request for Legislative Resolution to Accept and Appropriate Additional 100% State Aid for Long Island Lesbian and Gay Youth, Inc., (LIGALY) and the Pederson-Krag Center

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The approved New York State Budget for Fiscal Year 2009 includes funding in Aid to Localities to support the provision of chemical dependence, prevention, gambling prevention and treatment services. The most recent State Aid Funding Authorization from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) includes \$50,000 in additional 100% state aid for Long Island Gay and Lesbian Youth, Inc. (LIGALY) and \$30,394 in additional 100% state aid for Pederson-Krag Center that is not included in the County 2009 Adopted Operating Budget.

We have attached a draft copy of the fiscal impact statement, as well as the resolution to amend the 2009 Adopted Operating Budget to accept and appropriate \$80,394 in additional state aid from the NYS OASAS. We are also attaching a copy of the 2009 State Aid Funding Authorization dated January 12, 2009 for your information and review.

Thank you.

TOM: pm  
Attachments

cc: M. Howe, L. Wright, S. Reagan, G. Terry, C. Cullity, P. Manos, D. Weyer, B. Abrams



COUNTY OF SUFFOLK

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1134

FEB 11 2009

STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.  
Commissioner

February 9, 2009

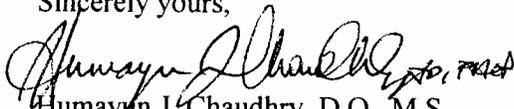
Ben Zwirn, Deputy County Executive  
Office of the County Executive, 12<sup>th</sup> Floor  
H. Lee Dennison Building  
Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution to amend the 2009 Adopted Operating Budget to accept and appropriate additional 100% State aid from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) for Long Island Gay and Lesbian Youth, Inc and Pederson-Krag Center. This resolution is needed to accept and appropriate State aid from NYS OASAS and allocate it to Long Island Gay and Lesbian Youth, Inc. (LIGALY) to provide educational services for specialized chemical dependence related support (\$50,000) and additional State aid to Pederson-Krag Center for the provision of a Problem Gambling Prevention Initiative (\$30,394).

I enclose a financial impact statement and other back-up documentation 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 LIGALY & PK.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
- Donald Murphy, Principal Auditor
- Diane E. Weyer, Principal Financial Analyst



Public Health  
Prevent. Promote. Protect.

OFFICE OF THE COMMISSIONER  
225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

1134

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.  
Commissioner

January 20, 2009

Kevin Doherty, Director of Financial Management  
NYS Office of Alcoholism and Substance Abuse Services  
1450 Western Avenue  
Albany, NY 12203-3526

Dear Mr. Doherty,

As per your letter, dated January 14, 2009 enclosed please find the State Aid Funding Authorization (SAFA) for the 2009 local fiscal period, which reflects the tentative base funding levels for OASAS supported chemical dependency and problem gambling prevention, treatment and recovery services in Suffolk County. Thomas O. MacGilvraray, Director of the Division of Community Mental Hygiene Services, has signed the Authorization.

Sincerely,

Mary K. Howe  
Chief Management Analyst  
Division of Community Mental Hygiene  
Services

MKH:es  
Enc. T. MacGilvraray, J. Best, S. Reagan



Public Health



**OASAS** NEW YORK STATE  
OFFICE OF ALCOHOLISM & SUBSTANCE ABUSE SERVICES  
Improving Lives. *Addiction Services for Prevention, Treatment, Recovery*

1134

GOVERNOR  
David A. Paterson

COMMISSIONER  
Karen M. Carpenter-Palumbo

**RECEIVED**

JAN 16 2009

COMMUNITY MENTAL  
HYGIENE DIVISION

January 14, 2009

Mr. Thomas MacGilvray, Director  
Suffolk County Department of Health Services  
Division of Community Mental Hygiene  
North County Complex, Building C928  
P.O. Box 6100  
Hauppauge, NY 11788-0099

Re: 2009 Approval Letter for Community  
Chemical Dependency and Problem  
Gambling Treatment, Prevention, Recovery  
Services

Dear Mr. MacGilvray:

The enclosed *State Aid Funding Authorization (SAFA)* for the 2009 local fiscal period reflects your **tentative** base funding levels for Office of Alcoholism and Substance Abuse Services (OASAS) supported chemical dependency and problem gambling prevention, treatment, and recovery services in your County. As you are aware, the 2009-10 State Budget has not yet been enacted and, therefore, final approved funding will be determined after the Budget is passed.

Tentative base funding levels are the result of the Program Performance Review process, which has just recently been completed by OASAS Field Operations and Budget Management staff and actions recommended in the Governor's 2009-10 Budget. In some cases, the *SAFA* may indicate that State Aid has been unallocated as a result of Performance Review, prior year management plans, or other issues. If you have not received a management plan letter or have any questions regarding these actions, please contact your Field Office representative regarding required actions.

The enclosed *SAFA* reflects the following adjustments for the 2009 local fiscal period (as applicable):

- The return to appropriate base funding for programs which had one-time adjustments during the 2008 local fiscal period.
- The correction of Funding Source codes to identify State and/or Federal funding for treatment and prevention services (please see enclosed listing of Funding Source Codes), as well as the inclusion of initiative codes to identify specific services and/or revenues.
- The annualization of funding for the 2008-09 Cost of Living Adjustment (COLA) outlined in the May 2008 letter from OASAS. If the Governor's 2009-10 Executive Budget Recommendation to reduce the 2008-09 COLA by 1% effective January 1, 2009 is enacted, OASAS will notify you of the required reductions necessary to implement this decision.
- The inclusion of the OASAS share of the extra \$25,000, for those counties with a population under 200,000, into State Aid for the 0890 LGU Administration program. This action does not affect the amount of State Aid funding received by eligible counties, but does result in a corresponding reduction to local share and a funding code change from 001 to 013.
- The annualization of funding for awards under the 2008 Problem Gambling Planning Supplement.
- Reductions in State Aid funding consistent with the Governor's Executive Budget recommendations, as outlined in the December 16, 2008 letter from OASAS (see attached listing).
- Effective January 1, 2009, Long Island Gay & Lesbian Youth will be allocated through Suffolk County and no longer funded by direct contract.

As in the past, funding for Safe and Drug-Free Schools and Communities (SDFSC), Road to Recovery and Problem Gambling services cannot be transferred to any other OASAS programs.

### **Outstanding Budget Issues**

There may be programs on the 2009 *SAFA* marked with an X-restriction. This restriction indicates that there are unresolved budget/contract issues with the program. No advance payments can be made for programs with an X-restriction until the pending issues are resolved and the restriction is removed. Please contact your Field Office representative to discuss the outstanding issues and required actions.

### **2008 Program Codes, Funding, Funding Source, Restriction and Initiative Codes/Timeline**

Enclosed are a listing of updated program codes and an updated listing of funding, funding source, restriction and initiative codes used on the 2009 *SAFA*, as well as an updated OASAS State Aid Timeline. The Timeline outlines OASAS' requirements for submission of documents and payment of State Aid advances, including when advances will be withheld for failure to submit required documents to OASAS.

1134

**Policy Change for Submission of Claims**

To better manage available funding, OASAS has established deadlines for submission of claims and subsequent revisions that are being implemented over a three year period as indicated below.

Phase	Calendar Year Period	Claims Are Due By (see note below)	Claims Submitted After the Following Dates Will Not be Accepted
One	2007	May 1, 2008	December 31, 2009
Two	2008	May 1, 2009	June 30, 2010
Three	2009 and beyond	May 1 of the following calendar year	December 31 of the following calendar year

**Please note that advance payments will continue to be withheld if a claim is not submitted by the May 1 deadline.**

**OASAS State Aid Funding Requirements**

The enclosed **OASAS STATE AID FUNDING REQUIREMENTS** is affixed to the *SAFA* and communicates OASAS and Federal requirements and restrictions on the use of State Aid funding. This enclosure, or the information contained therein, must be included as part of your contracts with local service providers.

**Federal Funding Notification**

Provider agencies receiving Federal funding as identified on the *SAFA* **must be notified by the County that they are receiving such funding and the source of this funding (i.e., Federal SAPT Block Grant, etc.)**. Please see the enclosed *SAFA* code document for a listing and description of these Federal funding codes.

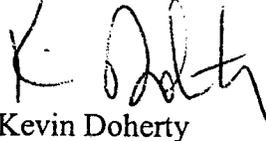
After reviewing the enclosed 2009 *SAFA*, please sign it indicating your acceptance, and return a copy to the OASAS Bureau of Financial Management at 1450 Western Avenue - 4<sup>th</sup> Floor, Albany, New York 12203-3526. Should you have a concern with the amounts identified on the 2009 *SAFA*, please contact your Field Office representative, indicate your concern on the authorization (or attach a letter describing your concerns) and sign and return the Authorization. **Failure to return the signed *SAFA* by March 1, 2009 will result in the withholding of future advance payments.**

As is the usual practice, OASAS will withhold advance payments if a completed mid-year claim is not received by August 15<sup>th</sup> or a final claim is not received by May 1<sup>st</sup>.

1134

Please contact your OASAS Field Office representative if you have any questions concerning the enclosed *SAFA* document.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Doherty". The signature is written in a cursive style with a large initial "K" and a stylized "Doherty".

Kevin Doherty  
Director of Financial Management

Enclosures

cc/w/encs.: Angie Carpenter  
Lisa Lite-Rottmann  
Edward Freeman  
Steve Rabinowitz  
Kathy Bergeron

NYS Office of Alcoholism and Substance Abuse Services  
 Bureau of Budget Management  
 Local Fiscal Year 2009 Program Code Listing by Program Category

1134

Program Category	Program		Program Type
	Code	Index	
Crisis	3039	00-99	Medically Supervised Withdrawal Services - Residential
Crisis	3059	00-99	Medically Supervised Withdrawal Services - Outpatient
Crisis	3500	00-99	Medically Managed Detoxification
Crisis	3510	00-99	Medically Monitored Withdrawal
Inpatient	4030	00-99	Residential CDY (Short -Term)
Inpatient	3550	00-99	Inpatient Rehabilitation Services
Methadone	2050	00-99	Methadone Maintenance
Methadone	2058	00-99	Enhanced Methadone Maintenance
Methadone	0605	00-99	Methadone to Abstinence
Methadone	2030	00-99	Methadone Maintenance Residential
Methadone	2110	00-99	KEEP Units Prison
Methadone	2150	00-99	KEEP Units Outpatient
Methadone	6030	00-99	Methadone to Abstinence Residential
Methadone	6040	00-99	Methadone to Abstinence Day Service
Outpatient	0140	00-99	Outpatient Chemical Dependence Youth
Outpatient	3520	00-99	Medically Supervised Outpatient
Outpatient	3528	00-99	Enhanced Medically Supervised Outpatient
Outpatient	3530	00-99	Outpatient Rehabilitation
Outpatient	3538	00-99	Enhanced Outpatient Rehabilitation
Outpatient	4045	00-99	Specialized Services Substance Abuse Programs
Residential	4060	00-99	Residential CDY (Long Term)
Residential	3551	00-99	Residential Rehabilitation Services for Youth (RRSY)
Residential	3560	00-99	Intensive Residential
Residential	3570	00-99	Community Residential
Residential	3580	00-99	Supportive Living
Residential	3270	00-99	NY NY III: Post-Treatment Housing
Residential	3370	00-99	NY NY III: Housing for Persons at Risk for Homelessness
Gambling	2780	00-99	Compulsive Gambling Treatment
Treatment Support	0465	00-99	Job Placement Initiative
Treatment Support	0810	00-99	Case Management
Treatment Support	0890	00-99	LGU Administration
Treatment Support	3070	00-99	Shelter Plus Care
Treatment Support	3810	00-99	Managed Addiction Treatment Services (MATS)
Treatment Support	5990	00-99	Dual Diagnosis Coordinator
Treatment Support	4072	00-99	Vocational Rehabilitation
Treatment Support	4270	00-99	DASNY Bonding (OASAS Internal Use Only)
Prevention	0507	00-99	Underage Drinking Prevention
Prevention	3001	00-99	Community Mobilization
Prevention	3100	00-99	Regional Prevention Resource Centers
Prevention	5550	00-99	Chemical Dependence Prevention Services
Gambling	2790	00-99	Compulsive Gambling Prevention Services
Program Support	0830	00-99	Criminal Justice Intervention/DWI
Program Support	0893	00-99	Road to Recovery Supplemental Payments
Program Support	4071	00-99	Intake, Outreach & Referral Units
Program Support	4073	00-99	Support Services - Medical/Legal/Psych
Program Support	4074	00-99	Support Services - Educational
Program Support	4075	00-99	Community Services
Program Support	4077	00-99	Resource
Program Support	4078	00-99	Program Administration
Program Support	4175	00-99	Children of Substance Abusers (COSA)
Program Support	4470	00-99	AIDS Resource
Program Support	4778	00-99	Legislative Member Items

**Additional back-up material regarding I.R. 1134 is on file in the  
Legislative Clerk's Office, Hauppauge.**

Introductory Resolution No. 1135-09 Laid on Table 3/3/09

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 SID FARBER a/k/a SIDNEY FARBER by Nadia Farber, as  
Administrator  
0200-973.90-01.00-020.000**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 973.90, Block 01.00, Lot 020.000, and acquired by tax deed on May 15, 1985, from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on May 15, 1985, in Liber 9791, at Page 20, and otherwise known as and by Town of Brookhaven, known and designated as Lots 48-50 inclusive, in Block 78 on a certain map entitled "Map of New York and Brooklyn Suburban Investment Co., Number 3" and filed in the Office of the Clerk of the County of Suffolk as Map No. 444; and

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

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

**WHEREAS**, NADIA FARBER, as Administrator of the Estate of Sid Farber a/k/a Sidney Farber, has made application of said above described parcel and NADIA FARBER, as Administrator of the Estate of Sid Farber a/k/a Sidney Farber, has paid the application fee and \$5,344.74, 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, 2009; and

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

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

DATED:

APPROVED BY: \_\_\_\_\_  
County Executive of Suffolk County

Date of Approval: \_\_\_\_\_

50.1

1135

SUFFOLK COUNTY  
DIVISION OF REAL PROPERTY  
ACQUISITION AND MANAGEMENT  
CLOSING STATEMENT

December 17, 2008

Tax Map No.: 0200-973.90-01.00-020.000

Name of Last Legal Fee Owner: ESTATE OF SID FARBER a/k/a SIDNEY FARBER by Nadia Farber, as Administrator

TREASURER'S COMPUTATION..... \$5,135.02

Taxes.....2008/2009..... \$ 209.72

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

---

TOTAL..... \$5,344.74

---

Monies Received..... \$5,344.74

---

RESOLUTION AMOUNT..... \$5,344.74

---

APPROVED:

*Karen A. Plater* 12/17/08  
 Accounting  
 DB:sc

PREPARED BY:  
*Diane Bishop*  
 Diane Bishop  
 Redemption Unit  
 (631) 853-5932

1135

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution **X**  
Tax Map Number 0200-973.90-01.00-020.000

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)

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

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

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

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

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2008

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

<u>Diane Bishop</u>		<u>2/9/09</u>
---------------------	--	---------------

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0200	973.90	01.00	020.000 1135

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

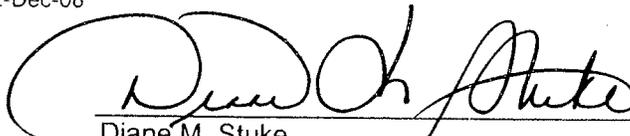
1980/81	64.40
1981/82	90.21
1982/83	84.96
1983/84	76.44
1984/85	53.34
1985/86	34.35
1986/87	35.95
1987/88	33.88
1988/89	70.59
1989/90	72.17
1990/91	77.88
1991/92	84.72
1992/93	95.64
1993/94	106.73
1994/95	108.41
1995/96	113.28
1996/97	118.81
1997/98	117.63
1998/99	120.07
1999/2000	123.68
2000/01	129.02
2001/02	142.50
2002/03	153.39
2003/04	165.25
2004/05	171.31
2005/06	180.96
2006/07	195.19
2007/08	205.09
TOTAL:	3025.85

B. INTEREST DUE	1864.65
C. TOTAL	4890.50
D. 5% LINE C	244.52
E. FEE	
F. MISC	
G. MISC	
H. TOTAL DUE	\$5,135.02

**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. 02-Dec-08

  
\_\_\_\_\_  
Diane M. Stuke  
Deputy County Treasurer

\*\* Interest and penalty computed to and including 05/31/09

*DS*  
12/28/08

THE WORD "ARREARS" IS PRINTED BELOW.  
SEE THE COUNTY TREASURER'S NOTICE  
ON THE REVERSE SIDE.

**STATEMENT OF TAXES**

DECEMBER 1, 2008 thru NOVEMBER 30, 2009 TAX LEVY  
TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK  
TAXABLE STATUS DATE MARCH 1, 2008  
TAXES BECOME A LIEN DECEMBER 1, 2008

ITEM NUMBER: 35-08860 Z  
Est. State Aid  
SCH 934, 51,254 SEW 19,872,134  
CITY 0

MAKE FUNDS PAYABLE TO:  
**Louis J. Marcoccia**  
RECEIVER OF TAXES  
ONE INDEPENDENCE HILL, SUITE 110  
ARMINGVILLE, NEW YORK 11738-2149

OFFICE PAYMENT HOURS  
MON. TO FRI. 9 A.M. to 4:00 P.M.  
PHONE: 631-451-9009 FAX: 631-451-9008  
Email us at: taxoffice@brookhaven.org with inquiries  
Important for School Inquiries: **631-730-1520** School District 04

If property has been sold  
transferred after March 1, 2009  
please forward this statement to the  
new owner or return to this office  
with forwarding information.

Suffolk Tax Map Number	ORPS SD	Description of Property	Exemption Description	Code	Value	Full Value	Real Savings
0200 973.90 01.00 020.000 4472204		NY & BKLYN SUB INV 444 3				1135	
<b>Type</b>	<b>Acreage</b>	<b>Tax Code</b>	<b>Roll Section</b>				
3A311	0.17	512	1				
<b>Bill #</b>	<b>Land Asmt.</b>	<b>Assessed Value</b>	<b>Uniform %</b>	<b>Full Value</b>			
77527	75	75	Which is 0.73% of	10,273			
<b>Physical Address</b>							
CLINTON AVE BELLPORT 11713							
2007 - 2008 Tax Payment Information				Bank & Mort. No.			
1st Half							
2nd Half							
Owner as of Taxable status date of March 1, 2008				Tax Billing Address			
COUNTY OF SUFFOLK 330 CENTER DR RIVERHEAD NY 11901				COUNTY OF SUFFOLK 330 CENTER DR RIVERHEAD NY			

Levy Description	District Taxable Value	District Tax Amount	Prior Year % Change	Exempt Value Excluded by Exemption	Tax Rate Per \$100	Tax Amount
<b>SCHOOL TAX</b>		<b>69.87 %</b>	<b>of total bill</b>			<b>146.53</b>
SCHOOL DIST - SOUTH COUNTRY CSD	27,038,097	43,600,236.14			75 18.116	137.34
LIBRARY DIST - SOUTH COUNTRY CSD	27,038,097	3,311,626.83			75 12.248	9.19
<b>COUNTY TAX</b>		<b>12.91 %</b>	<b>of total bill</b>			<b>25.82</b>
COUNTY OF SUFFOLK	471,186,712	13,193,239			75 2.800	2.10
COUNTY OF SUFFOLK - POLICE	471,186,712	148,989,323			75 3.1620	25.72
<b>TOWN TAX</b>		<b>7.10 %</b>	<b>of total bill</b>			<b>14.90</b>
TOWN GENERAL - TOWN WIDE FUND	471,271,829	21,000,000	-0.30		75 4.460	3.35
HIGHWAY - TOWN WIDE FUND	471,271,829	2,191,000	-9.20		75 4.587	1.84
TOWN GENERAL - PART TOWN FUND	411,956,578	17,990,000	1.90		75 4.388	1.04
HIGHWAY - PART TOWN FUND	411,956,578	14,170,000	8.90		75 3.425	8.57
<b>OTHER TAX</b>		<b>10.72 %</b>	<b>of total bill</b>			<b>22.47</b>
\$100M BOND ACT OF 2004	471,271,829	100,000,000	6.30		75 2.149	1.16
FIRE DIST - BELLPORT	7,400,000	1,061,850	-0.90		75 14.729	11.04
LIGHTING DISTRICT	430,800,000	3,423,550	-2.50		75 7.92	1.21
AMBULANCE DIST - SOUTH COUNTRY	25,235,000	1,575,200.14	6.70		75 6.242	4.61
REAL PROPERTY TAX LAW - ARTICLE 7	471,186,712	589,374.90	-3.70		75 0.974	0.72
REAL PROPERTY TAX LAW	471,186,712	14,395.92	-2.00		75 3.057	3.57

<b>First Half Tax</b>	<b>104.86</b>	<b>Second Half Tax</b>	<b>104.86</b>	<b>Total Tax</b>	<b>209.72</b>
Due December 1, 2008. Payable without penalty by January 10, 2009. See reverse side for penalty schedule.		Due December 1, 2009. Payable without penalty by May 31, 2009. See reverse side for penalty schedule and County Treasurer's Notice.		This total tax may be paid in one or two installments.	



1135



Intro. Res. # 1136-09

Laid on Table 3/3/09

INTRODUCED BY THE PRESIDING OFFICER

RESOLUTION NO. \_\_\_\_\_ 2009  
TO READJUST, COMPROMISE, AND GRANT  
REFUNDS AND CHARGE-BACKS ON REAL  
PROPERTY CORRECTION OF ERRORS BY:  
COUNTY LEGISLATURE (CONTROL #804-2009)

WHEREAS, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which would amend the assessment and tax rolls shall be recommended for approval (or recommended for denial) to the Suffolk County Legislature, and

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments, grant refunds of taxes in case of correction of errors on the assessment and tax rolls, and pursuant to the provisions of the Real Property Tax Law, and

WHEREAS, the properties represented by the tax item number and/or Suffolk County tax map number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes, then

BE IT RESOLVED, that the taxes for the properties represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated, and

BE IT FURTHER RESOLVED, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

KEY	EXPLANATION	RPTL SEC	LIMITATIONS
A	Clerical Error	556	3 years
B	Unlawful Entry	556	3 years
C	Error in Essential Fact	556a	3 years

RESOLUTION NO.

CONTROL#804-2009

(A/B - Chapter 634 Laws 1976) (C - Chapter 124 Laws 1975)

Key	Town	Year	Item No	S.C. Tax Map No	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BABYLON	08/09	N/A	0100 08700 0300 007000	8811.31	5084.08	3727.23
A	BABYLON	08/09	N/A	0100 11800 0100 082001	10680.06	7827.53	2852.53
A	BABYLON	08/09	N/A	0100 17900 0200 021001	8404.08	4951.99	3452.09
A	BABYLON	08/09	N/A	0100 22000 0200 022000	7741.92	5129.06	2612.86
A	EASTHAMPTON	08/09	N/A	0300 01900 0400 034006	6323.44	2872.96	3450.48
C	BROOKHAVEN	08/09	N/A	0200 03300 0500 030001	3971.16	778.69	3192.47
C	BROOKHAVEN	06/07	N/A	0200 80100 0200 011003	4584.69	867.37	3717.32
C	BROOKHAVEN	07/08	N/A	0200 80100 0200 011003	4636.71	877.24	3759.47
C	BROOKHAVEN	08/09	N/A	0200 80100 0200 011003	4597.03	869.71	3727.32
A	BROOKHAVEN	08/09	N/A	0200 97410 0300 005001	21668.11	16328.71	5339.40
A	BROOKHAVEN	08/09	N/A	0200 01500 0100 006000	22809.59	20079.21	2730.38
A	BROOKHAVEN	08/09	N/A	0200 95100 0400 017000	9419.16	6862.95	2556.21
A	BROOKHAVEN	08/09	N/A	0200 02600 0400 010008	21810.72	19259.15	2551.57
A	BROOKHAVEN	08/09	N/A	0200 97960 0100 017009	17751.15	13364.76	4386.39
A	BROOKHAVEN	08/09	N/A	0200 95500 0200 023000	11905.56	9274.24	2631.32
A	HUNTINGTON	08/09	N/A	0400 23900 0400 017000	10178.74	4397.19	5781.55

\*As Provided and Requested By Town Assessor or Receiver of Taxes  
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1136

1. Type of Legislation

Resolution  Local Law Charter Law

2. Title of Proposed Legislation

**TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL  
PROPERTY CORRECTION OF ERRORS**

3. Purpose of Proposed Legislation Yes \_\_\_ No \_\_\_

**SEE NO. 2 ABOVE**

4. Will the Proposed Legislation Have a Fiscal Impact? Yes 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

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

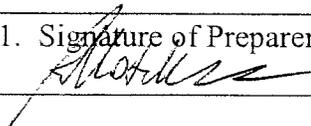
9. Timing of Impact

2009

10. Typed Name & Title of Preparer

R. Motschenbacher RPAT. I

11. Signature of Preparer



12. Date February 9, 2009

**Additional back-up material regarding I.R. 1136 is on file in  
the Legislative Clerk's Office, Hauppauge.**

Intro. Res. # 1137-09

Laid on Table 3/3/09

INTRODUCED BY THE PRESIDING OFFICER AT THE REQUEST OF THE COUNTY EXECUTIVE

RESOLUTION NO. \_\_\_\_\_ 2009  
TO READJUST, COMPROMISE, AND GRANT  
REFUNDS AND CHARGE-BACKS ON REAL  
PROPERTY CORRECTION OF ERRORS BY:  
COUNTY LEGISLATURE (CONTROL #802-2009)

WHEREAS, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which would amend the assessment and tax rolls shall be recommended for approval (or recommended for denial) to the Suffolk County Legislature, and

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments, grant refunds of taxes in case of correction of errors on the assessment and tax rolls, and pursuant to the provisions of the Real Property Tax Law, and

WHEREAS, the properties represented by the tax item number and/or Suffolk County tax map number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes, then

BE IT RESOLVED, that the taxes for the properties represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated, and

BE IT FURTHER RESOLVED, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

KEY	EXPLANATION	RPTL SEC	LIMITATIONS
A	Clerical Error	556	3 years
B	Unlawful Entry	556	3 years
C	Error in Essential Fact	556a	3 years

RESOLUTION NO.

CONTROL#802-2009

(A/B - Chapter 634 Laws 1976) (C - Chapter 124 Laws 1975)

Key	Town	Year	Item No	S.C. Tax Map No	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	08/09		0200-866.00-02.00-020.000	13673.88	10619.04	3054.84
A	BROOKHAVEN	08/09		0200-636.00-02.00-001.000	5699.58	585.71	5113.87
C	BROOKHAVEN	08/09		0200-132.00-02.00-001.002	21472.01	203.23	21268.78
A	BROOKHAVEN	08/09		0200-391.00-02.00-012.000	18991.93	10192.55	8799.38
A	BROOKHAVEN	08/09		0200-890.00-03.00-013.004	15320.01	11395.17	3924.84
A	BROOKHAVEN	08/09		0200-749.00-02.00-016.000	12407.49	9876.02	2531.47
A	BROOKHAVEN	08/09		0200-093.00-01.00-005.005	27229.97	21132.47	6097.50
A	BROOKHAVEN	08/09		0200-032.00-04.00-032.000	11386.89	8333.16	3053.73
A	BROOKHAVEN	08/09		0200-774.00-01.00-008.001	12992.57	10083.20	2909.37
A	BROOKHAVEN	08/09		0206-012.00-05.00-009.002	9239.93	6476.24	2763.69
A	BROOKHAVEN	07/08		0206-012.00-05.00-009.002	9071.53	6358.21	2713.32
A	BROOKHAVEN	08/09		0208-008.00-09.00-021.000	13024.37	5601.38	7422.99
A	BROOKHAVEN	08/09		0200-774.00-07.00-023.000	5462.51	2921.76	2540.75
A	BROOKHAVEN	08/09		0200-599.00-05.00-022.000	6543.51	3924.97	2618.54
A	BROOKHAVEN	08/09		0200-808.00-04.00-025.000	13528.41	10546.33	2982.08
C	HUNTINGTON	08/09		0400-017.00-01.00-003.000	33165.26	29805.65	3359.61
A	SMITHTOWN	08/09		0800-086.00-03.00-019.000	11536.50	5119.88	6416.62
A	SMITHTOWN	08/09		0800-100.00-04.00-014.000	8165.93	2545.81	5620.12
A	SMITHTOWN	08/09		0801-005.00-01.00-013.001	39447.01	35010.26	4436.75
A	SMITHTOWN	08/09		0800-062.00-03.00-028.000	11587.15	6628.94	4958.21
A	SMITHTOWN	08/09		0800-075.00-04.00-061.000	15793.17	13245.46	2547.71
A	SMITHTOWN	08/09		0800-101.00-03.00-021.001	5206.59	312.77	4893.82
A	SMITHTOWN	08/09		0803-004.00-04.00-015.000	12638.89	9285.44	3353.45
A	SMITHTOWN	08/09		0800-049.00-05.00-007.000	11171.86	4856.25	6315.61
A	SMITHTOWN	08/09		0800-058.00-03.00-006.000	7969.17	3673.79	4295.38
A	SMITHTOWN	08/09		0800-056.00-05.00-060.000	4614.78	1149.82	3464.96

\*As Provided and Requested By Town Assessor or Receiver of Taxes

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1137

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution  Local Law Charter Law

2. Title of Proposed Legislation

**TO READJUST, COMPROMISE, AND GRANT REFUNDS AND CHARGE-BACKS ON REAL  
PROPERTY CORRECTION OF ERRORS**

3. Purpose of Proposed Legislation Yes \_\_\_ No \_\_\_

SEE NO. 2 ABOVE

4. Will the Proposed Legislation Have a Fiscal Impact? Yes \_\_\_ 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

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

2009

10. Typed Name & Title of Preparer  
Jeanne Cush, Appraiser Tech II

11. Signature of Preparer  
*Jeanne Cush*

12. Date: 2/9/09

**Additional back-up material regarding I.R. 1137 is on file in  
the Legislative Clerk's Office, Hauppauge.**

1138

Intro. Res. No. -2009  
Introduced by Legislator Romaine

Laid on Table 3/3/09

**RESOLUTION NO. -2009, AUTHORIZING PLANNING  
STEPS FOR THE ACQUISITION OF LAND UNDER THE  
SUFFOLK COUNTY DRINKING WATER PROTECTION  
PROGRAM, AS AMENDED BY LOCAL LAW 24-2007  
(LANG PROPERTY – TOWN OF SHELTER ISLAND)**

**WHEREAS**, the Suffolk County Drinking Water Protection Program, as amended by Local Law 24-2007, authorizes the use of 31.10% of sales and compensating use tax proceeds generated each year for specific environmental protection, including the acquisition of open space in accordance with specific criteria set forth therein; and

**WHEREAS**, the parcel(s) listed in Exhibit "A" of this resolution meets the criteria for acquisition under the Drinking Water Protection Program; and

**WHEREAS**, adequate funding is provided for, pursuant to Section C12-2(A)(1)(g) of the SUFFOLK COUNTY CHARTER, from 31.10% of the sales and compensating use tax proceeds, for the acquisition of such land as open space; now, therefore, be it

**1st RESOLVED**, that the parcel(s) listed in Exhibit "A" of this resolution, consisting of approximately 11.57 acres, is hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER; and be it further

**2nd RESOLVED**, that the parcel(s) listed in Exhibit "A" meet the criteria required by the Suffolk County Drinking Water Protection Program; and be it further

**3rd RESOLVED**, that the Commissioner of the County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s); and be it further

**4th RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

**5th RESOLVED**, that the cost of such surveys, title searches, audits, maps and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Article XII of the SUFFOLK COUNTY CHARTER as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

**6th RESOLVED**, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may

be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

**7th**               **RESOLVED**, that the County of Suffolk may reimburse any municipality, whose appraisal is utilized for the above-described purpose, for the cost of obtaining such appraisal in the event that the County elects to utilize such appraisals for the subject parcel(s); and be it further

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

s:\res\v-lang-open-space-drinking-water-plan-steps

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0700 Section 018.00 Block 03.00 Lot 004.000	±11.57	Maureen Lang PO Box 935 Shelter Island, NY 11964

**EXHIBIT "A"**

Intro. Res. No. 1139-09  
Introduced by Legislator Romaine

Laid on Table 3/3/09

**RESOLUTION NO. -2008, ADOPTING LOCAL LAW  
NO. -2009, A LOCAL LAW TO ENSURE SAFE  
OPERATIONS OF HELICOPTERS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2009 a proposed local law entitled, "**A LOCAL LAW TO ENSURE SAFE OPERATIONS OF HELICOPTERS**"; now, therefore be it

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

**LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ENSURE SAFE OPERATIONS OF  
HELICOPTERS**

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

**Section 1. Legislative Intent.**

This Legislature finds and determines that low flying helicopters have become a public nuisance in Suffolk County and threaten life or property of its residents.

This Legislature further finds and determines that the Federal Aviation Administration has failed to regulate the operations of helicopters.

This Legislature further finds and determines that the operation of helicopters at low altitudes is presumed to be a hazard to persons and property on the surface and constitute careless and reckless operation.

This Legislature further finds and determines that other municipalities, including the City of New York, have established regulations for helicopter operations within their jurisdictions.

Therefore, the purpose of this law is ensure safe operation of helicopters passing through the air boundaries of Suffolk County and to preserve and promote the health, safety and general welfare of the residents of Suffolk County without prohibiting safe passage of helicopters.

**Section 2. Definitions.**

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

HELICOPTER – an aircraft, the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

CARELESS OR RECKLESS MANNER – failing to take all actions reasonably necessary for safe operation or operating at an altitude that creates a hazard or undue hardship for persons and property on the surface.

### **Section 3. Prohibitions.**

- A.) It shall be unlawful to operate, or for the owner to permit the operation of, any type of helicopter in a careless or reckless manner so as to endanger the life or property of others.

### **Section 4. Exemptions.**

This law shall not apply to:

- A.) Helicopters used exclusively in the governmental service of the United States of America, the State of New York, or any municipal corporation of the State of New York; and
- B.) Helicopters used exclusively for agricultural operations; and
- C.) Helicopters actively engaging in aerial photography and videography, search and rescue operations, medevac, flight training, environmental testing and surveying, firefighting, or the inspection of towers, buildings, or power lines; and
- D.) Helicopters operated within “controlled airspace” as that term is defined by Section 3-2 of the Federal Aviation Administration Aviation Information Manual.

### **Section 5. Penalties.**

Any person who violates the provisions of this law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000) and/or one year in prison per offense.

### **Section 6. Applicability.**

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

### **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 filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1139



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

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

DATE: February 20, 2009

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2009

TITLE: I.R. NO. -2009; A LOCAL LAW TO ENSURE SAFE OPERATIONS OF HELICOPTERS

SPONSOR: LEGISLATOR ROMAINE

DATE OF RECEIPT BY COUNSEL: 2/20/09 PUBLIC HEARING: 3/24/09

DATE ADOPTED/NOT ADOPTED: CERTIFIED COPY RECEIVED:

This proposed local law would make it illegal for helicopters to be operated in a careless or reckless manner. "Careless or reckless manner" is defined as failing to take all actions reasonably necessary for safe operation or operating at an altitude that creates a hazard or undue hardship for persons or property on the surface.

This law shall not apply to helicopters being used for 1) agricultural operations, 2) exclusively in the governmental service of the United States of America, the State of New York, or any municipal corporation of the State, 3) aerial photography and videography, search and rescue operations, medevac, flight training, environmental testing and surveying, firefighting, or the inspection of towers, buildings or power lines, or 4) helicopters being used within "controlled airspace" as defined by Section 3-2 of the Federal Aviation Administration Information Manual.

Violators of this law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000) and/or up to one year in prison per offense.

This law will take effect immediately upon its filing with the Office of the Secretary of State.

GEORGE NOLAN  
Counsel to the Legislature

GN:

1140

Intro. Res. No. -2009  
Introduced by Legislator Losquadro

Laid on Table 3/3/09

**RESOLUTION NO. -2009, REAPPOINTING  
MEMBER OF THE SUFFOLK COUNTY WATER  
AUTHORITY (BERNARD BRADY)**

**WHEREAS**, Resolution No. 473-2004 appointed Bernard Brady as a member of the Suffolk County Water Authority, with a term to expire March 29, 2009; now, therefore be it

**RESOLVED**, that Bernard Brady, currently residing at Nesconset, New York, 11767, is hereby reappointed as a member of the Suffolk County Water Authority, commencing March 30, 2009 and expiring March 29, 2014, said appointment having been made pursuant to the provisions of Section 1077(1) of the NEW YORK PUBLIC AUTHORITIES LAW; and be it further

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

DATED:

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

S:\reslr-reappt-scwa-brady

1140

**Bernard T. Brady**

**Nesconset, NY 11767**

**Experience**

**Secretary of the Board of Directors-Suffolk Water Authority -  
2004 to present  
Business Teacher and Work Coordinator - West Babylon School  
District - 35 years  
Administrator Officer Manufactures Hanover Trust Company NY  
- 10 years**

**Military Experience**

**U.S. Army Confidential Clearance - 2 years**

**Education**

**Long Island University - B. S. Degree In Management  
Adelphi University - M. A. In Business  
Stony Brook University - Masters Degree in Continuing  
Education**

**Personal Data**

**Married, Three Children, Four Grandchildren**

**Activities**

**Negotiate West Babylon Teacher's Contracts - 10 years  
President of West Babylon Teacher's Association - 2 years  
Vice President West Babylon Teacher's Association - 2 years**

Introductory Resolution No. 1141-09 Laid on Table 3/3/09

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. AUTHORIZING THE SALE,  
PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL  
PROPERTY ACQUIRED UNDER SECTION 46 OF THE  
SUFFOLK COUNTY TAX ACT  
**RONKONKOMA BOWL, INC. by Eleanor DeBear, President**  
**0200-688.00-02.00-010.000**

**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 688.00, Block 02.00, Lot 010.000, and acquired by tax deed on October 18, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 30, 2007, in Liber 12528, at Page 281, and otherwise known as and by Town of Brookhaven, known as Suffolk County Tax Map Number: District 0200, Section 688.00, Block 02.00, Lot 010.000; and

**FURTHER**, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on October 18, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 30, 2007 in Liber 12528 at Page 281.

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

**WHEREAS**, RONKONKOMA BOWL, INC., by Eleanor DeBear, President, has made application of said above described parcel and RONKONKOMA BOWL, INC., by Eleanor DeBear, President, has paid the application fee and \$56,183.41, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

**2<sup>nd</sup> - RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to RONKONKOMA BOWL, INC., by Eleanor DeBear, President, 297 Liberty Street, Deer Park, New York 11729, 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: \_\_\_\_\_

1141

SUFFOLK COUNTY  
DIVISION OF REAL PROPERTY  
ACQUISITION AND MANAGEMENT  
CLOSING STATEMENT

February 10, 2009

Tax Map No.: 0200-688.00-02.00-010.000

Name of Last Legal Fee Owner: RONKONKOMA BOWL, INC., by Eleanor DeBear, President

TREASURER'S COMPUTATION..... \$56,183.41

Taxes.....2008/2009..... OPEN

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... \$56,183.41

Monies Received..... \$56,183.41

RESOLUTION AMOUNT..... \$56,183.41

APPROVED:

*Karen J. Slater 2/10/09*  
Accounting  
DB:sc

PREPARED BY:  
*Diane Bishop*  
Diane Bishop  
Redemption Unit  
(631) 853-5932

1141

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X  
Tax Map Number 0200-688.00-02.00-010.000

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

2009

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

Diane Bishop                      Diane Bishop                      2/11/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	1141	<u>LOT</u>
0200	688.00	02.00		010.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2004/05		\$12,724.82
2005/06		\$13,870.50
2006/07		\$11,151.98
2007/08		\$11,278.52

TOTAL: \$49,025.82

B. INTEREST DUE	\$4,482.19
C. TOTAL	\$53,508.01
D. 5% LINE C	\$2,675.40
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$56,183.41

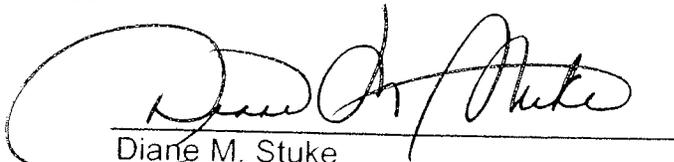
*RS*  
*2/11/09*

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.

07-Jan-09



Diane M. Stuke  
Deputy County Treasurer

\*\*Interest and penalty computed to  
and including 07/06/09

0200-688-00 2.00 010.000

1141



FOR PARCEL NO.  
SEE SEC. NO. 647-05-029

16  
PORTION  
RD.

RONKONKOMA  
AVE.  
(49.5')

HAWKINS  
AVE.  
(var. width)

(var. width)  
HAWKINS  
AVE.

43  
1.9A

48.4  
2.4A

DIVISION  
RD.

1  
1.9A(c)  
4

TOWN OF BROOKHAVEN

14  
3.3A(c)  
3

RENWICK  
RD.

27  
WYANT AVE. (50')

25.3  
(18)

24  
INNIS AVE. (50')

22.1  
RD. (50')

22.2  
RD. (50')

FOWLER  
AVE. (50')

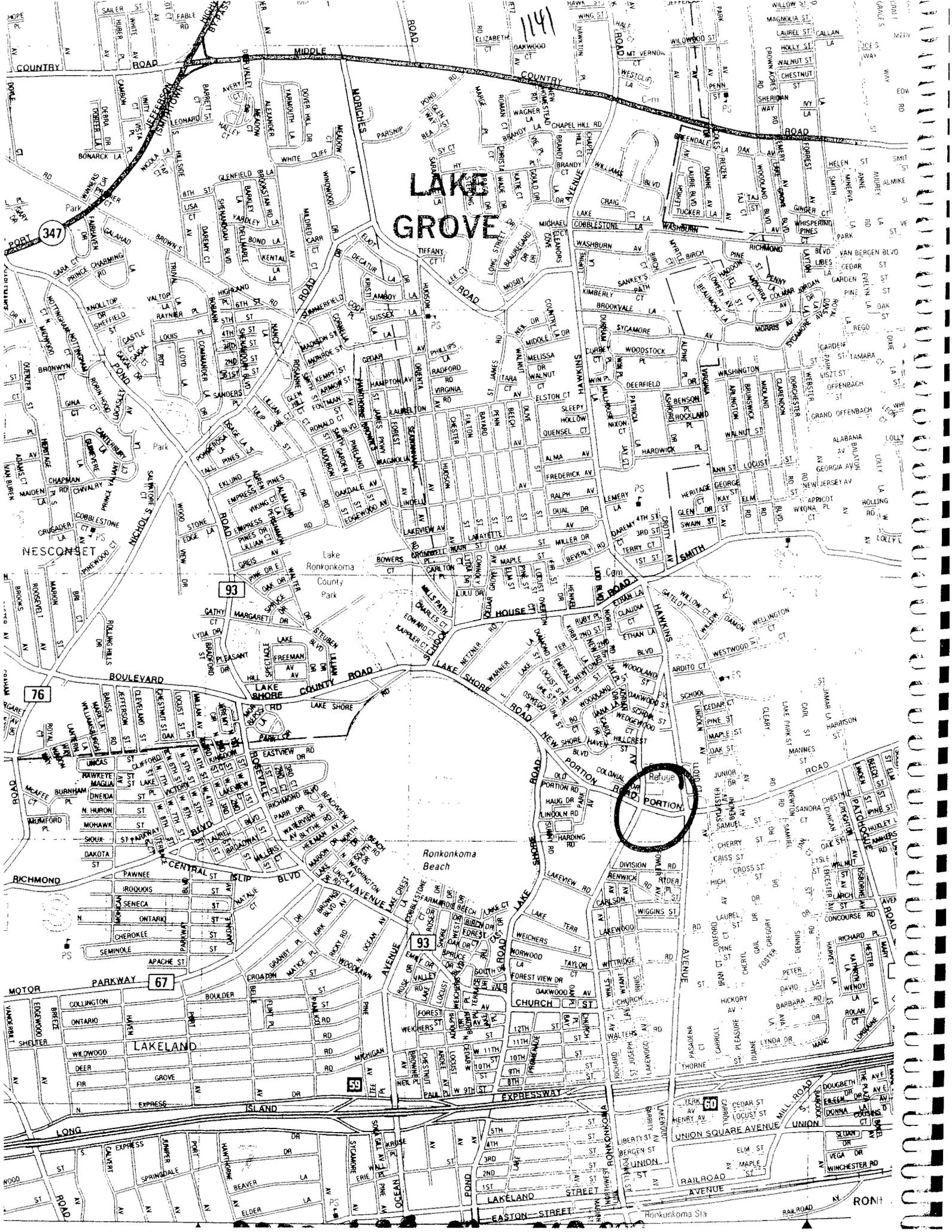
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RYDER  
PL. (50')

HAWKINS

N 218,800  
E 2,247,000

PROPERTIES DISTRICTS.	NOTICE MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE SUFFOLK COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE COUNTY OF SUFFOLK REAL PROPERTY TAX SERVICE AGENCY.			COUNTY OF SUFFOLK Real Property Tax Service Agency County Center Riverhead, N.Y. 11901 SCALE IN FEET			TOWN OF BROOKHAVEN	SECTION NO 688
				VILLAGE OF	PROPERTY MAP			
				DISTRICT NO 0200				



# LAKE GROVE

1141

Refuge  
PORTION

347

93

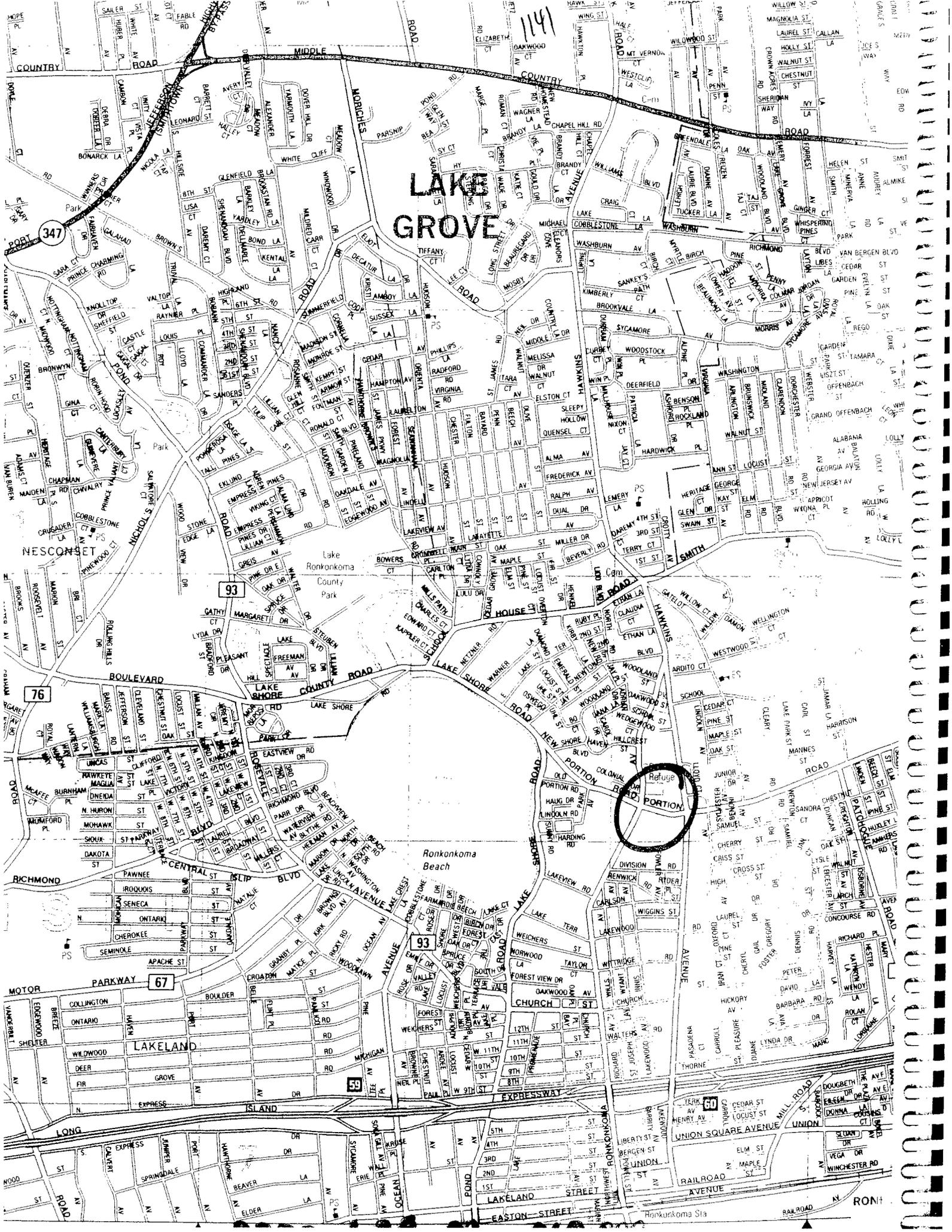
76

67

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93



Introductory Resolution No. 1142-09

Laid on Table 3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, SALE OF COUNTY-OWNED  
REAL ESTATE PURSUANT TO LOCAL LAW No. 13-1976  
DELSON EQUITIES CORP.  
(SCTM NO. 0200-960.00-02.00-043.000)**

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

**ALL**, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 960.00 Block 02.00 Lot 043.000 and acquired by Tax Deed on April 21, 1982 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on April 21, 1982 in Liber 9171 at Page 219 and described as follows, Town of Brookhaven, known and designated as Lots 21 & 22 in Block 42 on a certain map entitled "Map of New York & Brooklyn Suburban Investment Co., Section 2", and filed in the Office of the Clerk of the County of Suffolk on November 19, 1889 as Map No. 70; and

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

**WHEREAS**, Delson Equities Corp., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$5,500.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

**WHEREAS**, the real property above described has been appraised at \$4,500.00, which property is surplus to the needs of the County of Suffolk; and

**WHEREAS**, the Director of the Division of Real Property Acquisition and Management, and/or his designee, has received and deposited the sum of \$5,500.00, pursuant to said purchase offer; and

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

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

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

3<sup>rd</sup> **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a 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 Delson Equities Corp., 290 Exeter Street, Brooklyn, New York 11235.

DATED:

APPROVED BY

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

1142

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  
2009

10. Name & Title of Preparer Signature of Preparer Date  
Lori Bertone- LMS II *Lori Bertone* 2/16/09

1142

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 No. 13-1976  
Tax Map No. 0200-960.00-02.00-043.000

ADJOINING OWNER	BID	BID	BID
Delson Equities Corp. 290 Exeter Street Brooklyn, New York 11235 0200-960.00-02.00-042.000	\$5,500.00		
Simeon & Betty Harris 44 Hilliard Avenue Central Islip, New York 11722 0200-960.00-02.00-044.000	\$0		
Nicolina Enterprises, Inc. P. O. Box 2483 Ronkonkoma, New York 11779 0200-960.00-02.00-073.000	\$0		

SIZE OF PARCEL: 50' x 100'  
APPRAISED VALUE: \$4,500.00  
COMMENT: Direct Sale to Adjacent Owner

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

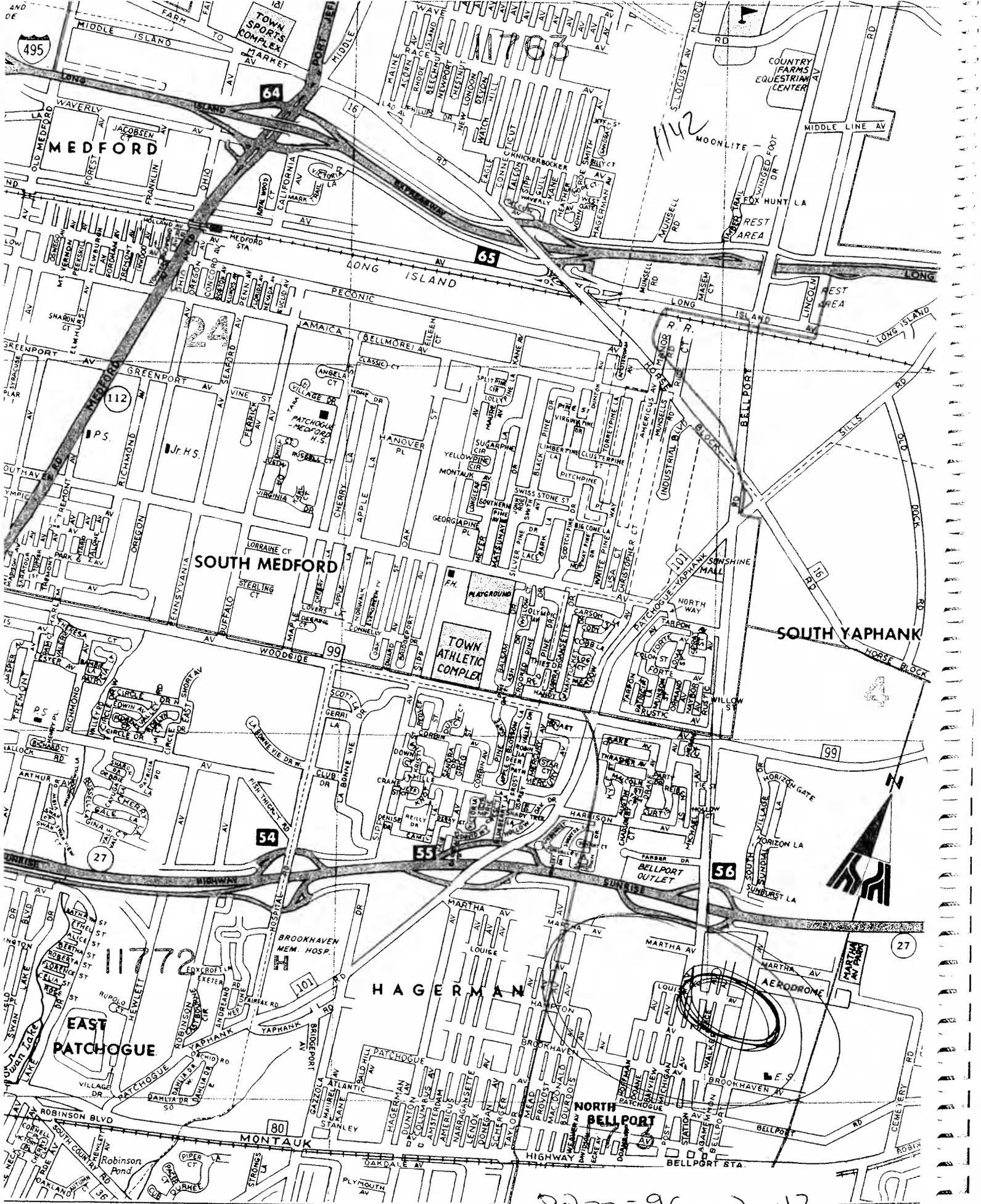
1142

Revisions
05-22-96
06-27-97
07-30-97
05-11-99
10-29-99
03-15-00
03-16-01
04-16-01
06-27-01
08-23-01
02-11-02
02-26-02
06-27-03
06-17-05



020  
960  
03  
043

Property of 2nd Line	Subdivision Lot No.	Block Line	School District Line	Hydrant District Line	UNLESS DRAWN OTHERWISE, ALL ARE WITHIN THE FOLLOWING
Dominant Common Owner	Subdivision Block/Block No. (21)	Block No. (2)	Fire District Line	Refuse District Line	
			Historical District Line	SEWER	
				FIRE	



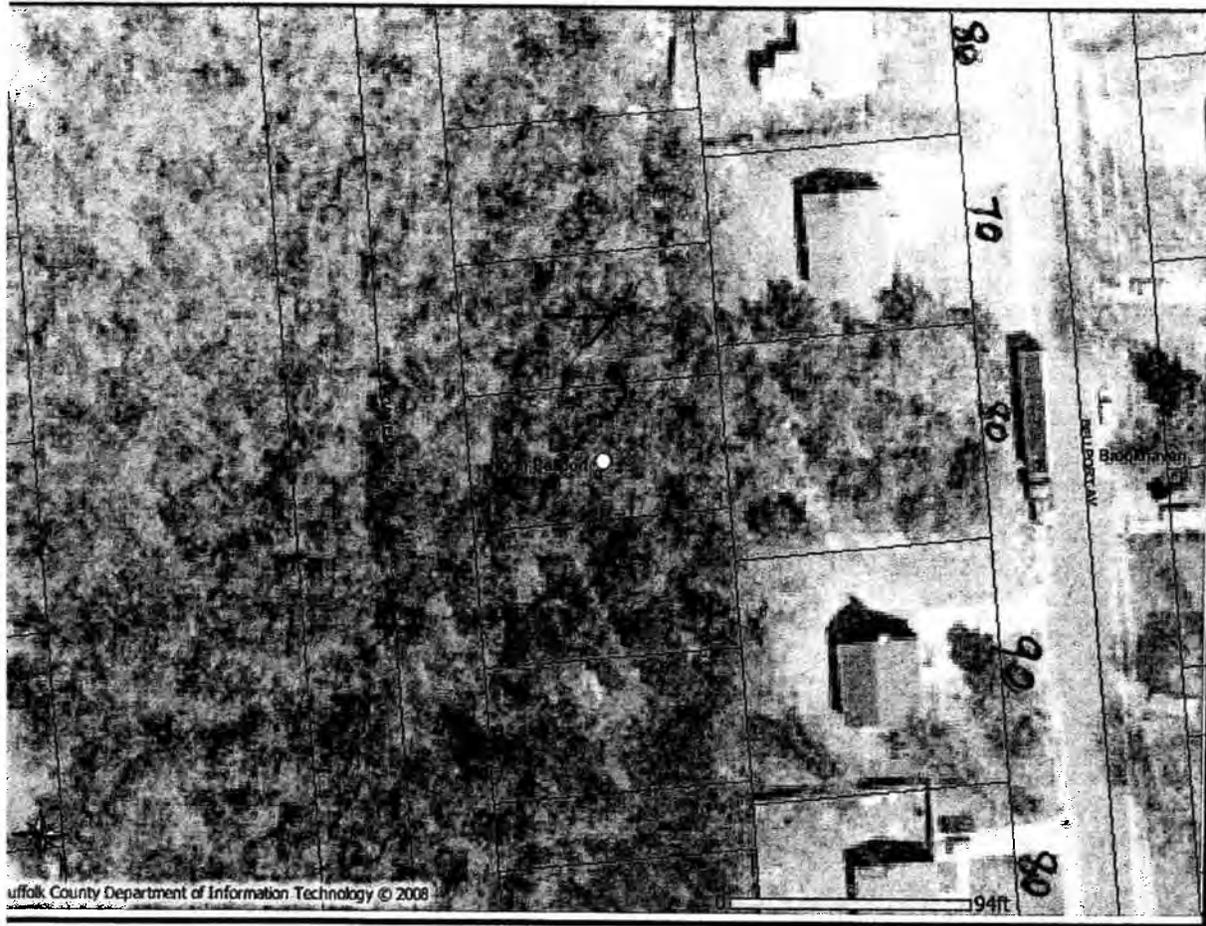
18

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0200-960-2-43

200-960-2-43

1142





**Legend**

Selected Features

Parcels (09/05)

Parcel Lines

Streets

Highways

STHY

Other

Railroads

2007 Aerials



0200-960-2-43

1142

COUNTY OF SUFFOLK

62002  
FEB 19 2009

1142



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

February 6, 2009

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

Re: Tax Map Number: 0200-960.00-02.00-043.000

Dear Mr. Zwirn:

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

Local Law No. 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:sib  
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

Intro Res. No. 1143-09  
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION NO. - 2009, APPROVING THE RE-  
APPOINTMENT OF VINCENT BOLOGNA, JR. AS A MEMBER  
OF THE SUFFOLK COUNTY FIRE, RESCUE AND  
EMERGENCY SERVICES COMMISSION**

**RESOLVED**, that the re-appointment of Vincent Bologna, West  
Babylon, NY 11704, as a representative of the Fire Chiefs' Council of Suffolk County on the  
Suffolk County Fire, Rescue and Emergency Services Commission, for the term of office  
beginning January 1, 2009 and expiring December 31, 2011, be and the same hereby is  
approved; said appointment having been made by the County Executive pursuant to the  
provision of C-11.4 of the Suffolk County Charter, Article XI.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

Vincent A. Bologna Jr.

1143

West Babylon, New York 11704

## Curriculum Vitae

### BACKGROUND INFORMATION:

Fire Marshal, Melville Fire District, 531 Sweet Hollow Road, Melville  
New York. 11747 (1984 to Present.)

Captain, Crash Fire Rescue, Republic Airport, Rt.110, East  
Farmingdale, New York. 11767 (1972 to 1984)

### ORGANIZATIONS:

Active member of the following Fire Related Organizations:

National Fire Protection Association

Fire Marshal's Of North America

Suffolk County Fire Marshal's Association (Past President)

New York State Association Of Fire Chiefs

International Association Of Fire Chiefs

Suffolk County Fire Districts Association

Suffolk County Fire Chiefs Association

New York State Fire Marshal's And Inspectors Association

American Society Of Safety Engineers, Long Island Chapter

Fire Inspectors Association Town Of Huntington

Town Of Babylon Fire Chiefs Association

### ACCREDITATION/ CERTIFICATIONS:

Certified by New York State, Department of State as a Code Enforcement  
Officer.

Nassau Community College (1969-1970)

Have attended numerous Seminars and Courses on Fire Inspection,  
Prevention, and Investigation.

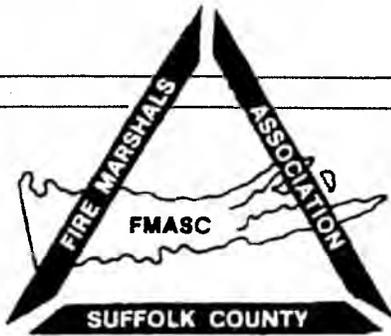
Suffolk County Fire Training Academy

New York State Academy of Fire Science

Active Member, West Babylon Fire Department, 28 years.

Presently Commissioner, West Babylon Fire District

EX-Chief, West Babylon Fire Department (1990-1992)



REC'D NOV 21 2008  
FIRE MARSHALS ASSOCIATION of SUFFOLK COUNTY  
FIRE INSPECTORS ASSOCIATION OF SUFFOLK COUNTY INC.

P.O. BOX 127, YAPHANK, NEW YORK 11980

STEVEN WHITE  
PRESIDENT  
ANTHONY CARDALI  
VICE PRESIDENT  
KEVIN PETERSON  
SECRETARY  
JAMES MCLOUGHLIN  
TREASURER

1143

To: Commissioner Joseph Williams  
From: Steven White, President FMASC  
Date: November 21, 2008  
Subject: Representatives

Dear Commissioner Williams,

This is a response to your recent letter in regards to our representatives from the Fire Marshals Association of Suffolk County (FMASC) which serve on the Suffolk County Fire, Rescue and Emergency Services Commission.

As per the decision of the members of FMASC, vote held on November 18, 2008, we would like to nominate **Vincent Bologna Jr. as our primary representative and Thomas Ryan as the alternate** (same slate and position that is currently in).

If you should have any questions, please call Kevin Peterson at 631-852-4855

Thank you.

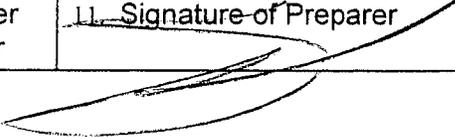
Steven White  
President

SW:kp

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1143

1. Type of Legislation		
Local Law: _____ Charter Law: _____ Resolution: <u>  X  </u>		
2. Title of Proposed Legislation Re-appointment of Vincent Bologna, Jr., as a member of the Suffolk County Fire, Rescue and Emergency Services Commission.		
3. Purpose of Proposed Legislation  Re-appointment of Vincent Bologna, Jr. 171 Ecker Avenue, West Babylon, NY 11704, as a representative of the Fire Marshal's Association of Suffolk County, on the Suffolk County Fire, Rescue & Emergency Services Commission for the term ending December 31, 2011.		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes _____ No <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District Other (Specify):	
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact.		
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 January 1, 2009 – December 31, 2011		

10. Typed Name & Title of Preparer Joseph F. Williams, Commissioner	11. Signature of Preparer 	12. Date January 22, 2009
--	---	------------------------------

Intro Res. No. 1144-09  
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION NO. - 2009, APPROVING THE RE-  
APPOINTMENT OF KENNETH CAPON AS A MEMBER OF THE  
SUFFOLK COUNTY FIRE, RESCUE AND EMERGENCY  
SERVICES COMMISSION**

**RESOLVED**, that the re-appointment of Kenneth Capon, Shelter Island, NY 11964, as a representative of the Shelter Island Fire Department on the Suffolk County Fire, Rescue and Emergency Services Commission, for the term of office beginning January 1, 2009 and expiring December 31, 2011, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provision of C-11.4 of the Suffolk County Charter, Article XI.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

KENNETH E. CAPON

1144

Shelter Island, New York 11964

November 7, 2005

Resume For Kenneth E. Capon

Born September 10, 1932 on Shelter Island, New York 11964  
Attended Shelter Island Union Free School, for 12 Years  
Worked in watch factory 3 years.  
Worked in frozen food factory 2 years  
Worked in nursery for 1 year.  
Served 22 months in army.  
Worked in car dealer for 39 years.

Joined Shelter Island Fire Department 5-04-52  
Served as Lieutenant.  
Served as Captain.  
Served as Chief.  
Department Secretary at present time  
Department Deputy Treasurer at present time

Worked for Fire District for 10 years  
Served as Deputy Secretary & Treasurer for 6 years.  
District representative to all meetings.  
Member L. I. Fire Dist. Legislative Committee  
Member Suffolk County Fire Dist. Executive Board

Member North Fork Volunteer Firemen Association.

Member South Fork Fire Police Association.

Member Suffolk County Firemen Association

Member Suffolk County Chief Association

Delegate to F. R. E. S. C.

Sub-Committee: Combine Radio  
Arson Task Force  
Building and Grounds  
Recruitment Retention  
Haz Mat Homeland Security

Member Peconic Chiefs Assoc.

Member Southampton Chiefs Assoc.

Member Southold Chiefs Assoc.

Member N. Y. S. Fire Chiefs Assoc.

Member Eastern Chiefs Assoc.

Member inter-national Chiefs Assoc.

KENNETH E. CAPON

Shelter Island, New York 11964

1144

Member Firemens Assoc. State of N. Y.

Member Southern N. Y. Vol. Firemens Assoc.

Member of Fire Police Assoc. Area-7 (Long Island)

Member Fire Police Southern N. T.

Member Fire Police State New York.

Member of N. F. P. A.

Member Island Vol. Exempt Firemen's Benevolent Assoc.

Secretary Island Vol. Exempt Firemen's Benevolent

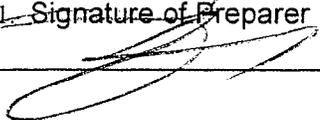
Member Shelter island Vol. Exempt Firemen's Benevolent Assoc.

Secretary Shelter Island Volunteer Exempt Firemen's Benevolent Assoc.

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1144

1. Type of Legislation		
Local Law: _____ Charter Law: _____ Resolution: <u> X </u>		
2. Title of Proposed Legislation Re-appointment of Kenneth Capon, as a member of the Suffolk County Fire, Rescue and Emergency Services Commission.		
3. Purpose of Proposed Legislation  Re-appointment of Kenneth Capon, P.O. Box 82, Shelter Island, NY 11964, as a representative of the Shelter Island Fire Department, on the Suffolk County Fire, Rescue & Emergency Services Commission for the term ending December 31, 2011.		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes _____ No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District Other (Specify):	
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact.		
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 January 1, 2009 – December 31, 2011		

10. Typed Name & Title of Preparer Joseph F. Williams, Commissioner	11. Signature of Preparer 	12. Date January 22, 2009
--	---	------------------------------

# SHELTER ISLAND FIRE DEPARTMENT

BOX 613 • SHELTER ISLAND, NEW YORK 11964 • (631) 749-0184

1144

*Organized 1952*

REC'D OCT 30 2008

Kenneth Capon  
Secretary

(631) 749-1244



Maurice Tuttle  
Treasurer

(631) 749-0274

October 16, 2008

Joseph F. Williams

Box 127

Yaphank

New York 11980

The Shelter Island Fire Deptment wish to submit the name of Kenneth Capon as representative on the Suffolk County Fire Rescue & Emergency Services Commission.

Firematixaly Yours:

Earl Reiter, Chief

Chief:  
Ronald Jernick

1st Asst. Chief:  
Earl Reiter

2nd Asst. Chief:  
William Rowland

Intro Res. No. 1145-09  
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION NO. - 2009, APPROVING THE RE-  
APPOINTMENT OF RICHARD KELLER AS A MEMBER OF THE  
SUFFOLK COUNTY FIRE, RESCUE AND EMERGENCY  
SERVICES COMMISSION**

**RESOLVED**, that the re-appointment of Richard Keller, Smithtown, NY 11787, as a representative of the Smithtown Town Fire Chiefs' Council on the Suffolk County Fire, Rescue and Emergency Services Commission, for the term of office beginning January 1, 2009 and expiring December 31, 2011, be and the same hereby is approved; said appointment having been made by the County Executive pursuant to the provision of C-11.4 of the Suffolk County Charter, Article XI.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

1145

Richard Keller

Smithtown, New York 11787  
28 November 2005

To Whom it may concern,

I respectfully request to be reappointed as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. As requested I submit my resume.

- Smithtown Resident for 40 years
- Active member of the Smithtown Fire Department for 39 years
- Retired from the FDNY, assigned to the Hazardous Materials Unit
- Through the ranks of the Smithtown Fire Department to Chief of Department
- Active member and past President of the Smithtown Township Chief's Council
- Active member of the Suffolk County Fire Chief's Council
- Past member of the Suffolk County Fire Advisory Board
- Past Chairman and active member of the Suffolk County Fire, Rescue and Emergency Services Commission
- Past Deputy Fire Coordinator for Smithtown Township
- Safety Officer with the Smithtown Fire Department
- Active member of the Suffolk County Arson Task Force
- Past Chairman of the Suffolk County Hazardous Materials Task Force
- Active member of the Suffolk County Terrorism Awareness Committee
- Past Chairman and active member of the Smithtown Board of Fire Commissioners
- Past Chairman of the Smithtown Township Fire District Officers Association
- Active member of the Suffolk County Fire District Officers Association

Respectfully Submitted,

  
Richard Keller



1145

## FIRE CHIEF'S COUNCIL

SMITHTOWN TOWNSHIP . ORGANIZED . 1952

### FIRE DEPARTMENTS

Commack  
Hauppauge  
Kings Park  
Nesconset  
Nissequogue  
Smithtown  
Saint James

P.O. Box 1196 • Smithtown, New York 11787

chiefsCouncilsmithtown@hotmail.com

4 November 2008

Joseph F. Williams, Commissioner

Suffolk County Department of Fire, Rescue & Emergency Services

P.O. Box 127

Yaphank, N.Y. 11980-0127

Commissioner Williams,

At the last meeting of the Smithtown Township Fire Chief's Council it was decided that Mr. Richard Keller will be this organization's primary representative to the FRES Commission. Mr. Keller's alternate will be Mr. Vincent Puleo. As requested, please find attached Mr. Keller's resume and listed below both Mr. Keller's and Mr. Puleo's addresses

Mr. Richard Keller

Mr. Vincent Puleo

Smithtown, NY 11787

Nesconset, NY 11767

Thank You,

Charles Duffy, President

Smithtown Fire Chief's Council

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION 1145

1. Type of Legislation		
Local Law: _____ Charter Law: _____ Resolution: <u>  X  </u>		
2. Title of Proposed Legislation Re-appointment of Richard Keller, as a member of the Suffolk County Fire, Rescue and Emergency Services Commission.		
3. Purpose of Proposed Legislation  Re-appointment of Richard Keller, 120 Plymouth Boulevard, Smithtown, NY 11787, as a representative of the Smithtown Town's Fire Chiefs' Council, on the Suffolk County Fire, Rescue & Emergency Services Commission for the term ending December 31, 2011.		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes _____ No <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District Other (Specify):	
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact.		
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 January 1, 2009 – December 31, 2011		

10. Typed Name & Title of Preparer Joseph F. Williams, Commissioner	11. Signature of Preparer 	12. Date January 22, 2009
--	--	------------------------------

Intro Res. No. 1146-09  
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION NO. - 2009, APPROVING THE RE-  
APPOINTMENT OF SCOTT THEBOLD AS A MEMBER OF THE  
SUFFOLK COUNTY FIRE, RESCUE AND EMERGENCY  
SERVICES COMMISSION**

**RESOLVED**, that the re-appointment of Scott Thebold, Middle  
Island, NY 11952, as a representative of the Fire Chiefs' Council of Suffolk County on the  
Suffolk County Fire, Rescue and Emergency Services Commission, for the term of office  
beginning January 1, 2009 and expiring December 31, 2011, be and the same hereby is  
approved; said appointment having been made by the County Executive pursuant to the  
provision of C-11.4 of the Suffolk County Charter, Article XI.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

**SCOTT A. THEBOLD**

114b

Middle Island, NY 11953

---

**Objective:** To secure a position as a member of the Suffolk County Fire, Rescue & Emergency Services (FRES) Commission. Due to my background and experience, I would consider myself to be an asset to the FRES Commission and make a significant contribution.

**Experience:**

- Presently hold position of 2<sup>nd</sup> Vice President of Suffolk County Fire Chiefs' Council.
- Also hold position as Suffolk County Fire Coordinator.
- Presently involved with various committees within Brookhaven and Suffolk Fire Chiefs' Councils.

1982 – present: An active member of the Middle Island Fire Department. Served in every available office including Chief in 1996-1997.

2002 – 2003: Elected President of the Brookhaven Town Fire Chiefs' Council.

1998 – 2002: Elected to the Board of Fire Commissioners. Was Chairman of the Board for two (2) years.



# FIRE CHIEFS' COUNCIL OF SUFFOLK COUNTY, INC.

## PAST PRESIDENTS

1945-47 JOHN L. BARRY  
 1947-48 HENRY W. TYLER  
 1948-49 ALBERT SAMMIS  
 1949-50 JESSE REEVES  
 1950-51 THADUS OTTINGER  
 1951-52 JOHN HAUSER  
 1952-54 WILLIAM RENSCH  
 1954-55 ERNIST WILCOX  
 1955-57 J. HASKEL WARNER  
 1957-58 EDWARD GADZINSKI  
 1958-59 WILLIAM KROLLAGE  
 1959-61 JOHN HANCOCK  
 1961-62 HAROLD HOCKEISER  
 1962-63 F. FORREST WOOD  
 1963-64 THEODORE HULSH  
 1964-65 FRANK HUTTON  
 1965-66 MICHAEL DINICOLA  
 1967-69 ROBERT RITZERT  
 1969 RICHARD HAMBLEY  
 1969-71 COSMO INGENITO  
 1971-72 WILLIAM BRADNICK  
 1972-73 KENNETH DAVID  
 1973-74 WILLIAM MILLER  
 1974-75 WILLIAM F. BUSCH, JR.  
 1975-76 JOHN S. KENNEDY  
 1976-77 RICHARD HARROW  
 1977-78 JOHN O'KEEFE  
 1978-79 MICHAEL HEWITT  
 1979-80 LOU WALTER  
 1980-81 ALLEN OLSEN  
 1981-82 FRED REMPE  
 1982-83 ROLAND LAHANN  
 1983-84 PAUL CARROZZA  
 1984-85 CARL AMATO  
 1985-86 RICHARD JOHNSON  
 1986-87 WILLIAM BRENNAN  
 1987-89 MARTIN ALBERT  
 1989-91 ROBERT E. HOLLEY  
 1991-93 WILLIAM MURRAY  
 1993-95 DONALD CORKERY  
 1995-97 RONALD BARZ  
 1997-99 EDWARD F. BUSCH  
 1999-01 EDWARD C. WALSH  
 2001-03 GREGORY ANDERSON  
 2003-05 JAY EGAN  
 2005-06 CHRIS MCKAY

November 20, 2008

Joseph F. Williams, Commissioner  
 SCFRES  
 P. O. Box 127  
 Yaphank, New York 11980

Dear Commissioner Williams:

Please let this letter serve as our response to you letter dated October 20, 2008. At our meeting held on Friday, November 14th, a motion was made and duly seconded with all in favor to nominate Scott Thebold to continue to serve as our representative to the SCFRES Commission for a two year term from January 1, 2009 to December 31, 2011.

It is our understanding, after speaking with Scotty, that you have a resume for him on file.

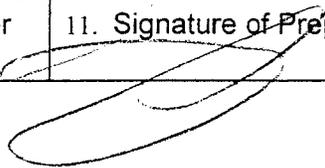
Firematically,

  
 Richard Van de Kieft  
 Corresponding Secretary

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1146

1. Type of Legislation Local Law: _____ Charter Law: _____ Resolution: <u> X </u>		
2. Title of Proposed Legislation Re-appointment of Scott Thebold, as a member of the Suffolk County Fire, Rescue and Emergency Services Commission.		
3. Purpose of Proposed Legislation Re-appointment of Scott Thebold, 421 Lake Pointe Drive, Middle Island, NY 11952, as a representative of the Fire Chiefs' Council of Suffolk County, on the Suffolk County Fire, Rescue & Emergency Services Commission for the term ending December 31, 2011.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District Other (Specify):	
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact.		
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 January 1, 2009 – December 31, 2011		

10. Typed Name & Title of Preparer Joseph F. Williams, Commissioner	11. Signature of Preparer 	12. Date January 22, 2009
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Intro. Res. No. <sup>1147</sup> -2009

Laid on the Table 3/3/09

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

**RESOLUTION NO. -2008 TO APPOINT  
MEMBER OF COUNTY PLANNING  
COMMISSION (JOSEPH B. POTTER)**

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

**WHEREAS**, the term of office of the member from the Town of East Hampton, Thomas M. Thorsen, remains vacant due to his resignation: and

**WHEREAS**, Steve Levy, the County Executive of Suffolk has appointed Joseph B. Potter, currently residing at Amaganset, NY 11930, as a member of the County Planning Commission, now, therefore be it

**1st RESOLVED**, that Joseph B. Potter, currently residing at Amaganset, NY 11930, is hereby appointed as a member of the Suffolk County Planning Commission to complete the term of Mr. Thorsen, said term to expire December 31, 2012, pursuant to Section 14-2(A) of the SUFFOLK COUNTY CHARTER.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

RESUME 01/09

Joseph B. Potter ("Job")

Amagansett NY 11930

Born November 8, 1948. Married and have two children; Cary is a freshman at NYU and Ben is a sophomore at the Ross School. Attended Wesleyan University and Connecticut College (B.A. '75, major in botany)

Late 1970's to early 1980's. Various employment in marine industry; boat yards, charter sailboats, limited time commercial fishing. During that period managed family-owned real estate, including rental properties.

Late 1980's to 1990's. Coordinated family-owned real estate including sales, small subdivisions, limited development plan of family horse-farm with easements, development rights gifting, conservation sales to neighbors. Worked closely with Peconic Land Trust, local planning officials.

Late 1980's to 1996. Worked as a certified Residential Real Estate Appraiser for Clark and Marshall, East Hampton, New York, appraising vacant land, homes, and some commercial properties.

Early 1990's. Volunteered as a piping plover recovery program coordinator with The Nature Conservancy. Ran twice for Town Trustee and lost, but helped change local beach-driving laws to better protect threatened species nesting on beaches. Spent a lot of time at Cedar Point County Park doing the same, coordinated with park personnel.

1992-1996 Member East Hampton Town Planning Board.

1997-2004 Member East Hampton Town Board. Primarily involved in the following: affordable housing projects; created first four historic districts in the Town; participated in new Town Comprehensive Plan; and Town Board liaison to the CPF Program for eight years, without in-house dedicated staff (from the inception of the program through three Supervisors of two political parties; acquisitions ranging from historic houses, Poxabogue Golf Course, easements, and hundreds of acres of land, parcels large and small). Former member of the Suffolk County Farmland Development Rights Program Committee, and briefly served on the committee looking at underwater leasing for shellfish fisheries.

2004 to Present: Salesperson at Sotheby's International Realty, East Hampton.

I am working on a book on Charles Darwin's time in South America in the 1830's; the changes in the countries he visited, touching on environmental and human issues at present, and their colonial antecedents such as slavery, indigenous peoples, destruction of forests, exploitive land ownership patterns.

Recently accepted a two-year volunteer position on a Budget Advisory Committee appointed by the East Hampton Town Board. Member Amagansett Fire Department, Fire Police.

COUNTY OF SUFFOLK

1147



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

FEB 10 2009

DEPARTMENT OF PLANNING

THOMAS A. ISLES, A.I.C.P.  
DIRECTOR OF PLANNING

TO: Ben Zwirn, Deputy County Executive  
FROM: Thomas A. Isles, Director  
Department of Planning  
DATE: February 4, 2009  
RE: Planning Commission

Please find enclosed draft resolutions to appoint two members to the Suffolk County Planning Commission. They are Joseph Potter of East Hampton Town and Michael Kelly of Brookhaven Town. Also enclosed are copies of their resumes.

Please contact me if you require any additional information.

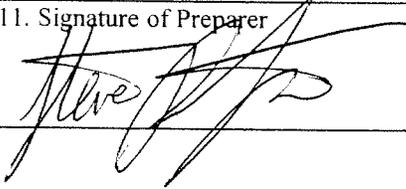
Thank you.

cc; Jim Morgo, Chief Deputy County Executive

TAI:ce

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1147

1. Type of Legislation		
Resolution <u>  X  </u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation <b>TO APPOINT MEMBER OF COUNTY PLANNING COMMISSION (JOSEPH B. POTTER)</b>		
3. Purpose of Proposed Legislation Joseph B. Potter to replace Thomas M. Thorsen, due to resignation, as the member from the Town of East Hampton. Term to expire December 31, 2012.		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes _____                      No <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact?    (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District <input type="checkbox"/>	
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
Steve R. Tricarico County Executive Assistant		February 18, 2009

SCIN FORM 175b (10/95)

Intro. Res. No. 1148 -2008

Laid on the Table 3/3/09

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

**RESOLUTION NO. -2008 TO APPOINT  
MEMBER OF COUNTY PLANNING  
COMMISSION (MICHAEL F. KELLY)**

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

**WHEREAS**, the term of office of the member from the Town of Brookhaven, Edward James pruit, remains vacant due to his untimely passing: and

**WHEREAS**, Steve Levv. the County Executive of Suffolk has appointed Michael F. Kelly, currently residing at Stony Brook, NY 11790, as a member of the County Planning Commission, now, therefore be it

**1st RESOLVED**, that Michael F. Kelly, currently residing at Stony Brook, NY 11790, is hereby appointed as a member of the Suffolk County Planning Commission to complete the term of Mr. Pruitt, said term to expire December 31, 2010, pursuant to Section 14-2(A) of the SUFFOLK COUNTY CHARTER.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

**MICHAEL F. KELLY, ESQ.**

**Stony Brook, NY 11790**

1148

**SUMMARY**

Over twenty years of successful experience in the financial and real estate industries. Continued education enables application of theory to practical employment issues. Extensive analytical, mentoring, planning customer service and problem solving skills are combined with successful leadership and team building experience. An effective communicator whose dedication and determined work ethic guarantee results.

**EDUCATION**

**MOLLOY COLLEGE**

-Energia Regional Leadership Program

ROCKVILLE CENTRE, NY

JANUARY 2010

**TOURO COLLEGE SCHOOL OF LAW**

- Jurist Doctorate

- Admitted NYS Bar

- Awarded 2000 Arthur H. Kuntz Scholarship by the American Association of Planners

HUNTINGTON, NY

MAY 2001

**UNIVERSITY OF ST. THOMAS**

• Masters Business Administration: Finance

MINNEAPOLIS, MN

DECEMBER 1994

**PROVIDENCE COLLEGE**

• Bachelors Science: Finance

PROVIDENCE, RI

MAY 1987

**PROFESSIONAL EXPERIENCE**

**PULTE HOMES OF NEW YORK**

VICE PRESIDENT

- Developed regional land acquisition strategy focusing on redevelopment of blighted areas of Long Island to develop workforce housing
- Coordinated re-zoning efforts with constant communication by partnering with County and Town officials, civic organizations and Long Island Housing Partnership
- Expanded corporate recognition thru community outreach and active participation within communities of concentration

MEDFORD, NY

MAY 2003 – DECEMBER 2008

**LONG LAKE CONSTRUCTION**

COUNSEL / MANAGEMENT

- Reviewed and negotiated purchase and sales contracts on land acquisitions and the sale of condominium units and represented corporation at closing
- Facilitated construction, land and end loan financing through local and national lenders
- Represented corporation at District Court hearings and liaison with insurance company Compiled information required for Attorney General approval of Offering Plan

PT. JEFFERSON, NY

MAY 2000-PRESENT

**MEYER, MEYER & KENEALLY, ESQ.**

LAW CLERK

- Reviewed and cleared both title and survey issues with attorneys and title companies
- Represented lending institutions by conducting closings, preparing closing documents and explaining closing materials to borrowers; and various other transactional and zoning work
- Increased revenue by marketing closing services to industry contacts

SMITHTOWN, NY

FEBRUARY, 1999-APRIL, 2000

**GLOBAL PORTFOLIO, LLC**

VICE PRESIDENT, OPERATIONS

CARLE PLACE, NY

JANUARY, 1996-JANUARY, 1999

- Performed credit and legal due diligence on A-D credit bulk portfolio sales, recorded results, and calculated purchasing decisions based on risk and cost benefit analysis
- Negotiated commitment letters, purchase agreements, and servicing contracts
- Executed trades of individual and whole loan portfolios with secondary market investors
- Controlled warehouse line, servicing transfer, MORNET and MBS

**NEW BUSINESS DEVELOPMENT MANAGER**

- Designed, coordinated and implemented product and marketing plans detailing product offerings, target markets and sales incentives
- Expanded revenue base by selling mortgage services to banks and mortgage companies
- Developed training procedures and policy manuals for new employees

**ALLIED IRISH BANK**

CREDIT ANALYST

NEW YORK, NY

APRIL, 1995-OCTOBER, 1995

- Investigated credit worthiness of profit and non-profit borrowers through detailed analysis of financial statements and industry and presented and recommended to credit committee
- Performed feasibility analysis on multi-family projects, on a variety of long and short term financing structures and offered the most cost efficient financing alternative to clients

**PRUDENTIAL HOME MORTGAGE**

MARKETING TEAM LEADER

MINNEAPOLIS, MN

FEBRUARY, 1992-SEPTEMBER, 1994

- Formulated strategic goals, implemented marketing plan, and researched target areas
- Maintained control systems to ensure productivity by monitoring sales calls and providing immediate, constructive feedback to the marketing force resulting in increased sales of 35%
- Developed scripting aimed at select target markets to optimize cold calling efforts and tracked interest rate movements to properly coordinate products to customer needs

**PRODUCTION TEAM LEADER I SENIOR UNDERWRITER**

- Managed 14 employees in the processing, underwriting, closing and communication functions, ensuring compliance with secondary mortgage market regulations
- Utilized team building strategies which motivated employees to consistently produce quality products and to meet company service levels of 90% customer approval ratings
- Enhanced client relations by providing needs analysis and follow through on project plans

**ACTIVITIES AND AWARDS**

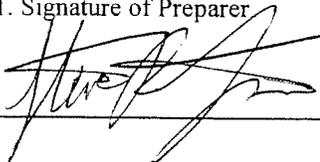
- Board of Directors of Down Syndrome Foundation; Treasurer and Brookhaven Committee Co-Chair for Long Island Builders Institute; Board Member for Patchogue Business Improvement District
- Recipient of the Paul S. Miller with Liberty and Justice for All Award – Touro Law Center – 2006; Good Neighbor of the Year – Central Islip Civic Council 2008; Builder of the Year – Long Island Business News 2006 and 2007; Vision Long Island Community of the Year 2007 for Copper Beech (50% Workforce Housing community-Patchogue); Presenter for Suffolk County Planning Commission 2008; Vision Long Island 2008; Long Island Housing Partnership 2007

**REFERENCES**

- Available upon request

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1148

1. Type of Legislation		
Resolution <u>  X  </u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation <b>TO APPOINT MEMBER OF COUNTY PLANNING COMMISSION (MICHAEL F. KELLY)</b>		
3. Purpose of Proposed Legislation Michael F. Kelly to replace Edward James Pruitt, due to his untimely passing, as the member from the Town of Brookhaven. Term to expire December 31, 2010.		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes _____                      No <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact?    (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District <input type="checkbox"/>	
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
Steve R. Tricarico County Executive Assistant		February 18, 2009

SCIN FORM 175b (10/95)

1149

Intro. Res. No. -2009

Laid on Table

3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009,  
APPROVING THE APPOINTMENT OF  
DYLAN SKOLNICK TO THE SUFFOLK  
COUNTY MOTION PICTURE/  
TELEVISION FILM COMMISSION**

**WHEREAS**, the term of Bart Pellegrino as a member of the Motion Picture/Television Film Commission has expired as of January 31, 2009; now, therefore, be it

**1st RESOLVED**, that **Dylan Skolnick**, residing Huntington, NY, is hereby appointed as a member of the Suffolk County Motion Picture/Television Film Commission for a four year term of office to expire January 31, 2013, said appointment being made by the Suffolk County Executive pursuant to the provisions of Section 58-4 of the SUFFOLK COUNTY CODE; and be it further

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

DATED:

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date:

1149

**Dylan Skolnick** is Director of Programming at the Cinema Arts Centre where he programs and supervises the acclaimed "Theater of the Wild" series in addition to the monthly film program. Mr. Skolnick is also a Coordinating Programmer for the Lake Placid Film Festival. A graduate of New York's School of Visual Arts, Mr. Skolnick is a filmmaker and screenwriter. His short films include "The Stones," which is currently in postproduction, and "House of the Sleeping Beauties" based on the novella by Nobel Prize winner Yasunari Kawabata.

Dylan Skolnick

Huntington, NY 11743



Gen C9

1149

# Memo

**To:** Ben Zwirn, Deputy County Executive  
**From:** Patrick Heaney, Commissioner, Economic Development and Workforce Housing  
**Date:** February 17, 2009 *PH*  
**Re:** **APPROVING THE APPOINTMENT OF DYLAN SKOLNICK TO THE SUFFOLK COUNTY MOTION PICTURE/ TELEVISION FILM COMMISSION**

I am requesting that subject resolution be introduced to the Suffolk County Legislature.

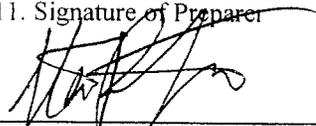
Cc: ✓ Brendan Chamberlain, Director, Intergovernmental Relations  
Carolyn Fahey, Intergovernmental Relations Coordinator  
Michelle Isabelle-Stark, Program Coordinator, Cultural Affairs



Steve Levy  
Suffolk County Executive  
Patrick A. Heaney  
Commissioner

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1149

1. Type of Legislation		
Resolution <u>XX</u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation		
APPROVING THE APPOINTMENT OF DYLAN SKOLNICK TO THE SUFFOLK COUNTY MOTION PICTURE/TELEVISION FILM COMMISSION		
3. Purpose of Proposed Legislation		
The term of Bart Pelligrino as a member of the Suffolk County Motion Picture/Television Film Commission expired January 31, 2009. Resolution is for new appointment of Dylan Skolnick to a four year term expiring January 31, 2013.		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes                      No <u>XX</u>		
5. If the answer to item 4 is "yes", on what will it impact?                      (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
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
Steve R. Tricarico County Executive Assistant		2-19-09

1150

Intro. Res. No. -2009

Laid on Table

3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, TO  
REAPPOINT LENNY STUCKER TO THE  
SUFFOLK COUNTY MOTION PICTURE/  
TELEVISION FILM COMMISSION**

**WHEREAS**, the term of **Lenny Stucker** as a member of the Suffolk County Motion Picture/Television Film Commission has expired as of January 31, 2009 and he is currently a holdover member of said Commission: now, therefore, be it

**1st RESOLVED**, that **Lenny Stucker**, residing in Fort Salonga, NY, is hereby reappointed as a member of the Suffolk County Motion Picture/Television Film Commission for a four year term of office to expire January 31, 2013, said appointment being made by the Suffolk County Executive pursuant to the provisions of Section 58-4 of the SUFFOLK COUNTY CODE; and be it further

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

DATED:

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date:

# TalentWorks, Inc.

International Television Production

1150

Fort Salonga NY 11768

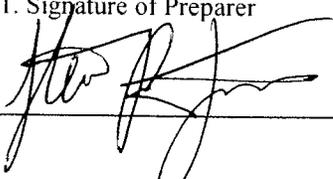
Internet [www.talentw.com](http://www.talentw.com)

## Lenny Stucker

Lenny Stucker joined the NBC Television Network in 1969. After performing a various amount of functions, he was ultimately promoted to a TV network director and remained with NBC for 23 years. He directed a variety of network shows from entertainment to major sports broadcasts. In 1987, Lenny Stucker formed his own International production company called TalentWorks, Inc. TalentWorks, Inc. went on to have many of the worlds' leading broadcasters as their clients. TalentWorks, Inc. created and produced television shows around the world. TalentWorks, Inc. acquired broadcast rights for many of the major sports and entertainment broadcasts in the USA for its international clients. TalentWorks, Inc. started licensing products that were connected with the shows that were broadcasted. TalentWorks, Inc. created and co-created shows here in the USA. TalentWorks, Inc. became a multi million-dollar production company. In 1998, Lenny Stucker was asked to come and live in Europe to become Program Director of European TV. Lenny Stucker lived in Europe and helped to change television, as Europeans knew it. Lenny Stucker holds 10 National Emmys for his work in television. Lenny Stucker is Entertainment Chairman of the Carol Baldwin Breast Cancer Foundation and in addition serves as Vice Chairman of the Suffolk County Film Commission in New York.

1150

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>  X  </u> Local Law _____      Charter Law _____		
2. Title of Proposed Legislation <b>TO REAPPOINT LENNY STUCKER TO THE SUFFOLK COUNTY MOTION PICTURE/TELEVISION FILM COMMISSION</b>		
3. Purpose of Proposed Legislation Term of Lenny Stucker as a member of the Suffolk County Motion Picture/Television Commission expired January 31, 2009. Resolution is to reappoint for a four year term expiring January 31, 2013.		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes _____      No <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District <input type="checkbox"/>	
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  Steve R. Tricarico County Executive Assistant	11. Signature of Preparer 	12. Date  February 18, 2009

SCIN FORM 175b (10/95)

1150

# Memo

**To:** Ben Zwirn, Deputy County Executive  
**From:** Patrick Heaney, Commissioner, Economic Development and Workforce Housing  
**Date:** February 17, 2009  
**Re:** TO REAPPOINT LENNY STUCKER TO THE SUFFOLK COUNTY MOTION PICTURE/ TELEVISION FILM COMMISSION

I am requesting that subject resolution be introduced to the Suffolk County Legislature.

Cc: Brendan Chamberlain, Director, Intergovernmental Relations  
Carolyn Fahey, Intergovernmental Relations Coordinator  
Michelle Isabelle-Stark, Program Coordinator, Cultural Affairs

1151  
Intro. Res. No. -2009 Laid on Table 3/3/09  
Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, TO  
REAPPOINT SUSAN GATTI TO THE  
SUFFOLK COUNTY MOTION PICTURE/  
TELEVISION FILM COMMISSION**

**WHEREAS**, the term of **Susan Gatti** as a member of the Suffolk County Motion Picture/Television Film Commission has expired as of January 31, 2009 and she is currently a holdover member of said Commission: now, therefore, be it

**1st RESOLVED**, that **Susan Gatti**, residing in Deer Park, NY, is hereby reappointed as a member of the Suffolk County Motion Picture/Television Film Commission for a four year term of office to expire January 31, 2013, said appointment being made by the Suffolk County Executive pursuant to the provisions of Section 58-4 of the SUFFOLK COUNTY CODE; and be it further

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

DATED:

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date:

# Susan Gatti

1151

Babylon NY 11702

Email: susan@queproductions.com

Home address:

Deer Park, NY 11729

## **Experience**

**QUE Productions, Babylon, NY      10/1990-present**  
**President / creative director**

15 years experience producing and directing for film, television, CD-ROM, DVD and web based programming.

Responsibilities include:

- Conceptualize, write and produce multimedia campaigns for mid-large companies in the NY area.
- Manage staff and crew
- Strategizing for branding initiatives
- Client presentations
- Figure all mid-large range budgets
- Direct and coordinate film/video shoots
- Design graphics /animations for TV and electronic media
- Formulate production schedules
- Secure crew, location, insurance, lighting and grip
- Post-production designer/director - experience working with avid, media 100, final cut pro and discreet editing systems.
- Conduct on camera interviews

## **Additional experience**

- Copy writing
- Art direction
- Set design
- Animation design
- Storyboarding
- Script notes
- Scene coordination

**Clients include:** Cablevision Systems, American Movie Classics, The Food Network, MSG, Computer Associates, Symbol Technologies, Bloomingdale's, Ocean Swimwear, Pay Per View, The Self Esteem Foundation, WLNY, Koemunications inc., Jay Black And The Americans, San Guiseppe Vineyards, Henry Schein Pharmaceuticals, Hofstra University.

**1987-1989** Creative Director/RWGS Advertising:

Formulation of total ad campaigns- everything from concept to completion in radio, television and print.

Responsibilities include conceptual branding, design, layout, scripting, storyboarding, comprehensive color illustration, client presentations and delegation of work to art and media departments.

***Education:***

Parsons School of Design, New York - Advertising Art and Design.

C.W.Post, Old Brookville, New York - Fine Art and Design

SUNY Farmingdale, New York - Marketing Communications

1151

# Memo

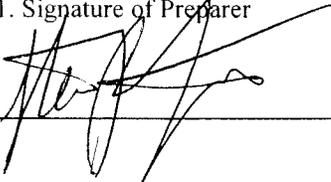
**To:** Ben Zwirn, Deputy County Executive  
**From:** Patrick Heaney, Commissioner, Economic Development and Workforce Housing  
**Date:** February 17, 2009  
**Re:** TO REAPPOINT SUSAN GATTI TO THE SUFFOLK COUNTY MOTION PICTURE/  
TELEVISION FILM COMMISSION

I am requesting that subject resolution be introduced to the Suffolk County Legislature.

Cc: Brendan Chamberlain, Director, Intergovernmental Relations  
Carolyn Fahey, Intergovernmental Relations Coordinator  
Michelle Isabelle-Stark, Program Coordinator, Cultural Affairs

1151

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>  X  </u> Local Law _____      Charter Law _____		
2. Title of Proposed Legislation <b>TO REAPPOINT SUSAN GATTI TO THE SUFFOLK COUNTY MOTION PICTURE/TELEVISION FILM COMMISSION</b>		
3. Purpose of Proposed Legislation Term of Susan Gatti as a member of the Suffolk County Motion Picture/Television Commission expired January 31, 2009. Resolution is to reappoint for a four year term expiring January 31, 2013.		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes _____      No <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District <input type="checkbox"/>	
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  Steve R. Tricarico County Executive Assistant	11. Signature of Preparer 	12. Date  February 18, 2009

SCIN FORM 175b (10/95)

1152

Intro. Res. No. -2009

Laid on Table

3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, TO  
REAPPOINT LORA FOX TO THE  
SUFFOLK COUNTY MOTION PICTURE/  
TELEVISION FILM COMMISSION**

**WHEREAS**, the term of **Lora Fox** as a member of the Suffolk County Motion Picture/Television Film Commission has expired as of January 31, 2009 and she is currently a holdover member of said Commission: now, therefore, be it

**1st RESOLVED**, that **Lora Fox**, residing in East Hampton, NY is hereby reappointed as a member of the Suffolk County Motion Picture/Television Film Commission for a four year term of office to expire January 31, 2013, said appointment being made by the Suffolk County Executive pursuant to the provisions of Section 58-4 of the SUFFOLK COUNTY CODE; and be it further

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

DATED:

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date:



Imelda Staunton, Nick Moran  
DIANA: A TRIBUTE TO THE PEOPLE'S PRINCESS  
Channel 5, UK

1997- 1999  
London, UK

Juror

British Independent Film Awards

Lora Fox  
Page 2

1995-1997  
London, UK

Managing Director

Pinnacle Pictures

PRAGUE DUET, Feature Film  
Starring Gina Gershon, Rade Serbedjiwa  
SPANISH FLY, Feature Film  
Starring Martin Donovan, Daphna Kastner  
Miramax Films

1993  
Los Angeles, CA

Director National/International Productions

Oregon Public Broadcasting  
Executive Producing/Writing/Research for

PBS

Dorling-Kindersley/BBC Co-production

1991-1993  
Los Angeles, CA

Producer/Writer

Marty Snyderman Productions  
VIEW FROM THE CAGE, Documentary  
The Discovery Channel  
GREAT WHITES OF CALIFORNIA, Documentary  
The Discovery Channel

1989-1991  
Los Angeles, CA

Executive Director

International Documentary Association

1987-1989  
Los Angeles, CA

Director of Acquisitions

The Samuel Goldwyn Company

1986  
Los Angeles, CA

Director of Creative Affairs

Jeff Dowd & Associates

**Education:**

HARVARD GRADUATE SCHOOL OF EDUCATION

Learning Differences Conference, November 2004

Project Zero, July 2004

COLUMBIA UNIVERSITY

The Reading and Writing Project at Teacher's College, July 2004

LONG ISLAND UNIVERSITY, Southampton

Graduate Program in Secondary Education Certification, 2004, GPA: 4.0

New York State Teaching Certification for English Grades 7-12

STANFORD UNIVERSITY

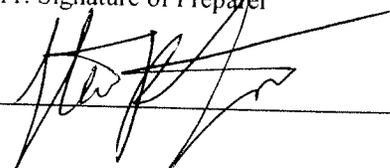
Bachelor of Arts with Distinction in Communications, 1984, GPA: 3.8

**In addition:** Directed seminars at numerous international festivals and markets on story structure, distribution (both international and domestic), and procurement of development and production finance.

1152

1152

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>  X  </u> Local Law _____      Charter Law _____		
2. Title of Proposed Legislation <b>TO REAPPOINT LORA FOX TO THE SUFFOLK COUNTY MOTION PICTURE/TELEVISION FILM COMMISSION</b>		
3. Purpose of Proposed Legislation Term of Lora Fox as a member of the Suffolk County Motion Picture/Television Commission expired January 31, 2009. Resolution is to reappoint for a four year term expiring January 31, 2013.		
4. Will the Proposed Legislation Have a Fiscal Impact? <b>Yes</b> _____ <b>No</b> <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact  N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.  N/A		
8. Proposed Source of Funding N/A		
9. Timing of Impact  N/A		
10. Typed Name & Title of Preparer Steve R. Tricarico County Executive Assistant	11. Signature of Preparer 	12. Date February 18, 2009

SCIN FORM 175b (10/95)

1152

# Memo

**To:** Ben Zwirn, Deputy County Executive  
**From:** Patrick Heaney, Commissioner, Economic Development and Workforce Housing  
**Date:** February 17, 2009  
**Re:** TO REAPPOINT LORA FOX TO THE SUFFOLK COUNTY MOTION PICTURE/  
TELEVISION FILM COMMISSION

I am requesting that subject resolution be introduced to the Suffolk County Legislature.

Cc: Brendan Chamberlain, Director, Intergovernmental Relations  
Carolyn Fahey, Intergovernmental Relations Coordinator  
Michelle Isabelle-Stark, Program Coordinator, Cultural Affairs

1153

Intro. Res. No. -2009

Laid on Table

3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, TO  
REAPPOINT ROBERT BEUKA TO THE  
SUFFOLK COUNTY MOTION PICTURE/  
TELEVISION FILM COMMISSION**

**WHEREAS**, the term of **Robert Beuka** as a member of the Suffolk County Motion Picture/Television Film Commission has expired as of January 31, 2009 and he is currently a holdover member of said Commission: now, therefore, be it

**1st RESOLVED**, that **Robert Beuka**, residing in Huntington, NY is hereby reappointed as a member of the Suffolk County Motion Picture/Television Film Commission for a four year term of office to expire January 31, 2013, said appointment being made by the Suffolk County Executive pursuant to the provisions of Section 58-4 of the SUFFOLK COUNTY CODE; and be it further

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

DATED:

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date:

**Robert A. Beuka, Ph.D.****Huntington, NY 11743****Academic Employment**

Bronx Community College, City University of New York:

- Associate Professor, Department of English, 2006-present;
- Assistant Professor, Department of English, 2002-2006

Louisiana State University:

- Postdoctoral Instructor, Department of English, 2000-2002;
- Graduate Teaching Assistant, Department of English, 1995-1999

Long Island University, Brooklyn:

- Adjunct Assistant Professor, English Department, 1993-1994

Pace University, Pleasantville:

- Adjunct Lecturer, Literature/Communications Dept, 1993-1994

**Education**

Ph.D. English, Louisiana State University, 2000

M.A. English, State University of New York at Albany, 1991

B.A. English, State University of New York at Albany, 1987

**Affiliations**

Modern Language Association

American Literature Association

F. Scott Fitzgerald Society (Editor, *Fitzgerald Society Newsletter*, 2005-present)

Suffolk County (NY) Film Commission

WLIU-FM, Southampton, NY (Host, weekly segment, "Movie Talk")

**Publications****Books***American Icon: Fitzgerald's The Great Gatsby in Critical and Cultural Context*. New York: Camden House, forthcoming in 2010.*SuburbiaNation: Reading Suburban Landscape in Twentieth-Century American Fiction and Film*. New York: Palgrave Macmillan, 2004.**Essays**"Love, Loss, and Real Estate: Teaching *The Great Gatsby* in the Suburban Age." *New Approaches to Teaching Fitzgerald's The Great Gatsby*. Ed. Jackson Bryer and Nancy Van Arsdale. New York: MLA Press, 2009. 68-74.

“Our Big Backyard: Nature in Suburban Writing.” *Writing the Land: John Burroughs and his Legacy*. Ed. Daniel G. Payne. New York: Cambridge Scholars Press, 2008. 186-196.

“Buying the Farm: Jewett’s ‘A White Heron’ and Nature as Commodity.” *Writing the Land: John Burroughs and his Legacy*. Ed. Daniel G. Payne. New York: Cambridge Scholars Press, 2008. 112-120.

“The View Through the Picture Window: Surveillance and Entrapment Motifs in Suburban Film.” *Worlds Away: New Suburban Landscapes*. Minneapolis, MN: Walker Art Center, 2008. 89-100.

“Hard Traveling: Fay’s Deep-South Landscape of Violence.” *Larry Brown and the Blue-Collar South*. Ed. Jean W. Cash and Keith Perry. Oxford, MS: University of Mississippi Press, 2008. 73-85.

“‘The Sigh of Companionless Age’: Images of Lost Landscapes in Susan Fenimore Cooper’s *Rural Hours*.” *James Fenimore Cooper: His Country and His Art*, Papers from the 2005 Cooper Seminar (No. 15). Ed. Hugh C. MacDougall and Steven Harthorn. Oneonta, NY: The State University of New York College at Oneonta, 2006: 21-24.

“‘Cue the Sun’: Soundings From Millennial Suburbia.” *Iowa Journal of Cultural Studies* 3 (Fall 2003): 21-37.

“Tales From the ‘Big Outside World’: Ann Beattie’s Hemingway.” *Hemingway Review* 22 (Fall 2002): 109-117.

“The Jacksonian Man of Parts: Dismemberment, Manhood, and Race in Poe’s ‘The Man That Was Used Up.’” *The Edgar Allan Poe Review* 3 (Spring 2002): 27-44.

Imperiled Communities in Edward P. Jones’ *Lost in the City* and Dagoberto Gilb’s *The Magic of Blood*.” (Co-written with J. Gerald Kennedy). *Yearbook of English Studies* 31 (2001): 10-23.

“‘Just One Word . . . *Plastics*’: Suburban Malaise, Masculinity, and Oedipal Drive in *The Graduate*.” *The Journal of Popular Film and Television* 28 (Spring 2000): 12-21.

“Imagining the Postwar Small Town: Gender and the Politics of Landscape in *It’s a Wonderful Life*.” *The Journal of Film and Video* 51 (Fall/Winter 1999/2000): 36-47.

### **Forthcoming Essays**

“Cheever Country Revisited: Chang-Rae Lee and the Changing Face of Suburban Fiction.” *New Visions of Suburban Life: Proceedings from the Second Hofstra Suburban Studies Conference*. Hempstead, NY: Hofstra UP.

“On the Border: Landscape and Cultural Identity in the Short Story Sequences of Dagoberto Gilb.” Essay accepted by editors for a forthcoming volume on the short story sequence. Robert Luscher (University of Nebraska) and Jeffrey Birkenstein (St. Martin’s University), editors.

### **Reviews and Reference essays**

“Harvey Swados.” *Dictionary of Literary Biography: American Short-Story Writers Since World War II, Fifth Series*. Farmington Hills, MI: Gale, 2007. 294-304.

“A Life, in Pieces”: Review of James L. W. West’s *My Lost City: Personal Essays, 1920-1940*. *F. Scott Fitzgerald Review* 5 (2006).

Review of Robert Rebein’s *Hicks, Tribes, and Dirty Realists*. *Yearbook of English Studies* 34 (2004): 347-348.

“A New York of the Mind”: Review of Lauraleigh O’Meara’s *Lost City: Fitzgerald’s New York*. *F. Scott Fitzgerald Review* 2 (2003): 225-227.

Review of Ronald Berman’s *Fitzgerald, Hemingway, and the Twenties*. *South Atlantic Review* 66 (Fall 2001): 157-160.

“Larry Brown.” *Dictionary of Literary Biography 234: American Short-Story Writers Since World War II, Third Series*. Farmington Hills, MI: Gale, 2000. 57-63.

“Jill McCorkle.” *Dictionary of Literary Biography 234: American Short-Story Writers Since World War II, Third Series*. Farmington Hills, MI: Gale, 2000. 186-196.

“Edward P. Jones’s *The Known World*.” Forthcoming in *Encyclopedia Virginia*. Charlottesville, VA: Virginia Foundation for the Humanities: <[www.virginiafoundation.org/encyclopedia](http://www.virginiafoundation.org/encyclopedia)>

Review of James Nagel’s *The Contemporary American Short-Story Cycle*. Forthcoming in the journal *Short Story*.

### **Invited Lectures, Media Appearances, and Consulting**

Host of weekly radio segment: “Movie Talk,” WLIU 88.3 FM (NPR affiliate), Southampton, NY, May 2007-Present.

Host and discussion leader for film screening: “Wonderland,” Stony Brook Humanities Institute, Stony Brook, NY, March 2009.

Consultant for the forthcoming exhibition, “Rearview Mirror: American Suburbs, American Jews, 1945-1970,” Yeshiva University Museum, New York, NY. Exhibition planned for 2009-2010.

Moderator: “Beneath the Surface of Jewish Suburbia,” Yeshiva University Museum, New York, NY, April 2008.

Featured seminar speaker: “Levittown and Suburbia,” Long Island Museum of American Art, History and Carriages, Stony Brook, NY, May 2007.

Panel chair and respondent: "Postwar America and Gender Representations in Transition," American Historical Association, Pacific Coast Conference, Palo Alto, CA, Aug. 2006.

Keynote speaker and discussion leader: "The Importance of Place/Personal Landscapes," in conjunction with the exhibit, *Andrea Zittel: Critical Space*, New Museum of Contemporary Art, New York, NY, May 2006.

Panel guest: "In My Backyard," *The Brian Lehrer Show*, WNYC radio, New York, NY, April 2005.

### Conference Participation

Roundtable participant: "Larry Brown: From Fireman to Literary Novelist," College English Association, St. Louis, MO, March 2008.

"Hard Traveling: *Fay* and Larry Brown's Deep South Landscape of Pain," American Literature Association, Boston, MA, May 2007.

"Tales from That Slender, Riotous Island: Reassessing Fitzgerald's Great Neck Stories," American Literature Association, San Francisco, CA, May 2006.

"Retail Sprawl and Post-Regional Suburbia," Mid-Atlantic Popular/ American Culture Association, New Brunswick, NJ, Nov. 2005.

"'The Sigh of Companionless Age': Images of Lost Landscapes in Susan Fenimore Cooper's *Rural Hours*," 15th International James Fenimore Cooper Conference & Seminar, Oneonta, NY, June 2005.

"Love, Loss, and Real Estate: Two Great Neck Stories and Fitzgerald's Treatment of the Past," 8<sup>th</sup> International F. Scott Fitzgerald Conference, Hempstead, NY, April 2005.

"Cheever Country Revisited: Chang-Rae Lee and the Changing Face of Suburban Fiction," New Visions of Suburban Life: An Interdisciplinary Conference, Hempstead, NY, March 2005.

"From the Big H to the Big K: Signs and Symbols of Post-Regional Suburbia," New Visions of Suburban Life: An Interdisciplinary Conference, Hempstead, NY, March 2005.

"Buying the Farm: Jewett's 'A White Heron' and Nature as Commodity," Sharp Eyes III: A Conference on John Burroughs and Nature Writing, Oneonta, NY, June 2004.

"How I Got to The Bronx Through Baton Rouge," Modern Language Association, San Diego, CA, Dec. 2003.

Panel Chair, "Poe's Homes," 2<sup>nd</sup> International Edgar Allan Poe Conference, Baltimore, MD, Oct. 2002.

1153

“‘O, What a Paradise it Seems’: John Cheever, Pastoral Memory, and Postwar Suburban Fiction,” South Atlantic MLA, Atlanta, GA, Nov. 2001.

“Visual Pleasure and Digital Cinema: Narrative, Spectatorship, and the DVD,” South Central MLA, Tulsa, OK, Nov. 2001.

“Tales From the ‘Big Outside World’: Ann Beattie’s Hemingway,” Modern Language Association, Washington, DC, Dec. 2000.

“Narratives of Community: Dagoberto Gilb’s *The Magic of Blood*,” American Literature Association, Long Beach, CA, May 2000.

“Building a Man of Parts: Dismemberment, Manhood, and Race in ‘The Man That Was Used Up,’” International Edgar Allan Poe Conference, Richmond, VA, Oct. 1999.

“Exurban Landscape and the Sense of Place in *The Great Gatsby*,” American Literature Association, Baltimore, MD, May 1999.

“Finding the Worm in the Apple: John Cheever and Middle-Class Anxiety,” Society for the Study of the Short Story, New Orleans, LA, May 1998.

#### **References**

Furnished upon request

1153

# Memo

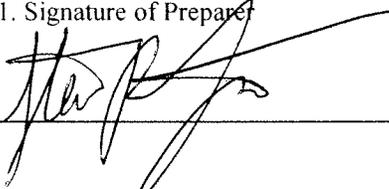
**To:** Ben Zwirn, Deputy County Executive  
**From:** Patrick Heaney, Commissioner, Economic Development and Workforce Housing  
**Date:** February 17, 2009  
**Re:** TO REAPPOINT ROBERT BEUKA TO THE SUFFOLK COUNTY MOTION PICTURE/ TELEVISION FILM COMMISSION

I am requesting that subject resolution be introduced to the Suffolk County Legislature.

Cc: Brendan Chamberlain, Director, Intergovernmental Relations  
Carolyn Fahey, Intergovernmental Relations Coordinator  
Michelle Isabelle-Stark, Program Coordinator, Cultural Affairs

1153

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>  X  </u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation <b>TO REAPPOINT ROBERT BEUKA TO THE SUFFOLK COUNTY MOTION PICTURE/TELEVISION FILM COMMISSION</b>		
3. Purpose of Proposed Legislation Term of Robert Beuka as a member of the Suffolk County Motion Picture/Television Commission expired January 31, 2009. Resolution is to reappoint for a four year term expiring January 31, 2013.		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes _____                      No <u>  X  </u>		
5. If the answer to item 4 is "yes", on what will it impact?                      (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact  N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.  N/A		
8. Proposed Source of Funding N/A		
9. Timing of Impact  N/A		
10. Typed Name & Title of Preparer  Steve R. Tricarico County Executive Assistant	11. Signature of Preparer 	12. Date  February 18, 2009

SCIN FORM 175b (10/95)

1154

Intro Res. No. -2009

Laid on Table 3/3/09

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2009, AUTHORIZING  
EXECUTION OF AGREEMENT BY THE ADMINISTRATIVE HEAD  
OF SUFFOLK COUNTY SEWER DISTRICT NO. 11 - SELDEN  
WITH THE OWNER OF ROYAL HEALTH & RACQUET CLUB, INC. (BR-1565)

WHEREAS, Royal Health & Racquet Club, Inc., is located outside the boundary of Suffolk County Sewer District No. 11 - Selden; and

WHEREAS, Royal Health & Racquet Club, Inc., has petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 11 - Selden; and

WHEREAS, it has been determined by the Administrative Head of the District that the District has wastewater treatment capacity available 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 2-2009; and

WHEREAS, Royal Health & Racquet Club, Inc., will pay \$7.06 per gallon per day of the connection fee to the District 11 Venture as part of the agreement for expanding the District and the balance of the \$15.00 connection fee (\$7.94) per gallon per day (\$63,591.46) to 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.

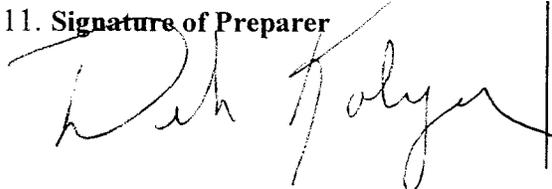
DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County  
Date of Approval

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1154

<b>1. Type of Legislation</b> Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____											
<b>2. Title of Proposed Legislation</b> <b>RESOLUTION NO. ___-2009, AUTHORIZING EXECUTION OF AGREEMENY BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 11- SELDEN WITH THE OWNER OF ROYAL HEALTH AND RACQUET CLUB (BR-1565)</b>											
<b>3. Purpose of Proposed Legislation</b> To authorize execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 11 -Selden with the owner of Royal Health and Racquet Club, Inc., a firm seeking to permission to discharge 8,009 GPD.											
<b>4. Will the Proposed Legislation Have a Fiscal Impact?</b> Yes <input checked="" type="checkbox"/> No _____											
<b>5. If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category)</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">County</td> <td style="width: 33%;">Town</td> <td style="width: 33%;">Economic Impact</td> </tr> <tr> <td>Village</td> <td>School District</td> <td>Other (Specify): Sewer District</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify): Sewer District	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify): Sewer District									
Library District	Fire District										
<b>6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact</b> \$7.06 per gallon per day of the connection fee for this project will be paid to the District 11- Venture, as per Sewer Agency Resolutions 14-1997 and 6-2006 to expand SCSD #11- Selden and the balance of the connection fee of \$7.94 per gallon per day (\$63,591.46) will be paid to the district.											
<b>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</b> N/A											
<b>8. Proposed Source of Funding</b> Connection Fees.											
<b>9. Timing of Impact</b> 2009											
<b>10. Typed Name &amp; Title of Preparer</b> Debra Kolyer Principal Financial Analyst	<b>11. Signature of Preparer</b> 	<b>12. Date</b> 2/23/09									

**FINANCIAL IMPACT  
2009 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1154

**GENERAL FUND**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$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
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**COMBINED**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$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.

1154

**SUFFOLK COUNTY SEWER AGENCY**  
**RESOLUTION NO: 2 - 2009**  
**AUTHORIZING THE FORMAL APPROVAL FOR THE CONNECTION OF**  
**ROYAL HEALTH & RACQUET CLUB, INC. (BR-1565) TO SUFFOLK**  
**COUNTY SEWER DISTRICT No. 11 - SELDEN**

WHEREAS, Royal Health & Racquet Club is an existing health complex in Coram, New York, on property identified on the Suffolk County Tax Map as District 0200, Section 449.00, Block 02.00, Lots 5 & 25, 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 Royal Health & Racquet Club, Inc. will generate a sewage flow of Eight thousand and nine gallons per day (8,009 GPD), and

WHEREAS, the owner of Royal Health & Racquet Club, Inc. has applied to this Agency for permission to connect Royal Health & Racquet Club, Inc. 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 Royal Health & Racquet Club, Inc., and

WHEREAS, Sewer Agency Resolution 6-2006 (4/17/06), stated that the connection fee was at the rate of \$15.00 GPD and established \$7.06 GPD as the amount the District 11 Venture could charge the connectees to cover the cost of construction. The District 11 Venture has a right to recover their costs as part of the agreement for expanding the District and the balance of the \$15.00 connection fee (\$7.94 GPD) is to be paid to the District, and

WHEREAS, the connection of Royal Health & Racquet Club, Inc. to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

**NOW, THEREFORE, IT IS**

1<sup>st</sup> RESOLVED, that Royal Health & Racquet Club, Inc. 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

2<sup>nd</sup> RESOLVED, that Eight thousand and nine gallons per day (8,009 GPD), of capacity in the District's sewage treatment plant be allocated to Royal Health & Racquet Club, Inc., and it is further

3<sup>rd</sup> 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

4<sup>th</sup> RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developer of Royal Health & Racquet Club, Inc., 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

5<sup>th</sup> RESOLVED, that the connection fee to be paid for Royal Health & Racquet Club, Inc. shall be paid upon the execution of the Connection Agreement at the rate of \$7.94 per gallon of sewage per day for a total of \$63,591.46 and it is further

6<sup>5th</sup> RESOLVED, that Royal Health & Racquet Club, Inc. shall, at its sole cost, expense and effort, construct a sewage collection facility for Royal Health & Racquet Club, Inc., and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

7<sup>th</sup> RESOLVED, that no Certificate of Occupancy shall be issued for any additional portion of Royal Health & Racquet Club, Inc. until the sewage collection facility for Royal Health & Racquet Club, Inc. 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

8<sup>th</sup> RESOLVED, that the developer of Royal Health & Racquet Club, Inc. 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 Royal Health & Racquet Club, Inc., as well as for all of the developer's obligations under the Connection Agreement, and it is further

9<sup>th</sup> 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 Royal Health & Racquet Club, Inc. 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 1/26/09)

**RESOLUTION SUBMITTAL SHEET**

Capital Project NA  
 Operating Fund NA  
 Other

Legislative Districts 6  
 Federal Aid % NA  
 State Aid % NA

1154

**Give a complete description of why we are asking for reso; if aided, state status of aid**

To authorize execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 11 – Selden with Royal Health & Racquet Club, Inc. (BR-1565), a firm seeking permission to discharge 8,009 GPD.

**Previous resolution (list previous reso for the same work)**

<u>Resolution Number</u>	<u>Purpose</u>	<u>Amount</u>
--------------------------	----------------	---------------

**Amounts being requested**

Planning	<u>0</u>
Site	<u>0</u>
Construction	<u>0</u>
Land	<u>0</u>
F&E	<u>0</u>

**Current Funding**

Planning	<u>0</u>
Site	<u>0</u>
Construction	<u>0</u>
Land	<u>0</u>
F&E	<u>0</u>

**Project Status**

Est. planning completion	<u>NA</u>	Design consultant
Est. construction start		Contractor
Est. construction completion		

**State required offsets, their Legislative Districts, and a detailed explanation of why we do not need the funds; state if we believe the legislator from the offset district will have a major issue**

**Offset    Leg. District    Comments**

COUNTY OF SUFFOLK



FEB 06 2009

1154

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: January 30, 2009  
SUBJECT: **Introductory Resolution Calling for Approval of the Connection of Royal Health & Racquet Club, Inc. (BR-1565) to Suffolk County Sewer District No. 11 – Selden**

Attached is a draft resolution filed as Reso-DPW-SA 2-2009 Royal Health & Racquet Club, Inc. (BR-1565) and appropriate forms with the backup filed as Backup-DPW-SA 2-2009 Royal Health & Racquet Club, Inc. (BR-1565) SCIN 175A. This is a resolution authorizing the execution of a connection agreement by the Administrative Head of Suffolk County Sewer District No. 11 – Selden with Royal Health & Racquet Club, Inc. (BR-1565).

Project Facts	
Type/units:	Spa/Sport Complex
Acreage:	5.65 acres
Flow:	8,009 GPD
Sewer District:	SCSD No. 11 - Selden
Groundwater Zone:	III
SEQRA:	Complete
SC Tax Parcel	0200-449.00-02.00-005.000 & 025.000
Legislative District	6 <sup>th</sup>

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  
Brendan Chamberlain  
E-mail to CE Reso Review

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1155

Intro Res. No. -2009

Laid on Table 3/3/09

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2009, AUTHORIZING  
EXECUTION OF AGREEMENT BY THE ADMINISTRATIVE HEAD  
OF SUFFOLK COUNTY SEWER DISTRICT NO. 11 - SELDEN  
WITH THE OWNER OF SONS CORAM, LLC (BR-1599)

WHEREAS, Sons Coram, is located outside the boundary of Suffolk County Sewer District No. 11 - Selden; and

WHEREAS, Sons Coram, has petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 11 - Selden; and

WHEREAS, it has been determined by the Administrative Head of the District that the District has wastewater treatment capacity available 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 3-2009; and

WHEREAS, Sons Coram, will pay \$7.06 per gallon per day of the connection fee to the District 11 Venture as part of the agreement for expanding the District and the balance of the \$30.00 connection fee (\$22.94) per gallon per day (\$68,820.00) to 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.

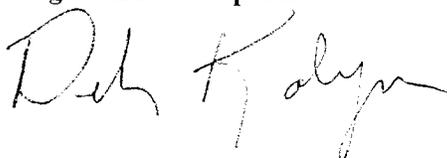
DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County  
Date of Approval

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1155

<b>1. Type of Legislation</b> Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____											
<b>2. Title of Proposed Legislation</b> <b>RESOLUTION NO. ___-2009, AUTHORIZING EXECUTION OF AGREEMENT BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 11- SELDEN WITH THE OWNER OF SONS CORAM, LLC (BR-1599)</b>											
<b>3. Purpose of Proposed Legislation</b> To authorize execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 11 -Selden with the owner of Sons Coram, LLC, a firm seeking to discharge 3,000 GPD.											
<b>4. Will the Proposed Legislation Have a Fiscal Impact?</b> Yes <input checked="" type="checkbox"/> No _____											
<b>5. If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category)</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">County</td> <td style="width: 33%;">Town</td> <td style="width: 33%;">Economic Impact</td> </tr> <tr> <td>Village</td> <td>School District</td> <td>Other (Specify): Sewer District</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify): Sewer District	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify): Sewer District									
Library District	Fire District										
<b>6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact</b> \$7.06 per gallon per day of the connection fee for this project will be paid to the District 11- Venture, as per Sewer Agency Resolutions 14-1997 and 6-2006 to expand SCSD #11- Selden and the balance of the connection fee of \$22.94 per gallon per day (\$68,820.00) will be paid to the district.											
<b>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</b> N/A											
<b>8. Proposed Source of Funding</b> Connection Fees.											
<b>9. Timing of Impact</b> 2009											
<b>10. Typed Name &amp; Title of Preparer</b> Debra Kolyer Principal Financial Analyst	<b>11. Signature of Preparer</b> 	<b>12. Date</b> 2/23/09									

**FINANCIAL IMPACT  
2009 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1155

**GENERAL FUND**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$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
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**COMBINED**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**NOTES:**

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

**SUFFOLK COUNTY SEWER AGENCY****RESOLUTION NO: 3 - 2009****AUTHORIZING THE FORMAL APPROVAL FOR THE  
CONNECTION OF SONS CORAM, LLC (BR-1599) TO  
SUFFOLK COUNTY SEWER DISTRICT No. 11 - SELDEN**

WHEREAS, Sons Coram, LLC is a proposed restaurant complex in Coram, New York, on property identified on the Suffolk County Tax Map as District 0200, Section 371.00, Block 08.00, Lots 002.001 & 002.002, 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 Sons Coram, LLC, Inc. will generate a sewage flow of Three thousand gallons per day (3,000 GPD), and

WHEREAS, the owner of Sons Coram, LLC, Inc. has applied to this Agency for permission to connect Sons Coram, LLC, Inc. 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 Sons Coram, LLC, and

WHEREAS, Sewer Agency Resolution 6-2006 (4/17/06), stated that the connection fee was at the rate of \$15.00 GPD and established \$7.06 GPD as the amount the District 11 Venture could charge the connectees to cover the cost of construction. The District 11 Venture has a right to recover their costs as part of the agreement for expanding the District and the balance of the current \$30.00 connection fee (\$22.94 GPD) is to be paid to the District, and

WHEREAS, the connection of Sons Coram, LLC to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Sons Coram, LLC, Inc. 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

2<sup>nd</sup> RESOLVED, that Three thousand gallons per day (3,000 GPD), of capacity in the District's sewage treatment plant be allocated to Sons Coram, LLC, and it is further

3<sup>rd</sup> 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

4<sup>th</sup> RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developer of Sons Coram, LLC, 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

5<sup>th</sup> RESOLVED, that the connection fee to be paid for Sons Coram, LLC, shall be paid upon the execution of the Connection Agreement at the rate of \$22.94 per gallon of sewage per day for a total of \$68,820.00 and it is further

6<sup>th</sup> RESOLVED, that Sons Coram, LLC, Inc. shall, at its sole cost, expense and effort, construct a sewage collection facility for Sons Coram, LLC, and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

7<sup>th</sup> RESOLVED, that no Certificate of Occupancy shall be issued for any additional portion of Sons Coram, LLC, Inc. until the sewage collection facility for Sons Coram, LLC 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

8<sup>th</sup> RESOLVED, that the developer of Sons Coram, LLC, Inc. 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 Sons Coram, LLC, as well as for all of the developer's obligations under the Connection Agreement, and it is further

9<sup>th</sup> 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 Sons Coram, LLC 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 1/26/09)

**RESOLUTION SUBMITTAL SHEET**

1155

Capital Project	<u>NA</u>	Legislative Districts	<u>6</u>
Operating Fund	<u>NA</u>	Federal Aid %	<u>NA</u>
Other		State Aid %	<u>NA</u>

**Give a complete description of why we are asking for reso; if aided, state status of aid**

To authorize execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 11 – Sons Coram, LLC (BR-1599), a firm seeking permission to discharge 3,000 GPD.

**Previous resolution (list previous reso for the same work)**

<b>Resolution</b>		
<b><u>Number</u></b>	<b><u>Purpose</u></b>	<b><u>Amount</u></b>

<b><u>Amounts being requested</u></b>		<b><u>Current Funding</u></b>	
Planning	<u>0</u>	Planning	<u>0</u>
Site	<u>0</u>	Site	<u>0</u>
Construction	<u>0</u>	Construction	<u>0</u>
Land	<u>0</u>	Land	<u>0</u>
F&E	<u>0</u>	F&E	<u>0</u>

**Project Status**

Est. planning completion	<u>NA</u>	Design consultant
Est. construction start		Contractor
Est. construction completion		

**State required offsets, their Legislative Districts, and a detailed explanation of why we do not need the funds; state if we believe the legislator from the offset district will have a major issue**

<b><u>Offset</u></b>	<b><u>Leg. District</u></b>	<b><u>Comments</u></b>
----------------------	-----------------------------	------------------------

COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

1155

FEB 06 2009

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: January 30, 2009  
SUBJECT: **Introductory Resolution Calling for Approval of the Connection of Sons Coram, LLC (BR-1599) to Suffolk County Sewer District No. 11 – Selden**

Attached is a draft resolution filed as Reso-DPW-SA 3-2009 Sons Coram, LLC (BR-1599) and appropriate forms with the backup filed as Backup-DPW-SA 3-2009 Sons Coram, LLC (BR-1599) SCIN 175A. This is a resolution authorizing the execution of a connection agreement by the Administrative Head of Suffolk County Sewer District No. 11 – Selden with Sons Coram, LLC (BR-1599).

Project Facts	
Type/units:	Restaurant Complex
Acreage:	2.1 acres
Flow:	3,000 GPD
Sewer District:	SCSD No. 11 - Selden
Groundwater Zone:	III
SEQRA:	Complete
SC Tax Parcel	0200-371.00-08.00-002.001 & 002.002
Legislative District	6 <sup>th</sup>

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  
Brendan Chamberlain  
E-mail to CE Reso Review

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1156

Intro Res. No. -2009

Laid on Table 3/3/09

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2009, AUTHORIZING  
EXECUTION OF AGREEMENT BY THE ADMINISTRATIVE HEAD  
OF SUFFOLK COUNTY SEWER DISTRICT NO. 13 -WINDWATCH  
WITH THE OWNER OF ISLANDIA VILLAGE CENTER (IS-1602)

WHEREAS, Islandia Village Center, is located outside the boundary of Suffolk County Sewer District No. 13 -Windwatch; and

WHEREAS, Islandia Village Center, has petitioned and requested the Administrative Head of the District for permission to connect into the sanitary sewers of the Sewer District No. 13 - Windwatch; and

WHEREAS, it has been determined by the Administrative Head of the District that the District will have wastewater treatment capacity available in excess of its own needs once the Wastewater Treatment Plant of the District is expanded by Motor Parkway Associates; 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. 13 - Windwatch 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 1-2009; and

WHEREAS, Islandia Village Center, will pay the connection fee to Motor Parkway Associates 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. 13 - Windwatch 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.

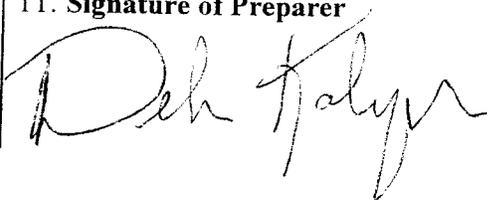
DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County  
Date of Approval

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1156

1. <b>Type of Legislation</b> Resolution <u>      X      </u> Local Law <u>      </u> Charter Law <u>      </u>											
2. <b>Title of Proposed Legislation</b> <b>RESOLUTION NO. ___-2009, AUTHORIZING EXECUTION OF AGREEMENY BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 13- WINDWATCH WITH THE OWNER OF ISLANDIA VILLAGE CENTER (IS-1602)</b>											
3. <b>Purpose of Proposed Legislation</b> To authorize execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 13 -Windwatch with the owner of Islandia Village Center, a firm seeking to discharge 106,247 GPD.											
4. <b>Will the Proposed Legislation Have a Fiscal Impact?</b> Yes <u>      X      </u> No <u>      </u>											
5. <b>If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category)</b> <table border="0"><tr><td>County</td><td>Town</td><td>Economic Impact</td></tr><tr><td>Village</td><td>School District</td><td>Other (Specify): Sewer District</td></tr><tr><td>Library District</td><td>Fire District</td><td></td></tr></table>			County	Town	Economic Impact	Village	School District	Other (Specify): Sewer District	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify): Sewer District									
Library District	Fire District										
6. <b>If the answer to item 4 is "yes," Provide Detailed Explanation of Impact</b> The connection fee for this project will be paid to Motor Parkway Associates, as per Sewer Agency Resolution No. 1-2009.											
7. <b>Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</b> N/A											
8. <b>Proposed Source of Funding</b> Connection Fees.											
9. <b>Timing of Impact</b> 2009											
10. <b>Typed Name &amp; Title of Preparer</b> Debra Kolyer Principal Financial Analyst	11. <b>Signature of Preparer</b> 	12. <b>Date</b> 2/23/09									

**FINANCIAL IMPACT  
2009 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1156

**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.

# SUFFOLK COUNTY SEWER AGENCY

1156

## RESOLUTION NO. 1 - 2009

### ADOPTING A FINDINGS STATEMENT AND AUTHORIZING THE CONNECTION OF ISLANDIA VILLAGE CENTER (IS 1602) TO SUFFOLK COUNTY SEWER DISTRICT NO. 13 – WINDWATCH

WHEREAS, Islandia Village Center is a proposed Village Center with 150 Condo units – two hotels, two restaurants, retail & office space, in The Village of Islandia, New York, situated on property identified on the Suffolk County Tax Map as District 0504, Section 001.00, Block 01.00, Lots 007.000, 008.000, 009.000, & 010.000 (the "Premises"), and

WHEREAS, the sewage flow from the Islandia Village Center is expected to be one hundred-six thousand two hundred forty-seven gallons per day (106,247 GPD), and

WHEREAS, Islandia Village Center is not located within the boundaries of Suffolk County Sewer District No. 13 - Windwatch (the "District"), and

WHEREAS, Islandia Village Center has applied to this Agency for permission to purchase and connect its one hundred-six thousand two hundred forty-seven gallons per day (106,247 GPD) of flow to the sanitary sewerage facilities of the District, which volume is required by the SC Department of Health Standards, and

WHEREAS, the District's sewage treatment plant will have sufficient capacity to accept the additional sewage which is expected to emanate from Islandia Village Center once the proposed expansion of the WWTP is complete, and

WHEREAS, the connection of Islandia Village Center to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

<sup>1st</sup> RESOLVED, by the Suffolk County Sewer Agency as follows:

The Issuer hereby finds and determines:

- (a) The Action is a Type II Action pursuant to SEQR.
- (b) The Agency's jurisdiction over the Facility is the connection to Suffolk County Sewer District #13 – Windwatch.
- (c) Based upon an independent review by the Issuer of the DEIS, FEIS, and the Village of Islandia Board of Trustees Statement of Findings, the Issuer hereby concurs in the Village of Islandia Board of Trustees findings and decisions contained in the Statement of Findings and hereby adopts the Statement of Findings attached hereto as Exhibit A as its own Statement of Findings under SEQR.

(d) Having considered the DEIS, FEIS, the Village of Islandia Board of Trustees Statement of Findings and such other documents as may be necessary or appropriate, the Sewer Agency certifies that:

(i) The requirements of 6 NYCRR Part 617 have been met;

(ii) Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the Action is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including effects disclosed in the environmental impact statement; and

(iii) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement will be minimized or avoided by incorporating as conditions those mitigative measures which were identified as practicable.

(e) The basis for this decision is set forth in the Statement of Findings attached as Exhibit A hereto and incorporated by reference herein, thus all of the provisions of SEQRA have been complied with.

2<sup>nd</sup> RESOLVED, that Islandia Village Center 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

3<sup>rd</sup> RESOLVED, that one hundred-six thousand two hundred forty-seven gallons per day (106,247 GPD) of capacity in the District's sewage treatment plant be allocated to Islandia Village Center once the proposed expansion of the WWTP is complete, and it is further

4<sup>th</sup> 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

5<sup>th</sup> RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the owner of Islandia Village Center, 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

6<sup>th</sup> RESOLVED, that the connection fee for Islandia Village Center shall be paid to Motor Parkway Associates as a condition of expanding the WWTP, and it is further

7<sup>th</sup> RESOLVED, that Islandia Village Center shall, at its sole cost, expense and effort, construct a sewage collection facility for Islandia Village Center, and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

8<sup>th</sup> RESOLVED, that no Certificate of Occupancy shall be issued for any portion of Islandia Village Center until the sewage collection facility for Islandia Village Center has been completed, the plant expanded, and Islandia Village Center has been connected to the sanitary sewerage facilities of the District, all to the satisfaction of DPW, and it is further

9<sup>th</sup> RESOLVED, that the developer of Islandia Village Center 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 Islandia Village Center, as well as for all of the developer's obligations under the Connection Agreement, and it is further

10<sup>th</sup> 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 Islandia Village Center 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 1/26/09)

**RESOLUTION SUBMITTAL SHEET**

1156

Capital Project NA  
Operating Fund NA  
Other

Legislative Districts 12  
Federal Aid % NA  
State Aid % NA

**Give a complete description of why we are asking for reso; if aided, state status of aid**

To authorize execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 13 – Windwatch with Islandia Village Center (IS-1602), a firm seeking permission to discharge 106,247 GPD.

**Previous resolution (list previous reso for the same work)**

<u>Resolution Number</u>	<u>Purpose</u>	<u>Amount</u>
--------------------------	----------------	---------------

<u>Amounts being requested</u>		<u>Current Funding</u>	
Planning	<u>0</u>	Planning	<u>0</u>
Site	<u>0</u>	Site	<u>0</u>
Construction	<u>0</u>	Construction	<u>0</u>
Land	<u>0</u>	Land	<u>0</u>
F&E	<u>0</u>	F&E	<u>0</u>

**Project Status**

Est. planning completion	<u>NA</u>	Design consultant
Est. construction start		Contractor
Est. construction completion		

**State required offsets, their Legislative Districts, and a detailed explanation of why we do not need the funds; state if we believe the legislator from the offset district will have a major issue**

<u>Offset</u>	<u>Leg. District</u>	<u>Comments</u>
---------------	----------------------	-----------------

COUNTY OF SUFFOLK



1156  
FEB 06 2009

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: January 30, 2009  
SUBJECT: **Introductory Resolution Calling for Approval of the Connection of Islandia Village Center (IS-1602) to Suffolk County Sewer District No. 13 – Windwatch**

Attached is a draft resolution filed as Reso-DPW-SA 1-2009 Islandia Village Center (IS-1602) and appropriate forms with the backup filed as Backup-DPW-SA 1-2009 Islandia Village Center (IS-1602) SCIN 175A. This is a resolution authorizing the execution of a connection agreement by the Administrative Head of Suffolk County Sewer District No. 13 – Windwatch with Islandia Village Center (IS-1602).

Project Facts	
Type/units:	Village Center/150 Condo units – two hotels, two restaurants, retail & office space
Acreage:	12.66 acres
Flow:	106,247 GPD – As part of the proposed expansion
Sewer District:	SCSD No. 13 - Windwatch
	Ultimate Treatment capacity: 750,000 GPD
Groundwater Zone:	I
SEQRA:	Complete
SC Tax Parcel(s)	0504-00100-0100-007000, 008000, 009000, & 010000
Legislative District:	12 <sup>th</sup>

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  
Brendan Chamberlain  
E-mail to CE Reso Review

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Intro Res. No. **1157-09** Laid on Table **3/3/09**  
 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 #315

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

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

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

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

<u>Description</u>	<u>Year</u>	<u>Original Tax</u>	<u>Corrected Tax</u>	<u>Chargeback or Refund, if paid</u>
<b>BROOKHAVEN:</b>				
<b>0200-162.00-06.00-013.000</b>				
<b>Item #0711670</b>	<b>2005/06</b>	<b>\$2811.06</b>	<b>\$0.00</b>	<b>\$2811.06</b>
<b>0200-981.90-01.00-033.000</b>				
<b>Item #3824490</b>	<b>2005/06</b>	<b>\$3920.05</b>	<b>\$0.00</b>	<b>\$3920.05</b>
<b>0200-970.00-04.00-009.000</b>				
<b>Item #4006530</b>	<b>2005/06</b>	<b>\$7214.21</b>	<b>\$0.00</b>	<b>\$7214.21</b>
<b>0200-881.00-04.00-045.000</b>				
<b>Item #4611160</b>	<b>2005/06</b>	<b>\$6109.11</b>	<b>\$0.00</b>	<b>\$6109.11</b>

Dated:

Approved By:

---

Suffolk County Executive

Date of Approval:

1157

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* 2/18/09

**Additional back-up material regarding I.R. 1157 is on file  
in the Legislative Clerk's Office, Hauppauge.**

1158

Intro. Res. No. - 2009

Laid on Table

3/3/09

Introduced by Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, AUTHORIZING THE  
EXTENSION OF A LEASE OF COUNTY PREMISES  
LOCATED AT THE HONOR FARM IN THE TOWN OF  
BROOKHAVEN, NY FOR USE BY LONG ISLAND  
LIGHTING COMPANY D/B/A LIPA**

**WHEREAS**, the Long Island Lighting Company d/b/a LIPA ("LIPA") through its agent National Grid Corporate Services, LLC currently leases, uses and occupies a plot or strip of land with dimensions of approximately two hundred feet by three hundred feet (the "leased premises") which is a part of premises known as Suffolk County Honor Farm, located in the Town of Brookhaven, in Suffolk County, which expired October 31, 2005; and

**WHEREAS**, the leased premises are used as an electrical substation in connection with the transmission and distribution of electricity for public and private use in Suffolk County, and for transmitting and distributing electricity for use by persons and for lighting streets and avenues, public places and public buildings in the County of Suffolk; and

**WHEREAS**, LIPA desires to continue the use of the leased premises for the operation of a substation through October 31, 2025, with an annual rent of \$17,500.00 in the first year of the extension period and an annual escalation of three (3) percent thereafter; and

**WHEREAS**, upon the execution of the lease LIPA agrees to pay to the County the amount of \$13,425.00 as payment for the balance of rent due for the period of November 1, 2005 through October 31, 2008; and

**WHEREAS**, the Space Management Steering Committee recommended the approval of this Lease at its meeting on November 21, 2005 now, therefore, be it

**1<sup>ST</sup> RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.59(c)(20) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-109 of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this law; and be it further

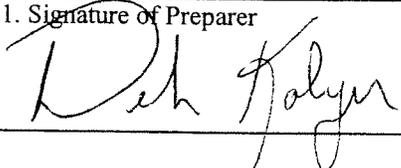
**2<sup>ND</sup> RESOLVED**, that the County Executive be and hereby is authorized to execute a lease, in accordance with the terms and conditions of this resolution and in substantial conformance with the form annexed.

DATED:

\_\_\_\_\_  
County Executive of Suffolk County  
Date of Approval:

1158

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>  X  </u> Local Law <u>      </u> Charter Law <u>      </u>		
2. Title of Proposed Legislation		
<p><b>RESOLUTION NO.                      - 2009, AUTHORIZING THE EXTENSION OF A LEASE OF COUNTY PREMISES LOCATED AT THE HONOR FARM IN THE TOWN OF BROOKHAVEN, NY FOR USE BY LONG ISLAND LIGHTING COMPANY D/B/A LIPA</b></p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes <u>  X  </u> No <u>      </u>		
5. If the answer to item 4 is "yes", on what will it impact?                      (circle appropriate category)		
County <u>  X  </u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
<p>The annual rent will be \$17,500 in the first year of the extension period and an annual escalation of three percent thereafter. Upon execution of the lease LIPA agrees to pay to the County the amount of \$13,425 as payment for the balance of rent due for the period of November 1, 2005 through October 31, 2008.</p>		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Revenue		
9. Timing of Impact		
Upon adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Debra Kolyer Principal Financial Analyst		February 23, 2009

**FINANCIAL IMPACT  
2009 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1158

**GENERAL FUND**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**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
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**COMBINED**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**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.

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AGREEMENT OF LEASE

1158

between

COUNTY OF SUFFOLK

as LANDLORD

and

LONG ISLAND LIGHTING COMPANY d/b/a/ LIPA

as TENANT

Date: \_\_\_\_\_, 2009

Premises located at County Farm, Yaphank, New York

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1158

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1158

1158

**AGREEMENT OF LEASE**

**THIS AGREEMENT OF LEASE** (“Lease”) made as of the \_\_\_ day of \_\_\_\_\_, 20098, by and between the COUNTY OF SUFFOLK, a municipal corporation with an address at County Center, Riverhead, New York 11901 (“COUNTY”), acting through its duly constituted Department of Public Works, located at 335 Yaphank Avenue, Yaphank, New York 11978, and Long Island Lighting Company d/b/a LIPA (“LIPA”), a New York corporation and wholly-owned subsidiary of the Long Island Power Authority, a corporate municipal instrumentality and political subdivision of the State of New York, by and through its agent, Key Span Corporate Services; LLC (“KeySpan”), having its principle office at 175 East Old Country Road, Hicksville, New York 11801-4280.

**WITNESSETH:**

**SECTION 1.           DESCRIPTION**

*Section 1.01* In consideration of and subject to the terms, covenants, agreements, provisions, conditions, and limitations set forth in this Lease, COUNTY hereby agrees to lease to LIPA all that plot or strip of land with dimensions of approximately two hundred feet by three hundred feet (200’ x 300’), currently used by KeySpan pursuant to a Lease dated May 1<sup>st</sup>, 1973 (the “Premises”), which is a part of premises known as Suffolk County Honor Farm, located in the Town of Brookhaven, in Suffolk County, Suffolk County Tax Map number 0200-665-1-1, together with a right of access thereto and underground equipment, fifty (50) plus or minus feet, in width, from Yaphank Avenue.

**SECTION 2.           PURPOSE**

*Section 2.01* The parties acknowledge that the COUNTY is a municipal corporation and is entering into and executing this Lease by virtue of the authority of Resolution No. \_\_\_\_-2008 of the Suffolk County Legislature, for use of the Premises as an electrical substation (the “Substation”), in connection with the transmission and distribution of electricity for public and private use in Suffolk County, and for transmitting and distributing electricity for use by persons, and for lighting streets and avenues, public places and public buildings in the County of Suffolk, and more specifically for the operation of a substation at the Premises. LIPA acknowledges and agrees to use the Premises as specified herein.

**SECTION 3.           TERM**

*Section 3.01* The “Term” of this Lease and LIPA’s obligation to pay rent shall be deemed to have commenced November 1, 2005 (the “Commencement Date”), and shall expire twenty (20) years later, on October 31, 2025 (the “Expiration Date”), or on such earlier date as this Lease may terminate or expire as provided for herein; provided, however, that if such date does not fall on a “Business Day,” defined below, then this Lease shall end on the next Business Day.

For the purposes of this Lease and all agreements supplemented to this Lease, the Term “Business Day” means any day except a Saturday, a Sunday, or any day in which commercial banks are required or authorized to close in Suffolk County, New York.

1158

**SECTION 4. RENT**

*Section 4.01* "Annual Rent" for the Premises for the first year of the Lease Term shall be SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500.00) per year, payable by LIPA to COUNTY at COUNTY's address set forth herein, or at such other place designated by COUNTY in writing. Upon execution of this Lease, LIPA shall simultaneously remit to COUNTY the sum of THIRTEEN THOUSAND FOUR HUNDRED TWENTY-FIVE DOLLARS (\$13,425.00) as payment for the balance of rent due for the period of November 1, 2005 through October 31, 2008("Rent").

*Section 4.02* Commencing on November 1, 2007, and on each anniversary date thereafter, Rent shall increase by three percent (3%) over the Rent in the preceding year as set forth in the Rent Schedule attached to this Lease and paid a part hereof.

*Section 4.03* Any sums, charges, fees, expenses, or amounts to be paid by LIPA pursuant to the provisions of this Lease, other than Rent, shall be designated as and deemed "Additional Rent" and shall be payable by LIPA to COUNTY within thirty (30) days after COUNTY gives LIPA written notice that such payment is due. COUNTY shall have the same rights and remedies upon LIPA's failure to pay Additional Rent as for the non-payment of Rent reserved under this Lease. LIPA's obligation to pay any and all Additional Rent, and COUNTY's and LIPA's obligations to make adjustments of Additional Rent referred to in this Lease, shall survive any expiration or termination of this Lease.

*Section 4.04* LIPA shall pay all rent without set-off, abatement, deductions, defense or claims, except as specifically set forth herein.

*Section 4.05* Acceptance of Rent from other than named LIPA shall in no event be deemed the acceptance and acquiescence to any assignment or subletting of the Premises in whole or in part. No payment by LIPA or receipt by COUNTY of an amount less than the Rent then due shall be deemed to be other than on account of the stipulated rent, nor shall any endorsement or extraneous matter on any check or in any letter accompanying such payment of Rent affect the terms of this Lease or be deemed an accord and satisfaction, and COUNTY may accept such payment without prejudice to any of its rights.

**SECTION 5. CARE AND REPAIR OF PREMISES**

*Section 5.01* LIPA is leasing the Premises in their "as is" condition physical, without any representation or warranty by COUNTY as to the condition or state thereof or its fitness or availability for any particular use or purpose. LIPA represents and warrants that it has examined the Premises and is fully familiar with the physical condition of the Premises.

*Section 5.02* It shall be LIPA'S sole obligation to take good care of the Premises. LIPA agrees to pay the cost to restore or repair any damage to the Premises caused by LIPA, either directly or indirectly. LIPA shall perform all work required to accommodate the needs of LIPA, which work shall be carried out at all times in a safe manner. All work is to be conducted in a good and workmanlike manner, in accordance with Section 7 below, at LIPA's sole cost and expense.

*Section 5.03* LIPA shall have the right to cut, trim and remove, from time to time, any shrubs, undergrowth or trees growing or located on the Premises.

*Section 5.04* The Premises are currently enclosed with natural screening and a six foot (6') high chain link fence, together with barbed wire on the top thereof for the protection of LIPA's

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property and the public. LIPA agrees to maintain the screening and fence as they presently exist.

**SECTION 6. LIENS**

*Section 6.01* COUNTY covenants to keep the Premises free of liens and any additional encumbrances which would interfere with LIPA's use of the Premises.

*Section 6.02* In the event it is permissible for any mechanics' or other liens to be filed against any portion of the Premises by reason of LIPA's acts or omissions or because of a claim against LIPA, LIPA shall cause the same to be cancelled or discharged of record by bond or otherwise within ninety (90) days after notice from COUNTY. If LIPA shall fail to cancel or discharge said lien or liens within said ninety (90) day period, COUNTY may cancel or discharge the same and upon COUNTY's demand, LIPA shall reimburse COUNTY for all costs incurred in canceling or discharging such liens.

**SECTION 7. ALTERATIONS**

*Section 7.01* LIPA shall not expand the Substation beyond its current bounds without the prior written consent of COUNTY.

*Section 7.02* LIPA may perform any construction, reconstruction, maintenance, repair, physical changes, or alterations, (hereinafter "Alterations") to the Substation within its current bounds without the prior written consent of COUNTY provided said Alterations do not materially change the purpose of the Substation. Examples of acceptable Alterations are upgrading existing equipment or adding similar substation equipment, including a new control enclosure, transformers, protective line breakers, disconnect switches, structural steel, electric bus work, and distribution switchgear. LIPA agrees to carry, and to cause LIPA's contractors and sub-contractors to carry such insurance as set forth under **Section 10** hereunder.

**SECTION 8. NEGATIVE COVENANTS**

*Section 8.01* Neither LIPA nor COUNTY shall use, occupy, maintain or operate the Premises, nor suffer or permit the Premises or any part thereof to be used, occupied, maintained or operated, nor bring into or keep at the Premises, nor suffer or permit anything to be brought into or kept therein, which would in any way (a) violate any term, covenant or condition of this Lease; (b) violate any restrictive covenant, operating covenant, encumbrance or easement affecting the Premises; (c) violate any law; (d) make void or voidable any insurance policy then in force with respect to the Premises or make any such insurance unobtainable or increase the rate of any insurance with respect to the Premises; (e) cause physical damage to the Premises or any part thereof; (f) permit the excess accumulation of waste or refuse matter; (g) constitute a public or private nuisance; and (h) not conform to all applicable federal, state and local laws and regulations regulating toxic waste and discharge, including, but not limited to, Articles VII and XII of the Suffolk County Sanitary Code.

**SECTION 9. IDEMNITY**

*Section 9.01* LIPA 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, which may be imposed upon, incurred by or

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asserted against COUNTY, arising out of the acts or omissions or the negligence of LIPA in connection with LIPA's use, possession, occupation, operation, and maintenance of the Premises. LIPA shall defend the COUNTY and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the COUNTY's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of LIPA, its officers, officials, employees, subcontractors or agents, if any, in connection with the duties or obligations described or referred to in this Lease.

*Section 9.02* COUNTY agrees that it shall protect, indemnify and hold harmless LIPA, KeySpan Corporation ("KeySpan") or its successor as manager of LIPA's electric transmission and distribution system, and the Long Island Power Authority (the "Authority") and their respective directors, trustees, officers, officials, employees, affiliates, contractors, agents, assigns, successors, representatives, contractors 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, relating to the Premises, of COUNTY. COUNTY shall defend LIPA and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the LIPA's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of COUNTY, its officers, officials, employees, subcontractors or agents, if any, in connection with the duties or obligations described or referred to in this Lease.

*Section 9.03* The provisions of this **Section 9** shall survive the expiration or termination of this Lease.

#### **SECTION 10.            INSURANCE**

*Section 10.01* The risk of loss or destruction from any peril to the facilities, furniture, fixtures, equipment, or other personal property of LIPA, while on the Premises, shall be borne by LIPA. It is further understood that LIPA waives any right to subrogation against the COUNTY for loss or destruction or from any period to the furniture, fixtures, equipment or other personal property of LIPA while on the said Premises except in cases due to any active or passive negligence of COUNTY, its employees, officers and agents.

*Section 10.02* LIPA further agrees to procure, pay the entire premium for, and maintain throughout the term of this Lease insurance in amounts and types specified by COUNTY. Unless otherwise required by COUNTY, in writing, such insurance will be as follows:

- i. Commercial General Liability insurance in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage.
- ii. Workers Compensation and Employer's Liability Insurance in compliance with all applicable New York State laws and regulations and Disability Benefits Insurance if required by law. LIPA shall furnish to COUNTY, prior to its execution of this Lease, the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§ 57 and 220(8) (a), (b) of the Workers' Compensation Law. In accordance with General Municipal Law § 108, this Lease shall be void and of no effect unless LIPA shall provide and maintain coverage during the term of this Lease for the benefit of such employees as

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are required to be covered by the provisions of the Workers' Compensation Law.

- iii. Automobile Liability Insurance (if any vehicles are used by LIPA in the performance of this Lease) 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.

*Section 10.03* All insurance required by this Lease shall be maintained with insurance underwriters authorized to do business in the State of New York with an A.M. Best Rating of A- or better.

*Section 10.04* LIPA shall furnish COUNTY with Certificates of Insurance and Endorsement Pages for each such policy of insurance, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, COUNTY shall be named as an additional insured and LIPA shall furnish a Certificate of Insurance and Endorsement Page evidencing COUNTY's status as an additional insured on said policy.

*Section 10.05* All Certificates of Insurance, Endorsement Pages, and other evidence of insurance shall provide for COUNTY to be notified in writing thirty (30) days prior to any cancellation, nonrenewal, or material change in said policy.

*Section 10.06* Any contractors and subcontractors who may at any time be involved with construction or reconstruction of the Premises on behalf of LIPA shall be required to procure and maintain throughout the term of construction insurance in the amounts and types specified in this Section 10.

*Section 10.07* Notwithstanding the foregoing, however, LIPA, at its sole option, subject to LIPA being in full compliance with all applicable New York State, local and federal regulations regarding LIPA's self-insurance program and may elect to be either partially or totally self-insured and thereby assume responsibility for that portion of the liability insurance for which it is insured. In this case, LIPA must notify COUNTY of its self-insured status by a signed writing, indicating that it meets the requirements to self-insure and that its self-insurance program meets the minimum insurance requirements in a manner consistent with that specified in this Section 10.

*Section 10.08* In the event that any of the insurance required by this Lease ceases to be in full force and effect, LIPA agrees to cease all operations covered by the terms of this Lease.

## **SECTION 11. COUNTY'S DEFAULT REMEDIES/DAMAGES**

*Section 11.01* Upon the occurrence of any one or more of the following events (referred to as "Events of Default") at any time prior to or during the Term of the Lease, and in addition to any other remedy available to COUNTY at law or in equity, COUNTY may give to LIPA a written notice of default.

Upon receipt of the notice of default, LIPA shall have thirty (30) days to cure the Event of Default or, in the case of a default which for causes beyond LIPA's reasonable control cannot, with reasonable diligence be cured within such period of thirty (30) days, LIPA shall immediately

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upon the receipt of such notice, (a) advise COUNTY of LIPA's intention duly to institute all steps necessary to cure such default and (b) institute and thereafter diligently prosecute to completion all steps necessary to cure the same.

Events of Default

- (i) if LIPA shall default in the payment when due of any installment of Rent or;
- (ii) if LIPA shall default in causing a lien to be cancelled or discharged of record by bond or otherwise; or
- (iii) if the Premises become vacant or deserted; or
- (iv) if any execution or attachment is issued against LIPA or any of LIPA's property whereupon the Premises is taken or occupied by someone other than LIPA;
- (v) the filing by or against LIPA of a petition in bankruptcy, the taking by LIPA of the benefit of any other insolvency act or procedure, which term includes any form of proceeding for voluntary or involuntary reorganization or arrangement or rearrangement under federal bankruptcy laws as well as an assignment for the benefit of creditors, or the appointment of a receiver for LIPA and such receiver is not discharged within forty-five (45) days.

*Section 11.02* If this Lease and the Term shall expire and come to an end by or under any summary proceeding or any other action or proceeding, LIPA shall pay to COUNTY Rent and any Additional Rent or a portion thereof payable under this Lease by LIPA to COUNTY to the date upon which this Lease and the Term shall have expired and come to an end.

*Section 11.03* Except for the monetary obligations of either party, COUNTY and LIPA shall not be in default of this Lease because of such party's inability to perform the covenants and obligations set forth herein during the continuance of any period of "Force Majeure," defined below, except as may otherwise be expressly specified in this Lease.

For purposes of this Lease, "Force Majeure" means any delay in performing the obligations under this Lease by reason of strikes, boycotts, labor disputes, embargoes, shortages of material, acts of God, acts of the public enemy or terrorism, acts of superior governmental authority, weather conditions, tides, riots, rebellion, sabotage or any other circumstances for which it is not responsible and which are not within its control; provided that in no event shall the performance of an obligation under this Lease be deemed prevented or delayed by any of the foregoing reasons (collectively "Force Majeure") if performance can be (or could have been) effectuated by, or any default thereof cured by, the proper payment of money with respect to any such obligation and in no event shall the inability of either party to make available sufficient funds be deemed to be a Force Majeure. If either COUNTY or LIPA shall be able to perform any of the other party's obligations hereunder, claimed by the non-performing party to be subject to Force Majeure, then the non-performing party's claim of Force Majeure shall be ineffective against COUNTY or LIPA, as the case may be.

*Section 11.04* No failure by the COUNTY or LIPA to insist upon the strict performance of any covenant, agreement, term or condition of this Lease, or to exercise any right or remedy consequent upon a breach thereof, and no acceptance of full or partial Rent during the continuance of any such breach, shall constitute a waiver of any breach or of such covenant,

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agreement, term or condition hereof. No covenant, agreement term or condition of this Lease to be performed or complied with by either party, and no breach thereof, shall be waived, altered or modified except by a written instrument executed by the other party hereto. No waiver of any breach shall affect or alter this Lease but each and every covenant, agreement, term and condition of this Lease shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

*Section 11.05* In the event of any breach or threatened breach by LIPA of any of the covenants, agreements, terms or conditions contained in this Lease, COUNTY shall be entitled to enjoin such breach or threatened breach and shall have the right to invoke any right and remedy allowed at law or in equity or by statute or otherwise.

*Section 11.06* Any and all Rent due shall be payable to through the date of any period of continued use and occupancy of the Premises by LIPA.

**SECTION 12. SURRENDER OF PREMISES; HOLDOVER**

*Section 12.01* On the Expiration Date, or upon the sooner termination of this Lease, LIPA shall, at its expense, quit, surrender, vacate, and deliver the Premises to COUNTY in good order, and condition, together with all improvements therein, except for the electrical substation and related equipment / property and any Alterations. LIPA shall, at its expense, remove from the Premises all LIPA's personal property and any personal property of Persons claiming by, through or under LIPA, equipment, furniture, wiring and cabling installed by or on behalf of LIPA, and any Alterations not approved by COUNTY, and shall repair or pay the cost of repairing all damage to the Premises occasioned by such removal. Any LIPA's personal property or Alterations of LIPA, which shall remain in the Premises after the termination of this Lease, shall be deemed to have been abandoned and either may be retained by COUNTY as its property or may be stored or disposed of as COUNTY may see fit. If property not so removed shall be sold, COUNTY may receive and retain the proceeds of such sale and apply the same, at COUNTY's option, against the reasonable expenses of the sale, moving and storage, arrears of rent and any damages to which COUNTY may be entitled. Any excess proceeds shall be the property of COUNTY.

*Section 12.02* If LIPA shall remain in possession of the Premises after the termination of this Lease LIPA, subject to all of the other terms of this Lease insofar as the same are applicable to a month-to-month tenancy, and without waiving LIPA's default or preventing COUNTY from suing to obtain possession, shall be deemed to be occupying the Premises as a LIPA from month to month, at a monthly rental equal to one twelfth (1/12) of one hundred and five percent (105%) of the Rent last payable by LIPA hereunder. The aforesaid provisions of the Article shall survive the expiration of the term of this Lease.

*Section 12.03* The provisions of this Section 12 shall survive the expiration or earlier termination of this Lease.

**SECTION 14. FIRST RIGHT OF REFUSAL**

*Section 14.01* If, at any time during the Term, COUNTY intends to offer to sell the Premises or any part thereof or interest therein to a third party, or wishes to demolish the Premises, then COUNTY or its successor/assignee shall, prior to any offering of the Premise or such part thereof or interest therein for sale, or proceeding with plans to demolish, deliver to LIPA written notice of the terms and conditions upon which COUNTY intends to offer the Premises or such part thereof or interest therein for sale. Provided that no event of default has occurred and is continuing

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hereunder, LIPA shall have the first right of refusal to purchase the Premises on the terms set forth in the notice from COUNTY by giving written notice to the COUNTY within thirty (30) days after receiving COUNTY's notice, of LIPA's intention to purchase on the terms contained in such notice from COUNTY. In the event that LIPA fails to notify COUNTY within said thirty (30) day period of LIPA's election to exercise its first right of refusal to purchase hereunder, the COUNTY may proceed to sell the Premises (or such part thereof or interest therein) to any third party after the expiration of such thirty (30) day period, but only on substantially the same terms and conditions as were set forth in the notice from COUNTY to LIPA, and any material change in such terms and conditions shall be deemed a new offer and COUNTY shall in such event not consummate any sale to a third party without first submitting all of the changed terms and conditions to LIPA for determination by LIPA in the manner provided above, except that LIPA shall have fifteen (15) days, and not thirty (30) days, after receipt of said notice in which to elect to exercise its right to purchase on the basis of the changed terms and conditions. Upon any sale by COUNTY of the Premises to any third party, provided that, as to such sale the notice required under this *Section 11.04* shall have been given to LIPA and LIPA shall have elected not to exercise its right of purchase, LIPA's first right of refusal to purchase shall immediately terminate and be of no further force or effect.

*Section 14.02* In the event that COUNTY wishes to assign, transfer, convey, lease or by any other act for agreement grant management or control of the Premises or a portion thereof, in which this leasehold is located to another entity, this lease shall not be subject or subordinate to any such assignment, transfer, conveyance, lease or any other act for agreement and this lease and the rights of LIPA hereunder shall continue in full force and effect and shall not be terminated or disturbed.

**SECTION 15. EMINENT DOMAIN**

*Section 15.01* If the Premises or any part of thereof or any estate therein, or any other part of the Premises materially affecting LIPA'S use of the Premises is taken for any public purpose, or for any reason whatsoever, such that the Premises cannot reasonably or practicably be repaired or reconverted so as to permit the use thereof by LIPA for the purposes permitted hereunder, this Lease shall terminate on the date when title vests pursuant to such taking. Annual Rent and any Additional Rent shall be apportioned as of said date and any rent paid for any period beyond said date shall be repaid to LIPA. LIPA shall be entitled to award or payment for the value of its electric substation and for relocation expenses.

**SECTION 16. NOTICES**

*Section 16.01* Any communication, notice or other submission necessary or required to be made by the parties regarding this Lease except with respect to *Section 16.02* shall be deemed to have been duly made upon receipt by: (a) if to LIPA, at LIPA's agent at the following address: KeySpan Corporate Services LLC, Real Estate Department, 175 East Old Country Road, Hicksville, New York 11801, and (b) if to COUNTY, Suffolk County Department of Public Works, Attention Chief Deputy Commissioner, 335 Yaphank Avenue, Yaphank, New York 11978 or, (c) at such other address as LIPA or COUNTY, respectively, may designate in writing.

*Section 16.02* Any communication or notice regarding indemnification, termination, or litigation by either party to the other shall be in writing and shall be deemed to be duly given only if delivered: (i) personally (personal service on COUNTY must be pursuant to New York Civil Practice Law and Rules Section 311); (ii) by nationally recognized overnight courier; or (iii) mailed by registered or certified mail in a postpaid envelope addressed: (a) if to COUNTY,

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to Suffolk County Department of Public Works, Attention: Chief Deputy Commissioner, at the address first set forth above, with a copy to the Suffolk County Department of Law, Attention Suffolk County Attorney, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788-0099; and (b) if to LIPA, at LIPA's agent's address first above set forth, or at such other address as LIPA or COUNTY, respectively, may designate in writing.

*Section 16.03* Notice shall be deemed to have been duly given (1) if delivered personally, upon delivery thereof on a Business Day or if not a Business Day, then the next succeeding Business Day, (2) if by nationally recognized overnight courier, the first Business Day subsequent to transmittal and (3) if mailed by registered or certified mail, upon the seventh (7th) Business Day after the mailing thereof. Any notice by either party to the other with respect to the commencement of any law suit or legal proceeding shall be affected in accordance with *Section 16.02* and governed by the New York Civil Practice Law and Rules or the Federal Rules of Civil Procedure, as applicable.

**SECTION 17. ASSIGNMENT AND SUBLETTING**

*Section 17.01* LIPA shall not assign, sublet, or otherwise transfer any portion of the Premises or this Lease without the prior written consent of COUNTY, which consent shall not be unduly withheld or delayed, and upon such reasonable terms and conditions that may then be imposed by COUNTY. Nevertheless, LIPA shall have the right to assign, sublet, or transfer any interest in this Lease to any affiliate, subsidiary or parent company without the consent of COUNTY.

**SECTION 18. ENVIRONMENTAL RESPONSIBILITIES**

*Section 18.01* COUNTY represents and warrants that to the best of COUNTY's knowledge, the Premises have not been used for the generation, treatment, storage, or disposal of "Hazardous Substances."

For purposes of this Lease, the term "Hazardous Substances" means (i) asbestos and any asbestos containing material and any substance that is listed in, or otherwise classified pursuant to any "Environmental Laws," as that term is defined below, or any applicable laws or regulations as "hazardous substance," "hazardous material," "hazardous waste," "infectious waste," toxic substance," "toxic pollutant," or any other formulation intended to define, list or classify substances by reason of deleterious properties such as ignitability, corrosivity, reactivity, carcinogenicity, toxicity, reproductive toxicity, or "EP toxicity," (ii) any petroleum and drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas, or geothermal resources and (iii) petroleum product, polychlorinated biphenyls, urea formaldehyde, radon gas, radioactive matter, and medical waste. "Hazardous Substance" shall not include normal cleaning and personal household products being used in their intended manner and otherwise in a manner that is in compliance with Environmental Laws.

"Environmental Laws" means any and all present and future federal, state, and local laws, ordinances, rules, regulations, decisions, and standards relating to protection of human health and the environment, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 et.seq. ("CERCLA"); the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et.seq. ("RCRA"); and the Occupational Safety and Health Act, 29 U.S.C. 651 et.seq. ("OSHA").

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Environmental Laws shall also include, but are not limited to, any requirements relating to underground storage tanks, the storage and use of gasoline, diesel fuel, waste oil or other petroleum products.

*Section 18.02* LIPA shall not use or suffer the use of all or any part of the Premises to treat, generate, store, dispose of, transfer, release, convey or recover any Hazardous Substances, as that term is defined above. Notwithstanding the foregoing, LIPA, its agents, employees, invitees and / or contractors / subcontractors may store, maintain, and use Hazardous Substances and materials reasonably necessary for the performance of the uses permitted by this Lease provided same are maintained in accordance with the applicable regulations.

LIPA shall immediately notify COUNTY of the presence or suspected presence of any Hazardous Substance on or about the Premises, other than those reasonably necessary for the performance of the uses permitted by this Lease and shall deliver to COUNTY any notice received by LIPA with respect to any Hazardous Substance relating thereto.

*Section 18.03* LIPA, at its expense, shall comply with all Environmental Laws applicable to the Premises and shall give COUNTY prompt notice of any lack of compliance with any of the foregoing and of any notice it receives of the alleged violation of any Environmental Laws. COUNTY shall cooperate with LIPA's efforts hereunder.

*Section 18.04* The provisions of this **Section 18** shall survive the expiration or earlier termination of this Lease.

**SECTION 19. NO IMPLIED WAIVER**

*Section 19.01* No failure or delay by either party to insist upon the strict performance of any provision of this Lease, or to exercise any right, power or remedy consequent upon a breach thereof, and no acceptance of full or partial rent or other performance by either party during the continuance of such breach shall constitute a waiver of any such provision.

**SECTION 20. COOPERATION ON CLAIMS**

*Section 20.01* Each of the parties hereto agrees to render diligently to the other party, without additional compensation, any and all cooperation, that may be required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives in connection with this Lease.

**SECTION 21. MISCELLANEOUS**

*Section 21.01 Legislative Approval:* This Lease is subject to the approval of the Suffolk County Legislature and shall not become effective until fully executed.

*Section 21.02* Subject to Section 21.06, LIPA warrants that the execution and delivery of this Lease was duly authorized by all necessary action of LIPA, none of which action has been rescinded or otherwise modified. LIPA has full power and authority to execute and deliver this Lease and to perform its obligations under this Lease. No consents, approvals or permits are required for the performance of the terms and provisions herein, or, if any such consents,

approvals or permits are required, they have been or will be obtained in a timely fashion. This Lease is a legal, valid, and binding obligation of the LIPA, enforceable against LIPA in accordance with its terms.

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*Section 21.03* COUNTY is a municipal corporation duly organized and existing under the laws of the State of New York and is duly authorized and empowered to enter into and perform this Lease and to execute all documents related thereto.

*Section 21.04 Comptroller's Approval and State Required Clauses:* In accordance with Section 112 of the New York State Finance Law, this Lease shall not be valid, effective or binding upon LIPA until it has been approved by the State Comptroller and filed in said Comptroller's office; and the parties agree to be bound by the clauses in Exhibit 3 hereto, which is made a part of this Lease.

*Section 21.05* References contained herein to Sections, Exhibits, and Schedules shall be deemed to be references to the Articles, Exhibits, and Schedules of and to this Lease unless specified to the contrary.

*Section 21.06* Neither this Lease nor any memorandum thereof shall be recorded, without the prior written consent of COUNTY.

**SECTION 22. NOT A CO-PARTNERSHIP OR JOINT VENTURE**

Nothing herein contained shall create or be construed as creating a co-partnership or joint venture between LIPA and COUNTY or to constitute COUNTY as an agent or employee of LIPA. The relationship of COUNTY to LIPA is that of landlord-LIPA and LIPA, in accordance with its status as such, covenants and agrees that it shall conduct itself consistent with such status, that it will neither hold itself out as nor claim to be an officer or employee of COUNTY by reason hereof, and that LIPA, its owners and employees, shall not, by reason hereof, make any claims, demands or application to or for any right of privilege including, but not limited to, workers' compensation coverage, unemployment insurance benefits, social security coverage or retirement membership of credit as officers, employees or agents of the COUNTY.

**SECTION 23. BROKER**

LIPA and COUNTY each represent and warrant to the other that no broker brought about this Lease. LIPA and COUNTY hereby agree to indemnify and hold the other harmless against any claim, demand and judgment which may be made or obtained against one of the parties by any broker claiming a commission for representing the other, in connection with bringing about this Lease. LIPA or COUNTY shall forthwith notify other of any such claim, demand or legal action for purposes of requesting defense against any such claim, demand or legal action.

**SECTION 24. CERTIFICATION**

The parties to this Lease hereby certify that, other than the funds provided in this Lease and other valid agreements with COUNTY or LIPA, 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 Lease, and any partners, members, directors, or shareholders of more than five per cent (5%) of any party to this Lease.

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**SECTION 25. GOVERNING LAW**

This Lease shall be construed and interpreted in accordance with the laws of the State of New York, and without regard to its conflict of laws provisions. Venues shall be designated in Suffolk County, New York or the United States District Court for the Eastern District of New York.

**SECTION 26. SUCCESSORS BOUND**

This Lease shall bind, and inure to the benefit of, the parties and their respective heirs, executors, administrators, successors and assigns.

**SECTION 27. LIPA REPRESENTATIVES**

It is expressly understood and agreed by and between the parties that the officers, officials, employees and agents of LIPA are acting in a representative capacity for the County of Suffolk and not for their own benefit, and that COUNTY shall not have any claim against them or any of them as individuals in any event whatsoever.

**SECTION 28. COUNTY REPRESENTATIVES**

It is expressly understood and agreed by and between the parties hereto that the officers, officials, employees and agents of the are acting in a representative capacity for COUNTY and not for their own benefit, and that neither LIPA nor any occupant of the Premises shall have any claim against them or any of them as individuals in any event whatsoever.

**SECTION 29. CHEMICALS, FUNGICIDES, HERBICIDES AND PESTICIDES**

All chemicals, fungicides, herbicides and pesticides (if any) applied to the Premises shall be approved by the Commissioner of County Department Health Services prior to use. LIPA shall comply with Suffolk County Code Chapter 380 (Pest Control) set forth more fully at **Exhibit 4**. LIPA shall apply for any necessary exemptions from Suffolk County Code Chapter 380. All notice and reporting requirements shall be adhered to.

**SECTION 30. NO CREDIT**

LIPA agrees that this Lease shall not be pledged, hypothecated, or put up as security for a loan, credit or for any reason whatsoever.

**SECTION 31. CONFLICTS OF INTEREST**

*Section 31.01* The parties agree that they will not during the term of this Lease engage in any activity that is contrary to and/or in conflict with the goals and purposes of the other party.

*Section 31.02* The parties are charged with the duty to disclose to the other party the existence of any such adverse interests, whether existing or potential. This duty shall continue during the term of this Lease. The determination as to whether or when a conflict exists or may potentially exist shall ultimately be made by the party to whom disclosure is made after full disclosure is obtained.

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**SECTION 32. GRATUITIES**

LIPA 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).

**SECTION 33. PARAGRAPH HEADINGS**

The paragraph headings in this Lease are included for convenience only and shall not be taken into consideration in any construction or interpretation of this Lease or any of its provisions.

**SECTION 34. SEVERABILITY**

It is expressly agreed that if any term or provision of this Lease and/or any amendment hereto, or the application thereof to any person or circumstances, shall be held invalid or unenforceable to any extent, the remainder of this Lease and any amendment hereto, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Lease and any amendment hereto shall be valid and shall be enforced to the fullest extent permitted by law.

**SECTION 35. ENTIRE AGREEMENT**

*Section 35.01* It is expressly agreed that this instrument represents the entire agreement of the parties and that all previous understandings are merged in this Lease. The foregoing constitutes the entire agreement of the parties on the subject matter hereof. It may not be changed, modified, discharged or extended except by written instrument duly executed by COUNTY and LIPA.

*Section 35.02* LIPA agrees that no representations or warranties shall be binding upon COUNTY unless expressed in writing, in this Lease.

*Section 35.03* References contained herein to Sections, Exhibits and Schedules shall be deemed to be references to the Sections, Exhibits, and Schedules of and to this Lease unless specified to the contrary.

**- SIGNATURE PAGE FOLLOWS -**

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

**LONG ISLAND LIGHTING COMPANY d/b/a  
LIPA**

By: \_\_\_\_\_  
Name:  
Title:  
Date:

APPROVED AS TO LEGALITY:  
**CHRISTINE MALAFI, ESQ.**  
Suffolk County Attorney

By: \_\_\_\_\_  
BASIA DEREN BRADDISH  
Assistant County Attorney  
Date:

**COUNTY OF SUFFOLK**

By: \_\_\_\_\_  
Name:  
Title: Deputy County Executive  
Date:

RECOMMENDED:

By: \_\_\_\_\_  
GILBERT ANDERSON  
Commissioner, Department of Public Works  
Date:

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**RENT SCHEDULE**

**Term: November 1, 2005 – October 31, 2025**

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November 1, 2008 – October 31, 2009 . . .	\$18,565.75
November 1, 2009 – October 31, 2010 . . .	\$19,122.72
November 1, 2010 – October 31, 2011 . . .	\$19,696.40
November 1, 2011 – October 31, 2012 . . .	\$20,287.29
November 1, 2012 – October 31, 2013 . . .	\$20,895.91
November 1, 2013 – October 31, 2014 . . .	\$21,522.79
November 1, 2014 – October 31, 2015 . . .	\$22,168.47
November 1, 2015 – October 31, 2016 . . .	\$22,833.52
November 1, 2016 – October 31, 2017 . . .	\$23,518.53
November 1, 2017 – October 31, 2018 . . .	\$24,224.09
November 1, 2018 – October 31, 2019 . . .	\$24,950.81
November 1, 2019 – October 31, 2020 . . .	\$25,699.33
November 1, 2020 – October 31, 2021 . . .	\$26,470.31
November 1, 2021 – October 31, 2022 . . .	\$27,264.42
November 1, 2022 – October 31, 2023 . . .	\$28,082.35
November 1, 2023 – October 31, 2024 . . .	\$28,924.82
November 1, 2024 – October 31, 2025 . . .	\$29,792.56

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Intro Res. No. 1159-09

Laid on Table 3/3/09

Introduced by the Presiding Officer on request of County Executive

**RESOLUTION NO. 2009, ACCEPTING AND APPROPRIATING GRANT FUNDS RECEIVED FROM THE STATE OF NEW YORK UNIFIED COURT SYSTEM, 10<sup>TH</sup> JUDICIAL DISTRICT, SUFFOLK COUNTY SEX OFFENSE COURT**

**WHEREAS**, the State of New York Unified Court System, 10<sup>th</sup> Judicial District, has awarded a grant in the amount of \$38,700.00 to the Office of the Suffolk County District Attorney. The objective of this grant is to develop the most effective Sex Offense Court and Sex Offender Management System. The District Attorney will provide the services of a Sex Offense Expert; and

**WHEREAS**, said grant is to run for the period 1/1/07 through 5/31/09; and

**WHEREAS**, no funding has been included in the District Attorney's 2008/2009 Suffolk County Adopted Operating Budget for the purposes of this program; now, therefore, be it

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

<u>REVENUES:</u>	<u>AMOUNT</u>
001-4089-Sex Offense Court Program	\$ 38,700

ORGANIZATIONS:

District Attorney (DIS)  
Sex Offense Court Program  
001-1183

<u>PERSONAL SERVICES</u>	<u>\$ 38,700</u>
1070—Special Pay	38,700

and be it further

**2<sup>nd</sup> RESOLVED**, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes Type II action; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Executive be authorized to execute the grant related 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

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STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>X</u> Local Law _____    Charter Law _____		
2. Title of Proposed Legislation  ACCEPTING AND APPROPRIATING GRANT FUNDS RECEIVED FROM THE STATE OF NEW YORK UNIFIED COURT SYSTEM, 10 <sup>TH</sup> JUDICIAL DISTRICT, SUFFOLK COUNTY SEX OFFENSE COURT		
3. Purpose of Proposed Legislation  SEE ITEM 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes _____ No <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County <u>X</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact  This Grant program will add \$38,700.00 to the District Attorney's Budget and is 100% funded through The US Bureau of Justice Assistance.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political Subdivision.  Grant Program term is 01/01/2007 through 05/31/2009		
8. Proposed Source of Funding Revenues from The United States Bureau of Justice Assistance		
9. Timing of Impact Immediate		
10. Typed Name & Title of Preparer  James P. Burt Assistant Budget Director	11. Signature of Preparer  	12. Date  2/23/2009

**FINANCIAL IMPACT  
2009 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

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**GENERAL FUND**

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

**POLICE DISTRICT AND DISTRICT COURT**

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

**COMBINED**

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

NOTES:

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

COUNTY OF SUFFOLK  
OFFICE OF DISTRICT ATTORNEY

1159  
FEB 17 2009



THOMAS J. SPOTA  
DISTRICT ATTORNEY

February 10, 2009

Ben Zwirn, 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 04-09, I have attached a request for a Suffolk County Resolution.

The purpose of the resolution will be to accept a grant from the New York State Unified Court System. This grant will provide funding for the District Attorney's Sex Offense Court Program.

An e-mail version of this resolution has been sent to CE RESO REVIEW and saved under the file name "Reso-DIS- Sex Offense Court Program".

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

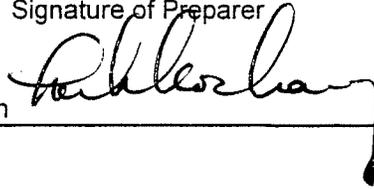
CC-Jim Morgo, Chief Deputy County Executive  
Jim Burt, Suffolk County Budget Office  
Brenda Chamberlain, Intergovernmental Relations  
Evelyn Creen, Federal and State Aid Claims Unit

**ADMINISTRATION OFFICE**

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

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STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>X</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation District Attorney Sex Offense Court Program		
3. Purpose of Proposed Legislation Accept grant funding from the State of New York Unified Court System.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County <u>X</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact This program will add \$38,700.00 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 1/1/07 through 5/31/09		
8. Proposed Source of Funding The United States Bureau of Justice Assistance		
9. Timing of Impact Immediate		
10. Typed Name & Title of Preparer Lon H. Kochany Executive Assistant for Finance and Administration	11. Signature of Preparer 	12. Date 2/10/2009



State of New York  
UNIFIED COURT SYSTEM  
SUFFOLK COUNTY  
DISTRICT ADMINISTRATIVE JUDGE'S OFFICE  
400 Carleton Avenue  
P.O. Box 9080  
Central Islip, NY 11722-9080  
(631) 853-7518 Fax (631) 853-7521

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ANN PFAU  
Chief Administrative Judge

H. PATRICK LEIS III  
District Administrative Judge  
Suffolk County

HON. JAN H. PLUMADORE  
Deputy Chief Administrative Judge  
Courts Outside New York City

THOMAS F. LORITO  
District Executive

September 5, 2008

County of Suffolk  
Office of District Attorney  
Asset Forfeiture Unit  
North County Complex, Bldg. 77  
Veterans Memorial Highway  
Hauppauge, NY 11787-4311

Dear Ms. Moran:

Enclosed is a copy of the fully executed contract between the 10<sup>th</sup> Judicial District-Suffolk County and Suffolk County District Attorney's Office (SCDA). The contract has been executed in compliance with guidelines set forth by the State Attorney General and the Office of the State Comptroller. The contract signature page and acknowledgment form bear certification number T708.

The enclosed contract was recently extended by one year to May 31, 2009. Your contract includes the renewal agreements to that term end date. This contract is for your records.

If you have any questions you can contact me at (631) 853-7518. Thank you for all of your help in preparing and completing the contract.

Sincerely,

Leslie Lenahan  
Principal Court Analyst

SIGNATURE PAGE

This contract (# T708) may be renewed upon the mutual written agreement of the parties for one term of up to one year, upon the same terms and conditions, except compensation. (The maximum compensation set forth in Section E(1) of the original contract may not be increase during any renewal term unless an additional grant is awarded). By affixing our signatures below, we indicate our mutual agreement to the renewal of this contract. Do not forget to have the attached acknowledgment completed by a notary and return it with the original letter.

FOR: 10<sup>TH</sup> Judicial District  
Suffolk County  
New York State  
Unified Court System

FOR: Office of District Attorney

SIGNATURE: 

NAME: THOMAS F. LORITO

TITLE: DISTRICT EXECUTIVE

DATED 9/2/08

SIGNATURE: 

NAME: John L. Buenera

TITLE: Chief Assistant District Attorney

DATED 8-21-08

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ATTACHMENT I  
ACKNOWLEDGMENT OF INDIVIDUAL

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS:

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, before me personally came \_\_\_\_\_, to me known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed same.

\_\_\_\_\_  
NOTARY PUBLIC

ACKNOWLEDGMENT OF CORPORATION

STATE OF New York }  
COUNTY OF Suffolk } SS:

On this 21 day of August 2008, before me personally came John L Buonora, to me known, who being by me duly sworn, did depose and say that he/she resides in Suffolk County; that he/she is the Chief Assistant, of the Suffolk County District Attorney's Office, the corporation described in and which executed the foregoing instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he/she signed his/her name thereto by like order.

Cynthia Z. Scesny  
NOTARY PUBLIC

CYNTHIA Z. SCESNY  
Notary Public, State of New York  
No. 01SC6074361, Suffolk County  
Term Expires May 13, 2010

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AGREEMENT  
 BETWEEN THE  
 10<sup>th</sup> JUDICIAL DISTRICT SUFFOLK COUNTY  
 OF THE NEW YORK STATE UNIFIED COURT SYSTEM  
 AND  
 THE SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE

---

This Agreement, between the 10<sup>TH</sup> Judicial District - Suffolk County, 400 Carleton Avenue, Central Islip, NY 11722 ("JD") of the New York State Unified Court System ("UCS") and the Suffolk County District Attorney's Office, North County Complex-Building #77, Veterans Memorial Highway, Hauppauge, NY 11787 ("CONTRACTOR"), is for the provision of program planning and assessment services by Contractor to the Suffolk County Sex Offense Court, pursuant to Grant award Number 2006-WP-BX-0006 made by the United States Department of Justice - Bureau of Justice Assistance to the New York State Unified Court System.

**WHEREAS**, the JD has determined that to develop the most effective possible Sex Offense Court and Sex Offender Management System, it requires the services of a sex offense expert; and

**WHEREAS**, the JD has determined that CONTRACTOR has both a staff of experts in the prosecution of sex offense cases and in the administration of the Victim Assistance Program; and

**WHEREAS**, the interests of the state will be best served by entering into an Agreement with CONTRACTOR to provide such services to the Suffolk County Sex Offense Court; and

**WHEREAS**, the Grant Application and the Grant Award specified that the Suffolk County

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District Attorney's Office would be responsible for providing the services set forth in this Agreement, including its Appendices, and, in a letter dated November 29, 2006, the Office of the State Comptroller approved a Single Source Exemption from giving notice in the New York State Contract reporter of the 10<sup>th</sup> Judicial District - Suffolk County's intent to enter this Agreement with the Suffolk County District Attorney's Office;

NOW, THEREFORE, for mutual consideration as provided herein, the parties agree as follows:

**I. TERM**

When signed by the parties, and approved by all necessary government agencies, this Agreement shall be in effect for the period from January 1, 2007 to May 31, 2008 ("Initial Term") unless renewed or terminated earlier pursuant to its terms.

**II. AMENDMENT; RENEWAL**

A. This Agreement may be amended only upon the mutual written agreement of the parties.

B. This Agreement may be renewed upon the mutual written agreement of the parties for up to three terms of 12 months each, subject to re-appropriation of the grant providing funding for this agreement, upon the same terms and conditions except compensation, provided that the total period in which this Agreement is in effect shall be no more than five (5) years from the commencement date set forth in Section I above.

C. As set forth in Section VI(A) below, no such amendment or renewal of this

Agreement shall increase the maximum compensation to Contractor unless (i) an additional grant has been awarded that names Contractor as the provider of the services and (ii) the total compensation to Contractor will not exceed \$50,000 over the entire term of the Agreement, including the Initial and all Renewal Terms.

**III. TERMINATION**

A. This Agreement may be terminated with or without cause by the JD upon thirty (30) days written notice to Contractor.

B. In the event that Contractor is a for-profit entity or in the event that this Agreement is not otherwise exempt from the requirements of the Procurement Lobbying Act (New York State Finance Law, Section 139-k), the JD shall also have the right to terminate this Agreement upon thirty (30) days written notice to Contractor if it is found that Contractor's certification regarding its disclosure of prior determinations of non-responsibility, as required by the Procurement Lobbying Act, was intentionally false or intentionally incomplete.

C. This Agreement may be terminated by Contractor with cause upon sixty (60) days written notice to the JD.

D. In the event of the termination of this Agreement by either party, the JD shall be liable only for the services actually provided by Contractor up to and including the effective date of termination.

**IV. GRANT APPLICATION AND AWARD**

Grant Application Number 2006-F0565-NY-WP, dated December 29, 2005, made by the New

York State Unified Court System to the United States Department of Justice - Bureau of Justice Assistance, and the resulting Grant Award Number 2006-WP-BX-0006, dated July 18, 2006, made by the United States Department of Justice - Bureau of Justice Assistance to the New York State Unified Court System, both of which named Contractor as the provider of the services set forth in this Agreement, are attached hereto and made a part hereof as Appendix B to the Agreement.

**V. SCOPE OF SERVICES**

A. Pursuant to this Agreement, Contractor shall provide the services set forth herein and in Appendices B and C hereto. Appendix C, which is attached hereto and made a part hereof, contains a description of the services to be provided by Contractor, the schedule for the provision of these services by Contractor, the performance criteria pursuant to which the provision of services by Contractor shall be evaluated and the compensation due Contractor for the provision of these services.

B. It is expressly understood and agreed by Contractor that any and all of the services specified in this Agreement shall be provided only at the direction of the Court. The presiding judge in each case shall have sole discretion with respect to all matters relating to the provision of services by Contractor and to the disposition of any matter before the Court.

**VI. COMPENSATION**

A. The maximum compensation payable to Contractor for the services described in this Agreement for the Initial Term of this Agreement shall not exceed \$38,700. As set forth in Section II(C) above, the compensation to Contractor made pursuant to an amendment or during a Renewal

Term may not exceed the total maximum compensation already authorized for the Initial Term of the Agreement and all prior Renewal Terms, if any, unless an additional grant has been awarded that names Contractor as the provider of services during the term of the amendment or during the Renewal Term.

B. The budget for the Initial Term of the Agreement is set forth in Appendix D to this Agreement, which is attached hereto and made a part hereof. In the event that additional compensation becomes available at any time during the term of this Agreement, a new budget shall be prepared that shall replace or supplement the budget now set forth in Appendix D. This new budget shall be incorporated into this Agreement as a revised Appendix D pursuant to the amendment or renewal document entered into by the parties in accordance with Section II above.

C. Throughout the term of this Agreement, Contractor shall be reimbursed only for services actually performed in accordance with this Agreement and with Appendices B, C and D. Except as otherwise provided in Paragraph D below, payments shall be made in arrears on a quarterly basis and shall be processed upon submission by Contractor and approval by the JD of appropriate statements and vouchers in a format approved by the JD and OSC.

D. To the extent permitted by law and regulation, thirty (30) days prior to the beginning of the first quarter of each 12-month period in which this Agreement is in effect, including any Renewal Term, and provided that Contractor is a registered not-for-profit organization ("NFP"), Contractor may submit to the JD a request for a single advance payment of up to twenty-five percent (25%) of the annual maximum compensation by the JD for that 12-month period. All other payments made during that 12-month period shall be made in accordance with Paragraph C above. The advance payment described in this Paragraph D may be made at the discretion of the JD only

upon submission by Contractor of an appropriate voucher with sufficient supporting documentation in a format acceptable to the JD and OSC.

E. After every three (3) months of each 12-month period in which this Agreement is in effect, Contractor shall submit to the JD an expenditure voucher detailing the approved actual costs incurred pursuant to this Agreement during the immediately preceding three (3) month period. These expenditure vouchers shall be submitted by Contractor to the JD no later than thirty (30) days after the close of each three (3) month period commencing on the effective date of the Agreement, as set forth in Section I above. Following review and approval of Contractor's three (3) month expenditure voucher, the JD shall submit a voucher to OSC for payment to Contractor based on the approved expenses.

F. For those NFP Contractors receiving an advance payment pursuant to Paragraph D above, for the first, second and third quarters of each 12-month period, payment to Contractor shall be limited to the lesser of the following:

- (i) the actual expenses incurred and approved for payment during that quarter of the year; or
- (ii) twenty-five percent (25%) of the approved annual budget.

G. Within forty-five (45) days of the conclusion of each 12-month period in which this Agreement is in effect, Contractor shall submit to the JD a final reconciliation statement for the prior twelve (12) month period detailing the actual final expenses to be charged to the Agreement. If, upon review and approval of such final reconciliation statement, Contractor has expended less than the amount paid by the JD for that 12-month period, Contractor shall, within thirty (30) days, submit a check to the JD covering the difference. If Contractor's approved expenditures for said twelve (12)

express prior written authorization of the JD. Contractor shall educate, monitor and be responsible for its employees, servants, subcontractors, agents and volunteers providing services for Contractor pursuant to this Agreement concerning these confidentiality requirements. Any breach of the confidentiality requirements set forth in this Section or in Appendix B by Contractor or by any of its employees, servants, subcontractors, agents, or volunteers may result in the immediate termination of this Agreement by the JD and may subject Contractor to further penalties.

**VIII. REPORTING; RECORD KEEPING; MONITORING; AUDITS**

- A. In addition to the fiscal and program reporting requirements set forth in Section VI, Contractor shall submit such other oral and written reports concerning its provision of services as are set forth herein and in Appendices B and C and as may be required from time to time by the JD.
- B. Contractor shall submit a final program report to the JD at the same time as it submits the final fiscal report required by Paragraph G above.
- C. At its discretion, UCS and the JD shall have the right to conduct on-site inspections and to otherwise monitor the provision of services by Contractor, as well as the offices of Contractor. Contractor agrees to cooperate fully with all such inspections and monitoring.
- D. Contractor shall be required to retain all financial records pertaining to this Agreement for a period of six (6) years after the termination of the Agreement.
- E. The JD, UCS, OSC, the state and any other governmental organization providing funding to Contractor for the provision of services pursuant to this Agreement shall have the right to perform audits of Contractor's records with respect to the receipt and expenditure of any funds provided pursuant to this Agreement.

F. In accordance with federal requirements, if Contractor is a sub-grantee who will be receiving more than \$25,000.00 of federal pass-through funds pursuant to this Agreement and to any other sources, Contractor agrees to have an independent audit of such funds conducted in accordance with the Federal Office of Management & Budget ("OMB") Circulars A-128 (audits of state and local governments) or A-133 (audits of institutions of higher education & other non-profit institutions), as appropriate, and to provide one (1) copy of the applicable audit report to the JD within thirty (30) days following its completion.

**IX. NOTICES**

All notices given pursuant to this Agreement shall be delivered to the parties at the addresses noted above or to such other addresses as the parties may from time to time provide. All notices shall be deemed received on the fifth (5<sup>th</sup>) business day after mailing or upon delivery, if delivered by hand.

Notification to JD: 10<sup>th</sup> Judicial District - Suffolk County  
400 Carleton Avenue  
Central Islip, NY 11722

Notification to Contractor: Suffolk County District Attorney's Office  
North Country Complex - Building #77  
Veterans Memorial Highway  
Hauppauge, NY 11787

**X. TITLE TO EQUIPMENT**

A. Throughout the term of this Agreement and any renewals thereto, Contractor shall retain title to and possession of any furniture, computers and other equipment ("Purchased

Equipment") that may be purchased by Contractor with funds provided by the JD.

B. Upon expiration or termination of this Agreement in accordance with its terms:

1. Contractor shall submit a final inventory of all such Purchased Equipment to UCS, which inventory shall conform to the requirements of the New York State Judiciary Financial Planning and Control Manual, no later than ten (10) business days after the effective date of expiration or termination.

2. Title to all Purchased Equipment purchased less than five (5) years prior to the effective date of expiration or termination shall be automatically transferred to the JD, unless the JD exempts a specific item of Purchased Equipment and provides written notification thereof to Contractor.

3. Contractor shall transfer non-exempt Purchased Equipment to the JD at the time and in a manner determined by UCS.

4. Contractor may retain title to and possession of all Purchased Equipment purchased at least five (5) years prior to the effective date of expiration or termination.

**XI. MISCELLANEOUS PROVISIONS**

A. It is understood and agreed that Contractor is an independent contractor for purposes of this Agreement and that no "employer/employee" relationship is implied or exists between Contractor and its employees, agents, subcontractors and volunteers and the Court, the JD, UCS or the State of New York.

B. No part of Contractor's rights or obligations as set forth in this Agreement may be assigned, conveyed, transferred or subcontracted without the express prior written permission of the JD.

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C. New York State Unified Court System Appendix A (revised August 2007), containing standard terms for New York State contracts, is attached hereto and made a part hereof.

D. In the event of any conflict between the terms of this Agreement and the terms of its Appendices, the following order of precedence shall apply:

1. Appendix A;
2. Agreement - Sections I to XI;
3. Appendix D;
4. Appendix B; and
5. Appendix C.



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SIGNATURE PAGE

CONTRACT NUMBER T 708

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."

FOR: 10<sup>TH</sup> Judicial District  
Suffolk County  
New York State  
Unified Court System

FOR: Suffolk County District Attorney's  
Office

SIGNATURE: [Signature]

NAME: THOMAS F. LORITO

TITLE: DISTRICT EXECUTIVE

DATED 7/4/08

SIGNATURE: [Signature]

NAME: JEFFREY W. SZABO  
DEPUTY COUNTY EXECUTIVE

TITLE: \_\_\_\_\_

DATED 5-12-08

ATTORNEY GENERAL'S

COMPTROLLER'S

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ATTACHMENT I  
ACKNOWLEDGMENT OF INDIVIDUAL

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS:

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, before me personally came \_\_\_\_\_, to me known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed same.

\_\_\_\_\_  
NOTARY PUBLIC

ACKNOWLEDGMENT OF CORPORATION

STATE OF New York }  
COUNTY OF SUFFOLK } SS:

On this 12 day of MAY 2008, before me personally came JEFFREY W. SZABO, to me known, who being by me duly sworn, did depose and say that he/she resides in Suffolk County; that he/she is the Dep. County Executive of the County of Suffolk, the corporation described in and which executed the foregoing instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he/she signed his/her name thereto by like order.

Virginia H. Kommer  
NOTARY PUBLIC  
VIRGINIA H. KOMMER  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01K06180340  
QUALIFIED IN SUFFOLK COUNTY  
COMMISSION EXPIRES 01/03/2012

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Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

Grant

PAGE 1 OF 2

1. RECIPIENT NAME AND ADDRESS (Including Zip Code)

NYS Unified Court System  
25 Beaver Street 11th Floor  
New York, NY 10004

4. AWARD NUMBER: 2006-WP-BX-0006

5. PROJECT PERIOD: FROM 06/01/2006 TO 05/31/2008  
BUDGET PERIOD: FROM 06/01/2006 TO 05/31/2008

6. AWARD DATE 07/18/2006

7. ACTION  
Initial

1A. GRANTEE IRS/VENDOR NO.  
146013206

8. SUPPLEMENT NUMBER  
00

9. PREVIOUS AWARD AMOUNT \$ 0

10. AMOUNT OF THIS AWARD \$ 249,362

11. TOTAL AWARD \$ 249,362

3. PROJECT TITLE  
Suffolk County Sex Offense Court

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under 42 U.S.C. 13941 and the Science, State, Justice and Commerce Appropriations Act, FY 2006, Public Law 109-108

15. METHOD OF PAYMENT  
PAPRS

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL  
Regina B. Schofield  
Assistant Attorney General

AGENCY APPROVAL

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL  
Jonathan Lippman  
Chief Administrative Judge

GRANTEE ACCEPTANCE

17. SIGNATURE OF APPROVING OFFICIAL

*Regina B. Schofield*

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

*Jonathan Lippman* 7-28-06

19A. DATE

20. ACCOUNTING CLASSIFICATION CODES						
FISCAL YEAR	FUND CODE	BUD. ACT.	OFC.	DIV. REG.	SUB.	POMS AMOUNT
X	B	W6	80	00	00	249862

AGENCY USE ONLY

21. W606U00007

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-83)

1159

### Budget Detail Worksheet

D. Equipment - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000). Expendable items should be included in the "Supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technological advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation		TOTAL	FEDERAL	MATCH
	Year 1 Budget	Year 2 Budget			
None			\$ -	\$ -	\$ -
Total					

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Item	Cost per Item	Computation		TOTAL	FEDERAL	MATCH
		Year 1 Budget	Year 2 Budget			
None				\$ -	\$ -	\$ -
Total				\$ -	\$ -	\$ -

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

Purpose	Computation		TOTAL	FEDERAL	MATCH
	Year 1 Budget	Year 2 Budget			
None			\$ -	\$ -	\$ -
Total					

G. Consultant/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation		TOTAL	FEDERAL	MATCH
		Year 1 Budget	Year 2 Budget			
Sex Offense Expert	Program Planning and Assessment @ \$450/day, for 18 days in Year 1, and 68 days in Year 2	\$ 8,100	\$ 30,600	38,700	38,700	\$
	Subtotal	\$ 8,100	\$ 30,600	38,700	38,700	\$

1159

### Budget Detail Worksheet

3. Consultant/Contracts (Continued)

Consultant Expenses: List of all expenses to be paid from the grant to the individual consultant in addition to their fees (i.e., travel, meals, lodging etc.)

Item	Location	Computation	TOTAL	FEDERAL	MATCH
None			\$	\$	\$
Subtotal					

Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Name of Contractor	Service Provided	Computation		Year 1 Budget	Year 2 Budget	TOTAL	FEDERAL	MATCH
		Year 1	Year 2					
Center for Court Innovation	Program Planning, Implementation and Evaluation	rate	year 1 FTE					
				9%	10,920	6,749		
			15%	9%	2,700	5,005		
			5%		5,005	4,320		
			fringe benefits @ 36.75%		18,625	16,075		
			Subtotal: Personnel and Fringe Benefits		1,875	1,688		
			Office Space Costs		120	108		
			Supplies		250	250		
			Travel		3,548	3,081	45,620	45,620
			Indirect Cost		24,418	21,202		
	Subtotal: Center for Court Innovation		Year 1 Budget	Year 2 Budget				
Department of Probation	Polygraphy and Court Liaison	rate	year 1 FTE					
				100%		45,571		
			0%			12,760		
			fringe benefits @ 28%			58,331		
			Subtotal: Personnel and Fringe Benefits			19,200		
	Clinical Polygraphy \$800/case @ 2 case/month over 12 months of Year 2				77,531	77,531		
	Subtotal: Department of Probation		Year 1 Budget	Year 2 Budget				
Parents for Megan's Law	Program Planning and Victim Liaison			10,400				
					28,080			
				10,400	28,080	38,480	38,480	
			Subtotal: Parents for Megan's Law			161,631	161,631	
	Subtotal		34,818	126,813	200,331	200,331		
			\$ 42,918	\$ 157,413				

Total Consultants/Contracts

1159

### Budget Detail Worksheet

4. Other Costs - List items (e.g., rent reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of computation. For example, provide the square footage and the cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

Description	Computation		TOTAL	FEDERAL	MATCH
	Year 1 Budget	Year 2 Budget			
None			\$ -	\$ -	\$ -
Total					

5. Indirect Costs - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval (a fully executed, negotiated agreement) must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct cost categories.

Description	Computation		TOTAL	FEDERAL	MATCH
	Year 1 Budget	Year 2 Budget			
None			\$ -	\$ -	\$ -
Total					

Budget Summary - When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal funds requested and the amount of non-Federal funds that will support the project.

Budget Category	Year 1 Budget	Year 2 Budget	TOTAL	FEDERAL	MATCH
A. Personnel	16,964	73,834	90,598	43,802	46,796
B. Fringe Benefits	7,146	31,017	38,163	\$ -	38,163
C. Travel	4,970	-	4,970	4,970	\$ -
D. Equipment	-	-	\$ -	\$ -	\$ -
E. Supplies	-	-	\$ -	\$ -	\$ -
F. Construction	42,918	157,413	200,331	200,331	\$ -
G. Consultants/Contracts	-	-	\$ -	\$ -	\$ -
H. Other	-	-	\$ -	\$ -	\$ -
I. Indirect Costs	71,998	262,064	334,062	249,103	84,959
<b>TOTAL PROJECT COSTS</b>				75%	25%

**TOTAL PROJECT COSTS**

Percents

1160

Intro. Res. No. -2009  
Introduced by Legislator Browning

Laid on Table 3/3/09

**RESOLUTION NO. -2009, EXTENDING AUTHORIZATION  
TO CONSTRUCT A SKATE PARK IN THE TOWN OF  
BROOKHAVEN**

**WHEREAS**, Resolution No. 586-04 authorized the construction of a skate park at Smith Point County Park in the Town of Brookhaven (CP 7162) and appropriated two hundred fifty thousand dollars (\$250,000) for this purpose; and

**WHEREAS**, the skate park has not been constructed to date; and

**WHEREAS**, the Town of Brookhaven has agreed to lease to the County of Suffolk property upon which to build a skate park; and

**WHEREAS**, the prospective site for the skate park is located at 300 Mastic Beach Road, Mastic Beach, 11951 (Tax Map No. 0200-938.00-05.00-023.000); now therefore be it

**1st RESOLVED**, that the duration of the project established in Resolution No. 586-04, Capital Project 7162, is hereby extended to December 31<sup>st</sup>, 2010; and be it further

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

s:\res\r-extend skate park project

1161

Intro. Res. No. -2009  
Introduced by Legislator Browning

Laid on Table 3/3/09

**RESOLUTION NO. -2009, AUTHORIZING USE OF  
SOUTHAVEN COUNTY PARK PROPERTY IN 2009 FOR A 5K  
RACE**

**WHEREAS**, Alicia Biondo, mother of baby Evelyn who is a victim of Shaken Baby Syndrome, would like to use the Southaven County Park in Brookhaven for the purpose of hosting a fund drive wherein the proceeds go to the raise awareness of the dangers of "Shaken Baby Syndrome"; and

**WHEREAS**, this race will be held on Saturday, April 25, 2009 from 7:00 a.m. to 12:00 noon; and

**WHEREAS**, the County of Suffolk shall receive consideration in the total amount of One Hundred Twenty-Five Dollars (\$125.00), per diem, payment of which shall be guaranteed by Ms. Biondo; and

**WHEREAS**, a Certificate of Insurance and the accompanying declaration page naming Suffolk County as an additional insured will be provided by the Chamber of Commerce of Mastic and Shirley; and

**WHEREAS**, the use of County property for such a fund drive will raise awareness of the dangers of "Shaken Baby Syndrome" and educate residents on how to alleviate the stress associated with trying to quiet a crying baby and prevent the occurrence of "Shaken Baby Syndrome"; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the use of County-owned property, i.e. the Southaven County Park in Brookhaven, by Alicia Biondo, in consideration of the payment of One Hundred Twenty-Five Dollars (\$125.00) per diem, for the purpose of holding a 5 Kilometer Race on April 25, 2009, between the hours of 7:00 a.m. and 12:00 noon, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance and the accompanying declaration page naming Suffolk County as an additional insured by the Chamber of Commerce of Mastic and Shirley from the Department, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

**2<sup>nd</sup>** **RESOLVED**, that before this event shall be permitted to occur, Ms. Biondo must apply for and obtain a permit from the Commissioner of the Department of Parks, Recreation, and Conservation as required by Section 378-7(B) of the Suffolk County Code; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the fund drive; and be it further

**4<sup>th</sup>**           **RESOLVED**, that Ms. Biondo shall also provide an entertainment promoter certificate to Suffolk County if she wishes to allow vendors at the event to sell tangible personal property other than food or drink and require these vendors to display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-Southaven Park 5K

1162

Intro. Res. No. -2009  
Introduced by the Presiding Officer

Laid on Table 3/3/09

**RESOLUTION NO. -2009, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED PURCHASE OF REPLACEMENT EQUIPMENT AT ESTABLISHED TOWER SITES, CAPITAL PROJECT #3017 – GPS SYSTEM**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Purchase of Replacement Equipment at Established Tower Sites, Capital Project #3017 – GPS System", pursuant to Section 6 of Local Law No. 22-1985 which project involves the replacement of equipment in-kind at established tower sites; and

**WHEREAS**, at its February 18, 2009 meeting, the CEQ reviewed the information submitted by the Suffolk County Police Department in connection with this project; and

**WHEREAS**, the CEQ recommended that the above activity be considered a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(2)(25) and (27) and Chapter 279 of the Suffolk County Code; and

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated February 19, 2009 of said recommendations; and

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

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Purchase of Replacement Equipment at Established Tower Sites, Capital Project #3017 – GPS Systems constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(2)(25) and (27) and Chapter 279 of the Suffolk County Code, since it involves legislation for the replacement of equipment in-kind, on the same site; and be it further

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

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

DATED:

APPROVED BY:

1163

Intro. Res. No. -2009  
Introduced by the Presiding Officer

Laid on Table

3/3/09

**RESOLUTION NO. -2009, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED CAPITAL PROGRAM 8239 PHASE III – STORM DRAIN POLLUTION REMEDIATION PROGRAM INSTALLATION OF STORMWATER TREATMENT SYSTEMS ON VARIOUS COUNTY ROADS**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Capital Program 8239 Phase III – Storm Drain Pollution Remediation Program Installation of Stormwater Treatment Systems on Various County Roads", pursuant to Section 6 of Local Law No. 22-1985 which project involves installing precast concrete stormwater treatment systems at several locations that discharge highway stormwater runoff into the Great South Bay, Fort Pond and Three Mile Harbor. The proposed treatment units function as floatable and sediment removal devices through the use of strategically placed weirs, orifices, and/or swirl chambers. SCDPW will also implement the performance of any necessary redesign/repairs/reconstruction on the existing positive drainage system upstream of the existing discharges; and

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

**WHEREAS**, at its February 18, 2009 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

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

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated February 19, 2009 of said recommendations; and

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

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Capital Program 8239 Phase III – Storm Drain Pollution Remediation Program Installation of Stormwater Treatment Systems on Various County Roads constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant

effect on the environment, as demonstrated in the Environmental Assessment Form;

- 2.) The 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 York of the Suffolk County Charter and the Suffolk County Code;
- 3.) The project is in conformance with the Suffolk County Stormwater Management Program/Plan and NYSDEC Stormwater Management Guidelines;
- 4.) All necessary NYSDEC stormwater and wetland permits will be obtained;
- 5.) Existing drainage problems will be alleviated; and
- 6.) Traffic safety will be improved during inclement weather;

and be it further

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

s:\res\ls-stormwater-treatment-systems

1164

Intro. Res. No. -2009  
Introduced by the Presiding Officer

Laid on Table 3/3/09

**RESOLUTION NO. -2009, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE CLARK'S BEACH - VILLAGE OF GREENPORT PROPERTY, TOWN OF SOUTHOLD**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Clark's Beach - Village of Greenport Property, Town of Southold", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 6.12 acres of land by Suffolk County for open space preservation purposes; and

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

**WHEREAS**, at its February 18, 2009 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated February 19, 2009 of said recommendations; and

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

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

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

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The proposed use the subject parcel 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

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

s:\resls-clarks-beach

1165

Intro. Res. No. -2009  
Introduced by the Presiding Officer

Laid on Table 3/3/09

**RESOLUTION NO. -2009, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED ACQUISITION OF LAND FOR OPEN SPACE PRESERVATION PURPOSES KNOWN AS THE WICKHAM CREEK - DAWSON & HOLLAND PROPERTY, TOWN OF SOUTHOLD**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Wickham Creek - Dawson & Holland Property, Town of Southold", pursuant to Section 6 of Local Law No. 22-1985 which project involves the acquisition of 3.2 acres of land by Suffolk County for open space preservation purposes; and

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

**WHEREAS**, at its February 18, 2009 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Planning; and

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

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated February 19, 2009 of said recommendations; and

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

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

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

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) The proposed use the subject parcel 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

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

s:\res\l-wickham-creek

1166

Intro. Res. No. -2009  
Introduced by the Presiding Officer

Laid on Table

3/3/09

**RESOLUTION NO. -2009, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED STORMWATER REMEDIATION TO CR 80, MONTAUK HIGHWAY AT OCEANVIEW ROAD, CP #8240, TOWN OF SOUTHAMPTON**

**WHEREAS**, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Stormwater Remediation to CR 80, Montauk Highway at Oceanview Road, CP #8240, Town of Southampton", pursuant to Section 6 of Local Law No. 22-1985 which project involves upgrading storm drainage infrastructures in the form of new leaching basins and connecting pipes, which will then discharge through two upgraded outfalls into Shinnecock Bay. A Vortechs stormwater treatment system will be provided upstream at each point of discharge. Other improvements include pavement repair, shoulder reconstruction, pavement resurfacing, minor curbing, striping and signage; and

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

**WHEREAS**, at its February 18, 2009 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works in connection with this project; and

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

**WHEREAS**, the CEQ has advised the County Legislature and the County Executive by memo dated February 19, 2009 of said recommendations; and

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

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

**1st RESOLVED**, that this Legislature hereby determines that the Proposed Stormwater Remediation to CR 80, Montauk Highway, at Oceanview Road, CP #8240, Town of Southampton constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;

- 2.) The 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 York of the Suffolk County Charter and the Suffolk County Code;
- 3.) The project is in conformance with the Suffolk County Stormwater Management Program/Plan and NYSDEC Stormwater Management Guidelines;
- 4.) All necessary NYSDEC stormwater and wetland permits will be obtained;
- 5.) Existing drainage problems will be alleviated; and
- 6.) Traffic safety will be improved during inclement weather;

and be it further

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

s:\res\s-oceanview-road

1167

Intro. Res. No. -2009  
Introduced by the Presiding Officer Lindsay

Laid on Table 3/3/09

**RESOLUTION NO. -2009, APPROVING PAYMENT TO  
GENERAL CODE PUBLISHERS FOR ADMINISTRATIVE CODE  
PAGES**

**WHEREAS**, General Code Publishers Corp. has provided Supplement No. 82 to update the Suffolk County Administrative Code totaling \$2369.38; and

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

**1<sup>st</sup> RESOLVED**, that the payment of \$2369.38 for the provisions of such pages is hereby approved.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

1168

Intro. Res. No. -2009  
Introduced by the Presiding Officer Lindsay

Laid on Table

3/3/09

**RESOLUTION NO. -2009, APPROVING PAYMENT TO  
GENERAL CODE PUBLISHERS FOR ADMINISTRATIVE CODE  
PAGES**

**WHEREAS**, General Code Publishers Corp. has provided Supplement No. 83 to update the Suffolk County Administrative Code totaling \$5010.54; and

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

**1<sup>st</sup> RESOLVED**, that the payment of \$5010.54 for the provisions of such pages is hereby approved.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

**RESOLUTION NO. -2009 AUTHORIZING ACQUISITION OF LAND UNDER THE OLD SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM [C12-5(E)(1)(b)] FOR THE SHANCHUK PROPERTY – PINE BARRENS CORE (TOWN OF SOUTHAMPTON - SCTM#0900-199.00-01.00-002.000 & 0900-199.00-01.00-006.000)**

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

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

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

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

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

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now; therefore, be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under Article XII of the SUFFOLK COUNTY CHARTER, Section C12-5(E)(1)(b), as amended and effective as of November 30, 2000, for a total purchase price of Thirty One Thousand Six Hundred Dollars (\$31,600.00), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY</u>		<u>ACRES:</u>	<u>REPUTED OWNER</u>
	<u>TAX MAP NUMBER:</u>			<u>AND ADDRESS:</u>
No. 1	District	0900	.92±	Christine Shanchuk
	Section	199.00		48 Osborn Hill Road
	Block	01.00		Sandy Hook, CT 06482
	Lot	002.000		
No. 2	District	0900		
	Section	199.00		
	Block	01.00		
	Lot	006.000		

; and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Old Suffolk County Drinking Water Protection Program, Section C12-5(E)(1)(b) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for a purchase price of Thirty One Thousand Six Hundred Dollars (\$31,600.00), subject to a final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$31,600.00, subject to a final survey, from previously appropriated funds in MY-475-MS-1940, under the Old Drinking Water Protection Program, Section C12-5(E)(1)(b) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for this acquisition; and, be it further

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

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

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and

- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

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

DATE:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

Gen E1

1169

# COUNTY OF SUFFOLK



**STEVE LEVY**  
SUFFOLK COUNTY EXECUTIVE

**CARRIE MEEK GALLAGHER**  
COMMISSIONER  
**CHRISTOPHER E. KENT**  
DIRECTOR

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

January 22, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive  
H. Lee Dennison Building -11<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Shanchuk property (Pine Barrens Core), in the Town of Southampton, under the Old Suffolk County Drinking Water Protection Program. The purchase price is \$31,600.00 for 0.92± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent  
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condensation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Phyllis Benincasa, Acquisition Agent
- CE Reso Review (e-mail copy only)

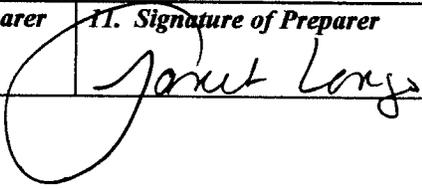
LOCATION  
H. LEE DENNISON BLDG. - 2<sup>nd</sup> Floor  
100 VETERANS MEMORIAL HIGHWAY

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

(631) 853-5900  
Fax (631) 853-5906  
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1169

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		<input type="checkbox"/>
		Charter Law
2. Title of Proposed Legislation		
Authorizing the acquisition under the Old Suffolk County Drinking Water Protection Program, of the Shanchuk property-Pine Barrens Core, SCTM#0900-199.00-01.00-002.000 & 0900-199.00-01.00-006.000, (Town of Southhampton).		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact?    YES ___    NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Old Suffolk County Drinking Water Protection Program		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Janet M. Longo Acquisition Supervisor		January 22, 2009

**RESOLUTION NO. 2009, APPROVING  
PLANNING STEPS FOR THE ACQUISITION  
OF FARMLAND DEVELOPMENT RIGHTS –  
JANUARY 2009**

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

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

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

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

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

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

**I.) ENVIRONMENTAL LEGACY PROGRAM**

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

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

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

;and, be it further

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

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

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

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

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

## II.) MULTIFACETED LAND PRESERVATION PROGRAM – FARMLAND DEVELOPMENT RIGHTS

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

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

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

;and, be it further

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

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

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

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

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

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

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

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

;and, be it further

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

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

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

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

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

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

EXHIBIT A

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER</u>
No. 1	0600 08500 0300 072008	0.3	Harriman Estates at Aquebogue LLC
No. 2	0600 08500 0300 072009	0.2	Harriman Estates at Aquebogue LLC
No. 3	0600 08500 0300 072010	0.2	Harriman Estates at Aquebogue LLC
No. 4	0600 08500 0300 072011	0.2	Harriman Estates at Aquebogue LLC
No. 5	0600 08500 0300 072012	0.2	Harriman Estates at Aquebogue LLC
No. 6	0600 08500 0300 072013	0.2	Harriman Estates at Aquebogue LLC
No. 7	0600 08500 0300 072014	0.2	Harriman Estates at Aquebogue LLC
No. 8	0600 08500 0300 072015	0.3	Harriman Estates at Aquebogue LLC
No. 9	0600 08500 0300 072016	0.3	Harriman Estates at Aquebogue LLC
No. 10	0600 08500 0300 072017	0.2	Harriman Estates at Aquebogue LLC
No. 11	0600 08500 0300 072018	0.2	Harriman Estates at Aquebogue LLC
No. 12	0600 08500 0300 072019	0.2	Harriman Estates at Aquebogue LLC
No. 13	0600 08500 0300 072020	0.2	Harriman Estates at Aquebogue LLC
No. 14	0600 08500 0300 072021	0.2	Harriman Estates at Aquebogue LLC
No. 15	0600 08500 0300 072022	0.2	Harriman Estates at Aquebogue LLC
No. 16	0600 08500 0300 072023	0.2	Harriman Estates at Aquebogue LLC
No. 17	0600 08500 0300 072024	0.2	Harriman Estates at Aquebogue LLC
No. 18	0600 08500 0300 072025	0.2	Harriman Estates at Aquebogue LLC
No. 19	0600 08500 0300 072026	0.2	Harriman Estates at Aquebogue LLC
No. 20	0600 08500 0300 072027	0.2	Harriman Estates at Aquebogue LLC
No. 21	0600 08500 0300 072028	0.2	Harriman Estates at Aquebogue LLC
No. 22	0600 08500 0300 072029	0.2	Harriman Estates at Aquebogue LLC
No. 23	0600 08500 0300 072030	0.2	Harriman Estates at Aquebogue LLC
No. 24	0600 08500 0300 072031	0.2	Harriman Estates at Aquebogue LLC
No. 25	0600 08500 0300 072032	0.2	Harriman Estates at Aquebogue LLC
No. 26	0600 08500 0300 072033	0.2	Harriman Estates at Aquebogue LLC
No. 27	0600 08500 0300 072034	0.2	Harriman Estates at Aquebogue LLC
No. 28	0600 08500 0300 072035	0.3	Harriman Estates at Aquebogue LLC
No. 29	0600 08500 0300 072036	0.3	Harriman Estates at Aquebogue LLC
No. 30	0600 08500 0300 072037	0.2	Harriman Estates at Aquebogue LLC
No. 31	0600 08500 0300 072038	0.2	Harriman Estates at Aquebogue LLC
No. 32	0600 08500 0300 072039	0.2	Harriman Estates at Aquebogue LLC
No. 33	0600 08500 0300 072040	0.2	Harriman Estates at Aquebogue LLC
No. 34	0600 08500 0300 072041	0.2	Harriman Estates at Aquebogue LLC
No. 35	0600 08500 0300 072042	0.2	Harriman Estates at Aquebogue LLC
No. 36	0600 08500 0300 072043	0.2	Harriman Estates at Aquebogue LLC
No. 37	0600 08500 0300 072044	0.2	Harriman Estates at Aquebogue LLC
No. 38	0600 08500 0300 072045	0.3	Harriman Estates at Aquebogue LLC
No. 39	0600 08500 0300 072046	0.2	Harriman Estates at Aquebogue LLC
No. 40	0600 08500 0300 072047	0.2	Harriman Estates at Aquebogue LLC
No. 41	0600 08500 0300 072048	0.3	Harriman Estates at Aquebogue LLC



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No. 87	0600 08500 0300 072094	6.8	Harriman Estates at Aquebogue LLC
No. 88	0600 08500 0300 072095	2.8	Harriman Estates at Aquebogue LLC
No. 89	0600 08500 0300 072096	13.2	Harriman Estates at Aquebogue LLC
No. 90	0600 08500 0300 072097	9.1	Harriman Estates at Aquebogue LLC
No. 91	0600 08500 0300 072098	0.5	Harriman Estates at Aquebogue LLC
No. 92	0600 08500 0300 072099	1.1	Harriman Estates at Aquebogue LLC
No. 93	0600 08500 0300 072100	0.8	Harriman Estates at Aquebogue LLC
No. 94	0600 08500 0300 072101	1.3	Harriman Estates at Aquebogue LLC
No. 95	0600 08500 0300 072102	0.1	Harriman Estates at Aquebogue LLC
No. 96	0600 08500 0300 072103	1.1	Harriman Estates at Aquebogue LLC

**TOTAL ACRES**

**56.3**



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

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

FARMLAND PRESERVATION FACTORS				Score	Subtotal
<b>A. CONTIGUITY: PROXIMITY TO PRESERVED FARM PROPERTIES</b>					
1.	PDR properties on three sides. (5 pts.)				
2.	PDR properties on two sides. (4 pts.)				
3.	PDR properties on one side. (3 pts.)			3	
4.	Large amount of protected farmland nearby. (2 pts.)				
5.	Some protected farmland nearby. (1 pt.)				
6.	No protected farmland nearby. (0 pt.)				3
<b>B. VISTAS</b>					
1.	Long road frontage and part of a large block of farmland (100+ acres). (5 pts.)			5	
2.	Small road frontage and part of a large block of farmland. (4 pts.)				
3.	Long road frontage and part of a small block of farmland. (3 pts.)				
4.	Small road frontage and part of a small block of farmland. (2 pts.)				
5.	Less than 100' of road frontage and part of a large block of farmland. (1 pt.)				
6.	Less than 100' of road frontage and part of a small block of farmland. (0 pt.)				5
<b>C. SOILS</b>					
		<b>Slope</b>	<b>Capability</b>		
1.	Capability Unit I-1: Bridgehampton, Haven, Montauk. (5 pts.)	0-3%	BgA, HaA, MKA	0.5	
2.	Nearly flat Class II: Riverhead, Scio, Plymouth, Haven, Montauk. (4 pts.)	0-3%	RdA, SdA, PsA, He, MfA	1.0	
3.	Best soils but with some slope: Bridgehampton, Haven, Montauk. (3 pts.)	2-8%	BgB, BhB, HaB, MkB		
4.	Other Class II soils with some slope: Montauk, Riverhead, Scio, Sudbury. (2 pts.)	2-8%	MB, RdB, ScB, Su	0.5	
5.	Non-prime soil that is farmed: Plymouth. (1 pt.)		PmB3	0.5	
6.	Poor soil. (0 pt.)		Gp		2.5
<b>D. APPROXIMATE DEVELOPMENT RIGHTS VALUE PER ACRE*</b>					
1.	\$50,000. or less. (5 pts.)				
2.	\$50,001.-\$65,000. (4 pts.)				
3.	\$65,001.-\$80,000. (3 pts.)			4.0	
4.	\$80,001.-\$95,000. (2 pts.)				
5.	\$95,001.-\$105,000. (1 pt.)				
6.	\$105,001.-\$250,000. (0 pt.)				
7.	\$250,001.-\$500,000. (-1 pt.)				
8.	\$500,001. or more. (-2 pts.)				4
<b>E. ADJUSTMENTS</b>					
1.	Located within a Census Designated Place with a population density of $\geq$ 1,000 persons per square mile. (3 pts.)				
2.	Other positive factors (i.e., within an Agricultural District, historical significance, community benefit, etc.). (1 or 2 pts.)			1	
3.	Other negative factors. (-1 or -2 pts.)				1
<b>TOTAL SCORE (maximum = 25 points)</b>					15.5

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION** 1170

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation APPROVING PLANNING STEPS FOR THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS – JANUARY 2009		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is “yes”, on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is “yes”, Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding N/A		
9. Timing of Impact N/A		
10. <i>Typed Name &amp; Title of Preparer</i> Jessica L. Kalmbacher Planner	11. <i>Signature of Preparer</i> 	12. <i>Date</i> January 30, 2009

Gen E2

# COUNTY OF SUFFOLK



1170

STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

THOMAS A. ISLES, AICP  
DIRECTOR OF PLANNING

January 30, 2009

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 that would authorize planning steps for the purchase of farmland development rights within the town of Riverhead totaling 56.3 acres. These have all been approved by the Farmland Committee.

Please contact me if you require any additional information.

Sincerely,

Thomas A. Isles  
Director of Planning

cc: Jim Morgo, Chief Deputy County Executive  
Carrie Meek Gallagher, Commissioner, Department of Environment & Energy  
Lauretta R. Fischer, Principal Environmental Analyst, Department of Planning  
Jessica L. Kalmbacher, Planner, Department of Planning  
Michael A. Amoroso, Bureau Chief, Department of Law  
Christopher E. Kent, Director, Division of Real Property Acquisition & Management  
Janet Longo, Acquisition Supervisor, Div. of Real Property Acquisition & Management  
Brendan Chamberlain, County Executive Assistant  
CE Reso Review (e-mail copy only)

1171

Intro. Res. No. - 2009

Laid on Table 3/3/09

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

**RESOLUTION NO. -2009 AUTHORIZING  
THE ACQUISITION OF LAND UNDER THE NEW  
SUFFOLK COUNTY DRINKING WATER  
PROTECTION PROGRAM (EFFECTIVE  
DECEMBER 1, 2007) - OPEN SPACE  
COMPONENT - FOR THE MCGAHEY AND  
KILFEATHER PROPERTY - SAGAPONACK  
WOODS (TOWN OF SOUTHAMPTON -  
SCTM#0900-055.00-01.00-001.003)**

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

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

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

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

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; and

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

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of One Million Dollars (\$1,000,000.00), 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:

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b>	<b><u>ACRES:</u></b>	<b><u>REPUTED OWNER AND ADDRESS:</u></b>
No. 1	District 0900 Section 055.00 Block 01.00 Lot 001.003	7.1±	Maryanne McGahey 17 Oakmont Lane Bay Shore, NY 11706 and James Kilfeather 29 Commonwealth Street Franklin Square, NY 11010

; and, be it further

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

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

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

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

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

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

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

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

DATED:

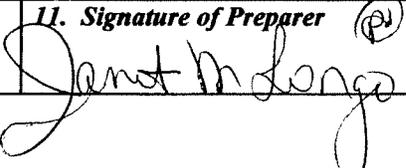
APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1171

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation		
Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the McGahey and Kilfeather property (Sagaponack Woods), SCTM#0900-055.00-01.00-001.003, (Town of Southampton).		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact?    YES ___    NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
New Suffolk County Drinking Water Protection Program		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Janet M. Longo Acquisition Supervisor		February 5, 2009

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FEB 09 2009  
1171

# COUNTY OF SUFFOLK



**STEVE LEVY**  
**SUFFOLK COUNTY EXECUTIVE**

**CARRIE MEEK GALLAGHER**  
COMMISSIONER  
**CHRISTOPHER E. KENT**  
DIRECTOR

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

February 5, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive  
H. Lee Dennison Building - 11<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the McGahey and Kilfeather property (Sagaponack Woods), in the Town of Southampton, under the New Drinking Water Protection Program. The purchase price is \$1,000,000.00 for 7.1± acres,

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent  
Director

CEK:pd

Att.

cc: Jim Morgo, Chief Deputy County Executive  
Jeff Szabo, Deputy County Executive  
Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy  
Thomas A. Isles, Director, Planning Department  
Janet M. Longo, Acquisition Supervisor  
Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation  
Lauretta Fischer, Principal Environmental Analyst, Planning Dept.  
✓ Tom Vaughn, County Executive Assistant  
Brendan Chamberlain, County Executive Assistant  
Lori Sklar, Acquisition Agent  
CE Reso Review (e-mail copy only)

LOCATION  
H. LEE DENNISON BLDG. - 2<sup>nd</sup> 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

1172

Intro. Res. No. - 2009

Laid on Table 3/3/09

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

**RESOLUTION NO. -2009 AUTHORIZING ACQUISITION OF LAND UNDER THE OLD SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM [C12-5(E)(1)(b)] – FOR THE JOACHIM PROPERTY – PINE BARRENS CORE (TOWN OF RIVERHEAD - SCTM#0600-137.00-03.00-015.001)**

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

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

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

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

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under Article XII of the SUFFOLK COUNTY CHARTER, Section C12-5(E)(1)(b), as amended and effective as of November 30, 2000, for a total purchase price of Sixty Eight Thousand Dollars (\$68,000.00), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0600	.70±	Alexander and Linda Joachim
	Section 137.00		824D Bahia Del Sol
	Block 03.00		Ruskin, FL 33570
	Lot 015.001		

; and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Old Suffolk County Drinking Water Protection Program, Section C12-5(E)(1)(b) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for a purchase price of Sixty Eight Thousand Dollars (\$68,000.00), subject to a final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$68,000.00, subject to a final survey, from previously appropriated funds in MY-475-MS-1940, under the Old Drinking Water Protection Program, Section C12-5(E)(1)(b) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for this acquisition; and, be it further

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

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

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

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

DATE:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

COUNTY OF SUFFOLK

Gen 09

FEB 11 2009



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

1172

CARRIE MEEK GALLAGHER  
COMMISSIONER  
CHRISTOPHER E. KENT  
DIRECTOR

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

February 11, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive  
H. Lee Dennison Building -11<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Joachim property (Pine Barrens Core), in the Town of Riverhead, under the Old Suffolk County Drinking Water Protection Program. The purchase price is \$68,000.00 for .70± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent  
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condensation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Mike Brown, Acquisition Agent
- CE Reso Review (e-mail copy only)

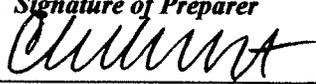
LOCATION  
LEE DENNISON BLDG. - 2<sup>nd</sup> Floor  
VETERANS MEMORIAL HIGHWAY

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

(631) 853-5900 H.  
Fax (631) 853-5906 100  
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1172

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation Authorizing the acquisition under the Old Suffolk County Drinking Water Protection Program, of the Joachim property (Pine Barrens Core), SCTM#0600-137.00-03.00-015.001, (Town of Riverhead).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding Old Suffolk County Drinking Water Protection Program		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Christopher E. Kent Director	11. Signature of Preparer 	12. Date February 11, 2009

1173

Intro. Res. No. - 2009

Laid on Table 3/3/09

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

**RESOLUTION NO. -2009 AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE VALIANT ROCK, LLC PROPERTY - SAW MILL CREEK ADDITION (TOWN OF RIVERHEAD - SCTM#0600-109.00-02.00-008.000)**

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

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

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

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

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; and

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

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Seven Hundred Seventy Eight Thousand Four Hundred Dollars (\$778,400.00+), at Two Hundred Eighty Thousand (\$280,000.00) per acre for 2.78± acres, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY</u>		<u>REPUTED OWNER</u>
	<u>TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>AND ADDRESS:</u>
No. 1	District 0600	2.78±	Valiant Rock, LLC
	Section 109.00		6 Wells Lane
	Block 02.00		Hampton Bays, NY
	Lot 008.000		

; and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Seven Hundred Seventy Eight Thousand Four Hundred Dollars (\$778,400.00+), subject to a final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$778,400.00±, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

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

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

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

- b.) lands within the watershed of the coastal stream, as determined by a reasonable planning or hydrological study;
- d.) lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County;

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

GEN 25

# COUNTY OF SUFFOLK

FEB 11 2009



1173

**STEVE LEVY**  
SUFFOLK COUNTY EXECUTIVE

**CARRIE MEEK GALLAGHER**  
COMMISSIONER  
**CHRISTOPHER E. KENT**  
DIRECTOR

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

February 11, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive  
H. Lee Dennison Building -11<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Valiant Rock, LLC property (Saw Mill Creek Addition), in the Town of Riverhead, under the New Suffolk County Drinking Water Protection Program. The purchase price is \$778,400.00+ for 2.78+ acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent  
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Lori Sklar, Acquisition Agent
- CE Reso Review (e-mail copy only)

LOCATION  
LEE DENNISON BLDG. - 2<sup>nd</sup> Floor  
VETERANS MEMORIAL HIGHWAY

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

(631) 853-5900 H.  
Fax (631) 853-5906 100  
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1173

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Valiant Rock, LLC property (Saw Mill Creek Addition), SCTM#0600-109.00-02.00-008.000, (Town of Riverhead).		
3. Purpose of Proposed Legislation  See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:  N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.  N/A		
8. Proposed Source of Funding  New Suffolk County Drinking Water Protection Program		
9. Timing of Impact  N/A		
10. Typed Name & Title of Preparer Christopher E. Kent Director	11. Signature of Preparer 	12. Date February 11, 2009

SCIN FORM 175b (10/95)

**REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION**

1174  
Intro. Res. No. - 2009  
Introduced by the Presiding Officer, on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION NO. -2009 AUTHORIZING ACQUISITION OF LAND UNDER THE OLD SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM [C12-5(E)(1)(b)] FOR THE KUNZ & STUART PROPERTY - PINE BARRENS CORE (TOWN OF - SOUTHAMPTON - SCTM#0900-306.00-03.00-028.000, 0900-306.00-03.00-038.000 & 0900-306.00-04.00-018.000)**

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

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

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

**WHEREAS**, Resolution No. 1356-2002, authorized planning steps for the acquisition of the subject property; and

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

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the office of the County Attorney; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under Article XII of the SUFFOLK COUNTY CHARTER, Section C12-5(E)(1)(b), as amended and effective as of November 30, 2000, for a total purchase price of Thirty Six Thousand Seven Hundred Dollars (\$36,700.00), subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0900 Section 306.00 Block 03.00 Lot 028.000	.37±	Walter Kunz and Joan Stuart P.O. Box 1 Islip, NY 11754
No. 2	District 0900 Section 306.00 Block 03.00 Lot 038.000	.51±	
No. 3	District 0900 Section 306.00 Block 04.00 Lot 018.000	.46±	

; and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Old Suffolk County Drinking Water Protection Program, Section C12-5(E)(1)(b) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for a purchase price of Thirty Six Thousand Seven Hundred Dollars (\$36,700.00), subject to a final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$36,700.00, subject to a final survey, from previously appropriated funds in 475-MS-C-1940, under the Old Drinking Water Protection Program, Section C12-5(E)(1)(b) of the SUFFOLK COUNTY CHARTER, as amended and effective as of November 30, 2000, for this acquisition; and, be it further

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

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

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

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

- 1.) the proposed action will not exceed any of the criteria in 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) will be passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes, incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

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

DATE:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

COUNTY OF SUFFOLK

GEN 06  
FEB 11 2009



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

1174

CARRIE MEEK GALLAGHER  
COMMISSIONER  
CHRISTOPHER E. KENT  
DIRECTOR

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

February 11, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive  
H. Lee Dennison Building -11<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Kunz and Stuart property-Pine Barrens Core, in the Town of Southampton, under the Old Suffolk County Drinking Water Protection Program. The purchase price is \$36,700.00 for 1.34± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent  
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Mike Brown, Acquisition Agent
- CE Reso Review (e-mail copy only)

LOCATION  
LEE DENNISON BLDG. - 2<sup>nd</sup> Floor  
VETERANS MEMORIAL HIGHWAY

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

(631) 853-5900 H.  
Fax (631) 853-5906 100  
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1124

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		<input type="checkbox"/> Charter Law
2. Title of Proposed Legislation		
Authorizing the acquisition under the Old Suffolk County Drinking Water Protection Program, of the Kunz & Stuart property-Pine Barrens Core, SCTM#0900-30600-0300-028.000, 0900-306.00-03.00-038.000 & 0900-306.00-04.00-018.000, (Town of Southampton).		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Old Suffolk County Drinking Water Protection Program		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Christopher E. Kent Director		February 11, 2009

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

**RESOLUTION NO. -2009 AUTHORIZING  
THE ACQUISITION OF LAND UNDER THE NEW  
SUFFOLK COUNTY DRINKING WATER  
PROTECTION PROGRAM (EFFECTIVE  
DECEMBER 1, 2007) - OPEN SPACE  
COMPONENT - FOR THE BRODMERKEL  
PROPERTY - WADING RIVER WETLANDS  
(TOWN OF RIVERHEAD - SCTM#0600-029.00-  
02.00-013.000)**

**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. 621-2004, 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 Real Property Acquisition and Management to negotiate the acquisition; and

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; and

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

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

**1<sup>st</sup>** **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Thirteen Thousand Dollars (\$13,000.00), 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:

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY</u></b>		<b><u>REPUTED OWNER</u></b>
<b><u>No. 1</u></b>	<b><u>TAX MAP NUMBER:</u></b>	<b><u>ACRES:</u></b>	<b><u>AND ADDRESS:</u></b>
	District 0600	0.879±	William and Betty Jane Brodmerkel
	Section 029.00		76 Creek Road
	Block 02.00		Wading River, NY 11792
	Lot 013.000		

; and, be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Thirteen Thousand Dollars (\$13,000.00) subject to a final survey; and, be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$13,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

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

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

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

- a.) freshwater/tidal wetlands and buffer lands for same;
- and, be it further

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

6208 E-1

# COUNTY OF SUFFOLK

FEB 11 2009

1175



**STEVE LEVY**  
SUFFOLK COUNTY EXECUTIVE

**CARRIE MEEK GALLAGHER**  
COMMISSIONER  
**CHRISTOPHER E. KENT**  
DIRECTOR

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

February 11, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive  
H. Lee Dennison Building -11<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Brodmerkel property (Wading River Wetlands), in the Town of Riverhead, under the New Suffolk County Drinking Water Protection Program. The purchase price is \$13,000.00 for 0.879+ acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent  
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Lori Sklar, Acquisition Agent
- CE Reso Review (e-mail copy only)

LOCATION  
LEE DENNISON BLDG. - 2<sup>nd</sup> Floor  
VETERANS MEMORIAL HIGHWAY

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

(631) 853-5900 H.  
Fax (631) 853-5906 100  
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1175

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Brodmerkel property (Wading River Wetlands), SCTM#0600-029.00-02.00-013.000, (Town of Riverhead).		
3. Purpose of Proposed Legislation  See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact?    YES ___    NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:  N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.  N/A		
8. Proposed Source of Funding  New Suffolk County Drinking Water Protection Program		
9. Timing of Impact  N/A		
10. Typed Name & Title of Preparer Christopher E. Kent Director	11. Signature of Preparer 	12. Date February 11, 2009

117b  
Intro. Res. No. - 2009  
Introduced by the Presiding Officer, on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION NO. -2009 AUTHORIZING  
THE ACQUISITION OF LAND UNDER THE NEW  
SUFFOLK COUNTY DRINKING WATER  
PROTECTION PROGRAM (EFFECTIVE  
DECEMBER 1, 2007) - OPEN SPACE  
COMPONENT - FOR THE SALVATORE  
NORBERTO PROPERTY - TUTHILLS  
CREEK/PINE LAKE (TOWN OF BROOKHAVEN -  
SCTM# 0204-003.00-01.00-026.005)**

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

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

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

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

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

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Thirty One Thousand Dollars (\$31,000.00), 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:

<b>PARCEL:</b>	<b>SUFFOLK COUNTY</b>		<b>REPUTED OWNER</b>
No. 1	<b>TAX MAP NUMBER:</b>	<b>ACRES:</b>	<b>AND ADDRESS:</b>
	District 0204	.50±	Salvatore Norberto
	Section 003.00		88 Garden Street
	Block 01.00		Garden City, NY 11530
	Lot 026.005		

; and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Thirty One Thousand Dollars (\$31,000.00), subject to a final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$31,000.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

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

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

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

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

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

GEN E 8

# COUNTY OF SUFFOLK



FEB 11 2009

1176

**STEVE LEVY**  
**SUFFOLK COUNTY EXECUTIVE**

**CARRIE MEEK GALLAGHER**  
COMMISSIONER  
**CHRISTOPHER E. KENT**  
DIRECTOR

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

February 11, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive  
H. Lee Dennison Building -11<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Norberto property (Tuthills Creek/Pine Lake), in the Town of Brookhaven, under the New Suffolk County Drinking Water Protection Program. The purchase price is \$31,000.00 for .50± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent  
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Mike Brown, Acquisition Agent
- CE Reso Review (e-mail copy only)

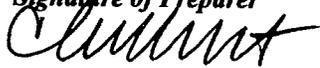
LOCATION  
LEE DENNISON BLDG. - 2<sup>nd</sup> Floor  
VETERANS MEMORIAL HIGHWAY

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

(631) 853-5900 H.  
Fax (631) 853-5906 100  
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1176

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Norberto property (Tuthills Creek/Pine Lake), SCTM#0204-003.00-01.00-026.005, (Town of Brookhaven).		
3. Purpose of Proposed Legislation  See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:  N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.  N/A		
8. Proposed Source of Funding  New Suffolk County Drinking Water Protection Program		
9. Timing of Impact  N/A		
10. Typed Name & Title of Preparer Christopher E. Kent Director	11. Signature of Preparer 	12. Date February 11, 2009

1177

Intro. Res. No. - 2009

Laid on Table

3/3/09

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

**RESOLUTION NO. -2009 AUTHORIZING  
THE ACQUISITION OF LAND UNDER THE NEW  
SUFFOLK COUNTY DRINKING WATER  
PROTECTION PROGRAM (EFFECTIVE  
DECEMBER 1, 2007) - OPEN SPACE  
COMPONENT - FOR THE POKORNY  
PROPERTY - SOUTHAVEN COUNTY PARK  
ADDITION (TOWN OF BROOKHAVEN -  
SCTM#0200-744.00-03.00-006.000)**

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

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

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

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

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

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

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Five Thousand Five Hundred Dollars (\$5,500.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY</u>		<u>REPUTED OWNER</u>
<u>No. 1</u>	<u>TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>AND ADDRESS:</u>
	District	0200	Jean Berger Pokorny
	Section	744.00	41 Brewster Lane
	Block	03.00	Bellport, NY 11713
	Lot	006.000	

; and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Five Thousand Five Hundred Dollars (\$5,500.00), subject to a final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$5,500.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

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

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

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

g.) Open Space

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

GEN 59

# COUNTY OF SUFFOLK



FEB 11 2009

1177

**STEVE LEVY**  
**SUFFOLK COUNTY EXECUTIVE**

**CARRIE MEEK GALLAGHER**  
COMMISSIONER  
**CHRISTOPHER E. KENT**  
DIRECTOR

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

February 11, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive  
H. Lee Dennison Building -11<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Pokorny property (Southaven County Park Addition), in the Town of Brookhaven, under the New Suffolk County Drinking Water Protection Program. The purchase price is \$5,500.00 for 0.09+ acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent  
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condensation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Phyllis Benincasa, Acquisition Agent
- CE Reso Review (e-mail copy only)

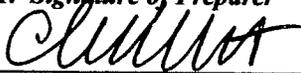
LOCATION  
LEE DENNISON BLDG. - 2<sup>nd</sup> Floor  
VETERANS MEMORIAL HIGHWAY

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

(631) 853-5900 H.  
Fax (631) 853-5906 100  
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1177

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
		Charter Law
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Pokorny property (Southaven County Park Addition), SCTM#0200-744.00-03.00-006.000, (Town of Brookhaven).		
3. Purpose of Proposed Legislation  See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact?    YES ___    NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:  N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.  N/A		
8. Proposed Source of Funding  New Suffolk County Drinking Water Protection Program		
9. Timing of Impact  N/A		
10. Typed Name & Title of Preparer Christopher E. Kent Director	11. Signature of Preparer 	12. Date February 11, 2009

1178

Intro. Res. No. - 2009

Laid on Table 3/3/09

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

**RESOLUTION NO. -2009 AUTHORIZING  
THE ACQUISITION OF LAND UNDER THE NEW  
SUFFOLK COUNTY DRINKING WATER  
PROTECTION PROGRAM (EFFECTIVE  
DECEMBER 1, 2007) - OPEN SPACE  
COMPONENT - FOR THE DOWLING COLLEGE  
PROPERTY - MASTIC/SHIRLEY  
CONSERVATION AREA (TOWN OF  
BROOKHAVEN - SCTM#0200-982.10-04.00-  
009.000)**

**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. 625-2004, 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 Real Property Acquisition and Management to negotiate the acquisition; and

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

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

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Six Thousand Five Hundred Dollars (\$6,500.00), subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<b><u>PARCEL:</u></b>	<b>SUFFOLK COUNTY</b>		<b>REPUTED OWNER</b>
No. 1	<b><u>TAX MAP NUMBER:</u></b>	<b><u>ACRES:</u></b>	<b><u>AND ADDRESS:</u></b>
	District 0200	.09±	Dowling College
	Section 982.10		Idle Hour Blvd.
	Block 04.00		Oakdale, NY 11769
	Lot 009.000		

; and, be it further

**2<sup>nd</sup> RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Six Thousand Five Hundred Dollars (\$6,500.00), subject to a final survey; and, be it further

**3<sup>rd</sup> RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$6,500.00, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

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

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

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

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

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

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

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

GEN 610

# COUNTY OF SUFFOLK

FEB 11 2009



**STEVE LEVY**  
SUFFOLK COUNTY EXECUTIVE

1178

**CARRIE MEEK GALLAGHER**  
COMMISSIONER  
**CHRISTOPHER E. KENT**  
DIRECTOR

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

February 11, 2009

Mr. Ben Zwirn, Asst. Deputy County Executive  
H. Lee Dennison Building -11<sup>th</sup> Floor  
100 Veterans Memorial Highway  
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Dowling College property (Mastic/Shirley Conservation Area), in the Town of Brookhaven, under the New Suffolk County Drinking Water Protection Program. The purchase price is \$6,500.00 for .09± acres.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent  
Director

CEK:pd

Att.

- cc: Jim Morgo, Chief Deputy County Executive
- Jeff Szabo, Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Tom Vaughn, County Executive Assistant
- Brendan Chamberlain, County Executive Assistant
- Peter Belyea, Acquisition Agent
- CE Reso Review (e-mail copy only)

LOCATION  
LEE DENNISON BLDG. - 2<sup>nd</sup> Floor  
VETERANS MEMORIAL HIGHWAY

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

(631) 853-5900 H.  
Fax (631) 853-5906 100  
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1178

1. Type of Legislation		
Resolution	<b>X</b>	Local Law
		Charter Law
2. Title of Proposed Legislation		
Authorizing the acquisition under the New Suffolk County Drinking Water Protection Program, of the Dowling College property (Mastic/Shirley Conservation Area, SCTM#0200-982.10-04.00-009.000, (Town of Brookhaven).		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact?    YES ___    NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
New Suffolk County Drinking Water Protection Program		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Christopher E. Kent Director		February 11, 2009

1179

Intro. Res. No. - 2009

Laid on the Table 3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. - 2009, AMENDING THE 2009  
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING  
FUNDS IN CONNECTION WITH STRENGTHENING AND  
IMPROVING L.I.E. SERVICE ROADS UNDER THE NATIONAL  
ECONOMIC RECOVERY ACT (NEW CP 5127)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with Strengthening and Improving L.I.E. Service Roads under the National Recovery Act; and

**WHEREAS**, there are Federal funds available from the Federal Highway Administration for this project, and identified as PIN 075932 (OT1910) in design approval documents and contract plans authorized under the National Economic Recovery Act with a share allocation of 100 (100%) percent Federal funds and zero (0%) percent County funds; and

**WHEREAS**, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal portion; and

**WHEREAS**, sufficient funds are not included in the 2009 Capital Budget and Program to cover the cost of said request under Capital Project 5127 and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State aid; and

**WHEREAS**, Resolution No. 471-1994 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 \$20,000,000 in Suffolk County Serial Bonds; now, therefore, be it

**1<sup>st</sup> RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 1171-1995 classified the action contemplated by this as a Type II Action, which will not have a significant effect on the environment; and be it further

**2<sup>nd</sup> 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

**3<sup>rd</sup> RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (A) of the Suffolk County Charter to complete the Strengthening and Improving County Roads; and be it further

**4<sup>th</sup> RESOLVED**, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5127  
 Project Title: Strengthening and Improving L.I.E. Service Roads under the National Recovery Act

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget &amp; Program</u>	<u>Revised 2009 Capital Budget &amp; Program</u>
3. Construction	<u>\$20,000,000</u>	<u>\$0</u>	<u>\$20,000,000F</u>
TOTAL	\$20,000,000	\$0	\$20,000,000

**5<sup>th</sup> RESOLVED**, that Federal Aid in the amount of \$20,000,000 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5127.310	50	Strengthening and Improving L.I.E. Service Roads under the National Recovery Act	\$20,000,000

**6<sup>th</sup> RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$20,000,000; and be it further

**7<sup>th</sup> RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of 20,000,000; and be it further

**8<sup>th</sup> RESOLVED**, that the appropriations within this resolution shall not be expended, encumbered or authorized, and that no bond or notes shall be issued, for this project until the County is in receipt of the Federal Authorization for construction of the project; and be it further

**9<sup>th</sup> RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED:

APPROVED BY:

\_\_\_\_\_  
 County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1179

1. Type of Legislation		
Resolution <u>  X  </u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation		
<p><b>RESOLUTION NO.                      - 2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH STRENGTHENING AND IMPROVING L.I.E. SERVICE ROADS UNDER THE NATIONAL ECONOMIC RECOVERY ACT (NEW CP 5127)</b></p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes <u>  X  </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact?                      (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <p style="margin: 0;">County</p> </div>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
Suffolk County must "first instance" the entire cost of the project. The share allocation for the project is 100% Federal and 0% County. County Comptroller is authorized to issue bond anticipation notes.		
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		
Federal Highway Administration PIN 075932 (OT1910)—100% allocation		
0% allocation for County. County must first instance funds.		
9. Timing of Impact		
The appropriations within this resolution shall not be expended, encumbered or authorized, and that no bond or notes shall be issued, for this project until the County is in receipt of the Federal Authorization for construction of the project.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		February 24th, 2009

**FINANCIAL IMPACT  
2010 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1179

**GENERAL FUND**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**COMBINED**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 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 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

# COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

## DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.  
COMMISSIONER

THOMAS LAGUARDIA, P.E.  
CHIEF DEPUTY COMMISSIONER

1179  
LOUIS CALDERONE  
DEPUTY COMMISSIONER

## MEMORANDUM

**TO:** Ben Zwirn, Assistant Deputy County Executive

**FROM:** Thomas LaGuardia, P.E., Chief Deputy Commissioner

**DATE:** February 9, 2009

**RE:** **AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH STRENGTHENING AND IMPROVING L.I.E. SERVICE ROADS UNDER THE NATIONAL ECONOMIC RECOVERY ACT (NEW CP 5127)**

Attached are a draft resolution and duplicate copy to appropriate the sum of \$20,000,000 for construction in connection with the above referenced project.

There are insufficient funds included in the 2009 Capital budget and program for this project. However, pursuant to the Suffolk County charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifth percent (50%) by Federal or State aid.

Recent changes to the procedures for obtaining final Federal authorization require that the County pass a resolution and have local and State contracts in place prior to final authorization.

Funding for this project is 100% Federally funded as part of the National Economic Recovery Act and mandated milestones must be met to insure program compliance.

This project includes excavation and replacement of existing deteriorated pavement, patching, other items of work required preparatory to the placement of new concrete or asphalt pavement such as drainage and concrete curb, and the placement of concrete or asphalt pavement. Work will be performed on Long Island Expressway Service Roads approximately between CR 7, Wicks Road and Route 112. It may be necessary to add and/or substitute other roads and/or revise limits of work due to seasonal limitations, changes in priorities or other requirements to be determined by this Department

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1179

The Suffolk County Council on Environmental Quality has reviewed our Strengthening and Improving County Roads Program and found that it constituted a Type II Action and no further review is required. The County Legislature concurred with this finding pursuant to Resolution No. 1171-1995.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP5127.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

1179

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 Zwim, Assistant Deputy County Executive

**FROM:** Thomas LaGuardia, P.E., Chief Deputy Commissioner

**DATE:** February 9, 2009

**RE:** AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH STRENGTHENING AND IMPROVING L.I.E. SERVICE ROADS UNDER THE NATIONAL ECONOMIC RECOVERY ACT (NEW CP 5127)

Attached are a draft resolution and duplicate copy to appropriate the sum of \$20,000,000 for construction in connection with the above referenced project.

There are insufficient funds included in the 2009 Capital budget and program for this project. However, pursuant to the Suffolk County charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifth percent (50%) by Federal or State aid.

Recent changes to the procedures for obtaining final Federal authorization require that the County pass a resolution and have local and State contracts in place prior to final authorization.

Funding for this project is 100% Federally funded as part of the National Economic Recovery Act and mandated milestones must be met to insure program compliance.

This project includes excavation and replacement of existing deteriorated pavement, patching, other items of work required preparatory to the placement of new concrete or asphalt pavement such as drainage and concrete curb, and the placement of concrete or asphalt pavement. Work will be performed on Long Island Expressway Service Roads approximately between CR 7, Wicks Road and Route 112. It may be necessary to add and/or substitute other roads and/or revise limits of work due to seasonal limitations, changes in priorities or other requirements to be determined by this Department

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1179

The Suffolk County Council on Environmental Quality has reviewed our Strengthening and Improving County Roads Program and found that it constituted a Type II Action and no further review is required. The County Legislature concurred with this finding pursuant to Resolution No. 1171-1995.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP5127.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

1180

Intro. Res. No. - 2009  
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 3/3/09

**RESOLUTION NO. 2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH INTERSECTION IMPROVEMENTS ON CR 19, PATCHOGUE-HOLBROOK ROAD AT OLD WAVERLY AVENUE, TOWN OF BROOKHAVEN (CP 5040)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction inspection services in connection with Intersection Improvements CR 19; and

**WHEREAS**, sufficient funds are not included in the 2009 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; and

**WHEREAS**, Resolution No. 471-1994 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

**1<sup>st</sup> RESOLVED**, Resolution No. 1128-2003, approved by the legislature declared this an Unlisted Action pursuant to Section 617 of Title 6 (NYCRR); and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy (70) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete Intersection Improvements CR 19, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

**4<sup>th</sup> RESOLVED**, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5097

Project Title: Reconstruction of CR 17, Carleton Avenue, Town of Islip

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget &amp; Program</u>	<u>Revised 2009 Capital Budget &amp; Program</u>
2. Land Acquisition	\$1,350,000	\$ 250,000B	\$ 150,000B
		<u>\$1,000,000F</u>	<u>\$1,000,000F</u>
<b>TOTAL</b>	<b>\$3,600,000</b>	<b>\$1,250,000</b>	<b>\$1,150,000</b>

Project No.: 5040  
 Project Title: Intersection Improvements CR 19, Patchogue-Holbrook Road at Old, Waverly Avenue, Town of Brookhaven

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget &amp; Program</u>	<u>Revised 2009 Capital Budget &amp; Program</u>
3. Construction	<u>\$1,800,000</u>	<u>\$0</u>	<u>\$100,000B</u>
TOTAL	\$2,075,000	\$0	\$100,000

and be it further

**5<sup>th</sup> RESOLVED**, that the proceeds of \$100,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5040.310 (Fund 001 Debt Service)	50	Intersection Improvements CR 19, Patchogue-Holbrook Road at Old, Waverly Avenue, Town of Brookhaven	\$100,000

Date:

APPROVED BY:

\_\_\_\_\_  
 County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1180

1. Type of Legislation		
Resolution <u>  X  </u> Local Law _____                      Charter Law _____		
2. Title of Proposed Legislation		
<p><b>RESOLUTION NO.        2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH INTERSECTION IMPROVEMENTS ON CR 19, PATCHOGUE-HOLBROOK ROAD AT OLD WAVERLY AVENUE, TOWN OF BROOKHAVEN (CP 5040)</b></p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes <u>  X  </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact?    (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <p><b>County</b></p> </div>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
2010		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		February 18th, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2010 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1180

**GENERAL FUND**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$9,483</b>	<b>\$0.02</b>		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**COMBINED**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$9,483</b>	<b>\$0.02</b>		\$0.000

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**Suffolk County**  
**Project Name**  
 General Obligation Serial Bonds  
 Level Debt

1180

Term of Bonds: 15  
 Amount to Bond: \$100,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$4,716.21	\$4,766.67	\$9,482.88	\$9,482.88
			\$2,270.93	\$2,270.93	
5/1/2011	4.500%	\$4,941.02	\$2,270.93	\$7,211.95	\$9,482.88
			\$2,153.17	\$2,153.17	
5/1/2012	4.500%	\$5,176.54	\$2,153.17	\$7,329.71	\$9,482.88
			\$2,029.80	\$2,029.80	
5/1/2013	4.500%	\$5,423.29	\$2,029.80	\$7,453.08	\$9,482.88
			\$1,900.54	\$1,900.54	
5/1/2014	4.500%	\$5,681.80	\$1,900.54	\$7,582.34	\$9,482.88
			\$1,765.12	\$1,765.12	
5/1/2015	4.500%	\$5,952.63	\$1,765.12	\$7,717.75	\$9,482.88
			\$1,623.25	\$1,623.25	
5/1/2016	4.500%	\$6,236.37	\$1,623.25	\$7,859.63	\$9,482.88
			\$1,474.62	\$1,474.62	
5/1/2017	5.000%	\$6,533.64	\$1,474.62	\$8,008.26	\$9,482.88
			\$1,318.90	\$1,318.90	
5/1/2018	5.000%	\$6,845.08	\$1,318.90	\$8,163.98	\$9,482.88
			\$1,155.76	\$1,155.76	
5/1/2019	5.000%	\$7,171.36	\$1,155.76	\$8,327.12	\$9,482.88
			\$984.84	\$984.84	
5/1/2020	5.000%	\$7,513.19	\$984.84	\$8,498.04	\$9,482.88
			\$805.78	\$805.78	
5/1/2021	5.000%	\$7,871.32	\$805.78	\$8,677.10	\$9,482.88
			\$618.18	\$618.18	
5/1/2022	5.000%	\$8,246.52	\$618.18	\$8,864.70	\$9,482.88
			\$421.64	\$421.64	
5/1/2023	5.000%	\$8,639.61	\$421.64	\$9,061.24	\$9,482.88
			\$215.73	\$215.73	
5/1/2024	5.000%	\$9,051.43	\$215.73	\$9,267.15	\$9,482.88
		\$100,000.00	\$42,243.17	\$142,243.17	\$142,243.17

COUNTY OF SUFFOLK

FEB 17 2009

1180



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: February 6, 2009

RE: **AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH INTERSECTION IMPROVEMENTS ON CR 19, PATCHOGUE-HOLBROOK ROAD AT OLD WAVERLY AVENUE, TOWN OF BROOKHAVEN (CP 5040)**

Attached are a draft resolution and duplicate copy to appropriate the sum of \$100,000 for construction inspection in connection with the above referenced project.

There are no funds included in the 2009 Capital Budget and Program for this project and, as such, an offset must be provided. We intend to use land acquisition funds from CP 5097, Reconstruction of CR 17, Carleton Avenue, Town of Islip. Row acquisition is no longer included in CP 5097, thus, the funds are available.

This project is part of an ongoing overall plan to improve safety, operational efficiency and aesthetics of CR 19 in the Village of Patchogue.

Resolution No 1128-2003 approved by the legislature declared this an Unlisted Action pursuant to Section 617.2 of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR).

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 5040.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

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1181

Intro. Res. No. - 2009  
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 3/13/09

**RESOLUTION NO. - 2009, APPROPRIATING FUNDS IN CONNECTION WITH STRENGTHENING AND IMPROVING COUNTY ROADS (CAPITAL PROGRAM NUMBER 5014)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with Strengthening and Improving County Roads; and

**WHEREAS**, there are sufficient funds within the 2009 Capital Budget and Program to cover the cost of said request; 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 \$5,500,000 in Suffolk County Serial Bonds; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (1) and (4), of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes maintenance or repair involving no substantial changes in an existing structure or facility as well as repaving of existing highways not involving the addition of new travel lanes. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty-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

**3<sup>rd</sup> RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete Strengthening and Improving County Roads, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

**4<sup>th</sup> RESOLVED**, that the proceeds of \$5,500,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5014.349 (Fund 001 Debt Service)	50	Strengthening and Improving County Roads	\$5,500,000

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:



**FINANCIAL IMPACT  
2010 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1181

**GENERAL FUND**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	<b>\$521,559</b>	<b>\$0.97</b>		\$0.002

**POLICE DISTRICT AND DISTRICT COURT**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**COMBINED**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	<b>\$521,559</b>	<b>\$0.97</b>		\$0.002

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**Suffolk County**  
**Project Name**  
 General Obligation Serial Bonds  
 Level Debt

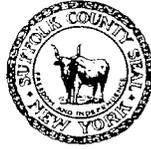
1181

Term of Bonds: 15  
 Amount to Bond: \$5,500,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$259,391.64	\$262,166.67	\$521,558.30	\$521,558.30
			\$124,901.17	\$124,901.17	
5/1/2011	4.500%	\$271,755.97	\$124,901.17	\$396,657.14	\$521,558.30
			\$118,424.32	\$118,424.32	
5/1/2012	4.500%	\$284,709.67	\$118,424.32	\$403,133.99	\$521,558.30
			\$111,638.73	\$111,638.73	
5/1/2013	4.500%	\$298,280.83	\$111,638.73	\$409,919.57	\$521,558.30
			\$104,529.71	\$104,529.71	
5/1/2014	4.500%	\$312,498.89	\$104,529.71	\$417,028.60	\$521,558.30
			\$97,081.82	\$97,081.82	
5/1/2015	4.500%	\$327,394.67	\$97,081.82	\$424,476.49	\$521,558.30
			\$89,278.91	\$89,278.91	
5/1/2016	4.500%	\$343,000.48	\$89,278.91	\$432,279.39	\$521,558.30
			\$81,104.07	\$81,104.07	
5/1/2017	5.000%	\$359,350.17	\$81,104.07	\$440,454.24	\$521,558.30
			\$72,539.55	\$72,539.55	
5/1/2018	5.000%	\$376,479.19	\$72,539.55	\$449,018.75	\$521,558.30
			\$63,566.80	\$63,566.80	
5/1/2019	5.000%	\$394,424.70	\$63,566.80	\$457,991.50	\$521,558.30
			\$54,166.35	\$54,166.35	
5/1/2020	5.000%	\$413,225.61	\$54,166.35	\$467,391.96	\$521,558.30
			\$44,317.80	\$44,317.80	
5/1/2021	5.000%	\$432,922.70	\$44,317.80	\$477,240.50	\$521,558.30
			\$33,999.81	\$33,999.81	
5/1/2022	5.000%	\$453,558.68	\$33,999.81	\$487,558.49	\$521,558.30
			\$23,190.00	\$23,190.00	
5/1/2023	5.000%	\$475,178.31	\$23,190.00	\$498,368.31	\$521,558.30
			\$11,864.91	\$11,864.91	
5/1/2024	5.000%	\$497,828.48	\$11,864.91	\$509,693.39	\$521,558.30
		\$5,500,000.00	\$2,323,374.55	\$7,823,374.55	\$7,823,374.55

FEB 17 2009

COUNTY OF SUFFOLK



1187

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:** January 30, 2009

**RE:** **C.P. 5014 – Strengthening and Improving  
County Roads**

Attached are a draft resolution and duplicate copy to appropriate the sum of \$5,500,000 for construction in connection with the above referenced project. There are sufficient funds included in the 2009 Capital Budget and Program for this project. It is important to note that much of this funding is reimbursed through the New York State Consolidated Local Street and Highway Improvement Program (CHIPS).

Increasing traffic volumes and the aging of the county road system require various levels of maintenance. Major reconstruction projects are progressed with individual capital projects. However, the life of the roads can be extended with less costly improvements. Minor resurfacing and other miscellaneous projects are performed under CP 5014.

This project includes excavation and replacement of existing deteriorated pavement, patching, other items of work required preparatory to the placement of new concrete or asphalt pavement such as drainage and concrete curb, and the placement of concrete or asphalt pavement. Other associated items of work may also be required including, but not limited to, installation of pavement markings consisting of thermoplastic striping and plowable all-weather reflective markers.

The roads proposed to be strengthened and improved include, but are not limited to, the attached list. It may be necessary to add and/or substitute other roads and/or revise limits of work due to seasonal limitations, changes in priorities or other requirements to be determined by this Department.

The Suffolk County Council on Environmental Quality has reviewed our Strengthening and Improving County Roads Program and found that it constituted a Type II Action and no further review is required. The County Legislature concurred with this finding pursuant to Resolution No. 1171-1995.

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

C.P. 5014 STRENGTHENING and IMPROVING COUNTY ROADS 2009

CR#	Road / Limits	Leg Disc.
<b>2</b>	<b>Straight Path</b>	
	Bethpage Rd to Sunrise Hwy	15
	Under Southern State Pkwy	15
<b>11</b>	<b>Pulaski Rd</b>	
	LIRR Tressel (Deposit Rd) to Sunken Meadow Pkwy	13
<b>13</b>	<b>Crooked Hill Rd</b>	
	Vic CR 100 Suffolk Ave to vic Pilgrim Rd	11
<b>19</b>	<b>Patchogue - Holbrook Rd</b>	
	Portion of, in the vicinity of CR 97 intersection	8
<b>21</b>	<b>Yaphank Ave / Rocky Point Rd</b>	
	Roadway access to Infirmary and Police Hq	3
	Northerly Section to NYS RT 25A ( 1.0 M)	6
<b>39B</b>	<b>Canal Rd</b>	
	Section adjacent to Shinnecock Canal	2
<b>46</b>	<b>William Floyd Pkwy</b>	
	S/B from vic of Whiskey Rd to vic of Longwood Rd	1, 6
<b>47</b>	<b>Great Neck Rd</b>	
	Montauk Hwy to Sunrise Hwy	15
<b>52</b>	<b>North Sea Rd</b>	
	CR 39 to CR 38	2
<b>83</b>	<b>North Ocean Ave</b>	
	vic of Canal Rd to NYS RT 25A	6
<b>92</b>	<b>Oakwood Rd</b>	
	CR 11 Pulaski Rd to Sound View Rd	18

IT MAY BE NECESSARY TO ADD AND / OR SUBSTITUTE OTHER ROADS AND / OR REVISE LIMITS OF WORK DUE TO SEASONAL LIMITATIONS, CHANGES IN PRIORITIES, OR OTHER REQUIREMENTS AS DETERMINED BY THIS DEPARTMENT

1182  
Intro Res. No. - 2009  
Introduced by the Presiding Officer, on request of the County Executive

Laid on Table 3/3/09

**RESOLUTION NO. -2009, AMENDING  
THE 2009 OPERATING BUDGET BY  
ELIMINATING PARTIAL FUNDING FOR  
LEGISLATIVE NEWSLETTERS**

**WHEREAS**, the local economy has been slowing and in response to the national recession and regional trends, is projected to continue this slowdown through the balance of 2009; and

**WHEREAS**, this slowdown has resulted in the reduction of Suffolk County's sales and real estate related revenues, including the projected reductions in the receipt of property taxes; and

**WHEREAS**, it is in the best interests of the residents of Suffolk County that realistic steps be taken to both balance the budget and prevent the need to either raise property taxes or impose regressive fees during a time of both recession and fiscal uncertainty; and

**WHEREAS**, through the efforts of both Executive and Legislative offices every avenue to reduce discretionary spending is being reviewed; and

**WHEREAS**, the reduction of funds for mailing of newsletters would save the taxpayers of Suffolk County one hundred thousand dollars this fiscal year, without any effect on services; now, therefore be it

**RESOLVED**, that the 2009 Operating Budget is hereby amended as follows to strike excess appropriations and associated revenue and that the County Comptroller and the County Treasurer be and they are hereby authorized to strike the following funds and authorizations:

**APPROPRIATIONS:**

<u>FUND</u>	<u>AGENCY</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>OBJECT NAME</u>	<u>FUNDS</u>
<u>STRICKEN</u>					
001	LEG	1010	3020	POSTAGE	\$100,000
TOTAL					\$100,000

**REVENUES:**

<u>FUND</u>	<u>AGENCY</u>	<u>REV. CODE</u>	<u>REVENUE NAME</u>	<u>REVENUES STRICKEN</u>
001	FIN	1110	STATE ADM. SALES TAX	\$100,000

DATED:

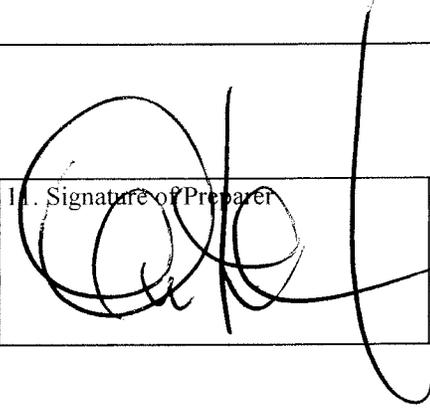
APPROVED BY:

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County Executive of Suffolk County  
Date:

1182

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>  X  </u> Local Law _____      Charter Law _____		
2. Title of Proposed Legislation AMENDING THE 2009 OPERATING BUDGET BY ELIMINATING PARTIAL FUNDING FOR LEGISLATIVE NEWSLETTERS.		
3. Purpose of Proposed Legislation Eliminate funding for Legislative Newsletters.		
4. Will the Proposed Legislation Have a Fiscal Impact? <b>Yes</b> <u>  X  </u> <b>No</b>		
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 <input type="checkbox"/>	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact  This would reduce appropriations and revenues by \$100,000 in 2009.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.  N/A – Requires appropriations in future budgets		
8. Proposed Source of Funding  2009 Operating Budget		
9. Timing of Impact  Upon Approval		
10. Typed Name & Title of Preparer  Allen M. Kovesdy, Director of Management and Research	11. Signature of Preparer 	12. Date  February 24, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2009 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1182

**GENERAL FUND**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**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
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**COMBINED**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>		<b>\$0.000</b>

**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.

1183  
Intro. Res. No. - 2009  
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 3/3/09

**RESOLUTION NO. - 2009, APPROPRIATING FUNDS IN CONNECTION WITH THE APPLICATION AND REMOVAL OF LANE MARKINGS (CP 5037)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with the Application and Removal of Lane Markings; and

**WHEREAS**, there are sufficient funds within the 2009 Capital Budget and Program to cover the cost of said request; and

**WHEREAS**, the professional engineering services associated with the planning, design and construction of this project have been and will be performed by the staff of the Department of Public Works; 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 \$300,000 in Suffolk County Serial Bonds; now, therefore, be it

**1<sup>st</sup> RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 758-1989 classified the action contemplated by this law as a Type II action, pursuant to Section 617.5 (C) (1) of Title 6 of New York Code of Rules and Regulations (NYCRR) and the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty-nine (49) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete Application and Removal of Lane Markings, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

**4<sup>th</sup> RESOLVED**, that the proceeds of \$300,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP 5037.323 (Fund 001-Debt Service)	50	Application and Removal of Lane Markings	\$300,000

DATED:

APPROVED BY:

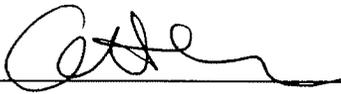
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County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1183

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
<b>RESOLUTION NO. - 2009, APPROPRIATING FUNDS IN CONNECTION WITH THE APPLICATION AND REMOVAL OF LANE MARKINGS (CP 5037)</b>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District	<input type="radio"/> Other (Specify):
<input type="radio"/> Library District	<input type="radio"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THE COUNTY PORTION OF 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: SEE #6 ABOVE.		
9. Timing of Impact		
2010		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Gina H. Kommer Assistant Executive Analyst		February 19th, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2009 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1183

**GENERAL FUND**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	<b>\$68,337</b>	<b>\$0.13</b>		\$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	<b>\$0</b>	<b>\$0.00</b>		\$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	<b>\$68,337</b>	<b>\$0.13</b>		\$0.000

**NOTES:**

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

**Suffolk County**  
**Application and Removal of Lane Markings CP 5037**  
 General Obligation Serial Bonds  
 Level Debt

1183

Term of Bonds	5
Amount to Bond:	\$300,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$54,837.49	\$13,500.00	\$68,337.49	\$68,337.49
			\$5,516.16	\$5,516.16	
5/1/2011	4.500%	\$57,305.18	\$5,516.16	\$62,821.34	\$68,337.49
			\$4,226.79	\$4,226.79	
5/1/2012	4.500%	\$59,883.91	\$4,226.79	\$64,110.70	\$68,337.49
			\$2,879.40	\$2,879.40	
5/1/2013	4.500%	\$62,578.69	\$2,879.40	\$65,458.09	\$68,337.49
			\$1,471.38	\$1,471.38	
5/1/2014	4.500%	\$65,394.73	\$1,471.38	\$66,866.11	\$68,337.49
		\$300,000.00	\$41,687.46	\$341,687.46	\$341,687.46

#VALUE!

#VALUE!

#VALUE!

FEB 17 2009

COUNTY OF SUFFOLK



1183

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:** February 9, 2009

**RE:** **C.P. 5037 – Application and Removal of Lane Markings**

Attached are a draft resolution and duplicate copy to appropriate the sum of \$300,000 for construction in connection with the above referenced project. There are sufficient funds included in the 2009 Capital Budget and Program for this project.

This project is extremely important to improve motorist safety on the County road system by upgrading/modifying pavement markings at various LIRR crossings, pedestrian crosswalks and priority intersections. Locations to be progressed under this project include, but are not limited to, the attached list. It may be necessary to add and/or substitute other roads and/or revise limits of work due to seasonal limitations, changes in priorities or other requirements to be determined by this Department.

The Suffolk County Council on Environmental Quality had previously reviewed projects of a similar nature and determined that they constitute Type II actions and would not have a significant effect on the environment. The Suffolk County Legislature concurred with this finding pursuant to Resolution 758-1989.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 5037.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

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1183

Proposed 5037 Locations:

- |   |                                    |
|---|------------------------------------|
| CR 1 from NY 27A to Joyce                       | CR 35 from CR 11 to Broadway       |
| CR 2 from NY 110 to NY 109                      | CR 38 from CR 39 to CR 39          |
| CR 3 from CR 2 to Lindenhurst Village           | CR 47 from NY 27A to NY 29         |
| CR 4 from I495N to Dovecote                     | CR 50 from Brookdale to Simon      |
| CR 11 from Woodbury to Deposit                  | CR 57 from NY 231 to NY 27         |
| CR 11 from Cuba Hill to CR 86                   | CR 58 from Osborne to NY 25        |
| CR 12 from CR 1 to Strong                       | CR 63 from Traffic Circle to NY 25 |
| CR 13 from NY 27A to NY 27                      | CR 71 from CR 55 to CR 55          |
| CR 13A from NY 27A to CR 57                     | CR 80 from NY 24 to CR 39B         |
| CR 17 from NY 27A to Southern State Pkwy. North | CR 80 from CR 31 to Depot          |
| CR 19 from CR 65 to CR 16                       | CR 82 from NY 27A to NY 27S        |
| CR 19 from NY 27 to I495S                       | CR 83 from Howard to NY 112        |
| CR 21 from Whiskey to NY 25A                    | CR 86 from CR 11 to Cuba Hill      |
| CR 28 from NY 27 to NY 109                      | CR 92 from NY.25 to NY 110         |
| CR 85 from Idle Hour Rd. to Atlantic / Tyler    | CR 96 from CR 12 to NY 27A         |
| CR 97 from NY 27 Ramps to NY 27 Ramps           | CR 99 from Station to CR 19        |
| CR 83 from NY 27 to I495 Overpass               | CR 100 from CR 13 to NY 454        |

IT MAY BE NECESSARY TO ADD AND / OR SUBSTITUTE OTHER ROADS AND / OR REVISE LIMITS OF WORK DUE TO SEASONAL LIMITATIONS, CHANGES IN PRIORTIES, OR OTHER REQUIREMENTS AS DETERMINED BY THIS DEPARTMENT

1184

Intro. Res. No. - 2009  
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 3/3/09

**RESOLUTION NO. - 2009, APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF DRAINAGE SYSTEMS ON VARIOUS COUNTY ROADS (CP 5024)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with the Reconstruction of Drainage Systems on Various County Roads; and

**WHEREAS**, there are sufficient funds within the 2009 Capital Budget and Program to cover the cost of said request; 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 \$500,000 in Suffolk County Serial Bonds; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action (replacement in-kind), pursuant to Section 617.5 (C)(1) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), and the Legislature has no further responsibilities under SEQRA; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty-one (51) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete Reconstruction of Drainage Systems on Various County Roads, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

**4<sup>th</sup> RESOLVED**, that the proceeds of \$500,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP 5024.310 (Fund 001-Debt Service)	50	Reconstruction of Drainage Systems on Various County Roads	\$500,000

DATED:

APPROVED BY:

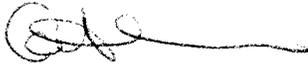
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County Executive of Suffolk County

Date of Approval:

1184

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
<b>RESOLUTION NO. _____ - 2009, APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF DRAINAGE SYSTEMS ON VARIOUS COUNTY ROADS (CP 5024)</b>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes <input checked="" type="checkbox"/> No _____		
5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)		
<b>County</b>	<b>Town</b>	<b>Economic Impact</b>
<b>Village</b>	<b>School District</b>	<b>Other (Specify):</b>
<b>Library District</b>	<b>Fire District</b>	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THE COUNTY PORTION OF 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: SEE #6 ABOVE.		
9. Timing of Impact		
2010		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Gina H. Kommer Assistant Executive Analyst		February 19th, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2009 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1184

**GENERAL FUND**

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$47,414	\$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	\$47,414	\$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.

**Suffolk County**  
**Reconstruction of Drainage Systems on Various County Roads**  
 General Obligation Serial Bonds  
 Level Debt

1184

Term of Bonds: 15  
 Amount to Bond: \$500,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$23,581.06	\$23,833.33	\$47,414.39	\$47,414.39
			\$11,354.65	\$11,354.65	
5/1/2011	4.500%	\$24,705.09	\$11,354.65	\$36,059.74	\$47,414.39
			\$10,765.85	\$10,765.85	
5/1/2012	4.500%	\$25,882.70	\$10,765.85	\$36,648.54	\$47,414.39
			\$10,148.98	\$10,148.98	
5/1/2013	4.500%	\$27,116.44	\$10,148.98	\$37,265.42	\$47,414.39
			\$9,502.70	\$9,502.70	
5/1/2014	4.500%	\$28,408.99	\$9,502.70	\$37,911.69	\$47,414.39
			\$8,825.62	\$8,825.62	
5/1/2015	4.500%	\$29,763.15	\$8,825.62	\$38,588.77	\$47,414.39
			\$8,116.26	\$8,116.26	
5/1/2016	4.500%	\$31,181.86	\$8,116.26	\$39,298.13	\$47,414.39
			\$7,373.10	\$7,373.10	
5/1/2017	5.000%	\$32,668.20	\$7,373.10	\$40,041.29	\$47,414.39
			\$6,594.50	\$6,594.50	
5/1/2018	5.000%	\$34,225.38	\$6,594.50	\$40,819.89	\$47,414.39
			\$5,778.80	\$5,778.80	
5/1/2019	5.000%	\$35,856.79	\$5,778.80	\$41,635.59	\$47,414.39
			\$4,924.21	\$4,924.21	
5/1/2020	5.000%	\$37,565.96	\$4,924.21	\$42,490.18	\$47,414.39
			\$4,028.89	\$4,028.89	
5/1/2021	5.000%	\$39,356.61	\$4,028.89	\$43,385.50	\$47,414.39
			\$3,090.89	\$3,090.89	
5/1/2022	5.000%	\$41,232.61	\$3,090.89	\$44,323.50	\$47,414.39
			\$2,108.18	\$2,108.18	
5/1/2023	5.000%	\$43,198.03	\$2,108.18	\$45,306.21	\$47,414.39
			\$1,078.63	\$1,078.63	
5/1/2024	5.000%	\$45,257.13	\$1,078.63	\$46,335.76	\$47,414.39
		\$500,000.00	\$211,215.87	\$711,215.87	\$711,215.87

COUNTY OF SUFFOLK



FEB 17 2009

STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

1184

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:** January 30, 2009

**RE:** **C.P. 5024 – Reconstruction of Drainage Systems on Various County Roads**

Attached are a draft resolution and duplicate copy to appropriate the sum of \$500,000 for construction in connection with the above referenced project. There are sufficient funds included in the 2009 Capital Budget and Program for this project

Increasing traffic volumes and the aging of the county road drainage systems require various levels of maintenance, repair and replacement. Major reconstruction projects are progressed with individual capital projects. However, the life of the drainage systems can be extended with less costly improvements. Large scale repairs, replacement in kind, and other miscellaneous drainage maintenance projects will be performed under CP 5024.

This project includes excavation and repair or replacement of existing deteriorated drainage structures, piping, other items of work required preparatory to the drainage repairs include new concrete or asphalt pavement surrounding such drainage appurtenances, concrete curb and concrete sidewalk. Other associated items of work may also be required including, but not limited to, installation of pavement markings consisting of thermoplastic striping.

The drainage systems proposed to be reconstructed and improved include, but are not limited to, the attached list. It may be necessary to add and/or substitute other drainage systems and/or revise limits of work due to seasonal limitations, changes in priorities or other requirements to be determined by this Department.

The Suffolk County Council on Environmental Quality has reviewed projects of this nature and determined that, they are a "replacement in-kind" and/or repair of existing facilities, and are a Type II Action under 6NYCRR Part 617.5 (c) (1) of SEQRA.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 5024.doc".

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1184

## C.P. 5024 RECONSTRUCTION OF DRAINAGE SYSTEMS ON VARIOUS COUNTY ROADS- 2009

CR#	Road / Limits	Leg Disc.
2	<b>Straight Path</b>	
	Bethpage Rd to Sunrise Hwy	15
	Under Southern State Pkwy	15
11	<b>Pulaski Rd</b>	
	LIRR Tressel (Deposit Rd) to Sunken Meadow Pkwy	13
13	<b>Crooked Hill Rd</b>	
	Vic CR 100 Suffolk Ave to vic Pilgrim Rd	11
19	<b>Patchogue - Holbrook Rd</b>	
	Portion of, in the vicinity of CR 97 interseciton	8
21	<b>Yaphank Ave / Rocky Point Rd</b>	
	Roadway access to Infirmary and Police Hq	3
	Northerly Section to NYS RT 25A ( 1.0 M)	6
39B	<b>Canal Rd</b>	
	Section adjacent to Shinnecock Canal	2
46	<b>William Floyd Pkwy</b>	
	S/B from vic of Whiskey Rd to vic of Longwood Rd	1, 6
47	<b>Great Neck Rd</b>	
	Montauk Hwy to Sunrise Hwy	15
52	<b>North Sea Rd</b>	
	CR 39 to CR 38	2
83	<b>North Ocean Ave</b>	
	vic of Canal Rd to NYS RT 25A	6
92	<b>Oakwood Rd</b>	
	CR 11 Pulaski Rd to Sound View Rd	18

IT MAY BE NECESSARY TO ADD AND / OR SUBSTITUTE OTHER ROADS AND / OR REVISE LIMITS OF WORK DUE TO SEASONAL LIMITATIONS, CHANGES IN PRIORTIES, OR OTHER REQUIREMENTS AS DETERMINED BY THIS DEPARTMENT

1185

Intro. Res. No. - 2009

Laid on the Table

3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. - 2009, AMENDING THE 2009  
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING  
FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR  
THE RECONSTRUCTION OF CR 57, BAY SHORE ROAD FROM  
ROUTE 27 TO ROUTE 231, TOWN OF ISLIP (CP 5523, PIN  
0756.69)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with Reconstruction of CR 57, Bay Shore Road; and

**WHEREAS**, there are Federal funds available from the Federal Highway Administration for this project, identified as PIN 0756.69, under the Federal Highway Administration (FHWA) funding, with a share allocation of eighty percent (80%) Federal funds and twenty percent (20%) County funds; and

**WHEREAS**, the County must first pass a resolution and have State and local agreements in place prior to final issuance of the Federal authorization; and

**WHEREAS**, the County must first instance fund the entire cost of the project and will subsequently be reimbursed for the Federal portion; and

**WHEREAS**, sufficient funds are not included in the 2009 Capital Budget and Program to cover the cost of said request under Capital Project 5523 and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State aid; and

**WHEREAS**, Resolution No. 471-1994 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 \$17,700,000 in Suffolk County Serial Bonds; now, therefore, be it

**1<sup>st</sup> RESOLVED**, Resolution No. 410-2005 approved by the County Legislature issued declared this an Unlisted Action and therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

**2<sup>nd</sup> RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty-one (41) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

**3<sup>rd</sup> RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (A) of the Suffolk County Charter to complete the construction in connection with Reconstruction of CR 57, Bay Shore Road; and be it further

**4<sup>th</sup> RESOLVED**, that the appropriations within this resolution shall not be expended, encumbered or authorized, and that no bond or notes shall be issued, for this project until the County is in receipt of the Federal Authorization for construction of the project; and be it further

**5<sup>th</sup> RESOLVED**, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 5523  
 Project Title: Reconstruction of CR 57, Bay Shore Road

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget &amp; Program</u>	<u>Revised 2009 Capital Budget &amp; Program</u>
3. Construction	\$17,770,000	\$ 7,050,000B	\$ 3,540,000B
		<u>\$10,450,000F</u>	<u>\$14,160,000F</u>
TOTAL	\$23,950,000	\$17,500,000	\$17,700,000

**6<sup>th</sup> RESOLVED**, that the proceeds of \$3,540,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5523.310 (Fund 001 Debt Service)	50	Reconstruction of CR 57, Bay Shore Road	\$3,540,000

and be it further

**7<sup>th</sup> RESOLVED**, that Federal Aid in the amount of \$14,160,000 be and it hereby is appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5523.310	50	Reconstruction of CR 57, Bay Shore Road	\$14,160,000

**8<sup>th</sup> RESOLVED**, that the County Comptroller is directed to limit the serial bond borrowing to the County share of \$3,540,000; and be it further

**9<sup>th</sup> RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$14,160,000; and be it further

**10<sup>th</sup> RESOLVED**, that the County Comptroller is authorized to issue bond anticipation notes for the total Federal share of \$14,160,000; and be it further

**11<sup>th</sup> RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the New York State Department of Transportation and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.



STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1185

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
<p><b>RESOLUTION NO. - 2009, APPROPRIATING FUNDS IN CONNECTION WITH THE COUNTY SHARE FOR THE RECONSTRUCTION OF CR 57, BAY SHORE ROAD FROM ROUTE 27 TO ROUTE 231, TOWN OF ISLIP (CAPITAL PROGRAM NUMBER 5523, PIN 0756.69)</b></p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District	<input type="radio"/> Other (Specify):
<input type="radio"/> Library District	<input type="radio"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THE COUNTY PORTION OF 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		
Federal share 80% (\$14,160,000) Suffolk County share 20% (\$3,540,000)		
The Suffolk County Comptroller is directed to limit the serial borrowing to \$3,540,000 and is authorized to issue BANS for the Federal share.		
9. Timing of Impact		
2010		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		February 19th, 2009

**FINANCIAL IMPACT  
2010 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1185

**GENERAL FUND**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	<b>\$335,694</b>	<b>\$0.63</b>		\$0.001

**POLICE DISTRICT AND DISTRICT COURT**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	<b>\$0</b>	<b>\$0.00</b>		\$0.000

**COMBINED**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	<b>\$335,694</b>	<b>\$0.63</b>		\$0.001

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**Suffolk County**  
**Project Name**  
 General Obligation Serial Bonds  
 Level Debt

1185

Term of Bonds: 15  
 Amount to Bond: \$3,540,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
<span style="border: 1px solid black; padding: 2px;">5/1/2009</span>					
11/1/2009					
5/1/2010	<span style="border: 1px solid black; padding: 2px;">4.500%</span>	\$166,953.89	\$168,740.00	\$335,693.89	\$335,693.89
			\$80,390.93	\$80,390.93	
5/1/2011	<span style="border: 1px solid black; padding: 2px;">4.500%</span>	\$174,912.03	\$80,390.93	\$255,302.96	\$335,693.89
			\$76,222.20	\$76,222.20	
5/1/2012	<span style="border: 1px solid black; padding: 2px;">4.500%</span>	\$183,249.50	\$76,222.20	\$259,471.69	\$335,693.89
			\$71,854.75	\$71,854.75	
5/1/2013	<span style="border: 1px solid black; padding: 2px;">4.500%</span>	\$191,984.39	\$71,854.75	\$263,839.14	\$335,693.89
			\$67,279.12	\$67,279.12	
5/1/2014	<span style="border: 1px solid black; padding: 2px;">4.500%</span>	\$201,135.65	\$67,279.12	\$268,414.77	\$335,693.89
			\$62,485.39	\$62,485.39	
5/1/2015	<span style="border: 1px solid black; padding: 2px;">4.500%</span>	\$210,723.11	\$62,485.39	\$273,208.50	\$335,693.89
			\$57,463.15	\$57,463.15	
5/1/2016	<span style="border: 1px solid black; padding: 2px;">4.500%</span>	\$220,767.58	\$57,463.15	\$278,230.74	\$335,693.89
			\$52,201.53	\$52,201.53	
5/1/2017	<span style="border: 1px solid black; padding: 2px;">5.000%</span>	\$231,290.84	\$52,201.53	\$283,492.36	\$335,693.89
			\$46,689.10	\$46,689.10	
5/1/2018	<span style="border: 1px solid black; padding: 2px;">5.000%</span>	\$242,315.70	\$46,689.10	\$289,004.79	\$335,693.89
			\$40,913.90	\$40,913.90	
5/1/2019	<span style="border: 1px solid black; padding: 2px;">5.000%</span>	\$253,866.08	\$40,913.90	\$294,779.99	\$335,693.89
			\$34,863.43	\$34,863.43	
5/1/2020	<span style="border: 1px solid black; padding: 2px;">5.000%</span>	\$265,967.03	\$34,863.43	\$300,830.46	\$335,693.89
			\$28,524.55	\$28,524.55	
5/1/2021	<span style="border: 1px solid black; padding: 2px;">5.000%</span>	\$278,644.79	\$28,524.55	\$307,169.34	\$335,693.89
			\$21,883.51	\$21,883.51	
5/1/2022	<span style="border: 1px solid black; padding: 2px;">5.000%</span>	\$291,926.86	\$21,883.51	\$313,810.38	\$335,693.89
			\$14,925.92	\$14,925.92	
5/1/2023	<span style="border: 1px solid black; padding: 2px;">5.000%</span>	\$305,842.04	\$14,925.92	\$320,767.97	\$335,693.89
			\$7,636.69	\$7,636.69	
5/1/2024	<span style="border: 1px solid black; padding: 2px;">5.000%</span>	\$320,420.51	\$7,636.69	\$328,057.20	\$335,693.89
		\$3,540,000.00	\$1,495,408.35	\$5,035,408.35	\$5,035,408.35

# COUNTY OF SUFFOLK



1185

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:** February 2, 2009

**RE:** **APPROPRIATING FUNDS IN CONNECTION WITH  
THE COUNTY SHARE FOR THE RECONSTRUCTION  
OF CR 57, BAY SHORE ROAD FROM ROUTE 27 TO  
ROUTE 231, TOWN OF ISLIP (CAPITAL PROGRAM  
NUMBER 5523, PIN 0756.69)**

Attached are a draft resolution and duplicate copy to appropriate the sum of \$17,700,000 for construction in connection with the above referenced project. There are sufficient funds included in the 2009 Capital budget and program for this project.

This is a Federally funded project. Mandated milestones must be met to insure the Federal funds are obtained.

Recent changes to the procedures for obtaining final Federal authorization require that the County pass a resolution and have local and State contracts in place prior to final authorization.

CR 57 is an arterial roadway which serves the heavily populated areas of Deer Park and West Brentwood and provides access to the commercial developments abutting the road. A planning study, which incorporates community input, was completed. Ultimately a preferred alternative was selected that includes capacity, mobility and drainage improvements with only minimal property acquisition at key congested intersections.

Resolution No. 410-2005 approved by the County Legislature issued declared this an Unlisted Action and the provisions of SEQRA have been complied with.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 5523.doc".

TL:WH:sk

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

335 YAPHANK AVENUE

YAPHANK, N.Y. 11980

(631) 852-4010  
FAX (631) 852-4150

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

1185

1186

Intro. Res. No. - 2009

Laid on the Table 3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. - 2009, APPROPRIATING FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF CR 4, COMMACK ROAD, FROM THE VICINITY OF NICOLLS ROAD TO JULIA CIRCLE, TOWNS OF BABYLON AND HUNTINGTON (CP 5560)**

**WHEREAS**, the Commissioner of Public Works has requested funds for construction in connection with the Reconstruction of CR 4; and

**WHEREAS**, there are sufficient funds within the 2009 Capital Budget and Program to cover the cost of said request; 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 \$300,000 in Suffolk County Serial Bonds; now, therefore, be it

**1<sup>st</sup> RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 649-2008 classifies this an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which will not have a significant effect on the environment; and be it further

**2<sup>nd</sup> 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

**3<sup>rd</sup> RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete Reconstruction of CR 4, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

**4<sup>th</sup> RESOLVED**, that the proceeds of \$300,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5560.310 (Fund 001 Debt Service)	50	Reconstruction of CR 4, Commack Road From the vicinity of Nicolls Road to Julia Circle	\$300,000

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:



FINANCIAL IMPACT  
2010 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER

1186

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$28,449	\$0.05		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 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 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**Suffolk County**  
**Project Name**  
 General Obligation Serial Bonds  
 Level Debt

1186

Term of Bonds: 15  
 Amount to Bond: \$300,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$14,148.63	\$14,300.00	\$28,448.63	\$28,448.63
			\$6,812.79	\$6,812.79	
5/1/2011	4.500%	\$14,823.05	\$6,812.79	\$21,635.84	\$28,448.63
			\$6,459.51	\$6,459.51	
5/1/2012	4.500%	\$15,529.62	\$6,459.51	\$21,989.13	\$28,448.63
			\$6,089.39	\$6,089.39	
5/1/2013	4.500%	\$16,269.86	\$6,089.39	\$22,359.25	\$28,448.63
			\$5,701.62	\$5,701.62	
5/1/2014	4.500%	\$17,045.39	\$5,701.62	\$22,747.01	\$28,448.63
			\$5,295.37	\$5,295.37	
5/1/2015	4.500%	\$17,857.89	\$5,295.37	\$23,153.26	\$28,448.63
			\$4,869.76	\$4,869.76	
5/1/2016	4.500%	\$18,709.12	\$4,869.76	\$23,578.88	\$28,448.63
			\$4,423.86	\$4,423.86	
5/1/2017	5.000%	\$19,600.92	\$4,423.86	\$24,024.78	\$28,448.63
			\$3,956.70	\$3,956.70	
5/1/2018	5.000%	\$20,535.23	\$3,956.70	\$24,491.93	\$28,448.63
			\$3,467.28	\$3,467.28	
5/1/2019	5.000%	\$21,514.07	\$3,467.28	\$24,981.35	\$28,448.63
			\$2,954.53	\$2,954.53	
5/1/2020	5.000%	\$22,539.58	\$2,954.53	\$25,494.11	\$28,448.63
			\$2,417.33	\$2,417.33	
5/1/2021	5.000%	\$23,613.97	\$2,417.33	\$26,031.30	\$28,448.63
			\$1,854.54	\$1,854.54	
5/1/2022	5.000%	\$24,739.56	\$1,854.54	\$26,594.10	\$28,448.63
			\$1,264.91	\$1,264.91	
5/1/2023	5.000%	\$25,918.82	\$1,264.91	\$27,183.73	\$28,448.63
			\$647.18	\$647.18	
5/1/2024	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



1186

STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS  
GILBERT ANDERSON, P.E.  
COMMISSIONER

THOMAS LAGUARDIA, P.E.  
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE  
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive  
FROM: Gilbert Anderson, P.E., Commissioner   
DATE: February 11, 2009  
RE: C.P. 5560, Reconstruction of CR 4, Commack Road  
from the Vicinity of Nicolls Road to Julia Circle,  
Towns of Babylon and Huntington

Attached are a draft resolution and duplicate copy to appropriate the sum of \$300,000 for construction in connection with the above referenced project.

There are sufficient funds included in the 2009 Capital Budget and Program for this project.

Funding from the National Economic Recovery Act may become available for CP 5060, Reconstruction of CR 4. It would be advantageous for us to begin preparatory work in advance of the final program announcement to insure timely compliance. This could save the County \$2,700,000 from our 2009 adopted budget..

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 5560.doc".

GA: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

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Intro. Res. No. 1187-09 Laid on Table  
Introduced by the Presiding Officer on request of the County Executive

3/3/09

**RESOLUTION NO. -2009, AUTHORIZING A LICENSE AGREEMENT WITH THE CHAMBER OF COMMERCE OF THE GREATER RONKONKOMAS FOR RAYNOR BEACH COUNTY PARK, LAKE RONKONKOMA**

**WHEREAS**, Resolution No. 426-1993 approved an "Adopt-A-County-Park" program through which civic groups, service clubs, or similar organizations could assist the Suffolk County Department of Parks, Recreation and Conservation in the upkeep and beautification of County parkland; and

**WHEREAS**, the Chamber of Commerce of the Greater Ronkonkomas has successfully participated in this program since 1998 by providing park beautification improvements and a variety of community programs, including music performances, holiday lighting ceremonies, carnivals, fairs and other events for the community at Raynor Beach County Park in Lake Ronkonkoma; and

**WHEREAS**, the license agreement authorizing the Chamber of Commerce of the Greater Ronkonkomas to perform these services has expired; and

**WHEREAS**, the Chamber of Commerce of the Greater Ronkonkomas has expressed a willingness to continue to provide these services at no cost to the County; and

**WHEREAS**, the Chamber of Commerce of the Greater Ronkonkomas would like to enter into a license agreement for a term of ten (10) years with two (2) optional terms of an additional five (5) years each with the County of Suffolk for the non-exclusive use, maintenance and upkeep of Raynor Beach County Park in Lake Ronkonkoma; now, therefore, be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Department of Parks, Recreation, Conservation is hereby authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to enter into a License Agreement, for a term of ten (10) years with two (2) optional terms of an additional five (5) years each with the Chamber of Commerce of the Greater Ronkonkomas, for the non-exclusive use, maintenance and upkeep of Raynor Beach County Park in Lake Ronkonkoma; and be it further

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

DATED:

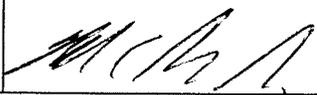
APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1187

1. Type of Legislation		
Resolution <u>  X  </u> Local Law <u>      </u> Charter Law <u>      </u>		
2. Title of Proposed Legislation		
RESOLUTION NO. -2009, AUTHORIZING A LICENSE AGREEMENT WITH THE CHAMBER OF COMMERCE OF THE GREATER RONKONKOMAS FOR RAYNOR BEACH COUNTY PARK, LAKE RONKONKOMA		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes <u>  X  </u> No <u>      </u>		
5. If the answer to item 4 is "yes", on what will it impact?    (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify): DAV
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
No cost agreement between the County and the Greater Ronkonkomas Chamber of Commerce.		
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 adoption and agreement term.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		January 24th, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2010 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1187

**GENERAL FUND**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**COMBINED**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 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 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

1187

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, 2009**

**RE: INTRODUCTORY RESOLUTION AUTHORIZING A LICENSE AGREEMENT  
WITH THE CHAMBER OF COMMERCE OF THE GREATER RONKONKOMAS  
FOR RAYNOR BEACH COUNTY PARK, LAKE RONKONKOMA**

---

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Authorizing License Agreement with Ronkonkoma Chamber of Commerce at Raynor Beach County Park.doc."

The Chamber of Commerce of the Greater Ronkonkomas has been a successful partner with the Parks Department in beautifying Raynor Beach County Park and providing community activities in the park for the past 10 years. The Department would like to continue this arrangement by entering into a new license agreement with the Chamber. This resolution would provide for a new 10-year license agreement with two additional option terms of 5 years each.

Should you require anything further, please contact my office at 4-4995.

Enclosures



STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1187

<p>1. Type of Legislation</p> <p>Resolution <u>X</u>      Local Law _____      Charter Law _____</p>											
<p>2. Title of Proposed Legislation</p> <p style="text-align: center;">INTRODUCTORY RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE CHAMBER OF COMMERCE OF THE GREATER RONKONKOMAS FOR RAYNOR BEACH COUNTY PARK, LAKE RONKONKOMA</p>											
<p>3. Purpose of Proposed Legislation</p> <p>To enter into a license agreement with the Chamber of Commerce of the Greater Ronkonkomas for the non-exclusive use, maintenance, and upkeep of Raynor Beach County Park in Lake Ronkonkoma.</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact?      Yes ___      No <u>X</u></p>											
<p>5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">County</td> <td style="width: 33%;">Town</td> <td style="width: 33%;">Economic Impact</td> </tr> <tr> <td>Village</td> <td>School District</td> <td>Other (Specify):</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
<p>6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p style="text-align: center;">N/A</p>											
<p>8. Proposed Source of Funding</p> <p style="text-align: center;">N/A</p>											
<p>9. Timing Impact</p> <p style="text-align: center;">N/A</p>											
<p>10. Typed Name &amp; Title of Preparer</p> <p><b>Tom Malanga</b> <b>Parks Foundation Director</b> <b>Dept. of Parks, Recreation &amp; Conservation</b></p>	<p>11. Signature of Preparer</p>	<p>12. Date</p>									

Intro. Res. No. 1188-09  
Introduced by the Presiding Officer on request of the County Executive

Laid on Table

3/3/09

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

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

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

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

**WHEREAS**, in accordance with the policies set forth by the aforementioned resolutions, the Commissioner of the Department of Parks, Recreation, and Conservation has recommended that Shannon Barr, Clerk Typist at the County Clerk's Office, be approved to enter into a license agreement to reside at Prosser Pines County Park, Middle Island; now, therefore, be it

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

**2<sup>nd</sup> RESOLVED**, that Prosser Pines County Park and grounds on said premises shall be returned to the County of Suffolk at the conclusion of the License Agreement authorized pursuant to the 1<sup>st</sup> RESOLVED clause of this resolution in a physical condition that is substantially the same condition as on the effective date of any such agreement, or better, subject to reasonable use, wear, tear, and natural deterioration, between the date thereof and the conclusion of any such use agreements; and be it further

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

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

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date of Approval:

COUNTY OF SUFFOLK



1188

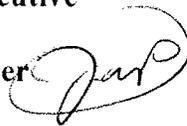
STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

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, 2009**

**RE: INTRODUCTORY RESOLUTION APPROVING A LICENSE  
AGREEMENT FOR SHANNON BARR TO RESIDE AT  
PROSSER PINES COUNTY PARK, MIDDLE ISLAND**

---

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-Approving License for \_\_\_\_\_ at Prosser Pines County Park.doc".

In accordance with the procedures set forth by Resolution Nos. 1250-2002 and 1368-2004, I recommend that the County enter into a license agreement with Shannon Barr, who works as a Clerk Typist in the County Clerk's Office, to reside at \_\_\_\_\_ Prosser Pines County Park, Middle Island.

Should you require anything further, please contact my office at 4-4985.

Enclosures



STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation <span style="float: right; font-size: 1.5em;">1188</span> Resolution <input checked="" type="checkbox"/> Local Law _____      Charter Law _____		
2. Title of Proposed Legislation  APPROVING A LICENSE AGREEMENT FOR SHANNON BARR TO RESIDE AT AT PROSSER PINES COUNTY PARK, MIDDLE ISLAND		
3. Purpose of Proposed Legislation See #2.		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes <input checked="" type="checkbox"/> No		
5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)		
<input type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
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  Monthly, during the agreement term.		
10. Typed Name & Title of Preparer  <b>Tom Malanga</b> <b>Parks Foundation Director</b> <b>Dept. of Parks, Recreation &amp; Conservation</b>	11. Signature of Preparer	12. Date

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>  X  </u>	Local Law _____	Charter Law _____
2. Title of Proposed Legislation		
<p>RESOLUTION NO. -2008, APPROVING A LICENSE AGREEMENT FOR SHANNON BARR TO RESIDE AT _____, AT PROSSER PINES COUNTY PARK, MIDDLE ISLAND</p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes <u>  X  </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 20px; display: inline-block; margin-bottom: 5px;"></div> <b>County</b>	<b>Town</b>	<b>Economic Impact</b>
<b>Village</b>	<b>School District</b>	<b>Other (Specify):</b>
<b>Library District</b>	<b>Fire District</b>	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
Revenue received from rental units helps offset the cost of maintenance and repair on the structures. Occupied units also helps keep vandalism to a minimum.		
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		
Monthly, during agreement term, after adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		February 25th, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2010 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1188

**GENERAL FUND**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**COMBINED**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 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 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1189

Intro. Res. No. -2009

Laid on Table

3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, APPROVING A LICENSE  
AGREEMENT FOR TINA ARMSTRONG TO RESIDE AT  
SOUTHAVEN  
COUNTY PARK, SHIRLEY**

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

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

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

**WHEREAS**, in accordance with the policies set forth by the aforementioned resolutions, the Commissioner of the Department of Parks, Recreation, and Conservation has recommended that Tina Armstrong, Nurses' Aide for the Health Department, be approved to enter into a license agreement to reside  
at Southaven County Park, Shirley; now, therefore, be it

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

**2<sup>nd</sup> RESOLVED**, that at Southaven County Park and grounds on said premises shall be returned to the County of Suffolk at the conclusion of the License Agreement authorized pursuant to the 1<sup>st</sup> RESOLVED clause of this resolution in a physical condition that is substantially the same condition as on the effective date of any such agreement, or better, subject to reasonable use, wear, tear, and natural deterioration, between the date thereof and the conclusion of any such use agreements; and be it further

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

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

DATED:

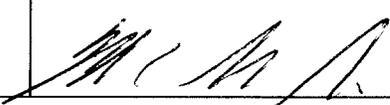
APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date of Approval:

1189

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>  X  </u> Local Law <u>      </u> Charter Law <u>      </u>		
2. Title of Proposed Legislation		
RESOLUTION NO. -2009, APPROVING A LICENSE AGREEMENT FOR TINA ARMSTRONG TO RESIDE AT SOUTHAVEN COUNTY  PARK, SHIRLEY		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?                      Yes <u>  X  </u> No <u>      </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
Revenue received from rental units helps offset the cost of maintenance and repair on the structures. Occupied units also helps keep vandalism to a minimum.		
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		
Monthly, during agreement term, after adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		February 24th, 2009

SCIN FORM 175b (10/95)

1189

FINANCIAL IMPACT  
2010 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 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 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1189

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, 2009**

**RE: INTRODUCTORY RESOLUTION APPROVING A LICENSE  
AGREEMENT FOR TINA ARMSTRONG TO RESIDE  
AT SOUTHAVEN COUNTY PARK, SHIRLEY**

---

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-Approving License for at Southaven County Park.doc".

In accordance with the procedures set forth by Resolution Nos. 1250-2002 and 1368-2004, I recommend that the County enter into a license agreement with Tina Armstrong, who works as a Nurses' Aide in the Health Department, to reside at the Southaven County Park, Shirley.

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

Enclosures



STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1189

1. Type of Legislation Resolution <u>X</u> Local Law _____      Charter Law _____		
2. Title of Proposed Legislation APPROVING A LICENSE AGREEMENT FOR TINA ARMSTRONG TO RESIDE AT AT SOUTHAVEN COUNTY PARK, SHIRLEY		
3. Purpose of Proposed Legislation See #2.		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes <u>X</u> No		
5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)		
<input type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
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 Monthly, during the agreement term.		
10. Typed Name & Title of Preparer  <b>Tom Malanga Parks Foundation Director Dept. of Parks, Recreation &amp; Conservation</b>	11. Signature of Preparer	12. Date

Intro. Res. No.

1190-09

Laid on Table

3/3/09

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2009, AUTHORIZING A COOPERATIVE  
MANAGEMENT AGREEMENT WITH THE NATURE  
CONSERVANCY, INC.**

**WHEREAS**, The Nature Conservancy, Inc., a not-for-profit organization having its principal office at 4245 North Fairfax Drive, Suite 100, Arlington, Virginia, has a mission which includes preserving plants, animals, and natural communities that represent the diversity of life on earth by protecting the lands and water they need to survive; and

**WHEREAS**, the County, acting through its duly constituted Department of Parks, Recreation and Conservation, owns, operates and maintains a County parks system which contains wildlife habitats, ecosystems, and endangered or threatened species; and

**WHEREAS**, The Nature Conservancy desires to enter into a cooperative management agreement with the County to advise on management goals related to the maintenance or restoration of wildlife habitats, ecosystems, and endangered or threatened species and to conduct environmental management functions, such as prescribed burns; and

**WHEREAS**, The Nature Conservancy further desires to enter into such an agreement with the County in order to undertake scientific, educational, and ecological management activities necessary for the protection of the natural features contained in and upon County Parklands, and the County desires to enter into an agreement with The Nature Conservancy for the operation of said activities; and

**WHEREAS**, the Commissioner of the Department of Parks, Recreation and Conservation shall have the authority, at any time, to approve or discontinue any activity undertaken by The Nature Conservancy in association with such an agreement; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the Suffolk County Department of Parks, Recreation, Conservation is authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to enter into a Cooperative Management Agreement for ten (10) years with The Nature Conservancy, Inc., to provide a framework for it to advise on the aforementioned management goals, to conduct environmental management functions, and to undertake scientific, educational, and ecological management activities necessary for the protection of the natural features contained in and upon County Parklands; and be it further

**2<sup>nd</sup> RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(20), in that the resolution concerns routine or continuing agency administration and management, not including new programs or major reordering of priorities that may

affect the environment and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1190

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2009, AUTHORIZING A COOPERATIVE MANAGEMENT AGREEMENT WITH THE NATURE CONSERVANCY, INC.		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact?      Yes <input checked="" type="checkbox"/> No _____		
5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)		
<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District	<input type="radio"/> Other (Specify): DAV
<input type="radio"/> Library District	<input type="radio"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
No cost agreement between the County and The Nature Conservancy Inc.		
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 adoption and agreement term.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		January 24th, 2009

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT  
2010 PROPERTY TAX LEVY  
COST TO THE AVERAGE TAXPAYER**

1190

**GENERAL FUND**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

**COMBINED**

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 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 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1190

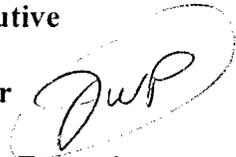
STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

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, 2009

**RE:** INTRODUCTORY RESOLUTION AUTHORIZING A COOPERATIVE  
MANAGEMENT AGREEMENT WITH THE NATURE CONSERVANCY, INC.

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Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Authorizing Cooperative Management Agreement with The Nature Conservancy.doc."

The Nature Conservancy (TNC) seeks to work in conjunction with the Department of Parks, Recreation and Conservation on developing management goals related to the maintenance or restoration of wildlife habitats, ecosystems, and endangered or threatened species and to conduct environmental management functions, such as prescribed burns, in and on County Parkland.

The Department would like to enter into a cooperative management agreement with TNC in order to establish a formalized description of services and requirements. The attached draft resolution would authorize such an agreement, which would be for one 10-year term.

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

Enclosures



STATEMENT OF FINANCIAL IMPACT  
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1190

<p>1. Type of Legislation</p> <p>Resolution <input checked="" type="checkbox"/>      Local Law <input type="checkbox"/>      Charter Law <input type="checkbox"/></p>											
<p>2. Title of Proposed Legislation</p> <p style="text-align: center;">AUTHORIZING A COOPERATIVE MANAGEMENT AGREEMENT WITH THE NATURE CONSERVANCY, INC.</p>											
<p>3. Purpose of Proposed Legislation</p> <p>See # 2 above.</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact?      Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p>											
<p>5. If the answer to item 4 is "yes", on what will it impact?      (circle appropriate category)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">County</td> <td style="width: 33%;">Town</td> <td style="width: 33%;">Economic Impact</td> </tr> <tr> <td>Village</td> <td>School District</td> <td>Other (Specify):</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
<p>6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p style="text-align: center;">N/A</p>											
<p>8. Proposed Source of Funding</p> <p style="text-align: center;">N/A</p>											
<p>9. Timing Impact</p> <p style="text-align: center;">N/A</p>											
<p>10. Typed Name &amp; Title of Preparer</p> <p><b>Tom Malanga</b> <b>Parks Foundation Director</b> <b>Dept. of Parks, Recreation &amp; Conservation</b></p>	<p>11. Signature of Preparer</p>	<p>12. Date</p>									

1191

Intro. Res. No. -2009  
Introduced by Legislator Browning

Laid on Table 3/3/09

**RESOLUTION NO. -2009, ESTABLISHING MAY AS  
"PERINATAL MOOD DISORDERS AWARENESS MONTH" IN  
SUFFOLK COUNTY**

**WHEREAS**, after childbirth, up to eighty percent (80%) of mothers experience changes in their emotional health, frequently called "Baby Blues", regardless of race, age, culture or socioeconomic status; and

**WHEREAS**, in fifteen to twenty percent (15-20%) of those cases, mothers develop more severe symptoms during or after the birth of their child, including postpartum depression and, in rare cases, postpartum psychosis; and

**WHEREAS**, the "Baby Blues", postpartum depression and postpartum psychosis are considered part of a collective group of mood disorders known as perinatal mood disorders; and

**WHEREAS**, perinatal mood disorders affect not only the mother experiencing these symptoms, but also the newborn infant and remaining members of the family; and

**WHEREAS**, perinatal mood disorders are fully treatable, once they have been diagnosed; and

**WHEREAS**, the key to the diagnosis and treatment of perinatal mood disorders is public awareness and education about the conditions so that women in crisis can be recognized and provided with the help and support they deserve; and

**WHEREAS**, Suffolk County seeks to spread awareness and education about perinatal mood disorders to protect the health and well being of all its residents, particularly expecting and recent mothers; now, therefore be it

**1st RESOLVED**, that the month of May be declared "Perinatal Mood Disorders Awareness Month" in Suffolk County for this year and for every year thereafter; and be it further

**2nd RESOLVED**, that the County hereby authorizes, empowers and directs the Director of Women's Services to develop and coordinate at least one event, in conjunction with the Suffolk County Women's Advisory Commission, the Suffolk County Perinatal Coalition's Perinatal Mood Disorders Task Force, the Postpartum Resource Center of New York, Inc., and the County Department of Health Services, for the purpose of acknowledging and recognizing the significance of proper education and awareness to deal with post-partum depression; and be it further

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

Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date:

s:\res\r-perinatal mood disorder awareness month

**HOME RULE MESSAGE REQUESTING THE STATE OF NEW YORK TO AMEND THE TAX LAW, IN RELATION TO AUTHORIZING THE COUNTY OF SUFFOLK TO ELECT TO BE EXEMPT FROM CERTAIN TAXES RELATED TO ANY HYBRID, FUEL EFFICIENT, ALTERNATIVE FUEL, "CLEAN FUEL", OR ELECTRIC MOTOR VEHICLE (ASSEMBLY BILL A.3159)**

**WHEREAS**, cars and trucks in the United States consume 8.2 million barrels of oil each day which translates into 300 million metric tons of carbon emitted into the atmosphere; and

**WHEREAS**, fuel efficient vehicles, such as hybrid, alternative fuel, "clean fuel" or electric motor vehicles consume less gasoline and produce less carbon dioxide emissions per mile than vehicles powered by conventional gasoline engines; and

**WHEREAS**, consumers should be given an additional financial incentive to purchase hybrid vehicles to promote their use, thereby lessening the impact of harmful carbon dioxide emissions on the environment; and

**WHEREAS**, this Legislature has historically been in the forefront of promoting cutting edge technologies to ensure the future environmental well-being of Suffolk residents; and

**WHEREAS**, Suffolk County Home Rule Message No. 3-3008 was adopted by the Suffolk County Legislature on March 4, 2008, requesting the State of New York to enact Assembly Bill No. A.1513; and

**WHEREAS**, there is currently legislation pending before the New York State Assembly that would permit Suffolk County to exempt hybrid, alternative fuel, "clean fuel" or electric motor vehicles from sales and compensating use taxes; now, therefore be it

**1st RESOLVED**, that this Legislature hereby supports New York State Assembly Bill No. A.3159 which would authorize the County of Suffolk to elect to exempt hybrid, fuel efficient, alternative fuel, "clean fuel", or electric motor vehicles from sales and compensating use taxes; and be it further

**2nd RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor David A. Paterson; to the Majority Leader of the New York State Senate Malcolm Smith; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED:

HR 1

STATE OF NEW YORK

3159

2009-2010 Regular Sessions

IN ASSEMBLY

January 23, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to authorizing the county of Suffolk to elect to be exempt from certain taxes related to any hybrid, fuel efficient, alternative fuel, "clean fuel" or electric motor vehicle

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The tax law is amended by adding a new section 1115-a to  
2 read as follows:

3 § 1115-a. County of Suffolk optional exemption from sales and use  
4 taxes. Notwithstanding any other provision of law to the contrary, the  
5 county of Suffolk may elect by local law, for a period of time to be  
6 established by such county, for receipts for any hybrid, fuel efficient,  
7 alternative fuel, "clean fuel" or electric motor vehicle to be exempt  
8 from the tax on retail sales imposed under subdivision (a) of section  
9 eleven hundred five of this article and the compensating use tax imposed  
10 under section eleven hundred ten of this article.

11 § 2. This act shall take effect immediately; provided that the Suffolk  
12 county legislature shall notify the legislative bill drafting commission  
13 upon adopting a local law as authorized by section 1115-a of the tax  
14 law, as added by section one of this act, in order that such commission  
15 may maintain an accurate and timely effective data base of the official  
16 text of the laws of the state of New York in furtherance of effecting  
17 the provisions of section 44 of the legislative law and section 70-b of  
18 the public officers law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD03896-01-9

**HOME RULE MESSAGE REQUESTING THE STATE OF NEW YORK TO ADOPT AN ACT TO AMEND THE TAX LAW, IN RELATION TO THE ALLOCATION OF REVENUES FROM SALES AND USE TAXES TO VILLAGES WHOLLY OR PARTIALLY CONTAINED WITHIN SUFFOLK COUNTY (ASSEMBLY BILL A.1902)**

**WHEREAS**, villages located either wholly or partially in towns in Suffolk County pay sales and use taxes; and

**WHEREAS**, the Suffolk County Legislature does not currently allocate sales tax revenues received by the County to the villages; and

**WHEREAS**, residents of the villages in Suffolk County should receive a portion of the sales tax revenues generated by the additional 1% sales tax authorized by New York State; now, therefore be it

**1st RESOLVED**, that this Legislature hereby supports New York State Assembly Bill No. A.1902 which would allocate sales tax revenues generated by the additional 1% sales tax authorized by New York State to the villages within Suffolk County; and be it further

**2nd RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor David A. Paterson; to the Majority Leader of the New York State Senate Malcolm Smith; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED:

HR 2

## STATE OF NEW YORK

1902

2009-2010 Regular Sessions

## IN ASSEMBLY

January 14, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to the allocation of revenues from sales and use taxes to villages wholly or partially contained within Suffolk county

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision (c) of section 1262-j of the tax law, as  
2 amended by chapter 684 of the laws of 2007, is amended to read as  
3 follows:  
4 (c) Notwithstanding any provision of law to the contrary, of the net  
5 collections received by the county of Suffolk as a result of the  
6 increase of one percent to the tax authorized by section twelve hundred  
7 ten of this article for the period beginning June first, two thousand  
8 one and ending November thirtieth, two thousand nine, imposed by local  
9 laws or resolutions (by simple majority) by the county legislature, and  
10 signed by the county executive, the county of Suffolk shall allocate  
11 such net collections as follows: (1) no less than one-eighth and no more  
12 than three-eighths of such net collections received shall be dedicated  
13 for public safety purposes; (2) an amount equal to one-half the net  
14 collections to the towns and villages of the county of Suffolk on the  
15 basis of the ratio which the full valuation of real property in each  
16 town outside the village or village bears to the aggregate full valu-  
17 ation of real property in the county; and (3) the balance shall be  
18 deposited in the general fund of the county of Suffolk.  
19 § 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD03215-01-9

**HOME RULE MESSAGE REQUESTING THE STATE OF NEW YORK TO AMEND THE TAX LAW, IN RELATION TO AUTHORIZING THE COUNTY OF SUFFOLK TO ELECT TO BE EXEMPT FROM CERTAIN TAXES RELATED TO ANY ENERGY SAVING, FLUORESCENT LIGHT BULB (ASSEMBLY BILL A.3149)**

**WHEREAS**, according to the United States Department of Energy, if every American home replaced just one light bulb with an Energy Star qualified bulb, we would save enough energy to light more than 3 million homes per year, more than \$600 million in energy costs, and prevent greenhouse gases equivalent to the emissions of more than 800,000 cars; and

**WHEREAS**, Energy Star fluorescent light bulbs are four times more efficient and last up to 10 times longer than incandescents; and

**WHEREAS**, although initially more expensive, the long term savings are greater because these energy efficient bulbs use 1/3 the electricity of incandescents; and

**WHEREAS**, this Legislature has historically been in the forefront of promoting cutting edge technologies to ensure the future environmental well-being of Suffolk residents; and

**WHEREAS**, Suffolk County Home Rule Message No. 4-2008 was adopted by the Suffolk County Legislature on March 4, 2008 requesting the State of New York to adopt Assembly Bill No. A.8875; and

**WHEREAS**, eliminating the sales tax on the purchase of these high efficient, Energy Star fluorescent bulbs would give consumers an incentive to purchase this type of lighting; now, therefore be it

**1st RESOLVED**, that this Legislature hereby supports Assembly Bill A.3149 which would amend the New York Tax Law in relation to authorizing the County of Suffolk to elect to exempt energy saving, fluorescent light bulbs from sales taxes; and be it further

**2nd RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor David A. Paterson; to the Majority Leader of the New York State Senate Malcolm Smith; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED:

HR 3

## STATE OF NEW YORK

3149

2009-2010 Regular Sessions

## IN ASSEMBLY

January 23, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to authorizing the county of Suffolk to elect to be exempt from certain taxes related to any energy saving, fluorescent lightbulb

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The tax law is amended by adding a new section 1115-a to  
2 read as follows:
- 3 § 1115-a. County of Suffolk optional exemption from sales and use  
4 taxes for the sale or purchase of any energy saving, fluorescent light-  
5 bulb. Notwithstanding any other provision of law to the contrary, the  
6 county of Suffolk may elect by local law, for a period of time to be  
7 established by such county, for receipts for any sale or purchase of  
8 energy saving, fluorescent lightbulb to be exempt from the tax on retail  
9 sales imposed under subdivision (a) of section eleven hundred five of  
10 this article and the compensating use tax imposed under section eleven  
11 hundred ten of this article.
- 12 § 2. This act shall take effect immediately; provided that the Suffolk  
13 county legislature shall notify the legislative bill drafting commission  
14 upon adopting a local law as authorized by section 1115-a of the tax  
15 law, as added by section one of this act, in order that such commission  
16 may maintain an accurate and timely effective data base of the official  
17 text of the laws of the state of New York in furtherance of effecting  
18 the provisions of section 44 of the legislative law and section 70-b of  
19 the public officers law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD03930-01-9