

COUNTY OF SUFFOLK



PRESIDING OFFICER  
COUNTY LEGISLATURE  
SUFFOLK COUNTY, NY

2011 DEC 27 PM 4: 04

OFFICE OF THE COUNTY EXECUTIVE

RECEIVED

Steve Levy  
COUNTY EXECUTIVE

December 27, 2011

Presiding Officer William J. Lindsay and  
Members of the Suffolk County Legislature  
William H. Rogers Legislative Building  
725 Veterans Memorial Highway  
Smithtown, New York 11787

**RE: RESOLUTION NO. 1119-2011, A LOCAL LAW TO INCREASE MEDICAL EXAMINER FEES**

Dear Presiding Officer Lindsay and Members of the Legislature:

**I AM RETURNING HEREIN RESOLUTION 1119 -2011, A LOCAL LAW TO INCREASE MEDICAL EXAMINER FEES** vetoed in its entirety.

These are extraordinarily hard conditions our taxpayers are facing. Too many of our residents are losing their jobs, paying more into their benefits and some even seeing their pensions reduced. Major tax and fee increases are the last thing our residents wish to see in these very difficult economic times.

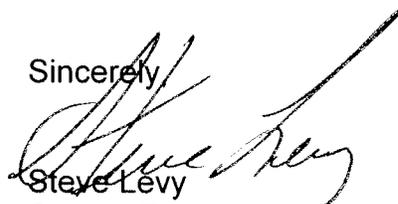
The tax and fee increases passed by the Legislature over the past month were, and are, avoidable. Had we simply closed the nursing home by January 1<sup>st</sup> and required employees to contribute to their healthcare, as I recommended in my proposed budget, the taxpayers could be given a break.

Over the last month the Legislature increased the property tax, removed the cap on gasoline taxes, increased fees charged to individuals seeking access to our parks; increased fees for services provided to the public through our Medical Examiner's office and our County Clerk's office, and increased fees for individuals seeking applications to our Suffolk County Planning Commission. Additionally, the Legislature is poised to vote for a \$0.50 increase in bus fares, which has a disproportionately high impact on the poor and working class.

Hopefully, the Legislature can work in the upcoming year toward moving the huge loses of the nursing home off of our books and require employees to pay a fair share into their healthcare costs. Every month that goes by without these measures being implemented is millions of dollars that are wasted. We cannot tax and fee our way out of difficult economic times.

For these reasons, I urge the Legislature to sustain my veto.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Levy". The signature is written in a cursive style with a long, sweeping flourish extending upwards and to the right.

Steve Levy

County Executive of Suffolk County

Intro. Res. No. 2032-2011

Laid on Table 11/22/2011

Introduced by Presiding Officer Lindsay, Deputy Presiding Officer Viloría-Fisher and Legislators Cooper, Gregory, Kennedy, Montano, Nowick, Schneiderman

**RESOLUTION NO. 1119 -2011, ADOPTING LOCAL LAW  
NO. -2011, A LOCAL LAW TO INCREASE MEDICAL  
EXAMINER FEES**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 22, 2011, a proposed local law entitled, "**A LOCAL LAW TO INCREASE MEDICAL EXAMINER FEES**," now, therefore be it

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

**LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO INCREASE MEDICAL EXAMINER FEES**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines the 2012 Operating Budget authorizes the Chief Medical Examiner, in cooperation and consultation with the Commissioner of Health Services, to increase the County's cremation clearance fees from \$30.00 to \$60.00 to offset the Department's administrative expenses.

This Legislature also finds and determines that cremation clearance fees are established in § A9-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE.

Therefore, the purpose of this law is to amend § A9-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to increase cremation clearance fees from \$30.00 to \$60.00.

**Section 2. Amendments.**

Section A9-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**§ A9-2. Organization of Department; powers and duties of Divisions.**

The Department shall have the following divisions, which shall have the powers and duties enumerated herein:

\*\*\*\*

D. Division of Medical-Legal Investigations and Forensic Sciences.

\*\*\*\*

(7) Records and Reports.

\*\*\*\*

- (d) Each request for cremation approval from the Division of Medical-Legal Investigations and Forensic Sciences for which an application for a permit to cremate a body has been filed must be accompanied by a cremation approval fee in the amount of [~~\$30~~] \$60.00, which fee may be waived by the Commissioner of the County Department of Health Services where the relatives or other persons requesting the cremation approval are acting for a deceased recipient of public assistance or care, as defined in New York Social Services Law § 141, and are unable to pay said amount.

\*\*\*\*

**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: December 20, 2011

APPROVED BY: ~~\_\_\_\_\_~~  
**VETOED**

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

Date: 12-27-11

Intro. Res.

2032

Res. No.

1119

December 20, 2011

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	1				
2	Jay H. SCHNEIDERMAN	1				
3	Kate M. BROWNING	1				
4	Thomas MURATORE	1				
6	Sarah S. ANKER	1				
7	Jack EDDINGTON	1				
9	Ricardo MONTANO	1				
10	Thomas CILMI	1				
11	Thomas F. BARRAGA	1				
12	John M. KENNEDY, JR.	1				
13	Lynne C. NOWICK	1				
14	Wayne R. HORSLEY	1				
15	DuWayne GREGORY	1				
16	Steven H. STERN	1				
17	Lou D'AMARO	1				
18	Jon COOPER	1				
5	Vivian VILORIA-FISHER, D.P.O.				/	
8	William J. LINDSAY, P.O.	1				
	Totals	17			1	

MOTION	
<input checked="" type="checkbox"/> Approve	
___ Table: _____	
___ Send To Committee	
___ Table Subject To Call	
___ Lay On The Table	
___ Discharge	
___ Take Out of Order	
___ Reconsider	
___ Waive Rule ___	
___ Override Veto	
___ Close	
___ Recess	
APPROVED <input checked="" type="checkbox"/>	FAILED ___
No Motion ___	No Second ___

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_ Voice Vote