

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

May 12, 2011

RECEIVED
2011 MAY 12 P 3:43
SUFFOLK COUNTY EXECUTIVE
OFFICE OF THE COUNTY EXECUTIVE

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. 301 – 2011, ESTABLISHING A SUFFOLK COUNTY
PUBLIC NUISANCE WEBSITE.**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 301 – 2011; ESTABLISHING A SUFFOLK
COUNTY PUBLIC NUISANCE WEBSITE** vetoed in its entirety.

I am supportive of the county's "crack house" statutes, and in fact have recently signed legislation that enhances the ability of the county Police Department and County Attorney to implement these laws.

However, establishing a public website to post addresses that have been identified as "crack houses" under existing Suffolk laws could have the unintended consequence of stigmatizing a particular street, neighborhood or community. Neighbors of a "crack house" are certainly already aware of its existence, and do not in any way benefit from the further broadcasting of this information on the Internet.

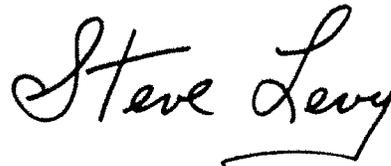
Thus, the public website could potentially have a negative effect on all homeowners' property values in that community, and hamper their ability to sell their home.

Furthermore, posting addresses that have been identified under the Suffolk "crack house" statute could actually aid and abet illegal activity, by making it known to a limitless number of people that this is a location where drug, prostitution and other illicit acts are taking place.

The better option is to vigorously pursue the "crack house" law in its present form to rid the neighborhood of these improper activities.

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

Sincerely,

A handwritten signature in black ink that reads "Steve Levy". The signature is written in a cursive style with a prominent underline under the word "Levy".

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
Christopher Kent, Chief Deputy County Executive
Edward Dumas, Chief Deputy County Executive
Eric Naughton, Deputy County Executive for Finance and Management
Ken Crannell, Deputy County Executive
Connie Corso, Budget Director
Eric Kopp, Assistant Deputy County Executive
Dan Aug, Director of Communications
Mark L. Smith, Deputy Director of Communications

RESOLUTION NO. 301 -2011, ESTABLISHING A SUFFOLK COUNTY PUBLIC NUISANCE WEBSITE

WHEREAS, private property used for drug sales and use, also known as "crack houses", are a destabilizing force in communities, endangering residents living near these properties; and

WHEREAS, the presence of crack houses attracts prostitution and drugs and increases the number of violent crimes and property crimes in the neighborhoods where they are located; and

WHEREAS, Suffolk County actively combats crack houses and other public nuisances, notifying property owners and mortgage holders when illicit activity occurs on their property and bringing legal actions against property owners who fail to remedy the problem; and

WHEREAS, the County Attorney, in conjunction with the Suffolk County Police Department, prepares notices to property owners when prohibited conduct occurs on their premises; and

WHEREAS, the County Attorney provides these notices to the Clerk of the County Legislature, who distributes this information to the legislators; and

WHEREAS, Suffolk County should publish online the locations of houses that have received final notices, with the name and address of the property owner, to increase community awareness and protect residents; now, therefore be it

1st RESOLVED, that the Clerk of the County Legislature and the Department of Information Technology are hereby authorized, empowered and directed to work cooperatively to establish and implement a public nuisance website which posts the name of the property owner and the address of any property which has received a final notice of prohibited conduct and has failed to remediate the nuisance within five days of receiving such notice pursuant to § 270-7 and § 270-8 of the SUFFOLK COUNTY CODE, and to map the location of the such property; and be it further

2nd RESOLVED, that an individual posting shall be removed from the website prior to the commencement of a legal proceeding by the County of Suffolk if the property owner submits proof satisfactory to the County Attorney that the public nuisance has been abated; and be it further

3rd RESOLVED, that an individual posting shall be removed after the County of Suffolk commences a legal proceeding pursuant to if the property owner and the County Attorney reach a settlement of the proceeding which provides for the removal of the posting or said proceeding has been resolved in favor of the property owner; and be it further

4th RESOLVED, that this website will be developed and implemented within one hundred twenty (120) days of the effective date of this resolution; and be it further

5th **RESOLVED**, that this website, once established, shall be updated on a monthly basis; and be it further

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

DATED:

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: May 12, 2011

Intro. Res. 1290

Res. No. 301

April 26, 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	/				
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		10	7	-	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