COUNTY OF SUFFOLK

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

RECEIVED
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SUFFOLK COUNTY LEGISLATURE

December 30, 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. 1225-2011, ADOPTING LOCAL LAW NO. -2011, A CHARTER LAW CONSOLIDATING FUNCTIONS WITHIN THE DEPARTMENT OF PLANNING

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 1225-2011, ADOPTING LOCAL LAW NO. -2011, A CHARTER LAW CONSOLIDATING FUNCTIONS WITHIN THE DEPARTMENT OF PLANNING;** vetoed in its entirety.

I strongly disagree with the strategy of eliminating the Department of Economic Development and Workforce Housing as I believe that such an action would dampen Suffolk County's economic development efforts. Such an elimination would take away the unique focus that the Department provides to promote growth, revitalization and job creation and one that can help the region recover from the recession.

It is one thing to cut the number of workers within a department; it is quite another to eliminate the Commissioner and the department itself. My creation of the department and the focus and expertize that comes with it helped create or retain 15,000 jobs. A Planning Commissioner is not versed in the IDA or luring in businesses to Long Island. I am vetoing the lines associated with the elimination of Economic Development because I believe it is detrimental to the County's economic recovery.

LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS:
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

OFFICE (631) 853-4000
FAX (631) 853-4818

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,

Steve Levy
County Executive of Suffolk County

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Edward Dumas, Chief Deputy County Executive
Eric Naughton, Deputy County Executive for Finance and Management
Connie Corso, Budget Director
Eric Kopp, Assistant Deputy County Executive
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

Intro. Res. 3040 Res. No. 1225 December 20, 2011

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

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

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

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

MOTION
X 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 X FAILED___
No Motion___ No Second___

RESOLUTION DECLARED
X ADOPTED
___ NOT ADOPTED

Tim Laube
Tim Laube, Clerk of the Legislature

Roll Call___Voice Vote X

Intro. Res. No. 2040-2011 Laid on Table 11/22/2011
Introduced by Presiding Officer Lindsay, Deputy Presiding Officer Viloria-Fisher and Legislators Cooper, Gregory, Kennedy, Montano, Nowick, Schneiderman

RESOLUTION NO. 1225 -2011, ADOPTING LOCAL LAW NO. -2011, A CHARTER LAW CONSOLIDATING FUNCTIONS WITHIN THE DEPARTMENT OF PLANNING

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 CHARTER LAW CONSOLIDATING FUNCTIONS WITHIN THE DEPARTMENT OF PLANNING**;" now, therefore be it

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

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

A CHARTER LAW CONSOLIDATING FUNCTIONS WITHIN THE DEPARTMENT OF PLANNING

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk continues to confront a large structural budget deficit as mandated costs increase and tax collections lag.

This Legislature finds that the County of Suffolk must reduce expenses by streamlining government and consolidating governmental functions.

This Legislature determines that the County's adopted 2012 operating budget eliminates the Department of Economic Development and Workforce Housing and the Department of Environment and Energy and consolidates their functions within the Department of Planning.

This Legislature also finds that the SUFFOLK COUNTY CHARTER and ADMINISTRATIVE CODE must be amended to effectuate the consolidations called for in the 2012 operating budget.

Therefore, the purpose of this law is to abolish the Department of Economic Development and Workforce Housing and the Department of Environment and Energy and transfer the functions currently performed by these departments to the Department of Planning.

Section 2. Repealed.

Articles 35 and 42 of the SUFFOLK COUNTY CHARTER are hereby repealed in their entirety. Article 42 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby repealed.

Section 3. Amendments.

I. Article XIV of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

ARTICLE XIV, County Planning

§ C14-1. Department of Planning established; Director to be Department Head.

There shall be a Department of Planning, the head of which shall be the Planning Director. The Planning Director shall be appointed by the County Executive, subject to the approval of the County Legislature, and serve at the pleasure of the County Executive. The Planning Director shall be advised by the Planning Commission.

§ C14-2. Powers and duties of Department.

A. The Department of Planning shall have the following powers, duties and responsibilities:

(1) To prepare a Comprehensive Plan for Suffolk County, as provided in §§ A14-7 through A14-11 of the Administrative Code.

(2) To make recommendations relating to planning functions of municipalities, as provided in § A14-12 of the Administrative Code.

(3) At the request of municipalities within the County, to render planning services for the municipalities, as provided in § 14-13 of the Administrative Code.

(4) To consider certain proposed municipal zoning actions, applications for variances and special permits and subdivision plats as provided in § A14-14 et seq. of the Administrative Code.

(5) To advise local, state and federal government on development projects, plans and activities having an environmental impact.

(6) To implement the directives of the Council on Environmental Quality.

(7) To formulate and coordinate all long-range facilities planning among County departments.

(8) To advise and assist any department, board, division, or agency of the government of the County of Suffolk, including the County Legislature and Office of the County Executive, on matters pertaining to the environment or energy, except those matters currently handled by the Council on Environmental Quality and the Office of Ecology of the Suffolk County Department of Health Services.

(9) To make recommendations to the County Legislature and County Executive as to what County-owned properties should be dedicated to the County nature preserve, historic trust, conservation of agricultural lands, or bird sanctuary, and what properties not owned by the County should be acquired for environmental, health or open space purposes.

(10) To implement and administer Chapter 59 of the Suffolk County Code;

(11) To oversee energy conservation programs for County offices, buildings and/or facilities;

(12) To oversee and manage the Suffolk County Brownfields Program; open space acquisitions; farmland rights acquisitions and conservation easements.

(13) To concern itself with any and all matters pertaining to the economic development of the County.

(14) To encourage, promote and assist in the establishment, location, preservation and expansion within the County of enterprises which are beneficial to the general welfare of the people of the County.

(15) To supervise and conduct the management of the Francis S. Gabreski Airport at Westhampton Beach and to accept and review requests for the lease of space at Francis S. Gabreski Airport, and to make recommendations on such requests for the lease of space at Francis S. Gabreski Airport to the County Executive and County Legislature.

(16) To supervise and manage the Affordable Housing Program established under Article XXXVI of the Suffolk County Administrative Code.

(17) To supervise and manage Suffolk County's Community Development Agency.

(18) To administer the County's Farmland Program under Chapter 8 of the SUFFOLK COUNTY CODE.

(19) Supervise and manage the Suffolk County Shelllfish Aquaculture Leasing Program.

(20) To perform such other responsibilities and duties as may be assigned by law or by the County Executive or the County Legislature.

§ C14-3. Appointment of departmental employees and consultants.

The Planning Director may, within the appropriations therefor, appoint and remove a Deputy Director, who shall act generally for and on behalf of the Director in all matters, and such other officers and employees as may be likewise provided.

§ C14-4. Division of Real Property Acquisition and Management

A. There shall be a Division of Real Property Acquisition and Management, the head of which shall be by appointed by the Director. No individual shall be considered for appointment as the Director of the Division of Real Property Acquisition and Management unless and until he or she has at least ten (10) years of prior experience managing the lease, acquisition, sale, and/or use of interests in real property in the private sector and/or government sector or he or she has engaged in the practice of real estate law, as a specialty, for at least five (5) years.

B. At least one staff member of the Division of Real Property Acquisition and Management shall be a New York State certified general appraiser in good standing.

C. In addition to discharging such other functions as may be assigned, the Division of Real Property Acquisition and Management shall maintain current records of all real property in which the County has any interest and manage all such property other than that assigned to the Trustees of the College or Parks, Recreation, and Conservation; property acquired for sewers as provided in § 272 of the New York County Law; or property acquired for the County Department of Public Works. Real property acquired through tax sale shall be under the jurisdiction of the Division of Real Property Acquisition and Management which shall have the responsibility for the repair or demolition of unsafe structures, insuring the safety and security of the property, and determining whether there should be disposal of any property not currently used for County purposes. Where a determination to dispose of property has been made, the Division of Real Property Acquisition and Management shall forward such report to the County Executive and the County Legislature with its comments. The Division of Real Property Acquisition and Management shall also:

    1. Let all contracts for outside surveys and appraisals, except for those concerned with highways, bridges, or erosion control works, and the rental, repair, demolition, or disposal of real property on behalf of the County.

    2. Negotiate all leases, lease renewals, licenses, license renewals, and user agreements for any interest in real property, within appropriations provided therefor at the request of the County departments, offices, boards, commissions, Legislators and the Administrative Judge of the Supreme Court. Such leases, licenses and agreements shall be executed by the Director of the Division of Real Property Acquisition and Management or his or her designee, on behalf of the County. No lease, lease renewal, license, license renewal, or user agreement for any interest in real estate, other than for executive, legislative, or judicial office

space, may be executed, unless such lease, lease renewal, license, license renewal, or user agreement is authorized by the County Legislature. For the purpose of this subsection, "executive office space" shall include only that office space which is necessary for the budgeted functions of the office of the County Executive. The Division of Real Property Acquisition and Management shall prepare a rent survey and fair market analysis for each proposed lease or lease renewal of space for County use.

3. Prepare title abstracts and prepare in-house appraisals or in-house review appraisals for lands to be acquired by the County or of lands actually acquired by the County.

4. Perform such other duties as may be assigned by the County Executive and/or County Legislature.

D. In the performance of its functions, duly designated employees of the Division shall also have the power and duty to enter upon any real property for the purpose of inspection, making surveys, examinations, investigations, preparing maps and for such other purposes as may be necessary in the performance of its duties under this Charter or the New York Eminent Domain Procedure Law.

E. In the event consideration is given to an application affecting an interest in real property which the County of Suffolk has been authorized to commence a process for the acquisition thereof, which application is for a special permit, variance, municipal zoning, or subdivision plat, the contract of sale for such acquisition shall contain a provision that no such acquisition shall be consummated nor payment made for such acquisition unless the application for the special permit, variance, municipal zoning, or subdivision plat which is the subject of the application has been approved.

§ C14-5. Office of Energy.

There shall be an Office of Energy within the Department which shall be responsible for the Suffolk County Electrical Agency's application for low-cost power to FERC and the implementation thereof; the implementation and administration of Chapter 42 of the Suffolk County Code; energy conservation and resource programs for County offices, buildings, and/or facilities; and the Energy Advisory Committee and the functions described in Chapter 172 of the Suffolk County Code.

§ C14-6. Division of Water Quality.

There shall be a Division of Water Quality within the Department which shall be responsible for the supervision, administration, and implementation of the water quality protection and restoration program under § C12-2B of the Suffolk County Charter; the remediation and redevelopment of all brownfield sites; and the coordination of activities performed by the County

Department of Public Works and the County Department of Parks, Recreation and Conservation under the Suffolk County Drinking Water Protection Program, Fund 477.

§ C14-7. Membership of Planning Commission.

A. The Planning Commission shall consist of 15 members, as follows: one member from each of the ten towns in Suffolk County, one member from an incorporated village of under 5,000 population, one member from an incorporated village of over 5,000 population and three members from the County at large, subject to the qualifications set forth in § C14-9 of this article.

B. The Planning Commission may invite any officials of government to participate in its deliberations or otherwise assist it in discharging its functions under this article.

§ C14-8. Appointment of members of Planning Commission.

The members of the Planning Commission shall be appointed by the County Executive with the approval of the County Legislature.

§ C14-9. Qualifications for membership on Planning Commission.

A. A Planning Commissioner shall be a resident of Suffolk County at the time of his or her appointment and while holding office as a member of the Planning Commission.

B. In selecting the twelve (12) members who are not chosen from the County at large, the following criteria shall apply:

(1) At least one (1) member shall be a representative from a nationally renowned and/or publicly acknowledged environmental organization and/or from a nationally renowned and/or publicly recognized civic association;

(2) At least one (1) member shall be an individual with a background or expertise in municipal planning and/or an individual with a law degree and experience in land-use litigation, the law of land-use regulation, or environmental law;

(3) At least one (1) member shall be a representative from the real estate industry and/or from the business community;

(4) At least one (1) member shall be a representative from a labor organization;

(5) At least one (1) member shall be an individual with a background in the field of transportation;

(6) At least one (1) member shall be an individual with a background or expertise in workforce housing; and

(7) At least one (1) member shall be an individual recommended by the Association of Town Supervisors.

C. No party officer shall be appointed or reappointed to the Planning Commission. For the purposes of this section, "party officer" shall mean an individual who holds any party position or any party office, whether by election, appointment, or otherwise, including committeemen, and "party" shall mean any political organization which, at the last preceding election for Governor, polled at least fifty thousand (50,000) votes for its candidate for Governor.

D. To continue in office, a member of the Planning Commission shall continue to satisfy the requirements of this section with respect to eligibility for appointment to the office.

E. No person shall be reappointed to the Planning Commission unless and until such person shall have attended at least 75% of the regular and/or special meetings held by said Commission. Absences from such meetings caused by death in the immediate family of the members (i.e., spouse, children, parents, brothers, sisters, in-laws and/or grandparents) caused by a verifiable illness or caused by a verifiable accident shall not be counted for the purpose of this calculation of attendance.

F. No person shall be appointed or reappointed to the Planning Commission unless and until such person shall first appear at least once before the pertinent legislative committee of the County Legislature having primary jurisdiction over such resolution naming such person for approval to such appointment or reappointment and before such other legislative committees of the County Legislature as shall request an appearance by such person.

G. No person shall be appointed to the Planning Commission who is an elected official of the State of New York or of any political subdivision thereof; who is an appointee to a position of employment with the State of New York or any political subdivision thereof including the County of Suffolk, which position does not require a competitive civil service examination for appointment thereto; or who is appointed to a town or a village board, commission, or agency which is charged with the responsibility of making planning and/or land-use decisions regarding real property.

H. No person shall serve as a Planning Commissioner for more than twelve (12) consecutive years.

§ C14-10. Term of office for members of Planning Commission.

A. The term of office of each Commissioner shall be four years, except that the term of office of the members first appointed from the County at large shall commence January 1, 1971, and terminate on December 31, 1971, and except that, of the remaining 12 members first appointed for terms of office commencing January 1, 1971, three shall be appointed for terms of one year, three shall be appointed for terms of two years, three shall be appointed for terms of three years and three shall be appointed for terms of five years.

B. This staggering of terms shall continue and remain in full force and effect and apply to all appointments made on or after the effective date of this law.

C. In connection with any proposed project under consideration by the Commission, an appointee shall take into account the potential of any such project to have a disproportionately high and adverse health and/or environmental impact on a minority or economically distressed community.

§ C14-11. Compensation of members of Planning Commission.

Members of the Planning Commission shall not be compensated for their services but shall be reimbursed for their necessary and proper expenses incurred in the performance of their functions.

§ C14-12. Studies and reports.

The Planning Commission, within the appropriations therefor, shall conduct such studies and render such reports as are needed in the performance of its functions under this article.

II. Article XIV of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended by the addition of a new sections A14-27, A14-28 and A14-29 which shall read as follows:

§ A14-27. Creation of Suffolk County Pine Barrens Zone.

The Suffolk County Pine Barrens Zone is hereby created, lying and being in the County of Suffolk, which zone is more particularly described and bounded as follows:

A. Beginning at a point where the southerly side of Route 25A intersects the easterly side of Miller Place Road; thence southward along the easterly boundary of Miller Place Road to Helme Avenue; thence southward along the easterly boundary of Helme Avenue to Miller Place-Middle Island Road; thence southward along the easterly boundary of Miller Place-Middle Island Road to Whiskey Road; thence westward along the southerly

boundary of Whiskey Road to Mount Sinai-Coram Road; thence southward along the easterly boundary of Mount Sinai-Coram Road to Middle Country Road (Route 25); thence westward along the southerly boundary of Route 25 to Patchogue-Mount Sinai Road (County Route 83); thence southward along the easterly boundary of County Route 83 to Bicycle Path Drive; thence southeastward along the easterly side of Bicycle Path Drive to Mt. McKinley Avenue; thence southward along the easterly boundary of Mt. McKinley Avenue to Granny Road; thence northeastward along the northerly boundary of Granny Road to Port Jefferson-Patchogue Road (Route 112); thence southward along the easterly boundary of Route 112 to Horse Block Road (County Route 16); thence eastward along the northerly boundary of County Route 16 to Maine Avenue; thence northward along the westerly boundary of Maine Avenue to Fire Avenue; thence eastward along the northerly boundary of Fire Avenue to John Roe Smith Avenue; thence southward along the easterly boundary of John Roe Smith Avenue to Jeff Street; thence eastward along the northerly boundary of Jeff Street to Hagerman Avenue; thence southward along the easterly boundary of Hagerman Avenue to the Long Island Expressway (Route 495); thence eastward along the northerly boundary of Route 495 to Southaven County Park; thence southward along the westerly boundary of Southaven County Park to Gerard Road; thence southward along the easterly boundary of Gerard Road to Route 27; thence eastward along the northerly boundary of Route 27 to the easterly boundary of Southaven County Park; thence northward along the easterly boundary of Southaven County Park to Route 495; thence eastward along the northerly boundary of Route 495 to the William Floyd Parkway (County Route 46); thence southward along the easterly boundary of County Route 46 to the Long Island Railroad tracks; thence eastward along the northerly boundary of the Long Island Railroad tracks 7,500 feet; thence southward 500 feet; thence eastward 525 feet to the intersection of North Street and Manor-Yaphank Road; thence southward along the easterly boundary of Manor-Yaphank Road to Moriches-Middle Island Road; thence eastward along the northerly boundary of Moriches-Middle Island Road to Sunrise Highway (Route 27); thence eastward along the northerly boundary of Route 27 to an old railroad grade (unpaved); thence southeastward along the northerly boundary of the old railroad grade (unpaved) to Old Country Road (Route 71); thence eastward along the northerly boundary of Route 71 to the Long Island Railroad tracks; thence eastward along the northerly boundary of the Long Island Railroad tracks to Montauk Highway (Route 24); thence northward along the westerly boundary of Route 24 to Sunrise Highway (Route 27); thence eastward along the northerly boundary of Route 27 to Squiretown Road; thence northward along the westerly boundary of Squiretown Road to Upper Red Creek Road; thence westward along the southern boundary of Upper Red Creek to Lower Red Creek Road; thence southward along the easterly boundary of Lower Red Creek Road to Hubbard County Park; thence westward along the northern boundary of Hubbard County Park to Riverhead-Hampton Bays Road (Route 24); thence westward along the southerly boundary of Route 24 to Peconic Avenue; thence northward along the westerly boundary of Peconic Avenue to the centerline of the Peconic River; thence westward along the centerline of the Peconic River to the Forge Road Bridge; thence northward along the westerly boundary of the Forge Road Bridge to

Forge Road; thence northwestward along the westerly boundary of Forge Road to the railroad tracks; thence northward along the westerly boundary of Forge Road (unpaved) to the intersection of Route 25 and River Road; thence westward along the southerly boundary of River Road to Edwards Avenue; thence northward along the westerly boundary of Edwards Avenue 3,800 feet; thence westward 4,400 feet to an unnamed, unpaved road; thence northward along the westerly boundary of the unnamed, unpaved road 150 feet; thence westward and northwestward along the eastern boundary of the U.S. Navy/Grumman Aerospace Corporation property (as of 1982) up to the intersection of North Country Road and Sound Avenue (Route 25A); thence westward along the southerly boundary of Route 25A to the point or place of beginning.

B. Beginning at a point where the westerly boundary of Old Town Road intersects the southerly boundary of Lower Sheep Pasture Road; thence westward along the southerly boundary of Lower Sheep Pasture Road to Upper Sheep Pasture Road; thence westerly along the southerly boundary of Upper Sheep Pasture Road to King Arthurs Court; thence southward along the easterly boundary of King Arthurs Court to Cinderella Lane; thence westward along the southerly boundary of Cinderella Lane to Robin Hood Lane; thence southward along the easterly boundary of Robin Hood Lane to Storyland Lane; thence westward along the southerly boundary of Storyland Lane to Pond Path Drive; thence southward along the easterly boundary of Pond Path Drive to 34th Street; thence westward along the southerly boundary of 34th Street to Sycamore Circle; thence southward and westward along the easterly boundary of Sycamore Circle to Sycamore Drive; thence westward along the southerly boundary of Sycamore Drive to Nicholls Road (County Route 97); thence southward along the easterly boundary of Nicholls Road to Nesconset-Port Jefferson Highway (Route 347); thence southwestward along the southerly boundary of Route 347 to Lakeside Avenue; thence southward along the easterly boundary of Lakeside Avenue to Twisting Drive; thence southward along the easterly boundary of Twisting Drive to Tulip Grove Drive; thence southward along the easterly boundary of Tulip Grove Drive to Pond Path Drive; thence northward along the westerly boundary of Pond Path Drive to Wood Road; thence southward along the easterly boundary of Wood Drive to Spruce Street; thence eastward along the northerly boundary of Spruce Street to Hammond Lane; thence southward along the easterly boundary of Hammond Lane to Florence Street; thence eastward along the northerly boundary of Florence Street to Washington Avenue; thence southward along the easterly boundary of Washington Avenue to Forest Road; thence northward and eastward along the westerly and northerly boundaries of Forest Road to Mark Tree Road; thence northward along the westerly boundary of Mark Tree Road to Bette Anne Drive; thence eastward along the northern boundary of Bette Anne Drive to Balin Avenue; thence northward along the westerly boundary of Balin Avenue to Chester Street; thence eastward along the southerly boundary of Chester Street to Wireless Road; thence southward along the easterly boundary of Wireless Road to Strathmore Village Drive; thence eastward along the northerly boundary of Strathmore Village Drive to Milbury Lane; thence northeastward along the northerly boundary of Milbury Lane to Patricia Lane; thence northeastward along the northerly boundary of Patricia Lane to

Doe Lane; thence eastward along the northerly boundary of Doe Lane to Fawn Lane West; thence northeastward along the westerly boundary of Fawn Lane West to Arrowhead Lane, thence northward along the westerly boundary of Arrowhead Lane to Nesconset-Port Jefferson Highway; thence eastward along the northerly boundary of Nesconset-Port Jefferson Highway to Old Town Road; thence northwestward along the westerly boundary of Old Town Road to the point or place of beginning.

C. Beginning at a point where Mecox Road intersects Majors Path; thence north along the east side of Majors Path until it meets Mary's Lane; thence northeast along the east side of Majors Path to its intersection with the southern boundary of the North Sea Landfill (Town of Southampton property); thence east, then north, following the perimeter of the landfill and directly north along a line to its intersection with Great Hill Road; thence west along the north side of Great Hill Road to its intersection with Majors Path; thence north along the east side of Majors Path to its intersection with Noyack Road; thence northeast along the southeast side of Noyack Road to its intersection with Old Sag Harbor Road; thence east along the south side of Old Sag Harbor Road to its intersection with Water Mill Towd Road; thence northwest along the northeast side of Water Mill Towd Road to its intersection with Noyack Road; thence northeast along the southeast side of Noyack Road to its intersection with Rose Grove Road; thence east along the south side of Rose Grove Road to its intersection with Weidner Lane; thence north along a line extending from the point of intersection of Weidner Land and Rose Grove Road to the southeastern most point of Peconic Hills Drive; thence north along the east side of Peconic Hills Drive to its intersection with Woodland Drive; thence northeast along the southeast side of Woodland Drive to a ninety-degree northwest turn in said road; thence northwest along the northeast side of Woodland Drive and directly along a line extending to Noyack Road at a point where Lake Drive North intersects Noyack Road; thence northeast along the south side of Noyack Road to its intersection with Hartwell Lane; thence southeast along the southwest side of Hartwell Lane to its intersection with Chester Drive; thence northeast along the southeast side of Chester Drive to its intersection with Wilson Road; thence northwest along the northeast side of Wilson to its intersection with Noyack Road; thence northeast along the southeast side of Noyack Road until it merges with Deerfield Road; thence north along the eastern side of Noyack-Deerfield Road to its intersection with Noyack Road; thence east along the southern side of Noyack Road to its intersection with the western boundary of the Noyack Golf and Country Club; thence following the perimeters of the club, to its intersection with Noyack Road; thence east along the southern side of Noyack Road to a point adjacent to Poplar Street, which lies north of Noyack Road; thence southeast along a line extending from said point on Noyack Road through the terminal points of Crown Lane, Laurel Trail and Island View Drive, respectively; thence east along a line extending from the terminal point of Island View Drive to Stony Hill Road at a point where Hillside Avenue intersects Stony Hill Road from the east; thence southeast along the southwestern side of Stony Hill Road to its intersection with Brick Kiln Road; thence northeast along the southeastern side of Brick Kiln Road to its intersection with Carroll Street, thence southeast along the southwestern side of Carroll Street to its intersection with Sag

Harbor-Bridgehampton Turnpike; thence north along the east side of the Sag Harbor-Bridgehampton Turnpike to the Village of Sag Harbor boundary of Sag Harbor; thence southeast along the southern side of the village boundary until it meets the western side of Round Pond; thence north around the perimeter of Round Pond and east along the southern side of the village boundary to its intersection with Sagg Road (Madison Street); thence south along the western side of Sagg Road to its intersection with Mt. Misery Drive; thence east along the southern side of Mt. Misery Drive to its intersection with Denise Street; thence southeast along the southwestern side of Denise Street to its intersection with Town Line Road (the Southampton-East Hampton Town boundary); thence northwest along the northeastern side of Town Line Road to a point 1,000 feet south of the intersection of Town Line Road with Middle Line Highway (the Sag Harbor Village boundary); thence northeast along a line extending from said point on Town Line Road to the Sag Harbor-East Hampton Turnpike at a point adjacent to the southern boundary of the Sag Harbor Golf Course; thence following the southern perimeter of the golf course and continuing along the southern perimeter of Northwest Harbor County Park to its intersection with Northwest Landing (Swamp) Road; thence north along the eastern side of Northwest Landing Road, which follows the eastern boundary of the Northwest Harbor County Park, to a point where the park crosses over to the northern side of Northwest Landing Road; thence north along the boundary of the park until it meets the Northwest Harbor shoreline; thence north along the harbor shoreline until it meets Alewive Brook Road; thence southeast along the southern side of Alewive Brook Road to its intersection with Cedar Point Road; thence north along the eastern side of Cedar Point Road until it meets Bearing East Road; thence east along the southern side of Bearing East Road to its intersection with North Pass Road; to its intersection with Landfall Road to its intersection with Hedgebanks Drive; thence directly north to the Gardiners Bay shoreline; thence south along the bay shoreline to a point directly north of a ninety-degree turn in Milna Drive to the south; thence south from said point to Milna Drive and then south along the western side of Milna Drive to its intersection with Old House Landing Road; thence southwest along the north side of Old House Landing Road to its intersection with Alewive Brook Road; thence southeast along the southwest side of Alewive Brook Road to its intersection with Hands Creek Road; thence south along the western side of Hands Creek Road to its intersection with Springy Banks Road; thence northwest along the northeastern side of Springy Banks Road to its intersection with Ely Brook to Hands Creek Road; thence south along the western side of Ely Brook to Hands Creek Road to where it intersects Hands Creek Road; thence south along the west side of Hands Creek Road to its intersection with Middle Highway; thence east, then southeast along the southern side of Middle Highway to its intersection with Rivers Road; thence east along the southern side of Rivers Road to its intersection with Springy Banks Road; thence southeast along the southwestern side of Springy Banks Road to its intersection with Hides Road; thence east along the southern side of Hides Road to its intersection with Three Mile Harbor Road; thence north along the east side of Three Mile Harbor Road to its intersection with Copeces Lane; thence east along the southern side of Copeces Lane to its intersection with Acabonack Road; thence northeast along the southeastern side of Acabonack Road to its intersection with Neck

Path; thence southeast along the southwestern side of Neck Path to its intersection with Amagansett Springs Road, thence south along the western side of Amagansett Springs Road to its intersection with Barnes Hole Road; thence northeast along the southeast side of Barnes Hole Road until it meets the Napeague Bay shoreline (at Barnes Landing); thence southeast following the bay shoreline until it meets Fresh Pond Road; thence southwest along the northwestern side of Fresh Pond Road to its intersection with Cross Highway; thence southeast along the southwestern side of Cross Highway to its intersection with Abrahams Landing Road; thence southwest along the northwestern side of Abrahams Landing Road to its intersection with Stone Road; thence northwest along the northeastern side of Stone Road to its intersection with Town Lane and Amagansett Springs Road; thence southwest along its northeastern side of Town Lane to its intersection with Stony Hill Road; thence northwest along the northeastern side of Stony Hill Road to its intersection with Acabonack Road; thence south along the western side of Acabonack Road to its intersection with Abrahams Path; thence southeast along the southwestern side of Abrahams Path to its intersection with Town Lane; thence west along the northern side of Town Lane to its intersection with Spring Close Highway (Jenny's Path); thence north along the eastern side of Jenny's Path to its intersection with Acabonack Road; thence south approximately 100 feet along the northwestern side of Acabonack Road to its intersection with Queens Lane; thence north along the eastern side of Queens Lane to a point where it intersects Spring Fireplace Road; thence directly west along a line extending from said point to a point on Three Mile Harbor Road approximately 1,400 feet south of the intersection of Springy Banks Road with Three Mile Harbor Road; thence south along the western side of Three Mile Harbor Road to its intersection with Oak View Highway; thence west along the northern side of Oak View Highway to its intersection with Hands Creek Road; thence south along the western side of Hands Creek Road to its intersection with Cedar Street; thence northwest along the northeastern side of Cedar Street to its intersection with Stephen Hands Path; thence southwest along the northwestern side of Stephen Hands Path to its intersection with the Sag Harbor-East Hampton Turnpike; thence southeast along the southwestern side of the Sag Harbor-East Hampton Turnpike to its intersection with Cove Hollow Road; thence south along the western side of Cove Hollow Road until it meets the village boundary of East Hampton (approximately 375 feet north of Montauk Highway); thence westerly along the village boundary until it intersects Daniel's Hole Road; thence northwest along the northeastern side of Daniel's Hole Road to its intersection with the Long Island Railroad (L.I.R.R.); thence westerly along the northern side of the L.I.R.R. to its intersection with Wainscott Harbor Road; thence northwest along the northeastern side of Wainscott Harbor Road to a point approximately 600 feet north of the L.I.R.R.; thence southwesterly along a line extending from said point on Wainscott Harbor Road to Sagg Road at a point where it is intersected by Narrow Lane; thence north along the eastern side of Sagg (Sagaponack Main Street) to its intersection with Haines Path; thence southwesterly along the northwestern side of Haines Path to its intersection with Old Farm Road; thence northwest along a line extending from the Old Farm Road terminus to a point where Huntington Crossway intersects the Bridgehampton-Sag Harbor Turnpike; thence northeastward along the western side of the Bridgehampton-

Sag Harbor Turnpike to Scuttle Hole Road, thence westward along the southerly boundary of Scuttle Hole Road (or Huntington Path) to Head of Pond-Scuttle Hole Road; thence southwestward along the northeast side of Head of Pond-Scuttle Hole Road to Deerfield Road; thence northward along the easterly side of Deerfield Road to an extension of Edge of Woods Road; thence westward along the northerly side of the extension of Edge of Woods Road to Water Mill-Towd Road; thence southward along the westerly side of Water Mill-Towd Road to Edge of Woods Road; thence westward along the northerly side of Edge of Woods Road to Private Road; thence southward along the westerly side of Private Road to Mecox Road; thence westward along the northerly side of Mecox Road to the intersection of Mecox and Majors Path to point or place of beginning.

D. Beginning at a point where Montauk Point State Boulevard meets the eastern boundary of the Hither Hills State Park; thence north along the east side of the park boundary until it meets the Napeague Bay (Block Island Sound) shoreline; thence east following the confluence of the bay's shoreline to a point where the L.I.R.R. intersects Navy Road; thence southward along the westerly side of Navy Road to Fort Lane; thence southwestward along the westward side of Fort Lane (terminus) following a line to the intersection of Lincoln Road and Montauk Point State Parkway; thence westward along the northerly side of Montauk Point (Route 27) State Parkway to the eastern boundary of the Hither Hills State Park.

§ A14-28 Adoption of standards for review of applications for development within Pine Barrens Zone.

The Suffolk County Planning Commission shall by resolution adopt, at its annual organizational meeting, standards for review of municipal zoning and subdivision actions proposed within the Pine Barrens Zone.

§ A14-29. Restrictions on employees of Division of Real Property Acquisition and Management.

(a) No officers or employees of the Division of Real Property Acquisition and Management shall engage in any outside business activity in the field of real estate and no officers or employees of the Division of Real Property Acquisition and Management shall be a party officer. For the purposes of this section, "party officer" shall mean one who holds any party position or any party office, whether by election, appointment or otherwise, including committeeman, and "party" shall mean any political organization which at the last preceding election for governor polled at least 50,000 votes for its candidate for governor. These requirements shall apply to all management and civil service positions consistent with the New York Civil Service Law and any applicable rules.

(b) The staff of the Division of Real Property Acquisition and Management is hereby prohibited from engaging in any outside business activity in the real estate field, which

requirement shall apply to management exempt as well as positions secured by competitive civil service examination, consistent with the application of civil service rules.

III. A new Article XL of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby enacted to read as follows:

Article XL. County Real Property.

§ A40-1. Definitions.

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

DIRECTOR - The Director of the Department of Planning.

DEPARTMENT - The Suffolk County Department of Planning.

DIVISION - The Division of Real Property Acquisition and Management.

PERSON -- Any natural person, individual, corporation, unincorporated association, limited liability corporation, firm, public corporation, partnership, joint venture, trust, joint-stock association or other entity or business organization of any kind.

§ A40-2. Lease of property.

A. Notwithstanding the provisions of § 352 of the New York General Municipal Law, the County may lease, for a term not exceeding 40 years, real property acquired for airport purposes and not necessary for the efficient and proper operation of the airport, and for such other purposes as the Legislature may determine, provided that such other purposes do not interfere with the proper and efficient operation of the remainder of the airport. Notwithstanding the foregoing limitation, property located within the Airport Planned Development District may be leased for an initial term not exceeding 40 years with the option to extend the lease for a term not to exceed an additional 40 years.

B. Notwithstanding the provisions of § 215, Subdivision 4, of the New York County Law, after a determination by the Suffolk County Legislature that County-owned property is not required for public use, such property may be leased through the Division for a period not exceeding 25 years, upon such terms and conditions as may be prescribed by the County Legislature by resolution, in the same manner and with the same rights and privileges as if owned by an individual, to a public corporation; to a not-for-profit corporation; or to an association, corporation, or other legal entity which has been granted a charter for educational purposes from the New York State Department of Education.

§ A40-3. Procedure for redemption of property under Suffolk County Tax Act.

The following rules and regulations for the sale of property acquired by Suffolk County pursuant to § 46 of the Suffolk County Tax Act shall apply:

A. Application for release of property acquired pursuant to the Suffolk County Tax Act. The County's interest in property acquired pursuant to the Suffolk County Tax Act may be released, as herein provided, on the application of any party who had an interest in the property at the time of application, up to six months from the date of the recording of the County's deed, as defined in Subsection B herein. A party with an interest in the property shall include every person to whom any estate or interest in the real property is conveyed in good faith for a valuable consideration, including but not limited to a contract vendee and any purchaser of real property pursuant to a judicial sale in a mortgage foreclosure action. A party with an interest in the property, as defined herein, shall be the recipient of the quitclaim deed which is executed and delivered pursuant to Subsection H herein. A party in interest shall not be deemed to include the County of Suffolk.

B. Time for making application. Any application under this section must be made within six months after the date of the recording of the County's deed.

C. Form of application. All applications shall be made in writing to the Director on a form prepared by him or her. The application shall contain the name and address of the applicant, the date on which the County's deed was recorded and the recording data, a full description of the instrument upon which the applicant's interest derives, including the date of execution, the date and place of the recording, or entry of said instrument and the parties thereto, and a statement specifying the nature of the applicant's interest in the property, and shall be verified. If the applicant's interest arises by reason of the death of a prior owner or by operation of law, the application shall also state the applicant's relationship to the decedent and shall include whatever additional information may be necessary to establish the applicant's right to make the application.

D. Supporting documents. Each application shall be accompanied by a certificate or certified search of any lawyer's title insurance or abstract company authorized to do business under the laws of the State of New York. Such search or certification shall recite the recording data as to all instruments affecting the premises for the period of 10 years preceding the date of recording of the County's deed. If the applicant's interest derives other than from an instrument recorded in the County Clerk's office, a certified copy of the instrument from which such interest derives shall accompany the application. In a proper case, the Director may require the applicant to submit an affidavit containing relevant information as to the applicant's interest in the property and the source or derivation thereof.

E. Fee. The sum of not less than $200 and not more than $500, as determined by the Director, as a fee to cover the County's expenses shall be paid at the time of submission

of the application. Such fee shall be nonrefundable except pursuant to Subsection I of this section.

F. Consideration for release. The County's interest may be released only after payment, as to each parcel to be released, of the following sums of money:

(1) The amount of the County investment in the property as determined by the County Treasurer. Said amount shall include the principal amount due on all unpaid taxes, assessments, water charges and sewer rents arising from County warrants, together with interest and penalties to the date of the tax sale, taxes assessed after the date of the tax sale, including the amount of the taxes that would have been assessed during the period following the sale when the County is required to pay only school taxes, together with the statutory interest computed to the date of the tax deed and thereafter at the rate of 6% to the date of payment, plus any amounts payable to the Suffolk County Department of Social Services which are attributable to any former owner. With regard to the satisfaction of the indebtedness to the Department of Social Services, the County Director of Planning, with the written consent of the Commissioner of the Department of Social Services, may accept from the social-services recipient only a repayment agreement or new bond and mortgage in lieu of payment of any or all indebtedness.

(2) Five percent of the amount computed pursuant to the preceding Subsection F(1).

(3) Any deficiency which may result to the County after all payments made by it for the repair, maintenance, and operations of the property shall have been charged or debited in the appropriate accounts of the County and all rents, license fees, and other moneys collected by the County as a result of its operation of the said property shall have been credited in such accounts. Any contract for repair, maintenance, management, or operation made by the County on which it shall be liable, although payment thereon shall not have been made, shall be deemed a charge or debit to such accounts as though payment had been made. The amounts paid and collected by the County as shown in its accounts and the necessity for making the several payments and contracts to be charged as herein provided shall be conclusive upon the applicant. Where a deficiency under this section shall be created or increased by the failure of the County to collect rents, license fees, or other moneys to which the County may have been entitled, the right to collect or bring action for the same shall be assigned and transferred to the applicant by an instrument in writing.

(4) Any and all costs and disbursements which shall have been awarded to the County or to which it may have become entitled by operation of law or which it may have paid or become liable for payment in connection with any litigation between it and the applicant or any person having an estate or interest in the real property to be

released resulting directly or indirectly from the foreclosure by action in rem of the delinquent taxes affecting said property.

(5) The cost of giving the notices are hereinafter provided for.

G. Consideration of application. Subject to the provisions of Subsection I, the Director, or his or her designee, shall promptly consider the application and make a finding and determination as to the applicant's entitlement to a deed of the County's interest in the property. In making such determination, the Director, or his or her designee, shall consider all appropriate, relevant, and equitable matters. If the Director, or his or her designee, ascertains that others than the applicant have an interest in the property, he or she may enlarge his or her inquiry as necessary, request further supplementary application, and, as in the case of infants or incompetents, determine that the grantee in the County's instrument of conveyance should be all those in whom title should vest and to what, if anything, such title should be subject.

H. Instrument of release. If the Director, or his or her designee, shall find and determine that the premises should be released and conveyed to the applicant, or to the applicant and others, upon the payment of the proper consideration, he or she shall convey the County's interest by the execution and delivery of a quitclaim deed. The Director's delivery of such deed shall be given only pursuant to the direction of the County Legislature evidenced by the enactment of a resolution authorizing the conveyance.

I. Superior governmental interest. If, before the County's instrument of release is given, it is found that the governing village, town or county within which said real property is located has a governmental need for the premises and has enacted a resolution specifically stating the nature of that governmental need, the Director, or his or her designee, shall stay any further proceedings on the application other than pursuant to this section. In such a case, if the County Legislature then enacts into law a resolution determining that the property is needed for a specifically identified governmental purpose within six months after the filing of the application, the application shall be denied and the application fee returned to the applicant. If no such resolution is passed within said period, the Director may reconsider the application within three months after the expiration of the above six-month period.

J. Notice to be given. Annually, in the official papers of the County and each of the towns therein, by a display advertisement of not less than 1/4 page, the Director shall give notice of the opportunity afforded by this section to redeem property sold for taxes, in substantially the following form:

NOTICE
OF OPPORTUNITY TO REDEEM PROPERTY
FROM SUFFOLK COUNTY TAX SALE

A list of parcels of land acquired by Suffolk County as the result of tax sales has been completed by the Department.

The former owners thereof may apply to reacquire the property.

The list may be seen and applications to reacquire may be filed at the Department of Finance and Taxation, Suffolk County Center, Riverhead, New York 11901.

Applications should be made promptly.

_____

Director
Phone:

K. The foregoing regulations may be amended only by local law.

§ A40-4. Disposition of property acquired through Suffolk County Tax Act.

A. The Suffolk County Tax Act, the local law providing for a further redemption period, and the Suffolk County Administrative Code afford a reasonable opportunity to pay the real property taxes with interest and penalties in cases where they were not paid in the year for which they were levied. When, then, all opportunity for statutory redemption expires without action on the part of the taxpayer and the County takes title to the property, the selling process shall commence immediately.

B. The Department is hereby designated as the agency to implement this section.

C. The Director shall be the custodian and depository of all instruments recorded in the County Clerk's office conveying any interest in real property to the County or any agency or district thereof authorized to acquire and hold such an interest in behalf of such agency or district.

D. Upon the County acquiring an interest in real property by tax deed, the Director shall advise the County Executive; the Commissioner of Public Works; the Commissioner of Parks, Recreation and Conservation; the Clerk of the County Legislature, and such others as by management order of the County Executive or resolution of the County Legislature shall be designated, thereof. Those so advised shall, within four weeks, report in writing to the Commissioner whether they wish consideration to be given to holding such interest for a County purpose, together with the reasons for such proposed retention.

E. The County Executive, the Presiding Officer of the County Legislature, and the Director, or his or her designee, shall constitute an Appeals Committee to screen requests for the retention of property interests acquired by tax deed. Such Committee shall meet from

time to time to consider all such requests, and its determination as to departmental requests shall be final unless overturned by a duly enacted resolution of the County Legislature.

F. Using such County personnel as is available from time to time, the Director, or his or her designee, shall cause to be made an appraisal of each parcel of land acquired by tax deed.

G. Public auction. All parcels approved for disposition, except those that may be sold as provided in Subsection H or as provided under § A36-2A of the Suffolk County Administrative Code, shall be offered for sale to the highest bidder at public auction pursuant to regulations established for such auctions by the Director. All parcels approved for disposition, which have structures affixed thereto capable of physical occupancy by individuals, shall only be offered for sale to the highest bidder at a public auction who is willing to agree, in writing, to a restrictive covenant in such deed as may convey title to such individual requiring the owner of the parcel, or his or her natural children or natural parents, to occupy said premises, said restriction to run with the land for a period of 10 years subsequent to the transfer of title from the County of Suffolk. The owner of the parcel shall provide to the County written notice of any subsequent transfer of the parcel within said ten-year period. The Director shall reserve to the County a right of reverter should this restriction be violated. In those instances in which a former property owner has affirmatively waived, in writing, his, her or its right of redemption of property under Subsections A and B of this section, then the Director, or his or her designee, shall take such measures as shall be necessary and appropriate to expedite the offering for sale of such parcels to the highest bidder at public action in accordance with the provisions of this article at the earliest possible date.

(1) The Division of Real Property Acquisition and Management shall take such measures as shall be necessary and appropriate to ensure that the transfer of title for sale of such parcels shall take place within two years after the signing of the contract of sale for such parcels.

(2) If the transfer of title for sale of such parcels shall not take place within two years after the signing of the contract of sale, then the Director of the Division of Real Property Acquisition and Management shall provide a written report to the County Legislature and appear before the Ways and Means Committee and the Parks and Cultural Affairs Committee of the County Legislature, or any successor committees thereto, in order to continue the transfer process.

(3) The Division of Real Property Acquisition and Management shall lower the upset price for the public auction of such County-owned real estate parcels approved for such disposition as many times as shall be necessary and appropriate to effectuate the sale of such parcel at the third public auction if such parcel has been unsuccessfully listed at public auction two prior times.

(4) The Division of Real Property Acquisition and Management shall provide to each member of the Suffolk County Legislature a list of all parcels to be auctioned at least 45 days prior to the auction date and shall notify legislators of any parcels added to the auction list prior to the auction date. The auction list must be complete 15 days prior to the auction date, and no additional parcels may be added to the auction list after that time.

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

(1) Upon the granting of any required variance or other relief from the minimum zoning requirements of the municipal zoning district in which the parcel is located, and the issuance of a building permit to construct such single-family residential dwelling on such parcel, fee title shall be promptly conveyed to such highest bidder by deed containing the following covenants, which covenants shall run with the land:

(a) "The use of the parcel herein described by the grantee is hereby restricted solely to the development of a single-family residential dwelling unit for first-time homeowners or buyers; with all right, title, and interest reverting back to the County of Suffolk, at the sole option of the County of Suffolk, in the event the grantee, at any time, uses or attempts to use the parcel herein described for any other use or purpose, including, without limitation, no use or purpose. This reverter clause shall also apply to any transferee from the grantee who is not a first-time home-owner or -buyer."

(b) "All right, title, and interest to the parcel herein described shall revert back to the County of Suffolk should any one or more of the following events occur:

[1] If the grantee, or any transferee from the grantee who is not a first-time homeowner or -buyer, fails to substantially complete the construction of a single-family residential dwelling upon the parcel described herein within three years from the date of transfer to the grantee, unless one or more extensions of time is granted, in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Notwithstanding the foregoing, such extensions shall not exceed, in the aggregate, a period of four years from the date of transfer to the grantee, unless approved by a duly enacted resolution of the County of Suffolk;

[2] If the income of the first-time homeowner or -buyer, at the time of occupancy of the single-family dwelling constructed on the parcel described herein, should exceed 80% of the HUD-established median income for the Nassau-Suffolk Primary Metropolitan Statistical Area adjusted by family size;

[3] If the sale price of the single-family dwelling constructed on the parcel described herein exceeds 60% of the median sales price for Suffolk County single-family dwellings, based upon the State of New York Mortgage Agency Guidelines;

[4] If the first-time homeowner or -buyer of the single-family dwelling constructed on the parcel described herein fails to occupy such single-family dwelling as his and/or her primary residence for a period of 10 consecutive years from the time of occupancy of such single-family dwelling; provided, however, that the right, title and interest to the parcel herein described shall not revert to the County of Suffolk if:

[a] The first-time homeowner or -buyer sells to a first-time homeowner or -buyer meeting the income qualifications set forth in Subsection H(1)(b)[2], or as amended; and

[b] Any gain realized from such sale up to and including the fifth anniversary of ownership, and declining ratably thereafter to 50% of any realized gain during the sixth year of ownership up to and including the 10th anniversary of ownership, shall be paid to the County of Suffolk; and

[c] The income qualifications and the formula for recapture of realized gain set forth in this subsection shall apply to each and every subsequent sale;

[5] If all or any portion of the single-family residential dwelling is rented or leased to any other person, whether or not by written agreement;

[6] If the grantee fails to certify to the Suffolk County Director of Affordable Housing (or his or her designee), prior to closing of the title by a first-time homebuyer, or occupancy by a first-time homeowner, as the case may be:

[a] The dates of completion and occupancy of the single-family dwelling constructed on the parcel described herein; and

[b] The total income, from all sources, of all occupants of the single-family dwelling constructed on the parcel described herein; and

[c] In the case of a first-time homebuyer, the sales price of the single-family dwelling constructed on the parcel described herein; and

[d] The single-family dwelling constructed on the parcel described herein meets all applicable building and zoning codes, rules and regulations;

[7] If the grantee fails to provide the Suffolk County Director of Affordable Housing (or his or her designee) with a detailed, annual written report no later than December 31 of each year commencing in the year immediately subsequent to the date of this deed, which report shall include any and all information as may be required by the Director of Affordable Housing, including, but not limited to, the status of the development and/or sale of the parcel described herein, and an accounting of all sums directly or indirectly attributable to the use of the parcel described herein."

(2) In the event such highest bidder, after using best efforts to apply for and diligently pursue any variance or other relief from such minimum zoning requirements and a building permit, to allow the construction of a single-family residential dwelling on such parcel that substantially conforms in size and appearance to the residential dwellings located within the immediately surrounding residential community, does not obtain such variance and building permit within the time prescribed herein, the auction sale shall be deemed cancelled and the County shall return to the bidder any sum paid under the terms and conditions of the special auction.

(3) In the event a parcel offered for sale pursuant to the preceding provisions of this subsection is not sold the first time it is offered at a special auction, and the parcel is appraised for less than $50,000, the Director, or his or her designee, shall offer the parcel to appropriate adjoining property owners at not less than the appraised value before offering it for sale by general auction.

(4) In the event a parcel does not meet applicable minimum zoning code requirements in order to be developed, is appraised for less than $30,000, and fails to satisfy the criteria for special auction under the provisions of this subsection, the Director, or his or her designee, shall offer the parcel to appropriate adjoining property owners at not less than the appraised value before offering it for sale by general auction.

I. The Director, or his or her designee, is authorized to execute and deliver, by a bargain and sale deed without covenants, or by quitclaim deed, for the transfer of any properties which are the subject matter of this section. All deed transfers shall be subject to the express approval of the County Legislature, and all contracts negotiated by the County shall provide that the proposed conveyance is subject to legislative approval and subject to such restrictive covenants as may be provided for in Subsections G and H of this section.

J. The Director shall advertise in the official newspapers, and may advertise in such other media as he or she may elect, the date, time, and place of the public auction for the sale of the properties. Lists of properties to be offered for sale may be made available by mail to persons requesting such lists.

K. Upon the negotiation of contracts or sales at auction, the Director, or his or her designee, shall deliver to the County Legislature, in resolution for approval, a list of properties proposed to be sold, together with the negotiated or bid price.

L. In the event that an auction parcel is improved by a owner-occupied residence which has been owner-occupied for a period of at least five years prior to the date of the recording of the County's deed, then the prior owner may make application in writing to the County Division of Real Property Acquisition and Management for a distribution from the proceeds of the auction sale. The amount that the applicant is eligible to receive is a sum equal to the remaining proceeds after deducting payment for all sums set forth in § A42-3 hereinabove and an amount equal to the sum of all valid liens, judgments, or encumbrances which existed on the date that the County took title to the subject parcel. For the purposes of this subsection, "proceeds" shall be defined as either the amount of the sale at auction or the amount of an appraisal made as of the date which the County took title, whichever amount is less.

M. The Director may propose amendments to the rules and regulations that govern the procedures and forms for the implementation of this section by filing them with the Clerk of the County Legislature and mailing copies thereof to the County Executive and

members of the Legislature. Such amendments shall become effective sixty (60) days after such filing and notification unless within such period a resolution of disapproval proposed by any Legislator is enacted into law by the County Legislature.

N. The Division of Real Property Acquisition and Management shall take such measures as shall be necessary and appropriate to ensure that the acquisition of all parcels or interests in real estate authorized under any County land acquisition program shall take place within two years after the effective date of the County resolution authorizing the acquisition of such parcels or any interest therein. If the transfer of title to such parcels or interests in real estate shall not take place within two years after the effective date of the County resolution authorizing such acquisition, then the Director of the Division of Real Property Acquisition and Management shall provide a written report to the County Legislature and appear before the Ways and Means Committee and the Parks and Cultural Affairs Committee of the County Legislature, or any successor committees thereto, in order to continue the acquisition process.

§ A40-5. Conduct of hearings and making of findings pursuant to New York Eminent Domain Procedure Law.

A. The Legislature finds and determines it to be in the public interest that public hearings, as required by the New York State Eminent Domain Procedure Law, can best be conducted by the Department, pursuant to Article 2 of said law, and that the Department, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may establish and amend rules and regulations consistent with the provisions of said law, pursuant to Article 7, § 707 of said law.

B. After the Legislature approves acquisition of an interest in real property for municipal purposes, the resolution of approval shall delegate unto the Director, and in his or her absence the Director of the Division of Real Property Acquisition and Management, the full authority of the Legislature to conduct public hearings and make determinations and findings as to all matters set forth in Article 2 of the New York Eminent Domain Procedure Law.

C. Public hearings shall be conducted and the notices thereof shall be published and issued pursuant to §§ 201, 202, 203, and 204 of the New York Eminent Domain Procedure Law.

D. The Director or, in his or her absence, the Director of the Suffolk County Division of Real Property Acquisition and Management shall be deemed a hearing officer with the authority to make determinations and findings pursuant to § 204 of the New York Eminent Domain Procedure Law.

E. The written determination and findings shall be filed with the Clerk of the County Legislature within 90 days after the conclusion of the public hearing.

F. The Director or, in his or her absence, the Director of the Suffolk County Division of Real Property Acquisition and Management, shall publish a brief synopsis of such filed determinations and findings in at least two successive issues of the official newspapers and in two successive issues of a newspaper of general circulation in such locality, and the publication shall state that copies of the determinations and findings will be forwarded, upon written request, without cost.

G. The hearing officer may recommend and permit further field studies subsequent to the hearing, pursuant to § 205 of the New York Eminent Domain Procedure Law. The hearing officer may authorize and permit amendments or alterations to accommodate such field conditions if deemed necessary, but the Legislature reserves unto itself the right to approve any changes in the original acquisition maps whereby additional property is required or whereby the acquisition of properties approved in the original maps are deleted.

H. The Director, and in his or her absence the Director of the Suffolk County Division of Real Property Acquisition and Management, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may, from time to time, make or amend rules and regulations consistent with the provisions of this section in those instances where such provisions are not expressly provided in the New York Eminent Domain Procedure Law; and such rules and regulations or amendments thereto shall be filed with the Clerk of the Legislature and shall be deemed approved by the Legislature and become effective forty-five (45) days after filing, unless overturned by a duly enacted resolution of the County of Suffolk.

§ A40-6. Required provision in all instruments of conveyance when acquiring development rights in agricultural lands.

Pursuant to Chapter 8 of the Suffolk County Code regarding acquisition of development rights in agricultural lands, the County Executive and the Director shall make provision in all instruments of conveyance and documents in connection therewith relating to the acquisition of development rights that the owner of the remainder fee shall not, after the conveyance of the development rights in any lands to the County, subdivide the remainder fee without the consent of the County Legislature, which hereby certifies and resolves that such consent shall not be unreasonably withheld. Nothing contained herein shall be deemed to prevent the devolution of title by operation of law or by last will and testament.

§ A40-7. Leasing of surplus County property.

Upon the determination by the County Legislature that county-owned real property is not required for public use, such property may be leased for a term not exceeding 10 years upon such terms and conditions as may be prescribed by the County Legislature by resolution in the

same manner and with the same rights and privileges as if owned by an individual, anything in § 215 of the New York County Law to the contrary notwithstanding.

§ A40-8. Procedure for leasing real property for County use.

A. Required information. The County Legislature shall not take any action on any resolution regarding the leasing of real property by the County of Suffolk, nor shall any agency contracting with the County of Suffolk under any grant undertake the leasing of real property, until the County Legislature has been supplied with and shall have before it the following information:

(1) All such information which has been provided to the Director's office in relation to such a lease; and

(2) A public hearing report dealing with the proposed lease.

B. Public hearing.

(1) A public hearing shall be held in the legislative district in which the property is situated by the Ways and Means Committee of the County Legislature, or any successor committee thereto, and the Legislator from the district in which the property is situated.

(2) The public hearing shall be held within 20 days after the date the resolution is laid on the table.

(3) A written report on the proceedings of such public hearing shall be distributed to each member of the County Legislature within seven days after such hearing.

(4) At the next regularly scheduled meeting following the public hearing, the County Legislature shall consider and vote on the resolution proposing the lease.

C. Public notice. The notice shall be published one time in the official County papers and, unless one of such papers is published in the town in which the property is situated, in the official paper of such town. The notice shall be published at least seven days preceding the public hearing.

D. Exceptions.

(1) The provisions of this section shall not apply to the leasing of office space for members of the judiciary or members of the County Legislature, nor for the County Executive.

(2) This section shall not apply to leases at Suffolk County Airport, Westhampton Beach, New York, or to an extension, modification, or renewal of any of said leases; and to the extent that § 352, Subdivision 5, of the New York General Municipal Law may be deemed to be inconsistent herewith or to otherwise require a hearing with respect to any such leases, such section is hereby superseded in accordance with § 22 of the New York Municipal Home Rule Law.

(3) The public-hearing and public-notice provisions of this section shall not apply in the case of a public emergency declared in writing by the County Executive and arising out of unforeseen occurrences.

(4) This section shall not apply to leases entered into by the County's law enforcement departments and agencies necessary for use in connection with the conduct of undercover/covert operations, nor shall such leases be subject to review by the County's Space Management Steering Committee.

(a) Prior to executing a lease necessary for use in connection with the conduct of undercover/covert operations, the leasing department or agency shall provide the County Attorney with a copy of said lease.

(b) In no event shall the term of a lease entered into pursuant to this exception exceed one year.

§ A40-9. Procedures for title insurance.

A. There shall be within the Division of Real Property Acquisition and Management a pool of at least 10 qualified title insurance companies, which companies shall be designated by the Director of the Division of Real Property Acquisition and Management with the approval of the County Legislature by duly enacted resolution. Such information as may be reasonably necessary to evaluate the title insurance companies, including but not limited to certifications and licenses, shall be included with the resolution submitted for approval. Designation and approval of the pool of qualified title insurance companies by the County Legislature shall occur no less frequently than every two years.

B. At a minimum, any title insurance company must be qualified as a New York licensed title insurance company and must maintain such license in good standing for so long as it is involved in County real estate transactions. Proof of such license and certifications shall be submitted to the Director of the Suffolk County Division of Real Property Acquisition and Management on or before December 31 of each year. Further, any title insurance company in the pool must disclose to the Division of Real Property Acquisition and Management the organization of the company (i.e., sole proprietorship, partnership, corporation, limited-liability corporation, et al), the identity of licensed agents who have the capacity to bind the company, and any other information relevant to the company or underwriter operations. No company utilizing the services of an agent or underwriter with

a record of a felony conviction within the preceding 10 years shall be eligible to be enrolled in this pool.

C. The Director of the Division of Real Property Acquisition and Management shall select on a rotating basis from the pool of title insurance companies to conduct County real estate transactions.

§ A40-10. Process for Appraisers

There shall be within the Division of Real Property Acquisition and Management, or any successor thereto, a pool of at least 30 qualified real property or other appraisers and professional engineers, but not more than 50, whose members shall be designated by the Director of the Division of Real Property Acquisition and Management with the approval of the County Legislature by duly enacted resolution. Such information as may reasonably be necessary to evaluate the appraisers or appraisal firms, including but not limited to curriculum vitae, certifications and other applicable licenses, shall be included with the resolution submitted for approval. Designation and approval of the pool of qualified appraisers or appraisal firms shall occur no less frequently than every two years. The Director of the Division of Real Property Acquisition and Management shall select from the pool as many outside appraisers as are necessary to conduct County appraisals. At a minimum, any real property appraisers must be qualified as New-York-certified general appraisers and must maintain such certification in good standing for so long as they conduct County appraisals. Appraisers, other than real estate appraisers, must maintain such professional licenses or other certifications or qualifications which, in the opinion of the Director of the Division of Real Property Acquisition and Management are necessary to properly conduct County appraisals. Proof of such certification and licenses shall be submitted to the Director of the Suffolk County Division of Real Property Acquisition and Management on or before December 31 of each year. The Director of the Suffolk County Division of Real Property Acquisition and Management shall promptly forward copies of all such proof to the County Executive and the Clerk of the County Legislature. The selection of appraisers to perform services for the County in connection with the acquisition or disposition of any interest in real estate, from the legislatively approved biennial list, shall be done in a manner that includes administratively established professional criteria.

Section 4. Transition and Applicability Provisions.

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

B. Any reference to the Department of Environment and Energy in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean the Department of Planning and any reference to the Commissioner of the Department of Environment and Energy in any Chapter of the SUFFOLK COUNTY CODE rule or regulation of the County of Suffolk or in any other

state or federal law, rule or regulation, shall be construed to mean the Director of the Department of Planning.

C. Any reference to the Department of Economic Development and Workforce Housing in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean the Department of Planning and any reference to the Commissioner of Economic Development in any Chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean the Director of the Department of Planning.

D. Any reference to the Division of Real Property Acquisition and Management in the County Department of Energy and Environment or its Director in any other resolution, local law, charter law, ordinance, Chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk in any state or federal law, rule or regulation, shall be construed in the first instance to the County Division of Real Property Acquisition and Management in the County Department of Planning, anything in any other laws or regulations to the contrary notwithstanding.

E. All County Departments shall cooperate fully with the Commissioner of the County Department of Planning, or his or her designee, in all phases of implementing the provisions of this law.

Section 5. Severability.

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

Section 6. SEQRA Determination.

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

Section 7. Effective Date.

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

DATED: December 20, 2011

APPROVED BY: VETOED

County Executive of Suffolk County

Date: 12-27-11