

**RESOLUTION NO. 680 -2011, ADOPTING LOCAL LAW  
NO. 39 -2011, A CHARTER LAW TO REQUIRE LEGISLATIVE  
APPROVAL OF MAJOR WATER MANAGEMENT POLICY  
INITIATIVES**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on June 7, 2011, a proposed local law entitled, "**A CHARTER LAW TO REQUIRE LEGISLATIVE APPROVAL OF MAJOR WATER MANAGEMENT POLICY INITIATIVES;**" now, therefore be it

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

**LOCAL LAW NO. 39 -2011, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO REQUIRE LEGISLATIVE APPROVAL OF  
MAJOR WATER MANAGEMENT POLICY INITIATIVES**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the Suffolk County Department of Health Services, in conjunction with the Suffolk County Water Authority, is updating the County's Comprehensive Water Resources Management Plan ("Comprehensive Plan").

This Legislature further finds that the primary goal of the Comprehensive Plan is to protect the County's sole source aquifer and its surface waters.

This Legislature also determines that once adopted, the Comprehensive Plan will guide future resource protection efforts and management decisions.

This Legislature finds that the management decisions arising out of the adoption of the Comprehensive Plan will have significant environmental, health, and economic implications.

This Legislature finds and determines that the Comprehensive Plan may recommend several major policy shifts, including the establishment of a maximum allowable density of one acre in all groundwater management zones and tighter restrictions on the transfer of development rights between zones.

This Legislature finds that the Department of Health Services and the Board of Health may choose to implement these important policy changes, either administratively or through amendments to the County's Sanitary Code.

This Legislature further finds that policy decisions that are likely to have major impacts on the lives of County residents, should be subject to review by the County Legislature, which is an elected body and the designated policy-making arm of County government.

Therefore, the purpose of this local law is to require that the Suffolk County Department of Health Services and the Board of Health receive legislative approval prior to enacting, by administrative action or amendments to the Sanitary Code, any policy changes arising out of the updated Comprehensive Water Resources Management Plan.

**Section 2. Amendments.**

I. Article IX of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE IX. Department of Health Services.**

\* \* \* \*

**§ C9-5. Promulgation of County Sanitary Code.**

\* \* \* \*

C. Any amendment to the Suffolk County Sanitary Code which implements a recommendation of the updated Suffolk County Comprehensive Water Resources Management Plan, shall not take effect until such time as the amendment is approved by the Suffolk County Legislature by a duly enacted resolution.

II. Article IX of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended by the additional of a new Section A9-9 which shall read as follows:

**ARTICLE IX. Department of Health Services.**

\* \* \* \*

**§ A9-9. Legislative Approval Required**

Prior to enacting a change in County policy in accordance with recommendations set forth in the updated Suffolk County Comprehensive Water Resources Management Plan, the Department of Health Services shall obtain the approval of the Suffolk County Legislature for such change by the enactment of a duly enacted resolution.

**Section 3. Applicability.**

This law will apply to actions occurring on or after the effective date of this law.

**Section 4. Severability.**

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

**Section 5. SEQRA Determination.**

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

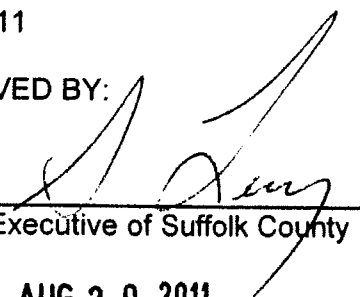
**Section 6. Effective Date.**

This law shall take effect thirty (30) days after its filing in the Office of the Secretary of State.

\_\_\_ Underling denotes of addition of new language.

DATED: August 16, 2011

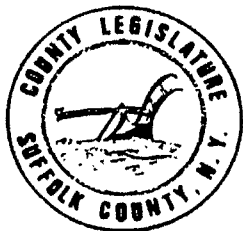
APPROVED BY:

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

Date: **AUG 30 2011**

After a public hearing duly held on August 30, 2011  
Filed with the Secretary of State on September 20, 2011

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 16, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

*Tim Laube*

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Clerk of the Legislature

Intro. Res.

1566

Res. No.

680

August 16, 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	16	2			

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
___ ADOPTED
___ NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call  Voice Vote \_\_\_\_\_