

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 921 -2011, AUTHORIZING THE INCLUSION OF A COUNTY CONTRACT PROVISION WHEREBY NATURAL GAS MAY BE PURCHASED UNDER COUNTY CONTRACTS BY ANY POLITICAL SUBDIVISION OR FIRE COMPANY OR DISTRICT PURSUANT TO NEW YORK STATE COUNTY LAW**

**WHEREAS**, Sub-division (3) of section 103 of Article 5-A of the General Municipal Law provides, in part, that:

“[i] ... any officer, board or agency of a political subdivision or of any district therein [is] authorized to make purchases of materials, equipment or supplies, [or to]

[ii] ... contract for services, may make such purchases, or may contract for services, other than services subject to article nine [Prevailing Wage for Building Service Employees] of the labor law,

when available, through the county in which the political subdivision or district is located or through any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law...;”

and

**WHEREAS**, sub-division (2) of section 408-a of the County Law provides that “the board of supervisors may, in the case of any purchase contract or any contract for services, other than services subject to article nine of the labor law, ... authorize the inclusion of a provision whereby purchases may be made or such services may be obtained under such contract by any political subdivision or fire company (as both are defined in section one hundred of the General Municipal Law) or district...;” and

**WHEREAS**, Resolutions Nos. 280-2011 and 327-2011 authorized intermunicipal agreements with BOCES, school districts, and towns to participate in a joint bid for natural gas purchases; and

**WHEREAS**, Suffolk County, in cooperation with Eastern Suffolk BOCES, solicited interest from municipal entities within Suffolk County for the purpose of entering into a broad purchasing agreement for natural gas commodity; and

**WHEREAS**, more than fifty independent municipal entities expressed interest in joining with Suffolk County in the joint purchase of natural gas commodity through a Suffolk County bid process; and

**WHEREAS**, Suffolk County issued a Request for Bids for Supply of Natural Gas on Thursday, August 18, 2011; received three bid responses that were opened on Tuesday, September 6, 2011; and based on a detailed analysis of those responses entered into a purchase agreement with Plymouth Rock Energy; and

**WHEREAS**, the economic benefits resulting from the combined volume of natural gas included in the agreement inure to the benefit of all taxing jurisdictions of participating parties, and enhance the savings potential for all taxing jurisdictions participating in the collaborative purchase of natural gas commodity; and

**WHEREAS**, it is the desire of the County and all participants in the natural gas bid to realize fully the rights and benefits conferred by State Law upon municipalities, as has been enumerated above, by including a provision in the natural gas purchase contract whereby purchases may be made under such contract by any political subdivision or fire company (as both are defined in section one hundred of the General Municipal Law) or district; now, therefore be it

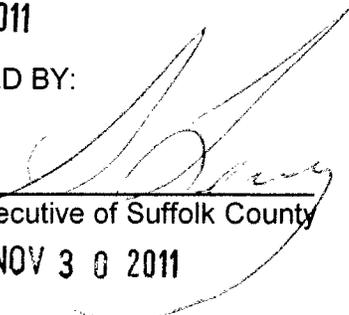
**1<sup>st</sup>** **RESOLVED**, there shall be included a provision in the natural gas purchase contract whereby purchases may be made under such contract by any political subdivision or fire company (as both are defined in section one hundred of the General Municipal Law) or district; and be it further

**2<sup>nd</sup>** **RESOLVED**, the Commissioner of the Department of Public Works is authorized empowered and directed to promulgate such rules deemed necessary prescribing the conditions under which, and the manner in which purchases may be made by any political subdivision, fire company or district; and be it further

**3<sup>rd</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 N.Y.C.R.R.) 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.

DATED: **NOV 22 2011**

APPROVED BY:

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

Date: **NOV 30 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 November 22, 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.

1875

Res. No.

921

November 22, 2011

**Motion:**

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

**Co-Sponsors:**

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

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Viloría-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		17	—		1	—

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

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

*Tim Laube*

Tim Laube, Clerk of the Legislature

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