

L A I D O N T H E T A B L E M A R C H 2 4 , 2 0 0 9

LADS REPORT PREPARED BY:

Michele Gerardi

1207. Amending Resolution No. 1092-2008, implementing budget staff, and taxes for the fiscal year 2009 (Discretionary). (Pres. Off.) BUDGET & FINANCE
1208. Amending Resolution No. 1093-2008, implementing budget staff, and taxes for the fiscal year 2009 (Mandated). (Pres. Off.) BUDGET & FINANCE
1209. Authorizing amended tax warrant for Resolution No. 1094-2008 (for the Town of Brookhaven) to be signed by the Presiding Officer and the Clerk of the County Legislature. (Pres. Off.) BUDGET & FINANCE
1210. Authorizing certain technical correction to Adopted Resolution No. 1200-2008. (Co. Exec.) WAYS & MEANS
1211. Declaring the week of May 10th through May 16th as "National Women's Health Week" in Suffolk County. (Stern) HEALTH & HUMAN SERVICES
1212. Authorizing the use of Neighborhood Stabilization Program grant funds to be allocated pending disclosure of needs study. (Romaine) LABOR, WORKFORCE AND AFFORDABLE HOUSING
1213. Declaring May 1 of each year as "Silver Star Banner Day" in Suffolk County. (Stern) VETERANS & SENIORS
1214. To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 805-2009). (Co. Exec.) BUDGET & FINANCE
1215. To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 806-2009). (Co. Exec.) BUDGET & FINANCE
1216. To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature No. 316. (Co. Exec.) BUDGET & FINANCE
1217. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Yolanda Penalver (SCTM No. 0500-037.00-03.00-009.000). (Co. Exec.) WAYS & MEANS
1218. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Martin Mangels and Louise J. Mangels, his wife (SCTM No. 1000-069.00-04.00-001.001). (Co. Exec.) WAYS & MEANS
1219. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Richard W. McGowin, surviving tenant by the entirety (SCTM No. 0300-028.00-03.00-038.000). (Co. Exec.) WAYS & MEANS

1220. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Francis P. Smith and Mary Smith, his wife (SCTM No. 0100-190.00-05.00-053.000). (Co. Exec.) WAYS & MEANS
1221. Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes. (Co. Exec.) LABOR, WORKFORCE AND AFFORDABLE HOUSING
1222. Adopting Local Law No. -2009, A Local Law to improve protections to residents of planned retirement communities. (Romaine) VETERANS & SENIORS
1223. Directing the Suffolk County Department of Health Services to establish an online healthcare directives registry for Suffolk County Residents. (Gregory) HEALTH & HUMAN SERVICES
1224. Requiring the posting of all County legal notices on-line. (Lindsay) WAYS & MEANS
1225. Authorizing the County Executive to enter into an Intermunicipal agreement with the Town of Brookhaven in connection with the maintenance of a parcel located in Swan Lake County Park. (Eddington) PARKS & RECREATION
1226. Amending Resolution No. 1220-2008, redistributing surplus County computer systems and hardware from the Huntington Freedom Center to the Tri-Community Youth Agency "Cast" Program. (D'Amaro) PUBLIC WORKS & TRANSPORTATION
1227. Adopting Local Law No. -2009 A Local Law clarifying membership requirements for the Child Protective Advisory Board. (Lindsay) HEALTH & HUMAN SERVICES
1228. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Santiago Taveras (SCTM No. 0100-178.00-03.00-001.000). (Co. Exec.) WAYS & MEANS
1229. To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 796-2008). (Co. Exec.) BUDGET & FINANCE
1230. To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature No. 317. (Co. Exec.) BUDGET & FINANCE
1231. Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 – Southwest (infrastructure improvements) (CP 8170). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1232. Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 – Southwest (ultraviolet disinfection) (CP 8132). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION

1233. Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 – Southwest (infiltration/inflow study/sewer rehabilitation) (CP 8181). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1234. Accepting and appropriating 100% grant funding from the New York State Office of temporary and disability assistance to the Suffolk County Department of Social Services for the Safety Net Assistance Project (SNAP) and authorizing the County Executive and the Commissioner of Social Services to execute a contract. (Co. Exec.) HEALTH & HUMAN SERVICES
1235. Amending the 2009 Operating Budget and appropriating funds in connection with bonding a settlement for a medical malpractice case. (Co. Exec.) BUDGET & FINANCE
1236. Amending the 2009 Capital Budget and Program and appropriating funds in connection with the improvements to CR 80, Montauk Highway, between NYS 112 and CR 101, Sills Road, Town of Brookhaven (CP 5534). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1237. Amending the 2009 Capital Budget and Program and appropriating funds in connection with the rehabilitation of the Suffolk County Fire – Rescue Communications Center (CP 3416). (Co. Exec.) PUBLIC SAFETY
1238. Approving the appointment of Mario Mattera as a member of the Suffolk County Plumbing Licensing Board. (Co. Exec.) CONSUMER PROTECTION
1239. Authorizing the Vanderbilt Museum to obtain cell tower revenue. (Cooper) PARKS & RECREATION
1240. Authorizing use of Smith Point County Park property by the Montauk Highway Merchants' Association and the Chamber of Commerce of the Mastics and Shirley, for a Summer Youth Program. (Browning) PARKS & RECREATION
1241. Amending the 2009 Operating Budget, transferring assessment stabilization reserve funds to the Capital Fund, and appropriating funds for the Suffolk County Sewer Assessment Study (CP 8185). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1242. Authorizing the filing of a grant application for Federal Fiscal Year 2008 Section 5309 Bus and Bus related facilities for Suffolk County Transit. (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1243. Authorizing the filing of a grant application for Federal Fiscal Year 2008 Section 5307 Formula Funds for mass transportation projects for Suffolk County Transit. (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1244. Authorizing the filing of an application for Federal American Recovery and Reinvestment Act (ARRA) funds for the purchase of up to forty-two additional transit buses including related equipment for replacement for Suffolk County Transit. (Co. Exec.) PUBLIC WORKS & TRANSPORTATION

1245. Authorizing the execution of an agreement between the County and the New York State Department of Transportation for Federal and State Aid funding for the continuation of the HOV Bus Service on the Long Island Expressway for 2009. (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1246. Requesting legislative approval of a contract award for provision of consulting services to the Suffolk County Legislature for the Department of Health Services, in regard to recommendations made by the Public Health Nursing Task Force (RFP No. 08/80007). (Viloria-Fisher) HEALTH & HUMAN SERVICES
1247. To amend Rule 4 of the 2009 Rules of the Legislature. (Pres. Off.) WAYS & MEANS
1248. Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Gotfrids Liepins (SCTM No. 0500-441.00-01.00-006.000) (Barraga) WAYS & MEANS
1249. Accepting and appropriating grant funds in the amount of \$505,740 from the New York State Department of Transportation for provision of dedicated traffic enforcement in the vicinity of certain highway construction projects with 100% support and making a correction to Resolution No. 1239-2008. (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1250. Approving an increase in fleet for the Suffolk County Police Department. (Co. Exec.) PUBLIC SAFETY
1251. Adopting Local Law No. -2009, A Local Law setting lease terms pertaining to leases of real property acquired for airport use. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY

PROCEDURAL MOTION

- PM.06 Approving partial settlement of MTBE Litigation with defendants Gulf Oil Limited Partnership and Cumberland. (Pres. Off.)

HOME RULE MESSAGES

- HR.04 Requesting the State of New York amend the Vehicle and Traffic Law and State Finance Law, in relation to the creation of the ignition interlock and mandatory Probation Pilot Program for all persons convicted of driving while intoxicated; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof (Senate Bill S.27). (Horsley) PUBLIC SAFETY

Intro. Res. No. 1207-2009
Introduced by Presiding Officer

Laid on Table 3/24/2009

**RESOLUTION NO. -2009, AMENDING RESOLUTION NO.
1092-2008, IMPLEMENTING BUDGET STAFF, AND TAXES
FOR THE FISCAL YEAR 2009 (DISCRETIONARY)**

WHEREAS, Resolution No. 1092-2008 implemented budget, staff and taxes for the 2009 fiscal year (Discretionary); and

WHEREAS, the tax levy amounts contained in Resolution No. 1092-2008 must be amended to reflect the proper amounts in the line for the Refuse and Garbage District under the Town of Brookhaven; now, therefore be it

1st RESOLVED, that the 11th RESOLVED clause of Resolution No. 1092-2008 is hereby amended to read as follows:

11th RESOLVED, that taxes for the year 2008-2009 be levied against the taxable property in the Towns of Babylon, Brookhaven, East Hampton, Huntington, Islip, Riverhead, Shelter Island, Smithtown, Southampton and Southold for the purposes outlined as follows, to wit:

TOWN OF BROOKHAVEN

School Districts	\$	982,951,820.00
STAR Exemption		(123,248,398.21)
Library District		2,764,145.00
Highway (Town Wide)		12,223,031.00
Highway (Part Town)		47,190,836.00
Fire Districts		75,998,186.00
Fire Protection Districts		474,912.00
Water Districts		370,000.00
Lighting Districts		7,332,309.00
Sewer Districts (Town Only)		165,000.00
Ambulance Districts		9,050,665.00
Park Districts		44,500.00
Dock Districts		235,000.00
Unpaid Sewer and Water Rents		3,637.50
Demolition Unsafe Structures		149,026.14
Erosion Control Districts		1,177,000.00
Clean-Up of Premises		295,491.19
\$100M Bond Act of 2004		7,300,000.00
Real Property Tax Law - Article 7		4,591,257.00
Refuse and Garbage District		47,193,324.87
General (Town Wide)		21,070,000.00
General (Part Town)		5,734,000.00
TOTAL TOWN PURPOSES	\$	1,103,065,742.49
County Tax - General	\$	28,321,253.00
2007 Actual Surplus – County Tax General		(34,466,173.00)
2008 Estimated Deficit – County Tax General		15,914,063.00
County Tax – Suffolk Community College		1,116,678.00
District Superintendent of Schools		3,829.00
Sub Total	\$	10,889,650.00
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 1		18,046.58
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 7		10,237.52
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 10		701.10
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 11		91,545.78
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 12		55,376.24
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 14		12,579.92
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 19		2,856.49
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 20		43,101.60
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 23		28,632.16
Total	\$	11,152,727.39
Less Credits		(28,870.33)
Total Payable to County Treasurer for County General	\$	11,123,857.06
County Police District		155,336,682.00
2007 Actual Deficit - Police District		(2,064,234.00)
2008 Estimated Surplus - Police District		(4,103,512.00)
District Court District		2,592,175.00
2007 Actual Deficit - District Court District		(200,109.00)
2008 Estimated Surplus - District Court District		(45,420)

TOWN OF BROOKHAVEN (Continued)

County Sewer District No 1, Port Jefferson	719,816.00
County Sewer District No. 7 – Medford	1,313,965.00
County Sewer District No. 8 – Strathmore Ridge	103,668.00
County Sewer District No. 9 – College Park	89,414.00
County Sewer District No. 10 – Stony Brook	1,003,995.00
County Sewer District No. 10, Construction Cost Only	0.00
County Sewer District No. 11, Selden, Zone A	560,270.00
County Sewer District No. 11, Selden, Zone B	1,416,765.00
County Sewer District No. 11, Zone B, Construction Cost Only	0.00
County Sewer District No. 12 – Birchwood/Holbrook	140,058.00

Adjustments Mandated by Law

Erroneous Assessments & Tax Refunds - County	293,015.82
Erroneous Assessments & Tax Refunds - Community College	19,589.99
Erroneous Assessments & Tax Refunds - Town Only	19,233,431.94
Erroneous Assessments & Tax Refunds - Police District	2,840,783.31
Erroneous Assessments & Tax Refunds - District Court District	52,414.37
Erroneous Assessments & Tax Refunds - S.D. #1 (T10)	2,856.54
Erroneous Assessments & Tax Refunds - S.D. #1 (T12)	1,073.50
Erroneous Assessments & Tax Refunds - S.D. #7 (T21)	9,826.45
Erroneous Assessments & Tax Refunds - S.D. #9 (T20)	125.88
Erroneous Assessments & Tax Refunds - S.D. #10 (T22)	154.11
Erroneous Assessments & Tax Refunds - S.D. #11A (T31)	372.98
Erroneous Assessments & Tax Refunds - S.D. #11B (T25)	13,337.75

Total Adjustments Mandated by Law for
Town of Brookhaven - \$ 22,466,982.64

TOTAL COUNTY PURPOSES	\$ 190,454,372.70
TOTAL AMOUNT OF LEVY	\$ 1,293,520,115.19

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

Intro. Res. No. 1208-2009
Introduced by Presiding Officer

Laid on Table 3/24/2009

**RESOLUTION NO. -2009, AMENDING RESOLUTION NO.
1093-2008, IMPLEMENTING BUDGET, STAFF AND TAXES
FOR THE FISCAL YEAR 2009 (MANDATED)**

WHEREAS, Resolution No. 1093-2008 implemented budget, staff and taxes for the fiscal year 2008 (Mandated); and

WHEREAS, the tax levy amounts contained in Resolution No. 1093-2008 must be amended to reflect the proper amounts in the line for the Refuse and Garbage District under the Town of Brookhaven; now, therefore be it

1st RESOLVED, that the 11th RESOLVED clause of Resolution No. 1093-2008 is hereby amended to read as follows:

11th RESOLVED, that taxes for the year 2008-2009 be levied against the taxable property in the Towns of Babylon, Brookhaven, East Hampton, Huntington, Islip, Riverhead, Shelter Island, Smithtown, Southampton and Southold for the purposes outlined as follows, to wit:

TOWN OF BROOKHAVEN

School Districts	\$ 982,951,820.00
STAR Exemption	(123,248,398.21)
Library District	2,764,145.00
Highway (Town Wide)	12,223,031.00
Highway (Part Town)	47,190,836.00
Fire Districts	75,998,186.00
Fire Protection Districts	474,912.00
Water Districts	370,000.00
Lighting Districts	7,332,309.00
Sewer Districts (Town Only)	165,000.00
Ambulance Districts	9,050,665.00
Park Districts	44,500.00
Dock Districts	235,000.00
Unpaid Sewer and Water Rents	3,637.50
Demolition Unsafe Structures	149,026.14
Erosion Control Districts	1,177,000.00
Clean-Up of Premises	295,491.19
\$100M Bond Act of 2004	7,300,000.00
Real Property Tax Law - Article 7	4,591,257.00
Refuse and Garbage District	47,193,324.87
General (Town Wide)	21,070,000.00
General (Part Town)	5,734,000.00
TOTAL TOWN PURPOSES	\$ 1,103,065,742.49
County Tax - General	\$ 28,321,253.00
2007 Actual Surplus – County Tax General	(34,466,173.00)
2008 Estimated Deficit – County Tax General	15,914,063.00
County Tax – Suffolk Community College	1,116,678.00
District Superintendent of Schools	3,829.00
Sub Total	\$ 10,889,650.00
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 1	18,046.58
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 7	10,237.52
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 10	701.10
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 11	91,545.78
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 12	55,376.24
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 14	12,579.92
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 19	2,856.49
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 20	43,101.60
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 23	28,632.16
Total	\$ 11,152,727.39
Less Credits	(28,870.33)
Total Payable to County Treasurer for County General	\$ 11,123,857.06
County Police District	155,336,682.00
2007 Actual Deficit - Police District	(2,064,234.00)
2008 Estimated Surplus - Police District	(4,103,512.00)
District Court District	2,592,175.00
2007 Actual Deficit - District Court District	(200,109.00)
2008 Estimated Surplus - District Court District	(45,420)

(Continued)

TOWN OF BROOKHAVEN (Continued)

County Sewer District No 1, Port Jefferson	719,816.00
County Sewer District No. 7 – Medford	1,313,965.00
County Sewer District No. 8 – Strathmore Ridge	103,668.00
County Sewer District No. 9 – College Park	89,414.00
County Sewer District No. 10 – Stony Brook	1,003,995.00
County Sewer District No. 10, Construction Cost Only	0.00
County Sewer District No. 11, Selden, Zone A	560,270.00
County Sewer District No. 11, Selden, Zone B	1,416,765.00
County Sewer District No. 11, Zone B, Construction Cost Only	0.00
County Sewer District No. 12 – Birchwood/Holbrook	140,058.00

Adjustments Mandated by Law

Erroneous Assessments & Tax Refunds - County	293,015.82
Erroneous Assessments & Tax Refunds - Community College	19,589.99
Erroneous Assessments & Tax Refunds - Town Only	19,233,431.94
Erroneous Assessments & Tax Refunds - Police District	2,840,783.31
Erroneous Assessments & Tax Refunds - District Court District	52,414.37
Erroneous Assessments & Tax Refunds - S.D. #1 (T10)	2,856.54
Erroneous Assessments & Tax Refunds - S.D. #1 (T12)	1,073.50
Erroneous Assessments & Tax Refunds - S.D. #7 (T21)	9,826.45
Erroneous Assessments & Tax Refunds - S.D. #9 (T20)	125.88
Erroneous Assessments & Tax Refunds - S.D. #10 (T22)	154.11
Erroneous Assessments & Tax Refunds - S.D. #11A (T31)	372.98
Erroneous Assessments & Tax Refunds - S.D. #11B (T25)	13,337.75

Total Adjustments Mandated by Law for
Town of Brookhaven - \$ 22,466,982.64

TOTAL COUNTY PURPOSES	\$ <u>190,454,372.70</u>
TOTAL AMOUNT OF LEVY	\$ <u>1,293,520,115.19</u>

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

Intro. Res. No. 1209-2009
Introduced by Presiding Officer

Laid on Table 3/24/2008

**RESOLUTION NO. -2009, AUTHORIZING AMENDED TAX
WARRANT FOR RESOLUTION NO. 1094-2008 (FOR THE
TOWN OF BROOKHAVEN) TO BE SIGNED BY THE
PRESIDING OFFICER AND THE CLERK OF THE COUNTY
LEGISLATURE**

1st **RESOLVED**, that the taxes and levies as extended on the 2008-2009 tax assessment rolls for the Town of Brookhaven are hereby amended to correct the amounts reported for the lines of Fire Districts and Refuse and Garbage Districts and the same are hereby ratified and confirmed in the revised amounts set forth in the Exhibit "A" attached hereto and made a part hereof; and be it further

2nd **RESOLVED**, that the amended tax warrant for the Town of Brookhaven for the collection of such taxes as are provided by law be annexed to the tax rolls of the Town of Brookhaven under the seal of the County and signed by the Presiding Officer and the Clerk of the County Legislature.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

**TOWN OF BROOKHAVEN
TO THE SUPERVISOR OF SAID TOWN:**

School Districts	\$ 859,708,598.74
Library District	2,764,145.00
Highway (Town Wide)	12,223,031.00
Highway (Part Town)	47,190,836.00
Fire Districts	76,000,805.05
Fire Protection Districts	474,912.00
Water Districts	370,000.00
Lighting Districts	7,332,309.00
Sewer Districts (Town Only)	165,000.00
Ambulance Districts	9,050,665.00
Park Districts	44,500.00
Dock Districts	235,000.00
Unpaid Sewer and Water Rents	3,637.50
Demolition Unsafe Structures	149,026.14
Erosion Control Districts	1,177,000.00
Clean-Up of Premises	295,491.19
\$100M Bond Act of 2004	7,300,000.00
Real Property Tax Law - Article 7	4,591,257.00
Refuse and Garbage District	47,193,324.87
General (Town Wide)	21,070,000.00
General (Part Town)	5,734,000.00
TOTAL PAYABLE TO SUPERVISOR	\$ 1,103,073,538.49

TO THE TREASURER OF SAID COUNTY:

County Tax - General	\$ 28,321,253.00
2007 Actual Surplus – County Tax General	(34,466,173.00)
2008 Estimated Deficit – County Tax General	15,914,063.00
County Tax – Suffolk Community College	1,116,678.00
District Superintendent of Schools	3,829.00
Sub Total	<u>\$ 10,889,650.00</u>
Relevy of Prior Years Unpaid Taxes	
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 1	18,046.58
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 7	10,237.52
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 10	701.10
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 11	91,545.78
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 12	55,376.24
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 14	12,579.92
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 19	2,856.49
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 20	43,101.60
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 23	28,632.16
Total	<u>\$ 11,152,727.39</u>
Less Credits	<u>(28,870.33)</u>
Total Payable to County Treasurer for County General	\$ 11,123,857.06

(Continued)

TOWN OF BROOKHAVEN (Continued)

County Police District	155,336,682.00
2007 Actual Deficit - Police District	(2,064,234.00)
2008 Estimated Surplus - Police District	(4,103,512.00)
District Court District	2,592,175.00
2007 Actual Deficit - District Court District	(200,109.00)
2008 Estimated Surplus - District Court District	(45,420)
County Sewer District No 1, Port Jefferson	719,816.00
County Sewer District No. 7 – Medford	1,313,965.00
County Sewer District No. 8 – Strathmore Ridge	103,668.00
County Sewer District No. 9 – College Park	89,414.00
County Sewer District No. 10 – Stony Brook	1,003,995.00
County Sewer District No. 10, Construction Cost Only	0.00
County Sewer District No. 11, Selden, Zone A	560,270.00
County Sewer District No. 11, Selden, Zone B	1,416,765.00
County Sewer District No. 11, Zone B, Construction Cost Only	0.00
County Sewer District No. 12 – Birchwood/Holbrook	140,058.00

Adjustments Mandated by Law

Erroneous Assessments & Tax Refunds - County	293,015.82
Erroneous Assessments & Tax Refunds - Community College	19,589.99
Erroneous Assessments & Tax Refunds - Town Only	19,233,431.94
Erroneous Assessments & Tax Refunds - Police District	2,840,783.31
Erroneous Assessments & Tax Refunds - District Court District	52,414.37
Erroneous Assessments & Tax Refunds - S.D. #1 (T10)	2,856.54
Erroneous Assessments & Tax Refunds - S.D. #1 (T12)	1,073.50
Erroneous Assessments & Tax Refunds - S.D. #7 (T21)	9,826.45
Erroneous Assessments & Tax Refunds - S.D. #9 (T20)	125.88
Erroneous Assessments & Tax Refunds - S.D. #10 (T22)	154.11
Erroneous Assessments & Tax Refunds - S.D. #11A (T31)	372.98
Erroneous Assessments & Tax Refunds - S.D. #11B (T25)	13,337.75

Total Adjustments Mandated by Law for
Town of Brookhaven - \$ 22,466,982.64

Excess Due to Tax Extension	20,771.73
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TOTAL PAYABLE TO COUNTY TREASURER	\$ 190,475,144.43
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TOTAL AMOUNT OF WARRANT	\$ 1,293,548,682.92
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1210

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

Laid on Table 3/24/2009

**RESOLUTION NO. -2009, AUTHORIZING CERTAIN
TECHNICAL CORRECTION TO ADOPTED RESOLUTION NO.
1200-2008**

WHEREAS, the County Legislature has adopted and the County Executive has signed Resolution No. 1200-2008; and

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

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

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

Resolution No. 1200-2008

FROM:

In the 4th RESOLVED paragraph change the amount from
\$205,000 plus accrued interest

TO:

\$205,000

FROM:

In the 5th RESOLVED paragraph change the amount from
\$205,000 plus accrued interest

TO:

\$205,000

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

COUNTY OF SUFFOLK



1210

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE
FINANCE & MANAGEMENT

MEMORANDUM

TO: Tim Laube
Clerk of Legislature

FROM: Connie R. Corso
Budget Director

DATE: February 25, 2009

SUBJECT: **Technical Correction for
Resolution No. 1200-2008**

RECEIVED
2009 MAR -5 A 10: 54
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

Would you please have Resolution No. 1200-2008 corrected as follows:

1. In the 4th RESOLVED paragraph please change the amount from **\$205,000 plus accrued interest** to \$205,000.
2. In the 5th RESOLVED paragraph please change the amount from **\$205,000 plus accrued interest** to \$205,000.

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

CRC/lp
enc.

cc: Jim Morgo, Chief Deputy County Executive
Ben Zwirn, Deputy County Executive
Brendan Chamberlain, Intergovernmental Relations
Linda Brandolf, DPW – Capital Accounting

1210

789

Intro. Res. No. 2147-2008
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 12/2/2008

RESOLUTION NO. 1200-2008, TRANSFERRING HOLDING ACCOUNT FUNDS TO THE CAPITAL FUND, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS AND REHABILITATION OF EXISTING FACILITIES IN SUFFOLK COUNTY SEWER DISTRICT NO. 2 – TALLMADGE WOODS (CP 8188)

WHEREAS, the existing wastewater treatment facilities of Sewer District No. 2 – Tallmadge Woods requires improvement to continue to meet effluent standards associated with the discharge permit of NYSDEC; and

WHEREAS, the Administrative Head of Sewer District No. 2 – Tallmadge Woods has requested that previously received contributions which are deposited in a holding account, be appropriated to cover costs associated with the sewerage facility improvement and/or rehabilitation; and

WHEREAS, sufficient funds are available in the holding account established and containing funds to cover the costs of the improvement and/or rehabilitation; and

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

WHEREAS, pursuant to State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), it is determined that the proposed sewerage facility improvement and/or rehabilitation to the Sewer District No. 2 – Tallmadge Woods constitutes a Type II action pursuant to the provisions of NYCRR Part 617 and Chapter 279 of the Suffolk County Code, which project will not have a significant effect on the environment; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-four (64) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd RESOLVED, that the County Treasurer and County Comptroller be and they hereby are authorized to transfer the following funds from the Holding Account to the Capital Fund as a Sewer Revenue:

<u>From</u> <u>Holding Account</u>	<u>To</u> <u>Capital Fund Sewer</u> <u>Revenues</u>	<u>Amount</u>
No. 202-6880	8188.310	\$ 205,000
Total SCSD #2		\$ 205,000

and be it further

1210

3rd **RESOLVED**, that the County Treasurer and County Comptroller be and they hereby are authorized to accept proceeds not to exceed \$205,000 transferred to the Capital Fund from the Holding Account; and be it further

4th **RESOLVED**, that the 2008 Capital Budget be and it hereby is amended as follows:

Project No.: 8188
Project Name: Improvements to Sewage Treatment Facilities, Sewer District No. 2 - Tallmadge Woods

<u>COST ELEMENT</u>	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
3. Construction	\$205,000	\$0	\$205,000 plus accrued interest
TOTAL	\$205,000	\$0	\$205,000

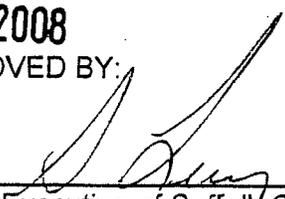
and be it further

5th **RESOLVED**, that the proceeds of \$205,000 in revenues transferred to the Capital Fund, be and hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8188.310	Improvements to Sewer District No. 2 - Tallmadge Woods - Construction	\$205,000 plus accrued interest

DATED: **DEC 16 2008**

APPROVED BY:



County Executive of Suffolk County

Date: **DEC 23 2008**

1211
Intro. Res. No. -2009
Introduced by Legislator Stern

Laid on Table 3/24/09

**RESOLUTION NO. -2009, DECLARING THE WEEK OF
MAY 10TH THROUGH MAY 16TH AS "NATIONAL WOMEN'S
HEALTH WEEK" IN SUFFOLK COUNTY**

WHEREAS, women are often the primary caregivers for their spouses, children and parents; and

WHEREAS, with their focus on caring for others, women often forget to make their own health a priority; and

WHEREAS, research shows that when women take care of themselves, the health of their entire family improves; and

WHEREAS, this year marks the 10th Annual National Women's Health Week; this is a week long health observance to empower women to make their health a top priority; and

WHEREAS, this year's theme -- "It's Your Time", -- focuses on educating women on the ways to improve their physical and mental health and lower their risk of certain diseases; and

WHEREAS, Suffolk County wishes to participate in National Women's Health Week to highlight its commitment to help make women's health a top priority; now, therefore be it

1st RESOLVED, that the week of May 10, 2009 through May 16, 2009 is hereby designated as "**National Women's Health Week**" within the County of Suffolk, and each week in every year thereafter beginning on Mother's Day is hereby designated as "**National Women's Health Week**" for the purpose of highlighting the steps women can take to improve their health and prevent diseases; 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:

Intro Res. No. 1212 -2009
Introduced by Legislator Romaine

Laid on the Table

3/24/09

**RESOLUTION NO. -2009, AUTHORIZING
THE USE OF NEIGHBORHOOD STABILIZATION PROGRAM
GRANT FUNDS TO BE ALLOCATED PENDING DISCLOSURE
OF NEEDS STUDY**

WHEREAS, pursuant to the Federal Housing and Economic Recovery Act of 2008, the Suffolk County Office of Community Development applied for funding under the Neighborhood Stabilization Program to address the problem of abandoned and foreclosed homes; and

WHEREAS, foreclosed homes sit unoccupied for long periods of time, thereby encouraging vandalism; and foreclosed homes lead to declines in the values of neighboring homes; and foreclosed homes lead to increased incidents of crime in the affected communities; and foreclosed homes lead to significant disinvestment in the affected communities, all of which accelerate and magnify the severe economic harm that results from the current stagnating and declining local economic activity; and

WHEREAS, the United States Department of Housing and Urban Development has outlined provisions governing the Neighborhood Stabilization Program, including, but not limited to:

- a.) Grantees must ensure that all citizens have equal access to information about the program.
- b.) Grant funds must be distributed to the areas of greatest need, including those with the greatest percentage of home foreclosures, the highest percentage of homes financed with subprime mortgages, and identified by the grantee as likely to face a significant rise in the rate of home foreclosures.
- c.) The grantee must address the three need categories stated above, but may also consider other need categories.

WHEREAS, Suffolk County Office of Community Development, in its application for Neighborhood Stabilization Program funds, identified eight communities as eligible for NSP funding and determined that Mastic, Mastic Beach, and Shirley will receive the largest portion of the funding, while Selden, Centereach, East Patchogue, Coram and Medford were identified as additional communities with a high level of need; and

WHEREAS, the County of Suffolk, hereinafter referred to as the "Applicant" of the Community Development Block Grant consortium, which includes all of the County except for the Town of Babylon and the Town of Islip, after thorough consideration of the \$5.68 million to be allocated to the County, for the purpose of promoting sustainability, stability through homeownership, and expanding access to affordable housing, has hereby determined that a standard for conducting the data analysis required by HUD regulations must be established, to ensure that every high-risk area has been considered, and make the analytic process accessible to all citizens and interested parties; and

WHEREAS, the Applicant, due to the expedited nature of the Neighborhood Stabilization Program and the short statutory time frames in which to construct an action plan, has hereby recognized the need to establish a formal County policy of acquiring and rehabilitating foreclosed homes, thus minimizing any potential for waste and misuse of program funds; now, therefore be it

I. STANDARDS FOR COLLECTION OF NEEDS DATA

1st RESOLVED, that the Applicant hereby establishes a standard for the collection and analysis of needs data as required under Neighborhood Stabilization Program regulations (HERA Sec. 2301(c)(2)), to include the following:

Prior to the distribution of any Federal grant funds:

- a.) The Suffolk County Office of Community Development must present to the Legislature a copy of the needs study and all relevant data.
- b.) The needs study must utilize at least two local public data sources.
- c.) The Suffolk County Office of Community Development must publish a copy of the needs study throughout their entire jurisdiction and allow a two week period for public comment.

and be it further

II. PROGRAMMATIC TERMS AND CONDITIONS

2nd RESOLVED, that the Applicant hereby agrees to abide by those conditions outlined by the U.S. Department of Housing and Urban Development, in the event that the aforementioned aid or grants are secured, in addition the following guidelines:

- a.) Priority shall be given to first-time homebuyers, Veterans or those now serving in the Armed Forces, and residents currently renting in areas identified as eligible for funding.
- b.) The Office of Community Development is hereby required to advertise the availability of homes in the local paper where the property is located.
- c.) Elected officials should be encouraged to conduct public service announcement to promote available properties.

and be it further

III. SEVERABILITY

3rd RESOLVED, that, if any clause, sentence, paragraph, subdivision, section, or part of this Resolution 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 Resolution, 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; and be it further

IV. EFFECTIVE DATE

4th **RESOLVED**, that this Resolution shall take effect immediately; and be it further

V. SEQRA

5th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this Resolution constitutes a Type II action pursuant to 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:

1213

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

Laid on Table 3/24/09

**RESOLUTION NO. -2009, DECLARING MAY 1 OF EACH
YEAR AS "SILVER STAR BANNER DAY" IN SUFFOLK
COUNTY**

WHEREAS, the County of Suffolk has always honored the sacrifices made by the men and women in the Armed Forces; and

WHEREAS, in April of 2005, the Silver Star Families of America was formed to raise public awareness of our wounded and ill servicemen and women by designing and manufacturing a Silver Star Banner and Flag; and

WHEREAS, to date, the Silver Star Families of America has given thousands of Silver Star Banners and Flags to those who were wounded or became ill while serving in the Armed Forces; and

WHEREAS, the members of the Silver Star Families of America have worked tirelessly to provide the wounded of this County and Country with Silver Star Banners, Flags, and care packages; and

WHEREAS, the Silver Star Families of America's sole mission is to remind us to honor the sacrifices made by our military; and

WHEREAS, the Suffolk County Legislature wishes to honor the sacrifice of so many in our Armed Forces by declaring a "Silver Star Banner Day" in Suffolk County; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby designates May 1 of this year and every subsequent year as "Silver Star Banner Day" in the County of Suffolk to honor the commitment and courage of our wounded and ill members of the Armed Forces; and be it further

2nd RESOLVED, 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

Intro. Res. # 1214-09

Laid on Table 3/24/09

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 #805-2009)

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.

1214

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

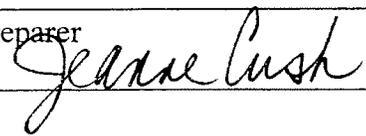
N/A

9. Timing of Impact

2009

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

11. Signature of Preparer



12. 2/23/09

**Additional back-up material regarding I.R. 1214 is
on file in the Legislative Clerk's Office, Hauppauge.**

Intro. Res. # 1215-09

Laid on Table 3/24/09

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 #806-2009)

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.

1215

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

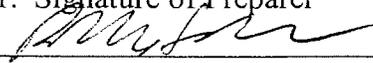
N/A

9. Timing of Impact

2009

10. Typed Name & Title of Preparer
R. Motschenbacher RPAT. I

11. Signature of Preparer



12. Date February 24, 2009

**Additional back-up material regarding I.R. 1215 is
on file in the Legislative Clerk's Office, Hauppauge.**

Intro Res. No. 1216-09

Laid on Table 3/24/09

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 #316

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>
EAST HAMPTON:				
0300-076.00-03.00-010.000.0001	2008/09	\$4,296.92	0.00	\$4,296.92

Dated:

Approved By:

Suffolk County Executive

Date of Approval:

1216

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

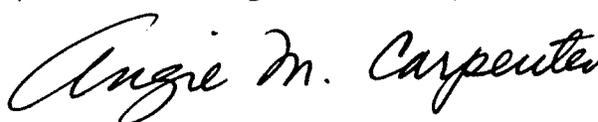
9. Timing of Impact

Variable

10. Typed Name & Title of Preparer

Angie M. Carpenter
County Treasurer

11. Signature of Preparer



12. Date

2/24/09

**Additional back-up material regarding I.R. 1216 is
on file in the Legislative Clerk's Office, Hauppauge.**

Introductory Resolution No. 1217-09 Laid on Table 3/24/09

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
YOLANDA PENALVER
0500-037.00-03.00-009.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500, Section 037.00, Block 03.00, Lot 009.000, and acquired by tax deed on December 8, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on December 8, 2008, in Liber 12574, at Page 238, and otherwise known as and by Town of Islip, known as Suffolk County Tax Map Number: District 0500, Section 037.00, Block 03.00, Lot 009.000; 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 December 8, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on December 8, 2008 in Liber 12574 at Page 238.

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, YOLANDA PENALVER has made application of said above described parcel and YOLANDA PENALVER has paid the application fee and \$1,939.68, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to YOLANDA PENALVER, 22 Highland Road, Brentwood, New York 11717, 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: _____

COUNTY OF SUFFOLK



Gen A4

1217

MAR 09 2009

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

March 4, 2009

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

Re: Tax Map No. 0500-037.00-03.00-009.000
YOLANDA PENALVER

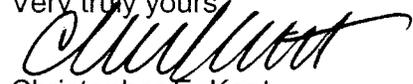
Dear Mr. Zwirn:

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

Local Law No. 16-1976, as amended – Authorizing the redemption of real property.

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

Very truly yours


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

CEK:sc

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

Copy of Resolution to:
Ben Zwirn, Deputy County Executive (original plus 1 hard copy)
Jim Morgo, Chief Deputy County Executive (1 hard copy)
Brendan Chamberlain, Director, Intergovernmental Relations (2 hard copies)
Steve Forst, Budget Office (1 hard copy)
C.E. Reso. Review (electronic copy)

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

53

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1217

February 13, 2009

Tax Map No.: 0500-037.00-03.00-009.000
Name of Last Legal Fee Owner: YOLANDA PENALVER

TREASURER'S COMPUTATION..... \$1,939.68
Taxes.....2008/2009..... OPEN
Recording Fees collected for County Clerk. . N/A
License Fee..... OPEN
Repairs..... N/A
Interest..... N/A
Miscellaneous Expenses..... N/A

TOTAL..... \$1,939.68

Monies Received..... \$1,939.68

RESOLUTION AMOUNT..... \$1,939.68

APPROVED:

[Handwritten Signature]
Accounting
CO:sc

PREPARED BY:

Cathy O'Neal

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

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0500-037.00-03.00-009.000

1217

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

Convey County owned parcel to prior owner

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

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

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

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

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

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

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2009

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

Cathy O'Neal Cathy O'Neal 2/18/09

COMPUTATION ' SUFFOLK COUNTY TREASURER ' ORDER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0500	037.00	03.00	009.000

1217

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2003/04 \$1,777.41

2008/09 TAXES IN THE AMOUNT OF \$9,529.35 NOT INCLUDED IN COMPUTATION

TOTAL: \$1,777.41

B. INTEREST DUE \$69.91
C. TOTAL \$1,847.32
D. 5% LINE C \$92.37
E. FEE
F. MISC
G. MISC

H. TOTAL DUE \$1,939.68

received cash 1939.68

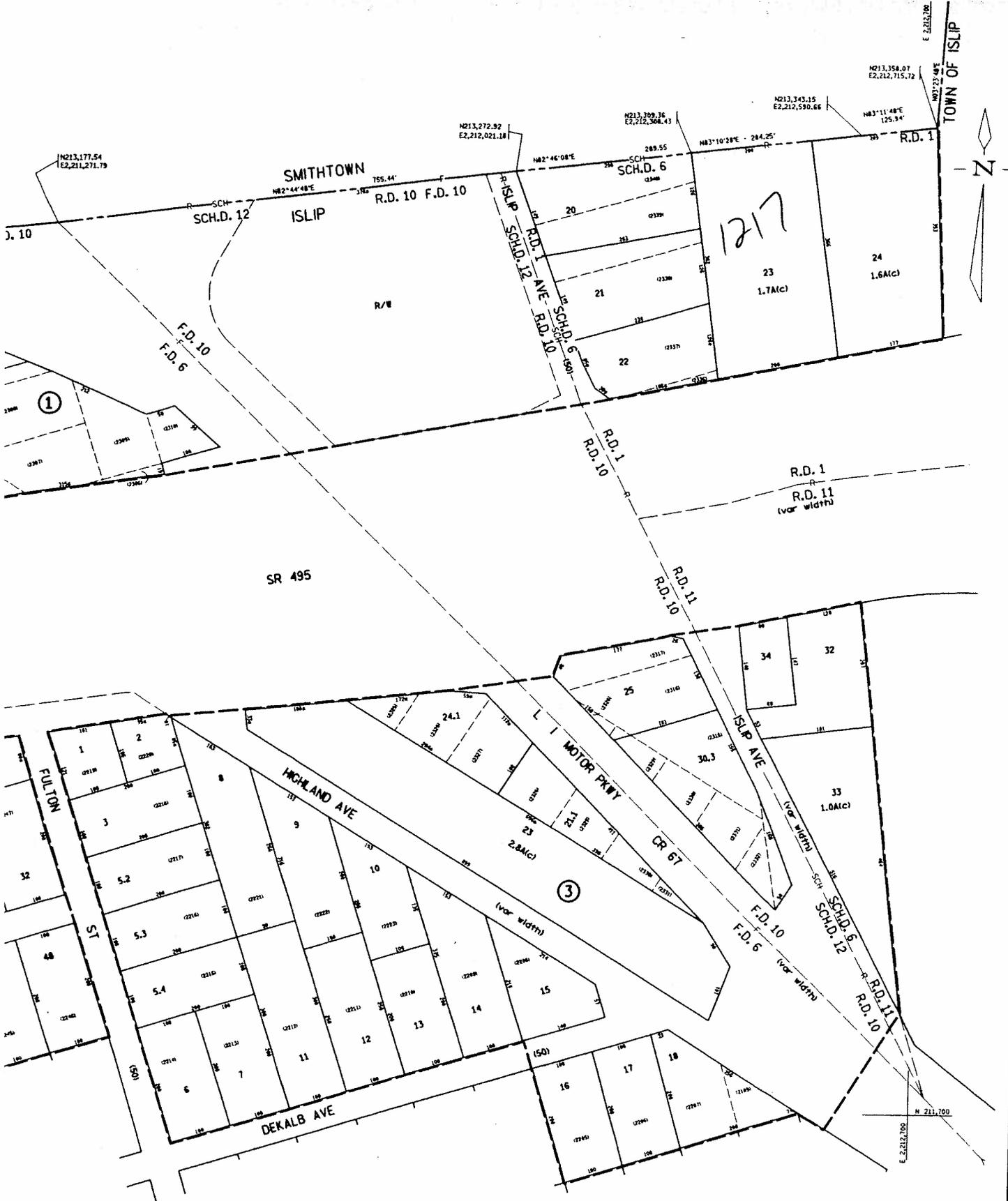
CERTIFICATION BY COUNTY TREASURER

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

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 04-Feb-09


Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 08/03/09



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

COUNTY OF SUFFOLK
 Real Property Tax Service Agency
 County Center Riverhead, N Y 11901
 SCALE IN FEET:

KEY MAP	TOWN OF SMITHTOWN	025
	TOWN OF ISLIP	
	VILLAGE OF	
	DISTRICT NO	0500

SECTION NO	037
PROPERTY MAP	

CONVERSION DATE: Nov. 22, 1996

0500 037 03 009

Introductory Resolution No. 1218-09 Laid on Table 3/24/09

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
MARTIN MANGELS and LOUISE J. MANGELS, his wife
1000-069.00-04.00-001.001

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Southold, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 1000, Section 069.00, Block 04.00, Lot 001.001, and acquired by tax deed on April 28, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 1, 2008, in Liber 12549, at Page 442, and otherwise known as and by Town of Southold, known as Suffolk County Tax Map Number: District 1000, Section 069.00, Block 04.00, Lot 001.001; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on April 28, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 1, 2008 in Liber 12549 at Page 442.

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, MARTIN MANGELS and LOUISE J. MANGELS, his wife, have made application of said above described parcel and MARTIN MANGELS and LOUISE J. MANGELS, his wife, have paid the application fee and \$15,814.03, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

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

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to MARTIN MANGELS and LOUISE J. MANGELS, his wife, 266 Route 25A, Wading River, New York 11792, 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

COUNTY OF SUFFOLK



1218 Gen AS

MAR 09 2009

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

March 4, 2009

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

Re: Tax Map No. 1000-069.00-04.00-001.001
MARTIN MANGELS and LOUISE J. MANGELS, his wife

Dear Mr. Zwirn:

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

Local Law No. 16-1976, as amended – Authorizing the redemption of real property.

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

Very truly yours,

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

CEK:sc

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

Copy of Resolution to:
Ben Zwirn, Deputy County Executive (original plus 1 hard copy)
Jim Morgo, Chief Deputy County Executive (1 hard copy)
Brendan Chamberlain, Director, Intergovernmental Relations (2 hard copies)
Steve Forst, Budget Office (1 hard copy)
C.E. Reso. Review (electronic copy)

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

53

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1218

February 17, 2009

Tax Map No.: 1000-069.00-04.00-001.001

Name of Last Legal Fee Owner: MARTIN MANGELS and LOUISE J. MANGELS, his wife

TREASURER'S COMPUTATION..... \$14,064.03

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

Recording Fees collected for County Clerk. . N/A

License Fee..... \$ 1,750.00

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... \$15,814.03

Monies Received..... \$15,814.03

RESOLUTION AMOUNT..... \$15,814.03

APPROVED:

[Handwritten signature]

Accounting
DB:sc

PREPARED BY:

[Handwritten signature: Diane Bishop]

Diane Bishop
Redemption Unit
(631) 853-5932

8/21

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 1000-069.00-04.00-001.001

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 2/27/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
1000	069.00	04.00	001.001

1218

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	4301.19
2006/07	4652.54
2007/08	3711.39

TOTAL: 12665.12

B. INTEREST DUE	729.20
C. TOTAL	13394.32
D. 5% LINE C	669.72
E. FEE	
F. MISC	
G. MISC	

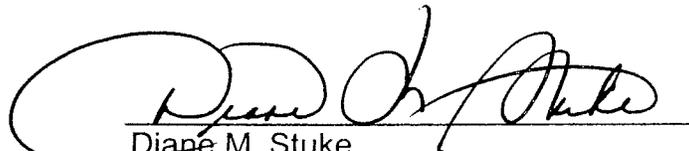
H. TOTAL DUE \$14,064.03

CERTIFICATION BY COUNTY TREASURER

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

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

02-Dec-08


Diane M. Stuke
Deputy County Treasurer

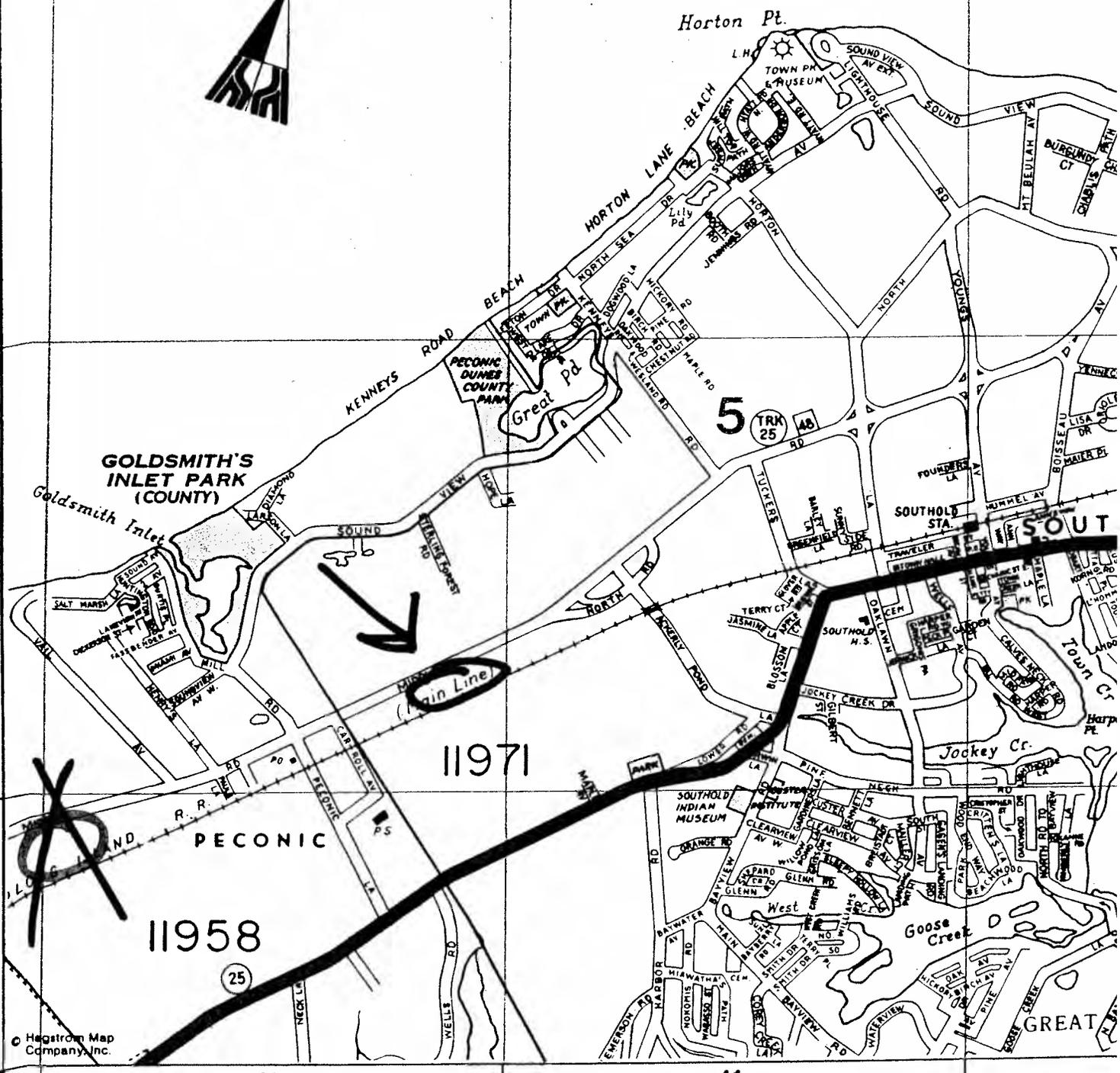
**Interest and penalty computed to
and including 05/31/09

L O N G S L A

8121



F
F
G
H



11971

11958

FOR ADJOINING AREA SEE MAP NO.25

© Hagstrom Map Company, Inc.

28

40

41

FOR ADJOINING AREA SEE MAP NO. 29

1000-069-04-101-001

70

Introductory Resolution No. 1219-09

Laid on Table 3/24/09

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
RICHARD W. McGOWIN, Surviving Tenant by the Entirety
0300-028.00-03.00-038.000

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 East Hampton, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0300, Section 028.00, Block 03.00, Lot 038.000, and acquired by tax deed on March 31, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 4, 2008, in Liber 12546, at Page 614, and otherwise known as and by Town of East Hampton, known as Suffolk County Tax Map Number: District 0300, Section 028.00, Block 03.00, Lot 038.000; 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 March 31, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 4, 2008 in Liber 12546 at Page 614.

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, RICHARD W. McGOWIN, Surviving Tenant by the Entirety, by Michael Gaines, Attorney in Fact., has made application of said above described parcel and RICHARD W. McGOWIN, Surviving Tenant by the Entirety, by Michael Gaines, Attorney in Fact, has paid the application fee and will be paying \$21,393.95 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; and

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

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to RICHARD W. McGOWIN, Surviving Tenant by the Entirety, 29 West Lake Drive, Montauk, New York 11954, 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

1219

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

February 24, 2009

Tax Map No.: 0300-028.00-03.00-038.000

Name of Last Legal Fee Owner: RICHARD W. McGOWIN, Surviving Tenant by the Entirety

TREASURER'S COMPUTATION..... \$19,017.45

Taxes.....2008/2009.....\$ 2,376.50

Recording Fees collected for County Clerk.. N/A

License Fee N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... \$21,393.95

Monies to be Received.....\$21,393.95

RESOLUTION AMOUNT.....\$21,393.95

APPROVED:

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

Karen A. Slater 2/27/09
Accounting
DB:sc

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1219

1. Type of Legislation

Resolution
Tax Map Number 0300-028.00-03.00-038.000

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 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 Other (Specify):	
<input type="radio"/> Library District	<input type="radio"/> 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

2/2/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0300	028.00	03.00	038.000

1219

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2003/04	4053.36
2004/05	2423.63
2005/06	3866.12
2006/07	3609.41
2007/08	3086.90

TOTAL: 17039.42

B. INTEREST DUE	1072.44
C. TOTAL	18111.86
D. 5% LINE C	905.59
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$19,017.45

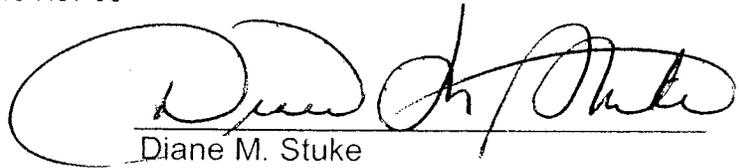
12/1/09

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.

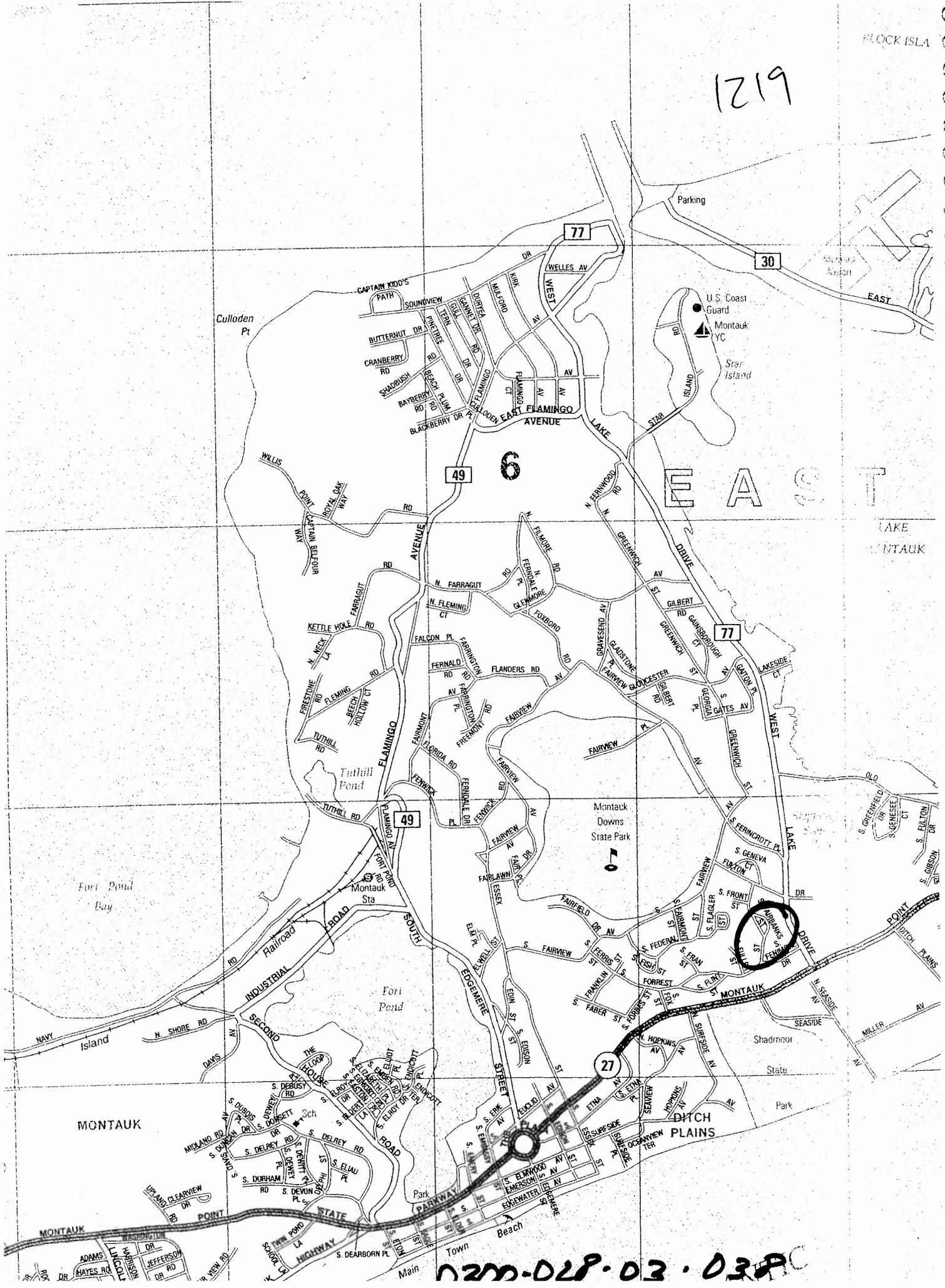
10-Nov-08



Diane M. Stuke
Deputy County Treasurer

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

1219



020-028-03-03AC

Introductory Resolution No. 1220-09

Laid on Table 3/24/09

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
FRANCIS P. SMITH and MARY SMITH, his wife
0100-190.00-05.00-053.000

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 Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 190.00, Block 05.00, Lot 053.000, and acquired by tax deed on March 31, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 4, 2008, in Liber 12546, at Page 601, and otherwise known as and by Town of Babylon, County of Suffolk and State of New York, known and designated as Filed Map 225 Sec 2 Blk 35 Lots 31 & 32; 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 March 31, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on April 4, 2008 in Liber 12546 at Page 601.

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, MARY SMITH and FRANCIS P. SMITH, have made application of said above described parcel and MARY SMITH and FRANCIS P. SMITH, have paid the application fee and will be paying \$41,956.27 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; and

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

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to FRANCIS P. SMITH and MARY SMITH, his wife, 43 E. Hollywood Avenue, Lindenhurst, New York 11757, 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: _____

1220

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

February 18, 2009

Tax Map No.: 0100-190.00-05.00-053.000

Name of Last Legal Fee Owner: FRANCIS P. SMITH and MARY SMITH, his wife

TREASURER'S COMPUTATION..... \$41,956.27

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

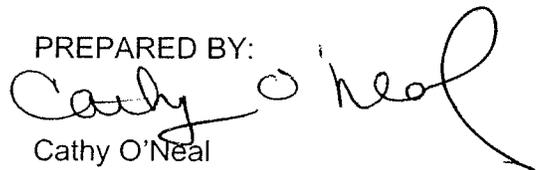
TOTAL..... \$41,956.27

Monies to be Received.....\$41,956.27

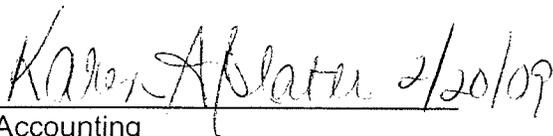
RESOLUTION AMOUNT.....\$41,956.27

APPROVED:

PREPARED BY:



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



Accounting
CO:sc

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1220

1. Type of Legislation

Resolution X
Tax Map Number 0100-190.00-05.00-053.000

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 Signature of Preparer Date

Cathy O'Neal

Cathy O'Neal 2/18/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0100	190.00	05.00	053.000

1220

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2003/04	\$7,646.45
2004/05	\$8,253.81
2005/06	\$7,568.30
2006/07	\$7,390.95
2007/08	\$6,186.76

2008/09 TAXES IN THE AMOUNT OF \$6,471.58 NOT INCLUDED IN COMPUTATION

TOTAL: \$37,046.27

B. INTEREST DUE	\$2,912.08
C. TOTAL	\$39,958.35
D. 5% LINE C	\$1,997.92
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$41,956.27

MS
2/22/09

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. 13-Feb-09

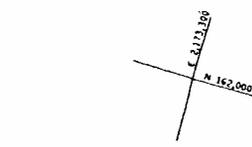
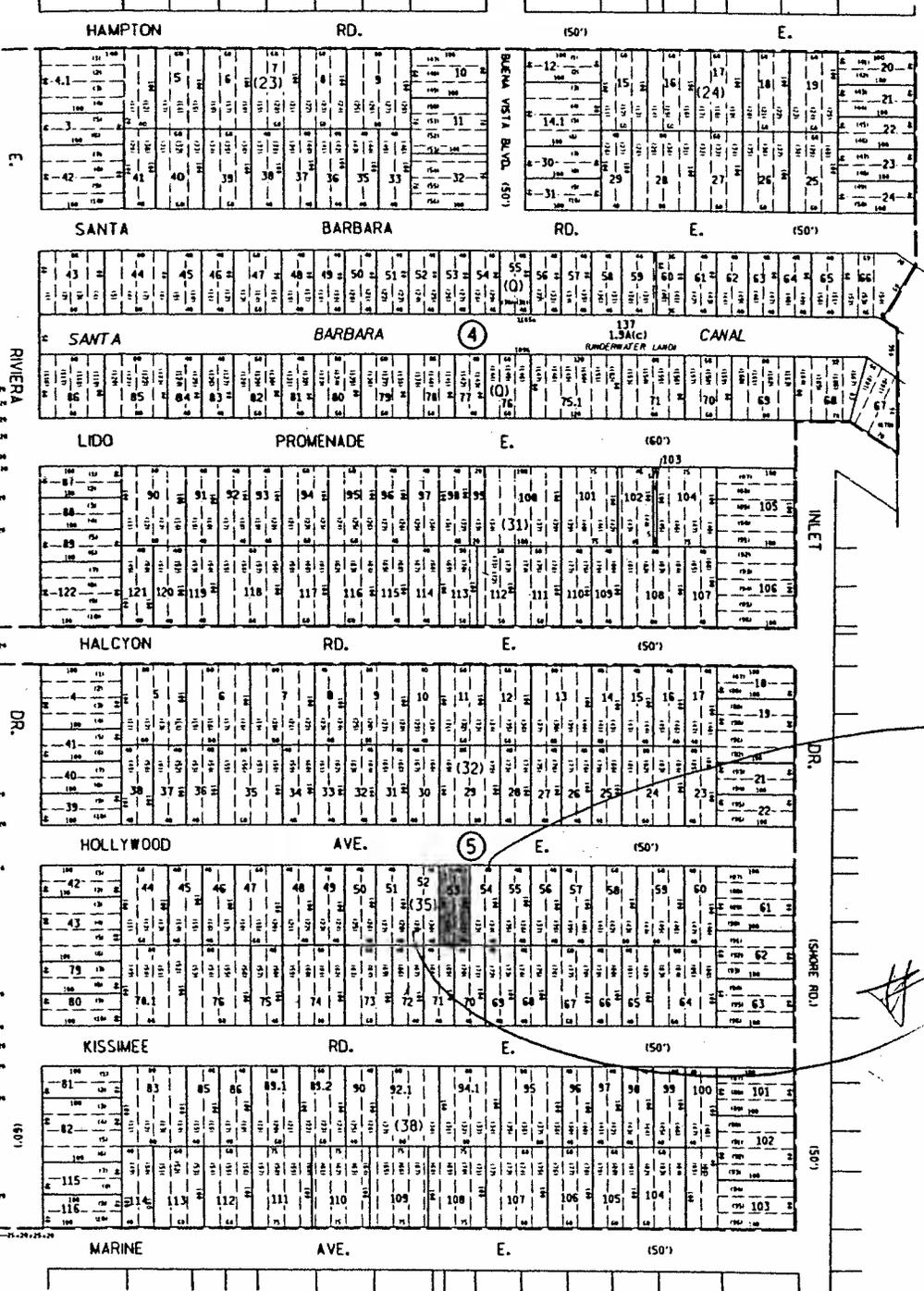

Diane M. Stuke

Deputy County Treasurer

**Interest and penalty computed to
and including 08/12/09



1220



#39 / Soukias

#47 Sitnik

0100-190-05-053

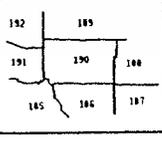
PROPERTIES	
DISTRICTS:	
1	
36	
OTHER	

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



COUNTY OF SUFFOLK ©
 Real Property Tax Service Agency
 County Center Riverhead, N Y 11901
 SCALE IN FEET:

KEY MAP



TOWN OF BABYLON
 VILLAGE OF
 DISTRICT NO 0100

SECTION NO
 190
 PROPERTY MAP

Introductory Resolution No. 1221-09

Laid on Table 3/24/09

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2009, AUTHORIZING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW TO THE TOWN OF BROOKHAVEN FOR AFFORDABLE HOUSING PURPOSES

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

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

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

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

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

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

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

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

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

3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;
5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;
6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;
7. If the grantee fails to certify to the Suffolk County Director of Affordable Housing prior to closing of the title with any affordable housing grantee
 - a. the dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and
 - b. the total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and
 - c. the total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and
 - d. the affordable housing unit or units meet local building and zoning codes;
8. If the grantee shall fail to provide the Suffolk County Director of Affordable Housing with an annual written report, no later than December 31 of each year commencing December 31, 2009, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or
9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs.

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

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

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

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

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

EXHIBIT "A"

Tax Map No.	Location	Acres
0200-958.00-07.00-034.000 & 035.000	W/S/O Taylor Ave., 400' S/O Louise Ave., Patchogue	0.23
0200-958.00-09.00-009.000	S/E/C/O Louise Ave., & Mead Ave., Bellport	0.18
0200-959.00-01.00-017.000	W/S/O Provost Ave., 320' S/O Louise Ave., Bellport	0.18
0200-959.00-05.00-037.000	W/S/O Post Ave., 175' S/O Hampton Ave., Bellport	0.17
0200-959.00-06.00-013.000	W/S/O Doane Ave., 100' N/O Hampton Ave., Bellport	0.114
0200-973.70-03.00-005.000	E/S/O Amsterdam Ave., 90' N/O Brookhaven Ave., Patchogue	0.206
0200-973.70-05.00-003.000	S/E/C/O Brookhaven Ave., & Lenox Ave., Patchogue	0.17
0200-973.70-05.00-023.000 & 024.000	W/S/O Donegan Ave., 150' S/O Patchogue Ave., Patchogue	0.39
0200-973.80-10.00-012.000	N/E/C/O Michigan Ave., & Patchogue Ave., Bellport	0.17

Exhibit "B"

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

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

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

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

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

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

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

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

Schedule A

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

Schedule A

56 0200-959-05-037
57 0200-973.70-05-057
59 0200-973.70-06-024
58 0200-973.70-06-007
60 0200-958-07-034
61 0200-958-07-035
62 0200-973.70-06-016
63 0200-973-70-06-017
64 0200-973-70-06-018
65 0200-960-02-014
66 0200-959-06-013
67 0200-960-02-018.001
68 0200-960-02-018.002
69 0200-960-02-045
70 0200-960-02-046
71 0200-960-02-047
72 0200-960-02-043
73 0200-973-70-04-063
74 0200-973.70-06-003
75 0200-973.70-06-004

*see
amendment
resolution*

Post Ave, Bellport
536 Scherger Ave, Patchogue
Scherger Ave, Patchogue
Scherger Ave, Patchogue
834 Taylor Ave, Patchogue
Taylor Ave, Patchogue
Scherger Ave, Patchogue
Scherger Ave, Patchogue
Scherger Ave, Patchogue
Walker Ave, Bellport
Doane Ave, Bellport
Walker Ave, Bellport
Walker Ave, Bellport
Walker Ave, Bellport
Agamemnon Ave, Bellport
Agamemnon Ave, Bellport
Agamemnon Ave, Bellport
Agamemnon Ave, Bellport
Lenox Ave, Patchogue
Scherger Ave, Patchogue
Scherger Ave, Patchogue

Long Island Housing Partnership
Habitat for Humanity
Habitat for Humanity
Habitat for Humanity
Long Island Housing Partnership
Long Island Housing Partnership
Habitat for Humanity
Habitat for Humanity
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Habitat for Humanity
Long Island Housing Partnership
Habitat for Humanity
Habitat for Humanity
No Assignment
No Assignment
No Assignment
No Assignment
Habitat for Humanity
Habitat for Humanity
Habitat for Humanity

also assigned

Exhibit "B"

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 220-A3-08
MEETING: JANUARY 27, 2009

AMENDING RESOLUTION NO. 220-08
AUTHORIZING THE TRANSFER OF
FORECLOSED PROPERTIES FROM
SUFFOLK COUNTY TO CORRECT
THE SUFFOLK COUNTY TAX MAP
NUMBER FOR ONE PARCEL

WHEREAS, Resolution No. 220-08 authorized the transfer of foreclosed properties from the County of Suffolk to the Town of Brookhaven for transfer to various not-for-profit housing agencies; and

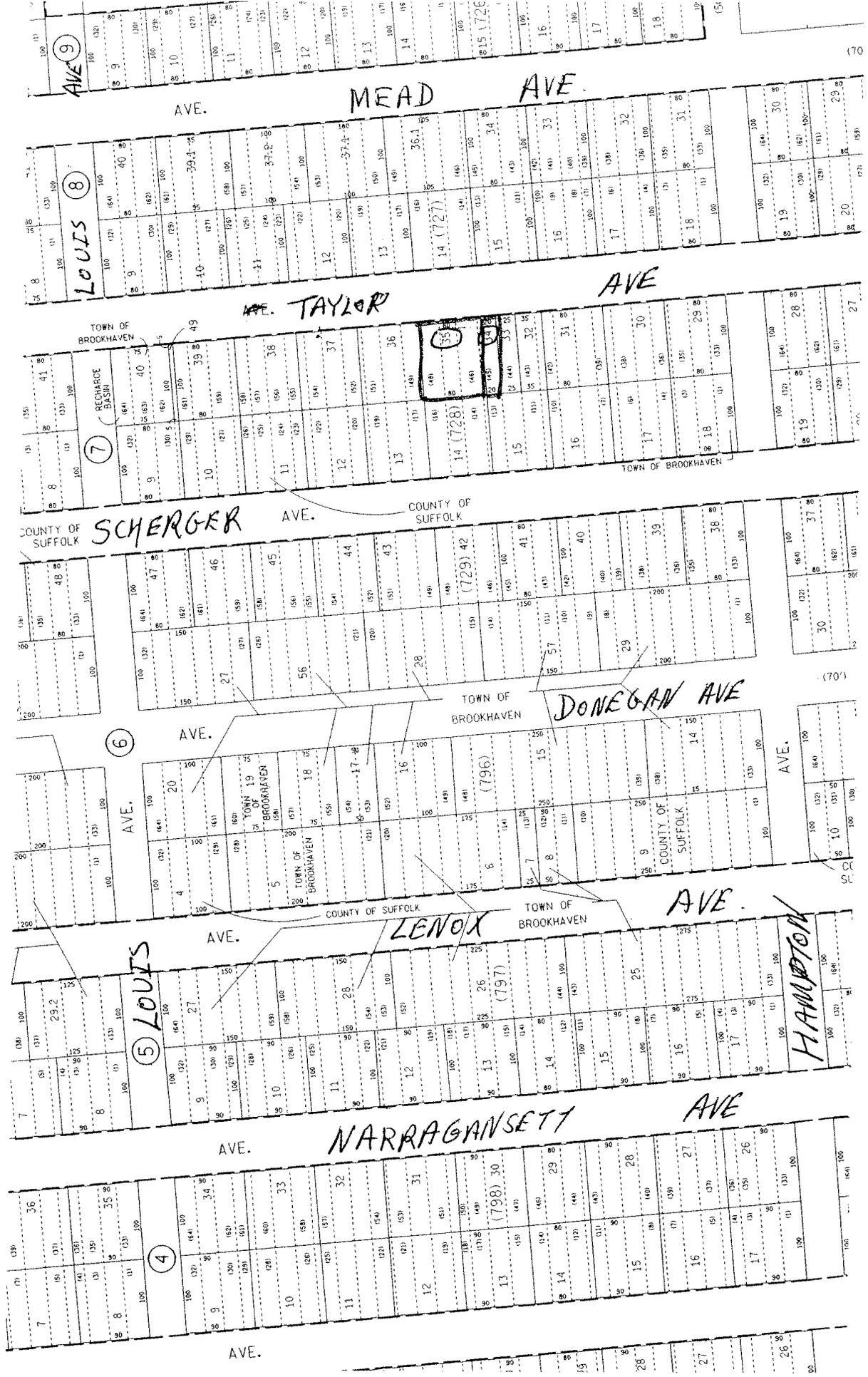
WHEREAS, one of the properties listed an incorrect Suffolk County Tax Map Number for the property;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that Resolution No. 220-08 is hereby amended with respect to the following parcel to read as follows:

SCTM #	ADDRESS	NOT-FOR-PROFIT
#60 200-958.00-07.00-034.000	Taylor Avenue, Patchogue	Long Island Housing Partnership

and be it further

RESOLVED that all the other terms and conditions of Resolution No. 220-08 shall remain unchanged.



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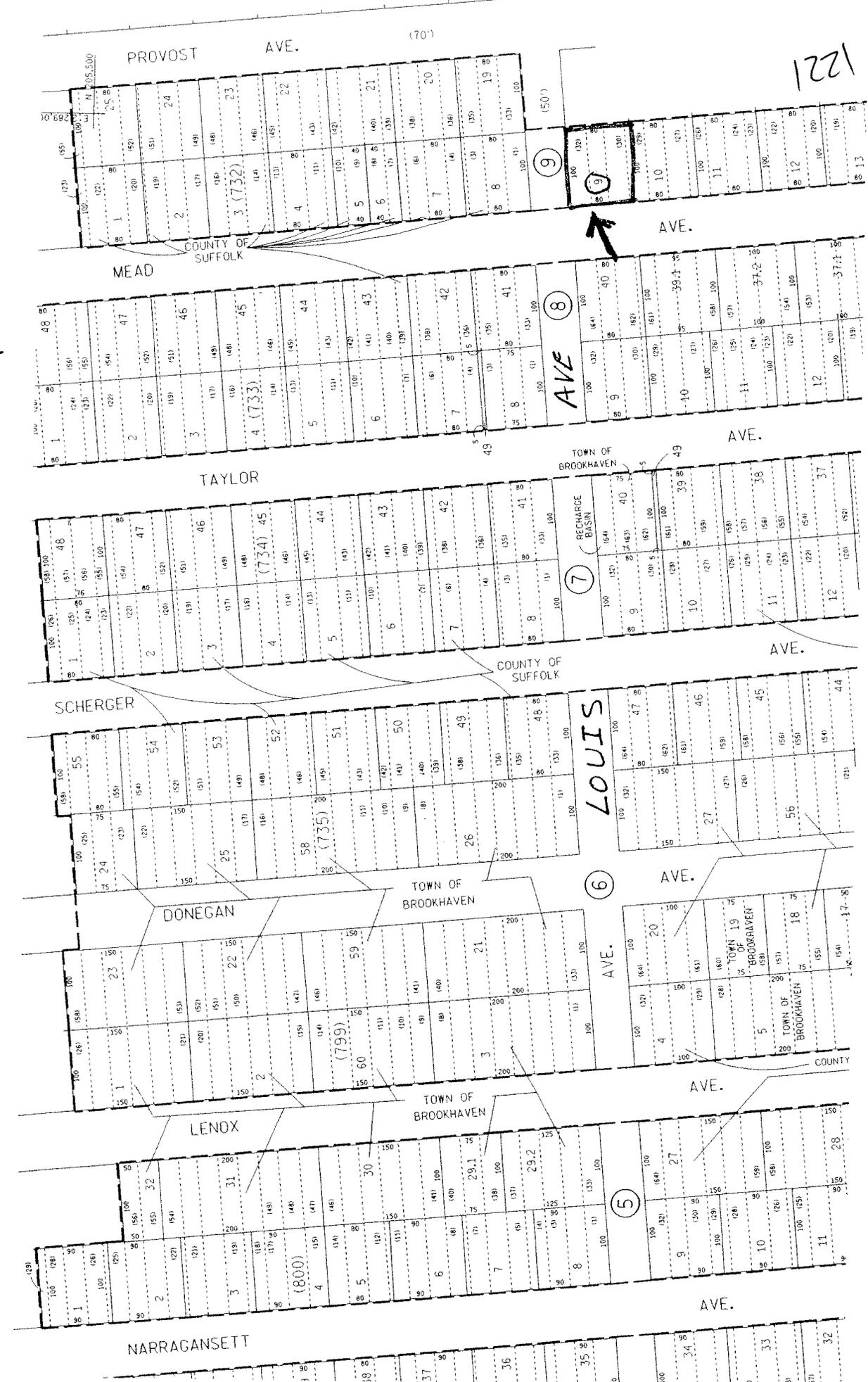
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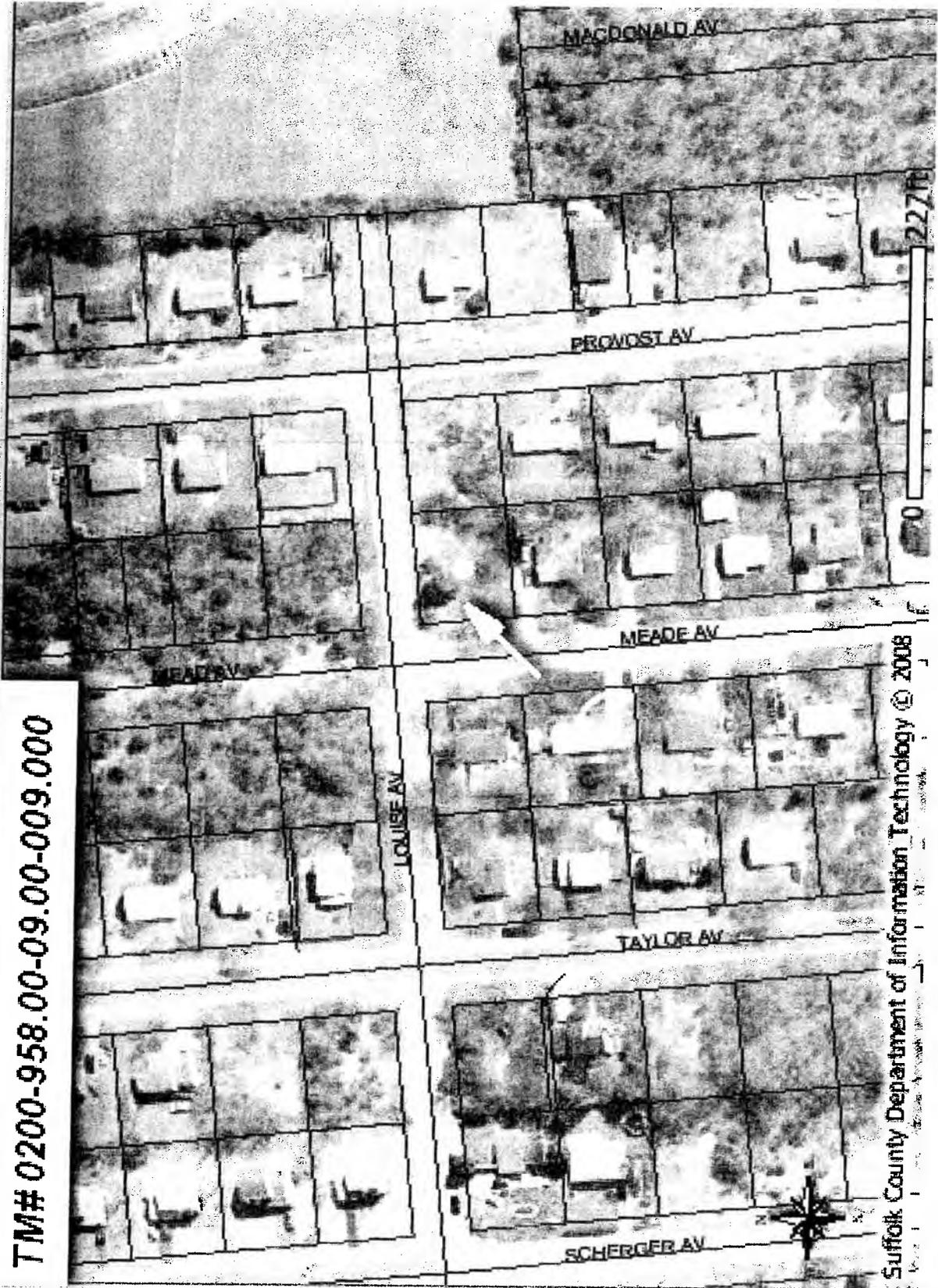
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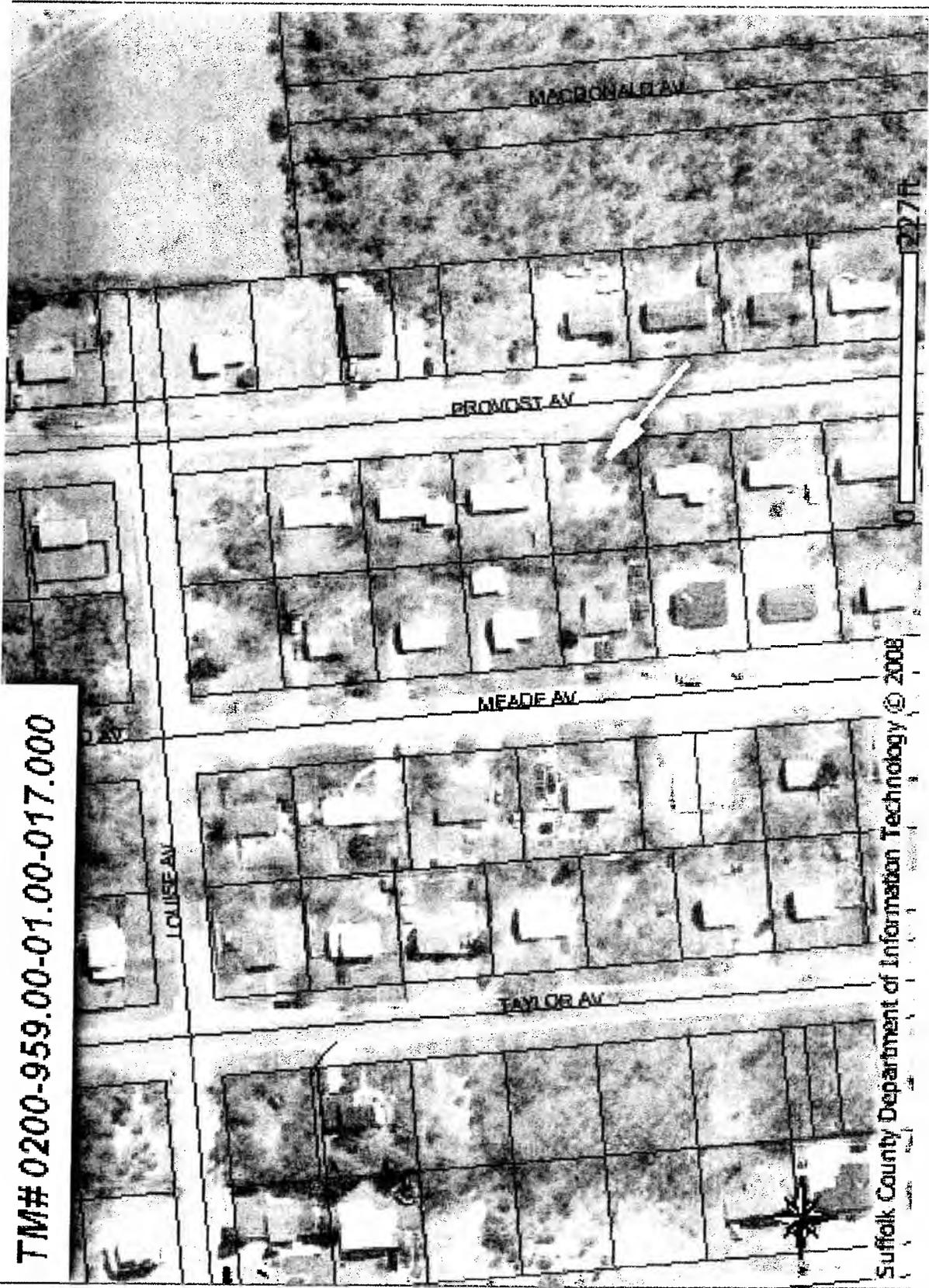
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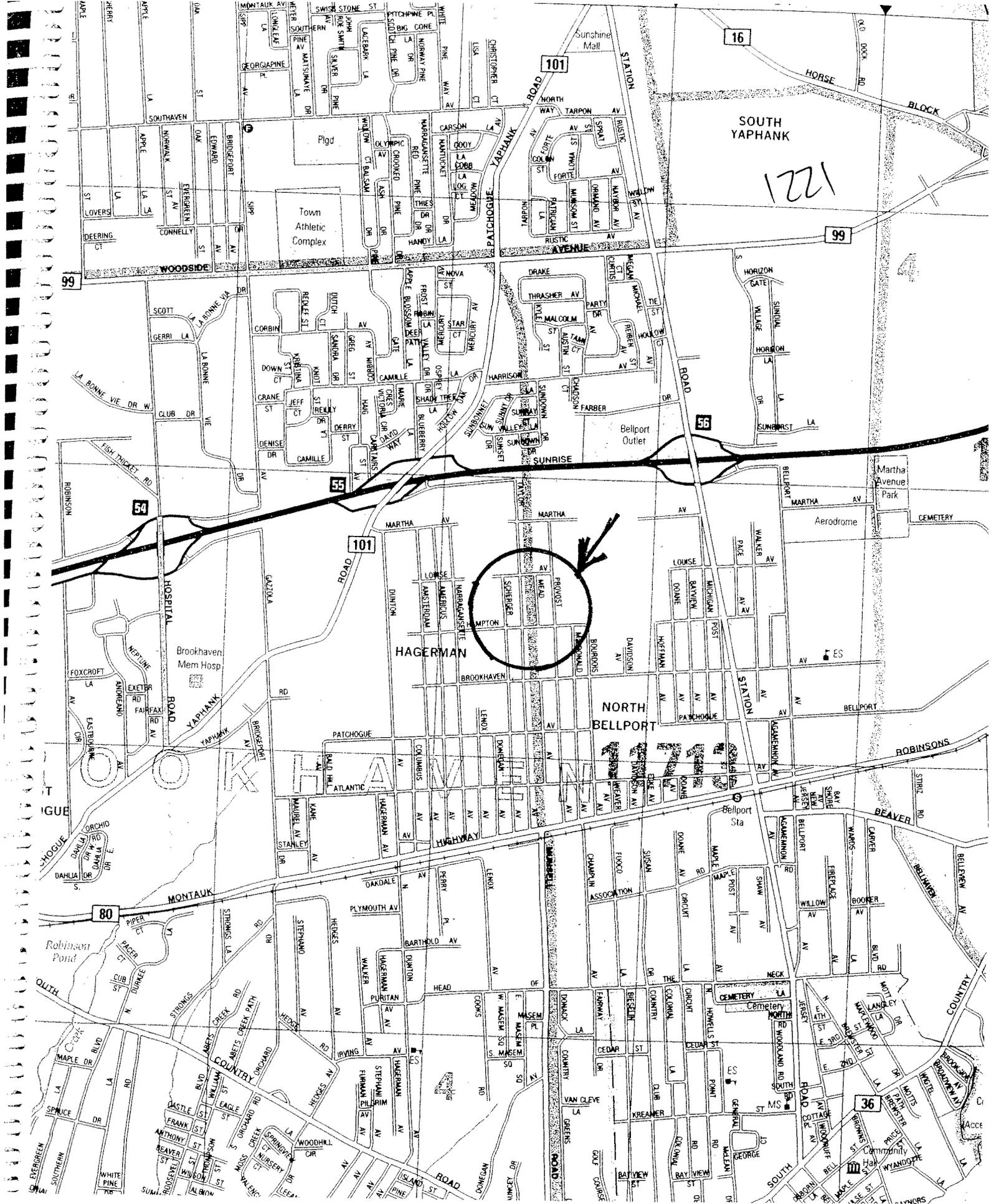
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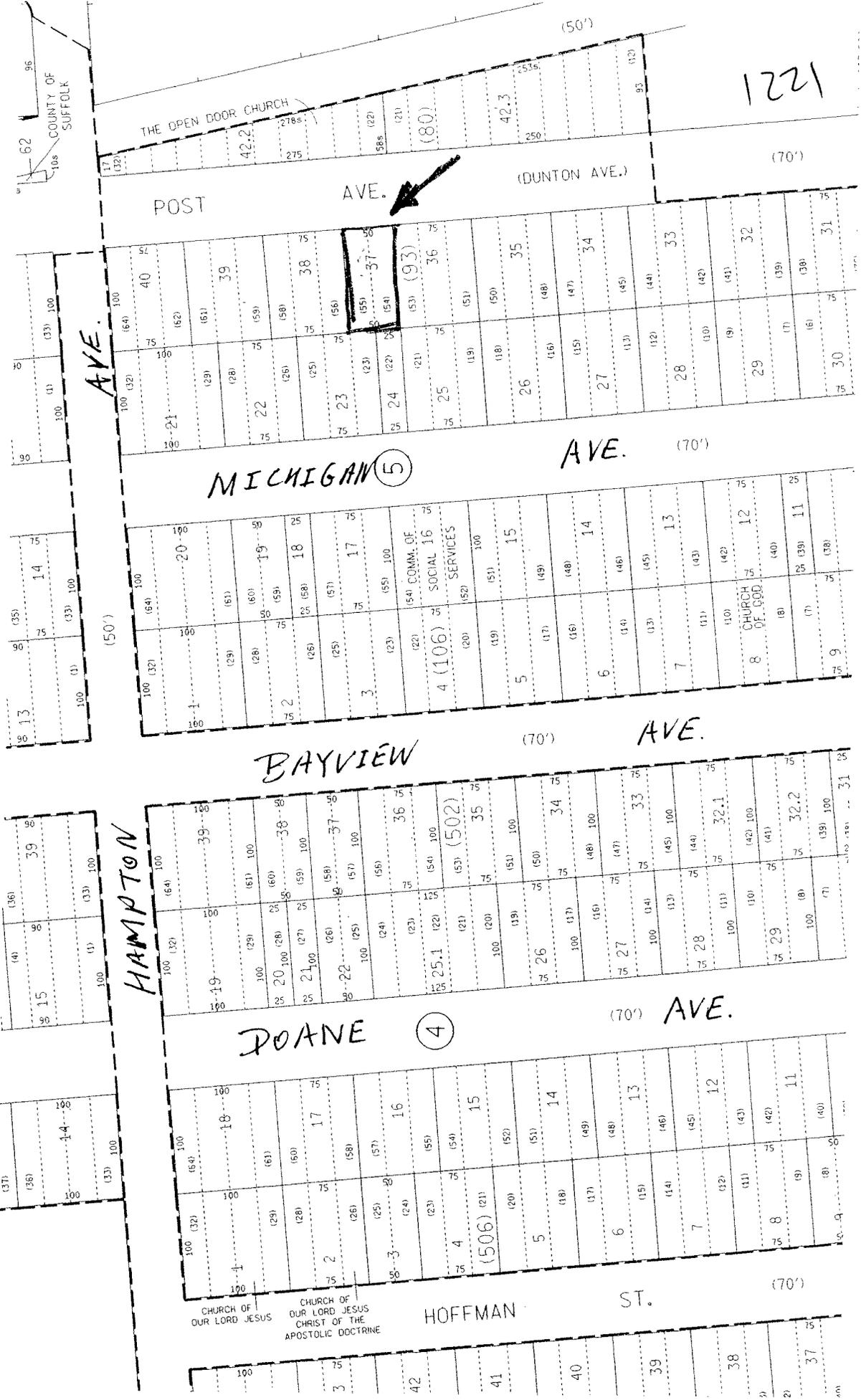
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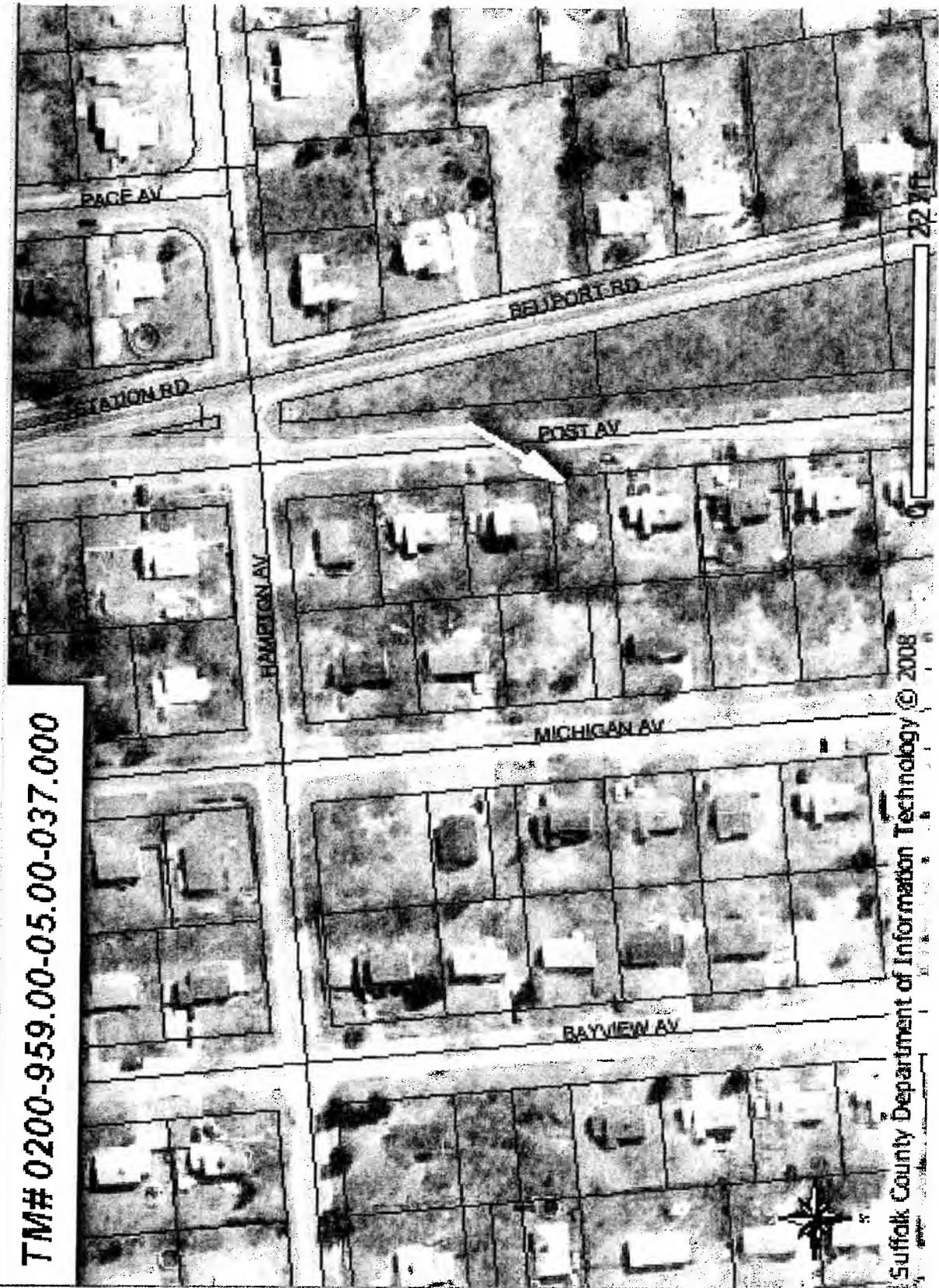
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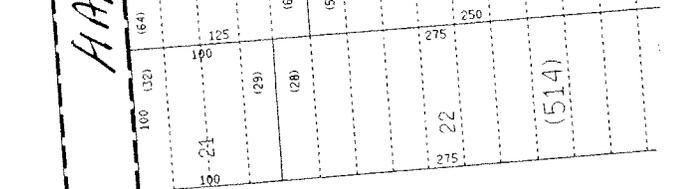
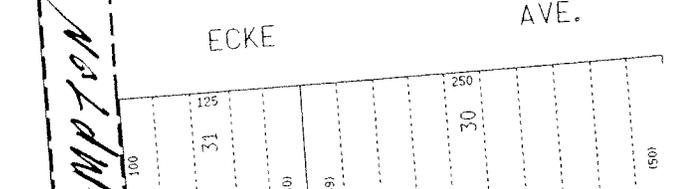
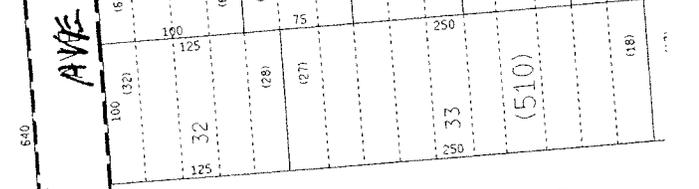
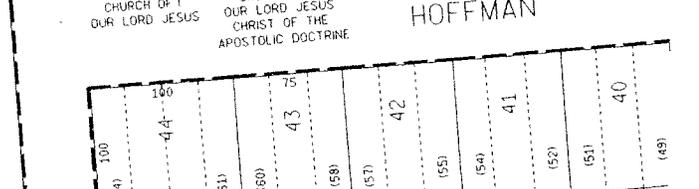
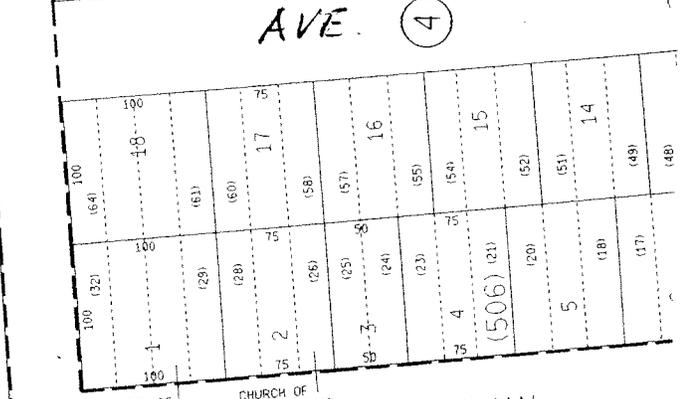
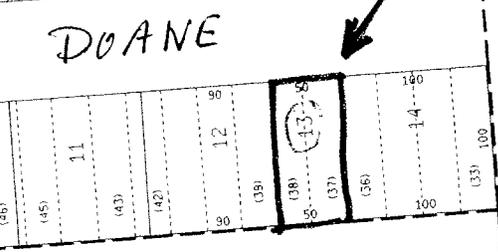
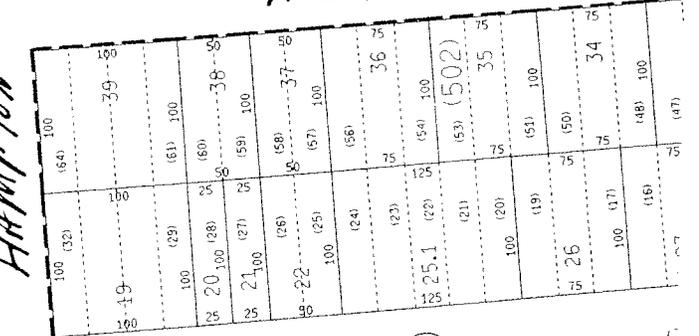
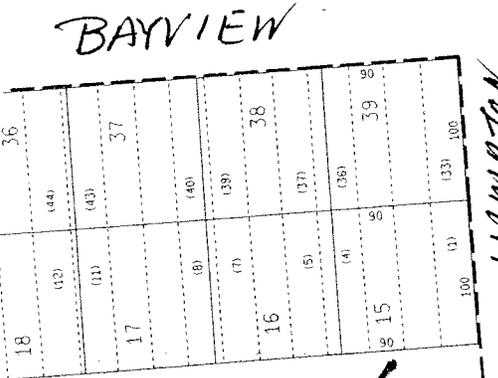
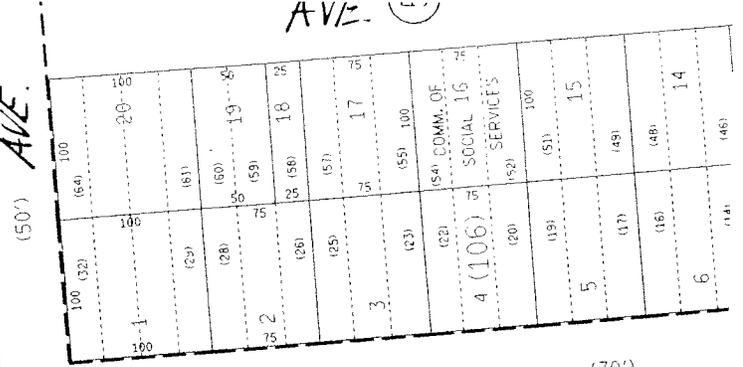
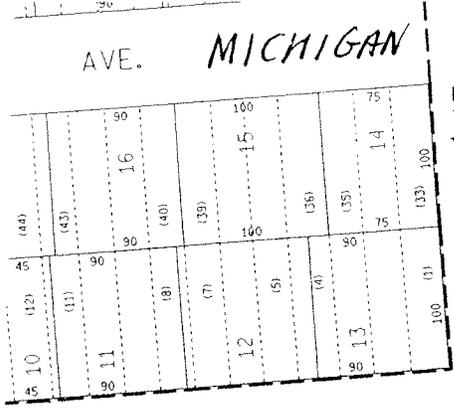
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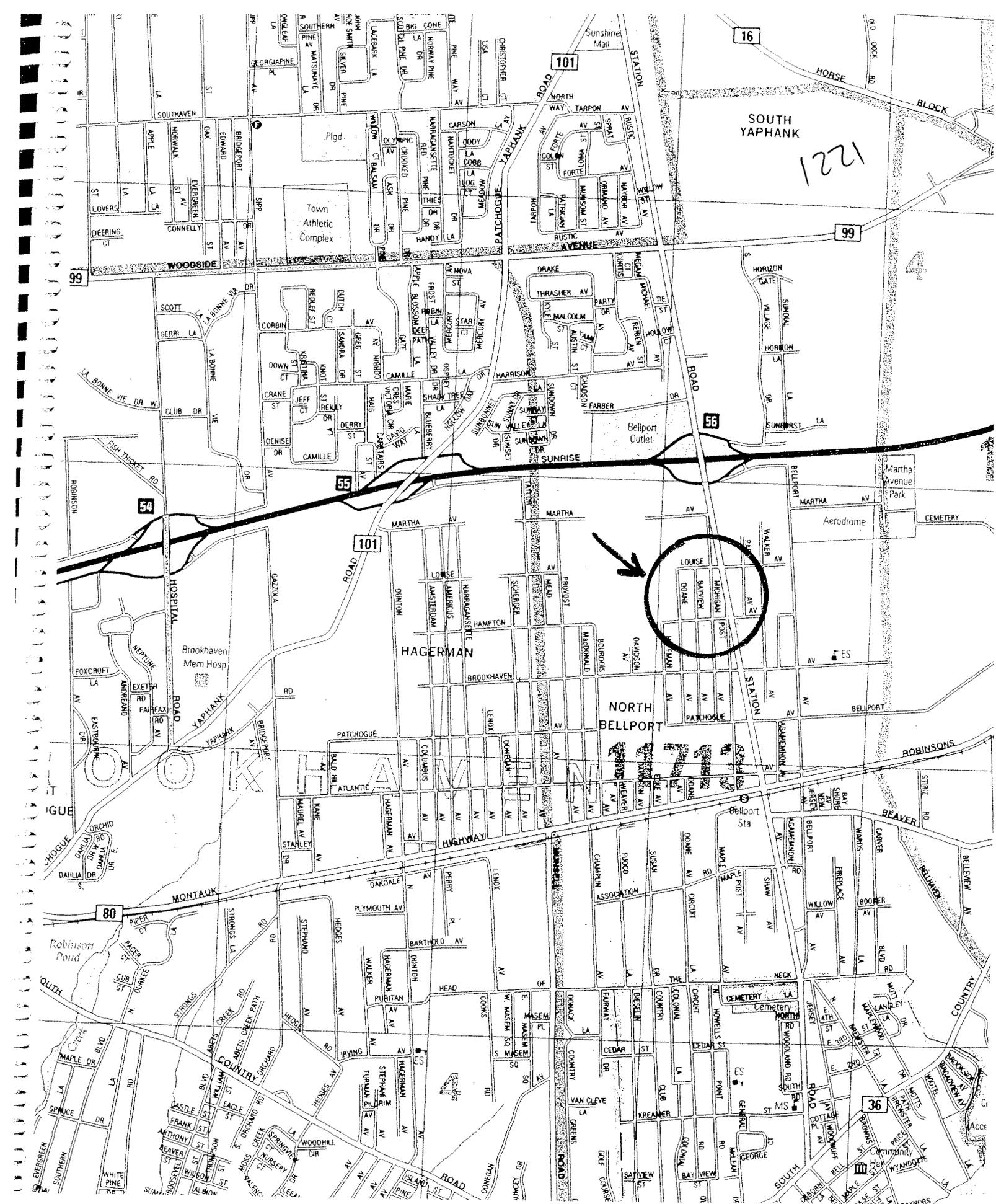
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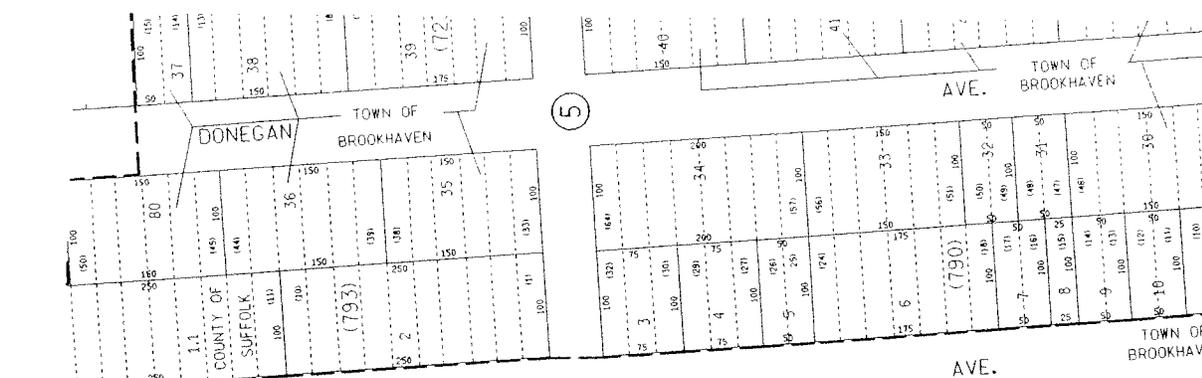
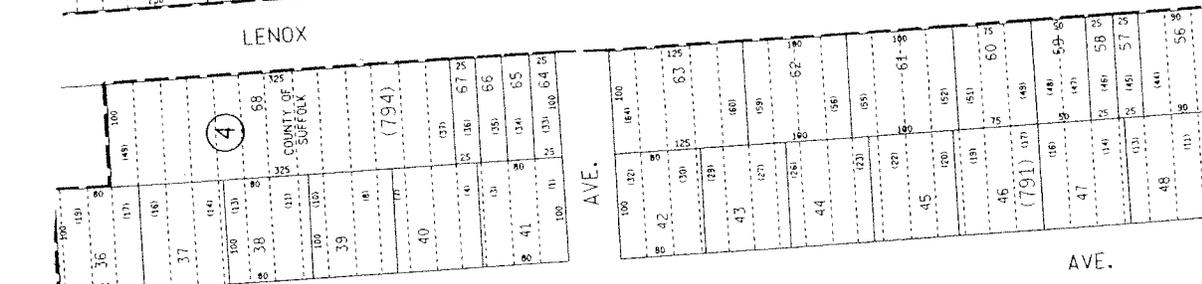
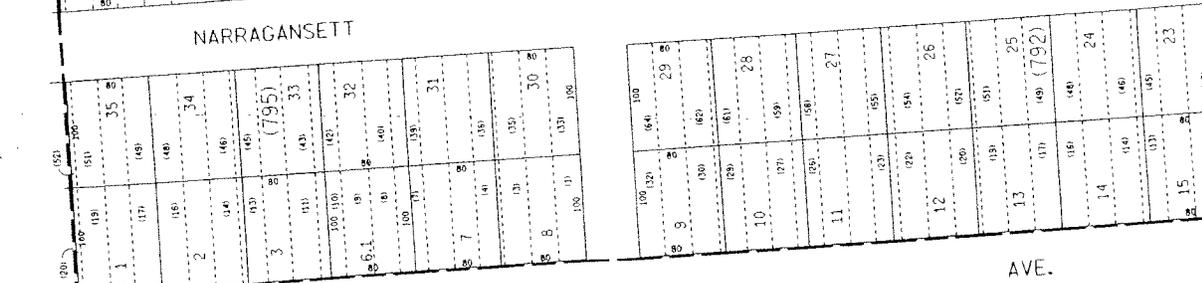
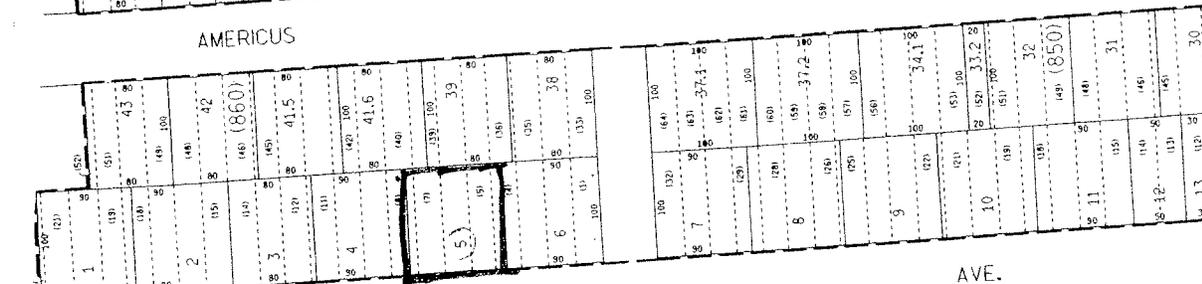
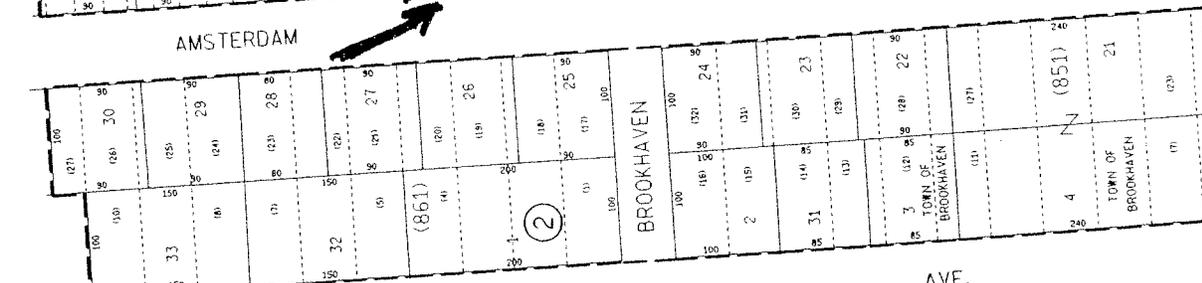
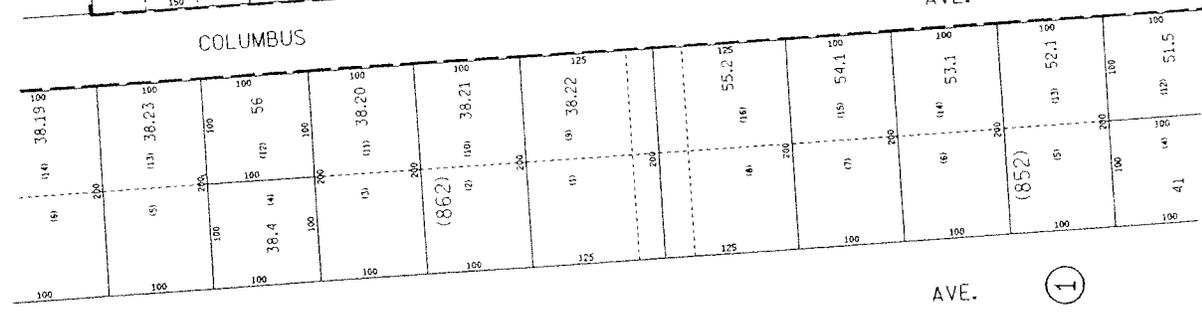
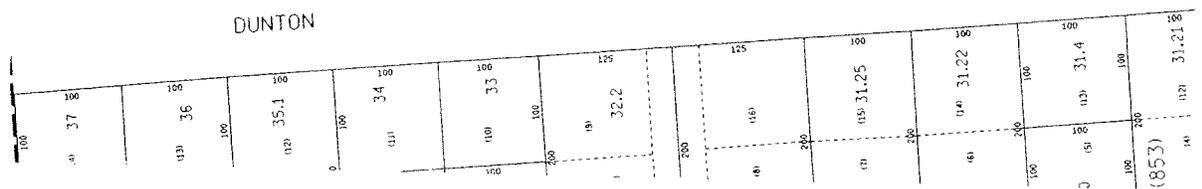


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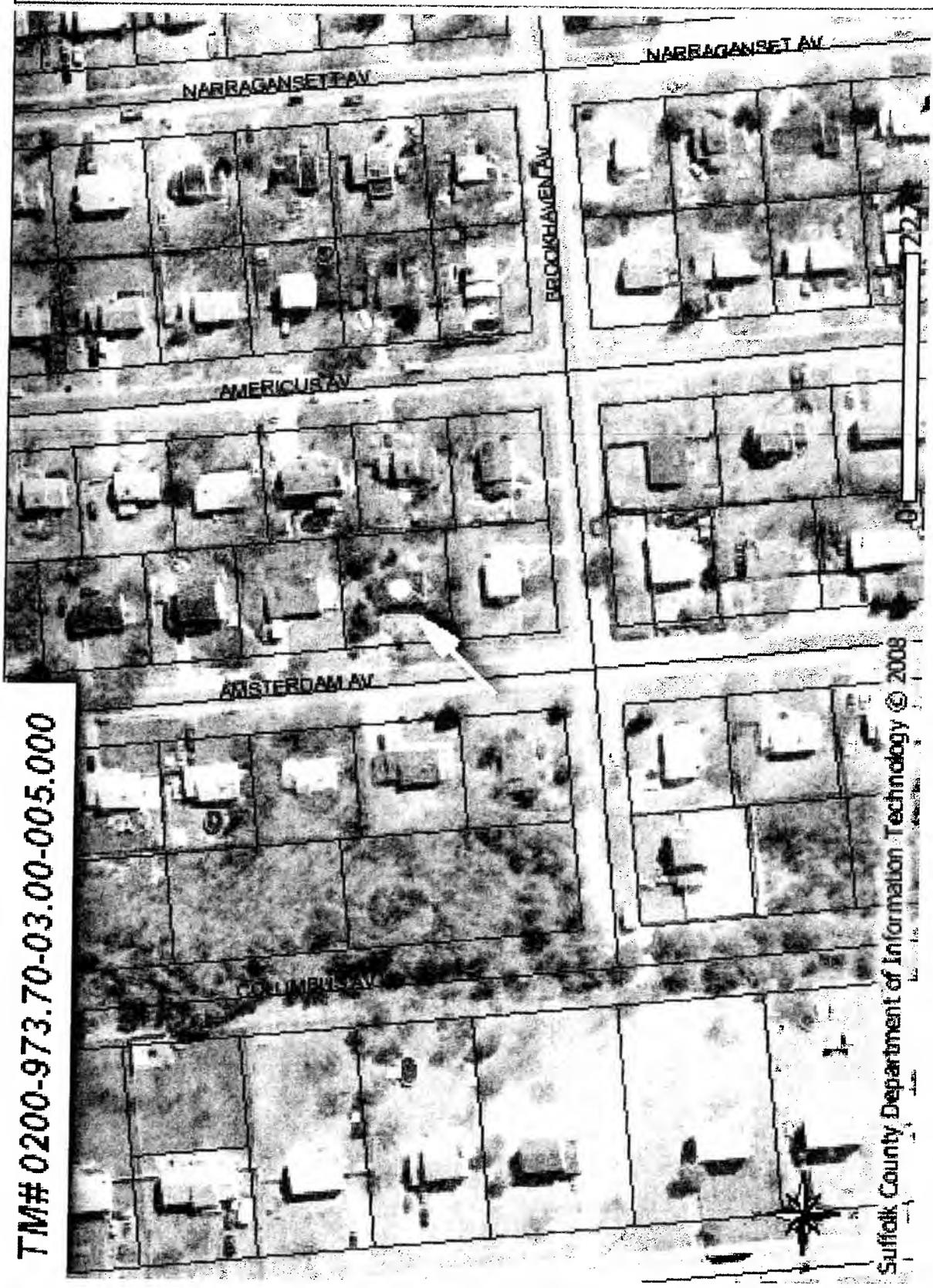
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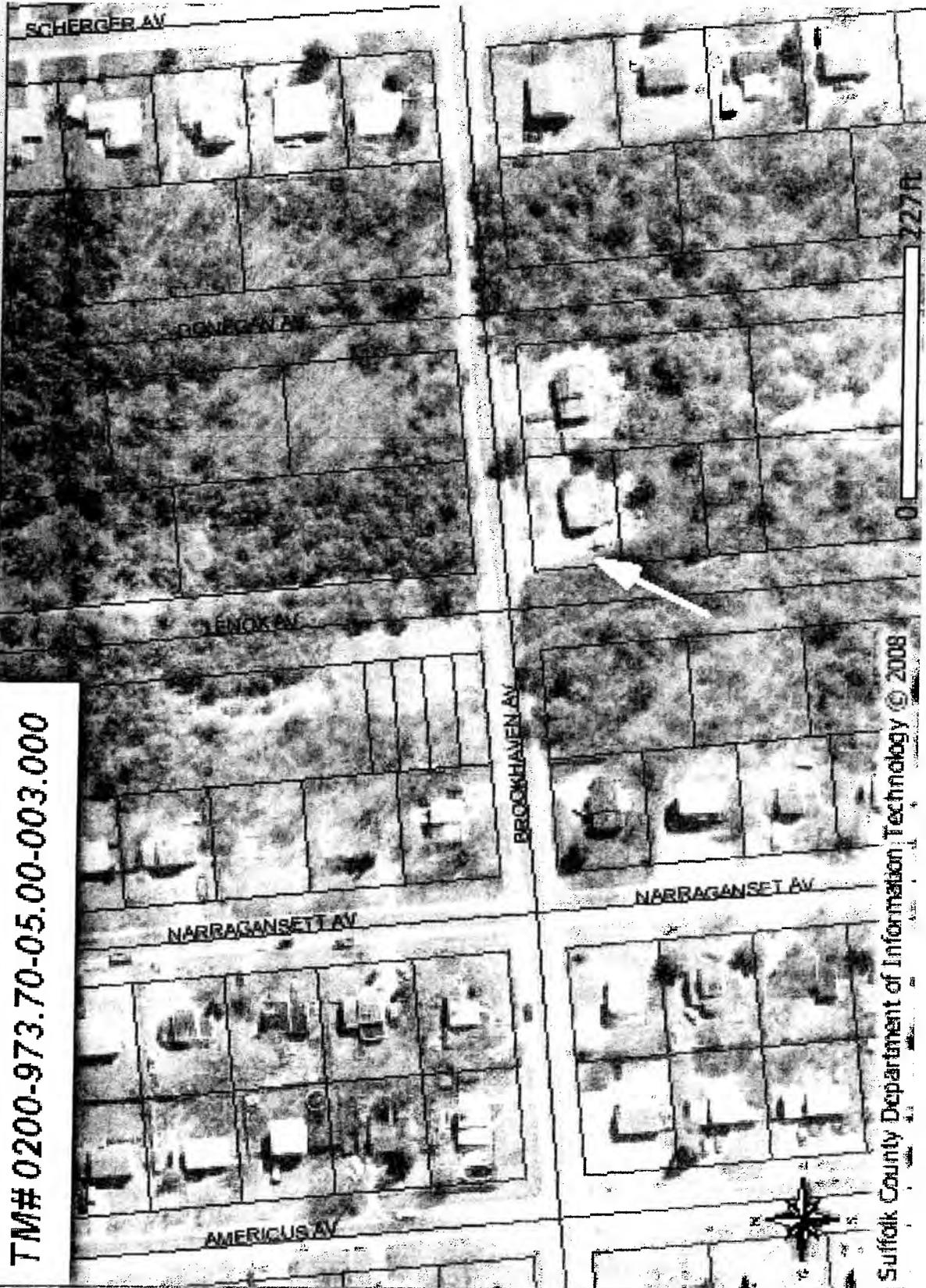
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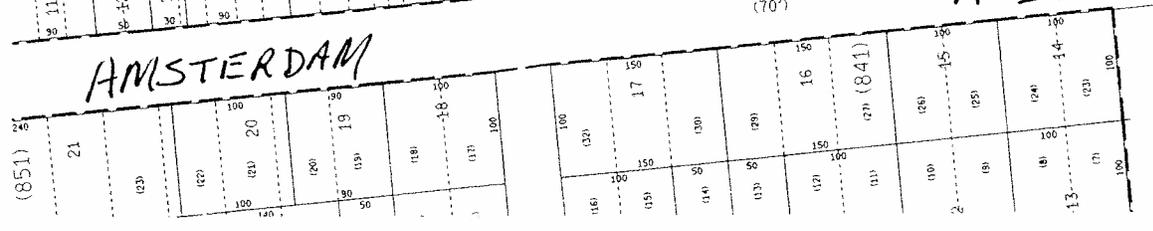
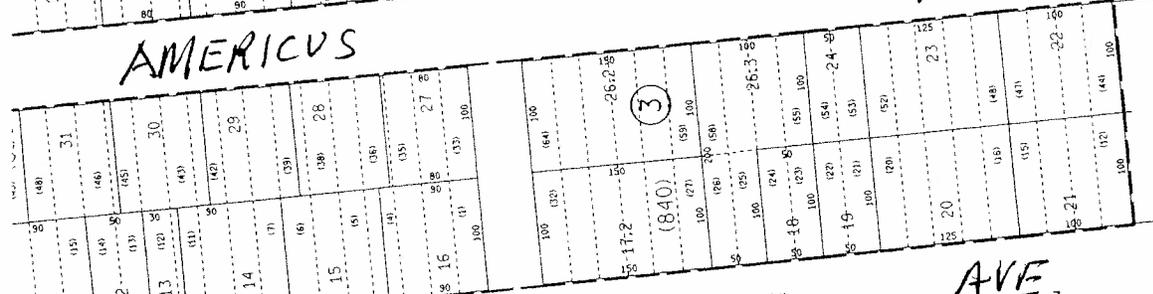
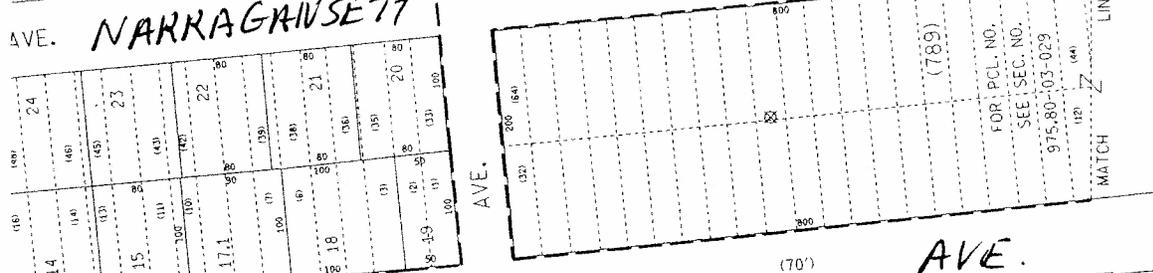
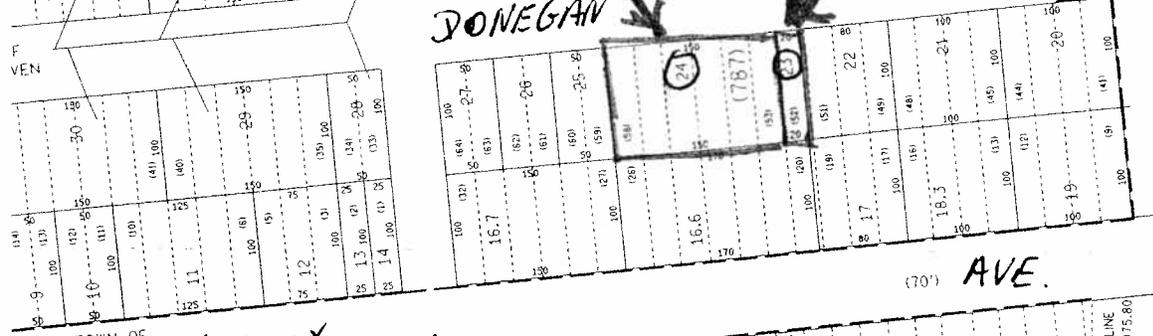
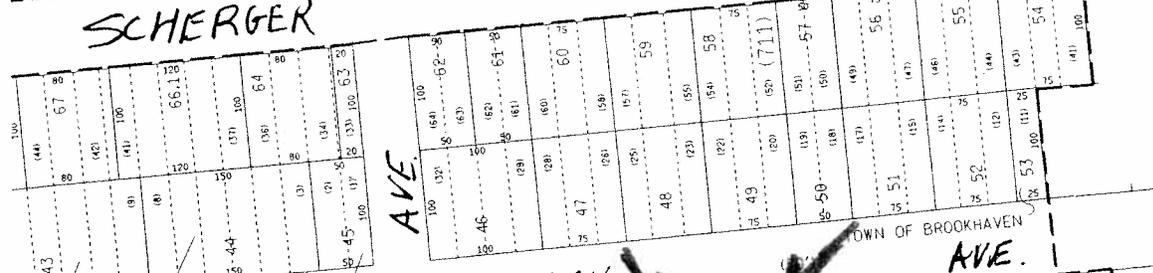
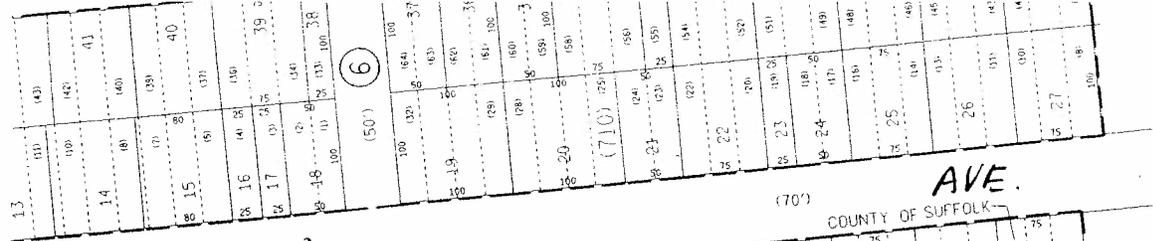
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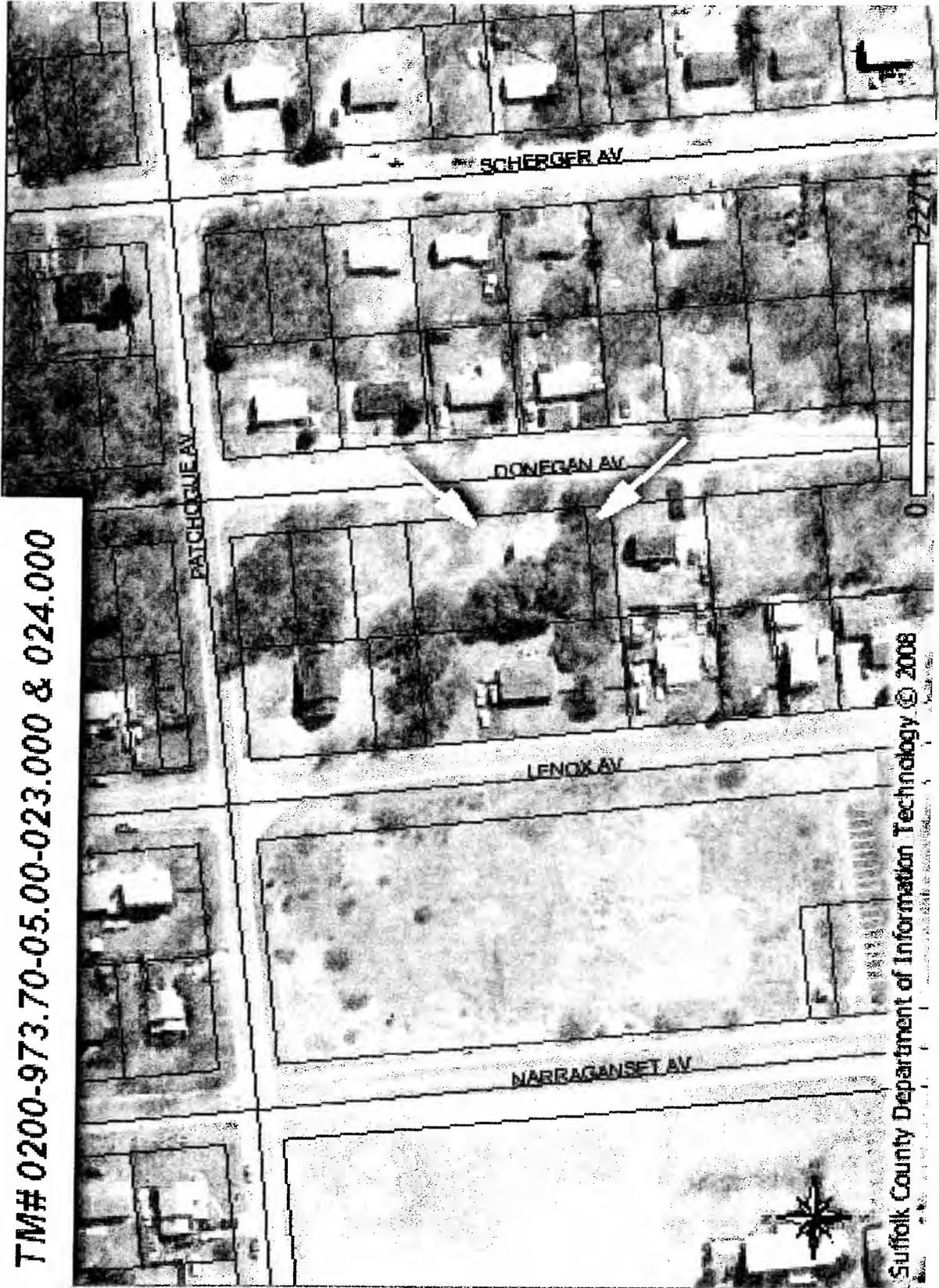


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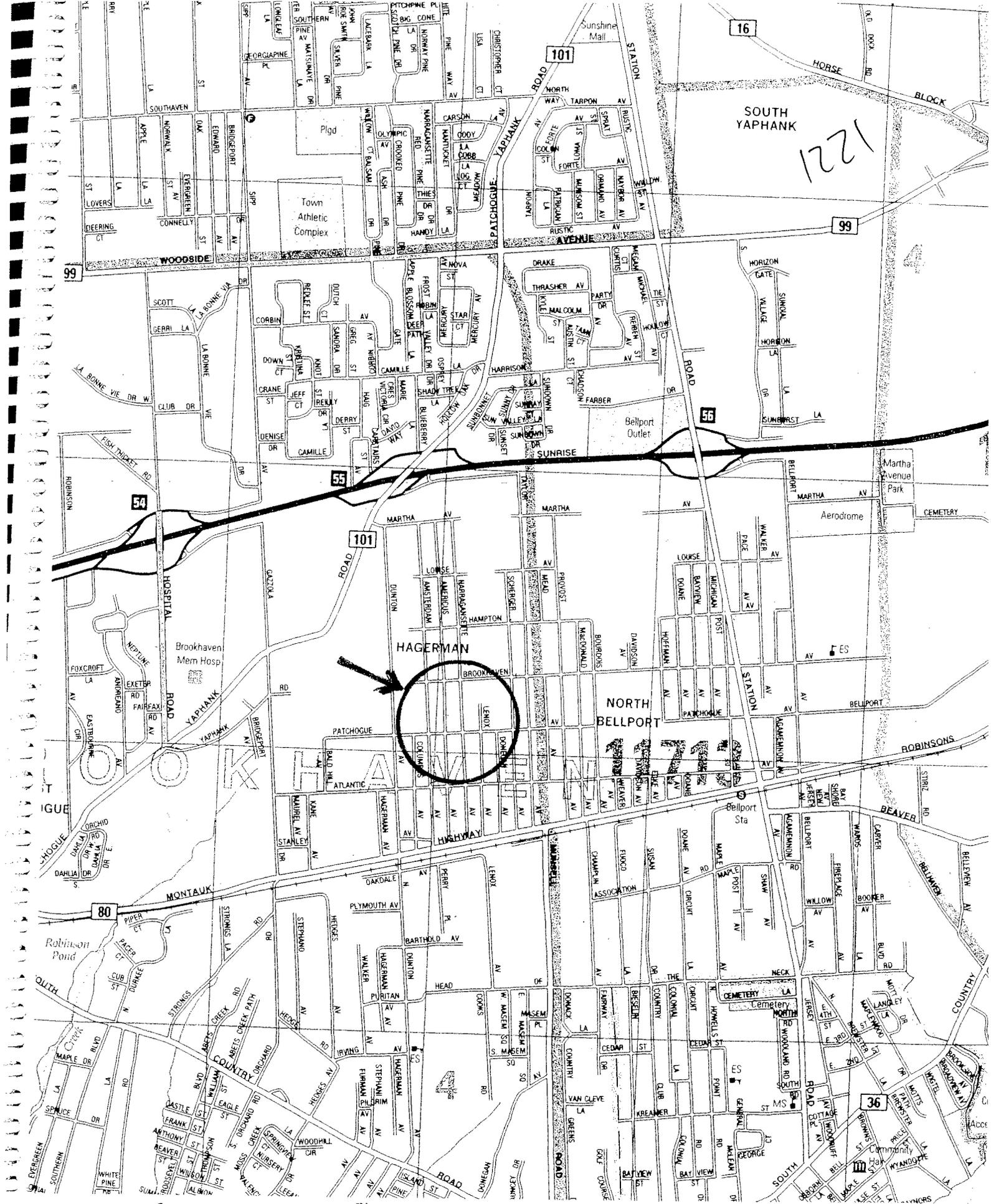
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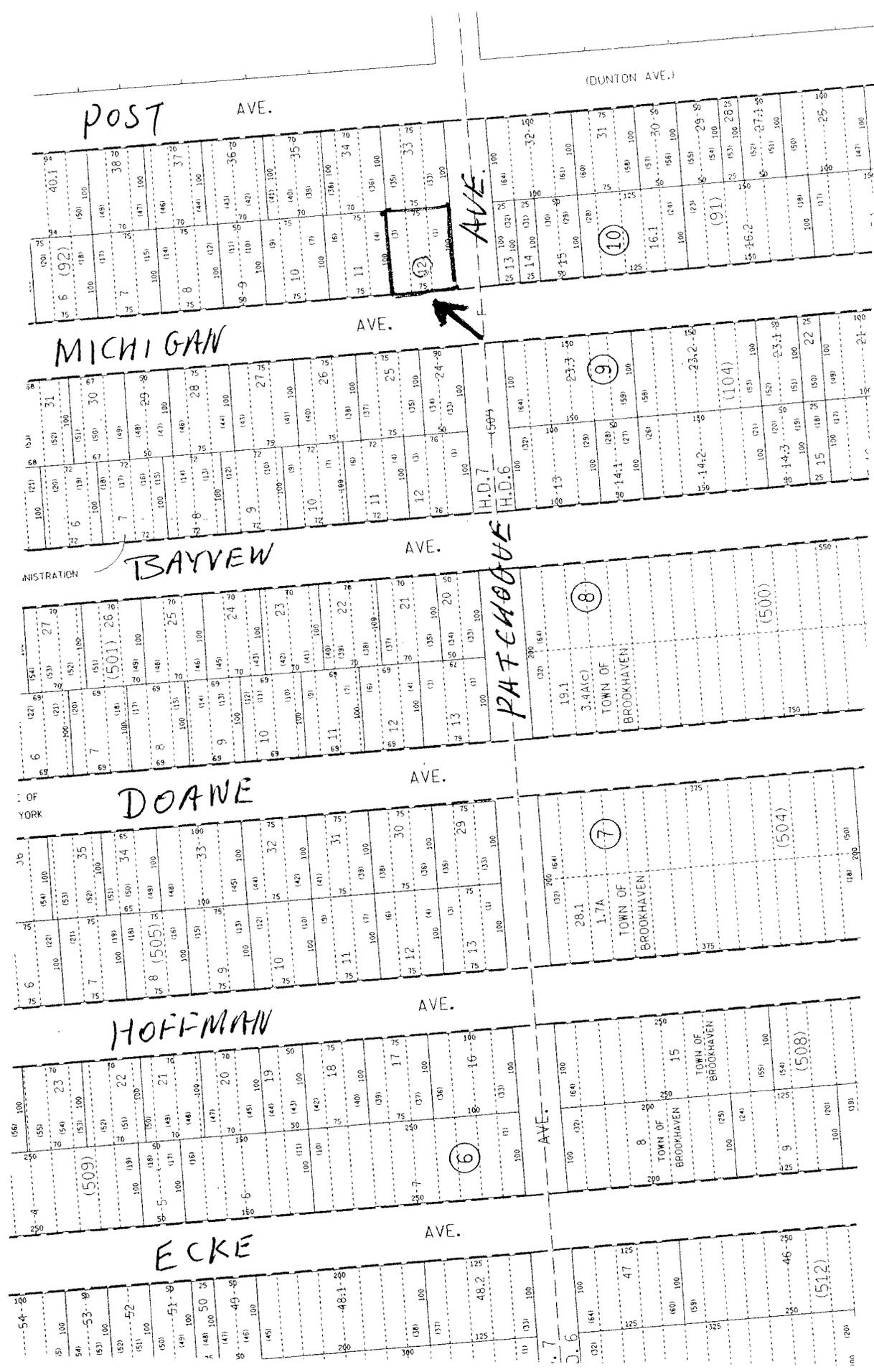


1221

Tm # 0200-973.70-03.00-005.000
 0200-973.70-05.00-023.000 & 024.000

122

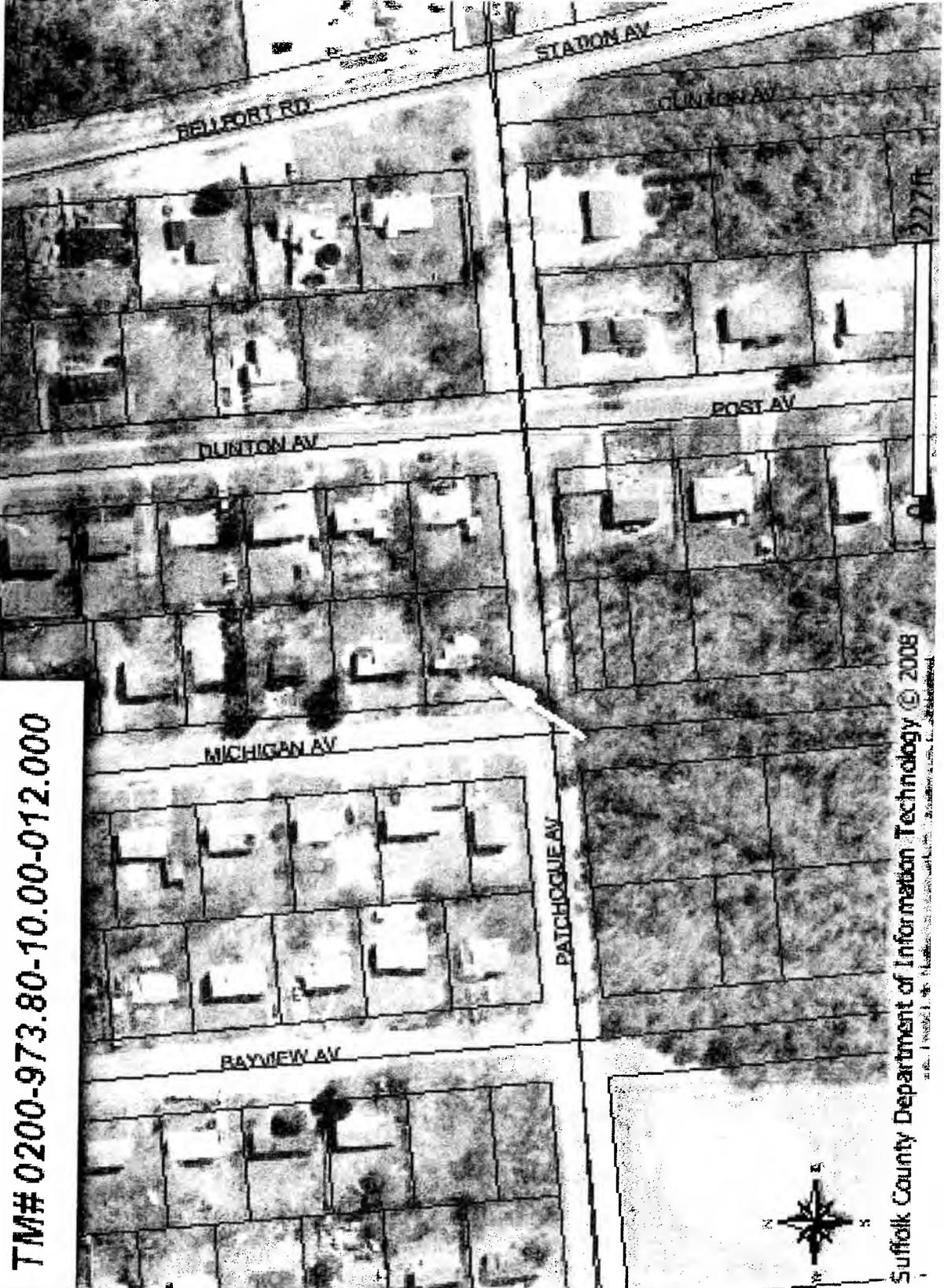
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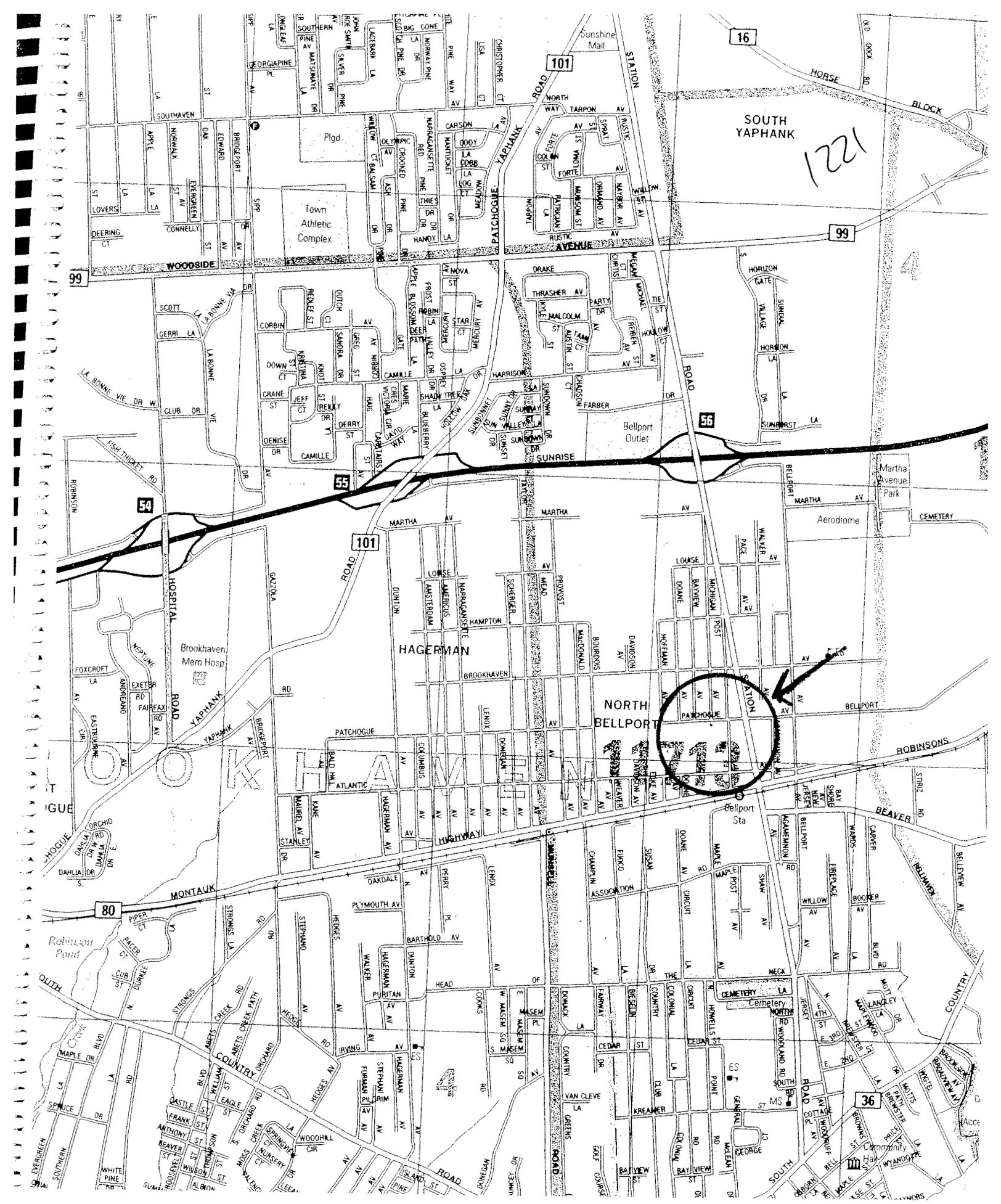
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1221

TM# 0200-973.80-10.00-012.000



Suffolk County Department of Information Technology © 2008



#0200-973.80-10400-012.000

1221

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

SUMMARY STATEMENT

SALES TO GOVERNMENTAL ENTITIES
TOWN OF BROOKHAVEN

Tax Map No.: See attached Exhibit "A"

Section 72-h, Gen'l Municipal Law

	<u>Amount</u>
County Investment	\$284,279.18

PURPOSE:

- | | |
|----------------------------|-------------------|
| A. Affordable Housing | <u> X </u> |
| B. Town Parks | <u> </u> |
| C. Road/Highway | <u> </u> |
| D. Drainage/Recharge Basin | <u> </u> |
| E. Other | <u> </u> |

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

WRT:slb

1221

**DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT
SPONSOR'S MEMO FOR COUNTY LEGISLATION**

Resolution Title:

Tax Map No.: see attached Exhibit "A"

Purpose/Justification of Request:

Section 72-h Gen'l Municipal Law

Specify Where Applicable:

- 1. Is request due to change in law? Yes___ No X
If yes, please explain: _
- 2. Has this resolution been submitted previously? Yes___ No X
If yes, give I.R.#, attach copy and reason for re-submittal:
- 3. Is backup attached? Yes X No
- 4. Is this resolution subject to SEQRA review? Yes___ No X

Fiscal Information:

Anticipated Revenue: \$1.00 (to be waived)
County Investment: \$284,279.18

Contact Person:
Wayne R. Thompson

Telephone Number:
(631) 853-5971

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1221

1. Type of Legislation
Resolution Local Law _____ Charter Law _____
2. Title of Proposed Legislation
Section 72-h , General Municipal Law authorizing the sale of County owned Real Estate to a Municipality
3. Purpose of Proposed Legislation
Convey County owned parcel to the Town of Brookhaven for affordable housing purposes
4. Will the Proposed Legislation have a fiscal impact? Yes 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
Loss of County investment
Loss of sale at public auction
7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision
Unknown
8. Proposed Source of Funding
Unknown
9. Timing of Impact
2009
10. Name & Title of Preparer Signature of Preparer Date
R. J. Bhatt *R. J. Bhatt* 3/3/09
LMS III

Gen -18

COUNTY OF SUFFOLK



1221 MAR 09 2009

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

March 3, 2009

Ben Zwirn
Deputy County Executive
Intergovernmental Relations
H. Lee Dennison Building - 11th Floor
100 Veterans Memorial Highway
Post Office Box 6100
Hauppauge, NY 11788

Re: Tax Map No.: see attached Exhibit "A"
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the
Town of Brookhaven for Affordable Housing Purposes.

Dear Mr. Zwirn:

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

Section 72-h, G.M.L. authorizing the sale of County owned real estate to the Town of
Brookhaven for affordable housing purposes.

I would appreciate your placing this on the legislative agenda.

Very truly yours,

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

CEK:WRT:slb

Resolution + 1 copy
Summary Statement
Tax Map & Aerial Map
Hagstrom Map
Sponsor's Memo
Copy w/ Resolution to:

Brendan Chamberlain, County Executive Assistant (2 hard copies)
Connie Corso, Budget Director
Thomas A. Isles, Director of Planning
Jill Rosen-Nikoloff, Director of Affordable Housing
CE Reso Review, via e-mail

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW
NO. -2009, A LOCAL LAW TO IMPROVE PROTECTIONS
TO RESIDENTS OF PLANNED RETIREMENT COMMUNITIES**

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 IMPROVE PROTECTIONS TO RESIDENTS OF PLANNED RETIREMENT COMMUNITIES**;" 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 IMPROVE PROTECTIONS TO RESIDENTS OF PLANNED
RETIREMENT COMMUNITIES**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Suffolk County Legislature enacted Local Law No. 1-2007 (codified in Chapter 383 of the SUFFOLK COUNTY CODE) to protect occupants of homes in planned retirement communities.

This Legislature also finds and determines that a lawsuit was commenced challenging the validity of this law.

This Legislature further finds and determines that, while the majority of Local Law No. 1-2007 was upheld by the courts, certain provisions were invalidated.

Therefore, the purpose of this law is to amend Chapter 383 of the SUFFOLK COUNTY CODE to ensure that adequate protections are provided to occupants of homes in planned retirement communities in Suffolk County.

Section 2. Amendments.

Chapter 383 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 383. Planned Retirement Communities

§ 383-3. Leases.

- (A) Any planned retirement community owner or operator shall offer every homeowner or tenant the opportunity to sign a long term lease [for ninety-nine

years,] with [the sole] an option of the homeowner or tenant to cancel said lease for reasonable cause on ninety days written notice to said owner or operator.

- (B) A copy of the planned retirement community's rules and regulations, if any, shall be attached to and become a part of the lease provided for by this section, as if fully set forth therein and that said rules and regulations may not be changed, altered, amended or modified without the written consent of three-fourths of all homeowners or tenants then in residence[.] with the consent of the planned retirement community owner or operation, which consent shall not be unreasonably withheld.

§383-4. Rules and Regulations.

- (F) No rule or regulation may be added, amended, repealed or changed by the planned retirement community owner or operator without the written consent of [all] three-fourths of the then residing homeowners or tenants.

§383-7. Sale of homes.

- (A) The homeowner has the [unrestricted] right to sell his home in the said planned retirement community [.] without unreasonable, arbitrary restrictions being placed thereon by the planned retirement community owner or operator.
- (B) The right to sell a planned retirement community home includes the incidental right to use any and all methods common to sales of residential property.
- (C) The planned retirement community homeowner's lease agreement is assignable to a subsequent purchaser, without unreasonable or arbitrary conditions or restrictions by the planned retirement community owner or operator.

§ 383-10. Furnishing services.

- (A) Any planned retirement community owner or operator who has agreed to provide hot or cold water, heat, light, power, or any other service or facility to an occupant of the planned retirement community shall not intentionally or willfully fail to furnish such services or otherwise interfere with a quiet enjoyment on the leased premises.
- (B) Planned retirement community owners or operators must provide every homeowner or tenant by December 1st of each year the annual base residency charge for the coming year along with an itemized accounting of how those charges were calculated based on a stated overall cost for providing services and maintenance for the community in its entirety.

§383-12. Penalties and Remedies.

- (A) Any planned retirement community owner or operation who unlawfully violates a provision of this law shall be subject to [guilty of a misdemeanor punishable by] a fine not to exceed five hundred dollars (\$500) [and/or imprisonment not to exceed six (6) months] for each day a violation exists.
- (B) Any planned retirement community home owner or tenant injured or damaged in whole or in part as a result of a violation of any of the provisions of this section may bring an action for recovery of damages [in an amount not to exceed three times the actual damages or five hundred dollars, whichever is greater,] plus reasonable attorney's fees. The remedy shall be in addition to and shall not preclude or diminish any action that an individual may have under common law or any local, state or federal law or regulation.
- (C) The Suffolk County Attorney may commence an action to restrain, prevent, and/or enjoin a violation of this section or a continuance of such violation of this section or a continuance of such violation by a planned retirement community owner or operator.

Section 3. Applicability.

This law shall apply to all sales, leases, or other actions involving planned retirement communities occurring on or after the effective date of this law.

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

(CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

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

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



1222

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: March 12, 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 IMPROVE PROTECTIONS TO RESIDENTS OF PLANNED RETIREMENT COMMUNITIES

SPONSOR: LEGISLATOR ROMAINE

DATE OF RECEIPT BY COUNSEL: 3/12/09 PUBLIC HEARING: 4/28/09

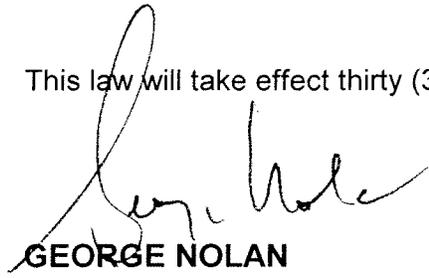
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed local law would amend Chapter 383 of the SUFFOLK COUNTY CODE to remove or amend provisions invalidated by the Appellate Division and provide additional safeguards for residents of planned retirement communities. The law provides for the following:

- an option for residents to cancel leases with the owner or operator of the community for reasonable cause with ninety (90) days notice;
- the retirement community's rules and regulations to be part of the lease with the consent of the community owner or operator, with such consent not to be unreasonably withheld;
- rules and regulations of the community cannot be changed by the owner or operator without the written consent of at least three-fourths of the residents;
- residents may sell their homes without unreasonable or arbitrary restrictions by the community owner or operator;
- any lease agreement entered into by the resident/homeowner is assignable to subsequent purchasers without unreasonable or arbitrary conditions from the community owner or operator; and
- community owners or operators must provide homeowners or tenants with the annual base residency charge with an itemized accounting of how the charges were calculated based on a stated overall cost for providing services and maintenance for the community as a whole.

Violators of this law shall be subject to a civil fine of five hundred dollars (\$500) per day for the length of the violation.

This law will take effect thirty (30) days after its filing in the Office of the Secretary of State.

A handwritten signature in black ink, appearing to read "George Nolan", written in a cursive style.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-protect residents planned retirement communities

RESOLUTION NO. -2009, DIRECTING THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES TO ESTABLISH AN ONLINE HEALTHCARE DIRECTIVES REGISTRY FOR SUFFOLK COUNTY RESIDENTS

WHEREAS, healthcare proxy statements, living wills, do not resuscitate orders, and medical orders for life sustaining treatment are all healthcare directives that, when prepared in advance, provide a voice to patients when they are no longer able to participate in making treatment decisions; and

WHEREAS, healthcare directives are documents containing critical information regarding what types of treatment a patient wants and who they want making treatment decisions on their behalf; and

WHEREAS, often, patients do not have copies of these documents with them when they are brought to a hospital for treatment, particularly for emergency treatment; and

WHEREAS, without having access to these documents, healthcare workers and the patient's loved ones may make treatment decisions that a patient would not have otherwise consented to; and

WHEREAS, maintaining a registry of these healthcare directives online would allow patients, their loved ones and healthcare professionals to have access to them at any time, which will ensure that patients are treated in a manner consistent with their wishes; and

WHEREAS, one successful program that has been utilized by multiple counties in New York to provide these services is "Assuring Your Wishes" (www.assuringyourwishes.org), 11 Stokum Lane, New City, County of Rockland, State of New York 10956; and

WHEREAS, Assuring Your Wishes, a not-for-profit organization, runs a healthcare directives online database that protects the privacy of individuals while allowing these documents to be readily available to healthcare professionals and loved ones; and

WHEREAS, other counties have found that utilizing the Assuring Your Wishes service is easier and more cost effective than developing and implementing an independent online registry; and

WHEREAS, Suffolk County seeks to join other state and local governments in providing this important service to its residents and it appears this goal can be achieved at a reasonable cost; now, therefore be it

1st RESOLVED, that the Commissioner of the Suffolk County Department of Health Services is hereby authorized, empowered and directed to establish an online healthcare directives registry for use by the residents and healthcare providers of Suffolk County; and be it further

2nd **RESOLVED**, that the Department of Health Services shall explore the feasibility of establishing this online healthcare directives registry through Assuring Your Wishes; and be it further

3rd **RESOLVED**, that the Suffolk County Department of Health Services is hereby authorized and empowered to collect advanced healthcare directives from residents of Suffolk County who would like to use the online storage service; and be it further

4th **RESOLVED**, that the Department of Health Services shall, within one hundred twenty (120) days after the effective date of this resolution, provide a written report to the County Legislature and the County Executive describing how they have implemented an online healthcare directives registry; and be it further

5th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to 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:

1224
Intro. Res. No. -2009
Introduced by Presiding Officer Lindsay

Laid on Table 3/24/09

**RESOLUTION NO. -2009, REQUIRING THE POSTING OF
ALL COUNTY LEGAL NOTICES ON-LINE**

WHEREAS, local laws, notices and certain other matters are required, under state and county law, to be published in the County's official newspapers; and

WHEREAS, the County of Suffolk expends hundreds of thousands of dollars each year for the publication of legal notices but reaches a very limited audience by doing so; and

WHEREAS, the Clerk of the County Legislature now posts all legislative legal notices on the Legislature's website; and

WHEREAS, posting notices on-line allows many more County residents to access the information contained in the legal notices; and

WHEREAS, Suffolk County should endeavor to post all of its legal notices on-line to better inform the public; such a policy could also serve as a useful demonstration project that would encourage the State Legislature to authorize counties to post legal notices on-line in lieu of costly publication; now, therefore be it

1st RESOLVED, that each department, office and agency of Suffolk County government is hereby directed to provide an electronic copy of all legal notices it publishes in the official county newspapers to the Clerk of the Suffolk County Legislature; and be it further

2nd RESOLVED, that the Clerk of the Legislature is hereby authorized, empowered and directed to post all legal notices it receives from County departments, offices and agencies on the website of the County Legislature; 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:

1225

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

Laid on Table 3/24/09

RESOLUTION NO. -2009, AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF BROOKHAVEN IN CONNECTION WITH THE MAINTENANCE OF A PARCEL LOCATED IN SWAN LAKE COUNTY PARK

WHEREAS, the Town of Brookhaven is acquiring a small parcel, Tax Map No. 0200-977.60-02.00-012.000, located immediately adjacent to Swan Lake County Park; and

WHEREAS, the Town of Brookhaven is scheduled to demolish and remove a structure located on this parcel; and

WHEREAS, both Brookhaven Town and the County of Suffolk wish to enter into an agreement whereby the County shall manage and maintain the Town-owned parcel; and

WHEREAS, such an agreement makes good sense from a management and fiscal perspective; now therefore be it

1st RESOLVED, that, pursuant to Article 5-G of NEW YORK STATE GENERAL MUNICIPAL LAW, the County Executive, or his designee is hereby authorized and empowered to execute an Intermunicipal Agreement with the Town of Brookhaven whereby the County of Suffolk shall manage and maintain the parcel described herein, located immediately adjacent to Swan Lake County Park; and be it further

2nd RESOLVED, that the Intermunicipal Agreement and all other contract documents shall be subject to the approval of the County Attorney.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-IMA Swan Lake Parcel Maintenance

1226

Intro. Res. No. -2009
Introduced by Legislator D'Amaro

Laid on Table 3/24/09

RESOLUTION NO. -2009, AMENDING RESOLUTION NO. 1220-2008, REDISTRIBUTING SURPLUS COUNTY COMPUTER SYSTEMS AND HARDWARE FROM THE HUNTINGTON FREEDOM CENTER TO THE TRI-COMMUNITY YOUTH AGENCY "CAST" PROGRAM

WHEREAS, Resolution No. 1220-2008 authorized the transfer of surplus computer equipment and hardware to the Huntington Freedom Center; and

WHEREAS, the Huntington Freedom Center has decided it does not want the equipment; and

WHEREAS, the Tri-Community Youth Agency "Cast" Program has requested that it receive the surplus computer equipment and hardware; now, therefore, be it

1st RESOLVED, that the 1st RESOLVED Clause of Resolution No. 1220-2008 is hereby amended to read as follows:

1st RESOLVED, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, to transfer the following surplus equipment to the following organization, for use within its facilities for nominal consideration:

TO:
Tri-Community Youth Agency
"Cast" Program
809 New York Avenue
Huntington, NY 11743

Contact Person: Debbie Rimier
(631) 673-3303

COMPUTER SERIAL NO:
HRJKR11
9H7KR11
7F7HR11

MONITOR:
Item #s 95, 96 & 97

SCANNER SERIAL NO:
2709J05369

LAPTOP SERIAL NO:
BTYRR11
BSYRR11

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:\reslr-amend 1220-2008

UPDATED VERSION AS OF 3/12/09

1227
Intro. Res. No. -2009
Introduced by Presiding Officer Lindsay

Laid on Table 3/24/09

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW NO.
-2009, A LOCAL LAW CLARIFYING MEMBERSHIP
REQUIREMENTS FOR THE CHILD PROTECTIVE ADVISORY
BOARD**

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 CLARIFYING MEMBERSHIP REQUIREMENTS FOR THE CHILD PROTECTIVE ADVISORY BOARD**" 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 CLARIFYING MEMBERSHIP REQUIREMENTS FOR
THE CHILD PROTECTIVE ADVISORY BOARD**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Child Protective Advisory Board ("the Board") was established by Resolution No. 131-1973 to advise and educate in the protection of children in Suffolk County. This board is made up of representatives from the County Legislature, the County Executive's office, the Department of Social Services, and nongovernmental members from the fields of: medicine, mental health, school nurses, hospital staff, elementary school teachers, probation officers, social workers, education, and the Suffolk County Concerned Citizens for Child Protection.

This Legislature also finds and determines that many of the appointed nongovernmental members of the Board are Executive Directors of the organizations they represent.

This Legislature further finds and determines that the nongovernmental members of the Board should be allowed to send a designee to Board meetings.

Therefore, the purpose of this law is to provide nongovernmental members of the Child Protective Advisory Board with the ability to designate a representative to attend meetings they can not attend.

Section 2. Amendments.

Section A10-2 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Article X, Department of Social Services

§A10-2. Child Protective Advisory Board

- D. Said nongovernmental members of the Advisory Board shall be appointed by the County Executive with the approval of the Legislature, to serve at the pleasure of the Legislature, with no compensation other than reimbursement for necessary expenses in connection with duties performed pursuant to this section. Nongovernmental members of the Advisory Board may designate one personal representative who may attend and participate in meetings of the Advisory Board in their stead. Said designation shall be made in writing and filed with the Chairperson of the Advisory Board.

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

This law shall take effect 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:

s:\laws\l-clarify-protective-advisory-board

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

1227



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: March 17, 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 CLARIFYING MEMBERSHIP REQUIREMENTS FOR THE
CHILD PROTECTIVE ADVISORY BOARD

SPONSOR: PRESIDING OFFICER LINDSAY

DATE OF RECEIPT BY COUNSEL: 3/17/09 PUBLIC HEARING: 4/28/09

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

This proposed local law would amend Section A10-2 of the SUFFOLK COUNTY CODE to allow each nongovernmental member of the Child Protective Advisory Board to designate one personal representative to attend and participate in Advisory Board meetings. The designation must be made in writing to the Chairperson of the Advisory Board.

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

A handwritten signature in black ink, appearing to read "George Nolan", written over the printed name and title.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-amend child protective advisory board

Introductory Resolution No. 1228-09

Laid on Table 3/24/09

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
SANTIAGO TAVERAS
0100-178.00-03.00-001.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 178.00, Block 03.00, Lot 001.000, and acquired by tax deed on July 9, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2008, in Liber 12557, at Page 861, and otherwise known as and by Town of Babylon, Filed Map 227 Sec 4 Blk 16 Lots 1-5 Inc; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 9, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2008 in Liber 12557 at Page 861.

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, SANTIAGO TAVERAS, has made application of said above described parcel and SANTIAGO TAVERAS, has paid the application fee and will be paying \$58,612.15 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through the date of deed transfer by redemption process, in addition to any and all other charges due the County of Suffolk to the date of the closing; and

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

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to SANTIAGO TAVERAS, 400 Oak Street, Copiague, New York 11726, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.1

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1228

March 5, 2009

Tax Map No.: 0100-178.00-03.00-001.000
Name of Last Legal Fee Owner: SANTIAGO TAVERAS

TREASURER'S COMPUTATION..... \$43,482.26

Taxes.....2008/2009.....\$15,129.89

Recording Fees collected for County Clerk.. N/A

License Fee N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... \$58,612.15

Monies to be Received.....\$58,612.15

RESOLUTION AMOUNT.....\$58,612.15

APPROVED:

PREPARED BY:

Cathy O'Neal

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

Karen A. Slater 3/9/09

Accounting
CO:sc

1228

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0100-178.00-03.00-001.000

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

Convey County owned parcel to prior owner

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

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

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

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

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

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

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2009

10. Typed Name & Title of Preparer

Cathy O'Neal

Signature of Preparer

Cathy O'Neal

Date

3/5/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

1228

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0100	178.00	03.00	001.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	7718.32
2006/07	17028.94
2007/08	14935.91

TOTAL: 39683.17

B. INTEREST DUE	1728.50
C. TOTAL	41411.67
D. 5% LINE C	2070.58
E. FEE	
F. MISC	
G. MISC	

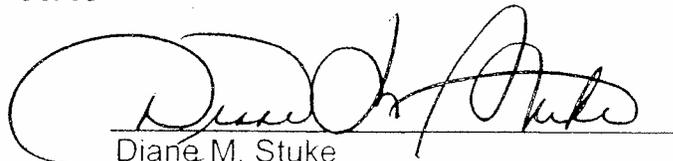
H. TOTAL DUE \$43,482.26

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.

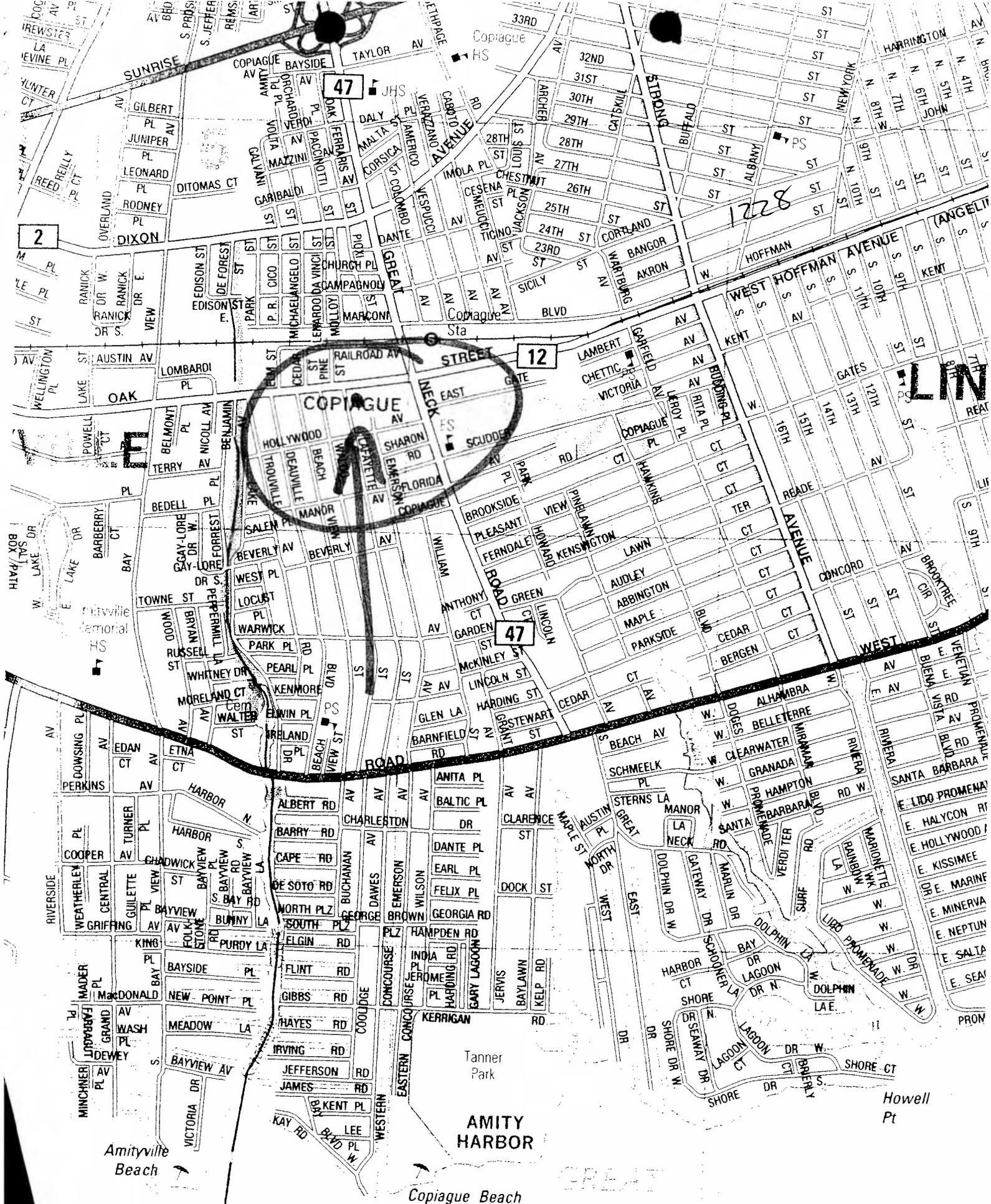
07-Oct-08



Diane M. Stuke
Deputy County Treasurer

*Added
due to
penalties
REV
3/19/09*

**Interest and penalty computed to
and including 04/05/09



47

2

12

47

1728

LINE

Amityville Beach

AMITY HARBOR

Copiague Beach

Howell Pt

H

73°24'00"

J

73°23'15"

K

Line Map 6

0100 178 03 001

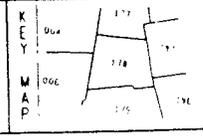
178



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



COUNTY OF SUFFOLK ©
 Real Property Tax Service Agency
 County Center Riverhead, N.Y. 11901
 SCALE IN FEET



TOWN OF **BABYLON**
 VILLAGE OF _____
 DISTRICT NO **0100**

SECTION NO
178
 PROPERTY MAP

Gen B1

COUNTY OF SUFFOLK



MAR 11 2009
1228

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

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

March 10, 2009

Re: Tax Map No. 0100-178.00-03.00-001.000
SANTIAGO TAVERAS

Dear Mr. Zwirn:

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

Local Law No. 16-1976, as amended – Authorizing the redemption of real property.

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

Very truly yours,

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

CEK:sc

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

Copy of Resolution to:
Ben Zwirn, Deputy County Executive (original plus 1 hard copy)
Jim Morgo, Chief Deputy County Executive (1 hard copy)
Brendan Chamberlain, Director, Intergovernmental Relations (2 hard copies)
Steve Forst, Budget Office (1 hard copy)
C.E. Reso. Review (electronic copy)

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

Intro. Res. # 1229-09

Laid on Table 3/24/09

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

RESOLUTION NO. _____ 2008
TO READJUST, COMPROMISE, AND GRANT
REFUNDS AND CHARGE-BACKS ON REAL
PROPERTY CORRECTION OF ERRORS BY:
COUNTY LEGISLATURE (CONTROL #796 -2008)

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

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

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

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

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

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

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

Key	Town	Year	Item No.	S.C. Tax Map No.	Original *-Tax	Corrected *-Tax	Chargeback Refund, if *-Tax Paid
A	BROOKHAVEN	07/08		0200-277-2-17.15	101375.01	98789.50	2585.51
C	BROOKHAVEN	07/08		0200-764-2-30	8063.46	501.20	7562.20
A	HUNTINGTON	07/08		0400-100-3-17	33440.66	19507.99	13932.67
C	RIVERHEAD	07/08		0600-97-1-1.3	15869.66	12909.12	2960.54
A	SMITHTOWN	06/07		0800-75-9-11.2	20356.78	17751.48	2605.30
A	SMITHTOWN	06/07		0800-166-6-3	15867.59	13519.00	2348.59

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

County Executive of Suffolk County Date of Approval:

**Additional back-up material regarding IR 1229 is on file in
the Legislative Clerk's Office, Hauppauge.**

Intro Res. No. 1230-09 Laid on Table 3/24/09
 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 #317

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>
ISLIP:				
0500-120.00-03.00-074.000	2008/09	\$23,363.84	0.00	\$23,363.84
0500-139.00-03.00-034.000	2008/09	\$54,100.02	0.00	\$54,100.02
0500-202.00-01.00-009.000	2008/09	\$ 6,516.00	0.00	\$ 6,516.00
0500-079.00-01.00-090.000	2008/09	\$ 6,836.82	0.00	\$ 6,836.82
0500-021.00-04.00-001.012	2008/09	\$ 2,764.02	0.00	\$ 2,764.02
0500-055.00-04.00-060.000	2008/09	\$ 3,364.32	0.00	\$ 3,364.32
0500-080.00-03.00-068.000	2008/09	\$ 5,104.44	0.00	\$ 5,104.44

Dated:

Approved By:

Suffolk County Executive

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1230

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

Angie M. Carpenter
County Treasurer

11. Signature of Preparer

Angie M. Carpenter

12. Date

3/10/09

**Additional back-up material regarding IR 1230 is on file in
the Legislative Clerk's Office, Hauppauge.**

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2009, CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 – SOUTHWEST (INFRASTRUCTURE IMPROVEMENTS) (CP 8170)

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York has established a County sewer district designated and known as Suffolk County Sewer District No. 3 – Southwest; and

WHEREAS, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to the proposed increase and improvement of the facilities of said sewer district; and

WHEREAS, it is now desired to call a public hearing thereon; pursuant to Section 254 of County Law; now, therefore be it

1st RESOLVED, by the County Legislature of the County of Suffolk, New York, as follows

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 12 day of May 2009, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in the following form, to wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Suffolk County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the Suffolk County Legislature in Hauppauge, New York, in said County, on May 12, 2009 at 2:30 PM, Prevailing Time, for the purpose of conducting a public hearing upon a proposal to plan the increase and improve the infrastructure facilities that are associated with electrical and mechanical systems and building renovations for Suffolk County Sewer District No. 3 – Southwest in and about the Towns of Islip and Babylon, in and for said County, substantially in accordance with certain maps, plans, report and recommendations prepared by and filed with the County legislature by the Suffolk County Sewer Agency with the assistance of the Suffolk County Department of Public Works, at which time and place said Suffolk County Legislature will consider such proposal and hear all parties interested therein concerning the same.

The project is to provide improvements to buildings, electrical systems, mechanical systems, HVAC and auxiliary equipment to extend the life to support treatment processes. The cost opinion associated with the project is \$2.0 million for the infrastructure improvement project. The project elements are more fully described and defined in the aforementioned maps, plans, report, and recommendations.

The existing district is billed on assessed value, a per parcel charge, and a user fee. It is proposed that the project will be implemented during 2010. Based on the project schedule, the maximum payment will be during 2011 at a value of \$187,800. Financing is at 5.5% over 20 years for serial bonds. This increased rate amounts to a value per typical property of approximately \$1.92 per year. This figure was developed using the full value of the Towns of Islip and Babylon along with the median full value of a typical property within the towns resulting in an increase of \$0.005091 per \$1,000 of full value for Capital Project 8170, the Infrastructure Improvement Project.

In addition to the Infrastructure Improvement Project there are three concurrent projects in Sewer District No. 3 - Southwest. The total increase per typical property for all four projects is approximately \$15.53.

A copy of the map, plan, and estimate of costs relating to said proposed increase and improvement of facilities is on file in the Office of the Clerk of said County Legislature where the same may be examined during regular business hours.

2nd **RESOLVED**, this Legislature, being the lead agency under the State Environmental Review Act ("SEQRA"), Environmental Conservation Law Article 8, and pursuant to Resolution No. 783-1999 hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York State Code of Rules and Regulations ("NYCRR"), the Legislature has no further responsibilities under SEQRA, and be it further

3rd **RESOLVED**, This resolution shall take effect immediately.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

<p>1. Type of Legislation Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u></p>											
<p>2. Title of Proposed Legislation A resolution calling for a public hearing for the purpose of considering the increase and improvement of facilities for the Sewer District No. 3 – Southwest (Infrastructure Improvements) (CP 8170).</p>											
<p>3. Purpose of Proposed Legislation To call a public hearing for improvements to SCSD No. 3 – Southwest (Infrastructure Improvements).</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </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 4 is "yes," Provide Detailed Explanation of Impact The \$2.0 million dollar project will be funded by the District residents and contractees using serial bonds.</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Serial Bonds \$2,000,000 (5.5%/20 yrs) = \$187,800 for the maximum year (2011).</p>											
<p>8. Proposed Source of Funding Serial Bonds</p>											
<p>9. Timing of Impact 2010-2029</p>											
<p>10. Typed Name & Title of Preparer Ben Wright, P.E. Chief Engineer, Sanitation</p>	<p>11. Signature of Preparer </p>	<p>12. Date 2/27/09</p>									

Carroll Chuseau 3/16/09
 Assistant Budget Director

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1231

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



1231

MAR 09 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: Tom LaGuardia, P.E., Chief Deputy Commissioner
Tom LaGuardia

SUBJECT: **Calling for a Public Hearing for the Purpose of Considering the Increase and Improvement of Facilities for Sewer District No. 3 – Southwest (Infrastructure Improvements) CP 8170**

DATE: February 27, 2009

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP 8170 – SD 3 – Southwest (Infrastructure Improvements) Hearing 2-27-09 and backup filed as Backup DPW-bw CP 8170 – SD 3 – Southwest (Infrastructure Improvements) Hearing 2-27-09. The resolution calls for a public hearing to provide funds for the improvement to various infrastructure elements of Bergen Point including buildings, electrical, HVAC, and mechanical systems. Due to multiple capital projects for this sewer district, individual project reports are prepared for the public hearings. Considering capital projects 8132, 8180, and 8181 along with 8170 the total adopted program cost for 2009 is \$16.2 million and results in an annual increase on the typical property of less than \$16 per year. We appreciate the draft resolution being laid on the table as soon as possible.

TL:BW:ni
Attachment

cc: Jim Morgo, Chief Deputy County Executive
 Gil Anderson, P.E., Commissioner
 ✓ Brendan Chamberlain, County Executive Assistant
 Carmine Chiusano, Assistant Budget Director
 Laura Conway, CPA, Chief Accountant
 Ben Wright, P.E., Chief Engineer, Sanitation
 CE Reso Review
 tl-bw2-27-09 Back-up DPW sd3 Southwest Infrastructure Improvements Hearing CP8170 memo to BZwirn

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1231

Sewer District No. 3 - Southwest C.P.. 8170 Infrastructure Improvements		Time																			
		2009				2010				2011											
Tasks		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
I. Final Design Phase																					
B. Final Design In-Progress																					
C. Final Design Complete																					
E. Financial Approval on Final Design																					
II. Construction Phase																					
A. Advertise & Construction Period																					

Figure 1

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2009, CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 – SOUTHWEST (ULTRAVIOLET DISINFECTION) (CP 8132)

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York has established a County sewer district designated and known as Suffolk County Sewer District No. 3 – Southwest; and

WHEREAS, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to the proposed construction of an ultraviolet disinfection system of said sewer district; and

WHEREAS, it is now desired to call a public hearing thereon; pursuant to Section 254 of County Law; now, therefore be it

1st RESOLVED, by the County Legislature of the County of Suffolk, New York, as follows

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 12 day of May 2009, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in the following form, to wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Suffolk County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on May 12, 2009 at 2:30 PM, Prevailing Time, for the purpose of conducting a public hearing upon a proposal to construct an ultraviolet disinfection system for Suffolk County Sewer District No. 3 – Southwest in and about the Towns of Islip and Babylon, in and for said County, substantially in accordance with certain maps, plans, report and recommendations prepared by and filed with the Suffolk County Legislature by the Suffolk County Sewer Agency with the assistance of the Suffolk County Department of Public Works, at

which time and place said Suffolk County Legislature will consider such proposal and hear all parties interested therein concerning the same.

The project is to provide construction of an ultraviolet disinfection system which includes a concrete chamber, ultraviolet equipment, electrical supply, a backup diesel generator, and miscellaneous auxiliary equipment. The cost opinion associated with the Ultraviolet Disinfection project is \$10.0 million. The project elements are more fully described and defined in the aforementioned maps, plans, report, and recommendations.

The existing district is billed on assessed value, a per parcel charge, and a user fee. It is proposed that the project will be implemented during 2010. Based on the project schedule, the maximum debt payment will be during 2011 at a value of \$939,000. Financing is at 5.5% over 20 years for serial bonds. This increased rate amounts to a value per typical property of approximately \$9.59 per year. This figure was developed using the full value of the Towns of Islip and Babylon along with the median full value of a typical property within the towns resulting in an increase of \$0.025455 per \$1,000 of full value for Capital Project 8132, the Ultraviolet Disinfection System.

In addition to the Ultraviolet Disinfection System project there are three concurrent projects in Sewer District No. 3 – Southwest. The total increase per typical property for all four projects is approximately \$15.53.

A copy of the map, plan, and estimate of costs relating to said proposed increase and improvement of facilities is on file in the Office of the Clerk of said County Legislature, where the same may be examined during regular business hours.

2nd **RESOLVED**, this Legislature, being the lead agency under the State Environmental Review Act ("SEQRA"), Environmental Conservation Law Article 8, and pursuant to Resolutions Nos. 266-2005 and 984-2008 hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York State Code of Rules and Regulations ("NYCRR"), the Legislature has no further responsibilities under SEQRA, and be it further

3rd **RESOLVED**, This resolution shall take effect immediately.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1232

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____											
2. Title of Proposed Legislation A resolution calling for a public hearing for the purpose of considering the increase and improvement of facilities for the Sewer District No. 3 – Southwest (Ultraviolet) (CP 8132).											
3. Purpose of Proposed Legislation To call a public hearing for improvements to SCSD No. 3 – Southwest (Ultraviolet Disinfection).											
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) <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; padding: 5px;">County</td> <td style="width: 33%; padding: 5px;">Town</td> <td style="width: 33%; padding: 5px;">Economic Impact</td> </tr> <tr> <td style="padding: 5px;">Village</td> <td style="padding: 5px;">School District</td> <td style="padding: 5px;">Other (Specify):</td> </tr> <tr> <td style="padding: 5px;">Library District</td> <td style="padding: 5px;">Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact The \$10.0 million dollar project will be funded by the District residents and contractees using serial bonds.											
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Serial Bonds \$ (5.5%/20 yrs) = \$939,000 for the maximum year (2011)											
8. Proposed Source of Funding Serial Bonds											
9. Timing of Impact 2010-2029											
10. Typed Name & Title of Preparer Ben Wright, P.E. Chief Engineer, Sanitation	11. Signature of Preparer 	12. Date 2/27/09									

Carmin Chuseno 3/16/09
Assistant Budget Director

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1232

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



1232

MAR 09 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: Tom LaGuardia, P.E., Chief Deputy Commissioner
SUBJECT: **Calling for a Public Hearing for the Purpose of Considering the Increase and Improvement of Facilities for Sewer District No. 3 – Southwest (Ultraviolet Disinfection) CP 8132**
DATE: February 27, 2009

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP 8132 – SD 3 – Southwest (Ultraviolet Disinfection) Hearing 2-27-09 and backup filed as Backup DPW-bw CP 8132 – SD 3 – Southwest (Ultraviolet Disinfection) Hearing 2-27-09. The resolution calls for a public hearing to provide funds for the construction of an ultraviolet disinfection system at the wastewater treatment facility. The system is required due to the NYSDEC permit and will result in a reduction in the operating budget over other potential alternatives. Due to multiple capital projects for this sewer district individual project reports are prepared for the public hearings. Considering capital projects 8170, 8180, and 8181 along with 8132 to total adopted program cost for 2009 is \$16.2 million and results in an annual increase in the typical property of less than \$16 per year. We appreciate the draft resolution being laid on the table as soon as possible.

TL:BW:ni
Attachment

cc: Jim Morgo, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Assistant Budget Director
Laura Conway, CPA, Chief Accountant
Ben Wright, P.E., Chief Engineer, Sanitation
CE Reso Review

tl-bw2-27-09 Back-up DPW sd3 Southwest UV Hearing CP8132 memo to BZwirn

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1232

Sewer District No. 3 - Southwest C.P.. 8132 Ultraviolet Disinfection		Time																			
		2009				2010				2011											
Tasks		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
I. Final Design Phase																					
B. Final Design In-Progress																					
C. Final Design Complete																					
E. Financial Approval on Final Design																					
II. Construction Phase																					
A. Advertise & Construction Period																					

Figure 1

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2009, CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 – SOUTHWEST (INFILTRATION/INFLOW STUDY/SEWER REHABILITATION) (CP 8181)

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York has established a County sewer district designated and known as Suffolk County Sewer District No. 3 – Southwest; and

WHEREAS, a map and plan, together with an estimate of cost, has been prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to the proposed construction of a Infiltration/Inflow/Study/Sewer Rehabilitation of said sewer district; and

WHEREAS, it is now desired to call a public hearing thereon; pursuant to Section 254 of County Law; now, therefore be it

1st RESOLVED, by the County Legislature of the County of Suffolk, New York, as follows

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on the 12 day of May 2009, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

Section 2. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of said public hearing to be published once in each of the official newspapers of said County, and such other newspaper as the Legislature may designate, if any, said publication to be made in each of such newspapers not less than ten, nor more than twenty days before the day set herein for said public hearing. Such notice shall be in the following form, to wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Suffolk County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the County Legislature in Hauppauge, New York, in said County, on May 12, 2009 at 2:30 PM, Prevailing Time, for the purpose of conducting a public hearing upon a proposal to perform tasks necessary to reduce infiltration and inflow of Suffolk County Sewer District No. 3 – Southwest in and about in the Towns of Babylon and Islip, in and for said County, substantially in accordance with certain maps, plans, report and recommendations prepared by and filed with the Suffolk County Legislature by the Suffolk County Sewer Agency with the assistance of the County Department of Public Works, at which time and place said Suffolk County Legislature will consider such proposal and hear all parties interested therein concerning the same.

The project is to provide construction and rehabilitation of sewers to remove and reduce extraneous flows from entering the sanitary system. The cost opinion associated with the Infiltration/Inflow Reduction Project is \$4.0 million. The project elements are more fully described and defined in the aforementioned maps, plans, report, and recommendations.

The existing district is billed on assessed value, a per parcel charge, and a user fee. It is proposed that the project will be implemented during 2010. Based on the project schedule, the maximum debt payment will be during 2011 at a value of \$375,600. Financing is at 5.5% over 20 years for serial bonds. This increased rate amounts to a value per typical property of approximately \$3.83 per year. This figure was developed using the full value of the Towns of Babylon and Islip along with the median full value of a typical property within the towns resulting in an increase of \$0.010182 per \$1,000 of full value for Capital Project 8181, the Infiltration/Inflow/Study/Sewer Rehabilitation.

In addition to the Infiltration/Inflow/Study/Sewer Rehabilitation there are three concurrent projects in Sewer District No. 3 – Southwest. The total increase per typical property for all four projects is approximately \$15.53 per year.

A copy of the map, plan, and estimate of costs relating to said proposed increase and improvement of facilities is on file in the Office of the Clerk of said County Legislature, where the same may be examined during regular business hours.

2nd RESOLVED, this Legislature, being the lead agency under the State Environmental Review Act (“SEQRA”), Environmental Conservation Law Article 8, and pursuant to Resolution No. 368-2006 hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York State Code of Rules and Regulations (“NYCRR”), the Legislature has no further responsibilities under SEQRA, and be it further

3rd RESOLVED, This resolution shall take effect immediately.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1233

<p>1. Type of Legislation</p> <p>Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____</p>											
<p>2. Title of Proposed Legislation</p> <p>A resolution calling for a public hearing for the purpose of considering the increase and improvement of facilities for the Sewer District No. 3 – Southwest (Infiltration/Inflow Reduction) (CP 8181).</p>											
<p>3. Purpose of Proposed Legislation</p> <p>To call a public hearing for improvements to SCSD No. 3 – Southwest (Infiltration/Inflow Reduction).</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____</p>											
<p>5. If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category)</p> <table style="width: 100%; border: none;"> <tr> <td style="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 4 is "yes," Provide Detailed Explanation of Impact</p> <p>The \$4.0 million dollar project will be funded by the District residents and contractees using serial bonds.</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p>Serial Bonds \$ (5.5%/20 yrs) = \$375,600 for the maximum year (2011)</p>											
<p>8. Proposed Source of Funding</p> <p>Serial Bonds</p>											
<p>9. Timing of Impact</p> <p>2011-2030</p>											
<p>10. Typed Name & Title of Preparer</p> <p>Ben Wright, P.E. Chief Engineer, Sanitation</p>	<p>11. Signature of Preparer</p> <p><i>Ben Wright</i></p>	<p>12. Date</p> <p>2/27/09</p>									

Carroll Chusman
Assistant Budget Director 3/16/09

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1233

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



MAR 09 2009

1233

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Tom LaGuardia, P.E., Chief Deputy Commissioner

SUBJECT: **Calling for a Public Hearing for the Purpose of Considering the Increase and Improvement of Facilities for Sewer District No. 3 – Southwest (Infiltration/Inflow Study/Sewer Rehabilitation) CP 8181**

DATE: February 27, 2009

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP 8181 – SD 3 – Southwest (Infiltration/Inflow Study/Sewer Rehabilitation) Hearing 2-27-09 and backup filed as Backup DPW-bw CP 8181 – SD 3 – Southwest (Infiltration/Inflow Study/Sewer Rehabilitation) Hearing 2-27-09. The resolution calls for a public hearing to provide funds for the construction and rehabilitation of sewers to remove and reduce extraneous flows from entering the sanitary system. Due to multiple capital projects for this sewer district, individual project reports are prepared for the public hearings. Considering capital projects 8132, 8170, and 8180, along with 8181 to total adopted program cost for 2009 is \$16.2 million and results in an annual increase in the typical property of less than \$16 per year. We appreciate the draft resolution being laid on the table as soon as possible.

TL:BW:ni
Attachment

- cc: Jim Morgo, Chief Deputy County Executive
- Gil Anderson, P.E., Commissioner
- ✓ Brendan Chamberlain, County Executive Assistant
- Carmine Chiusano, Assistant Budget Director
- Laura Conway, CPA, Chief Accountant
- Ben Wright, P.E., Chief Engineer, Sanitation
- CE Reso Review

tl-bw2-27-09 Back-up DPW sd3 Southwest I/I Hearing CP8181 memo to BZwirn

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1233

Sewer District No. 3 - Southwest C.P.. 8181 Infiltration/Inflow Reduction		Time																			
		2009				2010				2011											
Tasks		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Construction Phase																					
Advertise & Construction Period																					

Figure 1

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2009, ACCEPTING AND APPROPRIATING 100% GRANT FUNDING FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR THE SAFETY NET ASSISTANCE PROJECT (SNAP) AND AUTHORIZING THE COUNTY EXECUTIVE AND THE COMMISSIONER OF SOCIAL SERVICES TO EXECUTE A CONTRACT

WHEREAS, the New York State Office of Temporary and Disability Assistance has designated the Suffolk County Department of Social Services as the recipient of 100% State Funding in the amount of \$100,000 to implement a Safety Net Assistance Project (SNAP) to provide specialized services to Safety Net Non Maintenance of Effort recipients; and

WHEREAS, the purpose of the grant is to provide funds for case management services targeting Safety Net Non MOE recipients with substance abuse or concurrent disabilities in early recovery who have been absent from the work force for a period of time; and

WHEREAS, the New York State Office of Temporary Disability Assistance has approved the grant proposal developed in collaboration with the Education and Assistance Corporation (EAC) as the provider of the SNAP project; and

WHEREAS, EAC will perform intake assessments to fully determine employability and make referrals for physical, mental health, and substance abuse services; and

WHEREAS, work ready individuals will be provided with employment leads and will receive job mentoring services while employed; and

WHEREAS, it is in the best interest of Suffolk County to accept these funds; now, therefore be it

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

<u>REVENUES:</u>		
001-3610	STATE AID: Administration	<u>\$100,000</u>

and be it further

2nd RESOLVED, that total funds in the amount of \$100,000 be and are hereby appropriated as follows:

<u>ORGANIZATIONS:</u>	<u>\$100,000</u>
-----------------------	------------------

Department of Social Services
Housing, Adult and Employment Services
001-DSS -6008

<u>4000 – Contractual Expenses</u>	<u>\$100,000</u>
4980 – JDQ1 - Education and Assistance Corporation (EAC), SNAP Project	\$100,000

and be it further

3rd RESOLVED, that the deadline for expending funds is June 30, 2009: and be it further

4th RESOLVED, the availability of unspent funds after June 30, 2009 is contingent upon reappropriation in the State Fiscal Year 2009-2010 State Budget: and be it further

5th RESOLVED, that the County Executive and the Commissioner of Social Services be and they are hereby are authorized to execute a contract with the Education and Assistance Corporation, Inc. for the Safety Net Assistance Project (SNAP).

DATED: _____

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

1234

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 100% GRANT FUNDING FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR THE SAFETY NET ASSISTANCE PROJECT (SNAP) AND AUTHORIZING THE COUNTY EXECUTIVE AND THE COMMISSIONER OF SOCIAL SERVICES TO EXECUTE A CONTRACT."		
3. Purpose of Proposed Legislation		
The purpose of the legislation is to provide funds for case management services targeting Safety Net Non MOE recipients with substance abuse or concurrent disabilities in early recovery who have been absent from the work force for a period of time. It will also enable them to obtain and retain employment. Services will be provided by the Education and Assistance Corporation.		
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.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political of other Subdivision.		
100% funded.		
8. Proposed Source of Funding.		
State Aid		
9. Timing of Impact.		
Immediate		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Patricia A. Clark, Director of Management and Research	<i>Patricia A. Clark</i>	3/3/09

SNAP FORM 175b (10/95)
Theresa Lollo
 Principal Financial Analyst

Theresa Lollo 3/13/09

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1234

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



1234

MAR 08 2009

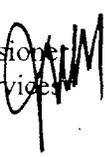
STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF SOCIAL SERVICES

Janet DeMarzo
Commissioner

Memorandum

To: Ben Zwirn, Deputy County Executive
Brendan Chamberlain, County Executive Assistant

From: Janet DeMarzo, Commissioner
Department of Social Services 

Date: March 3, 2009

Subject: **REQUEST FOR LEGISLATIVE RESOLUTION:**
Accepting 100% funding from the NYS OTDA for the Safety Net Assistance Project (SNAP)

I am requesting that the attached legislative resolution be submitted to the Suffolk County Legislature:

“ACCEPTING AND APPROPRIATING 100% GRANT FUNDING FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR THE SAFETY NET ASSISTANCE PROJECT (SNAP) AND AUTHORIZING THE COUNTY EXECUTIVE AND THE COMMISSIONER OF SOCIAL SERVICES TO EXECUTE A CONTRACT.”

The New York State Office of Temporary and Disability Assistance awarded Suffolk County Department of Social Services \$100,000 in State Funding for the Education and Assistance Corporation (EAC) to provide specialized services to Safety Net Non Maintenance of Effort recipients. The purpose of this funding is to provide case management services targeting Safety Net Non MOE recipients with substance abuse or concurrent disabilities in early recovery, who have been absent from the work force. We anticipate that the program will start in May 2009.

Attached please find the above referenced resolution, the introduction form (SCIN Form 175a), the fiscal impact statement (SCIN Form 175b), and the grant approval letter from NYS. If you have any questions, please contact Patricia Clark at 854-9939.

Thank you.

Enc.

Cc: Jim Morgo, Chief Deputy County Executive
ec: CE Reso. Review Distribution List



1234

David A. Paterson
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001
(518) 474-4152
(518) 486-6255 - Fax

David A. Hansell
Commissioner

February 12, 2009

Ms. Janet DeMarzo
Commissioner
Suffolk County Department of Social Services
3085 Veterans Memorial Highway
Ronkonkoma, NY 11779

Dear Commissioner DeMarzo:

Thank you for submitting your proposal to participate in the Safety Net Assistance Project (SNAP). I appreciate the time and effort that you and your staff spent in completing your submission. I am pleased to inform you that your proposal has been approved in the amount of \$100,000 for the calendar year 2009.

Thirty-six proposals representing forty local districts totaling over \$1.6 million were submitted in competition for \$765,000 in available funds. You are to be commended for being one of the seventeen counties that were selected in a very competitive process. The large number of proposals is indicative of the interest in working with the exempt and work-limited Safety Net population.

As you prepare to implement your program please make sure that the enclosed requirements and claiming instructions are met.

Please contact Susanne Haag at (518) 486-6291 if you have any questions on SNAP or reporting through TRACS2. We look forward to working with you as you implement your program and greatly appreciate your efforts to provide specialized services for these needy adults.

Sincerely,

David A. Hansell
Commissioner

Enclosures

cc: Susanne Haag
Kimberly Staab
Thomas Grecco

"providing temporary assistance for permanent change"

1235-09
Intro. Res. No. Laid on the Table 3/24/09
Introduced by the Presiding Officer at the Request of the County Executive

**RESOLUTION NO. -2009, AMENDING THE 2009
OPERATING BUDGET AND APPROPRIATING FUNDS IN
CONNECTION WITH BONDING A SETTLEMENT FOR A
MEDICAL MALPRACTICE CASE**

WHEREAS, a Medical Malpractice Liability case was approved for settlement by the Ways and Means Committee for a total amount of \$425,000; and

WHEREAS, the settlement is a mandated expense that must be paid by the County; and

WHEREAS, sufficient funds for Medical Malpractice Liability settlements are not available in the 2009 Operating Budget; and

WHEREAS, the County Legislature, by Resolution of even date herewith, has authorized the issuance of \$425,000 in Suffolk County Serial Bonds to cover the cost of said settlements; now, therefore be it

RESOLVED, that this settlement in the amount of \$425,000 be bonded and paid under the authority of the Office of Risk Management, County Department of Civil Services, in conjunction with the County Department of Audit and Control and the County Executive's Budget Office; and be it further

RESOLVED, that the proceeds of Four Hundred Twenty Five Thousand (\$425,000) Dollars in Suffolk County Serial Bonds be and are hereby appropriated as follows:

REVENUES:

038-2780 Proceeds: Debt \$425,000

APPROPRIATIONS:

Miscellaneous
Medical Malpractice Insurance
038-MSC-9090
Mandated
4880 – Settlements \$425,000

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

Suffolk County
Project Name
 General Obligation Serial Bonds
 Level Debt

1235

Term of Bonds: 5
 Amount to Bond: \$425,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$77,686.45	\$19,125.00	\$96,811.45	\$96,811.45
			\$7,814.55	\$7,814.55	
5/1/2011	4.500%	\$81,182.34	\$7,814.55	\$88,996.89	\$96,811.45
			\$5,987.95	\$5,987.95	
5/1/2012	4.500%	\$84,835.54	\$5,987.95	\$90,823.49	\$96,811.45
			\$4,079.15	\$4,079.15	
5/1/2013	4.500%	\$88,653.14	\$4,079.15	\$92,732.29	\$96,811.45
			\$2,084.46	\$2,084.46	
5/1/2014	4.500%	\$92,642.53	\$2,084.46	\$94,726.99	\$96,811.45
		\$425,000.00	\$59,057.23	\$484,057.23	\$484,057.23

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1235

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$96,812	\$0.18		\$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	\$96,812	\$0.18		\$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

1235

DEPARTMENT OF CIVIL SERVICE/HUMAN RESOURCES
DIVISION OF EMPLOYEE SERVICES

ALAN SCHNEIDER
PERSONNEL DIRECTOR

TO: Ben Zwirn
Deputy County Executive

FROM: Leslie E. Baffa
Risk Management Coordinator

DATE: March 10, 2009

RE: Bond Resolution

Enclosed you will find a draft of a resolution for bonding \$425,000 for the settlement of a Medical Malpractice Liability case. The Ways & Means Committee approved this settlement on February 25, 2009. Payment must be made within 90 days of receipt closing papers.

Should you require any additional information, please do not hesitate to contact me.

Cc: Alan Schneider, Personnel Director
Lynne Bizzarro, Chief Deputy County Attorney
Christina Capobianco, Chief Deputy Comptroller
Carmine Chiusano, Assistant Budget Director

1236

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

Laid on the Table 3/24/09

RESOLUTION NO. 2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO CR 80, MONTAUK HIGHWAY, BETWEEN NYS 112 AND CR 101, SILLS ROAD, TOWN OF BROOKHAVEN (CP 5534)

WHEREAS, the Commissioner of Public Works has requested funds for construction inspection services in connection with improvements to CR 80, Montauk Highway between NYS 112 and CR 101, Sills Rd; 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 \$150,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 666 of 2002 classified the action contemplated by this as an Unlisted Action; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of forty-five (45) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

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

4th 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

	Total Est'd Cost	Current 2009 Capital Budget & Program	Revised 2009 Capital Budget & Program
2. Land Acquisition	\$1,300,000	\$ 250,000B	\$ 100,000B
		<u>\$1,000,000F</u>	<u>\$1,000,000F</u>
TOTAL	\$3,550,000	\$1,250,000	\$1,100,000

Project No.: 5534
 Project Title: Improvements to CR 80, Montauk Highway, From NYS Route 112 and CR 101, Sills Road

	<u>Total Est'd Cost</u>	<u>Current 2009 Capital Budget & Program</u>	<u>Revised 2009 Capital Budget & Program</u>
3. Construction	\$6,875,000	\$0	\$150,000
TOTAL	\$9,555,000	\$0	\$150,000

and be it further

5th RESOLVED, that the proceeds of \$150,000 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-5534.310 (Fund 001 Debt Service)	50	Improvements to CR 80, Montauk Highway, From NYS Route 112 and CR 101, Sills Road	\$150,000

Date:

APPROVED BY:

 County Executive of Suffolk County

Date of Approval:

**FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1236

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$14,225	\$0.03		\$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	\$14,225	\$0.03		\$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

1236

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

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$7,074.32	\$7,150.00	\$14,224.32	\$14,224.32
			\$3,406.40	\$3,406.40	
5/1/2011	4.500%	\$7,411.53	\$3,406.40	\$10,817.92	\$14,224.32
			\$3,229.75	\$3,229.75	
5/1/2012	4.500%	\$7,764.81	\$3,229.75	\$10,994.56	\$14,224.32
			\$3,044.69	\$3,044.69	
5/1/2013	4.500%	\$8,134.93	\$3,044.69	\$11,179.62	\$14,224.32
			\$2,850.81	\$2,850.81	
5/1/2014	4.500%	\$8,522.70	\$2,850.81	\$11,373.51	\$14,224.32
			\$2,647.69	\$2,647.69	
5/1/2015	4.500%	\$8,928.95	\$2,647.69	\$11,576.63	\$14,224.32
			\$2,434.88	\$2,434.88	
5/1/2016	4.500%	\$9,354.56	\$2,434.88	\$11,789.44	\$14,224.32
			\$2,211.93	\$2,211.93	
5/1/2017	5.000%	\$9,800.46	\$2,211.93	\$12,012.39	\$14,224.32
			\$1,978.35	\$1,978.35	
5/1/2018	5.000%	\$10,267.61	\$1,978.35	\$12,245.97	\$14,224.32
			\$1,733.64	\$1,733.64	
5/1/2019	5.000%	\$10,757.04	\$1,733.64	\$12,490.68	\$14,224.32
			\$1,477.26	\$1,477.26	
5/1/2020	5.000%	\$11,269.79	\$1,477.26	\$12,747.05	\$14,224.32
			\$1,208.67	\$1,208.67	
5/1/2021	5.000%	\$11,806.98	\$1,208.67	\$13,015.65	\$14,224.32
			\$927.27	\$927.27	
5/1/2022	5.000%	\$12,369.78	\$927.27	\$13,297.05	\$14,224.32
			\$632.45	\$632.45	
5/1/2023	5.000%	\$12,959.41	\$632.45	\$13,591.86	\$14,224.32
			\$323.59	\$323.59	
5/1/2024	5.000%	\$13,577.14	\$323.59	\$13,900.73	\$14,224.32
		\$150,000.00	\$63,364.76	\$213,364.76	\$213,364.76



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1236

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

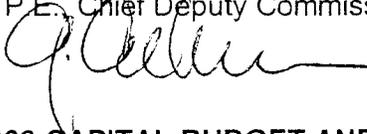
THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

DATE: February 3, 2009 

RE: **AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO CR 80, MONTAUK HIGHWAY, BETWEEN NYS 112 AND CR 101, SILLS ROAD, TOWN OF BROOKHAVEN (CP 5534)**

Attached are a draft resolution and duplicate copy to appropriate the sum of \$150,000 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 consists of widening key intersections and resurfacing CR 80, Montauk Highway. The project extends from NYS Rt. 112 to CR 101, Patchogue/Yaphank Rd./Sills Rd.. (a distance of 1.1 miles). The key objective of the project is to improve traffic flow and safety on CR 80, Montauk Highway. Proposed construction will accommodate current traffic volumes, as well as those projected to exist twenty years after completion of construction, while minimizing impacts to the commercial properties located within the project limits. Additional project goals are to upgrade existing pavement and drainage systems, and to increase safety through the addition of turn lanes, off street parking, the modification of traffic control devices and installation of appropriate safety appurtenances and improve the visual aesthetics of the roadway.

Pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA"), Resolution No. 666 of 2002 classified the action contemplated by this as an Unlisted Action.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**RESOLUTION NO. - 2009, AMENDING THE 2009
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH THE REHABILITATION OF THE
SUFFOLK COUNTY FIRE - RESCUE COMMUNICATIONS
CENTER (CP 3416)**

WHEREAS, the Commissioner of Fire, Rescue, and Emergency Services has requested funds for the rehabilitation of the existing Suffolk County Fire-Rescue Communications Center located in the lower level of the addition to County Building C0110 on the Yaphank County Complex in Yaphank; 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 as revised by Resolution No. 461-2006 has established a priority ranking system as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$3,995,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this constitutes a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(1)(2) and (25) since it involves rehabilitation of an existing structure with no substantial changes as well as the purchase of equipment; and adoption of a local legislative decision in connection with the same; and as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further.

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

3rd RESOLVED, that the County Department of Public Works and the County Department of Fire, Rescue and Emergency Services are hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Sections C8-2 (X) and C11-3 (15) and (16) respectively of the Suffolk County Charter to complete this project; and be it further

4th RESOLVED, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 3416

Project Title: Fire Rescue CAD/Fire-Rescue Communications Center Rehabilitation

	Total Est'd Cost	Current 2009 Capital Budget & Program	Revised 2009 Capital Budget & Program
1. Planning, Design & Supervision	\$266,975	\$ 0	\$ 26,600
3. Construction	\$266,000	\$266,000	\$266,000

5. Furniture and Equipment	\$6,685,625	\$3,729,000	\$3,702,400
TOTAL	<u>\$7,218,600</u>	<u>\$3,995,000</u>	<u>\$3,995,000</u>

and be it further

5th RESOLVED, that the proceeds of \$3,995,000 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- 3416.111 (Fund 001 Debt Service)	20	Fire-Rescue Communications Center Rehabilitation - Planning	\$26,600
525-CAP-3416.311 (Fund 001 Debt Service)	20	Fire-Rescue Communications Center Rehabilitation - Construction	\$266,000
525-CAP-3416.512 (Fund 001 Debt Service)	20	Fire-Rescue Communications Center Rehabilitation - Furniture and Equipment	\$3,702,400

Date:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1237

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$378,841	\$0.71		\$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	\$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	\$378,841	\$0.71		\$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

1237

Term of Bonds: 15
 Amount to Bond: \$3,995,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
5/1/2009					
11/1/2009					
5/1/2010	4.500%	\$188,412.65	\$190,428.33	\$378,840.99	\$378,840.99
			\$90,723.67	\$90,723.67	
5/1/2011	4.500%	\$197,393.66	\$90,723.67	\$288,117.32	\$378,840.99
			\$86,019.12	\$86,019.12	
5/1/2012	4.500%	\$206,802.75	\$86,019.12	\$292,821.87	\$378,840.99
			\$81,090.32	\$81,090.32	
5/1/2013	4.500%	\$216,660.35	\$81,090.32	\$297,750.67	\$378,840.99
			\$75,926.58	\$75,926.58	
5/1/2014	4.500%	\$226,987.83	\$75,926.58	\$302,914.41	\$378,840.99
			\$70,516.70	\$70,516.70	
5/1/2015	4.500%	\$237,807.58	\$70,516.70	\$308,324.28	\$378,840.99
			\$64,848.96	\$64,848.96	
	4.500%	\$249,143.08	\$64,848.96	\$313,992.03	\$378,840.99
			\$58,911.05	\$58,911.05	
5/1/2017	5.000%	\$261,018.90	\$58,911.05	\$319,929.94	\$378,840.99
			\$52,690.09	\$52,690.09	
5/1/2018	5.000%	\$273,460.80	\$52,690.09	\$326,150.89	\$378,840.99
			\$46,172.61	\$46,172.61	
5/1/2019	5.000%	\$286,495.76	\$46,172.61	\$332,668.37	\$378,840.99
			\$39,344.46	\$39,344.46	
	5.000%	\$300,152.06	\$39,344.46	\$339,496.52	\$378,840.99
			\$32,190.84	\$32,190.84	
5/1/2021	5.000%	\$314,459.31	\$32,190.84	\$346,650.15	\$378,840.99
			\$24,696.23	\$24,696.23	
5/1/2022	5.000%	\$329,448.53	\$24,696.23	\$354,144.76	\$378,840.99
			\$16,844.37	\$16,844.37	
5/1/2023	5.000%	\$345,152.25	\$16,844.37	\$361,996.62	\$378,840.99
			\$8,618.24	\$8,618.24	
	5.000%	\$361,604.50	\$8,618.24	\$370,222.75	\$378,840.99
		\$3,995,000.00	\$1,687,614.79	\$5,682,614.79	\$5,682,614.79

COUNTY OF SUFFOLK



1237

FEB 25 2009

JOSEPH F. WILLIAMS
COMMISSIONER

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

WARREN HORST
CHIEF FIRE MARSHAL

JOHN M. SEARING
DEPUTY COMMISSIONER

EDWARD C. SCHNEYER
DIRECTOR OF EMERGENCY PREPAREDNESS

DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES

TO: Ben Zwirn, Deputy County Executive (2 copies)
Intergovernmental Relations

FROM: Joseph F. Williams, Commissioner

DATE: February 23, 2009

SUBJECT: Request for Introductory Resolution - Capital Program 3416
Rehabilitation of the Fire-Rescue Communications Center

Attached for your review is a draft resolution appropriating the sum of \$3,995,000.00 for the planning, re-construction and rehabilitative equipping of the Suffolk County Fire-Rescue Communications Center in its existing location on the lower level of the FRES administrative wing of the Probation Building (C0110) on the Yaphank County Complex. It is my understanding that this action is considered a Type II action under SEQRA as no substantive changes are being made to the structure or the environment.

As you may be aware, the existing fire-rescue communications center radio control equipment runs on a MS-DOS operating system, has surpassed its useful life expectancy and is no longer supported by Motorola. Furthermore, it cannot be expanded to accommodate migration to additional frequency spectrum (UHF and 746 to 806 MHz) thereby preventing the department from meeting the communication needs of the fire and emergency medical service providers. Additionally, the fourteen plus year old dispatch console furniture itself is suffering from the wear and tear of a 24 X 7 operation. Repair now is problematic and, as the consoles continue to deteriorate, repair will virtually be impossible. Similarly, as communications equipment needs have grown over the years, a need for additional conditioned, uninterruptible power has risen proportionately as well, particularly since the CAD system was brought on line in 2005. The power demand is expected to further expand to accommodate the expansion to the UHF frequency spectrum that is an immediate need and the 746 to 806 MHz spectrum for the future transition of the fire service onto the county 800 MHz trucked radio system. The increased heat load resulting from new radio and computer equipment will also drive a need to supplement or expand the HVAC capabilities of both the communications center and its equipment room.

An e-mail copy of the resolution has been sent to CE Reso Review under the title of "Reso-CP-3416 Fire Rescue Comm Center Refurbishing.

If you have any questions, please contact Warren Horst of my office at 24855.

JFW:WH
Enclosures
cc: Jim Morgo, Chief Deputy County Executive

1237

FRES COMMUNICATIONS CENTER REHABILITATIONS and IMPROVEMENTS
Capital Project 3416-2008 – Phase II

The year 2007 marked the last year in the expected useful life of much of the radio control equipment and console furniture in the Suffolk County Fire-Rescue Communications Center which, for the most part, is legacy equipment; both console room and equipment room wise. The following are some of the direct and indirect tasks that must be undertaken to accomplish the project.

PLANNING

- Planning and design of construction elements of project 30,000

CONSTRUCTION

- Replace floor tiles in console room 50,000
- Replace one (1) rooftop HVAC unit with end-user ability to close off outside air intake. 25,000
- Replace three (3) Mitsubishi ductless HVAC units 25,000
- Upgrade or replace self contained Liebert HVAC unit in equipment room 20,000
- Increase AC power in equipment room 48,000
- Increase UPS circuits in equipment and console room and evaluate impact on existing UPS to carry additional load. Upgrade or replacement may be necessary. 48,000
- Install a FM200 or comparable fixed extinguishing system in the console and equipment rooms 50,000
- Sub-total 266,000

FURNITURE and EQUIPMENT

- Replace the console furniture at nineteen (19) positions. 95,000
- Replace the Motorola radio control computers at eleven (11) positions 11,000
- Replace the Motorola DOS-based radio control software system wide 200,000
- Replace the Motorola Central Electronics Banks supporting the eleven (11) work positions and increase their capacity to include ten (10) pair of UHF frequencies and an additional thirty-two (32) 800 MHz talk groups 550,000
- Add six (6) additional frequencies in the 746 to 806 MHz spectrum for transition of the fire service onto the Suffolk County 800 MHz trunked radio system with transmit capability at all primary transmitter systems (Huntington, Hauppauge, Bay Shore, Selden, Yaphank, Riverhead and Hampton Park). 2,700,000
- Install and make operational UHF transmitters at primary transmitter sites. 20,000
- Increase the capacity of the microwave system providing connectivity to primary transmitter sites. 75,000
- (2009) Replace computer aided dispatch (CAD) system computers (26) and servers (5) 78,000
- Sub-total 3,729,000

TOTAL \$4,025,000

Intro. Res. No. 1238-2009

Laid on Table 3/24/2009

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2009, APPROVING THE
APPOINTMENT OF MARIO MATTERA AS A MEMBER OF THE
SUFFOLK COUNTY PLUMBING LICENSING BOARD**

WHEREAS, the term of office of Donald W. Scott, expired on December 31, 2007; now, therefore be it

1st RESOLVED, that the appointment of Mario Mattera of St. James, New York 11780 as a member of the Suffolk County Plumbing Licensing Board, for a term of office expiring December 31, 2010, is hereby approved; said appointment having been made by the County Executive pursuant to the provisions of Suffolk County Code Chapter 275 Section 275-6.A.(2).

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1238

Mario Mattera

Experience

2003-Present Plumber's Local #200 Ronkonkoma, NY

Business Agent for Suffolk County

- Trustee for all Local #200 funds
 - Pensions, Welfare, Annuities
 - Management of \$120,000,000 +
- Manage 1100 + members, 80 + signatory contractors & over 100 GC's
 - Dispatch members to projects/contractors on a daily basis
- Apprenticeship Committee

1999-2003 Plumber's Local #200 Ronkonkoma, NY

Executive Board Officer

1996-1998 Plumber's Local #200 Mineola, NY

Examining Board Officer

1994-1996 Plumber's Local #200 Mineola, NY

Sentry Officer

1994-2003 State of New York/Plumber's Local #200.

Plumbing General Foreman/Supervisor

- Estimating major projects within Stony Brook Hospital
- Supervised up to 20 people
- All plumbing relating to projects
 - Medical Gases
 - Heating Systems
 - Plumbing
 - Sprinklers/Fire Systems

1986-1993 Plumber's Local #200 Mineola, NY

Plumber Foreman

1981-1985 Plumber's Local #200 Mineola, NY

Plumber Apprentice

Education

1981-1985 NYS Apprenticeship Training Program, Bohemia, NY

- Certificate of Completion of NYS Apprenticeship Program

1977-1981 Smithtown High School, Smithtown, NY

- High School Diploma

1238

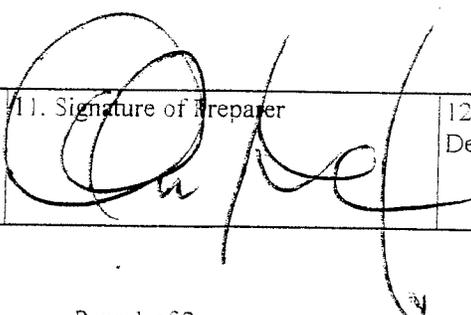
PLUMBING LICENSING BOARD

- Established: October 26, 1971
- Legal Authority: Local Law No. 17-1971 (Resolution No. 1026-1971)
Resolution No. 362-1972 (Governing Rules)
Local Law No. 18-1982 (Resolution No. 786-1982)
Local Law No. 24-1982 (Resolution No. 953-1982)
- Membership: Seven (7) member occupational licensing board composed of individuals having a personal knowledge and interest in the occupation to be licensed, such as representatives of labor, management, trade or professional associations and appropriate representatives of government. Commissioner of Labor shall serve as a non-voting ex-officio member of each board. Appointments shall be made by the County Executive with the approval of the Legislature.
- Purpose: To determine the fitness of applicants for each particular license and investigate and report on all proposed suspensions or revocations of licenses as hereinafter provided.
- Compensation: Each member of an occupational licensing board should be compensated not less than \$75.00 for each official meeting attended but not more than \$1,050.00 in any calendar year.

Current to be done per C. 1972

1238

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation APPROVING THE APPOINTMENT OF MARIO MATTERA AS A MEMBER OF THE SUFFOLK COUNTY PLUMBING LICENSING BOARD.		
3. Purpose of Resolution: Same as above		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify): Community College
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact NO IMPACT		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A.		
8. Proposed Source of Funding N/A		
9. Timing of Impact UPON APPROVAL		
10. Typed Name & Title of Preparer Allen M. Kovesdy Director of Management and Research	11. Signature of Preparer 	12. Date December 1, 2008

SIN FORM 175b (10/95)

1239
Intro. Res. No. -2009
Introduced by Legislator Cooper

Laid on Table 3/24/09

**RESOLUTION NO. -2009, AUTHORIZING THE
VANDERBILT MUSEUM TO OBTAIN CELL TOWER REVENUE**

WHEREAS, the Suffolk County Legislature provided \$800,000 in the Suffolk County 2009 Operating Budget to support the Vanderbilt Museum's operations this year; and

WHEREAS, the Museum's Board of Trustees has been charged with developing a business plan with the goal of restoring the Museum's fiscal stability so that no General Fund transfer will be necessary in 2010; and

WHEREAS, in order to generate additional revenues, the Museum's Board of Trustees is exploring the feasibility of contracting for the installation/operation of a cell tower on the Museum property; and

WHEREAS, pursuant to Section 184-2 of the SUFFOLK COUNTY CODE, the County Legislature has full power and control over the Vanderbilt Museum's property and maintenance fund, while the Board of Trustees have control over the development, maintenance and operation of the museum and the conduct of its programs and activities; and

WHEREAS, this Legislature wishes to facilitate the Museum's efforts to increase revenues; now, therefore be it

1st RESOLVED, that the Board of Trustees of the Suffolk County Vanderbilt Museum are hereby authorized and empowered to contract for wireless transmission services through an appropriate structure on the Museum's property; and be it further

2nd RESOLVED, that the County's Division of Telecommunications shall assist the Museum in identifying a wireless transmission vendor; and be it further

3rd RESOLVED, that all income derived from such contract, license and/or lease shall be maintained by the Board of Trustees to fund the Museum's operations; and be it further

4th RESOLVED, any such contract, license or lease for wireless transmission service shall be subject to approval by the Suffolk County Legislature; and be it further

5th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to 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\cell tower Vanderbilt Museum

1240

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

Laid on Table 3/24/09

RESOLUTION NO. -2009, AUTHORIZING USE OF SMITH POINT COUNTY PARK PROPERTY BY THE MONTAUK HIGHWAY MERCHANTS' ASSOCIATION AND THE CHAMBER OF COMMERCE OF THE MASTICS AND SHIRLEY, FOR A SUMMER YOUTH PROGRAM

WHEREAS, the Montauk Highway Merchants' Association and the Chamber of Commerce of the Mastics and Shirley would like to host a Summer Youth Program at the campground site located just west of Smith Point Park; and

WHEREAS, the Summer Youth Program would be held on every Wednesday, Thursday, Friday and Saturday nights from July 8, 2009 through August 29, 2009 from 6 p.m. to 10 p.m.; and

WHEREAS, a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured has been provided by the Chamber of Commerce of the Mastics and Shirley; and

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

1st RESOLVED, that the use of County-owned property, more particularly described as the 3-4 acre campground site located just west at Smith Point Park, for every Wednesday, Thursday, Friday, and Saturday evening in July and August, 2009, beginning on July 8, 2009 and ending on August 29, 2009, from 6 p.m. to 10 p.m. each day, is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured by the County of Suffolk from the Chamber of Commerce of the Mastics and Shirley and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel, and Civil Service; and be it further

2nd RESOLVED, that before this event shall be permitted to occur, the Montauk Highway Merchants' Association and the Chamber of Commerce of the Mastics and Shirley 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

3rd 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 Summer Youth Program by the Montauk Highway Merchants' Association and the Chamber of Commerce of the Mastics and Shirley at Smith Point County Park in Shirley/Mastic Beach; and be it further

4th **RESOLVED**, that the Montauk Highway Merchants' Association and the Chamber of Commerce of the Mastics and Shirley shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink 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

5th **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\2009-summer-youth-program

RESOLUTION NO. -2009, AMENDING THE 2009 OPERATING BUDGET, TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND, AND APPROPRIATING FUNDS FOR THE SUFFOLK COUNTY SEWER ASSESSMENT STUDY (CP 8185)

WHEREAS, the Resolution 1277-2007 created the Suffolk County Sewer District Assessment RFP Committee; and

WHEREAS, the RFP Committee is finalizing the RFP for an independent study of Suffolk County Sewer Districts and other facilities in the County with respect to current and future demand coupled with cost-benefit analysis and other tasks linked to environmental improvement, economic revitalization and affordable housing.

WHEREAS, consultant assistance is required, in connection with the proposed study; and

WHEREAS, there are sufficient funds in the 2009 Capital Budget and Program for assistance in funding the Suffolk County Sewer Assessment Study; and

WHEREAS, the Administrative Head of the Sewer Districts and Chairman of the Suffolk County Sewer Assessment RFP Committee has requested that planning funds be appropriated to cover costs associated with the project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, established the use of a priority ranking system, implemented in the Adopted 2009 Capital Budget, as the basis for funding Capital Projects such as this project; and

WHEREAS, it is proposed that \$1,200,000 of the Assessment Stabilization Reserve Fund be appropriated for the purpose of implementing the planning phase of the project; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of seventy three (73), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 461-2006; and be it further

2nd RESOLVED, that the Assessment Stabilization Reserve Fund shall provide the sum of \$1,200,000 for the purpose of implementing the planning and environmental phase of the project; and be it further

3rd RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to amend the 2009 Adopted Operating Budget, transfer funds and accept proceeds as follows:

<u>Interfunds</u>	<u>Amount</u>
404-IFT-E528-Transfer to Fund 528	\$1,200,000
<u>Revenues</u>	
528-IFT-R404-Transfer from Fund 404	\$1,200,000

and be it further

4th RESOLVED, that the funds in the amount of \$1,200,000 from the Assessment Stabilization Reserve Fund be and they hereby are appropriated as follows:

<u>PROJECT NO.</u>	<u>PROJECT TITLE</u>	<u>AMOUNT</u>
528-CAP-8185.110	Suffolk County Sewer Assessment Study	\$1,200,000

and be it further

5th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, to the Capital Sewer fund required to finance this Capital Project; and be it further

6th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a type II action, the Legislature has no further responsibilities under SEQRA.

7th RESOLVED, that the Administrative Head of the Sewer District be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the funding of the Suffolk County Sewer Assessment Study once, per Resolution 1277-2007, the Legislature concurs with the recommendation of the RFP Committee's selection of a consultant.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1241

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



1241

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Tom LaGuardia, P.E., Chief Deputy Commissioner

SUBJECT: **A Draft Resolution Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and Appropriating Funds for the Suffolk County Sewer Assessment Study (CP 8185)**

DATE: February 2, 2009

Attached is a resolution with appropriate forms and backup for funding to complete the Suffolk County Sewer Assessment Study filed as Reso DPW ASRF SC Sewer Assessment Study CP 8185 2-2-09 and Backup DPW ASRF SC Sewer Assessment Study CP 8185 2-2-09. Consultant assistance is related to preparation of all aspects of the study. The funds are identified in the Adopted 2009 Capital Budget and Program as the Assessment Stabilization Reserve Fund and we have prepared the draft resolution with that source of funding as indicated in Resolution 1277-07. We would request that this resolution be laid on the table at your convenience.

TL:BW:ni

Encl.

cc: Jim Morgo, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
✓ Brendan Chamberlain, County Executive Assistant
Laura Conway, CPA, Chief Accountant
Carmine Chiusano, Assistant Budget Director
Ben Wright, P.E., Chief Engineer, Sanitation
CE Reso Review

tl-bw2-2-09 Backup DPW ASRF sewer assessment study CP 8185 memo to BZwirn

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Intro Res. No. 1242-09

Laid on Table 3/24/09

Introduced by the Presiding Officer at Request of the County Executive

RESOLUTION NO. -2009, AUTHORIZING THE FILING OF A GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2008 SECTION 5309 BUS AND BUS-RELATED FACILITIES FOR SUFFOLK COUNTY TRANSIT

WHEREAS, the Administrator of the Federal Transit Administration (FTA) has been delegated authority to award financial capital assistance for mass transportation projects; and

WHEREAS, in Federal Fiscal Year 2008 Suffolk County was allocated \$245,000 in capital assistance funds for Bus and Bus Facilities under Section 5309 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

WHEREAS, the County of Suffolk is a Designated Recipient of Federal formula funds for mass transportation capital projects as defined by 49 U.S.C. Section 5307(a)(2); and

WHEREAS, the grant contracts for Federal and State financial assistance will impose certain obligations upon the County, and will require the County to commit resources necessary to cover the entire grant with the understanding that reimbursement at the ratio of 80% Federal funds and 20% non-federal funds will be made and that the State share will be used to fund up to 50% of the non-federal share of federally funded projects, but not to exceed 10% of federally funded projects costs and that the County will provide the remaining 10% local share of project costs; and

WHEREAS, the County will provide all annual certifications and assurances required for the project to the Federal Transit Administration; and

WHEREAS, it is required by the U.S. Department of Transportation, in accord with the provision of Title VI of the Civil Rights Act of 1964, as amended, that the County give an assurance that it will comply with the Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements there under; now, therefore, be it

1st RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file an application for Federal assistance on behalf of the County of Suffolk with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration; and be it further

2nd RESOLVED, that the County proposes to utilize allocated Federal Fiscal Year 2008 funds to aid in the financing of capital mass transportation projects pursuant to Section 5309 of the Federal Transit Act, a Program of Projects and Budget being described as follows:

<u>Related Capital Program Number</u>	<u>Program of Projects</u>	<u>Estimated Total Cost</u>
5658	Purchase Replacement Paratransit Vans (including related equipment)	\$306,250

Total Estimated Cost of the Program of Projects	\$306,250
Estimated Federal Share: 80%	\$245,000
Estimated State Share: 10%	\$30,625
Estimated County Share: 10%	\$30,625

and be it further

3rd RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and Budget; and be it further

4th RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute grant agreements on behalf of the County of Suffolk with the U.S. Department of Transportation and the New York State Department of Transportation for aid in the financing of the capital assistance Program of Projects and Budget herein described; and be it further

5th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive materials, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

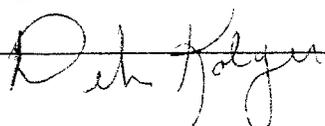
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1242

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, AUTHORIZING THE FILING OF A GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2008 SECTION 5309 BUS AND BUS-RELATED FACILITIES FOR SUFFOLK COUNTY TRANSIT		
3. Purpose of Proposed Legislation Enables the County to apply for a grant for federal funds for the purchase of replacement vans for Suffolk County Transit's paratransit service .		
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 the appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the Answer to Item 5 is "yes", Provide Detailed Explanation of Impact. County will contribute 10% share of cost of the projects.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision \$306,250		
8. Proposed Source of Funding Federal: \$245,000; State: \$30,625; County: \$30,625		
9. Timing of Impact CFY 2010		
10. Typed Name and Title of Preparer	11. Signature of Preparer	12. Date
Robert W. Shinnick, Director Transportation Operations		3/4/09
Debra Kolyer Prin. Financial Analyst Budget Office		3/16/09

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1242

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.

MAR 09 2009

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1242

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E, Chief Deputy Commissioner
Department of Public Works

DATE: March 4, 2009

RE: CP 5658– Public Transit Vehicles
Proposed resolution authorizing the filing of an application for Federal Fiscal Year 2008 Section 5309 "Bus and Bus-Related Facilities" funds for Suffolk County Transit

In Federal Fiscal Year 2008 Suffolk County was allocated \$245,000 in capital assistance funds for Bus and Bus Facilities under FTA Section 5309. Suffolk County Transit replaces the vans used in its fleet for its paratransit service (SCAT) on a regular basis. This project proposes to utilize these federal funds to offset the cost of purchasing vans eligible for replacement under federal guidelines. This grant, along with the associated state grant will provide 90% of the funds necessary to complete this project.

The total cost of all projects in the application translates to \$306,250 with the federal, state and county shares being 80%, 10% and 10%, respectively, of the total project costs

The SCIN Form 175a and Statement of Financial Impact Form are attached.

This proposed resolution, with backup, will be forwarded electronically titled: "RESO-DPW-Applic for FFY 2008 FTA Section 5309 Grant"

Please initiate the process to have this resolution introduced at the meeting of the Suffolk County Legislature on March 24, 2009. If you have any questions, please do not hesitate to contact Robert W. Shinnick, Director of Transportation Operations, at 24880, or Chuck Nauss, Principal Transportation Planner at 24869.

TL:RWS:cfn

Enclosures

cc: Jim Morgo, Chief Deputy County Executive, w/enc.
Brendan Chamberlain, County Executive Assistant, w/enc.
Kathy LaGuardia, DPW Finance, w/enc.
Linda Brandolf, DPW Capital Accounting, w/enc.
Carmine Chiusano, Budget Office, Budget Office, w/enc.
Don Fahey, Federal & State Aid Office, w/enc
CE Reso Review List, e-mail

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Intro Res. No. 1243-09

Laid on Table 3/24/09

Introduced by the Presiding Officer at Request of the County Executive

RESOLUTION NO. -2009, AUTHORIZING THE FILING OF A GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2008 SECTION 5307 FORMULA FUNDS FOR MASS TRANSPORTATION PROJECTS FOR SUFFOLK COUNTY TRANSIT

WHEREAS, the Administrator of the Federal Transit Administration (FTA) has been delegated authority to award financial capital assistance for mass transportation projects; and

WHEREAS, in Federal Fiscal Year 2008 Suffolk County was allocated \$6,643,214 in capital assistance funds under Section 5307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

WHEREAS, the County of Suffolk is a Designated Recipient of Federal formula funds for mass transportation capital projects as defined by 49 U.S.C. Section 5307(a)(2); and

WHEREAS, the grant contracts for Federal and State financial assistance will impose certain obligations upon the County, and will require the County to commit resources necessary to cover the entire grant with the understanding that reimbursement at the ratio of 80% Federal funds and 20% non-federal funds will be made and that the State share will be used to fund up to 50% of the non-federal share of federally funded projects, but not to exceed 10% of federally funded projects costs and that the County will provide the remaining 10% local share of project costs; and

WHEREAS, the County will provide all annual certifications and assurances required for the project to the Federal Transit Administration; and

WHEREAS, it is required by the U.S. Department of Transportation, in accord with the provision of Title VI of the Civil Rights Act of 1964, as amended, that the County give an assurance that it will comply with the Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements there under; now, therefore, be it

1st RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file an application for Federal assistance on behalf of the County of Suffolk with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration; and be it further

2nd RESOLVED, that the County proposes to utilize allocated Federal Fiscal Year 2008 funds to aid in the financing of capital mass transportation projects pursuant to Section 5307 of the Federal Transit Act, a Program of Projects and Budget being described as follows:

<u>Related Capital Program Number</u>	<u>Program of Projects</u>	<u>Estimated Total Cost</u>
5658	Purchase Replacement Paratransit Vans (including related equipment)	\$700,000

5648	Acquire Vehicle Locator System	\$6,000,000
--	Contingencies	\$154,018
--	Project Administration	\$300,000
--	Preventive Maintenance	\$900,000
--	Complementary Service ADA	\$250,000
	Total Estimated Cost of the Program of Projects	\$8,304,018
	Estimated Federal Share: 80%	\$6,643,214
	Estimated State Share: 10%	\$830,402
	Estimated County Share: 10%	\$830,402

and be it further

3rd RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and Budget; and be it further

4th RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute grant agreements on behalf of the County of Suffolk with the U.S. Department of Transportation and the New York State Department of Transportation for aid in the financing of the capital assistance Program of Projects and Budget herein described; and be it further

5th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive materials, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

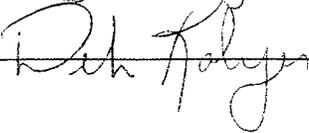
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1243

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, AUTHORIZING THE FILING OF A GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2008 SECTION 5307 FORMULA FUNDS FOR MASS TRANSPORTATION PROJECTS FOR SUFFOLK COUNTY TRANSIT		
3. Purpose of Proposed Legislation		
Permits the County to apply for a grant for federal funds for various mass transportation projects.		
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 the appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the Answer to Item 5 is "yes", Provide Detailed Explanation of Impact.		
County will contribute 10% share of cost of the projects.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision		
\$830,402		
8. Proposed Source of Funding		
Federal: \$6,643,214; State: \$830,402; County: \$830,402		
9. Timing of Impact		
CFY 2010		
10. Typed Name and Title of Preparer	11. Signature of Preparer	12. Date
Robert W. Shinnick, Director Transportation Operations		3/4/09
Debra Kolyer PRIN. FINANCIAL ANALYST Budget Office		3/16/09

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1243

GENERAL FUND

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

POLICE DISTRICT AND DISTRICT COURT

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

COMBINED

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

NOTES:

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

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E, Chief Deputy Commissioner
Department of Public Works 

DATE: March 4, 2009

RE: CP 5648– Equipment for Public Transit Vehicles
Proposed resolution authorizing the filing of an application for Federal Fiscal
Year 2008 Section 5307 formula funds for various mass transportation projects
for Suffolk County Transit

Suffolk County was allocated \$6,643,214 in federal Section 5307 formula funds for mass transportation capital assistance in FFY 2008. The proposed resolution will permit the County to apply for a grant for these federal funds for various mass transportation projects, mainly to complete the purchase and installation of the Automated Vehicle Locator (AVL) system for Suffolk County Transit.

The total cost of all projects in the application translates to \$8,304,018 with the federal, state and county shares being 80%, 10% and 10%, respectively, of the total project costs

The SCIN Forms 175a and Statement of Financial Impact Form are attached.

This proposed resolution, with backup, will be forwarded electronically titled: "RESO-DPW-Applic for FFY 2008 FTA Section 5307 Grant"

Please initiate the process to have this resolution introduced at the meeting of the Suffolk County Legislature on March 24, 2009. If you have any questions, please do not hesitate to contact Robert W. Shinnick, Director of Transportation Operations, at 24880, or Chuck Nauss, Principal Transportation Planner at 24869.

TL:RWS:cfm

Enclosures

cc: Jim Morgo, Chief Deputy County Executive, w/enc.
Brendan Chamberlain, County Executive Assistant, w/enc.
Kathy LaGuardia, DPW Finance, w/enc.
Linda Brandolf, DPW Capital Accounting, w/enc.
Carmine Chiusano, Budget Office, Budget Office, w/enc.
Don Fahey, Federal & State Aid Office, w/enc
CE Reso Review List, e-mail

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Introduced by the Presiding Officer at Request of the County Executive

RESOLUTION NO. -2009, AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL AMERICAN RECOVERY & REINVESTMENT ACT (ARRA) FUNDS FOR THE PURCHASE OF UP TO FORTY-TWO ADDITIONAL TRANSIT BUSES INCLUDING RELATED EQUIPMENT FOR REPLACEMENT FOR SUFFOLK COUNTY TRANSIT

WHEREAS, Resolution Nos. 480-2007 and 957-2008 authorized the purchase of up to 55 buses for Suffolk County Transit supported by Federal Transit Administration (FTA) Grant Nos. NY-03-0448, NY-90-X558 and NY-90-X602; and

WHEREAS, it is anticipated that Suffolk County will be allocated up to \$13.3 million under the American Recovery & Reinvestment Act (ARRA); and

WHEREAS, the anticipated allocation of ARRA funds will enable the County to purchase up to 42 additional transit buses including related equipment off the original bid and which further enables the County to continue to replace its transit buses in accordance with Federal guidelines governing transit bus replacement; and

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for mass transportation projects; and

WHEREAS, the County of Suffolk is a Designated Recipient of Federal formula funds for mass transportation capital projects as defined by 49 U.S.C. Section 5307(a)(2); and

WHEREAS, the grant contracts for Federal financial assistance will impose certain obligations upon the County, and will require the County to commit resources necessary to cover the costs of the entire grant with the understanding that the Federal reimbursement will be 100%; and

WHEREAS, there is therefore no cost to the County for this project; and

WHEREAS, the County will provide all annual certifications and assurances required for the project to the Federal Transit Administration; and

WHEREAS, it is required by the U.S. Department of Transportation, in accord with the provision of Title VI of the Civil Rights Act of 1964, as amended, that the County give an assurance that it will comply with the Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements there under; now, therefore, be it

1st RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file an application for Federal assistance on behalf of the County of Suffolk with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration; and be it further

2nd RESOLVED, that the County proposes to utilize the allocated ARRA funds to aid in the financing of capital mass transportation projects pursuant to Section 5307 of the Federal Transit Act, a Program of Projects and Budget being described as follows:

<u>Related Capital Program Number</u>	<u>Program of Projects</u>	<u>Estimated Total Cost</u>
5658	Purchase of up to 42 35-ft Transit Buses for Replacement (Including related equipment)	\$13,300,000
	Total Estimated Cost of the Program of Projects	\$13,300,000
	Estimated Federal Share: 100%	\$13,300,000

and be it further

3rd RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964; and to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and Budget; and be it further

4th RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute grant agreements on behalf of the County of Suffolk with the U.S. Department of Transportation for aid in the financing of the capital assistance Program of Projects and Budget herein described; and be it further

5th RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive materials, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

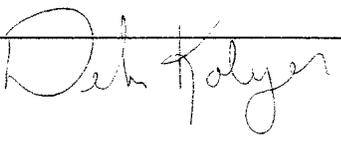
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1244

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 authorizing the filing of an application for Federal American Recovery & Reinvestment Act (ARRA) funds for the purchase of up to forty-two additional transit buses including related equipment for replacement for Suffolk County Transit		
3. Purpose of Proposed Legislation		
Enables the County to apply for federal funds to purchase up to 42 additional transit buses including related equipment off the original bid and which further enables the County to continue to replace its transit buses in accordance with Federal guidelines governing transit bus replacement.		
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 the appropriate category)		
County	Town	Economic Impact
Village	School District	Other (specify):
Library District	Fire District	
6. If the Answer to Item 5 is "yes", Provide Detailed Explanation of Impact.		
(
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision		
\$13,300,000 (Estimated)		
8. Proposed Source of Funding		
Federal: \$13,300,000; State: \$0; County: \$0		
9. Timing of Impact CFY 2010		
10. Typed Name and Title of Preparer	11. Signature of Preparer	12. Date
Robert W. Shinnick, Director Transportation Operations		2/26/09
Debra Kolyer Prim. Fin. Analyst Budget Office		3/16/09

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1244

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

1244

MAR 09 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
Department of Public Works

DATE: February 26, 2009

RE: CP 5658- Public Transit Vehicles
Proposed resolution authorizing the filing of an application for Federal American Recovery & Reinvestment Act (ARRA) funds for the purchase of up to forty-two additional transit buses including related equipment for replacement for Suffolk County Transit

It is anticipated that Suffolk County will be allocated up to \$13.3M under the American Recovery & Reinvestment Act (ARRA).

The anticipated allocation of ARRA funds will enable the County to purchase up to 42 additional transit buses including related equipment off the original bid and which further enables the County to continue to replace its transit buses in accordance with Federal guidelines governing transit bus replacement.

The SCIN Forms 175a and Statement of Financial Impact Form are attached.

This proposed resolution, with backup, will be forwarded electronically titled: "RESO-DPW-Applic for FTA ARRA Grant"

Please initiate the process to have this resolution introduced at the meeting of the Suffolk County Legislature on March 25, 2009. If you have any questions, please do not hesitate to contact Robert W. Shinnick, Director of Transportation Operations, at 24880, or Chuck Nauss, Principal Transportation Planner at 24869.

TL:RWS:cfn

Enclosures

cc: Jim Morgo, Chief Deputy County Executive, w/enc.
Brendan Chamberlain, County Executive Assistant, w/enc.
Kathy LaGuardia, DPW Finance, w/enc.
Linda Brandolf, DPW Capital Accounting, w/enc.
Carmine Chiusano, Budget Office, Budget Office, w/enc.
Don Fahey, Federal & State Aid Office, w/enc
CE Reso Review List, e-mail

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1245

Intro Res. No. -2009

Laid on Table 3/24/09

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO - 2009, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE COUNTY AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR FEDERAL AND STATE AID FUNDING FOR THE CONTINUATION OF THE HOV BUS SERVICE ON THE LONG ISLAND EXPRESSWAY FOR 2009

WHEREAS, the New York State Department of Transportation has requested an extension of the bus service which operates in the High Occupancy Lane of the Long Island Expressway for the period January 1, 2009 through December 31, 2009; and

WHEREAS, Federal and State funding has been made available to cover the deficit related to the operation of this service; and

WHEREAS, the Federal funds are in the amount of \$572,000 and the State funds are in the amount of \$143,000 for a total of \$715,000; and

WHEREAS, sufficient funds as well as the revenue estimates have been included in the 2009 Operating Budget for these services; and

WHEREAS, no County match is required; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (c) (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive materials, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that the Designee of the County Executive of Suffolk County is hereby authorized to execute an agreement with the New York State Department of Transportation to accept these funds.

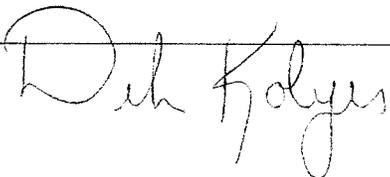
DATED:

APPROVED BY:

County Executive of Suffolk County
Date of Approval

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1245

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/>		
2. Title of Proposed Legislation		
AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE COUNTY AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR FEDERAL AND STATE AID FUNDING FOR THE CONTINUATION OF THE HOV BUS SERVICE ON THE LONG ISLAND EXPRESSWAY FOR 2009		
3. Purpose of Proposed Legislation		
Enables the County to receive the federal & state aid to cover the deficit related to the operation of this service		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
5. If the Answer to Item 4 is "yes", on what will it impact? (Circle the 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		
Federal Funds - \$572,000 and State Funds - \$143,000 = \$715,000 (Deficit)		
9. Timing of Impact		
N/A		
10. Typed Name and Title of Preparer	11. Signature of Preparer	12. Date
Robert W. Shinnick, Director Transportation Operations		2/25/09
Debra Kolyer PRIN. FINANCIAL ANALYST Budget Office		3/16/09

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1245

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.

1245

COUNTY OF SUFFOLK



MAR 09 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
Department of Public Works

DATE: February 25, 2009

RE: PROPOSED RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
BETWEEN THE COUNTY AND THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION FOR FEDERAL AND STATE AID FUNDING FOR THE CONTINUATION
OF THE HOV BUS SERVICE ON THE LONG ISLAND EXPRESSWAY FOR 2009

New York State Department of Transportation has requested an extension of the bus service which operates in the High Occupancy Lane of the Long Island Expressway. Additional federal and state funds have been made available to the County to fund the deficit related to the operation of this service for the period January 1, 2009 through December 31, 2009. There is no required match on the part of the County.

Sufficient funds as well as the revenue estimates have been included in the 2009 operating budget for this service.

The SCIN Forms 175a and Statement of Financial Impact Form are attached as well as copies of correspondence from NYSDOT related to this project..

This proposed resolution, with backup, will be forwarded electronically titled: "Reso-DPW-Cont. HOV Bus SVC. LIE for 2009

Please initiate the process to have this resolution introduced at the next Suffolk County Legislature meeting. If you have any questions, please do not hesitate to contact Robert W. Shinnick, Director of Transportation Operations, at 24880.

TL:RWS:cfn
Enclosures

cc: Jim Morgo, Chief Deputy County Executive, w/enc.
Brendan Chamberlain, County Executive Assistant
Laura Conway, DPW Finance, w/enc.
Jim Burt, Budget Office, w/enc.
Don Fahey, Federal & State Aid Office, w/enc
CE Reso Review List, e-mail

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

1245
TRANSPORTATION DIVISION
09 FEB 13 PM 1:48

ASTRID C. GLYNN
COMMISSIONER

DAVID A. PATERSON
GOVERNOR

February 9, 2009

Mr. Robert W. Shinnick
Director of Transportation Operations
Suffolk County Department of Public Works
Transportation Division
335 Yaphank Avenue
Yaphank, NY 11980-9744

RE: State Contract C005011, PIN 0806.59.129

Dear Mr. Shinnick:

Enclosed please find an unsigned copy of the Supplemental Agreement No. 6 for PIN # 0806.59.129. Kindly have this Supplemental Agreement executed and return to me with the following:

- 5 full sets of the Supplemental Agreement signed and notarized
- 5 original copies of a Certified Resolution passed

These documents are necessary in order to assure the processing of your agreement in a timely manner.

If you have any questions, please call me at (631) 952-6026.

Thank you,

A handwritten signature in cursive script that reads "Dennis Baydar".

Dennis Baydar
Planning and Program Management Group
New York State Department of Transportation
250 Veterans Memorial Highway, Room 4A3
Hauppauge, New York 11788

1245

Municipality/Sponsor: **Suffolk County**
PIN: 0806.59 BIN: **N/A**
Comptroller's Contract No. **C005011**
Supplemental Agreement No.6
Date Prepared: 2/9/09 By: DB
Initials

Press F1 for instructions in the blank fields:

SUPPLEMENTAL AGREEMENT No. 6 to C005011 (Comptroller's Contract No.)

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and

Suffolk County (the Municipality/Sponsor)
Acting by and through the **Chief Deputy County Executive**
with its office at **335 Yaphank Ave, Yaphank, NY 11980.**

This amends the existing Agreement between the parties in the following respects only (check applicable categories):

Amends a previously adopted Schedule A by (check as applicable):

- amending a project description
- amending the contract end date
- amending the scheduled funding by:
 - adding additional funding (check and enter the # phase(s) as applicable):
 - adding phase which covers eligible costs incurred on/after / /
 - adding phase which covers eligible costs incurred on/after / /
 - increasing funding for a project phase(s)
 - adding a pin extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing funding for a project phase(s)
 - other ()

Amends a previously adopted Schedule "B" (Phases, Sub-phase/Tasks, and Allocation of Responsibility)

Amends the text of the Agreement as follows (insert text below):

SCHEDULE B-6: WORK PROGRAM AND BUDGET
SUFFOLK COUNTY INNOVATIVE TRANSIT

Contract and Program Term: January 1, 2009 to December 31, 2009

WORK PROGRAM TASK	METHOD & BASIS FOR COMPENSATION	UPSET AMOUNT ⁽¹⁾
Task 1: Operation of Buses Operate Express Bus Service along the Long Island Expressway (I-495) from Central Suffolk County to the Hauppauge Industrial Park & NY 110 Corridor	Payment of supplemental funding will be based on the estimated unfunded deficit (NET) amount. Cost reimbursement in this agreement will be based upon the contract cost of operations, estimated at \$740,000 for the period of this agreement, less the fare revenue which is estimated to be \$25,000 for the period of this agreement. Therefore, the NET amount is estimated to be \$715,000 for the period of this agreement, (\$572,000 federal STP funds, and \$143,000 state SDF Funds.)	
TOTAL:		\$715,000

1245

1246

Intro. Res. No. -2009
Introduced by Legislator Vilorio-Fisher

Laid on Table 3/24/2009

RESOLUTION NO. -2009, REQUESTING LEGISLATIVE APPROVAL OF A CONTRACT AWARD FOR PROVISION OF CONSULTING SERVICES TO THE SUFFOLK COUNTY LEGISLATURE FOR THE DEPARTMENT OF HEALTH SERVICES, IN REGARD TO RECOMMENDATIONS MADE BY THE PUBLIC HEALTH NURSING TASK FORCE (RFP No. 08/80007)

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

WHEREAS, the Suffolk County Legislature requested an RFP to provide "Consulting Services for the Department of Health Services in regards to recommendations made by the Public Health Nursing Task Force; and

WHEREAS, the Purchasing Division of the Department of Public Works advertised for these services; and

WHEREAS, an independent evaluation committee reviewed the sole proposal received, from the Center for Governmental Research (CGR), and found their quality of work and experience satisfactory, and its cost proposal submission within the industry standards, and have recommended that the County Legislature enter into a contractual agreement with the Center for Governmental Research; and

WHEREAS, there are sufficient funds in the 2009 Suffolk County Operating Budget to cover the cost of this contract; now, therefore be it

1st RESOLVED, that upon receiving a two-thirds vote of the County Legislature as required by Local Law No. 3-1996 that the Suffolk County Legislature will enter into a contractual agreement with the Center for Governmental Research; and be it further

2nd RESOLVED, that the County Legislature be and hereby is authorized to execute a contract with the Center for Governmental Research.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

T: BRO PHN RFP RES

1247
Intro. Res. No. -2009
Introduced by Presiding Officer Lindsay

Laid on Table 3/24/09

**RESOLUTION NO. -2009, TO AMEND RULE 4 OF THE
2009 RULES OF THE LEGISLATURE**

WHEREAS, this Legislature has adopted a policy to suspend the printing and mailing of district-wide newsletters from July 1, 2009 through December 31, 2010; and

WHEREAS, the 2009 Rules of the Legislature must be amended to reflect this new policy; now, therefore be it

RESOLVED, that subsections (1) and (2) of Rule 4(D) of the 2009 Rules of the Suffolk County Legislature are hereby repealed.

DATED:

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

s:\res\r-rule-change-newsletters

1248

Intro. Res. No -2009
Introduced by Legislator Barraga

Laid on Table 3/24/09

**RESOLUTION NO. -2009, AUTHORIZING THE
RECONVEYANCE OF COUNTY-OWNED REAL ESTATE
PURSUANT TO SECTION 215, NEW YORK STATE COUNTY
LAW TO GOTFRIDS LIEPINS**

WHEREAS, the County of Suffolk is the fee owner of the following described parcel:

ALL that certain plot, piece or parcel of land with any buildings and improvements thereon erected, situate, lying and being in West Islip, Town of Islip, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Service Agency as District 0500, Section 441.00, Block 01.00, Lot 006.000, and acquired by tax deed on June 29, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2005, in Liber 12397 at Page 973, and otherwise known as and by Town of Islip, County of Suffolk and Sate of New York, known and designated as Suffolk County Tax Map Number: District 0500, Section 441.00, Block 01.00, Lot 006.000.

and

WHEREAS, Gotfrids Liepins was the former owner of said real property; and

WHEREAS, the time for redemption of this real property under Local Law No. 16-1976 has expired; and

WHEREAS, an investigation by the office of Legislator Barraga has determined that said non-payment of taxes on the part Mr. Liepins was not an intentional act but was due to circumstances beyond her control, more fully described in the documents attached hereto; and

WHEREAS, it would be in the best interest of the County of Suffolk to return said parcel to the tax rolls; and

WHEREAS, the above described parcel has been appraised by the County Department of Environment and Energy, Division of Real Property Acquisition and Management, at \$430,000; and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, or his or her deputy, will receive and deposit the sum of \$22,118.18 together with any and all other charges that may be due and owing to the County of Suffolk as of the actual date of closing, as full payment of all amounts due and owing to the County of Suffolk; now, therefore, be it

RESOLVED, that the Director of the Division of Real Property Acquisition and Management, or his or her deputy, is hereby authorized to execute, acknowledge, and deliver a quitclaim deed to:

Gotfrids Liepins
574 Higbie Lane
West Islip, NY 11795

upon receipt of the above-described moneys, to convey the interest of the County of Suffolk in the above-described real estate.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\word\215 redemption\2009\Liepins Resolution

COUNTY OF SUFFOLK

1248



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

March 13, 2009

George Nolan, Esq., Counsel
Suffolk County Legislature
Legislature Building
Hauppauge, NY 11788

Re: Tax Map No.: 0500-441.00-01.00-006.000
Name of Redeptor: GOTFRIDS LIEPINS

Dear Mr. Nolan:

We are forwarding herewith copy of a Section 215 County Law Computation together with a copy of the County Treasurer's Computation concerning the above property, as well as other pertinent information.

For your reference, we are also enclosing copy of letter sent this date to Legislator Thomas F. Barraga.

Please draw the Resolution to herewith.

Very truly yours,

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

CO:sc
Enclosures

pc: Legislator: The Honorable Thomas F. Barraga

57

COUNTY OF SUFFOLK



1248

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

March 13, 2009

Honorable Thomas F. Barraga
Suffolk County Legislator
187 Sunrise Highway - Suite C
West Islip, New York 11795

Re: Section 215 Redemption
Tax Map No.: 0500-441.00-01.00-006.000
Redemptor: GOTFRIDS LIEPINS

Dear Legislator Barraga:

With respect to your request regarding the procedure for redemption of the above property, we enclose the following:

1. "Treasurer's Computation" indicating unpaid taxes, assessments and penalties due.
2. "215 Computation" which shows the additional monies due the County, such as, the administration fee, appraisal and review of appraisal.

The total amount to be paid in order for the County to release its interest in this property is \$22,118.18. That amount will increase if payment is not made before the next tax due date.

Very truly yours

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

CO:sc
Enclosures

pc: George Nolan, Esq., Counsel to the Legislature

57A

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT

1248

Redemption Unit
215 COMPUTATION

March 13, 2009

Tax Map No. 0500-441.00-01.00-006.000 VACANT

Date Acquired: June 29, 2005 Taken by: Tax Deed

Prior Fee Owner: Gotfrids Liepins

STATEMENT OF EXPENDITURES

AMOUNT

1. Treasurer's Computation.....	\$18,504.87
2. Outstanding Tax Bills - not included in computation.....2008/2009.....	\$ 2,313.31
3. Recording Fees.	N/A
4. Administration Expense.....	\$ 200.00 - paid
5. License Fee (as per License Fee statement)	N/A
6. Repairs.....	N/A
7. Other County Expenditures.....	\$ 800.00
8. Appraisal and Review Fee.....	\$ 300.00 - paid
<hr/>	
TOTAL.....	\$22,118.18

PREPARED BY:



Cathy O'Neal
Redemption Unit

Description: Town of Islip, County of Suffolk, State of New York, acquired by Tax Deed on June 29, 2005, from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 15, 2005, in Liber 12397 at Page 973, and otherwise known as and by Town of Islip, County of Suffolk and State of New York, known and designated as Suffolk County Tax Map Number: District 0500, Section 441.00, Block 01.00, Lot 006.000.

APPROVED:


Accounting Unit

1248

TO: ACCOUNTING UNIT

FROM: Cathy O'Neal

S. C. TAX MAP NO. 0500 44100 0100 006000

DATE: 3 February, 2009

COMPUTATION \$18,504.87

CURRENT YEAR TAXES \$2,313.31 (2008/09)

LICENSE FEE \$0.00

ADDITIONAL TAX \$0.00

OTHER CHARGES \$800.00 - clean up

AMOUNT RECEIVED \$21,618.18

PHOTOCOPY OF CHECK(S) IN SPACE BELOW

282111107 NEW 01/08 8810004306

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

CASHIER'S CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



9889601423 25-3
440

Date 02/02/2009

Remitter IVARS BERZINS P.C

Pay: TWENTY ONE THOUSAND SIX HUNDRED EIGHTEEN DOLLARS AND 18 CENTS

\$ *****21,618.18 ***

Pay To The Order Of SUFFOLK COUNTY DIVISION OF REAL PROPERTY ACQUISITION AND MANAGEMENT

Drawer: JPMORGAN CHASE BANK, N.A.

Michael Andrews

Senior Vice President
JPMorgan Chase Bank, N.A.
Columbus, OH



0500 441 01 006

⑈9889601423⑈ ⑆044000037⑆ 758661433⑈

COMPUTATION Y SUFFOLK COUNTY TREA JRER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>SLOT</u>
0500	441.00	01.00	124 006.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2002/03	2823.43
2003/04	2968.77
2004/05	2373.22
2005/06	2516.73
2006/07	2080.00
2007/08	2224.05

TOTAL: 14986.20

B. INTEREST DUE	2637.49
C. TOTAL	17623.69
D. 5% LINE C	881.18
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$18,504.87

CERTIFICATION BY COUNTY TREASURER

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

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

18-Nov-08



Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to
and including 05/17/09

RECEIVER OF TAXES
STATEMENT OF TAXES
 DECENBER 1, 2008 DUE NOVEMBER 10, 2009 TAX LEVY
 TOWN OF ISLIP, SUFFOLK COUNTY, NEW YORK
 TAXABLE STATUS DATE: MARCH 1, 2008

1296806 
 1296806

MAKE FUNDS PAYABLE TO:
VIRGINIA E. ALLEN
 RECEIVER OF TAXES
 100 SADDLE ISLAND, NEW YORK 11563-3645
 TOWN OF ISLIP, STATUS DATE: MARCH 1, 2008

OFFICE PAYMENT HOURS
 MON TO FRI 8:30 A.M. TO 4:30 P.M.
 PHONE 631-224-5560

IF PROPERTY HAS BEEN SOLD OR
 TRANSFERRED GET THE MAINTENANCE
 PLEASE FORWARD THIS STATEMENT TO
 THE NEW OWNER OR RETURN TO THIS OFFICE
SCHOOL: (631) 968-1115

COUNTY OF SUFFOLK

COUNTY OF SUFFOLK

390 CENTER IR
 RIVERHEAD NY 11901

390 CENTER DR
 RIVERHEAD NY 11901

1248

Property Type	311	Exemption Code & Value	
Tax Class	106		
Roll Status	1		
Assessed Value	12,900		
Unimproved Value	12,900		
Full Value	9,764		
Taxable Value	12,900		
Tax	2,313.31		

TAXING DISTRICT	Levy%	Exempt Code	Taxable Value	Tax Rate Per \$100	% Change from Prior Year	TAX AMOUNT
HAYSHORE SCHOOL DISTRICT	15.9		12,900	15.7670	3.8	2,032.65
HAYSHORE LIBRARY DIST.	3.6		12,900	0.6480	4.6	83.59
SEWER DISTRICT #3	7.2		12,900	1.2890	6.3	166.28
SEWER DIST. BENEFIT PER	1.3				3.0	30.79

FIRST HALF TAX 1,156.66 SECOND HALF TAX 1,156.65 TOTAL TAX **2,313.31**
 ---DUPLICATE TAX BILL---DUPLICATE TAX BILL---DUPLICATE TAX B

YOUR TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE SCHOOL TAX RELIEF (STAR) PROGRAM IS: 00
SECOND HALF PAYMENT

SECOND HALF TAXES
 DUE MAY 31, 2009

MAKE FUNDS PAYABLE TO:
 VIRGINIA E. ALLEN
 RECEIVER OF TAXES

When paying by bill, detach and return this stub with payment of the second half tax. If paying TOTAL TAX, return both first and second half stubs with payment. When paying in person, detach proper stub.

2 1296806

Check stub if receipt requested.

SECOND HALF TAX 1,156.65

FIRST HALF PAYMENT

FIRST HALF TAXES
 PAYABLE WITHOUT PENALTY TO JANUARY 10, 2009

MAKE FUNDS PAYABLE TO:
 VIRGINIA E. ALLEN
 RECEIVER OF TAXES

When paying by bill, detach and return this stub with payment of the first half tax. If paying TOTAL TAX, return both first and second half stubs with payment. When paying in person, detach proper stub.

1 1296806

FIRST HALF TAX 1,156.66

8421

Date: 1/22/09

~~Pat~~ Rachel

Re: Tax Map Number 050044101066

Anything else due? Thanks.

Cathy

850.00

\$1050.00 = TOTAL

\$400.00 3/13/07 C & N Cleanup

~~\$400.00~~ 10/1/07 C & N Cleanup

~~\$250.00 9/2/05 GROSSMAN Apartment~~

\$500.00 per
2 1/2 hrs

IVARS BERZINS, P.C.
ATTORNEY AT LAW
484 WEST MAIN STREET
BABYLON, NEW YORK 11702-3000

631--661-3540
FAX 631--661-2722
e-mail admin@berzins.com

1248

February 2, 2009

Ms. Cathy O'Neil
Division of Real Property Acquisition and Management
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, NY 11788

Re: Gotfrids Liepins

Dear Ms. O'Neil:

Enclosed is the \$21,618.18 check and the \$500.00 check. I will patiently wait for word from you.

Very truly yours,



Ivars Berzins

IB:jj
Enc.

pd.
C. O'Neil
2/2/09

**APPLICATION FOR RECOVERY OF REAL PROPERTY ACQUIRED BY SUFFOLK COUNTY
County of Suffolk**

1248

1. Information Concerning Applicant(s)

Name of Applicant(s) GOTFRIDS LIEPINS	Address 574 Higbie Lane, West Islip, NY 11795 C/o Ivars Berzins, P.C. 484 West Main Street, Babylon, NY 11702	Telephone Number (631) 661-3540
--	--	--

2. Property for Which Recovery is Desired

Location or Address West Lane, Bay Shore, Town of Islip	Date of Recording of Suffolk County's Tax Deed July 15, 2005
--	--

Suffolk County Tax Map Number	District	Section	Block	Lot
	0500	441.00	01.00	006.000

3. Description of Instrument from Which Applicant's Interest Derives

Liber 7235	Page 52
---------------	------------

Other (If applicant is not the prior owner, specify nature of applicant's interest)

Grantor	Grantee
---------	---------

Date of Execution	Date of Recording
-------------------	-------------------

4. Description of Extenuating Circumstances Which Led to Loss of Property

(See Governing Section of County Code §27-3)

See annexed affidavit of applicant, Gotfrids Liepins, sworn to on November 14, 2007 and affidavit of applicant's attorney, Ivars Berzins, sworn to on November 14, 2007

282111107 NEW 01/08 8810004306

OLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



CASHIER'S CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

9889601424 ²⁵⁻³/₄₄₀

Date 02/02/2009

Remitter IVARS BERZINS P.C.

Pay: FIVE HUNDRED DOLLARS AND 00 CENTS

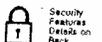
Pay To The Order Of **SUFFOLK COUNTY DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT**

\$ *****500.00 ***

Drawer: JPMORGAN CHASE BANK, N.A.

Michael Andrews

Senior Vice President
JPMorgan Chase Bank, N.A.
Columbus, OH



7500 441 01006
Appl. Fee

⑈9889601424⑈ ⑆044000037⑆ 758661433⑈

1248

IVARS BERZINS, P.C.
ATTORNEY AT LAW
484 WEST MAIN STREET
BABYLON, NEW YORK 11702-3000

631--661-3540
FAX 631--661-2722
e-mail admin@berzins.com

December 24, 2008

FAX 631 853-5906

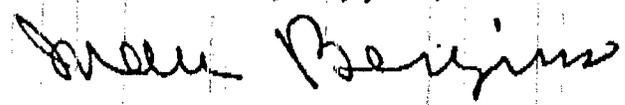
Ms. Cathi O'Neil
Real Property

Re: Gotfrids Licpins

Dear Ms. O'Neil:

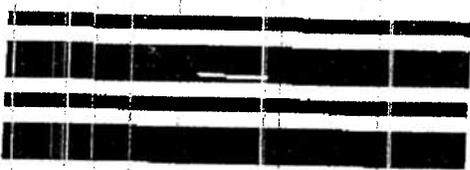
I am pleased to announce that we have finally gotten the deed recorded and we are ready to proceed. Please let me know how much money is needed.

Very truly yours,



Ivars Berzins

IB:j
Enc.



1248



SUFFOLK COUNTY CLERK
RECORDS OFFICE
RECORDING PAGE

Type of Instrument: DEED
Number of Pages: 4
Receipt Number: 08-0113809
TRANSFER TAX NUMBER: 08-10000

Recorded: 11/28/2008
At: 12:07:40 PM
LIBER: D00012573
PAGE: 248

District: 0500 Section: 441.0 Block: 01.00 Lot: 006.000

EXAMINED AND CHARGED AS FOLLOWS
\$0.00

Deed Amount:

Received the Following Fees For Above Instrument

		Exempt		Exempt
Page/Handling	\$20.00	NO	Handling	\$20.00
COE	\$5.00	NO	NYS SRCHG	\$15.00
EA-CITY	\$5.00	NO	EA-STATE	\$165.00
T-584	\$5.00	NO	Notation	\$0.00
Cart. Copies	\$0.00	NO	RPT	\$30.00
Transfer tax	\$0.00	NO		
			Fees Paid	\$265.00

TRANSFER TAX NUMBER: 08-10000

THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Judith A. Pascale
County Clerk, Suffolk County

If the document you've just recorded is your **SATISFACTION OF MORTGAGE**, please be aware of the following:

If a portion of your monthly mortgage payment included your property taxes, *you will now need to contact your local Town Tax Receiver so that you may be billed directly for all future property tax statements.

1248

Local property taxes are payable twice a year: on or before January 10th and on or before May 31st. Failure to make payments in a timely fashion could result in a penalty.

Please contact your local Town Tax Receiver with any questions regarding property tax payment.

Babylon Town Receiver of Taxes
200 East Sunrise Highway
North Lindenhurst, N.Y. 11757
(631) 357-0004

Riverhead Town Receiver of Taxes
200 Howell Avenue
Riverhead, N.Y. 11901
(631) 727-3200

Brookhaven Town Receiver of Taxes
One Independence Hall
Farthingville, N.Y. 11738
(631) 451-0009

Shelter Island Town Receiver of Taxes
Shelter Island Town Hall
Shelter Island, N.Y. 11964
(631) 749-3338

East Hampton Town Receiver of Taxes
300 Partridge Place
East Hampton, N.Y. 11937
(631) 324-770

Smithtown Town Receiver of Taxes
99 West Main Street
Smithtown, N.Y. 11787
(631) 360-7610

Huntington Town Receiver of Taxes
100 Main Street
Huntington, N.Y. 11743
(631) 351-217

Southampton Town Receiver of Taxes
116 Hampton Road
Southampton, N.Y. 11968
(631) 283-6514

Islip Town Receiver of Taxes
40 Nassau Avenue
Islip, N.Y. 11751
(631) 224-580

Southold Town Receiver of Taxes
53095 Main Street
Southold, N.Y. 11971
(631) 765-1803

Sincerely,

Judith A. Pascale
Suffolk County Clerk

1248

EXECUTOR'S QUITCLAIM DEED

This indenture, made on October 15, 2008, between Donna N. Gallagher, as Executrix under the Last Will and Testament of Janis Klievens, Deceased, admitted to probate in Suffolk County on September 23, 2008, File No. 1332P2008, residing at 2300 Jefferson Avenue NE, Apt. D216, Renton, WA 98056-8371, party of the first part and Godfrids Jiepins, residing at 574 Higbie Lane, West Islip, NY 11795-1610, party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollar, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain parcel of land, situate, lying and being in the Town of Islip, County of Suffolk and State of New York, known and designated as and by the plot number 75 and the southerly 25 feet of plot number 75, on a certain map entitled, "Second Amended Map of O'Co-Nee, Section 2, property of C.L. Lawrence Corporation, November 1927, by Robert J. Bartley, C.E., Bay Shore, New York and filed in the Office of the Clerk of the County of Suffolk on May 9th, 1928, as map number 725, said lot and part of lot being more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly side of West Lane where it is intersected by the division line between lots 76 and 77; running thence along said division line South 52 degrees 40 minutes West 196.71 feet; running thence along southwesterly side of lots 76 and 75 North 37 degrees 46 minutes West 100 feet; running thence through lot 75 North 52 degrees 40 minutes East 197.47 feet to southwesterly side of West Lane; running thence along the southwesterly side of West Lane South 37 degrees 20 minutes East 100 feet to the point or place of BEGINNING.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the parties of the first part, in compliance with Section 13 of the Lien Law, covenants that the parties of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

Dist
0500
Sec
44
Book
0130
Lot
001000

1248

BEING the same premises that were conveyed by Gotfrids Liepins to Janis Klievens by deed dated September 5, 1972 and recorded in Suffolk County Clerk's office on September 7, 1972 at Liber 7235 of Conveyances, page 52.

BEING shown on the Suffolk County Tax Map as District 0500, Section 441.00, block 01.00, Lot 006.00.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In the presence of:

Donna N. Gallagher
Donna N. Gallagher
As Executrix under the Last Will and Testament of Janis Klievens, Deceased

ACKNOWLEDGEMENT

STATE OF WASHINGTON
COUNTY OF KING

On October 5, 2008, before me, the undersigned, personally appeared Donna N. Gallagher, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

J. Petry
Notary Public

RECORD AND RETURN TO:

Lawrence Berzins, P.C.
184 West Main Street
Babylon, NY 11702-1000

Notary Public
State of Washington
JENNIFER LYNN PETRY
MY COMMISSION EXPIRES
December 30, 2010

1248

DEED

**DONNA GALLAGHER,
AS EXECUTRIX UNDER THE LAST WILL
AND TESTAMENT OF
JANIS KLIEVENS**

TO

GOTFRIDS LIEPINS

RECORD AND RETURN TO:

Evans Berens,
48 West Main Street
Babylon, New York 117027

Number of pages 4
This document will be public record. Please remove all Social Security Numbers prior to recording.

RECORDED
2008 Nov 29 12:07:40 PM
Judith A. Pascuale
CLERK OF
SUFFOLK COUNTY
L 000012573
F 248
DT# 08-10030

12418

Deed / Mortgage Instrument / Deed / Mortgage Tax Stamp / Recording / Filing Stamps

FEES	
Page / Filing Fee	<u>20</u>
Handling	<u>20.00</u>
IT 5	<u>5</u>
Notation	
Electronic Consent	<u>5</u>
Electronic Stamp	<u>16.5</u>
Recording Fee	<u>0.00</u>
County of Ed	<u>5.00</u>
Ad Valorem	
County of Ed	
Notary Stamp	<u>15.00</u>
Other	
Sub Total	<u>50</u>
Sub Total	<u>215</u>
Grand Total	<u>265</u>



Mortgage Amt.
1. Basic Tax
2. Additional Tax
Sub Total
Spec / Assit.
or
Spec / Add.
TOT. MFG. TAX
Dual Town _____ Dual County _____
Held for Appointment _____
Transfer Tax 0
Mansion Tax _____
The property covered by this mortgage is or will be improved by a one or two family dwelling only.
YES _____ or NO _____
If NO, see appropriate tax clause on page # _____ of this instrument
10-15-08

4
1802-623 0500 / 4100 010 006000
P S
R L P A
28-N-1408

5 Community Preservation Fund
Consideration Amount \$ _____
CPF Tax Due \$ _____

6
Effect on Discharges/Releases List Property Owners Mailing Address
RECORD & RETURN TO:
James B. Stevens, Esq.
141 West Main Street
Suffolk, NY 11901

Improved
Vicarit Land
TD
TD
TD

7
Title Company Information
Co. Name DIG APINE ABSTRACT
Title # R12184

Suffolk County Recording & Endorsement Page

This document is part of the attached DEED made by:
(SPECIFY TYPE OF INSTRUMENT)
The premises herein is situated in
SUFFOLK COUNTY, NEW YORK.
In the TOWN of Islip
In the VILLAGE of _____
or HAMLET of _____

NEVER WRITE OR PRINT IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.
(over)

If the document to be first recorded is your **SATISFACTION OF MORTGAGE**, please be aware of the following:

If a portion of your monthly mortgage payment included your property taxes, ***you will now need to contact your local Town Tax Receiver so that you may be billed directly for all future property tax statements.**

Local property taxes are payable twice a year: on or before January 10th and on or before May 31st. Failure to make payments in a timely fashion could result in a penalty.

Please contact your local Town Tax Receiver with any questions regarding property tax payments.

1248

Fulton Town Receiver of Taxes
200 East Sunrise Highway
North Lindenhurst, N.Y. 11757
(631) 398-3004

Riverhead Town Receiver of Taxes
200 Howell Avenue
Riverhead, N.Y. 11901
(631) 727-3200

Franklin Town Receiver of Taxes
One Independence Hill
Farmerville, N.Y. 11738
(631) 477-3009

Shelter Island Town Receiver of Taxes
Shelter Island Town Hall
Shelter Island, N.Y. 11964
(631) 749-3338

East Hampton Town Receiver of Taxes
100 Pacific Place
East Hampton, N.Y. 11937
(631) 334-2770

Smithtown Town Receiver of Taxes
99 West Main Street
Smithtown, N.Y. 11787
(631) 360-7610

Hampton Town Receiver of Taxes
100 Main Street
Hampton, N.Y. 11743
(631) 291-3217

Southampton Town Receiver of Taxes
116 Hampton Road
Southampton, N.Y. 11968
(631) 283-6514

Shippen Town Receiver of Taxes
17 Nassau Avenue
Shippen, N.Y. 11771
(631) 334-5580

Southold Town Receiver of Taxes
53095 Main Street
Southold, N.Y. 11971
(631) 765-1803

Sincerely,

Judith A. Pascale
Suffolk County Clerk

1248

IVARS BERZINS, P.C.
ATTORNEY AT LAW
484 WEST MAIN STREET
BABYLON, NEW YORK 11702-3000

631--661-3540
FAX 631--661-2722
e-mail admin@berzins.com

October 29, 2008

FAX 631 853-5906

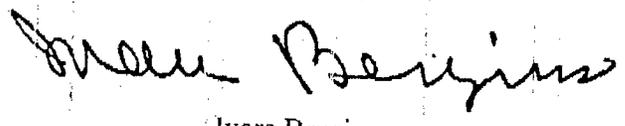
Mrs. Cathv O'Neil
Real Property

Re: Gotfrids Liepins

Dear Ms. O'Neil:

Enclosed is a photocopy of the signed quit claim deed. We will contact our title company and get it recorded and then be back to you to close the deal.

Very truly yours,



Ivars Berzins

IB:lj
Enc.

1248

EXECUTOR'S QUITCLAIM DEED

This instrument, made on October 15, 2008, between Donna N. Gallagher, as Executrix under the Last Will and Testament of Janis Kliovens, Deceased, admitted to probate in Suffolk County on September 23, 2008, File No. 1332P2008, residing at 2300 Jefferson Avenue NE, Apt. D216, Renton, WA 98056-8371, party of the first part and Gottfried Liepin, residing at 574 Higbie Lane, West Islip, NY 11795-1610, party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollar, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain parcel of land, situate, lying and being in the Town of Islip, County of Suffolk and State of New York, known and designated as and by the plot number 76 and the southerly 25 feet of plot number 75, on a certain map entitled, "Second Amended Map of O'Co-Nce, Section 2, property of C.L. Lawrence Corporation, November 1927, by Robert J. Bartley, C.E., Bay Shore, New York and filed in the Office of the Clerk of the County of Suffolk on May 9th, 1928, as map number 725, said lot and part of lot being more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly side of West Lane where it is intersected by the division line between lots 76 and 77: running thence along said division line South 52 degrees 40 minutes West 196.71 feet; running thence along southwesterly side of lots 76 and 75 North 37 degrees 46 minutes West 100 feet; running thence through lot 75 North 52 degrees 40 minutes East 197.47 feet to southwesterly side of West Lane; running thence along the southwesterly side of West Lane South 37 degrees 20 minutes East 100 feet to the point or place of BEGINNING.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the parties of the first part, in compliance with Section 13 of the Lien Law, covenant that the parties of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

1248

BEING the same premises that were conveyed by Gotfrids Liepins to Janis Klievens by deed dated September 5, 1972 and recorded in Suffolk County Clerk's office on September 7, 1972 at Liber 7235 of Conveyances, page 52.

BEING shown on the Suffolk County Tax Map as District 0500, Section 441.00, block 01 00, Lot 006.00.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In the presence of:

Donna N. Gallagher

Donna N. Gallagher
As Executrix under the Last Will and Testament of Janis Klievens, Deceased

ACKNOWLEDGEMENT

STATE OF WASHINGTON
COUNTY OF KING

On October 15, 2008, before me, the undersigned, personally appeared Donna N. Gallagher, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument the individual or the person upon behalf of which the individual acted, executed the instrument.

J Petry

Notary Public

RECORD AND RETURN TO:

Ivirs Berzin, P.C.
484 West Main Street
Babylon, NY 11702-3000

Notary Public
State of Washington
JENNIFER LYNN PETRY
MY COMMISSION EXPIRES
December 30, 2010

IVARS BERZINS, P.C.
ATTORNEY AT LAW
484 WEST MAIN STREET
BABYLON, NEW YORK 11702-3000

1248

631--661-3540
FAX 631--661-2722
e-mail ivars@berzins.com

October 9, 2008

Ms. Cathy O'Neil
Real Property

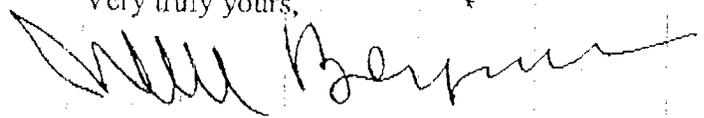
fax 853-5906

Re Gotfrids Liepins

Dear Ms. O'Neil:

I am please to inform you that the Surrogates Court issued Letter Testamentary and I have forwarded a deed to the Executrix to sign. As soon as we have the deed recorded, I will be back to you.

Very truly yours,



Ivars Berzins

1248

EXECUTOR'S QUITCLAIM DEED

This indenture, made on October 1, 2008, between Donna N. Gallagher, as Executrix under the Last Will and Testament of Janis Klievens, Deceased, admitted to probate in Suffolk County on September 23, 2008, File No. 1332P2008, residing at 2300 Jefferson Avenue NE, Apt. D216, Renton, WA 98056-8371, party of the first part and Gottfrids Liepins, residing at 574 Higbie Lane, West Islip, NY 11795-1610, party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollar, paid by the party of the second part, does hereby grant and release unto the party of the second part the heirs or successors and assigns of the party of the second part forever,

All that certain parcel of land, situate, lying and being in the Town of Islip, County of Suffolk and State of New York, known and designated as and by the plot number 76 and the southerly 25 feet of plot number 75; on a certain map entitled, "Second Amended Map of O'Co-Nec, Section 2, property of C.L. Lawrence Corporation, November 1927, by Robert J. Bartley, C.E., Bay Shore, New York and filed in the Office of the Clerk of the County of Suffolk on May 9th, 1928, as map number 725, said lot and part of lot being more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly side of West Lane where it is intersected by the division line between lots 76 and 77; running thence along said division line South 52 degrees 40 minutes West 196.71 feet; running thence along southwesterly side of lots 76 and 75 North 37 degrees 46 minutes West 100 feet; running thence through lot 75 North 52 degrees 40 minutes East 197.47 feet to southwesterly side of West Lane; running thence along the southwesterly side of West Lane South 37 degrees 20 minutes East 100 feet to the point or place of BEGINNING.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the parties of the first part, in compliance with Section 13 of the Lien Law, covenants that the parties of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

1248

BEING the same premises that were conveyed by Gotfrids Liepins to Janis Kliovens by deed dated September 5, 1972 and recorded in Suffolk County Clerk's office on September 7, 1972 at Liber 7235 of Conveyances, page 52.

BEING shown on the Suffolk County Tax Map as District 0500, Section 441.00, block 01.00, Lot 006.00.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In the presence of:

Donna N. Gallagher
As Executrix under the Last Will and
Testament of Janis Kliovens, Deceased

ACKNOWLEDGEMENT

STATE OF WASHINGTON
COUNTY OF KING

On October 2008, before me, the undersigned, personally appeared Donna N. Gallagher, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD AND RETURN TO:

Ivars Berzins, P.C.
484 West Main Street
Babylon, NY 11702-3000



1248

SURROGATE'S COURT - SUFFOLK COUNTY
THE PEOPLE OF THE STATE OF NEW YORK

To All to Whom These Presents Shall Come, or May Concern, Greeting:

WHEREAS the Will of JANIS KLIEVENS, deceased, who at the time of death was domiciled in County of Suffolk, State of New York, was on September 23, 2008, admitted to probate by decree of the Surrogate's Court for Suffolk County, and said decree directed that Letters Testamentary be granted and to such of the person or persons named as Executor in said Will as may qualify and be entitled to such Letters according to law.

NOW, THEREFORE WITNESSETH that DONNA N GALLAGHER having duly qualified as Executor(s) of said Will, Letters Testamentary are hereby granted and issued to him/her with the powers and duties thereunto appertaining under said Will and by law.

Dated, Attested and Sealed
October 6, 2008

HON. JOHN M. CZYGIER, JR.
Surrogate, Suffolk County

MICHAEL CIPOLLINO
Chief Clerk of the Surrogate's Court

SEAL

1248

At a Surrogate's Court held in and for the County of Suffolk at the County Center, Riverhead, New York, on the 23rd day of September, 2008.

Present: HON. JOHN M. CZYGIER, JR.
Surrogate

-----X
PROBATE PROCEEDING, WILL OF

DECREE OF PROBATE

DANIS KLIEVENS,
a non-domiciliary,

File No: 1332 P 2008

Deceased.

-----X

A PETITION having been filed by DONNA N. CALLAGHER for the Probate of an instrument in writing dated July 24, 1990, as the Will of the above named decedent, setting forth the facts upon which the jurisdiction of the Court to grant probate thereof depends, and praying that the same might be admitted to probate, and a citation having been issued to all persons required by law to be cited who have not duly appeared or waived issuance and service of citation requiring each of them to show cause before the Surrogate's Court, at the County Center, Riverhead, County of Suffolk, New York on the 16th day of September, 2008, why the said instrument should not be admitted to probate as the will of the said decedent, and it appearing that all persons to whom same was directed have been duly served with the same, or have duly appeared herein, or have duly waived the service of said citation and consented to such probate, and that all other persons required to be cited herein have by appearance, consent or waiver in writing duly executed and filed, waived the issuance and service upon them of a citation in this proceeding and consented to the probate of said Will, and the Court being satisfied, upon the proofs and allegations in support of said Will, with the genuineness of the Will and the validity of its execution, and that said decedent at the time of execution was in all respects competent to make a Will and not under restraint and upon Decision dated September 23, 2008, it is

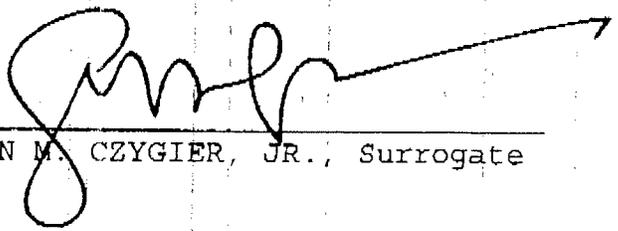
ORDERED, ADJUDGED AND DECREED, that the said instrument offered for probate be admitted to probate as the Will of the above named decedent, valid to pass both real and personal property, and that said Will and this decree be recorded and it is further

ORDERED, ADJUDGED AND DECREED, that upon Notice of Probate duly filed, if required, Letters Testamentary issue to DONNA N. CALLAGHER, without bond, according to law.

FILED
SURROGATE'S COURT
SUFFOLK COUNTY

SEP 23 2008

MICHAEL CIPOLLINO
CHIEF CLERK



JOHN M. CZYGIER, JR., Surrogate

SURROGATE'S COURT : SUFFOLK COUNTY

1248

Probate Proceeding, Will of

DECISION

By: HON. JOHN M. CZYGIER, JR.

Surrogate

JANIS KLIFVENS,

Dated:

9/23/08

Deceased,

FILED
SURROGATE'S COURT
SUFFOLK COUNTY

File #: 1332 P 2008

SEP 23 2008

a Nondomiciliary.

MICHAEL CIPOLLINO
CHIEF CLERK

In this proceeding to probate the will of a nondomiciliary decedent, the court is entertaining the petition on the basis of the allegations that decedent left real property in Suffolk County; that the distributees are similar under the laws of Latvia and New York; and that the propounded instrument, which was executed in New York, has not been offered for probate elsewhere.

Jurisdiction has been obtained over all the necessary parties, including the New York State Department of Taxation and Finance, which does not oppose the relief requested by petitioner.

The Surrogate's Court has the discretion to entertain a petition for original probate of the will of a nondomiciliary (see *Estate Heller-Baghero's Will*, 26 NY2d 337; *Estate of Renard*, 100 Misc2d 347; SCPA 1605).

Given the fact that the exercise of jurisdiction over the estate of a nondomiciliary is discretionary, the court in weighing the facts alleged, finds that the relevant factors favor granting jurisdiction for original probate (SCPA 206[1], 1605[1]; see *Matter of George Kenneth Scott*, NYLJ, June 21, 1994, 23, col. 1; *Will of Nelson*, 125 Misc2d 451).

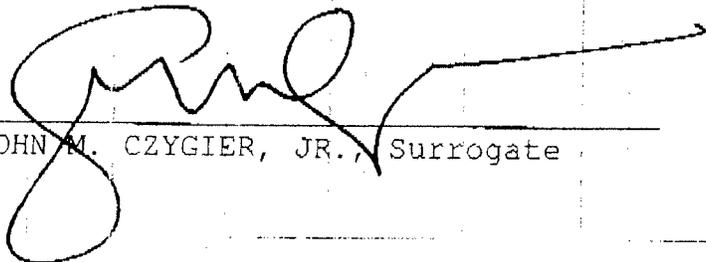
It appears that the propounded instrument was duly executed on July 24, 1990 and at the time of execution, decedent was in all respects competent to make a will and not under any restraint. The genuineness of the will and the validity of its execution having been shown to the satisfaction of the court, probate is granted (SCPA 1408, EPIL 3-2.1).

1248

Estate of Janis Klievens, Deceased.

Accordingly, letters testamentary shall issue to petitioner, she having qualified according to law, without bond, as same is dispensed with pursuant to the terms of decedent's will.

Decree signed



JOHN M. CZYGIER, JR., Surrogate

Thomas Berzins, P.C.
Attorney for Petitioner
44 West Main Street
Babylon, NY 11702-3000

New York State
Department of Taxation and Finance
Estate Tax Audit, Waiver of Citation
W. A. Harriman Campus
Albany, NY 12227
By: Salvatore Rico, Esq.

FILED
SURROGATE'S COURT
SUFFOLK COUNTY

SEPT 23, 2008

MICHAEL CIPOLLINO
CHIEF CLERK

DEPT. ENVIRONMENT & ENERGY
DIV. OF REAL PROPERTY ACQUISITION & MANAGEMENT

1248

FAIR MARKET REVIEW FOR REDEMPTION PURPOSES

TAX MAP NO. : 0500-441-01-6
APPRAISER: Joseph Grossman

DATE OF VALUE: August 22, 2008
DATE REC'D: September 9, 2008
APPRAISED AMT: \$430,000.00

This appraisal has been desk reviewed in accordance with the policy of the Department. The desk review is effectively a screening process to determine if there are any obvious significant errors, omissions or inconsistencies in the areas of appraisal technique, appraisal judgment, pertinent data and valuation.

COMMENTS: The subject consists of a .45 acre parcel located on the west side of West Lane across the street from Cove Walk, unincorporated hamlet of Bay Shore, New York 11706. The parcel is currently vacant, partially cleared and slightly irregular in shape with 100 feet of road frontage on West Lane, an open paved road.

The consultant utilized four comparable sales. Two sales are located in Bay Shore as the subject property and the other two are located in East Islip. The consultant has chosen appropriate comparable sales and adjusted accordingly for lot size, location and utility. In addition, Grossman did not consider a time adjustment as the comparable sales utilized reflects the current market trend for vacant land in this area.

The appraisal report meets Suffolk County's contract requirements and is acceptable in form.

Accordingly, a reasonable estimate of value for the subject is \$430,000.

By: Debra Wilson

Date: 9/12/08

Debra Wilson, Appraisal Reviewer
NYS Certified Real Estate Appraiser
License No. 4500013198

CC: Christopher E. Kent, Director
Fred Ford, Senior Appraisal Reviewer

J. Grossmann

1248

ASSOCIATES, INC.

Real Estate Appraisers and Consultants

LIMITED SCOPE RESTRICTED APPRAISAL REPORT
(FOR FAIR MARKET VALUE)

Date: August 22, 2008

Debra Wilson
Appraisal Reviewer
Division of Real Estate
H. Lee Dennison Building
100 Veterans Memorial Hwy.
Hauppauge, New York 11788

Dear Mrs. Wilson,

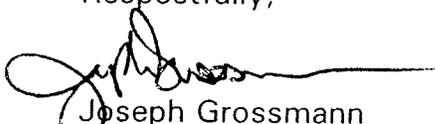
Re: Fair market value estimate - redemption appraisal; West side of West Lane across street from Cove Walk Bay Shore, New York, (Suffolk County Tax Map #500-441-1-6)

Dear Mrs. Wilson:

Pursuant to your request, I have prepared an appraisal of the above referenced property.

After an inspection of the subject property area, analysis of comparable sales and evaluation of other factors, I estimate the fair market value of the subject as of August 22, 2008 to be \$430,000.00.

Respectfully,



Joseph Grossmann
NYS Certified General
Real Estate Appraiser
(License #4600000928)

CERTIFICATION OF APPRAISER

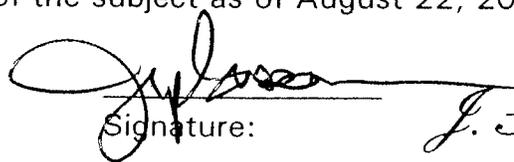
1248

**SUBJECT: West side of West Lane across street from Cove Walk
Bay Shore New York (S.C.T.M. #500-441-1-6)**

I certify that, to the best of my knowledge and belief:

- ~The statements of fact contained in this report are true and correct.
- ~The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- ~I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- ~I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- ~My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- ~My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- ~My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- ~I have made a personal inspection of the area within which the subject property is located. I have also made a personal inspection of the comparable sales utilized in this report. These sales have been verified with either the grantor, grantee, or a third party who was directly involved in the transaction. The subject and the comparable sales relied upon in this appraisal are as represented by the statements in this report.
- ~I have not revealed the findings and conclusions of this appraisal to anyone other than the proper officials of the Division of Real Estate. I will not do so until authorized by County officials, or until I am required by due process of the law, or until I am released from this obligation by having publicly testified as to such findings.
- ~Based upon the research conducted and the exercise of my professional judgment, I have formed the opinion that the fair market value of the subject as of August 22, 2008 is \$430,000.00.

Date: August 22, 2008


Signature: *J. Grossmann*

ASSOCIATES, INC.

PURPOSE OF THE APPRAISAL

1248

This appraisal is made for the purpose of estimating the market value of the subject property as of August 22, 2008. Market value is defined as "the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1) Buyer and seller are typically motivated;
- 2) Both parties are well informed or well advised and each acting in what he considers his own best interest;
- 3) A reasonable time is allowed for exposure in the open market;
- 4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- 5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

*The Dictionary of Real Estate Appraisal, Third Addition, Appraisal Institute 1993

Reasonable exposure time for a property of this type and within this value range is considered to be approximately 9-12 months, if the property was properly marketed.

PROPERTY RIGHTS APPRAISED

The property rights appraised are ownership in fee simple.

FUNCTION & SCOPE OF THE APPRAISAL

The function of this appraisal report is to deliver a well reasoned market value estimate of the subject property as of the effective value date. It is also intended to function as a source of market data and other information to assist the Suffolk County Department of Planning Division of Real Estate in its decision-making process in connection with various matters pertaining to the subject property. This report is not intended for any other use. This is a limited scope restricted appraisal report.

Our analysis includes an inspection of the subject area. Both internal and external influences on the subject are considered. The subject's neighborhood is analyzed in terms of existing economic conditions as well as possible future trends. An opinion of the property's highest and best use is determined and described.

During our research of the subject property's market area, recorded sales data is obtained from published property information services, town and county offices, and local real estate agents. Current offerings of similar properties are also considered. The data found during this search is verified, described, analyzed and then compared to the subject. A value estimate is then made based on the analysis of the data presented.

J. Grossmann
ASSOCIATES, INC.

SUBJECT PROPERTY DESCRIPTION

TOWNSHIP: ISLIP S.C.T.M.: DIST. 500 SECTION 24 BLOCK 7 LOT 27

LOCATION:

The subject property is located on the west side of West Avenue across the street from Cove Walk in the unincorporated hamlet of Bay Shore, Town of Islip, Suffolk County, New York.

1248

DESCRIPTION OF PROPERTY:

As indicated on the Suffolk County Tax Map, the subject plot is located on the west side of West Lane across street from Cove Walk. The subject parcel is rectangular shaped with 100 feet of road frontage on West Avenue, an open paved street. The site has a 198 foot depth and a total area of 19,800 square feet. This parcel is currently vacant, partially cleared land. The site is surrounded by improved residential properties to its north, south and west sides.

UTILITIES:

Public water, sewer, electric, telephone and cable television are currently available to this site.

AREA TRENDS:

The national economy has been showing signs of weakness after a period of slow growth. The local economy has also been showing signs of weakness. The real estate market is currently weak and over supplied after several years of increased activity and value appreciation.

NEIGHBORHOOD:

The neighborhood is improved primarily with single family residences, There are some commercial properties located along Main Street as well as some portions of the waterfront in this area. Supporting shopping and services are found predominately along the commercial districts along the areas main roadways. This neighborhood is convenient to all supporting shopping, services, and recreational facilities.

ZONING & CLASSIFICATION:

The subject property is zoned Residence AAA by the Town of Islip. This zoning category requires a minimum lot area of 40,000 square feet and a minimum lot width of 150'.

HIGHEST AND BEST USE:

The subject property is a substandard sized, rectangular parcel which is adjacent to improved residential properties on all sides. Although it is substandard in size, it largely conforms in size to other parcels in the neighborhood. Our informal discussion with Town of Islip planning representatives indicate there to be a reasonable probability that a variance can be obtained for the development of this lot with a single family residence which conforms with the area. The highest and best use, therefore, considered to be for residential development.

1248

	<u>SUBJECT</u>	<u>SALE #1</u>	<u>SALE #2</u>	<u>SALE #3</u>	<u>SALE #4</u>
TAX MAP NUMBER	500-441-1-6	500-459-1-17.3	500-420-3-33	500-399-4-47	500-399-4-72
DATE OF SALE	N/A	04/18/2006	03/31/2007	10/18/2007	06/30/2006
LOCATION/ADDRESS	W/S West Lane Bay Shore	W/S Gerard Ave Bay Shore	W/S S Awixa Ave Bay Shore	S/S Donna Pl East Islip	S/S Judith Pl East Islip
ZONING	Residential AAA	Residential B	Residential AAA	Residential A	Residential A
SPECIFY LANDLOCKED, PAVED, DIRT, PAPER, ETC.	Paved Street	Paved Street	Paved Street	Paved Street	Paved Street
SITE DIMENSIONS, SQ.FT./ACRE	19,800 Sq.Ft.	10,197 Sq.Ft.	35,283 Sq.Ft.	11,250 Sq.Ft.	11,250 Sq.Ft.
DESCRIPTION OF PROPERTY	Vacant land Buildable Lot Average utility	Vacant land Buildable Lot Average utility	Redevelopment Buildable Lot Average utility	Redevelopment Buildable Lot Limited utility	Redevelopment Buildable Lot Limited utility
SALE PRICE	N/A	\$423,500	\$425,000	\$330,000	\$320,000
LIBER-PAGE/CERT.#/MLS#	N/A	12449-414	12509-878	12530-248	12463-138
VERIFIED BY:	N/A	Grantee-Naz z ero	Realtor-Ramsey	Grantee-Beyond B	Grantee-Beyond B
VERIFICATION DATE:		09/12/2006	04/16/2007	12/16/2007	12/16/2007
ADJUSTMENTS	*****				
TIME	08/22/2008	0.00%	0.00%	0.00%	0.00%
LOCATION	Average	0.00%	0.00%	0.00%	0.00%
LOT SIZE/SHAPE	19,800 Sq.Ft.	15.00%	-15.00%	15.00%	15.00%
ZONING	Residential AAA	0.00%	0.00%	0.00%	0.00%
UTILITY	Average	0.00%	15.00%	15.00%	15.00%
NET ADJUSTMENTS	N/A	15.00%	0.00%	30.00%	30.00%
INDICATED VALUE	\$430,000	\$487,025	\$425,000	\$429,000	\$416,000

EXPLANATION OF VALUE:

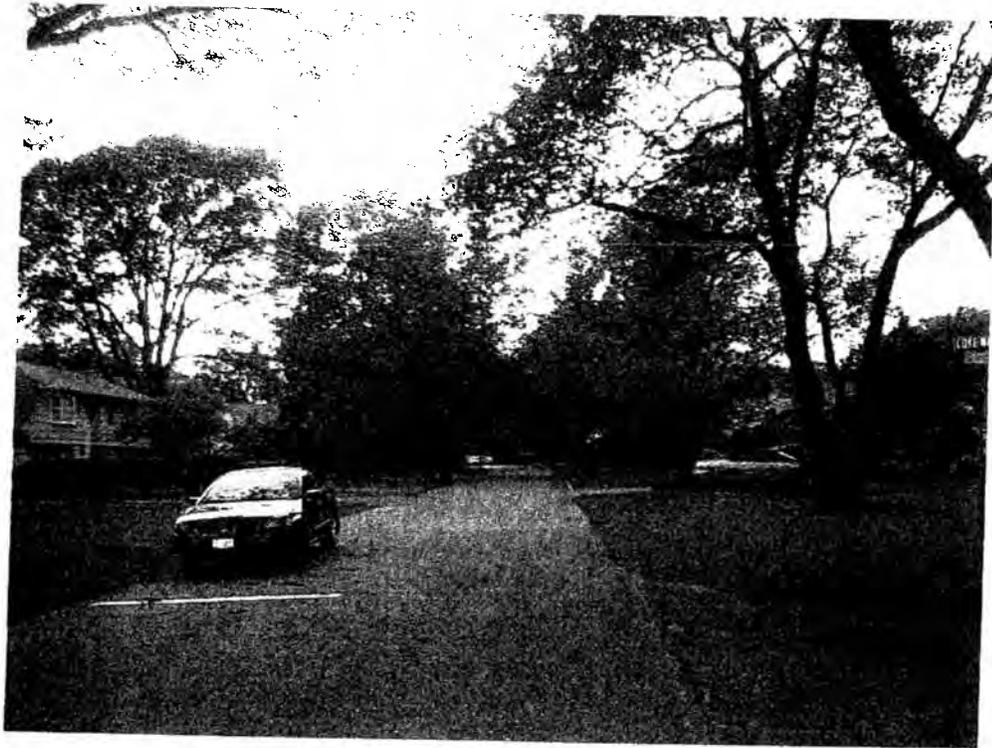
The sales comparison process resulted in indicated value of \$430,000.00 and this is considered to be a reasonable figure for the subject.

RECONCILIATION AND FINAL VALUE ESTIMATE: No reconciliation is necessary as the sales comparison approach is the only approach applied. The final value estimate of \$430,000.00 is equal to the result of that approach.

J. Grossmann
ASSOCIATES, INC.

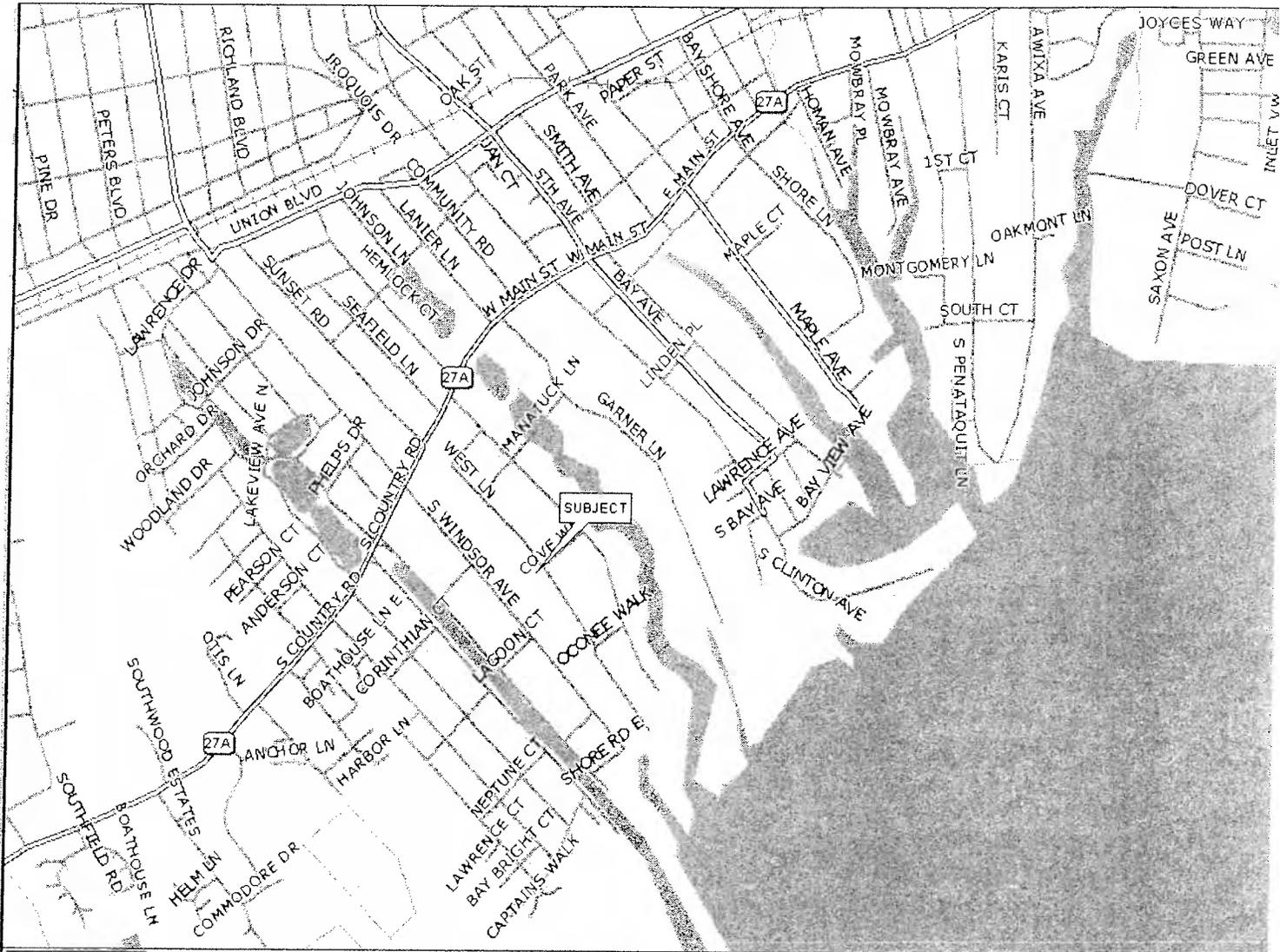
PHOTOGRAPH OF THE SUBJECT

1248



LOCATION MAP

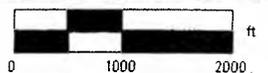
1248



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BIG APPLE ABSTRACT CORP.

42-40 Bell Boulevard, Bayside, New York, 11361

1248

Email: customerservice@bigappleabstract.com • (718) 428-6100 • Fax (718) 428-2064 • (212) 751-3225 • (516) 222-2740

FAX TRANSMISSION

DATE: March 20, 2008

TO: KATHY O'NEIL

ATTN.:

FAX NO.: 631-8535906

FROM: Yana Budkevics

RE: Chain of Title ; Suffolk County

NUMBER OF PAGES, INCLUDING THIS ONE:

(2)



Hopefully, this is what you need,
if not, please advise.

Thanks! - Yana



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1248

CERTIFIED CHAIN OF TITLE

Title No. A-20031

Premises known as: Vacant Land, Suffolk County, New York

District: 0500 Section: 441.00 Block 01.00 Lot 006.000

Present owner(s) of said premises is/are as follows as of October 18, 2007:

COUNTY OF SUFFOLK

Source of Title is a Deed from JOHN C. COCHRANE, as the County Treasurer, dated June 29, 2005 and recorded July 15, 2005 and in Liber 12397 page 973

PRIOR DEED

GOTFRIDS LIEPINS, one-half interest and JANIS KLIEVENS, one-half interest, having acquired title by deed from Gotfrids Liepins, dated September 5, 1972, recorded September 7, 1972 in Liber 7235 page 52

✓

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK



1248

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)

IAN P. BARRY
ASSISTANT COUNSEL TO THE LEGISLATURE
email: ian.barry@suffolkcountyny.gov

March 13, 2008

Hon. Thomas F. Barraga
County Legislator, 11th District
187 Sunrise Highway, Suite C
West Islip, NY 11795

Re: County Law, Section 215 Application for Redemption
Redemptor: Gotfrids Liepins
S.C.T.M. No. 0500-441.00-01.00-006.000

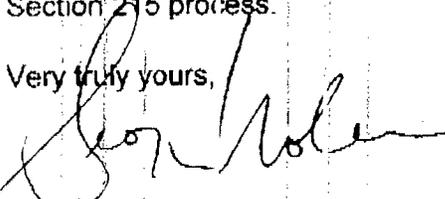
Dear Legislator Barraga:

Please be advised that I have reviewed the letter from Psychologist Bruce Levine forwarded to me by your office and believe that the captioned matter qualifies for a Chapter 27 conveyance.

You may, therefore, forward the application with backup material to the County Division of Real Property Acquisition and Management, for further processing.

As soon as I receive the computation from the Division of Real Property Acquisition and Management, I will prepare a resolution for the redemption of this property under the Section 215 process.

Very truly yours,


George Nolan
Counsel to the Legislature

GN/tm

cc: Cathy O'Neal, Division of Real Property Acquisition and Management

s:\word\215 Gotfrid Liepins Approval Letter

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK



124d

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)

IAN P. BARRY
ASSISTANT COUNSEL TO THE LEGISLATURE
email: ian.barry@suffolkcountyny.gov

January 14, 2008

Hon. Thomas F. Barraga
County Legislator, Eleventh District
187 Sunrise Hwy., Suite C
West Islip, New York 11795-2324

Re: Redemption Application of Gotfrids Liepins
574 Higbie Lane, West Islip, NY 11795
Tax Map Number 0500-441.00-01.00-006.000

Dear Legislator Barraga:

I have reviewed the documents you submitted to my office in connection with the above referenced 215 redemption application.

Please be advised that the application as submitted does not satisfy the criteria for redemption, set forth in Section 27-3(C) of the Suffolk County Code as follows:

§27-3. Guidelines for conveyance; procedure.

* * * *

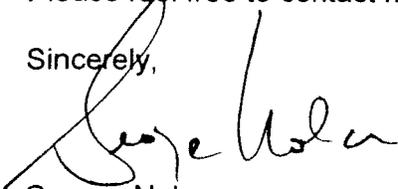
- C.) An explanation submitted by an applicant establishing one (1) or more of the following conditions shall be required as an appropriate and sufficient basis before the Legislature may approve a conveyance to an applicant who is the immediate prior owner of record:
- (1) Personal illness of the applicant, other than a mortgagee, assignee or judgment creditor, or a personal illness of a member of the applicant's immediate family, where written evidence of the medical problems of such applicant or such member of the applicant's immediate family is provided in the form of a letter or certification signed by a licensed physician indicating the precise nature of the medical problem, the diagnosis, the prognosis and whether or not such illness was the cause of death or incapacitation of such an applicant or of such member of the applicant's immediate family.

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- (2) Error in recordkeeping by pertinent governmental jurisdiction as to ownership of parcel, notice of tax arrears, mailing of tax bill, recording of deed or calculation of tax.
- (3) Loss of employment by the applicant, other than a mortgagee, assignee, or judgment creditor, for a period of more than twelve (12) consecutive months, where written evidence of such loss of employment, including pertinent income tax forms is provided.

Please feel free to contact me if you have any further questions regarding this matter.

Sincerely,



George Nolan
Counsel to the Legislature

GN/tm

cc: Cathy O'Neal, Division of Real Property Acquisition and Management

s:\word\ 215 Redemption\2008\215 disapproval Liepins

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AFFIDAVIT

STATE OF NEW YORK
COUNTY OF SUFFOLK

Gotfrids Liepins, being duly sworn, says:

1. I reside at 574 Higby Lane, West Islip, NY 11795-1610 and I am the applicant on the annexed "Application for Recovery of Real Property Acquired by Suffolk County".

2. I am 87 years old. I was born February 5, 1920 in Latvia. I entered the United States as a refugee under the Displaced Persons Program on December 17, 1950.

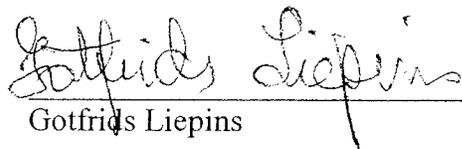
3. After entering the United States I have been employed as a carpenter in the home building industry here on Long Island.

4. I am retired and my sole source of income is Social Security which amounts to approximately \$1,111.00 per month. I do not remember the year when I retired. Since retirement, I have not filed income tax returns.

5. I do not own an automobile or any other property. I did own two vacant lots on West Lane in Bay Shore. Lot 3 I lost in a Sheriff's sale and Lot 6, which is the subject of this application, I lost to the County of Suffolk for non-payment of taxes.

6. The reason the taxes were not paid was because I did not have enough money to pay the taxes and I believed my former partner, Mr. Janis Klievens, would pay the taxes.

7. I respectfully request that the property be given back to me because it is my one and only saving for retirement.


Gotfrids Liepins

Sworn to before me on November 14, 2007

Ivars Berzins
Notary Public, State of New York
No. 5304204, Suffolk County
Commission Expires August 31, 2010

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AFFIDAVIT

STATE OF NEW YORK
COUNTY OF SUFFOLK

Ivars Berzins, being duly sworn, says:

1. I am an attorney admitted to practice law in New York and I maintain my offices at Ivars Berzins, P.C., 484 West Main Street, Babylon, NY 11702-3000.
2. I have been retained by Mr. Godfrids Liepins to assist him in submitting the “Application for Recovery of Real Property Acquired by Suffolk County”, for the vacant lot in on West Lane in Bay Shore, District 500, Section 441.00, Block 1.00, Lot 6.000. Section 441 of the Tax Map is annexed as Exhibit 8.
3. I have known Mr. Liepins at least thirty years and as far back as 1981 I represented him in an unrelated matter.
4. I have interviewed Mr. Liepins several times in connection with this application. I have also visited the Suffolk County Treasurer’s Office and reviewed the records pertaining to this property. See Exhibit 1.
5. Mr. Liepins admits that it is his signature on the return receipt for the certified mail but insists that it was an empty envelope that he received. He also claims that he sent it back to the Suffolk County Treasurer. The records show that Michael Studley from Infinity Funding on 4/21/05 was in contact with the Treasurer’s Office and said that “they are working on a loan for the owner & expect to pay within 2 weeks”. The next entry shows that on 5/27/05 Mr. Studley said that “they are no longer involved with this property”. Mr. Liepins tells me that he has no recollection of ever dealing with a Michael Studley and has no knowledge of Infinity Funding. I spoke with M. Michael W. Studley, Vice President of Infinity Funding Ltd., and he

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told me that he has no recollection of this matter except that there is no record of Mr. Liepins having actually filled out and submitted a loan application.

6. I obtained a title report that shows that Mr. Liepins owned the property on September 5, 1972 and conveyed a one half interest to Janis Klievens as of that date. Thus, the property has remained on the record in those two names until by deed dated June 29, 2006 the Suffolk County Treasurer conveyed the property to Suffolk County. The title report is annexed as Exhibit 2.

7. The title report also shows that Olga Buzermanis in whose house Mr. Liepins lives, has a \$37,040.65 judgment against Mr. Liepins.

8. Mr. Liepins tells me that the reason he conveyed a ½ interest in the property to Mr. Klievens in 1972 was because they were going to be partners in the building business. Mr. Liepins has a document dated December 15, 1994, Exhibit 3, which purports to dissolve this partnership and acknowledges that Mr. Liepins should be the sole owner of the property and pay “all transfer expenses”. It appears from another simultaneously executed document, Exhibit 4, that Mr. Liepins was indebted to Mr. Klievens for \$62,036.00, to be paid on or before May 15, 1995. I was not involved in this transaction and it appears that the two of them prepared these documents and signed them before a notary.

9. On or about December 19, 1994 Mr. Klievens moved to Latvia. By letter dated August 25, 1998 Mr. Klievens asked me to assist him in collecting this indebtedness from Mr. Liepins. I knew Mr. Klieviens since I had represented him in a previous unrelated matter. After I could not amicably resolve the matter with Mr. Liepins, Mr. Klievens authorized me to commence an action against Mr. Liepins in Supreme Court, Suffolk County, Index number 1718/1999. On June 1, 1999 this action resulted in a \$84,047.73 default judgment entered in

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favor of Mr. Klievens and against Mr. Liepins. After I was unable to amicably collect this judgment, Mr. Klievens authorized me to issue a real property execution against the other vacant lot Mr. Liepins owned in his name only on West Lane in Bay Shore, District 500, Section 440.00, Block 02.00, Lot 3.000. On December 13, just four days before the Sheriff's sale, Mr. Liepins attorney, Dennis P. Rigas, Esq., made a motion that resulted in the Court's March 12, 2002 Order, Exhibit 5, allowing the sale to proceed. In the meantime, I did everything I could to assist Mr. Rigas in selling the property and thus paying the judgment before the Sheriff's sale that ultimately took place on September 24, 2002. The judgment and all other liens on the lot were satisfied and Mr. Liepins lost a substantial equity in the lot. This was a most unfortunate result for Mr. Liepins that I could not prevent without violating my professional obligation to represent Mr. Klievens interests zealously.

10. It appears to me that the 1/2 interest in the property subject to this application should have been formally conveyed by Mr. Klievens to Mr. Liepins after the judgment was paid, but I have no knowledge of either one of them, either individually or through counsel, taking any steps to effect a formal transfer. It is my opinion that Mr. Liepins is the equitable owner of the entire parcel.

11. I do not know what conversations or transactions may have taken place between Mr. Liepins and Mr. Klievens following the Sheriff's sale, but I did recently learn by calling Mr. Klievens daughter, Mrs. Ausma Sena, in Latvia that Mr. Klievens had been afflicted with testicular cancer and died on March 29, 2004. Mrs. Sena sent me the death certificate, Exhibit 6, and told me that Mr. Klievens wife, Anna has also died, leaving Mrs. Sena as the sole heir. Mrs. Sena is aware that her father was paid in full and has no claim against the property or Mr. Liepins.

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12. Based on all of the foregoing, it is understandable why Mr. Liepins would harbor a belief that Mr. Klievens should be responsible for payment of the taxes since he has been paid in full but a re-conveyance has not taken place.

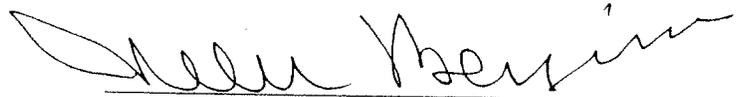
13. In my opinion, Mr. Liepins does not pose a danger to himself or others and is capable of managing his daily living. I do have serious misgivings about his wisdom and good judgment, or lack thereof, for managing his property interests. I am told that Mr. Liepins has a sister, Alida I. Krasts, who was born in 1918, lives in Pennsylvania and is not in good health. His sister has two sons, Janis Krasts and Aivars Krasts, who could qualify as guardians of Mr. Liepins property.

14. I am confident that the appraisal for this property will show a value that is grossly disproportionate to the tax arrears and would result in an unconscionable windfall to Suffolk County if it was not returned to Mr. Liepins.

15. I am also confident that if the property can be recovered, I can arrange for Mr. Liepins a loan that will cover the current taxes and all arrears and expenses until the property can be sold at fair market value in an orderly fashion.

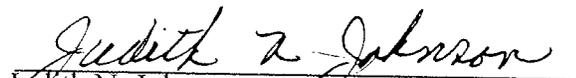
16. Mr. Liepins issued to me a power of attorney which is annexed as Exhibit 7.

WHEREFORE, I respectfully urge our legislators to favorably consider this application. A favorable outcome would go a long way toward keeping this applicant off the welfare rolls.



Ivars Berzins

Sworn to before me on November 14, 2007



Judith N. Johnson
Notary Public, State of New York
No. 4954606, Suffolk County
Commission Expires August 14, 2009

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DURABLE GENERAL POWER OF ATTORNEY
NEW YORK STATUTORY SHORT FORM

THE POWERS YOU GRANT BELOW CONTINUE TO BE EFFECTIVE
SHOULD YOU BECOME DISABLED OR INCOMPETENT

(CAUTION: THIS IS AN IMPORTANT DOCUMENT. IT GIVES THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY DURING YOUR LIFETIME, WHICH MAY INCLUDE POWERS TO MORTGAGE, SELL, OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THESE POWERS WILL CONTINUE TO EXIST EVEN AFTER YOU BECOME DISABLED OR INCOMPETENT. THESE POWERS ARE EXPLAINED MORE FULLY IN NEW YORK GENERAL OBLIGATIONS LAW, ARTICLE 5, TITLE 15, SECTIONS 5-1502A THROUGH 5-1503, WHICH EXPRESSLY PERMIT THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY.

THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS. YOU MAY EXECUTE A HEALTH CARE PROXY TO DO THIS.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.)

THIS is intended to constitute a DURABLE GENERAL POWER OF ATTORNEY pursuant to Article 5, Title 15 of the New York General Obligations Law:

I, Gotfrids Liepins, residing at 574 Higby Lane, West Islip, NY 11795, do hereby appoint Ivars Berzins, residing at 484 West Main Street, Babylon, NY 11702:

(If 1 person is to be appointed agent, insert the name and address of your agent above)

.....

.....
(If 2 or more persons are to be appointed agents by you insert their names and addresses above)
my attorney(s)-in-fact TO ACT

(If more than one agent is designated, CHOOSE ONE of the following two choices by putting your initials in ONE of the blank spaces to the left of your choice:)

- () Each agent may SEPARATELY act.
- () All agents must act TOGETHER.

(If neither blank space is initialed, the agents will be required to act TOGETHER)

IN MY NAME, PLACE AND STEAD in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in Title 15 of Article 5 of the New York General Obligations Law to the extent that I am permitted by law to act through an agent:

(DIRECTIONS: Initial in the blank space to the left of your choice any one or more of the following lettered subdivisions as to which you WANT to give your agent authority. If the blank

space to the left of any particular lettered subdivision is NOT initialed, NO AUTHORITY WILL BE GRANTED for matters that are included in that subdivision. Alternatively, the letter corresponding to each power you wish to grant may be written or typed on the blank line in subdivision "(Q)", and you may then put your initials in the blank space to the left of subdivision "(Q)" in order to grant each of the powers so indicated)

- (A) real estate transactions;
- (B) chattel and goods transactions;
- (C) bond, share and commodity transactions;
- (D) banking transactions;
- (E) business operating transactions;
- (F) insurance transactions;
- (G) estate transactions;
- (H) claims and litigation;
- (I) personal relationships and affairs;
- (J) benefits from military service;
- (K) records, reports and statements;
- (L) retirement benefit transactions;
- (M) making gifts to my spouse, children and more remote descendants, and parents, not to exceed in the aggregate \$10,000 to each of such persons in any year;
- (N) tax matters;
- (O) all other matters;
- (P) full and unqualified authority to my attorney(s)-in-fact to delegate any or all of the foregoing powers to any person or persons whom my attorney(s)-in-fact shall select;

gfl) (Q) each of the above matters identified by the following letters:
 A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P

(Special provisions and limitations may be included in the statutory short form durable power of attorney only if they conform to the requirements of Section 5-1503 of the New York General Obligations Law.)

Special Additional Provisions: The powers granted under (A) through (C) above shall include the sale of a cooperative housing unit and are enlarged so that all fixtures and articles of personal property which at the time of such transaction are or which may thereafter be attached to or used in connection with the real or personal property may be included in the agreements or other instruments to be executed and delivered in connection with any transaction and which may be described in said instrument with more particularity. This Power of Attorney is not subject to question because any instrument executed hereunder fails to recite or recites only nominal consideration paid therefor and any person dealing with the subject matter of such instrument may do so as if full consideration had been expressed therein.

This durable Power of Attorney shall not be affected by my subsequent disability or incompetence.

If every agent named above is unable or unwilling to serve, I appoint

.....
(insert name and address of successor)

to be my agent for all purposes hereunder.

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TO INDUCE ANY THIRD PARTY TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS INSTRUMENT MAY ACT HEREUNDER, AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY, AND I FOR MYSELF AND FOR MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED ON THE PROVISIONS OF THIS INSTRUMENT.

THIS DURABLE GENERAL POWER OF ATTORNEY MAY BE REVOKED BY ME AT ANY TIME.

In Witness Whereof I have hereunto signed my name this 9th day of October 2007.

(YOU SIGN HERE:) => Gotfrids Liepins
.....
Gotfrids Liepins

ACKNOWLEDGEMENT

STATE OF NEW YORK, COUNTY OF SUFFOLK

On October 9th, 2007, before me, the undersigned, personally appeared Gotfrids Liepins, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument

Judith N. Johnson
Judith N. Johnson
Notary Public, State of New York
No. 4954606, Suffolk County
Commission Expires August 14, 2009

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Amended Source of Title

Title No. A-20031

Premises known as: Vacant Land, Suffolk County, New York

District: 0500 Section: 441.00 Block 01.00 Lot 006.000

Present owner(s) of said premises is/are as follows as of October 18, 2007:

COUNTY OF SUFFOLK

Source of Title is a Deed from JOHN C. COCHRANE, as the County Treasurer, dated June 29, 2005 and recorded July 15, 2005 and in Liber 12397 page 973

PRIOR DEED

GOTFRIDS LIEPINS, one-half interest and JANIS KLIEVENS, one-half interest, having acquired title by deed from Gotfrids Liepins, dated September 5, 1972, recorded September 7, 1972 in Liber 7235 page 52

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CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

LIBER 7235 PAGE 52

*Hand Stamp
7/13/29
H.P.D.*

THIS INDENTURE, made the 11th day of September, nineteen hundred and seventy-two
BETWEEN GOTFRIDS LIEPINS residing at 52 Durham Lane, North Babylon,
New York;

party of the first part, and GOTFRIDS LIEPINS, one-half interest, and
JANIS KLIEVENS, one-half interest, both residing at 52 Durham Lane,
North Babylon, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk and State of New York, known and designated as and by the plot number 76 and the southerly 25 feet of plot number 75, on a certain map entitled, "Second Amended Map of O'Co-Nee, Section 2, property of C.L. Lawrence Corporation, November 1927, by Robert J. Bartley, C.E., Bay Shore, New York, and filed in the Office of the Clerk of the County of Suffolk on May 9th, 1928 as map number 725, said lot and part of lot being more particularly bounded and described as follows:

BEGINNING at a point on southwesterly side of West Lane where it is intersected by the division line between lots 76 and 77; running thence along said division line South 52° 40' West 196.71 feet; running thence along southwesterly side of lots 76 and 75 North 37° 46' West 100 feet; running thence through lot 75 North 52° 40' East 197.47 feet to southwesterly side of West Lane; running thence along southwesterly side of West Lane South 37° 20' East 100 feet to point or place of beginning.

SUBJECT to building restrictions and regulations contained in the Amended Zoning Ordinance of the Town of Islip and in the Building Code of the Town of Islip, together with any additions and amendments thereto.

SUBJECT to covenants and restrictions and utility easements of record, if any, still in effect.

SUBJECT to any state of facts an accurate survey may show.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires. IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Joseph P. ...

Gotfrids Liepins

100 15:30 08827

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STATE OF NEW YORK, COUNTY OF SUFFOLK

STATE OF NEW YORK, COUNTY OF

LIB 7235 EX 53

On the 5th day of September 1972, before me personally came GOTFRIDS LIEPINS

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Hugh F. Traynor

HUGH F. TRAYNOR
Notary Public, State of New York
Qualified in Suffolk County
Commission Expires March 30, 1974

STATE OF NEW YORK, COUNTY OF

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

that he is the of

the corporation described in and which executed the foregoing instrument; that he 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 signed his name thereto by like order.

the corporation described in and which executed the foregoing instrument; that he 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 signed his name thereto by like order.

REAL ESTATE STATE OF NEW YORK
TRANSFER TAX
13.20
FIDELITY & SECURITY

execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Mortgage and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
Title No.

GOTFRIDS LIEPINS

SECTION
BLOCK
LOT
COUNTY OR TOWN

TO

GOTFRIDS LIEPINS, one-half interest,
and JANIS DLIEVENS, one-half interest

Recorded At Request of The Title Guarantor Company
RETURN BY MAIL TO:

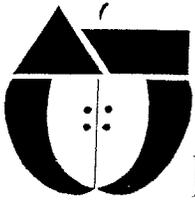
STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Disseminated by
THE TITLE GUARANTEE COMPANY
TGC

HUGH F. TRAYNOR
ATTORNEY AT LAW
466 SO. WELLWOOD AVENUE
LINDENHURST, NEW YORK 11757
Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

RECORDED
SEP 7 9 29 AM '72
LESTER H. ALBERTSON
CLERK OF
SUFFOLK COUNTY

1248



BIG APPLE ABSTRACT CORP.

42-40 Bell Boulevard, Bayside, New York, 11361 • (718) 428-6100 • Fax (718) 428-2064 • (212) 751-3225 • (516) 222-2740

October 19, 2007

IVARS BERZINS, ESQ.
484 West Main Street
Babylon, New York 11702

Re: Title No. A-20031
County of Suffolk
Prem: Vacant Land
Bayshore, New York

Dear Mr. Berzins:

In reference to your request on the above described file, enclosed please find the following:

(x) Attorney Search

Attached hereto please find our bill to cover the cost of same.

Should you have any questions, please contact the undersigned.

Very truly yours,

Evemarie Crish

Enc.

THE LIABILITY OF THIS COMPANY TO THE APPLICANT FOR THIS SEARCH IS LIMITED TO \$1,000.00. AS TO SEARCHES MADE IN THE OFFICE OF THE SECRETARY OF STATE, NO LIABILITY IS ASSUMED WITH RESPECT TO ANY INSTRUMENTS NOT ACTUALLY REPORTED TO THIS COMPANY BY SAID OFFICE. RELIANCE UPON THE INFORMATION HEREIN BY ANYONE OTHER THAN THE APPLICANT IS AT THE SOLE RISK AND RESPONSIBILITY OF SUCH PERSON OR PERSONS. BY RECEIPT AND USE OF THIS REPORT, THE USER AGREES TO COMPLY WITH ALL PROVISIONS, STATE AND FEDERAL, OF THE FAIR CREDIT REPORTING ACT AND FURTHER AGREES NOT TO DISSEMINATE, IN ANY WAY, THE INFORMATION CONTAINED IN THIS REPORT, TO THIRD PARTIES. THIS COMPANY HEREBY DISCLAIMS LIABILITY FOR ANY SUCH UNAUTHORIZED DISSEMINATION. THIS REPORT DOES NOT CONTAIN CERTAIN "STALE" INFORMATION, WHICH CAN NOT BE DISCLOSED PURSUANT TO THE FAIR CREDIT REPORTING ACT.

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Source of Title

Title No. A-20031

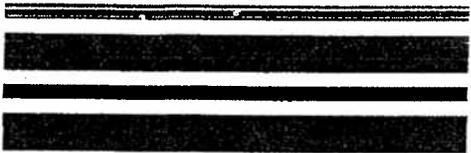
Premises known as: Vacant Land, Suffolk County, New York

District: '0500 Section: 441.00 Block 01.00 Lot 006.000

Present owner(s) of said premises is/are as follows as of October 18, 2007:

COUNTY OF SUFFOLK

Source of Title is a Deed from JOHN C. COCHRANE, as the County Treasurer, dated June 29, 2005 and recorded July 15, 2005 and in Liber 12397 page 973



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R/O

SUFFOLK COUNTY CLERK
RECORDS OFFICE
RECORDING PAGE

Type of Instrument: DEEDS/DDD
Number of Pages: 10
Receipt Number : 05-0073748
TRANSFER TAX NUMBER: 04-49246

Recorded: 07/15/2005
At: 01:44:37 PM
LIBER: D00012397
PAGE: 973

District: 0500 Section: 019.00 Block: 02.00 Lot: 028.000

EXAMINED AND CHARGED AS FOLLOWS

Deed Amount: \$0.00

Received the Following Fees For Above Instrument

		Exempt			Exempt
Page/Filing	\$0.00	YES	Handling	\$0.00	YES
COE	\$0.00	YES	NYS SRCHG	\$0.00	YES
EA-CTY	\$0.00	YES	EA-STATE	\$0.00	YES
TP-584	\$0.00	YES	Cert.Copies	\$0.00	YES
RPT	\$0.00	YES	SCTM	\$0.00	YES
Transfer tax	\$0.00	YES			
			Fees Paid	\$0.00	

TRANSFER TAX NUMBER: 04-49246

THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Edward P.Romaine
County Clerk, Suffolk County

1248

Number of pages 10 #2

TORRENS

Serial # _____

Certificate # _____

Prior Cif. # _____

RECORDED
 2005 Jul 15 01:44:37 PM
 Edward P. Romaine
 CLERK OF
 SUFFOLK COUNTY
 L D00012397
 P '973
 DT# 04-49246

Deed / Mortgage Instrument _____ Deed / Mortgage Tax Stamp _____ Rec _____

4 _____ FEES _____

Page / Filing Fee _____

Handling _____

TP-584 _____

Notation _____

EA-52 17 (County) _____ Sub Total _____

EA-5217 (State) _____

R.P.T.S.A. N/C

Comm. of Ed. 5.00

Affidavit _____

Certified Copy _____

Reg. Copy _____

Other _____

Sub Total _____

GRAND TOTAL 0



Mortgage Am _____

1. Basic Tax _____

2. Additional _____

Sub Total _____

Spec./Assit. Or Spec./Add. _____

TOT. MTG. T/ Dual Town _____ Held for App _____

Transfer Tax _____

Mansion Tax The property will be improved dwelling only. YES _____ or NO _____

If NO, see appropriate tax clause on page # _____ of this instrument.

tax map #
 2005 12/17
 # (circled)

Real Property Tax Service Agency Verification

Dist.	Section	Block	Lot
0500	019.00	02.00	028.000
0500	055.00	04.00	052.000
Initials <u>(See Attached)</u>			

6 Community Preservation Fund

Consideration Amount \$ _____

CPF Tax Due \$ _____

Improved _____

Vacant Land _____

TD _____

TD _____

TD _____

7 Satisfactions/Discharges/Releases List Property Owners Mailing Address
 RECORD & RETURN TO:

Suffolk County Treasurer
 330 Center Office
 Rochester, N.Y. 11901

8 Title Company Information

Co. Name _____

Title # _____

9 Suffolk County Recording & Endorsement Page

This page forms part of the attached Tax Deed made by: _____

(SPECIFY TYPE OF INSTRUMENT)

John C. Cochrane

The premises herein is situated in SUFFOLK COUNTY, NEW YORK.

In the Township of Islip

In the VILLAGE _____

or HAMLET of _____

TO
 SUFFOLK County

1248

This Indenture

Made this 29TH day of JUNE in the year of our Lord,
TWO THOUSAND FIVE

BETWEEN JOHN C COCHRANE as the County Treasurer
330 Center Drive Riverhead, N.Y. 11901
of the County of Suffolk, State of New York, party of the first part, and the COUNTY OF
SUFFOLK, party of the second part. 330 Center Drive Riverhead, N.Y. 11901

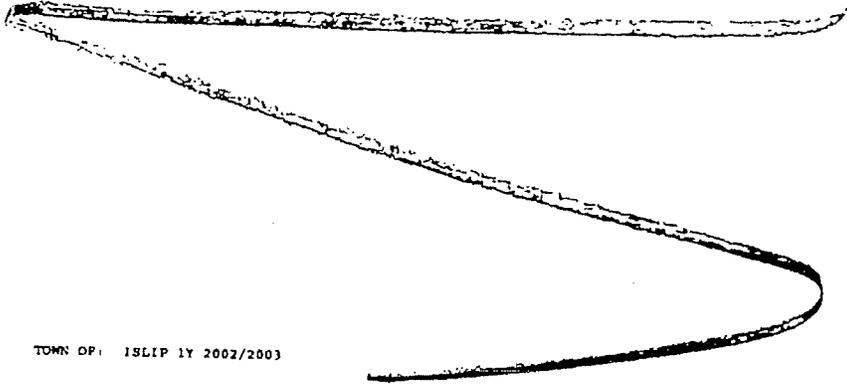
WITNESSETH, that WHEREAS by an act of the Legislature of the State of New York, Chapter 62, Laws of 1909, entitled "An Act in Relation to Taxation, Constituting Chapter Sixty of the Consolidated Laws" and the several acts amending the same, and the special tax statutes applicable to Suffolk County, it was among other things enacted that whenever any tax charged on real estate in a county not including a portion of the forest preserve is returned to the County Treasurer, he shall not return the same to the Comptroller, but if such tax with interest thereon at the rate of ten per centum per annum, computed from the first day of February after the same is levied, shall remain unpaid for six months from that date such County Treasurer shall advertise and sell such real estate pursuant to said acts:

AND WHEREAS, default was made in the payment of taxes levied in the year 2002/03 so as foresaid duly charged on sundry parcels of land within the County of Suffolk, with interest thereon, and the said taxes remaining unpaid for six months from the first day of February after the same was levied:

AND WHEREAS, the County Treasurer of the County of Suffolk for the time being, by virtue of the power in him vested, and after due notices for that purpose published and given according to law, and after a compliance with all provisions of law of him required, did sell at public auction, at the Court House in Riverhead, in the County of Suffolk, in the month of DECEMBER in the year TWO THOUSAND THREE the parcels of land so as aforesaid charged with taxes remaining unpaid to satisfy and discharge the said taxes, and the interest and charges due thereon respectively at the time of the sale:

AND WHEREAS, at said sale the premises hereinafter described were purchased by the County of Suffolk to whom the certificate of the County Treasurer of said sale was thereupon issued and delivered:

1248



TOWN OF ISLIP FY 2002/2003

S.C.T.M.: 0500.44100.0100.006000.0000
CTF#: 501233
ASSESSED TO: LIEPINS GOTFRIDS &
TAX DEED TAKEN FOR: \$2,823.43



S.C.T.M.: 0500.49700.0300.048000.0000
CTF#: 501381
ASSESSED TO: SUKOWA BARBARA
TAX DEED TAKEN FOR: \$1,715.27

S.C.T.M.: 0501.00300.0200.053001.0000
CTF#: 501387
ASSESSED TO: DE SARIO LAURA
TAX DEED TAKEN FOR: \$1,305.75

1248

NOW THEREFORE, This Indenture Witnesses that the said party of the first part, as County Treasurer of Suffolk County, by virtue of the authority vested in him by law, for and in consideration of the amounts charged against such said parcels for taxes, including interest and penalties, and charges for advertising notice to redeem as above set forth, the receipt whereof is hereby acknowledged, hath granted, bargained sold, conveyed and released, and by these presents doth grant, bargain, sell, convey and release to the said party of the second part, and to its assigns forever, the said pieces and parcels of land above described, with the hereditaments and appurtenances to the same belonging to be located and laid out and possession acquired, however, by and at the expense of the party of the second part: TO HAVE AND TO HOLD the same to the party of the second part its assigns forever, subject to the claims, if any, of the County of Suffolk and the State of New York for taxes or liens or encumbrances.

IN WITNESS WHEREOF, The County Treasurer of the County of Suffolk, party of the first part, in pursuance of the authority vested in him by law, hath hereunto set his hand and affixed the seal of his office, the day and year first above written.

Signed, sealed
And delivered
In Presence of



As COUNTY TREASURER of the County of Suffolk, State of New York.

STATE OF NEW YORK
COUNTY OF SUFFOLK ss:

On this 29TH day of JUNE in the year 2005 before me, the undersigned, personally appeared JOHN C. COCHRANE County Treasurer of Suffolk County, New York, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity as County Treasurer of Suffolk County and that by his/her signature on the instrument, executed the instrument.



Notary Public

DEBORAH ZURANSKI
Notary Public, State of New York
No 01-215058836-Suffolk County
Commission Expires April 15, 2006 *db*

1248

Title No. A-20031

SCHEDULE B

THE FOLLOWING JUDGMENTS, FEDERAL TAX LIENS, MECHANIC'S LIENS, LI
PENDENS, ETC. WERE FOUND:

Full Searches were run against **GOTFRIDS LIEPINS** and **JANIIS KLIEVENS** and only the
return(s) recited herein were found.

1. Three (3) Judgments against GOTFRIDS LIEPIN (see attached)



Suffolk County Clerk's Office
JUDGMENT - RETRIEVAL REPORT

General Info for Doc Date: 9/24/1991 Seq #: 247 Doc Type: MF

INDEX #	D T PERFECTED	COURT	COUNTY	SHERIFF FEES	AMOUNT (\$)	COST (\$)	TOTAL (\$)	REMARKS
E 001047451	9/19/1991 9:00:00 AM	WARR	SUFFOLK	N	1,296.89	0.00	1296.89	

Debtor Info

Last Name LIEPINS First Name GOTFRIDS Type
Street # Street name 52 DURHAMOC LN Street Type Addr2 NORTH BABYLON Addr3 City State Zip NY 11703 3008

Creditor Info

Last Name COMMISSIONER OF First Name Type
TAXATION AND TAX TAX
FINANCE COMPLIANCE COMPLIANCE Street Type Addr2 W A HARRIMAN Addr3 City State Zip STATE CAMPUS ALBANY NY 12227

Attorney Info

Name NA Street # Street name NA Street type Addr2 Addr3 City State Zip

1248



Suffolk County Clerk's Office
JUDGMENT - RETRIEVAL REPORT

10/18/2007 3:57:25 pm

General Info for Doc Date: 3/10/1992 **Seq #:** 247 **Doc Type:** MF

<u>INDEX #</u>	<u>D I PERFECTED</u>	<u>COURT</u>	<u>COUNTY</u>	<u>SHERIFF FEES</u>	<u>AMOUNT (\$)</u>	<u>COST (\$)</u>	<u>TOTAL (\$)</u>	<u>REMARKS</u>
E 001047451	2/20/1992 9:00:00 AM	WARR	SUFFOLK	N	633.50	0.00	633.5	

Debtor Info

<u>Last Name</u> LIEPINS	<u>First Name</u> GOTFRIDS	<u>Type</u>	<u>Street #</u>	<u>Street name</u> 52 DURHAMOC LN	<u>Street Type</u>	<u>Addr2</u> N BABYLON NY 11703 3008	<u>Addr3</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
-----------------------------	-------------------------------	-------------	-----------------	--------------------------------------	--------------------	--	--------------	-------------	--------------	------------

Creditor Info

<u>Last Name</u> COMMISSIONER OF TAXATION AND FINANCE	<u>First Name</u>	<u>Type</u>	<u>Street #</u>	<u>Street name</u> TAX COMPLIANCE DIVISION CO ATC	<u>Street Type</u>	<u>Addr2</u> POB 5149	<u>Addr3</u> ALBANY NY 12205	<u>City</u>	<u>State</u>	<u>Zip</u>
--	-------------------	-------------	-----------------	--	--------------------	--------------------------	------------------------------------	-------------	--------------	------------

Attorney Info

<u>Name</u> NA	<u>Street #</u>	<u>Street name</u> NA	<u>Street type</u>	<u>Addr2</u>	<u>Addr3</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
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1248



Suffolk County Clerk's Office
JUDGMENT - RETRIEVAL REPORT

10/18/2007 3:59:25 pm

General Info for Doc Date: 9/15/2003 Seq #: 349 Doc Type: MF

<u>INDEX #</u>	<u>D.T PERFECTED</u>	<u>COURT</u>	<u>COUNTY</u>	<u>SHERIFF FEES</u>	<u>AMOUNT (\$)</u>	<u>COST (\$)</u>	<u>TOTAL (\$)</u>	<u>REMARKS</u>
03 22797	9/15/2003 11:48:00 AM	SUP	SUFFOLK	N	37,040.65	245.00	37285.65	TRANS/ATTY/M-10-2-03 001

Debtor Info

<u>Last Name</u>	<u>First Name</u>	<u>Type</u>	<u>Street #</u>	<u>Street name</u>	<u>Street Type</u>	<u>Addr2</u>	<u>Addr3</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
LIEPINS	GOTFRIDS			574 HIGBIE LANE	WEST ISLIP NY					

Creditor Info

<u>Last Name</u>	<u>First Name</u>	<u>Type</u>	<u>Street #</u>	<u>Street name</u>	<u>Street Type</u>	<u>Addr2</u>	<u>Addr3</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
OLGA BUZERMANIS				574 HIGBIE LANE	WEST ISLIP NY					

Attorney Info

<u>Name</u>	<u>Street #</u>	<u>Street name</u>	<u>Street type</u>	<u>Addr2</u>	<u>Addr3</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
LITE & RUSSELL		212 HIGBIE LANE		WEST ISLIP NY 11795				

1248

Title No. A-20031

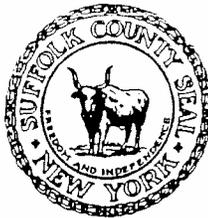
Schedule C

1248

MORTGAGES AND RELATED INSTRUMENTS RECORDED:

MORTGAGES

NONE



SUFFOLK COUNTY TI

JOHN C. COCHRANE - COUNTY

MARTIN W. HALEY - CHIEF DEPUTY

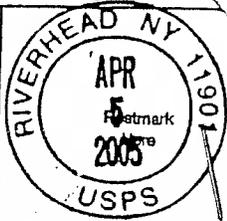
April 5, 2005

Gotfrids Liepins & Janis Klievens
PO Box 112
Brightwaters, NY 11718

18 4233 18
0007 4233 18
0000 0860 0007 4233 18
2002 0860 0007 4233 18

(Domestic Mail Only; No Insurance Coverage)

Postage \$ 12.48
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$
Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4
500-441-1-6 02/03 CTF 501233
PS Form 3800, April 2002 See Reverse for Instructions



Physical Address:
The records of this office indicate above captioned property which is assessed...
The Suffolk County Tax Act permits redemption of the sale. If redemption is not elected to apply to this office for a tax deed from the 2002/03 tax sale.

U.S. POSTAL SERVICE CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER
Received From:
SUFFOLK COUNTY TREASURER
330 CENTER DRIVE
RIVERHEAD, NEW YORK 11901-3311
REAL ESTATE DEPT
One piece of ordinary mail addressed to:
Gotfrids Liepins & Janis Klievens
500-441-1-6 02/03 CTF 501233
PS Form 3817, Mar. 1989



The one year redemption period and the official notice to redeem was published in the two official newspapers of the county namely The Smithtown News, One Brookside Drive, Smithtown, N.Y. 11789. and The Smithtown Messenger, 127 E. Main St., Smithtown, NY 11789.

As required by Section 206 of the Real Property Tax Law, we are sending you this statement of this letter or the County should be certified funds.

SENDER: COMPLETE THIS SECTION
COMPLETE THIS SECTION ON DELIVERY
A. Signature: Gotfrids Liepins
B. Received by (Printed Name): Gotfrids Liepins
C. Date of Delivery: 4/12
D. Is delivery address different from item 1? No
3. Service Type: Certified Mail, Registered, Insured Mail, Express Mail, Return Receipt for Merchandise, C.O.D.
4. Restricted Delivery? (Extra Fee) Yes
2. Article Number (Transfer from service label): 7002 0860 0007 4233 1821
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-154

FILED

INDEX
NO. 1718-99

1248

2002 MAR 15 PM 2:32 SUPREME COURT - STATE OF NEW YORK
L.A.S. TERM. PART XV - SUFFOLK COUNTY

EDWARD J. ROMAINE
CLERK OF
SUFFOLK COUNTY
PRESENT

HON. PATRICK HENRY

JANIS KLIEVENS,

Plaintiff,

Motion Date: 12/20/01, 12/21
Motion: 003-MD
Final Disposition
 Non-Final Disposition

v

GOTFRIDS LIEPINS,

Defendant.

PLAINTIFF'S ATTORNEY
IVARS BERZINS, P.C.
484 West Main Street
Babylon, New York 11702-3000

DEFENDANT'S ATTORNEY
DENNIS P. RIGAS, ESQ.
88 East Main Street
Bay Shore, NY 11706

ORDERED that this motion by the defendant for a post-judgment protective order preventing the execution sale of a certain parcel of defendant's real property is denied.

The Sheriff's sale had been scheduled for Monday, December 17, 2001. On December 13, 2001, the defendant obtained an Order to Show Cause staying the sale pending further order of this Court - - that is, pending determination of this motion.

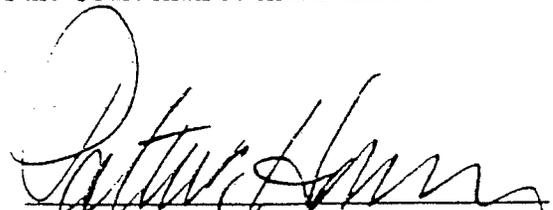
The defendant has uniformly ignored the mandates of this Court; indeed, he has been adjudicated in contempt and subsequently apprehended by the Sheriff and escorted to the Courthouse for post-judgment discovery.

The basis, allegedly, for the instant motion was an imminent private sale of the subject property, which, the Court now learns, was never consummated.

The plaintiff may re-schedule the sale.

Any Order to Show Cause presented in the future for the Court's signature is to be submitted to Hon. Patrick Henry and not to any other Justice, and the Clerk of the Court shall so mark this file.

Dated: 12 March 2002



J.S.C.

Report of Death of an American Citizen Abroad

Riga, Latvia, 27-Apr-2004

(Post date of issue)

SSA No. 069-26-7986

1248

Name in full JANIS KLIEVENS

Age 82 YEARS

Date and Place of Birth AUGUST 19, 1921 LIEPAJA, LATVIA

Evidence of U.S. Citizenship PASSPORT Z8152750 ISSUED MAY 8, 2000, RIGA

Address in U.S.A.

Permanent or Temporary Address Abroad JANA IELA 6, GROBINA, LATVIA LV 3430

Date of death MARCH 29, 2004

Place of Death GROBINA, LATVIA

(Number and Street) or (Hospital or hotel)

Cause of death PROSTATE CANCER

(Including authority for statement - if physician, include full name and official title, if any)

ACCORDING TO LATVIAN DEATH CERTIFICATE NO. LVAC0554505, ISSUED 3/30/04, LIEPAJA, LATVIA.

Disposition of the remains PREPARED/LOCAL

Local law governing disinterment of remains provides that

MUST WAIT 1 Y. BEFORE EXHUMATION EXCEPT IN CASE OF DEATH FROM CONTAGIOUS DISEASE

Disposition of the effects IN POSSESSION OF MS. KLIEVENA, DECEDENT'S SPOUSE

Person or official responsible for custody of effects and accounting therefor MS. KLIEVENA

Traveling/residing abroad with relatives or friends as follows:

NAME	ADDRESS

Informed by telegram or telephone

NAME	ADDRESS	DATE SENT

Copy of this report sent to:

NAME	ADDRESS	DATE SENT
ANNA KLIEVENA	JANA IELA 6, GROBINA, LATVIA LV3430	27-APR-2004

Notification or copy sent to Federal Agencies: SSA VA CSC Other

(State Agency)

The original copy of this document and information concerning the effects are being placed in the permanent files of the Department of State, Washington, D.C. 20520

Remarks: Passport cancelled and returned to Ms. Klievena.

(Signature on all copies)

[SEAL]

Marshall C. Derks

Vice Consul of the United States of America.

Certified copies available from: Correspondence Branch, Passport Services

Department of State, Washington, D.C. 20520. First Copy \$20, additional copies \$10.00.

(Last Name)

Janis

(First Name)

March 29, 2004
(Date of death)

1248

DURABLE GENERAL POWER OF ATTORNEY
NEW YORK STATUTORY SHORT FORM
THE POWERS YOU GRANT BELOW CONTINUE TO BE EFFECTIVE
SHOULD YOU BECOME DISABLED OR INCOMPETENT

(CAUTION: THIS IS AN IMPORTANT DOCUMENT. IT GIVES THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY DURING YOUR LIFETIME, WHICH MAY INCLUDE POWERS TO MORTGAGE, SELL, OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THESE POWERS WILL CONTINUE TO EXIST EVEN AFTER YOU BECOME DISABLED OR INCOMPETENT. THESE POWERS ARE EXPLAINED MORE FULLY IN NEW YORK GENERAL OBLIGATIONS LAW, ARTICLE 5, TITLE 15, SECTIONS 5-1502A THROUGH 5-1503, WHICH EXPRESSLY PERMIT THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY.

THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS. YOU MAY EXECUTE A HEALTH CARE PROXY TO DO THIS.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.)

THIS is intended to constitute a DURABLE GENERAL POWER OF ATTORNEY pursuant to Article 5, Title 15 of the New York General Obligations Law:

I, Gotfrids Liepins, residing at 574 Higby Lane, West Islip, NY 11795, do hereby appoint Ivars Berzins, residing at 484 West Main Street, Babylon, NY 11702:

(If 1 person is to be appointed agent, insert the name and address of your agent above)

.....
.....

(If 2 or more persons are to be appointed agents by you insert their names and addresses above)
my attorney(s)-in-fact TO ACT

(If more than one agent is designated, CHOOSE ONE of the following two choices by putting your initials in ONE of the blank spaces to the left of your choice:)

- () Each agent may SEPARATELY act.
- () All agents must act TOGETHER.

(If neither blank space is initialed, the agents will be required to act TOGETHER)

IN MY NAME, PLACE AND STEAD in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in Title 15 of Article 5 of the New York General Obligations Law to the extent that I am permitted by law to act through an agent:

(DIRECTIONS: Initial in the blank space to the left of your choice any one or more of the following lettered subdivisions as to which you WANT to give your agent authority. If the blank

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space to the left of any particular lettered subdivision is NOT initialed, NO AUTHORITY WILL BE GRANTED for matters that are included in that subdivision. Alternatively, the letter corresponding to each power you wish to grant may be written or typed on the blank line in subdivision "(Q)", and you may then put your initials in the blank space to the left of subdivision "(Q)" in order to grant each of the powers so indicated)

- (A) real estate transactions;
- (B) chattel and goods transactions;
- (C) bond, share and commodity transactions;
- (D) banking transactions;
- (E) business operating transactions;
- (F) insurance transactions;
- (G) estate transactions;
- (H) claims and litigation;
- (I) personal relationships and affairs;
- (J) benefits from military service;
- (K) records, reports and statements;
- (L) retirement benefit transactions;
- (M) making gifts to my spouse, children and more remote descendants, and parents, not to exceed in the aggregate \$10,000 to each of such persons in any year;
- (N) tax matters;
- (O) all other matters;
- (P) full and unqualified authority to my attorney(s)-in-fact to delegate any or all of the foregoing powers to any person or persons whom my attorney(s)-in-fact shall select;
- (Q) each of the above matters identified by the following letters:
A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P

(Special provisions and limitations may be included in the statutory short form durable power of attorney only if they conform to the requirements of Section 5-1503 of the New York General Obligations Law.)

Special Additional Provisions: The powers granted under (A) through (C) above shall include the sale of a cooperative housing unit and are enlarged so that all fixtures and articles of personal property which at the time of such transaction are or which may thereafter be attached to or used in connection with the real or personal property may be included in the agreements or other instruments to be executed and delivered in connection with any transaction and which may be described in said instrument with more particularity. This Power of Attorney is not subject to question because any instrument executed hereunder fails to recite or recites only nominal consideration paid therefor and any person dealing with the subject matter of such instrument may do so as if full consideration had been expressed therein.

This durable Power of Attorney shall not be affected by my subsequent disability or incompetence.

If every agent named above is unable or unwilling to serve, I appoint

.....
(insert name and address of successor)
to be my agent for all purposes hereunder.

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TO INDUCE ANY THIRD PARTY TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS INSTRUMENT MAY ACT HEREUNDER, AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY, AND I FOR MYSELF AND FOR MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED ON THE PROVISIONS OF THIS INSTRUMENT.

THIS DURABLE GENERAL POWER OF ATTORNEY MAY BE REVOKED BY ME AT ANY TIME.

In Witness Whereof I have hereunto signed my name this 9th day of October 2007.

(YOU SIGN HERE:) => Gotfrids Liepins
.....
Gotfrids Liepins

ACKNOWLEDGEMENT

STATE OF NEW YORK, COUNTY OF SUFFOLK

On October 9th, 2007, before me, the undersigned, personally appeared Gotfrids Liepins, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument

Judith N. Johnson
Judith N. Johnson
Notary Public, State of New York
No. 4954606, Suffolk County
Commission Expires August 14, 2009

1248
December 15 1994.

Agreement.

I, Gotfrids Liepins, residence, 52 Durham's Lane, North Babylon, N.Y. 11703 - with my signature certify, that I have borrowed - at different times - money - from Mr. Janis Klievens, residence - 52 Durham's Lane Babylon, N.Y. 11703.

Total money borrowed - according to Mr. Janis Klievens Nominal Roll on December 1 - 1994 was \$59,200 (fifty nine thousand and hundred dollars). This amount must be repaid in full May 15

From December 1 - 1994 until May 15 - 1995 - there isn't any (ing) (%) charge. I, Gotfrids Liepins accepted - Janis Klieven total estimate, without any checking, without any doubts correct. Later borrowed \$2836. - without % also must be repaid ~~on~~ May 15 - 1995.

If the West Lane property is sold before May 15 - 1995 - then all money owed to Mr. Janis Klievens - also must be repaid - in full closing time. This property is my guaranty - security - to Mr. Janis Klievens - for money loaned. Property can't be sold unless - at closing time money is repaid - and deposit at Chemical Bank Babylon - on Mr. Janis Klievens account.

Witness
December 15, 1994

Borrower: Gotfrids Liepins
GOTFRIDS LIEPINS
Lender: Janis Klievens
JANIS KLIEVENS

[Signature]

DONALD ROSSI
Notary Public State of New York
No. 524625048, Suffolk County
Term Expires June 30, 1996

1248

December 15, 1994

Agreement

I, James Kliovens, residence 52 Durbanee Lane, North Babylon N.Y. 11703 - with my signature certify, that my recent land - owner - partnership - with Mr. Gottfrids Liepins, the same address, as my above - is voluntary dissolved. Mr. Gottfrids Liepins, paid me - in full all my part of partnership money. He also pays all transfer expenses. Also my part of expenses.

I certify, that Mr. Gottfrids Liepins - now is the only, single owner. He has fulfilled all obligations to me. The property in question is located West Lane, Bayshore - size 100' x 200'. Physical address - 00000 West Lane, Bayshore, Oco-Nw section, 11706, Suffolk County Tax Map Number - district 500 - section 441.00 - Block 1.00 - Lot 6.000. At this transfer time - property doesn't have any debts, or unpaid taxes.

Witness

December 15, 1994

[Signature]

Formerly partner: James Kliovens
 Present owner: Gottfrids Liepins

GOTFRIDS

LIEPINS

DONALD ROSSI
 Notary Public State of New York
 No. 52-46250-38, Suffolk County
 Term Expires June 30, 1996

FILED

1248

INDEX
NO. 1718-99

2002 MAR 15 PM 2:32 SUPREME COURT - STATE OF NEW YORK
I.A.S. TERM, PART XV - SUFFOLK COUNTY

EDWARD J. ROMAINE
CLERK OF
SUFFOLK COUNTY
PRESENT

HON. PATRICK HENRY

JANIS KLIEVENS,

Plaintiff,

v

GOTFRIDS LIEPINS,

Defendant.
_____ x

Motion Date: 12/20/01, 12/21

Motion: 003-MD

Final Disposition

X Non-Final Disposition

PLAINTIFF'S ATTORNEY
IVARS BERZINS, P.C.
484 West Main Street
Babylon, New York 11702-3000

DEFENDANT'S ATTORNEY
DENNIS P. RIGAS, ESQ.
88 East Main Street
Bay Shore, NY 11706

ORDERED that this motion by the defendant for a post-judgment protective order preventing the execution sale of a certain parcel of defendant's real property is denied.

The Sheriff's sale had been scheduled for Monday, December 17, 2001. On December 13, 2001, the defendant obtained an Order to Show Cause staying the sale pending further order of this Court - - that is, pending determination of this motion.

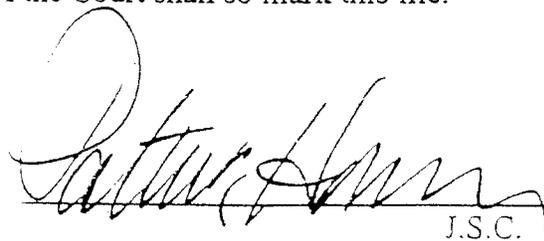
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The plaintiff may re-schedule the sale.

Any Order to Show Cause presented in the future for the Court's signature is to be submitted to Hon. Patrick Henry and not to any other Justice, and the Clerk of the Court shall so mark this file.

Dated: 12 March 2002



J.S.C.

1248

Report of Death of an American Citizen Abroad

Riga, Latvia, 27-Apr-2004

(Post date of issue)

SSA No. 069-26-7986

Klievens
(Last Name)

Janis
(First Name)

March 29, 2004
(Date of death)

Name in full JANIS KLIEVENS Age 82 YEARS

Date and Place of Birth AUGUST 19, 1921 LIEPAJA, LATVIA

Evidence of U.S. Citizenship PASSPORT 28152750 ISSUED MAY 8, 2000, RIGA

Address in U.S.A. _____

Permanent or Temporary Address Abroad JANA IELA 6, GROBINA, LATVIA LV 3430

Date of death MARCH 29, 2004

Place of Death GROBINA, LATVIA
(Number and Street) or (Hospital or hotel)

Cause of death PROSTATE CANCER
(Including authority for statement - if physician, include full name and official title, if any)

ACCORDING TO LATVIAN DEATH CERTIFICATE NO. LVAC0554505, ISSUED 3/30/04, LIEPAJA, LATVIA.

Disposition of the remains PREPARED/LOCAL

Local law governing disinterment of remains provides that
MUST WAIT 1 Y. BEFORE EXHUMATION EXCEPT IN CASE OF DEATH FROM CONTAGIOUS DISEASE

Disposition of the effects IN POSSESSION OF MS. KLIEVENA, DECEDENT'S SPOUSE

Person or official responsible for custody of effects and accounting therefor MS. KLIEVENA

Traveling/residing abroad with relatives or friends as follows:

NAME	ADDRESS

Informed by telegram or telephone

NAME	ADDRESS	DATE SENT

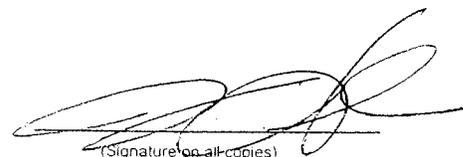
Copy of this report sent to:

NAME	ADDRESS	DATE SENT
ANNA KLIEVENA	JANA IELA 6, GROBINA, LATVIA LV3430	27-APR-2004

Notification or copy sent to Federal Agencies: SSA VA CSC Other _____
(State Agency)

The original copy of this document and information concerning the effects are being placed in the permanent files of the Department of State, Washington, D.C. 20520

Remarks: Passport cancelled and returned to Ms. Klievena.



(Signature on all copies)

[SEAL]

Marshall C. Derks
Vice Consul of the United States of America.



7002 0860 0007 4233 1821

1248

Mail Certified
Mail of Priority
Requested to pay
and applicable postage
requested to receive
postmark on your Certificate
may be restricted to
if a postmark
is desired
if you
may be restricted to
if a postmark
is desired
if you

SUFFOLK COUNTY TREASURER

JOHN C. COCHRANE - COUNTY TREASURER

MARTIN W. HALEY - CHIEF DEPUTY

DIANE M. STUKE - DEPUTY

April 5, 2005

Gotfrids Liepins & Janis Klievens
PO Box 112
Brightwaters, NY 11718

TOWN: Islip
TM#: 500-441-1-6
CTF#: 501233

Physical Address: West Lane, Bay Shore, NY

The records of this office indicate that payment of the 2002/03 tax was not made on the above captioned property which is assessed to you on the current tax roll.

The Suffolk County Tax Act permits a period of one year from the date of the tax sale to redeem the sale. If redemption is not effected within this period, the tax sale purchaser is entitled to apply to this office for a tax deed to the property. Suffolk County is the tax sale purchaser from the 2002/03 tax sale.

The one year redemption period from the 2002/03 tax sale expired on December 12, 2004 and the official notice to redeem was published in the two official newspapers of the County: namely The Smithtown News, One Brookside Drive, Smithtown, N.Y. 11789. and The Smithtown Messenger, 127 E. Main St., Smithtown, NY 11789.

As required by Section 1125, Subd.4, of the New York State Real Property Tax Law, we are sending you this statement reflecting the amount of \$2823.43 due within 2 weeks of receipt of this letter or the County will take a tax deed to the property. Payments being made by check should be certified funds.

John C. Cochrane
Suffolk County Treasurer
By:

Elaine Harrison
Head Clerk
(631) 852-1515

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

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

www.co.suffolk.ny.us/treas

500-444
Hallan

1248



Action
Scroll
Exit

Year/Lien 2003 9594 Status ACTIVE
Parcel 05004410001000060000000 0500,44100,0100,006000,0000

Year/Lien No: 2003 9594
Parcel: 05004410001000060000000

1	
2	GB 3/17/05 NO PHONE LISTED -BILLED UNCLAIMED CERT.
3	4/5/05 OWNER LETTER TO:
4	GOTFRIDS LIEPINS & JANIS KLIEVENS - SIGNED
5	4/21/05 - MICHAEL STUDLEY FROM INDINITY FUNDING CALLED (661-2300).
6	THEY ARE WORKING ON A LOAN FOR THE OWNER & EXPECT TO PAY WITHIN 2
7	WEEKS.
8	5/27/05 - CALLED MICHAEL STUDLEY. THEY ARE NO LONGER INVOLVED WITH
9	THIS PROPERTY.
10	
11	
12	

Scroll through lines of text for the current operation.



1248

SPECIAL CONDITIONS/NOTES FILE MAINTENANCE - SUFFOLK COUNTY TREASURER



Action
Scroll
Exit

Start date	03/17/2005	Clerk	gburd
End date	12/31/9999	Entry date	03/17/2005
Condition code			
Customer number	0		
Bill category	20	REAL ESTATE	
Bill year	0000		
Bill number	0	Status	A
Property code	05004410001000060000000	Freq Code	
Parcel code	05004410001000060000000	Amount	0,00

Arrears Statement 417584 issued to LIEPINS GOTFRIDS &
 JANIS KLIEVENS
 PO BOX 112
 JANIS KLIEVENS
 BRIGHTWATERS, NY 11718



1248



SUFFOLK COUNTY

JOHN C. COCHRANE - COUNTY CLERK

MARTIN W. HALEY - CHIEF DEPUTY

April 5, 2005

Gotfrids Liepins & Janis Klievens
PO Box 112
Brightwaters, NY 11718

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage)

7002 0860 0007 4233 1821

Postage \$
Certified Fee \$
Return Receipt Fee (Endorsement Required) \$
Restricted Delivery Fee (Endorsement Required) \$
Total Postage & Fees \$

Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4
500-441-1-6 02/03 CTF 50123

PS Form 3800, April 2002 See Reverse for Instructions

RIVERHEAD NY
APR 5 2005
USPS

Physical Address: *PL*
The records of this office indicate above captioned property which is assessed

The Suffolk County Tax Act permits a taxpayer to redeem the sale. If redemption is not elected to apply to this office for a tax deed from the 2002/03 tax sale.

The one year redemption period and the official notice to redeem was published in the two official newspapers of the county, namely The Smithtown News, One Brookside Drive, Smithtown, N.Y. 11789. and The Smithtown Messenger, 127 E. Main St., Smithtown, NY 11789.

As required by Section 215 of the Real Property Tax Law, we are sending you this statement of this letter or the County should be certified funds.

U.S. POSTAL SERVICE
CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE - POSTMASTER

Received From:
SUFFOLK COUNTY TREASURER
330 CENTER DRIVE
RIVERHEAD, NEW YORK 11901-3311
REAL ESTATE DEPT

One piece of ordinary mail addressed to:
Gotfrids Liepins & Janis Klievens
500-441-1-6 02/03 CTF 50123

PS Form 3817, Mar. 1989



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Gotfrids Liepins &
Janis Klievens
PO Box 112
Brightwaters, NY 11718

2. Article Number
(Transfer from service label) 7002 0860 0007 4233 1821

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x Gotfrids Liepins Agent

B. Received by (Printed Name) Addressed to

C. Date of Delivery
4/12

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No
Gotfrids Liepins

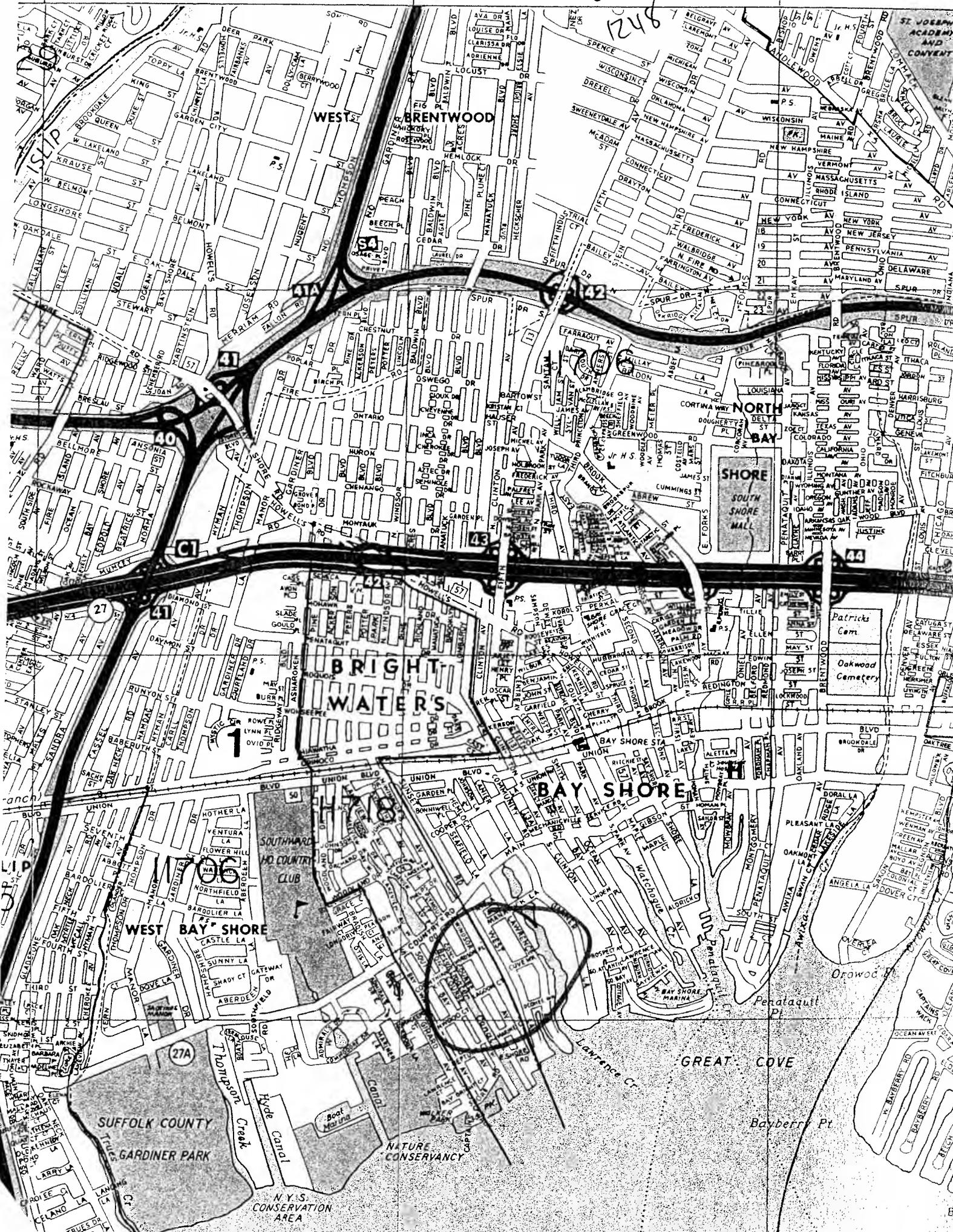
3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

DZMCOE Denotes Common Owner Subdivision Lot Line Stream / Shore Parcel No. 23	Subdivision Block/Boq. No. (21)	Block No. (2)	Water District Line	Historical District Line	FIRE 1.25
	Deed Dimension 42	County Line	Light District Line	Amusement District Line	LIGHT
	Deed Area 12.1 A(d) or 12.1A	Town Line	Park District Line	Boatwater District Line	PARK
	Calculated Area 12.1 A(c)	Viage Line	Sewer District Line		AMBULANCE



DZMCOE Property or RW Line Denotes Common Owner Subdivision Lot Line Stream / Shore Parcel No. 23	Subdivision Lot No. (21)	Block List (2)	School District Line	Hydrant District Line	UNLESS DRAWN BY ARE WITHIN THE SCHOOL FIRE LIGHT PARK AMBULANCE
	Subdivision Block/Boq. No. 42	Block No.	Fire District Line	Refuse District Line	
	Deed Dimension 42	County Line	Water District Line	Historical District Line	
	Deed Area 12.1 A(d) or 12.1A	Town Line	Light District Line	Amusement District Line	
	Calculated Area 12.1 A(c)	Viage Line	Park District Line	Boatwater District Line	



WEST BAY SHORE

BRENTWOOD

BRIGHTWATERS

BAY SHORE

SHORE SOUTH SHORE MALL

WEST BAY SHORE

SUFFOLK COUNTY

GARDINER PARK

N.Y.S. CONSERVATION AREA

NATURE CONSERVANCY

GREAT COVE

Bayberry Pt

Patrick's Cem

Oakwood Cemetery

Penataquill Pt

Dravood Pt

27

41

106

27A

42

43

42

44

1248

34

ST. JOSEPH ACADEMY AND CONVENT

Intro. Reso. No. 1249-09

Laid on Table 3/24/09

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2009, ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$505,740 FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR PROVISION OF DEDICATED TRAFFIC ENFORCEMENT IN THE VICINITY OF CERTAIN HIGHWAY CONSTRUCTION PROJECTS WITH 100% SUPPORT AND MAKING A CORRECTION TO RESOLUTION NO. 1239-2008.

WHEREAS, Suffolk County and the New York State Department of Transportation have entered into Contract D030427 for the provision of dedicated Suffolk County Police Department enforcement efforts in the vicinity of certain highway construction projects in Suffolk County; and

WHEREAS, the New York State Department of Transportation has awarded \$1,271,000 in additional grant funds for the program; and

WHEREAS, Resolution No. 1239-2008 accepted \$765,260 of this funding for activities through 2008; and

WHEREAS, the Organization code for the program was incorrectly stated in Resolution No. 1239-2008; and

WHEREAS, the Suffolk County Police Department wishes to correct this error and accept and appropriate the remaining grant funds totaling \$505,740 for use in 2009; and

WHEREAS, funds totaling \$61,246 for the program are already included in the 2009 Suffolk County Operating Budget; and

WHEREAS, said grant funds totaling \$444,494 have not been included in the 2009 Suffolk County Operating Budget; now, therefore, be it

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

<u>REVENUES:</u>	<u>AMOUNT</u>
115-3370-State Aid: DOT – Dedicated Traffic Enforcement	\$505,740

ORGANIZATIONS:

Police Department (POL)
DOT – Dedicated Traffic Enforcement
115-POL-[3602] 3206

<u>1000-Personal Services</u>	<u>\$336,672</u>
1120-Overtime Salaries	336,672

<u>4300-Travel</u>	<u>\$48,736</u>
4310-Employee Miscellaneous Expenses	27,452
4330-Travel, Employee Contracts	21,284

Employee Benefits
Retirement
115-EMP-9010

<u>8000-Employee Benefits</u>	<u>\$54,204</u>
8280-Employee Retirement System	54,204

Employee Benefits
Social Security
115-EMP-9030

<u>8000-Employee Benefits</u>	<u>\$4,882</u>
8330-Social Security	4,882

and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1249

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
Resolution X Local Law Charter Law

2. Title of Proposed Resolution
Accepting & appropriating grant funds in the amount of \$505,740 from the New York State Department of Transportation for provision of dedicated traffic enforcement in the vicinity of certain highway construction projects with 100% support and making a correction to Resolution No. 1239-2008.

3. Purpose of Proposed Legislation
To accept \$505,740 from the New York State Department of Transportation so that the Suffolk County Police Department may continue to provided dedicated enforcement in the vicinity of certain highway construction projects in Suffolk County for the safety of workers and motorists with 100% support.

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

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

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

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

The County will have \$505,740 available to reimburse the Suffolk County Police Department for dedicated traffic enforcement in the vicinity of certain highway construction projects in Suffolk County to ensure the safety of workers and motorists alike with 100% support.

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

No costs are anticipated other than minor increases in routine administrative costs, associated with an increase in the number of summonses written.

8. Proposed Source of Funding
New York State Department of Transportation

9. Timing of Impact
Immediate

10. Typed Name & Title of Preparer 11. Signature of Preparer 12. Date
Sarah Furey Sarah Furey 2/26/09

JAMES P. BURD
Assistant Budget Director James P. Burd 3/18/2009

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1249

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

1249



STEVE LEVY
COUNTY EXECUTIVE

RICHARD DORMER
POLICE COMMISSIONER

POLICE DEPARTMENT

MEMORANDUM

TO: Ben Zwiirn, Deputy County Executive
Suffolk County Executive's Office

FROM: Edward Webber, Chief of Support Services *EW*
Suffolk County Police Department

DATE: March 3, 2009

SUBJECT: Resolution Packet & SCIN Forms for
DOT Dedicated Traffic Enforcement

Attached please find two copies of the following for the New York State Department of Transportation sponsored DOT Dedicated Traffic Enforcement grant program:

1. Grant Resolution.
2. Grant SCIN Forms.
3. Request for Introduction of Legislation.
4. Financial Impact Statement.
5. Copy of the proposed supplemental agreement to contract #D030427 between Suffolk County and the New York State Department of Transportation.

Copies of this packet are also being forwarded to the Federal and State Aid Claims Unit for review. Electronic copies of the resolution and SCIN forms will be transmitted to CE RESO REVIEW. The original grant contract was submitted for signature upon approval of Resolution No. 1239-2008.

The resolution will allow the County to accept the remaining \$505,740 in supplemental funding from the New York State Department of Transportation to reimburse the Suffolk County Police Department for dedicated traffic enforcement in the vicinity of certain highway construction sites in order to ensure the safety of motorists and workers alike.

If you have any questions concerning this resolution package, please contact Sarah Furey, Senior Grants Analyst, at 852-6042 or Susan C. Krause, Grants Technician, 852-6601.

Thank you for your assistance with this project.

EW/sf

cc: Don Fahey, Federal & State Aid Claims Coordinator
Jim Morgo, Chief Deputy County Executive



ACCREDITED LAW ENFORCEMENT AGENCY

www.joinscpd.com

30 YAPHANK AVENUE, YAPHANK, NEW YORK 11980 – (631) 852-6000



COORDINATION OF GRANT APPLICATION OR CONTRACT County of Suffolk		DATE 3/2/09 1249
Submitting Department/Agency Suffolk County Police Department	Location 30 Yaphank Avenue, Yaphank	
Contact Person In Department/Agency Sarah Furey Sr. Grants Analyst	Telephone Number 852-6042	Grant Application Due Date N/A

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

I. BACKGROUND INFORMATION

1. Grant Title **DOT Dedicated Traffic Enforcement 2009**

2. Statutory Legislation (Public Law No. & Title & Department Administering Grant Program): NYS Dept. of Transportation

3. Grant/Contract Status (Check One Box)
 A. ___ New Program Application
 B. ___ Renewal Application
 C. X Supplemental (Specify) Addendum to current Contract (D030427 – DOT Dedicated Traffic Enforcement 2006)
 D. ___ Extension of Funding Period
 E. ___ Contract

4. General Purpose of Grant/Contract (Describe briefly. If it is a refunding, please attach a recent progress report, including summary of goal attainment.)
 To accept and appropriate additional grant funds in the amount of \$505,740 for the Suffolk County Police Department to continue providing dedicated enforcement efforts in the vicinity of certain highway construction projects in Suffolk County with 100% support.

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

II. BUDGET INFORMATION

1. Term of Contract From 1/01/2006 To: 12/31/2011

2. Financial Assistance Requested

SOURCE	FIRST FUNDING CYCLE		SECOND FUNDING CYCLE (Supplemental to First Funding Cycle)		THIRD FUNDING CYCLE	
	Amount	Percent	Amount	Percent	Amount	Percent
Federal	\$1,180,000	100%	\$	%	\$	%
State	\$	%	\$505,740	100%	\$	%
Private	\$	%	\$	%	\$	%
County	\$	%	\$	%	\$	%
Total	\$1,180,000	100%	\$505,740	100%	\$	%

1249

3. Explanation of Requested County Financial Assistance			
<i>Category</i>	<i>Total Requested</i>	<i>Personnel Costs Requested</i>	<i>Non-Personnel Costs Requested</i>
TOTAL COUNTY SHARE:	\$ 0	\$	\$
A. Cash Contribution	\$	\$	\$
B. In-Kind Contribution	\$	\$	\$
4. Total Number of New Positions Requested 0		5. Can This Program Be Refunded by the Proposed Non-County Sources?	
		X	YES
			NO
6. Estimated Expected Additional Indirect Costs (Costs to County not delineated in Budget Request, for example, added overhead, capital expenditures required as a result of project activity, associated administrative costs, etc.)			
Some additional indirect costs resulting from administrative oversight may be incurred.			
7. What Do You Anticipate Happening When the Federal, State and/or Private Financial Assistance is Discontinued (That is, program termination, reduced services, financial implications, layoffs, etc.)? NYS DOT is planning to revise the contract commencing January 1, 2009.			
8. Attach a List of Potential Subcontractors, If any, outlining the purpose of each subcontract (That is, 456 and 490 account items; use an additional 8 1/2" X 11" sheet).			
III. COUNTY EXECUTIVE'S OFFICE REVIEW			
1. Intergovernmental Relations Division Review:	Approved	2. Signature of Coordinator	3. Date
	Disapproved		
4. Comments			
5. Budget Office Review:	Approved	6. Signature of Budget Director	7. Date
	Disapproved		
8. Comments			

GRANT BUDGET ANALYSIS		COUNTY BUDGET YEAR 2009			Page 1 of 3
CATEGORY	APPROPRIATION NUMBER GRANTOR FUNDS	APPROPRIATION NUMBER COUNTY FUNDS	APPROPRIATION NUMBER IN-KIND CONTRIBUTION	REMARKS	
1000 PERSONAL SERVICES: 1100 Permanent Salaries 1110 Interim Salaries 1120 Overtime Salaries	336,672 336,672				
2000 EQUIPMENT: 2010 Furniture & Fixtures 2020 Office Machines 2090 Radio and Communication 2500 Other Equip Not Otherwise					
3000 SUPPLIES MATERIALS & OTHERS: 3010 Office Supplies 3020 Postage 3030 Photostat, Photograph, Blueprint 3040 Printing 3160 Computer Software 3500 Other Unclassified 3680 Repairs: Special Equipment					
4000 UTILITIES: 4010 Telephone & Telegraph 4015 Cellular Communications 4210 Computer Services					
4300 TRAVEL: 4310 Employee Misc - Expenses 4330 Travel Employee Contracts 4340 Travel Other Contracts	61,189 35,335 25,854				

GRANT BUDGET ANALYSIS

COUNTY BUDGET YEAR 2009

CATEGORY

APPROPRIATION NUMBER
GRANTOR FUNDS

APPROPRIATION NUMBER
COUNTY FUNDS

APPROPRIATION NUMBER
IN-KIND CONTRIBUTION

REMARKS

4400 FEES FOR FACILITIES
4410 Rent: Offices & Buildings

4500 FEES FOR SERVICES:
4560 Fees for Services, Non-Employees
4770 Special Services

4900 CONTRACTED SERVICES (LIST)

8000 EMPLOYEE BENEFITS:
8280 Retirement
8300 Insurance: Worker Compensation
8330 Social Security
8360 Health Insurance
8380 Dental Insurance

OTHER (List Source & Brief Explanation)
Vehicle Use Reimbursement

59,086
54,204
4,882

61,246
61,246

1249

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

1249

DETAIL LISTING OF 1000 ACCOUNT		PERSONAL SERVICES			
TITLE OF POSITION	GRADE / STEP	SALARY	EMPLOYEE NAME	SOURCE OF FUNDING BY %	
				GRANTOR	COUNTY IN-KIND
Police Officer	6	79.17/hr OT	Various	100	

1249

D030427

PIN 0808.26.301

**WORK PROGRAM AND BUDGET
FOR TRAFFIC CONTROL AND ENFORCEMENT
ON CONSTRUCTION AND MAINTENANCE PROJECTS
SUFFOLK COUNTY
BUDGET SUMMARY
for the period
January 1, 2007 - December 31, 2008**

<u>PIN</u>	<u>Total Cost</u>
0808.26.301	\$1,271,000

1249

Contract Number D030427
NEW YORK STATE DEPARTMENT OF TRANSPORTATION ("NYSDOT")
AND SUFFOLK COUNTY AGREEMENT FOR TRAFFIC CONTROL
AND ENFORCEMENT ON DEPARTMENT CONSTRUCTION
AND MAINTENANCE PROJECTS

SUPPLEMENTAL AGREEMENT #1

THIS SUPPLEMENTAL AGREEMENT entered into this _____ day of _____, 20____, by and between the People of the State of New York (hereinafter referred to as "State"), acting by and through the Commissioner of Transportation (hereinafter referred to as "Commissioner") whose office is located at: 50 Wolf Road, 6th Floor, Albany, New York 12232 party of the first part, and the County of Suffolk (hereinafter referred to as "Contractor") acting on behalf of the Suffolk County Police Department, party of the second part.

WITNESSETH:

WHEREAS, the New York State Department of Transportation and Contractor have entered into Contract D030427 dated December 24, 2007 and effective January 1, 2006; and

WHEREAS, Contract D030427, as amended, has a term commencing on January 1, 2006 and ending December 31, 2011; and

WHEREAS, the parties desire to add Schedule A-1, a modified Protocol and Work Program and Budget for the period January 1, 2007 through December 31, 2008;

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the State and the Contractor agree as follows:

1. Attached hereto as Schedule A-1 is the Protocol and Work Program and Budget for the period January 1, 2007 – December 31, 2008.

2. All other sections of Contract D030427 not expressly amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

1249

AGENCY CODE 17000

CONTRACT NUMBER D030427

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."

THE PEOPLE OF THE STATE OF
NEW YORK

THE COUNTY OF SUFFOLK

By: _____

By: _____

Name: _____

Name: Benjamin Zwirn

Title: _____

Title: Deputy County Executive

APPROVED AS TO FORM:
NEW YORK STATE ATTORNEY GENERAL

APPROVED:
SUFFOLK COUNTY POLICE

By: _____
ATTORNEY GENERAL

By: 
POLICE COMMISSIONER

Richard Dormer

APPROVED:

APPROVED AS TO FORM:

By: _____
NEW YORK STATE COMPTROLLER
Pursuant to Section 112 of the State Finance Law

By: _____
SUFFOLK COUNTY ATTORNEY

1249

Contract Number D030427
NEW YORK STATE DEPARTMENT OF TRANSPORTATION ("NYSDOT")
AND SUFFOLK COUNTY AGREEMENT FOR TRAFFIC CONTROL
AND ENFORCEMENT ON DEPARTMENT CONSTRUCTION
AND MAINTENANCE PROJECTS

Schedule A-1

PROTOCOL AND WORK PROGRAM AND BUDGET
for the period
January 1, 2007 through December 31, 2008

A. Request for Evaluation of Safety and Enforcement Program

At least two weeks prior to the commencement of work to be covered by this contract, NYSDOT shall request the Contractor to evaluate the safety and enforcement concerns associated with NYSDOT's general supervision of the planned construction and/or maintenance work. The request shall be directed to the Office of the Chief of Patrol of the Suffolk County Police Department.

B. Meeting and Site Inspection

As soon after this notification as possible representatives of the Contractor and NYSDOT shall meet for the purpose of reviewing the details of the planned construction and/or maintenance work. This meeting shall include a site inspection at the time of day when the planned construction and/or maintenance activity would occur.

C. Contractor Safety and Enforcement Evaluation

As soon as practical, but in no event later than four (4) days prior to the planned commencement of work to be covered under this contract, the Contractor shall identify the safety and enforcement issues associated with the planned construction and/or maintenance work and the proposed deployment of Contractor personnel which in the judgment of the Contractor is necessary to protect the public. The Contractor shall provide the Engineer in Charge of the construction project or Resident Maintenance Engineer of the maintenance project with this evaluation.

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D. NYSDOT Action

Within one business day of receipt of the evaluation by the Engineer in Charge or Resident Maintenance Engineer, NYSDOT shall notify the Contractor that:

- i. the evaluation is acceptable, or
- ii. the evaluation requires further discussion, or
- iii. the Department does not intend to take any action with respect to the planned construction and/or maintenance work under this contract.

E. Effect of NYSDOT Notice

Where the Department finds the evaluation acceptable, the provisions of paragraph F of this Protocol and Work Program shall apply.

Where the Department finds the evaluation to require further discussion, the NYSDOT Region 10 Construction Engineer or Resident Maintenance Engineer and the Contractor's Second Deputy Chief of Patrol shall meet and resolve to place the planned work in category D (i) or D (ii) forthwith.

Where the Department does not intend to take any action under this contract the matter is concluded and this Protocol shall have no further force and effect with respect to the work in question. Nothing in this Protocol or Agreement shall preclude the Department from arranging for New York State Police patrols in connection with the construction and/or maintenance work determined to be in this category D (iii).

F. Effect of Accepting the Evaluation

Where the Contractor has concluded that the planned construction and/or maintenance work requires dedicated police officers to ensure the safety of the public and work site and the proper enforcement of laws, the Contractor shall provide the services identified in the evaluation and the Department shall be responsible for the cost of such effort in accordance with Schedule A. and the Budget under this Contract.

1249

Where the Contractor has concluded that some service less than dedicated police officers, including but not limited to intensive patrol of the construction or maintenance site to be a special detail within the officer's post or otherwise, the Contractor shall implement the plan and the payment provisions of this contract shall not apply.

G. Miscellaneous

- i. Contractor personnel on the construction or maintenance site shall remain under the control of their commanding officers.
- ii. NYSDOT personnel on the construction or maintenance site will be responsible for progressing construction/maintenance in the work site in accordance with the Construction Contract or Maintenance Guidelines, including but not limited to the plan for the maintenance and protection of traffic unless and until the police officer clearly takes control of the site in connection with an incident or for other law enforcement reasons.
- iii. The officer assigned to patrol the site and the NYSDOT Engineer in Charge or Regional Maintenance Engineer shall communicate frequently on matters which in either's opinion affect safety or law enforcement.
- iv. The Contractor shall identify for the Engineer in Charge and the Resident Maintenance Engineer a means of rapid and efficient communication with any police officer assigned to duties in connection with paragraph F of this Protocol and Work Program.

H. Contractor's Eligible Costs are intended to include all costs actually incurred by the contractor. These costs are:

(a) The overtime rate of pay of the officer actually utilized and as found in the labor contract in effect on the date of performance. In the event a labor contract is subsequently renewed at different rates of pay and is retroactive in scope, the Contractor may resubmit and be reimbursed at the new rate.

(b) Actual retirement pension costs which are calculated using a multiplier of 16.90% times actual labor costs. Pension costs are sometimes adjusted retroactively by the State. The Contractor may resubmit and be reimbursed for actual cost increases that are incurred by a multiplier adjustment that is applied retroactively.

(c) Social security multiple of 7.65% and any subsequent increase made by federal law.

(d) Meal allowances pursuant to labor contract and actually paid.

(e) Mileage allowance for travel to work sites, pursuant to labor contract and actually paid.

(f) Police vehicle use based on \$9.65 per hour assignment, as agreed by both parties as reasonable.

1249

I. Contract Funds

An additional of \$1,271,000 is being added to this Agreement for calendar year 2008. This combined with the current encumbrance of \$1,180,000 results in total of \$2,451,000 with expenditures to date equal \$500,000. Therefore, approximately \$1,951,000 remains available for payment of costs contained in the year 2008 budget and for projects contained in prior years budget.

1249

D030427
PIN 0808.26.301

**BUDGET FOR TRAFFIC CONTROL AND ENFORCEMENT
ON CONSTRUCTION AND MAINTENANCE PROJECTS
SUFFOLK COUNTY
FOR THE PERIOD
JANUARY 1, 2008 - DECEMBER 31, 2008**

- Task 1.1(08) PIN 0807.61 Bridge Painting, Various Locations**
- Night work beginning February, 2007 through February 2009.
 - Expected closing hours from 10:00 P.M. to 5:00 A.M.
 - Closings are expected Monday through Thursday nights for a total of thirty (30) weeks for a total of one hundred twenty(120) nights
 - One Police Officer with vehicle per night for each closure.
- Task 1.2(08) PIN 0807.94 Bridge Painting, Various Locations**
- Night work beginning June, 2007 through July 2009.
 - Expected closing hours from 10:00 P.M. to 5:00 A.M.
 - Closings are expected Monday through Thursday nights for a total of six (6) weeks for a total of twenty five(25) nights
 - One Police Officer with vehicle per night for each closure.
- Task 1.3(08) PIN 0804.94 Rehab of Route 110 Bridge**
- Night work beginning March, 2008 through November, 2008.
 - Expected closing hours from 9:00 P.M. to 6:00 A.M.
 - Closings are expected Monday through Thursday nights for a total of forty (50) weeks for a total of two hundred(200) nights
 - One Police Officer with vehicle per night for each closure.
- Task 1.4(08) PIN 0229.28 I-495 Mill and fill, Exits 52-57 and HOV Access Improvements, Exits 52-60, Suffolk County**
- Night work beginning April, 2007 through April, 2009.
 - Expected closing hours from 11:00 P.M. to 6:00 A.M.
 - Closings are expected Monday through Thursday nights for a total of seventy nine (79) weeks for a total of three hundred ninety two (392) nights
 - Four Police Officers and four vehicles per night for each closure. Units will be needed for ½ hour at closing and ½ hour at opening every work night.

1249

- Task 1.5(08)** Vacant
- Task 1.6(08)** PIN 0807.72 Bridge Deck Joint Replacement, Various Locations
- Night work beginning July, 2007 through June, 2008.
 - Expected closing hours from 10:00 P.M. to 5:00 A.M.
 - Closings are expected Monday through Friday nights for a total of five (5) weeks for a total of twenty (20) nights
 - Two Police Officers and two vehicles per night for each closure.
- Task 1.7(08)** Vacant
- Task 1.8(08)** PIN 0807.83 Concrete Pavement Repair, Various Locations
- Work beginning March, 2007 through March, 2008.
 - Expected closing hours from 10:00 A.M. to 3:00 P.M (Day Time) 10 P.M. to 6.00 A.M. (Night Time).
 - Closings are expected Monday through Friday, 2 hours in day time for 30 days and 8 hours in night time for 55 nights.
 - One Police Officer and one vehicle for 30 days and 2 officer and two vehicles for 55 nights.
- Task 1.9(08)** General Bridge Inspection(in-house)
- Work beginning January, 2007 through December, 2008.
 - Expected closing hours from 10:00 P.M. to 6:00 A.M (week days), 5.00 AM to 12.00 PM (Week ends).
 - Closings are expected 10 nights in week days and 10 days in week ends.
 - One Police Officer with vehicle for each closure.
- Task 1.10(08)** General Bridge Inspection(Consultant)
- Night work beginning January, 2007 through December, 2008.
 - Expected closing hours from 10:00 P.M. to 6:00 A.M .
 - Closings are expected Monday through Friday for 8 nights.
 - One Police Officer with vehicle for each closure.
- Task 1.11(08)** Overhead sign structure inspection, Suffolk county
- Work beginning April, 2007 through December, 2008.
 - Expected closing hours from 09:00 P.M. to 5:00 A.M (week days), 5.00 AM to 12.00 PM (Week ends).
 - Closings are expected for a total of forty (40) weeks for a total of two hundred (200) days/nights.
 - Two Police Officers and two vehicles for each closure.

1249

Task 1.12(08) Safety and Pavement Standby Contract, Various Locations

- Night work beginning June , 2007 through December, 2008.
- Expected closing hours from 10:00 P.M. to 6:00 A.M
- Closings are expected for a total of one (1) weeks for a total of five (5) nights.
- Two Police Officers and two vehicles for each closure.

Task 1.13(08) Asphalt Pavement crack sealing and repair, Various Locations

- Night work beginning July , 2007 through December, 2008.
- Expected closing hours from 10:00 P.M. to 6:00 A.M
- Closings are expected for a total of eight (8) weeks for a total of thirty two (32) nights.
- One Police Officer and one vehicle for each closure

Task 1.14(08) Priority Resurfacing, NY 25 A Echo Ave to Westchester Drive, Suffolk County

- Night work beginning July , 2007 through December, 2008.
- Expected closing hours from 10:00 P.M. to 6:00 A.M
- Closings are expected for a total of ten (10) weeks for a total of fifty (50) nights.
- One Police Officer and One vehicle for each closure, 2 Closures per night.

Task 1.15(08)

Maintenance Operations Suffolk County

A. Route I495 – Long Island Expressway

- Routine maintenance operations scheduled throughout the year for the length of the LIE through Suffolk County.
- Night work beginning April 2007 through December 2007.
- Expected closings will generally occur on a Tuesday, Wednesday or Thursday night from 10:00 P.M. through 5:00 A.M. for a total of thirty (30) nights.
- Initially, three (3) officers with three (3) vehicles required to direct traffic off the LIE mainline and onto the service road while the detour is put in place. After the detour is set up, one (1) police officer with vehicle will be needed for the duration of the closure (maximum eight (8) hours per night).
- Hours needed for police services may vary depending on maintenance needs and work site. See Resident Maintenance Engineer (R.M.E.) for project specific details.
- The LIE closures are done in sections as follows: the Nassau/Suffolk line to Exit 52; from Exit 52 to Exit 60; and from Exit 60 to Exit 64. Both EB and WB directions will be required and will not close concurrently.

1249

B. Major Snow and Ice Storm – 12/01/07 thru 03/31/08

- Non-Rush: One Police escort for each of the 3 simultaneous plowing echelons on the LIE for 3 major snow storm events per winter for the duration of 12 hours each.
- Rush/gridlock: 2-4 Police for Rolling Highway Closure One in each of 3 Residencies simultaneously on the LIE for plowing echelons. Expected 1 snow storm event per winter for the duration of 6 hours.

C. Other Arterials

- Routine maintenance operations scheduled throughout the year on Routes 25, 25A, 27 in Suffolk County.
- Police presence (1 Police Officer with Vehicle) for 4 closures per year on each Route for the duration of 8 hours each.

D. Day Time Routine Maintenance Operations

- Routine maintenance operations scheduled throughout the year on all State Highways in Suffolk County.
- Police presence (1 Police Officer with Vehicle) for moving crew operations involving pothole repairs, mowing, litter removal and lane closures for guide rail and sign repairs. It is estimated that 380 days of these operations occur per year for durations of 8 hours each. Further, multiple operation on different roads could be occurring in a single day.

Task 1.16(08)

Various Jobs

- Any other projects that the Department may give notice to the Suffolk County Police Department as described in paragraph A under Schedule A: Protocol and Work Program and Budget.

D030427

1249

PIN 0808.26.301

**ESTIMATED MAXIMUM RATE OF PAY
PROJECTED BY HOURLY RATE**

<u>Title</u>	<u>Hourly Rate Including Fringe Benefits*</u>
Police Officer (Regular Time)	<u>\$ 72.12</u>
Police Officer (Overtime)	<u>\$ 103.35</u>

* Wages are subject to labor agreements in force and may vary from those shown in accordance with Schedule A, Section "H" of this Agreement.

Cost includes an hourly rate of police vehicle use, and meal & mileage allowance in accordance with Schedule A-1, Section "H" of this Agreement.

Intro. Reso. No. 1250-09
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 3/24/09

**RESOLUTION NO. -2009, APPROVING AN INCREASE
IN FLEET FOR THE SUFFOLK COUNTY POLICE
DEPARTMENT**

WHEREAS, in January 2009, the Police Commissioner established a Patrol Special Operations Team Bureau whose purpose is to assist and support Patrol Division Commands in actively suppressing violent crimes, assaults, illegal weapons possession and other crimes that adversely affect the quality of life within communities; and

WHEREAS, this bureau has proven to be extremely beneficial; and

WHEREAS, the Police Commissioner finds that undercover vehicles are needed to successfully conduct fixed and mobile surveillance of gun and gang related targets; now, therefore, be it

It is RESOLVED, that the Police Department is given authorization to increase the Police fleet by two vehicles (undercover vehicles to be determined), which leases will be funded through the use of Asset Forfeiture funds.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1250

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.



1250

STEVE LEVY
COUNTY EXECUTIVE

RICHARD DORMER
POLICE COMMISSIONER

POLICE DEPARTMENT

MEMORANDUM

**TO: Ben Zwirn, Deputy County Executive
Suffolk County Executive's Office**

FROM: Richard Dormer, Police Commissioner 

DATE: February 20, 2009

SUBJECT: INTRODUCTORY RESOLUTION REQUEST

In January 2009, a Patrol Special Operations Team Bureau was established to assist and support Patrol Division Commands in actively suppressing violent crimes, assaults, illegal weapons possession and other crimes that adversely affect the quality of life within communities. This bureau has proven to be extremely beneficial. However, it has been found that two undercover vehicles are now needed to successfully conduct fixed and mobile surveillance of gun and gang related targets. The Department is, therefore, requesting approval for an increase in fleet for this purpose.

Copies of a draft resolution, impact statement and introduction form are attached. An e-mail version was also sent to CE RESO REVIEW under the titles "Reso-POL-FLEET INCREASE-2009"; "Backup-POL-FLEET INCREASE-SCIN 175A"; and "Backup-POL-FLEET INCREASE-SCIN 175B".

If you have any questions, please contact Edward Webber, Chief of Support Services Division, at 852-6230.

/ms
Att.

cc: Jim Morgo, Chief Deputy County Executive
Roger K. Shannon, Deputy Police Commissioner
Robert Anthony Moore, Chief of Department
Edward Webber, Chief, Support Services Division
Robert Scharf, Lieutenant, C.O., Staff Services Bureau
Thomas Reichert, P. O. 3500, Transportation Section
Patricia E. Sitler, Principal Program Examiner, Administrative Services Bureau

ACCREDITED LAW ENFORCEMENT AGENCY

30 YAPHANK AVENUE, YAPHANK, NEW YORK 11980 – (631) 852-6000



STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1250

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
APPROVING AN INCREASE IN FLEET FOR THE SUFFOLK COUNTY POLICE DEPARTMENT		
3. Purpose of Proposed Legislation		
This resolution requests approval for an increase in fleet for a vehicle for the Patrol Special Operations Team Bureau in the Suffolk County Police Department.		
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 5 is "yes", Provide Detailed Explanation of Impact		
Fuel Cost		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
\$75/month per vehicle		
8. Proposed Source of Funding		
Operating Funds		
9. Timing of Impact		
2009		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Robert Scharf, Lieutenant, C. O. Police Department---Staff Services Bureau	<i>Robert Scharf</i>	02/20/09

SCIN FORM 175b (10/95)

REMOVED BY JP BURT

1251

Intro. Res. No. -2009

Laid on Table 3/24/09

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

**RESOLUTION NO. -2009, ADOPTING
LOCAL LAW NO. -2009, A LOCAL LAW SETTING
LEASE TERMS PERTAINING TO LEASES OF REAL
PROPERTY ACQUIRED FOR AIRPORT USE**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2009 a proposed local law entitled **“A LOCAL LAW SETTING LEASE TERMS PERTAINING TO LEASES OF REAL PROPERTY ACQUIRED FOR AIRPORT USE”**, and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted as follows:

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

A LOCAL LAW SETTING LEASE TERMS PERTAINING TO LEASES OF REAL PROPERTY ACQUIRED FOR AIRPORT USE

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County owns a substantial amount of real property located at Francis S. Gabreski Airport, Westhampton Beach (the “Airport”) that was originally released to the County as surplus government property, to be used for airport purposes. In furtherance of the objective to better manage the Airport and simultaneously promote an area for development of business and/or industrial use, approximately 58 acres were released by the Federal Aviation Administration for purposes of non-aviation development. This area is identified in the Town of Southampton Zoning Code as the Gabreski Airport Planned Development District (the “APDD”).

This Legislature finds that Article XLII of the Suffolk County Administrative Code, Section A42-2, authorizes the County to lease airport property not necessary for the proper and efficient operation of the airport for a term of up to 40 years, and for such other purposes as this Legislature may determine provided such other purposes do not interfere with the proper and efficient operation of the Airport.

This Legislature further finds and determines that the 40-year lease term limit set forth in Section A42-2 of the Suffolk County Administrative Code may impose an economic and commercial hurdle to the initial development of the site as a business/industrial park.

Therefore, the purpose of this local law is to authorize the Department to lease property within the APDD for an initial lease term of forty years, and a single option period not to exceed an additional 40 years.

Section 2. Amendments.

Section A42-2 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

**Article XLII
DEPARTMENT OF ENVIRONMENT AND ENERGY**

* * * *

§ A42-2.

A. Notwithstanding the provisions of § 352 of the New York General Municipal Law, the County [Division of Real Property Acquisition and Management] may lease, [subject to the provisions of § C15-4 of the Suffolk County Charter] for a term not exceeding 40 years, real property acquired for airport purposes and not necessary for the efficient and proper operation of the airport, and for such other purposes as the Legislature may determine, provided that such other purposes do not interfere with the proper and efficient operation of the remainder of the airport. Notwithstanding the foregoing limitation, property located within the Airport Planned Development District may be leased for an initial term not exceeding 40 years with the option to extend the lease for a term not to exceed an additional 40 years.

* * * *

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

This law shall take effect immediately upon 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

1251



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: March 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. -2009; A LOCAL LAW SETTING LEASE TERMS PERTAINING TO LEASES OF REAL PROPERTY ACQUIRED FOR AIRPORT USE

SPONSOR: PRESIDING OFFICER AT THE REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 3/18/09 PUBLIC HEARING: 4/28/09

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

This proposed local law would amend Section A42-2 of the SUFFOLK COUNTY CODE to allow Suffolk County to lease property located in the Airport Planned Development District at Francis S. Gabreski Airport for an initial term of forty (40) years, with the ability to extend the lease for an additional term of forty (40) years.

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

A handwritten signature in black ink, appearing to read "George Nolan", written over a large, faint circular stamp.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-lease terms airport development district

PROCEDURAL MOTION 6 –2009, APPROVING PARTIAL SETTLEMENT OF MTBE LITIGATION WITH DEFENDANTS GULF OIL LIMITED PARTNERSHIP AND CUMBERLAND

WHEREAS, Procedural Motion No. 4-2001, authorized the retention of a law firm to take legal action against oil companies, refineries and other responsible parties to compel the clean up of Methyl Tertiary Butyl Ether (“MTBE”) contamination of Suffolk County water supplies or recover reimbursement for damages/costs associated with the MTBE contamination; and

WHEREAS, Weitz and Luxenberg, 180 Maiden Lane, New York, NY, was selected to bring the appropriate legal actions on behalf of the County of Suffolk pursuant to Procedural Motion No. 6-2001; and

WHEREAS, Procedural Motion No. 9-2006 authorized the retention of Baron and Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas, as co-counsel in the MTBE litigation; and

WHEREAS, Weitz and Luxenberg initiated an action on behalf of the County of Suffolk in federal district court against numerous oil companies and refineries claiming damages arising from the contamination of water supplies by MTBE and Tertiary Butyl Alcohol (“TBA”); and

WHEREAS, the County's case is part of the Multi-District Litigation caption, *In re Methyl Tertiary Butyl Ethel (MTBE) Products Liability Litigation*, Master File No., 1:00-1898, MDL1358 (SAS), M21-88 (S.D.N.Y.); and

WHEREAS, subsequent procedural motions approved partial settlements of the County's MTBE litigation with other named defendants; and

WHEREAS, Procedural Motion 22-2008 approved a partial settlement of the County's MTBE litigation with Exxon Mobil under which the County of Suffolk is entitled to a payment of \$100,000 from which attorneys fees and expenses will be paid; and

WHEREAS, outside counsel has now recommended accepting a settlement with Gulf Oil Limited Partnership (GOLP) and Cumberland Farms, Inc. (Cumberland) under which the County of Suffolk will be paid an additional \$19,591.98 from which attorneys fees and expenses will be paid; and

WHEREAS, pursuant to the tentative settlement with GOLP and Cumberland, in the event contamination is detected in a County-owned well that has not been previously impacted MTBE or TBA, GOLP and Cumberland will either pay its allocated share of treatment costs, arbitrate or mediate the issue of its responsibility, or be subject to new litigation; now, therefore be it

1st RESOLVED, that a settlement of the County's MTBE claim against GOLP and Cumberland, *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*, as described herein, is approved; and be it further

2nd **RESOLVED**, that the Presiding Officer of the Suffolk County Legislature and Counsel to the Suffolk County Legislature are hereby authorized to execute such documents as may be necessary to effectuate such settlement.

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO §A2-15(A) OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

s:procedural motions\MTBE litigation-Gulf-Cumberland

HOME RULE MESSAGE REQUESTING THE STATE OF NEW YORK AMEND THE VEHICLE AND TRAFFIC LAW AND STATE FINANCE LAW, IN RELATION TO THE CREATION OF THE IGNITION INTERLOCK AND MANDATORY PROBATION PILOT PROGRAM FOR ALL PERSONS CONVICTED OF DRIVING WHILE INTOXICATED; MAKING AN APPROPRIATION THEREFOR; AND PROVIDING FOR THE REPEAL OF SUCH PROVISIONS UPON EXPIRATION THEREOF (SENATE BILL S.27)

WHEREAS, the crime of driving while intoxicated ("DWI") is a serious issue in Suffolk County, as well as across the State of New York and the United States, that threatens the health and safety of the public; and

WHEREAS, while current measures taken by law enforcement have decreased the instances of DWI, a significant number of fatalities and injuries still occur each year that are directly related to this crime; and

WHEREAS, an ignition interlock device is a breathalyzer machine attached to the ignition of a motor vehicle; when the device is installed in a motor vehicle, the operator to pass the breathalyzer test in order to turn the vehicle on, and pass subsequent breathalyzer tests to keep the vehicle operating; and

WHEREAS, ignition interlock devices are approved for use in the New York State Vehicle and Traffic Law as well as the New York State Penal Law as a probationary condition for some offenders who have committed DWI offenses; and

WHEREAS, the implementation of ignition interlock devices as a condition of probation has decreased recidivism rates among those offenders who are required to use them; and

WHEREAS, due to the success of ignition interlock devices in decreasing recidivism rates among DWI offenders, a pilot program should be initiated requiring these devices as a probationary condition for all individuals convicted of DWI; now, therefore, be it

1st RESOLVED, that this Legislature hereby supports New York State Senate Bill S.27 which would authorize a pilot program mandating ignition interlock devices and probation for all individuals convicted of driving while intoxicated in Suffolk County, as well as six other counties; 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:

s:\memres\hr-ignition interlock device pilot program 2009



Tuesday, March 17, 2009

Summary - S00027

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Text](#)

S00027 Summary:

BILL NO S00027

SAME AS No same as

SPONSOR FUSCHILLO

COSPNSR

MLTSPNSR

Add Art 21-D SS555 & 556, V & T L; add S99-q, St Fin L

Creates the ignition interlock and mandatory probation pilot program and the ignition interlock fund; requires installation of ignition interlock device for all persons convicted of driving while intoxicated; appropriates funds therefor.

S00027 Actions:

BILL NO S00027

01/07/2009 REFERRED TO FINANCE

S00027 Votes:

S00027 Memo:

Contact Webmaster
Page display time = 0.0234 sec

FR 4



Tuesday, March 17, 2009

Text - S00027

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[See Summary](#)

☐

S T A T E O F N E W Y O R K

27

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the vehicle and traffic law and the state finance law, in relation to the creation of the ignition interlock and mandatory probation pilot program for all persons convicted of driving while intoxicated; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 article 21-D to read as follows:

3 ARTICLE 21-D

4 IGNITION INTERLOCK

5 AND MANDATORY PROBATION PILOT PROGRAM

6 SECTION 555. LEGISLATIVE INTENT.

7 556. IGNITION INTERLOCK AND MANDATORY PROBATION PILOT PROGRAM
8 FOR DRIVING WHILE INTOXICATED OFFENDERS.

9 S 555. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS AND DECLARES
10 THAT IGNITION INTERLOCK DEVICES ARE HIGHLY SUCCESSFUL LAW ENFORCEMENT
11 TOOLS FOR PREVENTING DRIVING WHILE INTOXICATED RECIDIVISM. CURRENT LAW
12 DOES NOT MANDATE IGNITION INTERLOCK DEVICES AND PROBATION FOR ALL OFFEN-
13 DERS JUST FOR THOSE WHO HAVE BEEN CONVICTED OF THE OFFENSE OF AGGRAVATED
14 DRIVING WHILE INTOXICATED, WHO HAVE ALSO BEEN GIVEN PROBATION AS A
15 CONDITION OF THEIR SENTENCING. NATIONAL STUDIES HAVE CONCLUSIVELY SHOWN
16 THAT FIRST TIME OFFENDERS WHO HAD MANDATORY IGNITION INTERLOCK DEVICES
17 INSTALLED IN THEIR VEHICLES WERE SIXTY PERCENT LESS LIKELY TO COMMIT THE
18 OFFENSE OF DRIVING WHILE INTOXICATED AGAIN. THESE STUDIES HAVE ALSO
19 FOUND A CORRELATING ECONOMIC BENEFIT IN REDUCING THE EXPENDITURE OF

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20 COURT RESOURCES AND DAMAGES CREATED BY REPEAT OFFENDERS. FOR EVERY ONE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00915-02-9

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1 DOLLAR SPENT IN ENFORCING AND MONITORING SUCH A PROGRAM A THREE DOLLAR
2 SAVINGS IS EXPECTED.

3 S 556. IGNITION INTERLOCK AND MANDATORY PROBATION PILOT PROGRAM FOR
4 DRIVING WHILE INTOXICATED OFFENDERS. 1. THERE IS HEREBY ESTABLISHED AN
5 IGNITION INTERLOCK AND MANDATORY PROBATION PILOT PROGRAM FOR ALL DRIVING
6 WHILE INTOXICATED OFFENDERS. THE PROVISIONS OF THIS SECTION SHALL APPLY
7 ONLY TO PERSONS SENTENCED BY A COURT LOCATED IN THE FOLLOWING COUNTIES:
8 ALBANY, ERIE, NASSAU, ONONDAGA, MONROE, WESTCHESTER AND SUFFOLK. THIS
9 SECTION SHALL NOT BE CONSTRUED TO PRECLUDE OTHER COUNTIES NOT SPECIF-
10 ICALLY DESIGNATED IN THIS SUBDIVISION FROM IMPLEMENTING A MANDATORY
11 PROBATION AND INTERLOCK PROGRAM FOR ANY PERSON WHO HAS BEEN CONVICTED OF
12 A VIOLATION OF SUBDIVISION TWO, TWO-A OR THREE OF SECTION ELEVEN HUNDRED
13 NINETY-TWO OF THIS CHAPTER, OR ANY CRIME DEFINED BY THIS CHAPTER OR THE
14 PENAL LAW OF WHICH AN ALCOHOL-RELATED VIOLATION OF ANY PROVISION OF
15 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER IS AN ESSENTIAL
16 ELEMENT OR TO PREVENT COURTS IN OTHER JURISDICTIONS FROM REQUIRING
17 PROBATION AND THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE AS A
18 CONDITION OF PROBATION.

19 2. (A) IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, THE COURT
20 SHALL REQUIRE THAT ANY PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF
21 SUBDIVISION TWO, TWO-A OR THREE OF SECTION ELEVEN HUNDRED NINETY-TWO OF
22 THIS CHAPTER, OR ANY CRIME DEFINED BY THIS CHAPTER OR THE PENAL LAW OF
23 WHICH AN ALCOHOL-RELATED VIOLATION OF ANY PROVISION OF SECTION ELEVEN
24 HUNDRED NINETY-TWO OF THIS CHAPTER IS AN ESSENTIAL ELEMENT, SHALL BE
25 SENTENCED TO A PERIOD OF PROBATION AND SHALL INSTALL AND MAINTAIN, AS A
26 CONDITION OF SUCH PROBATION, A FUNCTIONING IGNITION INTERLOCK DEVICE IN
27 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION PROVIDED, HOWEVER, THE
28 COURT MAY NOT AUTHORIZE THE OPERATION OF A MOTOR VEHICLE BY ANY PERSON
29 WHOSE LICENSE OR PRIVILEGE TO OPERATE A MOTOR VEHICLE HAS BEEN REVOKED
30 EXCEPT AS PROVIDED IN THIS SECTION.

31 (B) THIS SECTION SHALL NOT APPLY TO THOSE CONVICTED OF THE OFFENSE OF
32 DRIVING WHILE ABILITY IMPAIRED.

33 (C) PERIODS OF PROBATION AND MANDATORY IGNITION INTERLOCK USE BY THOSE
34 CONVICTED OF A VIOLATION OF SUBDIVISION TWO, TWO-A OR THREE OF SECTION
35 ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER, OR ANY CRIME DEFINED BY THIS
36 CHAPTER OR THE PENAL LAW OF WHICH AN ALCOHOL-RELATED VIOLATION OF ANY
37 PROVISION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER IS AN
38 ESSENTIAL ELEMENT:

39 (1) THOSE CONVICTED OF A FIRST OFFENSE SHALL SERVE A TERM OF PROBATION
40 AND MAINTAIN AN IGNITION INTERLOCK SYSTEM, AT THEIR OWN COST, FOR A
41 PERIOD OF ONE YEAR;

42 (2) THOSE CONVICTED OF A SECOND OFFENSE SHALL SERVE A TERM OF
43 PROBATION AND MAINTAIN AN IGNITION INTERLOCK SYSTEM, AT THEIR OWN COST,
44 FOR A PERIOD OF FIVE YEARS;

45 (3) THOSE CONVICTED OF A THIRD OFFENSE SHALL SERVE A TERM OF PROBATION
46 AND MAINTAIN AN IGNITION INTERLOCK SYSTEM, AT THEIR OWN COST, FOR THE
47 REMAINDER OF THEIR LIFE.

48 3. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER
49 MAY GRANT A POST-REVOCATION CONDITIONAL LICENSE, AS SET FORTH IN PARA-
50 GRAPH (B) OF THIS SUBDIVISION, TO A PERSON WHO HAS BEEN CONVICTED OF A
51 VIOLATION OF SUBDIVISION TWO, TWO-A OR THREE OF SECTION ELEVEN HUNDRED

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52 NINETY-TWO OF THIS CHAPTER AND WHO HAS BEEN SENTENCED TO A PERIOD OF
53 PROBATION, PROVIDED THE PERSON HAS SATISFIED THE MINIMUM PERIOD OF
54 LICENSE REVOCATION ESTABLISHED BY LAW AND THE COMMISSIONER HAS BEEN
55 NOTIFIED THAT SUCH PERSON MAY OPERATE ONLY A MOTOR VEHICLE EQUIPPED WITH
56 A FUNCTIONING IGNITION INTERLOCK DEVICE. NO SUCH REQUEST SHALL BE MADE

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1 NOR SHALL SUCH A LICENSE BE GRANTED, HOWEVER, IF SUCH PERSON HAS BEEN
2 FOUND BY A COURT TO HAVE COMMITTED A VIOLATION OF SECTION FIVE HUNDRED
3 ELEVEN OF THIS CHAPTER DURING THE LICENSE REVOCATION PERIOD OR DEEMED BY
4 A COURT TO HAVE VIOLATED ANY CONDITION OF PROBATION SET FORTH BY THE
5 COURT RELATING TO THE OPERATION OF A MOTOR VEHICLE OR THE CONSUMPTION OF
6 ALCOHOL. IN EXERCISING DISCRETION RELATING TO THE ISSUANCE OF A POST-RE-
7 VOCATION CONDITIONAL LICENSE PURSUANT TO THIS SUBDIVISION, THE COMMIS-
8 SIONER SHALL NOT DENY SUCH ISSUANCE BASED SOLELY UPON THE NUMBER OF
9 CONVICTIONS FOR VIOLATIONS OF ANY SUBDIVISION OF SECTION ELEVEN HUNDRED
10 NINETY-TWO OF THIS CHAPTER COMMITTED BY SUCH PERSON WITHIN THE TEN YEARS
11 PRIOR TO APPLICATION FOR SUCH LICENSE. UPON THE TERMINATION OF THE PERI-
12 OD OF PROBATION SET BY THE COURT, THE PERSON MAY APPLY TO THE COMMIS-
13 SIONER FOR RESTORATION OF A LICENSE OR PRIVILEGE TO OPERATE A MOTOR
14 VEHICLE IN ACCORDANCE WITH THIS CHAPTER.

15 (B) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS CHAPTER, A
16 POST-REVOCATION CONDITIONAL LICENSE GRANTED PURSUANT TO PARAGRAPH (A) OF
17 THIS SUBDIVISION SHALL BE VALID ONLY FOR USE BY THE HOLDER THEREOF:

18 (1) ENROUTE TO AND FROM THE HOLDER'S PLACE OF EMPLOYMENT,

19 (2) IF THE HOLDER'S EMPLOYMENT REQUIRES THE OPERATION OF A MOTOR VEHI-
20 CLE THEN DURING THE HOURS THEREOF,

21 (3) ENROUTE TO AND FROM A CLASS OR COURSE AT AN ACCREDITED SCHOOL,
22 COLLEGE OR UNIVERSITY OR AT A STATE APPROVED INSTITUTION OF VOCATIONAL
23 OR TECHNICAL TRAINING,

24 (4) TO AND FROM COURT ORDERED PROBATION ACTIVITIES,

25 (5) TO AND FROM A MOTOR VEHICLE OFFICE FOR THE TRANSACTION OF BUSINESS
26 RELATING TO SUCH LICENSE,

27 (6) FOR A THREE HOUR CONSECUTIVE DAYTIME PERIOD, CHOSEN BY THE DEPART-
28 MENT, ON A DAY DURING WHICH THE PARTICIPANT IS NOT ENGAGED IN USUAL
29 EMPLOYMENT OR VOCATION,

30 (7) ENROUTE TO AND FROM A MEDICAL EXAMINATION OR TREATMENT AS PART OF
31 A NECESSARY MEDICAL TREATMENT FOR SUCH PARTICIPANT OR MEMBER OF THE
32 PARTICIPANT'S HOUSEHOLD, AS EVIDENCED BY A WRITTEN STATEMENT TO THAT
33 EFFECT FROM A LICENSED MEDICAL PRACTITIONER,

34 (8) ENROUTE TO AND FROM A CLASS OR AN ACTIVITY WHICH IS AN AUTHORIZED
35 PART OF THE ALCOHOL AND DRUG REHABILITATION PROGRAM AND AT WHICH PARTIC-
36 IPANT'S ATTENDANCE IS REQUIRED, AND

37 (9) ENROUTE TO AND FROM A PLACE, INCLUDING A SCHOOL, AT WHICH A CHILD
38 OR CHILDREN OF THE PARTICIPANT ARE CARED FOR ON A REGULAR BASIS AND
39 WHICH IS NECESSARY FOR THE PARTICIPANT TO MAINTAIN SUCH PARTICIPANT'S
40 EMPLOYMENT OR ENROLLMENT AT AN ACCREDITED SCHOOL, COLLEGE OR UNIVERSITY
41 OR AT A STATE APPROVED INSTITUTION OF VOCATIONAL OR TECHNICAL TRAINING.

42 (C) THE POST-REVOCATION CONDITIONAL LICENSE DESCRIBED IN THIS SUBDIVI-
43 SION MAY BE REVOKED BY THE COMMISSIONER FOR SUFFICIENT CAUSE INCLUDING
44 BUT NOT LIMITED TO, FAILURE TO COMPLY WITH THE TERMS OF THE CONDITION OF
45 PROBATION SET FORTH BY THE COURT, CONVICTION OF ANY TRAFFIC OFFENSE
46 OTHER THAN ONE INVOLVING PARKING, STOPPING OR STANDING OR CONVICTION OF
47 ANY ALCOHOL OR DRUG RELATED OFFENSE, MISDEMEANOR OR FELONY.

48 (D) NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE COURT FROM
49 APPLYING ANY OTHER CONDITIONS OF PROBATION ALLOWED BY LAW, INCLUDING
50 TREATMENT FOR ALCOHOL OR DRUG ABUSE, RESTITUTION AND COMMUNITY SERVICE.

51 (E) THE COMMISSIONER SHALL NOTE ON THE OPERATOR'S RECORD OF ANY PERSON

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52 RESTRICTED PURSUANT TO THIS SECTION THAT, IN ADDITION TO ANY OTHER
53 RESTRICTIONS, CONDITIONS OR LIMITATIONS, SUCH PERSON MAY OPERATE ONLY A
54 MOTOR VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK DEVICE.
55 4. (A) IF THE COURT IMPOSED THE USE OF AN IGNITION INTERLOCK DEVICE AS
56 A CONDITION OF PROBATION THE COURT SHALL REQUIRE THE PERSON TO PROVIDE

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4

1 PROOF OF COMPLIANCE WITH THIS SECTION TO THE COURT AND THE PROBATION
2 DEPARTMENT WHERE SUCH PERSON IS UNDER PROBATION SUPERVISION. IF THE
3 PERSON FAILS TO PROVIDE FOR SUCH PROOF OF INSTALLATION, ABSENT A FINDING
4 BY THE COURT OF GOOD CAUSE FOR THAT FAILURE WHICH IS ENTERED IN THE
5 RECORD, THE COURT MAY REVOKE, MODIFY, OR TERMINATE THE PERSON'S SENTENCE
6 OF PROBATION AS PROVIDED UNDER LAW.

7 (B) WHEN A COURT IMPOSES THE CONDITION SPECIFIED IN SUBDIVISION ONE OF
8 THIS SECTION, THE COURT SHALL NOTIFY THE COMMISSIONER IN SUCH MANNER AS
9 THE COMMISSIONER MAY PRESCRIBE, AND THE COMMISSIONER SHALL NOTE SUCH
10 CONDITION ON THE OPERATING RECORD OF THE PERSON SUBJECT TO SUCH CONDI-
11 TIONS.

12 5. (A) THE COST OF INSTALLING AND MAINTAINING THE IGNITION INTERLOCK
13 DEVICE SHALL BE BORNE BY THE PERSON SUBJECT TO SUCH CONDITION. SUCH COST
14 SHALL BE CONSIDERED A FINE FOR THE PURPOSES OF SUBDIVISION FIVE OF
15 SECTION 420.10 OF THE CRIMINAL PROCEDURE LAW. SUCH COST SHALL NOT
16 REPLACE, BUT SHALL INSTEAD BE IN ADDITION TO, ANY FINES, SURCHARGES, OR
17 OTHER COSTS IMPOSED PURSUANT TO THIS CHAPTER OR OTHER APPLICABLE LAWS.

18 (B) THE INSTALLATION AND SERVICE PROVIDER OF THE DEVICE SHALL BE
19 RESPONSIBLE FOR THE INSTALLATION, CALIBRATION, AND MAINTENANCE OF SUCH
20 DEVICE.

21 (C) THOSE CONVICTED OF ANY OF THE ABOVE OFFENSES WHO CAN NOT AFFORD TO
22 MAINTAIN AND OPERATE AN IGNITION INTERLOCK SYSTEM SHALL HAVE ONE
23 PROVIDED FOR THEM BY THE COUNTY PROBATION AND CORRECTIONAL ALTERNATIVES
24 DEPARTMENT AND WILL BE ENROLLED IN A PAYMENT PLAN, BASED ON THEIR
25 INCOME, SO THAT SAID EXPENSES MAY BE PAID BACK TO THE COUNTY OVER A
26 PERIOD OF TIME. HOWEVER, IF THE IGNITION INTERLOCK PROVIDER OFFERS THE
27 SAME OR SIMILAR PAYMENT PLAN FOR THE OPERATION AND MAINTENANCE OF THE
28 DEVICE, THE COUNTY IS NOT OBLIGATED TO OFFER SUCH A REPAYMENT PLAN.

29 6. (A) THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL APPROVE
30 IGNITION INTERLOCK DEVICES FOR INSTALLATION PURSUANT TO SUBDIVISION ONE
31 OF THIS SECTION AND SHALL PUBLISH A LIST OF APPROVED DEVICES.

32 (B) AFTER CONSULTATION WITH MANUFACTURERS OF IGNITION INTERLOCK
33 DEVICES AND THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, THE
34 COMMISSIONER OF THE DEPARTMENT OF HEALTH, IN CONSULTATION WITH THE
35 COMMISSIONER AND THE DIRECTOR OF THE DIVISION OF PROBATION AND CORREC-
36 TIONAL ALTERNATIVES, SHALL PROMULGATE REGULATIONS REGARDING STANDARDS
37 FOR, AND USE OF, IGNITION INTERLOCK DEVICES. SUCH STANDARDS SHALL
38 INCLUDE PROVISIONS FOR SETTING A MINIMUM AND MAXIMUM CALIBRATION RANGE
39 AND SHALL INCLUDE, BUT NOT BE LIMITED TO, REQUIREMENTS THAT THE DEVICES:

40 (1) HAVE FEATURES THAT MAKE CIRCUMVENTING DIFFICULT AND THAT DO NOT
41 INTERFERE WITH THE NORMAL OR SAFE OPERATION OF THE VEHICLE;

42 (2) WORK ACCURATELY AND RELIABLY IN AN UNSUPERVISED ENVIRONMENT;

43 (3) RESIST TAMPERING AND GIVE EVIDENCE IF TAMPERING IS ATTEMPTED;

44 (4) MINIMIZE INCONVENIENCE TO A SOBER USER;

45 (5) REQUIRES A PROPER, DEEP, LUNG BREATH SAMPLE OR OTHER ACCURATE
46 MEASURE OF BLOOD ALCOHOL CONTENT EQUIVALENCE;

47 (6) OPERATE RELIABLY OVER THE RANGE OF AUTOMOBILE ENVIRONMENTS;

48 (7) CORRELATE WELL WITH PERMISSIBLE LEVELS OF ALCOHOL CONSUMPTION AS
49 MAY BE ESTABLISHED BY THE SENTENCING COURT OR BY ANY PROVISION OF LAW;
50 AND

51 (8) ARE MANUFACTURED BY A PARTY COVERED BY PRODUCT LIABILITY INSUR-

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52 ANCE.

53 (C) THE COMMISSIONER OF THE DEPARTMENT OF HEALTH MAY, IN HIS OR HER
54 DISCRETION, ADOPT IN WHOLE OR RELEVANT PART, THE GUIDELINES, RULES,
55 REGULATIONS, STUDIES, OR INDEPENDENT LABORATORY TESTS PERFORMED ON AND

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1 RELIED UPON FOR THE CERTIFICATION OR APPROVAL OF IGNITION INTERLOCK
2 DEVICES BY OTHER STATES, THEIR AGENCIES OR COMMISSIONS.

3 7. (A) ANY REQUIREMENT OF THIS ARTICLE OR OF THE PENAL LAW, THAT A
4 PERSON OPERATE A VEHICLE ONLY IF IT IS EQUIPPED WITH AN IGNITION INTER-
5 LOCK DEVICE, SHALL APPLY TO EVERY MOTOR VEHICLE OPERATED BY THAT PERSON
6 INCLUDING, BUT NOT LIMITED TO, VEHICLES THAT ARE LEASED, RENTED OR
7 LOANED.

8 (B) NO PERSON SHALL KNOWINGLY RENT, LEASE, OR LEND A MOTOR VEHICLE TO
9 A PERSON KNOWN TO HAVE HAD HIS OR HER DRIVING PRIVILEGE RESTRICTED TO
10 VEHICLES EQUIPPED WITH AN IGNITION INTERLOCK DEVICE UNLESS THE VEHICLE
11 IS SO EQUIPPED. ANY PERSON WHOSE DRIVING PRIVILEGE IS SO RESTRICTED
12 SHALL NOTIFY ANY OTHER PERSON WHO RENTS, LEASES, OR LOANS A MOTOR VEHI-
13 CLE TO HIM OR HER OF SUCH DRIVING RESTRICTION.

14 (C) A VIOLATION OF PARAGRAPH (A) OR (B) OF THIS SUBDIVISION SHALL BE A
15 MISDEMEANOR.

16 8. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
17 IF A PERSON IS REQUIRED TO OPERATE A MOTOR VEHICLE OWNED BY SAID
18 PERSON'S EMPLOYER IN THE COURSE AND SCOPE OF HIS OR HER EMPLOYMENT, THE
19 PERSON MAY OPERATE THAT VEHICLE WITHOUT INSTALLATION OF AN APPROVED
20 IGNITION INTERLOCK DEVICE ONLY IN THE COURSE AND SCOPE OF SUCH EMPLOY-
21 MENT AND ONLY IF THE EMPLOYER HAS BEEN NOTIFIED THAT THE PERSON'S DRIV-
22 ING PRIVILEGE HAS BEEN RESTRICTED UNDER THE PROVISIONS OF THIS ARTICLE
23 OR THE PENAL LAW AND THE PERSON WHOSE PRIVILEGE HAS BEEN SO RESTRICTED
24 HAS PROVIDED THE COURT AND PROBATION DEPARTMENT WITH WRITTEN DOCUMENTA-
25 TION INDICATING THE EMPLOYER HAS KNOWLEDGE OF THE RESTRICTION IMPOSED
26 AND HAS GRANTED PERMISSION FOR THE PERSON TO OPERATE THE EMPLOYER'S
27 VEHICLE WITHOUT THE DEVICE ONLY FOR BUSINESS PURPOSES. THE PERSON SHALL
28 NOTIFY THE COURT AND THE PROBATION DEPARTMENT OF HIS OR HER INTENTION TO
29 SO OPERATE THE EMPLOYER'S VEHICLE. A MOTOR VEHICLE OWNED BY A BUSINESS
30 ENTITY WHICH BUSINESS ENTITY IS ALL OR PARTLY OWNED OR CONTROLLED BY A
31 PERSON OTHERWISE SUBJECT TO THE PROVISIONS OF THIS ARTICLE OR THE PENAL
32 LAW IS NOT A MOTOR VEHICLE OWNED BY THE EMPLOYER FOR PURPOSES OF THE
33 EXEMPTION PROVIDED IN THIS SUBDIVISION. THE PROVISIONS OF THIS SUBDIVI-
34 SION SHALL APPLY ONLY TO THE OPERATION OF SUCH VEHICLE IN THE SCOPE OF
35 SUCH EMPLOYMENT.

36 9. (A) NO PERSON WHOSE DRIVING PRIVILEGE IS RESTRICTED PURSUANT TO
37 THIS ARTICLE OR THE PENAL LAW SHALL REQUEST, SOLICIT OR ALLOW ANY OTHER
38 PERSON TO BLOW INTO AN IGNITION INTERLOCK DEVICE, OR TO START A MOTOR
39 VEHICLE EQUIPPED WITH THE DEVICE, FOR THE PURPOSE OF PROVIDING THE
40 PERSON SO RESTRICTED WITH AN OPERABLE MOTOR VEHICLE.

41 (B) NO PERSON SHALL BLOW INTO AN IGNITION INTERLOCK DEVICE OR START A
42 MOTOR VEHICLE EQUIPPED WITH THE DEVICE FOR THE PURPOSE OF PROVIDING AN
43 OPERABLE MOTOR VEHICLE TO A PERSON WHOSE DRIVING PRIVILEGE IS SO
44 RESTRICTED.

45 (C) NO PERSON SHALL TAMPER WITH OR CIRCUMVENT AN OTHERWISE OPERABLE
46 IGNITION INTERLOCK DEVICE.

47 (D) IN ADDITION TO ANY OTHER PROVISIONS OF LAW, ANY PERSON CONVICTED
48 OF A VIOLATION OF PARAGRAPH (A), (B) OR (C) OF THIS SUBDIVISION SHALL BE
49 GUILTY OF A MISDEMEANOR AND A FIVE THOUSAND DOLLAR FINE.

50 10. THE DEPARTMENT OF HEALTH SHALL DESIGN A WARNING LABEL WHICH THE
51 MANUFACTURER SHALL AFFIX TO EACH IGNITION INTERLOCK DEVICE UPON INSTAL-
52 LATION IN THE STATE. THE LABEL SHALL CONTAIN A WARNING THAT ANY PERSON

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53 TAMPERING, CIRCUMVENTING, OR OTHERWISE MISUSING THE DEVICE IS GUILTY OF
54 A MISDEMEANOR AND MAY BE SUBJECT TO CIVIL LIABILITY.

55 S 2. The state finance law is amended by adding a new section 99-q to
56 read as follows:

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1 S 99-Q. IGNITION INTERLOCK FUND. 1. THERE IS HEREBY ESTABLISHED IN
2 THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE NEW YORK STATE DIVI-
3 SION OF PROBATION AND CORRECTIONAL ALTERNATIVES A SPECIAL FUND TO BE
4 KNOWN AS THE "IGNITION INTERLOCK FUND".

5 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE COURTS FROM
6 A COURT FEE OF TWENTY-FIVE DOLLARS IMPOSED ON ANYONE CONVICTED OF ALCO-
7 HOL OR DRUG RELATED INFRACTION.

8 3. MONEYS OF THE FUND SHALL BE EXPENDED BY THE NEW YORK STATE DIVISION
9 OF PROBATION AND CORRECTIONAL ALTERNATIVES ON AN AS-NEED BASIS FOR THE
10 CONTINUED OPERATION AND MAINTENANCE OF THE IGNITION INTERLOCK AND MANDA-
11 TORY PROBATION PILOT PROGRAM ESTABLISHED IN ARTICLE TWENTY-ONE-D OF THE
12 VEHICLE AND TRAFFIC LAW, TO INCLUDE THE COST OF:

13 (A) ADDITIONAL PAROLE OFFICERS TO MANAGE THE PROGRAM AT A COUNTY
14 LEVEL;

15 (B) ADDITIONAL OR ENHANCED EQUIPMENT FOR THE MONITORING OF PROBATION-
16 ERS; AND

17 (C) ANY OTHER COSTS ASSOCIATED WITH THE INCREASED DUTIES OR EXPENSES
18 ASSOCIATED WITH OPERATING AND MANAGING THE PROGRAM TO INCLUDE BUT NOT
19 LIMITED TO HEALTHCARE, RETIREMENT OR OTHER BENEFIT COSTS DUE TO
20 INCREASED STAFF.

21 S 3. 1. The New York state division of probation and correctional
22 alternatives is hereby authorized and directed to create, amend and/or
23 repeal any and all rules or regulation necessary for the implementation
24 of this act on or before the effective date for the purpose of:

25 (a) creation of the ignition interlock fund and the management, opera-
26 tion and investment thereof;

27 (b) creation of a grant process as prescribed by subdivision 3 of
28 section 99-q of the state finance law, as added by section two of this
29 act; and

30 (c) creation of any other rules or regulations for the efficient oper-
31 ation of this act.

32 2. The New York state division of probation and correctional alterna-
33 tives is hereby directed to audit each county's ignition interlock and
34 mandatory probation pilot program at least once every two years. The
35 division of probation and correctional alternatives shall compile and
36 submit to the governor, legislature, attorney general and comptroller a
37 yearly report detailing the progress and effectiveness of each county's
38 program.

39 S 4. The sum of fourteen million dollars (\$14,000,000), or so much
40 thereof as may be necessary, is hereby appropriated to be paid in the
41 sum of two million dollars (\$2,000,000) each to the counties participat-
42 ing in the ignition interlock and mandatory probation pilot program
43 established in section one of this act out of any moneys in the state
44 treasury in the general fund to the credit of the local assistance
45 account, not otherwise appropriated, and made immediately available, for
46 the purpose of carrying out the provisions of this act. Such moneys
47 shall be payable on the audit and warrant of the comptroller on vouchers
48 certified or approved by the superintendent of state police in the
49 manner prescribed by law.

50 S 5. Severability. If any clause, sentence, paragraph, section or part
51 of this act be adjudged by any court of competent jurisdiction to be
52 invalid, such judgment shall not affect, impair or invalidate the

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53 remainder hereof but shall be applied in its operation to the clause,
54 sentence, paragraph, section or part hereof directly involved in the
55 controversy in which such judgment shall have been rendered.

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1 S 6. This act shall take effect April 1, 2010 and shall expire and be
2 deemed repealed December 31, 2014. All departments or divisions of the
3 state mentioned in this act are hereby authorized and directed to
4 create, amend and/or repeal any and all rules or regulations necessary
5 for the implementation of this act on or before its effective date.

Contact Webmaster

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