

L A I D O N T H E T A B L E A U G U S T 1 7 , 2 0 1 0

LADS REPORT PREPARED BY:

Michele Gerardi

1848. Locating a police substation in Huntington Station. (Cooper) WAYS & MEANS
1849. Amending 2009 Lag Payroll Program to ensure equity for affected employees. (Pres. Off.) BUDGET & FINANCE
1850. Sale of County-owned real estate pursuant to Local Law No. 13-1976 Gina D'Andraia and Taran A. and Robert A. Muhlenforth (SCTM No. 0200-799.00-01.00-075.000). (Co. Exec.) WAYS & MEANS
1851. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Cherry Weinstein (SCTM Nos. 0100-058.00-01.00-037.000 and 0100-056.00-03.00-060.000). (Co. Exec.) WAYS & MEANS
1852. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Pinson A. Dodier (SCTM No. 0200-811.00-02.00-019.000). (Co. Exec.) WAYS & MEANS
1853. Authorizing use of the Long Island Maritime Museum by the Lupus Alliance of Long Island-Queens for their Blues on the Bay Fundraiser. (Co. Exec.) PARKS & RECREATION
1854. Authorizing use of Blydenburgh County Park by Almost Home Animal Rescue and Adoption for its Dog Walkathon Fundraiser. (Co. Exec.) PARKS & RECREATION
1855. Sale of County-owned real estate pursuant to Local Law No. 13-1976 Virginia A. Kraye (SCTM No. 0500-288.00-02.00-042.000). (Co. Exec.) WAYS & MEANS
1856. Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Zillmann and Kerry Zillmann, his wife (SCTM No. 0100-017.00-01.00-095.001). (Co. Exec.) WAYS & MEANS
1857. Accepting the donation of certain lands now owned by Rudolph Fabrizio and transfer such lands to the Suffolk County Department of Parks, Recreation and Conservation for Pine Barrens Core Preservation purposes (SCTM Nos. 0200-356.00-04.00-006.001, 0200-356.00-04.00-009.001, 0200-356.00-04.00-010.000 and 0200-413.00-02.00-007.000). (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1858. Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security in the amount of \$1,227,720 for the "State Homeland Security Program (SHSP) FY2009" administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements. (Co. Exec.) PUBLIC SAFETY

1859. Authorizing the extension of the lease of premises located at 240 Meeting House Lane, Southampton, NY for use by the Department of Health Services. (Co. Exec.) WAYS & MEANS
1860. Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security in the amount of \$65,000 for the 2008 HazMat Grant Program administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements. (Co. Exec.) PUBLIC SAFETY
1861. Amending the 2010 Adopted Operating Budget by transferring funds from Cornell Cooperative Extension's Administration Program budget to their Agriculture and Marine Programs. (Co. Exec.) ENVIRONMENT, PLANNING & AGRICULTURE
1862. Amending Resolution No. 887-2009, "Authorizing a custodial license agreement with the North Fork Audubon Society for Inlet Pond County Park, Greenport". (Romaine) PARKS & RECREATION
1863. Adopting Local Law No. -2010, A Local Law to reduce minors' access to spray paint. (Browning) PUBLIC SAFETY
1864. To approve the purchase of three (3) previously leased vehicles in the Suffolk County Department of Labor, in compliance with Local Law No. 20-2003. (Co. Exec.) LABOR, WORKFORCE & AFFORDABLE HOUSING
1865. To enhance the Department of Consumer Affairs Website. (Montano) WAYS & MEANS
1866. Adopting Local Law No. -2010, A Local Law to register non-profit veterans' organizations in Suffolk County. (Cilmi) VETERANS & SENIORS
1867. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-847.00-02.00-015.000). (Co. Exec.) WAYS & MEANS
1868. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-959.00-03.00-019.000). (Co. Exec.) WAYS & MEANS
1869. Amending the 2010 Operating Budget and appropriating funds in connection with bonding a settlement for a bus liability case. (Co. Exec.) BUDGET & FINANCE
1870. Amending the 2010 Adopted Operating Budget to accept and appropriate additional 100% State Aid from the New York State Office of Mental Health to Family Service League for Suicide Prevention Activities. (Co. Exec.) HEALTH & HUMAN SERVICES
1871. Amending the 2010 Capital Budget and Program, transferring funds from the Assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 9 - College Park (CP 8163). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION

1872. Amending the 2010 Capital Budget and Program, transferring funds from the Assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 23 - Coventry Manor (CP 8149). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1873. Calling for a public hearing for the purpose of considering proposed increases and improvements of the sewer collection system facilities for Sewer District No. 7 – Medford (CP 8150). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1874. A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of wastewater treatment facilities for Sewer District No. 14 Parkland (CP 8118). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1875. Directing the County Attorney to bring an action against New York State regarding the MTA payroll tax. (Romaine) WAYS & MEANS
1876. Directing the Department of Information Technology to determine the feasibility of establishing an electronic neighborhood watch in Huntington Station. (D’Amaro) WAYS & MEANS
1877. Establishing an automated calling policy prior to mosquito spraying in Suffolk County. (D’Amaro) HEALTH & HUMAN SERVICES
1878. Adopting Local Law No. -2010, A Local Law to ensure the safe transfer of fuel to boats and watercraft in the Peconic Estuary. (Schneiderman) HEALTH & HUMAN SERVICES
1879. Adopting Local law No. -2010, A Local Law establishing a County Registry for animal abuse offenders. (Cooper) PUBLIC SAFETY
1880. Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (Expansion) (CP 8183). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1881. Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (Sludge Improvements) (CP 8180). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1882. Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (Infiltration/Inflow) (CP 8181). (Co. Exec.) PUBLIC WORKS & TRANSPORTATION
1883. Adopting Local law No. -2010, A Local Law declaring as surplus and authorizing the execution of a contract for the sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed use development. (Co. Exec.) WAYS & MEANS

PROCEDURAL MOTION

- PM.19 Authorizing clerk to dispose of old records. (Pres. Off.) WAYS & MEANS

1848

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

Laid on Table 8/17/10

**RESOLUTION NO. -2010, LOCATING A POLICE
SUBSTATION IN HUNTINGTON STATION**

WHEREAS, there has been a surge in street violence, drug dealings, and gang activity in Huntington Station in the past several years; and

WHEREAS, the severity of the crime problem in the Huntington Station community led the Huntington School Board to take the extraordinary step of closing the Jack Abrams Intermediate School; and

WHEREAS, the efforts of school, town, and County officials to stem violent crime in Huntington Station have so far proven insufficient; and

WHEREAS, a police substation was located in Huntington Station until 2006; and

WHEREAS, re-establishing a police substation near the now closed Jack Abrams Intermediate School would send a strong signal that the County of Suffolk is serious about stopping crime in Huntington Station; and

WHEREAS, establishing a police substation would heighten County police presence, deter crime, and help make the streets of Huntington Station safe for community residents; now, therefore be it

1st RESOLVED, that the Director of the Division of Real Property Acquisition and Management is hereby authorized, empowered and directed to locate a facility to house a police substation near the Jack Abrams Intermediate School in Huntington Station; and be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management shall report back to this Legislature on her findings and recommend a location for the police substation within thirty (30) days from the effective date of this resolution; 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:

1849

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

Laid on Table 8/17/10

**RESOLUTION NO. – AMENDING 2009 LAG PAYROLL
PROGRAM TO ENSURE EQUITY FOR AFFECTED EMPLOYEES**

WHEREAS, several of the County's public employee unions agreed to a two week lag payroll in 2009 to help the County achieve costs savings and avoid layoffs; and

WHEREAS, the County of Suffolk enacted Resolutions 337-2009 and 476-2009 to extend the lag payroll to exempt and confidential employees; and

WHEREAS, each of these resolutions provided that employees participating in the lag payroll would be reimbursed for their lost wages and "that the reimbursement rate for such lag time shall be at the rate of pay at the time of his or her separation from the County"; and

WHEREAS, this Legislature recognizes that certain county employees may be receiving a salary on their date of separation that is lower than was earned at the time of the lag payroll and, therefore, will not receive full reimbursement for the wages they lost in 2009; and

WHEREAS, this Legislature believes it is fair and equitable that county employees affected by the lag payroll receive, at a minimum, reimbursement for the actual wages sacrificed in 2009; now, therefore, be it

1st RESOLVED, that the 4th RESOLVED Clause of Resolution No. 337-2009 is hereby amended as follows:

4th RESOLVED, that the reimbursement rate for such lag time shall be at the rate of pay at the time of his or her separation except that in the event an employee's rate of pay at the time of separation is less than it was at the time the lag payroll was imposed, the employee shall be reimbursed for the actual amount of wages withheld; and be it further

and be it further

2nd RESOLVED, that the 5th RESOLVED Clause of Resolution No. 476-2009 is hereby amended as follows:

5th RESOLVED, that the reimbursement rate for such lag time shall be at the rate of pay at the time of his or her separation, except that in the event an employee's rate of pay at the time of separation is less than it was at the time the lag payroll was imposed, the employee shall be reimbursed for the actual amount of wages withheld; and be it further

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\2010\amending lag payroll

Introductory Resolution No. 1850-10

Laid on Table 8/17/10

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
GINA D'ANDRAIA & TARAN A. & ROBERT A MUHLENFORTH
(SCTM NO. 0200-799.00-01.00-075.000)**

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 799.00 Block 01.00 Lot 075.000 and acquired by Tax Deed on August 15, 2007 from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 4, 2007 in Liber 12520 at CP 725 and described as follows, being and intended to be that parcel of land known and designated as Lots 70 & 71 in Block 25 on a certain map entitled "Map of Lake Ronkonkoma Estates, Sec 8", and filed in the Office of the Clerk of the County of Suffolk on September 29, 1911 as Map No. 40; 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, Gina D'Andraia & Taran A. & Robert A. Muhlenforth, have made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$3,000.00. 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 \$3,000.00, 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 \$3,000.00, 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 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 Gina D'Andraia, 48 Fourth Street, Ronkonkoma, New York 11779 & Taran A. & Robert A. Muhlenforth, 38 Mary Avenue, Ronkonkoma, New York 11779.

DATED:

APPROVED BY

County Executive of Suffolk County

Date of Approval:

1850

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. 0200-799.00-01.00-075.000

ADJOINING OWNER	BID	BID	BID
Taran A. & Robert A. Muhlenforth 38 Mary Avenue Ronkonkoma, New York 11779 0200-799.00-01.00-074.000	\$1,500.00		
Gina D'Andraia 48 4 th Street Ronkonkoma, New York 11779 0200-799.00-01.00-077.001	\$1,500.00		
Saverio & Elsa Monteleone 47 Third Street Ronkonkoma, New York 11779 0200-799.00-01.00-090.000	\$0		

SIZE OF PARCEL: 40' x 100'
APPRAISED VALUE: \$3,000.00
COMMENT: Direct Sale to Adjacent Owner

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

1850

**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

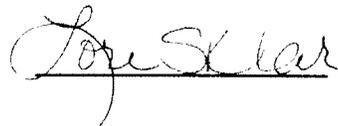
2010

10. Name & Title of Preparer

Signature of Preparer

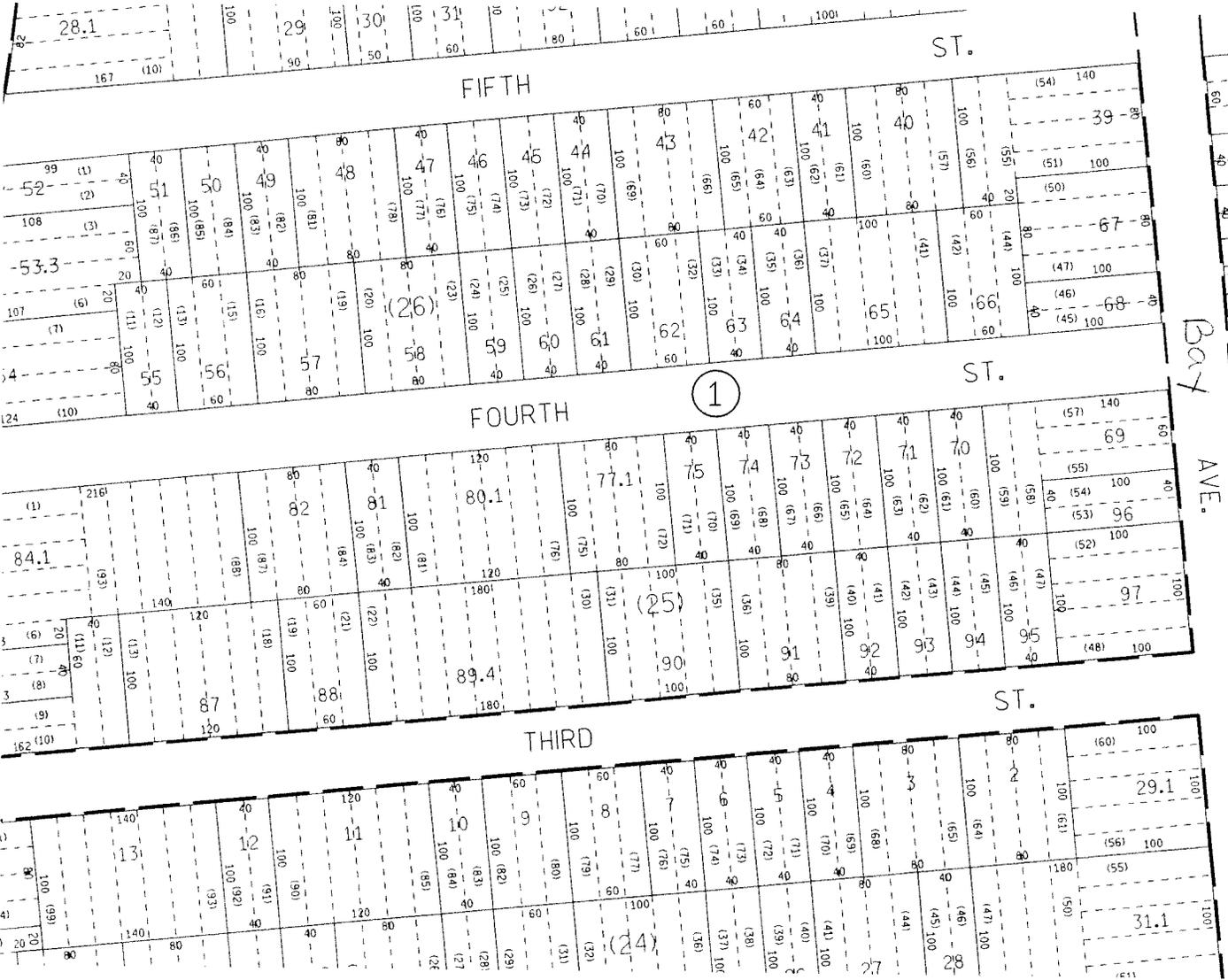
Date

Lori Sklar – LMS III

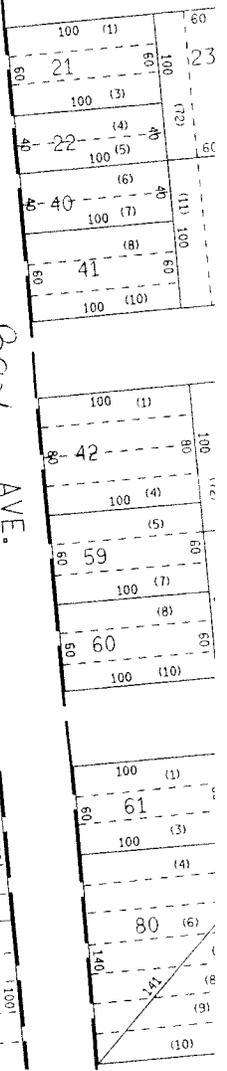


7/28/10

1850



BAY AVE.



Map

1850



Hospitals



College-University



Public Schools



Major Roads



Streets



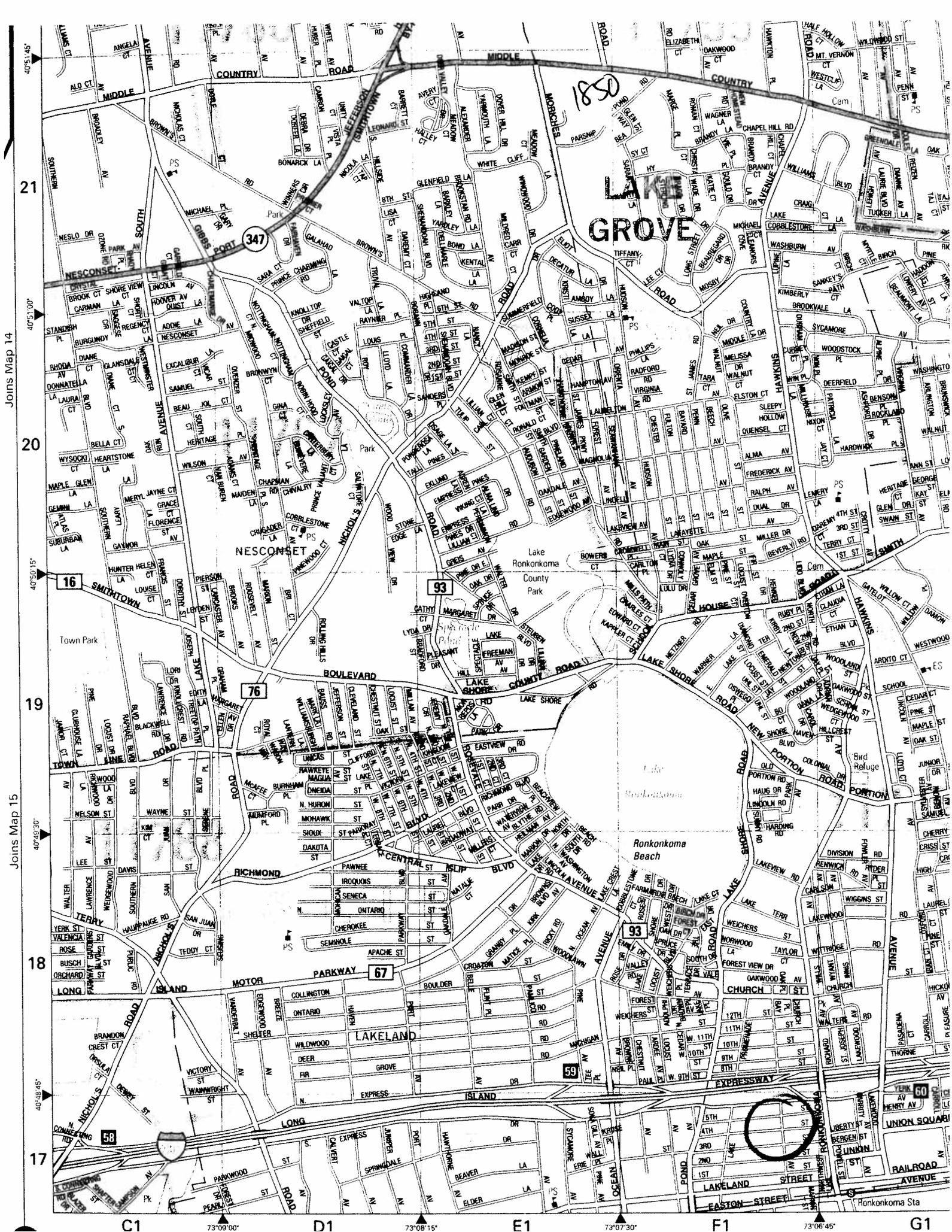
Owner Parcel



Natural Color 2006

Land Use (continued)

- MILITARY BASE
- PARK (CITY/COUNTY)
- PARK (STATE)
- PARK/MONUMENT (NATIONAL)
- SHOPPING CENTRE
- UNIVERSITY/COLLEGE



Joins Map 14

Joins Map 15

17

18

19

20

21

C1

D1

E1

F1

G1

73°09'00"

73°08'15"

73°07'30"

73°06'45"

Honkonkoma Sta

COUNTY OF SUFFOLK



1850

7-20-10
AUG 02 2010

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

July 27, 2010

Ken Crannell
Deputy County Executive
H. Lee Dennison Bldg. 12th Fl.
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Re: Tax Map Number: 0200-799.00-01.00-075.000

Dear Mr. Crannell:

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:

Christopher E. Kent, Chief Deputy County Executive
Brendan Chamberlain, Director, Intergovernmental Relations (2 hard copies)
Thomas A. Isles, Director of Planning
CE Reso Review, via e-mail

Introductory Resolution No. 1851-10 Laid on Table 8/17/10

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
CHERRY WEINSTEIN
0100-058.00-01.00-037.000
0100-056.00-03.00-060.000

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 058.00, Block 01.00, Lot 037.000 and District 0100, Section 056.00, Block 03.00, Lot 060.000, 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 29, 2009, in Liber 12601, at Page 256, and otherwise known and designated by the Town of Babylon,

PARCEL I - 0100-058.00-01.00-037.000

As Lots 22 and 23 in Block 23 as shown on a certain map entitled "Map of Colonial Springs" filed in the office of the Clerk of the County of Suffolk on March 16, 1926 as Map No. 223

PARCEL II - 0100-056.00-03.00-060.000

As Lot 34 in Block 5 as shown on a certain map entitled "Map of Wyandanch Springs Park, Section 28" filed in the office of the Clerk of the County of Suffolk as Map No. 44; 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 29, 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, CHERRY WEINSTEIN has made application of said above described parcel and CHERRY WEINSTEIN has paid the application fee and has paid \$2,560.22, 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, 2010, 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 CHERRY WEINSTEIN, 657 Jerusalem Ave., Uniondale NY 11553, 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: _____

1851

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

July 28, 2010

Tax Map No.: 0100-058.00-01.00-037.000
0100-056.00-03.00-060.000

Name of Last Legal Fee Owner: CHERRY WEINSTEIN

TREASURER'S COMPUTATION.....\$1,705.72

Taxes.....2009/2010.....\$429.50

License/Storage Fee.....OPEN

Repairs.....OPEN

Miscellaneous Expenses.....\$425.00

TOTAL.....\$2,560.22

Monies Received.....\$2,560.22

RESOLUTION AMOUNT..... \$2,560.22

APPROVED:

Karen Slater 7/29/10
Accounting
DB:lag

PREPARED BY:

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

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION 1851

1. Type of Legislation

Resolution X
Tax Map Number 0100-058.00-01.00-037.000

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

2010

10. Typed Name & Title of Preparer Signature of Preparer Date
Diane Bishop Diane Bishop 7-28-10

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0100	058.00	01.00	037.000

1851

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2006/07	258.66
2007/08	270.44
2008/09	190.06

2009/10 PROPERTY TAXES \$202.11 NOT INCLUDED IN COMPUTATION

TOTAL: 719.16

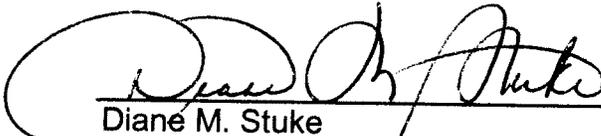
B. INTEREST DUE	49.64
C. TOTAL	768.80
D. 5% LINE C	38.44
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$807.24

CERTIFICATION BY COUNTY TREASURER

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

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 24-May-10



Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to
and including 11/20/10

COMPUTATION BY SUFFOLK COUNTY TREASURER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0100	056.00	03.00	060.000

1851

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2006/07	286.69
2007/08	299.94
2008/09	213.81

2009/10 PROPERTY TAXES \$227.39 NOT INCLUDED IN COMPUTATION

TOTAL: 800.44

B. INTEREST DUE	55.25
C. TOTAL	855.69
D. 5% LINE C	42.78
E. FEE	
F. MISC.	
G. MISC	

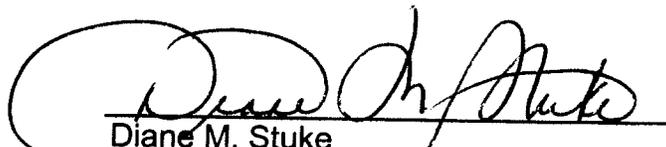
H. TOTAL DUE \$898.48

01
over
108
7/09

CERTIFICATION BY COUNTY TREASURER

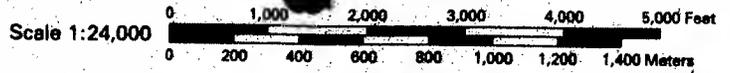
I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 24-May-10



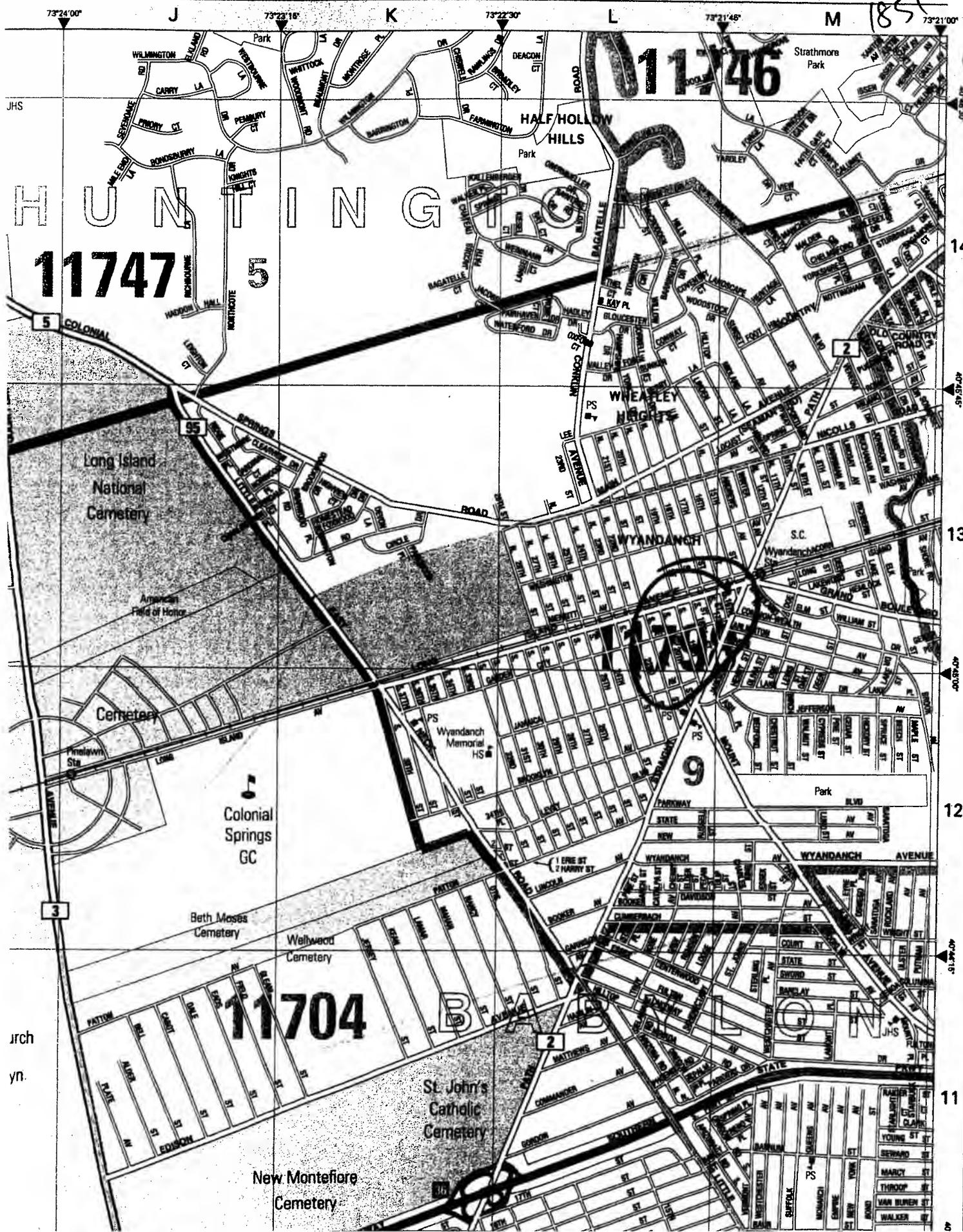
Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to
and including 11/20/10



Joins Map 3

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0100-056-00-03.00-060.000
Joins Map 10

H U N T I N G

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11746

11704

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New Montefiore
Cemetery

St. John's
Catholic
Cemetery

Long Island
National
Cemetery

American
Field of Honor

Cemetery

Colonial
Springs
GC

Beth Moses
Cemetery

Wellwood
Cemetery

Park

WYANDANCH AVENUE

1 ERE ST
2 HARRY ST

PS

PS

14

13

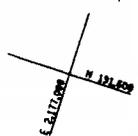
12

11

8



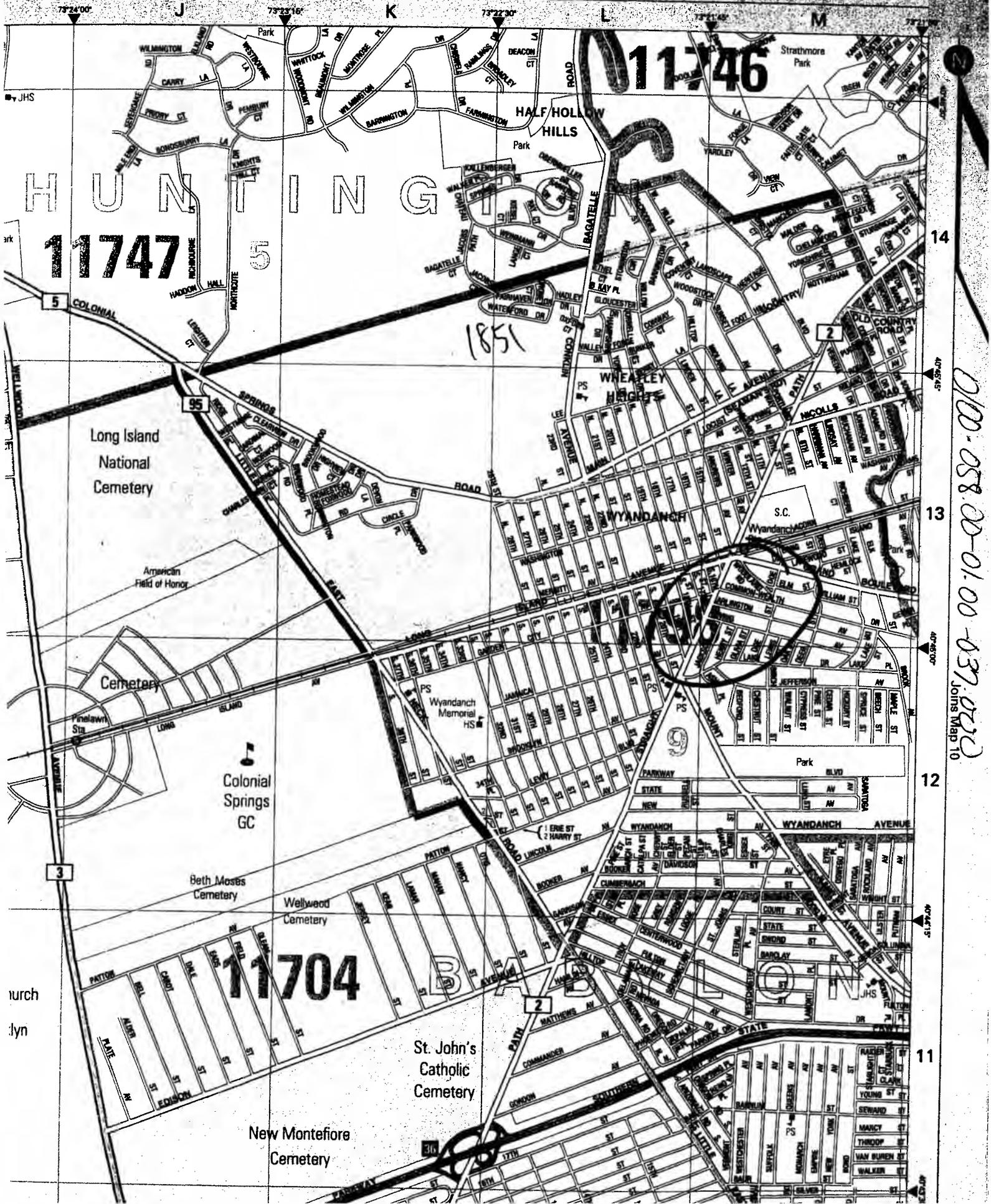
1851



0100-056.00-0300-060.000

VERTICES TRACTS: _____ _____ _____ _____ _____	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. 11961 SCALE IN FEET: 1" = 100'	KEY MAP 030 030 040 053 056 057 054 055 058	TOWN OF BABYLON	SECTION NO 056
	VILLAGE OF				DISTRICT NO 0100	PROPERTY MAP
	_____				_____	_____

Joins Map 3



0100-058-00-01.00-037-0222
Joins Map 10

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lyn

11704

St. John's
Catholic
Cemetery

New Montefiore
Cemetery

COUNTY OF SUFFOLK



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

1851
AUG 02 2010

July 29, 2010

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

Re: Tax Map No. 0100-058.00-01.00-037.000
0100-056.00-03.00-060.000
CHERRY WEINSTEIN

Dear Mr. Crannell:

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:

Ken Crannell, 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 C. Naughton, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

Introductory Resolution No. 1852-10 Laid on Table 8/17/10

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
PINSON A. DODIER
0200-811.00-02.00-019.000

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

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200, Section 811.00, Block 02.00, Lot 019.000, and acquired by tax deed on September 29, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 29, 2009, in Liber 12601, at Page 424, and otherwise known and designated by the Town of Brookhaven, as Lot 37 on a certain map entitled "Map of Medford Village, Section 1" and filed in the office of the Clerk of the County of Suffolk on November 22, 1972 as Map No. 5825; 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 29, 2009, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on September 29, 2009 in Liber 12601 at Page 424.

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, PINSON A. DODIER has made application of said above described parcel and PINSON A. DODIER has paid the application fee and has paid \$14,314.85, 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, 2010, 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 PINSON A. DODIER, 36 Matsunaye Drive, 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: _____

1852

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

July 27, 2010

Tax Map No.: 0200-811.00-02.00-019.000

Name of Last Legal Fee Owner: PINSON A. DODIER

TREASURER'S COMPUTATION.....\$4,977.42

Taxes.....2009/2010.....\$4,087.43

License/Storage Fee.....\$5,250.00

Repairs.....OPEN

Miscellaneous Expenses.....OPEN

TOTAL.....\$14,314.85

Monies Received.....\$14,314.85

RESOLUTION AMOUNT.....\$14,314.85

APPROVED:

Karen Blate 7/29/10
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	811.00	02.00	019.000

1852

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2004/05 4451.79

**2005/06 THROUGH FIRST HALF 2009/10 TAXES PAID BY CHASE MORTGAGE
2009/10 SECOND HALF PROPERTY TAXES \$4087.43 NOT INCLUDED IN COMPUTATION**

TOTAL: 4451.79

B. INTEREST DUE	288.61
C. TOTAL	4740.40
D. 5% LINE C	237.02
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$4,977.42

DS
7/29/10

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. 30-Apr-10



Diane M. Stuke

Deputy County Treasurer

**Interest and penalty computed to
and including 10/27/10

distance:
approximately
6 mi. vertically.

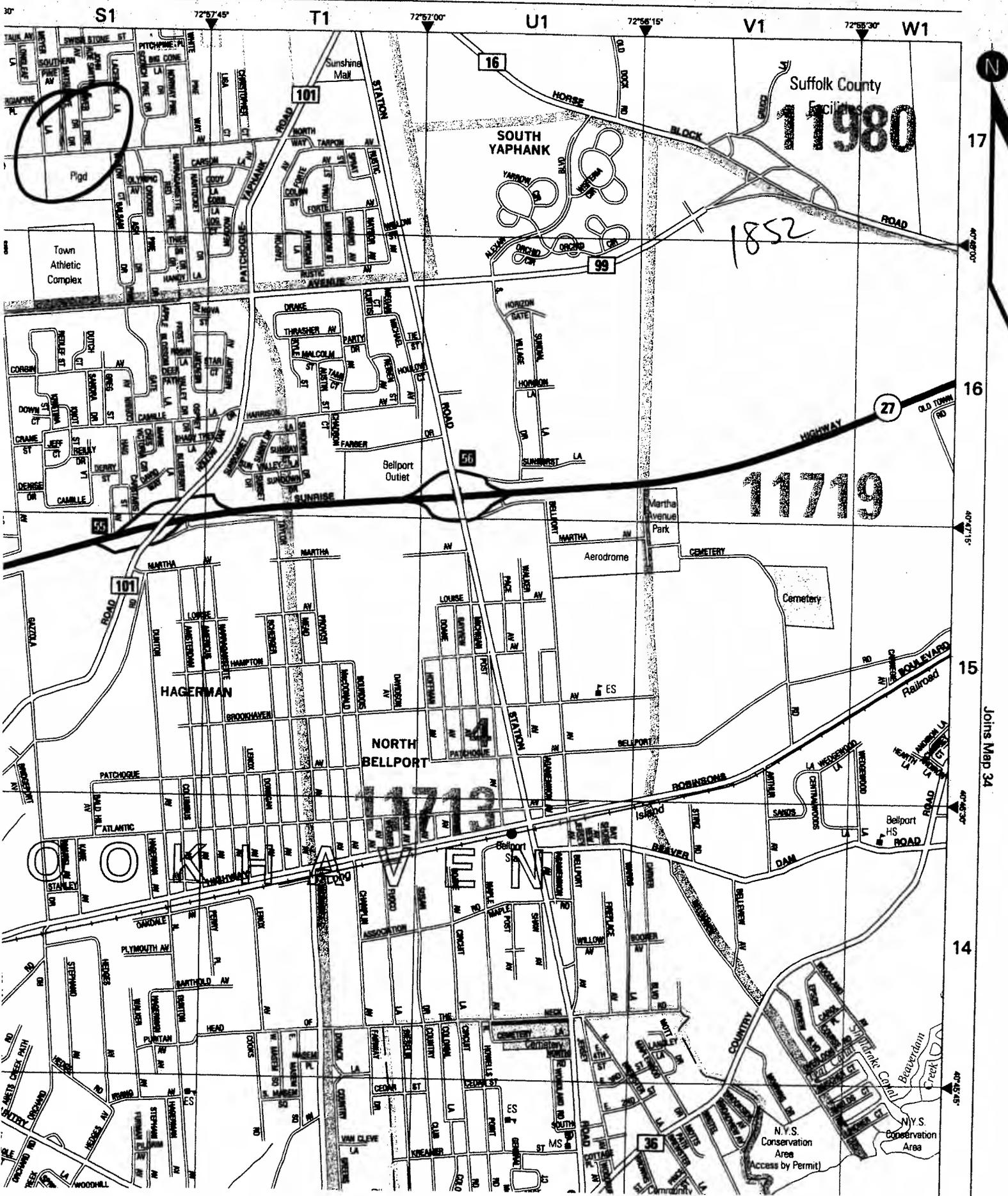
0200-81100-02.00-019.000

May
28

Scale 1:24,000



Joins Map 27



17

40°47'00"

16

40°47'15"

15

40°47'30"

14

40°47'45"

Joins Map 34

Suffolk County
Facility
1980

1852

11719

11713



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

Gen A3

COUNTY OF SUFFOLK



STEVE LEVY
COUNTY EXECUTIVE

1852

AUG 02 2010

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

PAMELA J. GREENE
DIVISION DIRECTOR

CARRIE MEEK-GALLAGHER
COMMISSIONER

July 29, 2010

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

Re: Tax Map No. 0200-811.00-02.00-019.000
PINSON A. DODIER

Dear Mr. Crannell:

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:

- Ken Crannell, 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 C. Naughton, Budget Director
- Thomas A. Isles, Director, Planning Dept.
- Lauretta Fischer, Principal Planner, Planning Dept.

1853

Intro. Res. No. -2010

Laid on Table

8/17/10

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2010, AUTHORIZING USE OF THE LONG ISLAND MARITIME MUSEUM BY THE LUPUS ALLIANCE OF LONG ISLAND-QUEENS FOR THEIR BLUES ON THE BAY FUNDRAISER

WHEREAS, Lupus Alliance of Long Island-Queens is a 501(c)(3) nonprofit organization having its principal place of business at 2255 Centre Avenue, Bellmore, New York; and

WHEREAS, the Lupus Alliance of Long Island-Queens would like to use the Long Island Maritime Museum in West Sayville for the purpose of hosting their Blues on the Bay fundraiser to raise money for the organization; and

WHEREAS, the fundraiser will be held on the grounds of the Long Island Maritime Museum on Sunday, September 26, 2010; and

WHEREAS, a Certificate of Insurance with accompanying declaration page naming Suffolk County as an additional insured will be provided by the Lupus Alliance of Long Island-Queens; now therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") § 617.5 (C)(15), (20) and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and since this is a Type II action, the County Legislature has no further responsibilities under SEQRA, and be it further

2nd RESOLVED, that the use of Long Island Maritime Museum by the Lupus Alliance of Long Island-Queens for the purpose of hosting a fundraiser on Sunday, September 26, 2010, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from the Lupus Alliance of Long Island-Queens and the payment of the One Thousand Dollars (\$1000.00) event fee to the Long Island Maritime Museum, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at the Long Island Maritime Museum by the Lupus Alliance of Long Island-Queens.

DATED:

APPROVED BY:

County Executive of Suffolk County
Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1853

<p>1. Type of Legislation</p> <p>Resolution <u> X </u> Local Law _____ Charter Law _____</p>		
<p>2. Title of Proposed Legislation</p> <p style="text-align: center;">AUTHORIZING USE OF THE LONG ISLAND MARITIME MUSEUM BY THE LUPUS ALLIANCE OF LONG ISLAND-QUEENS FOR THEIR BLUES ON THE BAY FUNDRAISER</p>		
<p>3. Purpose of Proposed Legislation</p> <p style="text-align: center;">Authorize use of County Parkland for fundraising event.</p>		
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <u> X </u></p>		
<p>5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)</p> <p>County Town Economic Impact</p> <p>Village School District Other (Specify):</p> <p>Library District Fire District</p>		
<p>6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact</p> <p style="text-align: center;">N/A</p>		
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p style="text-align: center;">N/A</p>		
<p>8. Proposed Source of Funding</p> <p style="text-align: center;">N/A</p>		
<p>9. Timing Impact</p> <p style="text-align: center;">N/A</p>		
<p>10. Typed Name & Title of Preparer</p> <p>Tom Malanga Intergovernmental Relations Coordinator Dept. of Parks, Recreation & Conservation</p>	<p>11. Signature of Preparer</p> <p style="text-align: center;"><i>Thomas J Malanga</i></p>	<p>12. Date</p> <p style="text-align: center;">7/26/2010</p>

FINANCIAL IMPACT
2011 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

(853)

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 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.



LONG ISLAND MARITIME MUSEUM APPLICATION FOR USE OF FACILITIES



1853

Please read and complete entire application.

APPLICANT'S NAME Debbie O'Rourke
 ORGANIZATION NAME (if applicable) Lupus Alliance of Long Island/Queens Affiliate
 ADDRESS 2255 Centre Avenue Bellmore, NY 11710
 CONTACT NAME Debbie O'Rourke
 PHONE NUMBER 631-617-5150 CELL # 631-220-2940

- REQUEST USE OF (CHECK ALL THAT APPLY)
- ENTIRE GROUNDS (Up to 100 people).....\$300.00
 - ENTIRE GROUNDS (100-250 people) 500.00
 - ENTIRE GROUNDS (250+ people)..... 2.00 per person
 - ELWARD SMITH III LIBRARY & GARDEN AREA 250.00
 - ELWARD SMITH III LIBRARY & MAIN GALLERY 250.00
 - ELWARD SMITH III ONLY.....150.00
 - STAFF FEE FOR AFTER-HOURS EVENT..... 10.00 per hour

A maximum of two (2) hours is allowed for wedding ceremonies. Five (5) hours for reception or party. Seven (7) hours for a combined wedding ceremony and reception. All events must end no later than 10:00 p.m. A one (1) hour period for a wedding rehearsal is included in the wedding fee schedule, but must be scheduled with the Museum Director. Fees also include a three (3) hour set up period for catering, decorating and other preparations immediately preceding the event.

TYPE OF EVENT Music & Food Festival fundraiser (Please be specific)

Will Food/Beverages be provided? YES NO
 Is event open to the general public? YES NO

If event is open to public **AND** food/beverages are being provided, the attached **SUFFOLK COUNTY HEALTH SERVICES ORGANIZER'S APPLICATION FOR TEMPORARY PERMIT** must be filed. Non-compliance with Health Services regulations may result in event being shut down.

DATE(S) REQUESTED 9/26/10 ALTERNATE DATE(S) _____
 (THIS IS NOT A RAIN DATE)
 EVENT START TIME 12 PM (AM) (PM) ESTIMATED ATTENDANCE 500
 ARRIVAL TIME 6 am DEPARTURE TIME 8 PM
 (PREMISES MUST BE VACATED BY 10 PM)

Is event being catered? YES NO Name of Caterer _____

Will alcoholic beverages be provided? YES NO (If YES, the Hold Harmless Agreement attached must be signed, notarized & returned to museum).

Will alcoholic beverages be sold? YES NO (If YES, the Special Event Permit attached must be filed with the NYS Liquor Authority to obtain a temporary liquor license).

Is this a **Fundraiser**? YES NO Groups wishing to hold fundraisers on Suffolk County Park property must contact the Parks Permit Department at 854-4951 a **minimum of three months prior** to event for permission as Suffolk County Legislative approval is required.

1853

TENTS (Excludes Museum tent)

Additional Tent(s) Canopy _____ Arch _____ (Suffolk County Fire Marshall inspection may be required, see attached)

VENDORS: YES **NO** _____ List all unknown at this time, will send

a list as date approaches

Names of vendors (amusement/entertainment, etc.) at event must be listed above. Attach separate list if necessary. Vendor(s) chosen must provide a certificate of insurance naming SUFFOLK COUNTY as an additional insured in the amount of \$2,000,000 per occurrence Comprehensive General Liability.

[Signature] Deborah O'Rourke 6/10/10
Applicant Signature Please Print Date

OFFICE USE ONLY

SCHEDULE OF PAYMENTS AND DEPOSITS

\$1,000.00 flat fee received 6/23/10

- ENTIRE GROUNDS (Up to 100 people) \$300.00 _____ Date Received _____
- ENTIRE GROUNDS (100 – 250 people) 500.00 _____ Date Received _____
- ENTIRE GROUNDS (250+ people) – PER PERSON 2.00 _____ Date Received _____
- ELWARD SMITH III LIBRARY & GARDEN AREA 250.00 _____ Date Received _____
- ELWARD SMITH III LIBRARY & MAIN GALLERY 250.00 _____ Date Received _____
- ELWARD SMITH III LIBRARY ONLY 150.00 _____ Date Received _____
- STAFF FEE FOR AFTER HOURS EVENT – PER HOUR 10.00 _____ Date Received _____

SUB TOTAL \$ _____

GARBAGE SECURITY DEPOSIT – Group Size \$ _____ Date Received _____

SUB TOTAL \$ _____

LESS DEPOSIT TO GUARANTEE RESERVATION - \$100.00 _____ Date Received _____

TOTAL DUE \$ _____

Deposit must accompany application. Upon approval, the Director will sign the application for the Museum and return a copy to you.

ALL CHECKS ARE TO BE MADE PAYABLE TO: **LONG ISLAND MARITIME MUSEUM**

MAIL TO: LONG ISLAND MARITIME MUSEUM
P.O. BOX 184
WEST SAYVILLE, NY 11751

[Signature]
Maritime Museum Staff Approval Date
Phone: 631-854-4974

Parks Department Staff Approval Date
Phone: 631-854-4951

1853

THE "HOLD HARMLESS" AGREEMENT BELOW MUST BE SIGNED AND NOTARIZED TO REQUEST PERMISSION TO CONSUME ALCOHOLIC BEVERAGES (IN PICNIC AREAS ONLY).

HOLD HARMLESS AGREEMENT

THE APPLICANT/ORGANIZATION AGREES TO INDEMNIFY AND SAVE HARMLESS THE COUNTY OF SUFFOLK, ITS OFFICIALS, EMPLOYEES AND AGENTS FROM SUITS, ACTION, DAMAGES AND COST OF EVERY NATURE AND DESCRIPTION RESULTING FROM THE ACTIONS OF THE APPLICANT/ORGANIZATION.

THE APPLICANT/ORGANIZATION AGREES TO INDEMNIFY AND SAVE HARMLESS THE COUNTY OF SUFFOLK FROM ANY LIABILITY OR ACTION ARISING FROM ANY PROPERTY OWNED BY OR IN THE CARE, CUSTODY AND CONTROL OF THE APPLICANT.

6/19/10

DATE

[Signature]

PRINCIPAL OR AUTHORIZED REPRESENTATIVE
(APPLICANT/ORGANIZATION)

Woods Alliance of Long Is. / Queens
GROUP/ORGANIZATION NAME

NOTARY [Signature]

DATE June 19, 2010

MICHELE R. SCIAULINO
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01-SC6055028
QUALIFIED IN SUFFOLK COUNTY
MY COMMISSION EXPIRES 02-26-2011

1853

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
ORGANIZER'S APPLICATION AND PERMIT FOR TEMPORARY EVENT



Permit Fee: \$185	*Late Fee: \$60
No Application Fee for <u>Non-Profit</u> (with copy of Tax Exempt Form Attached)	
* Late Fee Applies Regardless of Tax Status	
Date Received: _____	Fee Paid: _____
Permit Issued _____	Denied _____
Sanitarian _____	ID _____

To the Commissioner of Health:

Application for a temporary permit for the setting up and operation of a temporary event or fundraiser at which food is served is hereby made, concerning which the following information is submitted:

Note: If additional space is needed for your answers, attach additional explanatory material to this form.

Organization Lupus Alliance of America Long Island Queens Affiliate

Contact Person Debbie O'Rourke Phone # 631-617-5150

Mailing Address 2255 Centre Ave. Bellmore, NY 11710

Email Address lupuslqueens@aol.com

Name of Event and Town Where Held Blues on the Bay for Lupus / West Sayville

Detailed Location (Street, nearest cross streets) Long Island Maritime Museum 86 West Ave, ^{West Sayville} NY 11796

Opening Date 9/26/10 Closing Date 9/26/10 Operating Hours of Event 12:00pm - 6:00pm

Estimated Attendance (per day) 500

of Trailers and Tents Used for Sleeping 0 # of Persons Sleeping on-site 0

Number Flush Toilets with Warm Running Water Handwashing Sinks for Food Handlers 4

Source of Water Supply (If a Well, Attach Water Analysis. If public water, supply proof of source) _____

Will a fire hydrant be used for potable water? Yes No If yes, provide a recent water sample. Reduced Pressure Zone valve must be connected to hydrant to prevent backflow

Proposed Water Storage and Distribution Plan _____

Location of 3 Basin Sink for Utensil Washing (required for multiple day events and vendors doing on site preparation) _____

In food handlers tent

Source of Hot Water Supply bathroom

Location of On-site Mechanical Refrigeration _____

Source of Continuous Electric Power for the Event Museum power

Number of Garbage Collection Facilities _____ Name of Garbage Disposal Service _____

Number of Public Toilets Provided 6 Number of Handsinks 6 Number of Handicap Accessible Toilets 1

1853

Name of Contracted Wastewater Pumpout Service _____

Name, Address, and Phone # of Person Responsible for Final Cleanup of Event Site _____

Debbie O'Rourke, The Eventide Group 258 Hawkins Ave. Suite C.
Roxbury, NY 11779

Will the Event Feature a Petting Zoo? Yes No If yes, provide name, address, permit number, and phone number.

Names, Addresses, and Phone Numbers of Food Vendors, Food Samplers, or Caterers: (Attach additional pages(s) if necessary)

N/A - will send the list as they become available

The undersigned applicant hereby states that he is the responsible owner or manager of the said operation; that he has obtained authorization for use of the proposed location and secured licenses and permits as locally required; that he is familiar with and prepared to comply with the various pertinent regulations of the Suffolk County Sanitary Code, and that he accepts responsibility for any and all violations of the said Code caused or committed by any of his employees.

Notes: A separate and specific application must be submitted to the Suffolk County Department of Health at least 21 days before the proposed opening date for each location. Late applications may be denied. Events cannot exceed 14 days duration and must be continuous within the allowed 14 day permit period. Permits cannot be renewed at the same location.

Applications will not be approved unless legible, accompanied by a site plan drawn to scale showing sewage disposal, water and electric lines, proposed locations of food establishments, toilets, and utility washrooms, and all questions are answered.

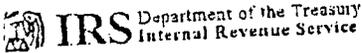
Signature Deborah O'Rourke for Lupus Alliance Date 6/19/10

Print Deborah O'Rourke

Title (Print) planner



BUREAU OF PUBLIC HEALTH PROTECTION
FOOD PROTECTION UNIT
360 Yaphank Avenue, Suite 2A, Yaphank NY 11980
(631) 852-5999 / 852-5873 FAX (631) 852-5871



CINCINNATI OH 45999-0046

In reply refer to: 0223736402
Apr. 15, 2004 LTR 147C
11-2468104 000000 00 000
01149

BODC: TE

LUPUS ALLIANCE OF AMERICA INC LONG
ISLAND-QUEENS AFFILIATE
2255 CENTRE AVE
BELLMORE NY 11710-3499997

Employer Identification Number: 11-2468104

Dear Taxpayer:

We received your request of Apr. 06, 2004 asking us to verify your employer identification number (EIN) and name.

Your employer identification number (EIN) is 11-2468104. Please keep this number in your permanent records. You should enter your name and your EIN, exactly as shown above, on all business federal tax forms that require its use, and on any related correspondence or documents.

Our records indicate your account is listed under Section 501(c)(3) of the IRC Non-profit Organization (but subject to FUTA).

If you have any questions, please call Steve Perrin at 859-669-3481 between the hours of 7:00 a.m. and 4:00 p.m. ET. If the number is outside your local calling area, there will be a long-distance charge to you.

If you prefer, you may write to us at the address shown at the top of the first page of this letter.

Whenever you write, please include this letter and, in the spaces below, give us your telephone number with the hours we can reach you. Also, you may want to keep a copy of this letter for your records.

Telephone Number (516) 193-3370 Hours M-F 9:30-5:00

1853

1853

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LUPUS ALLIANCE OF AMERICA, INC.
LONG ISLAND QUEENS AFFILIATE
2255 CENTRE AVE.
BELLMORE, NY 11710

CITIBANK, N.A. BR. #732
BELLMORE, NY 11710
1-148-210

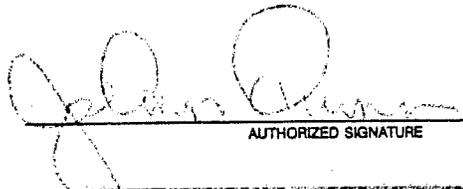
6/9/2010

PAY TO THE ORDER OF Long Island Maritime Museum

\$ **1,000.00

One Thousand and 00/100 ***** DOLLARS

Long Island Maritime Museum
Attn: Michelle Jausman
PO Box 184
86 West Avenue
West Sayville NY 11796


AUTHORIZED SIGNATURE

MEMO Blues on the Bay for Lupus September 26, 2010

⑈0000744⑈ ⑆02100⑆486⑆ 045069325⑈

Security features. Details on back.



6/31

1853

COUNTY OF SUFFOLK



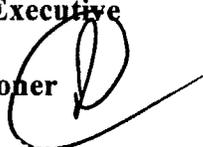
STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOSEPH J. MONTUORI
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: KEN CRANNELL, Deputy County Executive

FROM: JOSEPH J. MONTUORI, Commissioner 

CC: CHRISTOPHER KENT, Chief Deputy County Executive

DATE: July 26, 2010

RE: INTRODUCTORY RESOLUTION AUTHORIZING USE OF THE
LONG ISLAND MARITIME MUSEUM BY THE LUPUS
ALLIANCE OF LONG ISLAND-QUEENS FOR THEIR BLUES
ON THE BAY FUNDRAISER

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Blues on Bay for Lupus Alliance Fundraising Event at LIMM.doc."

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

Enclosures



1854

Intro. Res. No. -2010

Laid on Table

8/17/10

Introduced by the Presiding Officer on request of County Executive

**RESOLUTION NO. -2010, AUTHORIZING USE OF
BLYDENBURGH COUNTY PARK BY ALMOST HOME
ANIMAL RESCUE & ADOPTION FOR ITS DOG WALKATHON
FUNDRAISER**

WHEREAS, the Almost Home Animal Rescue & Adoption would like to hold its Dog Walkathon Fundraiser at Blydenburgh County Park in the Town of Smithtown; and

WHEREAS, the Dog Walkathon Fundraiser, is scheduled to be held on Saturday, October 9, 2010; and

WHEREAS, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by Almost Home Animal Rescue & Adoption; now therefore, be it

1st **RESOLVED**, that the use of Blydenburgh County Park by the Almost Home Animal Rescue and Adoption for the purpose of hosting a fundraiser on Saturday, October 9, 2010, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance and the accompanying declaration page by the County of Suffolk from Almost Home Animal Rescue and Adoption, and the payment of the One Hundred Dollars (\$100.00) event fee, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Human Resources, Personnel and Civil Service; and be it further

2nd **RESOLVED**, that before this event shall be permitted to occur, Almost Home Animal Rescue and Adoption must apply for and obtain a permit from the Commissioner of the Department of Parks, Recreation, and Conservation as required by Section 378-7(B) of the Suffolk County Code; and be it further

3rd **RESOLVED**, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at Blydenburgh County Park by Almost Home Animal Rescue and Adoption, and be it further

4th **RESOLVED**, that Almost Home Animal Rescue and Adoption shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink and require these vendors to display such certificate in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

5th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1854

<p>1. Type of Legislation</p> <p>Resolution <u>X</u> Local Law _____ Charter Law _____</p>		
<p>2. Title of Proposed Legislation</p> <p>AUTHORIZING USE OF BLYDENBURGH COUNTY PARK BY ALMOST HOME ANIMAL RESCUE & ADOPTION FOR ITS DOG WALKATHON FUNDRAISER</p>		
<p>3. Purpose of Proposed Legislation</p> <p>Authorize use of County Parkland for fundraising event.</p>		
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No _____</p>		
<p>5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)</p> <p> <input type="checkbox"/> County <input type="checkbox"/> Town <input type="checkbox"/> Economic Impact <input type="checkbox"/> Village <input type="checkbox"/> School District <input type="checkbox"/> Other (Specify): <input type="checkbox"/> Library District <input type="checkbox"/> Fire District </p>		
<p>6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact</p> <p>\$ 100 FEE</p>		
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p>N/A</p>		
<p>8. Proposed Source of Funding</p> <p>N/A</p>		
<p>9. Timing Impact</p> <p>N/A</p>		
<p>10. Typed Name & Title of Preparer</p> <p>Tom Malanga Intergovernmental Relations Coordinator Dept. of Parks, Recreation & Conservation</p>	<p>11. Signature of Preparer</p> <p><i>Thomas J Malanga</i></p> <p>NICHOLAS E. PAGLIA JR</p>	<p>12. Date</p> <p>7/26/2010</p>

**FINANCIAL IMPACT
2011 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1854

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 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.

1854



Suffolk County Department of Parks, Recreation & Conservation
Mail Application to: P.O. Box 144, West Sayville, NY 11796
Phone: 631-854-4951-4964
www.suffolkcountyny.gov/parks

APPLICATION FOR PARKLAND GROUP PERMIT

Permit Requested (Check One)

YOUTH GROUP CAMPING _____ GROUP PICNIC _____ ADULT (FAMILY) CAMPING CLUB _____

SPECIAL GROUP EVENT (Specify Below) GENERAL GROUP _____ (HIKE/FIELD TRIP)

Dog Event - Walkathon Fundraiser
(Horse/Dog Event, Fundraiser, Other)

PARK(S) Requested Blydenburg Area **DATE(S) Requested**
1st Choice October 9th 1st Choice October 9th
2nd Choice _____ 2nd Choice _____

Name of Group/Organization Almost Home
Address Po Box 350 Medford NY Zip Code 11763
Applicant Name Mara Henvey Phone 631-672-2656 # 631-672-2656
Address 57 Bogart St Applicant Signature Mara Henvey
Town Huntington St State NY Zip 11746 Today's Date 7/9/2010
Arrival Time 9 a.m./p.m. Departure Time 2pm (Parks Close at Dusk)
Estimated # Attending up to 100 # Cars/Vans _____ # Buses 0

ADULT (FAMILY) CAMPING CLUBS: Total # of Units _____ (7 unit minimum non-holiday weekends, 10 unit minimum holiday weekends)

SPECIAL EVENTS & PICNICS

Will Food/Beverages be provided? YES NO

Is event open to the general public? YES NO

If event is open to public **AND** food/beverages are being provided a **SUFFOLK COUNTY HEALTH SERVICES ORGANIZER'S APPLICATION FOR TEMPORARY PERMIT** must be filed. Non-compliance with Health Services regulations may result in event being shut down.

Is event being catered? YES _____ NO Name of Caterer _____

Will alcoholic beverages be provided? YES _____ NO (If YES the Hold Harmless Agreement attached must be Signed & notarized).

Will alcoholic beverages be sold? YES _____ NO (If YES a Special Event Permit must be filed with the NYS Liquor Authority to obtain a temporary liquor license).

Is this a Fundraiser? YES NO _____ Groups wishing to hold fundraisers on Suffolk County Park property must contact the Parks Permit Department at 854-4951 a **minimum of three months prior** to event for permission as Suffolk County Legislative approval is required.

TENTS - Suffolk County Fire Marshall inspection may be required contact Permit Dept. at 854-4951 for information.

VENDORS? YES _____ NO List all _____

Names of vendors (amusement/entertainment, etc.) at event must be listed above. Attach separate sheet if necessary. Vendor(s) chosen must provide a certificate of insurance naming SUFFOLK COUNTY as an additional insured in the amount of **\$2,000,000** per occurrence Comprehensive General Liability.

SPECIAL REQUESTS/COMMENTS: _____

Office Use Only

DATE(S) APPROVED _____ AREA ASSIGNED _____ Picnic _____
Youth _____
Adult _____
PARK APPROVED _____ County Park _____
Received of _____ Amount \$ _____ Cash _____ MO _____ Credit _____
Alcohol Permit Approved _____ (Staff Initials) Transaction # _____ Check _____
SPECIAL INSTRUCTIONS _____

ACORD CERTIFICATE OF LIABILITY INSURANCE

1854

DATE (MM/DD/YYYY)
07/12/2010

PRODUCER (631)475-6363 FAX (631)475-6025
Bradford/Independent Insurance
600 Waverly Avenue
Patchogue, NY 11772-1598

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Evanston	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

INSURED Almost Home Animal Rescue & Adoption Inc
PO Box 350
Medford, NY 11763

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L TR INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS								
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$								
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$								
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$								
A	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$	XONJ296209	10/02/2009	11/06/2010	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$ \$ \$								
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				<table border="1"> <tr> <td>WC STATU-TORY LIMITS</td> <td>OTH-ER</td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$</td> </tr> </table>	WC STATU-TORY LIMITS	OTH-ER	E.L. EACH ACCIDENT	\$	E.L. DISEASE - EA EMPLOYEE	\$	E.L. DISEASE - POLICY LIMIT	\$
WC STATU-TORY LIMITS	OTH-ER												
E.L. EACH ACCIDENT	\$												
E.L. DISEASE - EA EMPLOYEE	\$												
E.L. DISEASE - POLICY LIMIT	\$												

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

COUNTY OF SUFFOLK
SUFFOLK COUNTY PARKS DEPARTMENT
P O BOX 144
WEST SAYVILLE, NY 11796

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 15 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Richard J. Intracelli

1854

IMPORTANT

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

1854

00081865

C E R T I F I C A T E O F I N S U R A N C E

Issue date: 7-07-10

Producer
BRADFORD INDEPENDENT
INSURANCE AGENCIES INC
600 WAVERLY AVE
PATCHOGUE NY 11772

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

COMPANIES AFFORDING COVERAGE

Insured
ALMOST HOME ANIMAL RESCUE
& ADOPTION INC.
PO BOX 350
MEDFORD NY 11763

- Company letter A BURLINGTON INSURANCE CO
- Company letter B
- Company letter C
- Company letter D
- Company letter E

COVERAGES This is to certify that policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

Co Lt	Type of Insurance	Policy number	Policy Effective	Policy Expire	ALL LIMITS IN THOUSANDS	
A	GENERAL LIABILITY X Commercial General Liab. Claims made X Occurrence - Owner's & contractors protective - -	477B005179	11-06-09	11-06-10	General aggregate.....\$ 2,000 Products-completed operations aggregate..\$ INCLU Personal & advertising injury....\$ 1,000 Each occurrence.....\$ 1,000 Fire damage (any one fire).....\$ 100 Medical expense (any one person).....\$ 5	
	AUTOMOBILE LIABILITY - Any auto - All owned autos - Scheduled autos - Hired autos - Non-owned autos - Garage liability -				CSL	\$
					Bodily Injury (per person)	\$
					Bodily Injury (per accident)	\$
					Property damage	\$
	EXCESS LIABILITY - Umbrella form - Other than umbrella form				Each occurrence	Aggregate
					\$	\$
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				Statutory	
					\$ (each accident)	
					\$ (disease-policy limit)	
					\$ (disease-each empl.)	
	OTHER - -					

Description of operations/locations/vehicles/special items

NFP ANIMAL RESCUE & ADOPTION RESOURCE

CERTIFICATE HOLDER IS AN ADDITIONAL INSURED

Certificate holder

COUNTY OF SUFFOLK
SUFFOLK COUNTY PARKS DEPT.
PO BOX 144
W SAYVILLE NY 11796

CANCELLATION Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 10* days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Authorized representative

Gen B2

1854

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOSEPH J. MONTUORI
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: KEN CRANNELL, Deputy County Executive
FROM: JOSEPH J. MONTUORI, Commissioner
CC: CHRISTOPHER KENT, Chief Deputy County Executive
DATE: July 26, 2010
RE: INTRODUCTORY RESOLUTION AUTHORIZING USE OF BLYDENBURGH
COUNTY PARK BY ALMOST HOME ANIMAL RESCUE & ADOPTION FOR
ITS DOG WALKATHON FUNDRAISER

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Almost Home Animal Rescue Walkathon Fundraiser.doc".

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

Enclosures

Introductory Resolution No. (855-10

Laid on Table 8/17/10

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
VIRGINIA A. KRAYE
(SCTM NO. 0500-288.00-02.00-042.000)**

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 288.00 Block 02.00 Lot 042.000 and acquired by Tax Deed on June 15, 1999 from John Cochrane, the County Treasurer of Suffolk County, New York, and recorded on June 23, 1999 in Liber 11970 at CP 897 and described as follows, being and intended to be that parcel of land known and designated as Lots 24 & 25 in Block 15 on a certain map entitled "Map of Brightwaters Land Corp.", and filed in the Office of the Clerk of the County of Suffolk on January 31, 1927 as Map No. 46; 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, Virginia A. Krave, has made an offer to Suffolk County, for the purchase of said above described parcel for the sum of \$1,500.00. At closing the purchaser will be responsible for the pro rata share of the current taxes which amount will be due upon receipt of the deed; and

WHEREAS, the real property above described has been appraised at \$1,500.00, which property is surplus to the needs of the County of Suffolk and

WHEREAS, the Director of the Division of Real Property Acquisition and Management, and/or her designee, has received and deposited the sum of \$1,500.00, pursuant to said purchase offer; and

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

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 Virginia A. Krave, 61 Chestnut Drive, Bay Shore, New York 11706.

DATED:

APPROVED BY

County Executive of Suffolk County

Date of Approval:

1855

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. 0500-288.00-02.00-042.000

ADJOINING OWNER	BID	BID	BID
Virginia A. Kraye 61 Chestnut Drive Bay Shore, New York 11706 0500-288.00-02.00-041.000	\$1,500.00		
Jean M. & John W. Brown 1445 Gardiner Drive Bay Shore, New York 11706 0500-288.00-02.00-029.000	\$0		
Justo Galeas 8 Fern Place Bay Shore, New York 11706 0500-288.00-02.00-031.000	\$0		
Joseph Romano 6 Fern Place Bay Shore, New York 11706 0500-288.00-02.00-032.000	\$0		

SIZE OF PARCEL: 48' x 102' x 30' x 100'
APPRAISED VALUE: \$1,500.00
COMMENT: Direct Sale to Adjacent Owner

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

1855

**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

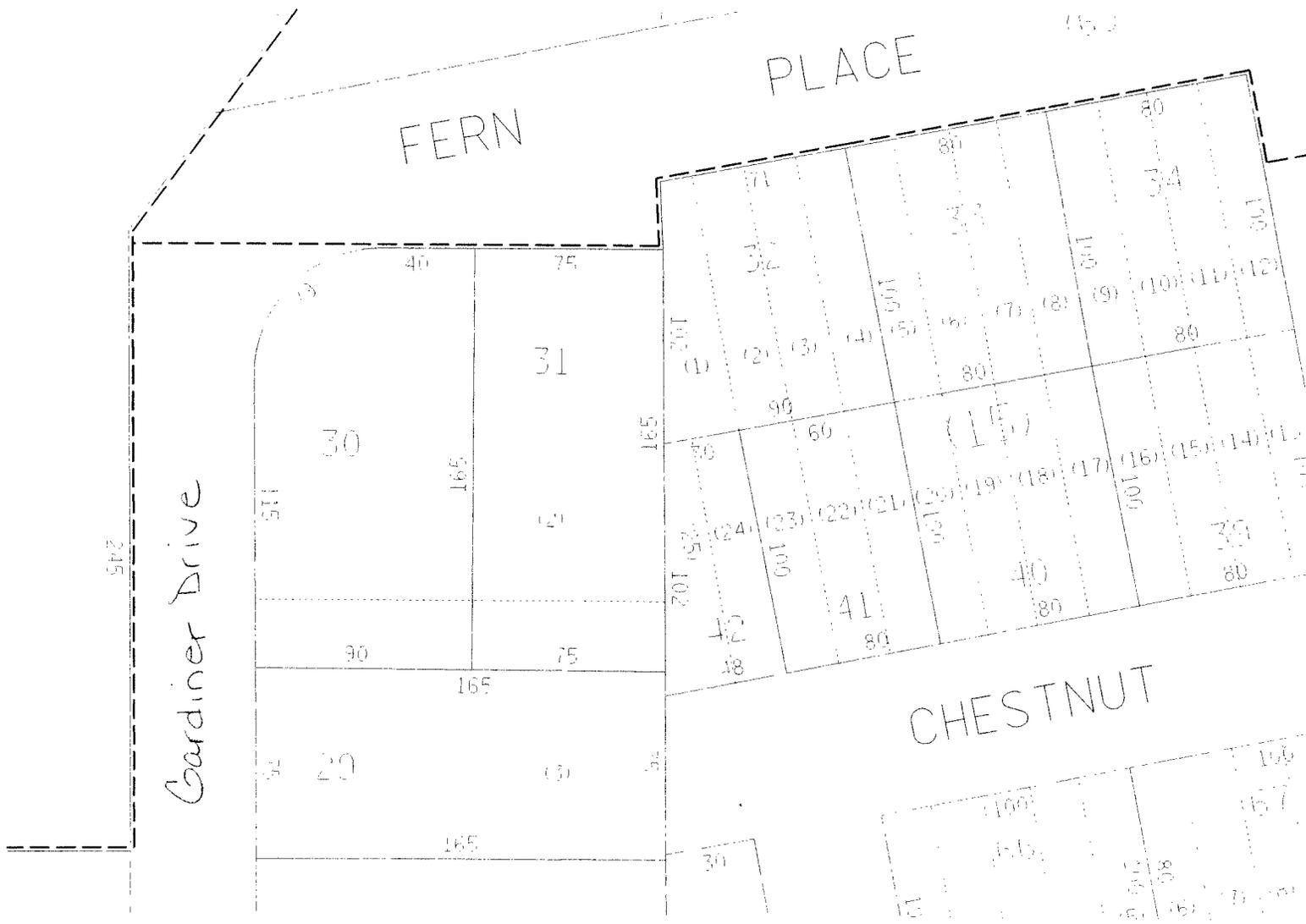
7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision
Unknown

8. Proposed Source of Funding
None

9. Timing of Impact
2010

10. Name & Title of Preparer Signature of Preparer Date
Lori Sklar – LMS III Lori Sklar 8/4/10

1855



Map

1855



Hospitals



College-University



Public Schools



Major Roads

Streets

Owner Parcel



Natural Color 2006

Land Use (continued)

MILITARY BASE

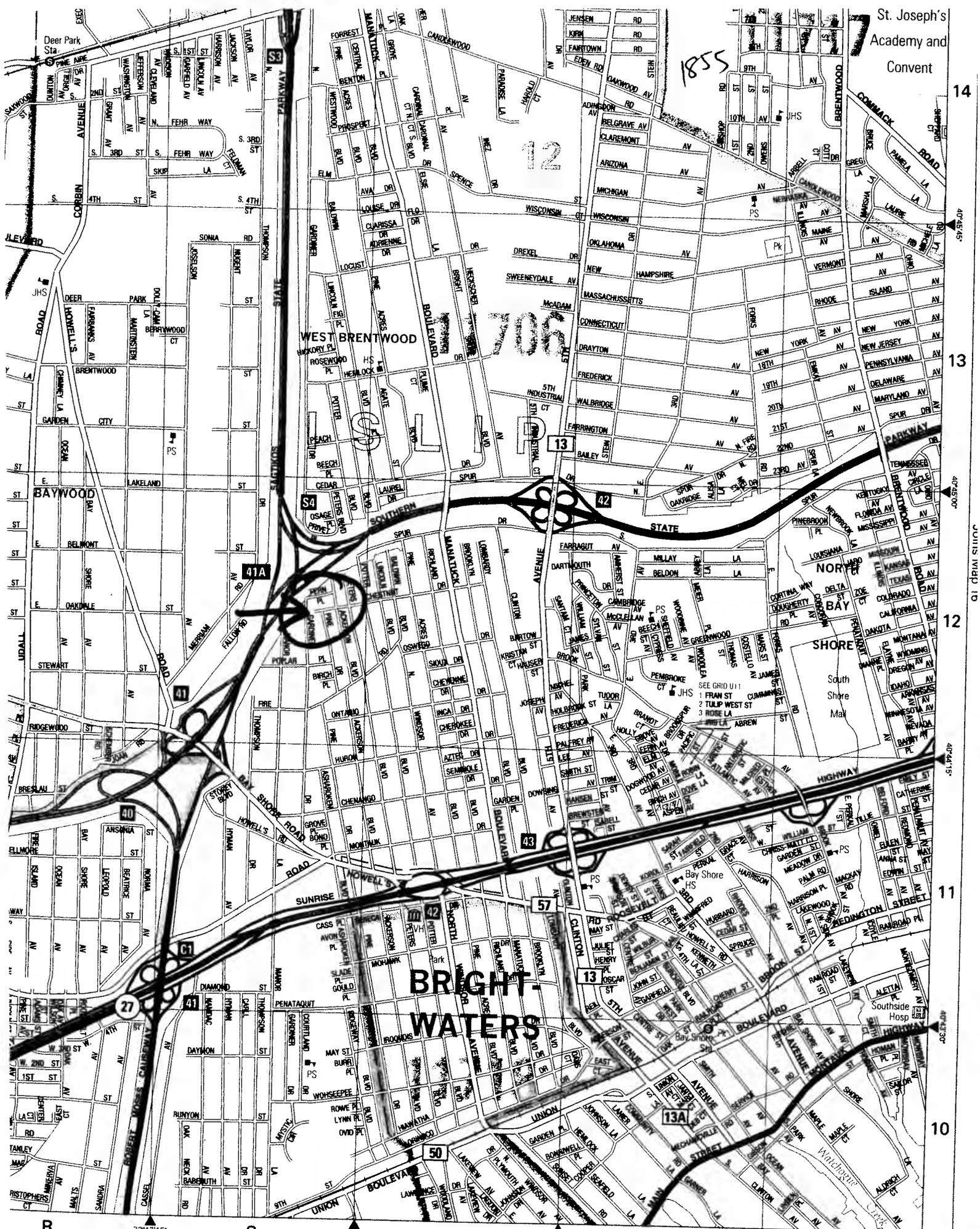
PARK (CITY/COUNTY)

PARK (STATE)

PARK/MONUMENT (NATIONAL)

SHOPPING CENTRE

UNIVERSITY/COLLEGE



St. Joseph's
Academy and
Convent

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COUNTY OF SUFFOLK



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AUG 06 2010

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

August 5, 2010

Ken Crannell
Deputy County Executive
H. Lee Dennison Bldg. 12th Fl.
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Re: Tax Map Number: 0500-288.00-02.00-042.000

Dear Mr. Crannell:

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

Copy to:

Christopher E. Kent, Chief Deputy County Executive
Brendan Chamberlain, Director, Intergovernmental Relations (2 hard copies)
Thomas A. Isles, Director of Planning
CE Reso Review, via e-mail

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2010, AUTHORIZING THE SALE, PURSUANT TO LOCAL LAW NO. 16-1976, OF REAL PROPERTY ACQUIRED UNDER SECTION 46 OF THE SUFFOLK COUNTY TAX ACT MICHAEL ZILLMANN AND KERRY ZILLMANN, HIS WIFE (SCTM NO. 0100-017.00-01.00-095.001)

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 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 017.00, Block 01.00, Lot 095.001, 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 Lot 21, in Block 5, as shown on the "Map of Deer Park Terrace, Sec. 3", filed in the Office of the Suffolk County Clerk on May 17, 1927, as Map No. 193; 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, MICHAEL ZILLMANN has made application of said above described parcel and MICHAEL ZILLMANN has paid the application fee and has paid \$656.70, 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, 2010; now, therefore be it

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 ZILLMANN AND KERRY ZILLMANN, HIS WIFE, 56 Morris Drive, Deer Park NY 11729, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

Gen 02

1856

COUNTY OF SUFFOLK



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

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

Re: Tax Map No. 0100-017.00-01.00-095.001
MICHAEL ZILLMANN AND KERRY ZILLMANN, HIS WIFE

Dear Mr. Crannell:

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:

- Ken Crannell, 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 C. Naughton, Budget Director
- Thomas A. Isles, Director, Planning Dept.
- Lauretta Fischer, Principal Planner, Planning Dept.

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1856

June 24, 2010

Tax Map No.: 0100-017.00-01.00-095.001

Name of Last Legal Fee Owner: MICHAEL ZILLMANN AND KERRY ZILLMANN, HIS WIFE

TREASURER'S COMPUTATION.....	\$536.07
Taxes.....2009/2010.....	\$120.63
License/Storage Fee.....	OPEN
Repairs.....	OPEN
Miscellaneous Expenses.....	OPEN
<hr/>	
TOTAL.....	\$656.70
<hr/> <hr/>	
Monies Received.....	\$656.70
<hr/>	
<u>RESOLUTION AMOUNT</u>	\$656.70
<hr/> <hr/>	

APPROVED:

PREPARED BY:

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

Accounting
CO:lag

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1856

1. Type of Legislation

Resolution X
Tax Map Number 0100-017.00-01.00-095.001

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

2010

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

Cathy O'Neal _____ _____

1857

Intro. Res. No. - 2010

Laid on Table

8/17/10

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

RESOLUTION NO. -2010 ACCEPTING THE DONATION OF CERTAIN LANDS NOW OWNED BY RUDOLPH FABRIZIO AND TRANSFER SUCH LANDS TO THE SUFFOLK COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION FOR PINE BARRENS CORE PRESERVATION PURPOSES (S.C.T.M. NO. 0200-356.00-04.00-006.001, 0200-356.00-04.00-009.001, 0200-356.00-04.00-010.000 AND 0200-413.00-02.00-007.000)

WHEREAS, Rudolph Fabrizio is the owner of four environmentally sensitive properties with no site or building improvements thereon located in the hamlet of Manorville, Town of Brookhaven; and

WHEREAS, said properties, totaling 2.64 acres, are currently in a natural state, within the Manorville Pine Barrens County Park area (BR13); and

WHEREAS, the Suffolk County Department of Planning recommends that the County acquire this property for Pine Barrens Core preservation purposes, passive recreation; and

WHEREAS, Rudolph Fabrizio has offered to donate this property at no cost to the County of Suffolk for Pine Barrens Core preservation purposes, passive recreation; and

1ST RESOLVED, that the County of Suffolk hereby approves the donation of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as December 1, 2007, Open Space component, at no cost to the County; and hereby authorizes, if necessary, any possible additional expenses associated with this donation; which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 356.00 Block 04.00 Lot 006.001	2.64±	Rudolph Fabrizio
No. 2	District 0200 Section 356.00 Block 04.00 Lot 009.001		
No. 3	District 0200 Section 356.00 Block 04.00 Lot 010.000		
No. 4	District 0200 Section 413.00 Block 02.00 Lot 007.000		

; 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 accept this donation of parcels(s) listed herein above from the reputed owner, and to pay such additional expenses as may be necessary and appropriate to consummate such donation, 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, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective as December 1, 2007, Open Space component; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay such additional expenses as may be necessary and appropriate to consummate such donation, the funding for which shall be provided from previously appropriated funds in Capital Project 525-CAP-8712.210, for the New Suffolk County Drinking Water Protection Program, effective as December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

4th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or 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 the subject parcel(s) shall be transferred to the Suffolk County Department of Parks, Recreation and Conservation for passive recreation purposes as part of the Manorville Pine Barrens County Park (BR13) for Pine Barrens Core preservation, passive recreation; and be it further

6th RESOLVED, this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8 and Chapter 279 of the Suffolk County Code, hereby finds and determines that this law constitutes a Type II action, pursuant to Title 6 of the New York Code of Rules and Regulations ("NYCRR") Part 617.5 9 (c) (20) and (21). Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of Suffolk County
Date of Approval:

1857

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 ACCEPTING THE DONATION OF CERTAIN LANDS NOW OWNED BY RUDOLPH FABRIZIO AND TRANSFER SUCH LANDS TO THE SUFFOLK COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION FOR PINE BARRENS CORE PRESERVATION PURPOSES (S.C.T.M. NO. 0200-356.00-04.00-006.001, 0200-356.00-04.00-009.001, 0200-356.00-04.00-010.000 AND 0200-413.00-02.00-007.000)		
3. Purpose of Proposed Legislation To accept the donation of four properties within the Manorville Pine Barrens County Park area (BR 13), Town of Brookhaven, and transfer such property to the County Department of Parks, Recreation and Conservation for Pine Barrens Core Preservation purposes/passive park use.		
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 N/A		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Lauretta R. Fischer Principal Environmental Analyst	11. Signature of Preparer 	12. Date August 5, 2010

FABRIZIO DONATION - 1857

(2)

PROPERTY MAP
412
0200
CONVERSION SHEET, 2000

COUNTY OF SUFFOLK
Red Property Tax Service Agency
 County Center, Suffolk, N.Y. 11981

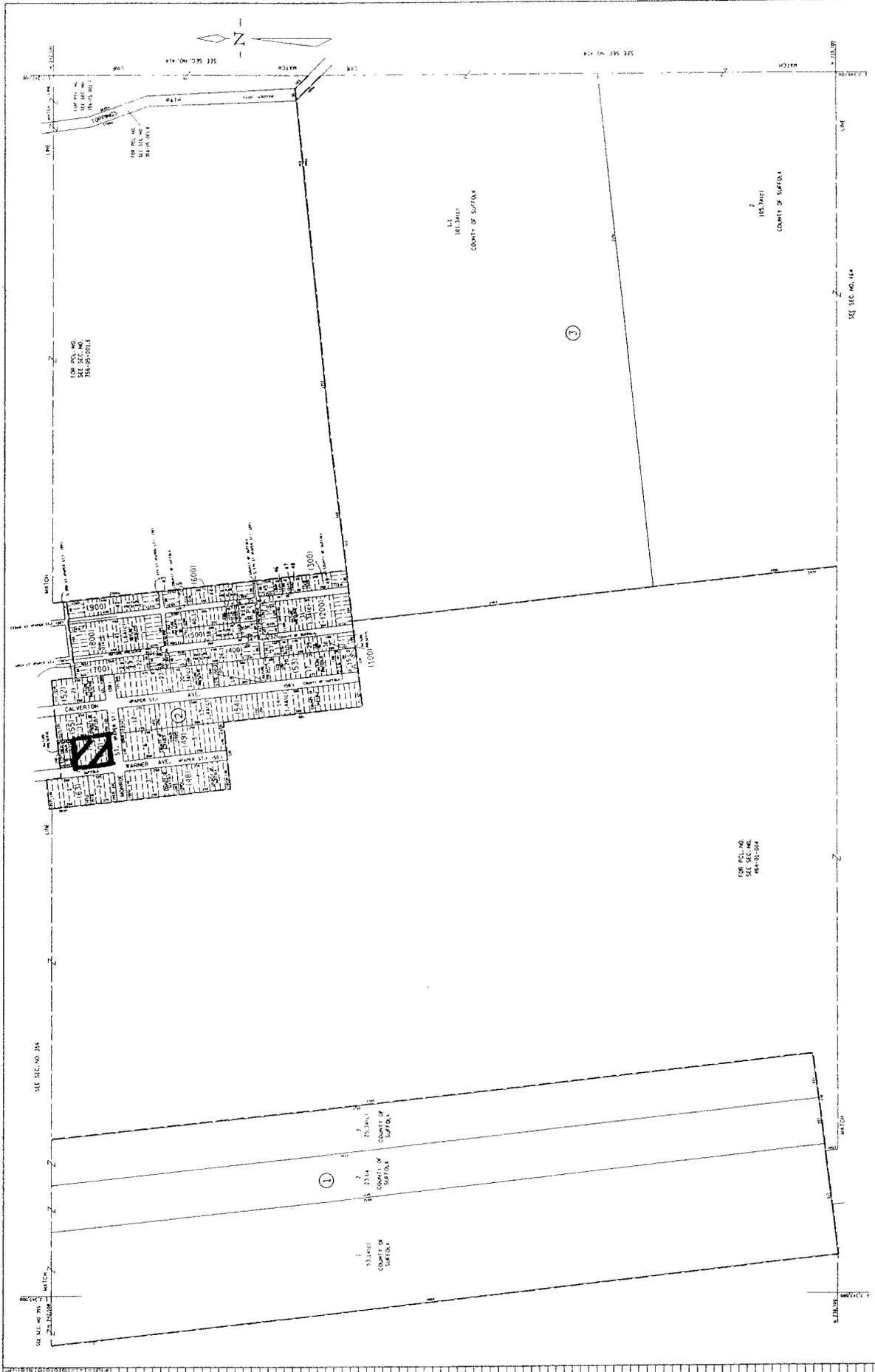
NOTICE
 MAINTENANCE AT THE OPTION OF THE
 SUFFOLK COUNTY TAX MAP IS PROVIDED
 BY THE PROPERTY TAX SERVICE AGENCY

ARE FROM THE FOLLOWING DISTRICTS:
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SECTION NO. 413
BROOKHAVEN
0200
CONVERSION SHEET, 2000

COUNTY OF SUFFOLK
Red Property Tax Service Agency
 County Center, Suffolk, N.Y. 11981

NOTICE
 MAINTENANCE AT THE OPTION OF THE
 SUFFOLK COUNTY TAX MAP IS PROVIDED
 BY THE PROPERTY TAX SERVICE AGENCY



PROPERTY MAP
413
0200
CONVERSION SHEET, 2000

COUNTY OF SUFFOLK
Red Property Tax Service Agency
 County Center, Suffolk, N.Y. 11981

NOTICE
 MAINTENANCE AT THE OPTION OF THE
 SUFFOLK COUNTY TAX MAP IS PROVIDED
 BY THE PROPERTY TAX SERVICE AGENCY

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SECTION NO. 414
BROOKHAVEN
0200
CONVERSION SHEET, 2000

COUNTY OF SUFFOLK
Red Property Tax Service Agency
 County Center, Suffolk, N.Y. 11981

NOTICE
 MAINTENANCE AT THE OPTION OF THE
 SUFFOLK COUNTY TAX MAP IS PROVIDED
 BY THE PROPERTY TAX SERVICE AGENCY

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COUNTY OF SUFFOLK



AUG 04 2010

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

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

August 5, 2010

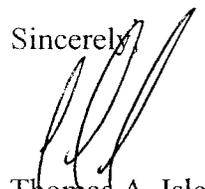
Mr. Ken Crannell, Deputy County Executive
H. Lee Dennison Building – 12th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Crannell:

Attached for your review and consideration is a proposed Introductory Resolution accepting the donation of property owned by Rudolph Fabrizio, in the Town of Brookhaven, and transfer this land to the Suffolk County Department of Parks for Pine Barrens Core preservation purposes, passive recreation. The parcel being donated totals 2.64± acres and is located within the Manorville Pine Barrens County Park area (BR13).

Please contact me if you require any additional information.

Sincerely,



Thomas A. Isles
Director

TAI:lrf

cc: Christopher E. Kent, Chief Deputy County Executive
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
Carrie Meek Gallagher, Commissioner, Department of Environment and Energy
Janet Longo, Acquisition Supervisor, Department of Environment and Energy, Division of Real Property Acquisition and Management
Michael Amoroso, Bureau Chief, Department of Law
✓Brendan Chamberlain, County Executive Assistant
CE Reso Review (e-mail copy only)

RESOLUTION NO. -2010, ACCEPTING AND APPROPRIATING 100% FEDERAL PASS-THROUGH GRANT FUNDS FROM THE NYS OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$1,227,720 FOR THE "STATE HOMELAND SECURITY PROGRAM (SHSP) FY2009" ADMINISTERED BY THE SUFFOLK COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES AND TO EXECUTE GRANT RELATED AGREEMENTS

WHEREAS, the New York State Office of Homeland Security has awarded Suffolk County Federal Funds under the SHSP FY2009 program to be implemented by the Suffolk County Department of Fire, Rescue and Emergency Services; and

WHEREAS, the SHSP FY2009 will provide funds to the Departments of Fire, Rescue and Emergency Services, Health Services, Information Technology, Suffolk County Police and the Suffolk County Sheriff to support planning, equipment, training and exercise needs associated with preparedness and prevention activities for terrorist events using weapons of mass destruction involving chemical, biological, radiological, nuclear and explosive materials; and

WHEREAS, this grant is for a thirty-six (36) month period from 08/01/2009 through 07/31/2012 in which the County will receive 100% grant funding in the amount of \$1,227,720 for the SHSP FY2009; and

WHEREAS, said funds have not been included in the 2010 Operating Budget; and

WHEREAS, the SHSP FY2009 grant includes funding for the Department of Fire, Rescue and Emergency Services to continue the employment of three (3) positions total: two (2) Training Officers (part-time) for terrorism training, and one (1) Planning Aide (full-time) for emergency preparedness planning; and

WHEREAS, these positions already exist unfunded in the 2010 Operating Budget in 001-FRE-3401 as position numbers 0200-0005 and 0200-0006 (part-time Training Officers) and 0200-0001 (full-time Planning Aide); and

WHEREAS, the SHSP FY2009 grant includes funding for the purchase of one (1) Decon Strike Team vehicle to be utilized for transportation of team members and/or equipment to incidents requiring decontamination; and one (1) 6-wheel ATV with trailer to be utilized for transport of responders and/or equipment within an incident site for the Department of Fire, Rescue and Emergency Services; and one (1) WMD K-9 Decon and Medical Response Vehicle to be utilized for decontamination of canines and provide medical care at incident scenes for the Police Department; and

WHEREAS, the purchase of these vehicles will increase the fleet of the Department of Fire, Rescue and Emergency Services by two (2) and the Police Department by one (1); and

WHEREAS, Chapter 186 of the Suffolk County Code requires that no vehicle shall be purchased or leased unless explicit approval for the acquisition of such vehicle, via lease or purchase has been granted via duly enacted Resolution of the Suffolk County Legislature; now, therefore be it

1st **RESOLVED**, the County Comptroller and the County Treasurer be and they hereby are authorized to accept \$1,227,720 and appropriate said grant funds as follows:

SHSP FY2009 - \$1,227,720

<u>REVENUES:</u>	<u>AMOUNT</u>
001-FRE-4338-SHSP 2009	\$703,220
001-POL-4338-SHSP 2009	\$298,500
001-HSV-4338-SHSP 2009	\$130,000
001-SHF-4338-SHSP 2009	\$ 35,000
001-ITS-4338-SHSP 2009	\$ 61,000

ORGANIZATIONS:

Suffolk County Dept of Fire, Rescue & Emergency Services

SHSP FY2009

001-FRE-3402 - \$635,017

<u>1000-Personnel Services</u>	<u>\$240,636</u>
1110-Interim Salaries (for charging salaries from 001-3401)	\$240,636
<u>2000-Equipment</u>	<u>\$ 68,676</u>
2040-Trucks, Trailers and Jeeps	\$ 63,676
2500-Other Equipment	\$ 5,000
<u>3000-Supplies</u>	<u>\$123,705</u>
3330-Food	\$ 80,000
3680-Repairs, Special Equipment	\$ 43,705
<u>4000-Utilities</u>	<u>\$ 57,000</u>
4015-Cellular Telephones	\$ 57,000
<u>4500-Contractual Expenses</u>	<u>\$145,000</u>
4560-Fees for Services – Non Employees	\$145,000

Suffolk County Police Department

SHSP FY2009

001-POL-3635 - \$298,500

<u>2000-Equipment</u>	<u>\$173,500</u>
2040-Trucks, Trailers & Jeeps	\$ 60,000
2500-Other Equipment	\$113,500
<u>3000-Supplies</u>	<u>\$ 77,000</u>
3160-Computer Software	\$ 77,000

<u>4400-Rents</u>	<u>\$ 48,000</u>
4410-Rent: Offices & Buildings	\$ 48,000

Suffolk County Dept of Health Services
SHSP FY2009
001-HSV-4630 - \$130,000

<u>2000-Equipment</u>	<u>\$ 95,000</u>
2080-Medical, Dental & Lab Equipment	\$ 45,000
2500-Other Equipment	\$ 50,000

<u>3000-Supplies</u>	<u>\$ 35,000</u>
3160-Computer Software	\$ 35,000

Suffolk County Information Technology Services
SHSP FY2009
001-ITS-1655 - \$61,000

<u>2000-Equipment</u>	<u>\$ 25,000</u>
2020-Other Equipment	\$ 25,000

<u>4000-Contractual Expenses</u>	<u>\$ 36,000</u>
4210-Computer Services	\$ 36,000

Suffolk County Sheriff's Office
SHSP FY2009
001-SHF-3637 - \$35,000

<u>2000-Equipment</u>	<u>\$ 35,000</u>
2500-Other Equipment	\$ 35,000

Employee Benefits
Social Security
001-EMP-9030 - \$18,408

<u>8000-Employee Benefits</u>	<u>\$ 18,408</u>
8330-Social Security	\$ 18,408

Employee Benefits
Retirement
001-EMP-9010 - \$11,077

<u>8000-Employee Benefits</u>	<u>\$ 11,077</u>
8280-Retirement	\$ 11,077

Employee Benefits
Welfare Fund
001-EMP-9080 - \$3,338

<u>8000-Employee Benefits</u>	<u>\$ 3,338</u>
8380-Welfare Fund Contribution	\$ 3,338

Interfund Transfer
Transfer to Employee Medical Health Plan
 001-IFT-E039 - \$35,380

<u>9600-Interfund Transfer</u>	\$ 35,380
9600-Transfer of Funds	\$ 35,380

Employee Benefits
Major Medical Claims
 039-EMP-9060

<u>8360-Health Insurance</u>	\$ 35,380
8360-Health Insurance	\$ 35,380

and be it further

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

REVENUES:

039-IFT-R001 Transfer from General Fund	\$ 35,380
---	-----------

and be it further

3rd **RESOLVED**, that the following positions be and they hereby are continued in the Department of Fire, Rescue and Emergency Services and funded by the SHSP 2009 grant:

Department of Fire, Rescue and Emergency Services

<u>Position No.</u>	<u>Spec No.</u>	<u>Position Title</u>	<u>JC</u>	<u>Grade</u>
<u>001-3401 FRES GRANT POSTIONS</u>				
3401-0200-0001	1510	Planning Aide	C	17
3401-0200-0005/0006	5812	Training Officer- Emergency Preparedness	C	16

and be it further

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

5th **RESOLVED**, that the County Executive be and hereby is authorized to execute related agreements; and be it further

6th **RESOLVED**, that the County Legislature hereby authorizes the fleet of the Department of Fire, Rescue and Emergency Services be increased by two (2) vehicles, and Police Department by one (1) vehicle; and be it further

7th **RESOLVED**, the purchase of one (1) Decon Strike Team Vehicle and one (1) 6-wheel ATV with trailer for the Department of Fire, Rescue and Emergency Services and one (1) WMD Canine Decon & Medical Response Vehicle for the Police Department is hereby approved pursuant to Chapter 186-2 (b)(6) of the SUFFOLK COUNTY CODE, and in accordance with or exceeding the County vehicle standard; 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 the Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:



**New York State
Office of Homeland Security**

THOMAS G DONLON
DIRECTOR

September 9, 2009

1858

The Honorable Steve Levy
Suffolk County Executive
100 Veterans Memorial Highway
PO Box 6100
Hauppauge, New York 11788-0099

Dear Mr. Levy:

I am pleased to announce that Suffolk County has been awarded \$2,096,000 from the FY09 State Homeland Security Program (SHSP). Funding for this grant is provided by the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA). In accordance with the federal guidance for this program, 25 percent of this award must be spent in support of law enforcement initiatives. Additionally, due to the H1N1 outbreak and the critical role that the Local Health Departments (LHDs) play in health emergency preparedness, the New York State Office of Homeland Security (OHS) and Department of Health (DOH) have identified funding from this award to support LHDs. In order to meet the program and reporting requirements of this grant program, we will initiate three separate contracts with your county as outlined below.

A SHSP contract in the amount of \$1,227,720 will be initiated to provide funds to support the implementation of the State Homeland Security Strategy and address the identified planning, equipment, training and exercise needs for acts of terrorism and other catastrophic events.

A State Law Enforcement Prevention Program (SLETPP) contract in the amount of \$524,000 will be initiated to provide funds for the law enforcement community to support their terrorism prevention and preparedness efforts. I strongly encourage that funding be utilized for prevention initiatives consistent with the local Counter Terrorism Zone (CTZ) strategy. This would allow these fiscal resources to be utilized for seamless and effective counter terrorism information sharing, including necessary planning, training, counter terrorism investigation functions, equipment and exercises.

A State Local Health Department Program (SLHD) contract in the amount of \$344,280 will be initiated to provide funds for the local health departments to support their health emergency preparedness efforts. This project will be implemented in coordination with funding being provided through the NYS DOH and will follow DOH guidelines for project deliverables.

1858

Enclosure 1 is a brief Executive Overview regarding SHSP, SLETPP and SLHD guidance.

Enclosure 2a and 2b are forms to designate a point of contact for each of these three programs. I specifically request that the SLETPP contact be a member of the law enforcement community, and someone who is familiar with the local CTZ efforts and strategies and the SLHD contact be from the County Health Department. Please complete the form and immediately fax it to the Federal Grant Program Administration Division at (518) 485-0146.

Program guidance, application instructions and a data collection spreadsheet will be sent under separate cover to your designated points of contact. In order for the State to be able to provide these critical funds to you as quickly as possible, your application(s) should be submitted to us electronically via the E-Grants system by November 30, 2009. Upon the receipt and approval of your application, we will execute a standard reimbursement contract. **The separate data collection spreadsheet must be submitted to OHS not later than Wednesday September 30, 2009.** This information is necessary for the State to comply with a DHS mandated reporting requirement by October 5th.

As you coordinate and assemble your plans for this funding we request you consider projects that can be developed regionally with surrounding jurisdictions. All projects must support one or more of the 2009 Investment Justifications. To assist you, Enclosure 3 provides a list of 66 priority projects listed by Investment Justification and associated link to the specific goal and objective in the State Homeland Security Strategy.

Additionally, in order to provide you with immediate assistance, we have established a Grant Assistance Hotline where you can call to receive answers to questions you may have. The toll free number is (866) 837-9133 and is available during business hours Monday through Friday.

Thank you for your cooperation in this important public safety endeavor.

Sincerely,



Thomas G. Donlon
Director

- Encl. 1 – 2009 SHSP and SLETPP Guidance: Executive Overview
- Encl. 2 – Point of Contacts Designation Forms
- Encl. 3 – State Strategy/Priority Project Listing

COUNTY OF SUFFOLK

1858

Gen 02



AUG 02 2010

JOSEPH F. WILLIAMS
COMMISSIONER

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

WARREN HORST
CHIEF OF FIRE RESCUE SERVICES

JOHN M. SEARING, PE
DEPUTY COMMISSIONER

EDWARD C. SCHNEYER
DIRECTOR OF EMERGENCY PREPAREDNESS

DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES

TO: Ken Crannell
Deputy County Executive

FROM: Joseph F. Williams
Commissioner

DATE: July 29, 2010

SUBJECT: Request for Introductory Resolution: SHSP FY2009 Grant

Enclosed for further processing is an introductory resolution and supporting documents to accept and appropriate \$1,227,720 in funding from the US Department of Homeland Security through the NYS Office of Homeland Security for the State Homeland Security Program (SHSP) FY2009 Grant. In addition to this department, the grant provides funding for the Police Department, Dept of Health Services, Dept of Information Technology and the Sheriff's Office.

The grant provides funding to support planning, equipment and training needs associated with preparedness and prevention activities for natural and man-made disasters and terrorist events using weapons of mass destruction involving chemical, biological, radiological, nuclear and explosive matters.

If you have any questions, please contact Sue Nielsen of my office at 25338.

JFW:smn

Enclosures

cc: Christopher Kent, Chief Deputy County Executive
Brendan Chamberlain, Director of Intergovernmental Relations
Angela Kohl, Federal & State Aid Claims Unit

1858

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Local Law: _____ Charter Law: _____ Resolution: <u> X </u>		
2. Title of Proposed Legislation		
ACCEPTING AND APPROPRIATING 100% FEDERAL PASS-THROUGH GRANT FUNDS FROM THE NYS OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$1,227,720 FOR THE "STATE HOMELAND SECURITY PROGRAM (SHSP) FY2009" ADMINISTERED BY THE SUFFOLK COUNTY DEPARTMENT OF FIRE, RESCUE & EMERGENCY SERVICES AND TO EXECUTE GRANT RELATED AGREEMENTS		
3. Purpose of Proposed Legislation		
To support planning, equipment, training and exercise needs associated with preparedness and prevention activities for natural and man-made disasters and terrorist events using weapons of mass destruction involving chemical, biological, radiological, nuclear and explosive materials.		
Accept and appropriate SHSP 2009 Grant funding in the Departments of FRES, Police, Health, Sheriff and Information Technology.		
Fund two (2) part-time Training Officer positions (001-FRE-3401-0200-0005/6 and one (1) full-time Planning Aide position (001-FRE-3401-0200-0001). Existing positions that have and will continue to be 100% funded by grants.		
Increase fleet of Dept of FRES by two (2) and approve purchase of one (1) Decon Strike Team vehicle and one (1) 6-wheel ATV with trailer; and for Police Department by one (1) for one (1) WMD K-9 Decon and Medical Response Vehicle.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <u> X </u>		
5. If the answer to item 5 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision \$1,227,720 - SHSP FY2009		
8. Proposed Source of Funding NYS Office of Homeland Security pass-through of US Dept of Homeland Security		
9. Timing of Impact: 08/01/2009 – 07/31/2012		
10. Typed Name & Title of Preparer Susan M. Nielsen, Administrator I	11. Signature of Preparer <i>Susan M. Nielsen</i>	12. Date April 7, 2010

1859
Intro. Res. No. - 2010 Laid on Table
Introduced by Presiding Officer on request of the County Executive

8/17/10

**RESOLUTION NO. -2010, AUTHORIZING THE
EXTENSION OF THE LEASE OF PREMISES LOCATED
AT 240 MEETING HOUSE LANE, SOUTHAMPTON, NY
FOR USE BY THE DEPARTMENT OF HEALTH
SERVICES**

WHEREAS, the Department of Health Services has operated a health center from space located at 240 Meeting House Lane, Southampton, NY and is desirous of remaining in that location; and

WHEREAS, the County entered into a Lease with Southampton Hospital Associates, which lease expired on December 31, 2009; and

WHEREAS, the County's Department of Health Services utilizes this facility for clinical and administrative purposes to serve the constituents on and around the South Fork by leasing 4,700 square feet from the Landlord; and

WHEREAS, the Landlord has expressed its willingness to extend the current lease for two (2) years, through December 31, 2011, with three one (1) year options; and

WHEREAS, the Space Management Steering Committee recommended the approval of a lease extension in accordance with the terms and conditions presented at its April 22, 2010 meeting; and

WHEREAS, sufficient funds are included in the 2010 Operating Budget for lease payments to be made in connection with the premises; now, therefore, be it

1ST RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.59(c)(20) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-109 of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this law; and be it further

2ND RESOLVED, that the County Executive be and hereby is authorized to execute a Lease for two (2) years, with three (3) one (1) year options, in accordance with the terms and conditions of this resolution and in substantial conformance with the form annexed.

3RD RESOLVED, annual rent for the Premises shall be \$136,300, as of January 1, 2010, which amount will remain constant through December 31, 2011.

DATED:

County Executive of Suffolk County
Date of Approval:

1859

May 3, 2010

Southampton Hospital Association
240 Meeting House Lane
Southampton, NY 11968

Re: 240 Meeting House Lane, Southampton, New York
Suffolk County Lease File R-0936

Dear Sir:

This letter agreement ("Letter Agreement") serves to confirm the agreement between Southampton hospital Association, as "Landlord" and the County of Suffolk, as "County," to extend the Lease Agreement, dated ~~August 15, 1997~~ ("Lease"), between the parties, for the premises located at 240 Meeting House Lane, Southampton, New York, 11968 which lease expired December 12, 2009. In consideration of the mutual covenants contained herein and other valuable consideration, the Lease is hereby deemed amended as of December 13, 2009, as follows:

Term: The Term is hereby extended two (2) years, December 13, 2010 through and until December 12, 2011;

Extensions: The County shall further be entitled to up to three (3), consecutive, one-year options to extend the Term ("Option Year"). The County may exercise its right to extend the Lease for the Option Year by providing Landlord written notice of its intent to extend the Term prior to October 31 preceding the Termination Date of the current Term. All of the terms and conditions of the Lease, as modified by this Letter Agreement shall apply to the Option Term.

Rent: "Annual Rent" for the Premises, through the period ending December 12, 2011, shall be \$136,300.00, which Annual Rent shall be payable in equal monthly installments in advance on the first day of each calendar month during the term. Annual Rent includes heat and electricity expenses.

Escalation: In the event the County exercises any of its options, commencing upon the expiration of the initial Term, and upon each option exercised thereafter,

Annual Rent shall increase by two percent (2%) over the Annual Rent in the preceding year. Annual Rent for the Premises shall be as follows:

Year 1	\$136,300.00
Year 2	\$136,300.00
Year 3	\$139,026.00
Year 4	\$141,806.52
Year 5	\$144,642.65

Renovations: Landlord and County agree that, except as otherwise provided in this Letter Agreement, the County is renting the Premises in their "as is" physical condition; provided, however, that Landlord hereby agrees to perform work described in **Exhibit A**, ("Landlord's Work"), attached here to and made a part hereof.

Landlord agrees that the Premises and any construction, reconstruction, or renovation of the Premises shall comply with applicable local and state laws, rules regulations, and codes.

Special Custodial Services: Landlord will provide limited custodial services, within a reasonable period during operating hours, in the event of occurrences requiring prompt attention, including emergency cleanup of floors, counters, or other surfaces due to leaks, spills, or voiding of bodily fluids (such as vomit, urine, feces, food, drinks and other liquids, as well as due to weather-related issues (such as rain, snow, or mud being tracked into the building).

It is also understood that the landlord will respond to leaks and spills or other conditions related to building systems (plumbing, HVAC), roof leaks, and the like.

Landlord-Tenant Responsibilities: Shall be as set forth in **Exhibit B**, attached hereto and made a part hereof; provided, however, Landlord agrees to provide emergency custodial services in the event of an occurrence requiring immediate attention.

Insurance: Liability insurance for the Tenant shall cover only the actual space leased by the County. In accordance with Local Law No. 10-1984 of Suffolk County, Landlord shall indemnify and hold harmless the Tenant, its employees, and designated representatives from any claims, costs, damages or injuries to person or property of whatsoever kind of nature occurring in the common areas or any other portion of the Premises, including the entire parking lot regardless of whether certain areas thereof are designated for Tenant use. Further, under such circumstances, Landlord shall provide liability insurance for all common areas or any other area of the building not leased to Tenant. In this regard, Landlord, at its own cost and expense, and throughout the term of this Lease, shall procure and

1859

keep in full force and effect Commercial General Liability insurance, including contractual coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage, and otherwise in accordance with the requirements of Lease.

No Broker: Landlord and the County each represent and warrant to the other that no broker brought about this Lease. Landlord and the County hereby agree to indemnify and hold the other harmless against any claim, demand and judgment which may be made or obtained against one of the parties by any broker claiming a commission for representing the other, in connection with bringing about this Lease. The County or the Landlord shall forthwith notify other of any such claim, demand or legal action for purposes of requesting defense against any such claim, demand or legal action.

Suffolk County Laws: The Landlord agrees to be bound by and comply with the terms of the Suffolk County Legislative Requirements, annexed hereto as **Exhibit C** and made a part hereof.

Conflict: If any terms of this Letter Agreement are in conflict with the Lease, the terms of this Amendment shall control;

Survival: All other provisions of the Lease, as modified by this Letter Agreement, shall remain in full force and effect;

In the event the foregoing accurately sets forth the terms of our understanding, please counter-sign the enclosed seven (7) sets of this letter, and have the same notarized before a Notary Public. Kindly return six (6) executed originals to this office in the envelope provided, retaining one original for your files.

Thank you for your cooperation on this matter. Should you have any further questions or comments regarding this matter, please do not hesitate to contact me.

Regards,

Nick Anastasi
Suffolk County Space Management Steering Committee Staff

APPROVED AND AGREED:

COUNTY OF SUFFOLK

SOUTHAMPTON HOSPITAL
ASSOCIATION.

TENANT

LANDLORD

By: _____

By: _____

1859

Name:
Title: Deputy County Executive
Date:

Name:
Title:
Date:

APPROVED AS TO LEGALITY:
CHRISTINE MALAFI
Suffolk County Attorney

By: _____
Basia Deren Braddish
Assistant County Attorney
Date:

1859

ACKNOWLEDGEMENT

STATE OF NEW YORK}
COUNTY OF SUFFOLK}

SS:

On the ____ day of _____ in the year 2010 before me, the undersigned, personally appeared _____, personally known to me or provided 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 individuals(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

ACKNOWLEDGEMENT

STATE OF NEW YORK}
COUNTY OF SUFFOLK}

SS:

On the ____ day of _____ in the year 2010 before me, the undersigned, personally appeared _____, *Deputy County Executive*, 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 individuals(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

RESOLUTION NO. -2010, ACCEPTING AND APPROPRIATING 100% FEDERAL PASS-THROUGH GRANT FUNDS FROM THE NYS OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$65,000 FOR THE 2008 HAZ MAT GRANT PROGRAM ADMINISTERED BY THE SUFFOLK COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES AND TO EXECUTE GRANT RELATED AGREEMENTS

WHEREAS, the New York State Office of Homeland Security has awarded Suffolk County federal funds under the 2008 HazMat Grant Program to be implemented by the Suffolk County Department of Fire, Rescue and Emergency Services; and

WHEREAS, the 2008 HazMat Grant Program will provide funds to the Department of Fire, Rescue & Emergency Services to promote the development of regional partnerships among the County HazMat community; to build sustainable WMD/HazMat Response and Decontamination Capabilities; and to enhance the standing of the County's HazMat teams within FEMA's "typing system"; and

WHEREAS, the Department of Fire, Rescue and Emergency Services will utilize this funding to partner with Southampton Town, Brookhaven Town, Riverhead Town and the Brookhaven National Laboratory to conduct a sewage treatment plant toxic industrial chemical release drill; and

WHEREAS, this grant is for a thirty-six (36) month period from 9/1/2008 through 8/31/2011 in which the County will receive 100% grant funding in the amount of \$65,000 for the 2008 HazMat Grant Program; and

WHEREAS, said funds have not been included in the 2010 Operating Budget; now, therefore be it

1st RESOLVED, the County Comptroller and the County Treasurer be and they hereby are authorized to accept \$65,000 and appropriate said grant funds as follows:

2008 HazMat Grant Program - \$65,000

<u>REVENUES:</u>	<u>AMOUNT</u>
001-FRE-4308– 2008 HazMat Grant	\$65,000

ORGANIZATIONS:

Suffolk County Dept of Fire, Rescue & Emergency Services
2008 HazMat Grant Program
001-FRE-3420 - \$63,380

<u>1000-Personnel Services</u>	<u>\$ 8,000</u>
1120-Overtime	\$ 8,000

<u>3000-Supplies</u>	\$ 2,000
3500-Other Supplies	\$ 2,000
<u>4000-Contractual Expenses</u>	<u>\$53,380</u>
4560-Fees for Services: Non Employees	\$16,101
4980-Contract Agencies	
0000 - Southampton Town	\$ 6,013
0000 - Brookhaven Town	\$15,633
0000 - Riverhead Town	\$ 9,620
0000 - Brookhaven National Laboratory	\$ 6,013

Employee Benefits
Social Security
001-EMP-9030 - \$612

<u>8000-Employee Benefits</u>	\$ 612
8330-Social Security	\$ 612

Employee Benefits
Retirement
001-EMP-9010 - \$1,008

<u>8000-Employee Benefits</u>	<u>\$ 1,008</u>
8280-Retirement	\$ 1,008

and be it further

2nd **RESOLVED**, that the County Executive be and hereby is authorized to execute related agreements; 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 the Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non applicability or non-significance in accordance with this resolution.

DATED:

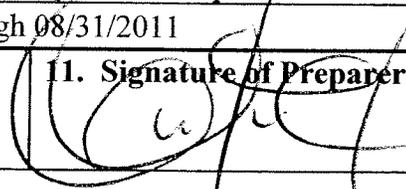
APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1860

1. Type of Legislation		
Local Law: _____ Charter Law: _____ Resolution: <u> X </u>		
2. Title of Proposed Legislation		
ACCEPTING AND APPROPRIATING 100% FEDERAL PASS-THROUGH GRANT FUNDS FROM THE NYS OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$65,000 FOR THE 2008 HAZ MAT GRANT PROGRAM ADMINISTERED BY THE SUFFOLK COUNTY DEPARTMENT OF FIRE, RESCUE & EMERGENCY SERVICES AND TO EXECUTE GRANT RELATED AGREEMENTS		
3. Purpose of Proposed Legislation		
<p>The NYS Office of Homeland Security has awarded Suffolk County federal funds to promote the development of regional partnerships among the county hazmat community; to build sustainable WMD/HazMat Response and decontamination capabilities; and to enhance the standing of the county's hazmat teams within FEMA's typing system. The Dept of FRES will utilize funding to partner with Southampton Town, Brookhaven Town, Riverhead Town and the Brookhaven National Laboratory to conduct a sewage treatment plant toxic industrial chemical release drill.</p> <p>Accept and appropriate 2008 HazMat Grant funding in the Departments of FRES and execute grant related agreements with the Town of Southampton, Brookhaven, Riverhead and the Brookhaven National Laboratory.</p>		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	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.		
See below		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision		
100% Grant - \$65,000 – 2008 HazMat Grant		
8. Proposed Source of Funding		
NYS Office of Homeland Security pass-through of US Dept of Homeland Security		
9. Timing of Impact: 09/01/2008 through 08/31/2011		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Allen M. Kovesdy Director of Mgt and Research		August 2, 2010

6/10/10

COUNTY OF SUFFOLK



JOSEPH F. WILLIAMS
COMMISSIONER

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

WARREN HORST
CHIEF OF FIRE RESCUE SERVICES

JOHN M. SEARING, PE
DEPUTY COMMISSIONER

EDWARD C. SCHNEYER
DIRECTOR OF EMERGENCY PREPAREDNESS

DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES

TO: Ken Crannell
Deputy County Executive

FROM: Joseph F. Williams
Commissioner

DATE: May 10, 2010

SUBJECT: Request for Introductory Resolution: 2008 Haz Mat Grant

Enclosed for further processing is an introductory resolution and supporting documents to accept and appropriate \$65,000 in funding from the US Department of Homeland Security through the NYS Office of Homeland Security for the 2008 HazMat Grant

The grant provides funding to promote the development of regional partnerships among the county hazmat community; to build sustainable WMD/HazMat response and decontamination capabilities; and to enhance the standing of the county's hazmat teams within FEMA's typing system. The Department of FRES will utilize the funding to partner with the Towns of Southampton, Brookhaven and Riverhead as well as Brookhaven National Lab to conduct a sewage treatment plant toxic industrial chemical release drill.

If you have any questions, please contact John Searing at 24854 or Sue Nielsen at 25338.

JFW:smn

Enclosures

cc: Christopher Kent, Chief Deputy County Executive
Brendan Chamberlain, Director of Intergovernmental Relations
Donald Fahey, Federal & State Aid Claims Unit

1861

Intro. Res. No. - 2010

Laid on the Table

8/17/10

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2010, AMENDING THE 2010 ADOPTED OPERATING BUDGET BY TRANSFERRING FUNDS FROM CORNELL COOPERATIVE EXTENSION'S ADMINISTRATION PROGRAM BUDGET TO THEIR AGRICULTURE AND MARINE PROGRAMS

WHEREAS, the Suffolk County Department's of Health Services and Environment and Energy have contracted with the Cornell Cooperative Extension Association of Suffolk County under a Marine/Agricultural/ Farm Production Services Agreement through December 31, 2010; and

WHEREAS, Worker's Compensation Insurance and Unemployment Insurance related to the individual programs of Agriculture and Marine were originally included in the Administration budget; and

WHEREAS, it is now the intent of both County Departments and Cornell Cooperative Extension Association to more accurately identify the full costs of each program; now, therefore be it

1st RESOLVED, that the 2010 Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer funds and authorizations as follows:

APPROPRIATIONS:

FROM:

FD	AGY	ORG	OBJ	ACT	Name	2010 ADPTD	CHANGE	2010 MODIFIED
001	HSV	8750	4980	HSD1	CCE-ADMIN, FIN & COMM	\$686,338	(\$10,770)	\$675,568

TO:

FD	AGY	ORG	OBJ	ACT	Name	2010 ADPTD	CHANGE	2010 MODIFIED
001	HSV	8750	4980	HSE1	CCE-MARINE PROGRAM	\$477,819	+\$ 5,340	\$483,159
001	HSV	8750	4980	HSF1	CCE-AGRI & HORTI PRGM	\$491,506	+\$ 5,430	\$496,936

and be it further

2nd RESOLVED, that the County Executive be and hereby is authorized to amend the existing contract with Cornell Cooperative Extension Association of Suffolk County; and be it further

3rd **RESOLVED**, that the monies appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding Cornell Cooperative Extension Association; and be it further

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

DATED:

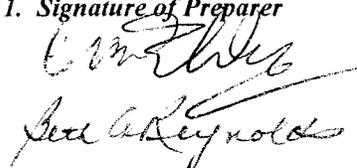
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

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

1861

1. Type of Legislation		
Resolution <u> X </u> Local Law Charter Law		
Title of Proposed Legislation Amending the 2010 Adopted Operating Budget by transferring funds from Cornell Cooperative Extension's Administration Program budget to their Agriculture and Marine Programs.		
3. Purpose of Proposed Legislation This legislation is needed to transfer funding from the Cornell Cooperative Extension's Administration Program budget to their Agricultural and Marine Programs. Worker's Compensation Insurance and Unemployment Insurance related to the individual programs of Agriculture and Marine were originally included in the Administration program budget and should now be included within the Agriculture and Marine program budgets.		
4. Will the Proposed Legislation Have a Fiscal Impact? YES <u> </u> NO <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Not applicable		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. None		
8. Proposed Source of Funding A transfer of 2010 Adopted Operating Budget funds for contracted agencies (pseudo codes) within Cornell Cooperative Extension contracts.		
9. Timing of Impact 2010		
10. Typed Name & Title of Preparer Diane E. Weyer Principal Financial Analyst BETH A. REYNOLDS PRINCIPAL EXECUTIVE ANALYST	11. Signature of Preparer  Beth A. Reynolds	Date 7/26/10 8/6/10

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

1861

GENERAL FUND

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2010 PROPERTY TAX LEVY	2010 COST TO AVG TAXPAYER	2010 AV TAX RATE PER \$100	2010 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2008.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2008-2009.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2008 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1861

Expense Budget: Level 3

[Menu](#) [Quick Search](#)

BFY	Fund	Department	Budget Type	Unit	Object	Activity	Current Budget	Encumbered	Actual Expenses	Unobligated
✓ 2010	001	CEX	DE	8750	4980	HSD1	\$0.00	\$0.00	\$0.00	\$0.00
2010	001	HSV	DE	8750	4980	HSD1	\$686,338.00	\$286,922.33	\$311,355.48	\$88,060.19

First Prev Next Last

Search

▼ Budget Actual

Purchase Reservations:	\$0.00		Uncommitted:	\$0.00
Pre-Encumbered:	\$0.00		Unobligated:	\$0.00
Encumbered:	\$0.00		Unexpended:	\$0.00
Accrued Expenses:	\$0.00			
Disbursed Expenses:	\$0.00			
Actual Expenses:	\$0.00			

► Budget Amounts

► General Information

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[Modified Budget Line Controls](#) [Previous Level](#) [Next Level](#) [Back to Budget Prep](#)

1861

Expense Budget: Level 3

[Menu](#) [Quick Search](#)

BFY	Fund	Department	Budget Type	Unit	Object	Activity	Current Budget	Encumbered	Actual Expenses	Unobligated
✓ 2010	001	CEX	DE	8750	4980	HSE1	\$0.00	\$0.00	\$0.00	\$0.00
2010	001	HSV	DE	8750	4980	HSE1	\$477,819.00	\$254,022.42	\$222,258.56	\$1,538.02

[First](#) [Prev](#) [Next](#) [Last](#)

Search

▼ **Budget Actual**

Purchase Reservations:	\$0.00		Uncommitted:	\$0.00
Pre-Encumbered:	\$0.00		Unobligated:	\$0.00
Encumbered:	\$0.00		Unexpended:	\$0.00
Accrued Expenses:	\$0.00			
Disbursed Expenses:	\$0.00			
Actual Expenses:	\$0.00			

▶ **Budget Amounts**

▶ **General Information**

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[Modified Budget Line Controls](#) [Previous Level](#) [Next Level](#) [Back to Budget Prep](#)

(861)

Expense Budget: Level 3

Menu Quick Search

BFY	Fund	Department	Budget Type	Unit	Object	Activity	Current Budget	Encumbered	Actual Expenses	Unobligated
✓ 2010	001	CEX	DE	8750	4980	HSF1	\$0.00	\$0.00	\$0.00	\$0.00
2010	001	HSV	DE	8750	4980	HSF1	\$491,506.00	\$307,562.08	\$181,867.92	\$2,076.00

First Prev Next Last

Search 

▼ **Budget Actual**

Purchase Reservations :	\$0.00		Uncommitted :	\$0.00
Pre-Encumbered :	\$0.00		Unobligated :	\$0.00
Encumbered :	\$0.00		Unexpended :	\$0.00
Accrued Expenses :	\$0.00			
Disbursed Expenses :	\$0.00			
Actual Expenses :	\$0.00			

▶ **Budget Amounts**

▶ **General Information**

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COUNTY OF SUFFOLK



1861

JUL 26 2010

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

JAMES L. TOMARKEN, MD
MSW, MPH, MBA, FRCPC, FACP
Commissioner

July 26, 2010

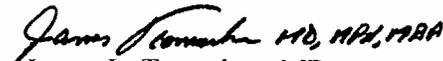
Ken Crannell, Deputy County Executive
County Executive's Office, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Crannell:

I request the introduction of the enclosed Resolution to amend the 2010 Adopted Operating Budget by transferring funding for Cornell Cooperative Extension Association of Suffolk County. Funding previously budgeted under the Administration Program should now be budgeted under the Marine and Agricultural/Horticultural Programs.

I enclose a financial impact statement and other back-up documentation for this Resolution. If you have any questions on the enclosed, please call Donald Fahey at 3-2961. Also, an e-mail version of this Resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-CCE Reallocation.doc".

Sincerely,


James L. Tomarken, MD
MSW, MPH, MBA, FRCPC, FACP
Commissioner

Enclosures

JLT/dew

C: Christopher E. Kent, Chief Deputy County Executive
Brendan Chamberlain, Director of Intergovernmental Relations (2 copies)
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Janet DeMarzo, Deputy Commissioner
Donald Fahey, Fed-State Aid Claims Examiner
Donald Murphy, Principal Auditor
Diane E. Weyer, Principal Financial Analyst



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



Cornell University
Cooperative Extension
of Suffolk County

Extension Education Center

423 Griffing Avenue, Suite 100
Riverhead, New York 11901-3071
t. 631.727.7850
f. 631.727.7130

1861

January 6, 2010

Mr. Donald Fahey, Jr.
Suffolk County Department of Health Services
225 Rabro Drive East
Hauppauge, NY 11788

Re: Request for 2010 Budget Amendment

Dear Don:

As per our discussion at the December 4th, 2009 meeting, we are requesting a reallocation of funds from the Administration budget (HSD1/CCAFC) to the Agriculture Program budget (HSF1/CCAHP) and the Marine Program budget (HSE1/CCEMP).

Prior to being separated into different Pseudo Codes, the Administration budget paid for the Workers Compensation Insurance, and the Unemployment Insurance costs for those program areas.

In order to more accurately reflect the costs associated with each of the separate programs, we are requesting that the Administration budget be reduced by \$10,770, the Agriculture Program budget be increased by \$5,430 and the Marine budget be increased by \$5,340. This request was submitted with our 2010 Budget submission in May 2009.

We request that you prepare a legislative resolution to amend our 2010 budget.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Dale Moyer".

Dale Moyer
Interim Executive Director

Cc: Donald Murphy

1862

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

Laid on Table 8/17/10

RESOLUTION NO. -2010, AMENDING RESOLUTION NO. 887-2009, "AUTHORIZING A CUSTODIAL LICENSE AGREEMENT WITH THE NORTH FORK AUDUBON SOCIETY FOR INLET POND COUNTY PARK, GREENPORT"

WHEREAS, Resolution No. 887-2009 authorized the Department of Parks, Recreation and Conservation to enter into a license agreement with the North Fork Audubon Society to allow the Society to act as a custodian of Inlet Pond County Park in Greenport; and

WHEREAS, Resolution No. 887-2009 authorized a five (5) year license agreement with one five year option; and

WHEREAS, the Department of Parks, Recreation and Conservation and the North Fork Audubon Society wish to extend the term of the license agreement; now, therefore be it

1st RESOLVED, that the 1st RESOLVED clause of Resolution No. 887-2009 is hereby amended as follows:

1st RESOLVED, that the Suffolk County Department of Parks, Recreation, Conservation is authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to enter into a Custodial License Agreement for ~~five (5)~~ ten (10) years with ~~one~~ two five-year option periods with The North Fork Audubon Society for the non-exclusive use of the premises for the purpose of acting as a custodian to assist in the restoration, maintenance, and management of Inlet Pond County Park; and be it further

and be it further

2nd RESOLVED, that all other terms and conditions of Resolution No. 887-2009 shall remain in full force and effect

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.

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

DATED:

APPROVED BY:

1863
Intro. Res. No. -2010
Introduced by Legislator Browning

Laid on Table 8/17/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO.
-2010, A LOCAL LAW TO REDUCE MINORS' ACCESS TO
SPRAY PAINT**

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 REDUCE MINORS' ACCESS TO SPRAY PAINT**" 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 REDUCE MINORS' ACCESS TO SPRAY PAINT

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 graffiti is a chronic problem in Suffolk County, damaging both public and private property.

This Legislature also finds and determines that graffiti is frequently made by minors using cans of aerosol spray paint.

This Legislature further finds and determines that, while Suffolk County prohibits the sale of aerosol spray paint cans to minors, young people still manage to obtain aerosol products.

This Legislature finds that aerosol spray paint cans are frequently found on open shelves in many retail stores throughout the County, leaving these products vulnerable to shoplifting.

This Legislature determines that requiring retailers to maintain all aerosol spray paint cans in a locked case or behind a sales counter will prevent shoplifting and reduce minors' access to the products.

This Legislature also finds that such requirements will also aid in the enforcement of the County's existing age restrictions for the purchase of spray paint.

Therefore, the purpose of this law is to require that all retailers in Suffolk County keep aerosol spray paint in either a locked case or behind a sales counter.

Section 2. Amendments.

Chapter 392 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 392, PROPERTY, DEFACEMENT OF

§ 392-4. Display of Spray Paint.

All persons who sell or offer for sale aerosol spray paint cans shall display these items only if they are contained within a locked case or located behind a service counter or otherwise stored in a manner which restricts general public access to the aerosol spray paint cans.

§392-[4] 5. Penalties.

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 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-spray paint behind counter

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



1863

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

DATE: August 12, 2010

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. 1863-2010; A LOCAL LAW TO REDUCE MINORS' ACCESS TO SPRAY PAINT

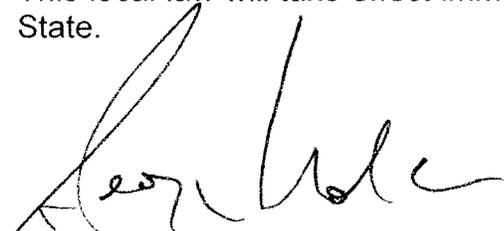
SPONSOR: LEGISLATOR BROWNING

DATE OF RECEIPT BY COUNSEL: 8/12/10 PUBLIC HEARING: 9/16/10

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

This proposed local law would amend Chapter 392 of the SUFFOLK COUNTY CODE to require persons who sell or offer for sale aerosol spray paint cans to display such items in a locked case, behind a service counter, or in any other manner which restricts general public access to aerosol spray paint cans.

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-spray paint restriction

1864
Intro Res. No. - 2010
Introduced by the Presiding Officer on request of the County Executive

Laid on the Table 8/17/10

**RESOLUTION NO. -2010, TO APPROVE THE PURCHASE OF THREE (3)
PREVIOUSLY LEASED VEHICLES IN THE SUFFOLK COUNTY
DEPARTMENT OF LABOR, IN COMPLIANCE WITH LOCAL LAW 20-2003**

WHEREAS, Local Law 20-2003, "A Local Law to Restrict Purchase of Sports Utility Vehicles (SUV) by Suffolk County" was filed in the Office of the Secretary of State on July 10, 2003; and

WHEREAS, Local Law 20-2003 stipulates that "No vehicle of any nature whatsoever shall be purchased or leased by the County of Suffolk unless: ... (b) the purchase or lease of the vehicle is based on the County Vehicle Standard...; and (c) explicit approval for the acquisition of such vehicle, via lease or purchase, has been granted via duly enacted Resolution of the County of Suffolk."; and

WHEREAS, the Suffolk County Department of Labor included funding for program vehicles in the 2010 Operating Budget Request, and the vehicles were approved and funded in the 2010 Adopted Budget; and

WHEREAS, these three (3) vehicles are program vehicles used for transporting participants for the Suffolk Works Employment Program; and

WHEREAS, the existing leases for seven (7) sedans terminated on March 2010; and

WHEREAS, Resolution No. 321-2003 requires that no vehicles shall be purchased or leased unless "explicit approval for the acquisition of such vehicles, via lease or purchase, has been granted by the Suffolk County Legislature"; now, therefore be it

RESOLVED, that the Suffolk County Department of Labor is authorized to initiate the process for the purchase of previously leased vehicles through the Purchase Requisition process; and be it further

RESOLVED, that the Suffolk County Department of Labor is duly authorized to enter into a contractual agreement to purchase the following vehicles: three (3) sedans; and be it further

RESOLVED, as per Resolution No. 321-2003, the purchase of these vehicles are replacement vehicles and shall not increase the County fleet, and are hereby approved by this legislature; and be it further

RESOLVED, that there will be no net increase in the number of vehicles in the Department's fleet as a result of this Resolution.

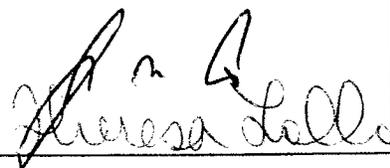
DATED:

APPROVED BY:

County Executive of Suffolk County
Date of approval:

1864

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u>X</u> Local Law ___ Charter Law ___		
Title of Proposed Legislation: TO APPROVE THE PURCHASE OF THREE (3) PREVIOUSLY LEASED VEHICLES IN THE SUFFOLK COUNTY DEPARTMENT OF LABOR, IN COMPLIANCE WITH LOCAL LAW 20-2003.		
3. Purpose of Proposed Legislation TO PURCHASE THREE (3) VEHICLES		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No ___		
5. If the Answer to item 4 is "yes", on what will it impact? (check appropriate category) ___ County ___ Town ___ Economic Impact ___ Village ___ School District <u>X</u> Other (Specify) ___ Library District ___ Fire District ___ NOT APPLICABLE		
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact Fiscal Impact: additional funding not required. Funding exists in 2010 budget.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Subdivision. One time cost of \$22,500.00		
8. Proposed Source of Funding Workforce Investment Act Funding		
9. Timing of Impact Current lease expired in March 2010		
10. Typed Name & Title of Preparer James M. Andrews Principal Management Analyst Theresa Lollo Municipal Financial Analyst	11. Signature of Preparer  Theresa Lollo	12. Date August 2, 2010 8/9/10

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1804

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.

Department Request
Sponsors Memo for County Legislation

1864

Resolution Title:

TO APPROVE THE PURCHASE OF THREE (3) PREVIOUSLY LEASED VEHICLES IN THE SUFFOLK COUNTY DEPARTMENT OF LABOR, IN COMPLIANCE WITH LOCAL LAW 20-2003.

Purpose/Justification of Request:

To authorize the Department of Labor to enter into a purchase agreement.

Specify Where Applicable:

1. Is request due to change in law? yes _____ no X
If yes, please explain:

2. Has this resolution been submitted previously? yes _____ no X
If yes, give I.R.#, attach copy and reason for resubmittal:

3. Is back up attached? yes X no _____

4. Is this resolution subject to SEQRA review? yes _____ no X

Fiscal Information:

Budget Line:

Amount & source of outside funding: Federal \$ 22,500.00 purchase cost for 3 vehicles
State \$
County \$
Other \$

Contact Person James M. Andrews, Principal Management Analyst Telephone Number 3-6610

Instructions: All departments must submit this form, along with your draft resolution for Legislative action, to the Budget Office no later than noon on the Monday before the Thursday deadline imposed by the Legislature.

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

AUG 04 2010

1864

ROBERT W. DOW, JR.
COMMISSIONER
DEPARTMENT OF LABOR
725 VETERANS MEMORIAL HIGHWAY
HAUPPAUGE, N.Y. 11788

ADDRESS CORRESPONDENCE TO:
P.O. BOX 1319
SMITHTOWN, N.Y. 11787-0895
e-mail: sc.dol@suffolkcountyny.gov
FAX # (631) 853-6510
www.suffolkcountyny.gov/labor

MEMORANDUM

TO: Ken Crannell, Deputy County Executive
Suffolk County Executive's Office

FROM: Robert W. Dow, Jr., Commissioner *RWD*

DATE: August 2, 2010

RE: INTRODUCTORY RESOLUTION

Attached please find the following Introductory Resolution for the next Legislative meeting:

RESOLUTION NO. -10, TO APPROVE THE PURCHASE OF THREE (3) PREVIOUSLY LEASED VEHICLES IN THE SUFFOLK COUNTY DEPARTMENT OF LABOR, IN COMPLIANCE WITH LOCAL LAW 20-2003.

Thank you for your assistance.

* * *

RWD:dv
Attachment

cc: Christopher Kent, Chief Deputy County Executive

1865
Intro. Res. No. -2010
Introduced by Legislator Montano

Laid on Table 8/17/10

**RESOLUTION NO. -2010, TO ENHANCE THE
DEPARTMENT OF CONSUMER AFFAIRS WEBSITE**

WHEREAS, the Suffolk County Department of Consumer Affairs (“Department”) regulates licensed occupations and addresses complaints against businesses in the County; and

WHEREAS, the Department maintains a website which allows a consumer to look up licensed contractors and check for complaints but the consumer must have the contractor’s license number or telephone number to find this information; and

WHEREAS, consumers may not have a contractor’s license number or telephone number readily available when they research a contractor; and

WHEREAS, allowing consumers to search for a contractor based on their individual name or the business’ name would improve public access to the County’s database of licensed contractors; now, therefore be it

1st RESOLVED, the Suffolk County Department of Consumer Affairs and the Department of Information Technology are hereby authorized, empowered and directed to expand the Consumer Affairs website to allow consumers to search for licensed contractors by their individual name or the business’ name; and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\reslr-consumer affairs website

1866

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

Laid on Table

8/17/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO.
-2010, A LOCAL LAW TO REGISTER NON-PROFIT
VETERANS' ORGANIZATIONS IN SUFFOLK COUNTY**

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 REGISTER NON-PROFIT VETERANS' ORGANIZATIONS IN SUFFOLK COUNTY**" 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 REGISTER NON-PROFIT VETERANS'
ORGANIZATIONS IN SUFFOLK COUNTY**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that members of the military and their families serve in a vital role and sacrifice much to protect and serve the United States.

This Legislature also finds and determines that after their military service ends, many veterans need assistance in returning to civilian life.

This Legislature further finds and determines that there are many non-profit veterans' organizations that provide aid and support to veterans and their families.

This Legislature finds that these organizations frequently solicit monetary donations from the public.

This Legislature determines that some non-profit veterans' organizations contract with professional fund-raisers to solicit donations from the public.

This Legislature also finds that many of these professional fund-raisers retain the majority of the funds collected by public donation, with the non-profit veterans' organization receiving little of the money donated.

This Legislature also determines that members of the public are often unaware that their donations are not used to supply aid or services to veterans and their families, but are instead paid to private solicitors.

This Legislature further finds that many of these non-profit veterans' organizations fail to file the financial disclosure forms required as a non-profit organization under state law.

This Legislature further determines that non-profit veterans' organizations should register with Suffolk County and provide annual financial statements to ensure the integrity of the organizations operating within the County.

Therefore, the purpose of this law is to require that all non-profit veterans' organizations register with the Suffolk County Veterans Services Agency in order to solicit donations in Suffolk County.

Section 2. Definitions.

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

“NON-PROFIT VETERANS’ ORGANIZATION” shall mean any domestic organization organized under the New York State Not For Profit Corporation Law for the purpose of providing support to veterans or their families, which collects monetary donations from the public. This definition shall not apply to any congressionally chartered veterans organizations.

“PROFESSIONAL FUND-RAISER” shall mean any person who, for compensation or other consideration, plans, conducts, manages or carries on any drive or campaign in Suffolk County for the purpose of soliciting funds or contributions for or on behalf of any non-profit veterans organization or who engages in the business or holds himself out to persons as being independently engaged in the business of soliciting contributions for such purposes.

“PROFESSIONAL SOLICITOR” shall mean any person who is employed or retained for compensation by a professional fund-raiser to solicit funds or contributions on behalf of any non-profit veterans’ organization from persons in Suffolk County.

Section 3. Registration.

- A. No non-profit veterans’ organization shall solicit funds or contributions from the public or have funds or contributions solicited on its behalf within the County of Suffolk, unless it has filed a registration statement with the Suffolk County Veterans Services Agency in accordance with the provisions of this section. The registration statement shall be refiled and updated every year for as long as the non-profit veterans’ organization is engaged in solicitation activities in Suffolk County.
- B. Such statements shall contain the following information:
 - (1) The name of the organization and the purpose for which it was organized.
 - (2) The principal address of the organization.
 - (3) A statement indicating whether the organization intends to use professional fund-raisers to solicit funds or contributions from the public.
 - (4) The general purpose or purposes for which the contributions solicited shall be used.
 - (5) The names and business addresses of the person or persons in direct charge of conducting the solicitation.

- (6) The names and business addresses of all professional fund-raisers who will be connected with the solicitation.
 - (7) A statement to the effect that the fact of registration will not be used or represented in any way as an endorsement by the County of Suffolk or by the Suffolk County Veterans Services Agency of the solicitation conducted thereunder.
 - (8) Documents verifying the information provided under the provisions of Subsection B (1) through (6) above, including all contracts and subsequent amendments thereto between a non-profit veterans' organization and any professional fund-raiser with whom it does business.
- C. On or before the first day of April of each year, all non-profit veterans' organizations shall file a report with the Veterans Services Agency stating the amount of funds or contributions collected by the organization in the preceding calendar year, the amount expended and the specific recipients of the monies, purposes for which said amount was expended and the administrative expenses incurred in said period, including a statement of the fees or other charges by any professional fund-raisers and the amount paid to the same.

Section 4. Penalties.

Any non-profit veterans' organization which violates any of the provision of this law shall be subject to a civil penalty of no less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each day a non-profit veterans' organization is in violation of this law shall constitute a separate and distinct violation.

Section 5. Enforcement actions or proceedings.

The civil penalties prescribed by this law shall be recovered by an action or proceeding in any court of competent jurisdiction. All such actions or proceedings shall be brought in the name of the county by the County Attorney. In addition, the County Attorney may institute any other action or proceeding in any court of competent jurisdiction that may be appropriate or necessary for the enforcement of this law, including actions to secure permanent injunctions enjoining any acts or practices which constitute a violation of any provision of this law, mandating compliance with the provisions of this law, or for such other relief as may be appropriate. In any such action or proceeding, the County Attorney may apply to any court of competent jurisdiction, or to a judge or justice thereof, for a temporary restraining order or preliminary injunction enjoining and restraining all persons from violating any provision of this law, mandating compliance with the provisions of this law or for such other relief as may be appropriate, until the hearing and determination of such action or proceeding and the entry of final judgment or order therein. The court, or judge or justice thereof, to whom such application is made, is hereby authorized forthwith to make any or all of the orders above specified, as may be required in such application, with or without notice and to make such other and further orders or directions as may be necessary to render the same effectual. No undertaking shall be required as a condition to the granting or issuing of such order or by reason thereof.

Section 6. Applicability.

This law shall apply to all non-profit veterans' organizations operating or soliciting donations in Suffolk County on or after the effective date of this law.

Section 7. Severability.

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

Section 8. SEQRA Determination.

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

Section 9. Effective Date.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



1866

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

DATE: August 12, 2010
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. 1866-2010; A LOCAL LAW TO REGISTER NON-PROFIT VETERANS' ORGANIZATIONS IN SUFFOLK COUNTY

SPONSOR: LEGISLATOR CILMI

DATE OF RECEIPT BY COUNSEL: 8/12/10 PUBLIC HEARING: 9/16/10
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed local law would require all non-profit veterans' organizations¹ soliciting donations in Suffolk County to register with the Suffolk County Veterans Services Agency ("the Agency"). Any non-profit veterans' organization seeking to register must provide the Agency with the name and principal address of the organization, the purpose for which the organization was created, the purpose for which contributions are solicited and the organization's use of professional fund-raisers.

Registered organizations must also file a financial disclosure statement annually with the Agency stating the amount of contributions collected in the preceding year, the recipients of said funds, the purposes for which said amount were expended and the administrative expenses incurred by the organization in the preceding year. Registered organizations must also disclose the fees they paid to professional fund-raisers.

Any non-profit veterans' organization which violates any provision of this law will be subject to a civil penalty of no less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each day a non-profit veterans' organization is in violation of this law shall constitute a separate and distinct offense. Civil penalties will be recovered in a civil proceeding by the County Attorney.

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

GEORGE NOLAN
Counsel to the Legislature

¹ "Non-profit veterans' organization" is defined as "any domestic organization organized under the New York State Not For Profit Corporation Law for the purpose of providing support to veterans or their families, which collects monetary donations from the public. This definition shall not apply to any congressionally chartered veterans organizations."

1R1867-10

LOT 8/17/10

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

**RESOLUTION NO.
SALE OF COUNTY-OWNED REAL ESTATE
PURSUANT TO SECTION 72-h OF THE
GENERAL MUNICIPAL LAW
(TOWN OF BROOKHAVEN)
(0200-847.00-02.00-015.000)**

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of 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 847.00, Block 02.00 Lot 015.000 and acquired by Tax Deed on August 17, 1998 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on September 14, 1998 in Liber 11916 at Page 755 and described as follows, known and designated as Lots 3 & 4 in Block 5 on a certain map entitled "Map of Orient Park, Section N", and filed in the Office of the Clerk of the County of Suffolk on December 18, 1909 as Map No. 340; and

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

WHEREAS, the Town of Brookhaven has requested that the County of Suffolk convey to the town the parcel described in Exhibit "A" annexed hereto; and

WHEREAS, as provided in Resolution No. 840-2004 and Resolution No. 412-2005, this Legislature has determined that retention of development rights for transfer and use to promote the development of workforce housing is a vital need of Suffolk County residents and an important public purpose of County government; and

WHEREAS, the Suffolk County Department of Planning has approved the proposed transfer and use of said parcel; and

1st RESOLVED, that Pamela J. Greene, the 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 above described property and on the terms and conditions as hereinafter described to said Town of Brookhaven for the sum of \$1,718.25; plus the pro rata share of taxes, and be it further

2nd RESOLVED, that the County of Suffolk hereby transfer the above described property subject to it being sterilized for Open Space Purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions, entered into by the Town of Brookhaven, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

3rd **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is to be permanently sterilized by a deed restriction and must remain as Open Space and Workforce Housing Development Rights shall be severed herewith 0.1 (one tenth) Workforce Housing Development Right 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

4th **RESOLVED**, that said quitclaim deed tendered by Pamela J. Greene, the Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain appropriate language that shall permanently sterilize the above-described parcel and sever the development rights for workforce housing purposes in accordance with the County's Workforce Housing Program; and be it further

5th **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Open Space; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcel for other than Open Space or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for Open Space; and be it further

6th **RESOLVED**, that said quitclaim deed issued by Pamela J. Greene, the Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

7th **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. Sections 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" 1867

RESOLUTION NO. 2009-384
MEETING: April 28, 2009

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

AMENDING RESOLUTION NO. 899-08 AND
AUTHORIZING THE ACQUISITION OF LAND
FROM THE COUNTY OF SUFFOLK
PURSUANT TO GENERAL MUNICIPAL LAW
§72-H (SCTM NOS. 0200-847.00-02.00-
015.000), HAWTHORNE AVENUE,
BROOKHAVEN

WHEREAS, Resolution No. 899-08 authorized the transfer of foreclosed properties from the County of Suffolk to the Town of Brookhaven for transfer to various not-for-profit housing agencies; and

WHEREAS, a parcel on Hawthorne Avenue in Brookhaven designated for Long Island Housing Partnership has been determined by the Environmental Department to have wetlands concerns, i.e. Suffolk County Tax Map No. 0200-847.00-02.00-015.000; and

WHEREAS, said parcel should be removed from the Affordable Housing Program and preserved as open space; and

WHEREAS, the Town Board of the Town of Brookhaven seeks to acquire said parcel of property on Hawthorne Avenue in Brookhaven from the County of Suffolk pursuant to §72-h of the General Municipal Law of New York; and

WHEREAS, said properties are to be acquired from the County of Suffolk for open space purposes; and

WHEREAS, the cost for such acquisition shall be \$1,718.25 plus the payment of pro rata taxes;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of

1867

Brookhaven that Resolution No. 899-08 is hereby amended to remove Suffolk County Tax Map Nos. 0200-847.00-02.00-015.000 from the Affordable Housing Program; and
be it further

RESOLVED by the Town Board of the Town of Brookhaven that the acquisition of said properties located on Hawthorne Avenue in Brookhaven (SCTM No. 0200-847.00-02.00-015.000) are hereby authorized in accordance with the provisions of §72-h of the General Municipal Law, said properties to be used only for open space thereafter; and be it further

RESOLVED that by this resolution the Town Board hereby requests of the County of Suffolk that said aforementioned parcels be transferred to the Town of Brookhaven in accordance with the provisions of §72-h of the General Municipal Law; and be it further

RESOLVED that the Commissioner of Finance is hereby authorized to issue a check from Account No. HRCW 1420 3080 in the sum of \$1,718.25 payable to the Suffolk County Department of Real Estate, to effectuate the transfer.

RESOLVED that all the other terms and conditions of Resolution No. 899-08 shall remain unchanged.

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

SUMMARY STATEMENT

SALES TO GOVERNMENTAL ENTITIES
TOWN OF BROOKHAVEN

Tax Map No.: 0200-847.00-02.00-015.000

Section 72-h, Gen'l Municipal Law

	<u>Amount</u>
County Investment	\$ 1,718.25

Purpose:

A. Affordable Housing	_____
B. Open Space/Park	_____ X _____
C. Road/Highway	_____
D. Drainage/Recharge Basin	_____
E. Other	_____

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

WRT:slb



Tm# 0200-847.00-02.00-015.000

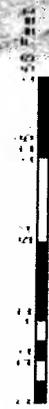
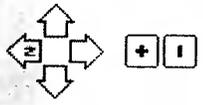
1867

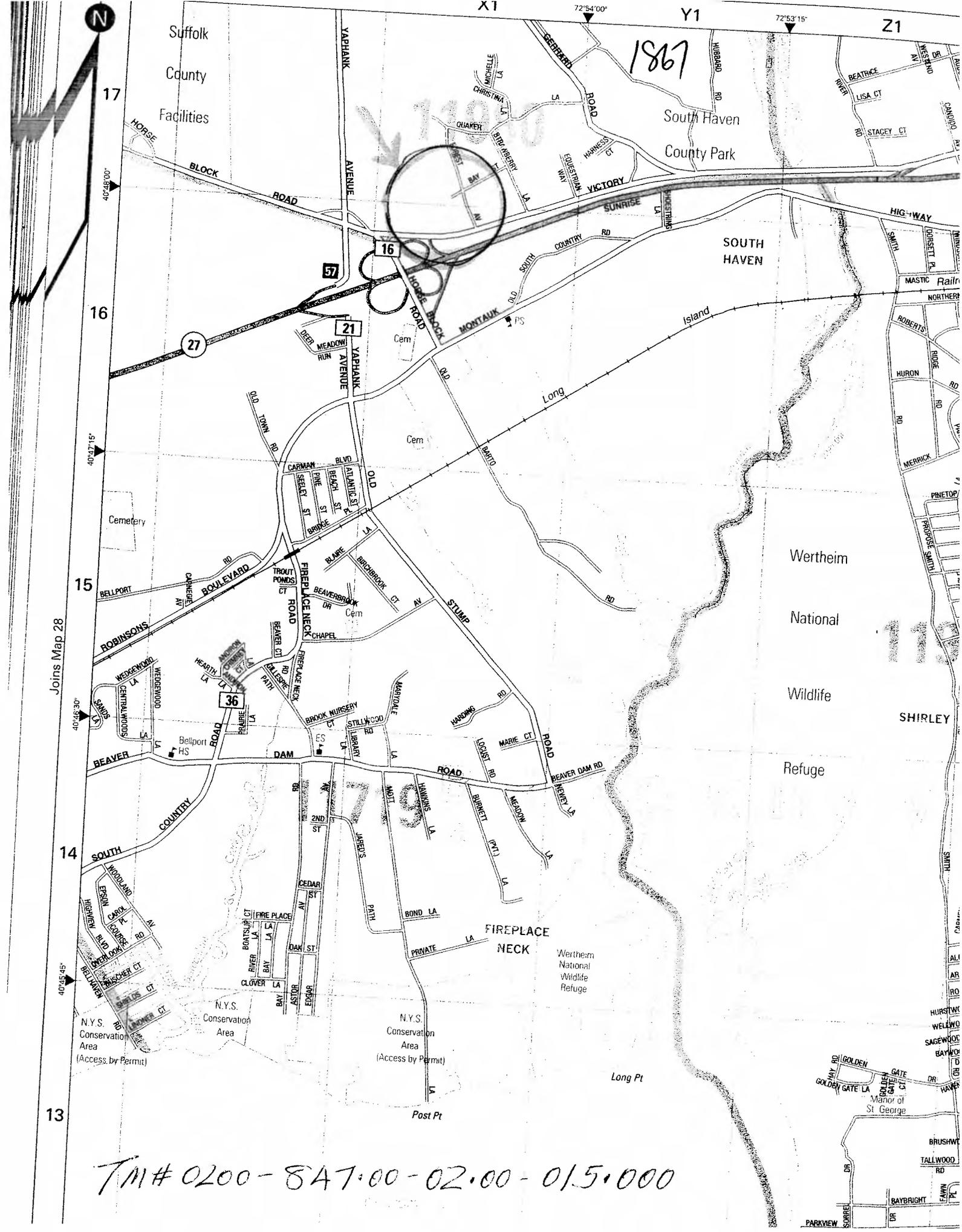


Forest Ave

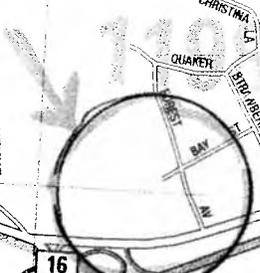
Lime Ave

TM# 0200-847.00-02.00-015.000





1867



Joins Map 28

TM# 0200-847.00-02.00-015.000

Suffolk
County
Facilities

South Haven
County Park

SOUTH
HAVEN

Wertheim
National
Wildlife
Refuge

FIREPLACE
NECK
Wertheim
National
Wildlife
Refuge

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

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

Post Pt

Long Pt

Manor of
St George

PARKVIEW

1867

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law No. _____ Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for 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

2010

10. Typed Name & Title of Preparer

R.J. Bhatt-LMS IV

Signature of Preparer

[Handwritten Signature]

Date

8/9/10

COUNTY OF SUFFOLK

AUG 10 2010



1867

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

August 9, 2010

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

Re: Tax Map No.: 0200-847.00-02.00-015.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Brookhaven for General Municipal Purposes.

Dear Mr. Crannell:

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

Section 72-h, G.M.L. authorizing the sale of County owned real estate to the Town of Brookhaven for 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 R. Corso, Deputy County Executive for Finance and Administration
Thomas A. Isles, Director of Planning
CE Reso Review via e-mail

IR 1868-10

LOT 8117/10

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

**RESOLUTION NO.
SALE OF COUNTY-OWNED REAL ESTATE
PURSUANT TO SECTION 72-h OF THE
GENERAL MUNICIPAL LAW
(TOWN OF BROOKHAVEN)
(0200-959.00-03.00-019.000)**

WHEREAS, the COUNTY OF SUFFOLK is the fee owner of the following described parcel that is surplus to the needs of the County of Suffolk; and

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0200 Section 959.00, Block 03.00 Lot 019.000 and acquired by Tax Deed on April 17, 1984 from Jean H. Tuthill, the County Treasurer of Suffolk County, New York, and recorded on April 17, 1984 in Liber 9546 at Page 232 and described as follows, known and designated as Lots 62 to 64 inclusive in Block 519 on a certain map entitled "Map of New York & Brooklyn Suburban Investment Company, Map 6", and filed in the Office of the Clerk of the County of Suffolk on April 9, 1890 as Map No. 444; and

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

WHEREAS, the Town of Brookhaven has requested that the County of Suffolk convey to the town the parcel described in Exhibit "A" annexed hereto; and

WHEREAS, as provided in Resolution No. 840-2004 and Resolution No. 412-2005, this Legislature has determined that retention of development rights for transfer and use to promote the development of workforce housing is a vital need of Suffolk County residents and an important public purpose of County government; and

WHEREAS, the Suffolk County Department of Planning has approved the proposed transfer and use of said parcel; and

1st RESOLVED, that Pamela J. Greene, the 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 above described property and on the terms and conditions as hereinafter described to said Town of Brookhaven for the sum of \$3,536.63; plus the pro rata share of taxes, and be it further

2nd RESOLVED, that the County of Suffolk hereby transfer the above described property subject to it being sterilized for Open Space Purposes to protect the aquifer and water supply, which property shall be kept in its natural state in perpetuity, except for property maintenance activities as may be appropriate, to effectuate the declaration of covenants and restrictions, entered into by the Town of Brookhaven, without impairing the essential nature and open character of the premises and subject to the use of the open space area for passive recreational purposes; and be it further

3rd **RESOLVED**, that pursuant to Section C12-2(A)(2)(c), this property is to be permanently sterilized by a deed restriction and must remain as Open Space and Workforce Housing Development Rights shall be severed herewith 0.1 (one tenth) Workforce Housing Development Right 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

4th **RESOLVED**, that said quitclaim deed tendered by Pamela J. Greene, the Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain appropriate language that shall permanently sterilize the above-described parcel and sever the development rights for workforce housing purposes in accordance with the County's Workforce Housing Program; and be it further

5th **RESOLVED**, that the Town of Brookhaven will be restricted in its use of the subject parcel and will use said parcel solely and exclusively for Open Space purposes; with all right title and interest reverting to the County of Suffolk in the event that the Town of Brookhaven, at any time, uses or attempts to use said subject parcel for other than Open Space purposes or attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject parcel without said parcel being used thereafter for Open Space purposes; and be it further

6th **RESOLVED**, that said quitclaim deed issued by Pamela J. Greene, the Director of the Division of Real Property Acquisition and Management, pursuant to this resolution, shall contain a reverter clause declaring that title to the above described property shall revert to the County of Suffolk if: 1) the property is not used for the above-described public governmental purposes within three (3) years after delivery of the deed to the grantee; or 2) the grantee attempts to sell, transfer, or otherwise dispose of the property or does sell, transfer, or otherwise dispose of said subject property without said property being used thereafter for the above described public governmental purposes; or 3) the grantee imposes a back-charge or fee against the County for the actual or projected cleanup cost of the debris on the property in violation of Resolution No. 1028-1991; or 4) the grantee violates Resolution No. 256-1998; and be it further

7th **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. Sections 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"

(868)

RESOLUTION NO. 2010-158
MEETING OF February 9, 2010

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

AUTHORIZATION TO ACQUIRE VACANT PARCELS OF SUFFOLK COUNTY OWNED LAND FOR OPEN SPACE PURSUANT TO SECTION 72-H OF THE GENERAL MUNICIPAL LAW – OXFORD AVENUE, MIDDLE ISLAND (SCTM NO. 0200-344.00-03.00-018.000); PARKWAY BOULEVARD, MIDDLE ISLAND (SCTM NO. 0200-344.00-03.00-003.000); JOHANNA STREET, PORT JEFFERSON STATION (SCTM NO. 0200-229.00-02.00-013.000); AND DAVIDSON AVENUE, BELLPORT (SCTM NO. 0200-959.00-03.00-019.000)

WHEREAS, Section 72-h of the General Municipal Law of the State of New York permits the sale of real property between municipal governments in the State of New York; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Oxford Avenue, Middle Island, further identified as SCTM No. 0200-344.00-03.00-018.000 as shown on the attached map; and

WHEREAS, the Town of Brookhaven is interested in acquiring said parcel of real property for open space purposes for a total consideration not to exceed \$1,926.75 plus pro-rata taxes at the time of closing; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Parkway Boulevard, Middle Island, further identified as SCTM No. 0200-344.00-03.00-003.000 as shown on the attached map; and

WHEREAS, the Town of Brookhaven is interested in acquiring said parcel of real property for open space purposes for a total consideration not to exceed \$1,926.75 plus pro-rata taxes at the time of closing; and

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WHEREAS, there is a vacant parcel of Suffolk County owned land located on Johanna Street, Port Jefferson Station, further identified as SCTM No. 0200-229.00-02.00-013.000 as shown on the attached map; and

WHEREAS, the Town of Brookhaven is interested in acquiring said parcel of real property for open space purposes for a total consideration not to exceed \$1,736.71 plus pro-rata taxes at the time of closing; and

WHEREAS, there is a vacant parcel of Suffolk County owned land located on Davidson Avenue, Bellport, further identified as SCTM No. 0200-959.00-03.00-019.000 as shown on the attached map; and

WHEREAS, the Town of Brookhaven is interested in acquiring said parcel of real property for open space purposes for a total consideration not to exceed \$3,536.63 plus pro-rata taxes at the time of closing; and

WHEREAS, the Town Board of the Town of Brookhaven is aware that the subject premises shall be conveyed subject to the following restrictive covenants that will run with the land so conveyed: 1) That the Grantee or any subsequent Grantee shall not bill or charge back to the Grantor any cost incurred or projected to be incurred for the cleanup, removal, and disposal of all debris, waste, and/or contamination in or on the subject premises; 2) That the Grantee shall not sell, convey, transfer or otherwise dispose of the subject premises; and

WHEREAS, the Town Board of the Town of Brookhaven is aware that the restrictive covenants described above will run with the land and shall bind the heirs, successors, and assigns of the Town of Brookhaven and in the event of any violation of the restrictive covenants stated above, the Deed conveying said parcels shall be void ab initio and title to the realty shall revert to the County of Suffolk; and

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WHEREAS, the acquisition of said parcels pursuant to General Municipal Law Section 72-H, as an intergovernmental transfer, is a Type II action pursuant to NYCRR 617.5(c)(19) and, therefore, no further SEQRA review is required,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel further identified as SCTM No. 0200-344.00-03.00-018.000 and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$1,926.75 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above; and be it further

RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel further identified as SCTM No. 0200-344.00-03.00-003.000 and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$1,926.75 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above; and be it further

RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel further identified as SCTM No. 0200-229.00-02.00-013.000 and requests that the Suffolk County Legislature approve the conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$1,736.71 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above; and be it further

RESOLVED, that the Town Board of the Town of Brookhaven hereby authorizes, consents and approves the acquisition of the parcel further identified as SCTM No. 0200-959.00-03.00-019.000 and requests that the Suffolk County Legislature approve the

1868

conveyance of same pursuant to General Municipal Law Section 72-H for a consideration not to exceed \$3,536.63 plus pro-rata taxes at the time of closing subject to the restrictive covenants and reverter provisions as stated above.

1868

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

SUMMARY STATEMENT

SALES TO GOVERNMENTAL ENTITIES
TOWN OF BROOKHAVEN

Tax Map No.: 0200-959.00-03.00-019.000

Section 72-h, Gen'l Municipal Law

	<u>Amount</u>
County Investment	\$ 3,536.63

Purpose:

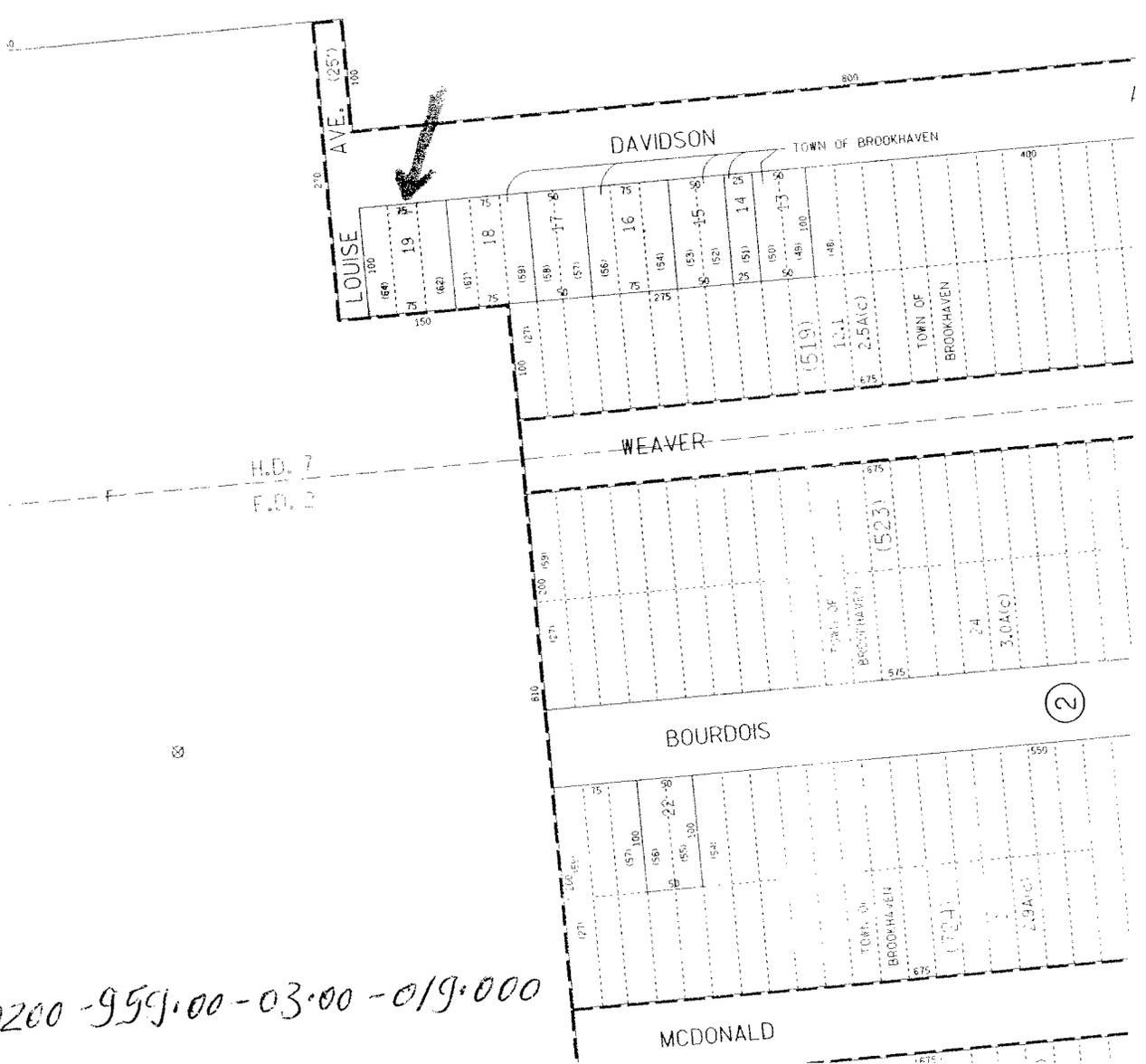
- | | |
|----------------------------|-------------|
| A. Affordable Housing | _____ |
| B. Open Space/Park | _____X_____ |
| C. Road/Highway | _____ |
| D. Drainage/Recharge Basin | _____ |
| E. Other | _____ |

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

WRT:slb

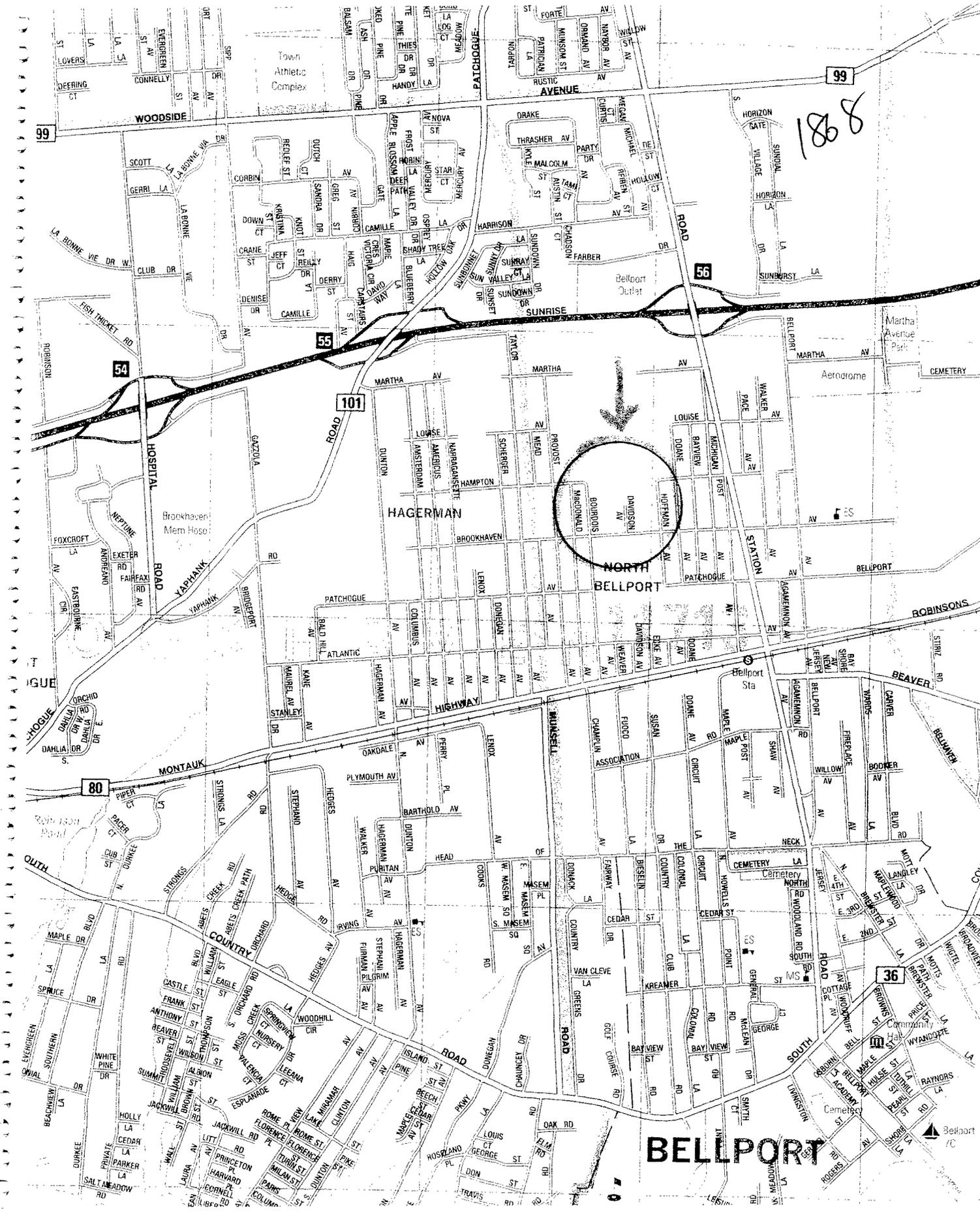
138	(525)	100
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Trm#0200-959.00-03.00-019.000

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Tm# 0200-959.00-03.00-019.000

868

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

1. Type of Legislation

Resolution X Local Law No. _____ Charter Law _____

2. Title of Proposed Legislation

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

3. Purpose of Proposed Legislation

Convey County owned parcel to the Town of Brookhaven for 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

2010

10. Typed Name & Title of Preparer

R.J. Bhatt-LMS IV

Signature of Preparer

RJ Bhatt

Date

8/5/10

COUNTY OF SUFFOLK

AUG 10 2010



RBG

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

August 5, 2010

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

Re: Tax Map No.: 0200-959.00-03.00-019.000
Section 72-h, G.M.L. Authorizing the Sale of County Owned Real Estate to the Town of Brookhaven for General Municipal Purposes.

Dear Mr. Crannell:

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

Section 72-h, G.M.L. authorizing the sale of County owned real estate to the Town of Brookhaven for 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 R. Corso, Deputy County Executive for Finance and Administration
Thomas A. Isles, Director of Planning
CE Reso Review via e-mail

Intro. Res. No. 1869-10

Laid on the Table 8/17/10

Introduced by the Presiding Officer at the Request of the County Executive

RESOLUTION NO. -2010, AMENDING THE 2010 OPERATING BUDGET AND APPROPRIATING FUNDS IN CONNECTION WITH BONDING A SETTLEMENT FOR AN BUS LIABILITY CASE

WHEREAS, a settlement was approved in a Bus Liability case by the Ways and Means Committee for a total amount of Three Hundred Fifty Thousand (\$350,000) Dollars; and

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

WHEREAS, sufficient funds to satisfy Bus Liability orders, judgments and settlements are not available in the 2010 Operating Budget; and

WHEREAS, the County Legislature, by Resolution of even date herewith, has authorized the issuance of Three Hundred Fifty Thousand (\$350,000) Dollars in Suffolk County Serial Bonds to cover the cost of the above referenced settlement; now, therefore be it

RESOLVED, that this settlement in the amount of Three Hundred Fifty Thousand (\$350,000) Dollars be bonded and paid under the authority of the Office of Risk Management, County Department of Civil Service, in conjunction with the County Department of Audit and Control and the County Executive's Budget Office; and be it further

RESOLVED, that the proceeds of Three Hundred Fifty Thousand (\$350,000) Dollars in Suffolk County Serial Bonds be and are hereby appropriated as follows:

REVENUES:		
038-2780 Proceeds: Debt		\$350,000
APPROPRIATIONS:		
	Miscellaneous	
	Auto Liability Insurance	
	038-MSC-1916	
	Mandated	
8505 – Settlements		\$350,000

DATED:

APPROVED BY:

County Executive of the County of Suffolk

Date of Approval:

COUNTY OF SUFFOLK



1869

AUG 10 2010

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF CIVIL SERVICE/HUMAN RESOURCES
DIVISION OF EMPLOYEE SERVICES

ALAN SCHNEIDER
PERSONNEL DIRECTOR

TO: Ben Zwirn
Deputy County Executive

FROM: Leslie E. Baffa *LB*
Risk Management Coordinator

DATE: August 4, 2010

RE: Bond Resolution

Enclosed you will find a draft of a resolution for bonding \$350,000 for the settlement of an Bus Liability case. This settlement was approved by the ways and means committee at the June 2nd meeting. Payment must be made within 90 days of receipt closing papers.

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

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

1870

Intro. Res. No. - 2010

Laid on the Table 8/17/10

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2010, AMENDING THE 2010 ADOPTED OPERATING BUDGET TO ACCEPT AND APPROPRIATE ADDITIONAL 100% STATE AID FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH TO FAMILY SERVICE LEAGUE FOR SUICIDE PREVENTION ACTIVITIES

WHEREAS, the New York State Office of Mental Health has allocated additional 100% State aid funding in the amount of \$16,000 to Family Service League for Suicide Prevention activities; and

WHEREAS, Family Service League acts as Fiscal Agent and Sub Contractor for Suicide Prevention related activities; and

WHEREAS, an additional one thousand dollars (\$1,000) is specified for website support and an additional fifteen thousand dollars (\$15,000) is specified for a suicide prevention training symposium; and

WHEREAS, these additional 100% State aid funds are not included in the 2010 Adopted Operating Budget; now, therefore be it

1st RESOLVED, that the County Comptroller and the County Treasurer be and hereby are authorized to accept and appropriate \$16,000 in State aid as follows:

REVENUES:

001-3493 Community Support Services \$16,000

ORGANIZATIONS

Department of Health Services (HSV)
Division of Community Mental Hygiene Services
001-HSV-4330-4980

XORG	OBJECT NAME	2010 Adopted Budget	Increase/ Decrease	2010 Modified Budget
JDM1	FSL SUICIDE PREVENTION	\$23,240	+\$16,000	\$39,240

2nd RESOLVED, that the contract with Family Service League be amended to reflect these additional funds; and be it further

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

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

1870

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/>		
Title of Proposed Legislation Amending the 2010 Adopted Operating Budget to accept and appropriate additional 100% State aid from the New York State Office of Mental Health to Family Service League for Suicide Prevention activities.		
3. Purpose of Proposed Legislation This legislation is needed to accept and appropriate additional 100% State aid from the New York State Office of Mental Health to Family Service League for Suicide Prevention activities. Family Service League acts as Fiscal Agent and Sub Contractor for Suicide Prevention related activities such as symposiums, trainings and website support.		
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% additional State aid from New York State Office of Mental Health		
9. Timing of Impact 2010		
10. Typed Name & Title of Preparer Diane E. Weyer Principal Financial Analyst BETHA. REYNOLDS PRINCIPAL EXECUTIVE ANALYST	11. Signature of Preparer 	Date 8/11/10

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

1870

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 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.

1871

Intro. Res. No. 2010

Laid on Table

8/17/10

Introduced by the Presiding Officer at the request of the County Executive

RESOLUTION NO. _____, 2010 AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM, TRANSFERRING FUNDS FROM THE ASSESSMENT STABILIZATION RESERVE FUND, AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 9 – COLLEGE PARK (CP 8163)

WHEREAS, the College Park Wastewater Treatment Plant requires infrastructure improvements; and

WHEREAS, a public hearing was held on August 18, 2009 at the County Legislature in Hauppauge, New York in connection with the proposed improvements; and

WHEREAS, a findings resolution approving the increase and consistent with the Public Hearing, a resolution authorizing \$750,000 for this project and this resolution which amends the 2010 Capital Budget and Program and appropriates funds have been submitted to the Legislature for approval; and

WHEREAS, funds have been appropriated in an amount of \$750,000; and

WHEREAS, the public hearing was held for \$750,000 and additional planning funds are needed and will be requested herewith from the Assessment Stabilization Reserve Fund and will not jeopardize the project hearing process since there will be no fiscal impact to the benefited properties, since pursuant the Suffolk County Assessment Stabilization Fund all residents of sewer districts experience only a 3% annual increase regardless of any improvements performed; and

WHEREAS, the remaining funds of this project in the amount of \$200,000 will be financed with Sewer District Serial Bonds and the balance of \$35,000 representing the additional planning funds will be funded by a transfer from the Assessment Stabilization Reserve Fund; and

WHEREAS, the Administrative Head of Sewer District No. 9 – College Park has requested that the additional funds be appropriated to cover costs associated with the improvement project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, established the use of a priority ranking system, implemented in the Adopted 2010 Capital Budget, as the basis for funding Capital Projects such as this project; and

WHEREAS, pursuant to State Environmental Quality Review Act, Environmental Conservation Law Article 8 (hereinafter "SEQRA") Resolution 370-2006 determined that the proposed sewerage facility improvement and/or rehabilitation to the Sewer District No. 9 – College Park constitutes an unlisted action pursuant to provisions of NYCRR Part 617; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$200,000 in Sewer District Serial Bonds and the transfer of \$35,000 in Assessment Stabilization Reserve Funds; now, therefore be it

1st RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty five (65), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution 461-2006; and be it further

2nd RESOLVED, that the Assessment Stabilization Reserve Fund Balance shall provide the sum of \$35,000 for the purpose of implementing the project; and be it further

3rd RESOLVED, that the Legislature be and they are hereby amending the Adopted 2010 Operating Budget as follows:

<u>Interfunds</u>	<u>Amount</u>
404-IFT-E527 - Transfer to Fund 527	\$35,000

4th RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to transfer Interfund Revenues and accept proceeds as follows:

<u>Interfunds</u>	<u>Amount</u>
527-IFT-R404 – Transfer from Fund 404	\$35,000

and be it further

5th RESOLVED, that the 2010 Capital Budget be and it hereby is amended as follows:

Project No.: 8163
 Project Name: Improvements to Sewer District No. 9 - College Park

<u>COST ELEMENTS</u>	<u>TOTAL EST'D COST</u>	<u>CURRENT 2010 CAPITAL BUDGET & PROGRAM</u>	<u>REVISED 2010 CAPITAL BUDGET & PROGRAM</u>
1. Planning, Design & Supervision	\$85,000	\$0	\$35,000 A
3. Construction	\$700,000	\$200,000X	\$200,000 X
TOTAL	\$785,000	\$200,000	\$235,000

and be it further

6th RESOLVED, that the proceeds of \$200,000 in Sewer District Serial Bonds be and they hereby are appropriated as follows:

<u>PROJECT NO.</u>	<u>PROJECT TITLE</u>	<u>AMOUNT</u>
527-CAP-8163.310 Fund 209 Debt Service	Improvements to Sewer District 9 – College Park Construction	\$200,000

and be it further

7th RESOLVED, that the proceeds of \$35,000 in Assessment Stabilization Reserve Funds be and they hereby are appropriated as follows:

<u>PROJECT NO.</u>	<u>PROJECT TITLE</u>	<u>AMOUNT</u>
527-CAP-8163.110	Improvements to Sewer District 9 – College Park Planning, Design and Supervision	\$35,000

and be it further

8th RESOLVED, that the Administrative Head of the Sewer District be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the improvements to SD 9 – College Park.

DATED:

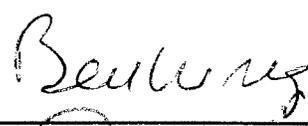
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1871

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation Amending the 2010 Capital Budget and Program, Transferring Funds from the Assessment Stabilization Reserve Fund, and Appropriating Funds in Connection with Improvements to Suffolk County Sewer District No. 9 – College Park (CP 8163)		
3. Purpose of Proposed Legislation To appropriate funds to initiate the project and provide construction funds.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category)		
County	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 Although the project cost of funding is based on \$835,000, the district rates will only increase by 3% per year		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Approximately \$67,600/year		
8. Proposed Source of Funding District Bonds and ASRF		
9. Timing of Impact 2010-2029		
10. Typed Name & Title of Preparer Ben Wright, P.E. Chief Engineer Sanitation	11. Signature of Preparer 	12. Date 7-9-10

8/9/10

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1871

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 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

1871



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive

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

SUBJECT: **Amending the 2010 Capital Budget and Program, Transferring Funds from the Assessment Stabilization Reserve Fund, and Appropriating Funds in Connection with Improvements to Suffolk County Sewer District No. 9 – College Park (CP 8163)**

DATE: July 8, 2010

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW CP 8163 SD #9 – College Park ASRF Improvements dated 7-8-10 and backup filed as Reso-Backup DPW CP 8163 SD #9 – College Park ASRF Improvements dated 7-8-10. The resolution transfers assessment stabilization reserve funds for planning purposes and appropriates sewer district serial bonds for construction. It is noted that a public hearing was held during 2009 indicating that the project amount of \$750,000 was necessary to perform the construction.

At that time, \$50,000 was available for planning and upon receipt and review of proposals that were the subject of an RFP, it has been determined that it is in the interest of the district to proceed with awarding the consultant contract in an amount of \$85,000. The additional planning funds that are necessary amount to \$35,000 and are included within the resolution with a source of funding being the Assessment Stabilization Reserve Fund. As we have indicated in past resolutions based on the guidance of the County Attorney's office, due to the use of the Assessment Stabilization Reserve Funds there will be no fiscal impact to the benefited properties based on the Suffolk County Assessment Stabilization Reserve Fund, allowing all residents of the sewer district to experience only a 3% annual increase regardless of any improvements performed, therefore, will not jeopardize the project hearing process. This resolution, therefore, appropriates the additional planning money from the stabilization fund and appropriates funds included in the 2010 Adopted Capital Program in order to proceed with the project.

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1871

We would appreciate the draft resolution being laid on the table at your convenience.

TL:BW:ni

Encl.

cc: Ed Dumas, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
Brendan Chamberlain, Director of Intergovernmental Relations
Lynne Bizzarro, Esq., Deputy County Attorney
Laura Conway, CPA, Chief Accountant
Carmine Chiusano, Assistant Budget Director
Ben Wright, P.E., Chief Engineer, Sanitation
CE Reso Review

tl-bw7-8-10 Backup DPW ASRF Improvements sd9 CP 8163 memo to KCrannell

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2010, AMENDING THE 2010 CAPITAL BUDGET AND PROGRAM, TRANSFERRING FUNDS FROM THE ASSESSMENT STABILIZATION RESERVE FUND, AND APPROPRIATING FUNDS IN CONNECTION WITH IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 23 - COVENTRY MANOR (CP 8149)

WHEREAS, the Coventry Manor Wastewater Treatment Plant requires infrastructure improvements; and

WHEREAS, a public hearing was held on August 4, 2009 of the County Legislature in Riverhead, New York in connection with the proposed improvements; and

WHEREAS, a findings resolution approving the increase and consistent with the Public Hearing, a resolution authorizing \$1,000,000 for this project and this resolution which amends the 2010 Capital Budget and Program and appropriates funds have been submitted to the Legislature for approval; and

WHEREAS, funds have been appropriated in an amount of \$1,000,000; and

WHEREAS, the public hearing was held for \$1,000,000 and additional planning funds are needed and will be requested herewith from the Assessment Stabilization Reserve Funds and will not jeopardize the project hearing process since there will be no fiscal impact to the benefited properties, since pursuant to the Suffolk County Assessment Stabilization Fund all residents of sewer districts experience only a 3% annual increase regardless of any improvements performed; and

WHEREAS, the remaining funds of this project in the amount of \$200,000 will be financed with Sewer District Serial Bonds and the balance of \$73,000 representing the additional planning funds will be funded by a transfer from the Assessment Stabilization Reserve Fund; and

WHEREAS, the Administrative Head of Sewer District No. 23 - Coventry Manor has requested that the additional funds be appropriated to cover costs associated with the improvement project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, established the use of a priority ranking system, implemented in the Adopted 2010 Capital Budget, as the basis for funding Capital Projects such as this project; and

WHEREAS, pursuant to State Environmental Quality Review Act, Environmental Conservation Law Article 8 (hereinafter "SEQRA") Resolution No. 371-2006 determined that the proposed sewerage facility improvement and/or rehabilitation to the Sewer District No. 23 - Coventry Manor constitutes an unlisted action pursuant to provisions of NYCRR Part 617; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$200,000 in Sewer District Serial Bonds and the transfer of \$73,000 in Assessment Stabilization Reserve Funds; now, therefore be it

1st **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy (70), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd **RESOLVED**, that the Assessment Stabilization Reserve Fund Balance shall provide the sum of \$73,000 for the purpose of implementing the planning phase of the project; and be it further

3^d **RESOLVED**, that the Legislature be and they are hereby amending the Adopted 2010 Operating Budget as follows:

<u>Interfunds</u>	<u>Amount</u>
404-IFT-E527 - Transfer to Fund 527	\$73,000

and be it further

4th **RESOLVED**, that the County Comptroller and County Treasurer be and they hereby are authorized to transfer Interfund Revenues and accept proceeds as follows:

<u>Interfunds</u>	<u>Amount</u>
527-IFT-R404 – Transfer from Fund 404	\$73,000

and be it further

5th **RESOLVED**, that the 2010 Capital Budget be and it hereby is amended as follows:

Project No.: 8149
 Project Name: Improvements to Sewer District No. 23 – Coventry Manor

<u>Cost Elements</u>	<u>Total Est'd Cost</u>	<u>Current 2010 Capital Budget & Program</u>	<u>Revised 2010 Capital Budget & Program</u>
1. Planning, Design & Supervision	\$123,000	\$0	\$73,000 A
3. Construction	\$950,000	\$200,000X	\$200,000 X
TOTAL	\$1,073,000	\$200,000	\$273,000

and be it further

6th **RESOLVED**, that the proceeds of \$200,000 in Sewer District Serial Bonds be and they hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8149.310 (Fund 223-Debt Service)	Improvements to Sewer District No. 23 - Coventry Manor Construction	\$200,000

and be it further

7th **RESOLVED**, that the proceeds of \$73,000 in Assessment Stabilization Reserve Funds be and they hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8149.110 (Fund 223-Debt Service)	Improvements to Sewer District No. 23 - Coventry Manor Planning, Design and Supervision	\$73,000

and be it further

8th **RESOLVED**, that the Administrative Head of the Sewer District be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the improvements to Sewer District No. 23 - Coventry Manor.

DATED:

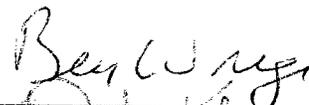
APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1872

1. Type of Legislation Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation Amending the 2010 Capital Budget and Program, Transferring Funds from the Assessment Stabilization Reserve Fund, and Appropriating Funds in Connection with Improvements to Suffolk County Sewer District No. 23 – Coventry Manor (CP 8149)		
3. Purpose of Proposed Legislation To appropriate funds to initiate the project and provide construction funds.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category)		
County	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 Although the project cost of funding is based on \$1,073,000, the district rates will only increase by 3% per year.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Approximately \$87,000/year		
8. Proposed Source of Funding District Bonds and ASRF		
9. Timing of Impact 2010-2029		
10. Typed Name & Title of Preparer Ben Wright, P.E. Chief Engineer Sanitation	11. Signature of Preparer 	12. Date 7-9-10 8/1/10

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1872

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 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



1872

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive
Tom LaGuardia

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

SUBJECT: **Amending the 2010 Capital Budget and Program, Transferring Funds from the Assessment Stabilization Reserve Fund, and Appropriating Funds in Connection with Improvements to Suffolk County Sewer District No. 23 – Coventry Manor (CP 8149)**

DATE: July 8, 2010

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW CP 8149 SD #23 – Coventry Manor ASRF Improvements dated 7-8-10 and backup filed as Reso-Backup DPW CP 8149 SD #23 – Coventry Manor ASRF Improvements dated 7-8-10. The resolution transfers assessment stabilization reserve funds for planning purposes and appropriates sewer district serial bonds for construction. It is noted that a public hearing was held during 2009 indicating that the project amount of \$1 million was necessary to perform the construction.

At that time, \$50,000 was available for planning and upon receipt and review of proposals that were the subject of an RFP, it has been determined that it is in the interest of the district to proceed with awarding the consultant contract in an amount of \$123,000. The additional planning funds that are necessary amount to \$73,000 and are included within the resolution with a source of funding being the Assessment Stabilization Reserve Fund. As we have indicated in past resolutions based on the guidance of the County Attorney's office, due to the use of the Assessment Stabilization Reserve Funds there will be no fiscal impact to the benefited properties based on the Suffolk County Assessment Stabilization Reserve Fund, allowing all residents of the sewer district to experience only a 3% annual increase regardless of any improvements performed, therefore, will not jeopardize the project hearing process. This resolution, therefore, appropriates the additional planning money from the stabilization fund and

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1872

appropriates funds included in the 2010 Adopted Capital Program in order to proceed with the project.

We would appreciate the draft resolution being laid on the table at your convenience.

TL:BW:ni

Encl.

cc: Ed Dumas, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
✓ Brendan Chamberlain, Director of Intergovernmental Relations
Lynne Bizzarro, Esq., Deputy County Attorney
Laura Conway, CPA, Chief Accountant
Carmine Chiusano, Assistant Budget Director
Ben Wright, P.E., Chief Engineer, Sanitation
CE Reso Review

tl-bw7-8-10 Backup DPW ASRF Improvements sd23 CP 8149 memo to KCrannell

**RESOLUTION NO. -2010, CALLING FOR A
PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING
PROPOSED INCREASES AND IMPROVEMENTS OF THE
SEWER COLLECTION SYSTEM FACILITIES FOR SEWER
DISTRICT NO. 7 – MEDFORD (CP 8150)**

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York has established a County sewer district designated and known as Suffolk County Sewer District No. 7 – Medford; and

WHEREAS, the Suffolk County Sewer Agency is recommending an increase and improvement to Suffolk County Sewer District No. 7 – Medford, namely, sewer collection system improvements; and

WHEREAS, pursuant to New York County Law Section 268, the Suffolk County Sewer Agency has prepared maps and plans pertaining to these proposed increases and improvements to the facilities of Suffolk County Sewer District No. 7 – Medford and has also prepared an estimate of the costs of such increases and improvements and has filed these documents, along with its recommendations and reports of its proceedings, with the County Legislature of the County of Suffolk; and

WHEREAS, it would appear that these increases and improvements are in the best interests of the people of Suffolk County; and

WHEREAS, it is the function of County Legislature of the County of Suffolk to call for a public hearing upon such proposed increases and improvements to facilities at Suffolk County Sewer District No. 7 – Medford; now, therefore be it

1st **RESOLVED**, this County Legislature of the County of Suffolk, being the lead agency under the State Environmental Quality Review Act (“SEQRA”) Environmental Conservation Law Article 8, and pursuant to Resolution No. 439-2005 hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of the New York State Code of Rules and Regulations; and be it further

2nd **RESOLVED**, by the County Legislature of the County of Suffolk, New York, as follows:

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 12th day of October, 2010, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the County Legislator in Riverhead, New York, in said County, on the 12th day of October, 2010 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal for increases and improvements to the sewer collection system facilities Suffolk County Sewer District No. 7 - Medford, in and about the Town of Brookhaven, substantially in accordance with the maps, plans, report and recommendations prepared by and filed with the Suffolk County Legislature by the Suffolk County Sewer Agency with the assistance of the County Department of Public Works, at which time and place said County Legislature will consider such proposal and hear all parties interested therein concerning the same.

Notice of Cost

The total cost for the increases and improvements to Suffolk County Sewer District No. 7 – Medford is \$200,000 using sewer district serial bonds. The cost is to be allocated to the entire area of said sewer district. It is proposed that the project will be implemented during 2011 and that \$200,000 in sewer district serial bonds financed at 4.65% over 20 years and will be appropriated in 2010 with the first interest payment in 2011 and the maximum payment year for the project being 2012. It is indicated in the map, plan and report that the project will require sewer district serial bonds and the financial impact of the project on the typical and median property will be less than \$6.00 per year per typical property.

Project Description

The increase and improvement to Suffolk County Sewer District No. 7 - Medford of the improvement project includes the repair and replacement of the sewer system piping and appurtenances. The project is more fully described and defined in the aforementioned maps, plans, report and recommendations. The estimate of the cost associated with the increase and improvement project is \$200,000.

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

Section 3. This resolution shall take effect immediately.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1873

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____											
2. Title of Proposed Legislation A resolution calling for a public hearing for the purpose of considering the increase and improvement of the sewer collection system facilities for the Sewer District No. 7 – Medford (CP 8150).											
3. Purpose of Proposed Legislation To call a public hearing for improvements to SCSO No. 7 – Medford											
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____											
5. If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category) <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; padding: 5px;">County</td> <td style="width: 33%; padding: 5px;">Town</td> <td style="width: 33%; padding: 5px;">Economic Impact</td> </tr> <tr> <td style="padding: 5px;">Village</td> <td style="padding: 5px;">School District</td> <td style="padding: 5px;">Other (Specify):</td> </tr> <tr> <td style="padding: 5px;">Library District</td> <td style="padding: 5px;">Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact The \$200,000 request will be funded by the District residents using sewer district serial bonds.											
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Serial Bonds (4.65%/20 yrs) = \$19,000 (maximum year 2012), however, the use of ASRF funding will increase the cost per typical property per year more than the impact of the project which is less than \$6.00 per property.											
8. Proposed Source of Funding Serial Bonds											
9. Timing of Impact 2011-2030											
10. Typed Name & Title of Preparer Ben Wright, P.E. Chief Engineer, Sanitation	11. Signature of Preparer 	12. Date 7/26/10									

Carmine G. Chusew 8/10/10
 Assistant Budget Director

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1873

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 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



620
1873

AUG 02 2010

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive
FROM:  Tom LaGuardia, P.E., Chief Deputy Commissioner
SUBJECT: **Calling for a Public Hearing for the Purpose of Considering the Increases and Improvements of the Sewer Collection System Facilities for Sewer District No. 7 – Medford (CP 8150)**
DATE: July 26, 2010

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW CP 8150 – SD 7 – Medford Improvements Hearing 7-26-10 and backup filed as Backup DPW CP 8150 – SD 7 – Medford Improvements Hearing 7-26-10. The resolution calls for a public hearing to provide funds for the improvements of the sewer collection system. Funds requested total \$200,000. Sewer district serial bonds will be used per the adopted capital budget and the annual rate increase will not pierce the State Comptroller's cap of \$18 per typical property, thus an application is not needed.

We appreciate the draft resolution being laid on the table as soon as possible.

TL:BW:ni

Attachment

cc: Ed Dumas, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
Brendan Chamberlain, Director of Intergovernmental Relations
Lynne Bizzarro, Esq., Deputy County Attorney
Laura Conway, CPA, Chief Accountant
Carmine Chiusano, Assistant Budget Director
Ben Wright, P.E., Chief Engineer, Sanitation
CE Reso Review

tl-bw7-26-10 BackupDPW sd7-Medford Improvements Hearing CP 8150 memo to KCrannell
SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2010, A RESOLUTION
CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF
CONSIDERING THE PROPOSED INCREASE AND
IMPROVEMENT OF WASTEWATER TREATMENT FACILITIES
FOR SEWER DISTRICT NO. 14 PARKLAND (CP 8118)**

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Suffolk, New York, has established a county sewer district designated and known as Suffolk County Sewer District No. 14 - Parkland; and

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

WHEREAS, the Administrative Head of the Sewer District has requested that funds be appropriated to cover the installation costs associated with the improvement project to renovate the sewerage facilities; and

WHEREAS, the action is in conformity with Resolution No. 265-2005 which satisfies the State Environmental Quality Review Act; and

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

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

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 12th day of October, 2010 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 12th day of October, 2010 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal to increase, improve the facilities of County Sewer District No. 14 - Parkland in and about the northeast corner of the Town of Islip,

in and for said County, substantially in accordance with certain maps, plans, report and recommendations prepared by and filed with the County Legislature by the Suffolk County Sewer Agency with the assistance of the County Department of Public Works, at which time and place said County Legislature will consider such proposal and hear all parties interested therein concerning the same.

The project is to improve current problems with the aging infrastructure of the sewage treatment plant which comprise the existing Sewer District which will allow environmental benefits and more efficient operations. The environmental benefits associated with the project include the implementation of reliable and efficient sewage treatment systems. An engineering report has been prepared and the cost opinion approaches a total cost, for the improvements to the district of \$1,000,000.

The proposed County sewer district increase and the improvements, therefore, as more fully described and defined in the aforementioned maps, plans, report and recommendations, will consist, among other things, of improvements to various treatment process and structures. Copies of the map, engineering report, the public hearing report and the project summaries are available in the Office of the Department of Public Works, located in Yaphank and the Office of the Clerk of the County Legislature where they can be reviewed during normal business hours Monday through Friday. We encourage all interested parties to appear.

The public hearing report incorporates a map indicating the boundaries of the existing sewer district. The existing district is billed based on the classification of unit, either home, condominium or water consumption for commercial use. During 2010, homes were billed at \$313/unit and condominium at \$254/unit. This bill includes debt service and operation and maintenance costs. Pursuant to the requirements of participation in the Suffolk County Assessment Stabilization Reserve Fund, which was established by Suffolk County Charter, bills are increased by 3% per year in order for the participating districts to be eligible to access the Reserve Fund. Funding from the Suffolk County Assessment Stabilization Reserve Fund then permits these participating districts to stabilize annual costs. The existing district parcels have experienced the 3% increase with the typical property being billed \$313 during 2010. The cost to the typical parcel is reached by determining the median annual parcel cost when each individual residential parcel cost is listed in increasing value. The maximum payment year is 2012 and the rate would be \$332/unit and \$269/unit for the homes and condominiums, respectively, and would result in an increase from 2010 of approximately \$9.50 and \$7.50 respectively for the typical parcel, as described above. The project schedule provides that construction will be initiated during 2011 and all parcels in the existing district will continue to pay on a benefit basis. The estimated expense of said increase and improvements will be approximately \$1,000,000.

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

Section 3. This resolution shall take effect immediately.

DATED:

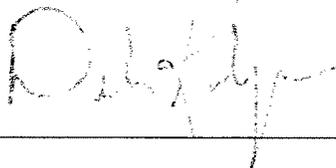
APPROVED BY:

County Executive of Suffolk County

Date:

1874

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 A RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE PROPOSED INCREASE AND IMPROVEMENT OF WASTEWATER TREATMENT FACILITIES FOR SEWER DISTRICT NO. 14 – PARKLAND (CP 8118)		
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 5 is "yes", Provide Detailed Explanation of Impact THERE IS NO COST ASSOCIATED WITH PUBLIC HEARINGS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding THERE IS NO COST ASSOCIATED WITH PUBLIC HEARINGS AND, THEREFORE, NO ASSOCIATED FUNDING SOURCE.		
9. Timing of Impact UPON ADOPTION		
10. Typed Name & Title of Preparer DEBRA KOLYER PRINCIPAL FINANCIAL ANALYST	11. Signature of Preparer 	12. Date August 9, 2010

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1874

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 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



1874

AUG 02 2010

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive
Thomas LaGuardia

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

DATE: July 26, 2010

SUBJECT: **A Draft Resolution Calling for a Public Hearing for the Purpose of Considering the Proposed Increase and Improvement to the Wastewater Treatment Facilities for Sewer District No. 14 - Parkland (Capital Project 8118)**

Attached is a draft resolution with appropriate forms and backup for the referenced capital project filed as Reso DPW sd #14 CP 8118 Public Hearing 7-26-10 and back-up filed as Reso-Backup DPW sd #14 CP 8118 Public Hearing 7-26-10. The project cost of \$1,000,000 amounts to an increase to the typical property of less than \$10 per home per year based on current financing values using the Assessment Stabilization Reserve Fund. The project is to improve the wastewater treatment facilities such as the various treatment process and structure. It is noted, however, that the project will not have a fiscal impact on the benefited properties due to stabilization of rates by the ASRF regardless of the improvements. The project would not require an application to the New York State Department of Audit and Control.

We would appreciate the resolution being laid on the table at your earliest convenience.

TL:BW:ni
Encl.

cc: Ed Dumas, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
Brendan Chamberlain, Director of Intergovernmental Relations
Lynne Bizzarro, Esq., Deputy County Attorney
Laura Conway, CPA, Chief Accountant
Carmine Chiusano, Assistant Budget Director
Ben Wright, P.E., Chief Engineer, Sanitation
CE Reso Review
tl-bw7-26-10 Reso DPW sd14 CP 8118 Public Hearing Memo to KCrannell

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1875

Intro. Res. No. -2010
Introduced by Legislators Romaine and Cilmi

Laid on Table 8/17/10

RESOLUTION NO. -2010, DIRECTING THE COUNTY ATTORNEY TO BRING AN ACTION AGAINST NEW YORK STATE REGARDING THE MTA PAYROLL TAX

WHEREAS, Suffolk County is one of twelve counties in the Metropolitan Commuter Transportation District ("MCTD"), which receives transportation services from the Metropolitan Transportation Authority ("MTA"); and

WHEREAS, the MTA has a lengthy history of inefficient management and exorbitant operating costs, with few services provided in Suffolk County; and

WHEREAS, in 2009, New York State imposed a payroll tax on all employers in the MCTD to bail the MTA out of a \$1.8 billion deficit; and

WHEREAS, because of this new tax, Suffolk County was forced to increase County property taxes to pay its share of the MTA payroll tax as an employer in the MCTD; and

WHEREAS, even with the bailout, the MTA has drastically reduced services and increased fares on the Long Island Railroad; and

WHEREAS, several Suffolk County towns and Nassau County have commenced legal action against the MTA and New York State seeking to repeal the payroll tax; and

WHEREAS, Suffolk County has an interest in this suit as a similarly situated municipal employer subject to the payroll tax; and

WHEREAS, Suffolk County should either join ongoing lawsuits against the MTA and New York State or commence its own action challenging the MTA payroll tax; now, therefore be it

1st RESOLVED, that the Department of Law is hereby authorized, empowered and directed to either intervene in the pending lawsuits brought against the MTA and the State of New York or commence a separate action against the State of New York challenging the MTA payroll tax; 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:

RESOLUTION NO. -2010, DIRECTING THE DEPARTMENT OF INFORMATION TECHNOLOGY TO DETERMINE THE FEASIBILITY OF ESTABLISHING AN ELECTRONIC NEIGHBORHOOD WATCH IN HUNTINGTON STATION

WHEREAS, Huntington Station is experiencing a dramatic increase in violent crime, leaving residents of the area concerned for the safety of their families and the surrounding community; and

WHEREAS, the Huntington Station Business Improvement District ("BID") is a consortium of local businesses that are working together to improve Huntington Station and attract business to the area; and

WHEREAS, the BID has a series of 25 security cameras to monitor the area immediately surrounding BID businesses, including many areas of Huntington Station where violent crime is occurring frequently; and

WHEREAS, the Suffolk County Police Department currently uses footage from the BID's security cameras to investigate crimes committed in the area; and

WHEREAS, a community in Texas has established an electronic crime watch website by connecting security cameras in high crime areas to a live video feed online, allowing residents to monitor their community at all times and report suspicious or criminal behavior to local law enforcement; and

WHEREAS, this electronic crime watch has provided local law enforcement with information that led to the investigation of several crimes and the arrest of suspects in those cases; and

WHEREAS, the security cameras owned by the BID are capable of being networked to create a live video feed; and

WHEREAS, the County should examine the possibility of establishing a live video feed "Electronic Neighborhood Watch" using the BID's security cameras which allows residents to monitor their community as an innovative way to combat crime in the Huntington Station area; now, therefore be it

1st RESOLVED, the Department of Information Technology is hereby authorized, empowered and directed to conduct a study to determine the feasibility of establishing and maintaining an Electronic Neighborhood Watch program using the security cameras owned by the BID to establish a live video feed that can be monitored online by the public; and be it further

2nd RESOLVED, the study shall evaluate the benefits, drawbacks, costs and practical implications of establishing a live video feed of the BID's security cameras that can be viewed online by the public who may report any suspicious or criminal behavior to the Suffolk County Police Department; and be it further

3rd **RESOLVED**, the Department of Information Technology may consult with the Suffolk County Police Department on any issues associated with this proposed program; and be it further

4th **RESOLVED**, that the Commissioner of the Department of Information Technology shall complete this study and submit a written report with his findings and recommendations to the County Executive and each member of the County Legislature no later than sixty (60) days subsequent to the effective date of this resolution; 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\r-feasibility electronic neighborhood watch

1877

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

Laid on Table 8/17/10

**RESOLUTION NO. -2010, ESTABLISHING AN
AUTOMATED CALLING POLICY PRIOR TO MOSQUITO
SPRAYING IN SUFFOLK COUNTY**

WHEREAS, controlling the mosquito population in Suffolk County is important to protect the public from mosquito-borne illnesses like West Nile Virus; and

WHEREAS, the Suffolk County Department of Public Works, in coordination with the Department of Health Services Division of Vector Control, sprays pesticides to control the adult mosquito population in high risk areas of the County; and

WHEREAS, it is advised that everyone, especially children, the elderly and expectant mothers, remain indoors during and shortly after mosquito spraying to protect their health; and

WHEREAS, the Department of Health Services maintains an email list to notify interested parties of spraying locations, dates and times; and

WHEREAS, 24 to 48 hours prior to commencing emergency aerial sprayings, the Division of Vector Control posts notices on their website, and notifies local newspapers and television stations; and

WHEREAS, the County's current notification procedures fail to provide adequate notice to county residents when their communities are going to be sprayed with pesticides; and

WHEREAS, without this knowledge, residents are more likely to be outside during ground and aerial spraying; and

WHEREAS, residents in areas where mosquito spraying will be taking place can and should be notified via telephone in advance to reduce their risk of exposure to pesticides; now, therefore be it

1st RESOLVED, the Department of Health Services is hereby authorized, empowered and directed to provide notification by automated telephone call to persons residing in zip codes where ground and/or aerial mosquito control pesticide spraying will occur; and be it further

2nd RESOLVED, the Department of Health Services is hereby authorized, empowered and directed to create, advertise and issue a Request for Proposals (RFP) for the purpose of selecting a vendor to provide automated telephone calls informing residents of mosquito spraying dates and times; and be it further

3rd RESOLVED, the Department of Health Services will be responsible for the content of each message and the time at which such message shall be provided to County residents via automated telephone call; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-mosquito spraying robocalls

1878

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

Laid on Table 8/17/10

RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO. -2010, A LOCAL LAW TO ENSURE THE SAFE TRANSFER OF FUEL TO BOATS AND WATERCRAFT IN THE PECONIC ESTUARY

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 ENSURE THE SAFE TRANSFER OF FUEL TO BOATS AND WATERCRAFT IN THE PECONIC ESTUARY**" 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 ENSURE THE SAFE TRANSFER OF FUEL TO BOATS AND WATERCRAFT IN THE PECONIC ESTUARY

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that boating is a popular recreational activity enjoyed by thousands of Suffolk County families on a regular basis

This Legislature also finds and determines that public health and environmental protection are fundamental concerns of this Legislature and that the preservation of clean water in Suffolk County's bays, ocean and sound is a crucial goal.

This Legislature further finds and determines that the Peconic estuary is an environmentally sensitive area that has been designated an "Estuary of National Significance" by the United States Environmental Protection Agency.

This Legislature finds that the Peconic estuary is a fairly pristine estuary comprised of more than 283,000 acres of land and water that is rich with plant and animal life.

This Legislature determines that fresh water is provided to the Peconic estuary through the Peconic River and groundwater seepage.

This Legislature also finds that, in addition to its beauty, the Peconic estuary sustains a significant fish and shellfishing industry on the east end of Suffolk County.

This Legislature further finds that motor fuel is an environmental pollutant that may harm our ecosystem when introduced into groundwater and waterways.

This Legislature also determines that the use of portable fueling containers to fuel boats increases the risk of fuel spills onto the ground and/or into the water, while facilities

which have and use fixed fueling facilities minimize pollution and spills through safer fueling procedures.

This Legislature further determines that minimizing the risk of spilling fuel in the waterways of the Peconic estuary is important for its continued protection.

Therefore, the purpose of this law is to regulate the transfer of fuel to boats and watercraft in the Peconic estuary to protect our environment and reduce pollution created by the spillage of fuel.

Section 2. Definitions.

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

“BOATS OR OTHER WATERCRAFT” shall mean floating crafts used for residential purposes, as well as pleasure or recreational watercraft. This term shall not include public vessels which are used for commercial purposes, such as freight carriers, to transport passengers or provide towing services in exchange for compensation, nor does it include commercial fishing vessels or emergency vessels.

“MOBILE FUELING SYSTEM” shall mean a vehicle that has an attached external fuel tank, the contents of which are used to provide fuel to motorized vehicles, including boats or other watercraft.

“PECONIC ESTUARY” shall mean the Peconic River and all waterways between the North and South Forks, as well as all waters extending past the Forks to Block Island Sound as designated by the Peconic Estuary Program.

“PERSON” shall mean any individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not.

Section 3. Prohibition.

It shall be unlawful for any person to provide fuel to a boat or watercraft via a mobile fueling system when the boat or watercraft is located in the Peconic estuary.

Section 4. Enforcement.

This law shall be enforced by the Suffolk County Department of Health Services in accordance with the provisions of Article II, Section 760-200 et seq., of the SUFFOLK COUNTY SANITARY CODE.

Section 5. Notice.

The Suffolk County Department of Health Services is hereby authorized, empowered and directed to notify all licensed mobile fuel distributors of the new regulations.

Section 6. Penalties.

Any person providing fuel to a boat or watercraft in violation of this law shall be subject to a civil penalty. The civil penalty shall be two hundred fifty dollars (\$250.00) for a first violation, and a penalty of one thousand dollars (\$1,000.00) for any subsequent violations.

Section 7. Applicability.

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

Section 8. Severability.

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

Section 9. SEQRA Determination.

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

Section 10. Effective Date.

This law shall take effect on the sixtieth (60th) day immediately subsequent to filing in the Office of the Secretary of State.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



1878

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

DATE: August 12, 2010
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. 1878-2010; A LOCAL LAW TO ENSURE THE SAFE TRANSFER OF FUEL TO BOATS AND WATERCRAFT IN THE PECONIC ESTUARY

SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 8/12/10 PUBLIC HEARING: 9/16/10
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed local law would prohibit persons from providing fuel to a boat or watercraft using a mobile fueling system¹ when the recipient boat or watercraft is located in the Peconic estuary². This law will not apply to public vessels or emergency vessels.

The Department of Health Services will enforce this law. Any person found providing fuel to a boat or watercraft in violation of this law shall be subject to a civil penalty of two hundred fifty dollars (\$250.00) for a first violation and a penalty of one thousand dollars (\$1,000.00) for any subsequent violations.

This law will take effect on the sixtieth (60th) day immediately subsequent to its filing in the Office of the Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-peconic estuary boat fueling

¹ "Mobile fueling system" is defined as "a vehicle that has an attached external fuel take, the contents of which are used to provide fuel to motorized vehicles, including boats or other watercraft."

² "Peconic estuary" is defined as "the Peconic River and all waterways between the North and South Forks, as well as all waters extending past the Forks to Block Island Sound as designated by the Peconic Estuary Program."

1879

UPDATED 7/29/2010

Laid on Table 8/17/10

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

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO.
-2010, A LOCAL LAW ESTABLISHING A COUNTY REGISTRY
FOR ANIMAL ABUSE OFFENDERS**

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 ESTABLISHING A COUNTY REGISTRY FOR ANIMAL ABUSE OFFENDERS**" 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 ESTABLISHING A COUNTY REGISTRY FOR
ANIMAL ABUSE OFFENDERS**

**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 animal cruelty is a serious problem, resulting in the abuse of thousands of animals each year in the United States.

This Legislature also finds and determines that while New York State has criminalized the cruel treatment of animals, animal abuse continues to occur in Suffolk County and throughout the State.

This Legislature finds that statistically, individuals who abuse animals are more likely to commit violent acts against humans.

This Legislature also determines that a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.

This Legislature also finds that legislation is currently pending before the state legislatures of California and Tennessee to establish state-wide registries of individuals convicted of animal abuse offenses.

This Legislature further finds that it is in the best interests of Suffolk County residents to establish a similar system.

Therefore, the purpose of this law is to establish an online registry for individuals residing in Suffolk County who are convicted of animal abuse felonies.

Section 2. Definitions.

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

“ANIMAL ABUSE CRIME” shall be defined as the commission of the following enumerated felony crimes against an animal: animal fighting, as defined in the New York State Agriculture and Markets Law (hereinafter “A.M.L.”) §351; aggravated cruelty to animals, as defined in A.M.L. §353-a; interference with or injury to certain domestic animals, as defined in A.M.L. §361; harming a service animal in the first degree, as defined in New York State Penal Code §242.15.

“CONVICTED OF” shall be defined as an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere.

Section 3. Creation of Animal Abuse Registry.

A registry is hereby created which shall contain the names and residence information of individuals living in Suffolk County who are convicted of an animal abuse crime. The Commissioner of the Suffolk County Police Department is hereby authorized, empowered and directed to contract with the Suffolk County Society for the Prevention of Cruelty to Animals (SCSPCA) to establish and maintain a registry for such individuals residing in Suffolk County.

Section 4. Requirements.

- A) All persons eighteen (18) years of age or older who reside in Suffolk County and are convicted of a felony animal abuse crime on or after the effective date of this law must register with the Suffolk County Animal Abuse Registry within five (5) days following the effective date of this law or their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.
- B) Each person required to register with the Animal Abuse Registry shall submit:
 - a. Their name,
 - b. Any aliases they are known under,
 - c. Their residential address, and
 - d. A photograph of their head and shoulders from the front.
- C) Each person registered with the Animal Abuse Registry shall update their registration information each time they move from one residential address to another or, if their residential address does not change, annually from the date of their first registration.
- D) Each person required to register with Suffolk County shall remain on the Animal Abuse Registry for three (3) years following their release from incarceration or the date judgment was rendered, whichever is later. Registered persons who are convicted of subsequent animal abuse crimes shall remain on the registry for three (3) years following their most recent conviction.

Section 5. Fees.

Every person required to register with the Animal Abuse Registry must pay an annual fee of twenty five dollars (\$25.00) to the Suffolk County Police Department. These funds will be used to pay the administrative costs of maintaining the Registry.

Section 6. Promulgation of Rules and Regulations.

The Commissioner of the Suffolk County Police Department is hereby authorized and empowered to promulgate such rules and regulations necessary to implement this law.

Section 7. Penalties.

Any person required to register for the Animal Abuse Registry who fails to do so shall be charged with a class A misdemeanor and shall be punished by incarceration in a correctional facility for not more than one (1) year and/or a fine of up to one thousand dollars (\$1,000.00).

Section 8. Applicability.

This law shall apply to all persons convicted of animal abuse crimes on or after the effective date of this law.

Section 9. Severability.

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

Section 10. SEQRA Determination.

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

Section 10. Effective Date.

This law shall take effect on the one hundred eightieth (180th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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)

1879

DATE: August 12, 2010
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. 1879-2010; A LOCAL LAW ESTABLISHG A COUNTY REGISTRY FOR ANIMAL ABUSE OFFENDERS

SPONSOR: LEGISLATOR COOPER

DATE OF RECEIPT BY COUNSEL: 8/12/10 PUBLIC HEARING: 9/16/10
DATE ADOPTED/NOT ADOPTED: CERTIFIED COPY RECEIVED:

This proposed local law would create a Suffolk County Animal Abuse Registry for persons who are convicted or plead guilty or plead nolo contendere to an animal abuse crime¹.

Individuals required to register with the Animal Abuse Registry will provide their names, aliases, residential address and photograph, as well as an annual twenty five dollar (\$25.00) administrative fee. Registrants will be required to update their information annually and shall remain on the registry for three (3) years following the date of release or the date of judgment. Individuals convicted during this three (3) year period of a subsequent animal abuse crime shall be required to remain on the registry for three (3) years following their most recent conviction. Failure to register shall be a class A misdemeanor punishable by incarceration of up to one (1) year and/or a fine of up to one thousand dollars (\$1,000.00).

The Commissioner of the Suffolk County Police Department shall contract with the Suffolk County Society for the Prevention of Cruelty to Animals to establish and maintain the Animal Abuse Registry.

This law shall take effect 180 days subsequent to its filing in the Office of the Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

¹ "Animal abuse crime" is defined as "the commission of the following enumerated felony crimes against an animal: animal fighting, as defined in the New York State Agriculture and Markets Law (A.M.L.) § 351; aggravated cruelty to animals as defined in A.M.L. § 353-a; interference with or injury to certain domestic animals, as defined in A.M.L. § 361; and harming a service animal in the first degree, as defined in New York State Penal Code § 242.15."

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2010, CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 - SOUTHWEST (EXPANSION) (CP 8183)

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

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

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

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

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 12th day of October, 2010, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Suffolk County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the Suffolk County Legislature in Riverhead, New York, in said County, on the 12th day of October, 2010 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal to plan the expansion of the facilities that are associated with the Bergen Point Wastewater Treatment Plant for Suffolk County Sewer District No. 3 – Southwest in and about the Towns of Islip and Babylon, in and for said County, substantially in accordance with certain maps, plans, report and recommendations prepared by and filed with the County Legislature by the Suffolk County Sewer Agency with the assistance of the Suffolk County Department of Public Works, at which time and place said Suffolk County Legislature will consider such proposal and hear all parties interested therein concerning the same.

The project is to provide a 10 million gallon per day expansion of the Bergen Point Wastewater Treatment Plant. The cost opinion associated with the project is \$65.0 million for the expansion project. The project elements are more fully described and defined in the aforementioned maps, plans, report, and recommendations.

The existing district is billed on assessed value, a per parcel charge, and a user fee. It is proposed that the project will be implemented during 2011. Based on the project schedule, the maximum payment will be during 2012 at a value of \$6,175,000. Financing is at 4.65% over 20 years for serial bonds. This increased rate amounts to a value per typical property of approximately \$61.85 per year. This figure was developed using the full value of the Towns of Islip and Babylon along with the median full value of a typical property within the Towns resulting in an increase of 0.17959 per \$1,000 of full value for Capital Project 8183, Expansion Project.

In addition to the Expansion Project there are two concurrent projects in Sewer District No. 3 – Southwest. The total increase per typical property for all three projects is approximately \$18.64.

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

and be it further

2nd **RESOLVED**, this Legislature, being the lead agency under the State Environmental Review Act (“SEQRA”), Environmental Conservation Law Article 8, and pursuant to Resolution No. 59-2010 hereby finds and determines that this law constitutes an unlisted action, pursuant to Volume 6 of New York State Code of Rules and Regulations (“NYCRR”), the Legislature has no further responsibilities under SEQRA; and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1880

<p>1. Type of Legislation</p> <p>Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____</p>											
<p>2. Title of Proposed Legislation</p> <p>A resolution calling for a public hearing for the purpose of considering the increase and improvement of facilities for the Sewer District No. 3 – Southwest (Bergen Point WWTP Expansion) (CP 8183).</p>											
<p>3. Purpose of Proposed Legislation</p> <p>To call a public hearing for improvements to SCSD No. 3 – Southwest (Bergen Point WWTP Expansion).</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____</p>											
<p>5. If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">County</td> <td style="width: 33%;">Town</td> <td style="width: 33%;">Economic Impact</td> </tr> <tr> <td>Village</td> <td>School District</td> <td>Other (Specify):</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
<p>6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact</p> <p>The \$65 million project will be funded by the district residents using serial bonds.</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p>Serial Bonds \$65,000,000 (4.65%/20 yrs) = \$6,175,000 for the maximum year (2012)</p>											
<p>8. Proposed Source of Funding</p> <p>Serial Bonds</p>											
<p>9. Timing of Impact</p> <p>2012-2031</p>											
<p>10. Typed Name & Title of Preparer</p> <p>Ben Wright, P.E. Chief Engineer, Sanitation</p>	<p>11. Signature of Preparer</p> <p><i>Ben Wright</i></p>	<p>12. Date</p> <p>7/23/10</p>									

Carmen Chusaw 8/10/10
Assistant Budget Director

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

(880)

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 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.

**Sewer District No. 3 - Southwest
C.P. 8183 Expansion**

Tasks	Time																											
	2010			2011			2012			2013																		
	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
I. Final Design Phase																												
A. Final Design In-Progress																												
B. Final Design Complete																												
C. Financial Approval on Final Design																												
II. Construction Phase																												
A. Advertise & Construction Period																												

0880

629
1880

COUNTY OF SUFFOLK



AUG 02 2010

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive

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

SUBJECT: **Calling for a Public Hearing for the Purpose of Considering the Planning and Construction of Increase and Improve Facilities for Sewer District No. 3 – Southwest (Expansion) CP 8183**

DATE: July 23, 2010

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP 8183 – SD 3 – Southwest (Expansion) Improvement Hearing 7-23-10 and backup filed as Reso-Backup DPW-bw CP 8183 – SD 3 – Southwest (Expansion) Improvement Hearing 7-23-10. The resolution calls for a public hearing to provide funds (\$65 million) to expand the Bergen Point Wastewater Treatment Facility by 10 million gallons per day. Due to multiple capital projects (8180, 8181, and 8183) for this sewer district, individual project reports are prepared for the public hearings for each project. It is noted that the project has no fiscal impact on the benefited properties due to the stabilization of rates by the ASRF imposing a 3% annual increase regardless of the improvements.

We appreciate the draft resolution being laid on the table as soon as possible.

TL:BW:ni

Attachment

cc: Ed Dumas, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
Brendan Chamberlain, Director of Intergovernmental Relations
Lynne Bizzarro, Esq., Deputy County Attorney
Laura Conway, CPA, Chief Accountant
Carmine Chiusano, Assistant Budget Director
Ben Wright, P.E., Chief Engineer, Sanitation
CE Reso Review

tl-bw7-23-10 Reso-DPW sd3 Southwest Expansion Hearing CP 8183 memo to KCrannell
SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2010, CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 - SOUTHWEST (SLUDGE IMPROVEMENTS) (CP 8180)

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

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

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

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

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 12th day of October, 2010, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Suffolk County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the Suffolk County Legislature in Riverhead, New York, in said County, on the 12th day of October, 2010 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal to plan the increase and improve the sludge facilities that are associated with the Bergen Point Wastewater Treatment Plant (Sludge Management Plan) for Suffolk County Sewer District No. 3 – Southwest in and about the Towns of Islip and Babylon, in and for said County, substantially in accordance with certain maps, plans, report and recommendations prepared by and filed with the County Legislature by the Suffolk County Sewer Agency with the assistance of the Suffolk County Department of Public Works, at which time and place said Suffolk County Legislature will consider such proposal and hear all parties interested therein concerning the same.

The project is to provide consultant assistance with respect to the Sludge Management Plan. The cost associated with the project is \$500,000 for the engineering portion of the project. The project elements are more fully described and defined in the aforementioned maps, plans, report, and recommendations.

The existing district is billed on assessed value, a per parcel charge, and a user fee. It is proposed that the project will be implemented during 2011. Based on the project schedule, the maximum payment will be during 2012 at a value of \$47,500. Financing is at 4.65% over 20 years for serial bonds. This increased rate amounts to a value per typical property of approximately \$0.48 per year. This figure was developed using the full value of the Towns of Islip and Babylon along with the median full value of a typical property within the Towns resulting in an increase of 0.001382 per \$1,000 of full value for Capital Project 8180, Sludge Management Plan.

In addition to the Sludge Improvements Project there are two concurrent projects in Sewer District No. 3 – Southwest. The total increase per typical property for all three projects is approximately \$18.64.

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

and be it further

2nd **RESOLVED**, this Legislature, being the lead agency under the State Environmental Review Act ("SEQRA"), Environmental Conservation Law Article 8, and pursuant to Resolution No. 1178-2007 hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York State Code of Rules and Regulations ("NYCRR"), the Legislature has no further responsibilities under SEQRA, and be it further

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1881

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

<p>1. Type of Legislation</p> <p>Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u></p>											
<p>2. Title of Proposed Legislation</p> <p>A resolution calling for a public hearing for the purpose of considering the increase and improvement of facilities for the Sewer District No. 3 – Southwest (Sludge Project) (CP 8180).</p>											
<p>3. Purpose of Proposed Legislation</p> <p>To call a public hearing for consultant assistance for the sludge improvements for SCSD No. 3 – Southwest (Sludge Project).</p>											
<p>4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u></p>											
<p>5. If the answer to Item 4 is "yes," on what will it impact? (circle appropriate category)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">County</td> <td style="width: 33%;">Town</td> <td style="width: 33%;">Economic Impact</td> </tr> <tr> <td>Village</td> <td>School District</td> <td>Other (Specify):</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
<p>6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact</p> <p>The \$500,000 project will be funded by the district residents using serial bonds.</p>											
<p>7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.</p> <p>Serial Bonds \$500,000 (4.65%/20 yrs) = \$47,500 for the first year. (2012, maximum year)</p>											
<p>8. Proposed Source of Funding</p> <p>Serial Bonds</p>											
<p>9. Timing of Impact</p> <p>2012-2031</p>											
<p>10. Typed Name & Title of Preparer</p> <p>Ben Wright, P.E. Chief Engineer, Sanitation</p>	<p>11. Signature of Preparer</p> <p><i>Ben Wright</i></p>	<p>12. Date</p> <p>7/23/10</p>									

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1881

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

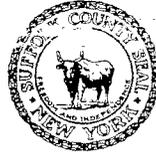
	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

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.

627

COUNTY OF SUFFOLK



1881

AUG 02 2010

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive
 FROM: Tom LaGuardia, P.E., Chief Deputy Commissioner
 SUBJECT: **Calling for a Public Hearing for the Purpose of Considering the Planning and Construction of Increase and Improve Facilities for Sewer District No. 3 – Southwest (Sludge Project) CP 8180**
 DATE: July 23, 2010

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP 8180 – SD 3 – Southwest (Sludge Project) Improvement Hearing 7-23-10 and backup filed as Reso-Backup DPW-bw CP 8180 – SD 3 – Southwest (Sludge Project) Improvement Hearing 7-23-10. The resolution calls for a public hearing to provide funds (\$500,000) to provide consultant assistance in various activities related to sludge improvements. Due to multiple capital projects (8180, 8181, and 8183) for this sewer district, individual project reports are prepared for the public hearings for each project. It is noted that the project has no fiscal impact on the benefited properties due to the stabilization of rates by the ASRF imposing a 3% annual increase regardless of the improvements.

We appreciate the draft resolution being laid on the table as soon as possible.

TL:BW:ni
Attachment

cc: Ed Dumas, Chief Deputy County Executive
 Gil Anderson, P.E., Commissioner
 Brendan Chamberlain, Director of Intergovernmental Relations
 Lynne Bizzarro, Esq., Deputy County Attorney
 Laura Conway, CPA, Chief Accountant
 Carmine Chiusano, Assistant Budget Director
 Ben Wright, P.E., Chief Engineer, Sanitation
 CE Reso Review
 tl-bw7-23-10 Reso-DPW sd3 Southwest Sludge Project Hearing CP8180 memo to KCrannell

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2010, CALLING FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE INCREASE AND IMPROVEMENT OF FACILITIES FOR SEWER DISTRICT NO. 3 - SOUTHWEST (INFILTRATION/INFLOW) (CP 8181)

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

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

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

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

Section 1. A meeting of the County Legislature of the County of Suffolk New York shall be held at the County Center in the meeting room of the County Legislature in Riverhead, New York, in said County, on the 12th day of October, 2010, at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing on the aforesaid matter and for such other action on the part of said County Legislature as may be required by law or proper in premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Suffolk County Legislature of the County of Suffolk New York will meet at the County Center in the meeting room of the Suffolk County Legislature in Riverhead, New York, in said County, on the 12th day of October, 2010 at 2:30 p.m., Prevailing Time, for the purpose of conducting a public hearing upon a proposal to plan the increase and improve the sewer collection facilities that are associated with reduction of infiltration and inflow for Suffolk County Sewer District No. 3 – Southwest in and about the Towns of Islip and Babylon, in and for said County, substantially in accordance with certain maps, plans, report and recommendations prepared by and filed with the County Legislature by the Suffolk County Sewer Agency with the assistance of the Suffolk County Department of Public Works, at which time and place said Suffolk County Legislature will consider such proposal and hear all parties interested therein concerning the same.

The project is to provide the planning and reconstruction or rehabilitation in the sewer system to reduce or eliminate extraneous flow. The cost opinion associated with the project is \$3.0 million. The project elements are more fully described and defined in the aforementioned maps, plans, report, and recommendations. It will consist of planning, and field work to determine the design and cost effective removal of extraneous flows and a construction phase including grouting, lining, and sewer replacement.

The existing district is billed on assessed value, a per parcel charge, and a user fee. It is proposed that the project will be implemented during 2011. Based on the project schedule, the maximum payment will be during 2012 at a value of \$285,000. Financing is at 4.65% over 20 years for serial bonds. This increased rate amounts to a value per typical property of approximately \$2.85 per year. This figure was developed using the full value of the Towns of Islip and Babylon along with the median full value of a typical property within the Towns resulting in an increase of 0.008289 per \$1,000 of full value for Capital Project 8181, the Infiltration/Inflow reduction.

In addition to the Infiltration/Inflow Project there are two concurrent projects in Sewer District No. 3 – Southwest. The total increase per typical property for all three projects is approximately \$18.64.

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

and be it further

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

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

DATED:

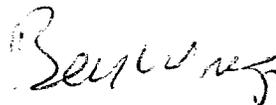
APPROVED BY:

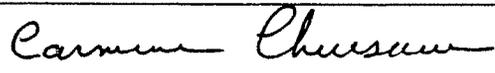
County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1882

1. Type of Legislation Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>											
2. Title of Proposed Legislation A resolution calling for a public hearing for the purpose of considering the increase and improvement of facilities for the Sewer District No. 3 – Southwest (Infiltration/Inflow) (CP 8181).											
3. Purpose of Proposed Legislation To call a public hearing for planning for SCSD No. 3 – Southwest (Infiltration/Inflow).											
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) <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; padding: 5px;">County</td> <td style="width: 33%; padding: 5px;">Town</td> <td style="width: 33%; padding: 5px;">Economic Impact</td> </tr> <tr> <td style="padding: 5px;">Village</td> <td style="padding: 5px;">School District</td> <td style="padding: 5px;">Other (Specify):</td> </tr> <tr> <td style="padding: 5px;">Library District</td> <td style="padding: 5px;">Fire District</td> <td></td> </tr> </table>			County	Town	Economic Impact	Village	School District	Other (Specify):	Library District	Fire District	
County	Town	Economic Impact									
Village	School District	Other (Specify):									
Library District	Fire District										
6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact The \$3.0 million project will be funded by the district residents using serial bonds.											
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Serial Bonds \$3.0 million (4.65%/20 yrs) = \$285,000 during 2012 (maximum year)											
8. Proposed Source of Funding Serial Bonds											
9. Timing of Impact 2012-2031											
10. Typed Name & Title of Preparer Ben Wright, P.E. Chief Engineer, Sanitation	11. Signature of Preparer 	12. Date 7/22/10									


 Assistant Budget Director 8/10/10

FINANCIAL IMPACT
2010 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1882

GENERAL FUND

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 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.

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COUNTY OF SUFFOLK



1882

AUG 02 2010

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ken Crannell, Deputy County Executive

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

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

DATE: July 23, 2010

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP 8181 – SD 3 – Southwest (Infiltration/Inflow) Improvement Hearing 7-23-10 and backup filed as Reso-Backup DPW-bw CP 8181 – SD 3 – Southwest (Infiltration/Inflow) Improvement Hearing 7-23-10. The resolution calls for a public hearing to provide funds (\$3.0 million) to continue the reduction of extraneous flows into the sewerage facilities by reducing infiltration and inflow. Due to multiple capital projects (8180, 8181, and 8183) for this sewer district, individual project reports are prepared for the public hearings for each project. It is noted that the project has no fiscal impact on the benefited properties due to the stabilization of rates by the ASRF imposing a 3% increase regardless of the improvements.

We appreciate the draft resolution being laid on the table as soon as possible.

TL:BW:ni
Attachment

- cc: Ed Dumas, Chief Deputy County Executive
- Gil Anderson, P.E., Commissioner
- Brendan Chamberlain, Director of Intergovernmental Relations
- Lynne Bizzarro, Esq., Deputy County Attorney
- Laura Conway, CPA, Chief Accountant
- Carmine Chiusano, Assistant Budget Director
- Ben Wright, P.E., Chief Engineer, Sanitation
- CE Reso Review

tl-bw7-23-10 Reso-DPW sd3 Southwest Infiltration-Inflow Hearing CP8181 memo to KCrannell
SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1883

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

Laid on Table 8/17/10

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A LOCAL LAW DECLARING AS SURPLUS AND
AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE
SALE OF ~255 ACRES IN YAPHANK TO LEGACY VILLAGE
REAL ESTATE GROUP, LLC FOR MIXED USE DEVELOPMENT**

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 DECLARING AS SURPLUS AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SALE OF ~255 ACRES IN YAPHANK TO LEGACY VILLAGE REAL ESTATE GROUP, LLC FOR MIXED USE DEVELOPMENT;" 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 DECLARING AS SURPLUS AND AUTHORIZING THE
EXECUTION OF A CONTRACT FOR THE SALE OF ~255 ACRES IN
YAPHANK TO LEGACY VILLAGE REAL ESTATE GROUP, LLC FOR
MIXED USE DEVELOPMENT**

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

Section 1. Legislative Intent.

This Legislature finds and determines that the power to develop workforce housing is within the broad delegation of "police power" to local governments contained in Article IX, section 2(c)(ii)(10) of the Constitution and implemented by section 10(1)(ii)(a)(12) of the Municipal Home Rule Law. These provisions authorize local governments, including counties, to adopt local laws relating to the government, protection, order, conduct, safety, health and well-being of persons or property in the local government.

This Legislature also finds and determines a local law to provide needed workforce housing would serve a valid public purpose and is a proper exercise of local police power. Such a local law serves the public health, safety and well-being and protects persons and property, in directly providing needed affordable housing to our residents.

This Legislature also finds and determines that the Yaphank County Center is located in the central part of Suffolk County at the approximate midpoint between Riverhead and Hauppauge. The County began purchasing property at this location in 1870. During the 1950's and the 1960's, the County began to acquire additional land in Yaphank in anticipation of future needs, and by the 1970's the County's property holdings increased to ~ 888 acres. The properties were acquired for municipal purpose and are not restricted by deed, covenants, or otherwise limited in use except for the County farm which was dedicated to the conservation of agricultural lands in 2003.

The Legislature also finds and determines that eleven County departments and contract agencies utilize space at the Yaphank Center. They include: Public Works; Police; Board of Elections; Sheriff; Probation; Fire, Rescue and Emergency Services; Cooperative Extension – County farm; Health Services; Consumer Affairs; Audit and Control; and the Vocational Education and Extension Board.

This Legislature also finds and determines that based on a review of the present and planned uses at the Yaphank County Center, acreage is utilized as follows: (i) ~180 acres of the site is currently developed for municipal use or planned for development based on approved capital projects; (ii) ~233 acres of the Yaphank County Center site is used as the County farm that is operated on behalf of the County by Cornell Cooperative Extension; and (iii) ~35 acres have been classified for special uses including a cemetery, river corridor buffer and athletic fields. Thus, the estimated vacant land that may be available for future development is ~440 acres.

Summary of Allocation of Property by Present Use

Use	Number of Acres
Municipal	180
County Farm	233
Special Use*	35
Undeveloped	440
Total	888

This Legislature also finds and determines that the County Executive has directed in Executive Order 4-2005 that approximately ~146 acres of the ~440 acres be reserved for future County use. This would provide for a total area for municipal facility use of ~559 acres, including ~233 acres used for the County farm, leaving ~293 acres available for development. (Department of Planning study, "Site Evaluation Plan – March 31, 2005," a study to identify existing and proposed County uses and to also identify lands that could potentially be declared surplus.)

This Legislature also finds and determines that Legislative Resolution No. 625-2005 created the Yaphank Center Development Review Committee, which Committee submitted written recommendations for future development of the Yaphank County Center, and authorized issuance of Requests for Proposals (RFP) or Expression of Interest for the development of the Yaphank County Center. Three public hearings were held by this committee. Over 2000 people attended the hearings.

This Legislature also finds and determines that the County issued a Request for Expressions of Interest (RFEI) to solicit ideas for the possible development of a portion of the County's holdings in Yaphank. Eleven responses were received.

This Legislature also finds and determines that the Yaphank Center Development RFEI Outreach Committee (Committee) was formed by Legislative resolution in April 2006 (Resolution No. 263-2006). The purpose of the Committee was to provide assistance in the public outreach process and to also provide recommendations regarding the RFEI submissions received by the County. The Committee met on eleven occasions to review the RFEI submissions and to solicit public input. The committee held a public open house to view and

comment on the RFEI submissions on June 28, 2006. A report of recommendations was issued in September 2006.

This Legislature also finds and determines that an RFP based on the report was issued on or about January 16, 2007.

This Legislature also finds and determines that two responses to the RFP were received: from Legacy Village Real Estate Group, LLC and Avalon Bay Communities, Inc. - Damianos Realty Group, LLC. The responses submitted by Legacy Village Real Estate Group, LLC provide the best opportunity for sale and development of the ~255 acres of land.

The Legislature also finds and determines that any development of the site would have to be preceded by a site environmental review in accordance with New York State Environmental Quality Review Act (SEQRA) and County law.

This Legislature also finds and determines that provisions of affordable housing may include, as possible components: County provision of necessary land; the siting of affordable housing by County government in appropriate locations within the County; and cooperation with other municipalities in planning for affordable housing. All such components are suitable for use, and should be used, in connection with this declaration of surplus land and approval of the Agreement for sale and development.

Therefore, the purpose of this law is to declare surplus and approve execution of a contract for the sale and mixed use development of ~255 acres in Yaphank by the County to Legacy Village Real Estate Group, LLC.

Section 2. Declaration of Surplus Land.

The ~255 acres of land, which acreage shall be subject to final survey, is surplus to County needs as found in the Department of Planning study, "Site Evaluation Plan – March 31, 2005."

Section 3. Sale of Surplus Land.

Notwithstanding the provisions of New York County Law Sections 215(5) and 215(6), the sale by the County to Legacy Village Real Estate Group, LLC of the County's right, title and interest in and to ~255 acres of land (Descriptions @ Exhibit 1), is hereby authorized in exchange for the delivery, to or upon the order of the County, of (i) the payment of the purchase price as set forth in the proposed Agreement of sale, and (ii) upon such other terms and conditions as are set forth in the proposed Agreement of sale with construction conditions between Legacy Village Real Estate Group, LLC, as purchaser, and the County, as seller (the "Sale Agreement" [Exhibit 2]).

Section 4. Approval of Sale Agreement.

The form and substance of the Sale Agreement, presented to the members of the Legislature at this meeting, is hereby approved.

Section 5. Execution and Delivery of Sale Agreement.

The execution and delivery on behalf of and in the name of the County by the County Executive and/or his designee(s) of the Sale Agreement presented to the members of the Legislature at this meeting, is hereby authorized and directed, with such ministerial and non-substantive changes therein as the County Executive and/or his designee(s) may approve, and the execution and delivery of such Agreement shall be conclusive evidence of his approval of any such changes and of the authorization and direction thereof by this Legislature.

Section 6. Further Actions.

A.) The County Executive and/or his designee(s) are further authorized to execute and deliver, on behalf of the County, such agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to, the Sale Agreement and this local law, and which are deemed necessary or desirable to effectuate the transactions contemplated by the Sale Agreement and this local law, and to perform all acts and do all things required or contemplated to be performed or done by the Sale Agreement or by this local law or by any agreement, instrument or authorization approved, contemplated, necessary or authorized hereby.

B.) Any department or agency of the County, including but not limited to the Departments of Health Services and Public Works and the Suffolk County Sewer Agency is hereby authorized, empowered and directed to participate in SEQRA to the fullest extent authorized under state law.

Section 7. Applicability.

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

Section 8. Severability.

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

Section 9. SEQRA Determination.

This Legislature has previously duly adopted a resolution making a SEQRA determination in connection with the actions described herein above.

Section 10. Effective Date.

This Local Law shall not take effect until at least forty-five (45) 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 forty-five (45) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against such Local

Law in conformity with the provisions of §24 (1) (a) of the MUNICIPAL HOME RULE LAW, and upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

1883



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

WILLIAM H. ROGERS BUILDING
P.O. BOX 611
HAUPPAUGE, NY 11788-0011
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: AUGUST 13, 2010
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 DECLARING AS SURPLUS AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE SALE OF ~ 255 ACRES IN YAPHANK TO LEGACY VILLAGE REAL ESTATE GROUP, LLC FOR MIXED USE DEVELOPMENT

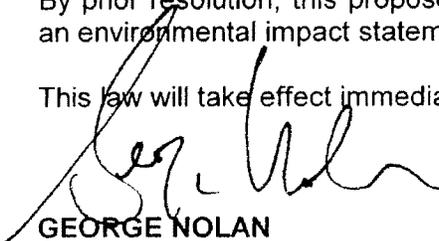
SPONSOR: PRESIDING OFFICER, ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 8/11/2010 PUBLIC HEARING: 9/16/2010
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

The proposed local law declares as surplus and directs the sale of ~ 255 acres of County-owned land in Yaphank to the Legacy Village Real Estate Group, LLC pursuant to the terms and conditions of an Agreement of Sale with Construction and Development Conditions. A summary of this sale agreement is attached to this Memorandum.

By prior resolution, this proposed sale has been classified as a Type I action under SEQRA and an environmental impact statement is being prepared.

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-execute-contract-sale-Legacy-Village-Real-Estate

REVIEW OF THE AGREEMENT OF SALE WITH CONSTRUCTION AND DEVELOPMENT CONDITIONS BETWEEN THE COUNTY OF SUFFOLK AND LEGACY VILLAGE GROUP

Legacy Village Real Estate Group (hereinafter "the Developer") is agreeing to purchase all right, title and interest in County-owned land that is designated as Areas "A", "B" and "D". Additionally, prior to the closing on Area "B" the parties shall agree on an additional parcel of land that will connect Area "B" to Yaphank Avenue. The Developer also agrees to construct improvements in an area designated as "Area C".

I. Contract Provisions Applicable to Area "A"

Area "A" is 34.2 acres at the northeast corner of the Yaphank County Center, located at the southeast corner of the LIE South Service road and Yaphank Avenue. The Developer is agreeing to design and build, to the extent that approvals and permits are issued, the following:

- 1) 50,000 square feet of interior sports and wellness facilities.
- 2) 50,000 square feet of office space.
- 3) Four (4) restaurant locations, each with 8750 square feet of space.
- 4) 70,000 square feet of hotel space.
- 5) 25,000 square feet of retail space.
- 6) 72 one bedroom, 650 square foot rental units. All shall be affordable to residents earning up to 80% of Area Median Income, in perpetuity.
- 7) Legacy Village Arena, which shall have a seating capacity of 5500 spectators. The arena will be available for community and municipal use which does not interfere with other for-profit activities.
- 8) A non-elevated pedestrian walkway to the Yaphank railroad station.
- 9) 10 acres of County Highway yards.
- 10) 13,000 square feet of space for public works buildings.
- 11) 16,600 square feet of space for road salt storage building.
- 12) 90 parking spaces for the Board of Elections.
- 13) New doctor's cottage and shed (and demolition of old cottage and shed).

Closing of this area shall occur on or before February 28, 2014.

II. Contract Provisions Applicable to Area "B"

Area "B" is a wooded area to the west of the Yaphank County Center containing 122.8 acres. It is approximately 1500 feet west of Yaphank Avenue, behind the Police Headquarters and recreational fields, and south of the main line of the LIRR. It adjoins a portion of the County farm to the north and east. The Developer is agreeing to design and build, to the extent that approvals and permits are issued, the following:

- 1) 785 housing units with 950-1250 square feet of living space and no more than 2 bedrooms. 429 of the units shall be affordable to residents earning up to 80% of Area Median Income, 214 of the units shall be affordable to residents earning between 81-100% of Area Median Income and 142 of the units shall be affordable to residents earning between 101-120% of Area Median Income. Fee title conveyed to any purchaser of these units will contain covenants pertaining to future affordability and restriction on

restriction on realizing gain from resale, as may be promulgated by the Developer and approved by the County.

- 2) 215 units of market rate homes, each having up to 1600 square feet of living space and no more than 2 bedrooms.
- 3) A Day Care Center having no less than 20,000 square feet of interior space, said center to operated by a qualified operator.

Closing of this area will be on before February 28, 2014.

III. Contract Provisions Applicable to Area "C"

Area "C" (which the Developer is not purchasing) is a wooded area south of Area "B" and west of the County jail, containing 29.7 acres. After closing of title to the other areas, and to the extent that necessary approvals and permits are issued, the Developer will build the Legacy Village Field Annex, which is to consist of 2 multi-sport turf fields and a turf baseball/softball field, for use by County residents.

IV. Contract Provisions Applicable to Area "D"

Area "D" is a wooded area along the north side of Horseblock Road consisting of 95.3 acres. The Developer is agreeing to design and build, to the extent that approvals and permits are issued, industrial space as described in the conceptual guidelines of the Developer's RFP Submission and shall include at least four megawatts of electric production facilities. The Developer will use reasonable efforts to reach an agreement with a business development agency to open an economic development center and to attract "high-tech" industries to this area.

The County will make an application to seek a boundary change to Area "D" to expand its acreage to 95 acres.

Closing on this area will on before August 1, 2011. In the event the above described boundary change is not completed by that date, the County will convey 46 acres to the Developer with the balance conveyed after the boundary change is completed.

V. Requirements of Sale Applicable to All Areas

The Developer agrees:

- 1) to use good faith efforts to secure all zoning changes and to secure site-plan, building and other permits, approvals and variances.
- 2) to build necessary wastewater collection and treatment facilities.
- 3) to post performance bonds for completion of all "Amenities" (the proposed arena, the field annex, and county facilities).
- 4) to use "best efforts" to use building trades contractors and subcontractors located and doing business in Suffolk and Nassau.
- 5) to "seek" a Project Labor Agreement for the non-residential portion of construction.

- 6) to provide a preference in occupancy of housing units to residents of Yaphank, the Longwood School District, volunteer fire and ambulance personnel and Iraq/Afghanistan military personnel.

VI. Changes to the Conceptual Plan

After this Agreement is executed, the County and Developer will initiate discussions with the Town of Brookhaven (hereinafter "the Town") to effectuate re-zoning and to obtain development approvals for a Planned Development District.

The Agreement contemplates changes to the Conceptual Development Plan because zoning powers rest with the Town. "If, based on meetings with government representatives, community representatives or consultants, [Developer] wishes to reconfigure the location, style, size and/or mix of Units, buildings, facilities and structures....it may do..." Such reconfigured plan is subject to County approval, "which approval shall not be unreasonably withheld or delayed." Similarly, if subsequent to the Pre-Application Conference, the Developer determines that in order to satisfy the sale requirements set forth above it is necessary to submit a plan for approval that modifies the Conceptual Plan, the modified plan will be subject to County approval.

VII. Affordable Housing Requirements

The County and the Developer agree to explore various options to satisfy the Agreement's affordable housing provisions, including rental, home ownership, senior housing and employer-owned housing for rental to income qualified employees or students. Prior to closing, the County and Developer will enter into an amendment to the Agreement that sets forth the terms and conditions of the affordable housing requirements and provides for the enforcement of these requirements. The Developer will also enter into a contract with a non-profit affordable housing agency to manage, monitor and enforce compliance of the affordable housing requirements.

VIII. Purchase Price

The purchase price is \$57,501,500. Pursuant to the Agreement, \$1.5 million is payable to the County upon execution of the Letter of Intent, to be held in escrow. \$1 million will be paid within 121 days after the effective of the legislative resolution approving the sale of the property, to be held in escrow. At closing of Area "D", the Developer will pay \$9.5 million and at closing of Areas "A" and "B" the balance of \$45,501,500 will be paid.

However, the Developer will be entitled to a "partial refund of balance" in the amount of \$42,475,000, said amount to be deposited in the "Amenity Account" and dedicated solely for the construction of Legacy Village Arena (\$34,625,000), relocation of Highway Yard and Buildings (\$5,650,000) and Legacy Village Field Annex (\$2,200,000). The amount directed to the Amenity Account may change depending on the approvals of the Town. In the event that the deposit to the Amenity Account is modified downward based on Town approvals, the County and Developer will agree as to which of the Amenities will be built. If the cost to build the Amenities exceeds the amount deposited in the Amenities Account, the Developer will complete the Amenities at its own expense.

In no event will the County receive less that a net aggregate payment of \$15 million.

IX. Modification and Termination of Agreement

If the Town does not approve the Developer's application for a Planned Development District or the proposed Development Plan as modified, the Agreement will terminate 90 days after the Town's disapproval.

In the event this Agreement is terminated after Area "D" has been conveyed, the Developer will have the option to tender the area to the County and the County shall return monies received from the Developer.

This Agreement can be amended if the Parties certify the necessity of such amendment and the County Attorney issues an opinion stating that the amendment is "reasonably consistent" with the RFP.

The amount payable to the County can be modified based upon a sum certain for square footage, or units approved by the Town, as follows: sports and wellness center (\$40/square foot), office space (\$40/square foot), restaurant locations (\$50/square foot), hotel space (\$50/square foot), retail shops (\$50/square foot), rental apartments (\$12,000 per unit), workforce homes (\$30,500 per unit) and market rate homes (\$48,000 per unit).

If the County cannot convey a deed to Area "D" by 8/1/2011 or if Developer determines not to construct and develop the Premises as required under the Agreement, the Developer may terminate the Agreement.

After title closes on Area "D", and at any time after 8/1/2011, if Developer determines "it is not commercially reasonable to proceed", the Developer can cancel the Agreement with the option to tender the area to the County.

Agreement of Sale with Construction and Development Conditions

This Agreement of Sale with Construction and Development Conditions (“**this Agreement**”) entered into this ____ day of December, 2009 is between the

County of Suffolk (“Seller”), a municipal corporation of the State of New York, acting through its duly constituted **Department of Planning (“Department”)**, located at 100 Veterans Memorial Highway, Hauppauge, New York 11788;

and

Legacy Village Real Estate Group, LLC, (“Purchaser”), a New York limited liability company with its principal place of business located at 500 North Broadway, Suite 240, Jericho, New York 11753

The purpose of this Agreement is to provide for the following transactions, subject to and upon the provisions and conditions contained in this Agreement:

1. Seller’s sale of, and Purchaser’s purchase of, ~ 255 acres in Yaphank, New York;
2. The conditions for development, including but not limited to, workforce homes to support Suffolk County businesses and scientific & technological research needs, a high-tech light industrial area with solar plant, a five thousand five hundred (5,500) seat arena, recreational areas, hotel, office buildings, restaurants, community and county employee child care facilities, health centers, and relocation and development of County facilities;
3. Terms and conditions of employment of labor for construction and development;
4. The processing of all applications to obtain all zoning changes, site-plan approvals, building and other permits, approvals and variances, and to complete SEQRA review; and
5. Establishing the amount and payment terms of the purchase price.

**This Space Is Intentionally Left Blank.
Signature Box Appears On Page 2.**

LEGACY VILLAGE REAL ESTATE GROUP, LLC

Purchaser

By: Katter Legacy LLC, a member

by: _____
Kent Katter, sole member

Date _____

--and--

By: Beechwood Old Country LLC, a member

by: _____
Michael Dubb, managing member

Date _____

**Approved as to Legality:
Christine Malafi, County Attorney**

By: _____
Name

Assistant County Attorney

Date _____

COUNTY OF SUFFOLK

Seller

By: _____

Name: _____

Title: Chief Deputy County Executive

Date: _____

**Approved:
DEPARTMENT OF PLANNING**

By: _____

Thomas A. Isles
Director

Date _____

Escrow Provisions Accepted

By: _____

Angie Carpenter
County Treasurer

Date _____

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W I T N E S S E T H

1. Seller is the owner of ~ 897 acres in Yaphank, utilized, in part, for a County complex;
2. On or about January 16, 2007 the County issued a request for proposals (“RFP” [more specifically defined herein below]) to develop ~ 255 acres of County land; and
3. The County supplemented its RFP with correspondence seeking additional information on February 15, 2008, July 9, 2008, September 4, 2008 and January 13, 2009; and
4. Purchaser submitted RFP responses dated April 30, 2007, March 12, 2008, April 11, 2008; May 2, 2008 and July 21, 2009; and
5. Seller issued, and Purchaser accepted, a Letter of Intent, dated July 21, 2009, to enter into this Agreement for the sale, purchase, construction and development of the Premises;

Now, therefore, in consideration of the mutual agreements contained in this Agreement and other good and valuable consideration, the receipt of which is hereby acknowledged, Seller and Purchaser agree as set forth herein for their own benefit and for the benefit of the residents of the County of Suffolk.

Definitions

ADA means Americans with Disabilities Act of 1990.

Amenity Account means the account (if any) set up to provide a source of funding dedicated to the construction of the Amenities.

Amenities means the Legacy Village Arena, an outdoor stadium, the Legacy Village Field Annex, and the construction of County facilities as more fully set forth in this Agreement, as the same may be modified or amended.

Area “A” means the northeast corner of the Yaphank County Center, containing a total of ~ 34.2 acres. It is located at the southeast corner of the Long Island Expressway South Service Road and Yaphank Avenue. Frontage extends approximately one thousand five hundred (1500) feet along the Service Road and Yaphank Avenue. The description is attached as Exhibit 1 to this Agreement, subject to final survey.

Area “B” means a wooded area to the west of the Yaphank County Center, containing a total of ~ 122.8 acres. It is located approximately one thousand five hundred (1500) feet west of Yaphank Avenue behind the Suffolk County Police Headquarters and recreational fields. It is south of the main line of the Long Island Railroad. It adjoins a portion of the

County Farm to the north and the east. A power transmission line is to the south. The description is attached as Exhibit 2 to this Agreement, subject to final survey.

Area “C” means a wooded area south of Area “B” and west of the County jail, containing a total of ~ 29.7 acres. The description is attached as Exhibit 3 to this Agreement, subject to final survey.

Area “D” means a wooded area along the north side of Horseblock Road (County Road 16), containing a total of ~ 95.3 acres. (See **Section 4-11[a]**) The description is attached as Exhibit 4 to this Agreement, subject to final survey.

Area Median Income means HUD established median income limits for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA) adjusted by family size.

Closing means conveyance of Area “A,” “B” or “D,” as the case may be, and as set forth in this Agreement.

County means Suffolk County.

Committed Financing means sources of debt and equity funding that have been committed in writing to provide funds for development of all or any portion of the Premises and completion of the Amenities, including but not limited to bank financing, bond financing, grant money, stimulus funds and the amount on deposit pursuant to **Section 5-4**.

Energy Star means the energy efficiency program of the United States Environmental Protection Agency and the United States Department of Energy.

FieldTurf® means a proprietary artificial turf product made by LandTek.

Good Faith Deposit means, separately or combined, as the context of this Agreement so requires, the money paid to the County upon signing of the Letter of Intent and upon signing of this Agreement and approval thereof by the Legislature, together with any and all other sums paid to Seller on account of the final Purchase Price for Areas A, B, and D, to be held and applied by the County Treasurer in accordance with the provisions of **Section 13-26** of this Agreement.

Legacy Village Arena means an indoor arena with seating capacity of approximately five thousand five hundred (5,500) spectators as described in Purchaser’s RFP response dated March 12, 2008, as the same may be modified and amended in accordance with the provisions of this Agreement.

Legacy Village Field Annex means two multi-sport athletic fields (e.g. lacrosse and soccer) and a baseball/softball field, all made of “FieldTurf®” (or its equivalent).

Legislature means the Suffolk County Legislature.

Letter of Intent means the letter of intent issued by Seller and agreed to by Purchaser dated July 21, 2009.

Modified Balance means the remaining sum owed to Seller pursuant to the terms of any amendments made to this Agreement under the terms of **Section 9-3.1**.

Monetary Liens means any lien that can be reduced to a fixed sum of money.

Planned Development District means a specially tailored zoning district combining commercial, residential and industrial property which designates the zoning regulations for the Premises, sets specific development standards, and ensures that zoning and the general development plan are consistent.

Premises means the combined land areas of Area "A," Area "B," Area "C," and Area "D."

Project Labor Agreement means a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project.

Purchaser's Agents means any and all contractors, subcontractors, consultants, lenders, partners, joint venturers, and any other persons or entities acting to effectuate any of Purchaser's rights or obligations under this Agreement.

Regulatory Matters means investigation and negotiation of all land use issues, regulations and statutes concerning the development of the Premises, which investigation and negotiation will include, but not be limited to, (i) environmental review, (ii) planning, zoning and density requirements; (iii) the creation of a Planned Development District; (iv) site plan approval; (v) adequate public facilities; (vi) public works; (vii) mass transit requirements; (viii) utilities; (ix) storm water management; (x) certificates of authority; and (xi) approvals, permits and consents necessary for construction and operation.

RFP means the January 16, 2007 request for proposals issued by Seller and the supplements seeking additional information on February 15, 2008, July 9, 2008, September 4, 2008 and January 13, 2009.

RFP Submission means collectively Purchaser's RFP responses dated April 30, 2007, March 12, 2008, April 11, 2008, May 2, 2008, and July 21, 2009.

SEQRA means the New York State Environmental Quality Review Act.

Town means the Town of Brookhaven, its departments and agencies.

Unit means a residential housing unit consisting of rental housing, workforce housing or market rate housing, as the case may be.

Words of the masculine gender shall mean and include correlative words of the feminine

and neuter genders and words importing the singular number shall mean and include the plural number and vice versa.

Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons, and shall include successors and assigns.

Capitalized terms used, but not otherwise defined above, shall have the meanings assigned to them elsewhere in this Agreement.

Article I Sale of Areas "A," "B" & "D"

Section 1-1. Sale. Seller agrees to sell, and Purchaser agrees to purchase, all right, title and interest in the land and improvements constituting Areas "A," "B," and "D," (as each area is more particularly described in Exhibits "1," "2," and "4" respectively, all of which are subject to final survey) subject to, and in accordance with, all terms of this Agreement. In addition, prior to the Area "B" closing, Seller and Purchaser shall agree on an additional parcel of land that will connect Area "B" to Yaphank Avenue upon which an entrance roadway shall be constructed, such parcel to be conveyed by Seller to Purchaser at the closing of Area "B," and which roadway shall be publicly dedicated and maintained by Seller or Town.

The sale does not include any fixtures and articles of personal property that may exist upon the areas conveyed, except as provided for in this Agreement, and Seller makes no representations or warranties of the existence or presence of same.

Section 1-2. Financing. Purchaser shall deliver to Seller and Seller has examined documents reasonably satisfactory to Seller indicating that there are sufficient funds committed to complete the construction and development of the Premises as called for in this Agreement and the RFP Submissions.

Section 1-3. "AS IS" Condition. Purchaser hereby acknowledges that it has read the RFP, understood it completely, and is fully familiar with the Premises and the land being conveyed and its physical condition. Seller is transferring, and Purchaser is accepting the areas conveyed in "AS IS" physical condition, subject to the Due Diligence Period described in **Article II** and the title contingencies in **Article III**, without any representation or warranty, express or implied, whatsoever by Seller.

Article II Due Diligence

Section 2-1. Due Diligence. Commencing immediately upon full execution of this Agreement, Purchaser has the right to a Due Diligence Period, which shall end on the seventy-fifth (75th) day after Legislative approval of County Introductory Resolution No. 1922-09 for a Phase I Environmental Assessment, and if necessary, Purchaser shall have

an additional ninety (90) days for a Phase II Environmental Assessment, if required. Purchaser shall have the right to employ one or more environmental consultants and other professionals to perform or complete an environmental inspection and assessment of the Premises. Purchaser and Purchaser's Agents shall also have the right to undertake or complete a technical review of all documentation, reports, plans, studies and other information, unless privileged, in the possession of Seller, and reasonably related to the environmental condition of the Premises, which Seller hereby agrees to make reasonably available to Purchaser and Purchaser's Agents for review and copying. Purchaser has the right to cancel this Agreement as set forth in **Section 9-5** during the Due Diligence Period for any reason or no reason.

Section 2-2. Cooperation During the Due Diligence Period. Seller and Purchaser shall, throughout the Due Diligence Period, coordinate and cooperate in a reasonable manner and shall share information on a timely basis. Purchaser and Seller shall share with each other copies of any studies, reports, analyses or other documents relevant to, arising out of, or created in connection with the Due Diligence Period.

Article III Title Report, Exceptions

Section 3-1. Title Report. No more than sixty (60) days after the end of the Due Diligence Period provided for in **Section 2-1**, Purchaser shall deliver or cause to be delivered to Seller, at its sole cost and expense, a copy of a title report prepared by a title insurance company duly licensed by the State of New York or an abstract company writing through any such title insurance company.

Section 3-2. Title Exceptions. Seller shall convey insurable title, free and clear of all liens, claims and encumbrances, subject to no conditions, restrictions or encumbrances except as set forth herein at standard rates without any additional premium. Each area being sold shall be conveyed subject to the following conditions:

- a. Any state of facts an accurate survey may show provided the same shall not render title uninsurable or materially and adversely affect development of the Premises as contemplated by this Agreement;
- b. All the terms, covenants and conditions of this Agreement;
- c. The provisions of all laws, codes, statutes, ordinances, acts, rules and regulations of local, state or federal government, and any agency or subdivision thereof, to the extent same would be applicable herein provided the same shall not render title unmarketable or materially and adversely affect development of the Premises as contemplated by this Agreement.

Section 3-3. Objections to Title. Within thirty (30) days of delivery of: (x) the title report and (y) periodic updates thereof, Purchaser shall notify Seller of any title defects, liens, or

encumbrances, other than the exceptions set forth in **Section 3-2**. Purchaser's failure to raise an objection to title within the time specified in this paragraph shall be deemed to be a waiver of that objection.

If Purchaser notifies Seller of any title defects, liens or encumbrances, Seller shall have sixty (60) days to attempt to remove such defects. Except as set forth elsewhere in this Agreement to the contrary, if, for any reason, Seller is unable, or unwilling to remove any title defects on or before the expiration of such sixtieth (60th) day, Seller shall so notify Purchaser, in which case, Purchaser may elect to waive the foregoing, or cure such title defects, liens or encumbrances at Purchaser's own expense, and close upon this transaction at the time(s) and in the manner provided in this Agreement, or terminate this Agreement by giving Notice to Seller, in which case, and surviving any such termination, Purchaser's sole remedy shall be for the Seller to refund the entire Good Faith Deposit and (if title to Area "D" shall have closed) Area "D" Payment in exchange for reconveyance (if Purchaser so elects at the time).

Any notice given under the terms of this **Article III** shall comply with **Section 13-6**.

Except as set forth elsewhere in this Agreement to the contrary, Seller shall have no obligation to bring any action or to incur any expense to make the title comply with the provisions of this Agreement, other than for the removal of consensual liens and Monetary Liens. In no event shall Seller have the right to remove any title defect by the payment of an additional title insurance premium to induce the title insurer to insure over any title defects.

Section 3-3.1. Additional Obligation to Remove Defect. In the event that any title defect(s) shall be discovered subsequent to the delivery of the title report and updates required pursuant to **section 3-1**, and prior to the date of any Closing, Seller shall expend a reasonable sum of money, as may appropriated by the Legislature, to remove other title defects.

Article IV Sale Requirements

Section 4-1. Requirements of Sale Applicable to All Areas. All conveyances are subject to and conditioned upon Purchaser's following covenants:

- a. To obtain all surveys that may be required at Purchaser's own cost;
- b. To use its good faith efforts to secure all zoning changes and at Purchaser's own cost;
- c. To use its good faith efforts to secure site-plan, building and other permits, approvals and variances and at Purchaser's own cost;

- d. Unless this Agreement is cancelled or terminated in accordance with the provisions thereof, to complete the SEQRA process at Purchaser's own cost;
- e. Unless this Agreement is cancelled or terminated in accordance with the provisions thereof, to design and build necessary wastewater collection and treatment facilities, at its own cost, in accordance with the requirements of the County Sewer Agency, the County Department of Health Services and the Town, based on the development as approved by the Town including:
 - i. installation of all sewer lines, sewer mains and any necessary pump stations to transport waste to sewage treatment facilities; and
 - ii. construction of sewage treatment facilities sufficient to treat the projected gallonage from the Premises as development of the Premises is finally approved by the Town, under one of the following alternatives, as shall be determined by the Sewer Agency:
 - x. construct a new privately owned sewage treatment plant, sufficient to treat the projected gallonage from the development at the Premises as finally approved, or
 - y. increase the capacity of an existing publicly owned sewage treatment plant, and the Purchaser shall only be responsible to pay the cost and expense attributable to the projected gallonage from the development at the Premises as finally approved, or
 - z. construct a new publicly owned sewage treatment plant, and the Purchaser shall only be responsible to pay the cost and expense attributable to the projected gallonage from the development at the Premises as finally approved; and
 - iii. payment of standard connection fees for connection to any existing publicly owned sewage plant, as required by law, if any such connection is made, based on the projected gallonage for the development as approved by the Town; and

- iv. execution of any and all necessary easements required by the Sewer Agency; and
- v. execution of all standard contracts required by the County Sewer Agency and compliance with all standard requirements for sewer construction, including posting of security and bonds.
- f. To post performance bonds at Purchaser's own cost for completion of all Amenities in an amount equal to the cost thereof less the amount of Committed Financing and the amount deposited in the Amenity Account;
- g. To use best efforts to use building trades contractors and subcontractors located and doing business within Suffolk County or Nassau County; for purposes of this Agreement, "located and doing business within Suffolk County or Nassau County" means maintaining a place of business and a staffed, operational office at an address within the geographical boundaries of Suffolk County or Nassau County for a period of at least one year, from which a majority of the employees performing the contracted for services are assigned, but in no event shall this clause be deemed to create a third party benefit to any person or entity;
- h. Seek a Project Labor Agreement for the non residential portion of the Premises with all applicable building trades, but in no event shall this clause be deemed to create a third party benefit to any person or entity;
- i. To provide for preference in occupancy, to the extent permitted by law, of the Units for residents of the hamlet of Yaphank, the Longwood School District, the South Country School District, volunteer fire and ambulance services personnel and for military personnel who have served in the conflicts in Afghanistan and Iraq.

Section 4-2. Sale Requirements of Area "A." The conveyance of Area "A" is also subject to and conditioned upon Purchaser's following covenants:

- a. Purchaser shall, to the extent that all necessary municipal approvals and permits shall have been issued, as provided in **Section 4-6**, design and build:
 - i. fifty thousand (50,000) square feet of interior space for sports and wellness facilities (with use fees discounted to Premises residents);
 - ii. fifty thousand (50,000) square feet of interior space for office space;

- iii. four (4) restaurant locations of eight thousand seven hundred fifty (8,750) square feet each of interior space;
- iv. seventy thousand (70,000) square feet of interior space for hotel space;
- v. twenty five thousand (25,000) square feet of interior space for retail space;
- vi. seventy two (72) rental Units of one bedroom apartments each having six hundred fifty (650) square feet of interior living space. All shall be affordable to residents earning up to eighty (80%) percent of Area Median Income. All Units shall be designed and built so as to reasonably conform to the conceptual guidelines in the Purchaser's RFP Submissions. All materials, furnishings and fixtures used in the Units shall be of similar quality or better than the materials described in the conceptual guidelines of the RFP Submissions. All Units shall be Energy Star rated and incorporate ADA standards; and
- vii. Legacy Village Arena, with construction to commence no later than upon issuance of certificates of occupancy for the first fifty (50%) percent of the homes. Purchaser shall use its best efforts to complete the Legacy Village Arena within a reasonable period of time. The Legacy Village Arena shall reasonably conform to the design proposed in Purchaser's RFP response dated April 11, 2008 (incorporated by reference herein). It shall be operated by a reputable New York promoter of Purchaser's choosing, subject to Seller's review and approval, which approval shall not be unreasonably withheld. It shall be available for community and municipal use (e.g. local school or amateur hockey) subject to scheduling that does not interfere with other for profit scheduled activities. All materials, furnishings and fixtures used in the Legacy Village Arena shall be of similar quality or better than the materials described in the conceptual guidelines in the RFP Submissions.

- viii. Non-elevated pedestrian walkway from Area "B" to the Yaphank railroad station, which walkway will be dedicated for public use, and maintained by Seller or Town.

- b. Purchaser shall, to the extent that all necessary municipal approvals and permits shall have issued as provided in **Section 4-6** below, design, build and locate the following County facilities as approved by the County's Commissioner of Public Works:
 - i. ten (10) acres of County highway yards;
 - ii. thirteen thousand (13,000) square feet of interior space for public works buildings;
 - iii. sixteen thousand six hundred (16,600) square feet of interior space for a road salt storage building;
 - iv. ninety (90) parking spaces for the County Board of Elections; and
 - v. new doctor's cottage and shed (together with demolition and removal of the old cottage and shed).

Seller shall provide notice to the Commissioner as set forth in **Section 13-6** as to when all necessary municipal approvals and permits shall have issued. Such notice shall also set forth reasonable time periods by which the Commissioner shall have determined the place for the County facilities to be re-located off-Premises, and the estimated time of completion of the new County facilities. Plans for the County facilities shall be supplied to Seller as set forth in **Section 7-1**, and said plans shall include any necessary easements for access to all County facilities and real property, which easements shall be dedicated for public use and maintained by Seller.

Seller shall have, during the entire time of this Agreement and the construction and development of the Premises, access to, and use of, all County facilities and real property. Seller's occupancy of any facility on Area "A" after Closing shall be without rent or use and occupancy for a reasonable period of time, not to exceed three (3) months, for transition purposes after certificates of occupancy have been issued for each new County facility described in this **Section 4-2(b)**. Any delay in vacating the County facilities shall extend by the same period of time Purchaser's obligation to commence construction. The right to occupy any County facility without rent or use and occupancy shall be binding on Purchaser and Purchaser's Agents and any successor to Purchaser or Purchaser's Agents, and shall survive closing of each title under this Agreement.

Section 4-3. Sale Requirements of Area “B.” The conveyance of Area “B” is also subject to and conditioned upon Purchaser’s following covenants:

- a. Purchaser shall, to the extent that all necessary municipal approvals and permits shall have been issued as provided in **Section 4-6**, design and build:
 - i. seven hundred eighty five (785) Units of homes each having between nine hundred fifty (950) and one thousand two hundred fifty (1,250) square feet of interior living space and having no more than two (2) bedrooms. Four hundred twenty nine (429) of the Units shall be affordable to residents earning up to eighty (80%) percent of Area Median Income, two hundred fourteen (214) of the Units shall be affordable to residents earning between eighty one (81%) percent and no more than one hundred (100%) percent of Area Median Income, and one hundred forty-two (142) of the Units shall be affordable to those earning between one hundred one (101%) percent and no more than one hundred twenty (120%) percent of Area Median Income; and
 - ii. two hundred fifteen (215) Units of market rate homes, each having up to one thousand six hundred (1,600) square feet of interior living space, no more than two (2) bedrooms and an accessory apartment with separate entrance being permitted.
- b. All Units described in paragraphs (a)(i) and (a)(ii) of this **Section 4-3**, shall be designed and built so as to reasonably conform to the Purchaser’s conceptual guidelines in the RFP Submissions. All materials, furnishings and fixtures used in these Units shall be of similar quality or better than the materials described in the conceptual guidelines of the RFP Submissions. All such Units shall be Energy Star rated and incorporate ADA standards.
- c. The Legacy Day Care Center having no less than twenty thousand (20,000) square feet of interior space. The Legacy Day Care Center shall be operated by a qualified operator.

Section 4-4. Sale Requirements of Area “D.” The conveyance of Area “D” is also subject to and conditioned upon Purchaser’s following affirmative covenant:

Purchaser shall, to the extent that all necessary municipal approvals and permits shall have been issued as provided in **Section 4-6**, design and

build industrial use space as described in the conceptual guidelines of Purchaser's RFP Submissions and shall include at least four (4) megawatts electric production facilities. Purchaser shall use its best efforts to the extent economically viable to provide that all industrial use space built shall be LEED (Leadership in Energy and Environmental Design) certified. All materials, furnishings and fixtures used shall be of similar quality or better than the materials described in the conceptual guidelines of the RFP Submissions.

Purchaser shall use reasonable efforts to reach an agreement with a business development entity such as SUNY Stony Brook Office of Economic Development (Small Business Development Center) to open an economic development center at Area "D," and to attract "high-tech" industries to Area "D."

Section 4-5. Area "C" Requirements. After and surviving the Closing of title to Areas "A," "B" and "D," Purchaser shall design and, to the extent that all necessary municipal approvals and permits shall have issued as provided in **Section 4-6**, build for use by County residents at Area "C," the Legacy Village Field Annex. The Legacy Village Field Annex shall be designed and built so as to reasonably conform to the *Parks and Fields Details* as described in the conceptual guidelines of Purchaser's RFP response dated April 11, 2008 (incorporated by reference herein). All materials, furnishings and fixtures used in the Legacy Village Field Annex shall be of similar quality or better than the materials described in the conceptual guidelines of the RFP Submissions. Purchaser shall also design and build all infrastructures for the Legacy Village Field Annex including but not limited to, roads, sidewalks, utilities and supporting improvements. Purchaser shall have no obligation with respect to the Legacy Village Field Annex unless and until Seller shall have granted to Purchaser and Purchaser's Agents any and all licenses and easements necessary and desirable to permit same to be built in accordance with the provisions of this Agreement, which easements shall be dedicated for public use and maintained by Seller.

Nothing contained in this Agreement shall be construed as limiting the right of the County or surrounding communities to access Area "C" after construction.

Section 4-6. Sale Requirements Subject to Approvals. Seller and Purchaser acknowledge that Purchaser's ability to fulfill all sale requirements is conditioned upon receipt of certain approvals required under applicable law, including, without limitation, approvals for zoning changes; site-plans; building permits; or variances required by the Town and/or any other governmental unit lawfully exercising jurisdiction over the Premises. Purchaser shall pursue all approvals at its own cost, with all reasonable diligence and continuity, and shall keep Seller reasonably informed of its progress. In the event such approvals shall not be issued, the provisions of **Article IX** shall apply.

Section 4-7. Planned Development District. As soon as practicable after the full execution of this Agreement, Purchaser and Seller will initiate discussions with the Town to effectuate the re-zoning and to obtain the development approvals for a Planned

Development District. Purchaser shall take the lead role in coordinating the re-zoning process and the obtaining of the development approvals and preparing all materials required thereunder, and shall be responsible for retaining, at its expense, such third parties as are necessary for the foregoing. Purchaser is hereby granted the right, subject to the terms of this Agreement, to make such applications, submissions and filings as are necessary to effectuate the re-zoning and to obtain the development approvals, provided that Seller shall promptly participate with respect to any applications, petitions or other actions as may be required by the Town and/or other Governmental Body (defined in **Article XIII** of this Agreement) or necessary to effectuate the re-zoning or development approvals (including prompt execution of such applications or petitions if required by the Town and other Governmental Bodies having jurisdiction or necessary to effectuate the re-zoning or development approvals) submitted by Purchaser in connection with the re-zoning and the development approvals, it being acknowledged that action by Seller under this **Section 4-7** shall not be deemed to be an endorsement of Purchaser's submission. Any application, submission or requests submitted to the Town or other governmental authorities for its approval pursuant to the re-zoning process to obtain the development approvals shall be 1.) in form satisfactory to Purchaser and Seller, in each party's reasonable discretion, and 2.) subject to compliance with the New York State Environmental Quality Review Act. In the event that a Planned Development District is not approved on or before the dates set forth in **Section 6-2**, this Agreement is subject to the terms of **Article IX**.

Section 4-7.1. Pre-Application Conference. As part of the process by Purchaser to obtain the zoning approvals and the Planned Development District, Purchaser may appear at one or more non-binding, pre-application meetings with representatives of the Town. Purchaser shall in good faith pursue obtaining from the Town the **Article IV** sale requirements set forth in Sections **4-2**, **4-3** and **4-4** of this Agreement. If, despite presenting those **Article IV** sale requirements as its conceptual development plan at such pre-application conference, the Town states that it will not approve the conceptual development plan as so presented, this Agreement may be amended as provided for in **Article IX**.

Section 4-7.2. Changes in Conceptual Development Plan. The parties acknowledge that since zoning powers over the Premises will rest with the Town, changes in the conceptual development may occur from time to time, including (without limitation) the mix of Units, types of Units, location of facilities, affordability of and restriction on Units, and the size and type of Amenities in order to obtain the approvals from the Town.

Section 4-7.2.1 Changes in Configuration of Conceptual Development Plan. If, based on meetings with government representatives, community representatives or consultants, Purchaser wishes to reconfigure the location, style, size and/or mix of Units, buildings, facilities and structures among the areas of the Premises prior to the Pre-Application Conference, it may do so, provided the components of **Sections 4-2**, **4-3** and **4-4** of this Agreement are otherwise satisfied. Such reconfigured plan is subject to the written approval of the Seller, which approval shall not be unreasonably withheld or delayed.

Section 4-7.2.2 Changes in Conceptual Development Plan Submitted for Zoning Approval. If, subsequent to the Pre-Application Conference, the Purchaser determines that to satisfy its covenants in **Sub-Section 4-1.b.**, it is necessary to submit a plan for approval that modifies the requirements of **Sections 4-2, 4-3 and 4-4** of this Agreement, the modified plan shall be subject to the written approval of the Seller prior to submission, which approval shall not be unreasonably withheld or delayed. The final approved development will be subject to contract amendments, in accordance with the provisions of **Section 9-3** of this Agreement.

Section 4-7.2.3 Right to Cancel. Nothing in this **Section 4-7.2** shall operate to change or abrogate any of Purchaser's or Seller's rights to cancel this Agreement as elsewhere provided therein.

Section 4-7.3. Roads. Subject to the approval of the Town, all thru roads shall be open for public use when completed and all such roads shall be dedicated to and maintained by the Town, excluding those thru roads and easements to be maintained by the County.

Section 4-7.4. Density Requirements. The application for the Planned Development District shall provide, to the extent applicable, for the sale requirements as set forth in this **Article IV**. In the event that a sale requirement set forth in **Article IV** is not approved by the Town, this Agreement is subject to the terms of **Article IX**.

Section 4-7.5. Cooperation Between Seller and Purchaser. Seller and Purchaser shall, throughout the re-zoning process and the obtaining of the development approvals, coordinate and cooperate in a reasonable manner with respect to the planning, preparation and pursuit of the re-zoning and development approvals and shall share information on a timely basis. In addition, Purchaser shall promptly provide Seller with copies of any studies, reports, analyses or other documents relevant to the re-zoning process and development approvals.

Section 4-8. Limitation on Use of Premises. Purchaser shall not, prior to completion of construction and development as described in **Section 7-3**, rent, license or permit others temporary use of the Premises for purposes unrelated to this Agreement. Without limiting the foregoing, Purchaser may enter into contracts of sale and leases consistent with this Agreement. Purchaser may establish a temporary place for a sales office at the Premises consistent with this Agreement at any time and from time to time.

Section 4-8.1. Special Limitations on Use. Fee title conveyed to Purchaser shall contain the covenant, which covenant shall run with the land, that any use shall prohibit the Premises to be used for a solid waste transfer facility, asphalt manufacture, composting, auto wrecking and metal recycling or similar uses. Seller represents that Area "C" shall not be used for a solid waste transfer facility, asphalt manufacture, composting, auto wrecking and metal recycling or similar uses.

Section 4-9. Affordable Housing Monitor. Prior to Closing of Areas "A" and "B," Purchaser shall enter into a contract with a not-for-profit affordable housing agency,

subject to the Legislature's approval, which approval shall not be unreasonably withheld or delayed, to manage, monitor and enforce compliance with the affordable housing requirements of this Agreement.

Section 4-9.1. Affordable Housing Components. Purchaser and Seller agree to explore and pursue a variety of ideas to satisfy the required percent of affordable housing Units, including but not limited to rental, home ownership, senior housing, employer owned housing for rental to income qualified employees or students and other options that will help to establish the community as economically sustainable.

Section 4-9.2. Affordable Housing Contract Amendment. Prior to Closing, Purchaser and Seller shall enter into an amendment to this Agreement as provided for in **Section 9-3** of this Agreement that sets forth terms and conditions, and provides for enforcement of, the affordable housing requirements set forth in **Sections 4-2.a(vi) and 4-3.a(i)** of this Agreement and as it may be amended.

Section 4-10. Changes in Development Plan. If required to satisfy Purchaser's covenants in **Sub-Section 4-1.b.**, and if requested by the Town, Purchaser shall have the right (and this Agreement shall be amended in accordance with the provisions of **Section 9-3** of this Agreement, if Purchaser exercises such right) to modify the mix and type of Units, buildings and structures set forth in **Sections 4-2, 4-3 and 4-4** of this Agreement. The parties further acknowledge that since zoning powers over the Property rest with the Town, changes in the development plan may occur, including (without limitation) the mix of Units, types of Units, location of facilities, affordability of and restrictions on Units, and the size and type of Amenities in order to obtain the approvals from the Town and other Governmental Bodies. Seller hereby grants to Purchaser the right to make such changes, after the pre-application conference at any time and from time to time, subject to the provisions of **Section 9-3** of this Agreement, in furtherance of having the development approved as so modified. Nothing in this **Section 4-10** shall operate to change or abrogate any of Purchaser's rights to cancel this Agreement as elsewhere provided therein.

Section 4-11. Seller's Covenants. Seller hereby covenants and agrees to perform the following:

- a. Seller shall make an application to seek a boundary change of Area "D" to expand its acreage to ~ 95 acres. Seller shall with all reasonable diligence and continuity proceed with the boundary change at Seller's sole cost and expense and shall keep Purchaser reasonably informed of its progress. In the event that the boundary change is not completed by August 1, 2011, the Closing of Area "D" shall proceed as set forth in **Section 6-1**;
- b. Seller shall, to the extent necessary, subdivide Area "C."
- c. To continue to maintain all areas in accordance with present maintenance practices and to mow all grass on a regular basis;

- d. To allow Purchaser and Purchaser's Agents to enter upon all areas, upon reasonable notice as provided for in this Agreement at **Section 13-6**, for the purpose of making surveys, inspections, engineering studies, soil borings, soil samples, and any other tests, examinations or studies, which Purchaser may deem necessary;
- e. To promptly notify Purchaser of any fact about which it becomes aware that has the effect of a material adverse change in the terms of the sale.
- f. To provide any easements, license agreements or permits allowing Purchaser to enter the Premises to perform any of its obligations under the terms of this Agreement.

Article V Purchase Price

Section 5-1. Payment of Purchase Price. Unless the purchase price has been modified pursuant to the terms set forth in **Article IX** of this Agreement, Purchaser shall pay to Seller the purchase price of Fifty Seven Million Five Hundred One Thousand Five Hundred (\$57,501,500.00) Dollars as follows:

- a. One Million Five Hundred Thousand (\$1,500,000.00) Dollars, upon execution of the Letter of Intent, as a Good Faith Deposit, to be held in escrow, receipt of which is in hand and hereby acknowledged; and
- b. One Million (\$1,000,000.00) Dollars, no later than one hundred twenty one (121) days after the effective date of County Legislative Resolution No. 1922-09, as a Good Faith Deposit, to be held in escrow; and
- c. At Closing of Area "D," Nine Million Five Hundred Thousand (\$9,500,000.00) Dollars (hereinafter referred to as the Area "D" Payment), subject to the terms set forth in **Section 6-1**; and
- d. At Closing of Area "A" and Area "B," at least Forty Five Million Five Hundred One Thousand Five Hundred (\$45,501,500.00) Dollars (hereinafter referred to as the "Balance"), unless a Modified Balance is owed as calculated in accordance with the provisions of **Section 9-3.1** of this Agreement.

Section 5-2. Release of Good Faith Deposit. At Closing of Area "D," the Good Faith Deposit shall be released to Seller, together with accrued interest. The Good Faith Deposit and Area "D" payment, exclusive of accrued interest, shall be credited toward the Purchase Price.

Section 5-3. Refund for Equivalent Value. Purchaser shall be entitled to a partial refund of the Balance, in the amount of Forty Two Million Four Hundred Seventy-Five Thousand (\$42,475,000.00) Dollars. The refund shall be paid subject to the terms of **Section 5-4.**

Section 5-4. Application of Refund Against Payment of Balance. No later than thirty (30) days after the Closing of Areas “A” and “B,” Seller shall establish a segregated Amenity Account. The sum set forth in **Section 5-3** shall be placed in the Amenity Account, which sum so deposited shall be held in trust and dedicated solely for purposes and in such amounts set forth below:

Legacy Village Arena	\$34,625,000.00
Relocate Highway Yard and Buildings	\$ 5,650,000.00
Legacy Village Field Annex	\$ 2,200,000.00

Disbursement of any sum in the Amenity Account shall be made according to a pay-out schedule agreed to by Seller and Purchaser at the time of the Closing of Areas “A” and “B.”

Section 5-4.1. Application of Credit Against Payment of Modified Balance. It is expressly understood that the deposit to the Amenity Account in **Section 5-4**, and the obligation of Purchaser to construct any or all of the Amenities, is subject to and contingent upon the Town’s approval of the Planned Development District inclusive of the Legacy Village Arena. In the event that this Agreement is amended under the terms of **Section 9-3.1**, and a Modified Balance is owed to Seller, the deposit to the Amenity Account shall be the sum of Forty Two Million Four Hundred Seventy-Five Thousand (\$42,475,000.00) Dollars or an amount equal to the Modified Balance, which ever is less, but in no event shall the deposit to the Amenity Account be greater than the cost to complete the Amenities as approved by the Town. In the event that the deposit to the Amenity Account is modified, based on the development approvals issued by the Town, the parties will agree as to which of the Amenities shall be built based on any lesser amount deposited in the Amenity Account.

Section 5-5. Funds. Funds payable at Closing shall be by certified check or wire transfer.

Section 5-6. Guaranteed Net Purchase Price to County. Notwithstanding the application of the provisions of **Sections 5-3, 5-4 and 5-4.1** of this **Article 5** to the transactions contemplated by this Agreement, in no event shall the total credit against the payment of the Balance result in a net aggregate payment to the County of less than Fifteen Million (\$15,000,000.00) Dollars. If the cost to build and provide the Amenities

exceeds the amount of any deposit to Amenity Account, Purchaser shall complete the Amenities at its own expense.

Article VI Closing

Section 6-1. Closing Date on Area "D." The Closing of Area "D" shall be at a place to be determined on or before August 1, 2011, time being of the essence, unless extended by Seller. In the event that the boundary change described in **Section 4-10** is not completed by the Closing date (as the same may have been extended by reason of the operation of the provisions of this Agreement), Seller shall convey to, and Purchaser shall accept, title to no less than forty-six (46) acres without any reduction in purchase price. In the event that the forty-six (46) acres are conveyed, the balance of the acreage comprising Area "D" shall be promptly conveyed to Purchaser without additional consideration after final approval of the boundary change is received. The obligations of Purchaser to close title also are subject to the expiration of the statute of limitations to commence any Article 78 proceeding.

Section 6-2. Closing Date on Area "A" and on Area "B." The Closing of Area "A" and Area "B" shall be at a place to be determined on or about February 28, 2014 or such sooner date that Purchaser's application for a Planned Development District as set forth in **Section 4-6**, is approved. In the event that the Planned Development District is not approved by February 28, 2014, the date for Closing of title for Area "A" and Area "B" shall be enlarged to a date not later than February 28, 2015. In no case shall Closing take place before the one hundred twenty first (121st) day after the effective date of the approval of the Planned Development District. In the event that the Planned Development District is not approved, this Agreement is subject to the terms of **Section 9-1**.

Section 6-3. Deeds. The deeds for the conveyed areas to be delivered by Seller, and to be accepted by Purchaser, shall be bargain and sale deeds without covenants against grantor's acts. The deed shall contain undertakings, waivers, covenants and restrictions, which include, but shall not be limited to, the sale requirements set forth in **Section 4-2, 4-3 and 4-4**, and conditions of approval of any zoning change, site-plan, building permit, and any other permit, approval or variance required by the Town or any other governmental unit lawfully exercising jurisdiction over the Premises. If any provisions in a deed conflicts with any provisions in this Agreement, the provisions in the deed shall control. The undertakings, waivers, covenants, and restriction contained in Sections 4-2, 4-3 and 4-4 shall in no event apply to any lender or other financing source for any or all of the development, provided, however, that: 1.) no principal of the Purchaser, 2.) no person within the third degree of consanguinity of any principal of the Purchaser, and 3.) no partner, member, director, or shareholder of the Purchaser, benefits, directly or indirectly, from releasing any lender or financing source from the covenants contained in Sections 4-2, 4-3 and 4-4.

Section 6-3.1. Covenants Running with the Land for Certain Owned Units. Fee title conveyed to any purchaser of any Unit described in paragraph (a)(i) of **Section 4-3** shall contain covenants pertaining to future affordability of the Units and restrictions on realizing gain from any resale, if any, as may be promulgated by Purchaser, and approved by Seller, which approval shall not be unreasonably withheld or delayed.

Section 6-3.2. Covenants Running with the Land for Rental Units Set Forth in Section 4-2(a)(vi). Fee title conveyed to Purchaser shall contain the following covenant, which covenant shall run with the land:

- a. the income qualifications set forth in paragraph (a)(vi) of **Section 4-2** shall apply in perpetuity.

Section 6-4. Closing Documents. Closing documents shall be delivered as follows:

- a. Seller and Purchaser shall each deliver to the other such evidence as may be reasonably required by the other of the authorization to complete the Closing;
- b. Purchaser and Seller shall each deliver to the title company, in a form acceptable to it, payment of all applicable real property, documentary or recording fees in connection with the recording of any instrument;
- c. Seller shall execute, acknowledge and deliver such affidavits as the title company shall reasonably require;
- d. Seller and Purchaser shall execute and deliver to each other a closing statement; and
- e. Seller and Purchaser shall each execute and deliver to the other such other instruments and documents and shall pay such sums of money as may be required pursuant to any of the other provisions of this Agreement. Each instrument and document to be delivered at the Closing shall be consistent with the applicable provisions of this Agreement and shall be in the form or contain the information or provisions provided for in this Agreement.

Section 6-5. Closing Costs. Each party shall pay its own costs and expenses in connection with the sale at Closing, unless otherwise due at a different time. Each party shall pay for the fees and expenses of its attorneys, accountants, consultants, engineers and others employed or used arising out of or in connection with the sale of the areas being conveyed.

Without limiting the generality of the foregoing, Purchaser shall pay:

- a. all expenses of or related to the issuance of title insurance; and

- b. if any, applicable recording tax due and payable by reason of the delivery or recording of any instrument.

Apportionments shall be computed as of 11:59 P.M. of the day before the Closing date. Any prorations shall be based on a twelve (12) month calendar year and a thirty (30) day month.

Purchaser acknowledges that the conveyed areas are currently wholly exempt from real property taxes and that upon transfer of title, the taxable status of conveyed areas shall be restored in accordance with the New York Real Property Tax Law. Purchaser further acknowledges that a pro rata tax will be assessed. During the period between Closing and the tax year when the taxable status of the conveyed area is restored, Purchaser shall make a payment in lieu of taxes in an amount equal to the taxes due as if the conveyed area was not tax exempt but computed as vacant land. Such payment shall be made under the same payment schedule and penalty requirements set forth in the Suffolk County Tax Act. In no event shall Purchaser be liable for any rollback taxes.

Article VII Plans and Specifications; Construction

Section 7-1. Plans and Specifications. Purchaser shall deliver to Seller in accordance with the notice provisions of this Agreement as provided for in **Section 13-6**, at least one set of plans and specifications for all construction required under this Agreement. Such plans and specifications shall be delivered to Seller with reasonable diligence as such plans and specifications are completed. Seller, acting through its Department of Public Works, shall be afforded a comment period of not more than fifteen (15) business days from receipt of all such plans and specifications.

Section 7-2. Construction and Development. Subject to the provisions of this Agreement, including (without limitation) **Sections 4-9** and **9-3**, Purchaser shall design and build the Premises reasonably consistent with the conceptual guidelines in the Purchaser's RFP Submissions (all of which are incorporated herein by reference), the Letter of Intent dated July 21, 2009, and this Agreement. In the event of any conflict between the terms and conditions of this Agreement, the Letter of Intent and the RFP Submissions, this Agreement shall prevail.

All work shall be performed in a first class manner, and all work shall be undertaken by skilled mechanics and trades people in their respective trades. All work shall adhere to applicable building and fire codes of the Town. All work shall proceed diligently to completion. All material used at the Premises shall be of similar quality or better than the materials described in the conceptual guideline in the RFP Submissions.

Section 7-3. Completion of Construction. Construction and development shall be deemed complete when:

- a. temporary or permanent certificates of occupancy have been issued by the Town for all of the Units to be constructed; and
- b. the Town certifies in writing to Seller that the Units meets all applicable building and fire codes and zoning restrictions and all Town construction obligations.

Section 7-4. Drawings. Upon completion of construction as described in **Section 7-3**, Purchaser shall submit to Seller three sets of "as built" surveys, showing all the construction certified to Seller as complete. The "as built" surveys shall indicate, on their face, the locations of all buildings, rights-of-way, utility and other easements and work as actually built and installed. Such locations shall be shown by offset distances from permanent surface improvements such as buildings, retaining walls or curbs and such sizes shall be shown by dimensions in feet and inches.

Section 7-5. Reports. Purchaser shall submit a narrative report in writing to Seller within six months after Closing of Areas "A" and "B," and every six months thereafter, up to the time of completion of construction, as to the progress of the construction and development of the Premises. Each report shall include, but not be limited to:

- a. progress reports from the supervising architect or engineer;
- b. the dates of anticipated completion and occupancy of any Unit; and as to any affordable Unit:
 - i. the name of the purchaser, the liber, page and date in which the instrument of conveyance was recorded in the Office of the Suffolk County Clerk;
 - ii. the total household income, from all sources, of the buyer, and buyer's family; and
 - iii. the total purchase price of the housing unit.

Article VIII Environmental Remediation

Section 8-1. Definitions. For the purposes of this Article, the following definitions shall apply:

- a. "Hazardous Substance" or "Hazardous Material" shall mean 1.) any solid, liquid, or gaseous chemical, material, or substance that is regulated by any

present or future federal, state, regional, or local law, ordinance, rule, regulation, notice, order, or guidance, including but not limited to any chemical, material, or substance that is designated or regulated as a hazardous or toxic chemical, material or substance, or 2.) any chemical, material or substance the presence of which could be detrimental to the Premises or hazardous to human health or safety or the environment, including but not limited to radioactive materials, including radon, natural gas, natural gas liquids (all of the foregoing gas called "Natural Gas Products"), liquefied natural gas, synthetic gas, or mixtures of Natural Gas Products and synthetic gas, lead, asbestos containing materials, polychlorinated biphenyls, urea formaldehyde, and petroleum products.

- b. "Release" shall mean any release, spill, leak, discharge, disposal, pumping, pouring, emitting, employing, injecting, leaching, dumping, or allowing to escape or migrate into or through the environment.
- c. "Remediation" or "Remediate" means all work performed or to be performed to investigate, characterize and remove, contain, dispose, treat, or otherwise deal with the presence on, in, at, or under the Premises, of Hazardous Materials at levels of contamination that require remediation under Environmental Laws, or any spilling, leaking, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing (including the abandonment or discarding of barrels, containers or other receptacles containing Hazardous Materials) of Hazardous Materials on or into the Premises, in order to render the Premises in compliance with applicable Environmental Laws.
- d. "Environmental Laws" means the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 et seq., as amended; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 et seq., as amended; the Clean Air Act ("CAA"), 42 U.S.C. 7401 et seq., as amended; the Clean Water Act ("CWA"), 33 U.S.C. 1251 et seq., as amended; and any other federal, state, local or municipal laws, statutes, regulations, rules or ordinances imposing liability or establishing standards for protection of the environment.

Section 8-2. Indemnification. Purchaser hereby agrees to defend, indemnify and hold Seller, harmless from and against any and all losses, liabilities, damages, liens, claims, demands, causes of action costs and expenses, including reasonable attorneys' fees, arising out of or related to the Release of Hazardous Substances or Hazardous Materials arising out of Purchaser's or Purchaser's Agents' activities on the Premises occurring prior to the Closing, or arising out of Purchaser's ownership of and/or Purchaser's or Purchaser's Agents' activities on or after the Closing, unless caused by a Unit buyer or other occupant of any portion of the Premises. This indemnification includes, without limitation, any and all costs incurred because of any investigation, review or testing of the

Premises or any cleanup, removal of structures, or restoration required or requested by a federal, state or local agency or political subdivision, including, without limitation, any such costs associated with the contamination of adjacent property or ground water caused by Purchaser's or Purchaser's Agents' activities or arising out of Purchaser's ownership of and/or Purchaser's or Purchaser's Agents' activities prior to and after the Closing unless caused by a Unit buyer or other occupant of any portion of the Premises. Subject to the qualifications contained in this Section, this indemnification shall include all third party claims related to, or arising out of a Release of Hazardous Substances or Hazardous Materials on or below the Premises.

Section 8-3. Remediation. Purchaser covenants and agrees to Remediate, from and after Closing, at its sole cost and expense, the Premises when, if, and to the extent Remediation is required by Environmental Laws or governmental authority having jurisdiction over the Premises (the "Remediation Obligation"), provided that the Remediation Obligation shall not include any obligation by Purchaser to indemnify or defend or hold harmless Seller against:

- a. any fine, penalty or claim by a non-governmental third party;
- b. any fine or penalty by a governmental authority; or
- c. any claim by a governmental authority other than a claim to Remediate the Premises, provided in each instance, which such non-governmental third party or governmental authority may or could have asserted against Seller on or before the Closing.

Purchaser shall have the right to contest any or all of the foregoing at any time and from time to time up to and including a final and non-appealable judgment of a court of competent jurisdiction.

Section 8-4. Further Indemnification. Purchaser shall further indemnify, defend and hold Seller harmless from and against:

- a. all losses incurred by Seller arising out of Purchaser's breach of its covenants and obligations as provided in this Article;
- b. Purchaser's breach of the Remediation Obligation; and
- c. any claim by any subsequent owner of the Premises for reimbursement for any costs of Remediation of the Premises.

Purchaser shall have the right to contest any or all of the foregoing at any time and from time to time up to and including a final and non-appealable judgment of a court of competent jurisdiction.

Section 8-5. Material Inducement. Purchaser acknowledges that Seller is expressly relying on the provisions contained herein, which are a material inducement for Seller to enter into the transaction contemplated by this Agreement.

**Article IX
Modification and Termination; Reacquisition**

Section 9-1. Existing Zoning. Subject to the provisions of **Section 9-4** of this Agreement, if the Town does not approve Purchaser’s application, for:

- a. A Planned Development District and the **Article IV Sale Requirements**;
or
- b. The proposed development plan prepared pursuant to the terms of **Section 4-7.2.2**, as such plan may be modified from time to time,

this Agreement shall terminate ninety (90) days after the date of the Town’s disapproval, or if the Town takes no action, unless it shall have been amended by Purchaser and Seller in accordance with **Section 9-3**.

Section 9-2. Reacquisition. In the event this Agreement is terminated in accordance with **Section 9-1** or **Section 9-6**, and Seller has conveyed to Purchaser Area “D” for the price stated in **Section 5-1**, Purchaser shall have an option to tender to Seller, Area “D,” for a period of thirty (30) days, and Seller shall return to Purchaser the Good Faith Deposit and the Area “D” Payment, as defined in **Section 5-1** exclusive of interest. If Area “D” was not conveyed to Purchaser, Seller shall promptly return to Purchaser the entire Good Faith Deposit within thirty (30) days after the date of termination of this Agreement.

Section 9-3. Amendments to this Agreement. This Agreement may be amended upon delivery of a certificate, duly acknowledged by an officer of Seller and a principal of Purchaser and filed with the Clerk of the Legislature, certifying the necessity of such amendment. Any amendment to this Agreement shall be accompanied by an opinion of the County Attorney that the amendment is reasonably consistent with the RFP, and is permitted by law.

Section 9-3.1 Amendment of Payment of Balance. In the event this Agreement is amended and the Balance is modified, payment of the Modified Balance of the purchase price shall be based upon a sum certain for square footage, or Units approved by the Town, as the case may be, as follows:

sports and wellness center	and	wellness	\$40.00 per square foot of interior space
office space			\$40.00 per square foot of interior space

restaurant locations	\$50.00 per square foot of interior space
hotel space	\$50.00 per square foot of interior space
retail shops	\$50.00 per square foot of interior space
one bedroom rental apartments	\$12,000.00 per Unit
workforce homes	\$30,500.00 per Unit
market rate homes	\$48,000.00 per Unit

The gross sum to be paid to Seller for the sports and wellness center, the office space, restaurant locations, hotel space, retail shops, one bedrooms, workforce homes, market rate homes, shall be determined by multiplying the square footage, or Units, as the case may be, by the sum certain purchase price for each such square foot or Unit, as the case may be.

Section 9-4. Option to Not Construct and Develop. In addition to the provisions set forth in **Section 9-1**, in the event that Seller cannot convey a deed for Area "D" on or before August 1, 2011, or whether or not Seller is ready, willing and able to convey a deed on or before August 1, 2011, Purchaser determines (for any or no reason) on or before August 1, 2011, not to construct and develop the Premises as required under this Agreement, Purchaser may terminate this Agreement by notice to Seller, as provided for in this Agreement at **Section 13-6**, and the Good Faith Deposit shall be refunded to Purchaser within thirty (30) days from the date of such notice, and Purchaser shall provide to Seller all title and environmental research, and all SEQRA documentation arising out of, or created in connection with, this Agreement. After title shall have closed as to Area "D," and at any time after August 1, 2011, if Purchaser determines that it is not commercially reasonable to proceed, Purchaser may cancel this Agreement, in which case Purchaser may exercise its rights under **Section 9-2**.

Section 9-5. Termination During Due Diligence Period. Purchaser, in its sole discretion may also terminate this Agreement by Notice to Seller as provided for in this Agreement at **Section 13-6** no later than the last day of the Due Diligence Period, and the Good Faith Deposit shall be refunded to Purchaser within thirty (30) days from the date of such notice. Contemporaneously with providing notice of termination, Purchaser shall provide Seller with all title and environmental research, and all SEQRA documentation arising out of, or created in connection with, this Agreement during the Due Diligence period.

Purchaser's failure to exercise its right to terminate on or before the last day of the Due Diligence Period shall be deemed to be notice by Purchaser to Seller that the conditions contained in this Section have been satisfied and Purchaser shall be deemed to have waived only its right to terminate this Agreement pursuant to this **Section 9-5**.

Section 9-6. Termination Due to Title Objection. This Agreement also may be terminated due to an objection to title as set forth in **Section 3-3** upon Notice in the manner provided for in this Agreement at **Section 13-6**, and in which case Purchaser has the right to exercise its rights under **Section 9-2**.

Section 9-7. Effect of Termination. Upon termination of this Agreement as set forth in this **Article IX**, Seller and Purchaser shall have no further rights or obligations under this Agreement and shall not have further recourse against each other, other than return of the Good Faith Deposit and Area "D" payment, if made.

Article X Default and Remedies

Section 10-1. Remedies; pre-closing. Except as otherwise provided in this **Article X**, in the event of Purchaser's uncured material default under this Agreement prior to Closing of Area "D," and title shall not close, Seller shall be entitled to receive the Good Faith Deposit as fixed and liquidated damages, which shall constitute Seller's sole and exclusive remedy at law or in equity for such failure.

In the event of Purchaser's uncured material default under this Agreement prior to Closing of Area "A" and Area "B," and title shall not close for either area, Seller shall be entitled to receive the Good Faith Deposit as fixed and liquidated damages, or if such uncured material default as to Area "A" and Area "B" occurs after the closing of Area "D," Purchaser shall forfeit its tender rights under **Section 9-2**, and Seller shall have the absolute right to demand return of Area "D," in exchange for which Seller shall refund the Good Faith Deposit and the Area "D" payment to the Purchaser, which shall constitute Seller's sole and exclusive remedy at law or in equity for such failure.

In the event of Seller's uncured material default under this Agreement prior to Closing, Purchaser may terminate this Agreement on Notice to Seller as provided for in this Agreement at **Section 13-6**, and demand the return of the Good Faith Deposit and Area "D" payment (if made), or compel specific performance.

Section 10-2. Remedies; post closing. In the event of Purchaser's material uncured default after Closing, whether or not prior to completion of construction and development of the Premises in accordance with this Agreement, shall Seller have the right to re-enter and take possession of the area affected by the material uncured default, subject to release of undertakings, waivers, covenants and restrictions as set forth in **Section 6-2**.

Section 10-3. Cure Provisions. No default under this Agreement, by Purchaser or Seller, shall result in the termination of this Agreement or the exercise of any rights or

remedies unless and until the defaulting party shall have been notified in writing by the non-defaulting party of such default and shall have failed to remedy the default within thirty (30) days after the receipt of such written notice.

If such failure or default cannot reasonably be cured within such thirty (30) day period, then the defaulting party shall be entitled to an additional period in which to effect such cure; provided, that the defaulting party shall:

- a. commence to cure the default within the initial thirty (30) day period referred to above;
- b. diligently pursue completion of the curative action; and
- c. complete such cure, to the non-defaulting party's reasonable satisfaction within a time frame agreed to by the parties.

Article XI Representations

Section 11-1. Purchaser's Representations. Purchaser represents and warrants to Seller that as of the date hereof the following representations and warranties are true in all material respects and that the same shall be true in all material respects as of the date of each Closing:

- a. Purchaser is a Limited Liability Company, formed, organized, validly existing and in good standing under the laws of the State of New York and is authorized to do business in the State of New York.
- b. Purchaser has full power, authority and financial ability to execute and deliver this Agreement and all other documents now or hereafter to be executed and delivered by it pursuant to this Agreement (the "Purchaser's Documents") and subject to obtaining Committed Financing and access to the funds in the Amenity Account to perform all obligations arising under this Agreement and Purchaser's Documents as and when such obligations arise.
- c. This Agreement and Purchaser's Documents will each constitute the legal, valid and binding obligation of Purchaser, enforceable in accordance with their respective terms, covenants and conditions.
- d. Each person or entity comprising Purchaser has duly authorized and approved this Agreement and the transaction contemplated hereby.
- e. This Agreement and Purchaser's Documents do not and will not contravene:

- i. any provision of the organizational documents comprising Purchaser;
 - ii. any final and non-appealable judgment, order, decree, writ or injunction of a court of competent jurisdiction; or
 - iii. any provision of any existing law or regulation to which Purchaser is a party or is bound, subject to Purchaser's right to contest any alleged violation thereof through and including a final, non-appealable judgment of a court of competent jurisdiction.
- f. The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby by Purchaser do not and will not require any consent by a third party except the County Legislature;
- g. Purchaser is not aware of any misrepresentations or breach of warranty made to Seller herein.
- h. Purchaser shall use diligent, good faith efforts to satisfy all of Purchaser's obligations that are conditions to the consummation of the transaction contemplated hereunder on or before the Closing date.
- i. Purchaser's development team shall be comprised of individuals and/or organizations having adequate experience in construction and development of the kind contemplated hereunder.
- j. Subject to the terms and conditions of this Agreement, Purchaser understands that it shall prepare, all at Purchaser's expense, the surveys and maps and shall record the deeds, covenants and restrictions and maps necessary for the application and approval of all Town, County and New York State permits and/or approvals.
- k. Subject to the terms and conditions of this Agreement, Purchaser understands that it shall bear all on site infrastructure costs and shall comply with all laws, including, and without limitation, all environmental laws.
- l. To the extent practicable, and subject to any necessary municipal approvals, Purchaser agrees to perform and be bound by the conceptual guidelines of the RFP Submissions.

Section 11-2. Seller's Representations. Seller represents and warrants to Purchaser that as of the date hereof the following representations and warranties are true in all material

respects and that the same shall be true in all material respects as of the date of each Closing:

- a. Seller is a municipal corporation under the laws of the State of New York, and has taken all actions necessary to fully empower and authorize Seller to execute and deliver this Agreement and all other documents now or hereafter to be executed and delivered by it pursuant to this Agreement (the "Seller's Documents") and to perform all obligations arising under this Agreement and Seller's Documents.
- b. This Agreement and Seller's Documents, as well as Seller's performance thereunder, do not and will not contravene any provision of the legislative enactments pertaining to Seller.
- c. Except as otherwise provided in this Agreement, there are no leases, tenancies, mortgages or deeds or other indentures to which Seller is a party which now encumbers the Premises or any portion thereof.
- d. Seller has not granted any person, firm, corporation or entity other than Purchaser any right or option to acquire the Premises or any portion thereof.
- e. There is no action, suit or other proceeding pending against Seller with respect to the Premises or the transactions contemplated by this Agreement.
- f. When executed and delivered by the Seller and approved by the County Legislature, this Agreement shall be the valid and binding obligation of the Seller enforceable in accordance with its terms.
- g. There are no underground fuel tanks and no violations of any state, county or municipal laws, rules or regulations.
- h. Any and all easements and rights of way necessary or desirable for Purchaser to develop the Premises as finally approved shall be granted by Seller to Purchaser, to run with the land in perpetuity, without additional cost or expense, including (without limitation) those respecting access between and among Area "C" and those areas acquired by Purchaser, for sewer and water and other utilities, and respecting roads and curb cuts.
- i. Area "C" may not and will not be used by Seller or anyone claiming by or through Seller for any purpose that competes directly or indirectly with the uses that it is contemplated will be developed on Areas "A" or "B" or "C" or "D" or all of the areas.

Article XII Insurance and Indemnification

Section 12-1. Purchaser's Insurance. In addition to the insurance and indemnification requirements set forth in **Article VIII**, Purchaser agrees to procure, pay the entire premium for, and maintain through the time of this Agreement to Closing, insurance in amounts and types specified below or as Seller may reasonably require to be increased from time to time.

Section 12-1.1. Subcontractors' Insurance. Purchaser agrees to require that all of its subcontractors procure, pay the entire premium for and maintain insurance in amounts and types equal to that specified for Seller.

Section 12-2. Limits of Liability. The following insurance limits are required (which limits may be satisfied by blanket policies with proper endorsements):

- a. Commercial General Liability Insurance, including contractual liability coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage.
- b. Automobile Liability Insurance (if any vehicles are used in the performance of this Agreement) in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per person, per accident, for bodily injury and not less than One Hundred Thousand Dollars (\$100,000.00) for property damage per occurrence.
- c. 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. Purchaser shall furnish to Seller, 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 Purchaser its successors, assigns, contractors and subcontractors, shall provide and maintain coverage for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.
- d. All policies providing such coverage shall be issued by insurance companies with an A.M. Best rating of A- or better. Purchaser shall furnish to Seller, prior to the execution of this Agreement, declaration pages for each policy of insurance, other than a policy for commercial general liability insurance, and upon demand, 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, Purchaser shall furnish a declaration page or insuring agreement and endorsement page evidencing the County of Suffolk as an additional insured on said policy, and upon demand, a true and certified original copy of such policy evidencing compliance with the aforesaid insurance requirements.

- e. All evidence of insurance shall provide for Seller to be notified in writing thirty (30) days prior to any cancellation, nonrenewal, or material change in the policy to which such evidence relates. It shall be the duty of Purchaser to notify Seller immediately of any cancellation, nonrenewal, or material change in any insurance policy.

Section 12-3. Indemnification. In addition to the insurance and indemnification requirements set forth in **Article VIII**, Purchaser agrees that it shall protect, indemnify and hold harmless Seller and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising out of the acts or omissions or the negligence of Purchaser in connection with the this Agreement. Purchaser shall defend Seller and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at Seller's option, pay reasonable attorneys' fees for defense of any such suit arising out of the acts or omissions or negligence of Purchaser, its officers, officials, employees, subcontractors or agents, if any, in connection with this Agreement.

Seller agrees that it shall protect, indemnify and hold harmless Purchaser from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising out of the negligence of Seller in connection with use and occupancy of County facilities as set forth in the last full paragraph of **Section 4-2(b)**.

Article XIII Miscellaneous

Section 13-1. Inconsistency Among Documents. To the extent there is an inconsistency between a provision in this Agreement and the RFP Submissions, the provision in this Agreement controls.

Section 13-1.1 Agreement Supersedes Letter of Intent. Except as otherwise provided in this Agreement, this Agreement supersedes the Letter of Intent.

Section 13-2. Investigate and Negotiate Regulatory Matters. Purchaser is authorized by Seller to investigate and negotiate with all governmental, quasi-governmental and other entities having or claiming jurisdiction over the Premises any one or more of the items enumerated in the definition of Regulatory Matters.

Section 13-2.1. Lawful Compliance. Purchaser shall comply with any federal, state or local law, rule, or regulation affecting the transactions contemplated by this Agreement, subject to Purchaser's right to contest same through a final and non-appealable judgment, order, decision or decree.

Section 13-3. Restoration. In the event that this Agreement is terminated by Purchaser, other than by reason of Seller's material default, Purchaser shall repair and restore any damage caused by Purchaser's exercise of its rights under this Agreement, to substantially the same condition as existed prior to such damage occurring. In connection therewith, in the event that this Agreement is terminated prior to Closing, Purchaser is granted a right of access to enter the Premises from and after the termination of this Agreement for the purpose of performing such restoration and repairs, which grant shall survive the termination of this Agreement and shall not expire until such repairs and restoration is completed by Purchaser.

Section 13-4. Office Trailers. Upon approval of the County's Commissioner of Public Works, Purchaser may place and utilize on the Premises one or more double or triple wide office trailers or modular buildings containing approximately seven (7,000) thousand usable square feet of interior space or less (the "Offices") and related facilities, such as paved or graveled parking areas, walkways, decks and wheelchair ramps, for the purpose of performing Purchaser's due diligence and initial marketing activity in locations to be selected by Purchaser. In connection with such Offices, Purchaser may invite prospective residents to the Premises and may otherwise utilize the Offices as Purchaser shall deem prudent in order to facilitate Purchaser's activities at the site. Purchaser shall be obligated to comply with all legal requirements with respect to the acquisition, transportation, maintenance and use of such Offices, including posting any required bonds.

Section 13-5. Signage. Upon approval of the County's Commissioner of Public Works, Purchaser may, at its own expense, erect and maintain within the Premises such nonpermanent structures as Purchaser deems necessary or desirable in order to direct the general public to the entrance(s) of Purchaser's marketing offices. This right shall include, at Purchaser's discretion, erecting and maintaining entrance signs at main entrances to the Premises, which signs shall be in form and content satisfactory to Purchaser. All such signs must comply with all laws, rules and regulations applicable thereto.

Section 13-6. Notice. Unless otherwise expressly provided herein, all notices shall be in writing and shall be deemed sufficiently given if sent by regular first class mail and certified mail, or personally delivered during business hours as follows: **1.)** to Seller at the Department and **2.)** to Purchaser at Purchaser's Business Office, or as to either of the foregoing, to such other address as the addressee shall have indicated by prior written notice to the addressor. All notices received by the Purchaser relating to a legal claim shall be immediately sent to the Department and also to the County Attorney at 100 Veterans Memorial Highway, P.O. Box 6100, (Sixth Floor), Hauppauge, New York, 11788. Purchaser shall report to Seller in writing within ten (10) days of the initiation by

or against it of any legal action or proceeding in connection with or relating to this Agreement or the Premises.

A copy of any notice affecting reacquisition as described in **Section 9-2** or post-closing remedies as described in **Section 10-2**, shall be simultaneously sent to the holders of mortgages that have been designated as having the right to receive such notice at the address of such holders as shall have been furnished to Seller.

Section 13-7. Assignment and Transfer. Purchaser shall not assign or transfer this Agreement or any of its rights hereunder without Seller's prior written consent in each instance, which consent shall not be unreasonably withheld or denied. Any assignment must expressly state that the approved assignee shall be bound by all the terms and conditions of this Agreement. No consent given by Seller to an assignment shall be construed as consent to any other assignment, and any impermissible assignment made by Purchaser shall be void. If any rights and obligations of Seller hereunder shall be assigned, Seller shall promptly notify Purchaser of such assignment, the assignee will be substituted in place of Seller in the documents executed or delivered pursuant to this Agreement, and the assignee shall assume in writing all of Seller's duties and obligations hereunder.

Section 13-8. Reliance. Seller may rely upon the representations and conduct of any individual or firm purporting to act on behalf of Purchaser. Such reliance shall not confer any rights under this Agreement to such person or entity relied upon, nor be construed as a consent to an assignment hereof without the strict compliance with the consent to assignment provisions hereinabove set forth.

Section 13-9. Gratuities. Purchaser represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or of any political party, with the purpose or intent of securing this Agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

Section 13-10. Disclosure Statement. Purchaser represents and warrants that, unless exempt, it has have filed with the Comptroller of Suffolk County the verified public disclosure statement required by Suffolk County Administrative Code 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. Purchaser acknowledges that such filing is a material, contractual and statutory duty as per the aforementioned Administrative Code. This provision is subject to a cure period of forty-five (45) days upon receipt of Notice as provided for in **Section 13-6**.

Section 13-11. Purchaser's Conflicts of Interest. Purchaser agrees that it will not, during the term of this Agreement, pursue a course of conduct likely to create a substantial conflict between its obligations under this Agreement and its private interests. Seller acknowledges that Purchaser's primary business is real estate development and that engaging in such business is not a conflict of interest. This duty shall continue so long as the term of this Agreement.

Section 13-11.1. Seller's Conflicts of Interest. For so long as the Premises are being developed, Seller agrees that it will not allow any of Seller's property in the Town to be developed in a manner that would compete with the development of the Premises as contemplated by the provisions of this Agreement.

Section 13-12. Confidentiality. Except as otherwise provided under this Agreement, any records, reports or other documents of Seller or any of its agencies used by Purchaser pursuant to this Agreement, or which arise out of or in connection with this Agreement, including, but not limited to Purchaser's membership agreement, shall be kept confidential in accordance with applicable laws, rules and regulations. All such documents belonging to Seller heretofore shall remain the property of Seller. All such documents created heretofore shall become the property of Seller.

Section 13-13. Certification as to Relationships. Pursuant to Suffolk County Code Chapter 143, Article II and Suffolk County Code § 143-6(B) specifically, the parties to this Agreement hereby certify that, other than as 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 (5%) percent or more of any party to this Agreement.

Section 13-14. Execution of Documents. This Agreement may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original; and all such counterparts shall together constitute but one and the same Agreement.

Section 13-15. Headings. Any headings or titles of the several parts, Articles, and Sections of this Agreement are for convenience only and shall be disregarded in construing or interpreting any of its provisions.

Section 13-16. No Implied Waiver. No waiver shall be inferred from any failure or forbearance of Seller 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 13-17. Entire Agreement. This Agreement contains the entire understanding between the parties and may not be amended or modified except by an instrument in writing duly executed by all of the parties hereto.

Section 13-18. Severability. It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and

provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

Section 13-19. Claims and Actions. No claim whatsoever shall be made by Purchaser, its successors or assigns, against any officer, agent or employee of Seller for, or on account of, anything done or omitted to be done in connection with this Agreement. No claim whatsoever shall be made by Seller, its successors or assigns, against any principal, officer, agent or employee of Purchaser or Purchaser's Agents for, or on account of, anything done or omitted to be done in connection with this Agreement. Each of the parties hereto agrees to render diligently to the other party, without compensation, any and all cooperation, that may be required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives in connection with this Agreement.

Section 13-20. Cooperation. Notwithstanding other statements of cooperation in this Agreement, Seller and Purchaser shall, throughout this Agreement coordinate and cooperate in a reasonable manner and shall share information on a timely basis as the need arises.

Section 13-21. Choice of Law and Consent to Jurisdiction and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard to conflict of law provisions. Venue shall be designated as New York State Supreme Court in and for Suffolk County, New York or the United States District Court for the Eastern District of New York.

Section 13-22. Brokers; no commission. No brokerage or any other fee or compensation shall be due or payable by Seller for this transaction.

Section 13-23. Arrears. Purchaser warrants that it is not in arrears to Seller upon debt or contract and are not in default as surety, contractor or otherwise on any obligation to or contract with Seller.

Section 13-24. Survival. None of the provisions of this Agreement are intended to or shall be merged by reason of any deed transferring title to any or all of the Premises from the County to Seller or any successor in interest including Purchaser, and any such deed shall not be deemed to affect or impair the provisions and covenants of this Agreement, all of which shall survive the delivery of each deed.

Section 13-25. Litigation Extension. In the event that any action, suit, proceeding or investigation of any kind, including actions or proceedings of or before any federal, state, county or local agency, department, commission, authority, court or tribunal and any successor thereto, of competent jurisdiction, exercising executive, legislative, judicial or administrative functions of or pertaining to government (collectively "Governmental Body") shall be instituted by any third party challenging this Agreement, the ability or power of Seller or Purchaser to undertake and carry out the transactions contemplated by

this Agreement or challenging any approval or action issued, adopted or taken or in the process of being issued, adopted or taken by the Seller, Purchaser, Suffolk County Executive, Suffolk County Legislature, Town, or other Governmental Body, having or claiming jurisdiction over the Premises or the development thereof, or any portion thereof, or implementation of the RFP, then and in any such event, all of the time periods in this Agreement respecting payment and performance by Seller and Purchaser as well as all title closing dates shall be suspended and tolled, on a day-for-day basis, for each day or part thereof that such action, suit, proceeding or investigation shall continue. However, in no event shall such suspension and tolling operate to extend any time period (as any such time period otherwise may be extended under this Agreement) more than two (2) years. In no event shall the provisions hereof serve to abrogate any of the provisions of Article IX of this Agreement.

Section 13-26. Escrow

a. Escrow Agent. The County Treasurer shall hold the Good Faith Deposit in escrow by placing same in a segregated, interest bearing account with an FDIC insured depository bank approved by the Legislature. Purchaser agrees that the Good Faith Deposit may be placed in certificates of deposit with terms not to exceed thirty (30) days. The interest accruing on the Good Faith Deposit shall belong to Seller, which interest may be withdrawn by Seller from time to time at Seller's will.

b. Demand for Payment. If, at any time during the term of the County Treasurer's obligations hereunder, Seller or Purchaser shall be of the opinion that such party is entitled to all or any portion of the escrowed sums under the terms and conditions of this Agreement, such party (the Demanding Party) shall deliver to the County Treasurer and the other party (the Other Party) a demand for payment of all or any portion of the escrowed sums (a "Demand for Payment"). The County Treasurer shall thereupon notify the Other Party that the County Treasurer has received a Demand for Payment from the Demanding Party and shall deliver to the Other Party a copy of the Demand for Payment. If the Other Party in good faith is of the opinion that the Demanding Party is not entitled to receive the amount specified in the Demand for Payment under the terms and provisions of this Agreement, the Other Party shall deliver to the County Treasurer, within ten (10) days after receipt by the Other Party of the aforesaid notice from the County Treasurer, a written objection to payment (an "Objection to Payment"), in which event the County Treasurer shall continue to hold the escrowed sums in escrow. The County Treasurer shall promptly deliver a copy of the Objection to Payment to the Demanding Party. If the County Treasurer does not receive an Objection to Payment from the Other Party within the time aforesaid, the County Treasurer shall promptly pay over the amount specified in the Demand for Payment to the Demanding Party.

c. Procedures On Receipt of Objection. If the County Treasurer shall receive an Objection to Payment in the manner and within the time provided for in paragraph (B), then the County Treasurer shall continue to hold the escrowed sums, in escrow under the terms and conditions hereof, until the earlier of:

- i. Closing, in which event the escrowed sums constituting the Good Faith Deposit shall be paid over to Seller in accordance with the terms of this Agreement;
- ii. termination of this Agreement by Purchaser prior to the expiration of the Due Diligence Period in which event the escrowed sums constituting the Good Faith Deposit shall be paid over to Purchaser in accordance with the terms of this Agreement;
- iii. receipt by the County Treasurer of a statement signed by Seller and Purchaser directing the County Treasurer to pay over all or any portion of the escrowed sums and instructing the County Treasurer how and to whom payment should be made, in which event the County Treasurer shall pay over the escrowed sums in the manner and to the person or party instructed by Seller and Purchaser; or
- iv. receipt by the County Treasurer of a final, non-appealable judgment, order, or decree from a court of competent jurisdiction instructing the County Treasurer as to the manner and to whom all or any portion of the escrowed sums should be paid and the lapse of any time for the taking of an appeal or petition to a higher court for a writ of certiorari therefrom, in which event the County Treasurer shall pay over all or any portion of the escrowed sums in the manner and to the person or party required by such final judgment, order, or decree.

d. Reliance; Duties. The County Treasurer may act in reliance on any writing or instrument or signature which it, in good faith, believes to be genuine, and may assume the validity and accuracy of any statement or assertion contained in such a writing or instrument and may assume that any person purporting to give any writing, notice, advice, or instruction in connection with the provisions hereof has been duly authorized so to do. The County Treasurer's duties hereunder shall be limited to the safekeeping of the escrowed sums and any interest earned thereon and the disposition of the same in accordance with the terms hereof. The County Treasurer undertakes to perform only such duties as are expressly set forth herein and no implied duties or obligations shall be read into this Agreement against the County Treasurer. The County Treasurer shall not be liable for any mistakes of fact, or efforts of judgment, or for any acts or omission of any kind unless caused by the willful misconduct or gross negligence of County Treasurer.

e. Indemnification of County Treasurer. Seller and Purchaser, to the extent allowed by law, jointly and severally, hereby agree to indemnify the County Treasurer and hold it harmless from any and all claims, liabilities, losses, actions,

suits, or proceedings at law or in equity, or any other expense, fees, or charges of any character or nature, which it may incur or with which it may be threatened by reason of its acting as the County Treasurer under this Agreement and in connection therewith, to indemnify the County Treasurer against any and all expenses, including reasonable attorneys' fees, and the cost of defending any action, suit, or proceeding or resisting any claim.

f. Dispute. If the parties hereto shall be in disagreement about the interpretation of these paragraphs (A) – (E), inclusive, or any other provision this Agreement pertaining to the escrowed sums, or about their rights and obligations hereunder, or the propriety of any action contemplated by the County Treasurer hereunder, any party hereto may, at its discretion, file an action in a court of competent jurisdiction to resolve this disagreement.

--End--

COUNTY OF SUFFOLK – DEPARTMENT OF PUBLIC WORKS

Tax Map No. 0200-665.00-02.00-001.000

Map No. 1- Parcel A

Land to be included for Request for Proposals to Improve Certain Lands at the Yaphank County Center.

All that piece or parcel of land situate in the Hamlet of Yaphank, in the Town of Brookhaven, County of Suffolk, State of New York as shown on Map No. 1 and as described as follows:

Beginning at a point at the intersection on the easterly side of Yaphank Avenue, County Road 21 and the southerly boundary of the Long Island Expressway, NYS495. Thence easterly along the southerly boundary of the Long Island Expressway, NYS495 the following six (6) courses and distances:

- 1) S 84°19'55" E a distance of 19.13 feet.
- 2) N 87°19'24" E a distance of 6.01 feet.
- 3) along a curve to the left having a radius of 1475.00 feet an arc distance of 437.73 feet said curve having a chord length of 436.13 feet and a bearing of N 70°51'08" E.
- 4) N 61°29'00" E a distance of 324.07 feet.
- 5) along a curve to the right having a radius of 2104.00 feet an arc distance of 174.63 feet said curve having a chord length of 174.58 feet and a bearing of N 62°44'01" E.
- 6) along a curve to the right having a radius of 970.00 feet an arc distance of 80.80 feet said curve having a chord length of 80.69 feet and a bearing of N 66°10'27" E., to a point on the division line between the subject parcel on the west and other lands of Suffolk County (Cemetery) on the east.

Thence southerly and easterly along said division line the following two (2) courses and distances:

- 1) S 18°54'36" E a distance of 290.82 feet.
- 2) N 73°37'14" E a distance of 201.69 feet to a point.

Thence S 27°19'55" E through the lands of Suffolk County a distance of 1049.23 to a point on the division line between the subject parcel on the north, the lands now or formerly of Maurice A. Thomas on the south, and the lands now or formerly of Frank J. Johnson on the east.

Thence S 82°38'59" W along the division line between the subject parcel on the north and the lands now or formerly of Maurice A. Thomas on the south, a distance of 736.05 feet to a point on the division line between the lands of Suffolk County on the north and west and the lands of Maurice A. Thomas on the south and east.

Thence, through the lands of Suffolk County the following two (2) courses and distances:

- 1) N 06°29'21" W a distance of 71.70 feet.
- 2) S 84°14'13" W a distance of 973.82 feet to a point on the aforementioned easterly boundary of Yaphank Avenue, County Road 21.

Thence northerly along said easterly boundary of Yaphank Avenue, County Road 21, the following Three (3) course and distance:

- 1) N 05°28'22" W a distance of 411.54 feet.
- 2) N 04°23'35" W a distance of 124.03 feet
- 3) Along a curve to the right having a radius of 1146.00 feet an arc distance of 332.07 feet said curve having a chord length of 330.91 feet and a bearing of N 6°09'08" E, to the **Point of Beginning**, being 1,488,616.66 square feet or 34.173± acres more or less.

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities.

described by: FPF date: 11/16/2009

checked by: KS date: 11/16/2009

COUNTY OF SUFFOLK – DEPARTMENT OF PUBLIC WORKS

Tax Map Nos. 0200-742.00-01.00-003.003
0200-742.00-01.00-003.004
0200-742.00-01.00-003.006

Map # 2- Parcel B

Land to be included for Request for Proposals to Improve Certain Lands at the Yaphank County Center.

All that piece or parcel of land situate in the Hamlet of Yaphank, Town of Brookhaven, County of Suffolk, State of New York as shown on Map No. 2 and as described as follows:

Beginning at a point on the division line between the lands of the County of Suffolk, on the east, and the lands now or formerly of Harvey A. Auerbach on the west; said point also being on the division line between the lands of the County of Suffolk on the south, and the lands of the Metropolitan Transportation Authority and the Long Island Railroad on the north;

Thence from said Point of beginning N 82°56'16" E along said division line between the land of Suffolk County on the south and the lands of the Metropolitan Transportation Authority and the Long Island Railroad on the north a distance of 1995.02 feet to a point.

Thence, through the lands of the County of Suffolk the following eight (8) courses and distances:

1. S 05°31'21" E, a distance of 463.10 feet to a point;
2. N 82°28'41" E, a distance of 1087.46 feet to a point;
3. S 04°34'53" E, a distance of 751.92 feet to a point;
4. S 29°31'27" E, a distance of 182.36 feet to a point;
5. N 89°54'23" E, a distance of 42.42 feet to a point;
6. S 03°56'07" E, a distance of 444.56 feet to a point
7. S 09°48'13" E, a distance of 103.01 feet to a point
8. S 84°38'50" W, a distance of 3179.20 feet to a point on the division line between the lands of Suffolk County on the east and the lands now or formerly of Harvey A. Auerbach on the west;

Thence, N 05°33'52" W along said division line a distance of 1831.67 feet to the Point of Beginning, being 5,338,527.85± square feet or 122.56± acres more or less.

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities.

described by: FPF date: 11/16/2009
checked by: KS date: 11/16/2009

COUNTY OF SUFFOLK – DEPARTMENT OF PUBLIC WORKS

Tax Map Nos. 0200-742.00-01.00-003.001

Map No. 3- Parcel C

Land to be included for Request for Proposals to Improve Certain Lands at the Yaphank County Center.

All that piece or parcel of land situate in the Hamlet of Yaphank, Town of Brookhaven, County of Suffolk, State of New York as shown on Map No. 3 and as described as follows:

Commencing at a point on the division line between the lands of the County of Suffolk on the east and the lands now or formerly of Harvey A. Auerbach, reputed owner on the west; said point also being on the division line between the lands of the County of Suffolk on the south, and the lands of the Metropolitan Transportation Authority and the Long Island Railroad, reputed owners on the north; thence S 05°33'52" E along the previously mentioned division line between the lands now or formerly of Harvey A. Auerbach, reputed owner on the west, and the County of Suffolk on the east, a distance of 1831.67 feet to the **Point of Beginning**;

thence through the lands of the County of Suffolk the following three (3) courses and distances:

1. N 84°38'50" E, a distance of 1403.17 feet to a point
2. S 07°28'51" E, a distance of 909.60 feet to a point;
3. S 84°26'08" W, and continuing along the lands of Starlight Properties, Inc. a distance of 1433.58 feet to a point on the division line between the lands of Suffolk County on the east and the lands now or formerly of Harvey A. Auerbach on the west and the lands now or formerly of Starlight Properties, Inc. on the south.

Thence N 5°33'52" W, along said division line between the land of Suffolk County on the east and the land now or formerly of Starlight Properties, Inc. on the west, a distance of 914.27 feet to the **Point of Beginning**; being 1,293,057.72± square feet or 29.684± acres, more or less.

Excepting also and reserving to any and all utilities the right of access at all times for the update, maintenance and service of their facilities.

described by: FPF date: 11/16/2009

checked by: KS date: 11/16/2009

described by: FPF date: 11/16/2009

checked by: KS date: 11/16/2009

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

Department of Planning

Thomas Isles, AICP
Director of Planning

November 30, 2009

Mr. Lawrence Swanson, Chairman
Council on Environmental Quality
H. Lee Dennison Building – 4th Floor
100 Veterans Memorial Highway
Hauppauge, New York 11788

Dear Mr. Swanson:

Attached for your review and consideration is an Introductory Resolution No. 1922-2009 Adopting Local Law Declaring as Surplus and Authorizing the Execution of a Contract for the Sale of 255± acres in Yaphank to Legacy Village Real Estate Group, LLC for Mixed Use Development. It is a Type I action pursuant to SEQRA. Attached is a long form EAF for your consideration. Please review the proposal and forward the Council's SEQRA recommendations to the County Executive and Legislature.

Sincerely,

Thomas A. Isles
Director

RLS/cd

cc: James F. Bagg, Chief Environmental Analyst

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

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

(631) 853-5191
Fax (631) 853-4044

SUFFOLK COUNTY ENVIRONMENTAL ASSESSMENT
FORM (EAF)

Instructions: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire Data Sheet. Include as much information as possible such as feasibility studies, design reports, etc. Attach additional sheets if necessary. Mark irrelevant questions N.A., not applicable.

A. General Information:

1. Name of Project:

The action involves approval of a Local Law Declaring as surplus 255+ Acres of land in Yaphank and authorizing the County of Suffolk to enter into a contract of sale of the property to Legacy Village Real Estate Group, LLC for Mixed-Use Development

2. Location of Project: (specify Town, Village or Hamlet and include project location map on next page.)

Hamlet of Yaphank, Town of Brookhaven (see annexed site location map)

Street Address:

West and East Side of Yaphank Avenue, North and South of Long Island Railroad Tracks

Name of property or waterway:

Undetermined (UD)

3. Maps of Property and Project: Attach relevant available maps, including a location map (note: use road map, Hagstrom Atlas, U.S.G.S. topo map, tax map or equivalent) and preliminary site plans showing orientation, scale, buildings, roads, landmarks, drainage systems, areas to be altered by project, etc. (See Annexed)

4. Type of Project: (check one) New Expansion

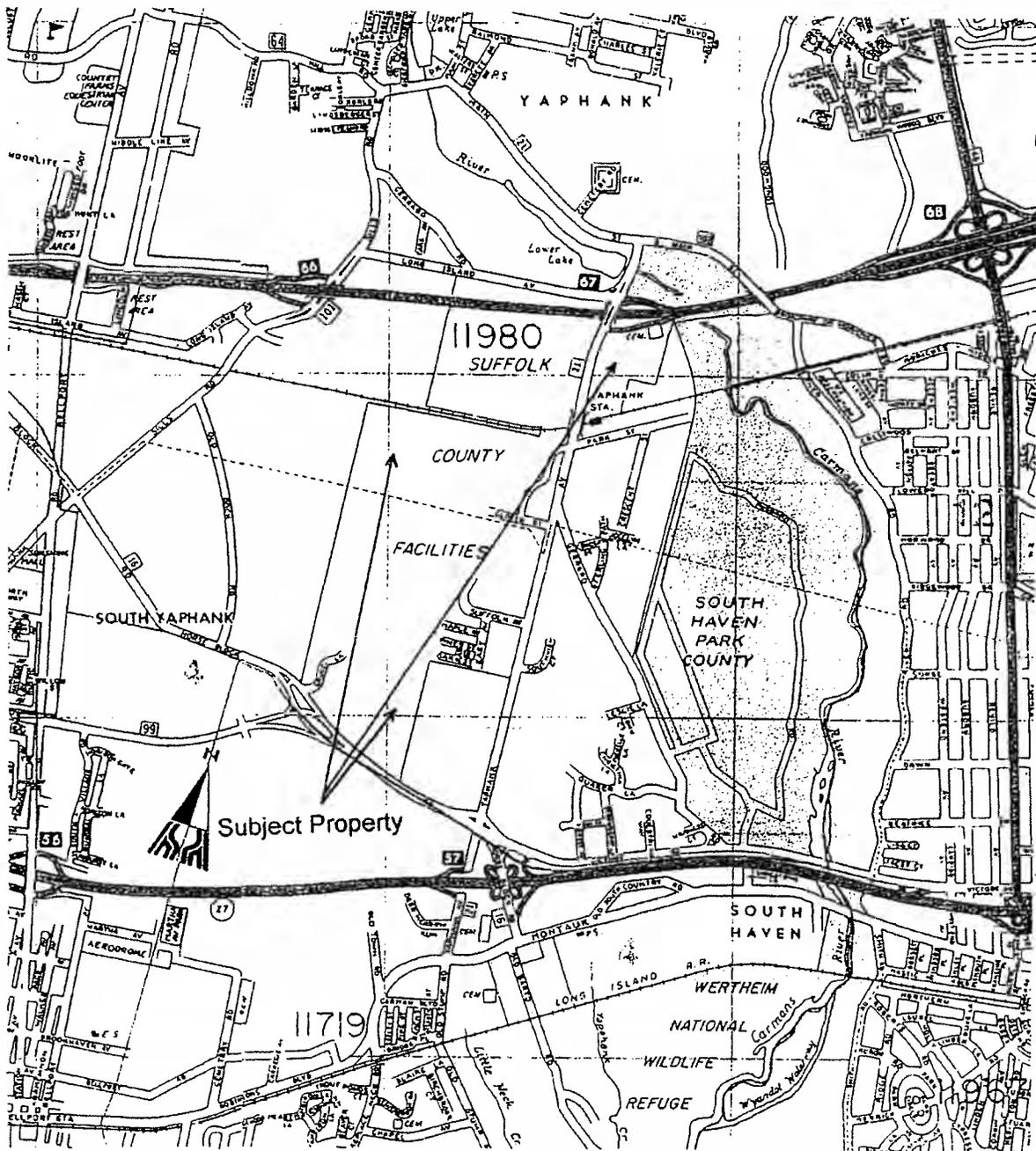
5. Capital Program: (specify) Item # UD Date Adopted _____ Amount\$

6. General Description of Project Including its Purpose (attach relevant design reports, plans etc.):

Property Disposition approval of a Local Law Declaring as surplus 255+ Acres of land in Yaphank and authorizing the County of Suffolk to enter into a contract of sale of the property to Legacy Village Real Estate Group, LLC for Mixed-Use Development.

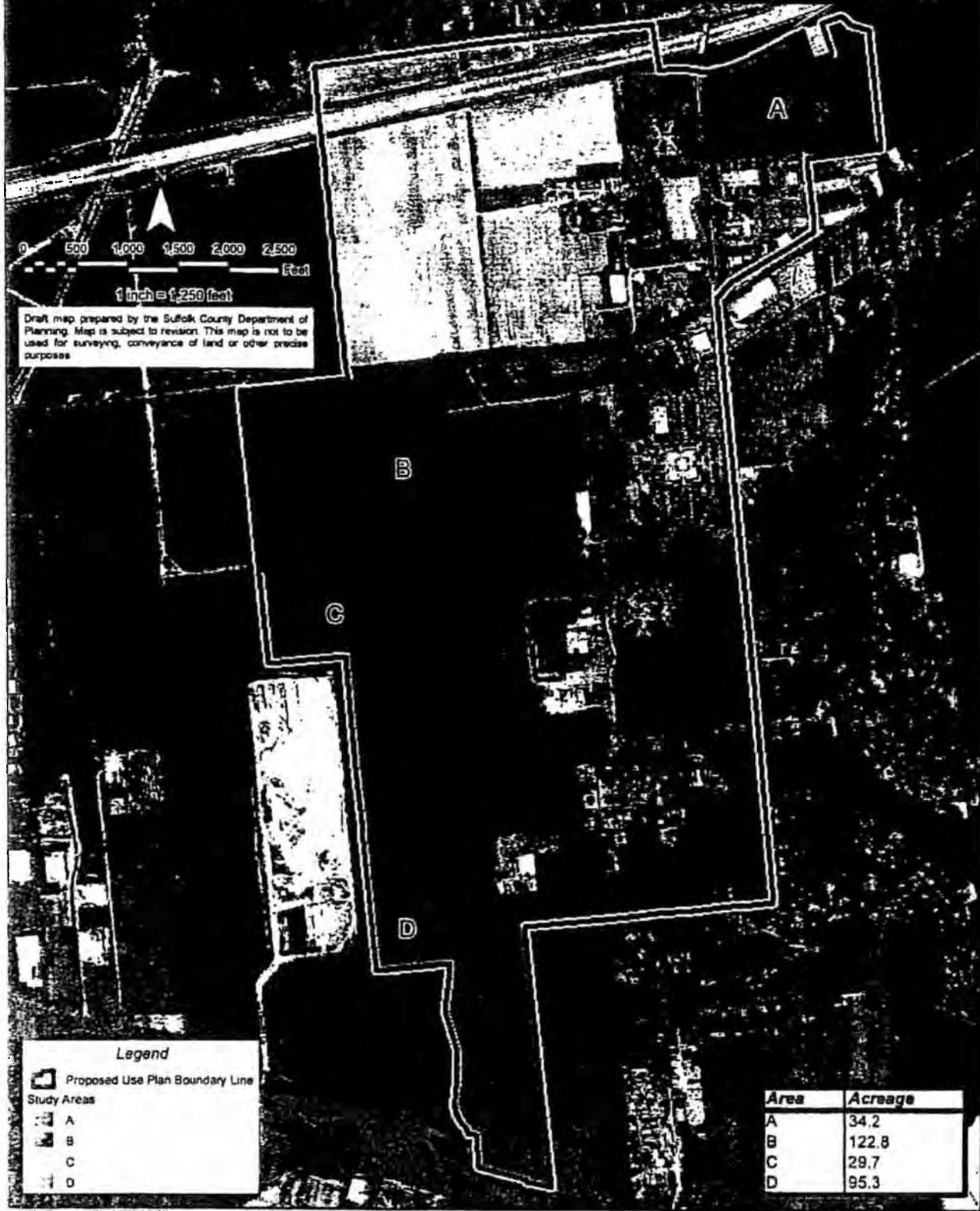
7. Project Status: (check if begun)

		Start	Completion
<input checked="" type="checkbox"/>	PROPOSAL IR 1922-2009	2009	
<input checked="" type="checkbox"/>	PRELIMINARY STUDY	2005	2007
	PRELIMINARY PLANNING		
	FINAL PLANS: SPECS		
	SITE ACQUISITION		
	CONSTRUCTION		
	OTHER		



General Location Map

TOWN OF BROOKHAVEN



Draft map prepared by the Suffolk County Department of Planning. Map is subject to revision. This map is not to be used for surveying, conveyance of land or other precise purposes.

Legend

Proposed Use Plan Boundary Line

Study Areas

- A
- B
- C
- D

Area	Acreage
A	34.2
B	122.8
C	29.7
D	95.3

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Reprinted from § 1111, the provisions of the Freedom of Information Law (Public Access Law Article 6 Section 86-N) by section 87(2)(g)

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8. Departments Involved:

NAME AND ADDRESS OF DEPT. PERFORMING DESIGN & CONSTRUCTION	NAME AND ADDRESS OF INITIATING DEPT. (If different)
Name: UD	Suffolk County Department of Planning
Street/P.O.:	100 Veterans Memorial Highway, P.O. Box 6100
City, State:	Hauppauge, New York
Zip:	11788
Contact Person:	Thomas A. Isles, Director of Planning
Business Phone	(631) 853-5190

B. Project Description

1. Scale of Project: Declaration as surplus and sale of 255 ± acres of property by the County of Suffolk

a. Total contiguous acres owned by the County including the 255 ± project site	900 ±
b. Acreage to be sold and subject to the proposed action/project. The information below in this EAF refers ONLY to IR 1922-2009 and the 255± acre site as set forth in the action	255 ±
c. Developed acreage now: Parcel A Developed acreage at completion of project: Developed acreage ultimately:	14± acres (UD) See Part 3 of EAF
d. Acreage of vegetation or cover to be removed:	UD
e. Acreage to remain undeveloped:	UD
f. Building gross floor area now: Parcel A Building gross floor area proposed:	30,000± 1 acre UD sq. ft. acres
g. Height of tallest structure on site now: Height of tallest structure proposed on site:	UD
h. Proposed Building use (if any):	UD
i. Off-street parking spaces paved areas and outside storage now: Parcel A Off-street parking spaces proposed:	200± number 13 acres UD number acres

j. Max. vehicle trips/hr. when operational:	UD
k. Roads on site now: NONE	length acres
l. New road construction or reconstruction	UD length acres
m. Will project result in an increase in energy use? If yes, indicate type(s):	No – When final project is scoped changes in energy use will be considered by the Town of Brookhaven
n. Will project require storage of liquid fuels and chemicals? If yes, describe substances and amounts to be stored:	No

2. Project Schedule:

a. Is project single or multi-phase?	Multi-phase
b. If multi-phase, how many phases?	Two (Property Disposition and Developer Entitlement and Development)
c. Total construction time (months)	Unknown

3. Wastes and Pollutants Generated During Project Construction and Operation: UD

	Components	Quantity	Mode of Disposal
a. Sanitary Sewage			
b. Liquid industrial waste			
c. Toxic chemicals			
d. Pesticides or herbicides			
e. Solid wastes			
f. Clearing or demolition debris			
g. Spoil disposal or sedimentation			
h. Atmospheric emissions			
i. Surface water runoff			
j. Noise exceeding ambient			
k. Odors exceeding 1hr/day			
l. Other (specify)			

4. Does Project Involve Any: **UD**

Grading Cut/Fill; List amounts.	
Dredging; List max. depth, length & width.	
Spoil Area; List amount.	
Bulkheading; List length.	
Dewatering; List g.p.m. & period of time.	

5. Indicate Sources of Utilities: **N/A**

Water	
Electricity	
Gas	
Other (please specify)	

6. Total Water Usage: **UD**

Gallons per Day

If water supply is from wells, indicate pumping capacity in gallons per minute _____.

C. Project Area Description/Existing Conditions:

1. Acreage of Physical Characteristics of Project Area: **Presently** **After Completion**

Acreage of Physical Characteristics of Project Area:	Presently	After Completion
Meadow field scrub growth		
Wooded	241 acres	Unknown
Agricultural		
Freshwater wetland		
Tidal wetlands		
Surface waters		
Cleared, graded or filled land		
Paved areas (roads, parking, etc.)	±13 acres	
Buildings (List number and sq. ft.)	9 buildings ±30,000 ±1 Acre	
Other (please specify)		
TOTAL	255 acres	

2. Streams within or contiguous to project area: *(Please list name of stream and/or name of river to which it is tributary, including intermittent streams)*

None

3. Lakes, Ponds, Wetland areas within or contiguous to project area: (Please list name(s) and size(s) in acres)

None

4. a. Are there natural drainage channels on the project site? ___yes **X** no

b. How far is project area from freshwater wetlands, tidal wetlands or surface waters?

Parcel A 750 ft.; Parcel B 6,655 ft., Parcels C & D > 9,880 ft. to the Carman's River

5. Is the Project area within the 100 yr. Flood plain? _____yes **X** no

6. Depth to the water table: at surface _____0-3 ft ___3-8 ft ___8-16 ft **X**> 16 ft

7. Predominant soil type (s) on project site as identified in the Soil Survey of Suffolk County - 1975: (Include soils map of site.) (See annexed map).

The soil types on the subject site are: Riverhead sandy loam (RdA), 0 to 3% slopes; Haven loam (HaA), 0 to 2% slopes; Plymouth loamy sand (PIA), 0 to 3% slopes; Carver, and Plymouth sands (CpC), 3 to 15% slopes; and cut and fill land, gently sloping (CuB)

8. General character of the land: Generally uniform slope **X** Generally uneven and rolling or irregular_____. (Include topographic map of site.) (See annexed map).

9. Approximate percentage of proposed project site with slopes: 0-10% **X** 10-15%___or greater ___%.

10. Any unique or unusual land forms on the project site? (i.e. cliffs, dunes, kettle holes, eskers, other geological formations):

None

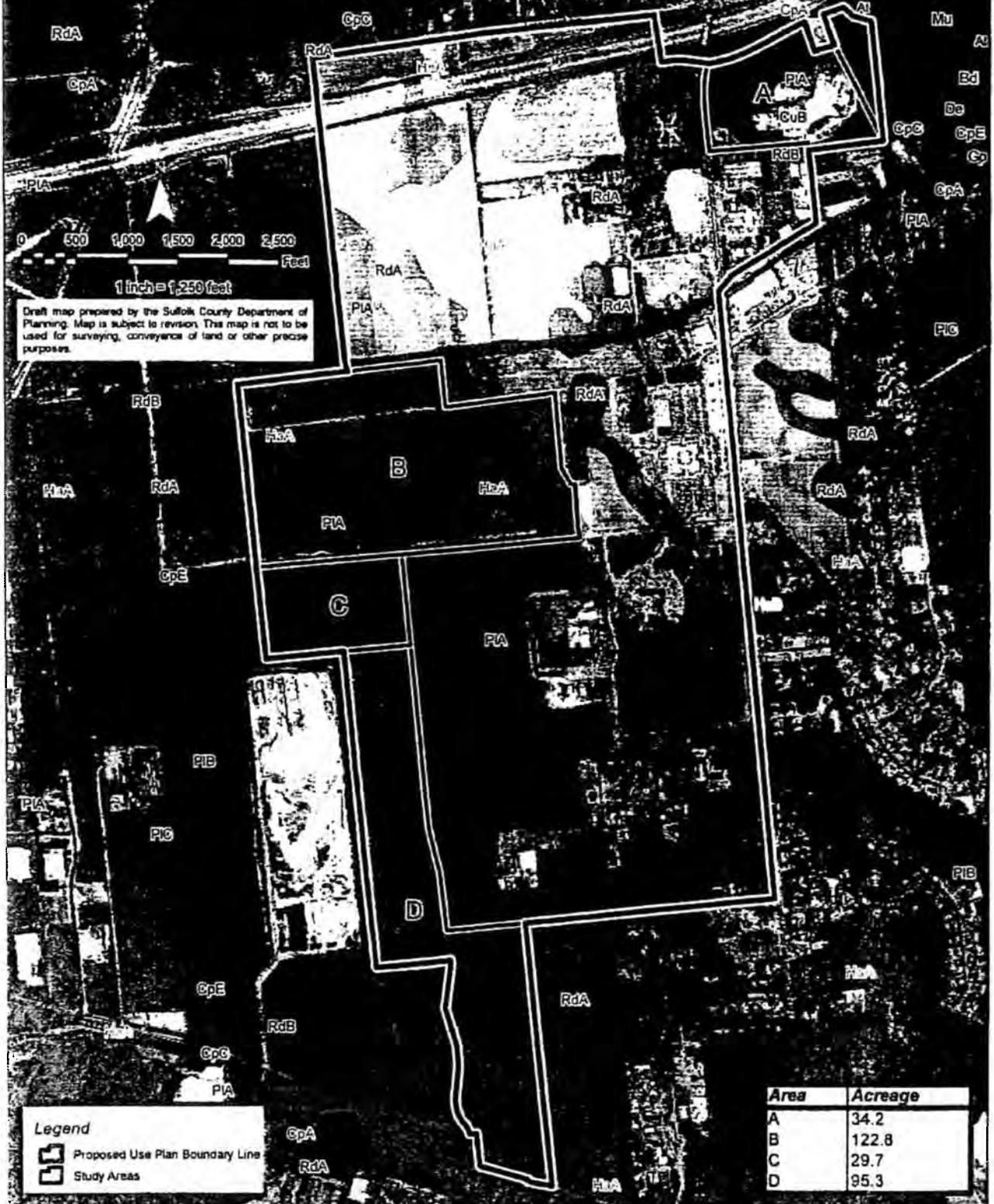
11. Describe the predominant vegetation types on the site:

The Yaphank site can be divided into two major vegetation community types: oak/pine woodland, and pitch pine stands.

Oak/Pine Woodland: The vast majority of the property (88%) is dominated by a variety of oak species at varying heights, but for the most part are juvenile trees measuring approximately six to twelve inches in diameter at basal height. Pitch pines occur in varying densities throughout the site, and are the dominant species along roadsides and in recently cleared areas located in the southern end of the property; these areas of pitch pine stands are described as a separate category. The shrublayer in the oak-pine woodland is predominately blueberry and black huckleberry. In more open canopy areas, scrub oak forms a thick, continuous stand approximately five feet high; in these areas the berry shrubs do not occur.

Pitch pine stand: In more recently cleared areas, pitch pine has colonized the soil, forming a virtual monoculture of this typical, pioneer conifer. Although this community type occurs on

TOWN OF BROOKHAVEN



Draft map prepared by the Suffolk County Department of Planning. Map is subject to revision. This map is not to be used for surveying, conveyance of land or other precise purposes.

Legend
 Proposed Use Plan Boundary Line
 Study Areas

Area	Acreage
A	34.2
B	122.8
C	29.7
D	95.3

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 approximation of actual survey work. It is not a final agency determination. It is not intended for formal interpretation of law. In some cases
 current data has been left out and outdated data has been reprocessed to help identify errors. In short, this is a DRAFT MAP produced in an effort to aid in the correction of data and is
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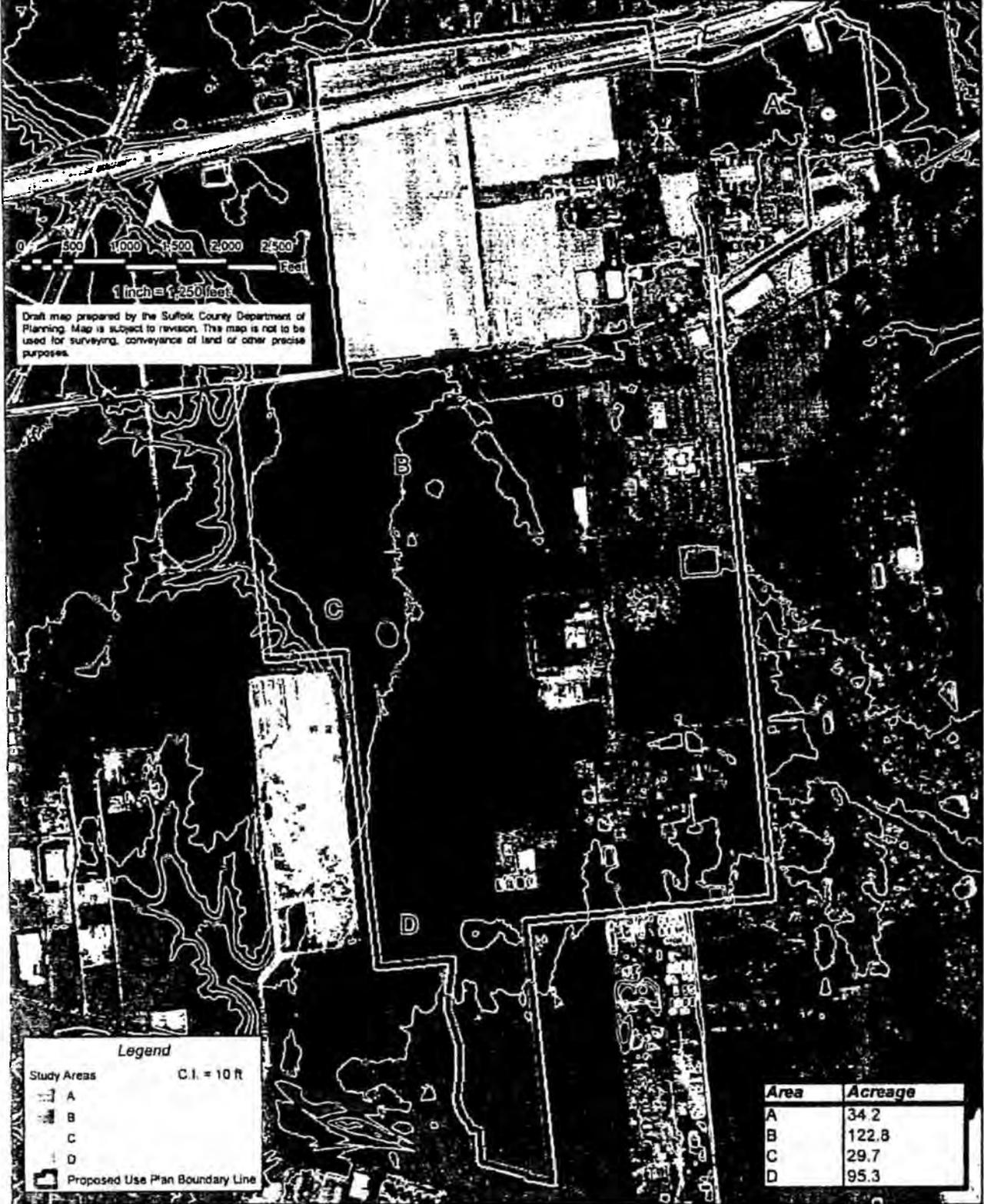
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YAPHANK COUNTY CENTER
Soils
 Suffolk County, New York



November 12, 2009 - CD-09-253

TOWN OF BROOKHAVEN



Draft map prepared by the Suffolk County Department of Planning. Map is subject to revision. This map is not to be used for surveying, conveyance of land or other precise purposes.

Legend

Study Areas C.I. = 10 ft

- A
- B
- C
- D

Proposed Use Plan Boundary Line

Area	Acreage
A	34.2
B	122.8
C	29.7
D	95.3

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 Road Project: Planning parcel boundary used with permission of Suffolk County Road Property Tax Service Agency (R.P.T.S.A.). This rendering is a DRAFT MAP to that 1) the data displayed is an assemblage of more or less current "best" available data for the purpose of identifying and correcting data. It is not a final agency determination. It is not a final official or final compilation of data. 2) some errors or omissions may have occurred and contributors or users are to that has been suggested to help identify errors. In short, this is a DRAFT MAP produced in an effort to aid in the correction of data and is not held out as being complete or accurate in any way.

YAPHANK COUNTY CENTER Topography



Suffolk County, New York

November 12, 2009 - CD-09-233

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 367 Aerial Photography New York State Office for Technology

only 8% of the subject property, it is clearly distinct from the oak/pine woodland. Pitch pine dominance excludes the development of any significant shrublayer. The majority of pitch pine stands are located in the southern region of the property.

The publication Ecological Communities of New York State¹ (Reschke, 1990) was utilized as a guide to determine the predominant vegetation types on the Yaphank site. The oak/pine woodland and pitch pine stands can be described as portions of the following two categories:

Pitch pine-oak forest: a mixed forest that typically occurs on well-drained, sandy soils of glacial outwash plains or moraines; it also occurs on thin, rocky soils of ridgetops. The dominant trees are pitch pine mixed with one or more of the following oaks: scarlet oak, white oak, red oak, or black oak. The relative proportions of pines and oaks are quite variable within this community type. At one extreme are stands in which the pines are widely spaced amidst the oaks, in which case the pines are often emergent above the canopy of oak trees. At the other extreme are stands in which the pines form a nearly pure stand with only a few widely spaced oak trees. The shrublayer is well-developed with scattered clumps of scrub oak and a nearly continuous cover of low heath shrubs such as blueberries and black huckleberry. The herbaceous layer is relatively sparse; characteristic species are bracken fern, wintergreen, and Pennsylvania sedge. Characteristic birds include rufous-sided towhee, common yellowthroat, field sparrow, prairie warbler, pine warbler, blue jay, and whip-poor-whill.

This community combined with several types of barrens and woodland communities make up the broadly defined ecosystem known as the Pine Barrens.

Heritage Rank: G4G5, S4

Example: Sears Bellows County Park, Flanders

Pitch pine-oak heath woodland: a pine barrens community that occurs on well-drained, infertile, sandy soils in eastern Long Island (and possibly on sandy or rocky soils in upstate New York). The structure of this community is intermediate between a shrub-savanna and a woodland. Pitch pine and white oak are the most abundant trees, and these form an open canopy with 30 to 60% cover. Scarlet oak and black oak may also occur in the canopy. The shrublayer is dominated by scrub oaks, and includes a few heath shrubs such as huckleberry and blueberry. The density of the shrublayer is inversely related to the tree canopy cover; where the trees form a more closed canopy, the shrublayer may be relatively sparse. Stunted multiple-stemmed white oaks may be present in the shrublayer if the site has burned regularly. Characteristic species of the groundcover include bearberry, Pennsylvania sedge, golden heather, beach heather, and pinweed. Like other closely related pine barrens communities, the woodland provides habitat for buck moth and prairie warbler.

This community is adapted to periodic fires; the fire frequency has not been documented, but it probably burns less frequently than pitch pine-scrub oak barrens (i.e. no more than 15 years between fires). This community may have a fairly low species richness: it is more diverse than dwarf pine plains, but less diverse than pitch pine-scrub oak barrens.

Heritage Rank: G3G4, S2S3

Example: Rocky Point Pine Barrens, Rocky Point; Dwarf Pine Barrens, Westhampton

The pitch pine-oak forest description seems to accurately describe the Yaphank site. However, the listing of Sears Bellows County Park as a typical, representative example of this community type is not consistent with the Yaphank site. Furthermore, the pitch pine-oak heath woodland occurs on the infertile soil, whereas the Yaphank site is mostly fertile. However, the Rocky Point Pine Barrens is an accurate comparison to Yaphank.

¹ Reschke, Carol, Ecological Communities of New York State, New York Natural Heritage Program, Latham, New York, 1990.

12. Describe the predominant wildlife on the site:

Wildlife on the site and in the general area include: White tailed deer, gray squirrel, raccoon, opossum, red fox, cotton-tail rabbit, and birds.

13. Does project site contain any species of plant or animal life that is identified as threatened or endangered? yes no; if yes, give source and identify each species;

14. Is project contiguous to, or does it contain a building or site of historic, pre-historic or paleontological importance? yes no. Explain.

15. List the specific activities now occurring at project location (i.e. hunting, fishing, hiking etc.)

Government property – no authorized use

16. Is the project site presently used by the community or neighborhood as an open space or recreation area? yes no.

17. Does the present site offer or include scenic views or vistas known to be important to the community? yes no.

18. Zoning:

a. Current specific zoning or use classification of site?	187 acres L. Industrial 1 68 acres A. Residential 1
b. Is proposed use consistent with present zoning or use?	N/A
c. If no, indicate desired zoning or use.	UD

19. What is the dominant land use and zoning classification within a 1/4 mile radius of the project (e.g. single family residential, R-2) and the scale of development (e.g. 2 story)? (Include existing land use map)

Government Use, vacant land, parkland, farm, single family residential, industrial, outside storage, compost facility.

20. Is the site served by existing public utilities? X yes no.

- a) If yes, does sufficient capacity exist to allow connection? yes no.
- b) If yes, will improvements be necessary to allow connection? yes no

Improvements required if and when site develops

21. Is the site located in an agricultural district certified pursuant to Agriculture and Market Law, article 25-AA, Section 303 and 304? yes no.
22. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? yes no.
23. Has the site ever been used for disposal of solid or hazardous wastes? yes no.

D. Impact Summary and Mitigation

1. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site?
 Acres N/A

2. Will any mature forest or other locally important vegetation be removed by this project?
 yes no. Explain.

--

3. Are there plans for erosion control and stabilization? yes no. Explain and attach plans.

N/A

4. Are there any plans for revegetation to replace that removed during construction?
 yes no. Explain and attach plans.

N/A

5. Will project physically alter any surface water bodies? yes no. Explain.

--

6. Will project require relocation of any projects, facilities or homes? yes no. Explain.

N/A

7. Number of jobs generated: N/A

During construction?	
After project is completed?	

8. Number of jobs eliminated by this project N/A

E. Alternatives - Briefly list alternatives to the proposal considered

No Action – Remains for Governmental (institutional) use. This would allow for any use that is determined for public need. Which could include, offices, day care centers, health clinics, stadiums and other facilities.
The Suffolk County Legislature previously approved SEQRA for the site to construct two golf courses, a driving range, clubhouse and recreation fields.

F. Approval and Compliance

1. Will project involve funding or financing by any: **No**

a. Federal agency (specify) _____; amount _____.

b. State agency (specify) _____; amount _____.

c. Local agency (specify) _____; amount _____.

2. Does project/action require permit or approval from:

	YES	NO	TYPE
a. Army Corps of Engineers		X	
b. U.S. Environmental Protection		X	
c. Other Federal agency (specify)		X	
d. N.Y.S. Environmental Conservation Department		X	
e. Other State agency (specify)		X	
f. County Health Department		X	
g. County Planning Department		X	
h. County Public Works Department		X	
i. Town or Village Board		X	
j. Town or Village Planning Board		X	
k. Town or Village Zoning Board		X	
l. Town or Village Building Department		X	
m. Town or Village Highway Department		X	
n. Town or Village Environmental Agency		X	
o. Local Fire Marshal		X	
p. Other local agency (specify i.e. CAC) CEQ Suffolk County Legislature	X		SEQRA Recommendation Authorization for Property Sale Sale

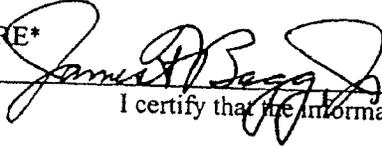
3. Conformance to existing comprehensive or project master plans.

	yes	no	Description
a. State	<u>X</u>	___	<u>Site is not in the SGPA or Pine Barrens Zone</u>
b. Bi County	<u>X</u>	___	<u>Site is proposed for government/institutional development</u>
c. County	<u>X</u>	___	<u>Site is proposed for government/institutional development</u>
d. Town	<u>X</u>	___	<u>75% of site is zoned L-1 and the rest A-1</u>
e. Village	<u>N/A</u>	___	

PREPARER James Bagg Date December 1, 2009

TITLE Chief Environmental Analyst

SIGNATURE*

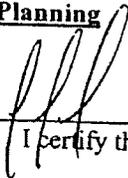


I certify that the information herein is accurate.

PROJECT DIRECTOR Thomas A. Isles Date December 1, 2009

TITLE Director of Planning

SIGNATURE*



I certify that the information herein is accurate

*Signature of both preparer and project director required

Part 2 - RESPONSIBILITY OF LEAD AGENCY

Project Impacts and Their Magnitude

General Information (Read Carefully)

- X In completing the form the reviewer should be guided by the question: Have my decisions and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- X Identifying that an effect will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. By identifying an impact in column 2 simply asks that it be looked at further.
- X The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact rating.
- X Each project, on each site, in each locality, will vary. Therefore, the examples have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- X The number of examples per question does not indicate the importance of each question.

Instructions (Read carefully)

- a. Answer each of the 19 questions in PART 2. Answer Yes if there will be any impact.
- b. Maybe answers should be considered as Yes answers.
- c. If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If threshold impact equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- e. If a potentially large impact or effect can be mitigated by a change in the project to a less that large magnitude, check the yes box in column 3. A No response indicates that such a reduction is not possible.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site? ___ Yes ___ No See Explanation in Part 3

IMPACT ON LAND Examples that would apply to Column 1	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.			
Construction of land where the depth to the water table is less than 3 feet.			
Construction of paved parking area for 1,000 or more vehicles.			
Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.			
Construction that will continue for more than w year or involve more than one phase or stage.			
Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.			

IMPACT ON LAND	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Construction of any new sanitary landfill.			
Construction in a designated floodway.			
Other Impacts (Please describe)			

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
 yes no

List Specific land forms:			
---------------------------	--	--	--

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected? (under Articles 15,24,25 of the Environmental Conservation Law, ECL) yes no. See Explanation in Part 3

IMPACT ON WATER (Examples that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Developable area of site contains a protected water body.			
Dredging more than 100 cubic yards of material from channel of a protected stream.			
Extension of utility distribution facilities through a protected water body.			
Construction in a designated freshwater or tidal wetland.			
Please List Other Impacts:			

4. Will proposed action affect any non-protected existing or new body of water? yes no

A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.			
Construction of a body of water that exceeds 10 acres of surface area.			
Please List Other Impacts:			

5. Will proposed action affect surface or groundwater quality? yes no

Proposed Action will require a discharge permit.			
Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.			
Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.			

IMPACT ON WATER (cont.) (Examples that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Construction or operation causing any contamination of a public water supply system.			
Proposed Action will adversely affect groundwater.			
Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.			
Proposed Action requiring a facility that would use water in excess of 20,000 gallons per day.			
Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.			
Proposed Action will require the storage of petroleum products greater than 1,100 gallons.			
Proposed Action will allow residential uses in areas without water and/or sewer services.			
Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.			
Please list other impacts:			

6. Will proposed action alter drainage flow, patterns or surface water runoff? yes no.

Proposed Action would impede flood water flows.			
Proposed Action is likely to cause substantial erosion.			
Proposed Action is incompatible with existing drain patterns.			
Proposed Action will allow development in a designated floodway.			
Please list other impacts:			

IMPACT ON AIR

7. Will proposed action affect air quality? yes no. See Explanation in Part 3

IMPACT ON AIR (Examples that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Proposed Action will induce 1,000 or more vehicle trips in given hour.			
Proposed Action will result in the incineration of more than 1 ton of refuse per hour.			

IMPACT ON AIR (cont.)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Proposed Action emission rate of all contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.			
Proposed Action will allow an increase in the amount of land committed to industrial use.			
Proposed Action will allow an increase in the density of industrial development in existing industrial areas.			
Please List Other Impacts:			

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species? yes no. See Explanation in Part 3

IMPACT ON PLANTS AND ANIMALS (Examples that would apply to Column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.			
Removal of any portion of a critical or significant wildlife habitat.			
Application of pesticide or herbicide over more than twice a year other than for agricultural purposes.			
Please list other impacts:			

9. Will Proposed Action substantially affect non-threatened or endangered species? Yes No

Proposed Action would substantially interfere with any resident or migratory fish or wildlife species.			
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.			

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will the Proposed Action affect agricultural land resources? Yes No

IMPACT ON AGRICULTURAL LAND RESOURCES (Examples that would apply to Column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
The Proposed Action would sever, cross through, or limit access to a field of agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.			

IMPACT ON AGRICULTURAL LAND RESOURCES (cont.)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Construction activity would excavate or compact the soil profile of agricultural land.			
The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than one acre of agricultural land.			
The Proposed Action would disrupt agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); prevent agricultural land management measures from being installed; or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff)			
Prime or unique farmland as defined by USDA-SCS 7 CFR Part 657 and governed by the Farmland Protection Policy Act of 1981 is involved.			
Please list other impacts:			

IMPACT ON AESTHETIC RESOURCES OR COMMUNITY CHARACTER

11. Will proposed action affect aesthetic resources, or the character of the neighborhood or community? Yes No

IMPACT ON AESTHETIC RESOURCES OR COMMUNITY CHARACTER (Examples that would apply to column 2) (If Necessary Use the Visual EAF Addendum in Section 617.23)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Introduction of proposed land uses, projects or project components obviously different or in sharp contrast to current surrounding land use patterns or existing man-made additions to the landscape.			
Introduction of proposed land uses, projects or project components as described in the above example that will be visible to users of aesthetic resources. This will eliminate or significantly reduce the public enjoyment or appreciation of the appearance or aesthetic qualities of a resource or community character.			
Introduction of project components that will result in the elimination or significant screening of scenic views known to be important to the area.			
Please list other impacts:			

**PROCEDURAL RESOLUTION NO. 19-2010,
AUTHORIZING CLERK TO DISPOSE OF OLD
RECORDS**

WHEREAS, Resolution No. 424-1990 authorizes all county offices to dispose of records after minimum retention periods have elapsed in accordance with the Records Retention and Disposal Schedule established by the State of New York; and

WHEREAS, thousands of old records and documents are currently held by the Clerk of the Suffolk County Legislature; and

WHEREAS, the Clerk's office is running out of space to store records; and

WHEREAS, the Clerk of the Legislature wishes to dispose of old contracts, leases, proofs of publication, correspondence, payment vouchers, et al. that have been held in his office far longer than required; and

WHEREAS, the Suffolk County Historical Society had the opportunity to review the subject records and retain documents with historic value; now, therefore, be it

RESOLVED, that the Clerk of the County Legislature is hereby authorized to dispose of records and documents in his possession in accordance with the State's Records Retention and Disposal Schedule and Resolution No. 424-1990.

DATED:

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

s:\procedural motions\pm-Dispose old records