

L A I D O N T H E T A B L E J A N U A R Y 4 , 2 0 1 0

LADS REPORT PREPARED BY:

Michele Gerardi

ORGANIZATIONAL MEETING

1000. Reauthorizing use of Bungalow No. 5 at Hubbard County Park by Ducks Unlimited Inc. (Viloria-Fisher) PARKS & RECREATION
1001. Designating March as Professional Social Work Month. (Viloria-Fisher) HEALTH & HUMAN SERVICES
1002. Naming the new Fourth Precinct building after Cyril J. Donnelly. (Kennedy) PUBLIC SAFETY
1003. Appropriating funds in connection with the implementation of a County database for taxpayer access (CP 1650). (D'Amaro) WAYS & MEANS
1004. Adopting Local Law No. -2010, A Charter Law to strengthen the independence of the Ethics Commission. (Montano) WAYS & MEANS
1005. Directing the Department of Public Works to add a stop on the 3C Bus Route. (Montano) PUBLIC WORKS & TRANSPORTATION
1006. Making a SEQRA determination in connection with the proposed improvements to CR 19, Patchogue-Holbrook Road, from Long Island Expressway North Service Road to CR 16, Portion Road, (CP 3302), Town of Brookhaven. (Pres. Off.) ENVIRONMENT, PLANNING & AGRICULTURE
1007. Appoint member to the Equestrian Task Force (Denise Speizio). (Eddington) ENVIRONMENT, PLANNING & AGRICULTURE
1008. Authorizing reconveyance of parcel to Holbrook Fire District pursuant to Section 72-h of the General Municipal Law (SCTM No. 0500-108.00-02.00-018.000). (Pres. Off.) WAYS & MEANS
1009. Sale of County-owned real estate pursuant to Local Law No. 13-1976 Hassan and Laila Hito (SCTM No. 0500-382.00-03.00-055.000). (Co. Exec.) WAYS & MEANS
1010. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Grace Hu f/k/a Grace Young (SCTM No. 0800-045.00-01.00-019.001). (Co. Exec.) WAYS & MEANS
1011. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Palmerino A. Lupinacci (SCTM No. 0400-214.00-02.00-122.000). (Co. Exec.) WAYS & MEANS
1012. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Bayview Property Management Corp., by Robert Stanzoni, President (SCTM No. 0200-852.00-03.00-064.001). (Co. Exec.) WAYS & MEANS

1013. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Laila Petruzzello and Salvatore Baldi, wife and husband (SCTM No. 0400-070.00-03.00-039.000). (Co. Exec.) WAYS & MEANS
1014. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act L & L Real Estate, LLC (SCTM No. 0100-096.00-02.00-037.000). (Co. Exec.) WAYS & MEANS
1015. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Thomas M. Amodeo, as Surviving Tenant by the entirety (SCTM No. 0400-173.00-01.00-028.000). (Co. Exec.) WAYS & MEANS
1016. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Meyer and Emanuel Termini (SCTM No. 0200-773.00-04.00-027.004). (Co. Exec.) WAYS & MEANS
1017. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Lake Grove) (SCTM No. 0208-015.00-04.00-014.000 et al). (Co. Exec.) WAYS & MEANS
1018. Sale of County-owned real estate pursuant to Local Law No. 13-1976 Ronald R. Raby (SCTM No. 0200-809.00-01.00-030.000). (Co. Exec.) WAYS & MEANS
1019. Sale of County-owned real estate pursuant to Local Law No. 13-1976 Baron II Realty Corp. (SCTM No. 0500-179.00-03.00-026.000). (Co. Exec.) WAYS & MEANS
1020. Approving planning steps for the acquisition of Farmland Development Rights – November 2009. (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1021. Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land having a Suffolk County Tax Map Identification Number of District 0200 Section 593.00 Block 01.00 Lot 015.000 pursuant to Section 125 of the New York State Highway Law. (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1022. Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land having a Suffolk County Tax Map Identification Number of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 pursuant to Section 125 of the New York State Highway Law. (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1023. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Calverton Hills Homeowners Association Inc. (SCTM No. 0200-357.00-01.00-001.003). (Co. Exec.) WAYS & MEANS
1024. Adopted Local No. -2010, A Charter Law to implement a cost saving measure to help mitigate budgetary shortfall by purchasing 5000 Corporate Court, Town of Islip. (Co. Exec.) BUDGET & FINANCE

1025. Requiring disclosure of specific information regarding closed capital projects. (Romaine) BUDGET & FINANCE
1026. To implement Sunday bus service and extend weekday morning and evening service in Suffolk County. (Romaine) PUBLIC WORKS & TRANSPORTATION
1027. Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Long Island Beagle Club property – Town of Riverhead). (Romaine) ENVIRONMENT, PLANNING & AGRICULTURE
1028. Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program – (effective December 1, 2007) open space component - for the Pollert property – Sterling Creek - Town of Southold – (SCTM No. 1000-034.00-04.00-019.001). (Romaine) ENVIRONMENT, PLANNING & AGRICULTURE
1029. Adopting Local Law No. -2010, A Charter Law to provide a fixed five year term for the Police Commissioner. (Cooper) PUBLIC SAFETY
1030. Adopting Local Law No. -2010, A Local Law to exempt properties in the Town of Brookhaven from requirements of Local Law No. 3-2009. (Browning) WAYS & MEANS
1031. Canceling auction sale of property (SCTM No. 0200-960.00-02.00-045.000, 046.000, 047.000). (Browning) WAYS & MEANS
1032. Amending the 2010 Adopted Budget to provide funding for the MI-HEAP Program within the Department of Social Services. (Co. Exec.) HEALTH & HUMAN SERVICES
1033. Authorizing the execution of a grant agreement with the Federal Aviation Administration and the New York State Department of Transportation in connection with the pavement management rehabilitation at Gabreski Airport (CP 5739). (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1034. Adopting Local Law No. -2010, A Charter Law to provide notice of appointments to commissions and boards. (Montano) WAYS & MEANS
1035. Renaming Dam Pond in East Marion after Ruth D. Oliva. (Romaine) PARKS & RECREATION
1036. To appoint Naomi Hogarty to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1037. Adopting Local Law No. -2010, A Charter Law to expand the functions of the Council on Environmental Quality to include advising Suffolk County on bicycle routes. (Schneiderman) ENVIRONMENT, PLANNING & AGRICULTURE
1038. Adopting Local Law No. -2010, A Local Law amending the Suffolk County Empire Zone Boundaries to include Bren-tronics, Inc. (SCTM No. 0400-22.000-0100-045.000). ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY

1039. Accepting and appropriating a State grant in the amount of \$10,000 from the New York State Division of Veterans' Affairs in support of the Suffolk County Veterans Service Agency's Outreach Program. (Co. Exec.) VETERANS & SENIORS
1040. Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Spring Meadow Enterprises, LLC property – Town of Brookhaven – (SCTM No. 0200-128.00-01.00-016.002). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1041. Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Harriman Estates at Aquebogue LLC property – Town of Riverhead – (SCTM No. 0600-085.00-03.00-072.008 through 072.103). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1042. Accepting and appropriating 100% funding from the New York State Office of Children and Family Services to the Suffolk County Department of Social Services for supplemental child care subsidy allocations under the American Recovery and Reinvestment Act (ARRA). (Co. Exec.) HEALTH & HUMAN SERVICES
1043. Authorizing the County Executive to enter into a lease with Eastern Long Island Solar Project to use County property in connection with the development of solar energy facilities. (Co. Exec.) ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY
1044. Transferring 100% grant funding in the amount of \$433,506 awarded by the New York State Office of Temporary and Disability Assistance from the Suffolk County Department of Social Services to the Suffolk County Department of Labor for the Transitional Jobs Program. (Co. Exec.) HEALTH & HUMAN SERVICES
1045. Accepting and appropriating additional 100% grant funds from the New York State Office of Children and Family Services (OCFS) to the Suffolk County Department of Social Services for the Child Care Council of Suffolk, Inc. for day care registration and inspection contract. (Co. Exec.) HEALTH & HUMAN SERVICES
1046. Transferring 100% grant funding in the amount of \$255,048 awarded by the New York State Office of Temporary and Disability Assistance from the Suffolk County Department of Social Services to the Suffolk County Department of Health Services for the Health Care Jobs Program. (Co. Exec.) HEALTH & HUMAN SERVICES
1047. Increasing the petty cash fund in the Department of Social Services. (Co. Exec.) HEALTH & HUMAN SERVICES
1048. Adopting Local Law No. -2010, A Local Law to strengthen the enforcement of clothing bin identification requirements. (Co. Exec.) CONSUMER PROTECTION
1049. To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature (Control No. 817-2010). (Co. Exec.) BUDGET & FINANCE

1050. Approving the appointment of Diane Pfadenhauer as a member of the Suffolk County Public Employment Relations Board. (Co. Exec.) LABOR, WORKFORCE AND AFFORDABLE HOUSING
1051. Adopting Local Law No. -2010, A Local Law to regulate the distribution of mortgage tax revenues to towns and villages. (Schneiderman) BUDGET & FINANCE
1052. Adopting Local Law No. -2010, A Charter Law to provide flexibility in the membership of the Council on Environmental Quality. (Schneiderman) ENVIRONMENT, PLANNING & AGRICULTURE

1000
Intro. Res. No. -2010
Introduced by Legislator Vilorio-Fisher

Laid on Table 1/4/2010

**RESOLUTION NO. -2010, REAUTHORIZING USE OF
BUNGALOW NO. 5 AT HUBBARD COUNTY PARK BY DUCKS
UNLIMITED, INC.**

WHEREAS, Resolution No. 1136-2002 authorized Ducks Unlimited, Inc., to use Bungalow No. 5 at Hubbard County Park for a period of five (5) years to conduct environmental and sportsman education programs and perform wetland and associated upland restoration projects; and

WHEREAS, the County's agreement with Ducks Unlimited, Inc., expired on February 28, 2009; and

WHEREAS, Ducks Unlimited, Inc., wishes to use Bungalow No. 5 at Hubbard County Park for another five (5) years to continue the programs they initiated pursuant to Resolution No. 1136-2002; and

WHEREAS, it is in the best interests of the residents of the County of Suffolk to allow Ducks Unlimited, Inc., to continue their education and environmental programs at Hubbard County Park; now, therefore be it

1st RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed to enter into an agreement with Ducks Unlimited, Inc., to authorize their use of Bungalow No. 5 at Hubbard County Park for an additional five (5) year period for the purposes of conducting environmental and sportsman education programs and to perform wetland and associated upland restoration projects to improve and maintain the Park's ecological integrity; and be it further

2nd RESOLVED, that the terms and conditions of the new five (5) year agreement shall be substantially similar to the agreement that expired on February 28, 2009; 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

1001
Intro. Res. No. -2010
Introduced by Legislator Viloría-Fisher

Laid on Table 1/4/2010

**RESOLUTION NO. -2010, DESIGNATING MARCH AS
PROFESSIONAL SOCIAL WORK MONTH**

WHEREAS, social workers possess the education and experience necessary to guide individuals, families and communities through complex issues and choices; and

WHEREAS, social workers connect individuals, families and communities to available resources; and

WHEREAS, social workers are dedicated to improving the society in which we live; and

WHEREAS, social workers are positive and compassionate professionals; and

WHEREAS, social workers work hard to ensure that everyone has access to the same basic rights, protections and opportunities; and

WHEREAS, social workers help people help themselves, whenever and wherever they need it most; and

WHEREAS, social workers have been the driving force behind important social movements in the United States and abroad; and

WHEREAS, a career in social work is filled with purpose and possibilities; and

WHEREAS, Suffolk County seeks to recognize the important contributions that social workers make to our community; now, therefore be it

1st RESOLVED, that the month of March be declared "Professional Social Work Month" in Suffolk County for this year and for every year thereafter; 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

1002
Intro. Res. No. -2010
Introduced by Legislator Kennedy

Laid on Table 1/4/2010

**RESOLUTION NO. -2010, NAMING THE NEW FOURTH
PRECINCT BUILDING AFTER CYRIL J. DONNELLY**

WHEREAS, Cyril J. Donnelly, the former Chief of Smithtown Police and Chief Inspector of the Suffolk County Police Department, passed away in January, 1982; and

WHEREAS, Mr. Donnelly served as chief of police in Smithtown from 1936 through 1960, at which time he entered the newly-formed Suffolk County Police Department, serving as Chief Inspector from 1960 through 1972; and

WHEREAS, while Chief of the Smithtown Police Department, Mr. Donnelly was known for his desire to help people, solve problems and was beloved by his community; and

WHEREAS, Mr. Donnelly was also known for his community involvement outside of police work, receiving numerous humanitarian awards; and

WHEREAS, Mr. Donnelly was a strong supporter of St. Anthony's High School in South Huntington and St. Joseph's Parish in King's Park; and

WHEREAS, Mr. Donnelly was a World War II Veteran, serving honorably in the United States Navy; and

WHEREAS, a new building is under construction for the Suffolk County Police Department's Fourth Precinct and will be completed early in 2010; and

WHEREAS, the Fourth Precinct provides police services predominantly to the Town of Smithtown; and

WHEREAS, it would be a fitting tribute to name this new building in honor of Cyril Donnelly, who made protecting the residents of Smithtown and Suffolk County his life's work; now, therefore be it

1st RESOLVED, that, pursuant to Section 215(1) of the NEW YORK COUNTY LAW and in accordance with the naming requirements set forth in Chapter 674 of the SUFFOLK COUNTY CODE, the new Police Department Fourth Precinct in Smithtown, is hereby named the "Cyril J. Donnelly Building" to honor his legacy in Suffolk County; and be it further

2nd RESOLVED, that the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take all actions necessary and appropriate to effectuate this naming and dedication; and be it further

3rd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency

administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-name-fourth-precinct-Cyril-Donnelly

1003

Intro. Res. No. -2010
Introduced by Legislator D'Amaro

Laid on Table 1/4/2010

RESOLUTION NO. -2010, APPROPRIATING FUNDS IN CONNECTION WITH THE IMPLEMENTATION OF A COUNTY DATABASE FOR TAXPAYER ACCESS (CP 1650)

WHEREAS, New York State has implemented a government transparency program called Project Sunlight, which provides taxpayers with easy access to information about individual elected officials, campaign finance activities, legislation, lobbyists, state contracts, and registered corporations and charities; and

WHEREAS, it is the desire of the Suffolk County Legislature to implement a similar project in Suffolk County to promote government transparency and taxpayer accountability; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$110,000 in Suffolk County Serial Bonds; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2010 Capital Budget, as the basis for funding capital projects such as this project; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of 30 is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 571-1998, Resolution No. 209-2000 and Resolution No. 461-2006; and be it further

2nd RESOLVED, that the proceeds of \$110,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1650.110	Planning for the Implementation of a County Database for Taxpayer Access	\$110,000

and be it further

3rd 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; and be it further

4th RESOLVED, that the Department of Information Technology is hereby authorized, empowered, and directed to take such action as may be necessary to complete this project.

DATED:

1004
Intro Res. No. -2010
Introduced by Legislator Montano

Laid on Table 1/4/2010

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A CHARTER LAW TO STRENGTHEN THE
INDEPENDENCE OF THE ETHICS COMMISSION**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2010, a proposed local law entitled, "**A CHARTER LAW TO STRENGTHEN THE INDEPENDENCE OF THE ETHICS COMMISSION**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO STRENGTHEN THE INDEPENDENCE OF
THE ETHICS COMMISSION**

**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 Ethics Commission can only be effective if it is independent and insulated from political pressure and influence.

This Legislature further finds that the authority and credibility of the Ethics Commission is undermined when there is even an appearance that the Commission is subject to external forces that affect its independent judgment.

This Legislature finds that historically the Ethics Commission has relied on the Suffolk County Department of Law for legal assistance and advice in conducting its business and making its determinations.

This Legislature determines that the Ethics Commission would be better served by counsel that it appoints directly and which is answerable solely to the Commission.

This Legislature further determines that severing the ties between the Ethics Commission and the Suffolk County Department of Law would strengthen the Commission and enhance its independence and credibility.

Therefore, the purpose of this law is to authorize the Suffolk County Ethics Commission to hire independent counsel to assist the Commission in carrying out its mission.

Section 2. Amendment.

Article 30 of the Suffolk County Charter is hereby amended as follows:

Article XXX, Ethics Commission.

* * * *

§30-3. General administrative powers.

A.) The Commission shall:

- 1.) Appoint an executive director and independent counsel who shall carry out and implement the policies of the Commission. The Commission may delegate authority to the executive director and independent counsel to act in the name of the Commission between meetings of the Commission, provided that such delegation is in writing and the specific powers to be delegated are enumerated. The power to appoint and or retain such executive director and independent counsel shall be subject only to available appropriations provided therefore in the County Operating Budget and the actual appointment and filling of such positions shall not be subject to approval by the County Executive nor the budget office. The Commission shall be deemed the appointing authority for all such personnel.
- 2.) Appoint such other staff as may be necessary to carry out its duties under this Article, within appropriations provided therefor by the County of Suffolk. The power to appoint and or retain such other support staff shall be subject only to available appropriations provided therefore in the County Operating Budget and the actual appointment and filling of such positions shall not be subject to approval by the County Executive nor the budget office. The Commission shall be deemed the appointing authority for all such staff and personnel. The executive director, independent counsel, and support staff shall not be part of the Suffolk County Department of Law nor supervised by the Suffolk County Department of Law. The Commission, its staff, and its funding shall be treated as a separate agency for purposes of presentation and adoption in the annual County Operating Budget.
- 3.) Adopt, amend and rescind rules and regulations to govern procedures of the Commission which shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with the Commission may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship. Such rules or regulations shall provide for a date beyond which, in all cases of justifiable

cause or undue hardship, no further extension of time may be granted.

- 4.) Review completed conflict and financial disclosure statements as directed by law; provided, however, that the Commission may delegate all or part of this review function to the executive director and independent counsel who shall be responsible for completing staff review of such statements in a manner consistent with the terms of the Commission's delegation.
- 5.) Receive complaints alleging any violation of pertinent laws.
- 6.) Advise and assist any municipal subdivision in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former local elected officials, local political party officials and local officers and employees.
- 7.) Prepare an annual written report to be submitted to the County Executive and the County Legislature summarizing the activities of the Commission and recommending changes in the laws governing the conduct of local elected officials, local political party officials and local officers and employees.

* * * *

§30-4. Review of conflicts and financial disclosure statements.

- A.) The Commission or the Executive Director, independent counsel and staff of the Commission, if responsibility therefor has been delegated, shall inspect all financial disclosure statements filed pursuant to Chapter 61 of the Suffolk County Code, or filed pursuant to the requirements of § A30-10 of the Suffolk County Administrative Code to ascertain whether any person subject to such reporting requirements has violated any local law governing conflicts of interest or prohibited activities. Any person, political party officer, County Legislator, countywide elected official, county officer or employee or member or employee of the County Legislature required to file any other financial disclosure form or statement under any other law or statute shall file such form or statement with the Suffolk County Ethics Commission on or before the 15th day of May with respect to the preceding year subject to any exception contained in § A30-10A of the Suffolk County Administrative Code as would be applicable to the particular circumstances.

* * * *

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

Section 6. Effective Date.

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



1004

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: December 17, 2009
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. -2010; A CHARTER LAW TO STRENGTHEN THE INDEPENDENCE OF THE ETHICS COMMISSION

SPONSOR: LEGISLATOR MONTANO

DATE OF RECEIPT BY COUNSEL: 12/17/2009 PUBLIC HEARING: /2010
DATE ADOPTED/NOT ADOPTED: CERTIFIED COPY RECEIVED:

This proposed charter law would authorize the Suffolk County Ethics Commission to hire independent counsel to assist the Commission in carrying out its responsibilities.

The proposed law provides that the Commission shall be deemed the appointing authority for its executive director and independent counsel and that the executive director and independent counsel shall not be part of the Department of Law nor supervised by the Department of Law. Further, the Commission's funding and staff are to be treated as a separate agency for purposes of presentation and adoption in the annual County Operating Budget.¹

If adopted, this law will take effect immediately upon its filing in the Office of the Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\rule28\28-strengthen-ethics-commission

¹ Presently, the Ethics Commission is included in the Department of Law's budget and Department attorneys provide legal counsel to the Commission.

1005

Intro. Res. No. -2010
Introduced by Legislator Montano

Laid on Table 1/4/2010

**RESOLUTION NO. -2010, DIRECTING THE
DEPARTMENT OF PUBLIC WORKS TO ADD A STOP ON THE
3C BUS ROUTE**

WHEREAS, many Suffolk County residents rely on public transportation to travel to jobs, shopping and other destinations; and

WHEREAS, Central Islip and its surrounding communities need increased bus service to nearby shopping centers so that residents can purchase groceries and other necessary items; and

WHEREAS, the Research Place Shopping Center in Central Islip, located just off Carleton Avenue, is home to a combination of private businesses, retail shopping, and food service establishments; and

WHEREAS, Suffolk County Transit bus route 3C travels on Carleton Avenue but makes no stop at the Research Place Shopping Center; and

WHEREAS, adding a stop to the 3C Bus Route in the Research Place Shopping Center will help better serve the community's needs, allowing employees and residents to more readily access this rapidly expanding center; and

WHEREAS, direct bus service will also provide a boost to the businesses located in the Research Place Shopping Center; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Public Works, Division of Transportation, is hereby authorized, empowered and directed, pursuant to C8-2(W) of the SUFFOLK COUNTY CHARTER, to take all steps necessary to provide direct bus service to the Research Place Shopping Center in Central Islip as part of the 3C Bus Route; 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:

1006

Intro. Res. No. -2010
Introduced by the Presiding Officer

Laid on Table 1/4/2010

RESOLUTION NO. -2010, MAKING A SEQRA DETERMINATION IN CONNECTION WITH THE PROPOSED IMPROVEMENTS TO CR 19, PATCHOGUE-HOLBROOK ROAD, FROM LONG ISLAND EXPRESSWAY NORTH SERVICE ROAD TO CR 16, PORTION ROAD, CP 3302, TOWN OF BROOKHAVEN

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Improvements to CR 19, Patchogue-Holbrook Road, From Long Island Expressway North Service Road to CR 16, Portion Road, CP 3302, Town of Brookhaven", pursuant to Section 6 of Local Law No. 22-1985 which project will implement traffic calming measures, improve vehicular traffic safety and enhance pedestrian/bicycle facilities on CR 19, Patchogue-Holbrook Road, through the following improvements:

- Designated 6-foot wide (4-foot near parking) bike lane, with 4 ft wide striped buffer area;
- Narrower 11-foot wide travel lanes for both northbound and southbound traffic;
- Decorative, highly visible crosswalks and bulb-outs at Richard Place and Avenue J;
- Raised, colored/embossed concrete medians at the two horizontal curves and in front of the Hiawatha Elementary School;
- Countdown pedestrian signals at Richard Place;
- Lowering of speed limit from 40 mph to 35 mph (25 mph in school zone and around curves);
- New Handicap ramps with detectable warning fields;
- New drainage structure/piping where necessary at new bulb-outs/medians;
- Pavements resurfacing, pavement markings and signage as required; and

All proposed work is within the existing County Right of Way; and

WHEREAS, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Public Works and a presentation was made by a representative from RBA Group and subsequently sent out to all concerned parties; and

WHEREAS, at its December 9, 2009 meeting, the CEQ reviewed the EAF and information submitted by the Suffolk County Department of Public Works; and

WHEREAS, the CEQ recommended that the above activity be considered an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code; and

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated December 10, 2009 of said recommendations; and

WHEREAS, Section 279-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

WHEREAS, the Suffolk County Legislature has reviewed the EAF and the CEQ recommendations; now, therefore, be it

1st RESOLVED, that this Legislature hereby determines that the Proposed Improvements to CR 19, Patchogue-Holbrook Road, From Long Island Expressway North Service Road to CR 16, Portion Road, CP 3302, Town of Brookhaven, constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, which project will not have significant adverse impacts on the environment for the following reasons:

- 1) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and the Suffolk County Code;
- 3) The parcel does not appear to suffer from any severe environmental development constraints (limiting soil properties; no high groundwater and no unmanageable slopes); and
- 4) Pedestrian and traffic safety will be improved in the vicinity of adjacent residential areas;

and be it further

2nd RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk, the initiating unit of said project, and with the CEQ; and be it further

3rd RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1007

Intro. Res. No. -2010
Introduced by Legislator Eddington

Laid on Table 1/4/2010

**RESOLUTION NO. -2010, APPOINT MEMBER TO THE
EQUESTRIAN TASK FORCE (DENISE SPEIZIO)**

WHEREAS, Resolution No. 187-2009 established the Equestrian Task Force to study and analyze issues relating to the benefits of maintaining the equine industry in Suffolk County, as well as the economic and zoning issues associated with said maintenance, including, but not limited to: the creation of horse intensive zoning, the expansion of government preservation programs that consider the size and location of the property as well as the number of horses maintained there, the feasibility of developing shared or cooperative programs to reduce the costs of necessary purchases, and to examine ways to allow horses easier and access to various parks and trail systems; and

WHEREAS, the Task Force consists of 11 members; and

WHEREAS, Sam Uliano, a representative of the equestrian community recommended by the Nassau Suffolk Horseman's Association, has relocated out of Suffolk County; now, therefore, be it

1st RESOLVED, that Denise Speizio is hereby appointed to the Equestrian Task Force as the representative of the equestrian community recommended by the Nassau Suffolk Horsemen's Association, to serve at the pleasure of the Legislature; and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-appt-equestrian-speizio

Denise C. Speizio

Ridge, NY 11961

1007

PROFESSIONAL EXPERIENCE

April 2009 – Present

Documentation Specialist
Dayton T. Brown, Inc.

Technical Writer in the Technical Services Division which provides logistics support services to military, governmental, commercial, and industrial clients world wide. Lead role in the organization and production of technical directives for major client. Services include engineering support analyses; maintenance planning; product support training; and development/deployment of information systems; operator and maintenance manuals; text and art conversion services.

November 2004 – March 2009

Legal Assistant
Kenneth A. Slott, Attorney at Law

Principal Administrative and legal assistant to sole practitioner, responsible for overall operations of legal office. Coordination of trial calendar, scheduling and coordination of meetings, and Examinations Before Trial. Transcribed confidential client information, prepared appropriate letters for filing and posting to the docket to meet case deadlines. Research, preparation and/or service of legal and other documentation such as; Retainer & Closing Statements; pleadings & discovery demands/responses; insurance, motor vehicle & police reports. Liaison with co-counsel; created, developed and maintained correspondence chronology files and a formal file record system to enhance the efficiency and daily operations of the office.

November 2007 – January 2009

Legal Secretary
Mullen & Iannarone, P.C.

Part-time secretary to two attorneys on an as needed basis. Research, preparation, and/or service of documentation related to collection matters. Liaison with out-of-state counsel.

February 2007 – December 2008

New York State Board Certified Optician
National Vision, Inc.

Responsibilities included: Shared licensure liability for daily facility operations; eyewear sales, final inspection & dispensing including OSHA compliances.

August 1989 – August 2003

Owner/Operator
DLS Trucking Enterprises, Inc.

Principal owner of successful multi-vehicle transportation services company, directly responsible for all aspects of business planning and operations including; payroll, accounts receivable and accounts payable, billing, maintenance of necessary licenses and certifications, insurance coverages and regulatory compliance.

1007

September 2001 – July 2003

Executive Assistant to the Commissioner

Suffolk County Department of Parks, Recreation and Conservation

Provided high-level administrative support for chief executive of multi-division municipal department for county with population of 1.2 million, responsible for management of 42,000 acres of parkland, including campgrounds, bathing beaches, golf courses, equestrian centers and historic sites. Arranged and coordinated meetings, conferences and other departmental activities. Analyzed, prepared and submitted supporting documentation to meet Legislative requirements. Designed and developed variety of spread-sheet reports, statistical compilations and budget reports. Assisted in the development and analysis of management reports as needed. Provided cross-divisional assistance to the Accounting, Historic Preservation, and Security divisions. Liaison with other departments and divisions. Cross-divisional and inter-departmental liaison duties requiring the maintenance of safeguards over confidential communications and data associated with the functional areas of responsibility.

May 1983 – August 2001

New York State Board Certified Optician

Dr. Robert S. Gertler, OD/Vision World

In addition to the above-noted optical responsibilities, the daily maintenance of this location included: bench/lab work, inventory control and purchasing; vendor/sales coordination & account management; cash-draw reconciliation and store maintenance.

EDUCATION

Suffolk County Community College – Business Administration / A.A.S. Degree (Pending)
National Academy of Opticianry, HSD w/ Two-year Opticianry apprenticeship
Long Island Business Institute – Court Reporting

INTERNSHIP

U.S. Department of Justice
United States Attorney, Eastern District of New York

LICENSES

Ophthalmic Dispensing – 1990
Notary Public – 1985

Community Service

The Suffolk County SPCA: Equine Rescue Unit
East End Livestock and Horseman's Asso.: Representing Member
Nassau – Suffolk Horseman's Asso.: Board Member
Suffolk County Equestrian Task Force:
Ridge Civic Association: Board Member, Former President and Trustee
Protected Land Council – Equestrian Representative, Event and Parade Coordinator
Helen Keller Society: Volunteer Enlarged Print Typist.

1008

Intro. Res. No. -2010
Introduced by Presiding Officer Lindsay

Laid on Table 1/4/2010

**RESOLUTION NO. -2010, AUTHORIZING
RECONVEYANCE OF PARCEL TO HOLBROOK FIRE
DISTRICT PURSUANT TO SECTION 72-H OF THE GENERAL
MUNICIPAL LAW (SCTM NO. 0500-108.00-02.00-018.000)**

WHEREAS, Resolution No. 1024-2003 authorized the conveyance of a parcel from the County of Suffolk to the Holbrook Fire District; and

WHEREAS, the purpose of the conveyance was to allow the Fire District to provide a community meeting hall on the property; and

WHEREAS, the Fire District is still in the process of securing funding to pay for the construction of a community meeting hall; and

WHEREAS, Resolution No. 1024-2003 contained a clause whereby the subject parcel would revert to the County of Suffolk if the Fire District did not use the property for its intended purpose within three (3) years; and

WHEREAS, the Suffolk County Department of Law and the Division of Real Property Acquisition and Management exercised the County's right of reverter; and

WHEREAS, the Fire District has incurred considerable costs for architectural fees, demolition, installation of fencing and maintenance; and

WHEREAS, the Holbrook Fire District is still committed to building a community meeting hall on the subject parcel and the Holbrook community would benefit from such action; now, therefore be it

1st RESOLVED, that the Division of Real Property Acquisition and Management is hereby authorized, empowered and directed to reclaim title to property described and designated as Suffolk County Tax Map No. District 0500, Section 108.00, Block 02.00, Lot 018.000, in accordance with the terms of the reverter clause contained in the County's deed to the Holbrook Fire District; and be it further

2nd RESOLVED, that after retaking title, the Division of Real Property Acquisition and Management is authorized, empowered and directed pursuant to Section 72-h of the NEW YORK GENERAL MUNICIPAL LAW, to reconvey the County's interest in the parcel described in the 1ST RESOLVED clause of this resolution by quitclaim deed to the Holbrook Fire District in consideration of the sum of Ten dollars (\$10.00); and be it further

3rd RESOLVED, that the Holbrook Fire District will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for the construction of a community meeting hall, with all right title and interest reverting to the County of Suffolk in the event that the Holbrook Fire District, at any time, uses or attempts to use said subject parcel for other than a community meeting hall or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter as a community meeting hall; and be it further

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

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\reconveyance-parcel-holbrook-fire-district

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2010, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW No. 13-1976
HASSAN & LAILA HITO
(SCTM NO. 0500-382.00-03.00-055.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 382.00 Block 03.00 Lot 055.000 and acquired by Tax Deed on June 6, 1990 from General L. Rains, the Deputy County Treasurer of Suffolk County, New York, and recorded on June 13, 1990 in Liber 11085 at Page 85 and described as follows, being and intended to be that parcel of land carried on the tax rolls of the Town of Islip, known and designated as p/o Lots 50-51 on a certain map entitled "Map of Sayville Development Bohack Realty Corporation", and filed in the Office of the Clerk of the County of Suffolk on March 21, 1927 as Map No. 830; and

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

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

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

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

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

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

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

3rd RESOLVED, that the Director of the Division of Real Property Acquisition and Management, and/or her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Hassan & Laila Hito, 159 Wagstaff Lane, West Islip, New York 11795.

DATED:

APPROVED BY

County Executive of Suffolk County

Date of Approval:

1009

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

SUMMARY STATEMENT

DIRECT SALE:

Suffolk County Local Law No. 13-1976
Tax Map No. 0500-382.00-03.00-055.000

ADJOINING OWNER	BID	BID	BID
Hassan & Laila Hito 159 Wagstaff Lane West Islip, New York 11795 0500-382.00-03.00-056.000	\$1,000.00		
Josephine Murphy 684 Swindon Row Sayville, New York 11782 0500-382.00-03.00-040.000	\$0		
Daniel Conti Inc. P.O. Box 423 Saint James, New York 11780 0500-382.00-03.00-054.000	\$0		

SIZE OF PARCEL: 16' x 35'
APPRAISED VALUE: \$1,000.00
COMMENT: Direct Sale to Adjacent Owner

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

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

1. Type of Legislation

Resolution X Local Law X Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

Convey County owned parcel to adjacent owner

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

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

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

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

Income from sale

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

Unknown

8. Proposed Source of Funding

None

9. Timing of Impact

2010

10. Name & Title of Preparer

Lori Sklar - LMS III

Signature of Preparer

Lori Sklar

Date

12/18/09



THE ROMAN CATHOLIC CHURCH
OF ST. LAWRENCE

METHODIST
EPISCOPAL
CHURCH
OF SAYVILLE

UNITED METHODIST
CHURCH
OF SAYVILLE

FOR PARCEL NO.
SEE SEC. NO. 408-03-012

1009

4

3

2

8

39
L.7(A)(C)

BOBACK
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SOUTH
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AV

AVE

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AVE

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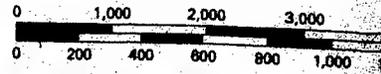
(50)

Each grid box represents approximately 0.65 mi. horizontally by 0.86 mi. vertically.

Joins Map 22

1009

Scale 1:24,000

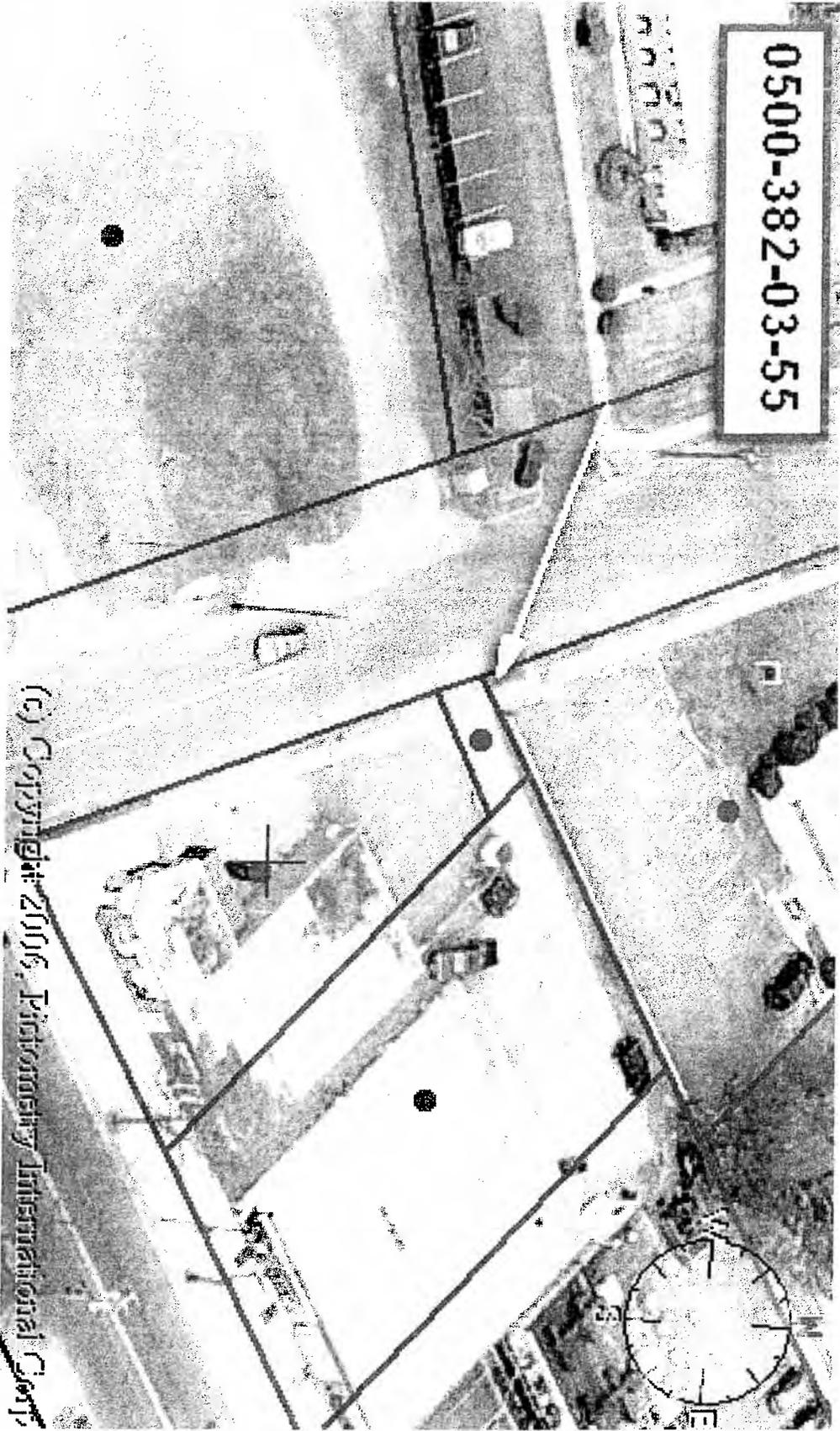


GREAT SOUTH BAY

Ferry to Patchogue (Summer Only)

PATCHOGUE

0500-382-03-55



(c) Copyright 2006, Pitotomachy International Corp.

COUNTY OF SUFFOLK
OFFICE OF THE COUNTY EXECUTIVE



STEVE LEVY
COUNTY EXECUTIVE

Gen At

1009

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

PAMELA J. GREENE
DIVISION DIRECTOR

CARRIE MEEK GALLAGHER
COMMISSIONER

December 16, 2009

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

Re: Tax Map Number: 0500-382.00-03.00-055.000

Dear Mr. Zwirn:

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

Local Law No. 13-1976 - Authorizing the Direct Sale of County Owned Real Estate

I would appreciate your placing this on the legislative agenda.

Very truly yours,

Pamela J. Greene
Director of the Division of Real Property
Acquisition and Management

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

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

Introductory Resolution No. 1010-2010 Laid on Table 1/4/2010

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
GRACE HU f/k/a GRACE YOUNG
0800-045.00-01.00-019.001**

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 Smithtown, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0800, Section 045.00, Block 01.00, Lot 019.001, and acquired by tax deed on September 21, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 23, 2009, in Liber 12600, at Page 859, and otherwise known and designated by the Town of Smithtown, as Lot Nos. 37 & 63 on a certain map entitled "Map of Linden Park" filed in the office of the Clerk of the County of Suffolk on March 15, 1927 as Map No. 248; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on September 21, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 23, 2009 in Liber 12600 at Page 859.

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, GRACE HU has made application of said above described parcel and GRACE HU has paid the application fee and has paid \$442.73, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2009, and

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 her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed to GRACE HU, 13457 1/2 Village Drive, Cerritos CA 90703, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1010

November 30, 2009

Tax Map No.: 0800-045.00-01.00-019.001
Name of Last Legal Fee Owner: GRACE HU

TREASURER'S COMPUTATION.....	\$442.73
Taxes.....2008/2009.....	included
Recording Fees collected for County Clerk.....	N/A
License Fee.....	N/A
Repairs.....	N/A
Interest.....	N/A
Miscellaneous Expenses.....	N/A
<hr/>	
TOTAL.....	\$442.73
<hr/> <hr/>	
Monies Received.....	\$442.73
<hr/>	
<u>RESOLUTION AMOUNT</u>	\$442.73
<hr/> <hr/>	

APPROVED:

Karen A. Slater 12/1/09
Accounting
DB:lag

PREPARED BY:

Diane Bishop
Diane Bishop
Redemption Unit
(631)853-5932

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

1010

Resolution X
Tax Map Number 0800-045.00-01.00-019.001

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or her 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

<u>Diane Bishop</u>	<u><i>Diane Bishop</i></u>	<u>12/1/09</u>
---------------------	----------------------------	----------------

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>STRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0800	045.00	01.00	019.001

1010

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2006/07	\$235.87
2008/09	\$170.20

TOTAL: \$406.07

B. INTEREST DUE	\$15.58
C. TOTAL	\$421.65
D. 5% LINE C	\$21.08
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$442.73

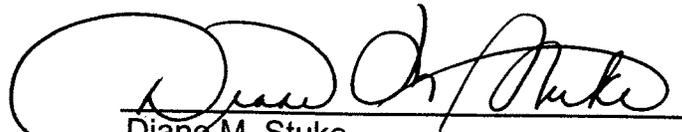
10/12/09

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-Nov-09

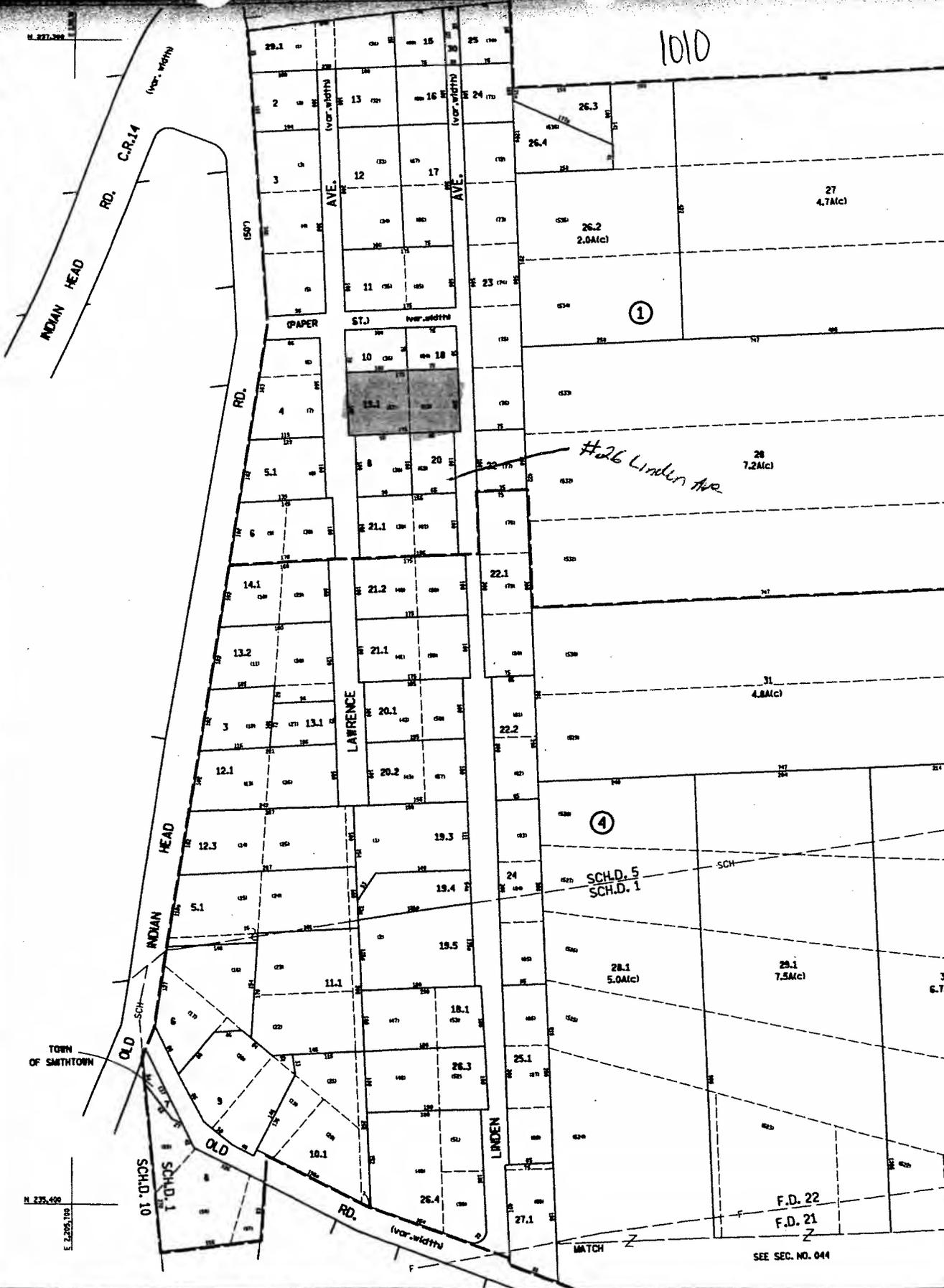


Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to
and including 05/12/10

07-10-01
07-10-01
05-30-02
07-30-02
11-17-00
09-26-04
11-19-00

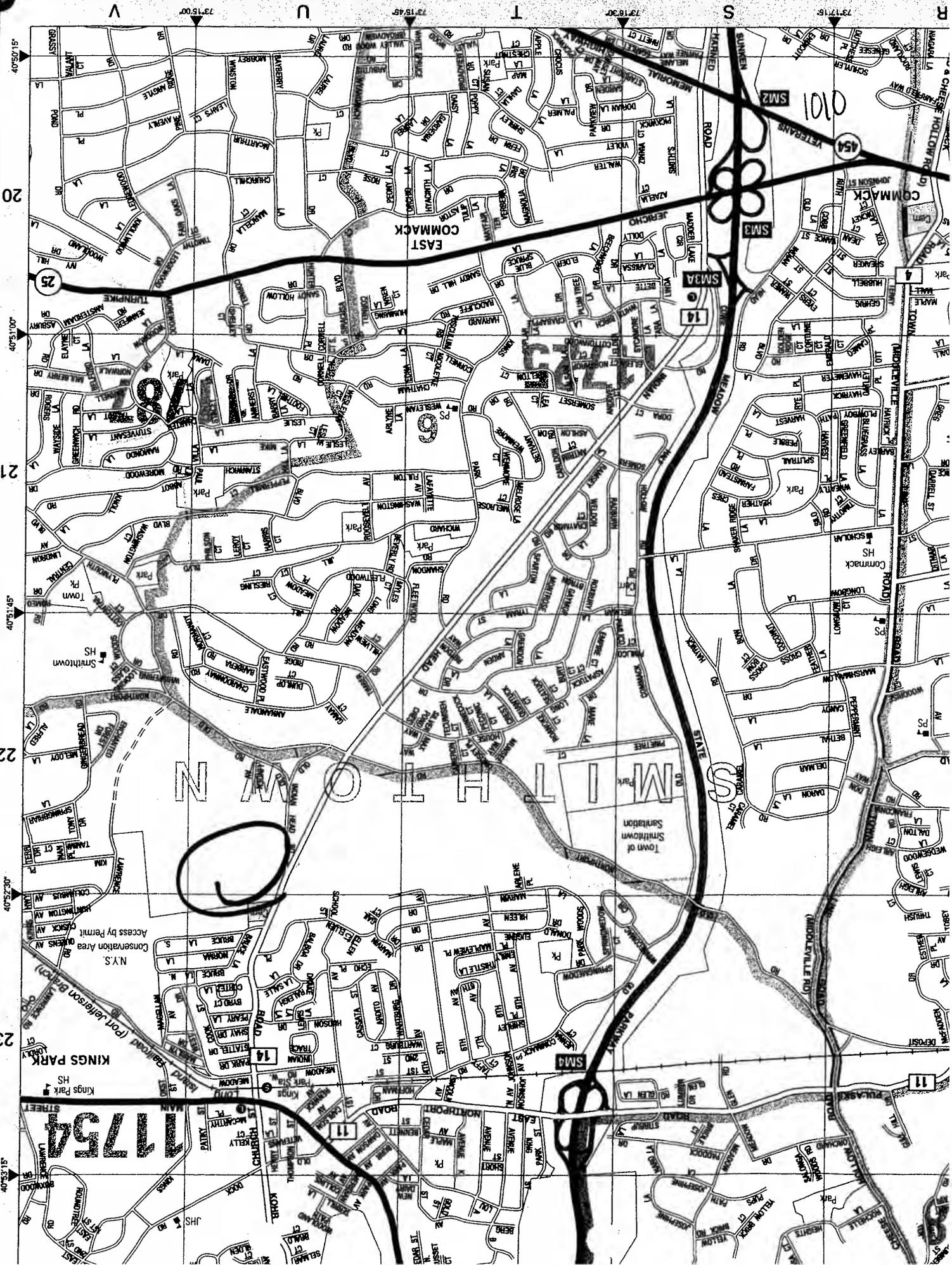
D800-04500-0100-019.001



Property or W Line	Subdivision Lot No.	Block List	School District Line	Hydrant District Line	UNLESS DRAWN WITHIN THE SCHOOL FIRE LIGHT PARK AMBUANCE
Denotes Corner Marker	Subdivision Block/Blk. No. (21)	Block No.	Fire District Line	Refuge District Line	
Subdivision Lot Line	Best Direction	County Line	Water District Line	Historical District Line	
Stream / Shore	Scaled Division	Town Line	Light District Line	Ambulance District Line	
Parcel No. 23	Best Area 12.1 A(c) or 12.1A	Village Line	Park District Line	Sewer District Line	
	Calculated Area 12.1 A(c)		Sewer District Line		

SEE SEC. NO. 044

Joins Map 14 0800-0500-0100-019.001



1754

14

0101

454

EAST COMACK

SMITH

COMACK

KINGS PARK

SM4

SM

COMACK

SM3

SM2

SM1

SM

DEC 11 2009 COUNTY OF SUFFOLK



STEVE LEVY
COUNTY EXECUTIVE

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

PAMELA J. GREENE
DIVISION DIRECTOR

Geo A2
DEC 4 2009

1010
CARRIE MEEK-GALLAGHER
COMMISSIONER

Patrick Heaney
Acting Deputy County Executive
H. Lee Dennison Bldg. – 12th Floor
Hauppauge, New York 11788-0099

December 2, 2009

Re: Tax Map No. 0800-045.00-01.00-019.001
GRACE HU

Dear Mr. Heaney:

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 at your earliest convenience.

Very truly yours,

Pamela J. Greene
Pamela J. Greene, Director
Director of Division of Real Property
Acquisition and Management

DB:lag

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

Copy of Resolution to:

Patrick Heaney, Acting Deputy County Executive (original plus 1 hard copy)
Christopher E. Kent, 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
Eric Naughton, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

Introductory Resolution No. 1011-2010 Laid on Table 1/4/2010

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
PALMERINO A. LUPINACCI
0400-214.00-02.00-122.000**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400, Section 214.00, Block 02.00, Lot 122.000, and acquired by tax deed on May 04, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 09, 2007, in Liber 12504, at Page 467, and otherwise known and designated by the Town of Huntington, as Suffolk County Tax Map Number District 0400, Section 214.00, Block 02.00 and Lot 122.000; 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 May 04, 2007, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on May 09, 2007 in Liber 12504 at Page 467.

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, PALMERINO A. LUPINACCI has made application of said above described parcel and PALMERINO A. LUPINACCI has paid the application fee and has paid \$115,529.89, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2009, and

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 her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed to PALMERINO A. LUPINACCI, 34 Bay Crest Drive, Huntington NY 11743, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1011

December 01, 2009

Tax Map No.: 0400-214.00-02.00-122.000

Name of Last Legal Fee Owner: PALMERINO A. LUPINACCI

TREASURER'S COMPUTATION.....\$103,217.28

Taxes.....2008/2009.....\$12,312.61

Recording Fees collected for County Clerk.....N/A

License Fee.....N/A

Repairs.....N/A

Interest.....N/A

Miscellaneous Expenses.....N/A

TOTAL.....\$115,529.89

Monies Received.....\$115,529.89

RESOLUTION AMOUNT.....\$115,529.89

APPROVED:

Karen A. Slater 12/1/09
Accounting
CO:lag

PREPARED BY:

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

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1011

1. Type of Legislation

Resolution X

Tax Map Number 0400-214.00-02.00-122.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or her 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

12/1/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0400	214.00	02.00	122.000

1011

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2002/03	14527.22
2003/04	14734.42
2004/05	20842.53
2005/06	13609.10
2006/07	11423.71
2007/08	11511.75

2008/09 PROPERTY TAXES \$12,312.61 NOT INCLUDED IN COMPUTATION

TOTAL: 86648.73

B. INTEREST DUE	11653.44
C. TOTAL	98302.17
D. 5% LINE C	4915.11
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE

\$103,217.28

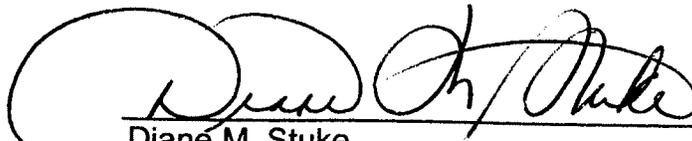
10/11/09

CERTIFICATION BY COUNTY TREASURER

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

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

13-Apr-09

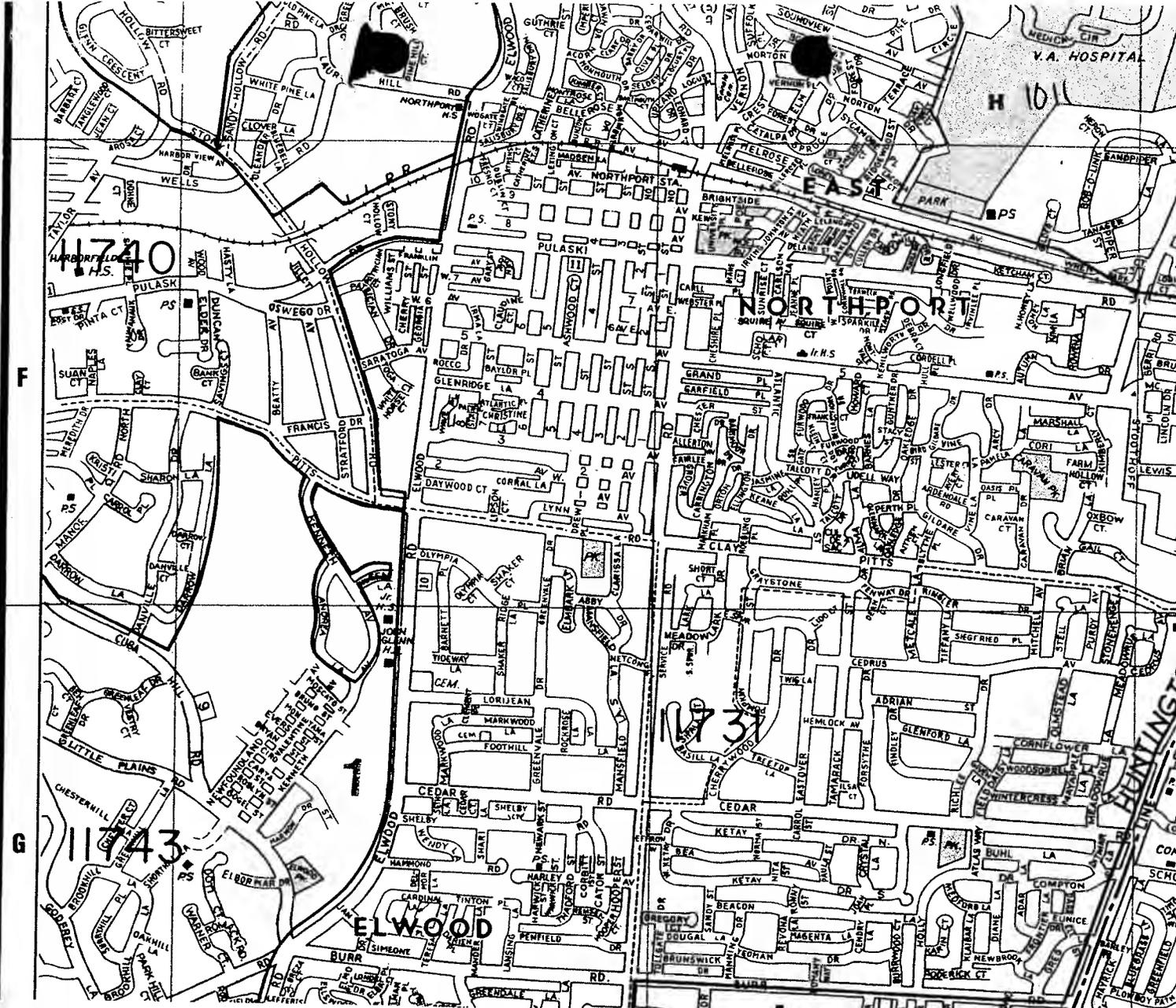


Diane M. Stuke

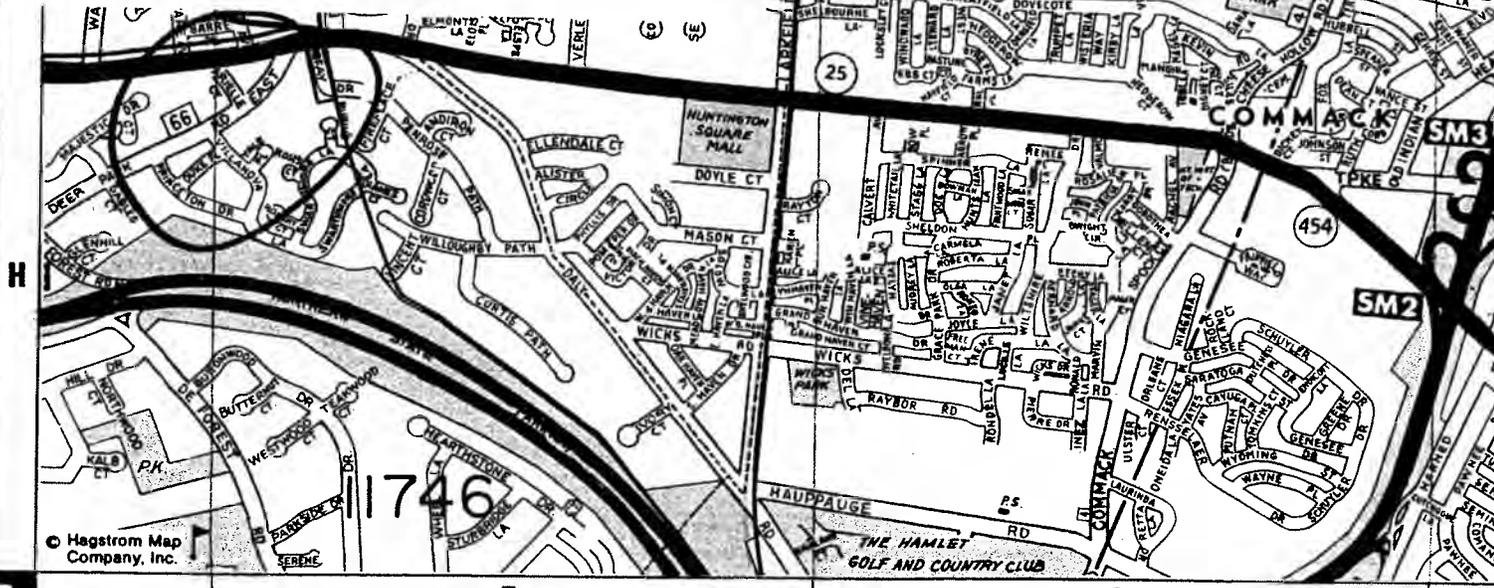
Deputy County Treasurer

**Interest and penalty computed to and including

10/10/09



0400-214-2-122



FOR ADJOINING AREA SEE MAP NO. 3 | SEE MAP NO 2

© Hagstrom Map Company, Inc.

7

7

8

FOR ADJOINING AREA SEE MAP NO. 8

DEC 11 2009

COUNTY OF SUFFOLK



STEVE LEVY
COUNTY EXECUTIVE

1011

DEC 4 2009

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

PAMELA J. GREENE
DIVISION DIRECTOR

CARRIE MEEK-GALLAGHER
COMMISSIONER

Patrick Heaney
Acting Deputy County Executive
H. Lee Dennison Bldg. – 12th Floor
Hauppauge, New York 11788-0099

December 2, 2009

Re: Tax Map No. 0400-214.00-02.00-122.000
PALMERINO A. LUPINACCI

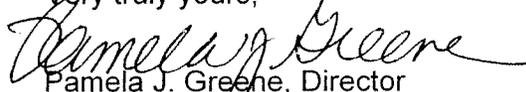
Dear Mr. Heaney:

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 at your earliest convenience.

Very truly yours,


Pamela J. Greene, Director
Director of Division of Real Property
Acquisition and Management

CO:lag

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

Copy of Resolution to:

Patrick Heaney, Acting Deputy County Executive (original plus 1 hard copy)
Christopher E. Kent, 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
Eric Naughton, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

Gen A3

COUNTY OF SUFFOLK



STEVE LEVY
COUNTY EXECUTIVE

DEC 02 2009

1011

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

PAMELA J. GREENE
DIVISION DIRECTOR

CARRIE MEEK-GALLAGHER
COMMISSIONER

Patrick Heaney
Acting Deputy County Executive
H. Lee Dennison Bldg. – 12th Floor
Hauppauge, New York 11788-0099

December 2, 2009

Re: Tax Map No. 0400-214.00-02.00-122.000
PALMERINO A. LUPINACCI

Dear Mr. Heaney:

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 at your earliest convenience.

Very truly yours,

Pamela J. Greene
Pamela J. Greene, Director
Director of Division of Real Property
Acquisition and Management

CO:lag

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

Copy of Resolution to:
Patrick Heaney, Acting Deputy County Executive (original plus 1 hard copy)
Christopher E. Kent, 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
Eric Naughton, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

Introductory Resolution No. 1012-2010 Laid on Table 1/4/2010

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
BAYVIEW PROPERTY MANAGEMENT CORP.,
by **ROBERT STANZONI, President**
0200-852.00-03.00-064.001

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 Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 852.00, Block 03.00, Lot 064.001, and acquired by tax deed on October 15, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 20, 2008, in Liber 12569, at Page 171, and otherwise known and designated by the Town of Brookhaven, as Lots Nos. 1970 to 1977 and Nos. 1986 to 1990 inclusive, as designated and delineated on the map entitled, "Map of Mastic Park, Section 3-B situate at Mastic, Town of Brookhaven, Suffolk County, Long Island" and filed in the office of the Clerk of the County of Suffolk on the 21st day of March 1921 as Map. No. 275; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on October 15, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 20, 2008 in Liber 12569 at Page 171.

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, BAYVIEW PROPERTY MANAGEMENT CORP., by ROBERT STANZONI, President has made application of said above described parcel and BAYVIEW PROPERTY MANAGEMENT CORP., by ROBERT STANZONI, President has paid the application fee and has paid \$17,533.09, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2009, and

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 her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed to BAYVIEW PROPERTY MANAGEMENT CORP., by ROBERT STANZONI, President, 518 William Floyd Parkway, Shirley NY 11967, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1012

November 23, 2009

Tax Map No.: 0200-852.00-03.00-064.001

Name of Last Legal Fee Owner: BAYVIEW PROPERTY MANAGEMENT CORP.,
by ROBERT STANZONI, President

TREASURER'S COMPUTATION.....\$13,704.27

Taxes.....2008/2009.....\$3,828.82

Recording Fees collected for County Clerk.....N/A

License Fee.....N/A

Repairs.....N/A

Interest.....N/A

Miscellaneous Expenses.....N/A

TOTAL.....\$17,553.09

Monies Received.....\$17,553.09

RESOLUTION AMOUNT.....\$17,553.09

APPROVED:

Karen Slater 11/24/09

Accounting

DB:lag

PREPARED BY:

Diane Bishop

Diane Bishop
Redemption Unit
(631)853-5932

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0200-852.00-03.00-064.001

1012

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or her 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

Diane Bishop

Diane Bishop

11/24/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

1012

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0200	852.00	03.00	064.001

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	\$4,117.06
2006/07	\$4,501.27
2007/08	\$3,653.38

2008/09 TAXES IN THE AMOUNT OF \$3828.82 NOT INCLUDED IN COMPUTATION

TOTAL: \$12,271.71

B. INTEREST DUE	\$779.98
C. TOTAL	\$13,051.69
D. 5% LINE C	\$652.58
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$13,704.27

11/24/09

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. 14-May-09



Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to
and including 11/10/09



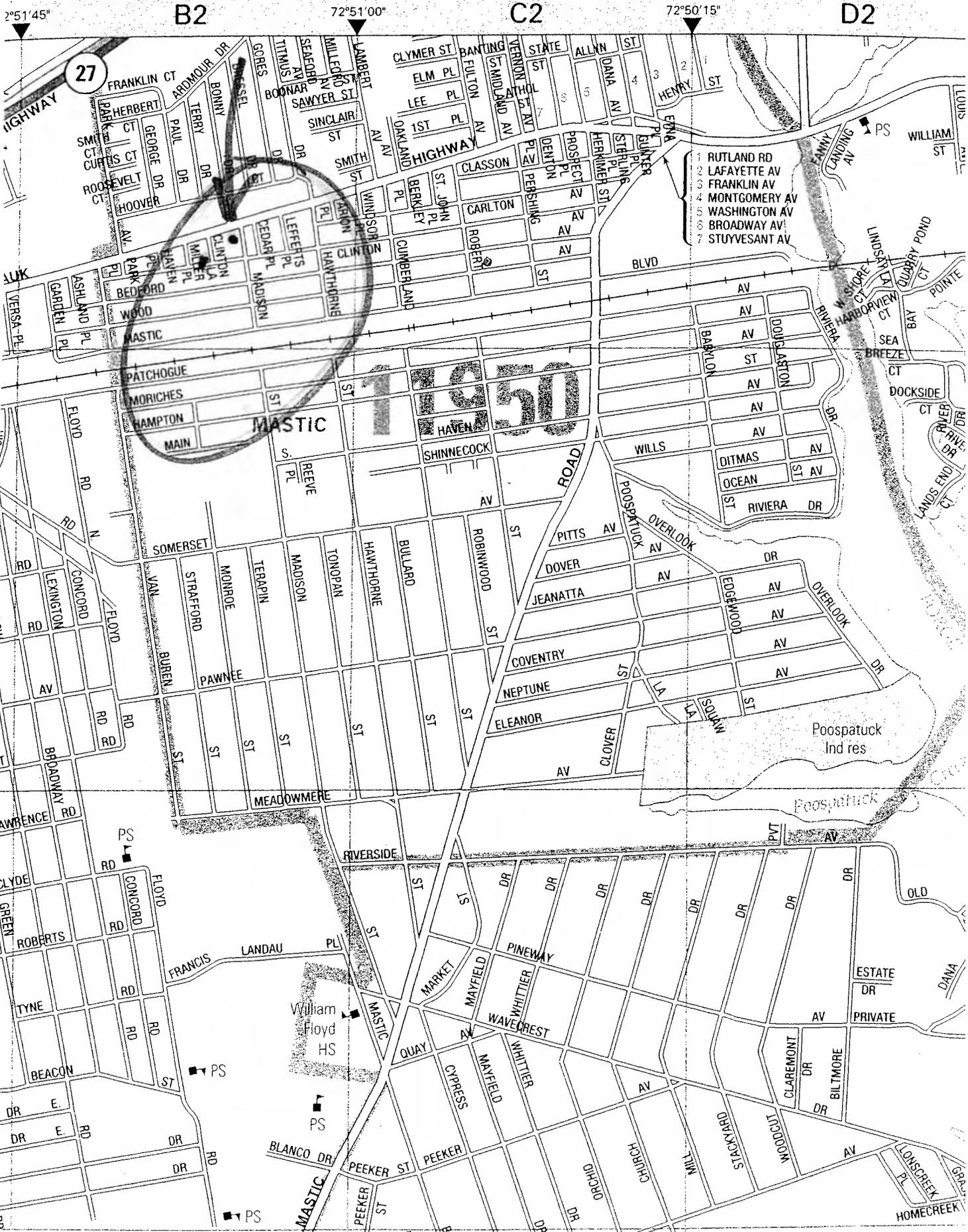
Quickly estimate distance:

Each grid block represents approximately
0.65 mi. horizontally by 0.86 mi. vertically.

1012

0200-852.00-03.00-064.001

Joins Map 33



27

B2

72°51'00"

C2

72°50'15"

D2

- 1 RUTLAND RD
- 2 LAFAYETTE AV
- 3 FRANKLIN AV
- 4 MONTGOMERY AV
- 5 WASHINGTON AV
- 6 BROADWAY AV
- 7 STUYVESANT AV

1950

MASTIC

Poospatuck Ind res

Poospatuck

William Floyd HS

ESTATE DR

PRIVATE

BILTMORE DR

CLAREMONT DR

STANDARD

WOODCOTT

LONGCREEK

HOMECREEK

OLD

DANA

AV

AV

PL

GRASS

PVT

AV

DR

DR

DR

DR

AV

DR

DR

DR

DR

DR

11-05-09
03-10-09
05-11-09
11-26-09
01-27-00
06-16-00
12-29-00
02-06-03
12-09-03
03-20-03
04-04-03
04-14-03
05-06-03
03-12-04
09-14-04
09-27-04
12-15-04
07-05-05
04-10-06
06-23-06
07-06-06
07-12-06
09-29-06
02-15-07
03-26-07
06-07-07
10-29-07



Property or P# Line	Subdivision Lot No.	Block Line	School District Line	Hydrant District Line	UNLESS ARE WITHIN OTHERWISE, ALL THE FOLLOWING: SCHOOL 32 SEWER FIRE (S) HYDRANT LIGHT (L) WATER PARK REFUSE AMBULANCE HAS WASTEWATER
Denotes Common Owner	Subdivision Block/Block No. (21)	Block No. (2)	Fire District Line	Refuse District Line	
Subdivision lot line	Deed Dimension	County Line	Water District Line	Historical District Line	
Stream / Shore	Scaled Dimension	Town Line	Light District Line	Ambulance District Line	
Parcel No. 23	Deed Area 12.1 A(c) or 12.1A	Yellow Line	Park District Line	Postmaster District Line	
	Calculated Area		Sewer District Line		

1200 - 852.00 - 03.00 - 064.00

12/1/09

COUNTY OF SUFFOLK



1012

DEC 01 2009

STEVE LEVY
COUNTY EXECUTIVE

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

PAMELA J. GREENE
DIVISION DIRECTOR

CARRIE MEEK-GALLAGHER
COMMISSIONER

Patrick Heaney
Acting Deputy County Executive
H. Lee Dennison Bldg. – 12th Floor
Hauppauge, New York 11788-0099

November 27, 2009

Re: Tax Map No. 0200-852.00-03.00-064.001
BAYVIEW PROPERTY MANAGEMENT CORP.,
by ROBERT STANZONI, President

Dear Mr. Heaney:

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 at your earliest convenience.

Very truly yours,


Pamela J. Greene, Director
Director of Division of Real Property
Acquisition and Management

DB:lag

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

Copy of Resolution to:

Patrick Heaney, Acting Deputy County Executive (original plus 1 hard copy)
Christopher E. Kent, 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
Eric Naughton, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

Introductory Resolution No. 1013-2010 Laid on Table 1/4/2010

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
LAILA PETRUZZIELLO AND SALVATORE BALDI, wife and husband
0400-070.00-03.00-039.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400, Section 070.00, Block 03.00, Lot 039.000, and acquired by tax deed on September 21, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 23, 2009, in Liber 12600, at Page 864, and otherwise known and designated by the Town of Huntington, known as Suffolk County Tax Map Number District 0400, Section 070.00, Block 03.00 and Lot 039.000; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on September 21, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 23, 2009 in Liber 12600 at Page 864.

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, LAILA PETRUZZIELLO has made application of said above described parcel and LAILA PETRUZZIELLO has paid the application fee and has paid \$50,983.30, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2009, and

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 her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed to LAILA PETRUZZIELLO and SALVATORE BALDI, wife and husband, 35 Radcliffe Drive, Huntington NY 11743, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1013

November 20, 2009

Tax Map No.: 0400-070.00-03.00-039.000

Name of Last Legal Fee Owner: LAILA PETRUZZIELLO and SALVATORE BALDI,
wife and husband

TREASURER'S COMPUTATION.....\$50,983.30

Taxes.....2008/2009.....included

Recording Fees collected for County Clerk.....N/A

License Fee.....N/A

Repairs.....N/A

Interest.....N/A

Miscellaneous Expenses.....N/A

TOTAL.....\$50,983.30

Monies Received.....\$50,983.30

RESOLUTION AMOUNT.....\$50,983.30

APPROVED:

PREPARED BY:

Cathy O'Neal

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

Karen A. Slater 11/24/09
Accounting
CO:lag

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1013

1. Type of Legislation

Resolution X
Tax Map Number 0400-070.00-03.00-039.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or her 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

11/23/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0400	070.00	03.00	039.000

1013

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2004/05	5361.37
2005/06	17966.38
2006/07	17208.84
2008/09	6383.79

2007/08 PROPERTY TAXES PAID BY OWNER

TOTAL: 46920.38

B. INTEREST DUE	1635.15
C. TOTAL	48555.53
D. 5% LINE C	2427.78
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$50,983.30

01/24/09
Stuke

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. 23-Oct-09

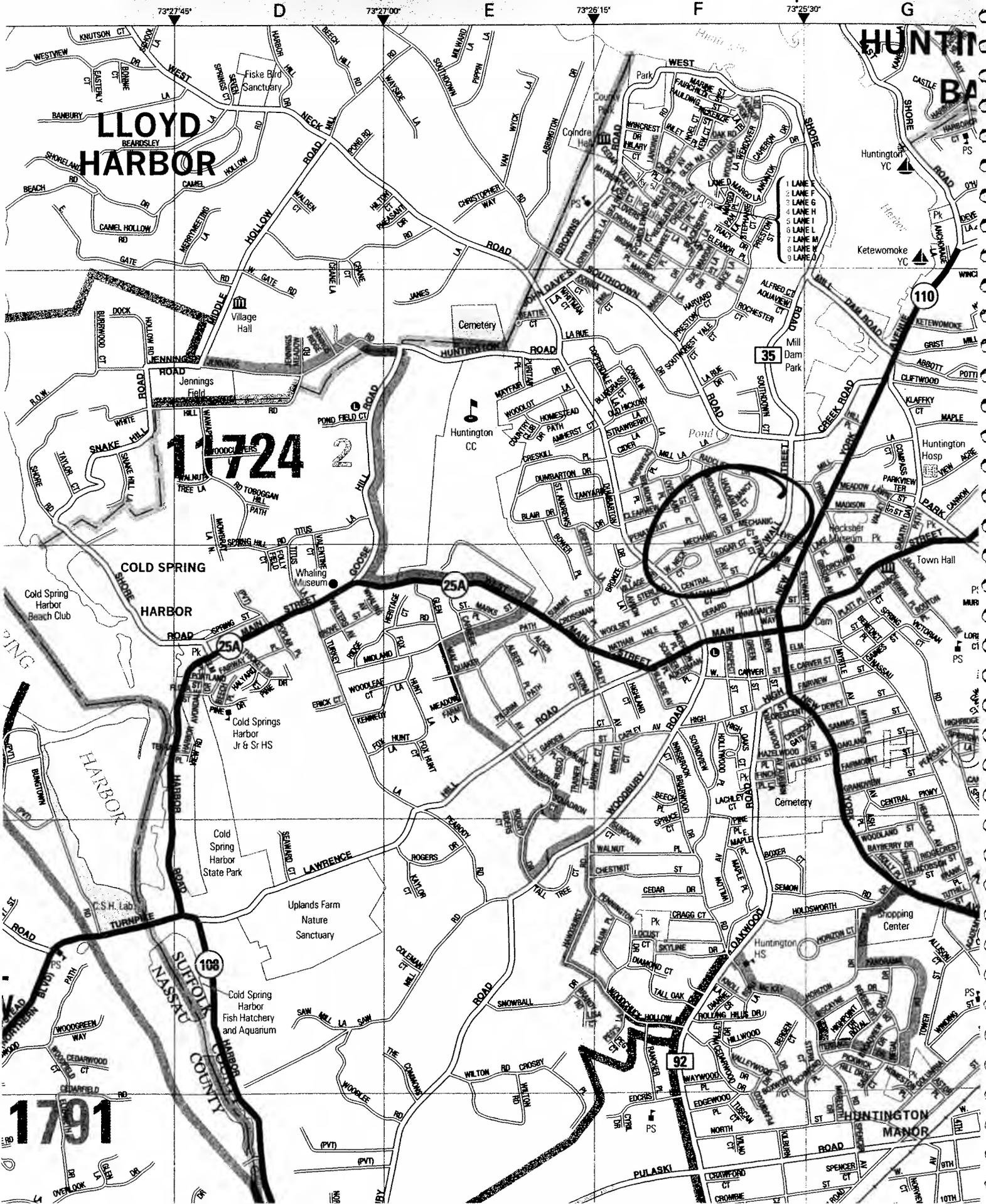

Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 04/21/10

Suffolk Co.

Joins Map 1

0400 070 03 039 1013





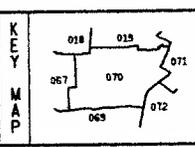
PROPERTIES DISTRICTS

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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: 1" = 100'



TOWN OF HUNTINGTON
 VILLAGE OF
 DISTRICT NO 0400

SECTION NO
070
 PROPERTY MAP

Introductory Resolution No. 1014-2010 Laid on Table 1/4/2010

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
L & L REAL ESTATE, LLC
0100-096.00-02.00-037.000**

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 096.00, Block 02.00, Lot 037.000, and acquired by tax deed on September 23, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 28, 2009, in Liber 12601, at Page 256, and otherwise known and designated by the Town of Babylon, as Map of Buonsignore Realty Company, Section 2 filed in the office of the Clerk of the County of Suffolk on March 28, 1907 as Map No. 532, known and designated as Lots 10 to 16 and part of Lot 9 in Block 25; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on September 23, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 28, 2009 in Liber 12601 at Page 256.

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, L & L REAL ESTATE, LLC, by Dennis DeLuc, as Member has made application of said above described parcel and L & L REAL ESTATE, LLC, by Dennis DeLuc, as Member has paid the application fee and has paid \$26,332.55, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2009, and

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 her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed to L & L REAL ESTATE, LLC, 150 Florida Street, East Farmingdale NY 11735, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1014

November 19, 2009

Tax Map No.: 0100-096.00-02.00-037.000

Name of Last Legal Fee Owner: L & L REAL ESTATE, LLC

TREASURER'S COMPUTATION.....\$26,332.55

Taxes.....2008/2009.....included

Recording Fees collected for County Clerk.....N/A

License Fee.....N/A

Repairs.....N/A

Interest.....N/A

Miscellaneous Expenses.....N/A

TOTAL.....\$26,332.55

Monies Received.....\$26,332.55

RESOLUTION AMOUNT.....\$26,332.55

APPROVED:

Karen Slater 11/24/09

Accounting
CO:lag

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 0100-096.00-02.00-037.000

1014

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or her 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 11/23/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0100	096.00	02.00	037.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

1014

2006/07 \$24,246.25

TOTAL: \$24,246.25

B. INTEREST DUE	\$832.37
C. TOTAL	\$25,078.62
D. 5% LINE C	\$1,253.93
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$26,332.55

Handwritten signature/initials
10/20/09

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. 20-Oct-09



Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to
and including 04/18/10

TS

Suffolk Co.

Joins Map 4

0100 096 02 037

1014

73°27'45" D 73°27'00" E 73°26'15" F 73°25'30" G



Property or 1/8 Line	Subdivision Lot No.	Block List	School District Line	Hydrant District Line	UNLESS DRAWN OTHERWISE ARE WITHIN THE FOOTING	
Definite Common Owner	Block/Reg. No. (21)	Block No.	Fire District Line	Refuse District Line		SCHOOL 22
Subdivision Lot Line	Division	County Line	Water District Line	Historical District Line		FIRE 12
Stream / Shore	Scaled Dimension	Town Line	Light District Line	Ambulance District Line		LIGHT 55
Parcel No. 23	Dead Area 12.1 A(d) or 12.1A	Village Line	Park District Line	Postmaster District Line		PARK

0100 096 02 037 1014

11-02-00
10-29-01
06-07-01
10-26-03
11-25-03
05-06-05
06-14-06
02-01-06
07-07-06



Property or 1/8 Line	Subdivision Lot No.	Block List	School District Line	Hydrant District Line	UNLESS DRAWN OTHERWISE ARE WITHIN THE FOOTING	
Definite Common Owner	Block/Reg. No. (21)	Block No.	Fire District Line	Refuse District Line		SCHOOL 22.5
Subdivision Lot Line	Division	County Line	Water District Line	Historical District Line		FIRE 12.5
Stream / Shore	Scaled Dimension	Town Line	Light District Line	Ambulance District Line		LIGHT 55
Parcel No. 23	Dead Area 12.1 A(d) or 12.1A	Village Line	Park District Line	Postmaster District Line		PARK

Introductory Resolution No. 1015-2010 Laid on Table 1/4/2010

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
THOMAS M. AMODEO, as Surviving Tenant by the Entirety
0400-173.00-01.00-028.000**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0400, Section 173.00, Block 01.00, Lot 028.000, and acquired by tax deed on September 21, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 21, 2009, in Liber 2600, at Page 864, and otherwise known as and by Town of Huntington, as Suffolk County Tax Map Number District 0400, Section 173.00, Block 01.00 and Lot 028.000; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on September 21, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 21, 2009 in Liber 2600 at Page 864.

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, THOMAS M. AMODEO, as Surviving Tenant by the Entirety, has made application of said above described parcel and THOMAS M. AMODEO, as Surviving Tenant by the Entirety has paid the application fee and will be paying \$59,913.03 as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law by applicant through 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 her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed to THOMAS M. AMODEO, as Surviving Tenant by the Entirety, 20 Shari Lane, East Northport, New York 11731 to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1015

December 2, 2009

Tax Map No.: 0400-173.00-01.00-028.000

Name of Last Legal Fee Owner: THOMAS M. AMODEO, as Surviving Tenant by the Entirety

TREASURER'S COMPUTATION.....\$59,913.03

Taxes.....2009/2010.....OPEN

Recording Fees collected for County Clerk.....N/A

License Fee.....OPEN

Repairs.....N/A

Interest.....N/A

Miscellaneous Expenses.....N/A

TOTAL.....\$59,913.03

Monies to be Received.....\$59,913.03

RESOLUTION AMOUNT.....\$59,913.03

APPROVED:

PREPARED BY:

Cathy O'Neal

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

Karen A. Slater 12/2/09
Accounting

CO:lag

1015

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0400-173.00-01.00-028.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or her 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 12/2/09

COMPUTATION BY SUFFOLK COUNTY TREASURER

1015

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0400	173.00	01.00	028.000

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2004/05	7294.53
2005/06	15436.05
2006/07	7238.47
2007/08	13734.73
2008/09	11089.18

TOTAL: 54792.96

B. INTEREST DUE	2267.07
C. TOTAL	57060.03
D. 5% LINE C	2853.00
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE

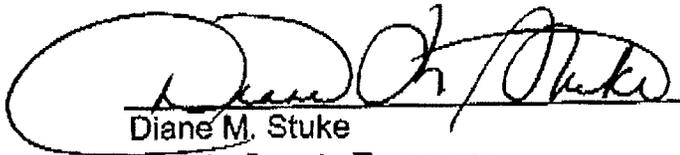
\$59,913.03

10/27/09
12/2/09

CERTIFICATION BY COUNTY TREASURER

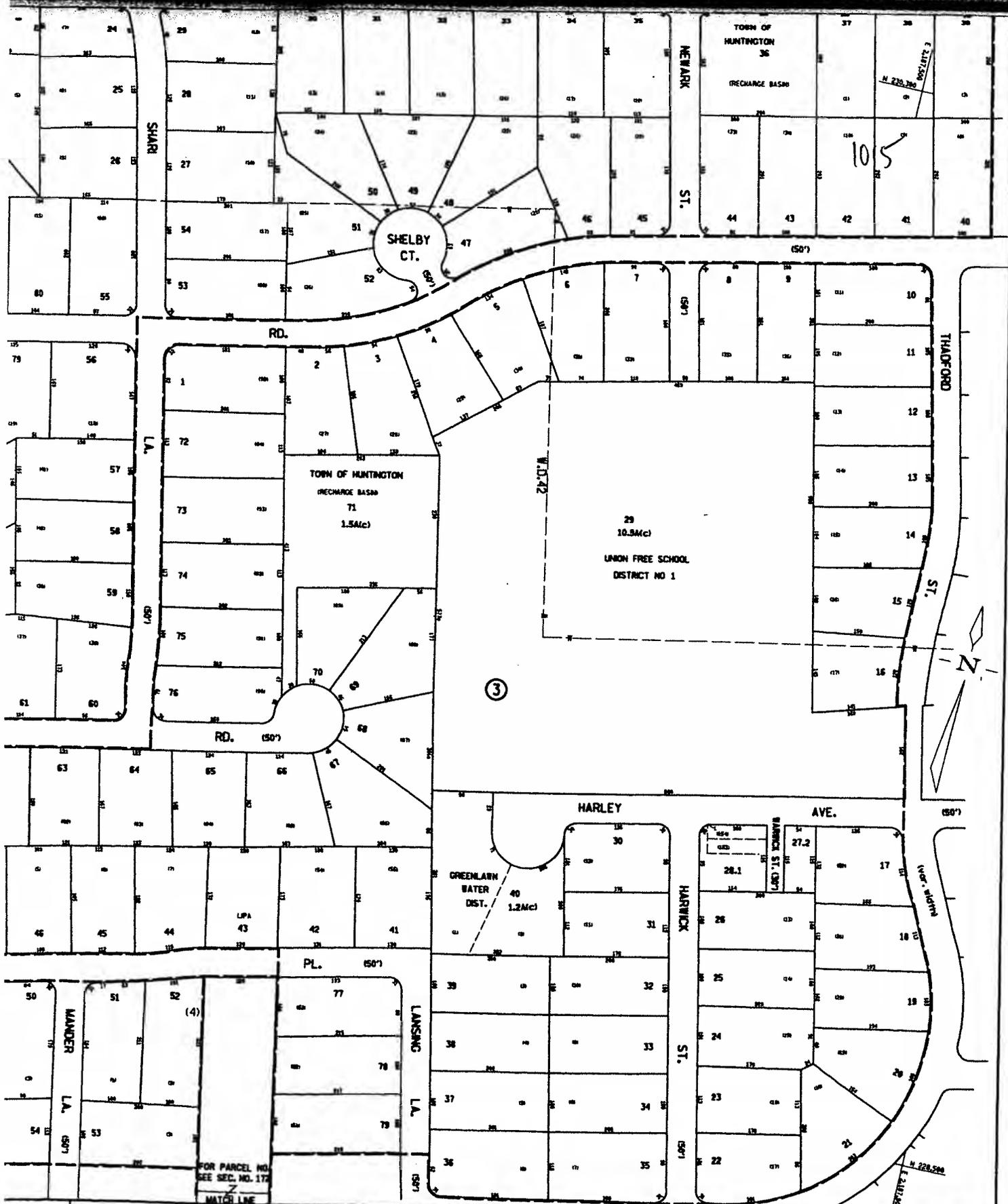
I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 02-Dec-09



Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to and including 05/31/10



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	174	177	TOWN OF HUNTINGTON
	175	178	VILLAGE OF
	176	179	DISTRICT NO 0400

SECTION NO
173
PROPERTY MAP

0400 173 01 025

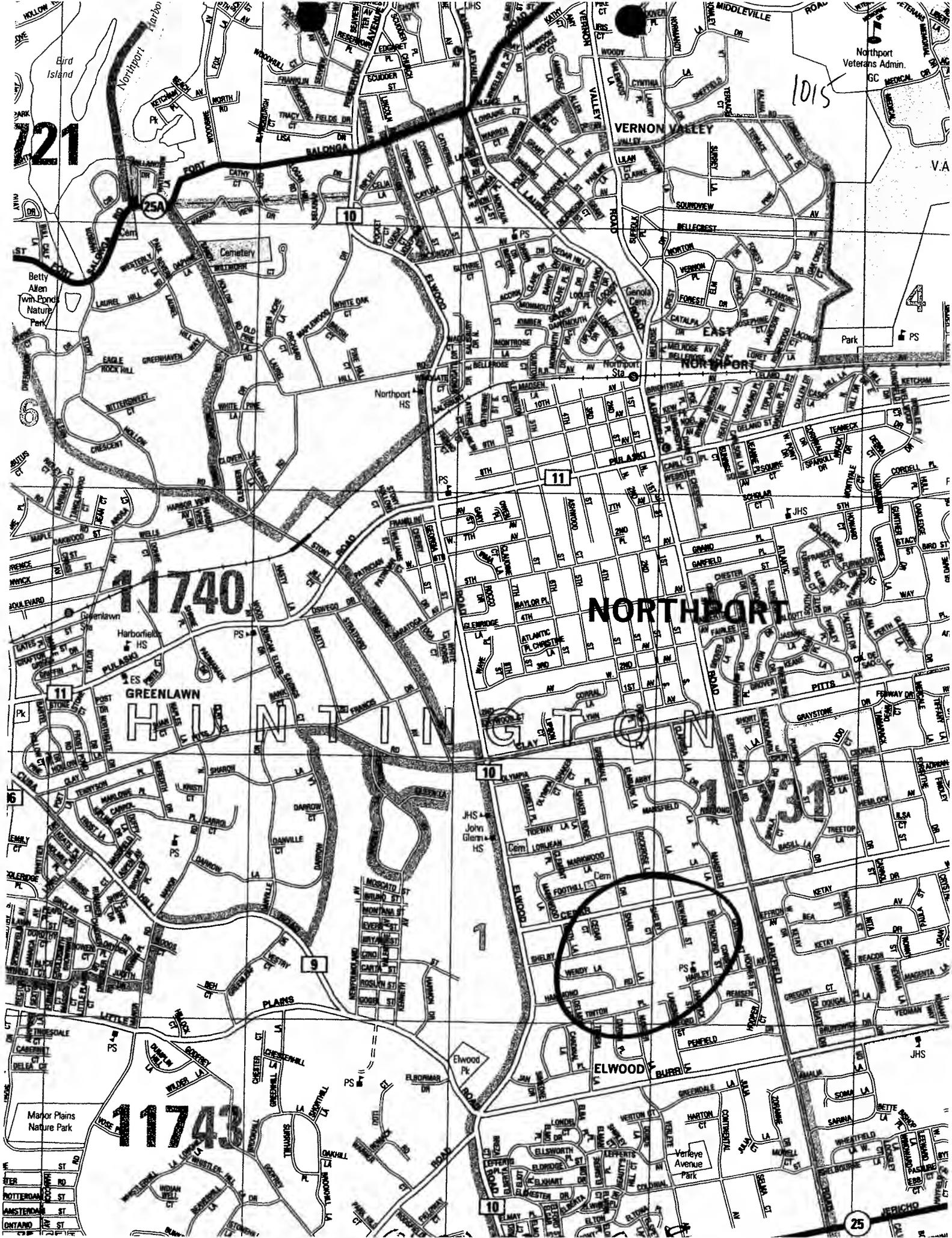
121

1015

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NORTHPORT



Northport Veterans Admin. GC

Park

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PS

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Gen A7

COUNTY OF SUFFOLK

DEC 09 2009



1015

PAMELA J. GREENE
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

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

December 8, 2009

Patrick Heaney
Acting Deputy County Executive
H. Lee Dennison Bldg. – 12th Floor
Hauppauge, New York 11788-0099

Re: Tax Map No. 0400-173.00-01.00-028.000
THOMAS M. AMODEO, as Surviving Tenant by the Entirety

Dear Mr. Heaney:

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 at your earliest convenience.

Very truly yours,

Pamela J. Greene
Director of Division of Real Property
Acquisition and Management

CO:lag

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

Copy of Resolution to:

Patrick Heaney, Acting Deputy County Executive (original plus 1 hard copy)
Christopher E. Kent, 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
Eric Naughton, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

Introductory Resolution No. 1016-2010 Laid on Table 1/4/2010

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
MICHAEL MEYER AND EMANUEL TERMINI
0200-773.00-04.00-027.004

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 773.00, Block 04.00, Lot 027.004, and acquired by tax deed on October 15, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 20, 2008, in Liber 12569, at Page 171, and otherwise known and designated by the Town of Brookhaven, as part of Lot 37, part of Lot 16 and part of Oak Street on a certain map entitled "Map of O.L. Schwencke Land and Investment Co." and filed in the office of the Clerk of the County of Suffolk on January 12, 1897 as Map No. 453 and on December 11, 1901 as Map No. 587; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on October 15, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on October 20, 2008 in Liber 12569 at Page 171.

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, MICHAEL MEYER and EMANUEL TERMINI have made application of said above described parcel and MICHAEL MEYER and EMANUEL TERMINI have paid the application fee and has paid , as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2009, and

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 her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed to MICHAEL MEYER and EMANUEL TERMINI, 238 Oak Street, Medford NY 11763, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1016

November 30, 2009

Tax Map No.: 0200-773.00-04.00-027.004

Name of Last Legal Fee Owner: MICHAEL MEYER and EMANUEL TERMINI

TREASURER'S COMPUTATION.....\$12,762.25

Taxes.....2008/2009.....included

Recording Fees collected for County Clerk.....N/A

License Fee.....N/A

Repairs.....N/A

Interest.....N/A

Miscellaneous Expenses.....N/A

TOTAL.....\$12,762.25

Monies Received.....\$12,762.25

RESOLUTION AMOUNT.....\$12,762.25

APPROVED:

Karen A. Slater 12/2/09
Accounting
DB:lag

PREPARED BY:

Diane Bishop
Diane Bishop
Redemption Unit
(631)853-5932

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0200	773.00	04.00	027.004

1016

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	1361.61
2006/07	2675.99
2007/08	4004.01
2008/09	3345.78

TOTAL: 11387.39

B. INTEREST DUE	767.13
C. TOTAL	12154.52
D. 5% LINE C	607.73
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$12,762.25

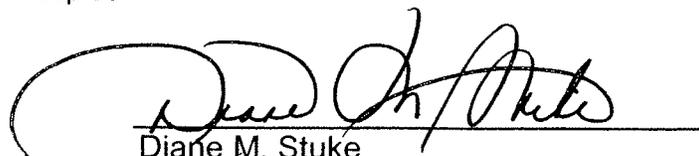
10/2/09

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.

03-Sep-09


Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to
and including 03/02/10

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1016

1. Type of Legislation

Resolution X
Tax Map Number 0200-773.00-04.00-027.004

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or her 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

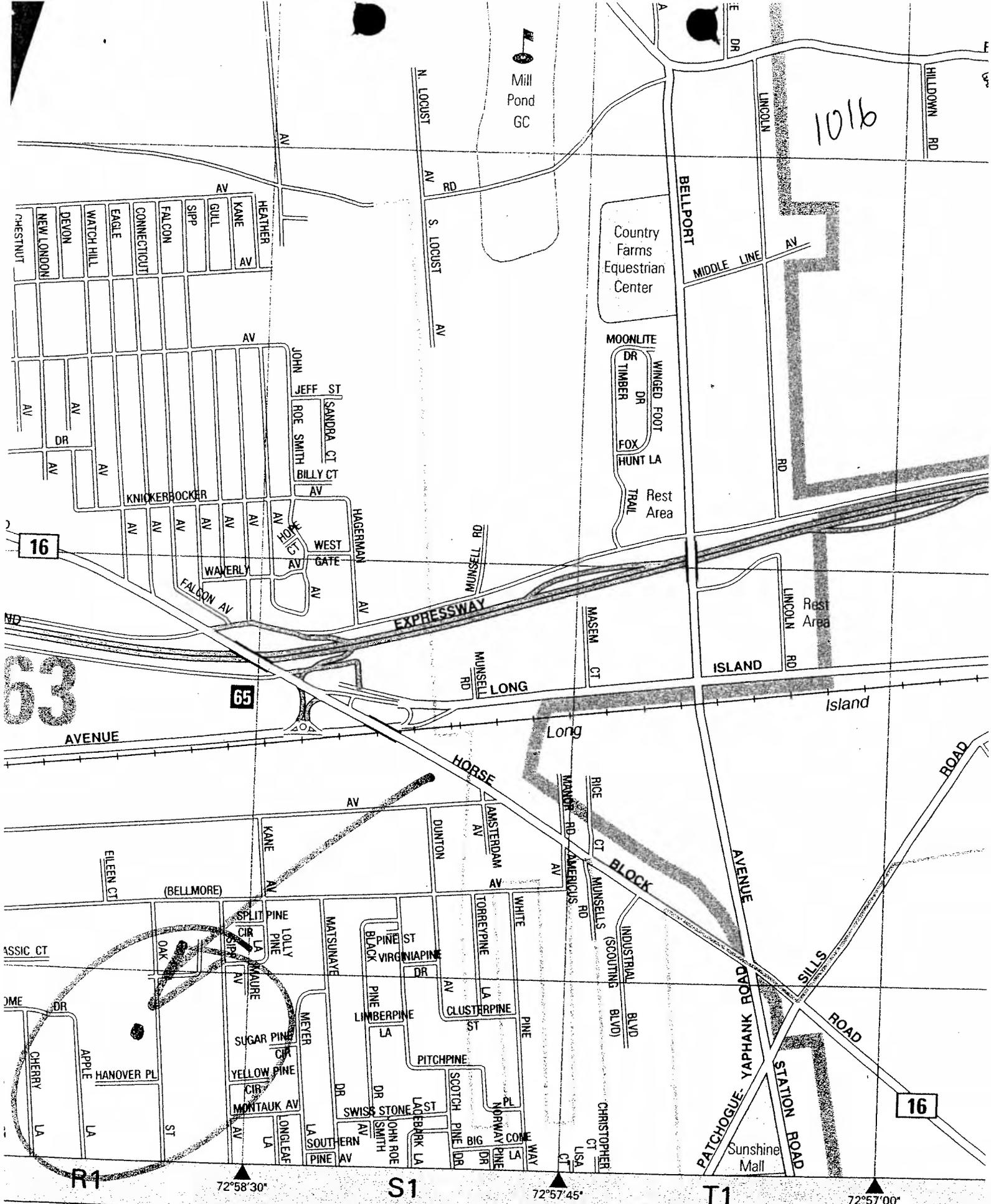
2009

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

Diane Bishop

Diane Bishop

12/1/09



1016

63

65

16

0200-773-00-0400 027.004

Joins Map 28

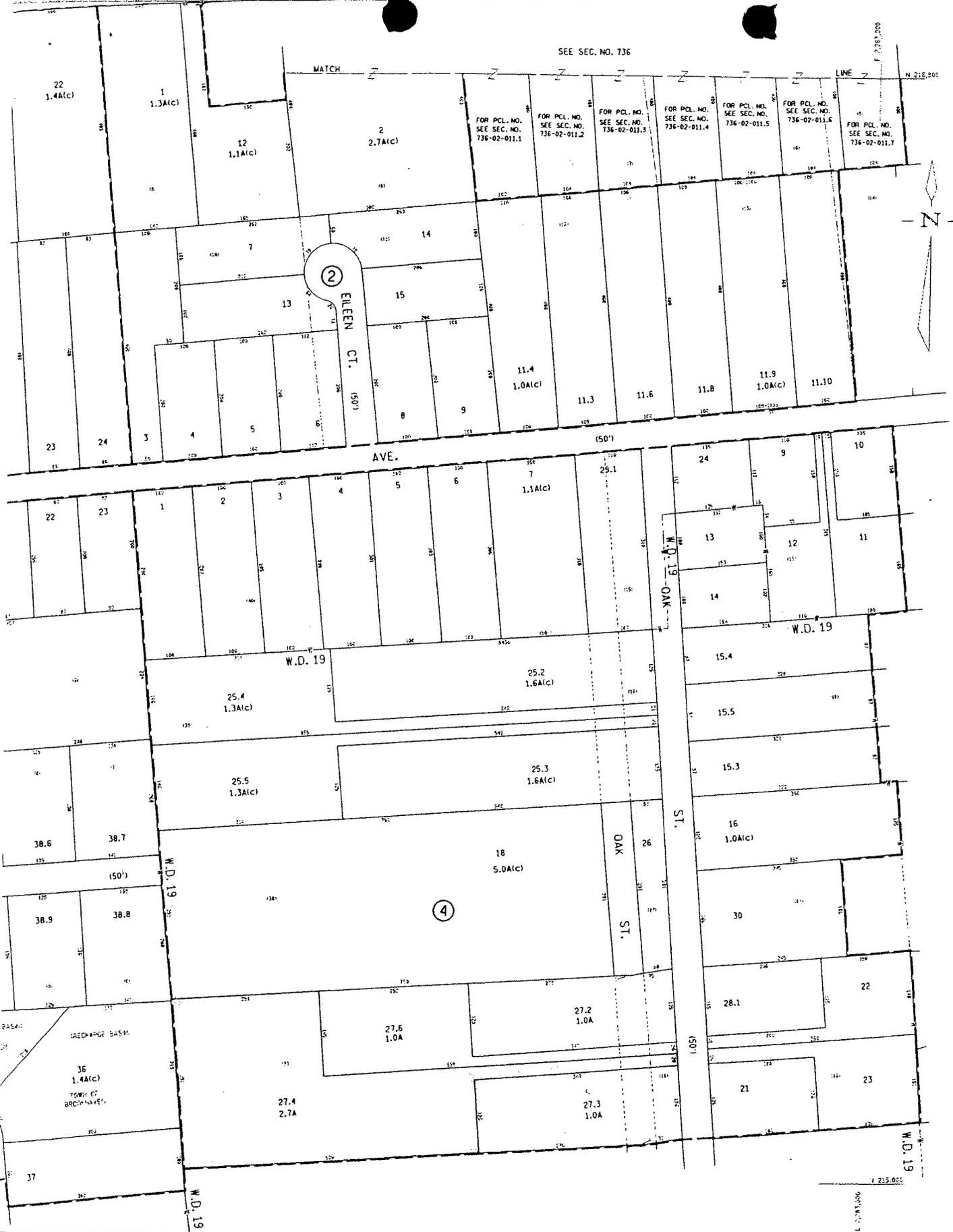
72°58'30"

S1

72°57'45"

T1

72°57'00"

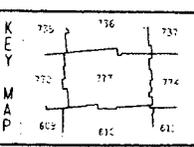


101k

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



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



TOWN OF BROOKHAVEN
 VILLAGE OF
 DISTRICT NO 0200

SECTION NO
 773
 PROPERTY MAP

0200-773 00 - 0400 - 027.004

CONVERSION DATE: April 27, 1998

6700 38

COUNTY OF SUFFOLK



STEVE LEVY
COUNTY EXECUTIVE

DEC 09 2009

1016

PAMELA J. GREENE
DIVISION DIRECTOR

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

CARRIE MEEK-GALLAGHER
COMMISSIONER

Patrick Heaney
Acting Deputy County Executive
H. Lee Dennison Bldg. – 12th Floor
Hauppauge, New York 11788-0099

December 8, 2009

Re: Tax Map No. 0200-773.00-04.00-027.004
MICHAEL MEYER and EMANUEL TERMINI

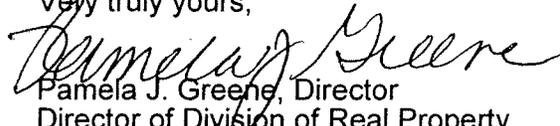
Dear Mr. Heaney:

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 at your earliest convenience.

Very truly yours,


Pamela J. Greene, Director
Director of Division of Real Property
Acquisition and Management

DB:lag

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

Copy of Resolution to:

Patrick Heaney, Acting Deputy County Executive (original plus 1 hard copy)
Christopher E. Kent, 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
Eric Naughton, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

53

Introductory Resolution No. 1017-2010

Laid on Table 1/4/2010

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO.
SALE OF COUNTY-OWNED REAL ESTATE
PURSUANT TO SECTION 72-h OF THE
GENERAL MUNICIPAL LAW
(INCORPORATED VILLAGE OF LAKE GROVE)
(0208-015.00-04.00-014.000 et al)**

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

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

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

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

1st RESOLVED, that Pamela J. Greene, Director of the Division of Real Property Acquisition and Management, or her Deputy, hereby is authorized to execute and acknowledge a Quitclaim deed to transfer the interest of Suffolk County in the properties as described in Exhibit "A" annexed hereto and on the terms and conditions as hereinafter described to said Incorporated Village of Lake Grove for the sum of one dollar; and be it further

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

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

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

DATED: _____

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

EXHIBIT "A"

1017

Tax Map No.	Location	Acre
0208-015.00-04.00-014.000	134' N/O Hy Pl., 99' W/O Vie Pl., Lake Grove	0.53
0208-018.00-09.00-009.001	N/S/O Kimberly Ave., 593' E/O Lupine La., Lake Grove	0.046
0208-024.00-07.00-040.000	S/E/C/O Terry Ave., & Hawkins Ave. Lake Grove	0.086
0208-026.00-02.00-001.006	End of Pine St., Cul-de-Sac Lake Grove	0.15

1017

Resolution # 82 2009
Inc. Village of Lake Grove
Relative to: "Suffolk County
Parcels of Land"

At a regular meeting of the Village Board of the Incorporated Village of Lake Grove, held the 19th day of November 2009, the following resolution was offered by Trustee Lotto and seconded by Trustee Peterson and was duly carried:

WHEREAS, Suffolk County holds title to the following parcels of land SCTM #'s:

- 0208-015.00-04.00-014.000
- 0208-018.00-09.00-009.001
- 0208-024.00-07.00-040.000
- 0208-026.00-02.00-001.006

as indicated on attached maps, and

WHEREAS, Suffolk County is offering these parcels to the Incorporated Village of Lake Grove, and

WHEREAS, the purpose of acquiring these parcels is for road widening and drainage, Now, Therefore, be it

RESOLVED, that the Village Board of the Incorporated Village of Lake Grove accept the offering of the aforesaid parcels.

DATED: LAKE GROVE, NEW YORK
November 19, 2009

Absent
RICHARD J. COHEN TRUSTEE

Eleanor J. Lotto
ELEANOR J. LOTTO TRUSTEE

[Signature]
JOHN G. PETERSON TRUSTEE

[Signature]
RICHARD KICK TRUSTEE

[Signature]
ROBERT J. SCOTTALINE MAYOR

1017

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

SUMMARY STATEMENT

SALES TO GOVERNMENTAL ENTITIES
Incorporated Village of Lake Grove
Tax Map No.: 0208-015.00-04.00-014.000 et al.

Section 72-h, Gen'l Municipal Law

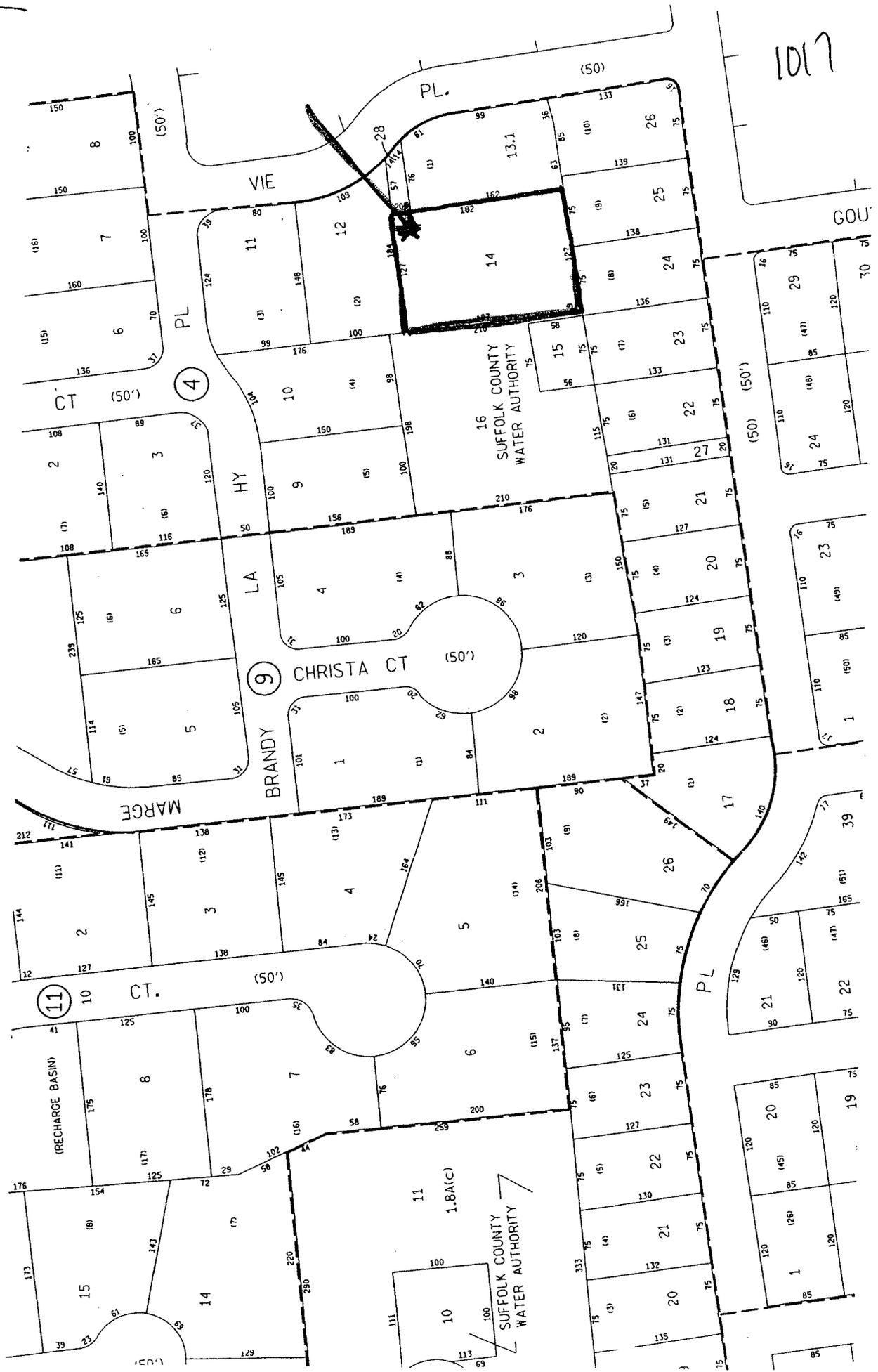
	<u>Amount</u>
County Investment	\$ 7,744.88

PURPOSE:

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

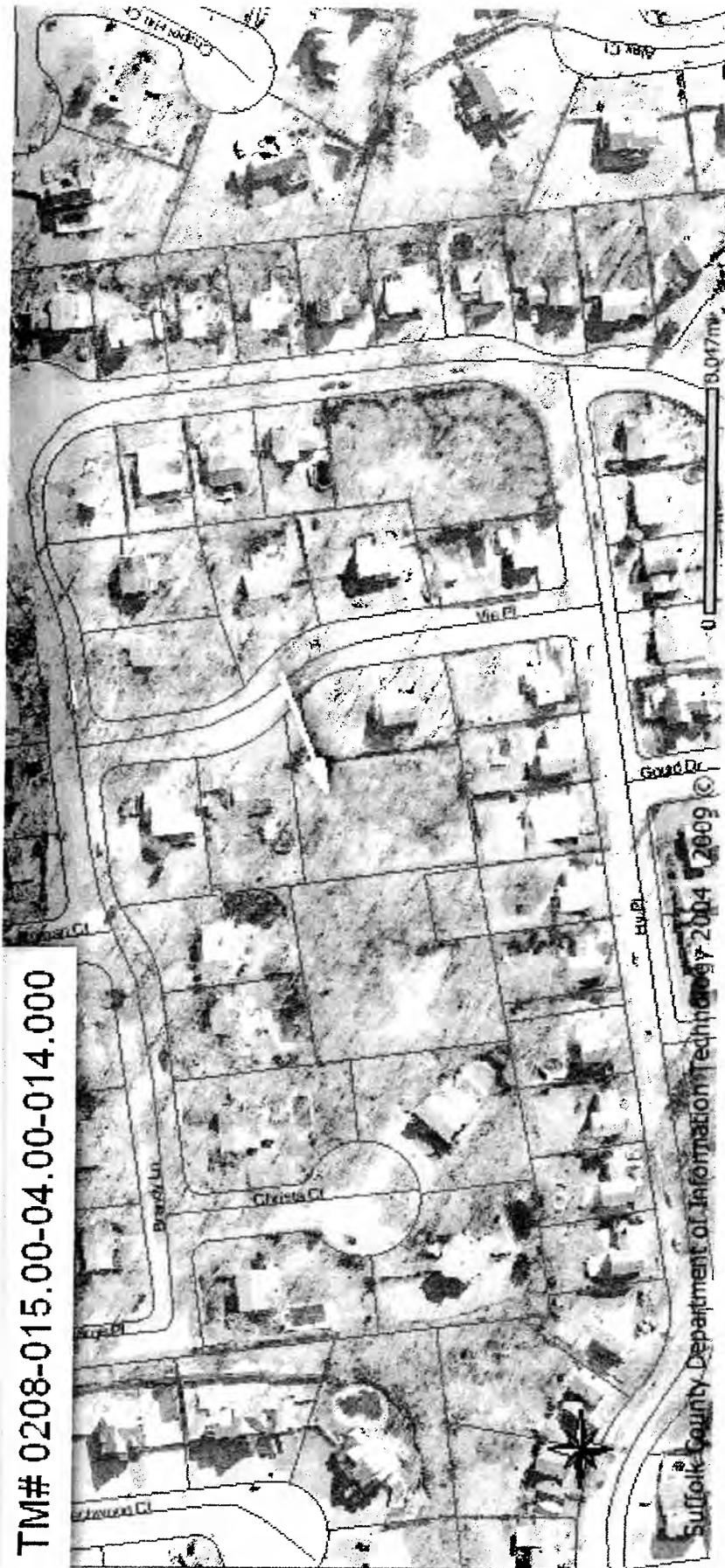
Wayne R. Thompson
Property Manager
(631) 853-5971

WRT:slb

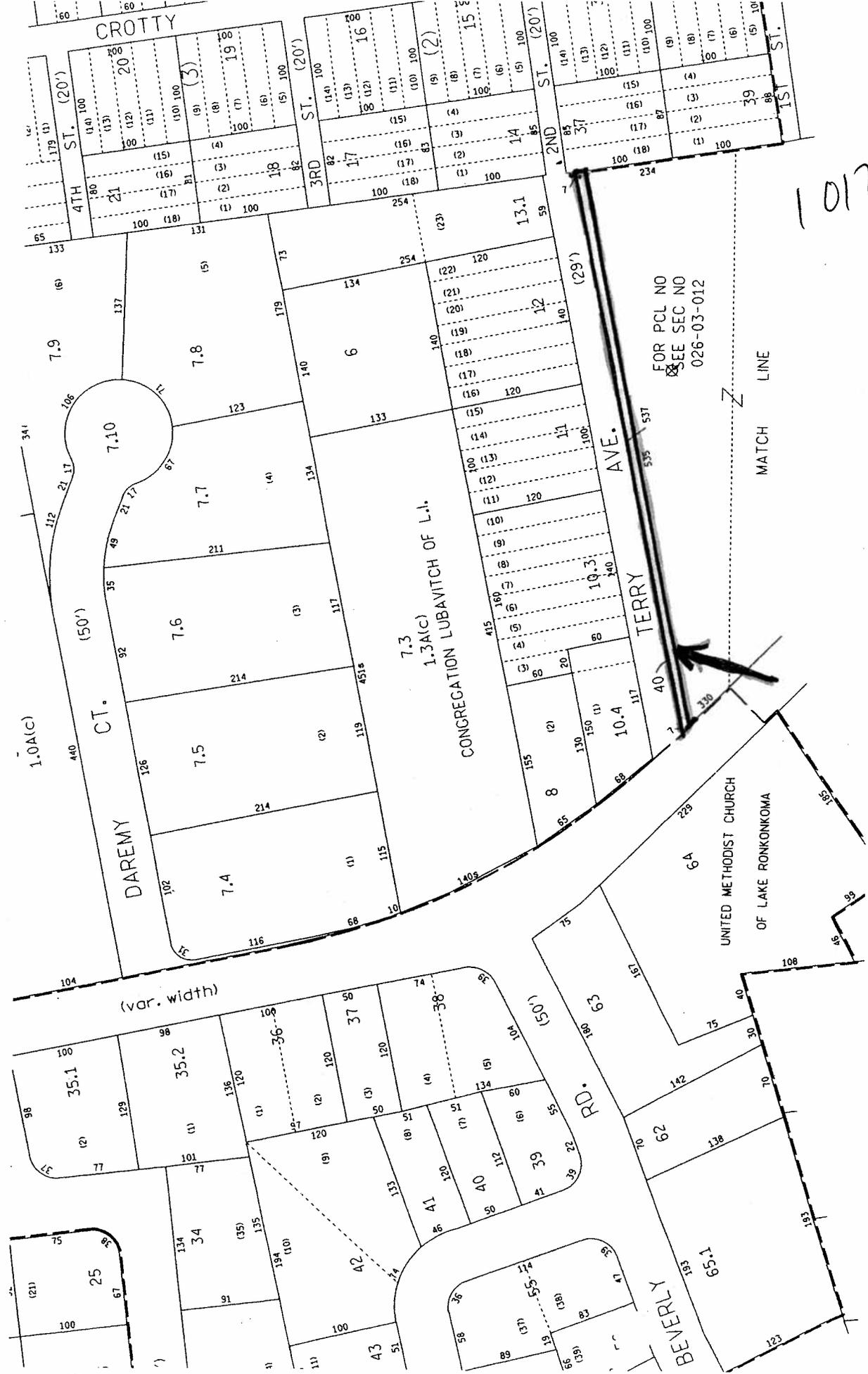


T# 0208-01500-0400-014900

TM# 0208-015.00-04.00-014.000



1017



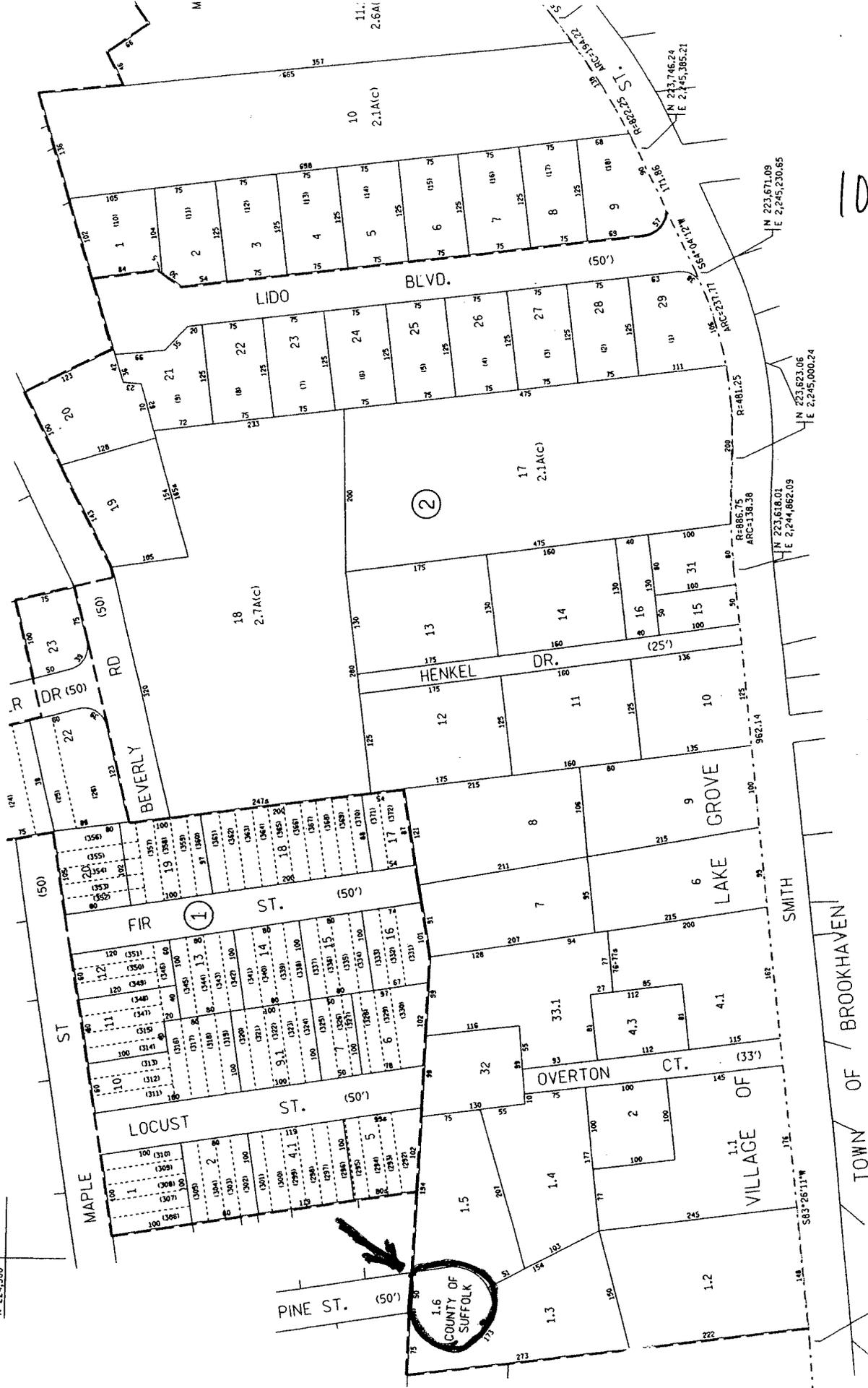
TM# 0208-02400-0700-040000

TM# 0208-024.00-07.00-040.000



Suffolk County Department of Information Technology 2004 - 2009 ©

1017



1017

TM # 0208-026.00-02.00-001.006

TM# 0208-026.00-02.00-001.000



Suffolk County Department of Information Technology 2004 - 2009

1017



TM# 0208-015.00-04.00-014.000, 0208-018.00-09.00-009.00/
0208-024.00-07.00-040.000, 0208-026.00-02.00-001.006

1017

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

Convey County owned parcel to the Incorporated Village of Lake Grove for municipal purposes

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

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

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

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

Loss of sale at public auction

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

Unknown

8. Proposed Source of Funding

Unknown

9. Timing of Impact

2009 Current Year

10. Typed Name & Title of Preparer

Signature of Preparer

Date

R.J. Bhatt, LMS IV

R.J. Bhatt

12/3/09

COUNTY OF SUFFOLK



DEC 07 2009

1017

PAMELA J. GREENE
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

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

December 2, 2009

Patrick Heaney
Acting 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.: 0208-015.00-04.00-014.000 et al.
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to a Municipality, State, or Federal Government.

Dear Mr. Heaney:

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 Incorporated Village of Lake Grove for municipal purposes.

I would appreciate your placing this on the legislative agenda.

Yours truly,

Pamela J. Greene
Director of Division of Real Property Acquisition and Management

PJG:WRT:slb

Resolution + 1 copy
Summary Statement
Tax Map & Aerial Map
Hagstrom Map
Sponsor's Memo

Copy w/ Resolution to:

Brendan Chamberlain, Director, Intergovernmental Relations (2 hard copies)
Connie Corso, Budget Director
Thomas A. Isles, Director of Planning
CE Reso Review via e-mail

Introductory Resolution No. 1018-2010

Laid on Table 1/4/2010

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2010, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW No. 13-1976
RONALD r. RABY
(SCTM NO. 0200-809.00-01.00-030.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 809.00 Block 01.00 Lot 030.000 and acquired by Tax Deed on August 8, 2005 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on August 15, 2005 in Liber 12403 at Page 637 and described as follows, being and intended to be that parcel of land carried on the tax rolls of the Town of Brookhaven, known and designated as p/o Lot 48 on a certain map entitled "Map of OL Schwencke LD & Inv. Co. 28", and filed in the Office of the Clerk of the County of Suffolk on May 22, 1900 as Map No. 345; and

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

WHEREAS, Ronald R. Raby, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$10,600.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

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

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or her designee, has received and deposited the sum of \$10,600.00, pursuant to said purchase offer; and

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

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a

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

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

3rd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or her designee, be and she hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said Ronald R. Raby, 164 Pennsylvania Avenue, Medford, New York 11763.

DATED:

APPROVED BY

County Executive of Suffolk County

Date of Approval:

1018

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

SUMMARY STATEMENT

DIRECT SALE:

Suffolk County Local Law No. 13-1976
Tax Map No. 0200-809.00-01.00-030.000

ADJOINING OWNER	BID	BID	BID
Ronald R. Raby 164 Pennsylvania Avenue Medford, New York 11763 0200-809.00-01.00-029.000 & 036.000	\$10,600.00		
Thomas & Frances Mays 135 Oregon Avenue Medford, New York 11763 0200-809.00-01.00-011.000	\$0		
Geoffrey & Wendy Power 131 Oregon Avenue Medford, New York 11763 0200-809.00-01.00-012.000	\$0		
Joseph Newman c/o Joan Dyad 5815 East Lapoma #87 Anaheim, CA 92807 0200-809.00-01.00-031.000	\$0		

SIZE OF PARCEL: 85' x 120'
APPRAISED VALUE: \$5,000.00
COMMENT: Direct Sale to Adjacent Owner

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

1018

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
Resolution X Local Law X Charter Law _____

2. Title of Proposed Legislation
Local Law 13-1976 authorizing the Direct Sale of County owned Real Estate

3. Purpose of Proposed Legislation
Convey County owned parcel to adjacent owner

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

5. If the answer to Item 4 is "yes", on what will it impact?
 X County _____ Town _____ Economic Impact
_____ Village _____ School District Other (Specify):
_____ Library District _____ Fire District

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

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

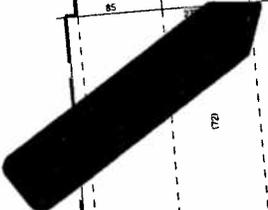
8. Proposed Source of Funding
None

9. Timing of Impact
2009

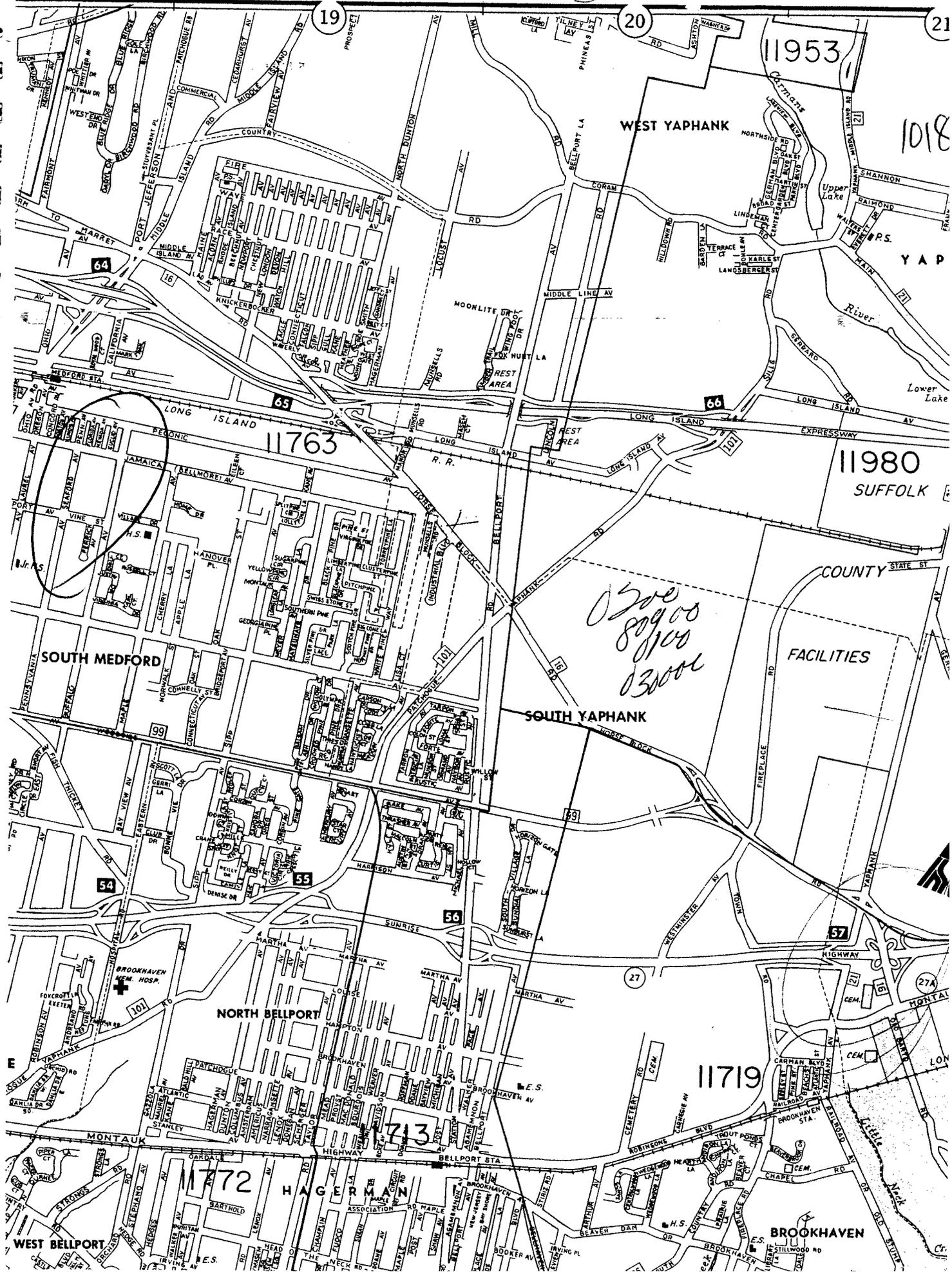
10. Name & Title of Preparer Signature of Preparer Date

Lori Sklar – LMS III Lori Sklar 12/2/09

030000
0100
0200
0300



1018



19

20

21

11953

1018

WEST YAPHANK

11980

SUFFOLK

11763

*Open
80900
81100
83000*

SOUTH YAPHANK

SOUTH MEDFORD

FACILITIES

NORTH BELLPORT

11719

11713

11772

HAGERMAN

WEST BELLPORT

BROOKHAVEN

Map

1018



OwnerParcel



Hospitals



College-University



Public Schools

Major Roads

Streets

Owner Parcel

Natural Color 2006

Land Use

AIRPORT

CEMETERY

HOSPITAL

MILITARY BASE

PARK (CITY/COUNTY)

PARK (STATE)

COUNTY OF SUFFOLK

DEC 07 2009



PAMELA J. GREENE
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

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

December 1, 2009

Patrick Heaney
Acting Deputy County Executive
Intergovernmental Relations
H. Lee Dennison Bldg. 11th Fl.
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Re: Tax Map Number: 0200-809.00-01.00-030.000

Dear Mr. Heaney:

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

Local Law No. 13-1976 - Authorizing the Direct Sale of County Owned Real Estate

I would appreciate your placing this on the legislative agenda.

Very truly yours,

Pamela J. Greene
Director of the Division of Real Property
Acquisition and Management

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

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

Introductory Resolution No. 1019-2010

Laid on Table 1/4/2010

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2010, SALE OF COUNTY-OWNED
REAL ESTATE PURSUANT TO LOCAL LAW No. 13-1976
BARON II REALTY CORP.
(SCTM NO. 0500-179.00-03.00-026.000)**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Islip, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0500 Section 179.00 Block 03.00 Lot 026.000 and acquired by Tax Deed on July 15, 1998 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on July 22, 1998 in Liber 11906 at Page 324 and described as follows, being and intended to be that parcel of land carried on the tax rolls of the Town of Islip, known and designated as Lot 7 in Block 119 on a certain map entitled "Map of Edgewood #1", and filed in the Office of the Clerk of the County of Suffolk on October 15, 1891 as Map No. 120; and

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

WHEREAS, Baron II Realty Corp., has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$2000.01. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

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

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or her designee, has received and deposited the sum of \$2000.01, pursuant to said purchase offer; and

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

1st RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b)(2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the law is a

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

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

3rd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, and/or her designee, be and she hereby is authorized to execute and acknowledge a Bargain and Sale Deed, without Covenants to transfer the interest of SUFFOLK COUNTY in the above described property and on the above described terms to said BARON II REALTY CORP., 3 Quist Lane, Nesconset, New York 11767.

DATED:

APPROVED BY

County Executive of Suffolk County

Date of Approval:

1019

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

SUMMARY STATEMENT

DIRECT SALE:

Suffolk County Local Law No. 13-1976
Tax Map No. 0500-179.00-03.00-026.000

ADJOINING OWNER	BID	BID	BID
Baron II Realty Corp. 3 Quist Lane Nesconset, New York 11767 0500-179.00-03.00-024.000	\$2,000.01		
J & D Custom Builders 10 Scott Drive Melville, New York 11747 0500-179.00-03.00-025.000	\$0		
Donald & Suzanne Forte 35 Grant Avenue Bay Shore, New York 11706 0500-179.00-03.00-028.001	\$0		

SIZE OF PARCEL: 25' x 100'
APPRAISED VALUE: \$2,000.00
COMMENT: Direct Sale to Adjacent Owner

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

1019

OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law X Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

Convey County owned parcel to adjacent owner

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

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

X County _____ Town _____ Economic Impact

_____ Village _____ School District Other (Specify):

_____ Library District _____ Fire District

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

Income from sale

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

Unknown

8. Proposed Source of Funding

None

9. Timing of Impact

2010

10. Name & Title of Preparer

Signature of Preparer

Date

Lori Sklar – LMS III

Lori Sklar

12/9/09

05-30-02
05-31-02
05-16-02
10-25-02
02-11-03
05-08-03
03-02-04
09-29-04
12-28-04
02-23-05
06-16-05
10-31-05
10-12-06
10-20-06
10-10-07

1019



Property or Use
 Existing
 Subdivision
 System / Serv

Subdivision Lot No.
 (21)

Block Lot
 (2)

Section District Line
 School District Line
 Sewer District Line
 Water District Line
 Other District Line

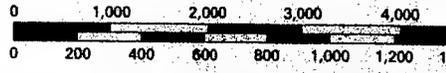
MASS. DOWN
 OTHERW. ALL
 PROPERTIES
 WITHIN
 DISTRICTS

NOTICE
 MAINTENANCE, ALTERATION, SALE OR
 DISTRIBUTION OF ANY PORTION OF THE



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

1019 Scale 1:24,000



Joins Map 9



Map

1019



Hospitals



College-University



Public Schools



Natural Color 2006

Red: Band_1

Green: Band_2

Blue: Band_3

Natural Color 2007

Red: Band_1

Green: Band_2

Land Use (continued)

PARK/MONUMENT (NATIONAL)

SHOPPING CENTRE

UNIVERSITY/COLLEGE

Towns

BABYLON

BROOKHAVEN

Gen All

COUNTY OF SUFFOLK

1019

DEC 10 2009



PAMELA J. GREENE
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

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

December 8, 2009

Patrick Heaney
Acting Deputy County Executive
Intergovernmental Relations
H. Lee Dennison Bldg. 11th Fl.
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Re: Tax Map Number: 0500-179.00-03.00-026.000

Dear Mr. Heaney:

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Local Law No. 13-1976 - Authorizing the Direct Sale of County Owned Real Estate

I would appreciate your placing this on the legislative agenda.

Very truly yours,

Pamela J. Greene
Director of the Division of Real Property
Acquisition and Management

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

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

Intro. Res. No. 1020-2010
Introduced by the Presiding Officer, on request of the County Executive

Laid on Table 1/4/2010

**RESOLUTION NO. 2010, APPROVING
PLANNING STEPS FOR THE ACQUISITION
OF FARMLAND DEVELOPMENT RIGHTS –
NOVEMBER 2009**

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

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

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

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

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

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

I.) ENVIRONMENTAL LEGACY PROGRAM

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

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

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

;and, be it further

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

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

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

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

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

II.) MULTIFACETED LAND PRESERVATION PROGRAM – FARMLAND DEVELOPMENT RIGHTS

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

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

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

;and, be it further

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

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

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

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

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

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

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

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

;and, be it further

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

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

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

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

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

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

EXHIBIT A

1020

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 01	District 0600 Section 082.00 Block 01.00 Lot 011.003 p/o	40.1	Edwin Fishel-Tuccio 193 Griffing Avenue Riverhead, NY

TOTAL ACRES

40.1

1070



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

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

FARMLAND PRESERVATION FACTORS				Score	Subtotal
A. CONTIGUITY: PROXIMITY TO PRESERVED FARM PROPERTIES					
1.	PDR properties on three sides. (5 pts.)				
2.	PDR properties on two sides. (4 pts.)			4	
3.	PDR properties on one side. (3 pts.)				
4.	Large amount of protected farmland nearby. (2 pts.)				
5.	Some protected farmland nearby. (1 pt.)				
6.	No protected farmland nearby. (0 pt.)				
				4	
B. VISTAS					
1.	Long road frontage and part of a large block of farmland (100+ acres). (5 pts.)			5	
2.	Small road frontage and part of a large block of farmland. (4 pts.)				
3.	Long road frontage and part of a small block of farmland. (3 pts.)				
4.	Small road frontage and part of a small block of farmland. (2 pts.)				
5.	Less than 100' of road frontage and part of a large block of farmland. (1 pt.)				
6.	Less than 100' of road frontage and part of a small block of farmland. (0 pt.)				
				1	
C. SOILS					
		Slope	Capability		
1.	Capability Unit I-1: Bridgehampton, Haven, Montauk. (5 pts.)	0-3%	BgA, HaA, MkA	1.25	
2.	Nearly flat Class II: Riverhead, Scio, Plymouth, Haven, Montauk. (4 pts.)	0-3%	RdA, SdA, PsA, He, MfA	1	
3.	Best soils but with some slope: Bridgehampton, Haven, Montauk. (3 pts.)	2-8%	BgB, BhB, HaB, MkB	.4	
4.	Other Class II soils with some slope: Montauk, Riverhead, Scio, Sudbury. (2 pts.)	2-8%	MB, RdB, ScB, Su		
5.	Non-prime soil that is farmed: Plymouth. (1 pt.)		PmB3	.1	
6.	Poor soil. (0 pt.)		Gp		
				2.75	
D. APPROXIMATE DEVELOPMENT RIGHTS VALUE PER ACRE (Subject to appraisal and SC ETRB approval)					
1.	\$100,000. or less. (3 pts.)			3	
2.	\$100,001 - \$200,000. (1 pt.)				
3.	\$200,001. or more (-2 pts.)				
				3	
E. ADJUSTMENTS					
1.	Located within a Census Designated Place with a population density of $\geq 1,000$ persons per square mile. (3 pts.)				
2.	Located within an existing certified Agricultural District. (1 pt.)			1	
3.	Anticipated partnership with the municipality and/or not-for-profit conservation organization. (1 pt.)				
4.	Other positive factors. (i.e., historical significance, community benefit, etc.) (1 or 2 pts.)				
5.	Other negative factors. (-1 or -2 pts.)				
				1	
TOTAL SCORE (maximum = 25 points)					11.75

COUNTY OF SUFFOLK

DEC 01 2009

Can. AIC



1020

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

THOMAS A. ISLES, AICP
DIRECTOR OF PLANNING

November 25, 2009

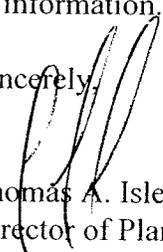
Mr. Patrick Heaney, Acting Deputy County Executive
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Heaney:

Attached for your review and consideration is a proposed Introductory Resolution that would authorize planning steps for the purchase of farmland development rights within the Town of Riverhead totaling 40.1 acres. This has been approved by the Farmland Committee.

Please contact me if you require any additional information.

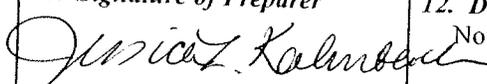
Sincerely,


Thomas A. Isles
Director of Planning

- cc: Christopher E. Kent, Chief Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Department of Environment & Energy
- Lauretta R. Fischer, Principal Environmental Analyst, Department of Planning
- Jessica L. Kalmbacher, Planner, Department of Planning
- Michael A. Amoroso, Bureau Chief, Department of Law
- Pamela J. Greene, Director, Division of Real Property Acquisition & Management
- Janet M. Longo, Acquisition Supervisor, Div. of Real Property Acquisition & Mgmt.
- ✓ Brendan Chamberlain, County Executive Assistant
CE Reso Review (e-mail copy only)

1020

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

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation APPROVING PLANNING STEPS FOR THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS – NOVEMBER 2009.		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding N/A		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Jessica L. Kalmbacher Planner	11. Signature of Preparer 	12. Date November 25, 2009

Intro Res. No. 1021-2010
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 1/4/2010

**RESOLUTION NO. -2010, AUTHORIZING THE
CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSUED
RIGHT OF WAY FRONTING A PARCEL OF LAND HAVING A
SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF
DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 015.000
PURSUANT TO SECTION 125 OF THE NEW YORK STATE
HIGHWAY LAW.**

WHEREAS, the County of Suffolk is the fee owner of a certain portion of unused right of way situated in the Town of Brookhaven, Suffolk County, New York as more fully described in the map and description attached as Exhibit "1" : and

WHEREAS, said unused portion of right of way is surplus to the needs of the County of Suffolk; and

WHEREAS, Section 125 of the New York State Highway Law strictly limits the sale of surplus unused right of way to the property owner fronting said unused right of way at fair market value; and

WHEREAS, 414 REALTY CORP., the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 593.00 Block 01.00 Lot 015.000 has requested to purchase from the County of Suffolk, at fair market value, the surplus and unused right of way fronting said tax map parcel; and

WHEREAS, the County of Suffolk did commission appraisals for the requested conveyance that were performed by an independent, outside appraiser selected in accordance with established Suffolk County procedures; and

WHEREAS, upon review of said appraisals in accordance with established Suffolk County procedures, the County of Suffolk determined that the fair market value of the unused and surplus right of way fronting the privately owned parcel of real property having a Suffolk County Tax Map Identification Number of District 0200 Section 593.00 Block 01.00 Lot 015.000 was Fourteen Thousand Five Hundred & 00/100 (\$14,500.00) Dollars; and

WHEREAS, 414 REALTY CORP., the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 593.00 Block 01.00 Lot 015.000 has agreed to pay to the County of Suffolk the sum of Fourteen Thousand Five Hundred & 00/100 (\$14,500.00) Dollars, said sum representing the fair market value of the surplus and unused right of way fronting said tax map parcel; now therefore, be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto (NYCRR Section 617.2(b)(2)). The Legislature 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 a major re-ordering of priorities

(NYCRR Section 617.13(d)(15),(21)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)(1)); and be it further

2nd **RESOLVED**, said parcel is surplus to the needs of the County of Suffolk; and be it further

3rd **RESOLVED**, that this purchase is authorized pursuant to Section 125 of the New York State Highway Law; and be it further

4th **RESOLVED**, the Suffolk County Department of Public Works is directed to convey said the surplus and unused right of way described herein shall be conveyed to 414 REALTY CORP., the present owner or its successors in interest of the parcel having a Suffolk County Tax Map Identification Number of District 0200 Section 593.00 Block 01.00 Lot 015.000, for the total sum of Fourteen Thousand Five Hundred & 00/100 (\$14,500.00) Dollars plus the pro-rata share of the current tax adjustments due at closing along with all recording fees and transfer taxes; and be it further

5th **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of Fourteen Thousand Five Hundred & 00/100 (\$14,500.00) Dollars, plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

6th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said party or their successors in interest.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1021

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Brookhaven, County of Suffolk and State of New York, as shown on a survey prepared by Sidney B. Bowne & Son, LLP dated April 2009 (latest revision September 23, 2009) said parcel being more particularly bounded and described as follows:

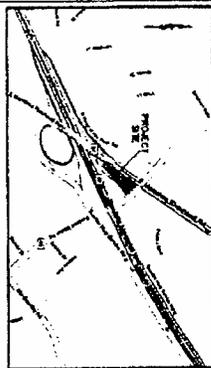
BEGINNING at the point on the easterly boundary line of County Road 51 (East Moriches – Riverhead Road) at the division line between the lands of 414 Realty Corp reputed owner on the north and the lands of County of Suffolk on the south, said point being 33.00 feet easterly measured at a right angle from station 81+12.00 Survey Centerline Line of County Road 51 North Bound; thence South $14^{\circ}14'31''$ West along said division line 86.82 feet to a point, said point being distant 80.00 feet easterly measured at a right angle from station 80+39.00; thence South $02^{\circ}32'04''$ East 59.14 feet to a point on the easterly boundary line of Eastport Manor Road as shown on the Suffolk County Tax Map, said point being distant 125.00 feet easterly measured at a right angle from station 80+01±; thence North $18^{\circ}04'10''$ West, along the easterly boundary line of Eastport Manor Road, 101.44 feet to a point on the easterly boundary line of County Road 51, said point being 33.00 feet easterly measured at a right angle from station 80+44±; thence North $47^{\circ}01'00''$ East, along the easterly boundary line of County Route 51, a distance of 68.63 feet to a point, said point said point being 33.00 feet easterly measured at a right angle from station 81+12.00 also being the Point or Place of Beginning.

Containing within said bounds 2,416± square feet or 0.055 acres more or less.

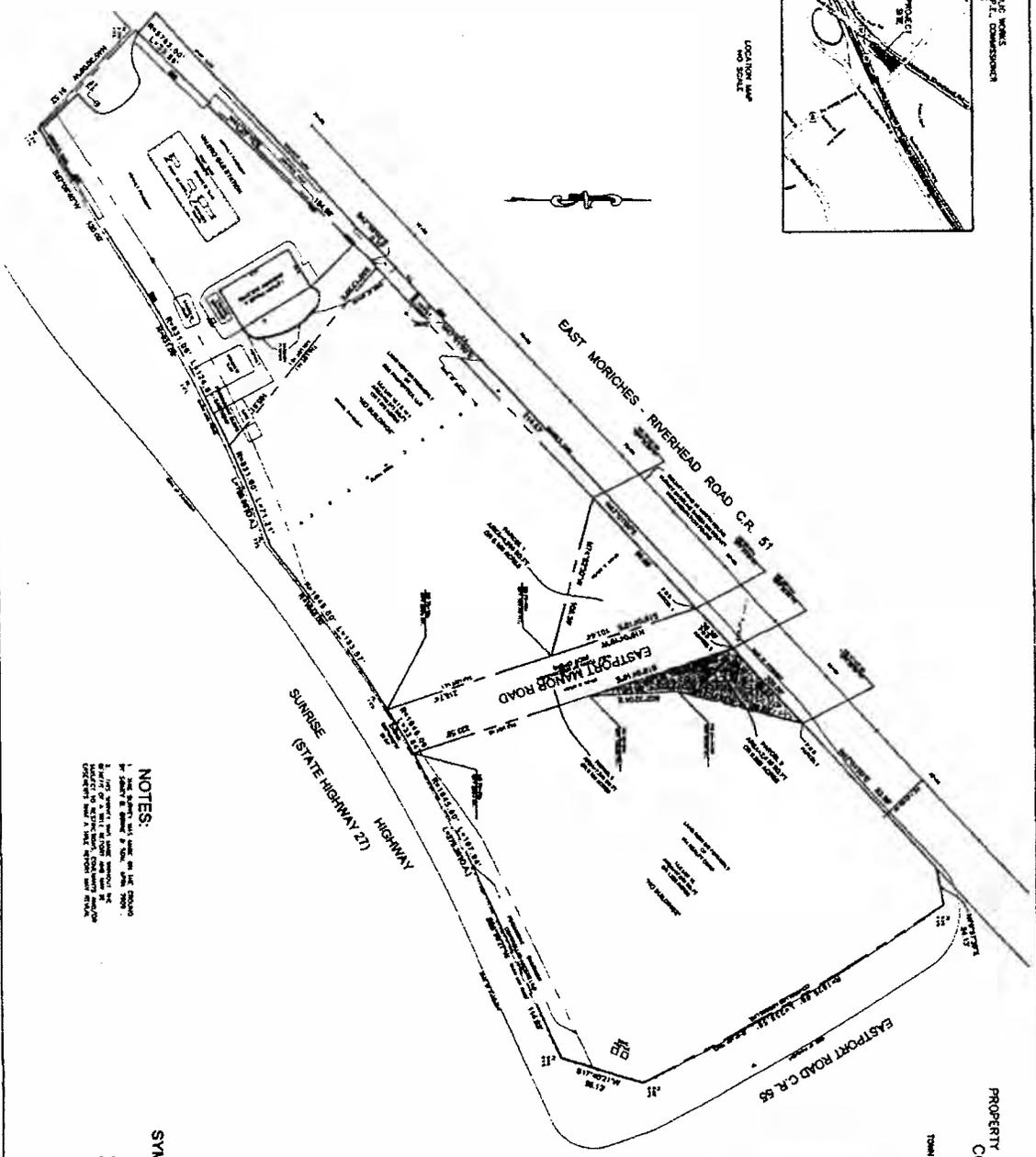
EXHIBIT "1"

1021

OFFICE OF SURVEY
DEPARTMENT OF PUBLIC WORKS
CLARENCE ANDERSON, P.E. COMMISSIONER
SUFFOLK, NEW YORK



MADE BY J.M.
DRAWN BY J.M.
CHECKED BY J.M.



NOTES:
1. THE PROPERTY LINES OF THE ROAD
2. THE PROPERTY LINES OF THE ROAD
3. THE PROPERTY LINES OF THE ROAD
4. THE PROPERTY LINES OF THE ROAD
5. THE PROPERTY LINES OF THE ROAD

SYMBOL LEGEND
- - - - - Survey Line
--- --- --- Survey Line

MAP SHOWING
PROPERTY TO BE DECLARED SURPLUS BY THE
COUNTY OF SUFFOLK
(REVISED 2000)
TOWN OF BROOKHAVEN, SUFFOLK COUNTY, N.Y.
2,418 SQUARE FEET OF LAND
APRIL 2000
SCALE 1"=50'



Table with 2 columns: Symbol, Description. Includes symbols for Survey Line, Survey Point, and Survey Station.

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1021

1. Type of Legislation		
Resolution <u> X </u>	Local Law <u> </u>	Charter Law <u> </u>
2. Title of Proposed Legislation		
AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSUED RIGHT OF WAY FRONTING A PARCEL OF LAND HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 015.000 PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW.		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THE PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SCHEDULE.		
8. Proposed Source of Funding		
SERIAL BONDS.		
9. Timing of Impact 2009		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
CARMINE CHIUSANO PRINCIPAL FINANCIAL ANALYST		

600 A13

COUNTY OF SUFFOLK

DEC 01 2009



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1021

DEPARTMENT OF PUBLIC WORKS

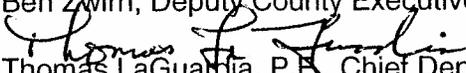
GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

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

DATE: November 24, 2009

RE: **AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSUED RIGHT OF WAY FRONTING A PARCEL OF LAND HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 015.000 PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW.**

Attached is a draft resolution and one duplicate copy authorizing the Department of Public Works to convey a parcel of real property situated in the Town of Brookhaven, Suffolk County, New York pursuant to Highway Law § 125.

The purpose of this conveyance is to transfer the parcel to the adjoining private owner. Under NYS Highway Law §125, this parcel can only be conveyed to the abutting owner at fair market value. It cannot be auctioned to third parties. This resolution is required by New York State Highway Law § 125.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-HWY 125 Conveyance to 414 Realty Corp." Should you have any questions or require further information, please feel free to contact Geoff Mascaro, Property Management Administrator at (631) 852-5321.

TL:WH:sk
attach.

cc Chris Kent, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
Laura Conway, CPA, Chief Accountant
Linda Brandolf, CPA, Capital Accounting
Theresa D'Angelo, Principal Clerk
James Bagg, Chief Environmental Analyst

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Intro Res. No. 1022 - 2010
Introduced by the Presiding Officer Lindsay on request of the County Executive

Laid on Table 1/4/2010

RESOLUTION NO. -2010, AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSUED RIGHT OF WAY FRONTING A PARCEL OF LAND HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 013.001 AND DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 014.001 PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW.

WHEREAS, the County of Suffolk is the fee owner of a certain portion of unused right of way situated in the Town of Brookhaven, Suffolk County, New York as more fully described in the map and description attached as Exhibit "1" : and

WHEREAS, said unused portion of right of way is surplus to the needs of the County of Suffolk; and

WHEREAS, Section 125 of the New York State Highway Law strictly limits the sale of surplus unused right of way to the property owner fronting said unused right of way at fair market value; and

WHEREAS, BCB PROPERTIES, LLC, the present owner of the parcel having a Suffolk County Tax Map Identification Numbers of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 has requested to purchase from the County of Suffolk, at fair market value, the surplus and unused right of way fronting said tax map parcel; and

WHEREAS, the County of Suffolk did commission appraisals for the requested conveyance that were performed by an independent, outside appraiser selected in accordance with established Suffolk County procedures; and

WHEREAS, upon review of said appraisals in accordance with established Suffolk County procedures, the County of Suffolk determined that the fair market value of the unused and surplus right of way fronting the privately owned parcel of real property having a Suffolk County Tax Map Identification Numbers of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 was Twenty Seven Thousand Five Hundred & 00/100 (\$27,500.00) Dollars; and

WHEREAS, BCB PROPERTIES, LLC, the present owner of the parcel having a Suffolk County Tax Map Identification Numbers of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 has agreed to pay to the County of Suffolk the sum of Twenty Seven Thousand Five Hundred & 00/100 (\$27,500.00) Dollars, said sum representing the fair market value of the surplus and unused right of way fronting said tax map parcel; now therefore, be it

1st RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted

thereto (NYCRR Section 617.2(b)(2)). The Legislature 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 a major re-ordering of priorities (NYCRR Section 617.13(d)(15),(21)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)(1)); and be it further

2nd **RESOLVED**, said parcel is surplus to the needs of the County of Suffolk; and be it further

3rd **RESOLVED**, that this purchase is authorized pursuant to Section 125 of the New York State Highway Law; and be it further

4th **RESOLVED**, the Suffolk County Department of Public Works is directed to convey said the surplus and unused right of way described herein shall be conveyed to BCB PROPERTIES, LLC, the present owner or its successors in interest of the parcel having a Suffolk County Tax Map Identification Numbers of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 for the total sum of Twenty Seven Thousand Five Hundred & 00/100 (\$27,500.00) Dollars plus the pro-rata share of the current tax adjustments due at closing along with all recording fees and transfer taxes; and be it further

5th **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of Twenty Seven Thousand Five Hundred & 00/100 (\$27,500.00) Dollars, plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

6th **RESOLVED**, that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said party or their successors in interest.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/>	Local Law <input type="checkbox"/>	Charter Law <input type="checkbox"/> 1022
2. Title of Proposed Legislation		
AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSUED RIGHT OF WAY FRONTING A PARCEL OF LAND HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 013.001 AND DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 014.001 PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW.		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THE PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SCHEDULE.		
8. Proposed Source of Funding		
SERIAL BONDS.		
9. Timing of Impact 2009		

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

1022

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Brookhaven, County of Suffolk and State of New York, as shown on a survey prepared by Sidney B. Bowne & Son, LLP dated April 2009 (latest revision September 23, 2009) said parcel being more particularly bounded and described as follows:

BEGINNING at the point on the easterly boundary line of County Road 51 (East Moriches – Riverhead Road) at the division line between the lands of County of Suffolk on the south and the westerly boundary line of Eastport Manor Road as shown on Suffolk County Tax Map on the north, said point being 33.00 feet easterly measured at a right angle from station 80+07± of the Survey Centerline Line of County Road 51 North Bound; thence South 18°04'10" East, along the westerly boundary line of Eastport Manor Road 101.44 feet to a point, said point being distant 125.00 feet easterly measured at a right angle from station 79+65±; thence North 74°52'30" West 108.36 feet to a point on the easterly boundary line of County Road 51, said point being distant 33.00 feet easterly measured at a right angle from station 79+07.00; thence North 47°01'00" East, along the easterly boundary of County Road 51, 99.98 feet to a point, said point being 33.00 feet easterly measured at a right angle from station 80+07±, said point also being the Point or Place of Beginning.

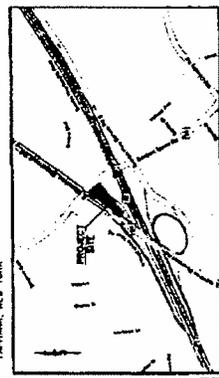
Containing within said bounds 4,599 square feet or 0.105 acres more or less.

EXHIBIT "I"

MAP SHOWING
PROPERTY TO BE DECLARED SURPLUS BY THE
COUNTY OF SUFFOLK
(REPUTED OWNERS)

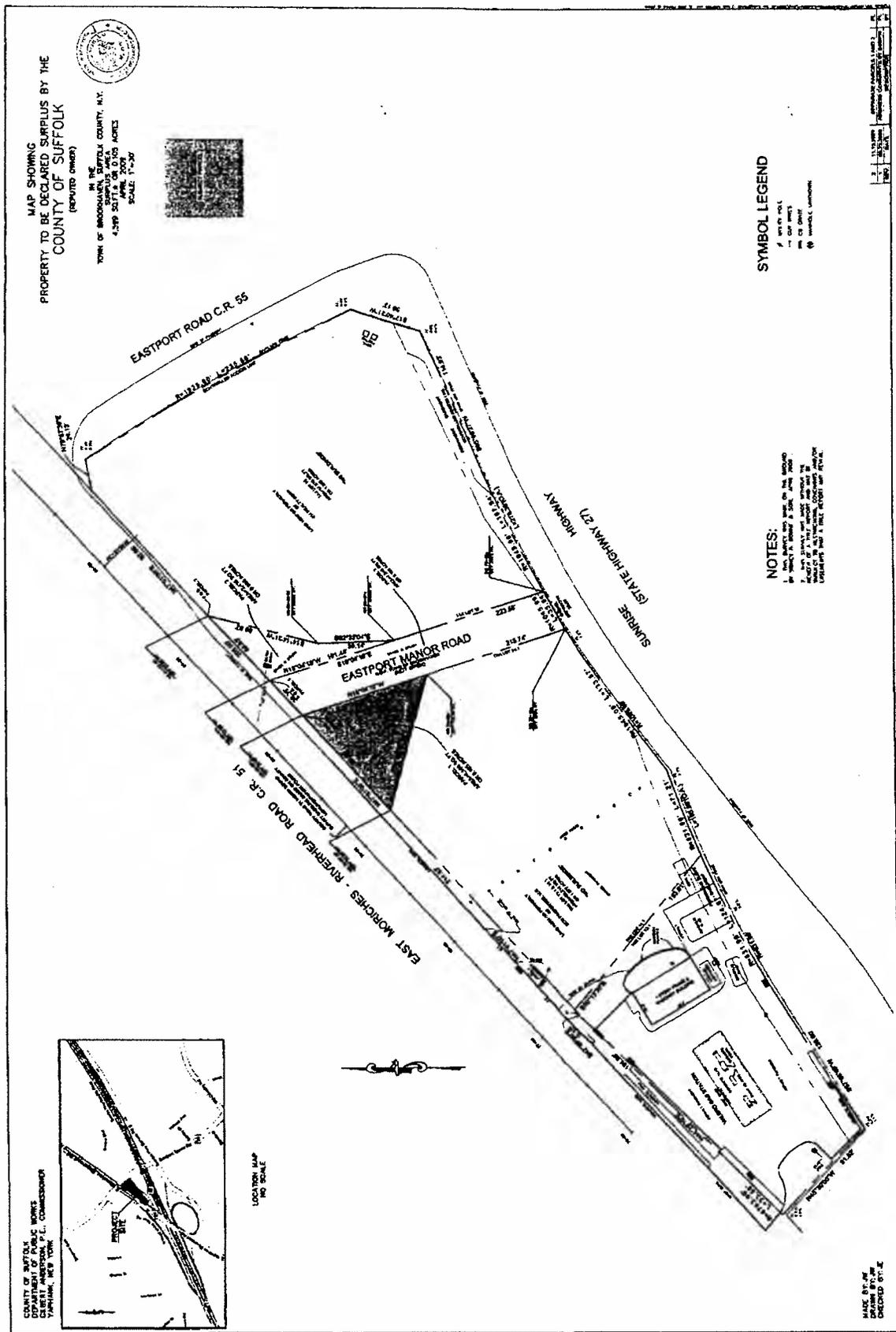


IN THE
TOWN OF BROOKHAVEN, SUFFOLK COUNTY, N.Y.
SUFFOLK AREA
4,289 SQUARE FEET ACRES
APRIL, 2009
SCALE: 1"=50'



COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
GISELLA ANDERSON, P.E., COMMISSIONER
SUFFOLK, NEW YORK

LOCATION MAP
1/2"=1 MILE



SYMBOL LEGEND

- 1. REPUTED OWNER
- 2. EASEMENT
- 3. EASEMENT
- 4. EASEMENT
- 5. EASEMENT

NOTES:
1. THIS PROPERTY IS TO BE DECLARED SURPLUS BY THE COUNTY OF SUFFOLK.
2. THIS PROPERTY IS TO BE DECLARED SURPLUS BY THE COUNTY OF SUFFOLK.
3. THIS PROPERTY IS TO BE DECLARED SURPLUS BY THE COUNTY OF SUFFOLK.
4. THIS PROPERTY IS TO BE DECLARED SURPLUS BY THE COUNTY OF SUFFOLK.

MADE BY: J.M.
DRAWN BY: J.M.
CHECKED BY: J.M.

COUNTY OF SUFFOLK

Grady

1022



DEC 01 2009

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

1008

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

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

DATE: November 24, 2009

RE: **AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSUED RIGHT OF WAY FRONTING A PARCEL OF LAND HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 013.001 AND DISTRICT 0200 SECTION 593.00 BLOCK 01.00 LOT 014.001 PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW.**

Attached is a draft resolution and one duplicate copy authorizing the Department of Public Works to convey a parcel of real property situated in the Town of Brookhaven, Suffolk County, New York pursuant to Highway Law § 125.

The purpose of this conveyance is to transfer the parcel to the adjoining private owner. Under NYS Highway Law §125, this parcel can only be conveyed to the abutting owner at fair market value. It cannot be auctioned to third parties. This resolution is required by New York State Highway Law § 125.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-HWY 125 Conveyance to BCP Properties LLC." Should you have any questions or require further information, please feel free to contact Geoff Mascaro, Property Management Administrator at (631) 852-5321.

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Introductory Resolution No. 1073-2010 Laid on Table 1/4/2010

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
CALVERTON HILLS HOMEOWNERS ASSOCIATION INC.
0200-357.00-01.00-001.003**

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 357.00, Block 01.00, Lot 001.003, and acquired by tax deed on August 4, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 18, 2006, in Liber 12465, at Page 374, and otherwise known as and by Town of Brookhaven, known as Suffolk County Tax Map Number District 0200, Section 357.00, Block 01.00, Lot 001.003; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on August 4, 2006, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 18, 2006 in Liber 12465 at Page 374.

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, CALVERTON HILLS HOMEOWNERS ASSOCIATION INC. by Joanne Ainbinder, as President and Cynthia Zimmer, as Secretary has made application of said above described parcel and paid the application fee and CALVERTON HILLS HOMEOWNERS ASSOCIATION INC. by Michael Janlewicz, as Treasurer has paid \$2,489.10, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2009; and

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 her designee, be and she hereby is authorized to execute and acknowledge a Quitclaim Deed to CALVERTON HILLS HOMEOWNERS ASSOCIATION INC., 301 Wooded Way, Calverton, New York 11933, 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: _____

1023

Patrick Heaney
Acting Deputy County Executive
H. Lee Dennison Bldg. – 12th Floor
Hauppauge, New York 11788-0099

Re: Tax Map No. 0200-357.00-01.00-001.003
CALVERTON HILLS HOMEOWNERS ASSOCIATION INC.

Dear Mr. Heaney:

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 at your earliest convenience.

Very truly yours,

Pamela J. Greene,
Director of Division of Real Property
Acquisition and Management

CO:lag

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

Copy of Resolution to:
Patrick Heaney, Acting Deputy County Executive (original plus 1 hard copy)
Christopher E. Kent, 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.

1023

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

October 1, 2009

Tax Map No.: 0200-357.00-01.00-001.003

Name of Last Legal Fee Owner: CALVERTON HILLS HOMEOWNERS ASSOCIATION INC.

TREASURER'S COMPUTATION.....\$2,489.10

Taxes.....2008/2009.....included

Recording Fees collected for County Clerk.....N/A

License Fee.....N/A

Repairs.....N/A

Interest.....N/A

Miscellaneous Expenses.....N/A

TOTAL.....\$2,489.10

Monies Received.....\$2,489.10

RESOLUTION AMOUNT.....\$2,489.10

PREPARED BY:

APPROVED:

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

Accounting
CO:lag

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1023

1. Type of Legislation

Resolution X
Tax Map Number 0200-357.00-01.00-001.003

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or her 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 _____ _____

**RESOLUTION NO. –2010, ADOPTED LOCAL NO. -2010,
A CHARTER LAW TO IMPLEMENT A COST SAVING
MEASURE TO HELP MITIGATE BUDGETARY SHORTFALL BY
PURCHASING 5000 CORPORATE COURT, TOWN OF ISLIP**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2010, a proposed local law entitled, “**A CHARTER LAW TO IMPLEMENT A COST SAVING MEASURE TO HELP MITIGATE BUDGETARY SHORTFALL BY PURCHASING 5000 CORPORATE COURT, TOWN OF ISLIP;**” and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

**LOCAL LAW NO. –2010, SUFFOLK COUNTY, NEW
YORK A CHARTER LAW TO IMPLEMENT A COST SAVING
MEASURE TO HELP MITIGATE BUDGETARY SHORTFALL BY
PURCHASING 5000 CORPORATE COURT, TOWN OF ISLIP**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law No. 37-1989, “A Charter Law to Amend Article IV of the Suffolk County Charter in Connection with Limits on Amendments to Capital Budget and Program,” was adopted for the purpose of requiring that increases in the capital budget and program during the fiscal year be offset by a corresponding reduction in the capital budget and program.

This Legislature also finds and determines that the purpose of Local Law No. 37-1989 was to prevent large unplanned increases in the capital budget and program during the fiscal year and to maintain County debt and General Fund debt service expenditures at manageable levels.

This Legislature also finds and determines that the County of Suffolk has an opportunity to purchase a 265,000-square foot building located at 5000 Corporate Court in the Town of Islip. Such purchase would also include the assumption of three corporate lease obligations through 2016, 2020, and 2025 respectively.

This Legislature also finds and determines that it has been proposed that the purchase of 5000 Corporate Court will result in an increase to the Capital Budget and Program, but no corresponding offset, as required by Suffolk County Charter Sections C4-13 (A) and C4-21 (A) is available.

This Legislature also finds and determines that the proposed purchase of 5000 Corporate Court will result in positive cash flow to the County of Suffolk over the remaining life of the aforementioned leases and that such income would serve to offset amortization costs of acquisition for 5000 Corporate Court.

This Legislature also finds that taking advantage of this opportunity is especially important at a time when the County has already taken several actions to close projected budget shortfalls.

Therefore, the purpose of this local law is to waive the requirement that increases in the capital budget and program during the fiscal year be offset by a corresponding reduction in the capital budget and program in order for the County to proceed with the purchase of 5000 Corporate Court.

Section 2. Amendments

I. Section C4-13 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C4-13. Modification of the capital budget during the fiscal year.

A.) A capital budget for a fiscal year may not be amended during the fiscal year unless the resolution is introduced by the County Executive or a County Legislator and is approved by an affirmative vote of at least three-fourths (3/4) of the total membership of the County Legislature and constitutes an amendment to change the method of financing; to change the title of a project; to provide funding to correct, repair or to respond to a public emergency declared, in writing, to the Legislature by the County Executive and arising out of or caused by a sudden unforeseen occurrence or disaster, such as a hurricane, fire, tornado, flood, blizzard, explosion, airplane crash, earthquake, nuclear war, radiological emergency, war, civil unrest or disobedience, act of God or comparable event; to provide funding for projects that have gone out to bid and require budgetary modifications because the bid price exceeds the estimated costs included in the capital budget and/or program; or to correct a technical defect. An affirmative vote of at least three-fourths (3/4) of the total membership of the County Legislature shall be required to pass such a resolution returned by the County Executive with his disapproval. This requirement for an affirmative vote of at least 3/4 of the entire membership of the County Legislature shall not apply to any such amendment to increase the capital budget, as finally enacted at the conclusion of the process set forth in § C4-19 of this article, which provides for a corresponding reduction or offset of a dollar amount in the capital budget equivalent to the amount of the proposed increase, nor to any such amendment to decrease the capital budget, as finally enacted at the conclusion of the process set forth in § C4-19 of this article, nor to any such amendment which is financed in an amount of at least 50% of the total authorization or appropriation of such amendment by federal or state funding. Any such amendment shall also be accompanied by a written analysis of the capital budget affected by such amendment prepared by the Legislative Office of Budget Review for its annual report on the capital budget and program, including but not limited to a statement as to the proposal's impact and effect on the County's operating budget, the County's tax rate and the County's real property tax levy for all County funds so affected. This written analysis shall also include a detailed statement as to the specific function and service to be provided with a comparison of the cost to provide such services by outside contractors or

consultants versus utilization of in-house County personnel, regardless of whether or not positions of employment for such in-house personnel exist in the County budget at the time of the preparation of the analysis.

B.) The requirement of Subsection A of this section, that an increase in the capital budget during the fiscal year be offset by a corresponding reduction in the capital budget, shall not apply to the County's purchase of the Suffolk County Judicial Agency's ownership interest in the John P. Cohalan Court Complex located in Central Islip, New York.

C.) The requirement of Subsection A of this section, that an increase in the capital budget during the fiscal year by offset by a corresponding reduction in the capital budget, shall not apply to the County's purchase of 5000 Corporate Court, Town of Islip.

[C.] D.) A resolution that increases the capital budget for a non-sewer-district project may not utilize a County sewer district project to achieve the corresponding reduction that is required by Subsection A of this section.

[D.] E.) A resolution that increases the capital budget in relation to a project within a County sewer district shall be offset by a corresponding reduction for the same sewer district in the capital budget, a transfer from the Assessment Stabilization Reserve Fund, connection fees for the same sewer district, fund balance surplus for the same sewer district or other revenues generated by the same sewer district. Such a resolution shall be approved by a majority vote of the Suffolk County Legislature.

[E.] F.) A resolution that increases the capital budget may not utilize federal and state aid included in the capital budget to achieve the corresponding reduction that is required by Subsection A of this section.

II. Section 4-21 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C4-21. Modification of capital program.

A.) The capital program may be amended only by resolution introduced by the County Executive or a County Legislator if passed by an affirmative vote of at least three-fourths (3/4) of the total membership of the County Legislature to change the method of financing; to change the title of project; to provide funding to correct, repair or respond to a public emergency declared, in writing, to the Legislature by the County Executive and arising out of or caused by a sudden unforeseen occurrence or disaster such as a hurricane, fire, tornado, flood, blizzard, explosion, airplane crash, earthquake, nuclear war, radiological emergency, war, civil unrest or disobedience, act of God or comparable event; to provide funding for projects that have gone out to bid and require budgetary modifications because the bid price exceeds the estimated costs included in the capital budget and/or program; or to correct a technical defect. An affirmative vote of at least three-fourths (3/4) of the total membership of the County Legislature shall be required to pass such a resolution returned by the County Executive with his disapproval. This requirement for an affirmative vote of at least three-

fourths (3/4) of the total membership of the county Legislature shall not apply to any such amendment, to increase the capital program, as finally enacted at the conclusion of the process set forth in § C4-19 of this article, which provides for a corresponding reduction or offset of a dollar amount in the capital program equivalent to the amount of the proposed increase, nor to any such amendment to decrease the capital program, as finally enacted at the conclusion of the process set forth in § C4-19 of this article, nor to any such amendment which is financed in an amount of at least 50% of the total authorization or appropriation of such amendment by federal or state funding.

- B.) The requirement of Subsection A of this section, that an increase in the capital [budget] program during the fiscal year be offset by a corresponding reduction in the capital [budget] program, shall not apply to the County's purchase of the Suffolk County Judicial Agency's ownership interest in the John P. Cohalan Court Complex located in Central Islip, New York.
- C.) The requirement of Subsection A of this section, that an increase in the capital program during the fiscal year by offset by a corresponding reduction in the capital program, shall not apply to the County's purchase of 5000 Corporate Court, Town of Islip.
- [C.] D. A resolution that increases the capital program for a non-sewer-district project may not utilize a County sewer district project to achieve the corresponding reduction that is required by Subsection A of this section.
- [D.] E. A resolution that increases the capital program in relation to a project within a County sewer district shall be offset by a corresponding reduction for the same sewer district in the capital [budget] program, a transfer from the Assessment Stabilization Reserve Fund, connection fees for the same sewer district, fund balance surplus for the same sewer district or other revenues generated by the same sewer district. Such a resolution shall be approved by a majority vote of the Suffolk County Legislature.
- [E.] F. A resolution that increases the capital program may not utilize federal and state aid included in the capital program to achieve the corresponding reduction that is required by Subsection A of this section.

Section 3. Applicability.

This law shall only apply to the County of Suffolk's purchase of the building and property located at 5000 Corporate Court, Town of Islip.

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 filing with the Office of the Secretary of State.

- [] Brackets denote deletion of language.
- __ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



1024

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: DECEMBER 23, 2009
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. -2010; A CHARTER LAW TO IMPLEMENT A COST SAVING MEASURE TO HELP MITIGATE BUDGETARY SHORTFALL BY PURCHASING 5000 CORPORATE COURT, TOWN OF ISLIP

SPONSOR: PRESIDING OFFICER, ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 12/22/2009 PUBLIC HEARING: /2010

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

Sections C4-13 and C4-21 of the SUFFOLK COUNTY CHARTER require that any increase in the capital budget during a fiscal year be offset by a corresponding reduction in the budget. This proposed law would waive this offset requirement and allow the County to increase the 2010 capital budget to fund the acquisition of a building and property located at 5000 Corporate Court, Town of Islip, without providing a corresponding dollar reduction.

This law will take effect 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:js

s:\rule28\28-purchase-5000-corporate-court

1025

Intro. Res. No. -2010
Introduced by Legislator Romaine

Laid on Table 1/4/10

**RESOLUTION NO. -2010, REQUIRING DISCLOSURE OF
SPECIFIC INFORMATION REGARDING CLOSED CAPITAL
PROJECTS**

WHEREAS, resolutions closing out duly authorized capital projects are periodically introduced in this Legislature, typically by the County Executive's Office; and

WHEREAS, a capital project can be subject to close out for different reasons;
and

WHEREAS, capital projects may be submitted for close out, even though substantial appropriated monies in the project remain expended; and

WHEREAS, this Legislature cannot properly determine whether a project should or should not be closed unless it is provided with all relevant information; and

WHEREAS, the County Executive's Budget Office has all pertinent information regarding capital project close outs and can easily provide this information to this Legislature; now, therefore be it

1st RESOLVED, that any resolution proposing the close out of a capital project(s), shall include in the body of the resolution or in an attachment, the following information:

- 1) a detailed justification for each project to be closed out;
- 2) an estimate of the reduction in bond authorization associated with the close out; and
- 3) the reduction in debt expenses by fund associated with the close out(s) and all resulting revenue to the operating budget;

and be it further

2nd RESOLVED, that no close out resolution shall be discharged from a committee of the Legislature or approved by the full Legislature without the information described in the preceding "Resolved" clause; 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.

1026

Intro. Res. No. -2010
Introduced by Legislator Romaine

Laid on Table 1/4/10

RESOLUTION NO. -2010, TO IMPLEMENT SUNDAY BUS SERVICE AND EXTEND WEEKDAY MORNING AND EVENING SERVICE IN SUFFOLK COUNTY

WHEREAS, the use of public transportation is making a resurgence across the nation; and

WHEREAS, for the ninth time in a row, Suffolk County has received a grade of F for elevated ozone levels and a grade of C for sooty, particulate forms of air pollution from the American Lung Association; and

WHEREAS, public transportation reduces traffic congestion on roadways, reduces the pollution caused by motor vehicles, and decreases the need for road repairs and maintenance; and

WHEREAS, public transportation also allows individuals who do not have private transportation to access public services and obtain employment; and

WHEREAS, public safety is improved by public transportation systems, which decrease the number and frequency of traffic accidents; and

WHEREAS, investing in public transportation systems is economically smart, with every one dollar (\$1) invested in the system returning up to six dollars (\$6) in benefits to the community; and

WHEREAS, providing Sunday bus service and extending the hours of weekday bus service will be beneficial for the residents of Suffolk County; now, therefore be it

1st RESOLVED, that the Commissioner of the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, pursuant to §8-2(W) of the SUFFOLK COUNTY CHARTER, to develop a plan to implement Sunday service and extended weekday hours of operation on all bus routes in Suffolk County; and be it further

2nd RESOLVED, that the Commissioner of the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, pursuant to §8-2(W) of the SUFFOLK COUNTY CHARTER to apply for Federal and State Aid to fund the operation of the proposed expanded bus services; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Public Works shall return to the Legislature to report on the progress of this plan no later than one hundred twenty days (120) subsequent to the effective date of this Resolution; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency

administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\implement-Sunday-bus

1027

Intro. Res. No. -2010
Introduced by Legislator Romaine

Laid on Table 1/4/09

RESOLUTION NO. -2010, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF LAND UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM, AS AMENDED BY LOCAL LAW NO. 24-2007 (LONG ISLAND BEAGLE CLUB PROPERTY – TOWN OF RIVERHEAD)

WHEREAS, the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, authorizes the use of 31.10% of sales and compensating use tax proceeds generated each year for specific environmental protection, including the acquisition of open space in accordance with specific criteria set forth therein; and

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

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

1st RESOLVED, that the parcel(s) listed in Exhibit "A" of this resolution, consisting of approximately 150 acres, is hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection Program pursuant to Article XII of the SUFFOLK COUNTY CHARTER; and be it further

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

3rd RESOLVED, that the Commissioner of the County Department of Public Works and/or the Director of the Division of Real Property Acquisition Management, Department of Environment and Energy, and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

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

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

6th RESOLVED, that the Director of the Division of Real Property Acquisition and Management within the County Department of Environment and Energy, or his or her deputy, is hereby further authorized, empowered, and directed, pursuant to Section 42-2(C) of the

SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; and be it further

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-plan-steps-beagle-club-property

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0600 Section 078.00 Block 01.00 Lot 002.000	150	L.I. Beagle Club, Inc. 1179 Edwards Avenue Baiting Hollow, NY 11933

EXHIBIT "A"

1028

Intro. Res. No. -2010
Introduced by Legislator Romaine

Laid on Table 1/4/10

RESOLUTION NO. -2010, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT FOR THE POLLERT PROPERTY – STERLING CREEK - TOWN OF SOUTHOLD – (SCTM NO. 1000-034.00-04.00-019.001)

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

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

WHEREAS, Resolution No. 1118-2006, authorized planning steps for the acquisition of said property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; now, therefore be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, for a total purchase price of One Million Seven Hundred Four Thousand Two Hundred Ninety Dollars (\$1,704,290.00±), at Ninety Seven Thousand Dollars (\$97,000.00) per acre for 17.57± acres, subject to a final survey, and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

	SUFFOLK COUNTY		REPUTED OWNER
<u>PARCEL:</u>	<u>TAX MAP NUMBER:</u>		<u>AND ADDRESS:</u>
No. 1	District	1000	William R. Pollert
	Section	034.00	574 West End Avenue
	Block	04.00	New York, NY 10024
	Lot	019.001	
		17.57±	

and be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1)(g) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of One Million Seven Hundred Four Thousand Two Hundred Ninety Dollars (\$1,704,290.00±), at Ninety Seven Thousand Dollars (\$97,000.00) per acre, for 17.57± acres, subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay One Million Seven Hundred Four Thousand Two Hundred Ninety Dollars (\$1,704,290.00±), at Ninety Seven Thousand Dollars (\$97,000.00) per acre, for 17.57± acres, subject to a final survey, from previously appropriated funds in Capital Project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1)(g) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

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

5th **RESOLVED**, pursuant to Section C12-2(A)(2)(c), that this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and be it further

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1)(g) of the SUFFOLK COUNTY CHARTER:

(g) Open space, in accordance with the criteria set forth in Exhibit B attached hereto and made a part hereof, and/or any successor exhibit thereto.

and be it further

7th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

8th **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

9th **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of Title 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;
- 2.) the proposed use of the subject parcel(s) is passive recreation; and
- 3.) if not acquired the property will most likely be developed for residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have;

and be it further

10th **RESOLVED**, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\acq-suffolk-pollert-property

1029
Intro. Res. No. -2010
Introduced by Legislator Cooper

Laid on Table 1/4/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A CHARTER LAW TO PROVIDE A FIXED
FIVE YEAR TERM FOR THE POLICE COMMISSIONER**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2010 a proposed local law entitled, "**A CHARTER LAW TO PROVIDE A FIXED FIVE YEAR TERM FOR THE POLICE COMMISSIONER**"; now, therefore, be it

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

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO PROVIDE A FIXED FIVE YEAR TERM FOR
THE POLICE COMMISSIONER**

**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 Police Commissioner is presently appointed by the County Executive, subject to the approval of the County Legislature, and serves at the pleasure of the County Executive.

This Legislature determines that in most instances, the elected County Executive should have the power to appoint department heads to serve at his or her pleasure to ensure accountability within the Executive branch.

This Legislature further finds that a limited number of positions in County government as so sensitive and so vital to the health, safety and well-being of the citizens of Suffolk County, that it is appropriate and prudent to afford persons appointed to these positions with a fixed term of office so that they may be insulated from normal political pressures while carrying out their duties and responsibilities.

This Legislature also finds that presently, the Commissioner of the Department of Health Services, the Commissioner of the Department of Social Services, the County Personnel Officer and the Director of the Real Property Tax Service Agency are all appointed for fixed terms.

This Legislature further finds that at one time, the Suffolk County Police Commissioner was appointed by the County Legislature and given a fixed six year term.

This Legislature also determines that no appointed position in County government is more vital to the protection of public safety than the Suffolk County Police Commissioner.

This Legislature finds and determines that the Police Commissioner should be afforded a fixed term of office so that his or her actions may be shielded, to at least some degree, from political pressures and considerations.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER and provide future Police Commissioners with a five year term of office.

Section 2. Amendment.

Section C13-2 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

ARTICLE XIII, Department of Police

* * * *

§ C13-2. Appointment of Commissioner.

- A. The Commissioner of Police shall be appointed by the County Executive [subject to] with the approval of the County Legislature [and shall serve at the pleasure of the County Executive] for a term of five years. If the person appointed Commissioner of Police shall at the time of his appointment be a police officer with at least 10 years of service as a police officer, then he shall continue to be a police officer while serving as Commissioner of Police and shall, in addition to the responsibilities and duties of Commissioner, continue to have all of the responsibilities and duties of a police officer.

* * * *

Section 3. Applicability.

This law shall apply to persons appointed as the Commissioner of the Police Department on or after the effective date of this law.

Section 4. Transition.

- A. The Office of Commissioner of the Police Department shall be deemed vacant as of the effective date of this law and the County Executive shall be required to appoint a Commissioner of Police for a fixed five year term subject to legislative approval.
- B. The person serving in the capacity of Police Commissioner on the date that this law takes effect may hold-over and continue to discharge the duties of his or her office. However, in accordance with § C23-17 of the SUFFOLK COUNTY CHARTER if the Commissioner serving in a hold-over capacity is not approved for a five year term of office by a duly enacted resolution of the County of Suffolk within 180 days of the effective date of this law, the County Executive shall immediately nominate and appoint a successor and seek to introduce a resolution to approve such appointment.

Section 5. Severability.

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

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

Section 6. SEQRA Determination.

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

Section 7. Effective Date.

This law shall not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and 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:

s:\laws\cl-fixed-term-police-commissioner

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1029



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: DECEMBER 29, 2009
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. -2010; A CHARTER LAW TO PROVIDE A FIXED FIVE YEAR TERM FOR THE POLICE COMMISSIONER

SPONSOR: LEGISLATOR COOPER

DATE OF RECEIPT BY COUNSEL: 12/28/2009 PUBLIC HEARING: 1 / 2010

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

This local law would amend the SUFFOLK COUNTY CHARTER to make the office of the Commissioner of the Suffolk County Police Department a termed office. Under the provisions of this law, the County Executive will appoint the Police Commissioner for a term of five years, subject to legislative approval.

The Office of Commissioner of the Police Department shall be deemed vacant as of the effective date of this law and the County Executive shall be required to appoint a Commissioner for a fixed five year term subject to legislative approval. The person serving as the Police Commissioner when this law takes effect may continue to serve in a hold-over capacity until the vacancy is filled in accordance with the terms of this law. However, in accordance with § C23-17 of the SUFFOLK COUNTY CHARTER, if the Commissioner serving in the hold-over capacity is not approved for a five year term of office by duly enacted resolution within 180 days of the effective date of this law, the County Executive shall immediately nominate and appoint a successor and seek to introduce a resolution to approve such appointment.

This law is made subject to a permissive referendum.

GEORGE NOLAN
Counsel to the Legislature

GN:js

1030

Intro. Res. No. -2010
Introduced by Legislator Browning

Laid on Table 1/4/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO. -2010,
A LOCAL LAW TO EXEMPT PROPERTIES IN THE TOWN OF
BROOKHAVEN FROM REQUIREMENTS OF LOCAL LAW 3-2009**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2010, a proposed local law entitled, "**A LOCAL LAW TO EXEMPT PROPERTIES IN THE TOWN OF BROOKHAVEN FROM REQUIREMENTS OF LOCAL LAW 3-2009**" now, therefore, be it

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

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO EXEMPT PROPERTIES IN THE TOWN OF
BROOKHAVEN FROM REQUIREMENTS OF LOCAL LAW 3-2009**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law 3-2009 authorized and directed the Department of Energy and Environment to offer certain substandard lots, acquired by the County by tax defaults for sale at public auctions to persons and entities willing to seek relief from local zoning requirements in order to construct affordable housing.

This Legislature also finds and determines that the Town of Brookhaven has expressed serious concern that Local Law 3-2009 would negatively impact the Town by generating additional applications for variances, additional costly litigation resulting from the denial of variances and more construction on substandard lots.

This Legislature further finds and determines that the County of Suffolk should work cooperatively with other political subdivisions and avoid taking actions that negatively impact local governments.

Therefore, the purpose of this local law is to exempt parcels located within the Town of Brookhaven from the requirements set forth in Local Law 3-2009

Section 2. Amendments.

Article XLII of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**Article XLII
Department of Energy and Environment**

* * * *

H. The Commissioner, or his or her designee, in the case of a parcel which does not meet the minimum zoning code requirements of the municipal zoning district in which the parcel is located, in order to promote the development of residential dwellings for first-time homebuyers and/or occupants, shall offer to convey such parcel to the highest bidder at a special auction who: (i) agrees, in writing, within 60 days of the date of such auction, to apply for and diligently pursue, using best efforts and at such bidder's sole cost and expense, a building permit, to allow the construction of a single-family residential dwelling on such parcel that substantially conforms in size and appearance to the residential dwellings located within the immediately surrounding residential community; (ii) agrees, in writing, within 180 days of the date of such auction, to apply for and diligently pursue, using best efforts and at such bidder's sole cost and expense, any and all variances and/or other relief from such minimum zoning requirements; and (iii) agrees, in writing, to accept title to such parcel subject to the covenants contained in this Subsection H. The requirement to offer and convey such parcel to such highest bidder at a special auction under this subsection shall apply only to parcels located substantially within a residential zoning district that have a lot area of not less than 5,000 square feet and street frontage of not less than 50 feet and that substantially conform in size to the developed and/or undeveloped parcels located within the immediately surrounding residential community. The provisions of this subsection shall not apply to parcels situated within the Town of Brookhaven.

* * * *

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-amend local law 3-2009

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

1030



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: December 29, 2009
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. 1030 -2010; A LOCAL LAW TO EXEMPT PROPERTIES IN THE TOWN OF
BROOKHAVEN FROM REQUIREMENTS OF LOCAL LAW 3-2009

SPONSOR: LEGISLATOR BROWNING

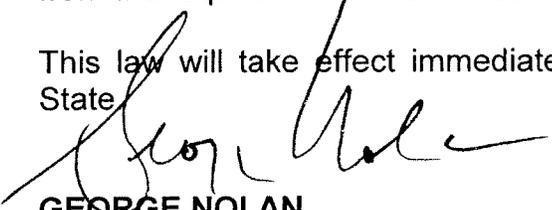
DATE OF RECEIPT BY COUNSEL: 12/29/09 PUBLIC HEARING: 2//2010

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

Local Law 3-2009 authorized and directed the Department of Energy and Environment to offer certain substandard lots, acquired by the County by tax default, for sale at public auction to persons and entities willing to seek relief from local zoning requirements in order to construct affordable housing.

This proposed local law would exempt parcels located within the Town of Brookhaven from the requirements of Local Law 3-2009.

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


GEORGE NOLAN
Counsel to the Legislature

GN:mjk

s:\rule28\28-exempt-Brookhaven-3-2009

1031

Intro. Res. No. -2010
Introduced by Legislator Browning

Laid on Table 1/4/10

**RESOLUTION NO. -2010, CANCELING AUCTION SALE OF
PROPERTY (SUFFOLK COUNTY TAX MAP NO. 0200-960.00-
02.00-045.000, 046.000, 047.000)**

WHEREAS, Georgette Grier-Key was the successful bidder for County owned land, Suffolk County Tax Map No. 0200-960.00-02.00-045.000-046.000, 047.000, at the auction conducted by the County of Suffolk on October 23, 2008; and

WHEREAS, Resolution No. 1083-2008 authorized the sale of the subject parcel to Georgette Grier-Key; and

WHEREAS, Georgette Grier-Key was required to leave a \$5,800,00 deposit and pay related auction fees at the time she bid on the property; and

WHEREAS, subsequent to the auction, Ms. Grier-Key lost her job and she is unable to consummate the acquisition; and

WHEREAS, Georgette Grier-Key has communicated to the County of Suffolk that she is unable to close on the subject parcel, and the County's refusal to return her deposit is causing a severe hardship; and

WHEREAS, this Legislature recognizes the economic turmoil in Suffolk County and around the nation and wishes to exercise its discretion to ease hardship whenever practicable and equitable; now, therefore be it

1st RESOLVED, that the Department of Environment and Energy, Division of Real Property Acquisition and Management, is hereby authorized, empowered, and directed to cancel the sale of a parcel (Suffolk County Tax Map No. 0200-960.00-02.00-045.000-046.000, 047.000) to Georgette Grier-Key, which occurred at the County's auction on October 23, 2008, and which was previously approved by Resolution No. 1083-2008; and be it further

2nd RESOLVED, the Department of Environment and Energy, Division of Real Property Acquisition and Management, is hereby authorized, empowered, and directed to return the down payment and all other monies paid by Georgette Grier-Key in connection with this cancelled transaction; 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:

CERTIFICATES OF NECESSITY

IR 1032 - AMENDING THE 2010 ADOPTED BUDGET TO PROVIDE FUNDING FOR THE MI-HEAP PROGRAM WITHIN THE DEPARTMENT OF SOCIAL SERVICES

IR 1033 - AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE PAVEMENT MANAGEMENT REHABILITATION AT GABRESKI AIRPORT (CP 5739)

1034

Intro. Res. No. -2010
Introduced by Legislator Montano

Laid on Table 1/4/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A CHARTER LAW TO PROVIDE NOTICE
OF APPOINTMENTS TO COMMISSIONS AND BOARDS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2010 a proposed local law entitled, "**A CHARTER LAW TO PROVIDE APPOINTMENTS TO COMMISSIONS AND BOARDS**"; now, therefore, be it

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

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO PROVIDE NOTICE OF APPOINTMENTS TO
COMMISSIONS AND BOARDS**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that, in an effort to seek community input and utilize the knowledge and expertise of its residents, Suffolk County has established boards and commissions to perform specific functions and/or advise the County's elected officials on certain issues.

This Legislature also finds and determines that the membership and activities of the County's boards, commissions, task forces and advisory bodies should be open and transparent.

This Legislature further finds and determines that the public has a right to know the identity of persons who serve on County boards and commissions as these individuals may shape the formation of County policies and programs.

This Legislature determines that it would be prudent to require that County officials provide notice of their appointments to boards and commissions to one entity to ensure that this information is readily available to the public.

This Legislature finds that the Clerk of the Suffolk County Legislature can maintain up-to-date records of the membership of County boards and commissions and make such information publicly accessible.

Therefore, the purpose of this law is to require County officials to simultaneously notify the Clerk of the Suffolk County Legislature each time they make an appointment to a board, commission or task force.

Section 2. Amendment.

Article 23 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

Article XXIII. General Provisions

§C23-3. Unexcused absences by appointed members of boards and commissions; notification of vacancies and appointments.

A. Any appointed member of any board or commission who shall be absent from four consecutive regular meetings of such board or commission, unless excused by resolution thereof, shall be deemed to have vacated his office. Vacancies occurring in such office otherwise than by the expiration of the term shall be filled for the unexpired balance of the term.

B. Any appointee to any board or commission who vacates his or her position with the intention of no longer serving on the board or commission shall notify, in writing, the chairperson of the board or commission of his or her resignation.

C. When a vacancy occurs for any reason on a board, commission, or agency, whose appointments are made by the Suffolk County Legislature or whose appointments are subject to legislative approval, including the Suffolk County Water Authority, the Suffolk County Industrial Development Agency, and the Suffolk Regional Off-Track Betting Corporation, the Chairperson of the board, commission, or agency shall notify the Clerk of the Suffolk County Legislature of said vacancy, in writing, within 10 days of such vacancy occurring.

D. When the County Executive or an individual County Legislator appoints a person to serve on a board, commission, advisory board or task force that is authorized under state law or by local law or resolution, the appointing authority shall simultaneously file a written notice with the Clerk of the Suffolk County Legislature setting forth the name, address and term of the appointee.

E. When any County official selects a person to serve as their designee on a board, commission, advisory board or task force that is authorized under state law or by local law or resolution, the official shall simultaneously file a written notice with the Clerk of the Suffolk County Legislature setting forth the name and address of the designee.

Section 3. Applicability.

This law shall apply to all appointments 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\cl-montano notice of appointments

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

1034



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

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

DATE: 12/22/09
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. -2010; A CHARTER LAW TO PROVIDE NOTICE OF APPOINTMENTS TO
COMMISSIONS AND BOARDS

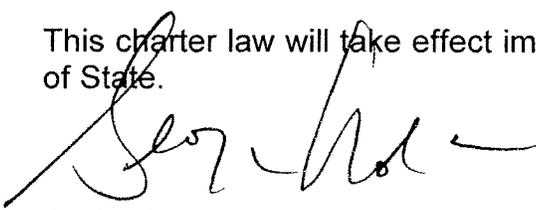
SPONSOR: LEGISLATOR MONTANO

DATE OF RECEIPT BY COUNSEL: 12/22/09 PUBLIC HEARING: 1/2010
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed charter law would amend Article XXIII of the SUFFOLK COUNTY CHARTER to require that a written notice of appointment be filed with the Clerk of the Suffolk County Legislature each time an individual is appointed to a board, commission, advisory board or task force. This requirement shall apply to the County Executive or any individual County Legislator making an appointment, as well as to any County official appointing a designee.

The notice of appointment must contain the name and address and term of the appointee. The notice must be filed by the appointing authority immediately upon his or her making the appointment.

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


GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-commissions and boards

1035

Intro. Res. No. -2010
Introduced by Legislator Romaine

Laid on Table 1/4/10

**RESOLUTION NO. -2010, RENAMING DAM POND IN
EAST MARION AFTER RUTH D. OLIVA**

WHEREAS, Ruth D. Oliva, former Southold Town councilwoman, passed away in June, 2009; and

WHEREAS, Mrs. Oliva became a part of the Southold community in 1970, when her family purchased a home in Orient; and

WHEREAS, during the 1970s, Mrs. Oliva became active in environmental issues, leading a children's ecology workshop during the summer, and serving as president of the North Fork Environmental Council, a position she held for seven years; and

WHEREAS, in 1982, Mrs. Oliva became a year round resident of Orient and focused her attention on the needs and concerns of the community; and

WHEREAS, Mrs. Oliva provided years of public service to the residents of Southold as a member of the Southold Town Council, and the Deputy Town Supervisor; and

WHEREAS, throughout her career as an elected official, Mrs. Oliva championed environmental causes, including recycling, farmland and open space preservation; and

WHEREAS, following the end of her career in public office, Mrs. Oliva remained active in the Southold community as a member of the Southold Town Anti-Bias Task Force and a board member of Community Action in Southold Town (CAST), a local non-profit organization providing services for local people in need; and

WHEREAS, in 2002, Mrs. Oliva was appointed to Southold Town's Zoning Board of Appeals and continued serving the residents of Southold until her passing; and

WHEREAS, Suffolk County owns and operates Inlet Pond County Park in Greenport; and

WHEREAS, Dam Pond is located adjacent to Inlet Pond County Park; and

WHEREAS, it would be a fitting tribute to rename Dam Pond in honor of Mrs. Oliva's years of tireless work and dedication to environmental causes and the residents of Southold Town and Suffolk County; now, therefore be it

1st RESOLVED, that, pursuant to Section 215(1) of the NEW YORK COUNTY LAW, Dam Pond located adjacent to Inlet Pond County Park shall be renamed and dedicated in honor of "Ruth D. Oliva as a tribute for her protection of environmental rights and years of public service in the Town of Southold; and be it further

2nd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation, pursuant to Section C28-4 of the SUFFOLK COUNTY CHARTER, is hereby authorized, empowered, and directed to take all actions necessary and appropriate to effectuate this naming and dedication.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-rename-dam-pond-ruth-oliva

Ruth D. Oliva Biography

Ruth Oliva, who died in June 2009, was a longtime community leader and champion of the environment. Born in New Jersey in 1932, Ruth attended Bucknell College, then lived in the Bronx and Queens, New York, before she and her family bought a home in Orient in 1970.

During the 1970s, she became interested and active in environmental issues, working with local residents Paul and Barbara Stoutenberg, and leading an ecology workshop for kids during the summer. She subsequently became president of the North Fork Environmental Council, a position she held for seven years. In 1982, she became a year-round resident in Orient and dedicated even more of her time and attention to the needs and concerns of her community.

Ruth was first elected as a Southold Town councilwoman in 1987. She served a second four-year term on the Town Board when she ran on the bipartisan United Southold slate in 1993, becoming deputy supervisor in the Wickham administration. Over the years, she was particularly focused on such issues as solid waste; environmental pollutants; recycling; traffic; transportation; farmland and open space preservation; and beach erosion. She voluntarily took on the job of town recycling coordinator and organized the STOP program, which facilitated the proper disposal of contaminants.

After she left elective office in 1997, Ruth continued to work in the community in other capacities. She joined the Southold Town Anti-Bias Task Force in 2001, and served on the board of Community Action in Southold Town (CAST)—a nonprofit organization that provides services for local people in need. Ruth continued to attend virtually all Southold Town Board meetings and, in 2002, she was appointed to the Zoning Board of Appeals, serving as both chairperson and member, a position she held until her death. She was also an active member of the Town's Transportation Commission and the Local Waterfront Revitalization Committee (LWRP) at the time of her death.

Ruth was a devoted gardener and bird watcher and an excellent cook. She and her husband, Eugene, were married for more than 50 years and raised four children. Their five grandchildren visit Orient often.

1036

Intro. Res. No. -2010

Laid on Table 1/4/10

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2010, TO APPOINT NAOMI HOGARTY TO THE SUFFOLK COUNTY MOTION PICTURE/ TELEVISION FILM COMMISSION

WHEREAS, Gioacchino Balducci has resigned as a member of the Suffolk County Motion Picture/Television Film Commission; therefore, be it

1st RESOLVED, that **Naomi Hogarty**, residing in Remsenburg, NY, is hereby appointed as a member of the Suffolk County Motion Picture/Television Film Commission for the remainder of the vacated four year term of office to expire December 31, 2011, said appointment being made by the Suffolk County Executive pursuant to the provisions of Section 58-4 of the SUFFOLK COUNTY CODE; and be it further

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

APPROVED BY:

Steve Levy
County Executive of Suffolk County

Date of Approval: _____

**FOUNDER & CREATIVE DIRECTOR
91 EAST PRODUCTIONS**

PRODUCER / DIRECTOR • CREATIVE DEVELOPMENT • PRODUCTION SERVICES

Over 18 years of experience creating, marketing and producing campaigns and promotions for the entertainment industry. Proven track record and award winning spots have kept clients coming back. Success has been based on strong relationship with our core clients and their audience.

PROFESSIONAL HISTORY

91 EAST PRODUCTIONS, Westhampton Beach NY 2003-present

Founder & Creative Director

Oversee daily operation of the company and creative direction of projects.

Provide expertise in image branding, on air campaigns, interstitials, corporate films, on line content and network specials. Write, Direct and produce projects from post-production through the final editorial.

FREELANCE - various networks 1996-2003

Director/Writer/Producer

Worked with a variety of Networks in developing on and off air campaigns, launching digital channels and strategic branding. Worked closely with the marketing, sales graphics and on air promotion departments.

VH1, ESPN, SHOWTIME, HBO, WE, OXYGEN, Disney, Nickelodeon, MTV, Bravo, Lifetime, ABC, Discovery, Lee Hunt, Broadway Video

- Pitch concepts, write and produce on air campaigns
- Direct and interview talent on location or in studios
- Supervise Graphic Design and Music companies for projects
- Create and maintain budgets throughout projects
- Cast and hire talent for projects
- Follow projects from concept to completion

ESPN, NEW YORK, NY 1994 – 1996

Director/Writer/Producer Consumer Marketing Department

- Create on air promos for sports events and specialty games
- Direct and produce marketing sales tapes
- Interview celebrities, on air talent and network executives for projects
- Manage budgets for each project

1036

MTV NETWORKS/VH1, NEW YORK, NY

1988-1994

Writer / Producer, On Air Promotions Department

- Work closely designing graphic and music selections
- Write, shoot and produce marketing sales tapes
- Interview celebrities and talent
- Manage budgets for each project

PROFESSIONAL AFFILIATIONS

- Film TV Professionals
- Media & Entertainment Professionals Worldwide
- Woman in Film
- CCR
- Small Business Association
- Certified WBENC – Women's Business Enterprise

SKILLS

- Experience and knowledge of production and many formats of editing
- Experience directing children, animals and celebrities
- Knowledge of pop culture, marketing trends and music
- Online marketing and web development
- Voice Over and on air talent experience

EDUCATION

NEW YORK UNIVERSITY, Certificate in Filmmaking (1991)

BOSTON UNIVERSITY, BA Communications & Education (1987)



DEC 07 2009
1036

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Eric Naughton, Budget Director

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

DATE: December 2, 2009

SUBJECT: **TO APPOINT NAOMI HOGARTY TO THE SUFFOLK COUNTY MOTION PICTURE/TELEVISION FILM COMMISSION**

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

Attached please find the draft resolution and associated SCIN Forms. Copies have been filed electronically in accordance with the 2009 filing procedures.

Thank you.

CEF/kmb

cc: Yves R. Michel, Commissioner
Amy Engel, County Executive Assistant
Michelle Isabelle-Stark, Program Coordinator, Cultural Affairs



Steve Levy
Suffolk County Executive

Patrick A. Heaney
Commissioner

BETTER FOR BUSINESS... BETTER FOR LIFE

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1036

1. Type of Legislation		
Resolution <u>XX</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
TO APPOINT NAOMI HOGARTY TO THE SUFFOLK COUNTY MOTION PICTURE/TELEVISION FILM COMMISSION		
3. Purpose of Proposed Legislation:		
Giacochino Balducci has resigned as a member of the Suffolk County Motion Picture/Television Commission with an unexpired term until December 31, 2011. Resolution is to appoint to vacated term expiring December 31, 2011.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes No <u>XX</u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
THE MOTION PICTURE/TELEVISION FILM COMMISSION IS A NON-PAYING COMMISSION.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
THERE IS NO FISCAL IMPACT; THE SUFFOLK COUNTY MOTION PICTURE/TELEVISION FILM COMMISSION IS NOT A PAYING COMMISSION.		
8. Proposed Source of Funding		
THERE IS NO PROPOSED FUNDING SOURCE		
9. Timing of Impact		
THERE IS NO TIMING OF IMPACT; HOWEVER THE RESOLUTION IS EFFECTIVE UPON ADOPTION.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Steve R. Tricarico County Executive Assistant		12-23-09

1037

Intro. Res. No. -2010
Introduced by Legislator Schneiderman

Laid on Table 1/4/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A CHARTER LAW TO EXPAND THE
FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL
QUALITY TO INCLUDE ADVISING SUFFOLK COUNTY ON
BICYCLE ROUTES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2010 a proposed local law entitled, "**A CHARTER LAW TO EXPAND THE FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL QUALITY TO INCLUDE ADVISING SUFFOLK COUNTY ON BICYCLE ROUTES**"; now, therefore, be it

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

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO EXPAND THE FUNCTIONS OF THE
COUNCIL ON ENVIRONMENTAL QUALITY TO INCLUDE
ADVISING SUFFOLK COUNTY ON BICYCLE ROUTES**

**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 Council on Environmental Quality ("CEQ") advises County officials on a variety of environmental issues.

This Legislature also finds and determines that initiatives to establish bicycle paths on Suffolk County roadways and facilitating both pedestrian travel and bicycle use have positive environmental impacts.

This Legislature further finds and determines that it would be appropriate for Suffolk County to receive advice from a committee on bicycle paths to ensure that the paths established by the County provide the greatest benefit possible to its residents and the environment.

This Legislature finds that the CEQ already provides the County with recommendations as to which County-owned properties should be designated to the County Nature and Historic Trust.

This Legislature determines that adding bicycle routes and the facilitation of bicycle use and pedestrian travel as a function of CEQ provides the County with input from a trusted environmental council without the creation of another advisory entity.

Therefore, the purpose of this law is to expand the functions of the Council on Environmental Quality to include advising the County on matters pertaining to bicycle routes on County roadways and facilitating bicycle use and pedestrian travel.

Section 2. Amendment.

Article I of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

Article I. Environmental Bill of Rights.

§C1-4. Functions of Council.

A. In addition to any other functions assigned to the Council on Environmental Quality by Charter law or local law, the Council shall:

- (6) Assist and advise the County Legislature and County Executive on matters pertaining to bicycle routes along County roadways and infrastructure related to facilitating bicycle and pedestrian use in Suffolk County.

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

This local 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\cl-schneiderman CEQ bicycle advice

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1037



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: 12/29/09

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. -2010; A CHARTER LAW TO EXPAND THE FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL QUALITY TO INCLUDE ADVISING SUFFOLK COUNTY ON BICYCLE ROUTES

SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 12/29/09 PUBLIC HEARING: 1 /2010

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

This proposed charter law would amend Article I of the SUFFOLK COUNTY CHARTER to allow the Council on Environmental Quality to advise the County Executive and the County Legislature on matters pertaining to bicycle routes along County roadways and infrastructure relating to facilitating bicycle and pedestrian uses in Suffolk County.

This law shall take effect immediately upon its filing in the Office of the Secretary of State

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-CEQ advise on bike routes

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO. ___ -2010, A LOCAL LAW AMENDING THE SUFFOLK COUNTY EMPIRE ZONE BOUNDARIES TO INCLUDE BREN-TRONICS, INC. (SUFFOLK COUNTY TAX MAP NO. 0400-22.000-0100-045.000).

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on - 2010, a proposed local law entitled, "**A LOCAL LAW AMENDING THE SUFFOLK COUNTY EMPIRE ZONE BOUNDARIES TO INCLUDE BREN-TRONICS, INC. (SUFFOLK COUNTY TAX MAP NO. 0400-22.000-0100-045.000)**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

**LOCAL LAW NO. - 2010, SUFFOLK COUNTY, NEW YORK
A LOCAL LAW AMENDING THE SUFFOLK COUNTY EMPIRE ZONE
BOUNDARIES TO INCLUDE BREN-TRONICS, INC. (SUFFOLK COUNTY TAX MAP
NO. 0400-22.000-0100-045.000).**

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

Section 1. Legislative Intent.

This Legislature finds and determines that pursuant to Local Law No. 14-2003, this Legislature authorized the designation of an Empire Zone; that Local Law ___-2009 established Empire Zone boundaries; and that a new local law is required to submit to New York State a request to revise the zone boundaries to include Bren-tronics, Inc., located at premises described as Suffolk County Tax Map No. 0400-22.000-0100-045.000.

This Legislature also finds and determines that New York State amended the Empire Zone Program to include specific projects deemed as Regionally Significant Projects. Regionally Significant Projects are defined as company and site specific projects located outside the existing zone boundaries that will create fifty (50) or more new jobs within a three year period.

This Legislature further finds and determines that Bren-tronics, Inc., a manufacturer of renewable energy systems, located at 8 and 10 Brayton Court, Commack, NY 11725 meets the criteria of Section 957(d) of the NEW YORK GENERAL MUNICIPAL LAW for a Regionally Significant Project and has requested consideration for such designation by the Suffolk County Empire Zone - Zone Administrative Board.

Therefore, the purpose of this law is to authorize the submission of an application to New York State to amend the boundaries of the Suffolk County Empire Zone, to include the above location.

Section 2. Application.

The Suffolk County Empire Zone - Zone Administrative Board, is hereby authorized, empowered and directed in accordance with Section 3 of this Law to submit an application to the New York State Department of Economic Development to augment the boundaries of the existing Empire Zone and to execute such documents as are necessary and desirable to effectuate the purposes of this Law.

Section 3. Request for Consideration.

- A.) The Commissioner of the New York State Department of Economic Development is hereby requested to revise the boundaries of the Empire Zone in accordance with this Law.
- B.) The Clerk of the Suffolk County Legislature is hereby authorized, empowered and directed to file a certified copy of this local law with said Commissioner upon its adoption.

Section 4. Designation of Revised Empire Zone Boundaries.

The boundary of the Empire Zone, designated in Local Law 14-2003 and Local Law ___-2009, as adopted, shall be amended to include Suffolk County Tax Map No. 0400-22.000-0100-045.000.

Section 5. Real Property Tax Exemption.

- A.) The property included in the revised boundaries as described and designated by this Law is hereby granted an exemption from the taxes and special ad valorem levies by the County of Suffolk and the exemption shall be granted for the period and to the extent provided for in Section 485-e of the New York Real Property Tax Law. This exemption shall be for a term of (10) years, notwithstanding that the designation of the Empire Zone may expire prior to the end of such ten (10) year term.
- B.) The exemption granted pursuant to this Law shall only take effect as to the revised Empire Zone designation in the event that the revised designation is approved by New York State and placed on the tax rolls. In the event the revised Empire Zone designation is not approved, the exemption granted pursuant to Local Law No. 14-2003, as adopted, shall continue pursuant to the terms of that Law.

Section 6. Applicability.

This Law shall apply to all actions and taxable status dates occurring on or after the effective date except as otherwise provided for herein.

Section 7. Severability.

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

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (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 on non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

APPROVED BY:

Steve Levy
County Executive of Suffolk County

Date of Approval: _____

After a public hearing duly held on
Filed with the Secretary of State on _____

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



1038

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: DECEMBER 29, 2009
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2010

TITLE: A LOCAL LAW AMENDING THE SUFFOLK COUNTY EMPIRE ZONE BOUNDARIES TO INCLUDE BREN-TRONICS, INC., (SUFFOLK COUNTY TAX MAP NO. 0400-22.000-01.00-045.000)

SPONSOR: PRESIDING OFFICER ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 12/28/2009 PUBLIC HEARING: / /2010
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

Enactment of this proposed local law would authorize the submission of an application to re-designate the boundaries of the Suffolk County Empire Zone. This local law would authorize the designation of a revised Empire Zone to include the Bren-tronics, Inc., property in Commack.

If these new boundaries are accepted by the New York State Department of Economic Development, the above properties would be granted an exemption from real property taxes, special ad valorem levies, and certain other taxes by the County of Suffolk pursuant to State law.

This local law would be effective immediately upon its filing in the Office of the Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\rule28\28-empire-zone-bren-tronics

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1038

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
RESOLUTION TO AMEND EMPIRE ZONE BOUNDARIES TO INCLUDE BREN-TRONICS, INC.		
3. Purpose of Proposed Legislation		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District <input type="checkbox"/>	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
8. Proposed Source of Funding		
9. Timing of Impact		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date

SCIN FORM 175b (10/95)

DEC 22 2009

1038

SUFFOLK COUNTY

DEPARTMENT OF ECONOMIC DEVELOPMENT AND WORKFORCE HOUSING

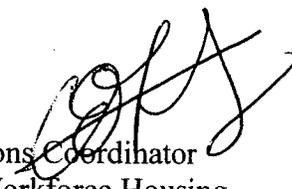
MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Eric Naughton, Budget Director
Office of the County Executive

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

DATE: December 22, 2009

SUBJECT: RESOLUTION TO AMEND EMPIRE ZONE BOUNDARIES
TO INCLUDE BREN-TRONICS, INC.



The Department of Economic Development and Workforce Housing requests the submission of the attached resolution. This resolution amends the Suffolk County Empire Zone boundaries to include Bren-tronics, Inc. located at 8 and 10 Brayton Court, Commack, NY 11725. Bren-tronics is a manufacturer of renewable energy systems including rechargeable batteries and charging systems. Empire State Development has reviewed this request for designation as a Regionally Significant Project and has approved its formal submission.

Attached please find the draft resolution and required SCIN 175a and 175b. Electronic copies have been submitted to the County Executive Resolution Review Committee.

Thank you.

CEF/kmb
Enclosures

cc: Christopher Kent, Chief Deputy County Executive
Yves R. Michel, Commissioner
✓ Brendan Chamberlain, County Executive Assistant



Steve Lent

Suffolk County Executive

Yves R. Michel
Commissioner

BETTER FOR BUSINESS... BETTER FOR LIFE

1039

Intro. Res. No. -2010

Laid on Table

1/4/10

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2009, ACCEPTING AND APPROPRIATING A STATE GRANT IN THE AMOUNT OF \$10,000.00 FROM THE NEW YORK STATE DIVISION OF VETERANS' AFFAIRS IN SUPPORT OF THE SUFFOLK COUNTY VETERANS SERVICE AGENCY'S OUTREACH PROGRAM

WHEREAS, the New York State Division of Veterans' Affairs has awarded \$10,000 in State funds to the Suffolk County Veterans Service Agency's Veterans Outreach Program; and

WHEREAS, these funds will be used to offset operating expenses for veterans job fairs and outreach field work; and

WHEREAS, the agreement period of this program will be April 1, 2009 through September 15, 2011; and

WHEREAS, said grant funds totaling \$ 10,000.00 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 hereby are authorized to accept and appropriate said grant funds as follows:

REVENUE:	AMOUNT
001-3711-State Aid:	\$ 10,000.00

ORGANIZATIONS:

Suffolk County Executive
Veterans Service Agency
001-EXE-6508

2000-Equipment	<u>\$5,400.00</u>
2500-Other equipment not otherwise	5,400.00
3000-Supplies, Materials & Others	<u>\$4,600.00</u>
3010-Supplies	4,000.00
3770-Advertising	1,600.00

DATED:

APPROVED BY:

Date:

Agency Code: 01190
Contract Number: TM09043
Federal I.D. 116000464
Grant Amount: 10000

20091110 11:53

1039

Contract

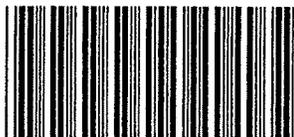
between

Suffolk County Veterans Service Agency

and

THE NEW YORK STATE DIVISION OF VETERANS' AFFAIRS

Date: August 25, 2009



0004266

Contract

1039

This Contract is made by and between the State of New York, acting by and through the New York State (NYS) Office of General Services on behalf of the NYS Division of Veterans' Affairs with its principal offices at Corning Tower, Empire State Plaza, Albany, New York 12242 (hereinafter referred to as the "State"); and Suffolk County Veterans Service Agency (hereinafter referred to as the "Grantee"), with principal offices at H.Lee Dennison Bldg- 100 Veterans Memorial Hwy, Hauppauge, NY 11788. The foregoing are collectively referred to as the "Parties."

Witnesseth

Whereas, the Grantee is a Not-for-Profit organization duly organized pursuant to the laws of the State of New York, and

Whereas, the New York State Legislature has provided an appropriation of \$10,000 to Grantee as part of the New York State Budget for FY 2009-2010, and

Whereas, the New York State Division of Veterans Affairs has authorized the New York State Office of General Services to administer this appropriation on their behalf, and

Whereas, the Grantee desires to use the \$10,000 appropriation for the purposes set forth below, and

Whereas, it was the intention of the Legislature to provide such assistance to the Grantee,

Now, therefore, in consideration of the mutual covenants and Warrants herein set forth, the parties agree as follows:

1. The Grantee shall use the appropriation as summarized in the Workplan/Budget (Appendix D) (hereinafter referred to as "Grant Purpose") for the purpose of job fairs, clothing and hygiene kits to veterans, operating expenses, and field radios. Any modification to the Workplan/Budget which results in a change of greater than 10% to any budget category must be submitted to the State for approval as appropriate.

2. In the performance of this contract, the Grantee, its agents and employees shall obtain all approvals, licenses, and permits that may be required to ensure that the work, programs and services performed or provided by the Grantee comply with applicable federal, State and local laws. The Grantee shall perform all services in accordance with the Grant purpose and program objectives.

3. (a) The State of New York shall provide financial assistance to the Grantee in accordance with the terms of the appropriation made by the Legislature for the Grant Purpose. The responsibilities and obligations of the State of New York shall, however, be limited to the sum of \$10,000. The Parties acknowledge this is a "reimbursement based" contract. Reimbursement will be made only for those sums, up to the amount of the appropriation, expended by the Grantee on or after the April 1st start date of this contract and before the September 15th termination date of this contract for the Grant Purpose. To receive payment, the Grantee must submit a standard State voucher. On the voucher, the Grantee must set forth, in detail, the expenditures and obligations incurred to accomplish the Grant Purpose and the terms of this Contract. In addition, on the voucher, the Grantee shall certify, in writing, that the request for payment does not duplicate the reimbursement of costs that the Grantee has received or may receive from other sources. The voucher shall reference the contract number assigned to this award.

(b) Further, Grantee shall submit acceptable proof of payment (such as a copy of a cancelled check) and the original bill from the contractor/vendor establishing that the bill has been paid.

(c) The Grantee is an independent contractor and may neither hold itself out nor claim to be an officer, employee or subdivision of the State nor make any claim, demand or application to or for any right based upon any different status.

4. The Parties agree that the term of this contract shall commence on April 1, 2009 and shall terminate on September 15, 2011.

5. In accordance with the State Finance Law 99-d(4), the availability of all State funds cease on September 15th of the year following the fiscal year in which the funds were appropriated, unless such funds are re-appropriated by the New York State Legislature. Therefore, to insure that payments are made prior to the expiration date, voucher must be received at the address listed below no later than August 15th of the year following the fiscal year in which the funds were appropriated.

6. Prior to the payment of any voucher, the Office of General Services may require that the Grantee submit a progress report, summarizing the progress and status of the work being performed pursuant to this Contract.

7. In accordance with State Finance Law Section 99-d(6)(a) the State shall not be liable for payments pursuant to any contract, grant or agreement made pursuant to an appropriation in any account of the Community Project Fund if insufficient monies are available for transfer to such account of this fund, after required transfers pursuant to Section 99-d(3) of the State Finance Law.

8. Vouchers are to be submitted to the following address for processing:

NYS Office of General Services
PO Box 2282
Empire State Plaza Station
Albany, NY 12220-0282

The Office of General Services will present the Grantee's vouchers to the NYS Office of the State Comptroller on behalf of the Division of Veterans Affairs for review and approval. However, submission of the vouchers to the State Comptroller may be delayed if the Grantee does not submit vouchers to the above address or submit a progress report when required. The sum sought shall not duplicate reimbursement from other sources for the Grantee's costs and services provided pursuant to this Grant.

9. (a) If the grant amount is under or equal to \$50,000, the Grantee understands that this Contract does not take effect until after it is executed by all of the Parties. The Grantee further understands that the State cannot accept or process vouchers for payment until such time as this Contract is fully executed.

(b) If the grant amount exceeds \$50,000, the Grantee understands that this Contract does not take effect until it is approved by the NYS Attorney General and the Office of the State Comptroller. The Grantee further understands that the State cannot accept or process any vouchers for payment until such time as this Contract is fully executed

10. During the term of this Contract, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, creed, sex, national origin, age or disability and that it will take affirmative action to insure that equal employment practices will be followed.

11. Funds provided pursuant to this Contract shall not be used for any partisan political activity, or for activities that may influence legislation or the election or defeat of any candidate for public office.

12. Information relating to individuals who may receive services pursuant to this Contract shall be maintained and used only for the purposes intended under the Contract and in conformity with applicable provisions of laws and regulations.

13. The Grantee agrees that the State of New York, its departments, subdivisions, agents and employees are not responsible for any of the acts or omissions of the Grantee, including, but not limited to, negligence or other tortious conduct, and that the State of New York is not, under any circumstances, responsible for the contracts, debts or other obligations of the Grantee; and further, the Grantee agrees to indemnify and save harmless the State of New York, its departments, divisions, and employees from any and all suits, causes of actions, claims, grievances, damages, judgments and costs of every name and description that may arise out of, or by reason of, any acts or omissions relating, in any way, to this Contract or the purposes thereof.

14. The Division of Veterans' Affairs, Office of General Service, the Office of the State Comptroller and their representatives shall have the right to inspect the facilities and operations of the Grantee and shall have the right to audit the books, accounts and records of the Grantee with respect to expenditures of the sums provided herein. The Grantee shall maintain its Grant related records in accordance with the requirements set forth in Appendix A, paragraph 10.

15. Appendix A (Standard clauses for all New York State Contracts) is attached hereto and is hereby made a part of this Contract as if set forth fully herein. Appendix A is an essential and necessary part of all contracts with the State of New York. Appendix A is of the essence in the execution and performance of this contract and takes precedence over all parts of the Contract.

~~16. If the Grantee enters into subcontracts for the performance of work pursuant to this Contract, the Grantee shall take full responsibility for the acts and omissions of its subcontractors. Nothing in the subcontract shall impair the rights of the State under this Contract. No contractual relationship shall be deemed to exist between the subcontractor and the State.~~

17. Termination

(a) This Contract may be terminated at any time upon mutual written consent of the State of New York and the Grantee.

(b) The State of New York may terminate the Contract immediately, upon written notice of termination to the Grantee, if the Grantee fails to comply with the terms and conditions of this Contract and/or with any laws, rules, regulations, policies or procedures affecting this Contract. Written notice of termination shall be sent by personal messenger service or by certified mail, return receipt requested. The termination shall be effective in accordance with the terms of the notice. Upon receipt of notice of termination, the Grantee agrees to cancel, prior to the effective date of any prospective termination, as many outstanding obligations as possible, and agrees not to incur any new obligations after receipt of the notice without approval of the Division of Veterans Affairs.

(c) The Division of Veteran's Affairs shall be responsible for payment on claims pursuant to services provided and costs incurred pursuant to terms of the Contract. In no event shall the State of New York be liable for expenses and obligations arising from the program(s) in the Contract after the termination date.

(d) The Parties agree that if the unexpended balance of the Contract is not reappropriated by the New York State Legislature for a subsequent year, then the Contract shall not be renewed or otherwise continued.

18. Services performed pursuant to this Contract are secular in nature and shall be performed in a

manner that does not discriminate on the basis of religious belief, or promote or discourage adherence to religion in general or particular religious beliefs.

1039

19. The Grantee represents that it is registered with the New York Department of State as a charitable organization and that its charity's registration number is *.
(*If "None" Grantee represents that the within organization is exempt from the requirement to obtain a charity registration number pursuant to Section 172-a(d), (f) or (h) of the Executive Law).

20. The Grantee represents that its federal identification number is 116000464.

Contract Number TM09043

In Witness hereof, the parties have signed this Contract on the dates set forth below.

BY: *Ed Dumas*
(Signature)

NAME: ~~Ben Zwirn~~ *Ed Dumas*
TITLE: Chief Deputy County Executive
DATE: 11/12/09

Approved as to Legality

Christine Malafi
Suffolk County Attorney
By: *Christine Malafi*, JCA
11/2/09

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."

NEW YORK STATE OFFICE OF GENERAL SERVICES ON BEHALF OF THE
DIVISION OF VETERANS AFFAIRS

BY: *Linda A. Decker*
LINDA A. DECKER, DIRECTOR OF FINANCIAL ADMINISTRATION

DATED: 12/8/09

Verification

State of New York }
County of } SS:

On this 12 day of Nov, 2009, before me, the subscriber, personally came ED DUMAS Ben Zwirn, to me known, and who, being duly sworn, did depose and say that he/she resides at Suffolk County 100 Vets Memorial Hwy, PO Box 6100, Hauppauge, NY 11788 that he/she is the Chief Deputy County Executive of the Suffolk County organization described in and which executed the above instrument; and that he/she signed his/her name thereto by order of the board of directors of said organization.

Jeanette Perra
Notary Public

JEANETTE PERRA
Notary Public, State of New York
No. 4947609
Qualified in Suffolk County
Commission Expires February 27, 2011

Approved:

Attorney General's Signature

Thomas P. DiNapoli, State Comptroller

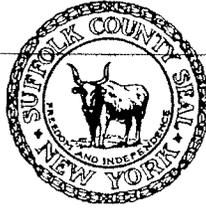
By _____

By: _____

Dated _____

Dated _____

COUNTY OF SUFFOLK



1039

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Thomas Ronayne, Director
VETERANS SERVICE AGENCY

Suffolk County Veterans Service Agency
WORKPLAN/BUDGET

June 18, 2009

Location where work is being performed: Suffolk County

Detailed scope of work including breakdown of costs to complete this project:

The Suffolk County Veterans Service Agency's Veterans Outreach Program provides assistance in identifying and addressing the needs of veterans who are homeless, incarcerated, or homebound and unaware of the benefits to which they are entitled by successfully linking them to VA, State and County level services. Events such as the Homeless Veterans Stand Down and Employment Fair connects veterans seeking shelter, food, clothing, benefits counseling, and employment with federal, state, county, profit and not for profit organizations. These services offer the veteran and their families the ability to become self-supporting members of the community. Past Stand Down events have assisted over 395 veterans.

Our Veterans Service Officers go out into the field to investigate notifications of homeless persons to determine if that person is a veteran and if they need access to shelter or are entitled to benefits. Many of these clients make their home base in the woods and parklands within Suffolk County.

The funds provided through this grant would be used for job fairs for Veterans as well as assistance to aide Veterans which include: clothing and personal hygiene kits. Funds are also to be used for operating expenses related to field radios for the counselors who reach out to homeless Veterans. Field counselors seek out homeless Veterans and may need to radio in for medical or police assistance if needed, as well as communicate with home office.

Veterans Outreach Program Budget

Purchase of handheld radios	\$5,400
Advertising	\$1,600
Clothing, sleeping bags, toiletries.....	<u>\$3,000</u>
Total	\$10,000

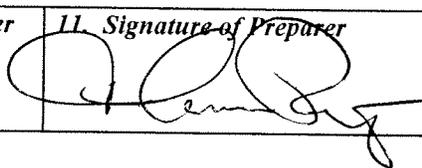
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Thomas Ronayne, Director
Suffolk County Veterans Service Agency

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

1039

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/>	Local Law	Charter Law
2. Title of Proposed Legislation Accepting and Appropriating 100% State grant funds from the New York State Division of Veterans Affairs, to the Suffolk County Veterans Service Agency In Support Of The Suffolk County Veterans Service Agency's Outreach Program		
3. Purpose of Proposed Legislation This legislation is needed to accept and appropriate 100% State grant funds from the York State Division of Veterans Affairs to the Suffolk County Veterans Service Agency for funds to offset operating expenses for veterans job fairs and outreach field work, FY 2009/2010		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding 100% State Grant Funds from the New York State Division of Veterans Affairs		
9. Timing of Impact 2009/2010		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Thomas Ronayne, Director		12/18/09

COUNTY OF SUFFOLK

Gen B4



1039

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Thomas Ronayne, Director
VETERANS SERVICE AGENCY

December 18, 2009

Brendan Chamberlain, County Executive Assistant
Intergovernmental Relations, 11th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Chamberlain:

This is to request the introduction of the enclosed Resolution to accept and appropriate State funds from the New York State Division of Veterans' Affairs to the Suffolk County Veterans Service Agency in support of the Veterans Outreach Program. Funding is available for the FY 2009-2010 period.

Enclosed is supporting documentation necessary to process this request:

RESO-Vets Outreach Assistance FY09-10
Backup-EXE-Contract Number: TM09043 between SC VSA & NYS DVA
Backup-EXE-Vets Outreach Assistance FY09-10 SCIN 175a & b

An e-mail copy of this Resolution with backup has been sent to CE Review under file name Reso-EXE-Vets Outreach Assistance FY09/10.

Please contact Sue Erickson at 3-8383 if you need further information.

Sincerely,

Tom Ronayne
Director

Enclosures

1040
Intro. Res. No. - 2010
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 1/4/10

RESOLUTION NO. -2010 AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - OPEN SPACE COMPONENT - FOR THE SPRING MEADOW ENTERPRISES, LLC PROPERTY (TOWN OF BROOKHAVEN - SCTM#0200-128.00-01.00-016.002)

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

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

WHEREAS, Resolution No. 202-2004, authorized planning steps for the acquisition of said property; and

WHEREAS, the Town of Brookhaven ("Town") has approved Resolution No. 2009-603 on June 23, 2009 authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

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

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property, the Town of Brookhaven and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore, be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of Six Million Eight Hundred Twenty Five Thousand Two Hundred Fifty Dollars (\$6,825,250.00±), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Five Million One Hundred Eighteen Thousand Nine Hundred Thirty Seven Dollars and 50/100 Cents (\$5,118,937.50±), for a seventy five percent (75%)

undivided interest; and the Town's share, totaling One Million Seven Hundred Six Thousand Three Hundred Twelve Dollars and 50/100 Cents (\$1,706,312.50±), for a twenty five percent (25%) undivided interest, at One Hundred Fifteen Thousand Dollars (\$115,000.00) per acre, for 59.35± acres, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY</u> <u>TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER</u> <u>AND ADDRESS:</u>
No. 1	District 0200	59.35±	Spring Meadow Enterprises, LLC
	Section 128.00		P.O. Box 361
	Block 01.00		Wading River, NY 11792
	Lot 016.002		John Zoumas, Managing Partner

and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for Five Million One Hundred Eighteen Thousand Nine Hundred Thirty Seven Dollars and 50/100 Cents (\$5,118,937.50±), subject to a final survey, said amount representing the County's share of the total purchase price; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$5,118,937.50±, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

4th RESOLVED, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County of Suffolk owning seventy five percent (75%) undivided interest and the Town owning twenty five percent (25%) undivided interest; and, be it further

5th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

6th RESOLVED, that pursuant to Section C12-2(A)(2)(c) the County's portion of this property is not to be developed and Thirty Eight Workforce Housing Development Rights (38)

shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

7th RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

c.) any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area;

g.) Open Space; and, be it further

8th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

9th RESOLVED, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town to effectuate the terms of this resolution; and, be it further

10th RESOLVED, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and, be it further

11th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

12th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) is passive recreation; and
- 3.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact that the proposed acquisition and preservation of the site would have; and, be it further

13th RESOLVED, that in accordance with Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to

prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

RESOLUTION SUBMISSION

MEETING OF: June 23, 2009

RESOLUTION NO. 2009-603

MOVED BY COUNCILMEMBER: Jane Bonner

REVISION

SHORT TITLE: AUTHORIZING THE ACQUISITION OF PROPERTY FOR OPEN SPACE PURSUANT TO PROGRAM WITH SUFFOLK COUNTY FOR PROPERTY LOCATED ON ROUTE 25A, WADING RIVER, NEW YORK – SCTM #0200-128.00-01.00-016.002 – OWNER: SPRING MEADOW ENTERPRISES

DEPARTMENT: LAW

REASON: To partner with the County of Suffolk to acquire the above property

PUBLIC HEARING REQUIRED: NO

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED: Town Share 25% ± \$1,706,312.50 based upon \$115,000.00 per acre (59.35± acres), plus acquisition costs – Full Purchase Price \$6,825,250.00 – H8510 3080 2009

SEQRA REQUIRED: No – already prepared

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED:

AE:dlm

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Fiore-Rosenfeld					
		Councilmember Bonner					
		Councilmember Walsh					
		Councilmember Kepert					
		Councilmember Mazzei					
		Councilmember Romaine					
		Supervisor Lesko					

RESOLUTION NO. 2009-603
MEETING OF: June 23, 2009

1040

AUTHORIZING THE ACQUISITION OF
PROPERTY FOR OPEN SPACE PURSUANT TO
PROGRAM WITH SUFFOLK COUNTY FOR
PROPERTY LOCATED ON ROUTE 25A,
WADING RIVER, NEW
YORK – SCTM #0200-128.00-01.00-016.002 –
OWNER: SPRING MEADOW ENTERPRISES

WHEREAS, at the general election held on November 6, 2007, the electorate approved the mandatory referendum on Resolution No. 770-2007 adopting a Charter Law extending and accelerating the existing Suffolk County ¼% Drinking Water Protection Program for Environmental Protection, Sewer District Tax Rate Stabilization and County-wide Property Tax Protection from December 31, 2013 to November 30, 2030 (Local Law No. 24-2007); and

WHEREAS, the intent of Local Law No. 24-2007 is to extend the ¼% Suffolk County Drinking Water Protection Program for 17 years and to accelerate the land acquisition component of the program by permitting borrowing of up to \$322 million over the next four (4) years with the cost of the borrowing to be repaid from the ¼% Sales Tax Revenue Stream; and

WHEREAS, by Resolution No. 86-2008 the County Legislature appropriated \$15 million for the Suffolk County Environmental Legacy Fund for the acquisition of environmentally sensitive lands denominated as open space, farmlands, historic properties and active parklands; and

WHEREAS, Local Law No. 35-1999, "A Charter Law Adopting Common Sense Tax Stabilization Plan for Sewers, Environmental Protection and County Taxpayers," Section

C12-2(A)(1) authorized the use of 13.55 percent of sales and compensating tax proceeds generated each year for open space acquisitions, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, the 5th RESOLVED clause of Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, the appropriation and expenditure of any such bond proceeds pursuant to Charter §C-12-A-1(A)(3)(a) shall be conditioned upon receipt by the County of Suffolk of a written binding pledge or commitment to provide seventy-five percent (75%) of the actual cost of the acquisition from the State of New York, local municipality, and/or federal government for each such parcel; and

WHEREAS, pursuant thereto, said acquisitions are to be made in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code which provides that the same shall be consummated in accordance with the provisions of General Municipal Law §247; and

WHEREAS, the Town of Brookhaven is desirous of acquiring open space with Suffolk County and shall provide twenty-five percent (25%) of the actual cost of acquisition; and

WHEREAS, pursuant thereto, the Environmental Bond Act Advisory Committee of the Town of Brookhaven reviewed and recommended for acquisition lands situated in the Town of Brookhaven, located at Route 25A, Wading River, New York, described as SCTM No. 0200-128.00-01.00-016.002, (Exhibit "A"), and

WHEREAS, the title to these acquisitions shall be held by the Town of Brookhaven (25%), the County of Suffolk (75%); and

WHEREAS, that if it is not contrary to any statute, the Suffolk County Charter, any local law, any regulation or other County policy, the Town of Brookhaven should be authorized to negotiate and to enter into a municipal cooperation agreement with the County for the management of said County acquisitions and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the Suffolk County Director of Planning who would be charged with the management and operation of said property;

NOW, THEREFORE, BE IT RESOLVED, that the parcel listed in Exhibit "A" is hereby authorized to be acquired, and the Town's portion thereof shall be deemed to be included in the Town of Brookhaven Environmental Bond Act Open Space Preservation Program; and be it further

RESOLVED, that the Supervisor of the Town of Brookhaven, or his deputy, is hereby authorized, empowered and directed, to acquire said open space; and be it further

RESOLVED, that the funding for the aforesated acquisitions is hereby authorized and appropriated for payment of at least twenty-five percent (25%) of the actual costs of said acquisition and twenty-five percent (25%) of all appraisals, title costs, tax adjustment and environmental audits as noted above; and be it further

RESOLVED, that these proposed acquisitions may be consummated in accordance with the provisions of the Brookhaven Town Code in connection with such open space acquisitions; and be it further

RESOLVED, that the Town Attorney of the Town of Brookhaven or his designee is hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate to consummate such acquisitions, including, but not limited to, securing appraisals, obtaining surveys, obtaining engineering reports, securing title searches and insurance, and executing such other documents as are required to acquire such interest in said lands; and be it further

RESOLVED, in the event a tax map number contained in Exhibit "A" has been deleted or removed, or has been changed by either subsequent technical modification of the Suffolk County tax map system, or prior technical modification that was unknown to Suffolk County at the time this Exhibit was prepared, the tax map designation shall be deemed to include such successor tax map number as represents the parcel to be acquired, and certified in writing by the Assessor of the Town of Brookhaven; and be it further

RESOLVED, that the title to these acquisitions shall be held by Town of Brookhaven (25%), the County of Suffolk (75%); and be it further

RESOLVED, that if it is not contrary to any statute, the Suffolk County Charter, any local law, any regulation or other County policy, the Town of Brookhaven is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the County for the management of said County acquisitions and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the Suffolk County Director of Planning who is hereby charged with the management and operation of

said property; and be it further

RESOLVED, that the County and the Town of Brookhaven shall be parties to the purchase contract; and be it further

RESOLVED, that the Supervisor or Deputy Supervisor of the Town of Brookhaven is hereby authorized to negotiate and enter into any necessary collateral agreements with the aforesated participating governmental entities to effectuate the terms of this resolution; and be it further

RESOLVED, that the purchase contract and any collateral agreements shall reflect the terms specified in this resolution; and be it further

RESOLVED, that the terms and conditions of the purchase contract and any collateral agreements shall be reviewed and approved as to form by the Town Attorney; and be it further

RESOLVED, that the Town Attorney be and hereby is authorized to do all things necessary to acquire an unencumbered title to the subject parcels.

1040

EXHIBIT TO RESOLUTION APPROVING ACQUISITION OF OPEN SPACE
PURSUANT TO PROGRAM WITH SUFFOLK COUNTY FOR
PROPERTY LOCATED AT ROUTE 25A, WADING RIVER, NEW YORK

TAX MAP NO.

ACREAGE

REPUTED OWNER

District 0200
Section 128.00
Block 01.00
Lot 016.002

59.35 ± acres

Spring Meadow Enterprises

Gen B5

COUNTY OF SUFFOLK



1040

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
PAMELA J. GREENE
DIVISION DIRECTOR

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

December 21, 2009

Mr. Ben Zwirn
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of the Spring Meadow Enterprises, LLC property, in the Town of Brookhaven, under the New Suffolk County ¼% Drinking Water Protection Program. The purchase price is \$6,825,250.00± for 59.35± acres, of which the County's 75% share will be \$5,118,937.50.

Please contact me if you require any additional information.

Sincerely,

Pamela J. Greene
Director

PJG:pd
Att.

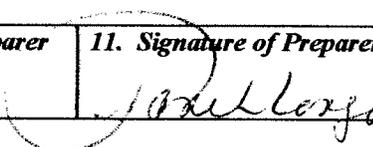
- cc: Christopher E. Kent, Chief Deputy County Executive
- Ed Dumas, Chief Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Brendan Chamberlain, Director, Intergovernmental Relations
- Tom Vaughn, County Executive Assistant
- Peter Belyea, Acquisition Agent
- CE Reso Review (e-mail copy only)

LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

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

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION (040)**

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation Authorizing the acquisition under the New Suffolk County 1/4% Drinking Water Protection Program, of the Spring Meadow Enterprises, LLC property, SCTM#0200-128.00-01.00-016.002, (Town of Brookhaven).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding New Suffolk County 1/4% Drinking Water Protection Program		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Janet M. Longo Acquisition Supervisor	11. Signature of Preparer 	12. Date December 21, 2009

1041

Intro. Res. No. - 2010

Laid on Table

1/4/10

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2010 AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) FOR THE HARRIMAN ESTATES AT AQUEBOGUE LLC PROPERTY (TOWN OF RIVERHEAD - SCTM#0600-085.00-03.00-072.008 THROUGH 072.103)

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

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

WHEREAS, Resolution No. 192-2009, authorized planning steps for the acquisition of farmland development rights of the subject property; and

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

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

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the rights to subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said rights were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the office of the County Attorney; now, therefore, be it:

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the farmland development rights of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, for a total purchase price of Nine Million Six Hundred Seventy Nine Thousand Eight Hundred

Dollars (\$9,679,800.00+), at One Hundred Seventy Thousand Dollars (\$170,000.00) per acre for 56.94+ acres, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments for inclusion in the Suffolk County Farmland Development Rights Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>		<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District	0600	56.94+	Harriman Estates at Aquebogue LLC A New York Limited Liability Company 176 Cove Road Oyster Bay, NY 11771
	Section	085.000		
	Block	03.00		
	Lot	072.008 through 072.103		

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Nine Million Six Hundred Seventy Nine Thousand Eight Hundred Dollars (\$9,679,800.00+), at One Hundred Seventy Thousand Dollars (\$170,000.00) per acre for 56.94+ acres, subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$9,679,800.00+, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for this acquisition; and, be it further

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

COUNTY OF SUFFOLK



1041

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
PAMELA J. GREENE
DIVISION DIRECTOR

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

December 21, 2009

Mr. Ben Zwirn
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of farmland development rights for the Harriman Estates at Aquebogue LLC property, in the Town of Riverhead, under the New Suffolk County 1/4% Drinking Water Protection Program-Farmland. The purchase price is \$9,679,800.00_±, for 56.94_± acres, at \$170,000.00 per acre.

Please contact me if you require any additional information.

Sincerely,

Pamela J. Greene
Pamela J. Greene
Director

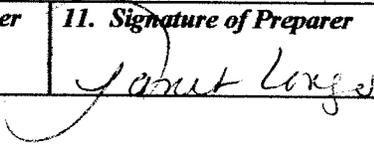
PJG:pd

Enc.

- cc: Christopher E. Kent, Chief Deputy County Executive
- Ed Dumas, Chief Deputy County Executive
- Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
- Thomas A. Isles, Director, Planning Department
- Janet M. Longo, Acquisition Supervisor
- Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condemnation
- Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
- Brendan Chamberlain, Director, Intergovernmental Relations
- Tom Vaughn, County Executive Assistant
- Bob Zaher, Acquisition Agent
- CE Reso Review (e-mail copy only)

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

1041

1. Type of Legislation		
Resolution	<input checked="" type="checkbox"/>	Local Law
	<input type="checkbox"/>	<input type="checkbox"/>
Charter Law		
2. Title of Proposed Legislation		
Authorizing the acquisition of farmland development rights under the New Suffolk County ¼% Drinking Water Protection Program, of the Harriman Estates at Aquebogue LLC property, SCTM#0600-085.00-03.00-072.008 through 072.103 (Town of Riverhead).		
3. Purpose of Proposed Legislation		
See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact:		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
New Suffolk County ¼% Drinking Water Protection Program-Farmland		
9. Timing of Impact		
N/A		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Janet M. Longo Acquisition Supervisor		December 21, 2009

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 2010, ACCEPTING AND APPROPRIATING 100% FUNDING FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR SUPPLEMENTAL CHILD CARE SUBSIDY ALLOCATIONS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

WHEREAS, the New York State Office of Children and Family Services (OCFS) has awarded the Suffolk County Department of Social Services additional Child Care stimulus funds provided under the ARRA, in the amount of \$2,493,706 to supplement the New York State Office of Children and Family Services Child Care Block Grant (CCBG) for the period beginning October 1, 2008 and ending September 30, 2010 to help off-set the cost providing child care under the NYS CCBG for low-income families not receiving public assistance; and

WHEREAS, New York State OCFS has identified claims for expenditures under the NYS CCBG for low-income families not receiving public assistance for payments to non-contracted child care providers and/or for payments issued directly to parents or caretakers as eligible for ARRA child care funds; and

WHEREAS, the increase in funding will be used to open additional subsidized child care for low-income families from the non-temporary assistance child care waiting list; and

WHEREAS, it is the intention of the Department of Social Services to utilize this one time revenue in such a manner as to not create a recurring expense; and

WHEREAS, the ARRA grant funds are 100% federally funded and it is in the best interest of Suffolk County to accept and appropriate; now, therefore, be it

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

REVENUES:		<u>\$2,493,706</u>
001-4620	FEDERAL AID: Child Care Block Grant	\$2,493,706

and be it further

2nd RESOLVED, that the total funds in the amount of \$2,493,706 be and are hereby appropriated as follows:

ORGANIZATIONS		<u>\$2,493,706</u>
	Department of Social Services	
	Client Benefits	
	001-DSS -6170	
<u>4000 – Program Expenses</u>		<u>\$2,493,706</u>
4690- Day Care		\$2,493,706

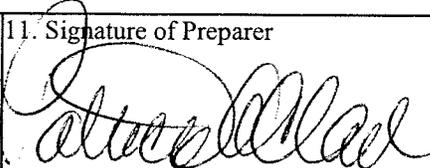
DATED: _____

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

1042

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% FUNDING FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR SUPPLEMENTAL CHILD CARE SUBSIDY ALLOCATIONS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)		
3. Purpose of Proposed Legislation The 100% Federal Child Care ARRA funding in the amount of \$2,493,706 has been allocated by NYS OCFS and is specifically for additional NTA Child costs. The allocation will provide funding for new NTA low-income child care from the child care waiting list.		
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% Funding.		
8. Proposed Source of Funding. ARRA Funds – 100% Federal Funds.		
9. Timing of Impact. Immediate		
10. Typed Name & Title of Preparer Patricia A. Clark Director of Management and Research	11. Signature of Preparer 	12. Date 12/9/09



1042

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF SOCIAL SERVICES

Gregory J. Blass
Commissioner

Memorandum

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

From: Gregory J. Blass, Commissioner
Department of Social Services *GJB*

Date: December 10, 2009

Subject: **REQUEST FOR LEGISLATION:**
Accepting 100% Funding for a Child Care Block Grant Supplemental Allocation under the American Recovery and Reinvestment Act (ARRA).

I am requesting the introduction of the attached resolution to accept Federal Stimulus funding under the Recovery and Reinvestment Act (ARRA) be submitted at the January 4, 2010 organizational meeting to the Suffolk County Legislature:

“ACCEPTING AND APPROPRIATING 100% FUNDING FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR SUPPLEMENTAL CHILD CARE SUBSIDY ALLOCATIONS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)”

Office of Children and Family Services (OCFS) has awarded the Suffolk County Department of Social Services additional Child Care stimulus funds provided under the ARRA, in the amount of \$2,493,706 to supplement the New York State Office of Children and Family Services Child Care Block Grant (CCBG) for the period beginning October 1, 2008 and ending September 30, 2010. The increase in funding will be used to open additional subsidized child care for low-income families from the non-temporary assistance child care waiting list.

Attached please find the above referenced resolution, the introduction form (SCIN Form 175a), the fiscal impact statement (SCIN Form 175b), and related back-up material. The e-copies relating to this resolution are titled “Reso-DSS-Child Care Award Funding ARRA.” If you have any questions, please contact Patricia Clark at 854-9939.

Enc.

c: Christopher Kent, Chief Deputy County Executive
ec: CE Reso. Review Distribution List

1043
Intro. Res. No. - 2010 Laid on Table 1/4/10
Introduced by Presiding Officer Lindsay on request of the County Executive

**RESOLUTION NO. -2010, AUTHORIZING THE
COUNTY EXECUTIVE TO ENTER INTO A LEASE WITH
EASTERN LONG ISLAND SOLAR PROJECT TO USE
COUNTY PROPERTY IN CONNECTION WITH THE
DEVELOPMENT OF SOLAR ENERGY FACILITIES**

WHEREAS, pursuant to a competitive procurement process Long Island Power Authority has approved power purchase agreements with BP Solar International Inc and enXco Development Corp. to provide capacity and energy, and associated renewable energy credits from solar arrays to meet LIPA's renewable energy goals; and

WHEREAS, as part of the process, the County identified a number of County locations which might be suitable for use by bidders as potential locations for the solar energy facilities; and

WHEREAS, enXco has requested the use of parking facilities at six County locations which would be suitable for the construction and operation of the solar energy facilities, including: H. Lee Dennison Building, Hauppauge; County Center, Riverhead; Cohalan Court Complex, Central Islip; Deer Park Rail Road Station, Deer Park; Ronkonkoma Rail Road Station, Ronkonkoma; and Brentwood Rail Road Station, Brentwood; and

WHEREAS, the County is committed to reducing carbon emissions and encouraging the use of clean, renewable energies and can demonstrate this commitment by permitting County property to be used to further renewable energy goals; now, therefore, be it

1ST RESOLVED, that Long Island Power Authority, being the State Environmental Quality Review Act (SEQRA) lead agency for this project, adopted a negative declaration for the project on December 17th, 2009; and be it further

2ND RESOLVED, that the County Executive be and hereby is authorized to execute a Lease Agreement in substantial conformance with the form attached and in accordance with such other terms and conditions negotiated by the County Attorney's Office and enXco necessary to facilitate the use of certain County parking facilities for the construction and operation of solar energy facilities.

DATED:

County Executive of Suffolk County
Date of Approval:

LEASE AGREEMENT

between

COUNTY OF SUFFOLK

and

**EASTERN LONG ISLAND SOLAR PROJECT, LLC, a Delaware limited liability
company**

Date: _____, 2010

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- Section 36: Representations and Warranties of Lessee
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- Section 46: Governing Law
- Section 47: Severability
- Section 48: Interpretations
- Section 49: Memorandum
- Section 50: Execution in Counterparts
- Section 51: Entire Agreement

EXHIBITS

- Exhibit A – Descriptions of Property
- Exhibit B – Cash Flow Payments
- Exhibit C – Approved Site Plan
- Exhibit D – Form of Surety Bond
- Exhibit E – Liens and Encumbrances
- Exhibit F – Legislative Requirements
- Exhibit G – Form of Memorandum of Agreement

LEASE AGREEMENT

THIS LEASE AGREEMENT ("**Agreement**"), made as of _____ 2009, by and between the COUNTY OF SUFFOLK, a municipal corporation whose address is COUNTY Center, Riverhead, New York (hereinafter the "**COUNTY**"), acting through its duly constituted Department of Public Works (hereafter the "**Department**"), located at 335 Yaphank Avenue, Yaphank, New York 11980 and Eastern Long Island Solar Project, LLC, a Delaware limited liability company, , with an address at c/o enXco, Inc., 700 La Terraza Blvd. Ste 200, Escondido, CA 92025 (hereinafter called the "**Lessee**"). County and Lessee shall hereinafter also be referred to as a "**Party**" or collectively, the "**Parties**."

WITNESSETH, THAT:

NOW, THEREFORE, in consideration of the mutual agreements and respective promises herein contained and made by the parties hereto, the parties hereby agree, effective as the last date of execution below (the "**Effective Date**" of this Agreement) unless otherwise stated, as follows:

Section 1. Definitions

Business Day: means any day except a Saturday, a Sunday, or any day in which commercial banks are required or authorized to close in Suffolk County, New York.

Calendar Quarter shall mean each three month period during the Calendar Year, i.e., January 1-March 31, April 1- June 30, July 1- September 30, and October 1-December 31.

Calendar Year: means January 1 through December 31.

Cash Flow Estimate: shall have the meaning set forth in *Section 5.02*.

Commencement Date: means the date on which the approvals of Long Island Power Authority ("LIPA") and the Suffolk County Legislature have been received. Promptly after the Commencement Date, County and Lessee shall execute a written confirmation of the Commencement Date in the form provided by County. In the event the Commencement Date does not occur on or before _____ or in the event either LIPA or the Suffolk County Legislature do not approve of the transaction contemplated herein upon terms and conditions reasonably satisfactory to Lessee, Lessee shall have the right to terminate this Agreement upon ten (10) days written notice to County and thereafter, this Agreement shall be terminated. Except for those obligations herein which are intended to survive the termination of this Agreement, neither party shall have any obligations to the other party after such termination.

Day: means a period of twenty-four (24) consecutive hours beginning at 00:00 hours EPT on any calendar Day and ending at 24:00 hours EPT on the same calendar Day.

Effective Date: means the last date of execution of this Agreement.

Environmental Attributes: mean any and all current or future credits, benefits, emissions reductions, environmental air quality credits, emissions reduction credits, renewable energy credits, offsets and allowances, attributable to the Solar Energy system, or otherwise attributable to the generation, purchase, sale or sue of energy from or by the Solar Energy System, however entitled or named, resulting from the

avoidance reduction, displacement or offset of the emission of any gas, chemical or other substance, including any of the same arising out of legislation or regulation concerned with oxides of nitrogen, sulfur or carbon, with particulate matter, soot or mercury, or implementing the United Nations Framework Convention on Climate Change (UNFCCC) or the Kyoto Protocol to the UNFCCC or crediting "early action" emissions reduction, or Laws or regulations involving or administered by the Clean air Markets Division of the Environmental Protection Agency (or successor agency), or any state or federal entity given jurisdiction over a program involving transferability of Environmental Attributes, and any Green Tag Reporting rights to such Environmental Attributes.

Force Majeure: means any act or event that delays or prevents a Party from timely performing all or a portion of its obligations under this Agreement or from complying with all or a portion of the conditions under this Agreement if such act or event, despite the exercise of reasonable efforts, cannot be avoided by and is beyond the reasonable control of and without the fault or negligence of the Party relying thereon as justification for such delay, nonperformance, or noncompliance and may include without limitation: an act of God or the elements such as heavy rains, lightning, hurricanes, tornadoes, or ice storms; explosion; fire; volcanic eruption; flood; epidemic; landslide; mudslide; sabotage; terrorism; earthquake; or other cataclysmic events; an act of public enemy; war; blockade; civil insurrection; riot; civil disturbance; strikes or other labor difficulties caused or suffered by a Party or any third party; site conditions (including subsurface conditions, environmental contamination, archaeological or other protected cultural resources, and endangered species or protected habitats); unavailability of materials; full or partial reduction in the electric output of the Solar Energy System caused by defective equipment or equipment failure due to equipment design defects or serial defects; full or partial reduction in the electric output of the Solar Energy System caused by systematic weather patterns that alter irradiation rates; System Emergencies; the inability of any warranty provider for the Solar Energy System to fulfill its warranty due to bankruptcy or other end of going concern event; or any restraint or restriction imposed by applicable Law or any directive from a Governmental Authority, (including the failure to grant or the repeal, rescinding, non-renewal or the like of any permit or Law, to the extent the affected Party exercised diligent and reasonable efforts to obtain or maintain such permit or the applicability of such Law).

Green Tag Reporting Rights: mean the right of a purchaser of renewable energy to report ownership of accumulated "green tags" in compliance with and to the extent permitted by applicable Law and include, without limitation, rights under Section 1605(b) of the Energy Policy Act of 1992, and any present or future federal, state or local certification program or emissions trading program (including, if applicable, pursuant to the Western Renewable Energy Generation Information System Operating Rules).

Hazardous Materials: includes, without limitation, any "hazardous substance", "hazardous material", "toxic substance" "solid waste" or similar term as defined in any applicable Law pertaining in whole or part to the protection of the environment, natural resources or human health.

Improvements: means the Solar Energy Facilities, Solar Energy System and Transmission Facilities, collectively.

Laws: mean all applicable laws, statutes, regulations, ordinances, directives, and requirements of all federal, state, county departments, bureaus, boards, agencies, offices, commissions, and other subdivisions thereof, or of any official thereof, or of any other governmental, public or quasi-public authority.

Lender: means any lender providing senior or subordinated construction, interim or long-term debt or equity financing or refinancing for or in connection with the development, construction, purchase, installation or operation of the Solar Energy System, whether that financing or refinancing takes the form

of private debt, public debt or any other form (including debt financing or refinancing provided to a member or other direct or indirect owner of Lessee), including any equity and tax investor directly or indirectly providing financing or refinancing for the Solar Energy System or purchasing equity ownership interests of Lessee and/or its affiliates, and any trustee or agent acting on their behalf, and any Person providing interest rate protection agreements to hedge any of the foregoing obligations.

LIPA: means the Long Island Power Authority.

Operations Date: means the date on which electricity is generated, delivered and sold (excluding start-up and testing of the Solar Energy System) by the Project or any portion thereof or used by Lessee.

Parties: means the County and Lessee, collectively.

Party: means either the County or Lessee.

Premises: shall have the meaning set forth at *Section 3.01*.

Pre-Operating Annual Payments: \$ [REDACTED] per annum.

Pre-Operating Period: From the Effective Date through the Operations Date.

Property: means the County property which is the subject of this Agreement, described in *Section 3.01* and further identified in Exhibit A.

Quarterly Operating Payments: shall have the meaning set forth at *Section 5.02*.

Renewable Energy Incentives: means (i) any federal, state, or local tax credits associated with the construction, ownership, or production of electricity from the Solar Energy System (including credits under Sections 38 and 45K of the Internal Revenue Code of 1986, as amended); (ii) any investment tax credits and any other tax credits associated with the Solar Energy System (including credits under Sections 38 and 48 of the Internal Revenue Code of 1986, as amended); (iii) any state, federal or private cash payments or grants relating in any way to the Solar Energy System or the output thereof; (iv) state, federal or private grants or other benefits related to the Solar Energy System or the output thereof, and (v) any other form of incentive that is not an Environmental Attribute that is available with respect to the Solar Energy System.

Requirements: shall mean all rules, regulations, laws, ordinances, statutes, and requirements of all Governmental Authorities, and the requirements of any fire insurance rating organization and all insurance companies writing policies covering the Premises or any part or parts thereof and any Fire Insurance Rating Organization, Board of Fire Underwriters and/or similar bodies having jurisdiction thereof, whether the same now are in force or at any time in the future may be passed, adopted, enacted, or directed.

Resolution: shall have the meaning set forth at *Section 2.01*.

Solar Energy Estate: means all or any portion of Lessee's right, title or interest under this Agreement and/or in any Improvements.

Solar Energy Facilities: mean individual units or arrays of solar energy collection cells, panels, mirrors, lenses and related facilities necessary to harness sunlight for photovoltaic energy generation, including without limitation, existing and/or future technologies used or useful in connection with the generation of electricity from sunlight, and associated support structure, braces, wiring, plumbing, and related

equipment.

Solar Energy System: shall have the meaning set forth at *Section 2.02(b)*.

Term: shall have the meaning set forth at *Section 4.01*.

Transmission Facilities: mean any of the following improvements on the Properties: underground and/or overhead distribution, collection and transmission lines; underground and/or overhead control, communications and radio relay systems and telecommunications equipment; energy storage facilities; interconnection and/or switching facilities, circuit breakers, transformers; cables, wires, fiber, conduit, footings, foundations, towers, poles, crossarms, guy lines and anchors, and any related or associated improvements, fixtures, facilities, appliances, machinery and equipment.

Section 2. Purpose

Section 2.01 The parties hereto acknowledge that the COUNTY is a municipal corporation and is entering into and executing this Agreement by virtue of the authority of Resolution No. ____-2010 of the Suffolk County Legislature, dated the ____ day of _____, 2010 (the "**Resolution**"), for the use, purpose and intent expressed in the Resolution, that the Resolution is incorporated herein by reference, and further that Lessee has examined the Resolution and is fully aware of the intended purpose thereof.

Section 2.02 In accordance with applicable federal, state and local laws, rules and regulations, The County hereby leases to Lessee for the Term, the Premises for the following purposes:

- a. conducting studies of solar radiation, solar energy, soils and other meteorological on geotechnical data;
- b. constructing, reconstructing, erecting, installing, improving, replacing, relocating and removing from time to time, and maintaining, using, monitoring and operating, existing, additional or new (i) **Solar Energy Facilities**, (ii) electrical transmission and distribution facilities, including without limitation, overhead and underground transmission, distribution or collector lines, circuit breakers, meters, conduit, footings, towers, poles, crossarms, guy lines, anchors, cabling and wires, (iii) overhead and underground control, communications and radio relay systems, (iv) substations, interconnection and/or switching facilities and electric transformers and transformer pads, (v) energy storage facilities, (vi) meteorological towers and solar energy measurement equipment, (vii) control buildings, control boxes and computer monitoring hardware, (viii) utility installation, (ix) safety protection facilities, (x) maintenance yards, (xi) roads and erosion control facilities, (xii) signs and fences, and (xiii) other improvements, fixtures, facilities, machinery and equipment associated or connected with the generation, conversion, storage, switching, metering, step-up, step-down, transmission, distribution, conducting, wheeling, sale or other use or conveyance of electricity (all of the foregoing, including the Solar Energy Facilities, collectively a "**Solar Energy System**");
- c. the development, erection, installation, construction, improvement, interconnection, reconstruction, enlargement, removal, relocation, replacement and repowering, and the use, maintenance, repair and operation of, facilities for the storage, collection, distribution, step-up, step-down, wheeling, transmission and sale of electricity and for communications in connection with the Solar Energy System, including the following that are developed, constructed and/or operated on the Property and/or on property to be acquired by leasehold

or by fee purchase, by or on behalf of Lessee the Parties acknowledging and agreeing that Lessee shall have an obligation to obtain County's prior consent to the location of any Transmission Facilities;

- d. drilling, digging and excavating one or more wells on the Property for the purposes of servicing, operating and maintaining the Solar Energy System. Lessee covenants and agrees to obtain County's prior written consent and any necessary permits required in connection with such wells;
- e. removing, trimming, pruning, topping or otherwise controlling the growth of any tree, shrub, plant or other vegetation; dismantling, demolishing, and removing any improvement, structure, embankment, impediment, berm, wall, fence or other object, on or that intrudes (or upon maturity could intrude) into the Property that could obstruct, interfere with or impair the Solar Energy System or the use of the Property intended by Lessee hereunder;
- f. vehicular and pedestrian access, ingress and egress to, from and over the Property, for purposes related to or associated with the Solar Energy System and/or the Transmission Facilities constructed, installed, maintained or repaired on the Property; or subject to the prior written consent of the Department for promotional or marketing purposes, or on adjacent property owned by the County or other property acquired by leasehold, easement or fee simple purchase by or on behalf of Lessee; which, without limiting the generality of the foregoing, shall entitle Lessee to use and improve any existing and future roads and access routes (a) from time to time located on or providing access to the Property, (b) across any other adjacent property owned by the County or other property acquired by leasehold, easement, or fee simple purchase by or on behalf of Lessee and (c) across any access routes over which the County has the right to travel;
- g. extracting soil samples, perform geotechnical tests, and conduct such other tests, studies, inspections and analysis of or on the Property as Lessee deems necessary, useful or appropriate; and
- h. undertaking any other lawful activities, whether accomplished by Lessee or a third party authorized by Lessee, that Lessee determines are necessary, helpful, appropriate or convenient in connection with, incidental to or to accomplish any of the foregoing purposes.

Section 2.03 Without limiting the provisions of *Section 2.02*, the County acknowledges and agrees that the activities contemplated by this Agreement may be accomplished by Lessee or one or more third parties authorized by Lessee, subject to any such third party/subcontractor agreeing to the terms and conditions set forth in this Agreement.

Section 2.04 Notwithstanding Lessee's right to use the Premises, the County retains the right to continue to use the Premises for parking and such other public purposes not inconsistent with Lessee's use.

Section 3. Description

Section 3.01 On and after the Effective Date, and in consideration of and subject to the terms, covenants, agreements, provisions, conditions, and limitations set forth in this Agreement, the County hereby agrees to lease to Lessee property located at _____ (the "Property"), in connection with the installation and operation of solar energy conversion equipment, which property is more specifically identified as the highlighted area on the aerial map of the subject property attached hereto as "**Exhibit A**", together with all buildings, structures, improvements, additions, and permanent

installations constructed and installed or to be constructed and installed therein, thereon, or there under during the term of this Agreement (the "**Premises**"). It is understood by Lessee that the Property is a public facility and as such, limited access to the same is not permitted.

Section 3.02 Lessee accepts the Property in its "as is" physical condition without any representation or warranty by the County as to the condition thereof or as to the use or occupancy which may be made thereof under any existing or future law, rule, regulation, or ordinance and County shall not be liable for any latent or patent defect thereon. Lessee may use the Property for the uses set forth in this Agreement. Lessee will not do, or permit to be done, any action or thing which is contrary to any legal or insurable requirement or which constitutes a public or private nuisance or waste. Notwithstanding the foregoing, in the event pre-existing waste or contamination on the Property is revealed during construction, which condition requires remediation, Lessee may cancel this Agreement.

Section 4. Term

The term of this Agreement ("**Term**") shall begin on the Commencement Date and shall remain in effect until the later to occur of (a) the twenty-first (21st) anniversary of the Operations Date, or (b) the date which is three (3) months following the expiration of Lessee's power purchase agreement with LIPA (the latter of which shall be referred to herein as the "**Expiration Date**") subject to earlier termination as set forth hereinafter; provided, however, that if such date does not fall on a Business Day then this Agreement shall end on the next Business Day).

Section 5. Payments to County

Section 5.01 During the Pre-Operating Period, Lessee shall pay to County the Pre-Operating Annual Payment as follows: The first Pre-Operating Annual Payment shall be paid by Lessee within sixty (60) Days from the Effective Date ("**First Pre-Operating Payment Date**") and thereafter, on the anniversary of the First Pre-Operating Payment Date through the Term until the Operations Date.

Section 5.02 Commencing with the Operations Date, Lessee shall make quarterly payments to County (the "**Quarterly Operating Payments**"). A schedule setting forth the amount of the Quarterly Operating Payments shall be agreed upon, in writing, prior to the issuance of the building permit, in accordance with the Schedule of Estimated Sizing and Cash Flow Payments ("**Cash Flow Estimate**") attached hereto as **Exhibit B** and incorporated herein by this reference. The parties acknowledge and agree that the Cash Flow Estimate is based upon an estimate of the size of the Solar Energy System which once completed, may be smaller or larger than the estimated size as set forth in **Exhibit B**. Once the size of the Solar Energy System is determined, and prior to the issuance of the building permit, the parties shall execute an amendment to this Agreement to specify the Quarterly Operating Payments payable by Lessee under this Agreement. Quarterly Operating Payments shall be paid, in arrears, sixty (60) Days after the end of each Calendar Quarter during the Term unless such Day falls on a weekend or holiday in which case it shall be due on the next business Day. If the Operations Date is not the first Day of a Calendar Quarter, the Quarterly Operating Payment for the portion of the first Calendar Quarter shall be prorated on a per diem basis.

Section 5.03 Quarterly Operating Payments shall no longer be due and payable if Solar Energy System operations cease at any time during the Term; provided, however, that a prorated Quarterly Operating Payment shall be due and payable for any period during which operations were conducted. This Agreement shall not be construed as imposing upon Lessee any obligation to commence or continue generating any particular quantity of electricity or derive any particular amount of receipts therefrom at any time.

Section 5.04 Lessee shall make a one-time payment to the County, in an amount not to exceed _____ Dollars (\$ _____) as reimbursement of costs incurred by the County for the installation/relocation of security cameras in certain parking areas.

Section 5.05 Nothing contained in the foregoing shall affect the survival of the obligation of Lessee as set forth in the Sections of this Agreement covering the survival of Lessee's obligations.

Section 5.06 Lessee shall pay all Quarterly Operating Payments without set-off, abatement, deductions, defense or claims, except as specifically set forth herein, to County at County's address set forth herein or at such other place as County may designate in writing in lawful currency of the United States of America. All remittances shall be made payable to "**Suffolk County Treasurer's Office.**"

Section 6. Late Charges

Section 6.01 If Lessee should fail to pay any amount required to be paid by Lessee under this Agreement within fifteen (15) Days of the due date for such payment to the County, including without limitation, any payment of fees or any payment of utility or other charges, or if any such amount is found to be due as the result of an audit, then, in such event, the County may impose (by statement, bill or otherwise) a late charge with respect to each such unpaid amount, in the amount of 2.5% of any part of the invoiced amount which has become past due for each thirty (30) Day period the subject payment is late. Such penalty shall accrue on the unpaid balance until said unpaid balance is liquidated.

Section 6.02 Each late charge shall be payable immediately upon demand made at any time therefore by the County. No acceptance by the County of payment of any unpaid amount or of any unpaid late charge amount shall be deemed a waiver of the right of the County of payment of any late charge or late charges payable under the provisions of this Section with respect to such unpaid amount. Each late charge shall be and become additional fees, recoverable by the County in the same manner and with like remedies as if it were originally a part of the fees payable hereunder. Nothing in this Section is intended to, or shall be deemed to, affect, alter, modify or diminish in any way (i) any rights of the County under this Agreement, including without limitation the County's rights set forth in **Section 28** of this Agreement or (ii) any obligations of Lessee under this Agreement. In the event that any late charge imposed pursuant to this Section shall exceed a legal maximum, such late charge payable under this Agreement shall be payable instead at such legal maximum.

Section 7. Lessee's and County's Duties and Obligations

Section 7.01 Lessee hereby agrees to design, construct and install the Improvements in accordance with this Agreement and the Approved Site Plan. For purposes of this Agreement, the "**Approved Site Plan**" is the site plan depicting the initial location and specifications of the Improvements to be constructed and installed by Lessee which has been approved by the County. The Approved Site Plan is attached hereto as **Exhibit C** and incorporated herein by this reference. Notwithstanding the foregoing, the parties agree that solar energy technologies are improving at a rapid rate and that it is probable that Lessee may (although Lessee shall not be required to) replace from time to time existing Solar Energy Facilities on the Premises with newer model or design Solar Energy Facilities which have increased energy capture and efficiency, subject to prior approval to the Department, which approval shall not be unreasonably withheld, conditioned or delayed.

Section 7.02 Lessee agrees to be solely responsible for any plans and specifications used by it and for any loss or damages resulting from the use thereof. Notwithstanding any rights the County may have reserved to itself hereunder, the County shall have no liabilities or obligations of any kind to any contractors engaged by Lessee or for any other matter in connection therewith and Lessee hereby releases

and discharges the County, its officers, representatives, and employees of and from any and all liability, claims for damages or losses of any kind, whether legal or equitable, including reasonable attorney's fees and other professional fees, or from any action or cause of action arising or alleged to arise out of or in connection with the performance of any of the construction associated with the Improvements pursuant to the contracts between Lessee and its contractors.

Section 7.03 Lessee agrees to provide a construction schedule and an alternative parking plan to the Department no less than thirty (30) days prior to the commencement of construction, which schedule and plan shall minimize disruption to persons using the parking facilities during construction.

Section 7.04 During the Term of this Agreement, Lessee, its authorized representatives, contractors and/or subcontractors shall have the right, at their own cost, expense, liability, and risk, of access to the Properties for the purposes set forth in this Agreement. Lessee shall use due care at all times Lessee, its authorized representatives, contractors and/or subcontractors are on County property and shall perform all work in connection with the construction, installation, maintenance or repair of the Improvements in a safe manner.

Section 7.05 Lessee shall use its commercially reasonable efforts to avoid interfering with the County's use of the Properties. Lessee shall further provide proper striping for parking spaces upon completion of the Improvements and shall clean up and remove all debris and materials generated pursuant to its construction and installation on the Properties at Lessee's sole cost, expense, liability, and risk.

Section 7.06 Lessee shall provide, at Lessee's sole cost and expense, all security measures reasonably necessary, in Lessee's opinion, subject to the Department's prior written approval, such approval not to be unreasonably withheld, conditioned or delayed, for the Premises, including, warning signs, fencing, and other measures appropriate and reasonable to protect against damage or destruction of Lessee's Improvements or injury or damage to persons or property on the Premises.

Section 7.07 Lessee shall pay or cause to be paid all claims lawfully made against it by its contractors, subcontractors, tradespersons and workers, and all claims lawfully made against it by other third persons arising out of or in connection with Lessee's use of the Premises under this Agreement, and shall cause its contractors and subcontractors to pay all such claims lawfully made against them; provided, however, that nothing herein contained shall be construed to limit the right of Lessee to contest any claim of a contractor, subcontractor, tradespersons, workman, or other person and no such claim shall be considered to be an obligation of Lessee within the meaning of this Section unless and until the same shall have been finally adjudicated. Lessee shall use its best efforts to resolve any such claims and shall keep the County fully informed of its actions with respect thereto.

- (a) Nothing contained herein shall grant or be deemed to grant to any contractor, architect, supplier, subcontractor, or any other person engaged by Lessee or any of its contractors in the performance of any part of the duties or obligations under this Agreement, any right of action or claim against the County, its officers, agents and employees with respect to any work any of them may do in connection with the project.
- (b) Nothing contained herein shall create or be deemed to create any relationship between the County and any such contractor, architect, supplier, subcontractor, or any other person engaged by Lessee or any of its contractors in the performance of any part of the duties or obligations under this Agreement and the County shall not be responsible to any of the foregoing for any payments due or alleged to be due thereto for any work performed or materials purchased in connection with the Improvements.

Section 7.08 This Agreement includes the right of ingress to and egress from the Solar Energy System over, under, and along the Property by means of any existing roads and lanes thereon, and by such other, mutually agreed upon route or routes as Lessee may construct on the Properties from time to time, subject to the Department's prior written approval, for the benefit of and for purposes incidental to Lessee's operation and maintenance in connection with the Improvements that are developed, constructed and/or operated on the Properties.

Section 7.09 The County shall not grant any rights in the Property purporting to permit others to conduct operations on the Property in derogation of Lessee's right to conduct operations on the Property in connection with the Solar Energy System. The County shall not take any actions, or permit other to take any actions on the Property that cause shading of the Solar Energy System or otherwise interferes with the direct solar radiation of the Solar Energy System

Section 7.10 Lessee shall pay any personal property taxes, special assessments or PILOTS that may be levied or assessed on the Improvements (or any taxes that are directly attributable to the Improvements) Lessee shall also pay for any increase in the ad valorem property taxes levied against the Property that are assessed for the period from and after the Effective Date until the end of the Term hereof to the extent such increase is caused solely by the Solar Energy System; provided, however, such obligation shall not include any recaptured taxes attributable to any period prior to the Effective Date or any interest or penalties thereon or to any increases in taxes due to reassessment upon a transfer of the fee interest in the Property by the County, and Lessee shall have the right, at its own expense, to appeal or contest any such taxes or increases thereto and to compromise and settle the same and County shall execute such petitions and agreements and otherwise cooperate with Lessee to the extent reasonably necessary for Lessee to do so Lessee shall be responsible for all taxes, special assessments, or PILOTS that may be levied or assessed against the Premises.

Section 7.11 Lessee shall not do or permit to be done anything which may interfere with the effectiveness or accessibility of the utility, mechanical, electrical, drainage and sewer systems, and other systems installed or located on the Property.

Section 7.12 Lessee shall provide submittal drawings approved by its engineering consultant of installation components and others and as reasonably requested by the Department for a review prior to installation of any Improvements.

Section 7.13 To the extent the same exist, the County will provide Lessee with drawings, standard roadway and curbing details, and other information regarding existing site layouts and underground utilities. Lessee bears full responsibility for ensuring all underground utilities are identified prior to excavation and will be wholly liable for any damage to any utilities.

Section 7.14 Lessee understands that the point of connection to LIPA's utility system is not located on County property. Lessee agrees that it shall install all equipment and appurtenances to deliver energy to LIPA underground and that in no case shall utility poles or other above ground equipment be used on the County Properties unless prior written approval for the same is granted by the Department.

Section 7.15 Lessee shall maintain and promptly repair the Premises to keep same in good repair and condition, regardless of fault, except in the event of negligence or willful misconduct by the County, and in accordance with general industry practice in the operation of such Solar Energy System, at Lessee's sole cost and expense. Lessee acknowledges that the Property is used for public parking purposes and agrees to maintain the Improvements in a manner which minimizes nuisances and inconvenience to persons using the parking facilities including, but not limited to, nesting birds and water run-off.

Section 7.16 Lessee shall have a physical inspection of all Improvements conducted by a New York State licensed professional engineer at least once every three calendar years during the Term to ensure that the Improvements continue to maintain structural stability. Lessee will provide an annual written report to the Department, setting forth the findings of such survey and delineating any remedial actions to be taken.

Section 7.17 Lessee warrants and represents that any exterior lighting installed as part of Lessee's Installation shall be in compliance with the Dark Skies legislation enacted by the County of Suffolk by Resolution # 838-2004. In the event existing lighting located on the Property needs to be altered as part of Lessee's Installation, Lessee agrees to provide, at its sole cost and expense, alternate lighting satisfactory to the Department.

Section 7.18 Lessee understands that the Properties may be located in high wind region of New York State and appropriate care will be taken to ensure that all designs meet applicable wind, seismic, and snow loading criteria.

Section 7.19 In the event Lessee removes any trees or shrubs located on the Properties, Lessee shall provide a like number of such trees and/or shrubs on the Properties, in accordance with the directions of the Department.

Section 7.20 Lessee shall not tie into, or in any manner use or otherwise access utility services to the Property in a manner which increases costs to the County.

Section 8 Prevailing Wage

Lessee acknowledges and agrees to comply with the prevailing wage requirements in connection with the construction of the Improvements. No person performing, aiding in, or assisting in Lessee's construction of the Improvements shall be paid less than the said prevailing rates as defined and utilized under Section 220 of the Labor Law. The wages to be paid shall not be less than the prevailing rate of wages and supplements as set forth by law.

- a. Lessee, its contractors, and subcontractors shall file transcripts of original payrolls for the construction of the Improvements under this Agreement, in connection with the construction and preparation of the entire Premises, with the Department, within ten (10) Days after its first payroll, and every thirty Days thereafter, said payroll transcripts to be subscribed and affirmed as true under penalty of perjury. Lessee, its contractors and subcontractors, shall keep their books open for inspection by representatives of the Suffolk County Department of Audit and Control and/or its representatives, including the Office of the District Attorney, on a monthly basis during the construction of the Improvements, to ensure that Lessee, its contractors and subcontractors are in compliance with these terms and conditions, provided that twenty-four (24) hour-notice is given to Lessee, its contractors and/or subcontractors prior to the inspection.
- b. Lessee agrees that it shall include clauses in all of its agreements with its contractors and subcontractors for the construction of the Improvements stating that: (i) said contractors and subcontractors shall pay prevailing wages, as agreed to in this Agreement between County of Suffolk and the Lessee; (ii) said contractors and subcontractors shall file transcripts of original payrolls for all

work performed in connection with the construction and preparation of the Improvements under this Agreement with the Department within ten (10) Days after its first payroll, and every thirty Days thereafter, said transcripts to be subscribed and affirmed as true under penalty of perjury and (iii) Lessee, its contractors, and subcontractors shall keep their books open for inspection by representatives of the Suffolk County Department of Audit and Control and/or its representatives, including the Office of the District Attorney, on a monthly basis during the construction of the Improvements to ensure that Lessee, its contractors and subcontractors are in compliance with these terms and conditions, provided that twenty-four (24) hour-notice is given to Lessee, its contractors and/or subcontractors prior to the inspection.

Section 9. Other Construction by Lessee

Section 9.01 Except as otherwise expressly provided herein, Lessee shall not erect any structures, make any improvements, or do any other work on the Premises, or install any fixtures other than as set forth in the Site Plan and in *Section 7.01* without the prior written approval of the Department. In the event any construction, improvement, alteration, modification, addition, repair, or replacement is made without such approval, then upon reasonable notice to do so, Lessee shall remove the same or, at the option of the County, cause the same to be changed to the satisfaction of the County. In case of any failure on the part of Lessee to comply with such notice, the County may effect the removal or change and Lessee shall pay the cost thereof to the County.

Section 10. Requirements of Governmental Agencies

Section 10.01 Lessee will proceed with due diligence to construct and install the Solar Energy System and shall comply in all material respects with Laws, in force as of the Commencement Date, and all requirements, obligations and conditions of all instruments of record which may be applicable to the Premises. All work of Lessee and its subcontractors will be coordinated with the Department. Lessee reserves the right, in its sole discretion and at its sole expense, to contest the validity or applicability of any Laws.

Section 10.02 Lessee understands that the Department is the authority having jurisdiction with respect to Building Permits Certificates relating to construction on County property. All Improvements constructed by Lessee pursuant to this Agreement shall be coordinated with the Department to ensure and maintain the safety of the public. Lessee shall be in compliance with all pertinent codes and shall obtain all necessary permits for the construction, use, and/or operation of the Improvements. All documents (drawings, specifications, etc.) regarding the Improvements shall be prepared by and bear the seal and signature of a State Licensed Professional Engineer.

Section 10.03 Lessee agrees to comply with all reasonable requests for special inspections by the Department during construction including, but not limited to, concrete testing, and electrical inspections.

Section 11. Liens

Lessee shall keep the County's interest in the Properties free and clear of all liens and claims of liens for labor and services performed on, and materials, supplies and equipment furnished in connection with Lessee's use of the Premises under this Agreement. In the event it is permissible for any mechanics' or other liens to be filed against any portion of the Properties by reason of Lessee's acts or omissions or because of a claim against Lessee, Lessee shall cause the same to be cancelled or discharged of record by bond or otherwise within ninety (90) Days after notice from the County of the filing thereof and Lessee

shall indemnify and save the County harmless from and against all costs, liabilities, suits, penalties, claims and demands, including reasonable attorneys' fees, resulting there from; provided, however, that nothing herein contained shall be construed to limit the right of Lessee to contest any claim of a contractor, subcontractor, tradespersons, workman, or other person and no such claim shall be considered to be an obligation of Lessee within the meaning of this Section unless and until the same shall have been finally adjudicated. If Lessee shall fail to cancel or discharge said lien or liens within said 90-Day period, County may cancel or discharge the same and upon County's demand, Lessee shall reimburse the County for the costs or expenses thereof, within sixty (60) days after receipt of an invoice therefore. Nothing contained in this Agreement shall be deemed or construed in any way as constituting the consent or request of the County, express or implied, by inference or otherwise, to any contractor, subcontractor, laborer or materialman for the performance of any labor or the furnishing of any materials for any specific improvement, alteration to or repair of the Premises or any part thereof, nor as giving Lessee any right, power or authority to contract for or permit the rendering of such services of the furnishing of any materials that would give rise to the filing of any lien against the Premises or any part thereof .

Section 12. Waiver of Nuisance

The County has been informed by Lessee and understands that the presence and operation of the Improvements on the Premises may potentially result in some nuisance to the County, such as higher noise levels than currently occur at the Property and the surrounding area and visual impact ("Nuisances"). It is the intent of the parties hereto that these Nuisances shall be held to a commercially reasonable minimum. To this end Lessee shall take all possible care, caution and precaution and shall use its commercially reasonable efforts to minimize Nuisances.

Section 13. Temporary Storage

Section 13.01 Temporary Storage Space During Installation. The County will use commercially reasonable efforts to provide sufficient space adjacent to the Properties, if needed, for the temporary storage and staging of tools, materials and equipment and for the parking of construction crew vehicles and temporary construction trailers and facilities reasonably necessary during the installation of the Solar Energy System. The County will also provide Lessee a reasonable area adjacent to the Properties, if needed, for construction type lay-down and staging. The County and Lessee will coordinate and cooperate in determining the amount of space required for such purposes.

Section 13.02 Temporary Storage Space During Maintenance. The County will use commercially reasonable efforts to provide sufficient space adjacent to the Premises, if needed, for the temporary storage and staging of tools, materials and equipment during any maintenance of the Solar Energy System. The County and Lessee will coordinate and cooperate in determining the amount of space required for such purposes.

Section 14. Insurance

Section 14.01 Lessee shall procure and continuously maintain, without interruption, during the Term, insurance, naming the County as an additional insured, in amounts not less than as follows:

- (i) Commercial General Liability, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage (such limits may be maintained by using a combination of primary and excess liability policy limits);

- (ii) Automobile Liability Insurance (if any vehicles are used by Lessee in the performance of the Ground Lease) in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per person, per accident, for bodily injury and not less than One Hundred Thousand (\$100,000.00) for property damage per occurrence; and
- (iii) Workers' Compensation and Employer's Liability insurance in compliance with all applicable New York State laws and regulations and Disability Benefits insurance, if required by law. Lessee shall furnish to the County, prior to its execution of this Agreement, the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§ 57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law §108, this Agreement shall be void and of no effect unless Lessee shall provide and maintain coverage during the Term for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law;
- (iv) Builders Risk Insurance "All Risk" coverage in an amount equal to the total value of the Improvements which shall be obtained prior to commencement of construction of the Improvements and shall remain in effect until a permanent Certificate of Occupancy is obtained therefor. Such coverage shall include vandalism and malicious mischief, in broad form covering improvements in place and all material and equipment at the job site furnished under contract, but excluding contractor's, subcontractor's, and construction manager's equipment and property owned by contractor's or subcontractor's employees.
- (v) Mandatory Insurance – All insurance required by any Requirements.

With respect to insurance requirements during construction of the Improvements, Lessee may provide such insurance by requiring each contractor engaged by it for the construction to procure and maintain such insurance including such contractual liability endorsement, said insurance not to contain any care, custody or control exclusions, any exclusions for explosions, collapses, or damage to, bodily injury to, or sickness, disease, or death of any employee of Lessee or of any of its contractors which would conflict with or in any way impair coverage under the contractual liability endorsement. There shall be no self insurance retention aspects to such insurance unless agreed to in writing by the County.

Section 14.02 All policies of insurance described in this Section 14 shall:

- (i) Be written as primary policies not contributing with and not in excess of coverage that County may carry;
- (ii) The Contractor shall furnish to the County Declaration Pages for each such policy of insurance and upon request, a true and certified original copy of each such policy, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, the County of Suffolk shall be named as an additional insured and the Contractor shall furnish a Declaration Page and endorsement page evidencing the County's status as an additional insured on said policy;
- (iii) Expressly provide that County shall have no liability for premiums;
- (iv) Shall be issued by insurance companies with an A.M. Best rating of A- or better and are licensed to do business in the State of New York; and

- (v) All such Declaration Pages, certificates and other evidence of insurance shall provide for the County of Suffolk to be notified in writing thirty (30) days prior to any cancellation, nonrenewal or material change in said policies. Such Declaration Pages, certificates, policies and other evidence of insurance and notices shall be mailed to the Department at its address as set forth in this Agreement or at such other address of which the County shall have given the Contractor notice in writing.

Section 14.03 In addition to the obligations set forth in this **Section 14**, and all other insurance required under this Agreement, the policy or policies of insurance shall also provide or contain an endorsement providing that the protections afforded Lessee there under with respect to any claim or action against Lessee by a third person shall pertain and apply with like effect with respect to any claim or action against Lessee by the County, but such endorsement shall not limit, vary, change, or affect the protections afforded the County there under as an additional insured. In addition, all the aforesaid policy or policies of insurance shall also provide or contain an endorsement providing that the protections afforded the County there under with respect to any claim or action against the County by Lessee shall be the same as the protections afforded Lessee there under with respect to any claim or action against Lessee by a third person as if the County were the named insured thereunder.

Section 14.04 In the event Lessee shall fail to provide the Declaration Pages or certificates of insurance or to maintain any insurance required by this Agreement, the County may, but shall not be required to, obtain such policies and add the cost thereof to payments due County under this Agreement or any other agreement between the County and Lessee.

Section 14.05 Notwithstanding the foregoing, it is specifically understood and agreed that the County shall have the right to submit, from time to time, in writing to Lessee, a request that one or more coverage line limits be increased; provided County provides Lessee with a reasonable justification for said request. Lessee shall take all reasonable requests under consideration and comply by submitting a revised Certificate of Insurance to the County evidencing the limit increases.

Section 14.06 Each policy of insurance required by this **Section 14** shall contain a provision that the insurer shall not, without obtaining express advance permission from the Suffolk County Attorney, raise any defense involving in any way the jurisdiction of the court over the person of the County, the immunity of the County, its officers, agents or employees, the governmental nature of the County or the provisions of any statutes respecting suits against the County.

Section 14.07 If at any time any of the insurance policies shall become reasonably unsatisfactory to the County as to form or substance or if any of the carriers issuing such policies shall be or become unsatisfactory to the County, Lessee shall promptly obtain a new and satisfactory policy in replacement, the County agreeing not to act unreasonably hereunder. Failure to maintain insurance in the amounts reasonably required and commercially available from insurers licensed to do business in the State of New York, and in accordance with industry standards shall constitute grounds to immediately terminate this Agreement.

Section 15. Indemnity

Section 15.01 Lessee shall indemnify and hold harmless the County, its Commissioners, officers, employees, agents, and representatives, from and against all claims and demands of third persons, including, but not limited to, claims and demands for death or personal injuries, or for property damages, arising out of or in connection with Lessee's use of the Property under this Agreement, except for claims, liabilities and damages arising out of County's sole negligence or willful misconduct.

Section 15.02 For any claim for which Lessee shall be required to indemnify the County, Lessee shall, at its own expense, defend any suit with counsel of Lessee's selection (approved by the County) based upon any such claim or demand (even if such suit, claim or demand is groundless, false or fraudulent), and in handling such it shall not, without obtaining express advance permission from the Suffolk County Attorney, make any material decisions related to the defense of the claim on the County's behalf. Lessee shall reimburse the County for any costs or expenses, including legal expenses, incurred by the County.

Section 15.04 Lessee hereby represents and warrants the Lessee will not infringe upon any copyrighted work or material in accordance with the Federal Copyright Act during the term of this Agreement. Furthermore, Lessee agrees that it shall protect, indemnify, and hold harmless the County and its officers, officials, employees, contractors, agents, and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits, or actions and reasonable attorney's fees arising out of the acts or omissions or the negligence of Lessee in connection with the operations described or referred to in this Agreement. Lessee shall defend the County and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or, at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of Lessee, its officers, officials, employees, subcontractors, lessees, licensees, invitees or agents, if any, in connection with the services described or referred to in this Agreement.

Section 16. Removal and Restoration

Section 16.01 Simultaneous with any Notice of Termination or, at least three (3) months prior to the expiration of the Term hereof, Lessee shall present the County a decommissioning plan for the Improvements, which plan shall include the removal of all physical material related to the Improvements (excluding any subsurface items, including buried electrical and communications lines except any underground structures, materials, or other appurtenances that are easily and quickly removed without significant excavations, or which create an impediment to future renovation and/or development of the Premises) and restoration of the Premises to substantially the same condition it was in as of the Effective Date, including lighting (reasonable wear and tear, condemnation, casualty damage and acts of God excepted (all hereinafter referred to as "**Restoration**"). Within twenty (20) business Days of receipt of such decommissioning plan, the County shall have the right to request that Lessee abandon all or any portion of the Improvements on the Premises (the "**Abandonment Request**"). In the event the County does not submit an Abandonment Request, Lessee shall proceed with the decommissioning plan. If the County does submit an abandonment request, Lessee shall then have ten (10) business Days to respond to such Abandonment Request with its acceptance or rejection of such Abandonment Request. Failure by the Lessee to respond to any Abandonment Request shall be deemed to be an approval of such Abandonment Request. If Restoration is required herein, Lessee shall use commercially reasonable efforts to complete the restoration within sixty (60) Days following the expiration or earlier termination of this Agreement. Further, Lessee shall execute and record a quitclaim deed of Lessee's right, title and interest in and to the Premises and, if applicable, any portion of the Improvements abandoned by Lessee following the expiration or earlier termination of the Agreement. In the event Lessee shall abandoned all or any part of the Improvements, Lessee shall remain liable for any costs incurred by the County in removing and disposing of such Improvements, in accordance with the provisions of this *Section 16.01*.

Section 16.02 In the event the County requires a decommissioning surety, County shall give Lessee written notice no earlier than nine (9) year(s) from the Effective Date to require Lessee to provide County with a bond or one or more letters of credit with County designated as the beneficiary, to be deposited with the Department of Public Works, in the amount of the estimated costs of restoration ("**Restoration Costs**"). Within no less than 180 days after the receipt of the written notice, County and Lessee shall determine the amount of the Restoration Costs as follows:

(a) Lessee shall obtain an estimate of the Restoration Costs from a qualified contractor licensed in the state in which the Property is located and notify the County of the name and address of the contractor which it has selected. Within thirty (30) days thereafter, Lessee shall provide the estimate to County. In the event County is not in agreement with Lessee's estimate, County may, at its own cost and expense, obtain its own estimate within thirty (30) days of Lessee presenting its estimate. If the bids are within a 10% difference of the cost of the other, Lessee shall be entitled to use the bid from its contractor as the basis for the Restoration Costs. In the event the bids are more than 10% different, a third contractor shall be selected by the existing contractors. If they cannot agree upon such third contractor within a sixty (60) day period, the third contractor shall be selected by an Arbitrator of the American Arbitration Association for the County in which the Property is located upon application of either party. Within thirty (30) days of the appointment of the third contractor, the three contractors shall meet and exchange their estimates and the Restoration Costs shall be the average of the estimates of the three contractors.

(b) The letter of credit/bond shall remain in force through the expiration or earlier termination of this Lease and until the completion of such work. Upon written request, no more than once in any calendar year, County may request that Lessee provide County with information and documentation to confirm the existence and maintenance of such security in favor of County.

Section 16.03 The letter of credit/bond for the performance of the decommissioning of the Improvements shall be in the form annexed hereto as **Exhibit D** with a corporate surety licensed to do business in the State of New York.

Section 17. Ownership of Attributes

The County acknowledges that Lessee shall have all right, title and interest in and to all "Environmental Attributes" and "Renewable Energy Incentives", and other items of whatever nature which are available as a result of solar energy being produced from the Solar Energy System. If any Environmental Attributes, Renewable Energy Incentives or other items are initially credited or paid to the County, the County will cause such environmental Attributes, Renewable Energy Incentives and other items to be assigned or transferred to Lessee without delay. The County will cooperate with Lessee in Lessee's efforts to meet the requirements for any certification, registration, or reporting program relating to Environmental Attributes or Renewable Energy Incentives.

Section 18. Hazardous Substances and Waste

Section 18.01 The County represents and warrants to Lessee that, to the best of its knowledge (i) no Hazardous Materials exist on, or have been released or are in imminent threat of release at, on, in to or from the Property nor (ii) shall the County use, store, dispose of or release on or to the Property or (iii) cause or permit to exist or be used, stored, disposed of or released on or to the Property any Hazardous Material except in such quantities as may be required in its agricultural use of the Property and only if such use is not harmful to Lessee or its employees and is in full compliance with all applicable Laws.

Section 18.02 Lessee hereby covenants that Lessee shall not (i) use, store, dispose or release on or to the Property or (ii) cause or permit to exist or be used, stored, disposed of or released on or to the Property any Hazardous Material except in such quantities as may be required in its development of the Solar Energy System on the Property and only if such use is in full compliance with all applicable Laws. Should any claim or action be brought against Lessee in connection with its operations with respect to any of the foregoing, Lessee shall immediately notify the County and shall indemnify the County with respect

to such claim or action shall, in addition to all other requirements of law or this Agreement, pay to County the reasonable fees incurred by County for the services of attorneys, consultants, contractors, experts, laboratories, and all other reasonable costs incurred in connection with the investigation, required cleanup or remediation, including the preparation of any feasibility studies or reports and the performance of any required cleanup, remediation, removal, abatement, containment, closure, restoration, or monitoring work.

Section 18.03 Lessee shall indemnify, defend, and hold harmless County, its officers, agents, and employees from all fines, suits, procedures, claims and action of every kind, and all costs associated therewith (including attorney's and consultants' fees) arising out of or in any way connected with, directly or indirectly, any deposit, spill, discharge, leakage or other release of Hazardous Substances, flammable explosives, or contamination caused by Lessee, or as proximately caused by Lessee's use of the Property pursuant to this Agreement. Lessee's obligations and liabilities under this Section shall survive the expiration or earlier termination of this Agreement.

Section 19. Signs

Except with the prior written approval of the County, Lessee shall not erect, maintain, or display any advertising, signs, or similar device on the Property, which approval shall not be unreasonably withheld.

Section 20. Quiet Enjoyment

The County agrees that Lessee shall quietly and peaceably hold, possess and enjoy the Property pursuant to the terms of this Agreement, and for the Term of this Agreement without any hindrance or molestation caused by any party claiming by, through or under the County. The County shall defend title to the Property, and the use and occupancy of the same, against the claims of all others, except those claiming by or through Lessee. The County shall not enter into or modify any documents, including any declarations, easements, restrictions or other similar instruments, which may materially affect the Property, or the rights and/or obligations of Lessee hereunder, without first obtaining the prior written consent of Lessee, which consent shall not be unreasonably withheld.

Section 21. Representations, Warranties and Covenants

Section 21.01 The County shall not take any actions, or permit others to take any actions, at the Property that cause shading of the Solar Energy System or otherwise interfere with the direct solar radiation of the Solar Energy System.

Section 21.02 If the County becomes aware of any circumstances relating to the Solar Energy System or the Property which creates an imminent risk of damage or injury to any person or any person's property, the County will immediately notify Lessee of such threat. If the threat relates to the Property and not to the Solar Energy System, the County shall promptly take such action as is necessary or appropriate to prevent such damage or injury.

Section 21.03 The County will promptly notify Lessee of any physical conditions or other circumstances the County becomes aware of that indicate there has been or might be damage to or loss of the use of the Solar Energy System or that could reasonably be expected to adversely affect the Solar Energy System.

Section 21.04 Each person executing this Agreement on behalf of the County represents and warrants that such person is duly and validly authorized to do so and that the County has the full right and authority to enter into this Agreement, perform all of its obligations hereunder and grant the interests herein granted.

Section 21.05 Each person executing this Agreement on behalf of Lessee represents and warrants that such person is duly and validly authorized to do so and that Lessee has the full right and authority to enter into this Agreement and perform all of its obligations hereunder. *Section 21.06* County represents and warrants to Lessee that it owns the Properties in fee simple, subject to no liens or encumbrances except as disclosed in writing to Lessee prior to the execution of this Lease and attached hereto as **Exhibit E** and incorporated herein by this reference.

Section 21.07 The County shall have no ownership or other interest in any Improvements installed on the Properties by or on behalf of Lessee, except as provided in **Sections 16 and 27**, and the County hereby waives any statutory or common law lien that it might otherwise have in or to the Improvements or any portion thereof. Lessee shall at all times retain title to the Improvements, with the right, at any time and in its sole discretion, to remove, replace or repair one or more Improvements as otherwise set forth herein, except as provided in **Sections 16 and 27**.

Section 21.08 Lessee warrants that the execution and delivery of this Agreement was duly authorized by all necessary action of the Lessee, none of which action has been rescinded or otherwise modified. Lessee has full power and authority to execute and deliver this Agreement and to perform its obligations under this Agreement. No consents, approvals or permits are required for the performance of the terms and provisions herein, or, if any such consents, approvals or permits are required, they have been or will be obtained in a timely fashion. This Agreement is a legal, valid, and binding obligation of the Lessee, enforceable against Lessee in accordance with its terms.

Section 22. Confidentiality

Fully executed contracts, including leases, are subject to the New York Freedom of Information Law (FOIL). Therefore, if Lessee believes that any information it may provide or is contained herein constitutes a trade secret or is otherwise information which if disclosed would cause substantial injury to its competitive position in the industry (collectively, "Lessee Confidential Information") and Lessee wishes such information to be withheld if requested pursuant to FOIL, Lessee shall submit a separate letter to the County, specifically identifying the page number(s), section(s), lines(s) or other appropriate designation(s) containing such information, explaining in detail why such information is a trade secret or is other information which if disclosed would cause substantial injury to the competitive position of Lessee, and formally requesting that such information be kept confidential. Failure by Lessee to submit such a letter may constitute a waiver of any rights Lessee may have under the FOIL relating to protection of trade secrets. The proprietary nature of the information designated confidential by Lessee may be subject to disclosure if it is requested under FOIL and the County deems it disclosable or if ordered by a court of competent jurisdiction. A request that an entire Agreement be kept confidential will not be considered.

Section 23. Successors and Assigns

This Agreement shall inure to the benefit of, and be binding upon, the County and Lessee, and their respective heirs, successors and assigns. Lessee covenants that it shall not assign this Agreement nor sublet the Properties or any part thereof by operation of law or otherwise, including, without limitation, an assignment or subletting, without the prior written consent of the County in each instance, not to be unreasonably withheld, conditioned or delayed. Any attempt by Lessee without the County's prior written consent to assign, encumber or mortgage this Agreement or to sublet the Properties or a portion thereof shall be null and void, provided however, that Lessee may without obtaining the County's prior consent, (but with complying with the other provisions of this Section), assign this Agreement or sublet

all or any portion of the Properties to (a) an "Affiliate", (b) a Lender in connection with any financing by Lessee of the Solar Energy System in accordance with **Section 24** below, or (c) to a person or entity to which it sells or assigns all or substantially all of its assets or equitable ownership interest or with which it may be consolidated or merged (a "Successor Entity"), provided such Successor Entity shall also (i) be an entity having experience in the operation and maintenance of solar photovoltaic systems (ii) be financially capable of performing Seller's obligations under this Agreement, and (iii) agree to assume all of Lessee's obligations under this Agreement in writing. Each assignment, assumption or sublease, as applicable, shall be in writing, and Lessee shall deliver to the County a fully-executed original of such assignment and assumption or sublease, as applicable, within ten (10) Days following the full execution thereof Lessee. As used herein the term "Affiliate" shall mean any partnership, corporation or other entity which controls, is controlled by, or is under common control with Lessee or Lessee's parent.

Section 24. Leasehold Financing

Section 24.01 **Right to Encumber.** Lessee or any authorized successor or assignee under **Section 23** (each, an "**Obligor**") may at any time assign, encumber, hypothecate, mortgage or pledge (including by mortgage, deed of trust or personal property security instrument) all or any portion the Solar Energy Estate to any Lender.

Section 24.02 **Covenants for Lenders' Benefit.** Should an Obligor mortgage any of its interest as provided in *Section 24.01* above, the County expressly agrees for the benefit of Lessee and any Lenders as follows:

(a) The County will not amend or modify, or take any action causing, consenting to or accepting the amendment or modification of this Agreement, if such amendment or modification would reduce the rights or remedies of any Lender hereunder or impair or reduce the security for any lien held by such Lender.

(b) Lender shall have the right to do any act or thing required to be performed by Obligor under this Agreement, and any such act or thing performed by a Lender shall be as effective to prevent a default under this Agreement and/or a forfeiture of any of Obligor's rights under this Agreement as if done by Obligor itself.

(c) The right of a Lender to receive notices and to act on behalf of Obligor as set forth in this *Section 24.02* shall be available only to those Lenders which shall have notified the County (or which Lessee has notified the County of) in writing of their name and address ("**Registered Lenders**"). The County shall provide notice of the occurrence of any Event of Default hereof to all Registered Lenders, and no Event of Default shall be effective unless a like notice is given to all such Registered Lenders. If the County shall become entitled to terminate this Agreement due to an uncured Event of Default by Obligor, the County will not terminate this Agreement unless it has first given written notice of such uncured Event of Default and of its intent to terminate this Agreement to each Registered Lender and has given each Registered Lender at least thirty (30) Days after the expiration of the cure period which this Agreement provides to Obligor for curing such Event of Default, to cure the Event of Default to prevent such termination of this Agreement. Furthermore, if within such thirty (30) Day period a Registered Lender notifies the county that it must foreclose on Obligor's interest or otherwise take possession of Obligor's interest under this Agreement in order to cure the Event of Default, the County shall not terminate this Agreement and shall permit such Registered Lender a sufficient period of time as may be necessary for such Registered Lender, with the exercise of due diligence, to foreclose or acquire Obligor's interest under this Agreement and to perform or cause to be performed all of the covenants and agreements to be performed and observed by Obligor. In the event a Registered Lender shall elect to exercise its rights hereunder, such Registered Lender shall have no personal liability to the County and the sole recourse of

the County in seeking enforcement of its obligations under this Agreement or any new lease entered into pursuant to *Section 24.02(d)* shall be to such Registered Lender's interest in this Agreement and the Improvements. Upon the sale or other transfer of any interest in the rights granted hereunder by any Registered Lender, such Registered Lender shall have no further duties or obligations hereunder.

(d) In case of the termination of this Agreement as a result of any Event of Default or the bankruptcy, insolvency or appointment of a receiver in bankruptcy for Obligor, the County shall give prompt notice to the Registered Lenders. The County shall, upon written request of the first priority Registered Lender, made within forty (40) Days after notice to such Registered Lender, enter into a new lease agreement with such Registered Lender, or its designee, within twenty (20) Days after the receipt of such request. Such new lease agreement shall be effective as of the date of the termination of this Agreement by reason of Event of Default by Obligor, upon the same terms, covenants, conditions and agreements as contained in this Agreement. Upon the execution of any such new lease agreement, the Registered Lender shall (i) pay the County any amounts which are due the County from Obligor, (ii) pay the County any and all amounts which would have been due under this Agreement (had this Agreement not been terminated) from the date of the termination of this Agreement to the date of the new lease agreement, and (iii) agree in writing to perform or cause to be performed all of the other covenants and agreements set forth in this Agreement to be performed by Obligor to the extent that Obligor failed to perform the same prior to the execution and delivery of the new lease agreement.

(e) As long as there is a Solar Energy Estate, neither the bankruptcy nor the insolvency of Lessee shall operate to terminate, nor permit the County to terminate, this Agreement as long as all rent and other charges payable by Lessee continue to be paid in accordance with the terms of this Agreement.

(f) The time available to a Registered Lender to initiate foreclosure proceedings as aforesaid shall be extended by the number of Days of delay occasioned by judicial restriction against such initiation or occasioned by other circumstances beyond such Registered Lender's reasonable control.

(g) Upon the request of a Registered Lender, the County and Lessee shall amend this Agreement to include any reasonable provision requested by such Registered Lender to implement the protective provisions contained in this Agreement for the benefit of such Registered Lender or to allow such Registered Lender reasonable means to protect or preserve the Solar Energy Estate granted hereby or the lien of its leasehold mortgage on the occurrence of an Event of Default under this Agreement; provided, however, that the County shall not be required to amend this Agreement in any way which would affect the Term or rental hereunder or otherwise in any material respect adversely affect any rights of the County under this Agreement.

Section 25. Condemnation

Should title or possession of all or any portion of the Premises be taken in condemnation proceedings by a government agency, governmental body or private party under the exercise of the right of eminent domain, or should a partial taking render the remaining portion of the Premises wholly unsuitable for Lessee's use, then this Agreement shall terminate upon such vesting of title or taking of possession. All payments made on account of any taking of the fee estate by eminent domain shall be made to the County, and Lessee shall be entitled to any portions of such awards relating to any Improvements taken, and Lessee shall, at its sole discretion also be entitled to seek a separate award for any damages allowable by law, including but not limited to: (i) the removal and relocation Lessee's business, (ii) for the loss of goodwill, (iii) lost profits, (iv) the loss and/or damage to any property that Lessee elects or is required not to remove, and (v) for the loss of use of the Premises by Lessee and the County shall have no right, title or interest in or to any separate award made therefore. It is agreed that Lessee shall have the right to participate in any settlement proceedings and that the County shall not enter into any binding settlement

agreement without the prior written consent of Lessee, which consent shall not be unreasonably withheld. In the event of a partial taking that does not render the remaining portion of the Premises unsuitable for Lessee's use, as determined by Lessee in its sole discretion, this Agreement shall continue in full force and effect (with an equitable reduction in the Quarterly Operating Payments). The Parties shall enter into an amendment of the Agreement to reflect such partial taking.

Section 26. Additional Fees and Charges

If the County is required or elects to pay any sum or sums, or incurs any obligations or expense by reason of the failure, neglect or refusal of Lessee to perform or fulfill anyone or more of the conditions or agreements contained in this Agreement, or as a result of an act or omission of Lessee contrary to the said conditions and agreements, the County agrees to pay the sum or sums so paid or the expense so incurred, including all interest, costs, damages and penalties, and the same may be added to any installment of rent thereafter due hereunder, and each and every part of the same shall be recoverable by the County in the same manner and with like remedies as if they were originally a part of the payment set forth in **Section 5**.

Section 27. Termination/Default Remedies and Damages

Section 27.01 This Agreement shall terminate at the end of the full term hereof and Lessee shall have no further right or interest in the Premises.

Section 27.02 Lessee may choose to terminate this Agreement for all or part of the Premises by nine (9) months' advance written notice ("Lessee's Notice of Termination") to the County at any time and for any reason. All rights and obligations of the parties hereunder shall terminate as of the termination date set forth in such Lessee's Notice of Termination.

Section 27.03 Upon the occurrence of any of the following events, or at any time thereafter during the continuance thereof, or during the term of this Agreement, in addition to any other remedy available to the County at law or in equity, the County may terminate the rights of Lessee under this Agreement upon thirty (30) days written notice ("Notice of Termination") (in addition to the initial written notice of default as described below), such termination to be effective upon the date specified in such notice in the event Lessee has not cured the default within the notice time set forth below. The following shall constitute an "Event of Default":

- (1) Lessee shall fail duly and punctually to pay any installment under **Section 5** of this Agreement, or to make any other payment required hereunder when due to the County and such default shall persist in its failure for a period of twenty (20) Business Days following the receipt of written notice of such default ("Notice of Default") from the County; or
- (2) Lessee shall fail to keep, perform, and observe each and every promise and agreement set forth in this Agreement on its part to be kept, performed, or observed, within thirty (30) Days after receipt of written notice from the County (except where fulfillment of its obligation requires activity over a period of time and Lessee shall have commenced substantially to perform whatever may be required for fulfillment within thirty (30) Days after receipt of notice and continues diligently such substantial performance without interruption except for causes beyond its control); or
- (3) Lessee shall become insolvent, or shall take the benefit of any present or future insolvency statute, or shall make a general assignment for the benefit of creditors, or file a voluntary petition in bankruptcy or a petition or an answer seeking an arrangement or its

reorganization or the readjustment of its indebtedness under the federal bankruptcy laws or under any other law or statute of the United States or of any State thereof; or consent to the appointment of a receiver, trustee or liquidator of all or substantially all of its property; or

- (4) By order of decree of a court Lessee shall be adjudged bankrupt or an order shall be made approving a petition filed by any of the creditors or, if Lessee is a corporation, by any of the stockholders of Lessee, seeking its reorganization or the readjustment of its indebtedness under the federal bankruptcy laws or under any law or statute of the United States or of any State thereof; or
- (5) A petition under any part of the federal bankruptcy laws or an action under any present or future insolvency law or statute shall be filed against Lessee and shall not be dismissed within ninety (90) Days after the filing thereof; or
- (6) By or pursuant to, or under authority of any legislative act, resolution or rule, or any order or decree of any court or governmental board, agency or officer having jurisdiction, a receiver, trustee, or liquidator shall take possession or control of all or substantially all of the Property of Lessee and such possession or control shall continue in effect for a period of ninety (90) Days; or

~~Section 27.04 Upon the occurrence of an Event of Default, the County shall be entitled to exercise any and all remedies available to it at law or in equity. In such case, Lessee shall be liable to the County for all of the County's actual damages, costs and out-of-pocket expenses incurred by the County, as a result of the Event of Default (including, without limitation, reasonable attorneys' fees and disbursements).~~

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Comment [MSOffice1]: If we can not terminate, then we have no real remedy

~~Section 27.05 No acceptance by the County of payment under Section 5 of this Agreement, or other payments in whole or in part for any period or periods after a default of any of the terms, agreements and conditions hereof to be performed, kept or observed by Lessee shall be deemed a waiver of any right on the part of the County to terminate this Agreement unless the County shall agree in writing with Lessee that the Event(s) of Default has been cured by Lessee in all respects.~~

~~Section 27.06 No waiver by the County of any default on the part of Lessee in performance of any of the terms, covenants, or conditions hereof to be performed, kept, or observed by Lessee shall be or be construed to be a waiver by the County of any other or subsequent default in performance of any of the valid terms, agreements and conditions.~~

~~Section 27.07 The rights of termination described above shall be in addition to any other rights of termination provided in this Agreement and in addition to any rights and remedies that the County would have at law or in equity consequent upon any breach of this Agreement by Lessee, and the exercise by the County of any right of termination shall be without prejudice to any other such rights and remedies.~~

~~Section 27.08 By Notice of Termination to Lessee, the County shall have the right to terminate this Agreement as of a date specified in the Notice of Termination, which date shall not be less than thirty (30) days thereafter and, in such case, Lessee's rights, including any based on any option to renew, to the possession and use of the Premises shall end absolutely as of the Termination Date as fully and completely and with the same force and effect as if the day so specified were the Expiration Date; and this Agreement shall also terminate in all respects except for Lessee's liabilities arising prior to, out of, or following the Event(s) of Default and the ensuing termination.~~

~~Section 27.09 Following the date specified in the Notice of Termination provided above (as well as~~

upon any other termination of this Agreement by expiration of the Term or otherwise) County immediately shall have the right to recover possession of the Premises; and to that end, the County may enter the Premises and take possession, without the necessity of giving Lessee any notice to quit or any other further notice, with or without legal process or proceedings, and in so doing the County may remove Lessee's Improvements and make disposition thereof in such manner as the County may deem to be commercially reasonable under the circumstances.

Section 27.10. Unless and until the County shall have terminated this Agreement pursuant to *Section 27.07* above, Lessee shall remain fully liable and responsible to perform all of the covenants and to observe all the conditions of this Agreement throughout the remainder of the Term to the early termination date.

Section 27.11. The Parties may each enforce and protect their respective rights hereunder by a suit or suits in equity or at law for the specific performance of any covenant or agreement contained herein, and for the enforcement of any other appropriate legal or equitable remedy, including, without limitation, injunctive relief, and for recovery of all money due or to become due from Lessee under any of the provisions of this Agreement. No rights or remedy herein conferred upon or reserved to County or Lessee shall be exclusive of any other right or remedy, but shall be cumulative and in addition to all other rights and remedies given hereunder or now or hereafter existing at law.

Comment [MSOffice2]: Termination back in - To Be discussed

Deleted: consequential

Deleted: damages and

Section 27.12 No delay or forbearance by either Party in exercising any right or remedy hereunder, or either Party's undertaking or performing any act or matter which is not expressly required to be undertaken by that Party shall be construed, respectively, to be a waiver of that Party's rights or to represent any agreement by that Party to undertake or perform such act or matter thereafter. Waiver by either Party of any breach by the other Party of any covenant or condition herein contained (which waiver shall be effective only if so expressed in writing) or failure by either Party to exercise any right or remedy in respect of any such breach shall not constitute a waiver or relinquishment for the future of that Party's right to have any such covenant or condition duly performed or observed by the other Party, or of either Party's rights arising because of any subsequent breach of any such covenant or condition nor bar any right or remedy of that Party in respect of such breach or any subsequent breach. County's receipt and acceptance of any payment from Lessee which is tendered not in conformity with the provisions of this Agreement or following an Event of Default (regardless of any endorsement or notation on any check or any statement in any letter accompanying any payment) shall not operate as an accord and satisfaction or a waiver of the right of County to recover any payments then owing by Lessee which are not paid in full.

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Section 27.09. Except for the monetary obligations of either party, County and Lessee shall not be in default of this Agreement because of such party's inability to perform the covenants and obligations set forth herein during the continuance of any period of Force Majeure, except as may otherwise be expressly specified in this Agreement.

Section 27.10 In the event County shall fail to keep, perform, and observe each and every promise and agreement set forth in this Agreement on its part to be kept, performed, or observed, within thirty (30) Days after receipt of notice of default thereunder from the Lessee (except where fulfillment of its obligation requires activity over a period of time, and County shall have commenced substantially to perform whatever may be required for fulfillment within thirty (30) Days after receipt of notice and continues diligently such substantial performance without interruption except for causes beyond its control), the same shall constitute a default on the part of the County for which Lessee shall have all rights available under law. If the County fails to keep, perform or observe each and every promise and agreement set forth in this Agreement, then, in addition to its other rights and remedies, Lessee shall have the right to remedy such failure by the County by any appropriate means and the cost thereof shall be reimbursed to Lessee by the County within sixty (60) Days. Lessee may offset such costs against any

amounts owed to the County under this Agreement.

Section 27.11 In no event shall either party be liable in any way, regardless of the form in which any legal or equitable action may be brought (whether in tort, contract, strict liability or otherwise), for any loss of use, interruption of business, lost profits, sales, data or goodwill, or any special, incidental, indirect, punitive, or consequential damages whatsoever, however caused, even if the Parties have been advised of the possibility of such loss or damage and regardless of whether these limitations cause any remedy to fail its essential purpose. The limitations of liability in this *Section 27.11* are material conditions to the Parties entering into this Agreement and shall survive the termination or expiration of this Agreement.

Section 28. Force Majeure

Section 28.01 Neither Party will be liable to the other Party in the event it is prevented from performing its obligations hereunder in whole or in part due to a Force Majeure Event. The Party rendered unable to fulfill any obligation by reason of a Force Majeure Event shall take reasonable actions necessary to remove such inability with due speed and diligence. Nothing herein shall be construed as permitting that Party to continue to fail to perform after said cause has been removed. The obligation to use due speed and diligence shall not be interpreted to require resolution of labor disputes by acceding to demands of the opposition when such course is inadvisable in the discretion of the Party having such difficulty. Neither Party shall be considered in breach or have caused an uncured Event of Default of this Agreement if and to the extent that any failure or delay in the Party's performance of one or more of its obligations hereunder is caused by a Force Majeure Event. The occurrence and continuation of a Force Majeure Event shall not suspend or excuse the obligation of a Party to make any payments due hereunder.

Section 28.02 In the event of any delay or nonperformance resulting from a Force Majeure Event, the Party suffering the Force Majeure Event shall (a) as soon as practicable, notify the other Party in writing of the nature, cause, estimated date of commencement thereof, and the anticipated extent of any delay or interruption in performance, and (b) notify the other Party of the cessation or termination of such Force Majeure Event, all as known or estimated in good faith by the affected Party; *provided, however*, that a Party's failure to give timely notice shall not affect such Party's ability to assert Force Majeure unless the delay in giving notice materially prejudices the other Party.

Section 29. Notices

Section 29.01 Any communication, notice or other submission necessary or required to be made by the parties regarding this Agreement except with respect to *Section 30.02* shall be deemed to have been duly made upon receipt by: (a) if to Lessee, at Lessee's address first set forth above, and (b) if to County, Suffolk County Department of Economic Development and Workforce Housing, Aviation Division, Attention: Airport Manager, Francis S. Gabreski Airport, Westhampton Beach, NY 11978 or, (c) at such other address as Lessee or County, respectively, may designate in writing.

Section 29.02 Any communication or notice regarding indemnification, termination, or litigation by either party to the other shall be in writing and shall be deemed to be duly given only if delivered: (i) personally (personal service on County must be pursuant to New York Civil Practice Law and Rules Section 311); (ii) by nationally recognized overnight courier; or (iii) mailed by registered or certified mail in a postpaid envelope addressed: (a) if to County, to Clerk of the Legislature, County Center, Riverhead, New York 11901, with a copy to the Suffolk County Department of Law, Attention: Suffolk County Attorney, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788-0099, and a copy to the Department at the Department's address first above set forth; and (b) if to Lessee, at

Lessee's address first above set forth, or at such other address as Lessee or County, respectively, may designate in writing.

Section 29.03 Notice shall be deemed to have been duly given (1) if delivered personally, upon delivery thereof on a Business Day or if not a Business Day, then the next succeeding Business Day, (2) if by nationally recognized overnight courier, the first Business Day subsequent to transmittal and (3) if mailed by registered or certified mail, upon the seventh Business Day after the mailing thereof. Any notice by either party to the other with respect to the commencement of any law suit or legal proceeding shall be effected pursuant to and governed by the New York Civil Practice Law and Rules or the Federal Rules of Civil Procedure, as applicable.

Section 30. Broker

Lessee and the County each represents and warrants that no broker has been concerned on its behalf in the negotiation of this Agreement and that there is no such broker who is or may be entitled to be paid a commission in connection therewith. Each party shall indemnify and save harmless the other party of and from any claim for commission or brokerage made by any and all persons, firms or corporations whatsoever for services rendered to such party, whether or not such claims, demands, causes of action, liabilities, etc., are made or asserted before or after termination or expiration of this Agreement (to include reasonable attorneys and other professional fees).

Section 31. Paragraph Headings

The section and subsection headings, if any, in this Agreement, are inserted only as a matter of convenience and for reference and in no way define, limit, or describe the scope of intent of any provision hereof.

Section 32. Legislative Approval

This Agreement is subject to the approval of the Suffolk County Legislature and shall not become effective until fully executed.

Section 33. Waiver of Jury Trial

The County and Lessee, to the extent allowed by law, hereby waive trial by jury in any action, proceeding or counterclaim brought by either of the Parties hereto against the other on any matters whatsoever arising out of or in any way connected with this Agreement, the relationship of the County and Lessee, Lessee's use or occupancy of the Premises, any claim of injury or damage, or any emergency statutory or any other statutory remedy.

Section 34. Off-set of Arrears or Default

Lessee warrants that it is not, and shall not be, during the Term of this Agreement, in arrears to the County for taxes or upon debt or contract and is not, and shall not be during the term of this Agreement, in default as surety, contractor or otherwise on any obligation to the County, and the Lessee agrees that the County may withhold the amount of any such arrearage or default from amounts payable to the Lessee under this Agreement.

Section 35. Cooperation on Claims

Section 35.01 The Parties each agree to render diligently to the other any and all cooperation, without additional compensation, that may be required to defend the Party against any claims, demand, or action that may be brought against the other in connection with this Agreement.

Section 35.02 The County shall fully support and cooperate with Lessee in the conduct of its operations and the exercise of its rights under this Agreement [including with Lessee's efforts to (a) obtain from any governmental authority or any other person or entity any environmental impact review, permit, entitlement, approval, authorization or other rights or (b) sell any portion of the Solar Energy System, assign or otherwise transfer all or any part of or interest under this Agreement or obtain any financing, in accordance with the provisions of this Agreement, and the County shall perform all such acts (including executing and delivering maps, instruments and documents within twenty (20) Days after receipt of a written request made from time to time by Lessee, as Lessee may reasonably specify to fully effectuate each and all of the purposes and intent of the Agreement. Without limiting the generality of the foregoing, within ten (10) Days after receipt of a written request made from time to time by Lessee, the County shall: (i) enter into any reasonable amendment hereto (aa) to correct an error in this Agreement, (bb) to amend the legal description attached hereto, including replacing said legal description with a revised description prepared or provided by Lessee's surveyor or title company (ii) execute and deliver to Lessee any owner's affidavit reasonably requested by any title company or Lessee or (iii) enter into any reasonable consent and subordination and nondisturbance agreement with any Lender, or deliver any estoppel reasonably requested by such Lender, within ten (10) Days after written request from Lessee or any Lender as to any of the foregoing. Without limiting the generality of the foregoing, the County shall not oppose, in any way, whether directly or indirectly, any application by Lessee for any permit, approval or entitlement submitted in accordance with the terms and conditions of this Agreement at any administrative, judicial, legislative or other level.

Section 36. Intentionally Omitted.

Section 37. Not a Co-Partnership or Joint Venture

Nothing herein contained shall create or be construed as creating a co-partnership, Joint Venture or any other association between the County and Lessee other than the relationship of landlord and tenant.

Section 38. Independent Contractor

It is expressly agreed that Lessee's status hereunder is that of an independent contractor. Neither Lessee nor any person authorized by Lessee to use the Premises shall be considered employees of the County for any purpose. The relationship of the County to Lessee is that of landlord-tenant and Lessee, in accordance with its status as such, covenants and agrees that it shall conduct itself consistent with such status, that it will neither hold itself out as nor claim to be an officer, agent, or employee of the County by reason hereof, and that Lessee, its owners and employees, shall not, by reason hereof, make any claims, demands or application to or for any right of privilege including, but not limited to, workers' compensation coverage, unemployment insurance benefits, social security coverage or retirement membership of credit as officers, employees or agents of the County.

Section 39. County Representatives

It is expressly understood and agreed by and between the parties hereto that the officers, officials, employees, and agents of the County, and the Commissioners of the Department of Public Works and the Department of Environment and Energy, and their officers and agents are acting in a representative capacity for the County of Suffolk and not for their own benefit, and that neither Lessee nor its officers,

employees agents or representatives shall have any claim against them or any of them as individuals in any event whatsoever.

Section 40. No Credit

Lessee agrees that this Agreement shall not be pledged, hypothecated, or put up as security for a loan, credit or for any reason whatsoever, except as may otherwise be permitted in this Agreement.

Section 41. No Implied Waiver

No waiver shall be inferred from any failure or forbearance of either Party to enforce any provision of this Agreement in any particular instance or instances, but the same shall otherwise remain in full force and effect notwithstanding any such failure or forbearance.

Section 42. Certification

The parties to this Agreement hereby certify that, other than the funds provided in this Agreement and other valid Agreements with the COUNTY, there is no known relationship within the third degree of consanguinity, life partner or business, commercial, economic, or financial relationship between the parties, the signatories to this Agreement, and any partners, members, directors, or shareholders of five percent (5%) (or more) of any party to this Agreement.

Section 43. Conflicts of Interest

Section 43.01 Lessee agrees that it will not, during the term of this Agreement, engage in any activity that is contrary to and/or in conflict with the goals and purposes of the County.

Section 43.02 Lessee is charged with the duty to disclose to the County the existence of any such adverse interests, whether existing or potential. This duty shall continue during the term of this Agreement. The determination as to whether or when a conflict exists or may potentially exist shall ultimately be made by the County Attorney after full disclosure is obtained.

Section 44. Lawful Hiring of Employees Law in Connection with Contracts for Construction or Future Construction

This Agreement is subject to the Lawful Hiring of Employees Law of the County of Suffolk, Suffolk County Code Chapter 234, as more fully set forth in the **Exhibit F** entitled "Suffolk County Legislative Requirements," attached hereto and incorporated herein by reference. In accordance with this law, Contractor or employer, as the case may be, and any subcontractor or owner, as the case may be, agree to maintain the documentation mandated to be kept by this law on the Construction Site at all times. Contractor or employer, as the case may be, and any subcontractor or owner, as the case may be, further agree that employee sign-in sheets and register/log books shall be kept on the Construction Site at all times during working hours and all covered employees, as defined in the law, shall be required to sign such sign-in sheets/register/log books to indicate their presence on the Construction Site during such working hours.

Section 45. Suffolk County Legislative Requirements

The Parties agree to be bound by the terms of the "Suffolk County Legislative Requirements," attached hereto as **Exhibit F**, and made a part hereof. Suffolk County Local Laws, Rules and Regulations can be

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

Section 46. Governing Law

Section 46.01 This Agreement shall be governed by the laws of the State of New York. In the event of any dispute or litigation, the venue of any proceeding to determine the rights and liabilities of the respective parties arising under this Agreement shall be in New York Supreme Court, Suffolk County; or in the event of a proceeding in the federal courts, in the District Court for the Eastern District of New York.

Section 46.02 Notwithstanding anything herein contained to the contrary, any summary proceedings against Lessee may be instituted in accordance with Article 7 of the New York Real Property Actions and Proceedings Law.

Section 47. Severability

It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby; and every other term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

Section 48. Interpretation

Each Party has reviewed this Agreement and has been given an opportunity to obtain the assistance of counsel, and any rule of construction holding that ambiguities are to be resolved against the drafting Party shall not apply in the interpretation of this Agreement.

Section 49. Memorandum

The County and Lessee shall execute in recordable form and Lessee shall record, a memorandum of this Agreement substantially in the form of **Exhibit G**. The County consents to the recordation of the interest of any Lender or assignee of Lessee's interest in this Agreement.

Section 50. Execution in Counterparts

This Agreement may be executed in one or more counterparts, all of which together shall constitute one and the same instrument, and each of which shall be deemed an original.

Section 51. Entire Agreement

Section 51.01 This Agreement consists of the following: **Sections 1** through **51** inclusive. The foregoing constitutes the entire agreement of the parties on the subject matter hereof. It may not be changed, modified, discharged or extended except by written instrument duly executed by the County and Lessee.

Section 51.02 References contained herein to Sections, Exhibits, and/or Schedules shall be deemed to be references to the Sections, Exhibits, and/or Schedules of and to this Agreement unless specified to the contrary.

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

Eastern Long Island Solar Project, LLC

By: **enXco Asset Holdings, Inc.**
Its: **Managing Member**

By: _____
Name: _____
Title: _____
Date: _____

COUNTY OF SUFFOLK

By: _____
Title: **Deputy County Executive**
Date: _____

**APPROVED BY:
DEPARTMENT OF ENVIRONMENT AND
ENERGY**

By: _____
Name: **Carrie Meek-Gallagher**
Title: **Commissioner**
Date: _____

**APPROVED BY:
DEPARTMENT OF PUBLIC WORKS**

By: _____
Name: _____
Title: _____
Date: _____

**APPROVED AS TO LEGALITY
CHRISTINE MALAFI
Suffolk County Attorney**

By: _____
Basia Deren Braddish
Asst. County Attorney
Date: _____

ACKNOWLEDGEMENT

STATE OF NEW YORK}

SS:

COUNTY OF SUFFOLK}

On the ____ day of _____ in the year 2010 before me, the undersigned, personally appeared _____ [name], _____ [Title] personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK}

SS:

COUNTY OF SUFFOLK}

On the ____ day of _____ in the year 2010 before me, the undersigned, personally appeared _____ [Name], _____ [Title], personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, 2010, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary's Signature

[Notary Seal]

EXHIBIT A
DESCRIPTION OF PROPERTY



EXHIBIT B
CASH FLOW PAYMENTS



EXHIBIT C
APPROVED SITE PLAN



EXHIBIT D
FORM OF LETTER OF CREDIT/BOND



EXHIBIT F
LEGISLATIVE REQUIREMENTS

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

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

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

2. Living Wage Law

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

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

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

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

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

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

- a. The Contractor shall not use County funds to assist, promote, or deter union organizing.

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

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

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

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

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

4. Lawful Hiring of Employees Law

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

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of

covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

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

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

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

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

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

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

5. Gratuities

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

6. Prohibition Against Contracting with Corporations that Reincorporate Overseas

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

7. Child Sexual Abuse Reporting Policy

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

8. Non Responsible Bidder

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

9. Use of Funds in Prosecution of Civil Actions Prohibited

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

10. Suffolk County Local Laws

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

End of Text for Exhibit D

**EXHIBIT G
FORM OF MEMORANDUM OF LEASE**

Recording Requested By and When Recorded Return To:

@

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE, dated as of the ____ day of _____, 2010, between, COUNTY OF SUFFOLK, a municipal corporation of the State of New York having an office at H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge, New York 11788 (hereinafter "Landlord"), and Eastern Long Island Solar Power Project, LLC, a Delaware limited liability company, with an address at c/o enXco, Inc., 700 La Terraza Blvd. Ste 200, Escondido, CA 92025 (hereinafter "Tenant").

WITNESSETH:

1. **DEFINITIONS.** Capitalized terms used herein that are not otherwise defined shall have the meanings ascribed to such terms in the Lease (as hereinafter defined).

2. **DEMISED PREMISES.** Landlord and Tenant have entered into a Lease dated as of _____, 2010 (the "Lease"), pursuant to which Tenant has leased from Landlord certain land located at _____, in the Township of _____, County of Suffolk, State of New York (the "Premises") and further described on the legal description attached hereto and made a part hereof as Exhibit A.

3. **TERM.** The term of the Lease (the "Term") shall begin on the Commencement Date and shall remain in effect until the later to occur of (a) the twenty-first (21st) anniversary of the Operations Date, or (b) the date which is three (3) months following the expiration of Lessee's power purchase agreement with LIPA, unless earlier terminated as provided in the Lease.

4. **PURPOSE.** The purpose of this instrument is to give notice of the Lease and all of its terms, covenants and conditions to the same extent as if the Lease were fully set forth herein. This instrument shall in no way amend or be used to interpret the Lease, and in the event of any conflict or inconsistency between any of the terms and conditions of this Memorandum of Lease and any term and/or condition of the Lease, the term and/or condition of the Lease shall govern and control.

5. **EASEMENT.** Tenant has any easement to enter upon and construct certain improvements in the Easement Area in accordance with the provisions of the Lease.

6. **COUNTERPARTS.** This Memorandum of Lease may be executed in counterparts, each of which shall be deemed to be and required and all of which, when taken together, shall be deemed to be one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Lease as of the day and year first above written.

LANDLORD:

COUNTY OF SUFFOLK

By: _____
Name:
Title:

TENANT:

EASTERN LONG ISLAND SOLAR
PROJECT, LLC

By: _____
Name:
Title:

STATE OF _____)
) ss.:
COUNTY OF _____)

On the _____ day of _____ in the year 2010 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

STATE OF _____)
) ss.:
COUNTY OF _____)

On the _____ day of _____ in the year 2010 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

APPROVAL OF NEGATIVE DECLARATION FOR THE ENXCO EASTERN LONG ISLAND SOLAR PROJECT UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the Long Island Power Authority (“LIPA”) is committed to having a diversified portfolio of electric generation on Long Island in order to reduce Long Island’s dependence on fossil fuel and has established a goal of purchasing energy, capacity and the associated renewable energy credits (“RECs”) from 50 megawatts (“MW”) of solar photovoltaic systems by 2011; and

WHEREAS, LIPA’s purchase of energy, capacity and the RECs associated with the solar photovoltaic systems will help LIPA to 1) support its targets for renewable energy resources, as well as a solar photovoltaic energy resource goal set forth by Governor David Paterson and his Renewable Energy Task Force; 2) meet its Renewable Portfolio Standard goals; 3) reduce the consumption of fossil fuels; 4) improve the environment; and 5) encourage economic development within New York State and Long Island; and

WHEREAS, on February 26, 2009, LIPA selected enXco Development Corp. (“enXco”) as one of four ranked proposers in response to its April 22, 2008 Request For Proposals to supply LIPA with capacity, energy and associated RECs produced by photovoltaic solar generating systems to be sited, constructed and operated at sites on Long Island (“Solar RFP”); and

WHEREAS, LIPA’s staff prepared a detailed Environmental Assessment of the proposed Eastern Long Island Solar Project in order to determine, under the State Environmental Quality Review Act (“SEQRA”), whether that Project would or might have any significant adverse environmental impacts; and

WHEREAS, LIPA has advised all other potentially involved agencies that LIPA proposes to serve as “lead agency” under SEQRA in connection with the environmental review of the Eastern Long Island Solar Project, and all relevant agencies have consented to LIPA’s serving in such capacity; and

WHEREAS, the Environmental Assessment finds that no significant adverse environmental impacts will result from the Eastern Long Island Solar Project and, accordingly, that no environmental impact statement is required under SEQRA:

NOW, THEREFORE, BE IT RESOLVED, that the Trustees hereby (a) confirm that LIPA is the “lead agency” for the review of the Eastern Long Island Solar Project under SEQRA, (b) approve and adopt the Environmental Assessment, dated December 2009, for the Eastern Long Island Solar Project, and (c) for the reasons set forth in and on the basis of such Environmental Assessment, find and determines that (1) the siting, installation and operation of the Eastern Long Island Solar Project on Suffolk County-owned parking lot sites, as described in the Environmental Assessment, and the carrying out of the Eastern Long Island Solar Project will not, either individually or cumulatively with other LIPA projects, have a significant adverse effect on the environment and (2) an environmental impact statement need not be prepared in connection with such proposed action; and be it further

RESOLVED, that the President and Chief Executive Officer or his designee is directed to prepare, file, distribute and publish a Negative Declaration, effective immediately, for such proposed action in accordance with the requirements of SEQRA, and to perform such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of the President and Chief Executive Officer or his designee, to ensure that the foregoing is carried out.

COUNTY OF SUFFOLK
OFFICE OF THE COUNTY EXECUTIVE

Gen B8



STEVE LEVY
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT
AND ENERGY

CARRIE MEEK GALLAGHER
COMMISSIONER

December 22, 2009

Mr. Ben Zwirn
H. Lee Dennison Building- 12th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the County Executive to enter into a lease with Eastern Long Island Solar Project to use county property in connection with the development of solar energy facilities. This Introductory Resolution will need to be laid on the table at the first general business meeting of the legislature in 2010.

Please contact me if you require any additional information.

Sincerely,

Carrie Meek- Gallagher
Commissioner

CMG:sl
Att.

Cc: Christopher Kent, Chief Deputy County Executive
Ed Dumas, Chief Deputy County Executive for Policy and Communication
Lisa Broughton, Department of Economic Development
Basia Braddish, County Attorney's Office
~~Brendan Chamberlain, Director, Intergovernmental Relations~~
Tom Vaughn, County Executive Assistant
CE Reso Review (e-mail copy only)

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2010, TRANSFERRING 100% GRANT FUNDING
IN THE AMOUNT OF \$433,506 AWARDED BY THE NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FROM THE
SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO THE
SUFFOLK COUNTY DEPARTMENT OF LABOR FOR THE TRANSITIONAL
JOBS PROGRAM**

WHEREAS, the New York State Office of Temporary and Disability Assistance has designated Suffolk County as the recipient of Federal funding in the amount of \$433,506 to provide temporary subsidized employment opportunities for TANF and Safety Net adults in transitional jobs; and

WHEREAS, the funds were accepted by the Department of Social Services in accordance with Resolution 786-2009 dated September 17, 2009; and

WHEREAS, the Department of Social Services has received approval from the New York State Office of Temporary and Disability Assistance of a revised plan to designate these funds to the Department of Labor to oversee the Transitional Jobs Program; and

WHEREAS, subsidized employment can serve as an important component of any district's employment services by offering an effective placement for individuals lacking an adequate or demonstrated work history, who have other barriers to employment or when employment opportunities in the community are limited; and

WHEREAS, these subsidized employment opportunities may be provided for up to one year in transitional positions; and

WHEREAS, this funding will also be utilized to provide case management and job placement and retention services to promote permanent employment; and

WHEREAS, the Suffolk County Department of Labor will provide supervised work crews and work shop training to TANF and Safety Net adults who lack an adequate work history and in need of supervised subsidized employment opportunities and training; and

WHEREAS, this program is 100% federally funded; and

WHEREAS, it is in the best interest of Suffolk County to transfer these funds from the Department of Social Services to the Department of Labor; now, therefore, be it

1st RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to transfer the program funds from the Department of Social Services to the Department of Labor in accordance with the attached Schedule A; and be it further

2nd RESOLVED, that the deadline for expending funds is September 30th, 2010 in conformance with the terms of the grant allocation; and be it further

3rd RESOLVED, that the following position is hereby abolished:

Department of Social Services
Transitional Jobs Program
001-DSS-6020

<u>Spec No.</u>	<u>PositionTitle</u>	<u>J/C</u>	<u>Grade</u>	<u>No. Abolished</u>
3081	Social Services Examiner I	C	16	1

6th RESOLVED, that the County Executive and the Commissioner of Social Services be and they hereby are authorized to execute a Memorandum of Understanding with the Commissioner of Labor for the Transitional Jobs Program.

DATED: _____

APPROVED BY: _____
County Executive of Suffolk County

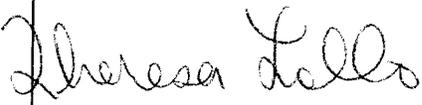
Date of Approval _____

SCHEDULE A

		FROM:	TO:	AMOUNT OF TRANSFER:
<u>Department of Social Services - Transitional Jobs Program</u>				
001-DSS-6020-1100	Permanent Salaries	\$47,009	\$0	\$47,009
001-DSS-6020-3770	Advertising	\$100	\$0	\$100
001-DSS-6020-4560	Fees for Service	\$362,422	\$0	\$362,422
 <u>Employee Benefits</u>				
001-EMP-9010-8260	State Retirement	\$3,573	\$0	\$3,573
001-EMP-9030-8330	Social Security	\$3,596	\$0	\$3,596
001-EMP-9055-8350	Unemployment Insurance	\$117	\$0	\$117
001-EMP-9080-8350	Benefit Fund Contribution	\$1,044	\$0	\$1,044
 <u>Employee Benefits - Self Insurance</u>				
039-EMP-9000-9600	Transfer to Fund 039 - Self Insurance	\$14,432	\$0	\$14,432
 <u>Employee Benefits - Worker's Compensation</u>				
038-EMP-9000-9600	Transfer to Fund 038 - Workers Compensation	\$1,213	\$0	\$1,213
 <u>Interfund Revenue</u>				
001-IFT-E039-9600	Transfer from Fund 001	\$14,432	\$0	\$14,432
001-IFT-E038-9600	Transfer from Fund 001	\$1,213	\$0	\$1,213
 <u>Department of Labor - Transitional Jobs Program</u>				
001-DOL-6380-1100	Permanent Salaries	\$0	\$109,838	\$109,838
001-DOL-6380-1130	Temporary Salaries	\$0	\$263,063	\$263,063
001-DOL-6380-3520	Rent: Automobiles	\$0	\$9,305	\$9,305
 <u>Employee Benefits</u>				
001-EMP-9010-8280	Retirement			\$3,478
001-EMP-9030-8330	Social Security			\$28,527
001-EMP-9035-8335	MTA Tax			\$1,268
001-EMP-9080-8380	Benefit Fund Contribution			\$1,611
 <u>Employee Benefits - Self Insurance</u>				
039-EMP-9000-9600	Transfer to Fund 039 - Self Insurance	\$0	\$16,416	\$16,416
 <u>Interfund Revenue</u>				
001-IFT-E039-9600	Transfer to Fund 39 - Self Insurance	\$0	\$16,416	\$16,416

1044

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		
TRANSFERRING 100% GRANT FUNDING IN THE AMOUNT OF \$433,506 AWARDED BY THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FROM THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO THE SUFFOLK COUNTY DEPARTMENT OF LABOR FOR THE TRANSITIONAL JOBS PROGRAM		
3. Purpose of Proposed Legislation		
THE PURPOSE OF THIS RESOLUTION IS TO TRANSFER \$433,506 OF FEDERAL FUNDING TO PROVIDE TEMPORARY SUBSIDIZED EMPLOYMENT OPPORTUNITIES FOR TANF AND SAFETY NET ADULTS IN TRANSITIONAL JOBS FROM THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF LABOR.		
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.		
Federal Aid		
9. Timing of Impact.		
Immediate		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Theresa Lollo Principal Financial Analyst		12/24/09

SCIN FORM 175b (10/95)

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

1044

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2009.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



1044

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF SOCIAL SERVICES

Gregory J. Blass
Commissioner

Memorandum

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

From: Gregory J. Blass, Commissioner
Department of Social Services

Date: December 21, 2009

Subject: **REQUEST FOR LEGISLATIVE RESOLUTION:**
Transferring 100% Grant Funding for a Transitional Jobs Program

I am requesting that the attached legislative resolution be submitted at the organizational meeting of the Suffolk County Legislature on January 4, 2010.

“TRANSFERRING 100% GRANT FUNDING IN THE AMOUNT OF \$433,506 AWARDED BY THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FROM THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO THE SUFFOLK COUNTY DEPARTMENT OF LABOR FOR THE TRANSITIONAL JOBS PROGRAM ”

The purpose of this resolution is to transfer \$433,506 of federal funding to provide temporary subsidized employment opportunities for TANF and Safety Net adults in transitional jobs from the Department of Social Services to the Department of Labor. These subsidized employment opportunities provided by this funding will be achieved through supervised work crews and training provided by the Department of Labor under terms of our interdepartmental MOU. This funding will also be utilized to provide case management and job placement and retention services to promote permanent employment. We anticipate that this program will commence in January of 2010 and will end by September 30, 2010.

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

Thank you.

Enc.

cc : Christopher Kent, Chief Deputy County Executive
ec: CE Reso. Review Distribution List



1044

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

David A. Paterson
Governor

December 7, 2009

Mr. Gregory Blass
Commissioner
Suffolk County Department of Social Services
3085 Veterans Memorial Highway
Ronkonkoma, NY 11779

Dear Commissioner Blass:

I am pleased to inform you that the changes to Suffolk County's Transitional Jobs Program plan have been approved. This modification did not change your district's approved Transitional Jobs Program funding of \$433,506. The revised plan, including budget forms, is included as an attachment.

The Transitional Jobs program funds are available to support your efforts to provide subsidized job placements combined with education and training for TANF-eligible individuals as described in your approved plan. As previously noted, subsidized placements cannot exceed 12 months and must provide an hourly rate of at least \$8.00 for up to 28 hours per week of paid employment and at least seven (7) hours per week of paid education and training activities to help prepare individuals for local employment opportunities.

Financial claims should be submitted to the Bureau of Financial Services as described in the claiming instructions included in 09-LCM-11. As previously notified, the program period for the Transitional Jobs program is August 15, 2009 to September 30, 2010, and final claims must be received by Friday, October 29, 2010. If these funds are not re-appropriated in the SFY 2010-2011 Enacted State Budget, final claims must be received by August 15, 2010. Districts should ensure that these timeframes are taken into consideration when negotiating wage subsidy agreements with employers.

Detailed instructions for reporting program outcomes under the Transitional Jobs program have been provided under separate cover to your program contact.

"providing temporary assistance for permanent change"

1044

Thank you for your continued efforts to help temporary assistance recipients enter the workforce. If you have any questions regarding this program, please contact Libby McGinn at (518) 486-6106 or your Employment Technical Advisor.

Sincerely,

/s/ RS 12/7/09

Russell Sykes

Deputy Commissioner

Center for Employment and Economic Supports

Enclosure

cc: Thomas Grecco
Thomas Contegni
John Healey
Libby McGinn

RESOLUTION NO. -2010, ACCEPTING AND APPROPRIATING ADDITIONAL 100% GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF FAMILY AND CHILDREN SERVICES (OCFS) TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR THE CHILD CARE COUNCIL OF SUFFOLK, INC. FOR DAY CARE REGISTRATION AND INSPECTION CONTRACT

WHEREAS, the New York State Office of Children and Family Services has awarded Suffolk County Department of Social Services 100% grant funds in the amount of \$1,033,079.00, of which \$46,960.00 is an increase to the child care registration and inspection services program; and

WHEREAS, the 2010 Adopted budget includes \$939,193.00 for a contract with the Child Care Council of Suffolk, Inc., as well as, \$46,926 of indirect costs incurred by the Department of Social Services' Child Care Bureau; and

WHEREAS, the increased amount is designated for the Child Care Council of Suffolk, Inc., to continue to provide day care registration and inspection services to the child care providers of Suffolk County and oversee a program that provides child care services to over 3,600 children; and

WHEREAS, it is the intention of the Department of Social Services to continue to contract these activities to the Child Care Council of Suffolk, Inc. and this funding will increase their program budget in the amount of \$46,960.00 from \$939,193.00 to \$986,153.00.; and

WHEREAS, this program is 100% funded and 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>		<u>\$46,960</u>
001-4620	FEDERAL AID: Child Care Block Grant	\$46,960

and be it further

2nd RESOLVED, that total funds in the amount of \$46,960 be and are hereby appropriated as follows:

<u>ORGANIZATIONS:</u>	<u>\$46,960</u>
-----------------------	-----------------

Department of Social Services
Client Benefits Administration
001-DSS -6015

<u>4000 - Contractual Expenses</u>		<u>\$46,960</u>
4980 - GGN1-	Child Care Council: Registration and Inspection	46,960

and be it further

3rd RESOLVED, that the County Executive and the Commissioner of Social Services be and they are hereby are authorized to modify the contract with the Child Care Council of Suffolk, Inc. for Child Care Registration and Inspection program.

DATED: _____

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

1045

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
Resolution X Local Law Charter Law

2. Title of Proposed Legislation
ACCEPTING AND APPROPRIATING 100% GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES (OCFS) TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR THE CHILD CARE COUNCIL OF SUFFOLK, INC. FOR THE DAY CARE REGISTRATION AND INSPECTION CONTRACT

3. Purpose of Proposed Legislation
THE PURPOSE OF THIS RESOLUTION IS TO INCREASE THE 100% FEDERAL AND STATE FUNDING BY AN ADDITIONAL \$46,960 FROM \$939,193 TO \$986,153 AWARDED FROM THE NYS OFFICE OF CHILDREN & FAMILY SERVICES TO THE DEPARTMENT OF SOCIAL SERVICES FOR ITS SUB-CONTRACTOR, THE CHILD CARE COUNCIL OF SUFFOLK, INC. TO PROVIDE 2010 SUFFOLK COUNTY DAY CARE REGISTRATION AND INSPECTION PROJECT SERVICES. THIS AWARD WILL PROVIDE ADDITIONAL FUNDING FOR THE CHILD CARE COUNCIL OF SUFFOLK, INC. TO PROVIDE DAY CARE REGISTRATION AND INSPECTION SERVICES TO THE CHILD CARE PROVIDERS IN SUFFOLK COUNTY.

4. Will the Proposed Legislation Have a Fiscal Impact? Yes No X

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

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

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

8. Proposed Source of Funding.
100% Federal Aid

9. Timing of Impact.
Immediate

10. Typed Name & Title of Preparer Theresa Lollo Principal Financial Analyst	11. Signature of Preparer 	12. Date 12/24/09
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**FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1045

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

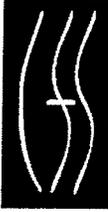
	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2009.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



December 2, 2009

1045

New York State
Office of
Children &
Family
Services

Thomas Contegni,
Chief Management Analyst
Suffolk County Department of Social Services
PO Box 18100
Hauppauge, NY 11788-8900

David A. Paterson
Governor

Re: 2010- Registration MOU#: 2178

Gladys Carrión, Esq.
Commissioner

Dear Mr. Contegni:

Capital View Office Park

52 Washington Street
Rensselaer, NY
12144-2796

Please be advised that the Division of Child Care Services of the New York State Office of Children and Family Services has reviewed your budget submissions for the 2010 Suffolk County Department of Social Services Day Care Registration and Inspection Memorandum of Understanding and has approved the funding allocation of **\$1,033,079.00 and the budgets disbursement submission amounts for the Contractor and Sub-contractor.**

The Suffolk County Department of Social Services has allocated to their Sub-contractor the Child Care Council of Suffolk County, Inc., the amount of **\$986,153.00** to provide the 2010-Suffolk County Day Registration and Inspection Project services. The Contractor the Suffolk County Department of Social Services has allocated **\$46,926.00** for the administration and supervision of the Registration Project.

If you have any questions regarding this correspondence, please do not hesitate to contact me at (518) 402-6771.

Sincerely,

Anthony M. Fittizzi, Sr.
Child Care Resource Contract Unit
Division of Child Care Services



An Equal Opportunity Employer

COUNTY OF SUFFOLK



1045

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF SOCIAL SERVICES

Gregory J. Blass
Commissioner

Memorandum

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

From: Gregory J. Blass, Commissioner
Department of Social Services

Date: December 16, 2009

Subject: **REQUEST FOR LEGISLATIVE RESOLUTION:**
Accepting 100% grant funding for the Child Care Council of Suffolk, Inc.

I am requesting that the attached legislative resolution be submitted at the January 4, 2010 organizational meeting of the Suffolk County Legislature:

“ACCEPTING AND APPROPRIATING 100% GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES (OCFS) TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES FOR THE CHILD CARE COUNCIL OF SUFFOLK, INC. FOR THE DAY CARE REGISTRATION AND INSPECTION CONTRACT”

The NYS OCFS has awarded the Suffolk County Department of Social Services additional 100% grant funds for the Child Care Council of Suffolk, Inc., in the amount of \$46,960.00 increasing their award from \$939,193.00 to \$986,153.00. The increased amount will help the Child Care Council of Suffolk, Inc to provide day care registration and inspection services to the child care providers of Suffolk County.

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

Thank you.

Enc.
cc : Christopher Kent, Chief Deputy County Executive
ec: CE Reso. Review Distribution List

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2010, TRANSFERRING 100% GRANT FUNDING
IN THE AMOUNT OF \$255,048 AWARDED BY THE NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FROM THE
SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO THE
SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE
HEALTH CARE JOBS PROGRAM**

WHEREAS, the New York State Office of Temporary and Disability Assistance has designated Suffolk County as the recipient of Federal funding in the amount of \$167,397 and State funding in the amount of \$87,651 totaling \$255,048 to provide temporary subsidized employment opportunities for TANF and Safety Net adults in the health care sector; and

WHEREAS, the funds were accepted by the Department of Social Services in accordance with Resolution 785-2009 dated September 17, 2009; and

WHEREAS, the Department of Social Services has received approval from the New York State Office of Temporary and Disability Assistance of a revised plan to designate these funds to the Department of Health Services to oversee the Health Care Jobs Program; and

WHEREAS, subsidized employment can serve as an important component of any district's employment services by offering an effective placement for individuals lacking an adequate or demonstrated work history, who have other barriers to employment or when employment opportunities in the community are limited; and

WHEREAS, these subsidized employment opportunities may be provided for up to one year in jobs within the health care field, including community health outreach and educational positions; and

WHEREAS, this funding will also be utilized to provide case management and job placement and retention services to promote permanent employment; and

WHEREAS, the Suffolk County Department of Health Services will provide subsidized employment opportunities for TANF and Safety Net adults within the health care sector; and

WHEREAS, this program is 100% funded by state and federal funds; and

WHEREAS, it is in the best interest of Suffolk County to transfer these funds from the Department of Social Services to the Department of Health Services; now, therefore, be it

1st RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to transfer the program funds in the amount of \$255,047 from the Department of Social Services to the Department of Health Services in accordance with the attached Schedule A; and, be it further

2nd RESOLVED, that the deadline for expending funds is August 13, 2010 in conformance with the terms of the grant allocation; and be it further

3rd RESOLVED, that the County Executive and the Commissioner of Social Services be and they hereby are authorized to execute a Memorandum of Understanding with the Commissioner of Health Services for the Health Care Jobs Program.

DATED: _____

APPROVED BY: _____
County Executive of Suffolk County

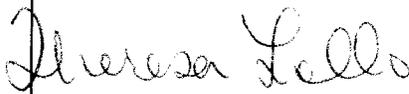
Date of Approval _____

SCHEDULE A

		FROM:	TO:	AMOUNT OF TRANSFER:
<u>Department of Social Services - Health Care Jobs Program</u>				
001-DSS-6019-1130	Temporary Salaries	\$20,236	\$0	\$20,236
001-DSS-6019-4560	Fees for Service	\$232,698	\$0	\$232,698
<u>Employee Benefits</u>				
001-EMP-9010-8260	State Retirement			
001-EMP-9030-8330	Social Security	\$1,590	\$0	\$1,590
<u>Employee Benefits - Workers' Compensation</u>				
038-EMP-9040-8300	Transfer to Fund 38 - Worker Compensation	\$524	\$0	\$524
<u>Interfund Revenue</u>				
038-IFT-E038-R001	Transfer from Fund 001	\$524	\$0	\$524
<u>Department of Health Services - Health Care Jobs Program</u>				
001-HSV-4002-1110	Permanent Salaries	\$0	\$38,118	\$38,118
001-HSV-4002-1130	Temporary Salaries	\$0	\$200,880	\$200,880
<u>Employee Benefits</u>				
001-EMP-9030-8330	Social Security	\$0	\$15,367	\$15,367
001-EMP-9035-8335	MTA Tax	\$0	\$683	\$683

1046

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		
TRANSFERRING 100% GRANT FUNDING IN THE AMOUNT OF \$255,048 AWARDED BY THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FROM THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE HEALTH CARE JOBS PROGRAM		
3. Purpose of Proposed Legislation		
THE PURPOSE OF THIS RESOLUTION IS TO TRANSFER \$255,048 OF FEDERAL AND STATE FUNDING FROM THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF HEALTH SERVICES TO PROVIDE TEMPORARY SUBSIDIZED EMPLOYMENT OPPORTUNITIES FOR TANF AND SAFETY NET ADULTS IN THE HEALTH CARE SECTOR UNDER TERMS OF AN INTERAGENCY MEMORANDUM OF UNDERSTANDING.		
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 or other Subdivision.		
100% funded		
8. Proposed Source of Funding.		
Federal and State Aid		
9. Timing of Impact.		
Immediate		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Theresa Lollo Principal Financial Analyst		12/24/09

SCIN FORM 175b (10/95)

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

1046

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2009.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2009-2010.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2009 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



1046

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

David A. Paterson
Governor

December 2, 2009

Mr. Gregory Blass
Commissioner
Suffolk County Department of Social Services
3085 Veterans Memorial Highway
Ronkonkoma, NY 11779

Dear Commissioner Blass:

I am pleased to inform you that the changes to Suffolk County's Health Care Jobs Program plan have been approved. This modification did not change your district's approved Health Care Jobs Program funding of \$255,048. The revised plan, including budget forms, is included as an attachment.

The Health Care Jobs program funds are available to support subsidized employment opportunities consistent with your district's approved plan to help eligible participants to secure employment and develop or demonstrate positive work skills in the health care sector.

Financial claims should be submitted to the Bureau of Financial Services as described in the claiming instructions included in 09-LCM-10. As previously notified, the program period for the Health Care Jobs program is August 15, 2009 to September 30, 2010, and final claims must be received by Friday, October 29, 2010. If these funds are not re-appropriated in the SFY 2010-2011 Enacted State Budget, final claims must be received by August 15, 2010. Districts should ensure that these timeframes are taken into consideration when negotiating wage subsidy agreements with employers.

Costs associated with TANF eligible clients should be claimed at 100% Federal and costs associated with Safety Net Non-MOE clients should be claimed at 100% State. Detailed instructions for reporting program outcomes under the Health Care Jobs program have been provided under separate cover to your program contact.

"providing temporary assistance for permanent change"

Thank you for your continued efforts to help temporary assistance recipients enter the workforce. If you have any questions regarding this program, please contact Kathryn DeBella at (518) 486-6106 or your Employment Technical Advisor.

Sincerely,

1046

/s/ RS 12/2/09

Russell Sykes

Deputy Commissioner

Center for Employment and Economic Supports

Enclosure

cc: Thomas Grecco
Thomas Contegni
John Healey
Kathryn DeBella

1047

Intro. Res. No. - 2010

Laid on Table 1/4/10

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

RESOLUTION NO. - 2010 INCREASING THE PETTY CASH FUND IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Department of Social Services maintains petty cash accounts at eight service sights and an additional fund authorized for the Child Support Enforcement Bureau, and

WHEREAS, Resolution No. 60-1996 authorized the petty cash fund for the Department of Social Services in the amount of \$8,500.00 and authorized the petty cash fund for the Child Support Enforcement Bureau in the amount of \$3,000.00 effective January 23, 1996; and

WHEREAS, the Department utilizes its petty cash accounts to meet immediate needs for such recipients as those served by Adult Protective Services, Emergency Services, Client Benefit centers, Representative Payees, Fair Hearings, Food Allowances, Emergency Clothing and a variety of other purposes; and

WHEREAS, these amounts are no longer adequate to meet the current needs of the petty cash functions within the department; and

WHEREAS, there has not been an increase in the department's Petty Cash Fund since 1996; now therefore be it

RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to increase the Petty Cash Fund account of the Department of Social Services from \$8,500.00 to \$25,000.00 effective immediately.

DATED: _____

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



1048

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: 12/29/09
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. 1048-2010; A LOCAL LAW TO STRENGTHEN THE ENFORCEMENT OF CLOTHING BIN IDENTIFICATION REQUIREMENTS

SPONSOR: THE PRESIDING OFFICER, ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 12/28/09 PUBLIC HEARING: 1/2010
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed local law would amend Local Law 51-2008 (codified Chapter 266 of the SUFFOLK COUNTY CODE) to establish impoundment and redemption procedures for clothing donation bins that are in violation of the County's clothing donation bin identification law.

Local Law 51-2008 requires that all clothing donation bins display the name, location, principal place of business, and telephone number of the organization using the bin. Bins owned by charitable organizations must also display the organization's charity registration number. For-profit organizations must state on their bins "THIS IS A FOR-PROFIT CLOTHING BIN". The penalties under this law are a fine of up to \$750 for a first violation, with a fine of up to \$1,500 for subsequent violations.

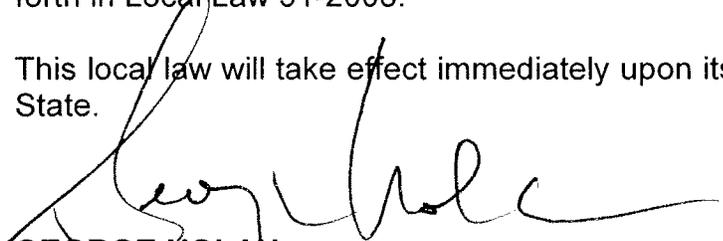
Under the proposed local law, the Office of Consumer Affairs shall post a notice of violation on clothing donation bins that are not in compliance with Local Law 51-2008 and mail a copy of the notice to the owner if the owner's address is displayed on the bin. The notice of violation shall include a description of the violation, a warning that the bin must be brought into compliance with the law within fourteen (14) days or the bin shall be subject to impoundment and contact information pursuant to which the owner may request one extension of up to fourteen (14) days to come into compliance. The Director of the Office of Consumer Affairs may grant an extension in whole or in part upon the owner's showing of good cause. The extension cannot exceed twenty eight (28) days from the date of notice of violation.

The County may seize and impound any clothing bin that is brought into compliance within the time allotted. The impounded clothing donation bin shall be stored by the County until it is reclaimed by the owner. The owner shall be sent notice of the

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impoundment at the owner's last known address by certified mail within five (5) days after the impoundment. The owner may redeem the clothing donation bin upon satisfactory proof of ownership and payment of a redemption fee of \$1,000. If the owner does not reclaim such bin within one year of the date of impoundment, the County may dispose of such bin. These provisions are in addition to the penalties set forth in Local Law 51-2008.

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



GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-strengthen clothing bin identification requirements

1048
Intro. Res. No. -2010

Laid on Table 1/4/10

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

RESOLUTION NO. -2010, A LOCAL LAW TO STRENGTHEN THE ENFORCEMENT OF CLOTHING BIN IDENTIFICATION REQUIREMENTS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2010, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN THE ENFORCEMENT OF CLOTHING DONATION BIN IDENTIFICATION REQUIREMENTS**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

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

A LOCAL LAW TO STRENGTHEN THE ENFORCEMENT OF CLOTHING BIN IDENTIFICATION REQUIREMENTS

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

Section 1. Legislative Intent.

This Legislature finds and determines that it recently enacted Local Law No. 51-2008, the purpose of which was to provide transparency to the residents of Suffolk County regarding their gifts of clothing to charity via clothing donation bins.

The Legislature further finds and determines that pursuant to Local Law No. 51-2008 clothing donation bin owners are required to place certain identifying information on such clothing bin, including the charity registration number assigned by the Charities Bureau of the Office of the New York State Attorney General or, in the case of for-profit organizations, a statement that "THIS IS A FOR-PROFIT CLOTHING BIN."

This Legislature hereby finds and determines that certain owners of clothing donation bins persist in misleading residents to believe that clothing dropped into such bins will be distributed for charitable purposes.

This Legislature further finds and determines that in order to ensure that owners of clothing donation bins properly follow the required identification and display requirements set forth by this Legislature it is necessary to enact stricter enforcement mechanisms.

Section 2. Amendments

Chapter 266 of the SUFFOLK COUNTY REGULATORY LAWS is hereby amended to read as follows:

§ 266-10 Impoundment and Redemption

- A. In the event that a clothing donation bin is not in compliance with the identification and display provisions of this Chapter, the Office of Consumer Affairs shall post a notice of violation on such bin. If the owner's address is displayed on such bin, the Office shall also mail a copy of the notice of violation via certified mail to such address.
- B. The notice of violation shall include, at the minimum, the following:
1. a description of the violation
 2. a warning that the clothing donation bin must be brought into compliance within fourteen (14) days from the date of the notice of violation or such bin shall be subject to impounding as set forth in Section C below.
 3. contact information pursuant to which the owner may request one extension of up to fourteen (14) days in order to obtain compliance. Such extension may be granted in whole or in part by the Director of the Office of Consumer Affairs upon the owner's showing of good cause. In no event shall any extension be in excess of twenty-eight days from the date of the notice of violation.
- C. If a clothing donation bin has not been brought into compliance within fourteen (14) days following the date of the notice of violation or, if an extension has been granted, within the time allotted by such extension, the County of Suffolk may seize and impound a clothing donation bin for failure to comply with the provisions of this Chapter.
- D. Such impounded clothing donation bin shall be stored by the County of Suffolk until it has been reclaimed by the owner consistent with the provisions of this Chapter. The owner of the clothing donation bin shall be sent notice of such impoundment at the owner's last known address by certified mail within five days after the impoundment. Neither Suffolk County nor any agency thereof shall be liable for any damages arising out of the provision of an erroneous name or address of such owner. The owner of the clothing donation bin utilized in violation of this article may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$1000. Such impounded clothing donation bin may only be released to the owner of the clothing donation bin or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- E. If the owner of an impounded clothing donation bin does not reclaim such bin within one-year of the date of impoundment, the County of Suffolk may, at its discretion, dispose of such bin.
- F. The provisions of this Section shall be in addition to any other penalties set forth by law.

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

[] Brackets denote deletion of language.
__ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

Intro. Res. # 1049-2010

Laid on Table 11/4/10

INTRODUCED BY THE PRESIDING OFFICER

RESOLUTION NO. _____ 2010
TO READJUST, COMPROMISE, AND GRANT
REFUNDS AND CHARGE-BACKS ON REAL
PROPERTY CORRECTION OF ERRORS BY:
COUNTY LEGISLATURE (CONTROL #817-2010)

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.

Intro. Res No. 1050-10

Laid on the Table 1/4/10

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

**RESOLUTION NO. -2010, APPROVING THE APPOINTMENT OF
DIANE PFADENHAUER AS A MEMBER OF THE SUFFOLK COUNTY
PUBLIC EMPLOYMENT RELATIONS BOARD**

WHEREAS, Thomas P. Cleere resigned as a member of the Suffolk County Public Employment Board and it is the intent of this resolution to fill the vacancy created by his resignation; now therefore be it

RESOLVED, that the appointment of Diane M. Pfadenhauer of Northport, New York 11768, as a member of the Suffolk County Public Employment Relations Board be and the same hereby is approved to fill the vacated term of office expiring on August 1, 2012, said appointment having been made by the Suffolk County Executive pursuant to the provisions of Chapter 44-6 (A) of the Suffolk County Administrative Local Laws; and be it further

RESOLVED, that this Legislature, being the State Environment Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Article 8 of the New York Environmental Conservation Law and Section 617.13(D) (15) (21) of Title 6 of the New York Code of Rules and Regulations (NYCRR) since such law constitutes routine or continuing agency administration and management and promulgation of regulations, policies, procedures and legislative decision in connection with such action.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

Diane M. Pfadenhauer, SPHR, Esq.

STRATEGIC HUMAN RESOURCES MANAGEMENT
LITIGATION SUPPORT • EMPLOYMENT COUNSEL
GRADUATE MBA PROFESSOR

EXPERTISE

Workplace Investigations • Labor, Employment & Benefits Law • Creation & Development of HR Functions • Analysis, Design and Implementation of Plans in Contemplation of Strategic Events/Challenges
Corporate Communication • Change Agent • Union Relations

CURRENT PROFESSIONAL EXPERIENCE

EMPLOYMENT PRACTICES ADVISORS, INC, Northport, NY

2004- present

President

Created this boutique national consulting firm utilizing legal, human resources and business expertise providing services to corporations and law firms. Speak and write regularly on employment law and human resources issues and workplace investigations. Clients range from \$50mm in revenue to Fortune 200.

- Provide specialized services for organizations preparing for or in the midst of significant strategic events. These include mergers and acquisitions, turnaround, bankruptcy and distressed organizations.
- Provide advice and counsel to mid-sized employers on employment law, preparation of position statements, significant employee relations issues, human resources audits, planning for strategic events, training and development and design and implementation of human resources strategy.
- Provide services to law firms and their clients including investigations, due diligence, serving as expert witness and training and development.
- Author and editor of the award winning www.strategichrlawyer.com weblog.

PREVIOUS CORPORATE HISTORY

ASCAP New York, NY

2001 - 2003

Vice President, Human Resources

Report to CEO. Retained to revitalize and rebuild progressive human resources infrastructure in dynamic organization. Senior management team member and acting Chief Administrative Officer. Chairperson of management committee overseeing all corporate functions.

- Transformed HR infrastructure from single site administrative focus to a multinational strategic global function, consisting of highly motivated professionals, supporting four distinct business units.
- Reorganized staff, implemented integrated HRIS/Payroll system, slashed recruiting expenses (\$250,000 annually) and timelines (by 75%); reduced turnover 46%.
- Created pay-for-performance culture by implementing innovative benefits/compensation plans such as Long Term Incentive (phantom stock) Plan. Reduced salary-increase budget by 25% while continuing to reward top performers. Consolidated all health and welfare plans, resulting in annual savings of \$600,000.

- Trustee, fiduciary and Administrator managing \$100mm in assets in 401(k), Defined Benefit Pension Plan, multiple Non-qualified Deferred Compensation, SERP, Top Hat and Executive Compensation Plans. Report to Board of Directors on all fiduciary and financial/investment matters. Substantially reduced potential for liability.
- Implemented succession-planning initiatives including custom management development and process innovation programs resulting in staff reductions and demonstrable increases in efficiencies. Oversaw multiple RIF's and reorganizations resulting in no liability.
- Real estate, site planning and facilities functions including all aspects of space planning in contemplation of headquarters lease expiration (150,000 s.f./\$3mm annually).
- Key core team member in the planning of the company's creation of a joint venture.

**EXECUTIVE TELE-CARD (d.b.a. EGLOBE - NASD: EGLO) New York, NY & Reston, VA 2000 - 2001
Senior Vice President, Human Resources & Administration**

Retained upon the acquisition of 8 companies to develop and implement global HR strategy and administrative functions for 10 year old publicly-traded telecommunications company. Senior management team member and Chief Administrative Officer.

- Created entire HR infrastructure - from single site operations supporting one product line to a multinational strategic global function supporting five product lines throughout US, Asia, Europe.
- Consolidated 8 companies in all aspects of HR and administration including health, welfare and retirement plans (as trustee), policies and procedures, communications strategies, staffing and retention, executive compensation/agreements, real estate, and insurance. Consolidated operations, closed and/or expanded multiple facilities, resulting in significant cost reductions and conducted RIF's.
- Consolidated and oversaw administrative functions including - security, internet crimes/espionage, real estate/lease negotiations, facilities, insurance and other corporate functions.

**QUEENS GROUP-SHOREWOOD PKG. (Acquired by International Paper Corp.), NY, NY 1997 - 2000
Corporate Director of Human Resources & Labor Counsel**

Reported to CEO of this \$200mm specialty packaging and printing firm. Executive management team member. ISO 9000 environment. Ultimately acquired by International Paper.

- Retained to create corporate HR (compensation, benefits, HRIS, payroll), Safety/Security, Environmental and Labor Relations functions upon merger of 5 companies.
- Created In-house counsel role. Directed litigation activity. Negotiated labor contracts; eliminated outside counsel and reduced timetable for negotiations 75%.
- Unified 30+ employee benefit plans upon merger/acquisition; led plan redesign and saved over \$750,000.
- Oversaw due diligence for acquisitions serving as key team member. Developed and implemented strategic plans to facilitate acquisitions and designed the integration plan for merging cultures.
- Consolidated, expedited and managed exceptionally sensitive issues, many of which had been ongoing; resolved all matters judiciously with no penalties.

ACLD, Inc., Bethpage, NY 1994 - 1997

Director of Human Resources

Hired to create corporate HR function reporting to CEO. Combined two distinct operating units. Presented to Board regularly on all HR matters. Member of senior management team.

- Increased retention rates and implemented cutting-edge employment and staffing processes and procedures that reduced turnover and slashed recruitment expenses, saving over \$300,000 a year.
- Redesigned and merged separate payroll departments, instituted new procedures and controls, reduced staff; enhanced data entry, retrieval, reporting and decision making.
- Expanded training and development from traditional regulatory compliance to align it with the organization's strategic mission; implemented performance-based, tailored management training programs.
- Implemented corporate Human Resources Information System; researched, selected, implemented and integrated a total system, covering all 20 locations, with no outside IT assistance.

NIKON INC., Melville, New York 1988 - 1994

Assistant Manager, Human Resources

HR Generalist and corporate "Number Two" with nationwide responsibility.

FONAR CORPORATION, Melville, NY 1985 - 1988

Assistant Director of Personnel/Personnel Administrator

ACADEMIC EXPERIENCE

Assistant Professor of Management, St. Joseph's College, Patchogue & Brooklyn, NY 2004- present

- Full-time Graduate-level professor teaching courses in organizational management, strategic human resources management, compensation and benefits management, business law and employment law in EMBA, MS program.
- Spearheaded the development of course curricula for the development of a graduate certificate in human resources management and core human resource curricula for EMBA.
- Regularly coach and mentor new human resources and law faculty.

Adjunct Professor, New York Institute of Technology and St. Joseph's College 1992- 2003

- Served as adjunct instructor for two New York metropolitan area graduate programs focusing on human resource management.

RECENT AWARDS & ACCOLADES

- ❖ "Best Recruiting Law Blog 2005" - Recruiting.com and Jobster.com
- ❖ "New York State Liberty Award" - New York State's Highest Civilian Honor - for volunteer activities in the Gulf Region following Hurricane Katrina
- ❖ "One's to Watch in Human Resources" - Long Island Business News 2007
- ❖ "Ranked as one of the Top Two Human Resources Websites in 2006 by the American Bar Association's Law Practice Management.
- ❖ StrategicHRLawyer Weblog featured as a resource on: About.com, The ABA Journal: Law News Now, ABA Law Practice Today.

EDUCATION

- J.D., *cum laude*, St. John's University School of Law, New York, NY (evening program) 1996
- Awarded the ABA/BNA Award for Excellence in the Study of Labor & Employment Law
 - Awarded Second Prize - NYSBA Writing Competition (first non-3rd year recipient)
- M.S., *with distinction*, Labor & Industrial Relations, New York Institute of Technology 1989
- Awarded Anita Messinger Memorial Award for Scholarship, Service & Leadership
 - Awarded the John Theobald Award for Outstanding Scholarship
- B.A., Industrial Labor Relations, State University of New York, Potsdam, NY 1985

PROFESSIONAL AFFILIATIONS

- Admitted to the New York State Bar
 - Member, American Bar Association, New York State Bar Association (NYSBA)
 - Member, Nassau County Bar Association
 - Committee Member, NYSBA Labor & Employment Section, EEO Committee
 - Committee Member, NYSBA Labor & Employment Section, Employee Benefits Committee
 - Board Member, Long Island Chapter, Turnaround Management Association
 - Member, HRNY / Society for Human Resources Management, Legal and Legislative Committee
 - Senior Professional in Human Resources ("SPHR") - Human Resources Certification Institute
 - Member, National Speakers Association
 - Past President, American Society of Training & Development, Long Island Chapter
- Sponsor, Long Island Life Sciences Summit - 2007
Journal Sponsor, Go Red for Women Luncheon - 2008

1051

Intro. Res. No. -2010
Introduced by Legislators Schneiderman and Romaine

Laid on Table 1/4/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO.
-2010, A LOCAL LAW TO REGULATE THE DISTRIBUTION OF
MORTGAGE TAX REVENUES TO TOWNS AND VILLAGES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2010, a proposed local law entitled, "**A LOCAL LAW TO REGULATE THE DISTRIBUTION OF MORTGAGE TAX REVENUES TO TOWNS AND VILLAGES**" now, therefore, be it

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

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REGULATE THE DISTRIBUTION OF
MORTGAGE TAX REVENUES TO TOWNS AND VILLAGES**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that local governments rely heavily on budgeted mortgage tax revenues to support their operations.

This Legislature also finds and determines that Suffolk County administers the distribution of mortgage tax revenues to all towns and villages throughout the County.

This Legislature further finds and determines that Suffolk County currently distributes mortgage tax revenues twice each year.

This Legislature finds that the economic downturn has had a significant impact on mortgage tax revenues, with this funding source declining to levels last seen a decade ago.

This Legislature determines that this decline in mortgage tax revenue has caused local governments to experience increased pressure on the property tax base and severe constraints on cash flow.

This Legislature also finds that New York State Tax Law §261 allows counties the option to distribute mortgage tax revenues to local governments on a semiannual, quarterly or monthly basis.

This Legislature further finds that it would be prudent to increase the frequency of mortgage tax revenue payments and decrease the time between collection and distribution of these revenues to aid in operations of towns and villages.

Therefore, the purpose of this law is to make the election to distribute mortgage tax revenue payments to towns and villages on a quarterly basis with a three month lag.

Section 2. Mortgage Tax Distribution.

- A. The County of Suffolk elects to distribute mortgage tax revenues collected pursuant to Article 11 of the New York Tax Law to towns and villages on a quarterly basis.
- 1) The Suffolk County Clerk, as recording officer, and the Suffolk County Treasurer shall prepare a joint report on or before the fifteenth day of February, May, August and November of each year showing the amount of mortgage tax revenue to be credited to each town and village for the preceding three month period ending December 31st, March 31st, June 30th and September 30th.
- 2) The Suffolk County Legislature shall, on or before the fifteenth day of March, June, September and December of each year, authorize the Presiding Officer and the Clerk of the Legislature to execute and deliver a warrant directing the County Treasurer to make the payments to towns and villages specified in the joint report. The Suffolk County Legislature shall authorize the issuance of the warrant by procedural motion.

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-mortgage recording tax quarterly distribution

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

1051



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: DECEMBER 29, 2009
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. -2010; A LOCAL LAW TO REGULATE THE DISTRIBUTION OF MORTGAGE TAX REVENUES TO TOWNS AND VILLAGES

SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 12/16/09 PUBLIC HEARING: 1 / 10

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

This proposed law would establish a new policy whereby the County will distribute mortgage tax revenues collected pursuant to Article 11 of the NEW YORK TAX LAW to towns and villages on a quarterly basis. Currently, the County distributes mortgage tax revenues to towns and villages twice a year.

Under the terms of this local law, the County Clerk and County Treasurer shall prepare a joint report on or before February 15th, May 15th, August 15th and November 15th each year showing the amount of mortgage tax revenue to be credited to each town and village for the preceding three month period ending December 31st, March 31st, June 30th and September 30th. The County Legislature shall, on or before the 15th day of March, June, September and December, authorize the Presiding Officer and the Clerk of the Legislature to execute and deliver a warrant to the County Treasurer to make the payments specified in the joint report. The County Legislature shall authorize the issuance of a warrant by procedural motion.

This law will take immediately on 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:tm

s:\rule28\28-mortgage tax revenues

1052

Intro. Res. No. -2010
Introduced by Legislator Schneiderman

Laid on Table 1/4/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A CHARTER LAW TO PROVIDE
FLEXIBILITY IN THE MEMBERSHIP OF THE COUNCIL ON
ENVIRONMENTAL QUALITY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2010 a proposed local law entitled, "A CHARTER LAW TO PROVIDE FLEXIBILITY IN THE MEMBERSHIP OF THE COUNCIL ON ENVIRONMENTAL QUALITY"; now, therefore, be it

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

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO PROVIDE FLEXIBILITY IN THE
MEMBERSHIP OF THE COUNCIL ON ENVIRONMENTAL QUALITY**

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 Council on Environmental Quality ("CEQ") is an important committee that advises Suffolk County officials on the implementation and compliance with the State Environmental Quality Review Act, as well as other environmental concerns.

This Legislature also finds and determines that there are eleven members on the CEQ, one of whom is the Chairman of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature.

This Legislature further finds and determines that it is unnecessary to require that the Chairman of the Environment, Planning and Agriculture Committee serve on a committee that is advisory to the Legislature.

This Legislature finds that it would be prudent to provide the Chairman of the Environment, Planning and Agriculture Committee with the option of either serving on the CEQ personally or appointing a designee.

Therefore, the purpose of this law is to amend Section C1-3 of the SUFFOLK COUNTY CHARTER to provide the Chairman of the Environment, Planning and Agriculture Committee with the option of appointing a designee to serve on the Council on Environmental Quality.

Section 2. Amendment.

Article I of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

Article I. Environmental Bill of Rights

§C1-3. Membership of Council.

- A. The Council on Environmental Quality shall consist of 11 voting members, one of whom shall be the Chairman of the Environment, Planning and Agriculture Committee of the County Legislature, or any successor Committee thereto, or his designee, and 10 of whom shall be appointed by the County Legislature for terms of five years history.

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

This local 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\cl-schneiderman CEQ membership

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1052



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: 12/29/09

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2010

TITLE: I.R. NO. 1052 -2010; A CHARTER LAW TO PROVIDE FLEXIBILITY IN THE MEMBERSHIP OF THE COUNCIL ON ENVIRONMENTAL QUALITY

SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 12/29/09

PUBLIC HEARING: 1 / 2010

DATE ADOPTED/NOT ADOPTED: _____

CERTIFIED COPY RECEIVED: _____

This proposed charter law would amend Article I of the SUFFOLK COUNTY CHARTER to allow the Chairman of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature to either serve personally on the Council on Environmental Quality or to appoint a designee.

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

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-CEQ membership flexibility